

Relinquish¹ Intellectual Property²

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“No mind worthy of the name ever reached a conclusion”³

IF THIS⁴ ESSAY appears to represent⁵ my own original⁶ idea,⁷ its appearance is⁸ undoubtedly false.

Treating verbal ideation—the word⁹—as “property” obstructs unsuspecting dialogue, clogs our minds¹⁰ as we try to delineate static “ideas” we call “ours,”¹¹ and falsifies the circumstances of¹² knowledge.¹³

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NOTES

1 Let me start by quoting a slightly altered version of the original essay, long ago relinquished:

Relinquish Intellectual Property

“No mind worthy of the name ever reached a conclusion”

This is an original idea.

That assertion is misleading. Every letter on this keyboard, like every word in this essay, has been and is continuing to be constructed by myriad forces. I’m driven to write this essay because of the obstructions attendant on seeing verbal ideation as “property.” In cultural terms, we learn our words and the material for our every idea. Language itself is not “owned.” Though our rewrites and insights sometimes have the imaginative penetration of lightning, and though we often call those works and ideas “original,” a possessiveness about our own words has at least three negative consequences: it obstructs unparanoid ideational intercourse, clogs our

* I thank three friends and colleagues for past and current responses to this essay. You know who you are. I also thank *New Literary History* for allowing me to cite as I do.

minds as we strive to delineate the static nature of a particular idea we call “ours,” and is false to the circumstances of knowing.

The textual ways we credit each other’s writing serve mostly to sustain the right-to-ownership of living idea-holders. In current essays and books, critical citations tend to be most striking (almost old-fashioned, or, alternatively, impressively pedantic) when the author footnotes something further back in time than, say, one hundred years. Yet everything written in the last hundred years builds on what was written in previous hundreds. If intellectual property is transhistorical—and it must be considered so if we really believe in it and want to ensure that every redescrber is credited—shouldn’t we credit all the writers who created the thought conditions for a writer of the present? How can we do that?

A colleague once admitted to me that he has a kind of *Usucapio* attitude towards ideational property. When he was a graduate student discovering Foucault, for example, he footnoted punctiliously whenever his writing reflected Foucault’s influence. Now years have passed, and he figures that Foucauldian thought is part of his mind and needn’t be acknowledged. Precisely. We consume what we encounter, and it is logically untenable to assert that we are capable of distinguishing a particular idea-source from what lights up in our own minds.

This blurriness is one of the hazards and benefits of working with ideas and words instead of bricks or trees. Our materials require a fluidity of treatment. Over and over again we learn that generative thinking is dynamic. Think of “fuzzy logic,” for example, of the thinking we’d like computers to be able to carry out. We profess to be taken with the best that is known and thought (while we interpret that “best” differently, we’re still standing for mastery or anti-mastery, or for selective subjectivity, and so Arnold’s wise passiveness can stand in for others’, as the unattributed allusion to Wordsworth in this last clause of mine ought to show), but in the creation of static objects of thought-property we stymie that process.

We have plenty of opportunity to loosen the bonds of intellectual property, and as the Internet continues to expand and people find new ways to be nervous about their ideational property rights, new visions of those rights can be constructed. We need to be explicit about what is possible: I realize that I could be said to be positing an ideal relationship among us as thinking word users, as though we were in a Socratic scene and could simply look at one another to see who is talking (think of email’s default setting: “no subject”).

So there are difficulties. First and most obviously, are thinking writers to be punished for their vocation by a lack of compensation? Well, that happens already, as the different rewards for the production of most creative books and of most “useful” products like software might attest. And writers who teach can mark the difference in cost between an hour with an attorney and an hour of classroom time. I am not advocating the disappearance of compensation for written productions. But I am not writing about compensation, nor even about digital rights management—let everyone who copies pages from someone else’s book for (broadly

defined) market distribution be sure to notify author and/or publisher and pay appropriate fees! I'm concerned here with the benefits to be gained from giving up the pretense that our production of ideas and words is original and that we really acknowledge all our sources and are innocent of plagiarism, as though it were possible to do or be either. Recognizing our own pieces of writing as porous matrices of a continuing interchange, we would not, perhaps, be so inclined to view each one as some last word.

Nor so enamored of originality and threatened by plagiarism. Nothing is "natural," after all, about either concept. Living in Yemen at the end of the 1980s, it became clear to me that here was a culture in which heavily analytical and original thinking was akin to blasphemy, to setting oneself up as God's originary equal, in Islamic terms, and moreover that one could do no higher honor to oneself and one's culture than to replicate its knowledge and ceremonies. Indeed in many parts of the world, mostly outside occidental culture, "plagiarism" is a very strange notion. And so it would have been in the Christian Middle Ages, when writers, scribes, and compilers all worked together to produce texts. And yet we modern Westerners seem to have no real active sense, despite historical indicators, that our notion of intellectual property is a crafted one. We have internalized it to the point of thinking we truly are capable of original critical thought, and that once we have worked out a particular critical system, say in one or several books, it is identifiably ours and must be so acknowledged by others.

I am writing here only of verbal ideational property, not of the more material intellectual property defined under Western law as questions of patents and objects. Nor am I particularly distinguishing between critical and creative ideation, though I can imagine the arguments. "Even," you might say, "admitting that one's critical work is mostly an amalgam of what one has read of others', surely if I write a short story it is mine. I have made the plot, the characters, and the story would not have existed as it is without me. Therefore it is mine, from me, and I deserve permanent acknowledgment for its particulars."*

This point raises two difficulties. First, if critical writers glean their ideas or idea structures from critical reading, "creative" writers learn to craft stories and characters from exposure to stories and characters, whether or not avowedly "created" (rather than "real" or, better yet, "historical"). Where else might such craftings originate? How do "original critical" and "original creative" writing differ, in terms of their participation in learned

* Toenote: as appendage to this manifesto, let me note, and disavow, the neutral appearance of these latter quotation marks. They don't so much acknowledge as disown the words they embrace: no one has written them but me, and yet they serve to distance my words from my words. Such levels of ownership inscribe in the very act what it means to imagine, acknowledge, use, bracket out, fold in, the words of "others" within words that are "one's own."

structures (see Oscar Wilde's "The Critic as Artist" for more pondering on that score)? The same questions apply to the "creation" of poetry, whose historical ceremonies cling to it, traditionally, even more closely than do old stories to the fresh sheets of plotted fictions.

The second difficulty concerns the trademarking of language. We now distinguish between copyright, which is bad enough for language, and trademark, which is worse. If I write the words "Relinquish Intellectual Property," say, and have a bumper sticker made with those three words, and get a trademark taken out on it, then you will have to ask me and perhaps even pay me every time you want to use those three words in that order. To prevent such a catastrophic scenario we must make the fluidity of our verbal borders clear: we don't want our words to be bound by the material and legal conditions that currently bind, say, music. (Scores of detectives are on the lookout for improper use of melodies, or pieces of songs, from the past. My sweet lord! Music has become as legally concrete as engine design, as the Napster fuss made so clear.)

Surely we must not wish for people to be looking out for word combinations that resemble our own. To prevent this we should think of verbal ideas as words we all touch, we should celebrate the controversial "plagiarisms" of Kathy Acker (for example in her moving psychoanalytic rewrite of portions of *Wuthering Heights* in her own book *My Mother: Demonology*). Our whole system of acknowledgment is hugely flawed in any event: we commonly trace our sources back only a few years, saving older acknowledgment for so-called "primary" work; we don't bother to acknowledge some material at all, figuring it's become our own by a kind of intellectual squatters' rights, by virtue of sitting in our minds for a while (like Foucault's in my colleague's). We should work to become more, rather than less, flexible about how we treat modes of verbal expression, to view them as processual, a circulation of writing in our heads, a constant discourse wholly made up by our learning and interchange. Surely in the age of the Internet we can believe such a flow of ideas is possible.

Need it be said that this critique of originality is completely unoriginal?

2 For some indication of the fear and respect inspired by the muscular notion of intellectual property, I transcribe an anonymous interchange between a worried subscriber and an alert moderator (or other subscriber—the respondent's identity is no clearer than the questioner's) on a formerly active listserv (which will itself remain anonymous) devoted to graduate student issues. That the exchange is executed under the sign of anonymity both underscores the danger of the topic and illuminates one beauty of undermining its very concerns. It does not matter whose words these are, after all:

Q. How do you handle the risk of having your ideas stolen from you when you are networking to find people who are doing similar work, who might be willing

to review your papers, survey instruments, etc., or who might want to co-author papers with you? To what extent do you reveal your work, how do you protect yourself against unethical behavior (it seems to occur in academia!), and with whom do you open up? Is it simply good judgment and intuition?

A. In response to your concern about claiming your ideas and protecting them from theft, there is good news and bad news. The good news is that you can lay claim to your ideas by publishing them widely before anyone else does. Computers now make this possible for anyone, including graduate students, who may not have the clout to get their contributions published quickly through more formal avenues. The various publishing approaches open to a graduate student are:

a. Give a presentation at your department's "brown bag" lunch seminars or whatever other campus forum is open to grad students discussing their on-going work.

b. Present a paper at a conference ASAP (try to get a paper accepted for a poster session, since this will let you discuss your idea at length with many interested others and get your name associated with your idea).

c. Publish your idea on the Internet (ultimately on your own World Wide Web Page if you can swing it), or through a relevant e-mail discussion list. When we began [this listserv], several students who had papers related to doing a thesis sent them to us for our review. We then announced [on this listserv] the electronic addresses where students could get hold of free copies of the papers. Many people have very successfully gotten their name associated with their idea, and at the same time requested comments on their papers from readers who were given permission to copy and distribute it as long as the copyright was left intact.

d. Put a copyright mark on your work from the very first time you publish it (or hand out anything at a presentation).

e. If you have a marketable idea, register the copyright immediately. The bad news is that, while you can copyright a paper containing a good idea, you can't copyright the good idea itself. Ideas are "public" and once a good idea is exposed, all bright brains will seize on it and use it as they will. Indeed, that is the concept of "collaboration" in scientific research in the field.

What you need to do is to get your name associated with your idea before someone more famous and with a better distribution system gets his/her name associated with your idea. Otherwise, you'll get "passing credit" when the famous person uses your idea to become even more rich and famous. Your only protection is to publish the idea widely—to saturate the field with your idea. You

can do this, among other places, on relevant Usenet discussion groups and refer to your published work and how others could get a copy of it. Good luck!

Good luck indeed. Especially if you really think it bad news that you cannot copyright ideas. But this copyright ban begs the question: what is the difference between an idea and its instantiation? Isn't that an essentialist divorcing of content and form? Are we getting somewhere?

3 I have lost the source for this quotation. However, there are many others like it. Such as two by Alan Davies: "Truth is lies that have hardened" and "A grasped history is lost when the concern is to keep track of it in a precise way" (*Signage* [New York, 1987], pp. 11 and 17). Or what Walter Pater writes of Heraclitus: "if the 'weeping philosopher,' the first of the pessimists, finds the ground of his melancholy in the sense of universal change, still more must he weep at the dulness [*sic*]* of men's ears to that continuous strain of melody through it" (*Plato and Platonism* [New York, 1893], p. 12). Or Simone Weil: "we participate in the creation of the world by decreating ourselves" (*Continuities* 75–76).

The connection among these quotations is, foremost, my own reading experience. Next a family resemblance abides among these brief excerpts: the non-concluding, processual mind, willing to give up the "good ideas" it cannot copyright. So that, like Italo Calvino, "I would like to be able to write a book that is only an *incipit*, that maintains for its whole duration the potentiality of the beginning, the expectation still not focused on an object" (*If on a winter's night a traveler*, tr. William Weaver [New York, 1981], p. 177). This ideal of potentiality is subverted by the productive economy. It is also incited by the productive economy—as an effort to escape from closure, which is also to escape from identity. The further I am from finished, the more potential space I inhabit, the more I am an anonym.

I only want a little space cleared in the middle of production. I am not afraid of losing my "ideas" to better minds. Better minds are all in the expression, the expression is all in the bridges created to other thought, the writing that makes you want to assume my position, to get up and write back.

* Toenote: whose "[*sic*]" is this? I think I know, but I would have to check the source, and even then the question stays: who thought this was an error? An "error" now may not be in error when it's seen later, and one seen now may be in error itself. What does the typography of disowning have to do with intellectual/historical trumpsmanship? The brackets are the insertion of the [current] author into the referenced text, which cannot be itself. They are the sign that we [I] know better.

4 Think “quiddity,” “haecceity.” And now, begin: the rationale for forms and inflections of *this* is quite apart from its signification as a demonstrative pronoun. Though Old English inflected it as nominative, accusative, dative, genitive, and instrumental, in forms determined by singular, masculine, feminine, neutral, and plural, “That it should come to this” (*Hamlet* 1.2) is how it seems.

The loss of inflections foregrounds the persistent indexical function of *this*, the deixis courted in recent critical works and response theory (“What this?” “Some serial; s’pposed to be good for you”). This courting is interesting because of how it bears on sensitivity to belonging, attachment, ownership. Essence (thisness), specificity (this here now), particularity (mine here this) get attached even if only by implication to each “clinamen” or “GUT” about which we read and/or write. The point for this essay’s purposes is that “this” is a word we can feel is new, and yet that feeling is due almost exclusively to its neutrality (“make it neu”), its emptiness. Deixis is freeing because it is linguistically unspecified and thus inhabitable; it cannot be intellectual property, and so while inhabiting it we are in an absolute indicative, a specific uncertainty, an unprepossessing present (as Gertrude Stein so amply demonstrates).

Striving toward the indicative is part of a climate of certainty that laments any loss of the specific in the midst of continually losing the specific. Consider the fullness of this first signifying definition of “this” from the *Oxford English Dictionary*: “Indicating a thing or person present or near (actually in space or time, or ideally in thought, especially as having just been mentioned and thus being present to the mind)” (s.v. “this”). *Quod erat demonstrandum*. Here we have a pointer to a body, whether animate or not (and the thought of animation indicates always the haecceity of circumstance, movement of this or that quark or atom), actualized or propinquitous, real or thought, with its best virtue its recency.

Using “this” as the essay’s second word, before we know its referent, puts that word’s indicative or referential status in peril, or at the very least makes it wait. So that the mind, having not that “just been mentioned” meaning to refer to, leaps out to “This goodly frame, this earth” or *This* magazine or his T that he takes to work, or the “shit” that happens by rearrangement, “or the *hist!* of attention-getting.” But then we also get from the *OED* a line from Tennyson followed by an unattributed “modern” usage (by Mr. Ford?): “A gracious gift to give a lady, this! *Mod.* This is what I like” (s.v. “this”). Once such applications are filed in our memory archives, “this” becomes a fuller word to mention, to give us pause, one we should wonder about using too freely, with no consideration of its history. But some beloved students “don’t

know much about quiddity”; now when it’s pared down to an empty yet forceful indicator, this is what we like.

5 Pretend this is a representation of a thought I had a moment ago. The thought was prior to language. How can I tell you? The myth is that presentation is now, the actual moment of a thing, and a re-presentation is later—a subsidiary echo, being or belonging to another time or person.

This is representationism, and it belongs to someone else (mostly Kant): it is a local reincarnation of Platonic duality and longing. Even now the representationists fight with the phenomenists. So far as I can see, contemporary representationists are immersed in a metaphysics of loss. In this condition one believes that an entity or event exists objectively (in its own now), apart from our understanding of it and our ascription of significance to it (in our own “later”). This is living in a split world which will never let us have now. But Ned Block is getting smarter: “phenomenal character outruns representational content,” he writes in “Mental Paint,” becoming a phenomenist. (Block’s essay is forthcoming in a book of essays on Tyler Burge, edited by Martin Hahn and Bjorn Ramberg.)

The key to evading a metaphysics of loss is to see each instance, being, act, as containing its own object significance (in something of the “object” sense I take Charles Olson to invoke in the “stance toward reality” he favors in his 1950 essay, “Projective Verse” in *Human Universe and Other Essays*, ed. Donald Allen [New York, 1967]). Then each representation becomes, instead, a presentation: another instance, even if you are rewriting a memory, a dynamic event *and* a dynamic significance. And because there are always at least two in presentation (rather than in experience, which can be solitary though only when unreported), the presentation is always at least fourfold: I and event/significance and you and event/significance.

Thus there is no representation; there is only presentation. And presentation is always multiply experienced—which still doesn’t make it re-presentation. The point for our purposes might be that since there is no such thing as representation of verbal ideas, there is no need to try to delineate originary presentations and derivative re-presentations.

Which is not to obliterate distinctions, but only the myth of their univocality.

6 Relinquishing the idea of words as property might start with abandoning the idea of originality. Arguably, each unprecedented combination, presentation, of words—whether spoken or put on a blank page or screen—can be called an original arrangement. But the notion that

recombination equals possessable originality (and our attachment to that notion), is, as I've written already, culturally constructed, not "natural." A colleague of mine suggests I invoke Mary Carruthers, in part to demonstrate the reflexive interest of using a recent text that elucidates medieval notions of memory's reconstructive functions in the service of my unoriginal point about originality (who's the authority here?). Carruthers writes, in *The Book of Memory: A Study of Memory in Medieval Culture*: "[p]erhaps no advice is as common in medieval writing on the subject, and yet so foreign, when one thinks about it, to the habits of modern scholarship[,] as this notion of 'making one's own' what one reads in someone else's work. . . . This adaptation process allows for a tampering with the original text that a modern scholar would (and does) find quite intolerable, for it violates most of our concerns concerning 'accuracy,' 'objective scholarship,' and 'the integrity of the text'" ([Cambridge, 1990], p. 164). But isn't most of education a slow process of making your own ideational pyramid out of learned stones?

Which isn't quite the point of Louis Bloomfield's current "Honor" cases at the University of Virginia. Evidently he has established that it is unlikely for anyone (students, in this case) to share six-string word sequences with anyone else without plagiarism rearing its constructed head. Nevertheless, he admits, "[y]ou can't judge just based on the numbers. . . . By themselves they don't mean anything" ("Bloomfield Program Finds More Matches," *Cavalier Daily*, November 30, 2001, A3). Just a tagmemic procedure for discovering who's in and who's out of a system in which "anonymity breeds feelings of security." And meanwhile over in Jordan in 1999, Parliament voted in an intellectual property law so it can play W.T.O., too.

But back to the idealized polemic in which business might not make such fools of us all.

Another lovely relinquishment of authority someone pointed me to comes in a letter from Petrarch, who wrote, some time between 1337 and 1341: "I insisted [in conversation with Giovanni Colonna di San Vito] . . . that I had nothing actually new to say, nothing of my own invention, and nothing that was others' property either; for all that we have learned from whatever source becomes our own, unless failing memory robs us of it" (*Letters from Petrarch*, tr. Morris Bishop [Bloomington, 1966], p. 66). Or as we might call it today, failing *recall*, given how much we are assured that each of our experiences has been inscribed on some protein somewhere in our brains or bodies and that it's only our (adaptive?) inability to recollect that keeps us from having complete and constant access to everything we have once known or experienced.

Though we locate a potent lust for the original in the Romantics (precursor to our lust for achievable deixis today?), ancestors of our

notion of originality also appeared alongside notions of affective individualism in mid-to-late seventeenth-century Western Europe. Which is mostly to say, again, we haven't always craved to create and protect our very own thought-properties. To turn deliberately away from a romantic attachment to the original self, and towards a more medieval sense of ourselves as participants in common verbal cultures, would create new opportunities for interchange, interface, interplay, Internet. The enormous debate about form versus content, signifier versus signified, is underwritten by the fear that we never say anything new (anything, that is, not substantiated by scientific discovery, broadly defined). If verbal creation is all about better descriptions, it's no wonder we want to be firmly credited with ours.

I am trumpeting the spirit of acquiescence to the unoriginal—embracing, again, the beauties of human repetition. If my manifesto reduces its exhortative compass to that range alone, it is enough.

7 *Idea*, as I want to use it, goes back to Plato, with many permutations since. If we take Plato to mean, as I think we do, a kind of eternal archetype whose derivations are reflective (imperfect) copies, then “idea” is eternally afflicted with the metaphysical. This affliction persists through the additions of the Lockean “idea” as “whatsoever is the Object of Understanding when a Man thinks,” Hume’s sensation, and Wallace Stevens’s “The Idea of Order at Key West.” Is “idea” then an object separate from our intentions, a particle lodged permanently in the brain (introduced forever and brought out temporarily—given the brain’s limited recall mechanisms—for review), something that recombines thought and feeling, a woman combing? The myriad histories of “idea” seem to force its definition into an ineluctable metaphysical realm.

Which is the realm assigned to it by copyright law. As we are reminded in a website devoted to intellectual property matters, copyright law does not protect ideas. Copyright is thus revealed as Platonic, even religiously so: it deals not with Plato’s superior Forms but instead with inferior, reflective forms. Ideas are unprotected despite the fact that they must always be presented in the concrete forms—poetry, prose, computer programs, artworks, movies, film, blueprints, and so on—which (the website acknowledges) *are* protected by copyright. Huh. The Copyright Act, then, believes in metaphysical reality, a place of Idea that cannot be regulated.

Think again of our worried listserv exchange in note 2. Perhaps individuals need to be registered as embodied ideas. Perhaps we all need to have a © imprinted on us, so that we may walk around as simultaneously anonymous (unsourceable) and self-indicative, perfectly inviolate and specific combinations of form (body) and content (idea). So

that we may network in safety. Such, in any event, might be one logical result of copyrighting verbal thought. Everyone around me becomes anonymous because unusable, inassimilable. What is the connection between the you yourself and the property (product) you create? All products are anonymous, and only products (and their “tangible” blueprints) can be copyrighted. What is ongoing is not produced, has not yet hardened into labeled “property.”

Is the human being a fact or an idea? (Neither can be copyrighted.)

“What is the difference between facts and ideas?” “Ideas are facts in congress.” “What is the difference among a person, an idea, and a fact?” “Nothing.”*

Which is something like what Jim Rosenberg writes in “Openings: The Connection Direct.” For Rosenberg, “non-possessiveness” attends the “energy transaction layer” of art—art’s *ideas* are a matter of unregulated exchange: “an art which focuses on the energy transaction layer itself as the primary layer should seek to *maximize* the energy transactions that can take place. This means the artist should not stand in the way of her/his own energy transactions. For an artist who is not specific about what energy transactions should take place, there is no ‘thing’ to be communicated” (*Poetics Journal*, 10 [1998], 237).

Now there’s an idea.

8 The word “is” is a signifier for ontological inhabitability sort of the way “this” signifies deictic positioning, the empty specific. These are approachable words, words anyone may claim and so all claim, words which demonstrate that the notion of verbal intellectual property is bankrupt, the exceptions which prove what should rule. All words should have the freedoms of “this is.”

But let me argue the point, since “is” may seem to you more solid than a deictic. *Is* is immediately problematic in at least two ways: to assert that something “is” posits a sufficient knowledge of the nature of reality and a confidence about the possible relations of reality and language. Further, it presumes such a concept as the present, “this” time, in which to postulate a present tense. And, as a learned friend reminds me, it is necessary to [*il faut*] distinguish two uses for “is”: as copula, by which a predicate is attached to its subject (“the book is red”) and as indicating real existence (“God is”). Necessarily, the first use is not indicative of the second.

To add to the confusions, if we agree with Harry Mathews that “writing

*Toenote: do the quotation marks around these questions and answers indicate that they come from a source? Yes, but not so disavowed.

works exclusively by what the writer leaves out" (*Immeasurable Distances* [Venice, Ca., 1991], p. 20), then no relationship is possible between the assertion of what *is* in writing and what we make of that *is* in the reading experience. If we agree with Heidegger that "*this average and vague understanding of Being is a fact,*" then no matter how writers set up the written *is*, we will be as unclear about what we mean as readers will be about what they take us to mean (*Basic Writings*, ed. David Farrell Krell [New York, 1977], p. 46).

Or, as Locke and Vico and Goethe and Emerson intimate, we can understand only what we already know. So our understanding of the term *is* can never be sharply focused: if it begins determinately, it re-resolves indeterminately after an investigation. If we yearn for Lockean candor we strive to fix the ontology of *is*. If we have other cultural apparatus in mind we may relinquish Lockean candor (as arising out of the Anglo-Saxon linear style of argumentation) and prefer the Persian or biblical approach—returning to the same topics from altered perspectives—or the French/Continental approach of pursuing tangents, or whatever certainty-seeking or certainty-avoiding approach we find most useful for settling meaning, however temporarily, for determining what *is*.

So in trying to define *is* we perhaps begin and end up with the determinate definition in the *OED* ("sing. pres. indic. of vb. Be. q.v.") (s.v. "is"), bearing in mind that we are still with words much where mathematics was with Gödel after his 1931 paper, realizing that the logical consistency of systems of deduction (within which we deduce the use of "i" and "s" together as a signifier of present existence) is impossible to establish without recourse to reasoning so complex that its own internal consistency is suspect.

9 Here we are vexed by the issue of where to begin: perhaps with Homer's "Achilles' wrath, to Greece the direful spring / Of woes unnumber'd, heavenly goddess, sing!" (tr. Pope), or with St. John's "In the beginning was the Word, and the Word was with God, and the Word was God" (John 1.1 AV). Is the word traceable to multiple muses or to only One? Whose intellectual property is (was) the Bible? Who authorized the transcriber(s) of the Book of Genesis to write "God said"?

Why is the issue of authorship presumed pre-settled by the compilers of the Bible? Perhaps because of the climate: classical philosophers tended to treat words as one type of sign, while Augustine and later medieval thinkers tended to view signification as primarily verbal (the emphasis in both cases is on *tendency*). If words are only one layer in a compilation of signs, their ownership is not so much in focus, thus not

so much in doubt. In brief, we've swept from a religious use of language that transmitted knowledge semiotically—while, ironically, positing the knowledge of God as inexact and so rendering the very signs they used as inexact—to a notion of the word as organizing possible knowledge all by itself, but still in a fairly lonely, indicative way. When, between the fifth and the fifteenth centuries, language was the dominant tool for investigating the larger universe, the discursive arts (*artes sermonicales*) determined what could be known determinately (see for example *The Summa Contra Gentiles* of Saint Thomas Aquinas).

Then, in the sixteenth and seventeenth centuries, people got even more nervous about what words could be and do. They worked more intensively to construct universal grammars, to get at an ideal language—almost, one could argue, harking back to Plato's *Cratylus* to find “the maker of names,” since of course not just anyone can be allowed to make them (Plato *Cratylus* 389). Now we've gone further still (and looped back serially as well, through Sextus Empiricus?), through scepticism about the possibility that a word can contain or indicate, to an acceptance that it permits knowledge itself or is a way to describe alongside other ways—from, for example, Ludwig Wittgenstein's “Language disguises thought” in the *Tractatus* to his assurance in the *Philosophical Investigations* that “language is itself the vehicle of thought.” But of course that means we've still not figured out how to get over the chasms between words and ideas, on one hand, and ideas and facts, on the other. We still live with the split—among reality, thought, and word—effected by the development of formal logic in the twelfth through fourteenth centuries. (For more background, see for example Marcia L. Colish's *The Mirror of Language, A Study in the Medieval Theory of Knowledge* [New Haven, 1968] or R. Howard Bloch, *Etymologies and Genealogies. A Literary Anthropology of the French Middle Ages* [Chicago, 1983].)

And these brief ponderings do not even broach the difference between the spoken word and the written word. Claude Lévi-Strauss's contention that speech is associated with innocence and writing with hierarchy and dissolution seems nothing more than a (familiar) craving for the Socratic scene, for the possibility of sincerity when words are an immediate product of embodied voice. Spoken as well as written words always have Augusto Ponzio's “uninterpreted sign residue” (*Signs, Dialogue, and Ideology* [Amsterdam, 1993], p. 4) all over them, though. The word “word” looks out from hoary eyebrows, especially when surrounded by quotation marks. As Charles Bernstein has it, quoting Karl Kraus: “The closer we look at a word the greater the distance from which it stares back” (*My Way* [Chicago, 2001], p. 2).

But in the realm of Intellectual Property, the speaking scene—the worrisome “networking” of our earlier listserv—is presumed to be the organic, amorphous, pulsing, but simultaneously (and paradoxically) disembodied petri dish of idea, where nothing can be copyrighted because nothing has assumed any “form.” In an age which knows that everything discursive is material and contextual, such a stance is quaint at best, obstructionist on bad days.

10 I ate a piece of pie and that gave me an idea. Did the idea originate in my mouth, in my stomach, in the pie, or (as rationalism teaches us to think) in the vast Oz processing center of the sorting mind? Does the body belong to the brain? Is the body the “place of excrement” for the superior mind? What does the body know? When we forget our ideas have we lost our rights to them? Do we become anonymous only when we lose our minds?

If we can undo the notion of property within ourselves (a notion that makes us imagine things like “my will owns my actions” and “my mind is the superior of everything below the throat”), perhaps that will destabilize the notion of property in intercourse with others. “I own myself”—well, only if the state agrees to let me. “I own my heart”—well, only if someone does not come along and sweep it away from me, in the conscious chemical process we call love. “I own my hands”—if they stay attached. And if they do not, for all that they are expendable (that is, the loss of one’s hands does not necessarily lead to losing one’s life), we lose some “knowing” if we lose our hands. Our comprehension is curtailed, truncated. When we touch with our fingerends, we “know” in a way that no other knowledge can provide.

The “mind” is not the brain alone. Someone—Randall McLeod, I think—calls thinking by the name “thingking,” to emphasize its processing of objects (and perhaps as well the mind’s sovereignty when focused on “the thing”). Arguably, there is no such thing as abstraction. Consciousness is physical. Such concretions bother us only when we have a prejudice against the physical, when we rank it below the spiritual, the abstract, the absolute. If we know the physical as all-encompassing, and we imagine imagination as a physical process, and we see that we are all subject to this process, then we may be more loving towards the shared body of knowledge. That’s what we are, *bodies* of knowledge. The person speaking to you is immensely more communicative than the person writing; that difference is one central paradox of the fact that Intellectual Property doesn’t cover the realm of spoken discourse or idea. Copyright law diminishes the physical human (whose speech is unprotected yet free, not an “act” at all) and enlarges the

physical inhuman (products are protected). Ideational intellectual property is a disdain of the embodied mind.

When you catch or claim what you hear and think, keep it a moment then let it go. See Dewey's "Art as Experience": "mind is primarily a verb" (*Art as Experience* [New York, 1958]).

11 Perhaps it would help to think of "ours" as a parallel descriptor rather than a possessive enclosure. What is mine is an accompaniment to my existence, it is not interiorized. "My" idea, though, feels interiorized. What's the difference, then, between a book I own, an idea I have, and the love I feel for someone who agrees to be loved, who is my love? The book I own is property unto death, always exterior to me. The ideas I have, including those given me by the book, pass through and reconfigure the circuitry of my brain. If they were mine as the book is, I could always open them up and look at them. But the mechanisms of the brain do not recall so effectively: they resist property, preferring (if function can be called preference) to be reconfigured, to have ideation pass through them. The love I have for someone is similar. It is "mine" by virtue of the existence of another, it reconfigures my body's knowledge, it is active only in being relinquished. Knowing something might be thought of as loving something.

So different ways of communicating conjure and shape different ways of loving (knowing). How I write to *you*: "Whenever you speak, you define a character for yourself and for at least one other—your audience—and make a community at least between the two of you; and you do this in a language that is of necessity provided to you by others and modified in your use of it" (James Boyd White, *When Words Lose Their Meaning* [Chicago, 1983], p. xi).

Or, in the very different words of a university website devoted to "INTELLECTUALPROPERTY," you define yourself as author and your audience as receptor. Do you want to do this in a possessive way? How do we distinguish between our theoretical sophistication about "the death of the author" and the sort of accepted definition of an author provided by [this website]: "An author is someone who contributes copyrightable expression to the work." Is a conversation a work? Should we be sure to note this in conversing?

The Universal Copyright Convention (UCC) would not declare a conversation one's own, since as our website again tells us, "Copyrightable expression is original authorship, fixed in a tangible medium of expression." In this tautological definition, presumably conversation is not included, since it is not (again, presumably) tangible, since its ideas are not yet property. Which means, in terms of intellectual property, that

when we're talking to each other we do not own our words, they are not "ours."

Let's carry this further, in to the terrain of intellectual imperialism. Idea-mongers might hike out to very foreign parts, those not covered by the UCC, and have some very stimulating conversations with foreign persons, then use those ideas with absolute impunity in their "works." Of course (you respond), we are honorable academic citizens and would not do so. To which I'd say of course: because we are honorable academic citizens, we should acknowledge the problem of possessiveness about ideas, the legible farce of distinct originality, the fact that the dialectics of knowledge and training mean that ideational intellectual property (and, again, all things are material, as cultural studies reminds us) is untenable.*

12 *Of* is a preposition with a rich history. It is crucial to conversations of knowing (loving), as the marker of the genitive in English. According to the *OED*, the primary sense was

away, away from, a sense now obsolete, except in so far as it is retained in the spelling OFF. All the existing uses of *of* are derivative; many so remote as to retain no trace of the original sense, and so weakened down as to be in themselves the expression of the vaguest and most intangible of relations. The sense-history is exceedingly complicated by reason of the introduction of senses or uses derived from other sources, the mingling of these with the main stream, and the subsequent weakening down, which often renders it difficult to assign a particular modern use to its actual sources or sources. (s.v. "of")

Exactly. A "use of *of*" relates one instantiation to all possible uses. "Point of view" relates one point to the view it might potentially hold. Intellectual property is "property of the intellect," relating one property (owned characteristic) to the intellect to which it works in reference. "Of" is a belonging relay, a grammaticalizer taking us back to "this" and "is." "This is of now": quiddity, ontology, morphology, temporality. Inhabitable absolutes. Inseparable from their web of words, one is caught in the circularity of the dictionary (wrapped in Deleuze and Guattari's deterritorialized nomadism and flow, in *A Thousand Plateaus* [Minneapolis, 1987] and *Kafka: Toward a Theory of Minor Literature* [Minneapolis, 1986]).

* Toenote: see Richard Stallman's Free Software Foundation, Sendmail, Apache, John Perry Barlow, the Electronic Frontier Foundation, the Grateful Dead, and Charles Mann's article ("Who Will Own Your Next Good Idea?") in *The Atlantic Monthly* (September 1998, and at <http://www.theatlantic.com>), from which I derive this toenote's list.

Which brings us, by way of the necessary singularity of instances, to the subjectivity of one intellect's use of "of." In using the word *of*, I think of past uses such as "Of man's first disobedience," "Mother of God," "the way of all flesh," United States of America, point of view, Bachelor of Arts, and as a chipper reminder, the first line of *Aurora Leigh*: "Of writing many books there is no end" (Poe in an ecclesiastic state of mind). This partial list indicates that "of" is an ordering term, a linking word, or more generally a word that clarifies the words around it without attracting attention to itself, without being full of meaning. As Emerson wrote in "Shakespeare; or the Poet": "Great genial power, one would almost say, consists in not being original at all; in being altogether receptive; in letting the world do all, and suffering the spirit of the hour to pass unobstructed through the mind" (*Emerson's Complete Works*, vol. 4 [Boston, 1883], p. 183). Which is the idea of power I am enamored of.

13 "Knowledge" is an impossible ideal which cannot be true to experience except in basic formulations of physical proof, the uncopyrightable "mere facts"; and even then it's temporary. When Mark Taylor writes, "[a]bsolute knowledge is the perfect copulation of subject and object, self and other, which issues in certain conception," he goes on to remind us that a union between subjectivity and objectivity is impossible: "[t]emporal deferral opens a space in the subject that self-consciousness can never close. This invisible space blinds the speculative philosopher" (*TEARS* [Albany, N.Y., 1990], pp. 18, 21). If verbal ideation is speculative, it cannot have the closure pleasure of hard science or determined religion. If it wants to embrace a more fluid sense of knowledge, it might, in relinquishing an urge towards property, originality, and stasis, embrace Vera Frankel's "Benign Ignorance":

a state of unfocused awareness that permits us to link the confusing world with the deep metaphoric formulations inside us which are strategies for its apprehension. To reach these and give them form in art requires setting knowledge aside, reclaiming it later as necessary. It follows from this that a work of art is as good as the amount of knowledge and ignorance it holds in balance. The more conflicting knowledge a work can hold suspended in a transforming ignorance, the better it teaches us to see. (*ArtsCanada* [1977], 27)

Which sounds a bit like something written over five hundred years earlier:

truth, which can be neither more nor less than it is, is the most absolute necessity, while . . . our intellect is possibility. Therefore, the quiddity of things, which is ontological truth, is unattainable in its entirety; and though it has been

the objective of all philosophers, by none has it been found as it really is. The more profoundly we learn this lesson of ignorance, the closer we draw to truth itself. (Nicolas Cusanus, *Of Learned Ignorance*, 1440)

In other words, knowing must involve relinquishing, which brings us back to love. I know nothing as I. Knowledge and its conduits are both flowing. In language use (and critiques of its use), avoiding the material seductions of science and religion, we can become matrices of verbal art, folding into the world of, broadly speaking, knowledge.*

* Toenote: of course it's hard to speak broadly of knowledge. We tend to speak specifically, unless we are Continental philosophers. Which partly explains the reverence of pragmatic Anglo-Americans for philosophical Continental theorists: they keep on living in that unswept world, recklessly borrowing one another's ideas, writing with few objects but many modes in mind. Seeing knowledge as temporary dialectic rather than as objects around which "the lone and level sands stretch far away."