

**RCAH492-01 Senior Seminar:
*Cultural and Intellectual Property: Creativity, Ethics, and the Law***

Fall 2012
T/TH 10:20 am-12:10 pm
Room: C303

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Sir Francis Bacon wrote in 1625 that, ‘reading maketh a full man, conference a ready man, and writing an exact man.’ If students abandon the research paper, they will miss the only discipline that can reveal to them the accuracy and integrity of their own thoughts. The Internet can be a supermarket of information to assist such efforts, and books and fine teachers can also help, but the real effort of acquiring knowledge belongs to the student, and there is, at least in the humanities, no better work for the student to undertake than a serious research paper.

- Will Fitzhugh (founder of the Concord Review)

We don’t learn from experience; we learn by reflecting on experience.

- John Dewey

Course Description

In this class we will examine two ongoing and related but distinct conversations taking place in American society and, to a large degree, among several international non-governmental organizations (NGOs) that pertain to the concepts of “intellectual property” and “cultural property.” We will join these conversations through the study of some of the legal, moral, and creative issues that define these ideas, asking such basic questions as: What does it mean to “own” a creative work? What is the difference between individual ownership and cultural ownership? How is copyright law being established and how is it affecting artistic creativity? Is there an inherent value for society in a “cultural commons,” and if so, how do we balance the ownership “rights” of individuals with those of larger communities?

Course Structure

This course will be conducted in a seminar format and teaching and learning will be grounded in the Socratic method. Class time will comprise group discussion and analysis of readings and musical examples. Reading assignments for the week will generally be between 75-100 pages. Sometimes there will also be listening assignments or other relevant media that accompany the readings, which will help to ground these readings and our discussion of them through an engagement with concrete examples. This topic requires a broad and interdisciplinary perspective and our readings will be drawn from many diverse fields, including Anthropology, Law, Philosophy, Ethnomusicology, Cultural Studies, American Studies, and Global Studies, among others.

Course Goals

In general, the RCAH 492 Senior Seminar is designed as a “capstone experience” for RCAH majors. As such, Senior Seminars involve weaving together themes or questions that cut across the RCAH curriculum as a whole. In this particular class, we will examine the legal, moral, and cultural stakes in current conversations surrounding the ideas of intellectual property

and cultural property and how these conversations will effect what Lawrence Lessig has suggested is the “nature and future of creativity.” These conversations are vital and immediate for RCAH students who are planning careers within the North American “creative economy.”

Capstone courses such as this are also both retrospective and prospective, backward looking and forward looking at the same time. While this course offers students a chance to revisit or delve more deeply into a particular topic or group of ideas that they might have already encountered in other RCAH classes, it is also an opportunity to launch in a new direction and engage in academic and creative work that will help propel students forward into future endeavors, such as graduate study, employment, research, or service. As such, the most important course outcome of this course is to develop some very real and tangible possible policy recommendations, research papers, or creative works that confront these issues in meaningful and socially helpful ways. In other words, the goal is not simply to “become familiar with the issues,” but to actually produce work that offers positive solutions or constructive critiques.

Required Texts

Lessig, Lawrence. *Free Culture: The Nature and Future of Creativity*. New York: Penguin Books, 2004.

Young, James O. *Cultural Appropriation and the Arts*. Malden: Blackwell Publishing, 2008.

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

Comaroff, John L. and Jean Comaroff. *Ethnicity, Inc.*. Chicago: University of Chicago Press. 2009.

New York Times electronic subscription

Recommended Texts

Weintraub, Andrew B and Bell Yung. *Music and Cultural Rights*. Urbana: University of Illinois Press, 2009.

Tate, Greg (ed). *Everything But the Burden: What White People Are Taking from Black Culture*. New York: Broadway Books, 2003.

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

Reserve Items and Angel Online

Assigned readings not found in the required textbooks will be made available on the Angel site for the class. Please print out these readings as necessary and bring copies to each class, alternately, if you want to save on paper, you can simply download the file to your laptop and bring the laptop to class in order to reference the document (the legal and ethical ramifications of either action is worthy of discussion in this class). Either way, the point is that you need to have the article in front of you so we can discuss it in detail and reference specific passages and page numbers during the course of our discussions. There will also be various

media examples (music, video, images, etc.) related to weekly readings that will be posted to the Angel site.

NYTimes.com

The New York Times has generously offered to provide free subscriptions to their online edition for all RCAH students in 2012-13. This will give you access to the electronic edition of their daily paper, archived news articles, and the many special features that can be found at www.NYTimes.com. Among some of the things you will find that are relevant to our particular class are:

Articles related to Apple's Patent lawsuits:

http://www.nytimes.com/2012/08/25/technology/jury-reaches-decision-in-apple-samsung-patent-trial.html?_r=1

<http://bits.blogs.nytimes.com/2012/07/25/apple-v-samsung-electronics-the-patent-war-claims-uncut/>

<http://bits.blogs.nytimes.com/2012/07/31/design-and-drama-mark-first-day-in-apple-samsung-trial/>

<http://bits.blogs.nytimes.com/2012/08/27/daily-report-after-apple-samsung-verdict-concern-about-innovation/?gwh=3FB957F586381835D46DBA5F06B385EF>

Articles related to SOPA and PIPA:

<http://pogue.blogs.nytimes.com/2012/01/19/put-down-the-pitchforks-on-sopa/?gwh=AADC2160133D8FAEC8A044F2BB6CEE6C>

<http://www.nytimes.com/2012/01/19/technology/web-protests-piracy-bill-and-2-key-senators-change-course.html?pagewanted=all&gwh=08D84F7ACC37B985706B85BB963FA68C>

<http://www.nytimes.com/2012/02/08/opinion/what-wikipedia-wont-tell-you.html?gwh=FD00D717117001C086B7BEEFFC45AC9B>

Articles related to online piracy:

<http://www.nytimes.com/2009/04/18/world/europe/18copy.html?emc=eta1>

<http://www.nytimes.com/2011/07/17/opinion/sunday/17sun3.html?emc=eta1>

<http://www.nytimes.com/2011/07/28/technology/personaltech/spotify-unshackles-online-music-david-pogue.html?emc=eta1>

Articles related to music and copyright law:

<http://www.nytimes.com/2009/08/04/opinion/04sinatra.html?emc=eta1>

<http://www.nytimes.com/2009/07/08/technology/internet/08radio.html?emc=eta1>

<http://www.nytimes.com/2009/05/28/technology/start-ups/28music.html?emc=eta1>

Grading and Evaluation

● **Independent Research Project**, worth 25% of the final grade. Students will choose a topic within the first six weeks of class; all projects must be approved by your professor (i.e. ME!). Projects will allow students to investigate a topic of their own choosing, either following up on or extending a research area that a student has already undertaken, or forging a new path of inquiry.

●**Project Proposal and bibliography Project**, worth 5% of your final grade. This assignment is intended to encourage students to get as much of a head start on their final projects as possible, thinking of particular areas/topics of interest and beginning critical bibliographic work.

●**Semi-regular analytic essays (every few weeks)**, worth 40% of the final grade. These assignments will typically take the form of short (2-4 pages) analytic essays will ask students to evaluate and synthesize course readings, discussion, and primary source data. Essays must be turned into Angel drop boxes the day they are due. Because these essays will often be part of the *beginning* of our collective discussion of a topic or idea, late papers will not be accepted.

●**Formal Reaction Papers**, worth 15% of the final grade, are distinguished from the analytic essays in that they require students to write direct responses to specific readings or other assigned media content. These papers will also be submitted electronically through Angel drop boxes.

●**Attendance and Participation**, worth 15% of the final grade. Because this is a senior seminar, we will devote a good deal of class time to in-depth analysis and discussion of the readings. Talking through these issues is a critical part of how students form their own opinions and unique ideas about this material. As such, regular class attendance and participation is essential to your success in this course. You are expected to be at class on time and fully prepared, i.e. having already completed that day's listening and reading assignments. Classroom discussion should be civilized and respectful to everyone and relevant to the topic we are discussing. Everyone is entitled to his/her opinion. Classroom discussion is intended to allow us to hear and learn from a variety of viewpoints. This can only be achieved if we respect one another and our differences.

Grade Breakdown:

Class attendance and participation:	15%
Bi-weekly blog posts/analytic essays	40%
Formal reaction papers	15%
Project proposal and bibliography	5%
Final project	25%

GPA Grade scale

93-100%	= 4.0
87-93%	= 3.5
81-86%	= 3.0
76-80%	= 2.5
71-75%	= 2.0
66-70%	= 1.5
60-65%	= 1.0

Academic Honesty and Integrity

The principles of truth and honesty are fundamental to the educational process and the academic integrity of the University; therefore, no student shall:

- 1) claim or submit the academic work of another as one's own;

- 2) procure, provide, accept or use any materials containing questions or answers to any examination or assignment without proper authorization;
- 3) complete or attempt to complete any assignment or examination for another individual without proper authorization;
- 4) allow any examination or assignment to be completed for oneself, in part or in total, by another without proper authorization;
- 5) alter, tamper with, appropriate, destroy or otherwise interfere with the research, resources, or other academic work of another person;
- 6) fabricate or falsify data or results.

Resource Center for Persons with Disabilities

If you need course adaptations or accommodations because of disability, please contact a staff member at the Resource Center for Persons with Disabilities by visiting their office, located at 120 Bessey Hall or by phone at (517) 884-7273 (TTY: 517-3371293). For more information visit the website: <http://www.rcpd.msu.edu/>

Religious Observance Policy

It has always been the policy of the University to permit students and faculty to observe those holidays set aside by their chosen religious faith. It is the responsibility of those students who wish to be absent to make arrangements in advance with their professor.

Course Schedule

Week 1

8/30 What are “intellectual property” and “cultural property” and why should we care (i.e. what is at stake)?

Week 2

9/4 **Video Screening: *RIP: A Remix Manifesto*** (2009). Director: Brett Gaynor
Read: Lessig, Lawrence “Introduction,” in *Remix: Making Art and Commerce Thrive in a Hybrid Economy*. London: Bloomsbury Publishing, 2008; 1-22.

9/6 Read: Scafidi, Susan. *Who Owns Culture: Appropriation and Authenticity in American Law*. New Brunswick: Rutgers University Press; pps 1-51.

Week 3

9/11 **Formal Reaction Paper 1 Due!!**
Read: Free Culture, preface, 1-80.

9/13 Read: Free Culture, 81-174.

Week 4

9/18 Read: Free Culture, 175-256.

9/20 Read: Free Culture, 257-306

Week 5

9/25 Guest Lecturer Eric Aronoff: The Intellectual Roots of the “Culture Concept” in America
Read: TBA

9/27 **Video Screening: *Guarding the Family Silver (or Ripping Off the Natives)*** (2005)
Director: Toby Mills (Ngati Raukawa/Ngai te Rangi) and Moana Maniapoto (Te Arawa/Ngati Tuwharetoa)

Week 6

10/2 Read: Who Owns Native Culture?, 1-68.

10/4 Read: Who Owns Native Culture?, 69-143.

Week 7

10/9 Read: Who Owns Native Culture?, 144-204.

10/11 Read: Who Owns Native Culture?, 205-254.

Week 8

10/16 Read: Yung, Bell. "Historical Legacy and the Contemporary World: UNESCO and China's *Qin* Music in the Twenty-first Century," in *Music and Cultural Rights*, edited by Andrew N. Weintraub and Bell Yung. Urbana: University of Illinois Press, 2009; 140-168.

Helbig, Adrianna. "Representation and Intracultural Dynamics: Romani Musicians and Cultural Rights Discourse in the Ukraine," in *Music and Cultural Rights*, edited by Andrew N. Weintraub and Bell Yung. Urbana: University of Illinois Press, 2009; 169-186.

10/18 Read: Tate, Greg. "Nigs R Us, or How Blackfolk Became Fetish Objects," in *Everything But the Burden: What White People Are Taking from Black Culture*, edited by Greg Tate. New York: Broadway Books, 2003; 1-14.

Rux, Carl Hancock. "Eminem: The New White Negro" in *Everything But the Burden: What White People Are Taking from Black Culture*, edited by Greg Tate. New York: Broadway Books, 2003; 15-38.

Kelley, Robin. "Reds, Whites, and Blues People," in *Everything But the Burden: What White People Are Taking from Black Culture*, edited by Greg Tate. New York: Broadway Books, 2003; 44-67.

Coleman, Beth. "Pimp Notes on Autonomy," in *Everything But the Burden: What White People Are Taking from Black Culture*, edited by Greg Tate. New York: Broadway Books, 2003; 68-80.

Week 9

10/23 Read: Ethnicity Inc., 1-59.

10/25 Read: Ethnicity Inc., 60-85.

Week 10

10/30 Read: Ethnicity Inc. 86-116.

11/2 **NO CLASS – Society for Ethnomusicology Conference**

Week 11

11/6 Read: Ethnicity Inc. 117-150.

11/8 Read: TBA

Week 12

11/13 Read: Cultural Appropriation and the Arts, 1-31.

11/15 Read: Cultural Appropriation and the Arts, 32-62.

Week 13

11/20 Read: Cultural Appropriation and the Arts, 63-105.

11/22 Read: Cultural Appropriation and the Arts, 106-158.

Week 14

11/27 Research Project Presentations

11/29 Research Project Presentations

Week 15

12/4 Research Project Presentations

12/6 Wrap-up!!

FINAL EXAM TIME: 7:45-9:45 am, TUESDAY DECEMBER 11, 2012!!