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Intellectual Property and the Judicialisation of Cultural Production An Anthropological Perspective

Ute Rösenthaller

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Abstract

From the 1980s, with the introduction of digital technology for creating and reproducing cultural productions, international intellectual property law became of increasing importance in the countries of the Global South. Both developments transformed people's ideas about immaterial cultural goods. The law served to amplify incentives for competition in cultural production, enabling new social actors to become creators of artwork through its concept of exclusive ownership of an individual's artistic work. At the same time the law disadvantaged established owners and ignored collaborative understandings – in these societies and elsewhere – of immaterial cultural goods. Few anthropologists had researched the legal aspects of immaterial cultural goods in these countries until the 1980s. This article highlights the contribution from anthropology to an appreciation of the processes triggered in African countries by the introduction of intellectual property law. It discusses aspects of scholarly debate on intellectual property, examines local approaches employed in protecting cultural production and considers ownership of immaterial cultural goods in the context of competing interests in a local arena. It also investigates whether international intellectual property law is the only reasonable way of protecting immaterial cultural goods.

Keywords: intellectual property, digital technology, immaterial goods, cultural production, Global South

Differenti forme di Stato e correlative diversificate modalità di governo dei fenomeni economici

Michele Gaslini

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Different forms of State and correlative different ways of governing economic phenomena

Abstract

Even if tendentially, the *forms of State*, by articulating the quality of the rights concretely recognized to citizens, appear to be valid also in the discernment of the economic system pertaining to a specific country. In this sense, with particular reference to the models of the *State of Law* and the *Welfare State*, as well as those of the *market economy* and the *social economy*, it is possible to deduce the distinctly untechnical juridical nature of the formulas *Welfare State of Law* and *social market economy*, notwithstanding the occurrence of these terms in the context of constitutional documents and Treaties.

Keywords: economic system, *State of Law*, *Welfare State*, *Welfare State of Law*, *social market economy*

Ripensare gli schemi di certificazione etici attraverso concezioni indigene di eticità

Linda Armano - Maria Giovanna Bosco

p. 93

Rethinking ethical certification systems through indigenous concepts of ethicality

Abstract

Canadian diamonds are distinguished in the international market by an ethical certification connected to the protection of human rights and the environment. However, the idea that underpins the concept of ethics remains anchored in Western and anthropocentric views. Drawing upon the literature focused on the relationships between colonisation models embedded in global markets based on ethical certifications, this article reflects on the inherent shortcomings of the concept of ethics related to Canadian diamond certification from an Indigenous perspective. This research introduces a methodology based on the study of argumentation to develop an anthropological approach that is also useful in economic studies to re-think the processes of constructing certification schemes by integrating Indigenous concepts of ethics.

Keywords: Canadian Ethical Diamonds; Indigenous Perspective of Ethical Certification; Indigenous Sub-discourses; Dialectical Argumentative Discussion; Certification Schemes

Mito e cinema tra Mali e Burkina Faso

Vito Antonio Aresta

p. 117

Myth and cinema in Mali and Burkina Faso

Abstract

Western sub-Saharan African film production frequently draws on mythology and offers new hermeneutic keys to ancestral tales, and reflections inherent in the dynamics of contemporary African societies.

In the present article, I aim to investigate the myth of Sundiata and its cinematic representation. The story of Sundiata Keita, an ethnic *Mandinga*, founder of the Mali Empire (12th - 16th centuries A.D.), is at the origin of both the myth of the same name handed down by generations of griots over the centuries and transcribed by Guinean historian Djibril Tamsir Niane (Niane T. D., 1999), and the film "*Keita, l'héritage du griot*", by Burkinabé director Dani Kouyaté.

Given the significance of the figure of the griot in both the Sundiata myth and its filmic representation, I briefly describe its main social functions and changes over the centuries, from the precolonial period to contemporary times.

Next, I report a summary of the myth of Sundiata, and an inherent reflection on the keys the myth suggests to the contemporary dynamics of West African societies, and the filmic representation of the myth masterfully crafted by director Dani Kouyaté.

Keywords: myth, cinema, Sundiata Keita, Empire of Mali, griot

Italian immigration to Australia

Valentina G. Scorsolini

p. 131

Abstract

The present article aims at retracing the steps of the Italian community in Australia, and particularly in the state of Victoria, in order to understand how its identity was shaped over time. While Italian arrivals started at the very beginning of Australia's colonisation, the community experienced a staggering growth after the Second World War. In spite of Italians being associated with culture and perceived as educated in the nineteenth century, Italian immigrants were often welcomed to Australia with mistrust and accused of not conforming enough to local customs in the post-world war period. Various episodes of racial hatred were registered, especially in the 1930s, as a pressure valve for the Australian community which was stressed by economic difficulties. At the time, racism towards southern Europeans was also demonstrated by the spread of the derogatory slang term *wog* to refer to immigrants from Italian and Greek backgrounds. The origin of the term is particularly interesting, as well as the three-phase process that shaped the identity of the Italian community in Australia.

Keywords: Italian community, racial hatred, immigrants, slang term, Australia

Genitorialità in carcere: i racconti dei padri detenuti per mafia nella Casa Circondariale Catania Bicocca

Giulia Bitto

p. 161

Parenthood in prison: the stories of fathers detained for mafia crimes in the Catania Bicocca Prison

Abstract

This study delves into the complex issue of parenting behind bars, focusing on the personal narratives of fathers incarcerated for mafia-related crimes in the Catania Bicocca Prison. These fathers participated in an autobiographical project I initiated as part of an ethnographic study on detention. The research begins by offering a comparative analysis of existing literature and projects on parenthood, with a special emphasis on fatherhood in prison settings across the Western world. It highlights the innovative approaches and dynamic research undertaken in Italy over the past decade, which has shown a keen interest in addressing the challenges faced by imprisoned parents. The paper then presents the autobiographical writings produced by the participants during the project. These narratives provide invaluable insights into the struggles and experiences of fatherhood within the confines of prison, shedding light on the emotional and psychological impacts of incarceration on parental roles. By weaving together comparative analysis and firsthand accounts, this study aims to contribute to a deeper understanding of the implications of imprisonment for parental identity and relationships, offering perspectives that challenge conventional views on detention and family dynamics.

Keywords: parenthood, prison, paternity, ethnography, autobiography