An American Wearing Kente

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http://hdl.handle.net/10950/1255
There is a pushback against legal protection – such as the patenting of designs by artisans – for kente weavers and adinkra stampers. Artisans view the individual patent as something only for Ghana’s musicians and inapplicable outside of the music business.

In rural areas, the folkloric traditions predate over who may or may not weave; women are barred from cloth production due to oral traditional perceptions of menstruation and resulting cleanliness. A woman may not weave cloth that may come in contact with royal skin, and if she does, the folkloric consequence is barrenness or unhealthy offspring.

There is no comprehensive catalogue of kente cloth designs where there are fairly comprehensive indexes of adinkra symbols (since they are more “universal” and not unique to any one maker).

Because of little to no legal protection, prints and designs are frequently appropriated and misappropriated for capital ventures in Ghana as well as internationally.

There appears to be little motivation toward individual patents or trademarks specifically because of the nature of the textile industry: it is inherently a family-based trade passed from generation to generation. A patent might affect the very structure of the cloths’ process, and so without a patent, the process (rather than the design) is preserved.

The structures placed on women are agrarian and ruled by traditional law, and these perceptions are depleting with the growth of urban society and development of competitive fashion industry in Accra, specifically. There is also an increased acceptance of scientific facts that dispel folkloric tendencies. However, the Western concept of gender equality does not play the same role in Ghana; instead, it is more a concept of equity or equal opportunity in separate roles that is occurring because of the value placed on traditional gender duties.

The lack of widely-accepted standardization of the languages and education in Ghana causes there to be little formal cataloguing or organized historical preservation of the textiles.

According to urban artisans and businesspeople, the Western “problem” or interpretation of cultural appropriation differs greatly in Ghana. In fact, most people – not just artisans and sellers – encourage foreigners to spread Ghana’s cultural wealth through appreciation. It stems from a sort of reciprocal nature of old appropriate customs involving the Dutch: it is the colonial Dutch that brought over the wax printing technique also used in adinkra stamping, to which Ghanaians appropriated the technique. It circles back in the Western text, and so without a patent, the process (rather than the design) is preserved. There is no comprehensive catalogue of kente cloth designs where there are fairly comprehensive indexes of adinkra symbols (since they are more “universal” and not unique to any one maker).

Because of little to no legal protection, prints and designs are frequently appropriated and misappropriated for capital ventures in Ghana as well as internationally.

RESOLUTION
& CONCLUSION
International appropriation in fashion catalyzes both cultural expansion as well as the competition that motivates gender equity in the contemporary industry: this permits women to traditionally weave “lesser” kente in rural areas and weave any kente in an urban environment.

However, a new iteration of generational “passing down” could preserve the fabric: the youthful fashion trends that spread like wildfire across the world. Kente, adinkra, and general West African wax print designs are making their way into street wear in Ghana and beyond. Though this could obstruct the presence of a fine art and thus stifle the ability for non-makers to study the work historically and formally in an educational setting.

The importance placed on generational technique may hinder the legal preservation of the traditional textile industry with the rejection of the patent, however, there is one viable option: the collective patent. In July 2017, Kaachikel Maya weavers in Guatemala secured a legal victory for their designs; this meant that the designs are legally protected as cultural heritage, and no one but the weavers themselves are allowed to weave the specific designs. While this collective patent alternative prevents the “cultural expansion” achieved by international makers, a form of this sort of legal action could preserve the artistic history and credibility of cloth woven and stamped in traditional Ghana.

SOURCES


