

The Man Who Mistook His Wife for a Book

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A number of critical interventions in debates on the impact of intellectual property on knowledge and culture are framed by a critique of the expansionist tendency of the global intellectual property regime. There are calls for an institutional overhaul of the intellectual property regime to make it more equitable and to enable greater access to knowledge and culture. What seems to be missing in these debates in the registers of development discourse or in the mandates of liberal reformist agendas are epistemological challenges to intellectual property. The success of intellectual property as a concept perhaps lies more in its ability to have established itself in a universally intelligible narrative concerning what constitutes selfhood and ownership than in specific instances of its enforcement within countries. Ideas of property are centrally tied to larger ideas of personhood and hence are far too important to be left to policy makers.

The globalization of intellectual property is hence as much about the creation of a mind-set that sees all forms of creative activity as property as it is about universal norms. It also articulates a particular idea of authorship tied closely to the idea of an individual's relation to the world of knowledge and culture. This paper argues that unless we understand the epistemological challenges posed by the idea of intellectual property, we are left with limited corrective measures to a system that threatens to destroy the diversity that marks our relation to the world of ideas and consequently our relation to others and to ourselves.

I will be examining the link between ideas of personhood and self that underlies Western liberal property regimes. Philosophers such as John Locke played a key role in creating a link between the "self" and "ownership." This paper examines alternative ideas of the self within Western and non-Western metaphysics and argues that a relational conception of the self helps us rethink our assumptions about property and personhood, especially in relation to the world of knowledge

and culture. The political implications of such a shift are many and can be best seen in the normative aspirations of the access to knowledge movement, which attempts to destabilize the language of exclusive rights and property and to focus on the ideas of responsibility and obligation as part of the ecology of knowledge.

My account of the puzzle of property and personhood in relation to intellectual property begins with what seems to be a standard copyright dispute. In 1999, three members of the 1980s band Spandau Ballet sued Gary Kemp, the fourth member of the band, for not sharing the royalties to the band's songs, which they claimed they had jointly authored.¹ Kemp claimed that he was the sole author of the songs and that he was not obliged to pay them any share of the royalties. The aggrieved members of the band argued that while Kemp presented the "bare bones" of a tune to the other band members, the band went through a process of jamming, whereby "someone started to play and the rest joined in and improvised and improved the original idea"—in other words, that the creation of the songs was a collaborative process and that the songs should be considered a work of joint authorship.²

The court analyzed the manner in which music was created and, while acknowledging that there was a collaborative process that went into the composing of the music, they held that it was Kemp who should be considered the sole creator of the songs. They argued that Kemp "developed, and fixed in his musical consciousness, the melody, the chords, the rhythm or groove, and the general structure of [each] song from beginning to end" before playing it to the band and inviting the band as a whole to rehearse its performance as an ensemble with a view to recording it. The judge accepted that the other band members' vocal and instrumental performances were skilful individual interpretations of the musical works that Kemp had composed. However, he held that an interpretation of a musical work was not the kind of contribution that the law of copyright could accept as sufficient to constitute the interpreter an author of that work: "the contributions need to be to the creation of musical works, not to the performance or interpretation of them."³

The Spandau Ballet case illustrates an interesting and in many ways typical problem that copyright law faces in its adjudication of claims of authorship and creativity. My interest in the case emerges from the ways in which the case attempts to deal with the questions of collaboration, property, and personhood. In the Spandau Ballet case, there seem to be three distinct kinds of claim made about the relationships involved in these questions: Kemp's claim (affirmed by the court) that the songs were written solely by him and hence are his *own* songs (a claim based on the songs' relationship to the self), the claim that as a result, Kemp *owns* the songs exclusively (a claim based on his relationship to the work), and the claim that as an *owner*, Kemp is entitled to exclude others from a share in the royalties arising from the songs (a claim based on his relationship to others).

At the heart of the problem, and of our understanding of the philosophical divide that exists in debates on intellectual property, lies the issue of property and personhood. The language of property narrates the individual as a proprietor of one's own person, and it gives rise to a theory of personal identity in which the self and what it owns are often treated as being the same, or at least as existing within the same orbit of meaning, whereby the one can be used interchangeably with the other. This discourse flows directly from classical liberal political theory, in which every individual is considered to be the proprietor of his or her own person.

LOCKE AND THE EQUATION OF SELF AND OWNERSHIP

The philosopher who is most often identified with this theory of property and the self is of course John Locke. Many of our ideas of selfhood emerged in the seventeenth and eighteenth centuries, and in many ways, the question of personal identity was the prime question that motivated Locke's inquiries. His theories set the stage for the philosophical and juridical establishment of what C. B. Macpherson calls the theory of "possessive individualism."⁴ The question of personal identity troubled many philosophers before Locke, but it was with the publication of Locke's *Two Treatises of Government* and *An Essay Concerning Human Understanding* that the most coherent argument linking theories of identity to property emerged. It is interesting to note that Locke initially did not have a chapter on consciousness and identity in the *Essay*, and it was at the suggestion of William Molyneux that he included a section on the *principium individuationis* to the second edition.

Consider, for instance, the following statement in Locke's journals: "Identity of persons lies not in having the same numerical body made up of the same particles, nor if the mind consists of corporeal spirits in their being the same. But in the memory and knowledge of one's past self and actions continued on under the consciousness of being the same person whereby every man own's himself."⁵ For Locke, consciousness is a question of mental operations that appropriate the self to itself, where to appropriate means to identify with or to make a property of. The use of the word "own" is both as an adjective (as in "my own thought") and as a verb (to confess). The relationship between the self and the own is therefore dependent on a circularity whereby ideas of identity and identification on the one side and appropriation on the other continuously exchange their function and become virtually equivalent. The relationship between the self and the own is dependent on a self-fulfilling prophesy in which "what I can consider as me, myself, is my self and 'my' self is some 'thing' that I own, or that I must own

(confess) is mine, was done or thought by me, has become my own because I appropriated it to me by doing it or thinking it consciously.”⁶

This circularity also informs much of Western metaphysics, in which consciousness sets the criteria of personal identity and of a political theory in which the possessive individual is generalized or universalized because any individual ought to be considered as proprietor of his or her own person or as a self-owning personality to the extent that he or she is such a proprietor. In a fascinating rereading of Locke, Étienne Balibar, citing Jacques Derrida, claims that the reason for this equivalence is the “metaphysics of (a)appropriation,” in which linguistic expression is provided by the circularity of meanings between “my self” and “my own,” or the fact that you can explain self only by referring to what is your own and your own only by referring to yourself. This is at the heart of European psychological, moral, juridical, and political individualism and on the surface of it, it does seem that my self and my own are one and the same thing.

The circular relationship between the self and the own appears at first glance to pose a problem of translatability. For instance, if you attempt to translate the terms “self” and “own” into French, while “self” can more or less accurately be translated as *moi* or *soi*, the closest French word for “own” is *le propre* or *propre*, with its very close relation to property. The pair “self”/“own” and *moi/propre*, however, cannot be considered as accurate equivalents. One could blame the inherently flawed project of translation, with the problem seen as being on a par with other conceptual/linguistic problems that have plagued philosophers involving the precise meaning of a word in different languages. However, Balibar sees it as a far more serious problem. He wonders if it is the easy semantic coincidence available in English that enables the easy linkage of the self and the own that allows for Locke’s theory of identity and property.

To test Balibar’s hypothesis, I attempted to look for an equivalent in Hindi of the ideas of “my self” and “my own.” The closest translation that I could find emerges from the phrase “mere apne” which is the equivalent of “my own.” The word *apna* refers to the idea of owning, but not merely in terms of possession. The phrase “mere apne” could refer to something as being mine, but at the same time, this claim is not limited only to an assertion of delineation and exclusion, but refers instead to a certain idea of relationship of proximity between the self and another. The word *apnaapan*, for instance, translates as “closeness,” so that “mere apne” is a reference to the idea of a relational proximity.

This is interestingly mirrored by Balibar’s reading of “By the Fireside,” a poem by Robert Browning:⁷

My own, confirm me! If I tread
This path back, is it not in pride

To think how little I dreamed it led
To an age so blest that, by its side,
Youth seems the waste instead?

Balibar initially reads the poem as being addressed to oneself, or as self-interpellation, and as an appeal to memory, but realizes his mistake when he encounters the next lines and then a subsequent stanza:

My own, see where the years conduct!
At first, 'twas something our two souls
Should mix as mists do. . . .
My perfect wife, my Leonor,
Oh heart, my own, oh eyes, mine too,
Whom else could I dare look backward for,
With whom beside should I dare pursue
The path grey heads abhor?

So what might be only a linguistic dilemma—is this an address to a self or an address to an other?—leads us back to the foundational question of the nature of self and subjectivity that is invoked when we speak of something being “our own.” The idea that “my own” could possibly refer not merely to a sovereign claim of the individual self but also to relationality involving others conflicts with the world of property norms in which to say “my own” is an act that makes a claim of absolute possession, that declares the ability to exclude others, and that asserts the legal ability to alienate what you own.⁸

RELATIONAL PROXIMITIES AND THE REWORKING OF THE SELF

Thinking of our relation to the world of knowledge and culture via the trope of proximity enables us to rethink our relations to our work, to our selves, and to each other, not as distinct sets of legal relations bound together by the idea of rights, but as a continuum that blurs the boundaries between rights, obligations, and relationalities. Consider, for instance, the following statements, each of which refers to certain claims that sound deceptively similar, but that in fact exist in very different ethical and legal registers.

This is my pen.
This is my friend.
This is my poem.

The first statement refers to the classical conception of the claims of possessive individualism, in which the self and the owner exist as interchangeable

concepts. This is “my” pen, and hence I own it. The second statement takes us into the domain of relational proximities, where an assertion of someone being your friend does not lead to an assumption, either of ownership or of exclusion, but into the domain of the closeness/*apnaapan* that you share with your friend. Thus, the statement “This is my friend” could well be mapped in terms of its presence in Hindi as “mere apne,” with a sense of “owning” that leads to an understanding of how close you are to someone.

The third statement is perhaps the most deceptive, because to assert “This is my poem” within the social imaginary of intellectual property is to make a claim that sounds very much like “This is my pen,” whereas in fact, it might be more accurate to think of its claim as the same as “This is my friend.” And it is in this liminal space where poems look like pens that friendships get lost and property takes over.

What is it about the logic of property and the language of rights in the domain of intangibles that creates this act of misrecognition? The ontological character of information, knowledge, and cultural practices provide them with an unboundedness, and very much like the world of social relations, they are not exhausted by acts of circulation. When was the last time we heard of the problem of someone having too many friends? The imposition of strictly defined norms of property rights, with its imagination of legitimate rights holders and trespassers, enforces a transition that converts the possibilities of friendship into acts of hostile takings.⁹

The role of intellectual property and the language of rights creates a normativized and legalized domain in which our experience of social relations, with their attendant complexities, is unavailable to us except as juridically defined sets of relations. It would be useful at this stage for us to turn to our title character, who is derived from one of Oliver Sacks’s case studies, that of “Dr. P;” the man who mistook his wife for a hat. Sacks informs us that Dr. P suffers from a peculiar neurological disorder that affects his ability to retain visual recognition while retaining this ability to discern abstract figures, leading to a series of misrecognitions in which he is unable to distinguish his foot from his shoe and his wife from a hat. Sacks writes:

By and large, he recognized nobody: neither his family, nor his colleagues, nor his pupil, nor himself. He recognised a portrait of Einstein because he picked up the characteristic hair and moustache; and the same thing happened with one or two other people. ‘Ach, Paul!’ he said, when shown a portrait of his brother. ‘That square jaw, those big teeth, I would know Paul anywhere!’ But was it Paul he recognised, or one or two of his features, on the basis of which he could make a reasonable guess as to the subject’s identity? In the absence of obvious ‘markers’, he was utterly lost. But it was not merely the cognition, the gnosis, at fault; there was something radically wrong with the whole way he proceeded. For he approached these faces—

even of those near and dear—as if they were abstract puzzles or tests: He did not relate to them, he did not behold. No face was familiar to him, seen as a ‘thou’, being just identified as a set of features, an ‘it’. Thus there was formal, but no trace of personal, gnosis.¹⁰

Dr. P provides us with a fascinating case study of how a neurological condition may completely alter our abilities to see and to relate to the phenomenological world. We can perhaps think of intellectual property rights as a similar affliction, founded on very particularized ideas of property and personhood, but narrated as universal truths, that prevents us from seeing our acts of reading, writing, creating, sharing, and borrowing in terms of the relational world that they occupy. Instead, we see them abstracted of their social relations.

The equivalent of Dr. P in the world of ideas is Daniel Defoe, the great chronicler of piracy’s golden era, who writes that “A Book is the Author’s Property, ‘tis the Child of his Inventions, the Brat of his Brain; if he sells his Property, it then becomes the Right of the Purchaser; if not, ‘tis as much his own, as his Wife and Children are his own.” Defoe was of course writing at a time when wife and children could indeed be owned as property. But we now know better and understand that you cannot own your wife or your child, but you can feel that they are your own.

So here we have before us the case study of Daniel Defoe, the man who mistook his wife for a book. His condition (unlike Dr. P’s) is not an isolated malady, and an increasingly large number of people are showing symptoms similar to Defoe’s, encouraged and enabled by the large institutional sponsors of the malady such as the World Intellectual Property Organization (WIPO), a malady whose contagion is ensured by instruments such as the TRIPS Agreement.

DIFFERENT TRADITIONS OF THE SELF

J. G. A. Pocock says that if property is both an extension of personality and a prerequisite of it, then we should be aware of the possibility that different modes of property may be seen as generally encouraging different modes of personality.¹¹ One way in which we can rethink the idea of our relationship to what we create is not through terms of ownership, but through how close we are to it—through proximity. Proximity to people and things creates a relationship of care and responsibility, and when thought of in terms of things that we create, it allows us to create a different ethical register through which we can examine the relationship between property and personhood. For Locke and many other thinkers within the Western metaphysical tradition, the idea of a distinct self serves as the basis for a range of concerns, from self-identity, to moral agency, to property. This

account of the self within the tradition of possessive individualism has been challenged both within the Western tradition and by non-Western accounts of the self.

Proximity may indeed be the basis on which alternative accounts of the self may be forcefully articulated, because it is accompanied by a whole host of ethical principles such as generosity and obligation that may help us order a different mode of dealing with what we “own.” Proximity or closeness is marked by a relationship of care, and if we are to revisit the three modes of relationality that I invoked in the Spandau Ballet case, we see that proximity reworks the way we see the three relations: the relation to the self (to be an author is not just to own a work, but to own up to the work), the relation to the work (taking care of what you own, or the duty of care that emerges from proximity), and the relation to others (a relation predicated on an ethical bond).

The opposite of an ethic of care and proximity is the violence and brutality that motivated Daniel Defoe to mistake his wife for a book. One consequence of the idea of a relational self is that it does not make sense to speak of an essential core that is the basis of a sense of unified self and self-identity. Let us consider two challenges to the idea of the unified self that informs Western metaphysics. The first challenge emerges from the contrast between the idea of the self in Western philosophy and its absence in the non-Western tradition, while the second challenge emerges from the Western philosophical tradition itself.

S. N. Balagangadhara, a philosopher whose work focuses on Indian traditions, argues that the basic idea of the self in Western cultures consists of a sense of “an inner core which is separable and different from everything else. In such a culture, when one speaks of ‘finding oneself’ one means that one should look inside oneself, get in touch with an inner self that is there inside oneself, and peel everything away that surrounds this core. To such a self, even its own actions can appear strange.”¹²

Furthermore, Western culture allows each of us a self—a self waiting to be discovered within each one of us, something that can grow and actualize itself, that either realizes its true potential or fails to do so. Such a versatile self has various properties. One of them is its reflexivity: The self is aware of itself as a self, or it has self-consciousness. Consequently, human beings who are endowed with such selves are all self-conscious beings. As we know, most philosophers are agreed that self-consciousness typifies the uniqueness of human beings, and that this self-consciousness distinguishes humans from the rest of nature.

Balagangadhara contrasts the idea of the self in non-Western cultures with that of the West by using an interesting example. He says that if you were to look at the different ways in which a culture talks about persons, you would often find that in Western cultures, in answer to a question such as “What kind of a person is he?” you would find straightforward answers such as “He is a friendly person.”

However, the same question can elicit a different response in a non-Western culture, such as “He comes home every week to enquire after my health.” According to Balagangadhara, while this initially seems like a wrong answer or an indirect answer, answers of this kind are very typical in a country such as India. He says that by reading these answers as in fact direct answers, we can see the answer asserting an identity relation between actions and persons. That is, Indian culture does not draw a distinction between an agent who performs an action and the action that the agent performs. An agent is constituted by the actions that a he or she performs, or an agent is the actions performed and nothing more.

Thus for Balagangadhara, the self of a person is nothing other than the actions that the person performs. But these actions do not exist in isolation and are dependent in turn on how another person construes them: Person Y constructs person X’s self, just as person X constructs person Y’s self. Person Y is crucial for the construction of X’s self, because in the absence of Y, the actions that X performs are meaningless. That is, Y is required so that X’s actions may be seen as some specific type of action. If we were to restrict ourselves to X in order to talk about his or her self so as to contrast this notion with that of the West, we could say that the Western self consists of a bundle of meaningless actions. Because of this, the self of X depends upon continuously being recognized as such by Y. According to Balagangadhara, there is nothing unusual about this, and it gestures toward the fact that we are all relational selves, and you are only a son, a daughter, a father, a friend, and so on to the extent you are so recognized. And you can be thus recognized only when you perform those actions that are appropriate to the station of a son, a daughter, a father, a friend, and so on.¹³

Let us now turn to another attempt at characterizing this idea of relationality or proximity, this time within more contemporary Western philosophy. Emmanuel Levinas is one of the key thinkers working with the idea of proximity or “being with” within the Western philosophical tradition, and his work has inspired a range of ethical philosophers as well as legal scholars to think through questions of the obligations that we may have to others. For Levinas, proximity implies a “closeness to others who can be approached but never reached. We are never exactly the same as another person, and in the trauma of that distance lies summoned our soul” and likewise our sense of responsibility.¹⁴ It is clear that unlike the non-Western idea of relationality that arises from a close sense of relationships, Levinas has a more expanded idea of relating. For him, “The relationship of proximity cannot be reduced to any modality of distance or geometrical contiguity, nor to the simple ‘representation’ of a neighbor; it is already an assignation, an extremely urgent assignation—an obligation, anachronously prior to any commitment.”¹⁵ For Levinas, the ability to be in a proximate relationship

is what “intimates” an other, and this intimation forms the essence of who we are and why we have a responsibility to others. Levinas also sees proximity as a complete experience that in many ways exceeds our theories and ideas of the world.

The similarities between the idea of the relational self in non-Western thought and proximity in Levinas’s work is striking. Levinas is impressively nonchalant about other pressing concerns in Western metaphysics, including intentionality or the existence of an essential self that defines our being. He is instead more concerned with the domain of experience and how we act responsibly. The ability to act responsibly is in turn dependent on the ability to respond adequately, and the instantiation of a response dilutes any unified sense of self, since neither the self nor intentionality makes any sense outside of its relation to another. I’m already obligated and called before any decision on my part. Therefore, there is no point in asking whether or not my act(ion) of responsibility is free or voluntary. If responsibility is prior to freedom, neither chosen nor not chosen, it is out of the question to ask under what circumstances I am responsible.

REVISITING LOCKE

While it is tempting to contrast the idea of the relational self with the Lockean idea of the autonomous individual, the task turns out to be difficult. If we consider, for instance, Locke’s theory of relations, there are certain productive contradictions that emerge. Objects, according to Locke, are related to each other by the mind. He argues that there may be certain properties, for instance that of being white, that may not be a relational fact. But when we think of a relational idea, Locke suggests, that is, when we think of someone as a husband or as whiter than someone else, the mind is actually going beyond the particular to some other person or persons distinct from the self, and a relation is the result of this activity of the mind, which has simultaneously considered and compared two distinct things.

For Locke, some relational terms such as “father and son,” “lesser and bigger,” and “cause and effect” are self-evident and can exist only together and explain each other. These correlative pairs “reciprocally intimate” each other, but it is not exactly clear whether there is a common reciprocal relational tie connecting these correlative pairs, a common relation that each member of the pair has toward the other that makes this correlation possible. This limitation seems to emerge from the fact that Locke sees the ability of naming and identifying relations as emerging solely from the mind. In other words, the ontological status of relations seems unequivocally mind-dependent for Locke. The question that then logically arises is, how does the mind create a set of relationships to itself?

It is perhaps useful at this stage to return to the site of our original problem: the equation of self and owner that emerges in Locke's theory of property and personhood. We began by locating the conceptual problem within a specific linguistic dilemma: the manner in which English produces a reciprocal duality of the self, a self who is owning and a self who is owned. Balibar says that while it could be argued that this linguistic dilemma could be dismissed as a performative contradiction, it would be more useful to look at the productive nature of this contradiction and the manner in which it resolves the contradiction in Locke by introducing another element—that of uneasiness.

Balibar argues that for Locke, the process of identification or self-interpellation (I address myself) or the performative contradiction is already taken into account. For instance, in his segment on consciousness, Locke argues that there is no consciousness that is not associated with desire and at the same time troubled and pushed by it toward ever new contents or ideas, so that the notion of consciousness as a fixed or stable identity is a contradiction in terms. Consciousness is by its nature restless. It must escape itself toward new contents, and its identity is associated with a perpetual flow, escape, or train of ideas. The category that names this intrinsic association of consciousness is "uneasiness." Balibar argues that in light of this, we may return to Locke's identification of the self and owning and what it means to understand them as being exactly the same thing. He says that what is owned by me inasmuch as I own it (speaking, thoughts, actions) is the uneasiness of this relation and the fact that the identity or sameness of the self and its own does indeed exist, but only as an uneasy one.¹⁶

He argues, by returning to his reading of Browning's poem, that the critical element causing the uneasy appropriation of identity is the element of sexual difference. It is the other with whom I make one and the same precisely because we can never become wholly identified, indistinguishable, with whom I experience the uneasy relation of identity and difference, not only because it is conflictual, but because the identification of what is shared or what is the same and of what is separated or different can never be established in a clear-cut and stable manner: We "should mix as mists do." The name of this uneasy experience conventionally is "love." But we know that love is anything but a simple thing, perhaps because in love, there is precisely so much consciousness associated with so much desire.

The implications of this line of thought are immense for a rethinking of the idea of knowledge creation in terms of proximity. If my own work can exist only in a certain relationship with others, then can I ever claim what is my own in a manner that seeks to exclude any claims that others may have?

RETURNING TO THE INTELLECTUAL PROPERTY DEBATE

Let us now return to the domain that motivated this brief enquiry. The global acceleration of intellectual property norms in recent times is critically linked to a new articulation of our relationship to our selves, our work, and to others. The response that is required cannot be limited within the terms of political realism, whether of the left or the right. And the real potential of new modes of knowledge production and sharing (free software, open access) stem not from their status as solutions to the problem of the knowledge or information deficit alone, but from their rearticulation of alternative relationalities that do not generate untroubled and easy cohesive accounts of the self and its own. They instead offer us an opportunity to think about the ways in which acts of sharing create new forms of intimacies and of relating to each other. The global access to knowledge movement currently is as much premised on the language of rights and equity as it is dependent on acts of generosity and giving. In an era when the language of theft, mistrust, and panic marks our relation with the world, it is all the more important to recall the ethical basis of our relationships with each other and with the world.

Our global contemporary era is marked by all kinds of turbulences that momentarily dislodge our stable notions of the nation, identity, property, stability, friend and enemy, self and other. The experience of turbulence in an airplane induces the stranger next to you momentarily to become your most intimate human contact, while the uncertainty of the moment causes you to reach out to an unfamiliar, but reassuring hand. Only later does the uneasy recognition occur of a compact of unfamiliarity having been breached. Our abilities to communicate and to share ideas in ways that were hitherto unthought of provides us with an opportunity to rework our accounts of ourselves and the possible horizons of the relations we inhabit. Michel Foucault asks:

what would be the value of the passion for knowledge if it resulted only in a certain amount of knowledgeable-ness and not, in one way or another and to the extent possible, in the knower's straying afield of himself? There are times in life when the question of knowing if one can think differently than one thinks, and perceive differently than one sees, is absolutely necessary if one is to go on looking and reflecting at all.¹⁷

Seen in this light, what is narrated as transgressions in the world of ideas reappear as explorations and reinventions of the self, a curiosity about the other and perhaps a way of looking for your wife in what appears to be a hat or a book. "Hospitality," "gratitude," "friendship," "caring," "owning" — these almost sound like archaic words from a distant time in a period when juridical relations replace social relations and contracts of adhesion are more powerful than word of mouth. If gratitude is the moral memory of mankind, as Georg Simmel claimed,¹⁸ then it is

perhaps time to refresh our memory dulled by the ubiquity of property and contracts. And frankly, it does not matter where these mnemonic tools emerge from, either temporally or spatially. If our sense of self has been narrowed by its linguistic affinity with the need to own, let's start exploring other semantic worlds where we can multiply and expand the idea of the self. Here are some with which to begin.

The etymology of "data" comes from the Latin *datum*, which means a thing that is given, the neuter of which is "to give." Similarly, the word *daata* in Hindi/Sanskrit is taken to mean "the giver," which suggests that we must always be generous with information and make gifts of our code, images, and ideas. To be stingy with data is to violate an instance of the secret and sacred compacts of homophonic words from different cultural/spatial orbits (*daata* in Hindi and "data" in English) as they meet in the liminal zone between languages, in the thicket of the sound of quotidian slips of the tongue.

Another entry point is provided by the common root words that bind the words "owe" and "own," so if intellectual property is about thinking of ways of owning the future, perhaps we need to start thinking not only about how we own, but also how we owe the future. The point is not to take these systems of administering the world of knowledge and ideas as a given, but to think about the ways in which they enable us to work out our relation with ourselves. As Patricia Williams reminds us, "The task . . . is not to discard rights, but to see through or past them so that they reflect a larger definition of privacy and property: so that privacy is turned from exclusion based on self-regard into regard for another's fragile, mysterious autonomy; and so that property retains its ancient connotation of being a reflection of that part of the universal self. The task is to expand private property rights into a conception of civil rights, into the right to expect civility from others."¹⁹

I end this piece with a small parable that many of us will have read while we were children. The story is from Antoine de Saint Exupéry's tale *The Little Prince*. The Little Prince visits a number of planets and encounters a range of different characters. On the fourth planet, he meets a businessman who owns millions of stars, and the reason why he owns them is because he was the first one to think of owning the stars. The Little Prince is perplexed, because he can't seem to find a reason for owning the stars beyond the fact that they can be put in a bank to enable the businessman to buy more stars. The Little Prince tells the businessman that "I own a flower myself, which I water every day. I own three volcanoes, which I rake out every week. I even rake out the extinct one. You never know. So it's of some use to my volcanoes, and it's useful to my flower, that I own them. But you're not useful to the stars."²⁰

NOTES

- 1 *Hadley v. Kemp*, Entertainment and Media Law Reports (UK) 589 (1999).
- 2 For an excellent account of this case and the problems that copyright law has with musical works, see Anne Barron, "Copyright Concepts and Musical Practices: Harmony or Dissonance," *Social and Legal Studies* 15, no. 1 (2006). For an interesting account of similar issues among musicians in India see Rajesh Mehar, "Understanding Notions of Creative Ownership among Contemporary Musicians in India," available on-line at <http://community.livejournal.com/whosomusic> (last accessed May 1, 2009).
- 3 *Hadley v. Kemp*.
- 4 C. B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (London: Oxford University Press, 1962).
- 5 John Locke, journal entry, for June 5, 1683, quoted in John Marshall, *John Locke: Resistance, Religion and Responsibility* (Cambridge: Cambridge University Press, 1994), p. 153.
- 6 See Étienne Balibar, "My Self and My Own: One and the Same?" in Bill Maurer and Gabrielle Schwab (eds.), *Accelerating Possession: Global Futures of Property and Personhood* (New York: Columbia University Press, 2006).
- 7 Robert Browning, "By the Fireside," in *The Complete Poetic and Dramatic Works of Robert Browning* (Boston: Houghton Mifflin, 1895), pp. 185–87.
- 8 And yet at the same time it seems that there indeed does exist a large set of claims within diverse cultural traditions (including, as Browning shows, in English) in which a claim about something or someone may lie more in the domain of your relation with the person or object than as a claim of possession. In Nehiya (Cree), to refer to something as "mine" does not necessarily imply ownership, but refers instead to a relational proximity to objects (animate and inanimate) and to beings, along with the accompanying responsibilities and obligations that emerge from such a relational proximity.
- 9 For an interesting contrast, see Stanley Cavell, *A Pitch of Philosophy: Autobiographical Exercises* (Cambridge, MA: Harvard University Press, 1994), where he argues that "those who are too sure ideas cannot be stolen like to say that ideas are not private property. But my feet are not my property, yet they are mine, and you are not to step on them. The punch line I have set up is not my property, but you are not to preempt it. My turn is not my property, but you are not to take it. Justice is not solely a measure of property rights" (p. 37).
- 10 Oliver Sacks, *The Man Who Mistook His Wife for a Hat and Other Clinical Tales* (New York: Perennial Library, 1987), p. 13.
- 11 J. G. A. Pocock, "Tangata Whenua and Enlightenment Anthropology," *New Zealand Journal of History* 26, no. 1 (April 1992): pp. 28–33.
- 12 S. N. Balagangadhara, "Comparative Anthropology and Moral Domains: An Essay on Selfless Morality and the Moral Self," *Cultural Dynamics* 1, no. 1 (1988): pp. 98–128.
- 13 *Ibid.*
- 14 Desmond Manderson, *Proximity, Levinas, and the Soul of Law* (Montreal: McGill-Queen's Press, 2007), p. 14.
- 15 Emmanuel Levinas, *Otherwise Than Being; Or, Beyond Essence*, trans. Aphonso Lingis (The Hague: Martinus Nijhoff, 1981), pp. 100–101.
- 16 Balibar, "My Self and My Own."
- 17 Michel Foucault, *The History of Sexuality, Volume 2: The Use of Pleasure*, trans. Robert Hurley (New York: Vintage, 1990), p. 8.

- 18 Georg Simmel, "Faithfulness and Gratitude," in *The Sociology of Georg Simmel*, ed. and trans. Kurt H. Wolff (New York: Free Press, 1950), p. 388.
- 19 Patricia Williams, *The Alchemy of Race and Rights* (Cambridge, MA: Harvard University Press, 1991), pp. 164–65.
- 20 Antoine de Saint-Exupéry, *The Little Prince*, trans. Richard Howard (New York: Houghton Mifflin Harcourt, 2000), pp. 39–40.