

## *Learning By Doing*

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Modern intellectual property laws are understood as a tool for promoting knowledge disclosure. But as “learning-by-doing” and theories of tacit knowledge show, knowledge is disclosed not just by reading but by doing and interacting with others in social settings. While many have described the role of learning by doing in the realm of science, this Article explores the ways in which physical, or haptic engagement in social settings matters for the *humanities*. What is the role of music, dance, and dramatic performance in human life? This Article critically considers the law regulating such human activities, the law of cultural merchandising. While other work addresses the important activity of fan fiction—extending the fictional world through written stories—this paper explores the efforts to extend stories through the material world. Children have always imagined themselves as part of the literary fantasy worlds about which they read, from Grimm’s fairytales to the folktales of Hans Christian Anderson. But over the past three decades the phenomenon of putting oneself into the story has transformed from child’s play into serious business. Today, cultural merchandising from Star Wars action figures, to Harry Potter wands, and Indiana Jones Lego play sets is a \$100 billion dollar a year enterprise. Cultural play increasingly involves “officially licensed” cultural merchandise—from games and toys to lightsabers and wands, Darth Vader costumes and Harry Potter glasses, to wizard’s and witch’s fare to taste. Cultural merchandising is so profitable it has become a driver of cultural production itself, with Hollywood studios choosing which projects to pursue based on the merchandising potential of the film or television series. How should the law regulate who has the right to bring alive a fictional universe by allowing for physical play with intangible worlds?