Around Us [1949]; *The Edge of the Sea* [1955]), and Annie Dillard's *Pilgrim at Tinker Creek* (1974). Carson's 'maternal sea' is 'radically domestic' (245-246), but at 'the turn of the twenty-first century, the mythic agency of Mother Sea is thwarted by the toxic discourse' in which (male) pollution and technical solutions remain dominant. Therefore, Tichi concludes: 'Hygeia remains a body in crisis' (252).

While the project of studying 'human form in American places' is fascinating and worthwhile, Tichi has barely begun the process. She is surely correct to see such a project as inseparable from gender studies and environmental history, but this reviewer wonders if she does not preach primarily to the already converted. One would never know from reading this text that feminism did not triumph in the 1970s. But the Equal Rights Amendment did not pass, Ronald Reagan did get elected, and eco-feminists do not inspire current environmental policy. These political blinders extend into the past as well. Tichi devotes three pages to attacking Henry Steele Commager's *The American Mind* (1950) without mentioning that he was a staunch defender of civil liberties, or that his book resisted McCarthyism. He was later a critic of American intervention in Vietnam. Tichi holds *The American Mind* up to scorn for not being politically correct in 2001, and this decontextualization is unfair. A more serious problem is that all the twentieth-century case studies, the 'Greening of America,' the Apollo Program, and Love Canal, stem from *circa* 1968-1973. While she does connect each with recent academic criticism, the book seems too focused on the years of counter-culture ascendency. In contrast, it largely ignores the environmental imagery still favored by the religious right and the Republican Party. *Embodiment of a Nation* is a suggestive and useful beginning, but there is much work to be done.

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Siva Vaidhyanathan, *Copyrights and Copywrongs – The Rise of Intellectual Property and How it Thwarts Creativity*. New York: New York University Press, 2001. xi + 230 pages; $27.95 cloth (ISBN: 0-8147-8806-8).

This book sets out to break up an emergent cultural and legal correspondence between notions of copyright and intellectual property. Obviously, property rights constitute an important aspect of the bundle of rights that historically has made up the legal framework of copyright, but this aspect has – for a number of reasons – come to dominate many of the discourses surrounding contemporary media products. The problem, as Vaidhyanathan sees it, is that concerns over property rights have tilted the wider discussion of copyright in the wrong direction with some potentially unfortunate cultural and political consequences. What is at stake here, he argues rather convincingly, is the undermining of creativity, free speech and access to information, all of which are seen as more or less basic premises of democracy.

Through four historically situated chapters focussing respectively on Mark Twain, the

movie and record industries, and the 'digital moment,' Vaidhyanathan presents the story of how the notion of property – and thereby the notion of 'theft,' which is rather difficult to argue for – became increasingly important within the various discourses of copyright, and how the process has been linked to an erosion of the (legally) fundamental dichotomy between idea and expression. The normative backdrop against which this story unfolds is the section in the Federal Constitution (Article I, Section 8) which gives to Congress the power to 'promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.' It is the intention behind this clause, copyright as an incentive, that has slowly been undermined in favour of protection for the established; in broad terms, says Vaidhyanathan, this shift entails a move away from 'republican ideals' of benefiting the public towards 'proprietary interests' increasingly linked to large corporations (37). Yet, he points out, in the minds of the framers of the Constitution copyright was not a property at all, in fact not even a right (despite its name), but rather a privilege bestowed by the state, the privilege of a *limited* monopoly. In wider cultural terms, copyright thus entails a balance, or deal, between the (reading) public and the creators, a deal administered by the state. And it is this emphasis on a balancing of interests that has slowly been pushed aside in favour of a focus on property rights, a development that has gone hand in hand with a slow but steady extension of the period of protection.

The first major step in this direction Vaidhyanathan approaches via Mark Twain, who not only 'was one of the most successful promoters of "property talk" in American copyright discourse' but whose works and life as an author also 'are foundational to all the conflicts that complicate American copyright law: originality and genius; piracy and plagiarism; European professional authorship and African American storytelling' (57). These conflicts or issues are in essence the focus of Vaidhyanathan´s historical narrative. The trajectory of Twain´s thoughts and practices in relation to copyright somehow mirrors the larger two-hundred-year historical development of copyright in the United States with which Vaidhyanathan is concerned: like the United States, Twain moves from being 'copyright poor' to being 'copyright rich;' like the United States, Twain moves from wishing to encourage (and being encouraged towards) creativity as a means of establishing a specifically ethnic, regional and national cultural voice to a position seeking to protect the fruits of these endeavours on the international scene.

The arguments and processes leading to the United States finally signing an international agreement in 1891 illustrate some of the issues at stake in this larger shift. While the absence of any protection for foreign authors in the US benefited American publishers and simultaneously made the palette of international literature available at an affordable price, thus (in theory at least) encouraging literacy and reading, American authors found it hard to compete. Policy-makers were thus caught between discouraging the local reading of American-produced literature and bestowing a limited monopoly on non-American authors. What eventually, in the words of Vaidhyanathan, 'convince[d] Congress to agree to international copyright was the printers'

union in the major eastern cities' (55), which spoke for the international copyright since the printers – because of falling prices due to intense competition – were increasingly employing non-unionized women. The various interests at stake in the formation of copyright legislation and practices are clearly visible in this example. Twain, who argued for the international agreement by reference to his own interests (as well as those of the reading public), subsequently put his efforts into extending the period of protection, and through different channels ended up being instrumental in the passing of the Copyright Act of 1909, which held sway for most of the 20th century and extended the period of protection to 28 years (renewable for another 28).

Twain's literary career grew out of a time in which copyright was primarily linked to the written word, but extended into the era in which new expressive forms and their reproducibility started to complicate ingrained notions of authorship. While the 1909 act includes references to phonographs, film was not mentioned until 1912. Yet Twain's trajectory again seems appropriate: just as he benefited from 'thin' protection in his free use of existing (African American) storytelling, so did early movie companies benefit from fairly easy access to (manu)scripts, which were not protected in relation to derivative works because of a rather strict reading of the idea-expression dichotomy – an entirely new medium obviously cannot impinge on the expression of existing media (apart from the computer perhaps). But just as Twain shifted his position as he grew 'copyright rich,' so too did the movie companies.

A similar trajectory appertains to the music industry, infamous for its free use of African American oral traditions which – in a slightly altered form – became protected as the property of a predominantly white industry. What is at stake in these 'politics and economics of cultural exchange and translation' (119) between, for instance, African American blues musicians and white rock musicians is, Vaidhyanathan says, basically two opposing practices of creativity and originality. While one side locates value and originality within the expressive performance itself, the other objectifies the original within the represented musical text itself. This clash of traditions intensifies with the increasing African-Americanization of American popular music (which partly turns the notion of an author from a cultural to a legal concept), and it is here that Vaidhyanathan makes his strongest case for the detrimental effects on creativity of pursuing a strictly property-related course in copyright issues. A sampling of extant music is, in its unique assemblage of that music, a new expression that often does not delimit the market value of the works upon which it draws and may even enhance it; perhaps, says Vaidhyanathan, one ought to consider other terms within which to evaluate infringements.

The balance that Vaidhyanathan points towards here – as well as throughout the book – is a copyright legislation that is 'thin,' that is 'just strong enough to encourage and reward aspiring artists ... yet porous enough to allow full and rich democratic speech and free flow of information,' and this (somewhat vague) goal is related to a continued effort to uphold the idea-expression dichotomy, although this in particular cases (as well as in theory) is a rather fuzzy distinction (as Vaidhyanathan is well aware).

What needs to be upheld is a continued willingness within the judicial apparatus to apply and interpret this distinction, and it is the possibilities of doing precisely that which Vaidhyanathan argues is challenged within the 'digital moment,' and this constitutes the starting point of the last (and most uneven) of the four main chapters of the book. Despite his stated goal in the introduction of refraining from theorizing and (only) looking at actual practices and texts, Vaidhyanathan here falls into speculations based on short circuits between technological descriptions and cultural consequences. Clearly, the collapse of the distinction between idea and expression as a side-effect of the binary representation would provide a suitable (yet strangely deterministic) ending to Vaidhyanathan´s narrative; yet translation into the binary alphabet does not take away the expressive layer but rather makes it two-fold; and to argue that 'perhaps the ones and zeros are ideas' is, if not entirely wrong, highly dubious indeed. As Vaidhyanathan shows in detail, the courts have dealt with these issues rather pragmatically and any direct links here between technology and cultural practices are thus difficult to sustain. There are other 'collapses' at stake here, however, and Vaidhyanathan is certainly right in pointing out that the digital distribution of cultural content at least to some extent erases the boundaries between access, use and copying, and that this has important implications for the issues of copyright (which Vaidhyanathan aptly outlines).

As must have become clear by now, this is a book that covers a wide range of (academic) fields and issues – perhaps too many. What seems to be lacking is a clear founding perception of the (possible) interconnections between the various fields impinging on the processes of copyright: legal, commercial, political, cultural, technological and so on. In Vaidhyanathan´s narrative everything is rather vaguely related to 'culture' and 'creativity,' a concept which – considering the weight it is given in the analysis – could have been the focus of a more pointed discussion in which the many discourses and practices 'framing' or negotiating it were brought out. In a similar vein, the book might have benefited from a more pointed editing in which the same cultural field (literature or music, say) and/or analytical perspective were maintained; this might have given more coherence to Vaidhyanathan's historical argument. As it stands, it is hard – unless an expert – to know whether the narrative of historical decline antecedes the analysis and the cases chosen as illustration. And, speaking of decline, it may be that, in his normative ranking of republican ideals over proprietary interests, Vaidhyanathan neglects the fact that much of the creativity and cultural democracy he applauds and calls for has come precisely from a commodification of the cultural landscape. He is right, however, to point out that one should be careful not to implement measures that stifle ongoing cultural commodification by favouring what is already established.

As a more methodological point, one might add that although Vaidhyanathan almost per reflex argues against analyses based on binary dichotomies, his own interpretations not only rely upon, but actually end up confirming, them rather than bringing out their internal intricacies and interrelations – for instance those within the polarities of incentive versus protection, republican versus rights-based discourses of copy-

right, and written, author-based notions of creativity versus those emerging out of oral traditions. It seems unclear, for instance, whether the incentive that Vaidhyanathan talks about is economic, cultural, social, peer-related or something else, and thus on what grounds the opposition to protection arises. Surely, in many instances the protection *is* the incentive.

Yet despite these shortcomings Vaidhyanathan's book is a valuable and timely step in the direction of bringing the discourses of copyright out of the courtrooms and into the public domain; the conditions of copyright are obviously historically embedded and belong to broader cultural policies, and they should be put on the agenda as such, especially since, at least in some cultural fields, legislation and social practices indeed are very poorly aligned at this 'digital moment.' For anyone wishing to delve into this discussion – whether via the fields of history, literature, ethnicity, African-American, popular music or media studies – *Copyrights and Copywrongs* is certainly a good place to start.

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Ellen L. Arnold (ed.), *Conversations with Leslie Marmon Silko*. Jackson, Mississippi: University Press Of Mississippi, 2000. 200 pages; $18.00, paper (ISBN: 1-57806-300-0).

In 1999 Leslie Marmon Silko marked a quarter-century of published fiction with the release of her latest novel, *Gardens in the Dunes*. This collection of selected interviews with Silko provides those interested in her work with a running commentary by the author that neatly parallels her career. From a 1976 interview with Per Seyersted in *American Studies in Scandinavia*, 13 (1981), to a 1998 interview with the collection's editor Ellen L. Arnold from *Studies in American Indian Literature*, 10, 3 (1998), the collection includes sixteen interviews representing a neat cross-section of Silko's career to date.

As she attempts to make clear throughout the interviews, Silko wants to be accepted as an American author, not marginalized as only a Native American writer. A recurrent theme running through the interviews is her early motivation to write. In elementary school she would try and use the words from her vocabulary lessons in short stories. She found that writing provided a means of coping with society. Her influences were not confined to her Laguna Pueblo heritage, however, where storytelling is an essential element of the culture. She also claims to have been influenced by many mainstream Western authors ranging from Shakespeare and Blake, through D. H. Lawrence, Henry James and Flannery O'Connor, and up to Maxine Hong Kingston and Toni Morrison. She rejects the notion that Native American stories should be kept as pristine relics, untainted by modern written genre and of interest only to anthropologists. She regards the storytelling process as something that is dynamic and that should exist to serve the living. She is not concerned that written storytelling might be