

Law In and As Culture

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

Caroline Joan "Kay" S. Picart



FAIRLEIGH DICKINSON UNIVERSITY PRESS
Madison • Teaneck

Published by Fairleigh Dickinson University Press
Copublished by The Rowman & Littlefield Publishing Group, Inc.
4501 Forbes Boulevard, Suite 200, Lanham, Maryland 20706
www.rowman.com

Unit A, Whitacre Mews, 26-34 Stannary Street, London SE11 4AB

Copyright © 2016 by Caroline Joan “Kay” S. Picart

All rights reserved. No part of this book may be reproduced in any form or by any electronic or mechanical means, including information storage and retrieval systems, without written permission from the publisher, except by a reviewer who may quote passages in a review.

British Library Cataloguing in Publication Information Available

Library of Congress Cataloging-in-Publication Data

Names: Picart, Caroline Joan, 1966–, author.

Title: Law in and as culture : intellectual property, minority rights, and the rights of indigenous peoples / Caroline Joan “Kay” S. Picart.


Description: Madison, New Jersey : Fairleigh Dickinson University Press, 2016. | Includes bibliographical references and index.

Identifiers: LCCN 2015048248 (print) | LCCN 2015051469 (ebook) | ISBN 9781611477214 (cloth : alk. paper) | ISBN 9781611477221 (Electronic)

Subjects: LCSH: Indigenous peoples—Legal status, laws, etc. | Intellectual property.

Classification: LCC K1401.5 .P53 2016 (print) | LCC K1401.5 (ebook) | DDC 346.04/8089--dc23

LC record available at <http://lcn.loc.gov/2015048248>

™ The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI/NISO Z39.48-1992.

Printed in the United States of America

Contents

Acknowledgments	vii
1 Between Mirroring Master Narratives of Fear and Optimism	1
2 Law In and As Culture	43
3 Cultural Meanings of Intellectual Property	65
4 Colonial Appropriations of Marginalized Cultures and Possible Strategies of Resistance	93
5 Attempting to Balance First Generation Human Rights and Third Generation Human Rights	121
Bibliography	159
Index	181
About the Author	189