

Chapter 1 : Copyright law of the United States - Wikipedia

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Definitions 2 Except as otherwise provided in this title, as used in this title, the following terms and their variant forms mean the following: The work includes the overall form as well as the arrangement and composition of spaces and elements in the design, but does not include individual standard features. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication. A work of visual art does not include— A i any poster, map, globe, chart, technical drawing, diagram, model, applied art, motion picture or other audiovisual work, book, magazine, newspaper, periodical, data base, electronic information service, electronic publication, or similar publication; ii any merchandising item or advertising, promotional, descriptive, covering, or packaging material or container; iii any portion or part of any item described in clause i or ii ; B any work made for hire; or C any work not subject to copyright protection under this title. In determining whether any work is eligible to be considered a work made for hire under paragraph 2 , neither the amendment contained in section d of the Intellectual Property and Communications Omnibus Reform Act of , as enacted by section a 9 of Public Law , nor the deletion of the words added by that amendment— A shall be considered or otherwise given any legal significance, or B shall be interpreted to indicate congressional approval or disapproval of, or acquiescence in, any judicial determination, by the courts or the Copyright Office. Paragraph 2 shall be interpreted as if both section 2 a 1 of the Work Made for Hire and Copyright Corrections Act of and section d of the Intellectual Property and Communications Omnibus Reform Act of , as enacted by section a 9 of Public Law , were never enacted, and without regard to any inaction or awareness by the Congress at any time of any judicial determinations. Subject matter of copyright: In general 28 a Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories: Compilations and derivative works a The subject matter of copyright as specified by section includes compilations and derivative works, but protection for a work employing preexisting material in which copyright subsists does not extend to any part of the work in which such material has been used unlawfully. The copyright in such work is independent of, and does not affect or enlarge the scope, duration, ownership, or subsistence of, any copyright protection in the preexisting material. National origin 29 a Unpublished Works. Whenever the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States or to works that are first published in the United States, copyright protection on substantially the same basis as that on which the foreign nation extends protection to works of its own nationals and domiciliaries and works first published in that nation, the President may by proclamation extend protection under this title to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which was first published in that nation. The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under a proclamation. For purposes of paragraph 2 , a work that is published in the United States or a treaty party within 30 days after publication in a foreign nation that is not a treaty party shall be considered to be first published in the United States or such treaty party, as the case may be. Any rights in a work eligible for protection under this title that derive from this title, other Federal or State statutes, or the common law, shall not be expanded or reduced by virtue of, or in reliance upon, the provisions

of the Berne Convention, or the adherence of the United States thereto. Copyright in restored works 31 a Automatic Protection and Term. B Any work in which copyright is restored under this section shall subsist for the remainder of the term of copyright that the work would have otherwise been granted in the United States if the work never entered the public domain in the United States. Acceptance of a notice by the Copyright Office is effective as to any reliance parties but shall not create a presumption of the validity of any of the facts stated therein. Service on a reliance party is effective as to that reliance party and any other reliance parties with actual knowledge of such service and of the contents of that notice. In the event that notice is provided under both subparagraphs A and B , the month period referred to in such subparagraphs shall run from the earlier of publication or service of notice. If the notice is signed by an agent, the agency relationship must have been constituted in a writing signed by the owner before the filing of the notice. The Copyright Office may specifically require in regulations other information to be included in the notice, but failure to provide such other information shall not invalidate the notice or be a basis for refusal to list the restored work in the Federal Register. Notices of corrections for such minor errors or omissions shall be accepted after the period established in subsection d 2 A i. Notices shall be published in the Federal Register pursuant to subparagraph B. B i The Register of Copyrights shall publish in the Federal Register, commencing not later than 4 months after the date of restoration for a particular nation and every 4 months thereafter for a period of 2 years, lists identifying restored works and the ownership thereof if a notice of intent to enforce a restored copyright has been filed. C The Register of Copyrights is authorized to fix reasonable fees based on the costs of receipt, processing, recording, and publication of notices of intent to enforce a restored copyright and corrections thereto. D i Not later than 90 days before the date the Agreement on Trade- Related Aspects of Intellectual Property referred to in section 15 of the Uruguay Round Agreements Act enters into force with respect to the United States, the Copyright Office shall issue and publish in the Federal Register regulations governing the filing under this subsection of notices of intent to enforce a restored copyright. If the notice is signed by an agent, the agency relationship must have been constituted in writing and signed by the owner before service of the notice. The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under such a proclamation. United States Government works 37 Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise. Exclusive rights in copyrighted works 38 Subject to sections through , the owner of copyright under this title has the exclusive rights to do and to authorize any of the following: Rights of certain authors to attribution and integrity 39 a Rights of Attribution and Integrity. The authors of a joint work of visual art are coowners of the rights conferred by subsection a in that work. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors. Transfer of ownership of any copy of a work of visual art, or of a copyright or any exclusive right under a copyright, shall not constitute a waiver of the rights conferred by subsection a. Except as may otherwise be agreed by the author in a written instrument signed by the author, a waiver of the rights conferred by subsection a with respect to a work of visual art shall not constitute a transfer of ownership of any copy of that work, or of ownership of a copyright or of any exclusive right under a copyright in that work. Limitations on exclusive rights: Fair use 40 Notwithstanding the provisions of sections and A , the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching including multiple copies for classroom use , scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall includeâ€” 1 the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; 2 the nature of the copyrighted work; 3 the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and 4 the effect of the use upon the potential market for or value of the copyrighted work. The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all

the above factors. For purposes of this subsection, a format shall be considered obsolete if the machine or device necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace. Provided, That such equipment displays a notice that the making of a copy may be subject to the copyright law; 2 excuses a person who uses such reproducing equipment or who requests a copy or phonorecord under subsection d from liability for copyright infringement for any such act, or for any later use of such copy or phonorecord, if it exceeds fair use as provided by section ; 3 shall be construed to limit the reproduction and distribution by lending of a limited number of copies and excerpts by a library or archives of an audiovisual news program, subject to clauses 1 , 2 , and 3 of subsection a ; or 4 in any way affects the right of fair use as provided by section , or any contractual obligations assumed at any time by the library or archives when it obtained a copy or phonorecord of a work in its collections. Provided, That nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work. Effect of transfer of particular copy or phonorecord 42 a Notwithstanding the provisions of section 3 , the owner of a particular copy or phonorecord lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord. Notwithstanding the preceding sentence, copies or phonorecords of works subject to restored copyright under section A that are manufactured before the date of restoration of copyright or, with respect to reliance parties, before publication or service of notice under section A e , may be sold or otherwise disposed of without the authorization of the owner of the restored copyright for purposes of direct or indirect commercial advantage only during the month period beginning onâ€” 1 the date of the publication in the Federal Register of the notice of intent filed with the Copyright Office under section A A , or 2 the date of the receipt of actual notice served under section A 2 B , whichever occurs first. Nothing in the preceding sentence shall apply to the rental, lease, or lending of a phonorecord for nonprofit purposes by a nonprofit library or nonprofit educational institution. The transfer of possession of a lawfully made copy of a computer program by a nonprofit educational institution to another nonprofit educational institution or to faculty, staff, and students does not constitute rental, lease, or lending for direct or indirect commercial purposes under this subsection. B This subsection does not apply toâ€” i a computer program which is embodied in a machine or product and which cannot be copied during the ordinary operation or use of the machine or product; or ii a computer program embodied in or used in conjunction with a limited purpose computer that is designed for playing video games and may be designed for other purposes. C Nothing in this subsection affects any provision of chapter 9 of this title. B Not later than three years after the date of the enactment of the Computer Software Rental Amendments Act of , and at such times thereafter as the Register of Copyrights considers appropriate, the Register of Copyrights, after consultation with representatives of copyright owners and librarians, shall submit to the Congress a report stating whether this paragraph has achieved its intended purpose of maintaining the integrity of the copyright system while providing nonprofit libraries the capability to fulfill their function. Such report shall advise the Congress as to any information or recommendations that the Register of Copyrights considers necessary to carry out the purposes of this subsection. Such violation shall not be a criminal offense under section or cause such person to be subject to the criminal penalties set forth in section of title Exemption of certain performances and displays 43 Notwithstanding the provisions of section , the following are not infringements of copyright: For purposes of this section the social functions of any college or university fraternity or sorority shall not be included unless the social function is held solely to raise funds for a specific charitable purpose; and 11 the making imperceptible, by or at the direction of a member of a private household, of limited portions of audio or video content of a motion picture, during a performance in or transmitted to that household for private home viewing, from an authorized copy of the motion picture, or the creation or provision of a computer program or other technology that enables such making imperceptible and that is designed and marketed to be used, at the direction of a member of a private household, for such making imperceptible, if no fixed copy of the altered version of the motion picture is created by such computer program or other technology. The

exemptions provided under paragraph 5 shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to copyright owners for the public performance or display of their works. Royalties payable to copyright owners for any public performance or display of their works other than such performances or displays as are exempted under paragraph 5 shall not be diminished in any respect as a result of such exemption. The term does not refer to activities that use, in 1 or more class sessions of a single course, such works as textbooks, course packs, or other material in any media, copies or phonorecords of which are typically purchased or acquired by the students in higher education for their independent use and retention or are typically purchased or acquired for elementary and secondary students for their possession and independent use. For purposes of paragraph 2 , accreditation” A with respect to an institution providing post-secondary education, shall be as determined by a regional or national accrediting agency recognized by the Council on Higher Education Accreditation or the United States Department of Education; and B with respect to an institution providing elementary or secondary education, shall be as recognized by the applicable state certification or licensing procedures. For purposes of paragraph 2 , no governmental body or accredited nonprofit educational institution shall be liable for infringement by reason of the transient or temporary storage of material carried out through the automatic technical process of a digital transmission of the performance or display of that material as authorized under paragraph 2. No such material stored on the system or network controlled or operated by the transmitting body or institution under this paragraph shall be maintained on such system or network in a manner ordinarily accessible to anyone other than anticipated recipients. No such copy shall be maintained on the system or network in a manner ordinarily accessible to such anticipated recipients for a longer period than is reasonably necessary to facilitate the transmissions for which it was made. Nothing in paragraph 11 shall be construed to imply further rights under section of this title, or to have any effect on defenses or limitations on rights granted under any other section of this title or under any other paragraph of this section. Secondary transmissions of broadcast programming by cable

The Idea of Authorship in America: Democratic Poetics from Franklin to Melville by Kenneth Dauber starting at \$ The Idea of Authorship in America: Democratic Poetics from Franklin to Melville has 2 available editions to buy at Alibris.

Origins and Character What we now know as transcendentalism first arose among the liberal New England Congregationalists, who departed from orthodox Calvinism in two respects: Most of the Unitarians held that Jesus was in some way inferior to God the Father but still greater than human beings; a few followed the English Unitarian Joseph Priestley in holding that Jesus was thoroughly human, although endowed with special authority. It was precisely on this ground, however, that the transcendentalists found fault with Unitarianism. Skepticism about religion was also engendered by the publication of an English translation of F. Luke, which introduced the idea that the Bible was a product of human history and culture. Herder blurred the lines between religious texts and humanly-produced poetry, casting doubt on the authority of the Bible, but also suggesting that texts with equal authority could still be written. It was against this background that Emerson asked in, in the first paragraph of *Nature*: Hedge organized what eventually became known as the Transcendental Club, by suggesting to Emerson in that they form a discussion group for disaffected young Unitarian clergy. She finds an attractive contrast in the German tradition that begins with Leibniz and culminates in Kant, which asserts the power and authority of the mind. James Marsh, a graduate of Andover and the president of the University of Vermont, was equally important for the emerging philosophy of transcendentalism. Marsh was convinced that German philosophy held the key to a reformed theology. In *Nature*, for example, Emerson writes: German philosophy and literature was also championed by Thomas Carlyle, whom Emerson met on his first trip to Europe in Piety towards nature was also a main theme of William Wordsworth, whose poetry was in vogue in America in the s. I am nothing; I see all; The currents of the universal being circulate through me. Emerson rejects the Unitarian argument that miracles prove the truth of Christianity, not simply because the evidence is weak, but because proof of the sort they envision embodies a mistaken view of the nature of religion: Alcott replaced the hard benches of the common schools with more comfortable furniture that he built himself, and left a central space in his classrooms for dancing. Theodore Parker was the son of a farmer who attended Harvard and became a Unitarian minister and accomplished linguist. Parker exploited the similarities between science and religious doctrine to argue that although nature and religious truth are permanent, any merely human version of such truth is transient. It is not a skeptical idealism, however, but an anti-skeptical idealism deriving from Kant: It is well known to most of my audience, that the Idealism of the present day acquired the name of Transcendental, from the use of that term by Immanuel Kant, of Konigsberg [sic], who replied to the skeptical philosophy of Locke, which insisted that there was nothing in the intellect which was not previously in the experience of the senses, by showing that there was a very important class of ideas, or imperative forms, which did not come by experience, but through which experience was acquired; that these were intuitions of the mind itself; and he denominated them Transcendental forms O, 2. Emerson shows here a basic understanding of three Kantian claims, which can be traced throughout his philosophy: The Dial, Fuller, Thoreau The transcendentalists had several publishing outlets: The Dial was a special case, for it was planned and instituted by the members of the Transcendental Club, with Margaret Fuller as the first editor. Margaret Fuller was the daughter of a Massachusetts congressman who provided tutors for her in Latin, Greek, chemistry, philosophy and, later, German. Fuller abandoned her previously ornate and pretentious style, issuing pithy reviews and forthright criticisms: Fuller was in Europe from 1849, sending back hundreds of pages for the Tribune. On her return to America with her husband and son, she drowned in a hurricane off the coast of Fire Island, New York. Women are treated as dependents, however, and their self-reliant impulses are often held against them. What they most want, Fuller maintains, is the freedom to unfold their powers, a freedom necessary not only for their self-development, but for the renovation of society. Such individuality is necessary in particular for the proper constitution of that form of society known as marriage. He also wrote a first draft of *Walden*, which eventually appeared in *Nature* now becomes particular: From the right perspective, Thoreau finds, he can possess and

use a farm with more satisfaction than the farmer, who is preoccupied with feeding his family and expanding his operations. If Thoreau counsels simple frugality—a vegetarian diet for example, and a dirt floor—he also counsels a kind of extravagance, a spending of what you have in the day that shall never come again. Thoreau lived at Walden for just under three years, a time during which he sometimes visited friends and conducted business in town. He values fishing and hunting for their taste of wildness, though he finds that in middle age he has given up eating meat. He finds wildness not only in the woods, but in such literary works as Hamlet and the Iliad; and even in certain forms of society: The wild is not always consoling or uplifting, however. In The Maine Woods, Thoreau records a climb on Mount Katahdin in Maine when he confronted the alien materiality of the world; and in Cape Cod, he records the foreignness, not the friendliness, of nature: Although Walden initiates the American tradition of environmental philosophy, it is equally concerned with reading and writing. Thoreau suggests that Walden is or aspires to be such a book; and indeed the enduring construction from his time at Walden is not the cabin he built but the book he wrote. In his search for such closeness, he began to reconceive the nature of his journal. Both he and Emerson kept journals from which their published works were derived.

Social and Political Critiques The transcendentalists operated from the start with the sense that the society around them was seriously deficient: Thus the attraction of alternative life-styles: The 16,000 Cherokees lived in what is now Kentucky and Tennessee, and in parts of the Carolinas, Georgia, and Virginia. They were one of the more assimilated tribes, whose members owned property, drove carriages, used plows and spinning wheels, and even owned slaves. Wealthy Cherokees sent their children to elite academies or seminaries. The U.S. Army invaded the Cherokee Nation, where they rounded up as many remaining members of the tribe as they could and marched them west and across the Mississippi. Thousands died along the way. Slavery had existed in the United States from the beginnings of the country, but when the Fugitive Slave Law was passed by the United States Congress in 1850, it had dramatic and visible effects not only in Georgia or Mississippi but in Massachusetts and New York. For the law required all citizens of the country to assist in returning fugitive slaves to their owners. An immoral law, he holds, is void. Thoreau was arrested in 1849 for nonpayment of his poll tax, and he took the opportunity presented by his night in jail to meditate on the authority of the state. The citizen has no duty to resign his conscience to the state, and may even have a duty to oppose immoral legislation such as that which supports slavery and the Mexican War.

Chapter 3 : RACE - The Power of an Illusion . Background Readings | PBS

An analysis of American writing from its beginnings to the Civil War. The author discusses democracy in American literature as a working principle and studies the work of Franklin, Brockden Brown.

Terminology[edit] The exact term "American exceptionalism" was occasionally used in the 19th century. American Communists started using the English term "American exceptionalism" in factional fights. It then moved into general use among intellectuals. He suggests these historians reason as follows: America marches to a different drummer. Its uniqueness is explained by any or all of a variety of reasons: Explanations of the growth of government in Europe are not expected to fit American experience, and vice versa. Roberts and DiCuirci ask: Bernard Bailyn , a leading colonial specialist at Harvard, is a believer in the distinctiveness of American civilization. Although he rarely, if ever, uses the phrase "American exceptionalism," he insists upon the "distinctive characteristics of British North American life. Some claim the phrase "American exceptionalism" originated with the American Communist Party in an English translation of a condemnation made in by Soviet leader Joseph Stalin criticizing Communist supporters of Jay Lovestone for the heretical belief the US was independent of the Marxist laws of history "thanks to its natural resources, industrial capacity, and absence of rigid class distinctions". Their strictly Puritanical origin, their exclusively commercial habits, even the country they inhabit, which seems to divert their minds from the pursuit of science, literature, and the arts, the proximity of Europe, which allows them to neglect these pursuits without relapsing into barbarism, a thousand special causes, of which I have only been able to point out the most important, have singularly concurred to fix the mind of the American upon purely practical objects. His passions, his wants, his education, and everything about him seem to unite in drawing the native of the United States earthward; his religion alone bids him turn, from time to time, a transient and distracted glance to heaven. Let us cease, then, to view all democratic nations under the example of the American people. Chesterton , and Hilaire Belloc ; they did so in complimentary terms. From the s to the late 19th century, the McGuffey Readers sold million copies and were studied by most American students. Furthermore, McGuffey saw America as having a future mission to bring liberty and democracy to the world. Henry Nash Smith stressed the theme of "virgin land" in the American frontier that promised an escape from the decay that befell earlier republics. Why the World Needs a Powerful America Absence of feudalism[edit] Many scholars use a model of American exceptionalism developed by Harvard political scientist Louis Hartz. The national government that emerged was far less centralized or nationalized than its European counterparts. They believed God had made a covenant with their people and had chosen them to provide a model for the other nations of the Earth. One Puritan leader, John Winthrop , metaphorically expressed this idea as a " City upon a Hill "â€”that the Puritan community of New England should serve as a model community for the rest of the world. Eric Luis Uhlmann of Northwestern University argues that Puritan values were taken up by all remaining Americans as time went by. Schultz underlines how they helped America to keep to its Protestant Promise, especially Catholics and Jews. Historian Gordon Wood has argued, "Our beliefs in liberty, equality, constitutionalism, and the well-being of ordinary people came out of the Revolutionary era. So too did our idea that we Americans are a special people with a special destiny to lead the world toward liberty and democracy. These sentiments laid the intellectual foundations for the Revolutionary concept of American exceptionalism and were closely tied to republicanism , the belief that sovereignty belonged to the people, not to a hereditary ruling class. Republicanism led by Thomas Jefferson and James Madison created modern constitutional republicanism , with a limit on ecclesiastical powers. Historian Thomas Kidd argues, "With the onset of the revolutionary crisis, a significant conceptual shift convinced Americans across the theological spectrum that God was raising up America for some particular purpose. Jefferson sought a radical break from the traditional European emphasis on "reason of state" which could justify any action and the usual priority of foreign policy and the needs of the ruling family over the needs of the people. He identified his nation as a beacon to the world, for, he said on departing the presidency in , America was: Young argues that after the end of the Cold War in , neoconservative intellectuals and policymakers embraced the idea of an "American empire," a national

mission to establish freedom and democracy in other nations, particularly poor ones. She argues that after the September 11th, terrorist attacks, the George W. Bush administration reoriented foreign policy to an insistence on maintaining the supreme military and economic power of America, an attitude that harmonized with this new vision of American empire. Young says the Iraq War "exemplified American exceptionalism. We have been essential to the preservation and progress of freedom, and those who lead us in the years ahead must remind us, as Roosevelt, Kennedy, and Reagan did, of the unique role we play. Neither they nor we should ever forget that we are, in fact, exceptional. In the formulation of President Abraham Lincoln in his Gettysburg Address, America is a nation "conceived in liberty, and dedicated to the proposition that all men are created equal". Harry Williams argues that Lincoln believed: In the United States man would create a society that would be the best and the happiest in the world. The United States was the supreme demonstration of democracy. However, the Union did not exist just to make men free in America. It had an even greater mission "to make them free everywhere. By the mere force of its example, America would bring democracy to an undemocratic world. A consequence of this political system is that laws can vary widely across the country. Critics of American exceptionalism maintain that this system merely replaces the power of the national majority over states with power by the states over local entities. On balance, the American political system arguably allows for more local dominance but prevents more domestic dominance than does a more unitary system. No European nation recognizes the principle. To this day, the United States remains the only superpower capable, and at times willing, to commit real resources and make real sacrifices to build, sustain, and drive an international system committed to international law, democracy, and the promotion of human rights. Experience teaches that when the United States leads on human rights, from Nuremberg to Kosovo, other countries follow. They argue the American frontier allowed individualism to flourish as pioneers adopted democracy and equality and shed centuries-old European institutions such as royalty, standing armies, established churches and a landed aristocracy that owned most of the land. Other nations had frontiers, but it did not shape them nearly as much as the American frontier did, usually because it was under the control of a strong national government. South Africa, Russia, Brazil, Argentina, Canada and Australia had long frontiers, but they did not have "free land" and local control. Their edge did not shape their national psyches. In Australia, "mateship" and working together was valued more than individualism was in the United States. Economic mobility and Social mobility For most of its history, especially from the mid to early 20th centuries, the United States has been known as the "land of opportunity", and in this sense, it prided and promoted itself on providing individuals with the opportunity to escape from the contexts of their class and family background. America was notably unusual due to an accepted wisdom that anyone "from poor immigrants upwards" who worked hard, could aspire to similar standing, regardless of circumstances of birth. This aspiration is commonly called living the American dream. Birth details were not taken as a social barrier to the upper echelons or high political status in American culture. This stood in contrast to other countries where many larger offices were socially determined, and usually hard to enter without being born into the suitable social group. American men born into the lowest income quintile are much more likely to stay there compared to similar people in the Nordic countries or the United Kingdom. Gregory Mankiw, however, state that the discrepancy has little to do with class rigidity; rather, it is a reflection of income disparity: Kammen reports that historians Lawrence Veysey, C. Huntington, Mona Harrington, John P. By the s, labor historians were emphasizing that the failure of a work party to emerge in the United States did not mean that America was exceptionally favorable grounds for workers. By the late s, other academic critics started mocking the extreme chauvinism displayed by the modern usage of exceptionalism. Finally mids, colonial historians downplayed the uniqueness of the American experience in the context of British history. In American Exceptionalism and Human Rights, Canadian commentator Michael Ignatieff couches his discussion of the topic in entirely pejorative terms. He identifies three main sub-types: Bush administration "exceptionalism", the term was somewhat abstracted from its historical context. This new use of the term has served to confuse the topic and muddy the waters since its unilateralist emphasis, and actual orientation diverges somewhat from prior uses of the phrase. A certain number of those who subscribe to "old-style" or "traditional American exceptionalism"-the idea that America is a more nearly exceptional nation than are others, that it

differs qualitatively from the rest of the world and has a unique role to play in world history” also agree that the United States is and ought to be entirely subject to and bound by the public international law. Indeed, recent research shows that “there is some indication for American exceptionalism among the [U. They considered themselves the chosen race, the superior race, etc. Such words and ideas pose extreme danger. Pease mocks American exceptionalism as a “state fantasy” and a “myth” in his book *The New American Exceptionalism*. His position called “Christian realism” advocated a liberal notion of responsibility that justified interference in other nations. Reichard and Ted Dickson argue “how the development of the United States has always depended on its transactions with other nations for commodities, cultural values and populations”. However, most of us imagined that our downfall, when it came, would be something grand and tragic. In , Flora Lewis said that “Talk of U. Baldwin claimed that the black underclass accounts for many of those few areas where a stark difference exists between the U. In most cases in which this subject has been broached the similarities between the conflicting parties outweigh the differences. However, he adds, America is made exceptional by the intensity with which these characteristics are concentrated there. He grew up more as a globalist than an American. To deny American exceptionalism is in essence to deny the heart and soul of this nation. That is what makes America different. That is what makes us exceptional. You are not going to like that term,” Trump said.

Chapter 4 : Bharati Mukherjee "Two Ways to Belong in America" | Literacy, Learning, and Life

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Both sisters moved to United States in hope to pursue their dreams and to achieve they goals with college and further education. Both having similarities in appearance and religious values. Both Bharati and her sister Mira had planned to move back to their homeland India after their education, to marry the men that their father had chosen for them. As story progresses their plans fell trough when each sister had married man that they met in college. Mira married an Indian student and Bharati married Canadian man. One wants to continue the Indian heritage and the other wants to create a new life style. She received her green card and expects to receive the benefits of a citizen while working and living in the United States. Mukherjee seems to be primarily addressing a general American audience by offering a view of a two immigrants herself and her sister with radically different relationships to their adopted country. Moving to United States is huge achievement to an immigrant. Moving to US is one step to getting closer towards your goals. I had close experience when I was moving in I was only 19 years old moving from my home country to United States. I remember like now how was walking thru streets of Baku City. Subconsciously not fully understanding gravity of events, when you fill like you having bad dream. Tomorrow when you wake up from that dream everything will be back on own place like it suppose to be. I was mad on myself for not being prepared to the life away from my family without support of close friends. My next six months of my life was worst I was depressed, sad, and stressed out. Neither of feelings was common for me before in my life. And on 5th or 6th month I remember speaking with my dad and he asked me to be patient, be strong, and grow up. Everything depends only on me. Finding new friends, looking for work. Slowly striving to achieve goals I have set. In United States I came up to understanding of true values in my Life. Now I can just drive with my shorts to the grocery store. When back home everyone was showing to they neighbors of wearing nice and expensive clothes they have just for then minutes while they going to the grocery store behind the corner. Like models on runway. Simple example buying top brand cars on last family money, or in credit and not having enough money to put gas in the car so it will be standing for months until police with bank are repossessing the car for not making payments. I was showing only examples of people values in they life and how much they care for what people around them will think or say. I was mad on my parents for my inexperience first couple years. Finally realized they were trying to give me everything what was in they power. That was simple way of my parents showing love, and how much they care for me. I think for a Parent main goal for my future kids prepare them when they grow up to be though and have some knowledge what to expect from life on your own and be ready for those barriers. I am happy and thankful to my Parents and United States for opportunity to start new life, for chance they provided to me. While striving to achieve my goals in the future I always will be learning something new, and to be open minded.

Chapter 5 : Langston Hughes - Poet | Academy of American Poets

Request PDF on ResearchGate | The Idea of Authorship in America: Democratic Poetics from Franklin to Melville. | An analysis of American writing from its beginnings to the Civil War. The author.

Idea-expression dichotomy[edit] Copyright law protects the "expression" of an idea, but copyright does not protect the "idea" itself. This distinction is called the idea-expression dichotomy. From the Copyright Act of 17 U. In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work. For example, a paper describing a political theory is copyrightable. But the theory itself is just an idea, and is not copyrightable. Reasonable people can disagree about where the unprotectable "idea" ends and the protectable "expression" begins. However, compilations of facts are treated differently, and may be copyrightable material. Copyright protection in compilations is limited to the selection and arrangement of facts, not to the facts themselves. Rural Telephone Service Co. The Feist case denied copyright protection to a "white pages" phone book a compilation of telephone numbers, listed alphabetically. In making this ruling, the Supreme Court rejected the "sweat of the brow" doctrine. That is, copyright protection requires creativity, and no amount of hard work "sweat of the brow" can transform a non-creative list like an alphabetical listing of phone numbers into copyrightable subject matter. A mechanical, non-selective collection of facts e. Copyright does not protect useful articles, or objects with some useful functionality. The Copyright Act states: Under these circumstances, Copyright Law only protects the artistic expression of such a work, and only to the extent that the artistic expression can be separated from its utilitarian function. Supreme Court granted certiorari in the case *Star Athletica, L.* First, one can identify the decorations as features having pictorial, graphic, or sculptural qualities. And imaginatively removing the surface decorations from the uniforms and applying them in another medium would not replicate the uniform itself. Indeed, respondents have applied the designs in this case to other media of expression—different types of clothing—without replicating the uniform. The decorations are therefore separable from the uniforms and eligible for copyright protection. Copyright status of work by the U. This restriction on copyright applies to publications produced by the United States Government, and its agents or employees within the scope of their employment. The specific language is as follows: Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise. A "work of the United States Government" is defined in 17 U. Note that government contractors are generally not considered employees, and their works may be subject to copyright. Likewise, the US government can purchase and hold the copyright to works created by third parties. The government may restrict access to works it has produced through other mechanisms. For instance, confidential or secret materials are not protected by copyright, but are restricted by other applicable laws. However, even in case of non-secret materials there are specific prohibitions against automatic access to work otherwise covered under 17 U. Edict of government Federal statutes are in the public domain and no copyright attaches to them. The same is true of court decisions. It is not difficult to see the motivations behind this: The citizens are the authors of the law, and therefore its owners, regardless of who actually drafts the provisions, because the law derives its authority from the consent of the public, expressed through the democratic process. Copyright Office will not register a government edict that has been issued by any state, local, or territorial government, including legislative enactments, judicial decisions, administrative rulings, public ordinances, or similar types of official legal materials. Likewise, the Office will not register a government edict issued by any foreign government or any translation prepared by a government employee acting within the course of his or her official duties. Org , in Federal court in Atlanta for copyright infringement. Malamud had posted the Official Code of Georgia Annotated on his website. To reproduce the work in copies or phonorecords; To prepare derivative works based upon the work; To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending; To publicly perform the work, in the case

of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works; To publicly display the work, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work. To digitally transmit sound recordings by means of digital audio transmission. If a work is made "for hire" within the meaning of the Copyright Act, then the employer or commissioning party, is deemed to be the author and will own the copyright as though it were the true author. Work prepared by an employee within the scope of their employment. In *Community for Creative Non-Violence v. Works* created by independent contractors rather than employees can be deemed works for hire only if two conditions are satisfied. First, the work must fit into one of these categories: Second, the parties must expressly agree in a written, signed instrument that the work will be considered a work made for hire. The author generally is the person who conceives of the copyrightable expression and "fixes" it in a "tangible medium of expression. The US copyright law recognises joint authorship in Section A joint work is "a work prepared by two or more authors with the intention that their contributions be merged into inseparable or independent parts of a unitary whole. A collective work is a collection of independent, separately copyrightable works of authorship, such as a newspaper, magazine, or encyclopedia. Assignment Exclusive license Non-exclusive license The first two, assignment and exclusive licenses, require the transfer to be in writing. Nonexclusive licenses need not be in writing and they may be implied by the circumstances. Transfers of copyright always involve one or more of the exclusive rights of copyright. For instance, a license may provide a right to perform a work, but not to reproduce it or to prepare a derivative work adaptation right. This right to terminate the transfer is absolute and cannot be waived. Registration is not necessary. Registration is required before a lawsuit can be filed, and registration creates the possibility for enhanced "statutory" damages. The Copyright Office reviews applications for obvious errors or lack of copyrightable subject matter, and then issues a certificate of registration. The Copyright Office does not compare the authors new work against a collection of existing works or otherwise check for infringement. Deposit requirement[edit] The United States Copyright Office requires a deposit copy of the work for which copyright registration is sought. This deposit requirement serves two purposes. First, if a copyright infringement lawsuit arises, the owner may prove that the material that is infringed is exactly the same material for which the owner has secured a registration. Second, this requirement helps the Library of Congress build its collection of works. Failure to comply with the deposit requirement, as modified by Copyright Office regulations, is punishable by fine, but does not result in forfeiture of copyright. Copyright notice The use of copyright notices is optional. The Berne Convention , amending US copyright law in , makes copyright automatic. If the work was a "work for hire", then copyright persists for years after creation or 95 years after publication, whichever is shorter. For works created before , the copyright duration rules are complicated. However, works created before have made their way into the public domain. Works created before [edit] For works published or registered before , the maximum copyright duration is 95 years from the date of publication, if copyright was renewed during the 28th year following publication. Prior to , works had to be published or registered to receive copyright protection. Upon the effective date of the Copyright Act which was January 1, this requirement was removed and these unpublished, unregistered works received protection. However, Congress intended to provide an incentive for these authors to publish their unpublished works. To provide that incentive, these works, if published before , would not have their protection expire before The need for renewal was eliminated by the Copyright Renewal Act of , but works that had already entered the public domain by non-renewal did not regain copyright protection. Therefore, works published before that were not renewed are in the public domain. Before , sound recordings were not subject to federal copyright, but copying was nonetheless regulated under various state torts and statutes, some of which had no duration limit. The Sound Recording Amendment of extended federal copyright to recordings fixed on or after February 15, , and declared that recordings fixed before that date would remain subject to state or common law copyright. Subsequent amendments had extended this latter provision until Although these could have entered the public domain as a result of government authorship or formal grant by the owner, the practical effect has been to render public domain audio virtually nonexistent. Under the Act, the first sound recordings to enter the public domain will

be those fixed before , which will enter the public domain on January 1, Recordings fixed between and February 14, will be phased into the public domain in the following decades. Some of the most important include: Copyright applies only to certain copyrightable subject matter, codified within 17 U. Works that are not "original works of authorship fixed in any tangible medium of expression" are not subject to copyright. Facts may not be copyrighted. Useful articles includes typeface designs Eltra Corp. Ringer , fashion designs, blank forms, titles, names, short phrases, slogans, lists of ingredients and contents, domain names and band names. The owner of a particular copy is entitled to "sell or otherwise dispose of the possession of that copy" and to "display the copy publicly Provisions for the Blind and Disabled. The Copyright Act, in 17 USC and 17 USC 8 , includes specific statutory exceptions for reproduction of material for the blind or other persons with disabilities. Section the "Chafee Amendment" permits the reproduction of copyright works in Braille , audio, electronic, Web-Braille , or other necessary formats. Fair use Fair use is the use of limited amounts of copyrighted material in such a way as to not be an infringement. It is codified at 17 U. There are no bright-line rules regarding fair use and each determination is made on an individualized case-by-case basis. Nonprofit educational and noncommercial uses are more likely to be fair use. This does not mean that all nonprofit education and noncommercial uses are fair use or that all commercial uses are not fair.

Chapter 6 : Transcendentalism (Stanford Encyclopedia of Philosophy)

, *The idea of authorship in America: democratic poetics from Franklin to Melville* / Kenneth Dauber University of Wisconsin Press Madison, Wis Wikipedia Citation Please see Wikipedia's template documentation for further citation fields that may be required.

She is author of *Race in North America: Origins of a Worldview*. Race is an ideology that says that all human populations are divided into exclusive and distinct groups; that all human populations are ranked, they are not equal. Inequality is absolutely essential to the idea of race. The other part is that the behavior of people is very much part of their biology. And then the idea that all of this is inherited. And it stays with us right into the 21st century. Not only are all of these features inherited, but they are not transcendable. Racial populations, individual races, and individual people cannot change their race. Once you are identified as a socially low-status race, you remain so forever. It has nothing to do with the biological variation itself. You can have many societies with great diversity in physical features without the idea of race. Race represents attitudes and beliefs about human differences, not the differences themselves. How did life in early colonial Virginia set the conditions for race? But the earliest colonists came and took over whatever land they could get from the Indians. And by the s or so, it was very clear they needed laborers to work that land. Most of the indentured servants were Europeans, often Irish, Scots, English. But the very first slaves that the English made in the Caribbean were Irish. And there were more Irish slaves in the middle of the 17th century than any others. But there was really no such thing as race then. The idea of race had not been invented. Although "race" was used as a categorizing term in the English language, like "type" or "sort" or "kind," it did not refer to human beings as groups. They worked together, they played together, they drank together, they slept together, they lived together. The first mulatto child was born in [one year after the arrival of the first Africans]. They saw themselves as having in common how they were related to the planters, the big owners. Servants were subjected to all sorts of cruel forms of punishment. They ran away together when they were unhappy about their situation. Some Africans who got their freedom were able to buy land. They were able to establish themselves in a homestead, engage in trade and other activities with white farmers. They lent money to their white neighbors, for example, and they were involved in court cases. And this is where you see the equality clearly. Once a person has land, then you have status. The first indentured servants who came into the Americas, half of them died. It was a devastating situation for a lot of people. The poor remained poor, essentially. By the time you get into the s people are showing a great deal of dissatisfaction with their circumstances. It was not until late in the 17th century that you see the colonial leaders start separating out the Africans from the other servants. Mind you, the masses of people in those colonies were all poor. In fact, this may be at the base of some of the changes that took place in the late 17th century. The colony leaders, the big planters who owned most of the land, were often afraid that the poor would get together - poor blacks and whites and mulattos by this time. And there were several rebellions before Bacon. Why were Africans the slaves of choice? By , you see the beginning of the changes. What had happened - and this is a complicated story - was that colonial leaders had to deal with Bacon and that rebellion. The British sent a fleet of three ships and by the time they got to Virginia, there were 8, poor men rebelling who had burned down Jamestown - blacks, whites, mulattos. And it was quite clear that this kind of unity and solidarity among the poor was dangerous. After that, they began to pass laws, very gradually. They passed laws that gave Europeans privileges while they increasingly enslaved Africans. They passed a number of laws that prevented blacks, Indians, and mulattos from owning firearms, for example. Everybody in Virginia still has firearms! Then there was another change: There was a decline in the number of European servants coming to the New World. At the same time, there was an increase in the ships bringing Africans to the New World. By the s or so, the English themselves had outfitted their ships to bring Africans back from the continent, and this is the first time that they had had direct connections. But the Africans also had something else. They had skills which neither the Indians nor the Irish had. The Africans brought here were farmers. They knew how to farm semi-tropical crops. They knew how to build houses. They were brick makers, for example. They were carpenters and

calabash carvers and rope makers and leather workers. They were metal workers. They were people who knew how to smelt ore and get iron out of it. But the colony leaders certainly recognized that. And they certainly gave high value to those slaves who had those skills. After things begin to change. All of the Europeans become identified as "white. They are not only heathens, but they are people who are perceived as vulnerable to being enslaved. Africans were vulnerable because it became part of the consciousness that they had no rights as Englishmen. Even the poorest Englishman knew that he had some rights. But once a planter owns a few Africans, the idea that the Africans had no rights that they had to recognize became very clear. The laws that were passed after that all tended to diminish the rights of African people. But between and , even those Africans who had been free and who had been there for many generations, had their rights taken away from them. Once you magnify the difference between the slaves and the free, then it was possible to create a society in which the slaves were little better than animals. They were thought of as animals. And the more you think of slaves as animals, the more you justify keeping them as slaves. After a while, slavery became identified with Africans. Blackness and slavery went together in the popular mind. And this is why we can say that race is a product of the popular mind, because it was this consciousness that blackness and slavery were bound together, that gave people the idea that Africans were a different kind of people. Send us some Africans, because the Africans are civilized and the Irish are not. They become increasingly homogenized into a category called "savages. How do the revolutionary ideas of liberty and the rights of man also harden ideas of race? One of the things we have to recognize is that slavery existed virtually everywhere. It existed throughout the Mediterranean, for example. Slavery was thousands of years old by the time the colonists in America established slavery. There was no need to justify slavery because the Spanish had slaves; the Portuguese had slaves. In other words, slavery was part of the normal state of affairs of the colonizing nations. It was part of their world. But this was a time when the English themselves were expanding their own sense of freedom. Their ideas about liberty and equality and justice were part of the Enlightenment period that the English went through. And even the poorest Englishman knew he had rights, which is part of that Enlightenment philosophy. So the problem then became how to justify slavery, especially as the anti-slavery movement got started. At first it was heathenism. You could say, "Well, yeah. We could keep these people enslaved because they were heathens. So what do you do with slaves who are now Christians and presumably have souls? During the Revolutionary period you get the birth of these new ideas of equality, fraternity and the American Revolution and the French Revolution. And opposition to slavery grows. In the light of this opposition to slavery, the pro-slavery people, especially those big planters who owned hundreds of slaves, they really had to find a way of justifying and rationalizing what slavery was all about, to those people who mattered to them.

Chapter 7 : Richard Graham (Author of The Idea of Race in Latin America)

The idea of authorship in America: democratic poetics from Franklin to Melville / Author: Kenneth Dauber. Publication info: Madison, Wis.: University of Wisconsin Press, c

How is he different from a European? How does this difference make him a "new man" on the face of the earth? What does his unique identity offer the world? Here we consider two dominant works of the revolutionary era that addressed these questions—one by the French-born farmer, writing before and during the Revolution, and the other by a native-born New Englander writing after the Revolution. Each man strove to capture the essence of "the American, this new man. John , "What Is an American? The landscape images above depict the New York Catskill Mountains in "the embodiment of American expanse and opportunity, far from the class-locked societies of Europe. He married, raised a family, and lived the life of an "American farmer" until the upheaval of the American Revolution drove him first to join Loyalist refugees in New York City and then, after being imprisoned as a suspected spy by the British, back to his homeland in France. There he amassed his writings on American culture and agriculture into a series of "letters" to a fictional English recipient, publishing them in London in The most famous of these letters is the third "What Is an American? While the letter is romantic and often utopian, it reflects the real experiences of a European-born American who long pursued the question "what is an American? What do they offer Europe and the world? Royall Tyler, *The Contrast*, comedy of manners , The first full-length play by an American and the first to be performed by a professional theater, *The Contrast* premiered in New York City in April to enthusiastic acclaim. It "must give sincere satisfaction to every lover of his country," wrote one critic, "to find that this, the most difficult of all the works of human genius [i. A multitude of related contrasts are dramatized including, as listed by cultural historian Kenneth Silverman, "revolutionary stoicism and high-mindedness against the new spirit of display and fun, republicanism against aristocracy, country against city, soldier against beau, Boston against New York, marriage against seduction, homespun against lace, the language of the heart against Frenchified elevation, American simplicity and sincerity against European affectation and preoccupation with fashion. The venerable American who wins the girl in the end is Col. When he comes to New York City to appeal to the Continental Congress for pensions for his wounded fellow veterans, he visits his young sister Charlotte and is engulfed in New York wannabe society. A horrified Charlotte insists that she cannot introduce him to society wearing his regimental coat, and a servant dismisses him as an "unpolished animal. His monologue against luxury that opens Act III, Scene II, mirrors the alarm raised by many Americans in the s that consumer excess would sap the energy of the young nation and threaten its very survival see Noah Webster and David Ramsay in this Theme. He ardently defends American patriotism, civic commitment, and simple virtue from the disparaging barbs of the villain Billy Dimple. In the end, Dimple is exposed as a deceitful fraud, Charlotte disavows her frivolous aspirations, and Col. Manly affirms to the audience that the "probity, virtue [and] honor" of the "unpolished" American will triumph. We recommend that you read the Act-Scene summaries and study the character chart before beginning the play. Do note the poem prologue, worth a study in itself. How did these factors influence their perspectives? What most concerned each author about the emerging "American man"? What aspects of the American character would prevent these dangers from weakening the young nation? How would this change the tone and impact of their ideas? Determine the date, setting, and topic of the dialogue. Conclude the dialogue in a way to provoke discussion, e. The British Atlantic Colonies, Compare these two works with the "information" essays by Benjamin Franklin and Benjamin Rush to Europeans considering emigrating to America. How do the four works reflect the American-vs. What patterns do you find? What issues were stressed as the most urgent? Framing Questions How did Americans envision independence and nationhood in the first years after the Revolutionary War? How did they begin to construct a national identity separate from their colonial identity as British subjects? In what ways was the new nation like "a child just learning to walk"? What postwar challenges most reflected this "state of infancy"?

Chapter 8 : Copyright in General (FAQ) | U.S. Copyright Office

Authorship analysis on computer software is a difficult problem. In this paper we explore the classification of programmer's style, and try to find a set of characteristics that remain constant for a significant portion of the programs that this programmer might produce.

Chapter 9 : About the Authors | The Idea of America

*He is the author of *Public Schooling in America* and *What Citizens Need to Know about Economics* and the coauthor of *Social Foundations of Education*. William E. White is the Royce R. & Kathryn M. Baker Vice President of Productions, Publications, and Learning Ventures at the Colonial Williamsburg Foundation.*