The Intellectual Simulacrum: Landscape Photography, Copyright Law, and Claiming the American West

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Abstract
During the second half of the nineteenth century, explorer-photographers produced negatives and photographic plates of the American West by the tens of thousands, whether as part of government-backed expeditions or on their own private excursions. This paper proposes that while such photographers documented the West for scientific and aesthetic purposes, photography also was used as a method to control and even to commoditize the western American landscape. Through the use of the camera, photographers staked a visual, psychological, and intellectual claim over the West. Copyright registration legitimized such claims, having first been expanded to cover photographs and photographic plates under the Copyright Act of 1865. The photograph, as a product of modern technology, became both a commodity and a symbol of the power and dominion of the prevailing culture. Landscape photographs functioned as a miniature of reality, and in this intellectual simulacrum, explorers colonized every detail of the western landscape, visually claiming not only terrain and topography, but also aesthetics and intellectual property.