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Adinkra and Kente Cloth and Intellectual Property in Ghana***

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**Book Review: *The Copyright Thing Doesn't Work Here: Adinkra and Kente Cloth and Intellectual Property in Ghana***

By Boatema Boateng. University of Minnesota Press, 2011. 216 pp. ISBN: 9780816670031. \$24.17

Review by Matt Voigts

*The Copyright Thing Doesn't Work Here: Adinkra and Kente Cloth and Intellectual Property in Ghana*, by Boatema Boateng, is an excellent case study of the uneasy fit between the global intellectual property (IP) system and postcolonial contexts, as well as a great introduction to challenges in the field for readers seeking more just IP systems. IP makes creative work legible for certain kinds of ownership: it arbitrates who can copy what, and ideally gets somebody paid. But who?

The answer, in the case of adinkra and kente cloth, is often not the artisans but the nation-state that claims the work as collectively “Ghanian,” and factories in Asia that scale up production of the designs for their own, cheaper textiles. “IP” overrides the significance of the cloth to its producers and their understandings of copying, appropriate remuneration, and authorship.

Academically, my digital anthropology work has explored media consumption; professionally, I have worked on international IP policy and advocacy for libraries. As such, this review will focus on some aspects of the book particularly relevant to international policy. The book illuminates nuances often lost in international policy discussions at venues like the World Intellectual Property Organization (WIPO), where the concept of a “rightsholder” is often accepted uncritically and proposed solutions frequently emphasize expanding remuneration opportunities.

To unpack these complexities, the book looks at how adinkra and kente cloth are defined with respect to a) ideas of authorship and alienability, or how the cloth is created and sold; b) legal subjects created in this process; and c) appropriation practices and claims made over the cloth and designs themselves.

The introduction outlines key concepts as well as the local context in Ghana, and how IP law creates a framework for property rights over intangible goods to make them eligible for sale. The cloth producers consider themselves Asante (one of many ethnic groups who live in modern, post-colonial Ghana) and consider their work to be folklore—here understood as work that does not draw a clear distinction between the creative contributions of individual artisans and the tradition in which they work. This folkloric positioning fits poorly with conventional IP law, which emphasizes individuals’ creative contributions to making original work. In IP, the work must be “new” to be protected. In folklore, individual authors may or may not be known, and work may innovate or draw from established tradition; strictly defining those boundaries misses the point. Meanwhile, the Ghanian state maintains an interest in claiming the cloth as nationally “Ghanian” to monetize it at home and abroad.

“The power and legitimacy of the Ghanian state vary depending on whether it is making ownership claims over culture as a Third World nation in the international sphere or as a government in relation to its citizens,” writes Boateng, describing how the state can wield a “moral authority” over the cloth in international contexts that it does not have locally (p. 21).

Chapter One explores authorship and alienability: how do creators make, “own,” relinquish, or otherwise sell the cloth? Adinkra cloth is commercially produced locally in Asokwa and Ntonso, and kente in Bonwire and Adanwomase—communities that maintain historic creative rivalries.

The cloth developed from “Dutch imitations of Indonesian batik” brought to Africa in the late 1800s (Boateng, p. 27). To the creators, the cloth is rich in local meaning, and to a large extent is “authorized” by its grounding in local tradition. Creations draw from a “distinct commons” (p. 60)—a pool of designs and techniques available to artisans operating within the tradition but not necessarily available to outsiders. To the artisans, the completed textile is their key product. They are generally not concerned by others making use of their designs on mediums other than cloth. Thus, the artisans would not necessarily make claims of authorship over their designs surfacing on, for example, paper prints, even as designs are easier than cloth to claim IP rights over.

Chapter Two discusses the gendered aspects of the cloth production and sale process. Chapter Three discusses the development of IP law in Ghana, which was driven by Ghanaian musicians, particularly of the “highlife” style, the musician’s union Musicians Union of Ghana (MUSIGA), and the Copyright Society of Ghana (COSGA). Cloth producers generally viewed copyright as the musicians’ domain and consequently have not actively engaged with IP law historically.

Chapter Four discusses appropriation of the cloth for purposes of ethnic, diasporic, and national identity. As mentioned, the Ghanaian state makes nationalized claims to the cloth. However, adinkra and kente cloth and designs (produced in and outside of Ghana) are also frequently worn by the global African diaspora—many of whom are descendants of forced migrants sold in slavery. In the United States, for example, African-American graduates commonly use the cloth for graduation stoles. While the connotations of the cloth in this context are often generalized as pan-African, Boateng identifies the diasporic claim to the cloth as a moral one, and the claims of the artisans and African-Americans as not being in conflict with such uses.

Chapter Five discusses global trade. International agreements such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) emphasized control of piracy over specific products, while opening indigenous and other local knowledge to nationalized and international claims. Asian textile factories—in global competition with the artisans—have scaled up production of less expensive cloth.

The conclusion expands on the themes discussed throughout the book. Boateng argues that IP law “leaves very little space for alternative modes of social, economic, political, and legal organization” (p. 166) within Ghana, while internationally the Ghanaian state “converts indigenous cultural production into national culture . . . and, in effect, control[s] of any revenue from royalty payments” (p. 170).

What can librarians take away from the IP examples of appropriation of cloth in Ghana? The book clearly outlines, for those of us who generally seek to preserve and enable access to “culture,” the importance of understanding and directly involving communities who have claims to works. Relevant to the policy sphere, it highlights the different claims that can be made over particular works—creative, moral, and economic—and identifies areas where we might show useful scepticism toward reducing all of these claims to a one-size-fits-all, economically focused idea of “intellectual property.” Who can credibly claim the right to produce, reproduce, sell, and “own” cloth looks very different if you are an artisan, the state (as opposed to the cloth producers), the state (as opposed to international companies), or a young African-American looking for a graduation stole.