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Commodification, Intellectual Property and the Women of Gee's Bend

Victoria F. Phillips

American University Washington College of Law, vfphillips@wcl.american.edu

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COMMODIFICATION, INTELLECTUAL PROPERTY AND THE QUILTERS OF GEE’S BEND

VICTORIA F. PHILLIPS*

Introduction	359
I. The Women of Gee’s Bend and Their Story	360
II. The Struggle for Civil Rights and the Freedom Quilting Bee.....	363
III. The Tinwood Alliance Partnership.....	365
III. Commodification Theory.....	370
VI. Commodification Theory and the Quilters of Gee’s Bend.....	374
Conclusion.....	375

“Anyone who could buy something like [a] quilt... [is] unabashedly immoral.”¹

INTRODUCTION

Gee’s Bend, Alabama, was once the site of cotton plantations. It sits isolated on a U-shaped sliver of land in the Alabama River. Perched on this remote bend, the community has been isolated from the advancing world for decades. After Emancipation, Gee’s Bend became the home of freed slaves who continued to work the land as tenant farmers. Many freed slaves eventually bought the farms from the government. The women of the community created quilts from whatever materials were available. They developed a distinctive, geometric, bold, and pleasingly imperfect quilting style. This style evolved from a patchwork of influences, including American and African-American quilting traditions, as well as inspiration from the everyday world around them. The quilters transformed simple household items into what have now become celebrated art forms.

* Practitioner-in-Residence and Assistant Director, Glushko-Samuelson Intellectual Property Law Clinic, Washington College of Law, American University. Many thanks to Laura Schmoyer and Guinevere Jobson for their excellent research assistance and help in piecing this story together.

1. WHITNEY OTTO, HOW TO MAKE AN AMERICAN QUILT 188 (1991).

Through the vehicle of intellectual property, these quilts, or at least their virtual versions, have been transformed yet again into everyday household items—but this time for the mass market.

This Article explores the story of the quilters of Gee's Bend. It traces the emergence of these isolated, disenfranchised craftswomen as both fine artists and the unlikely purveyors of mass-market consumer culture through commodification based on the power of intellectual property rights. It then looks to recent trends in commodification literature to help explore the tensions and dualities presented in the story. Among other things, it asks whether the quilters have been coerced into the marketplace and are unwittingly alienating part of their identity, or whether they have willingly tapped the power of the marketplace to ultimately better their lives and community. The Article suggests that the unique story of the quilters of Gee's Bend may be instructive to inform both the current debate in commodification literature and the ongoing search for a more nuanced approach to our intellectual property laws.

I. THE WOMEN OF GEE'S BEND AND THEIR STORY

Gee's Bend was founded on the former Alabama cotton plantations of Joseph Gee.² Gee purchased the land in 1816 and gave the plantation his name.³ When he died, he left the land to two nephews who eventually sold the plantation to a North Carolina relative, Mark Pettway.⁴ Pettway soon moved to the plantation with his one hundred slaves.⁵ After the Civil War, the freed slaves took Pettway's name and became tenant cotton farmers on the land.⁶ To this day, many Gee's Bend residents still bear the Pettway name.⁷ Over the next several decades, the land switched hands and was operated by a series of absentee landlords, but the former slaves continued to work the land.⁸ Despite the ownership changes, sharecropping life for the residents of Gee's Bend stayed much the same.⁹

The new century and the ensuing Great Depression brought an end to a

2. See QuiltsofGeesBend.com, Collective History, <http://www.quiltsofgeesbend.com/history/> (last visited Jan. 2, 2007) [hereinafter Collective History].

3. See NANCY CALLAHAN, THE FREEDOM QUILTING BEE 32 (1987) (noting that Joseph Gee, a native of North Carolina, was the first recorded settler in the area known as Gee's Bend).

4. See *id.* (explaining that this transfer of land was in lieu of repaying a \$29,000 debt that the Gee nephews owed Pettway).

5. See *id.*

6. See *id.* at 32-34.

7. See *id.* at 32-34 (adding that because Gee's Bend is geographically isolated, the Pettway name and the heritage of the Pettway slaves has dominated the region).

8. See *id.* at 34 (stating that the VandeGraaff family held title of the land from 1900 to 1937 but were seldom present on the land).

9. See *id.*

booming cotton market and the region was devastated.¹⁰ The community of Gee's Bend plunged into crisis.¹¹ The federal government stepped in and purchased all the former Pettway land and allowed the residents to buy the farms they had been working with long term government loans.¹² The pilot cooperative project, Gee's Bend Farms, Inc., attempted to revive the community's economy and the residents' livelihood.¹³ For the first time, the former slaves were given control over the land they had worked for others for so long.¹⁴ In time, the cotton market recovered and the community once again became self-sufficient.¹⁵ In 1949, Gee's Bend was officially renamed Boykin after a congressman with no ties to the area.¹⁶ This change did not go over well with the residents. To this day most still refer to it as Gee's Bend.

Throughout their many generations on Gee's Bend, the women of the community had developed a unique quilting style born out of their harsh life. Before and after Emancipation, they spent their days caring for children and working in the fields alongside the men. These women sustained themselves through their strong, shared Baptist faith and their nights spent together quilting, singing spirituals, and sharing stories.¹⁷ Quilting was a welcome respite from the other chores. The women turned old clothing and rags into covers to keep their loved ones warm in the unheated cabins.¹⁸

They shared patterns and cloth and passed techniques down through six

10. See *id.* at 35 (explaining that despite the isolation of Gee's Bend, the 1929 stock market crash devastated the region). The price of cotton fell to five cents a pound and the sharecroppers were not able to repay their debts. *Id.*

11. See *id.* at 35-36 (elaborating that a local merchant continued to advance the sharecroppers credit from 1929 to 1932). Upon the merchant's death, however, creditors came to Gee's Bend and seized virtually all possessions from sixty-eight households. *Id.*

12. See *id.* at 36-37.

13. See generally M. G. Trend & W. L. Lett, *Government Capital and Minority Enterprise: An Evaluation of a Depression-Era Social Program*, 88 AM. ANTHROPOLOGIST 595, 595-609 (1986) (providing a detailed discussion of the Gee's Bend Farm project and other similar programs).

14. See CALLAHAN, *supra* note 3, at 38 (articulating that while the emancipated slaves had remained the cultivators of the land and had often paid money in an attempt to purchase the land, the sale of the land from the federal government marked the first credible transfer of the land).

15. See Trend & Lett, *supra* note 13, at 59.

16. See CALLAHAN, *supra* note 3, at 38.

17. See HOW WE GOT OVER: SACRED SONGS OF GEE'S BEND (Tinwood Media 1992) (compiling the quilters' spirituals in a double CD volume with recorded songs from 1941 and 2002).

18. See *Now They Call it Art*, VOICES OF CIVIL RIGHTS, June 2004, http://www.voicesofcivilrights.org/civil5_gees_bend.html [hereinafter *Now They Call it Art*] ("You know we didn't live in airtight houses. We lived in out houses where air could come through, and you could look at the roof and see the stars. That's why our mothers learned us how to make quilts because that was our way to keep warm.").

generations. In the Bend, as in other quilting traditions, the process of “piecing” the quilt “top,” the side that faces up on the bed, was almost always done by a quilter working alone.¹⁹ It reflected her individual artistic expression.²⁰ The rest of the quilting process—sewing the top, the batting, and the back together—was a communal effort. The quilts and the quilt-making process were both collective and yet highly personal.²¹ The quilts themselves were often associated with life processes such as marriage, childbirth, death, homemaking, and countless collective and personal struggles.²² Many of the quilts crafted in slavery are thought not only to have served as a vital form of personal expression²³ but also are believed to have played a role in the flight north to freedom via the Underground Railroad.²⁴ While the role of quilts in the Underground Railroad is based solely on oral anecdotes and slave and quilter memoirs, the notion that quilts were used to guide slaves north to freedom is compelling.²⁵ Each quilt, which could be laid out to air without arousing suspicion, gave slaves

19. See CELINE BLANCHARD MAHLER, *ONCE UPON A QUILT: PATCHWORK DESIGN & TECHNIQUE* 15-17 (1973).

20. See generally *Now They Call it Art*, *supra* note 18 (“I’ve been making quilts since I was 14. I think I must have made hundreds of quilts over my lifetime. I get some fabrics and I’ll be thinking about quilting with my eyes closed. With my eyes resting, I’ll see a quilt pattern. I’ll be thinking about it for a long good while. It comes right into your mind, what the quilt will be.”).

21. See, e.g., TONI MORRISON, *BELOVED* (1987); GLORIA NAYLOR, *MAMA DAY* (1989); ALICE WALKER, *THE COLOR PURPLE* (1970) (using the quilting process in their fiction to symbolize women’s narratives).

22. See CALLAHAN, *supra* note 3, at *ix* (describing the quilts as representations of their makers’ “struggle for civil rights . . . whose daring spirits provided the sustenance by which they had prevailed”); see also Cuesta Benberry, *The Heritage of an Oral Tradition: The Transmission of Secrets in African American Culture*, in *HIDDEN IN PLAIN VIEW: A SECRET STORY OF QUILTS AND THE UNDERGROUND RAILROAD* 1-3 (Jacqueline L. Tobin & Raymond G. Dobard eds., 1999) (emphasizing the role of using narrative in the creation of textile pieces as a direct result of West African history and culture); Van E. Hillard, *Census, Consensus, and the Commodification of Form: The NAMES Project Quilt*, in *QUILT CULTURE, TRACING THE PATTERN* 112, 113, 120 (Cheryl B. Torsney & Judy Elsley eds., 1994) (describing the AIDS quilt as a mechanism of social commentary); ELIZABETH V. WARREN & SHARON L. EISENSTAT, *GLORIOUS AMERICAN QUILTS: THE QUILT COLLECTION OF THE MUSEUM OF AMERICAN FOLK ART* 23, 25, 139 (1996) (describing the various functional quilts, including the friendship quilt, bible quilts, and “Mariner’s Compass” quilts).

23. See GLADYS-MARIE FRY, *STITCHED FROM THE SOUL: SLAVE QUILTS FROM THE ANTEBELLUM SOUTH* *viii* (U.N.C. Press 2002) (1990).

24. See generally Benberry, *supra* note 22 (documenting conversations with quilt-maker Ozella McDaniel Williams and describing the role of quilts in the Underground Railroad).

25. See *id.* But see BARBARA BRACKMAN, *FACTS & FABRICATIONS: UNRAVELING THE HISTORY OF QUILTS AND SLAVERY* (2006) (questioning the existence of a quilt code, regarding such anecdotes as folklore, and concluding that there was no special role quilts played in the Underground Railroad); Sarah Ives, *Did Quilts Hold Codes to the Underground Railroad?*, *NAT’L GEOGRAPHIC NEWS*, Feb. 5, 2004, http://news.nationalgeographic.com/news/2004/02/0205_040205_slavequilts.html (noting that some scholars question the existence of a quilt code and point to a lack of corroborating evidence).

directions for their escape.²⁶

The quilters of Gee's Bend composed their creations using any piece of material available, from scraps and rags to feed sacks to old work clothes. The patterns were free form and abstract. Despite many years of servitude where self-expression had been discouraged, the women had a chance to retain a bit of control in their otherwise uncontrollable lives through their textile expression. Due to the Bend's isolation, their techniques and unique style were left to develop with little outside influence. Some of the elements came from African textile and American quilting traditions, but their inspiration came as well from the crossword puzzles, comic strips, bridge columns, and other newsprint tacked to the walls of the homes for insulation.²⁷ As in all quilting traditions, the quilt's true value for the women was not only in the final product, but also in the process of collective creation when they gathered together at the end of a long day, sharing their lives, their struggles, and their joys.²⁸ The quilts of Gee's Bend are unique. They share the stories of their makers in a way that is colorful, confident, and bold.

II. THE STRUGGLE FOR CIVIL RIGHTS AND THE FREEDOM QUILTING BEE

Despite the community's isolation, the civil rights struggle eventually reached Gee's Bend.²⁹ Dr. Martin Luther King, Jr. visited the Bend in 1965.³⁰ That same year Reverend Francis Xavier Walter, the newly appointed head of the Selma Interfaith Religious Project, founded the Freedom Quilting Bee.³¹ Walter was passing through Gee's Bend to document civil rights abuses when he noticed three magnificent quilts

26. According to one folk-historian, quilts were used to send messages. On the Underground Railroad, those with the color black were hung on the line to indicate a place of refuge (safe house) Triangles in quilt design signified prayer messages or prayer badge, a way of offering prayer. Colors were very important to slave quilt makers. The color black indicated that someone might die. A blue color was believed to protect the maker. FRY, *supra* note 23, at 65; *see also* Benberry, *supra* note 22, at 22-23 (recounting a conversation between an African-American quilt-maker, Ozella McDaniel Williams, a descendant of slave quilt-makers, and Jacqueline Tobin, where Williams told her story of an Underground Railroad quilt code). According to Ozella, quilt patterns like the wagon wheel, log cabin, and shoofly signaled to slaves how and when to prepare for their journey, and stitching and knots created maps, showing slaves the way to safety. *Id.*

27. *See* JOHN BEARDSLEY ET AL., THE QUILTS OF GEE'S BEND 53 (2002) (describing how these household items were used to both decorate and insulate the walls of the unheated homes).

28. *See generally* JOHN FORREST & DEBORAH BLINCOE, THE NATURAL HISTORY OF THE TRADITIONAL QUILT 96-153 (1995) (discussing the values quilts provide to their makers).

29. *See* BEARDSLEY ET AL., *supra* note 27, at 21.

30. *See id.* at 31 (noting King traveled to Gee's Bend as part of his voting rights mission). Later, after King's death, mules from Gee's Bend were used to pull King's casket in the funeral procession through the streets of Atlanta. *Id.* at 27.

31. *See* CALLAHAN, *supra* note 3, at 3.

hanging on a clothesline.³² They were unlike any he had ever seen.

Walter came up with a plan based on the quilts to mobilize the women of the region to both highlight the struggle for civil rights and help the women become self-sufficient.³³ He began collecting quilts for sale at auction in the North, promising the women the profits from the sales.³⁴ Established as a collective, the Freedom Quilting Bee started off slowly operating initially out of abandoned shacks and on members' porches. The auction profits were used to make additional quilts, build an office for the collective, and provide childcare to allow more women to participate.³⁵

The Gee's Bend quilts were typically irregular in size, the stitching uneven, and the dyes in the old scraps ran when the quilts were washed. In 1968, when work began to slow, Walter contacted Stan Selengut, an expert in marketing native crafts, for help to breathe life into the project.³⁶ Walter also hired a designer to work with the women to improve the durability and consistency of their quilting.³⁷ A project manager also helped train the women, provided tools, and encouraged them to follow popular quilt patterns and designs.³⁸

The early New York Freedom Quilting Bee auctions proved a great success.³⁹ Indeed, based on this early notoriety, the Freedom quilts helped spawn a national folk trend.⁴⁰ New York designer, Sister Parish, hired the quilters of the cooperative to produce patchwork for her popular designs.⁴¹ Some of these patterns were featured in a *Vogue* magazine spread.⁴² Artist Lee Krasner took an interest in the quilts and even made an attempt to have

32. *See id.* at 3, 13.

33. *See id.* at 3.

34. *See id.* at 13-14, 27 (explaining that because the quilters were skeptical of outsiders, Walter paid the quilters ten dollars per quilt and brought back any additional profit made at auction).

35. *See id.* at 9, 93.

36. *See id.* at 72 (noting that Selengut, a native of New York, started his career and achieved great success in merchandizing South American crafts in the United States).

37. *See id.* at 71 (adding that because the quality and aesthetic beauty varied remarkably from one quilt to another, this training was deemed necessary to ensure consistency among the product).

38. *See id.* at 71-76 (noting that the project manager, Sara Stein, was a toymaker by trade who was seen as possessing the requisite sewing skills and creative insight to make the quilts more marketable).

39. *See generally id.* at 19-30 (explaining the mechanics and success of the first quilt auction in New York City).

40. *See id.* at 64.

41. *See id.* at 55 (elaborating that Sister Parish was famous for her "English Country Style," which features patterns on patterns). She liked the quilts because they were bold and crude and fit with her style. *Id.*

42. *See id.* at 64-65.

them exhibited at New York's Metropolitan Museum of Art.⁴³ *House and Garden* and *Life* magazines both ran stories on the quilts.⁴⁴ The cooperative soon entered into contracts with Bloomingdale's and Sears to make quilts and pillows using materials and patterns provided by the retailers.⁴⁵ During these years, revenues from the Freedom Quilting Bee activities boosted the income of Gee's Bend by 25 percent.⁴⁶

But as the seventies faded so did the folk trend, and soon there was little demand for the hand-crafted quilts. The Freedom Quilting Bee's profits declined. However, it continued to limp along filling orders for conference tote bags, potholders, some quilts, and a few other hand-sewn items.⁴⁷ As outside interest in the quilters waned and the civil rights workers moved on, Gee's Bend fell back into rural isolation. But in their continuing need for self-expression and community, the women of Gee's Bend continued their tradition of making quilts of their own technique and design in their cherished evening gatherings.

III. THE TINWOOD ALLIANCE PARTNERSHIP

In 1997, a chance encounter with another outsider changed the quilters' lives yet again. But unlike Walter's Freedom Quilting Bee, this change would prove even more significant. That year, William Arnett, an art scholar and collector from Atlanta, came across photos of quilter Annie Mae Young and her quilts in Roland Freeman's *Communion of the Spirit*, a book documenting the lives of African-American quilters.⁴⁸ So taken with the image, he set off to Gee's Bend to locate the quilts and purchase as many as he could. He bought many of the older quilts, nearly 700 of them, and reportedly paid between \$100 to \$2500 for each quilt.⁴⁹ While the

43. See *id.* at 62 (explaining that Krasner told Henry Geldzahler, then curator of New York's Metropolitan Museum of Art, about the quilts of Gee's Bend). Geldzahler himself described the quilts as "strong, bold and controlled design" that embodied the "warm, rich vein of black Southern culture." *Id.*

44. See *id.* at 66 (describing the *House and Garden* spread, which showed an Eight-Point Star quilt draped on a sofa in an island home in Maine, and the *Life* article entitled "Craze For Quilts," which described the popularity of both the quilts and the broader folk trend).

45. See *id.* at 81-84, 114 (stating that sale of Gee's Bend items began at Bloomingdale's in 1969 and at Sears in 1972).

46. See *id.* at 40.

47. See RuralDevelopments.org, Freedom Quilting Bee: History, Activities, Plans, <http://www.ruraldevelopment.org/FQBhistory.html> (last visited Jan. 2, 2007) (noting that the Quilting Bee was a member of Artisans Cooperative and sold these products in five stores in the Northeast).

48. See Press Release, Indianapolis Museum of Art, The Indianapolis Museum of Art Will This Weekend Open a New Exhibit That Will Feature 70 Original Quilts from the Women of Gee's Bend, Alabama (Oct. 6, 2006), available at <http://www.insideindianabusiness.com/newsitem.asp?ID=19968>.

49. See Amy Crawford, *An Interview with Amei Wallach, author of "Fabric of Their*

quilters were by now no strangers to outside interest in their craft, Arnett's transactions with the women were somewhat different. Unlike Walter, not only did Arnett purchase many of the quilts, he also contracted with the women for any and all underlying intellectual property rights to all the quilts made before 1984.⁵⁰ Arnett then transferred ownership of all these quilts and the underlying rights to the Tinwood Alliance, his Atlanta-based non-profit organization dedicated to promoting vernacular art.⁵¹

In 2002, in cooperation with the Museum of Fine Arts in Houston, Arnett's Tinwood Alliance presented "The Quilts of Gee's Bend," an exhibition of seventy of the quilts.⁵² From Houston, the quilts traveled to eleven art museums across the country, including the Corcoran Museum of Art in Washington, D.C., and the Whitney Museum of American Art in New York City.⁵³ *The New York Times* hailed the quilts as "some of the most miraculous works of modern art America has ever produced."⁵⁴ They were compared to the works of Henri Matisse and Paul Klee.⁵⁵

Based on the tremendous acclaim from this first exhibition, the Tinwood Alliance soon created several spin-off corporations based on the quilts, quilt designs, and the quilters.⁵⁶ Tinwood Media includes subsidiary Tinwood Books, which has published two books on the Gee's Bend quilt making tradition; Tinwood Music, which has produced a compact disc compilation of music recorded over sixty years ago and newly recorded music performed by the quilters; and Tinwood Films, which has produced a documentary film on the quilts and quilters.⁵⁷ In addition to the Tinwood Media entities, the Alliance also created Tinwood Ventures, the primary marketing arm of the enterprise.⁵⁸ This particular subsidiary has set out on

Lives," SMITHSONIAN MAGAZINE, Oct. 2006, <http://www.smithsonianmagazine.com/issues/2006/october/geesbend.php> (describing how Young had to search in closets and under beds to find the quilt Arnett had seen in the book and noting that only days before his arrival she had burned a number of her quilts to drive off the mosquitoes)

50. See E-mail from Harrison Arnett, Business Director, Tinwood Ventures, to Laura Schmoyer, Dean's Fellow, Washington College of Law, American University (June 29, 2004) (on file with author).

51. See *id.*

52. See Collective History, *supra* note 2.

53. See Press Release, Corcoran Gallery of Art, The Quilts of Gee's Bend (Feb. 10, 2004), available at http://www.corcoran.org/exhibitions/press_results.asp?Exhib_ID=69 (announcing "The Quilts of Gee's Bend" would be on view at the Corcoran Gallery of Art in Washington, D.C., from February 14, 2004 through May 17, 2004).

54. Michael Kimmelman, *Art Review: Jazzy Geometry, Cool Quilters*, N.Y. TIMES, Nov. 29, 2002, at E2.

55. See *id.*

56. See QuiltsofGeesBend.com, Related Items and Projects, <http://www.quiltsofgeesbend.com/items/> (lasted visited October 18, 2006).

57. See *id.*

58. See *id.* (describing Tinwood Venture's endeavors, including partnerships with Kathy Ireland Worldwide, Anthropologie, Folio, and Chronicle Books).

a very aggressive licensing program based on the intellectual property of the quilts.

Arnett projected early on that the Gee's Bend aesthetic was going to have an impact on a variety of areas, including fashion and home. To capitalize on this aesthetic, Tinwood Ventures announced a partnership with Kathy Ireland Worldwide in 2003 to produce home products using the Gee's Bend quilt designs.⁵⁹ This huge lifestyle empire, founded by the former *Sports Illustrated* swimsuit cover girl and California celebrity mother, sells her vast array of home products under the trademarked slogan "finding solutions for families, especially busy moms."⁶⁰ Ireland has said of the partnership with Tinwood and the quilters, "[t]here is not anything I desire to do unless it's going to lift up these women and make their art visible. . . . It can't be cheapened. It's got to be tasteful. I want the artist to recognize her art when she sees it."⁶¹

Ireland has since entered into deals to produce a wide array of home products based on the quilts including sheets, comforters, duvet covers, window treatments, accessory pillows, throws, quilts, bed pillows, mattress pads, and even pet proof rugs.⁶² She has also sublicensed the quilt designs for other Gee's Bend themed products in agreements with Area Rugs Online, Hanna's Candles, Shaw Floors, Pacific Coast Lighting, and others.⁶³ Barbara Barran of Classic Rugs Collection, a high-end New York custom rug designer, has licensed the designs to make hand-tufted and hand-knotted Gee's Bend-inspired rugs selling for prices ranging from

59. See Press Release, Tinwood Ventures, (2003) (on file with author) (quoting William Arnett: "Tinwood's relationship with Kathy Ireland Worldwide represents the largest and most important partnership we have ever formed, and it will greatly enhance the projects we are planning to improve the Gee's Bend community. . . . Though in this agreement Kathy has exclusive license to produce home products using Gee's Bend quilt designs and inspirations, KIWW has, from the outset, shared in the desire to help direct funds back to the community. To that end, KIWW has allowed the provision for other companies to produce custom made products in a few select categories in order to provide even more financial support for the Gee's Bend Community").

60. Press Release, Kathyireland.com, ClearTouch From Kathy Ireland by Shaw: A Solution for Moms, available at <http://www.kathyireland.com/ContentSystem/ArticlePage.aspx?ArticleID=102&CatID=173> [hereinafter ClearTouch Press Release].

61. Linda Hales, *From Museum to Housewares: Marketing Gee's Bend Quilts*, WASH. POST, Feb. 28, 2004, at C01 (highlighting Kathy Ireland's desire to maintain the integrity of the Gee's Bend motifs she plans to use on her home products).

62. See KathyIreland.com, Quilting Solutions, <http://www.kathyireland.com/ContentSystem/CategoryPage.aspx?CatID=40> (last visited Jan. 2, 2007).

63. See ClearTouch Press Release, *supra* note 60; Press Release, Hanna's Candle Company, Hanna's Candle Company, available at <http://www.kathyireland.com/ContentSystem/ArticlePage.aspx?ArticleID=169&CatID=173> (last visited Jan. 2, 2007); KathyIreland.com, Kathy Ireland Gee's Bend Collection by Shaw Rugs, www.1001arearugs.com/Shaw/Kathy_Ireland_Gee's_Bend/styles.aspx (last visited Jan. 2, 2007); PacificLighting.com, Lighting Collection, http://www.pacificcoastlighting.com/htmls/kathy_ireland/home.asp (last visited Jan. 2, 2007).

\$3,000 to \$6,300.⁶⁴ Paulson Press, a fine art print publisher, has teamed with two of the quilters to market prints based on small-scale quilt tops made by the quilters expressly for the limited edition print runs.⁶⁵ Tinwood Ventures has also launched a Quilts of Gee's Bend VISA gift card.⁶⁶ And on August 24, 2006, U.S postage stamps commemorating the quilts of Gee's Bend went on sale at post offices nationwide.⁶⁷

And the Gee's Bend mania continues to march on. A second museum exhibition entitled *Gee's Bend: The Architecture of the Quilt* has once again been organized by the Tinwood Alliance and the Houston Museum of Fine Arts.⁶⁸ This exhibition of seventy previously un-exhibited quilts explores how the quilters have improvised on certain traditional motifs and traces the family quilting lineage of some of the master Gee's Bend quilters.⁶⁹ The exhibition began its journey in Houston in June 2006, and, like the first exhibit, will travel to cities throughout the country.⁷⁰

At the same time, with assistance from the Tinwood organizations, more than fifty of the surviving quilters have founded the Gee's Bend Quilters Collective.⁷¹ The Collective now serves as the exclusive outlet for selling and marketing the quilts currently being produced by the women.⁷² It is owned, operated, and run by the women.⁷³ It is heavily promoted by the Tinwood organizations. Each quilt crafted by members of the Collective now bears a signature and serial number to verify its uniqueness and authenticity.⁷⁴

In response to an inquiry about the unique contractual arrangement between the Tinwood entities and the quilters, Arnett's son Harrison, the

64. See Linda Matchan, *The Blurred Line Between Purity and Profit*, BOSTON GLOBE, May 15, 2005, at N6 (describing Barran's rugs and also noting that it was important to Barran that the women of Gee's Bend were satisfied with the work).

65. See Linda Hales, *For Gee's Bend, a New Twist*, WASH. POST, Feb. 25, 2006, at C2 (detailing the collaboration between Paulson Press and two Gee's Bend quilters, Mary Lee and Louisiana Bendolph, in making these limited edition prints).

66. See Quilts of Gee'd Bend, Items, <http://www.quiltsofgeesbend.com/items> (last visited Jan. 2, 2007).

67. See Press Release, United States Postal Service, Gee's Bend Quilts (August 24, 2006) available at <http://shop.usps.com/webapp/wcs/stores/servlet/ProductDisplay?catalogId=10152&storeId=10001&categoryId=16810&productId=26203&langId=-1> (stating that the United States Postal Service chose to create these stamps to showcase beautiful works of American fine arts and crafts created with humble but vibrant materials by African-American women).

68. See Houston Museum of Fine Arts, Exhibitions <http://www.mfah.org/main.asp?target=exhibition&par1=1&par2=3&par3=240> (last visited Jan. 2, 2007).

69. See *id.*

70. See *id.*

71. See Collective History, *supra* note 2.

72. See *id.*

73. See *id.*

74. See *id.*

business manager of Tinwood Ventures, notes that he views the relationship as a “partnership with the community.”⁷⁵ In describing their partnership, he emphasizes that the quilters retained all the rights to the quilts made after 1984 and that Tinwood pays the community a royalty on all licensed uses for the quilts made before 1984, even though Tinwood owns the underlying intellectual property rights to these.⁷⁶ He writes “we are sort of modeling our actions after the French law, which entitles the artist or artist’s family or trust to percentages of the sales price even after the artist has died.”⁷⁷

This law, the *droit de suite*, roughly translated as an “art proceeds right,” is an artist’s resale royalty. The economic right is a particularization of the broader notion of moral or authors’ rights and was first enacted into French law in 1920.⁷⁸ It reflects the reality that often by the time a work of visual art accumulates value, it is no longer in the artist’s hands.⁷⁹ Under this inalienable right, French artists have had the right to be paid a royalty on the proceeds of any resale of their work.⁸⁰ Closely related to the various components of the moral rights doctrine, the *droit de suite* to some degree also reflects the concern with protecting the author’s personal dignity and the human spirit reflected in artistic creations.⁸¹

When asked, Arnett acknowledges that the quilters are not involved in

75. E-mail from Harrison Arnett, Business Director, Tinwood Ventures, to Laura Schmoeyer, Dean’s Fellow, Washington College of Law, American University (June 29, 2004) (on file with author).

76. *See id.*

77. *Id.*

78. *See* Michael B. Reddy, *The Droit De Suite: Why American Fine Artists Should Have the Right to a Resale Royalty*, 15 LOY. L.A. ENT. L. REV. 509, 516 (1995); *see also* Susan Scafidi, *Intellectual Property And Cultural Products*, 81 B.U.L. L. REV. 793, 803 (2001) (explaining that the *droit de suite* is justified by a sense of “inherent justice of rewarding the author for creative efforts . . . when a creator deliberately combines her mental efforts with language, images, techniques or other ideas in the public domain, the resulting product should be identified as her intellectual property”).

79. *See* Reddy, *supra* note 78, at 515. *See generally*, Monroe Price, *Government Policy and Economic Security for Artists: The Case of the Droit de Suite*, 77 YALE L. J. 1333 (1967) (examining the assumptions underlying the *droit de suite* and testing their validity in the U.S.).

80. *See* Reddy, *supra* note 78, at 516 (explaining that the original *droit de suite* legislation “granted artists a right of participation in the public sales of their works of art”). The most recent version of the French *droit de suite* is found in the 1957 Copyright Law and provides for the payment of a flat three percent royalty on the resale price of all “graphic and plastic works” sold for more than 100 francs and lasts for the life of the author plus fifty years. *Id.* Since 1957, the *droit de suite* has been extended to sales ‘through a dealer’ as well as public auctions. *Id.* However, since no rules implementing this provision were ever issued, the resale royalty is in reality only collected at auction. *Id.*

81. *See* Roberta Rosenthal Kwall, *Author-Stories: Narrative’s Implications For Moral Rights and Copyright’s Joint Authorship Doctrine*, 75 USC L. REV. 1 at 23 (2001) (noting that the author’s personality-based narrative of creation emphasizes the infusion of the “self” into one’s work, and thus provides the framework for the moral rights components including the rights of integrity, attribution, and disclosure).

any way in the discussions or negotiations with the commercial entities.⁸² He reasons that “traditionally artists have always been taken advantage of by commercial entities, especially vernacular artists.”⁸³ He adds, “we handle the negotiations with the companies we work with, always paying extreme attention to our fiduciary duty to the artists and their artwork. The community does know what projects we’re working on, and we turn down far more projects than we accept.”⁸⁴ The Arnetts claim that through the various Tinwood Ventures licensing activities, more than one million dollars has already been reinvested in the Gee’s Bend Community.⁸⁵ The Tinwood Alliance also has been working with the community to establish a Gee’s Bend Foundation.⁸⁶ There also are plans to soon build a community center on the Bend.⁸⁷

III. COMMODIFICATION THEORY

What does the commodification literature tell us about the story of the quilters of Gee’s Bend, particularly the moments in the story when the quilts have entered the marketplace? Viewed through the lens of Professor Margaret Jane Radin’s groundbreaking commodification analysis, it seems clear that the quilts of Gee’s Bend are to some extent “bound up with personhood.”⁸⁸ The personhood represented in these quilts is the women of Gee’s Bend themselves. It is their lives, their families, their struggles, their stories living in the quilts.⁸⁹ Like so many other things thought to be imbued with personhood, putting these quilts (and arguably even their virtual licensed versions) into the marketplace seems in some ways

82. See E-mail from Harrison Arnett, *supra* note 75.

83. *Id.*

84. *Id.*

85. *See id.*

86. *See id.*

87. *See id.*

88. *See generally* Margaret J. Radin, *Market-Inalienability*, 100 HARV. L. REV. 1849 (1987) (highlighting the problems with transforming non-market goods into market goods as interfering with our understandings of personhood); Margaret J. Radin, *Property And Personhood*, 34 STAN. L. REV. 957 (1982) (discussing the idea of personhood as being central to most theories of property, recognizing that a person is bound up with an external “thing” in a constitutive sense); MARGARET J. RADIN, *CONTESTED COMMODITIES* (1996); *see also* E.M. Landes & Richard A. Posner, *The Economics of the Baby Shortage*, 7 J. LEGAL STUD. 323-48 (1978) (supporting the view that much of Radin’s work reacts against the strict economic approaches to the law as expressed by Richard A. Posner and the Chicago School of Economics who argue for expanded laissez fair markets in defense of private culture).

89. *See* Pauline Mortenson, 12.3 WEBER STUD. (1995) (reviewing *QUILT CULTURE: TRACING THE PATTERN* (Cheryl B. Torsney & Judy Elsley eds., 1994)), *available at* <http://weberstudies.weber.edu/archive/archive%20B%20Vol.%201116.1/Vol.%2012.3/12.3BookReviews.htm#Quilt%20Culture> (describing pieces in the book which highlight that quilt culture shows the humanity and social aspects of people and describe heritage).

undesirable as it threatens this personhood.⁹⁰ With respect to such questionable commodification, Radin was the first to pose the question: who is advantaged and disadvantaged by such a market exchange? Through a values-based lens, the traditional commodification literature based largely on her work asks: what do we want in the market and what do we want to keep out of it?⁹¹ This traditional critique theorizes that while most things are fine and fit for the marketplace, the reduction of certain human interactions and qualities of personhood to marketplace transactions is dehumanizing and therefore undesirable.

However, recent scholarship has gradually exposed the false dichotomies and dualities presented in traditional commodification theory. The emerging literature takes a new look at the value of the market for such controversial transactions. Through the lens of cultural studies, this new scholarship begins a critical assessment of the wider web of social relations and contexts involved in each market exchange.

In *Rethinking Commodification*, Professors Joan Williams and Martha Ertman compiled a thoughtful collection of essays reflecting on the evolution of this theory.⁹² Building on Radin, many scholars still agree that sex, babies, bodies, and body parts should be outside of the marketplace arguing that qualities of personhood should be protected from market exchange.⁹³ It is clear that women, minorities, and other disenfranchised groups are most often at risk of getting hurt in market transactions. Markets are also more likely to threaten the personhood of women and minorities because elements of their personhood such as sex or identity are often the commodities in these contested exchanges.⁹⁴ On the other hand, the

90. See Richard A. Posner, *Community and Conscriptio*, in *RETHINKING COMMODIFICATION* 128, 129 (Martha M. Ertman & Joan C. Williams eds., 2005) (describing communitarians' discomfort with the substitution of market for non-market services).

91. See KARL MARX, *CAPITAL* 1, at 3-4 (J.M. Dent & Sons Ltd. eds., 1974) (1930) (describing a commodity as "an external object, a thing whose qualities enable it, in one way or another, to satisfy human wants. . . . Use-value is only realized in use or consumption"). But see Nora Ruth Roberts, *Quilt-Value And The Marxist Theory Of Value*, in *QUILT CULTURE, TRACING THE PATTERN* 125-27 (Cheryl B. Torsney & Judy Elsley eds., 1994) (noting that Marx's understanding of commodities and commodification is insufficient to explain the memory-value, as opposed to the use-value, of her grandmother's quilt and of other sentimental heirlooms).

92. See *RETHINKING COMMODIFICATION* (Martha M. Ertman & Joan C. Williams eds., 2005).

93. See Patricia Williams, *In Search of Pharaoh's Daughter*, in *RETHINKING COMMODIFICATION* 69-70 (Martha M. Ertman & Joan C. Williams eds., 2005) (commenting on her shock and disgust upon learning that a fee schedule was attached to the adoption of her son). See generally Michael J. Sandel, *What Money Can't Buy: The Moral Limits of Markets*, in *RETHINKING COMMODIFICATION* 122-23 (Martha M. Ertman & Joan C. Williams eds., 2005) (arguing that commodification in certain instances is immoral and leads to coercion and corruption).

94. See Regina Austin, *Kwanzaa And The Commodification Of Black Culture*, in *RETHINKING COMMODIFICATION* 178-88 (Martha M. Ertman & Joan C. Williams eds., 2005)

disenfranchised are also those most often forced into such “desperate exchanges.”⁹⁵ This is Radin’s classic “double bind.”⁹⁶ It echoes the classic feminist legal theory literature, illuminating issues of victimization, agency, and public and private spheres.

Scholars Tricia Rose and bell hooks, among others, also worry that personhood as represented in cultural and ethnic identities and traditions, such as jazz, rhythm and blues, rap and hip hop, are taken for the pleasure and financial benefit of the dominating culture.⁹⁷ “Within commodity culture,” hooks writes, “ethnicity becomes spice, seasoning that can liven up the dull dish that is mainstream white culture.”⁹⁸ She worries that “cultural, ethnic and racial difference will be continually commodified and offered up as new dishes to enhance the white palate—and the Other will be eaten, consumed, and forgotten.”⁹⁹

More recently, a new generation of scholars has started to reevaluate the power of the market and commodification. This scholarship endorses the benefits of the market for exchanges as varied as sex,¹⁰⁰ marriage,¹⁰¹

(discussing the effect of commodification on collective expressions of personhood in the black community’s celebration of Kwanzaa and describing it as invariably resulting in co-optation turning the commodity away from and against its creators); *see also* Dereka Rushbrook, *Cities And Queer Space*, in *RETHINKING COMMODIFICATION* 199-212 (Martha M. Ertman & Joan C. Williams eds., 2005) (explaining how gay lifestyles and gay space have been commodified and how this commodification impacts the gay community). *See generally* *CONTESTED COMMODITIES*, *supra* note 88, at 50 (asserting that questionable commodification comes up most often in terms of women in prostitution, surrogacy, and egg harvesting).

95. *See* *CONTESTED COMMODITIES*, *supra* note 88, at 50 (defining “desperate exchanges” as the term used by Professor Michael Walzer in his argument to ban commodification when it is not actually a product of free choice, but the result of the “desperation of poverty”).

96. *See id.* at 52, 123-30 (arguing that the pursuit of non-ideal justice, when a community adopts change in the pursuit of social improvements, may lead to this double-bind, where “we compromise our ideals too much because of the difficulties of our circumstances, we may reinforce the status quo instead of making progress. . . . On the other hand, if we are too utopian about our ideals given our circumstances, we may also make no progress”).

97. *See* bell hooks, *Eating The Other, Desire And Resistance*, in *RETHINKING COMMODIFICATION* 191-98 (Martha M. Ertman & Joan C. Williams eds., 2005) (commenting on the commodification of culture, ethnicity, and racial differences as reinforcing white cultural hegemony); TRICIA ROSE, *BLACK NOISE: RAP MUSIC AND BLACK CULTURE IN CONTEMPORARY AMERICA* (1994) (discussing the controversial themes, styles, and lyrics of rap music as a reflection of the struggles in black history and culture).

98. hooks, *supra* note 97, at 191.

99. *Id.* at 198.

100. *See* Martha Nussbaum, *Taking Money for Bodily Services*, in *RETHINKING COMMODIFICATION* 243-48 (Martha M. Ertman & Joan C. Williams eds., 2005) (arguing that prostitution is a form of bodily service akin to other lawful bodily services); *see also* Ann Lucas, *The Currency of Sex: Prostitution, Law And Commodification*, in *RETHINKING COMMODIFICATION* 248-70 (Martha M. Ertman & Joan C. Williams eds., 2005) (arguing that “there is no correspondence between noncommodification and flourishing, and that laws prohibiting prostitution actually inhibit the flourishing of prostitutes, their customers, and others”).

101. *See generally* Martha M. Ertman, *Marriage as a Trade: Bridging the*

reproductive ingredients like eggs and sperm,¹⁰² caregiving,¹⁰³ housework,¹⁰⁴ and the holiday Kwanzaa as commodified by the black community itself.¹⁰⁵ This literature concludes that markets, so seemingly inappropriate for some things, upon closer examination can ultimately be beneficial for those very same things.

Salman Rushdie noted, “[t]hose who do not have power over the story that dominates their lives, power to retell it, rethink it, deconstruct it, joke about it, and change it as times change, truly are powerless.”¹⁰⁶ In the current intellectual property debates, we also weigh the advantages and disadvantages of the increasing propertization and commodification of certain creative work bound up with identity or personhood. In particular, we worry about the risks associated with the increasing appropriation of traditional knowledge, cultural production, and indigenous identities.

The commodification of cultural identity has the potential to homogenize everything it touches and, in the process, remove all local meaning and context.¹⁰⁷ On the other hand, the commodification of cultural identity also has unique power to create cultural understanding and evolution. In such respects, the traditional debate over whether or not to commodify is increasingly viewed in the new scholarship as an unhelpful distraction.

Private/Private Distinction, 36 HARV. C.R.-C.L.L. Rev. 79 (2001) (criticizing "the naturalized model of intimate affiliations" and suggesting the importation of elements of business law to improve domestic relations law).

102. See generally Martha M. Ertman, *What's Wrong with a Parenthood Market?: A New and Improved Theory of Commodification*, in RETHINKING COMMODIFICATION 303-23 (Martha M. Ertman & Joan C. Williams eds., 2005) (questioning the argument that privatization benefits the powerful at the expense of everyone else and arguing that the sale of parental rights facilitates the formation of families based on intention and function).

103. See generally Deborah Stone, *For Love Nor Money: The Commodification of Care*, in RETHINKING COMMODIFICATION 271-90 (Martha M. Ertman & Joan C. Williams eds., 2005) (exploring the arguments for resisting the commodification of care).

104. See generally Katherine Silbaugh, *Commodification and Women's Household Labor*, 9 YALE J. L. & FEMINISM 81, 100-08, 113-15 (1997) (arguing that a market for housework already exists because paid domestic workers already get paid and that rejecting home labor as something other than work allows domestic workers to be denied the benefits of protections of labor laws).

105. See Austin, *supra* note 94, at 187-88 (arguing that the commodification of Kwanzaa has "helped to sustain a market for Afrocentric commodities" that are designed, made, and sold by the black community). Kwanzaa allows blacks to "compete on equal terms with the white mainstream culturally, socially and economically." *Id.*

106. SALMAN RUSHDIE, *One Thousand Days in a Balloon*, in IMAGINARY HOMELANDS: ESSAYS AND CRITICISM, 1981-1991, at 430, 432 (1991).

107. *C.f.* Susan Behuniak-Long, *Preserving the Social Fabric: Quilting In A Technological World*, in QUILT CULTURE, TRACING THE PATTERN 151-68 (Cheryl B. Torsney & Judy Elsley eds., 1994) (describing Marx's observations about the effect of technology on commodification: "Technology not only affects the degree of connection between quilt and quilter, but also has an impact on the value ascribed to the process and product of quilting"). Marx noted that "connection, commodification and technology are so closely related that the introduction of technology results in greater productivity and greater profit but less connection between the worker and the product." *Id.*

The emerging commodification theory focuses instead on ways to better structure the quality of those social relationships that involve elements of both economics and identity.

In the realm of intellectual property, identity, knowledge, and culture are often at the heart of the contested commodities. Professor Madhavi Sunder has observed that property law, at its core, is based on the recognition of a set of complex negotiations between equity and liberty, the desire for freedom and community, the right to exclude and the right of access, and tradition and modernity.¹⁰⁸ She argues that given this foundation, we should not fear the rise in new intellectual property rights but instead should pay more heed to the social relationships at stake and the substantive and changing needs and desires of the individuals and communities involved.¹⁰⁹ Similarly, Professor Williams and sociologist Viviana Zelizer suggest that the question of whether or not to commodify should be abandoned altogether. They instead urge an analysis focused on an assessment of how to create differentiated interpersonal ties that are just, equal, socially beneficial, and satisfying to the participants in both their material and symbolic dimensions.¹¹⁰

VI. COMMODIFICATION THEORY AND THE QUILTERS OF GEE'S BEND

In the 1991 novel *How to Make an American Quilt*, author Whitney Otto recounts the story of a reunion of several generations of women getting together to work on a wedding quilt.¹¹¹ As they sew together and share the joys and sorrows of their vastly different lives, one of the women laments that "anyone who could buy something like [a] quilt . . . [is] unabashedly immoral."¹¹² There is clearly something very personal about quilts. Quilts are meant to remain at home or within a family or family of friends. Quilts are gifts. Quilts are family heirlooms. Quilts represent home, family, and community values—not market values.¹¹³ Quilts are certainly not sex, babies, bodies, or body parts—the traditional contested commodities of the commodification literature. But in some ways, quilts are the very "anti-commodity." Throughout those many generations, or at least until the Freedom Quilting Bee, the Gee's Bend quilters most likely never intended

108. See Madhavi Sunder, *Property in Personhood*, in RETHINKING COMMODIFICATION 172-73 (Martha Ertman & Joan Williams 2005).

109. See *id.*

110. See Viviana Zelizer & Joan Williams, *To Commodify or Not to Commodify that is Not the Question*, in RETHINKING COMMODIFICATION 363-76 (Martha M. Ertman & Joan C. Williams eds., 2005).

111. See OTTO, *supra* note 1, at 138.

112. *Id.*

113. See Matchan, *supra* note 64 (recounting how some have questioned the commodification of quilts and criticizing the Gee's Bend spinoffs as having gone too far).

that their evening creations would leave home, family and friends, much less reach the marketplace.

However, the quilts and the story of the women of Gee's Bend are out there in the world now. While the tattered, hand-stitched originals hang on museum walls, the mass reproductions adorn the beds, floors, and walls of middle class homes. The quilter's designs are on VISA gift cards and postage stamps. Are the women of Gee's Bend willingly sharing their identities, culture, and their story? In this sharing, have they empowered themselves? Through the Gee's Bend Quilters Collective and the partnership with the Tinwood Alliance, they have arguably maintained some degree of control over the alienation of their craft and of their story. Exposure to the commodification culture has brought them worldwide artistic acclaim, mass recognition, and respect. It has also given the quilters self-respect and allowed them to pursue the textile expression they love with security and freedom. It has arguably even revived a dying craft in the region. Will it ultimately better their lives? The licensing deals have already brought increased community resources and economic development and may soon even deliver Gee's Bend a new community center.

But has the commodification of the Gee's Bend quilts, quilt designs, and even the quilters themselves, largely through the intellectual property regime, come at too great a cost? Are the quilters unwittingly alienating their identity, their culture, and their tradition? Have they ceded too much control of their story as it makes its way out into the world via the Tinwood companies? Are the mass market licensing ventures spawning the many sanitized versions of their craft—the pet-proof rugs, soy candles, VISA gift cards, machine-made bedspreads, limited edition art prints, and U.S. postage stamps stripping away all the personhood, meaning, and context bound up with their quilts and quilt designs? What effect has all the focus on the licensed virtual versions and the huge revenues spun off by them had on their craft and on the Gee's Bend traditions? Are their creations, complete with signatures and serial numbers, now produced with an eye to the market rather than as an expressive extension of themselves or their community? As Rushdie reminds us, their culture, tradition, and identity—their story out there in the world—is surely their power.¹¹⁴ Amidst all this mass commodification, what has and will become of their story?

CONCLUSION

Questions surfaced in the story of the quilters of Gee's Bend raise many of the classic tensions and contradictions exposed in the ongoing

114. See RUSHDIE, *supra* note 106, at 430, 432.

commodification debate. Are the quilters victims of Radin's classic double bind?¹¹⁵ Which is worse for them, commodification or non-commodification? Is the Tinwood Alliance partnership and all it offers this community maybe "second best"? Radin herself used this economic theory to argue for "incomplete commodification" in some situations.¹¹⁶ She noted that even though imperfect, commodification is sometimes desirable if undertaken under certain restrictions.¹¹⁷ The women of Gee's Bend have ceded control, some may argue perhaps too much control, over their story. But what is their alternative? Professor Regina Austin writes:

Black people still have reasons to be concerned about white society's tendency to alienate things from their black creators and innovators. Commodification per se is not the problem though; the real struggle is over the meaning that is embedded in the things to which blacks' creativity and intellect have contributed and in the social interactions from which and by which that meaning flows . . . Moreover, competition is to be embraced, not feared or avoided. Black people should not allow themselves to be alienated from their things without a struggle. The commodities that are produced by or through black culture represent an extension of their collective selves. As the discussion of hip hop and Kwanzaa reveals, black people cannot be reduced to commodities but they cannot survive without commodification either.¹¹⁸

Aspects of the Tinwood Alliance arrangement with the quilters of Gee's Bend, based loosely on notions of moral rights and the *droit de suite*, contain a glimmer of a more nuanced approach to the commodification dilemmas raised in the literature. The quilters' partnership with Tinwood focuses at least to some degree on an ongoing dialogue with and concern for the needs and desires of the quilters and community of Gee's Bend. The arrangement also grants them some degree of agency and control over the decisions made and the revenues earned, particularly with regard to the recent quilts in which they retain the all the rights. In certain respects, even as they have allowed for the alienation of their quilts, the women of Gee's Bend have initiated Austin's struggle for control of their story. Their arrangement with the Tinwood Alliance, even though achieved by contract, may well be a model worth studying as we continue to move forward in our attempts to address the needs and desires of similarly disenfranchised

115. See CONTESTED COMMODITIES, *supra* note 88, at 52, 125 (arguing that if commodification is forsaken, impoverished and oppressed people may be deprived of money to improve their lives that they would have otherwise afforded had their products been commodified; yet "commodification threatens the personhood of everyone" impoverished or otherwise).

116. *See id.*

117. *See id.*

118. Austin, *supra* note 94, at 178, 188.

creators and creative communities. This Article suggests that the commodification story of the quilters of Gee's Bend may shed some light on possible ways to structure the quality of social relationships and promote more dialogue in our ongoing search for justice for all creators.