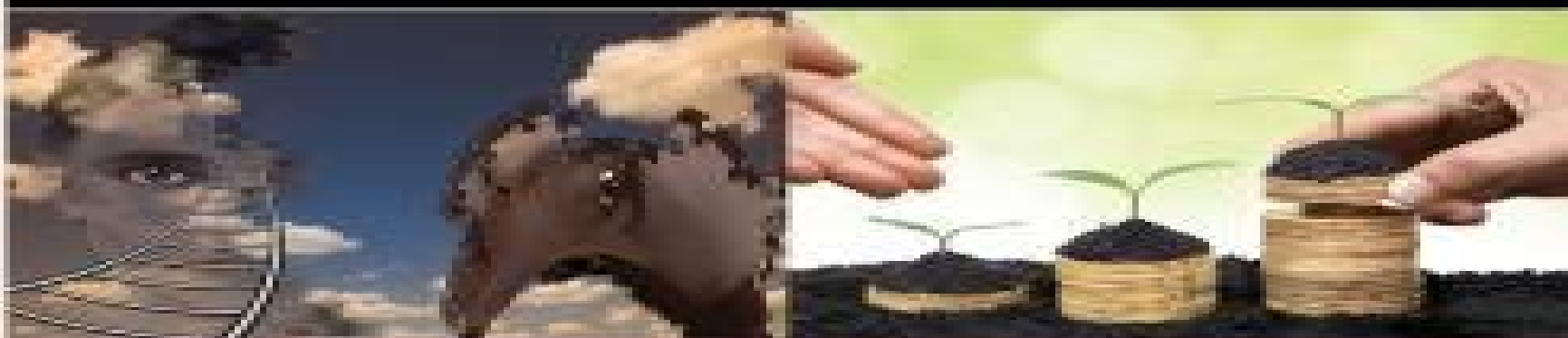




# Law In and As Culture

*Intellectual Property, Minority Rights,  
and the Rights of Indigenous Peoples*



CAROLINE JOAN "KAY" S. PICART

# Book And Law Culture Intellectual Indigenous Humanities

**Caroline Joan Picart**



## **Book And Law Culture Intellectual Indigenous Humanities:**

**International Trade in Indigenous Cultural Heritage** Christoph Beat Graber, Karolina Kuprecht, Jessica C. Lai, 2012-01-01 This text sets the standard for researchers working on the difficult issues raised by trade and commerce in indigenous cultural heritage

**Psychedelic Humanities** Erika Dyck, Tehseen Noorani, Nicolas Langlitz, Alex Dymock, Anne Katrin Schlag, Oliver Davis, 2024-06-19 Psychedelics are part of a resurgence of interest in consciousness studies especially as altered states of consciousness are being re examined in the context of psychedelic assisted therapies To date discussions about psychedelics in modern medicine have been dominated by studies in biomedicine However given that cultural factors play a significant role in the subjective effects of psychedelics psychedelics can be considered a uniquely powerful point of convergence between the cultural and biomedical Writers and artists alongside psychiatrists and pharmacologists have participated in shaping the psychedelic experience by drawing on a rich set of approaches that blend narrative arts and humanities concepts to explain and interpret psychedelic experiences and explore consciousness for creative purposes Psychedelic studies past and present emphasize the importance of set and setting or the context of psychedelic consumption and its paramount importance in shaping psychedelic experiences These non pharmacological factors rely on a different set of methods and interpretations that necessarily rely on studies conducted outside of the biomedical sciences

**First Nations Cultural Heritage and Law** Catherine Bell, Val Napoleon, 2009-01-01 First Nations Cultural Heritage and Law explores First Nations perspectives on cultural heritage and issues of reform within and beyond Western law Written in collaboration with First Nation partners it contains seven case studies featuring indigenous concepts legal orders and encounters with legislation and negotiations a national review essay three chapters reflecting on major themes and a self reflective critique on the challenges of collaborative and intercultural research Although the volume draws on specific First Nation experiences it covers a wide range of topics of concern to Inuit Metis and other indigenous peoples

**Law In and As Culture** Caroline Joan "Kay" S. Picart, 2016-03-04 There are two oppositional narratives in relation to telling the story of indigenous peoples and minorities in relation to globalization and intellectual property rights The first the narrative of Optimism is a story of the triumphant opening of brave new worlds of commercial integration and cultural inclusion The second the narrative of Fear is a story of the endangerment mourning and loss of a traditional culture While the story of Optimism deploys a rhetoric of commercial mobilization and innovation the story of Fear emphasizes the rhetoric of preserving something pure and traditional that is dying Both narratives have compelling rhetorical force and actually need each other in order to move their opposing audiences into action However as Picart shows the realities behind these rhetorically framed political parables are more complex than a simple binary Hence the book steers a careful path between hope rather than unbounded Optimism and caution rather than Fear in exploring how law functions in and as culture as it contours the landscape of intellectual property rights as experienced by indigenous peoples and minorities Picart uses among

a variety of tools derived from law critical and cultural studies anthropology and communication case studies to illustrate this approach She tracks the fascinating stories of the controversies surrounding the ownership of a Taiwanese folk song the struggle over control of the Mapuche s traditional land in Chile against the backdrop of Chile s drive towards modernization the collaboration between the Kani tribe in India and a multinational corporation to patent an anti fatigue chemical agent the drive for respect and recognition by Australian Aboriginal artists for their visual expressions of folklore and the challenges American women of color such as Josephine Baker and Katherine Dunham faced in relation to the evolving issues of choreography improvisation and copyright The book also analyzes the cultural conflicts that result from these encounters between indigenous populations or minorities and majority groups reflects upon the ways in which these conflicts were negotiated or resolved both nationally and internationally and carefully explores proposals to mediate such conflicts

Protection of First Nations Cultural Heritage Catherine Bell, Robert Paterson, 2009-05-01 Indigenous peoples around the world are seeking greater control over tangible and intangible cultural heritage In Canada issues concerning repatriation and trade of material culture heritage site protection treatment of ancestral remains and control over intangible heritage are governed by a complex legal and policy environment This volume looks at the key features of Canadian US and international law influencing indigenous cultural heritage in Canada Legal and extralegal avenues for reform are examined and opportunities and limits of existing frameworks are discussed Is a radical shift in legal and political relations necessary for First Nations concerns to be meaningfully addressed

**Copyright and Other Fairy Tales** Helle Porsdam, 2006-01-01 The present state of copyright law and the way in which it threatens the remix of culture and creativity is a shared concern of the contributors to this unique book Whether or not to remain within the underlying regime of intellectual property law and what sort of reforms are needed if we do decide to remain within this regime are fundamental questions that form the subtext for their discussions Publisher

**Law in and as Culture** Caroline Joan Picart, 2017-09-12 Two narratives are used in telling the story of indigenous peoples and minorities in relation to globalization and intellectual property rights This book steers a careful path between Optimism and Fear exploring how law functions in and as culture as it contours the landscape of intellectual property rights as experienced by minorities

**Art and Cultural Heritage** Barbara T. Hoffman, 2006 Art and Cultural Heritage is appropriately but not solely about national and international law respecting cultural heritage It is a bubbling cauldron of law mixed with ethics philosophy politics and working principles looking at how cultural heritage law policy and practice should be sculpted from the past as the present becomes the future Art and cultural heritage are two pillars on which a society builds its identity its values its sense of community and the individual The authors explore these demanding concerns untangle basic values and look critically at the conflicts and contradictions in existing art and cultural heritage law and policy in its diverse sectors The rich and provocative contributions collectively provide a reasoned discussion of the issues from a multiplicity of views to permit the reader to understand the theoretical and philosophical

underpinnings of the cultural heritage debate     Justice As Healing: Indigenous Ways Wanda D. McCaslin, 2013-11

Research Handbook on Biodiversity and Law Michael Bowman, Peter Davies, Edward Goodwin, 2016-04-29 The crucial importance of biodiversity law to future human welfare is only now being fully appreciated This wide ranging Handbook presents a range of perspectives from leading international experts reflecting up to date research thinking on the vital subject of biodiversity and its interaction with law Through a rigorous examination of the principles procedures and practices that characterise this area of law this timely volume effectively highlights its objectives implementation achievements and prospects More specifically the work addresses the regulatory challenges posed by the principal contemporary threats to biological diversity the applicable general principles of international environmental law and the visions values and voices that are shaping the development of the law Presenting thematic rather than regime based coverage the editors demonstrate the state of the art of current research and identify future research needs and directions This comprehensive and authoritative Handbook will be an indispensable resource for legal scholars students and practitioners alike

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