

# English 880: Culture and Capital

Call#: 05559-9

Autumn 2006

Derby 047

Monday 1:30-4:18

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Dulles 308E

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The interactions of vernacular culture with institutional property regimes are currently the subject of intensive debate between corporations, nation-states, social movements (such as the Creative Commons), and intergovernmental organizations (such as UNESCO, the World Intellectual Property Organization, and the World Trade Organization). This seminar uses such debates as a starting point for considering the tensions between innovation and objectification in cultural processes under capitalism.

## COURSE REQUIREMENTS

1. General participation and advance posting of questions. Each student is expected to be present and prepared, ready to discuss the readings. Before 6 PM SUNDAY each student should post to the class listserv a set of questions or points for discussion in class arising from the readings.
2. Lead discussant assignment: 2 per quarter. Each participant will choose two of the weekly topics and present a ten-minute introduction to the main points and problematics of the assigned readings, with some background reading as relevant. You'll write this up as a "cluster review" situating different scholarly perspectives on a given topic (ca. 5 pages double-spaced): this written version will be due in class when it is presented. There will be some flexibility as to the works covered, depending on student interest and expertise.
3. A research paper (ca. 10 pages, probably more if much exposition or presentation of text is required) on a case study related to the matter of the course. The topic can be adapted to your own interest and expertise, but the paper should show the depth of your engagement with the themes and readings of the course. We will ask you to present a ten-minute précis of your project to the class on the last day.

**Office hours.** My regular hours are Mondays 11-1 and Thursdays 11:30-1:30 in Dulles 308E. I am having the quarter from hell meeting-wise and may need to do some juggling, so it will be helpful if you can make an appointment in advance.

**Absences.** The success of a small class depends on the regular attendance of all participants, and in a once-weekly class it is vital for you to attend all meetings. I expect you to be in class except

in cases of meaningful illness or personal emergency. Please consult me if you are having difficulties.

**Plagiarism.** Although the course may problematize the concept, we live under an institutional regime that makes use of it, as follows. Plagiarism is the representation of another's works or ideas as one's own: it includes the unacknowledged word for word use and/or paraphrasing of another person's work, and/or the inappropriate unacknowledged use of another person's ideas. All cases of suspected plagiarism, in accordance with university rules, will be reported to the Committee on Academic Misconduct.

**Disability resources.** The Office for Disability Services, located in 150 Pomerene Hall, offers services for students with documented disabilities. Contact the ODS at 2-3307. If you require accommodation to do the work of the course, please let me know immediately.

## **READINGS**

The following books have been ordered at SBX only:

Aoki, Keith, James Boyle, and Jennifer Jenkins. 2006. *Bound by Law*. Tales from the Public Domain, #1. Durham NC: Duke Center for the Study of the Public Domain. (also available online at [www.law.duke.edu/cspd/comics](http://www.law.duke.edu/cspd/comics))

Brown, Michael. 2003. *Who Owns Native Culture?* Cambridge MA: Harvard University Press.

Coombe, Rosemary. 1998. *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and The Law*. Durham: Duke University Press.

Vaidhyanathan, Siva. 2001. *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity*. New York: New York University Press.

The following book is out of stock at the publisher but I have found a discount copy on Amazon—please try to find it online and we will xerox as necessary:

Ghosh, Rishab Aiyer, ed. 2005. *Code: Collaborative Ownership and the Digital Economy*. Cambridge MA: MIT Press.

Other readings are available either online or in pdfs which I will distribute. There is a vast additional literature, which you are urged to help the class explore; I will provide additional bibliography as the course progresses.

## **SCHEDULE**

### **Week 1: Introductions and overview**

#### **Part I: Trajectories**

## **Week 2: The expansion of copyright**

Aoki, Keith, James Boyle, and Jennifer Jenkins. 2006. *Bound by Law*. Tales from the Public Domain, #1. Durham NC: Duke Center for the Study of the Public Domain. (also available online at [www.law.duke.edu/cspd/comics](http://www.law.duke.edu/cspd/comics))

Vaidhyathan, Siva. 2001. *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity*. New York: New York University Press.

## **Week 3: Commodification and reappropriation in popular culture**

Coombe, Rosemary. 1998. *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and The Law*. Durham: Duke University Press.

## **Week 4: “Traditional culture”: from appropriation to incorporation**

Jabbour, Alan. 1983. “Folklore Protection and National Patrimony: Developments and Dilemmas in the Legal Protection of Folklore.” *Copyright Bulletin* 17 (1): 10-14.

Cohen, Norm. 1974. Robert W. Gordon and the Second Wreck of "Old 97." *Journal of American Folklore* 87: 12-38.

Feld, Steven. 1994. From Schizophonia to Schismogenesis: On the Discourses and Commodification Practices of “World Music” and “World Beat” In *Music Grooves. Essays and Dialogues*. By Charles Keil and Steven Feld. Chicago: University of Chicago Press: 257-289.

\_\_\_\_\_. 2000 “A Sweet Lullaby for World Music.” *Public Culture* 12 (1):147-171.

Goodman, Jane E. 2002. “Stealing Our Heritage?": Women’s Folksongs, Copyright Law, and the Public Domain in Algeria. *Africa Today*. 49(1):84-97.

Shand, Peter. 2002. “Scenes from the Colonial Catwalk: Cultural Appropriation, Intellectual Property Rights and Fashion.” *Cultural Analysis* 3.  
[http://socrates.berkeley.edu/~caforum/volume3/vol3\\_toc.html](http://socrates.berkeley.edu/~caforum/volume3/vol3_toc.html)

Robinson, Jancis. 1994. *Oxford Companion to Wine*. Oxford: Oxford University Press, articles “Appellation Controlée” and “Denominazione d’Origine Controllata.”

FILM: “Mondovino,” dir. Jonathan Nossiter, 2004.

## **Week 5: Emerging regimes**

Brown, Michael. 2003. *Who Owns Native Culture?* Cambridge MA: Harvard University Press.

Kirshenblatt-Gimblett, Barbara. 2004. Intangible Heritage as Metacultural Production. *Museum International* 56 (1-2): 52-65.

Noyes, Dorothy. "The Judgment of Solomon: Global Protections for Tradition and the Problem of Community Ownership." *Cultural Analysis* 5 (2006). <http://ist-socrates.berkeley.edu/~caforum/> (In press)

UNESCO. 2003. Convention for the Safeguarding of the Intangible Cultural Heritage. Paris, 17 October. [http://portal.unesco.org/culture/en/ev.php-URL\\_ID=15782&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/culture/en/ev.php-URL_ID=15782&URL_DO=DO_TOPIC&URL_SECTION=201.html)

World Intellectual Property Organization. 2004. The Protection of Traditional Cultural Expressions/Expressions of Folklore. Overview of Policy Objectives and Core Principles (WIPO/GRTKF/IC/7/3). Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. Seventh Session, Geneva, November 1 to 5. [[http://www.wipo.int/edocs/mdocs/tk/en/wipo\\_grtkf\\_ic\\_7/wipo\\_grtkf\\_ic\\_7\\_3.pdf](http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_7/wipo_grtkf_ic_7_3.pdf)]

## **Week 6: Counter-movements: the creative commons and the altermondialistes**

Ghosh, Rishab Aiyer, ed. 2005. *Code: Collaborative Ownership and the Digital Economy*. Cambridge MA: MIT Press. (selections)

Lawrence Lessig (2004) *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*. New York: The Penguin Press. (selections)

Creative Commons. <http://creativecommons.org/>

Proposal by Argentina and Brazil for the Establishment of a Development Agenda for WIPO. September 2004. [http://www.wipo.int/documents/en/document/govbody/wo\\_gb\\_ga/pdf/wo\\_ga\\_31\\_11.pdf](http://www.wipo.int/documents/en/document/govbody/wo_gb_ga/pdf/wo_ga_31_11.pdf) [PDF]

## **Part II: Frameworks**

### **Week 7: Culture as process versus culture as object**

Handler, Richard. 1985. "On Having a Culture: Nationalism and the Preservation of Quebec's Patrimoine." In George Stocking, ed. *Objects and Others: Essays on Museums and Material Culture*, 192-217. Madison: University of Wisconsin Press.

Benedict, Ruth. 1930. "Animism." *Encyclopedia of the Social Sciences*.

Silverstein, Michael and Greg Urban, eds. 1996. *Natural Histories of Discourse*. Chicago: University of Chicago Press. (introduction)

Urban, Greg. 2001. *Metaculture: How Culture Moves through the World*. Minneapolis: University of Minnesota Press. (intro plus chapter one)

Appadurai, Arjun, ed. 1986. *The Social Life of Things*. Cambridge: Cambridge University Press. (introduction)

## **Week 8: Vernacular property and exchange**

"Property Law." Encyclopædia Britannica. 2004. Encyclopædia Britannica Online. 25 Aug. 2004  
<http://search.eb.com/eb/article?eu=117332>.

Widlok, Thomas and Wolde Gossa Tadesse, eds. *Property and Equality*. v. 1 *Ritualisation, Sharing, Egalitarianism*. New York and Oxford: Berghahn. (introduction)

Long, Pamela O. 2001. *Openness, Secrecy, Authorship: Technical Arts and the Culture of Knowledge From Antiquity to the Renaissance*. Baltimore: Johns Hopkins. (Ch. 3. "Handing Down Craft Knowledge." 72-101.)

Urban, Hugh. 1998. "The Torment of Secrecy: Ethical and Epistemological Problems in the Study of Esoteric Traditions." *History of Religions* 37:209-248.

Seeger, Anthony. 1992. "Ethnomusicology and Music Law." *Ethnomusicology* 36: 345-359.

Martin Rudoy Scherzinger (1999) "Music, Spirit Possession and the Copyright Law: Cross-Cultural Comparisons and Strategic Speculations. *Yearbook for Traditional Music*. 31:102-125.

Kunst, Jaap. 1958. *Some Sociological Aspects of Music*. Washington DC: Library of Congress.

Williams, Raymond. 1973. "Enclosures, Commons, and Communities." *The Country and the City*, 96-107. New York: Oxford.

Mary Hufford (2000) "Tending the Commons: Folklife and Landscape in Southern West Virginia." American Folklife Center, Library of Congress.  
<http://memory.loc.gov/ammem/cmnshtml/cmnshtml.html>

McKay, Bonnie J. and James M. Acheson. 1987. "The Human Ecology of the Commons." *The Question of the Commons*, 1-34. McKay and Acheson, eds. Tucson: University of Arizona Press.

Hyde, Lewis. 1983 (1979). *The Gift: Imagination and the Erotic Life of Property* (selections). New York: Random House.

## **Week 9: Individual-Community-Network**

La Fontaine, J.S. 1985. "Personal and Individual: Some Anthropological Reflections." In *The Category of the Person*, ed. Michael Carrithers, Steven Collins, and Steven Lukes, 123-140. Cambridge: Cambridge University Press.

Noyes, Dorothy. 2003. "Group." In *Eight Words for the Study of Expressive Culture*. Edited by Burt Feintuch. Urbana: University of Illinois Press.

Granovetter, Mark S. 1973. "The Strength of Weak Ties." *American Journal of Sociology* 78:1360-1380.

Hannerz, Ulf. "The Global Ecumene as a Network of Networks." In *Conceptualizing Society*, ed. Adam Kuper, 34-58. London: Routledge.

Castells, Manuel. 1996. *The Rise of the Network Society*. Oxford: Blackwell. (conclusion)

### **Week 10: Reproduction and Innovation**

Benjamin, Walter. "The Work of Art in the Age of Mechanical Reproduction." *Illuminations*.

Tuomi, Ilka 2002. *Networks of Innovation: Change and Meaning in the Age of the Internet*. Oxford: Oxford University Press. Ch. 2 "Innovation as Multifocal Development of Social Practice" pp. 8-35.

Noyes, Dorothy. 2006. "Toward a Model of Vernacular Invention: Festival Residua and Open-Source Emergence." *Con/texts of Invention*, ed. Mario Biagioli, Peter Jaszi, and Martha Woodmansee. To be submitted to University of Chicago Press.

Gaines, Jane. 2006. "The Genius of Genre." Paper delivered at the "Con/texts of Invention" Conference, Case Western Reserve University, Cleveland. April 20 - 23, 2006.

FILM. Pray, Doug. 2001. *Scratch*. Palm Pictures.