Public Knowledge Celebrates Court Decision in “Happy Birthday” Case

Yesterday, the district court in *Marya v. Warner/Chappell Music, Inc.* invalidated one of the most famous, longest lasting, and controversial rights claims in music: Warner/Chappell’s ownership of the copyright in the universally known song *Happy Birthday to You*.

The following can be attributed to Raza Panjwani, Policy Counsel at Public Knowledge:

“The district court’s decision finding that Warner/Chappell Music never acquired the rights to the lyrics of *Happy Birthday to You* is a welcome victory for the public. Although this decision does not mean that *Happy Birthday* is unquestionably in the public domain, it dismantles Warner/Chappell’s unfounded claims of ownership.

“This decision also raises serious concerns as to how much of our culture remains under lock and key on the basis of flimsy or barely credible claims of ownership. Thanks to multiple extensions of copyright term length, copyrights have remained in effect while the records that can definitively answer questions of ownership or public domain status moulder away.

“The somehow ever-lasting term of the copyright in *Happy Birthday’s* lyrics has been the target of incredulous Supreme Court commentary, mocking disbelief on television sitcoms, and, of importance to this case, serious research into the provenance of the song.

“Unfortunately, few works have received the kind of in-depth study that *Happy Birthday* has, and the high cost of either litigating copyright ownership, or potentially violating copyright law, remain deterrents to eliminating other specious copyright claims.

“Nevertheless, yesterday’s decision is one worth celebrating.”

How the Trans-Pacific Partnership Jeopardizes Fair Use

Earlier this week, Public Knowledge and 15 other global civil society groups sent a letter to the officials of the various governments that will meet and finalize the Trans-Pacific Partnership (TPP) provisions next week, urging them to rewrite parts of the trade agreement’s current intellectual property chapter. This is Public Knowledge’s latest effort to warn governments and the public of the harmful aspects of the TPP, which has been secretly negotiated among government officials behind closed doors. Recently, we sent letters to the United States Trade Representative and even alerted the White House to the TPP’s potential chilling effects on the right to knowledge and fair use as well as copyright reform efforts of Congress and the Copyright Office.

We particularly urge the governments to adopt provisions in the TPP that encourage flexible exceptions and limitations (like fair use) to copyright. Only a flexible approach will give each country the opportunity to write domestic laws that best suit the needs of its citizens as consumers of intellectual property and as users of communication technologies.

Exceptions and limitations are focal points to protect the everyday use of communications products. Although rapid technological developments may require updating intellectual property protections in the U.S. and abroad, such protective schemes should not disrupt the delicate balance between the rights of creators and the rights of average consumers. This balance has been maintained by exceptions and limitations to intellectual property protection. Within these boundaries, the public has enjoyed countless beneficial uses of intellectual property without having to worry about legal liability.

As we stated in our United States Trade Representative letter:

| Limitations and exceptions to intellectual property rights are absolutely critical to a functioning marketplace. The digital revolution has ushered in an era of ubiquitous content. Even without actively seeking out knowledge properties, the average American is constantly being exposed to—and interacting with—copyrighted and patented goods. Overbroad intellectual property protections create a minefield of liability through which no consumer, no matter how savvy, can reasonably be expected to navigate. |

The current intellectual property chapter of the TPP is the epitome of such overbroad protections, laying out restrictive provisions that weaken U.S. exceptions and limitations. We are chiefly concerned with the following provisions:
1) The retroactive extension of copyright terms that robs culture of 20 years of public domain works.
2) A ban on circumvention of technological protection measures, which threaten people’s autonomy over legitimately purchased digital content and devices.
3) Heavy-handed criminal penalties and civil damages in cases where the parties were not involved in large-scale or financially motivated infringement.
4) Overbroad trade secret rules that could criminalize the work of journalists or whistleblowers who report on corporate wrongdoing.

Because next week’s TPP negotiations may be the last opportunity to revise the these provisions, Public Knowledge joins global civil society organizations in urging government officials to revisit the TPP intellectual property chapter and employ strong safeguards to fair use of copyrighted works. We specifically remind the USTR representatives directly involved in the negotiations that, “in order to be adequate, flexible exceptions and limitations language must be mandatory, not merely encouraged, to better enable each TPP country to achieve balance in its copyright rules.”

Our letter to TPP officials can be viewed here.

Image credit: Flickr user MusesTouch

The 9 Weirdest Italian Horror Movies
by Cheryl Eddy

Italian horror is, by its very nature, weird as hell. Even the genre’s most acclaimed standouts (Lucio Fulci’s The Beyond, for instance) are disgustingly freakish nightmares. But there are certain titles lurch into realms so intensely bizarre, we can’t quite believe our eyes ... or stop showing them to our friends, and quoting their most memorable lines. And that’s why we love ‘em. Here are nine of our all-time favorites.

Read more...
We've known for a while that Sherlock's upcoming special would be set in Victorian London, but man, even we weren't expecting this much 19th Century love-in goodness. Carriages! Deerstalkers! John Watson's amazingly fantastic moustache! This is certainly a trailer that has all of those things.

Read more...
OCLC prints last library catalog cards

OCLC printed its last library catalog cards today, officially closing the book on what was once a familiar resource for generations of information seekers who now use computer catalogs and online search engines to access library collections around the world.

The Gay Of The Samurai

by Koichi

Remember the popular scene in *The Last Samurai* where Ken Watanabe and Tom Cruise make sweet, tender love? You don’t? Well, perhaps if the story had been more rooted in reality we could have seen that happen.

As it turns out, pre-modern Japan was exceptionally accepting, even encouraging, of male homosexuality and bisexuality. Much like that time we found out that *bushido is actually modern-day made-up bullshit*, this might surprise you. To be honest, it surprised me, too. I came upon this information while researching an article (still to come) about the current state of the LGBT community in Japan. I wanted to understand the overwhelming societal pressure placed upon people who are LGBT to, well, not be. My hypothesis was that I would find my answers in Japan’s ancient and medieval past, assuming that Japan would be like the West in this regard. I would point to the Japanese version of Judeo-Christian anti-homosexuality beliefs and call it a day. I thought it would be easy.

As is often the case, it turns out I was completely wrong. Japan’s pre-modern society was one that not only tolerated homosexuality and bisexuality, but celebrated and even idealized it. In fact, it appeared to be the rule, rather than the exception, for a majority of Japan’s pre-modern history. How in the world did Japan go from celebrating homosexual lifestyles to being in denial about LGBT issues even existing?

To understand that, we must traverse the annals of history. Let’s go back to the very beginning, right at the moment when Japan was created by the gods.

Sex, And The Creation Of Japan

Japan’s first main religion, Shintoism, is said to have been established as far back as 1,000 BC. Its first known texts, the *Kojiki* (Record of Ancient Matters) and the *Nihon Shoki* (The Chronicle of Japan), were completed in 712 AD and 720 AD, respectively. Both relate the creation myth of Japan. In addition to this, the *Nihon Shoki* records some of Japan’s early history.

Nothing in the *Kojiki* or *Nihon Shoki* mention anything about homosexuality, unless you count the fact that the first three generations of deities described in the *Nihon Shoki* are all male (one Tokugawa-era author joked that the conception and birthing of these generations must have been logistically difficult). But, maybe this is the point. There is no overt approval of homosexual behavior, but there is no condemnation, either.
Now, coming from a heteronormative society, you might expect that these teachings were accompanied by imagery that involved men putting their “excess” into to care less about whether or not you’re having the kind of relationships were procreation is even impossible.

It took only a century or two for Japanese Buddhism to start developing its own sexual identity. Take the Tachikawa-ryu branch of Shingon Buddhism—later known as the “the main sex cult of Japan”—as an example. Their

I'd like to think that the world might be a better place if everyone lived by this rule.

They told this to the Blessed One... [who declared] “Let no one, O Bhikkus, ordain two novices. He who does is guilty of a dukkata offense.”

At that time the venerable Upananda, of the Sakya tribe, had two novices, Kandaka and Makhaka; these committed sodomy with each other. The Bhikkus were annoyed...: “How can novices abandon themselves to such bad conduct?”

At this time Izanagi-no-Mikoto asked his spouse Izanami-no-Mikoto, saying: “How is your body formed?” She replied, saying: “My body, formed though it be formed, has one place which is formed insufficiently.” Then Izanagi-no-Mikoto said: “My body, formed though it be formed, has one place which is formed to excess. Therefore, I would like to take that place in my body which is formed to excess and insert it into that place in your body which is formed insufficiently, and thus give birth to the land. How would this be?” Izanami-no-Mikoto replied, saying: “That will be good.”

I'm not saying that one religion is better than the other, or that either is “right” or “wrong”. I'm simply trying to give you context for what's to come. Much like the ancient Judeo-Christian religions in the West, Shintoism provided the basis for the belief system in Japan, even as the religion evolved and was influenced by other groups and societies.

So, as you might have guessed, Shintoism was quite sex-positive in general. Only, there was the nagging concept of sexual “pollution” (not entirely analogous to the Christian idea of “sin”), which Pflugfelder, author of Cartographies of desire: male–male sexuality in Japanese discourse, describes below:

While male-female coitus was seen as inherently defiling, obliging those (and in particular males) who had engaged in it to undergo purification before entering in the presence of the gods, Shinto authorities did not so characterize male-male sexual practices, showing far less preoccupation with the theological implications of such behavior than their European counterparts. No explicit condemnation of male-male sexuality appears in the Shinto canon, which in fact remains silent on the topic altogether.

This difference in the perception of male-male sexuality versus male-female sexuality, in addition to Shintoism's general message that “all sexual love is unconditional good,” helps to set the tone (on this issue) for Japan's second main religion, Buddhism.

**The Introduction of Buddhism**

Buddhism was introduced to Japan in the 7th century, well over a thousand years after Shintoism had taken root. In theory, traditional Buddhism viewed sex very differently from Shintoism. Sex in Buddhism was linked to desire, something that practicing Buddhists were supposed to overcome. By doing this successfully, one could gain enlightenment and thus escape from the cycle of death and rebirth.

Buddhist monks and priests were also supposed to take vows of celibacy. This, of course, included both heterosexual and homosexual activity. That being said, there were definite ideas about which was worse. Heterosexual activity was actually the greater offense, as Buddhism considered women to be “evil and defiling” by nature. Homosexual activity amongst practicing Buddhists, on the other hand, was treated more like a “lapse in self control.”

For example:

*At the time the venerable Upananda, of the Sakya tribe, had two novices, Kandaka and Makhaka; these committed sodomy with each other. The Bhikkus were annoyed...: “How can novices abandon themselves to such bad conduct?”*

*They told this to the Blessed One... [who declared] “Let no one, O Bhikkus, ordain two novices. He who does is guilty of a dukkata offense.”*

Gary Leupp, in Male Colors, The Construction of Homosexuality in Tokugawa Japan, explains:

*Here their sexual involvement is seen as the result of their environment; perhaps they share a cell with the monk who ordained them. Although their behavior is plainly regarded as “bad conduct,” they are apparently not punished for it. Rather, the monk responsible for them is censured.*

Once again, let's compare this to Judeo-Christian beliefs, where the hierarchy of “bad sex things” is the opposite way around. Christian priests weren't supposed to partake in heterosexual activity, but male-male sex was a crime for which one could be severely punished. In Buddhism, male-male sex only resulted in a slap on the wrist. Kind of a “Hey, it happens to the best of us, don’t worry about it guys!” sort of thing. Leupp continues:

*Only the holiest and most disciplined of Buddhist priests were thought capable of overcoming sexual desire and faithfully observing the Buddha’s command to abjure all sexual activity. The rest of the clergy, it was widely assumed, would yield to temptation with male or female partners.*

Basically, the attitude was one of “If you can’t figure out the whole celibacy thing in this lifetime, well, there’s always the next one!” Ascension to nirvana is much less of a one-time shot than redemption into heaven, after all.

I should clarify that I'm speaking about Japanese Buddhism for the purposes of this article. Some Indian and Chinese Buddhist sects had radically different ideas about the nature of sex and homosexual relationships, but they were far enough away that they had little to little to no impact on thinking in Japan.

So were there any actual rules about sex in Japanese Buddhism? Well... kind of. The “five training principles” of Buddhism do include a section on sexual conduct, but the wording of that section is incredibly vague:

*I take the rule of training not to go the wrong way for sexual pleasure."

On the subject of this principle, Dharmachari Jñanavira, author of Homosexuality in the Japanese Buddhist Tradition, argues, “[n]ot like the Christian penitentials of the medieval period, Buddhist texts do not go into great detail explicating exactly what the ‘wrong’ and ‘right’ ways regarding sexual pleasure actually are. As with other actions, they are subject to the application of the golden mean: ‘[t]he deed which causes remorse afterward and results in weeping is ill-done. The deed which causes no remorse afterwards and results in joy and happiness is well done.’”

I’d like to think that the world might be a better place if everyone lived by this rule.

It took only a century or two for Japanese Buddhism to start developing its own sexual identity. Take the Tachikawa-ryu branch of Shingon Buddhism—later known as the “the main sex cult of Japan”—as an example. Their Tantra included the idea that “the loss of self in the sex act could lead to an awakening of the spirit.”

Essentially, sex could actually help move a person toward enlightenment. For Tachikawa-ryu Buddhists, sex not only became a religious symbol, it was also “viewed as good in itself apart from its role in procreation.” That’s a big deal—if your religion doesn’t really care about whether you’re making babies, then it’s going to care less about whether or not you’re having the kind of relationships were procreation is even impossible.

Now, coming from a heteronormative society, you might expect that these teachings were accompanied by imagery that involved men putting their “excess” into...
women's "insufficiency", but that was not the case. As Jñanavira puts it:

Although present, Tantric sexual imagery which involved the unification of male and female was of marginal influence in Japan. Far more pervasive in male Buddhist institutions was the influence of homoerotic and even homosexual imagery where beautiful acolytes were understood to embody the feminine principle. The degree to which Buddhism tolerated same-sex sexual activity even among its ordained practitioners is clear from the popular myth that the founder of the Shingon school, Kocho Daishi (Kukai), introduced homosexual acts upon his return from study in China in the early ninth century. This myth was so well known that even the Portuguese traveller, Gaspar Vileia had heard it. Writing in 1571, he complains of the addiction of the monks of Mt. Hiei to "sodomy", and attributes its introduction to Japan to Kuukai, the founder of Koyasan, the Shingon headquarters. Jesuit records of the Catholic mission to Japan are full of rants about the ubiquity of pederastic passion among the Buddhist clergy. What particularly riled the missionaries was the widespread acceptance these practices met with among the general populace.

As the last sentence indicates, the homosexual activities of Buddhist monks weren't a sex cult secret. In fact, they were very public, and the Japanese people of that time didn't care. It made visiting westerners pretty upset, though.

Father Francis Cabral noted in a letter written in 1596 that "abominations of the flesh" and "vicious habits" were "regarded in Japan as quite honorable; men of standing entrust their sons to the bonzes to be instructed in such things, and at the same time to serve their lust". Another Jesuit commented that "this evil" was "so public" that the people "are neither depressed nor horrified" suggesting that same-sex love among the clergy was not considered remarkable.

So how did this widespread acceptance of homosexuality—so much so that one could argue that, at that time, gay culture and Buddhism were deeply intertwined—come about? There are several possibilities, but I found the two below most plausible:

The Isolation Of Monasteries

Although Japan was small in comparison to its Buddhist neighbors, it had a lot of monasteries. Leupp says there may have been upward of 90,000 Buddhist establishments during the medieval period of 1185-1572. Most of these were small, but a handful contained a thousand or more monks and monks-in-training, all of them male. Mt. Hiei alone had a population of 3,000, and all of them were expected to stay on the mountain, isolated, for 12 years. That's a long time to be surrounded exclusively by men. This isolation likely encouraged the openness and growth of homosexual culture amongst Buddhist monks and priests.

They Were Looking Up To China

Remember Kuukai, the man blamed by all those western visitors for Japan's homosexuality "problem"? There may be some truth as to his involvement. The genius monk, credited for the creation of hiragana and katakana, spent some time in China in 806 AD. There, it is said that he learned about the idea of nanshoku (男色) or "male colors".

In the nanshoku tradition, an older Buddhist monk called the nenja would take on a prepubescent boy, called the chigo, as his acolyte. Both the nenja and the chigo were expected to take this relationship very seriously. Some nenja would have to draw up vows of commitment. When the chigo reached adulthood, the nanshoku relationship ended and the nenja would then be free to seek another chigo. Jñanavira goes into more detail:

"However, it must be remembered that the kind of homoerotic liaisons this text recommends take place in very specific circumstances between an adult man and an adolescent youth in the few years before he reaches manhood. Upon coming of age, any sexual element to the relationship is let go and the bond continues as a close spiritual friendship which is considered to continue beyond the confines of the present life. The metaphorical meaning of the relationship lies in both participants' awareness of the temporality of the affair. Since the youth's beauty lasts only a few years before fading for ever, it is considered vain to establish a relationship based only upon physical attraction. Yet, the role in which physical attraction plays in cementing the bond between the two friends is not denied; it is, in fact, considered a perfectly natural occurrence. Hence, Faure is right in pointing out that sexual relationships between monk and acolyte were not simply about 'sex' but constituted a 'discourse', as he comments: 'It is in Japanese Buddhism that male love became most visible and came to designate...an ideal of man (and not simply a type of act)'"

Japan followed China's lead in many ways, and it's likely they copied this, as well. There are certainly references to similar relationships being formed in Chinese monasteries, as well as amongst people of status—emperors included—who often kept young boys as servants and attendants. I find it hard to believe that such similar traditions developed on their own in such close geographical proximity, especially when you consider how much Japan borrowed from Chinese culture at the time.

Of course, we find the idea of these relationships upsetting now, but they were a reality of the time, so common in monasteries that no one gave them a second thought.

Now, while I will discuss nanshoku and homosexuality closely in the sections to come, I want to make it clear that homosexuality in adults was not caused by nanshoku—in fact, it seems that the acceptance of homosexuality in Japan was tied to the initial apathy of the general public toward the practice, and vice versa. As such, the phenomenon bears examination.

Nanshoku and Homosexuality Amongst The Samurai

By the twelfth century, samurai had become the ruling class of Japan. Their numbers swelled from an initial 6,000 samurai in 1,200 AD to hundreds of thousands just a few centuries later. They adopted the tradition of nanshoku readily, largely due to two factors:

Buddhist Education

The samurai were known to respect the values of Buddhism. Because of this, samurai-class sons would typically be sent to monasteries to receive their education. Once there, many would enter into nanshoku with older monks. In this way, the idea of a romantic relationship between a man and a boy came to be considered normal, even optimal, amongst several generations of samurai.

Male:Female Ratio

During the warring states period (pre-1600s), samurai would be out on the warpath for long periods of time, surrounded almost entirely by men. Even after peace came with the Edo Era (post-1603), samurai were required to leave their home villages and live in castle cities to govern and prevent rebellion. As you might expect with this type of setup, there were far more men in these cities than women. As Saikaku Ihara wrote: "[Edo] was a city of bachelors ... not unlike the monasteries of Mt. Koya." This is a euphemistic way of describing Edo as a city with a thriving gay culture.

Wakashudō: The "Way Of Adolescent Boys"

As the samurai expanded their influence, they brought nanshoku out of the monasteries and into city. In their version, called wakashudō, prepubescent boy would be apprenticed to an older man. He would learn martial arts, life skills, and, if the boy agreed, be the man's lover until he became an adult. This was formalized as a "brotherhood contract," according to Leupp. It was considered to be an exclusive relationship, though many a drama is known to have come about
through the cheating of one party on the other.

According to Gregory Pflugfelder, author of *Cartographies of desire: male–male sexuality in Japanese discourse*, ‘the idea was that this wakashūdō relationship should have a ‘mutually ennobling effect’ on the pair. They were expected to ‘assist each other in feudal duties in honor-driven obligations such as duels and vendettas. Although sex between the couple was expected to end when the boy came of age, the relationship would, ideally, develop into a lifelong bond of friendship. At the same time, sexual activity with women was not barred (for either party), and once the boy came of age, both were free to seek other wakashū lovers.’”

It seems that the wakashūdō relationship was “something both agreeable and disagreeable” because ‘to throw away ones life [for one’s male lover] is the ultimate aim of shūdō. Otherwise, it becomes something shameful. But then one has no life to give in service to one’s lord—so it is both agreeable and disagreeable.’”

Perhaps you can see from these excerpts how aspects of the “way of the samurai” were being worked into Buddhist tradition during this time. As to whether or not people actually believed in these ideals is up in the air, but there is no shortage of historical anecdotes that seem to suggest they did.

A Lot Of Writing

As wakashūdō became the commonplace, we begin to see many more references to it in literature. Of course, authors tended to focus on well-known shoguns or famous warlords—Leupp compiled a list of powerful Japanese people who were known to have “beloved retainers”:

- Shogun Minamoto Yoritomo
- Shogun Ashikaga Takauji
- Shogun Ashikaga Yoshimitsu
- Shogun Ashikaga Yoshimochi
- Shogun Ashikaga Yoshinori
- Shogun Ashikaga Yoshimasa
- Shogun Ashikaga Yoshiteru
- Shogun Tokugawa Ieyasu
- Shogun Tokugawa Tsunayoshi
- Shogun Tokugawa Ienobu
- Shogun Tokugawa Iesige
- Shogun Tokugawa Ieharu
- Shogun Tokugawa Lenari
- Hosokawa Takakuni
- Hosokawa Fujitaka
- Takeda Shingen
- Oda Nobunaga
- Toyotomi Hideyoshi
- Toyotomi Hidetsugu
- Uesugi Kenshin
- Maeda Toshiie
- Fukushima Masanori
- Ogasawara Hidemasa
- Miyamoto Musashi

(Yeah, *that* Miyamoto Musashi.)

There was also more general writing about nanshoku and wakashūdō that didn’t center on any one political or military figure. We have records of letters between male samurai lovers, poetry, erotic tales… the list goes on and on. There was even a whole subgenre of gay literature devoted to “arguments on the relative merits of men and women”.

For example, in 1640 we see the *Denzu Monogatari* (*The Boor’s Tale*). In it, men are bathing in a river to escape the heat. They begin to debate whether the love of a boy or a woman is better. In the end (SPOILERS) the woman-loving side wins, but not before conceding that “male-male erotic pursuits are well suited to the higher circles of the warrior aristocracy”.

Another instance of this ongoing debate can be found in the mid-seventeenth century *Iro Monogatari* (*Tale of Eros*) where “an elderly arbiter, after hearing the impassioned arguments of the two sides, counselors that the wisest course is to follow both paths in moderation, thereby helping to prevent overindulgence in either.” In *Nishizawa Ippu’s* 1708 *Yakei Tomojamisen* (*Friendly Shamisen of Actors and Courtesans*), as well, “a moderator ends the dispute by affirming the equal validity of both ‘ways,’ encouraging each party merely to be devout in his chosen discipline.”

One thing that struck me while reading some of the stories was the way people approached this argument. It’s as if male-male love and male-female love had nothing to do with each other—several other researchers on this topic have come to this conclusion, as well—and neither is judged as being “more acceptable”. Just because you like one doesn’t mean the other isn’t valid. Or, just because you choose one doesn’t mean you can’t participate in the other. It’s treated not much differently than comparing apples to bananas. You can like both. You can eat both. And if someone else doesn’t like bananas then that’s fine, but hopefully they’ve fully-committed themselves to apples, in that case.

Earlier, I mentioned the letters between samurai lovers. Here’s an excerpt from a *love letter between Masahida Toyonoshin and Moriwaki Gonkuro*, written in 1667.

I made my way at night to your distant residence a total of 327 times over the past three years. Not once did I fail to encounter trouble of some kind. To avoid detection by patrols making their nightly rounds, I disguised myself as a servant and hid my face behind my sleeve, or hobbled along with a cane and lantern dressed like a priest. No one knows the lengths I went to in order to meet you!

Talk about devotion!


Through these debates, stories, and guides, we see samurai and monks depicted as having male lovers, female lovers, boy lovers, and crossovers.
From the Samurai Class to the Middle Class

As I mentioned earlier, the Tokugawa Shogunate commanded that all samurai move to castle cities, lest they be stripped of their swords and class. This resulted in huge population booms in some areas. By 1700 AD, Edo had a population of over a million, making it one of the largest cities in the world. Kyoto and Osaka had nearly 400,000 people, and there were plenty of other big cities in Japan, as well. Considering that Edo had only around 60,000 people in the year 1600 AD, that's an impressive jump. With this influx of people came a substantial need for infrastructure and labor. Peasants migrated to cities to fill this demand.

This was really the first time that there was so much interaction between the samurai and common people, and this meant that the latter group was being exposed to the ideas of nanshoku and wakashudō much more frequently than they had been before. Writing from this period indicated that they were impressed. Leupp compiled the following examples:

"Nanshoku," according to the Nanshoku Yamaji No Tsuyu (Dew on the Mountain Path of Nanshoku, 1730), "is the flower of the military class." The popular writer Ejima Kiseki (1687-1736) added, "Nanshoku is the pastime of the samurai. How could it be harmful to good government?" Similarly, a character in the early seventeenth century Denbu Monogatari (Tale of a Boor) argues that "it is precisely because jakudō is so refined that the daimyo from great families, and priests of high rank and office, usually favor this way."

Wakashudō was seen as a high-class thing to do, so it's only natural that we begin to see non-samurai emulating this behavior in big cities. Although technically of the lowest class, this trickle-down effect began with the merchants, as their wealth allowed them to take on servant boys and apprentices without worrying too much about the financial burden.

This, however, was not an option for everyone. The solution, of course, was to "rent" a lover. More from Leupp:

The commercialization of nanshoku greatly accelerated during the early Tokugawa period. The expansion of the market and the rise of the bourgeoisie produced both a vast labor market of male and female "sex workers" and a large demand for their services. [...] so it witnessed a commodification not only of heterosexual pleasure but of homosexual pleasure as well.

Male prostitutes were in great demand, and their numbers grew rapidly. This meant that anyone, could simply pay for either heterosexual or homosexual sex if they so desired, samurai included. You see, as Japan entered a period of peace, training apprentices for war got to be a bother. On top of that, as the middle class grew, the samurai class became poorer, and their chigo became just another mouth to feed. It was easier for them to take their government-issued stipend to the nearest red-light district and simply pay for what they wanted, when they wanted it.

Soon, prostitution expanded out of brothels and into the theaters. Many amateur kabuki actors were actually just male prostitutes in disguise. These actors were highly sought-after by both men and women. When not on stage, they were likely in bed with a (paying) admirer. Because of this, kabuki troupes were closely associated with male prostitution.

With this, we finally reach the golden age of homosexuality in Japan, which lasted from 1650-1750 AD. Lewis Crompton, author of Homosexuality and Civilization says "it was a prosperous and 'liberated' age of extravagance and self-indulgence, infatuated with the refined and ephemeral beauty of the 'floating world.'"

And boy was it.

It's around this century that we start to see some of the most interesting writing and art on the topic of nanshoku and wakashudō. Perhaps the most famous is Ihara Saikaku's Nanshoku Okagami (The Great Mirror of Male Love), written in 1687. It is a collection of 40 erotic stories, half of which are about samurai and monks, the other half about kabuki actors. To give you a taste, here are a couple of excerpts from Nanshoku Okagami:

The Tragic Love of Two Enemies

When the woman woke in the morning, they were both silent, lying in the same bed. She called her son: "Rise up, lazy boy!" But there was no answer. She went into the room and turned back the blanket which covered them, and saw that Shinosuke had pierced Senpatji's heart with his sword passed through his own breast and out at his back.

His mother stood there for a long time overwhelmed at the sight of these two lovers' bodies, and then, in her sorrow and distress, killed herself in the same room.

Fun fact: Did you know that the number one cause for revenge killings during this period was discord between two male lovers?

All Comrade Lovers Die by Seppuku

Then the Lord cut off his left hand and asked, "How do you feel, Korin?"

Korin held out his right hand and said, "With this hand I caressed and loved my lover. You must hate this hand a good deal also."

The Lord at once cut that hand off. Then Korin turned his back to his master and said, "My back is very beautiful. No other page was as attractive as I am. Look at it." Korin held out his right hand and said, "With this hand I caressed and loved my lover. You must hate this hand a good deal also." The Lord at once cut that hand off. Then Korin turned his back to his master and said, "My back is very beautiful. No other page was as attractive as I am. Look at it."

"My beauty before I die." His voice was weak and low through the mortal pain he was enduring. Then the Lord cut off his head and, holding it in his hands, kept bitter tears for the death of his favorite.

Read the whole thing yourself, if you want. Despite being fiction, it gives a lot of perspective on everything you've read up to now. If human civilization had ended in the 1800s and all aliens had to go on was Nanshoku Okagami, they'd still have a pretty accurate picture of what went on in Japan during this period.

With male-male love becoming so mainstream and accessible, wakashudō became less and less relevant. At the same time we see a sharp rise in prostitution associated with male prostitution.

Of course, this situation couldn't last forever. After nanshoku's peak in the early 1700s, the demand for male prostitutes begins to decline. Leupp writes:

"By government crackdowns on prostitution took their toll; in each of the three great reform periods (the Kyouhou Reform, 1716-1725; Kansai Reform, 1787-1793; and Tenpou Reform, 1841-1843) urban authorities attacked commercial sex, "fed" art and literature, and extravagance in general. In 1842 all of Edo's teahouses were closed in the course of Mizuno Tadakuni's reform efforts, and the kabuki theaters of Sakai-cho, Fukiya-cho, and Kobiki-cho were forced to move to a ward on the city's outskirts, Saruwaka-cho, in a section of Edo known as Asakusa. (In Osaka, meanwhile, kabuki-troupe directors were forbidden to send out boy-actors and prostitutes.) Homosexual prostitution was not the main target of this movement, and, like most elements in Mizuno's reform package, the ban does not seem to have been wholly effective.

These crackdowns made it more difficult for male prostitutes to do business. This, coupled with the fact that more and more women were coming to the cities—by the Meiji Era the ratio of men to women was nearly even—signaled a marked decline in open male-male sexual activity. Then, in 1859, Japan opens its ports to foreigners, and things change even more drastically.
Becoming “Modern”

The shift from homosexual acceptance to homosexual condemnation happened in-step with the Meiji Restoration, foreign influence being a key factor. The ruling elite of this time agreed that they must emulate the West as much as possible. In doing so, they hoped to avoid the fate of China and India, modernize, and become equals with the Western powers.

As you now know, homosexuality was extremely common and open at this time. Plus, there was much popular writing, not to mention (very) lewd art, being circulated too. None of this was a secret.

With the opening of Japan this became a big topic. Newspapers both in Japan and abroad called for the criminalization of male-male relationships. The ruling elite soon agreed, announcing that “same-sex love was ‘unnatural’.”

Opinions like this certainly helped facilitate Japan’s transition into a more homophobic stance. But, they wasn’t the only cause. Leupp writes:

> “Thus, Western cultural influence was a major factor in the decline of the nanshoku tradition. But surely this decline also reflects the collapse of the feudal structure that had shaped the development of male homosexuality in Japan. As we have seen, Japan’s nanshoku tradition was not unique in dignifying both partners in role-structure homosexual relationships; […] Such relationships were rooted in, and mirrored, the lord-retainer bond. Even male prostitutes developed in ways that reflected feudal values and institutions. With the fall of the feudal order, these values and institutions were for the most part either weakened or eradicated.”

Values at this time shifted rapidly, with gay culture being increasingly pushed to the fringes of society.

> “Nanshoku rapidly moved from the center stage of popular culture to its margins. Homosexual desire was no longer celebrated in literature, theater, and art; rather, it was discouraged as one of the ‘evil customs’ of the past, a national embarrassment given attitudes in the modern West. The concept of nanshoku-zuki gave way to the German concept of the urning—one suffering from a peculiar psychological disorder. Such an environment was less conductive to the generation of male-male sexual desire than that of Tokugawa Japan; males became less likely to experience, and even less likely to act upon, such desire.”

It seems incredible that a nation once so open to the idea of homosexuality could change its mind so quickly. It makes me wonder whether Japan could make a similar shift back in the direction of LGBT acceptance now. As I hinted at earlier, this will be the subject of an upcoming article, so stay tuned. Until then, if you’re interested in this topic, I highly recommend you read my main sources for this article. They are:

- Male Colors: The Construction of Homosexuality in Tokugawa Japan
- Cartographies of Desire: Male-male Sexuality in Japanese Discourse, 1600-1950
- Homosexuality in the Japanese Buddhist Tradition

Bonus Wallpapers!

[Desktop · 5120×2880 / 1280×720] · [Mobile 1 / 2]

The post The Gay Of The Samurai appeared first on Tofugu.
Local Governments Crack Down On The Monstrous Evil of Tiny Free Lending Libraries
by Charlie Jane Anders

It's good to know that people are focusing on what's really important. Local governments in a few different U.S. cities and towns have looked past the problems of homelessness, crumbling city services and displacement, to tackle the real crisis: people are putting up tiny “take a book, leave a book” libraries.

Read more...

This Experiment Made Victorians Believe That Murder Victims' Eyes Contain an Image of Their Killer
by Esther Inglis-Arkell

15 Sep 15:07
I'm going to show you the last thing a rabbit ever saw. It, in turn, will show you why Victorian-era people believed that a murder victim's eyes contained a "photograph" of the person who murdered them.

Read more...

**Australia's Answer to the Cat Communicates Through Poop**

by Esther Inglis-Arkell

This is the “quoll,” otherwise known as the “native cat.” On the plus side, it's not venomous. (Way to hold back for once, Australia.) On the negative side, well... it seems to have a feces-based communication system.

Read more...
The convenience food industry making our pets fat
by Richard Malik, Veterinary Internist (Specialist) at University of Sydney

Are our pets becoming captive to an industry that is harming them? Stephen Bowler/Flickr, CC BY

Fast food giant McDonald’s has been under a cloud in recent years as its US customers turn to alternatives. In this “Fast food reinvented” series we explore what the sector is doing to keep customers hooked and sales rising.

Commercial dry foods are the ultimate “convenience food” for pets. They are manufactured by the same companies that make such foods for humans, specifically Mars (Masterfood, Uncle Bens, Royal Canin), Nestle (Nestle-Purina, Friskies), and Proctor and Gamble (Iams and Eukamuba). The other big player (Hills) is owned by Colgate Palmolive.

These convenience food giants don’t just make staple diets, but also expensive treats (beef and chicken jerky and desiccated liver) that cost more per gram than fillet steak.

The Australian Veterinary Association (AVA) has endorsed overseas policy guidelines that recommend feeding commercially prepared dry and canned food to cats and dogs. This is in stark contrast to how veterinarians and animal nutritionists feed carnivores in zoos.

Why the difference?

In zoos, big cats (lions, tigers, etc.) and wild dogs (dingoes, wolves) are fed predominantly fresh meat on the bone, to mimic what occurs in nature. Typically, whole chicken or turkey carcasses and portions (usually limbs) of cows and sheep comprise the major portions of the ration. Fresh meat, some offal and fresh bones are all normal food constituents in nature.

This ration requires vigorous mastication, as is the case when a carnivore dines in nature. Eating such tucker is hard work but clearly pleasurable. When finally satiated, carnivores generally have a long nap. For ethical reasons, we cannot reproduce the thrill of “the kill” when keeping carnivores in captivity, but we can certainly reproduce the enjoyment of a “natural feed”. Tearing apart flesh and stripping it off the bone is a physiologic way to “floss”, reducing plaque and calculus which otherwise build up on teeth. The mouth and digestive system of carnivores has adapted over millennia to this type of diet.

Cats, like their larger relatives, are hypercarnivores – carnivores who have evolved through natural selection to eat the flesh and bones of prey animals exclusively. The only carbohydrate normally eaten is in the liver and intestinal tract of prey. Dogs are carnivores, although they have less stringent nutritional requirements. One might therefore think that the ideal food for cats and dogs would include regular portions of fresh meat on the bone.

Why then are most commercial foods for cats and dogs dry extruded rations based on plant carbohydrates, with added fat, minerals and hydrolysed protein? And why do most veterinarians recommend such diets?
Domestic cats, like their wild relatives, benefit from a diet of raw meat and bones. Image sourced from Shutterstock.com

**Marketing machine**

My view is that our profession has been misdirected by the exceptionally clever marketing of multinational pet food manufacturers. In the human arena, such companies are often called “big food” and “big soda”.

Dry extruded diets are clean, convenient, have a long shelf-life, are easy to serve and store. They don’t need to be bought fresh every few days. They contain a lot of goodness and are balanced for vitamins, minerals and macronutrients. Indeed, as a component of a balanced diet, “premium dry food” has much to offer (more for dogs than cats and particularly for growing animals). But they tend to be consumed quickly, with little effort. If they are fed without careful portion control, you quickly end up with a fat pet.

The coating with tasty oils makes this food irresistible, just like salted potato crisps are to us. But it doesn’t have the physical qualities to remove calculus from teeth and many have excess carbohydrate and insufficient protein, especially for hypercarnivores. Cats fed these diets exclusively have the propensity to develop diabetes, obesity and osteoarthritis.

Pet food manufacturers provide most of the money for nutritional research in companion animals. They thus control the research agenda, and the “evidence base” for canine and feline nutrition. They donate money and products and sponsor functions at veterinary schools, thereby subliminally influencing the feeding practices of impressionable young vets and their teachers. They fund also clinical nutrition lectureships and residencies. University management appear unconcerned by this arrangement. Pet food companies also sponsor seminars, webinars and sessions at scientific meetings. They run advertisements in leading veterinary journals and are a major sponsor of the AVA.

The final masterstroke of pet food companies is that they enlist veterinarians to actually sell, and thereby endorse these diets, right in the waiting rooms of their hospitals.

It doesn’t need to be this way. The concerted efforts of a number of forward-thinking veterinary scientists have meant that Australasian pet owners probably feed more raw meaty bones as part of a balanced ration than in many countries overseas. This is commendable. But we have some way to go.

Richard Malik does not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.

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**Knitting your way to a healthier, happier mind**

by Ian Hickie, Professor of Psychiatry at University of Sydney

14 Sep 19:54

Knitting your way to a healthier, happier mind
Knitting and neuroscience have more in common than you might think.

What do knitting and neuroscience have in common? Most people would say not a lot - one activity involves yarn and knitting needles and the other studying the body’s nervous system. But research shows knitting and yarn craft, like other meditative activities, can “activate areas of the brain that are good for generating a sense of calm, (and contribute to) improved emotional processing and better decision making”.

A recent study conducted out of Cardiff University in the United Kingdom also found knitting has significant psychological and social benefits. In a survey of 3,545 knitters worldwide, respondents who knitted for relaxation, stress relief and creativity reported higher cognitive functioning, improved social contact and communication with others.

In short, knitting made them happier. And warmer - nothing beats the winter chills as well as a homemade jumper or scarf.

Tapping into these findings is Neural Knitworks, a community engagement project first developed for National Science Week in 2014. So successful has it proven that hundreds of knit-ins have been held across the country - in regional towns, remote Indigenous communities, libraries, galleries, schools, hospitals and at community centres - since.

The pattern for each knit-in is simple: participants learn to knit, crochet or simply wrap woollen neurons while listening to an expert discuss brain and mind health. Topics have included how neurons work, the effect of cannabis on brain function, nurturing adolescent brains, the effect of dementia on neural pathways, neuroplasticity, and healthy brain ageing.

Workshops have been held for preschoolers, retirees and sufferers of dementia and depression. Participants have included students, library and mental health service patrons, university staff and scientists, with expert guests ranging from dementia carers and mental health workers to neuroscientists and university researchers.

At a recent knit-in held at Redfern Community Centre, former Sydney Rooster Ian Roberts spoke about a career of sustaining concussions in football, with fans making footy neurons in team colours to raise awareness of brain injury in sport. Other speakers have discussed the effect of mindfulness activities such as yoga, meditation and knitting on brain health.

In a neat quirk, knitting first-timers create woollen neurons in their hands at the same time as they forge new neural pathways in their brains. That’s what acquiring a new skill does; enhancing brain health in the process.

At the end of each knit-in, individual neurons are gathered together and displayed in a network. The first major show held at Hazelhurst Regional Gallery during National Science Week 2014 featured a giant, walk in brain sculpture made from more than 1600 knitted, crocheted and woven brain cells donated from crafters all over Australia.
How did the project start?
Neural Knitworks was founded by Pat Pillai and Rita Pearce, who developed the idea into a National Science Week community engagement initiative with the support of Hazelhurst Regional Gallery and Arts Centre and Inspiring Australia.

With the help of neuroscientists Sarah McKay and Heather Main, and science communicator Jenny Whiting, the pair developed scientifically informed patterns.

These patterns reflect what a neuron looks like when it’s placed under a microscope - complete with dendrites, a nucleus, axons and synapses. As makers create these woolen objects, they come to understand just how complex the human nervous system is.

The human brain is thought to contain 80 billion neurons, give or take a few billion, so when we talk about mind health, a project like Neural Knitworks shows in simple terms just how large, sophisticated and fragile the nervous system is. It’s learning that starts with the basic building blocks of the mind.

The beauty of Neural Knitworks is how the project extends the reach of scientific knowledge by engaging participants with hands on educational experiences that connect them with experts as they actually improve their own brain and mind health.

Yarn craft, with its mental challenges, social connection and mindfulness, helps keep brains fit by solving creative and mental challenges, developing eye-hand coordination and fine motor dexterity and increasing attention span.

The first Neural Knitworks exhibition at Hazelhurst Regional Gallery and Arts Centre was seen by thousands of visitors over a three-week period. High profile supporters included brain surgeon Dr Charlie Teo, who held a knit-in at Canberra hospital, and Todd Sampson and Dr Karl, who each tweeted images of themselves holding colourful textile neurons.

Hundreds of neurons recently adorned the library at Queensland University of Technology too, and Neural Knitworks has also been part of National Science Week events in Albury and Sydney. Last month, the National Museum of Australia ran knit-ins to launch Dementia Awareness Month and last week the Caringbah Lions Club Nifty Knitters held a knitted brain challenge.

The range of mind health issues that can be explored at knit-ins is exceptionally broad, from ageing and addiction through to dementia, brain injury, depression and more. Even without an expert on hand, neuron crafters can listen to a mind health podcast as they create, or just enjoy the mindfulness that comes with yarn craft – in particular through expressing creativity and by learning something new while being with others.

Participating in Neural Knitworks is a great way for people of all ages to learn about the billions of neurons in our bodies that save memories, send electrical signals to every muscle and receive signals from every sense.

A free pattern book and installation ideas are available on the National Science Week website

Share your creations by joining us on Facebook at Neural Knitworks or on Twitter via #neuralknitworks
The artists acknowledge inspiration derived from Knit a Neuron UK, Sydney Hyperbolic Reef Project, Wrap with Love Inc, Pistil – X Chromosome and the mentorship of Hiromi Tango as part of the 2013 collaborative project Hiromi Hotel: Moon Jellies.

Ian Hickie is a NHMRC Senior Principal Research Fellow. His work has been funded by a variety of research councils, philanthropic support and investigator-led research studies funded by the pharmaceutical companies. He is Executive Director of the Brain & Mind Research Institute (BMRI), University of Sydney. The BMRI operates two Headspace Centres in Central Sydney and Campbelltown, NSW and is a member of the Young and Well CRC. He is also a Commissioner in the Australian National Mental Health Commission. He is also Patron of Neural Knitworks.

Jackie Randles is the Manager of Inspiring Australia at University of Sydney, a founding partner of this project.

14 Sep 19:52

Why Americans are so obsessed with pumpkin spice everything – according to science

by Jordan Gaines Lewis, Neuroscience Doctoral Candidate at Penn State College of Medicine

It was a humid, sticky 32°C when I made a quick trip to the grocery store in shorts and a tank top earlier this week. Despite the heat, however, the store clearly wanted me to think it was the fall season – and for us Americans, that means pumpkin spice.

Weaving in and out of each aisle, I was inundated with row upon row of pumpkin spice M&Ms, pumpkin spice yogurt, pumpkin spice Oreos, pumpkin spice cereal, pumpkin spice beer, pumpkin spice cookies, pumpkin spice bagels, pumpkin spice Pop-Tarts, pumpkin spice popcorn, pumpkin spice hummus, pumpkin spice creamer for my pumpkin spice coffee …

At the risk of sounding any more like Forrest Gump’s shrimp-obsessed friend Bubba, let’s just say that we’ve all gone a little mad. And with the official release of everyone’s favourite – the Starbucks Pumpkin Spice Latte – it’s time we ask: why are we so obsessed with pumpkin spice everything? Even if some products taste, as comedian John Oliver says, like a candle might taste. (I won’t mention any names.)

Get it while it lasts

The anticipation for pumpkin spice’s annual return – soon replaced with gingerbread and mint-chocolatey goodness by wintertime – can be explained by a psychological theory called “reactance.” In short, reactance theory can explain why we respond so strongly to limited edition or timed offers.

During the first investigation of this theory in 1966, psychologist Jack Brehm studied the effects of product unavailability on its attractiveness to consumers. Participants were asked to listen to and rate four music records. Afterward, they were told that they were allowed to keep one. One group of participants was also informed, however, that the record they rated as their third choice was unfortunately unavailable because it went missing during shipment. When asked to re-evaluate their ratings, 67% of participants ranked the missing record higher than they had previously.

Marketers have recognized and implemented reactance theory for years. We’ve all seen commercials for “limited time only!” products or felt more motivated to go shopping for new clothes when a snazzy “30% off, only good through Sunday” coupon shows up in the newspaper. We might prefer to eat regular Oreos, but knowing that pumpkin spice Oreos are only around for a few weeks makes the latter choice more appealing to us.

Everyone else is doing it
When it comes to the pumpkin spice craze, there’s certainly a bit of social influence at play. Sure, pumpkin spice is good, but so are chocolate, vanilla, strawberry, apple cinnamon and caramel. But when your Instagram feed is filled with friends wielding their first pumpkin spice lattes of the season, or when everyone in your 2pm coffee break group decides to go for one, you’re probably more likely to get one, too.

Social conformity is when we match our attitudes and behaviours to unspoken “norms” of small groups or society as a whole. The phenomenon often stems from a desire to feel secure within a group. Imagine approaching a mall food court with five restaurants. Although all five are open and willing to serve, everyone is lined up and eating at just one restaurant. Based on your perception, which place are you most likely to pick for the best food?

Of course, you aren’t going to be ostracised by society if you choose peanut M&Ms over pumpkin spice at the grocery store. But when it comes to any craze – slap bracelets, Beanie Babies, the Macarena, and pumpkin spice – it makes us happy and secure to feel included with the rest of society.

Warm and fuzzy nostalgia

Dead leaves falling to the ground, early sunsets, and the grey chill of the impending winter months don’t exactly inspire positive feelings toward autumn. But when we attach meaning to fall – the start of school, new leather boots, big cosy scarves, and holidays like Halloween and Thanksgiving – it’s significantly more enjoyable.

Injecting value into something – in this case, a season – stimulates feelings of nostalgia, which have been shown to improve our mood, make us feel more socially connected, comfort us and make us more willing to view ourselves in a positive light.

Like hot cocoa, fuzzy sweaters and apple picking, the pumpkin spice flavour has become synonymous with autumn. Our desire to return to the crisp fall air during a blizzard or heat wave is also accompanied, for many of us, by our nostalgic feelings toward pumpkin spice everything.

The sugar makes our brains happy

It helps, of course, that most pumpkin spice products are superbly sweet. As I’ve previously written, our brains are strongly wired to respond to the taste of sugar and other carbohydrates.

Now, if you’ll excuse me, I’m going to go reward myself for writing this article with a pumpkin spice latte. And, yes, I’ll admit that I was first in line when they launched – despite the thermometer reading 35°C at the time of my purchase.

What does English sound like to Italians? Listen to this 1972 pop song

by Mark Frauenfelder

Italian singer Adriano Celentano's "Prisencolinensinainciusol" hit the #1 pop song spot on the Italian charts in 1972. The lyrics consist of gibberish designed to sound like English.

Read the rest

Take a Virtual Tour of Disneyland's 1960s Monsanto House of the Future

by Matt Novak

The Monsanto House of the Future sat in the heart of Disneyland for a decade, giving people a peek at the homes of tomorrow. The house was built in 1957 and torn down in 1967. But now people of the 21st century can get their very own walk-through, even if it's just on YouTube.

Read more...
Users to USTR: Don’t Sign Away Our Ability to Fix the Orphan Works Problem
by Maira Sutton

The United States’ excessive copyright terms have led to an orphan works crisis in this country. Tens of thousands of books, films, music recordings, and other cultural works across decades have been made completely inaccessible by copyright's strict monopoly, which can last more than 140 years. That casts a shroud of legal uncertainty over orphan works—works where the author or rightsholder cannot be identified or located—which makes using, preserving, or sharing them risky and essentially renders them culturally invisible and forbidden.

Earlier this year, the Register of Copyrights issued a report about this very problem called *Orphan Works and Mass Digitization*. In it, the Register of Copyrights acknowledges a need to do something about the fact that "orphan works are a frustration, a liability risk, and a major cause of gridlock in the digital marketplace." The report includes a discussion of several proposals that could expand access to orphan works. One proposal is to put limits on the legal consequences for those who do anything technically infringing, in order to make it less daunting to take a chance and use them.

In the midst of this overdue discussion about how to address this issue the *Trans-Pacific Partnership* (TPP) threatens to undermine Congress’ own ability to create practical solutions to fix it. The leaked TPP’s Intellectual Property chapter has revealed heavy-handed civil and criminal penalties that could go beyond existing U.S. law to treat even noncommercial uses of copyrighted content, including of orphan works, as illegal and criminal.

In light of this, EFF has joined as signatory to a letter that calls on the U.S. Trade Representative not to agree to any provisions in the TPP that could prevent Congress from enacting fixes to address the orphan works problem. Other signatories to the letter are Authors Alliance, Creative Commons, Knowledge Ecology International, and New Media Rights.

EFF stands for more comprehensive reforms to our copyright laws that would also help with the orphan works problem—such as shortening the term to, at most, the international standard length of Life+50 years, and a requirement that copyright holders proactively register (and renew registration on) their works so that they don't merely fall into a cultural black hole. But in the absence of those, we can’t let the White House pass more rules that would keep so many creative works lost and invisible for years. That’s why we urge the USTR to ensure that the TPP does not bind us to inflexible, restrictive rules that would undermine congressional efforts towards enacting incremental fixes to this copyright crisis.

~

*Civil Society Letter on TPP Remedies Over Orphan Works* [PDF] - August 31, 2015
Congratulations LeEtta Schmidt!

by Katherine Ahnberg

Congratulations are in order to LeEtta Schmidt, Academic Services’ newest faculty member now stepping into the role of Resource Sharing and Copyright Librarian. While LeEtta may be new to this position, she has been working to make our library great since her first student position at Tampa Library in 1997. A strong advocate for collaboration and copyright education, Schmidt looks forward to reaching out to the departments in order to elevate campus knowledge of, and comfort with, important copyright issues.

The recipient of two university awards for service, LeEtta leads an Interlibrary Loan team that was recognized with a four star rating by ALA RUSA Sharing and Transforming Access to Resource Section (STARS) as one of the most effective programs in Florida. As editor of the *Journal of Interlibrary Loan, Document Delivery, & Electronic Reserves* Schmidt contributes widely in the field, bringing to the position a publication record which demonstrates national engagement and innovative solutions.

Congratulations LeEtta!

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Park on Collins renamed for USF "founding father" John F. Germany

The Park on Collins has been renamed for USF "founding father" John F. Germany. ORACLE PHOTO/ADAM MATHIEU On Thursday, USF renamed the park located on the south side of the USF Library to the John F....

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Health Check: five reasons to put the kettle on and have a cup of tea

by Clare Collins, Professor in Nutrition and Dietetics at University of Newcastle

Growing up, tea drinking was reserved for my grandmother’s visits. Making it followed a strict and fascinating ritual. Take scalding hot water. Warm the tea pot. Add one spoon of tea leaves for each person and one for the pot. Cover with a tea cosy. Turn the pot three times to the left, three to the right, then three to the left. Leave to brew. Warm the cups; milk in first, pour through a tea strainer.
My grandmother could taste any attempt you made to shortcut the process. Once Grandma approved the tea, pressure eased and conversation flowed.

In Australia 38% of the general population and 67% of those aged over 70 are tea drinkers. Our median intake is two cups a day, about 400mls.

By world standards we rank 55 for tea consumption, compared to the United States at 69, New Zealand 45 and the United Kingdom, number five. Turkey takes out the number one spot, consuming more than ten times the per capita intake of Australians.

1. Tea and survival

Around the world, tea is the most common drink after water. Popularity increased in the 1800s because the practise of boiling water to make the tea meant water-borne pathogens like cholera and typhoid would be killed, making it safer to drink.

Tea comes from the leaves and buds of the plant Camellia sinensis. Black tea, green tea, white tea, and oolong varieties all come from the same plant, but are processed into dried leaves differently.

Science has muscled in on our tea drinking habits and started to unravel what makes us love our “cuppa”. There is a large group of bioactive components in tea called polyphenols, which include catechins and tannins. Concentrations of these compounds vary depending on how you make the tea, including the amount of tea leaves per cup, water temperature and brewing time.

Catechins have anti-oxidant properties and are most abundant in green tea. Tannins, which inhibit non-haem iron absorption in the gut, are most abundant in black tea. So if you have iron deficiency, avoid drinking tea with meals. But if you have the excessive iron storage condition haemochromatosis, drinking tea with meals will help reduce iron absorption.

2. Tea and your brain

Components of tea that can boost brain activity include caffeine, catechins and the amino acid, L-theanine.

In a systematic review of the effects of tea on mood and cognitive function, the combination of L-theanine and caffeine was shown to increase alertness and attention-switching accuracy up to two hours after consumption. The researchers also found small enhancements in accuracy of visual and auditory attention.

Preliminary evidence also suggests catechins may have a calming effect during the second hour post-cuppa. The authors called for further research using a greater dosage range of catechin and L-theanine to help separate any effects due to caffeine intake.

At this stage however, there is no clear evidence that drinking tea will protect people from developing dementia.

3. Tea and weight loss
There has been a lot of interest in whether tea, particularly green tea, can increase energy expenditure and help with weight loss.

Two Dutch meta-analyses have examined the evidence in studies comparing catechin-plus-caffeine mixtures versus caffeine-only supplements on energy expenditure and fat oxidation (breaking down fat). They found that compared to placebo and caffeine-only groups, people who had catechin-plus-caffeine mixtures were more likely to break down fat.

They also evaluated whether green tea could improve body weight regulation. Their meta-analysis found the group consuming catechins from green tea had a 1.3 kilogram greater weight loss and were more likely to maintain this loss; although there were some differences based on ethnicity and usual caffeine intake.

4. Tea and diabetes

Last year, a pooled analysis of 12 cohort studies compared tea drinking with risk of type 2 diabetes. Researchers found that among those who drank three to four or more cups per day there was a 16% lower risk of developing type 2 diabetes, compared to those who usually drank just one or no cups of tea.

But when they drilled down into the studies, the lower risk was only found in women and those of Asian ethnicity. We need to keep in mind that associations found in cohort studies do not prove causation.

In a meta-analysis of ten randomised controlled trials that lasted eight weeks or more, totalling 608 adults with type 2 diabetes, researchers found mixed results for the impact of drinking tea, or consuming various tea extracts, on blood markers of diabetes control.

While there were improvements in fasting blood insulin and waist circumference, there was no impact on other markers, including fasting blood glucose, LDL (bad) or HDL (good) cholesterol, body mass index or blood pressure.

Researchers are now focusing more closely on the phenolic components in tea to try and develop compounds that could be used to prevent or manage type 2 diabetes.

5. Tea and heart disease

A Cochrane review evaluated 11 randomised controlled trials that ran for at least three months and were aimed at preventing heart disease in healthy adults or those at high risk of heart disease.

Pooled results showed that both green tea and black tea significantly reduced blood pressure, with black tea lowering LDL-cholesterol and green tea lowering total cholesterol. The small number of studies to date though means these results need to be interpreted with caution, but they do look promising.

Meanwhile, for a host of other reasons it seems that my grandmother was right: a good brew does more than than just warm you up (or cool you down). So put the kettle on, get out your best tea cups, create your own tea making ritual, gather the clan and relax with a cuppa.

Clare Collins is affiliated with the Priority Research Centre in Physical Activity and Nutrition, the University of Newcastle, NSW and has received funding from a range of research grants including NHMRC, ARC, Hunter Medical Research Institute, Meat and Livestock Australia. She has consulted to SHINE Australia and Novo Nordisk.

Apocalypse now: our incessant desire to picture the end of the world 24 Aug 18:34
by Natasha O'Hear, Lecturer in Theology & Visual Art at University of St Andrews
As is typical of our time, over the past few months, many newscasters have used the words apocalypse or apocalyptic to evoke the negative implications of events as diverse as the threat of Grexit, music streaming wars, an asteroid threat, the American housing market, the migrant crisis, the continuing war in Syria and the negative state of the world more generally. Not to mention the flurry of posts which have appeared about upcoming instalment in the highly successful X-Men franchise, X Men: Apocalypse or our obsession with zombies.

We have reached a point where apocalyptic vocabulary litters writing, where Armageddon, the Four Horsemen, the Antichrist and many other words and phrases also lifted from the last book of the Bible, the Book of Revelation (or the Apocalypse as it is sometimes known), are used as a sort of shorthand for the calamitous times that we live in. In a way it is understandable: in a world of 24-hour news media, headlines have had to reach fever pitch in order to grab readers’ attention. Referencing the “end of the world” is, seemingly, the only thing that will suffice.

But calling upon apocalypticism so much ultimately has a numbing effect, whereby the state of the music industry is discussed using precisely the same terms as world poverty. Where man-made crises are viewed through the same apocalyptic prism as natural disasters such as the possible asteroid collision. There is a real sense in which the word apocalypse and its associated lexicon has lost its true meaning and impact.

This apocalyptic glut may be a recent thing in journalism, but such hypochondria isn’t actually a contemporary human trait. Taking a look at art through the centuries shows that each generation, each epoch, has seen themselves apocalyptically, albeit with great differences as to what the actual end will involve. As we explore in our recent book, Picturing the Apocalypse, each depiction of the end of the world gives away a lot about what the most pressing concerns were at the time.

**Medieval enemies**

In medieval times, the apocalypse was frequently figured in terms of national and cultural adversaries. So in the 13th century, the rise of anti-Semitism meant that Jews featured heavily in apocalyptic depictions, as seen in some beautiful Anglo-Norman illuminated apocalypse manuscripts. Christ and his followers are depicted as medieval knights, while the forces of Satan are sometimes depicted as Jewish, as in the Lambeth Apocalypse of c. 1260. This sentiment culminated with the expulsion of the Jews in 1290.
Or in France, it was the English who were drafted in to herald the world's end. In a similar way, in the French life-size 14th century Angers Apocalypse Tapestry (1373-80), the followers of the Beast (a metaphorical manifestation of Satan) are clearly English soldiers (it was, after all, the time of the Hundred Years War). Angers is also interesting in being one of the first occasions that the famous fourth Horseman – the bringer of death – is himself depicted as a skeleton, an interpretation which became increasingly common in the centuries to come.

Soon things turned more subjective. Memling and Dürer, for example, fixated more on the nature of the visionary experience via the figure of John of Patmos, the seer of the apocalyptic events that preceding the New Jerusalem. Dürer's Apocalypse series of 1498 depicts John in his own likeness, the (rather grandiose) implication being that he is re-seeing the apocalypse for his own times.

**Satirical beginnings**
During the Reformation, the Book of Revelation became an ever richer source for visual polemic. Apocalyptic images became vehicles for theological and even political propaganda. Cranach the Elder, for example, created illustrations for Luther’s first German translation of the New Testament of 1522, in which the Whore of Babylon was depicted wearing a papal tiara. This cemented the link between the papacy and Satan (in the minds of those with reforming tendencies at least).

In the 18th century, the cartoonist James Gillray capitalised on the contemporary artistic obsession with the Fourth Horseman of the Apocalypse (Death) to create a memorable cartoon depicting William Pitt, the Prime Minister of the day, as the rider of the Fourth Horseman, a pointed critique of Pitt’s cynical regime (1795).

Cartoonists have continued to plunder the Book of Revelation to populate satirical images into the 20th and 21st centuries. Subjects as diverse as the Nazis, the G7 (in the 1970s), Barack Obama and contemporary culture more generally have taken a satirical apocalyptic turn. Both Max Beckmann and Otto Dix drew heavily on apocalyptic themes and the Book of Revelation as inspiration for their images critiquing the World War I and II.

**Hope not despair**

So what constitutes an “apocalypse” has mutated dramatically over the centuries, from the English to the Jewish to Barack Obama. And the torrid apocalyptic speculation surrounding our own era is nothing out of the ordinary. The journalists alluded to at the beginning of this piece are drawing on a distinguished and rich apocalyptic tradition, the details of which may have been updated to reflect new global developments and social trends but, as with previous generations, the ways in which we frame our apocalyptic expectations act more as a mirror to our collective anxieties than as signposts to an actual apocalypse.
But perhaps the truest representation of the ultimate meaning of the Book of Revelation (the main source for the Western conception of the apocalypse and apocalyptic more generally) is to be found in Van Eyck’s sublime Ghent Altarpiece of 1432. In this painting, the Lamb of God is the centre of a paradisal vision of the New Jerusalem, the new reality which will follow Armageddon and the Last Judgement, set against a background of Flemish churches.

This altarpiece reminds us of something that may surprise the modern reader or viewer: the central character in the Book of Revelation and indeed of the apocalypse itself, is actually the Lamb of God or Christ (sometimes referred to as the Rider on the White Horse), rather than Satan or Death. Christ redeems those who believe from the woes and disasters which afflict followers of Satan and his Beasts, and it is hope, rather than destruction, that actually characterises apocalyptic thought. Perhaps this is something we would do well to remember.

The authors do not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and have disclosed no relevant affiliations beyond the academic appointment above.
Can't remember the name of the two elements that scientist Marie Curie discovered? Or who won the 1945 UK general election? Or how many light years away the sun is from the earth? Ask Google.

Constant access to an abundance of online information at the click of a mouse or tap of a smartphone has radically reshaped how we socialise, inform ourselves of the world around us and organise our lives. If all facts can be summoned instantly by looking online, what's the point of spending years learning them at school and university? In the future, it might be that once young people have mastered the basics of how to read and write, they undertake their entire education merely through accessing the internet via search engines such as Google, as and when they want to know something.

Some educational theorists have argued that you can replace teachers, classrooms, textbooks and lectures by simply leaving students to their own devices to search and collect information about a particular topic online. Such ideas have called into question the value of a traditional system of education, one in which teachers simply impart knowledge to students. Of course, others have warned against the dangers of this kind of thinking and the importance of the teacher and human contact when it comes to learning.

Such debate about the place and purpose of online searching in learning and assessments is not new. But rather than thinking of ways to prevent students from cheating or plagiarising in their assessed pieces of work, maybe our obsession with the "authenticity" of their coursework or assessment is missing another important educational point.

**Digital content curators**

In my recent research looking at the ways students write their assignments, I found that increasingly they may not always compose written work which is truly "authentic", and that this may not be as important as we think. Instead, through prolific use of the internet, students engaged in a number of sophisticated practices to search, sift, critically evaluate, anthologise and re-present pre-existing content. Through a close examination of the moment-by-moment work of the way students write assignments, I came to see how all the pieces of text students produced contained elements of something else. These practices need to be better understood and then incorporated into new forms of education and assessment.

These online practices are about harnessing an abundance of information from a multitude of sources, including search engines like Google, in what I call a form of "digital content curation". Curation in this sense is about how learners use existing content to produce new content through engaging in problem-solving and intellectual inquiry, and creating a new experience for readers.

Part of this is developing a critical eye about what's being searched for online, or "crap-detection", whilst wading through the deluge of available information. This aspect is vital to any educationally serious notion of information curation, as learners increasingly use the web as extensions of their own memory when searching.
Students must begin by understanding that most online content is already curated by search engines like Google using their PageRank algorithm and other indicators. Curation, therefore, becomes a kind of stewardship of other people’s writing and requires entering into a conversation with the writers of those texts. It is a crucial kind of ‘digital literacy’

Curation has, through pervasive connectivity, found its way into educational contexts. There is now a need to better understand how practices of online searching and the kinds of writing emerging from curation can be incorporated into the way we assess students.

**How to assess these new skills**

While writing for assessment tends to focus on the production of a student’s own, “authentic” work, it could also take curation practices into account. Take, for example, a project designed as a kind of digital portfolio. This could require students to locate information on a particular question, organise existing web extracts in a digestible and story-like way, acknowledge their sources, and present an argument or thesis.

Solving problems through synthesising large amounts of information, often collaboratively, and engaging in exploratory and problem-solving pursuits (rather than just memorising facts and dates) are key skills in the 21st century, information-based economy. As the London Chamber of Commerce has highlighted, we must make sure young people and graduates enter employment with these skills.

My own research has shown that young people may already be expert curators as part of their everyday internet experience and surreptitious assignment writing strategies. Teachers and lecturers need to explore and understand these practices better, and create learning opportunities and academic assessment tasks around these somewhat “hard to assess” skills.

In an era of informational abundance, educational end-products – the exam or piece of coursework – need to become less about a single student creating an “authentic” text, and more about a certain kind of digital literacy which harnesses the wisdom of the network of information that is available at the click of a button.

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**You should really be nicer to your colleagues – rude behavior is contagious**

*by Trevor Foulk, Doctoral Student at University of Florida*

We experience rudeness and incivility all the time. From simple insults and offhand remarks to purposely excluding others from groups, these behaviors are largely tolerated in our daily lives and in the workplace. The question is, what effect do these behaviors have on us?

It’s pretty clear that high-intensity negative behaviors like abuse, aggression and violence are harmful. But what’s the harm in just being rude and uncivil?

A growing body of research offers compelling evidence that experiencing rudeness, and even simply witnessing rudeness, can have surprisingly harmful effects on performance, creativity and even helpfulness. However, it might not even end there.

What if rudeness was actually contagious? This would mean that rudeness may not only hurt those who experience or witness it, but also have secondary effects. People who’ve experienced rude behavior from others are now “infected” with rudeness themselves, and will be rude to the people they interact with next.

**Office rudeness is contagious, just like the common cold**

To explore this phenomenon, my colleagues and I at the University of Florida (Andrew Woolum and Amir Erez) conducted a study to find out if rudeness was contagious from one person to another.

Over the course of a seven-week period, the participants (students engaged in a negotiations course) engaged in 11 negotiations exercises with various partners.

After each negotiation, participants had the opportunity to rate how rudely their negotiation partner had behaved. The structure of this exercise allowed us to explore how rudeness could be contagious by examining how the rudeness experienced in one negotiation influenced rude behaviors in the next negotiation. We didn’t instruct participants to be rude; we simply measured the normal rudeness that was present in the negotiation setting.

We found that rudeness is in fact contagious. If negotiators felt that their negotiation partner was rude, when they went on to their next negotiation, their new partner in turn perceived them as rude.

Another surprising finding was how long this effect lasted. Some of the negotiations took place one after another, and some took place up to seven days apart. We found that the time between negotiations didn’t seem to matter. Even if negotiations were a week apart, the rudeness experienced in the previous negotiation still caused participants to be rude in their next negotiation.
Why does rudeness spread from one person to another?

Prior research has shown that both emotions and behaviors can be socially contagious. For example, when people around you are feeling happy, it is likely that you will start to feel happy too. Similarly, when people around you tap their toes or fold their arms, often you will start doing the same thing. Since these effects are usually described as simple subconscious mimicry, they probably can’t describe why rudeness can make us more rude. So how does it happen?

To tackle this question, we explored whether a process occurring in a subconscious part of the brain was responsible. When we experience social stimuli (like a conversation with a coworker), they can activate concepts deep in the subconscious part of our brains. A concept could be anything. We have a concept for anger, happiness, sadness, power, and, of course, rudeness. The activation of concepts is automatic—meaning when it happens, we aren’t aware of it. And when concepts are activated, this changes the way we perceive the world a little bit.

For example, just seeing a happy face could activate the happiness concept, causing us to perceive future stimuli as more happy. Furthermore, researchers have found that when people write a short vignette about power, that can activate the power concept, causing people to feel more powerful.

So if that rude concept is activated, it causes us to perceive stimuli as a little bit more rude. And that’s what we found in two experimental studies. When people experienced (or even witnessed) rudeness, they noticed rudeness in their environment more, making them more likely to perceive things as rude, and this perception of rudeness caused them to respond with rudeness.

For example, imagine someone walking by you and saying “Hey, nice shoes!” You might interpret that as a compliment, or you might interpret it as an insult—it’s sort of hard to tell, and your brain has to decide. Well, when you’ve recently experienced rudeness, you are more likely to perceive that comment as rude even if it wasn’t meant that way. Then, subsequently, you will respond to the perceived rudeness with more rudeness.

What is so scary about this effect is that it’s an automatic process—it takes place in a part of your brain that you are not aware of, can’t stop, and can’t control. So, you would not necessarily be aware that the reason you (mis)interpreted the “nice shoes” comment is that you had recently experienced rudeness. This means you can’t temper the process.

Just don’t be rude

This evidence that rudeness is contagious really underscores how harmful these behaviors can be, particularly in organizational settings. While prior evidence showed that rudeness could be harmful to performance, creativity and helpfulness, this research shows that the effects are not limited to the parties of the rude interaction.
In this way, rudeness can spread out like a virus, not only harming the performance of those who experience it but also making them carriers likely to pass the harm on to those with whom they interact next.

This means that maybe we need to rethink what behaviors are acceptable in the workplace. Behaviors like aggression, abuse, and violence are not tolerated at work, but sometimes rudeness tacitly is – but maybe it shouldn’t be. Up to 98% of workers report that they have experienced rudeness in the office, and 50% say they experience it weekly. So just be nice.

Trevor Foulk does not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.

From kitsch to Park Avenue: the cultural history of the plastic pink flamingo
by Annie Dell'Aria, PhD candidate in Art History at City University of New York

Don Featherstone, the creator of the iconic lawn ornament, died in June. Ryan Hyde/flickr, CC BY-SA

In 1957, a 21-year-old art school graduate named Don Featherstone created his second major design for the Massachusetts-based lawn and garden decoration manufacturer Union Products: a three-dimensional plastic pink flamingo propped up by two thin, metal legs that could be plunged into soft dirt.

Featherstone’s duck and flamingo ornaments sold in pairs for US$2.76, and were advertised as “Plastics for the Lawn.” They became simultaneously popular and derided in the late 1950s and remain a recognizable species of American material culture.

Featherstone died this past June, but over five decades after he submitted his design, the plastic pink flamingo continues to grace American lawns and homes. While many are quick to label the plastic ornament as the epitome of kitsch, the flamingo has actually taken a rather tumultuous flight through an ever-changing landscape of taste and class.

A product of its time
All three of the ornament’s basic elements – plastic material, pink color and the flamingo design – have a particular relevance to the late 1950s.

The year 1957 was the year of Elvis Presley’s Jailhouse Rock and the ‘57 Chevy, of popular plastic toys like Wham-O’s hula hoop and the Frisbee – all icons of midcentury nostalgia. The late 1950s also witnessed the solidification of a commodity-driven suburban way of life, along with a host of new anxieties over class and status.

In the postwar era, cheap, sturdy and versatile plastics were becoming an increasingly popular material for mass-produced commercial products, from Tupperware to Model 500 rotary phones.

Design historian Jeffrey Meikle discusses how this era was referred to as “a new Rococo marked by extravagance, excess, and vulgarity.” Many design and cultural critics pilloried plastic for its ability to easily depart from established design principles, though consumers and manufacturers kept the craze going.

The fad was clearly waning by the 1960s. In a famous scene from The Graduate, actor Dustin Hoffman expresses disillusionment in the “great future in plastics.” And then there’s the color pink. Art historian Karal Ann Marling explains that in the 1950s, pink was perceived as “young, daring – and omnisexual.” She points out that popular celebrities like Mamie Eisenhower, Jayne Mansfield and Elvis Presley loved to incorporate pink in their wardrobes, their bedroom decor and – in the case of Elvis – their cars.
Elvis Presley’s famous pink Cadillac is on display in Graceland’s Auto Museum in Memphis, Tennessee. David Brossard/flickr, CC BY-SA

Featherstone’s design wasn’t the first time flamingos swooped into American culture, either. In fact, Americans had long cherished the exotic bird, native to the Caribbean and parts of South America, and this love affair came to a head in 1957 with an explosion in popularity of Caribbean culture.

Caribbean-American pop star Harry Belafonte’s album Calypso, which contained the hit single *Banana Boat Song (Day-O)*, dominated the Billboard charts in 1956. And as a 1957 *LIFE Magazine* cover story attests, Americans were flocking to Caribbean resorts in record numbers.

Jennifer Price wrote the most comprehensive essay on the plastic pink flamingo in her book *Flight Maps*. She details how 19th-century European and American settlers hunted flamingos to extinction in Florida. But as the state drew wealthy vacationers in the 1910s and 1920s, resort owners imported the pink birds to populate their grounds. They even named Miami Beach’s first luxury hotel “The Flamingo.” Soon, Florida and these exotic-looking birds became synonymous with wealth and leisure.

As the century progressed, the development of interstate highways and a rise in disposable income made Florida a practical destination for middle-class and working-class families. Vacation spots made accessible by the Interstate Highway System cashed in on the style and flair of the Caribbean fad. The flamingo was now associated with a region that was both exotic and affordable.

**Out in the wild**

Despite the plastic pink flamingo’s resonance with so many things 1957, the ornament was almost instantly ridiculed as kitsch, which was a particularly damning designation given its habitat: the American lawn.

As one of the few outward social spaces in the privacy-obsessed architecture of suburbia, lawns were (and still are) subject to extreme social pressure. They were perceived as both a symbol of the American dream and a productive way to spend one’s newfound leisure time.

However, “Keeping up with the Joneses” was less about outspending your neighbor than it was about conformity and maintaining appearances. The preferred look of middle-class lawns was well-manicured and free of ornament, with flowers abutting the house.

To homeowners’ associations, the plastic pink flamingo’s bright color and synthetic material was an affront to the middle-class yearning for sophistication (though a
A cultural migration

On the other hand – as Jennifer Price points out – working-class consumers tended to express themselves differently, favoring loud, playful and decorative schemes for their homes and lawn.

Flamingos sprouting from small lawns in Catholic neighborhoods seemed less out of place among concrete Virgin Mary statues and tiny St Francis fountains.

In the 1950s, publications like LIFE propagated a narrowly defined definition of middle class style and taste. So the display of the plastic pink flamingo in the 1950s and 1960s was perhaps not mere unsophisticated kitsch, but rather an overt rejection of the "middle-brow striving for the high-brow" lawn aesthetic.

While cultural critics like Gillo Dorfles have maintained that lawn decorations like garden gnomes and sculptured animals were an "archetypal image conjured up by the word 'kitsch,'" a younger generation saw the plastic pink flamingo as a rebellion against the "stay normal" pressures of postwar suburbia.

Their camp appropriation of the plastic pink flamingos crossed the boundaries of good and bad taste, making Pink Flamingos a fitting title for John Waters' 1972 transgressive film about two contenders for the title "filthiest person alive."

Eventually, this transgressive power began to also wane, and the product faced possible extinction in the early 2000s due to the rising cost of oil.

Luckily the flock has survived (you can still purchase a pair for around $20 on Amazon). Today plastic pink flamingos have even been spotted gracing planters on a brownstone off Park Avenue in Manhattan, illustrating just how far the bird has migrated among American classes and tastes.

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