

**MUSIC AND COPYRIGHT  
MUS 168/262G  
Undergraduate and Graduate  
DRAFT  
Lecturer: Dr. Anthony McCann**

**Hours: Friday 13:00-15:30  
Office Hours: 2-4pm Thursday  
Email: amccann@music.ucsb.edu**

**Website: <http://www.beyondthecommons.com/courses.html>**

**COURSE DESCRIPTION**

In this introductory seminar we will examine ways in which people have become accustomed to speaking about “music and copyright”. That is, we will be examining discourses, critical issues and debates in this research field, a field which is in serious need of new perspectives. This increasingly contentious, and increasingly bizarre, area of study has, to a large extent, stagnated in and around issues of access, control, and ownership. The field has become little more than a series of debates about resource management. “Who owns the music?” has become the prime question, with “What are we allowed to do with the music?” coming a close second, along with “Where does the money go?”

For those not personally committed in some way to the legal system, whether as professional participants or as professional analysts, personal experience of the law often only arises when the law is felt to impact directly, whether positively or negatively, on the individual’s personal conditions of life. The focus on access, control, and ownership in scholarship concerning ‘music and copyright’ makes it highly unlikely that such personal experience and human impact will be adequately disclosed, analysed, or critiqued. Only by shifting the focus can we begin to appreciate the ‘human interest stories’ that transform issues of ‘music and copyright’ into issues that concern us all in the lessons they hold for understanding the often invisible dynamics of authority, power, and control in the lives we lead.

In this course, orthodox understandings of copyright law and its relation to music will be complicated by approaching “music and copyright” from a variety of critical perspectives. You will be invited to consider the social character and effects of law and the legal system. You will be invited to explore the histories and character of conceptual architectures that structure discussions within the field. From traditional music to cyberspace, you will be invited to assess and critique common conceptualizations of the categories of “music,” “authorship,” “composition,” “creativity,” “originality,” “property,” “rights,” and “the work.” You will be invited to consider a variety of situations in which these categories play an influential part in shaping and guiding the way people think and interact. You will be invited to challenge your own deployment of the same categories in the ways in which you make sense of your own experience in a variety of circumstances in your own life.

This course thus explores the ways in which a critical approach to discourses of “music and copyright” can lead us to challenge some of our most basic assumptions, with a view to finding more adequate, appropriate, and helpful ways of understanding the roles of language, meaning, and power in our lives.

## COURSE OUTLINE

- Week 1: Introduction:  
Copyright and the Perpetuation of the Music Myth.
- Week 2: Beyond the Term “Music”:  
Commodification and the Challenge of What Happens.
- Week 3: Critical Legal Studies and the Sociology of Law:  
Implications for the Study of Music and Copyright.
- Week 4: Grand Dichotomies and the Culture of the Copy:  
Mind and Matter, Individual and Resource Management.
- Week 5: The Ordered Authority of Origins:  
Authorship, Composition, Originality, and the Work
- Week 6: The Politics of Music and Copyright:  
Access, Control, and Ownership
- Week 7: The Politics of Music and Copyright (II):  
Expansion, Enclosure, the Commons, and the Public Domain
- Week 8: The Politics of Music and Copyright (III):  
Folk Music, Traditional Music, and Indigenous Concerns.
- Week 9: The Politics of Music and Copyright (IV):  
Digital Debates.
- Week 10: Discussion:  
Relational Implications of Copyright and the Perpetuation of the Music Myth

## READINGS

Please read the assigned chapters and readings each week or you may find it hard to keep up with discussions as the course progresses. I have also provided a bibliographic list for suggested further reading each week for anyone who feels they have the time or energy to follow up on things that spark their interest. These readings are marked with 1-5 stars (★) to indicate their difficulty level, 5 stars being most difficult.

The main texts required for the course are as follows:

Anthony McCann. 2003. *Beyond the Commons: The Expansion of the Irish Music Rights Organisation, the Elimination of Uncertainty, and the Politics of Enclosure*. Warrenpoint: McCann.

Kembrew McLeod. 2001. *Owning Culture: Authorship, Ownership, and Intellectual Property Law*. New York: Peter Lang.

David Moser. 2002. *Music Copyright for the New Millenium*. Vallejo, CA: ProMusic Press.

Extra text for Graduates:

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

Moser, McLeod, and Coombe should be available at the UCSB bookshop. I have a limited number of hard copies of *Beyond the Commons*, for sale (\$20). It is also available in full on the internet at: <http://www.beyondthecommons.com> (follow the ‘understanding enclosure’ link).

If buying these books presents you with undue financial difficulty let me know, and we'll discuss it in confidence. The David Moser book is quite expensive, so if it's too much for you, organize yourselves and buy one copy between two.

Remember that the more you read, the less you read. What this means is that the more familiar you become with a certain field, the more discriminating and selective your reading will become, requiring relatively less effort than at the beginning.

For all ye serial procrastinators out there, of which I am one, Oliver Stone's dad once advised him that the key to writing is "bum plus seat". The same applies to reading.

You are encouraged to approach all readings with a healthy, critical skepticism.

If there is some personal reason why you cannot fulfil the reading requirements of the course, please let me know at the start of the course and we'll discuss the situation.

Please approach readings with two questions in mind:

"How is this helpful?"

"If this isn't obviously helpful, how can I approach it in a way that makes it helpful?"

The more important question, "Helpful for what?", will be explored in class.

### **UNDERGRADUATE GRADING**

50%	1500 word essay
20%	"Thought Pieces"
20%	Scheduled Conversation
10%	Attendance

If you feel that the grade you received on an assignment, exam, or paper does not correspond to the quality of work that you submitted. Grades cannot be reassessed more than two weeks after submission.

### **Assignments:**

#### **Assignment Formalities:**

Late policy: grades will be reduced 5% per day, beginning at the start of the last lecture in week 9.

All (standard format) written work must be typewritten and carefully proof-read. Please use the spellcheck function in your word-processing program. At the top of each assignment please take care to include:

- a) your own name
- b) your lecturer's name
- c) the course number
- d) the date
- e) the word count

### **50%: 1500 word essay**

All undergraduate students are expected to submit a 1500 word essay by the final class of week 9. The essay may be written on any subject of the student's choosing insofar as it relates to the themes of the course. For those who would find more structure helpful in writing this essay, a list of 5 optional essay titles will be provided by the end of week 3. The essay should demonstrate the following:

- an ability to communicate in a clear and accessible manner
- an ability to construct a clear and reasoned academic narrative
- familiarity with relevant questions, issues, and themes raised in class and the related literature
- an ability to critically assess relevant literature, with a minimum of 5 books or articles referenced in the bibliography and intelligently referenced in the course of the essay to support your argument.
- personal engagement with relevant questions, issues, and themes raised in class and the related literature. Please do not simply replicate what you read or what you hear in class. This criterion does not require you to provide intensely personal revelations. I am more interested in how you yourself make sense of and explore the issues raised in the course.

### **20 %: “Thought Piece”**

Students are encouraged to submit one piece of work, no less than 500 and no more than 750 words long, relating to the themes of this course. It must be submitted by the final class of week 9. For this piece students may use set texts, class readings, further readings, movies, television programs, fiction or non-fiction books, sound recordings, current affairs, websites, among other things, as material for critical reflection. The piece may be presented in any literary or artistic style, and students are encouraged to imaginatively explore format options. Although there is considerable room for manoeuvre with these pieces, it is expected that the piece should demonstrate the following:

- an ability to communicate in a clear and accessible manner
- familiarity with one or more of the questions, issues, and themes raised in class and in the readings.
- personal engagement with one or more of the questions, issues, and themes raised in class or the related literature. Please do not simply replicate what you read or what you hear in class. This criterion does not require you to provide intensely personal revelations. I am more interested in how you yourself make sense of and explore the issues raised in the course.

### **20% Scheduled Conversation.**

At the end of term I will be scheduling a conversation with each student in the class in order to assess your knowledge of key concepts and themes raised during the course and to explore your analytic and personal response to the course. This will also be an opportunity for you to discuss the subject matter of your assignments.

### **10%: Attendance**

### **GRADUATE GRADING:**

30%	“Thought Pieces”/Website/Exhibition Design Outline
40%	3000 word essay
20%	Scheduled Conversation
10%	Attendance

If you feel that the grade you received on an assignment, exam, or paper does not correspond to the quality of work that you submitted, make your case in writing, and come and see me. Grades cannot be reassessed more than two weeks after submission.

### **Assignments:**

**30%: 1 of either a), b), or c).**

#### **a) “Thought Pieces”**

Students are encouraged to submit 3 pieces of work, each no less than 750 and no more than 1000 words. These must be submitted by week 9. For these pieces students may use set texts, class readings, further readings, movies, television programs, fiction or non-fiction books, concerts, sound recordings, current affairs, websites, among other things, as material for critical reflection. The pieces may be presented in any literary or artistic style, and students are encouraged to discuss imaginative format suggestions with the lecturer. Although there is considerable room for manoeuvre with these pieces, it is expected that each should demonstrate the following:

- an ability to communicate in a clear and accessible manner
- familiarity with one or more of the questions, issues, and themes raised in class and the related literature
- personal engagement with one or more of the questions, issues, and themes raised in class and the related literature. Please do not simply replicate what you read or what you hear in class. This criterion does not require you to provide intensely personal revelations. I am more interested in how you yourself make sense of and explore the issues raised in the course.

#### **b) Website**

Students may design an educational website, to be submitted by week 9. The website may be designed in any style, and students are encouraged to discuss imaginative format suggestions with the lecturer. The website design and content should demonstrate the following:

- an ability to communicate in a clear and accessible manner
- familiarity with one or more of the questions, issues, and themes raised in class and the related literature
- personal engagement with one or more of the questions, issues, and themes raised in class and the related literature. Please do not simply replicate what you read or what you hear in class. This criterion does not require you to provide intensely personal revelations. I am more interested in how you yourself make sense of and explore the issues raised in the course.
- an awareness of the educational challenges of multimedia development

Students are encouraged to keep a journal tracking the website development. The website is to be submitted on floppy disc or CD (PC format if possible. Mac Users come see me and we'll see what we can work out.) and is to include a 1500 word piece outlining the challenges involved in the conceptual development of the site.

### **c) Exhibition Design Outline**

Students may outline a production plan for a potential educational exhibition space, to be submitted by week 9. Students are encouraged to discuss imaginative format suggestions with me. The exhibition design and content should demonstrate the following:

- an ability to communicate in a clear and accessible manner
- familiarity with one or more of the questions, issues, and themes raised in class and the related literature
- personal engagement with one or more of the questions, issues, and themes raised in class and the related literature. Please do not simply replicate what you read or what you hear in class. This criterion does not require you to provide intensely personal revelations. I am more interested in how you yourself make sense of and explore the issues raised in the course.
- an awareness of the educational challenges of exhibition development

You are encouraged to keep a journal tracking the exhibition production plan development. The plan may be submitted as drawings, but students are encouraged to discuss imaginative format suggestions with the lecturer. Completion of the plan is to include a 1500 word piece, drawn from the journal, outlining the challenges involved in the conceptual development of an exhibition.

### **Please note:**

For a), b), or c) students may, upon consultation with me, choose to work in collaboration with other students in the class. In such cases, the quantity of work to be submitted is to be multiplied by the number of students involved, and the marking of a collaborative piece will be determined by the quality of work submitted and a brief interview process.

Students are strongly encouraged to submit a draft of the work for a), b), or c) by week 6 for comments. You are invited to use this as an opportunity to elicit critique of your work that will then enable you to polish and improve your work. If you take advantage of this, please submit your draft with the final version of your work. It will provide me with an important indicator of your ability to respond to constructive critical comment, and will likely be taken into consideration in assessing your participative response to the course (see below).

### **40%: 3000 word essay**

All students are expected to submit a 3000 word academic essay by week 9. The essay may be written on any subject of the student's choosing insofar as it can be justifiably related to the course, in consultation with the lecturer. The essay should demonstrate the following:

- an ability to communicate in a clear and accessible manner
- an ability to construct a clear and reasoned academic narrative
- familiarity with relevant questions, issues, and themes raised in class and the related literature

- personal engagement with relevant questions, issues, and themes raised in class and the related literature. Please do not simply replicate what you read or what you hear in class. This criterion does not require you to provide intensely personal revelations. I am more interested in how you yourself make sense of and explore the issues raised in the course.
- an ability to critically assess relevant literature

### **Assignment Formalities:**

Grades will be reduced 5% per day for work that is late, beginning at the start of the lecture in week 9. All written work must be typewritten and carefully proofread. Please use the spellcheck function in your word-processing program. At the top of each assignment please take care to include:

- |   |                      |
|---|----------------------|
| a) your own name                            | c) the course number |
| b) your lecturer's name and the class time. | d) the date          |
|   | e) the word count    |

### **20% Scheduled Conversation.**

At the end of term I will be scheduling a conversation with each student in the class in order to assess your knowledge of key concepts and themes raised during the course and to explore your analytic and personal response to the course. This will also be an opportunity for you to discuss the subject matter of your assignments.

If you wish you can make an appointment to meet with me during office hours to discuss issues raised by the course (see the first page for my office hours).

### **10% Attendance**

### **THINKING ALLOWED A Statement of Intent**

The ways in which we speak about our lives make a difference. Sometimes the ways in which we talk about what happens hardly correspond at all to what *actually* happens. These discrepancies are often intentional, as people in positions of institutional power seek to make their actions invisible and their positions unassailable. However, more importantly, such discrepancies are often unintentional. Often we are unaware that how we make sense of our lives may serve to greatly limit our understanding of how we ourselves participate in those same lives, in effect diminishing our awareness of how we continue to make a difference, whether we realise it or not. When we speak about the lives of others, in turn, we also run the risk of greatly underestimating the value of their particular experience.

For me, the purpose of learning critical or analytic skills is to come to a better understanding of the ways in which we speak about our experience, and to come to less partial ways of making sense of who we are, what we do, what we say, and how we relate to each other. We may never be able to come to an exact correspondence between what we say happens and what actually happens, but we can adopt critical strategies to identify those ways of speaking about the world that leave us and others more alienated than not from possibility and from each other. Once we identify less helpful ways of making sense of the world we can then perhaps begin to work towards some more helpful ones.

This course invites you to acquire skills of critical thinking and analysis that will generally be of help to you in your life. Be prepared, though, to work through some moments

of confusion and uncertainty in the process. It might be helpful to think of the lecture situation as a learning laboratory, in which you are invited to consider new ways of thinking and then critically compare them with ways of thinking with which you are already familiar. It is hoped that you will find the lectures personally and ethically challenging.

Lectures will start on time. The purpose of lectures is not limited to dispensing basic information relating to the field in question, but includes focusing upon specific issues, themes, and questions, the exploration of which are, I feel, of particular importance for approaching the topic of “music and copyright” from a critical perspective. The critical perspectives which I will promote are person- and relationship-centered. They allow us to consider the implications and effects of certain ways of thinking and doing for the ways in which we relate to others in our lives. I will be most critical of ways of thinking and doing that blind us to those implications and effects.

Each student comes to the course from a different place. Students are encouraged to draw upon the whole range of their experiences in their contributions to discussions. No sincere thought-process is too weird. If it makes sense to you, give it a go.

When you come to lectures, I would be grateful if you come with a willingness to listen to others. Listening does not mean waiting to speak. A little respect can go a long way.

I would also be grateful if you come to this course with a willingness to question yourself and others in a helpful fashion. To get a sense of some of your unquestioned and foundational assumptions, ask yourself: “What am I willing to argue about?” You may find some of the issues under consideration controversial and they may at times elicit strong emotions. Try to remember, disagreement can be voiced without being oppositional. If you’re not sure how, think about it for a while and work something out.

It’s okay for others to question your opinion, and it’s also okay for you to question yourself. Remember, you don’t *have to* think the way that someone else thinks, but neither do you *have to* continue thinking the way *you* think. Ask yourself: “What ways of thinking are most helpful to me?” “What would I like my thinking to be helpful for?” As (now historical) TV character Judge Harry Stone once said: “I like to keep an open mind, but not so open that my brains fall out.” A couple of proverbs that I find useful to keep around: It’s always darkest at the foot of the lighthouse; Even monkeys fall off trees.

**WEEK 1:**

**Introduction:**

**Copyright, Intellectual Property, and the Perpetuation of the Music Myth**

*Introductions, personal reflections, and overview of course*  
*Discourses of Music and Copyright*

**Readings:**

Anthony McCann. 2003. "The Field." In *Beyond the Commons*. Pp. 1-37.

David Moser. 2001. "What Is Copyright?" In *Music Copyright*. Pp. 2-9.

Kembrew McLeod. 2001. "Preface" and "The Private Ownership of Culture" In *Owning Culture*. Pp. ix-xv, 1-29

**Graduate Supplementary Reading:**

Judith Butler. 1992. "Contingent Foundations: Feminism and the Question of 'Postmodernism'." In *Feminists Theorize the Political*. Judith Butler and Joan W. Scott, eds. Pp. 3-21. New York: Routledge.

Rosemary J. Coombe. 1998. "Introduction: Authoring Culture." In *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law*. Pp. 1-39. Durham: Duke University Press.

**WEEK 2:**

**Beyond the Term "Music":**

**The Consequences of Commodification and the Challenge of What Happens**

*The Elimination of Uncertainty and the Politics of Commodification*  
*Beyond the Term "Music"*

**Readings:**

David Moser. 2001. "The Subject Matter of Copyright." In *Music Copyright*. Pp. 19-35.

Anthony McCann. 2002. "Beyond the Term "Music"." Paper presented at American Anthropological Association meeting, New Orleans.  
<http://www.beyondthecommons.com/aaa2002.pdf>

Anthony McCann. 2003. "Questioning Educational Strategies: The Challenges of Radical Pedagogy in Discussions about Irish Traditional Culture." Paper presented at Crosbhealach an Cheoil/The Crossroads Conference, Magee College, Derry.  
<http://www.beyondthecommons.com/crosbhealach.html>

Kembrew McLeod. 2001. "Copyright and the Folk Music Tradition." In *Owning Culture*. Pp. 39-69.

**Graduate Supplementary Reading:**

Rosemary J. Coombe. 1998. "Objects of Property and Subjects of Politics." In *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law*. Pp. 41-87. Durham: Duke University Press.

Thomas Docherty, ed. 1993. "Introduction." In *Postmodernism: A Reader*. Pp. 1-31. New York: Columbia University Press.

Jane Flax. 1992. "The End of Innocence." In *Feminists Theorize the Political*. Judith Butler and Joan W. Scott, eds. Pp. 445-463. London: Routledge.

Bernard J. Hibbitts. 1994. "Making Sense of Metaphors: Visuality, Aurality, and the Reconfiguration of American Legal Discourse." *Cardozo Law Review* 16:229ff  
[http://www.law.pitt.edu/hibbitts/meta\\_int.htm](http://www.law.pitt.edu/hibbitts/meta_int.htm). Also available as Chapter 5 in *Law and the Senses*, edited by Lionel Bentley and Leo Flynn, Pluto Press, 1996 (on reserve).

**WEEK 3:**

**Critical Cultural Legal Studies and the Sociology of Law:  
Implications for the Study of Music and Copyright**

*Critical Cultural Legal Studies and the Sociology of Law*  
*Critical Legal Studies and the Study of Copyright*

**Readings:**

Anthony McCann. 2003. "Questioning the Authoritative Word." In *Beyond the Commons*. Pp. 149-174.

David Moser. 2001. "The History of Copyright." In *Music Copyright*. Pp. 10-18.

Kembrew McLeod. 2001. "Copyright, Authorship and African-American Culture." In *Owning Culture*. Pp. 71-108.

**Graduate Supplementary Reading:**

Rosemary Coombe. 1998. "Author(iz)ing the Celebrity: Engendering Alternative Identities." In *The Cultural Life of Intellectual Properties*. Pp. 88-129.

Jane Gaines. 1991. "On Likeness: The Law." *Contested Culture: The Image, The Voice, and the Law*. Pp. 1-41. Chapel Hill: University of North Carolina Press.

**WEEK 4:**

**Grand Dichotomies and the Culture of the Copy:  
Mind and Matter, Individual and Resource Management.**

***Mind, Matter, Mimesis  
Individuals, Property, and Resource Management***

**Readings:**

William Fisher. 1998. "Theories of Intellectual Property (draft)."  
<http://eon.law.harvard.edu/property/iptheory.html>

Stephen Priest. 1991. "Dualism." In *Theories of the Mind*. Pp. 1-34. London: Penguin Books.

Hillel Schwartz. 1996. "Ditto." In *The Culture of the Copy: Striking Likenesses, Unreasonable Facsimiles*. Pp. 210-257. New York: Zone Books.

**Graduate Supplementary Reading:**

Alan Carter. 1989. "The Derivation from Personality," and "Conclusion." In *The Philosophical Foundations of Property Rights*. Pp. 89-100, 126-144. New York: Harvester Wheatsheaf.

Rosemary J. Coombe. 1998. "Embodied Trademarks: Mimesis and Alterity on American Commercial Frontiers." In *The Cultural Life of Intellectual Property*. Pp. 166-207.

Margaret Jane Radin. 1993. "Introduction: Property and Pragmatism." In *Reinterpreting Property*. Pp. 1-34. Chicago: University of Chicago Press.

Michael Taussig. 1993. "In Some Way or Another One Can Protect Oneself From Evil Spirits By Portraying Them," and "Physiognomic Aspects of Visual Worlds." In *Mimesis And Alterity: A Particular History Of The Senses*. Pp. 1-18, 19-32. New York: Taylor & Francis.

**WEEK 5:**

**Ordered Authorities: Authorship, Composition, Originality, and the Work**

***Points of Origin - The Politics of Authorship and Composition  
The Social Life of "the Work"***

**Readings:**

Seán Burke. 1995. Introduction: "Reconstructing the Author." In *Authorship: From Plato to the Postmodern*. Seán Burke, ed. Pp. xv-xxx. Edinburgh: Edinburgh University Press.

Lydia Goehr. 1992. "The Central Claim," and "After 1800: The Beethoven Paradigm." In *The Imaginary Museum of Musical Works: An Essay in the Philosophy of Music*. Pp. 89-119, 205-242. Oxford: Oxford University Press.

Anthony McCann. 2003. *Beyond the Commons*. Pp. 246-256.

Kembrew McLeod. 2001. "Visual and Sound Collage Versus Copyright and Trademark Law." In *Owning Culture*. Pp. 109-155.

David Moser. 2001. "The Subject Matter of Copyright." In *Music Copyright*. Pp. 18-35.

**Graduate Supplementary Reading:**

Walter Benjamin. 1968. "The Work of Art in the Age of Mechanical Reproduction." In *Illuminations*. Hannah Arendt, ed. Pp. 215-252. New York: Schocken Books.

Cook, Deborah 1990. "Nietzsche and Foucault on Ursprung and Genealogy." *Clio* 19(4):299-309.

Rosemary Coombe. 1998. "The Properties of Culture and the Politics of Possessing Identity." In *The Cultural Life of Intellectual Properties*. Pp. 208-247.

Michel Foucault. 1991 (1971). "Nietzsche, Genealogy, History." In *The Foucault Reader*. Paul Rabinow, ed. Pp. 76-100. London: Penguin Books.

Mark C. Taylor. 1984. "Closure of the Book." In *Erring: A Postmodern A/theology*. Pp. 75-93. Chicago: University of Chicago Press.

**WEEK 6:**

**The Politics of Music and Copyright:  
Access, Control, and Ownership.**

**(Graduates: draft assignment (a), (b), or (c) may be handed in for critique)**

***Truth-Claims and Counterclaims: The Politics of Universal Rights  
The Claim and Counterclaim Politics of Music Rights***

**Readings:**

Anthony McCann. 2003. Chapters 2&3. In *Beyond the Commons*.

Kembrew McLeod. 2001. "Patent Law and the Appropriation of Third-World Indigenous Knowledge." In *Owning Culture*. Pp. 157-191.

David Moser. 2001. "Ownership of Copyright," and "The Public Performance and Display Rights." In *Music Copyright*. Pp. 36-53, 74-90.

Austin Sarat and Thomas R. Kearns. 1996. "Editorial Introduction." In *Legal Rights: Historical and Philosophical Perspectives*. Austin Sarat and Thomas R. Kearns, eds. Pp. 1-13. Ann Arbor: The University of Michigan Press.

**Graduate Supplementary Readings:**

Rosemary Coombe. 1998. "Tactics of Appropriation and the Politics of Recognition." In *The Cultural Life of Intellectual Property*. Pp. 130-165.

Jonathan Gorman. 2003. "Introduction." In *Rights and Reason: an introduction to the philosophy of rights*. Pp. 1-27. Chesham: Acumen.

Pierre Schlag. 1996. "Rights in the Postmodern Condition." In *Legal Rights: Historical and Philosophical Perspectives*. Austin Sarat and Thomas R. Kearns, eds. Pp. 263-304. Ann Arbor: The University of Michigan Press.

### **WEEK 7:**

#### **The Politics of Music and Copyright (II): Expansion, Enclosure, the Commons, and the Public Domain**

##### ***Expansion, Enclosure, and the Commons The Public Domain***

#### **Readings:**

William Fisher. 1999. "The Growth of Intellectual Property: A History of Ownership of Ideas in the United States." <http://eon.law.harvard.edu/property/history.html> (accessed 26/01/00)

Kembrew McLeod. 2001. "The Private Ownership of People: Genetics, Consumer Databases and Celebrities." In *Owning Culture*. Pp. 193-236.

Anthony McCann. 2003. Chapter 9. In *Beyond the Commons*. Pp. 233-299.

David Moser. 2001. "Duration of Copyright." In *Music Copyright*. Pp. 91-99.

#### **Graduate Supplementary Reading:**

Nicholas K. Blomley. 1994. ????? In *Law, Space, and the Geographies of Power*. ????? New York: The Guilford Press.

Rosemary Coombe. "Dialogic Democracy I: Authorship and Alterity in Public Spheres." In *The Cultural Life of Intellectual Properties*. Pp. 248-272.

Jeff Weintraub. 1997. "The Theory and Politics of the Public/Private Distinction." In *Public and Private in Thought and Practice: Perspectives on a Grand Dichotomy*. Pp. 1-42.

### **WEEK 8:**

#### **The Politics of Music and Copyright (III): Folk Music, Traditional Music, and Copyright**

##### ***Case Study: Irish Traditional Music and the Copyright Debate***

#### **Readings:**

Anthony McCann. 2003. Chapter 4. *Beyond the Commons*. Pp. 71-114.

1998. "Irish Traditional Music must not be licensed." *Treoir* 30(2):35

1998. "Free use of Folk Tradition Music' - Minister." *Treoir* 30(3):2-3

1999. "Pure Tradition Copyright Free." *Treoir* 31(2):15-16.

Fintan Vallely. 1996. "Copyright, The Publican and the Collectors."

<http://www.beyondthecommons.com/vallely.html>.

Judy Lin-Eftekhari. 2002. "Who Owns the Music?: Protecting the Cultural Heritage of Indigenous Peoples." *UCLA Magazine* Summer.

### **Graduate Supplementary Reading:**

John R. Bowen. 2000. "Should We Have a Universal Concept of 'indigenous peoples' rights?": Ethnicity and Essentialism in the Twenty-First Century." *Anthropology Today* 16(4):12-16.

Ginette Dunn. 1980. "Song Ownership." In *The Fellowship of Song: Popular Singing Traditions in East Suffolk*. Pp. 189-204. London: Croom Helm.

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

Trevor W. Purcell. 1998. "Indigenous Knowledge and Applied Anthropology: Questions of Definition and Direction." *Human Organization* 57(3):258-270.

### **WEEK 9:**

#### **The Politics of Music and Copyright (IV): Digital Music, Information, Copyright. (Assignments due)**

#### ***"Music," Copyright, and the Political Imaginaries of Digital Living Filesharing, Downloading, and the Demands of Industry***

#### **Readings:**

Kembrew McLeod. 2001. "Intertextuality, the Internet and Intellectual Property Law." In *Owning Culture*. Pp. 237-259.

David Moser. 2001. "The Future of Copyright." In *Music Copyright*. Pp. 155-175.

Paul Théberge. 1997. "'Live' and Recorded: MIDI Sequencing, the Home Studio, and Copyright." In *Any Sound You Can Imagine: Making Music/Consuming Technology*. Pp. 214-241. Hanover: Wesleyan University Press.

#### **WIRED MAGAZINE SPECIAL ISSUE February 2003 (on reserve, faculty copy)**

Charles C. Mann. 2003. "The Year the Music Dies." *Wired* February: 90-93.

Matt Bal. 2003. "Hating Hilary." *Wired* February: 94-99.

Frank Rose. 2003. "The Civil War Inside Sony." *Wired* February: 100-103.

Todd Woody. 2003. "The Race to Kill Kazaa." *Wired* February: 104-107.

**Graduate Supplementary Reading:**

John Perry Barlow. 1994. "The Economy of Ideas: Everything You Know About Intellectual Property is Wrong." *Wired* 2(3).

Internet: <http://ig.cs.tu-berlin.de/PE/WIRED/2.03/features/economy.ideas.html>.

Rosemary Coombe. 1998. "Dialogic Democracy II: Alterity and Articulation in the Space of the Political." In *The Cultural Life of Intellectual Properties*. Pp. 273-299.

Richard Coyne. 2001. "Introduction," and "Digital Utopias." In *Technoromanticism: digital narrative, holism, and the romance of the real*. Pp. 2-15, 19-45. Cambridge, MA: MIT Press.

"Utopias" handout to be provided.

**WEEK 10:**

**Discussion:**

**The Relational Implications of Copyright, Intellectual Property,  
and the Perpetuation of the Music Myth**

*Whole Class: Discussion.*