Anthropology and law share certain understandings, the roots of which can be traced to early nineteenth century romantic philosophy. This shared heritage is especially apparent in the entrenched debate over the copyrighting of cultural property, as new nations strive to formulate laws that would protect culture as a form of property. The legal notion of property, based on a model that separates ideas from cultural products to protect creative agency, is now experienced as being in conflict with radically different expectations of how attachments are formed and thus protected – expectations that are grounded in a notion of agency that is attributed not to Man, but to things.

Intellectual property law has been strongly criticised for restricting the fluid and infinitely replicable quality of information judged to be vital to intellectual economies. Political demands for the free flow of information are complemented by theoretical developments in anthropology which emphasise post-modern realities such as globalisation, transnational flows, and creolisation in the invention of tradition. It has been strongly argued that culture can no longer be perceived as a bounded, static entity, but only as a dynamic, constantly re-negotiated process.

How best to protect culture from being copyrighted in the face of this flow of cultural imagery will remain an issue for as long as we adhere to an assumption that has vitally influenced the way we handle the carriers of this imagery. This assumption, made explicit in the philosophy of Emile Durkheim and prevalent in anthropology, maintains that concepts, formed in the mind, are transferred to solid material objects which can come to stand for memories, and which, by virtue of their longevity, preserve or prolong them indefinitely beyond their purely mental existence. To those who adopt what Whitney Davis (1986) characterised as the 'projectionist fallacy', the social life of things appears to be generated by multiple projections of concepts which diverge as things are moved from context to context. The surface of things, their 'look', and the knowledge surrounding the details of their construction, appeared not to matter, as long as they were explained by a content that could be re-written over and over again.

A short summary of the main tenets of intellectual property law may suffice to show how such an assumption is also present in legal formulations. Western intellectual property law seeks to encourage innovation, by protecting the rights of individuals and corporations to make profit from the ideas they produce. Graphic designers thus work in an environment shaped by international property laws that commodify, protect, license, and regulate the use of the imagery upon which they draw. Intellectual property law is thus based upon liberal, individualist principles born of Enlightenment conceptions and legitimated by Romantic ideologies. The Eurocentrism of these premises often devalues creative expressive forms which are produced collectively, inter-generationally, or in unfamiliar media, by those with non-European cultural traditions. As a consequence, although such imagery may be legally
available for use, unauthorised usage may offend the sensibilities and norms of the peoples concerned.

Laws of copyright protect the creative products of individual authors, pictured as autonomous individuals whose creations are the products of the originality of an unfettered imagination. The law assumes that 'ideas' are always available for appropriation, but 'expressions' are the property of those who inscribe or imprint them. Through their work, authors make these ideas their own, their possession and control over their work being thus justified by this expressive activity.

There is an obvious, and frequently made, difference between our own legally recognised forms of intellectual property and those found across much of the world. In the Pacific, for example, Simon Harrison has pointed out that for Trobriand or New Ireland economies, the circulation of goods creates social relationships between the transactors. In societies in the Pacific, we see ideas being created and circulated in a gift, rather than a commodity mode, creating relations that form the foundation of a culture's political economy. Rights in magic, in dances, in rituals, or in the designs of masks or statuary are therefore treated as intellectual prestige goods, and form part of the special status or ceremonial spheres of exchange. What matters to Pacific Islanders is not the object or the expression of an idea, which is essential to Euro-American concepts of copyright, but rather the idea behind it. What is copyrighted, one might say, is the technology, the knowing 'how' to translate the idea, encompassed in relational and mnemonic imagery, into material form. Therefore, the 'look' of a thing does not reflect concepts and relations already in existence, but visualises how attachments are created. In fact, as Marilyn Strathern has pointed out, the notion of copyright is misleading in relation to such things, for people 'own' them most securely as memories still to be realised.

We have assumed, as Simon Harrison recently pointed out, that ideas, and identities constructed in relation to ideas, are abundant. In line with the framing of a textual-visual culture, we have lost sight of an alternative model of identity, often expressed in cultures around the world. This model assumes attachment to be a scarce, rather than an abundant, resource, and a response to the look of a thing rather than the desire of a person. In this model, the making of identity goes hand in hand with the various re-creations of imagery which surface in things.

The apparent 'otherness' of this model has become strangely familiar. In an uncanny permutation of pre-modern notions, it now seems that, as intelligence is designed into everyday products, there is no such thing as inanimate matter. We are witnessing an avalanche of new sensing, networking, and automating technologies, which are created with the sole purpose of bringing 'dead' objects to life by making them responsive to human needs and emotions. As it becomes more plausible to imagine the agency of things, we are faced with an increasingly pressing need to re-think the way we form attachments.

**RE-THINKING ATTACHMENT**

The re-thinking of attachment has been spear-headed by writers with a keen interest in science. This is because the evidential paradigm which the humanities are beginning to assimilate into theory and methodology is not raw and uniformed, but has already been defined by disciplines such as genetics and biology, as well as architecture and computing. Science now confronts us with a new type of evidence, which is sought in images of living organisms whose complexity can also be discerned in the materiality of things, be it 'techno-textiles' or computer viruses. Known as 'non-linearity', this new paradigm has changed our models of memory and identity. No longer are these understood as the passive trace of attitudes, beliefs, and memories formed in culture. Instead they evidence organisms' capacities to construct themselves. Evidence is thus based on logic and connectivity, rather than on the rational systems of differentiation and text-based systems of classification. From Neil Denari's architecture of the continuous surface to artificial life-forms created in Californian laboratories, non-linearity and its implications for capturing reproductive and generative resources which leave their trace in material form are guiding increasingly mainstream projects.

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8 Ibid. at p. 273.

9 S. Harrison, 'Identity as a Scarce Resource' (1999) 7(3) Social Anthropology 239.

Cellular systems and systems of cultural form may still appear unconnected and thus of no consequence for those concerned primarily with the latter. This indifference is vanishing, as visualisation techniques in computing bridge the gap between mathematics and art, and between neurological and philosophical explorations of mind. 3D-modelling and the creation of virtual life-forms are made possible by what computer science calls the 'manifold'. By identifying the generative element inherent in form, it is possible to elicit transformations which are increasingly spontaneous and self-governing, and which permit the creation of computer-generated viral forms or animated computer-imagery. The recognition that form is generated by the connectivity of images rather than a pre-existent symbolic system of rules and meanings, has become of paramount importance in neuroscience, which has found evidence that neuronal nets register decisions before they are conceived.

Outside science, textile design was the first domain to absorb the new vision of materials that behave like organisms, and which manifest a second nature comprised of rule-ordered human constructions, while at the same time mirroring the given, pristine nature of physical and biotic processes, laws, and forms. Known as 'techno-textiles', artificial fibres that aspire to all the qualities of texture and permeability displayed by natural fibre, but with an added quota of 'agency' reflecting communicative codes, have been reaching the market. Textiles are now able to act as communicative surfaces, they are regenerative and will soon be self-cleaning. No longer do these surfaces appear as trivial and fleeting expressions of a seriousness that resides elsewhere.

The new artificial life model that inspires the production of techno-textiles distills an out-of-body experience, in as much as it no longer needs bodies because tailoring has been turned into a problem of fibre, not figure. Similar artificial life models are present in the field of reproduction, in which the connections of sex/gender to social relations have become an abstract affair, while drawing on images that reflect on culture. Helmreich, in his work on the cultivation of artificial life in the digital age, poignantly describes these artificial worlds as 'gravity wells' that bring together odd pairings of science and culture in the making of a 'looking-glass world', in which second natures are rich sources not just for re-theorizing biological life but also for researcher's reflections on their own lives. Helmreich's subject is 'Silicon Second Nature', a substance and space that artificial life researchers seek to create in computers. He depicts a world in which artificial life researchers embrace the logic of synthetic vitality and come to possess a new sort of subjectivity, a silicon second nature that may be increasingly common among humans inhabiting a world in which computers are haunted by 'life'.

This work raises, but does not answer the question of how attachment might be re-thought in intellectual economies. What sorts of expectations might fashion things which were capable of recalling absent images in ways that were both generative and reproductive? What would persons have to become before they could recognise themselves in 'shifting ephemera on the surface of life'? One of the reflections on attachment that is beginning to provide us with some answers to these questions is entailed in the work of the art historian and specialist of the eighteenth century, Barbara Stafford. In her most recent book, entitled Visual Analogy (1999), Stafford argues that we need to re-visualise how we create attachments in terms of connections and resemblances. For what we take as expressions of ideas in fact promote a conscious search for often hidden connections recognised by tracing the resemblances between things. Attachments are the unintended outcome of such a search whose seriousness lies within, not outside the imagistic quality of things. As a connector, the look of a thing is analogous not to language, but to thought and consciousness, emulating Alfred Gell's (1998) allusion to the abductive quality and cognitive 'stickiness' of things. The call to re-visualise the way we create attachments brings into question assumptions inherited from the Enlightenment, which evoke di-analogy, distinction, and contradiction as the basis of our understanding of essentially classificatory relations. We live, as Stafford illuminates, surrounded by the legacy of di-analogy and distinction when we shop and move about our daily business, faced with the homogeneous aloofness of cult initiates and gated communities addressing only themselves within a mosaic in which arguing groups exclusively seek to promote their separate interests.


As a scholar of the visual-textual culture of the Enlightenment, Barbara Stafford draws our attention to post-modern writings that treat the social and material metaphors of distinction as though they were attracted to the beauty of a phenomenon that was on the verge of disappearing. It is precisely the ending of distinction and dis-analogy that is signalled by this adoration of the cornerstones of Enlightenment thought and by the consequential annihilation of connection and resemblance. Stafford’s reflections on contemporary Western visual culture recognise the possibility of an alternative interpretation based on an analogy drawn with the pre-Enlightenment concern with animate things. For, then as now, knowledge and proprietary rights are invested not in objects but in image-based resources, access to which depends on the capacity to recognise and anticipate resemblances that present themselves most succinctly in visual form.

Melanesia, where intellectual economies are well documented, is the natural context in which to explore whether such a model might identify solutions to old problems with persons and property. We recall the importance of the image as already relational in kind, a world of ideas to which complex proprietary rights are attached. It is in relation to this image-based economy of knowledge that treasured possessions have been examined by Melanesian ethnography, and yet, the look of such things has somehow remained peripheral to the discussion of how these objects come to be the loci of ideas about possession. The look or surface of things appeared as nothing more than the remains of a domestic, usually feminine, touch, serving to embed things into place, but remained largely inconsequential to the concern with understanding the unfolding of relations between persons and property forms. Detailed studies of art-like things are found alongside equally detailed studies of relations that dwell in the space of culture, yet the two are rarely brought into conversation with each other. The work of Alfred Gell, and especially his Art and Agency, has opened new perspectives on the question of how social relations might be found in the nexus of art objects.

Gell’s Art and Agency develops an eclectic combination of theories of personhood and cognition, and shows that something quite new, yet also familiar and central to anthropological theory, emerges in the wake of this quasi-magical act of synthesis: a theory of objectification which is not about meaning and communication, but about doing, not about persons, but about material entities which motivate inferences, responses, or interpretations. The proposition advanced in the initial chapters of Art and Agency is strangely simple. It evolves from a re-reading of Maussian exchange theory in the light of Marilyn Strathern’s (1986) theory of the fractality of personhood, according to which social relations obtain not between persons, but between persons and things, because persons can be substituted by things. Replacing the Maussian theory of prestation by ‘art objects’, Gell sought to fashion, out of a prototypical, and exemplary anthropological theory, an anthropological theory of art. This theory, moreover, set out to offer a theoretical definition of art in terms of things provoking attachment, in contradistinction to given institutional, aesthetic, or semiotic definitions. We find here a real alternative to existing theories of art, which shifts the study of social relations in anthropology from the observation of behaviour to material culture.

This anthropological theory of art merges with the social anthropology of persons and their bodies, allowing for the possibility that anything could conceivably be an art object, including living persons. The argument is that the nature of the art objects is a function of the social-relational matrix in which they are embedded, such that they have no ‘intrinsic’ nature independent of their relational context. In this rethinking of the relational matrix in terms of the art nexus and the logic of the index, Gell’s treatise breaks with the conventional contextual, institutional, or semiotic analysis of art. In the art nexus, agency is mediated by indexes, that is, material entities that motivate inferences, responses, or interpretations. Indexes may stand in a variety of relations to prototypes, artists, and recipients. Artists are not just causally responsible for the existence and characteristics of indexes, but may be the vehicles of the agency of others. In this definition we find Gell embracing fully Strathern’s Melanesianist deconstruction and notion of the partible and distributed person. Actions and their effects are thus not discrete expressions of individual will, but rather the outcome of mediated practices in which agents and patients are implicated in complex ways. On the one hand, the agency of the artist is rarely self-sufficient; on the other, the index is not simply a product or end-point of action, but rather the distributed extension of an agent.


The notion of a world of things whose look or surface-sheen impels attachment was presented in Gell's Art and Agency as the dynamic which underlies processes of objectification. We may dismiss the visuality of surface as the last phase of capitalism in which its consumption mirrors the alienation from relations of production, its beauty heightened as it too disappears from view. But this observation may lead us to lose sight of the use to which the play with surface is put.

PERSONS AND PROPERTY FORMS IN THE PACIFIC

The subversive, empowering, connecting, and humorous or ironic nature of visual analogy is the subject of much of contemporary Pacific art, like the work of Annie O'Neil whose crocheted flowers have become synonymous with the Pacific Sisters, an association of women artists from across the Pacific. Working mainly out of Auckland, but equally at home in London, New York, and Los Angeles, Pacific Sisters run weekly market stalls, community events, shows, and galleries. Their pan-Pacific dynamic and global impact is driven entirely by the allure of the image which connects the local and the idiosyncratic with the global by the re-surfacing of things and of people with patterns. T-shirts are the most visible traces of this image-economy. Everybody has them, everybody wants them: they are impelling in a manner which seems to express the notion of 'cognitive stickiness', if only because they are so hard to get rid of once they have been seen. Covered in glossy prints, they provoke recognition of a simultaneously localised and yet infinitely transportable imagery, by combining a common and public image with a local and often intimate joke.

One need not have been born and bred in a particular area of the Pacific, or even within the Pacific at all, in order to be attracted to Annie's flowers or to the bright T-shirts sold in the markets. The flowers overtly conjure up associations with the domestic, with labour and relations of love and sacrifice, exported from Victorian England and turned into the nostalgic image of the South Pacific. Annie's flowers, however, are not a window onto another world. The flowers are this world and subvert it by visualising the connecting power of the global image, re-connecting the distinctions that globalisation has brought in its wake. Annie's most recent creation are crocheted cords that visualise the way attachment is created through acts of binding. For anthropologists these images are unsettling, because these inherently translatable surfaces call into question ethnography itself, especially its drive to demarcate distinct places and persons, and the profundity of its quasi-embodied knowledge, which is thought to be the only means of revealing the economic and political consequences of the way persons create attachments.

Having pointed to the imaginative and subversive use to which the re-surfacing of things is put, I want now to turn to the nature of the surface peculiar yet not restricted to the Pacific. That is, I want to ask what difference the appearance of a thing makes for the way attachments are forged between persons and things. To its detriment, anthropology followed the conventional art historical analysis of style in assuming that what a thing looks like must be in some way related to the 'context' of its production and circulation. That is, until Alfred Gell pointed up another possibility by arguing that what a thing looks like evokes a complex set of transformations that are both logical and intentional in kind. In fact, we can go a step further and see that the transformations that are etched into the surfaces of things are sometimes discovered to bear a likeness with the processes from which persons emerge, allowing these things to be substitutes for persons and to shed light on what property is or can be. The importance of this alternative perspective on things was driven home to me, when, after more than a decade of working on the figural artworks of malanggan, I started to work on the thread and the stitch of quilts. This might seem to be a totally different context: how could one expect to be able to compare property forms and persons in Melanesia and Polynesia? They look very different, but are the concepts of person and property they capture really that different? Elsewhere I have argued for the importance of binding in the Pacific in creating topologies of being and thinking which broadly fall into two types, involving a linear versus a planar conception of the spatial qualities of surface. As knowledge technologies, the linear versus the planar conception of patterned surface wrought through binding, is associated with two quite distinct ways of thinking about connectivity and resemblance, throwing up quite different expectations about what a person is or is likely to be.

These two ways of visualising, I want to argue, have to do with the topology of surface, the application of force, and the generation

17 S. Kuchler, Malanggan: Art, Memory, and Sacrifice (Berg, Oxford, 2002).
of form. The first assumes an exterior force moulding a surface as it envelops it, creating a form which evokes what exists only as absence, as negative space embracing the object. A good example of this are Malanggan sculptures of New Ireland in Papua New Guinea, as were ancient Roman figurines made out of clay. Interestingly, these Roman figurines were used to legalise relations over land; this parallels the way Malanggan sculptures are used to create or re-write relations over land. Both were broken into two or more pieces, depending on the number of persons acquiring a share in usufructuary rights. The missing surface literally recollects a shared container. In New Ireland it thus makes perfect sense to lump all kinds of different possessions together, whether they be trees or cars, and treat them in the same manner as being governed by acts of sharing skin. Persons are related if they share in the consumption of surfaces, not the other way around, leaving relations over property fluid as well as manifold. In New Ireland, a person can have rights to land, cars, trees, and shops in a potentially infinite number of places, connecting with others like a spider's web that is constantly re-woven. The cutting or severing of surfaces, followed by the tying of a knot, matter enormously in describing the moment at which things attach themselves to persons. From this perspective, persons appear as blank sheets, filled with whatever attachments can be fabricated during life. Yet, on the other hand, there is a deep significance to the learning of images, because persons take into themselves something that they already held within them as potential. One is reminded of Janet Coleman’s (1992) exposition on Plato’s theory of memory in which she argues that, for Plato, nothing new of importance was ever learnt during life (cf. Bloch (1998)). Learning is merely recalling what one already knew, but had forgotten, and is guided by what in Islamic theory is called ‘mnemonic domination’ using rote remembering as a technique of learning.

The second way of visualising a shared likeness assumes an interior force moulding a surface as it escapes, creating a linear trace of a hidden, interior source. Good examples of this way of thinking about surface as linear trace are German Limewood sculptures of the fourteenth and fifteenth century and Yupno knotted cords. German Limewood sculptures were carved from the inside, hollowed out in order to remove the inner core. It was the unique texture of the wood which allowed for the sculpting of the surface, revealing the drapery of a dress, the creases of the skin, the lines of age and laughter, allowing for an inner life to come to the surface, outlining the character believed to be unique to the persons depicted. Limewood sculptures were produced in the hundred years leading up to the Reformation in Germany, commissioned by newly-established merchants who had come to aspire to the standing once accorded to the guilds. We see here an Aristotelian notion of personhood expressed in visual form that recognises the cumulative appropriation of knowledge throughout life as crucial to the making of persons. The property forms associated with this concept of the person are history. In the Pacific, the Yapno knotted cord forms a little-known, rather unassuming, and somewhat perplexing object, apparently used to recall ancestral place names, the trouble being that there is no independently verifiable way of unravelling the relation between knots and names. Compare this to the well-known example of the Andean Quipu, a knotted cord used by messengers to transport intricate information across a vast, centralised state, where different types of knots, in different colours, and with different spacing, encoded quantitative information relating to property in all its detail. The point of the Yapno cord is by contrast, that you are never sure what you should know or what others might know. As you run it through your fingers, you anticipate connections and trace links that make up life in forever new and surprising ways.

Ironically, although the Yapno cord appears to be quite strange to us, it is in fact much closer to the concepts that we bring to objects. The notion of surface as interior and linear space has a familiar ring and it may thus not come as a surprise that net-hag dresses, which were manufactured for a recent Milan fashion show, scored a fabulous success. By the word-woven, we sometimes call it ‘textile’, but it is really an object of the word-woven, we sometimes call it ‘textile’, but it is really an object of this world. The notion of surface as continuous, planar, and exterior space is familiar to us only from ‘strange’ contemporary architecture, like that


20 J. Wassman, The Song to the Flying Ox: the Public and Esoteric Knowledge of the Important Men of Kholagei about Totemic Song, and Knotted Cords (Cultural Studies Division, National Research Institute Publication Middle Sepik, 1996); M. Barandall, Limewood Sculpture in Renaissance Germany (Yale University Press, Yale, 1980).

of Neil Denari whose buildings unfold like a continuous ribbon, connecting while enfolding in a cumulative manner.

Topology, the study of the way surfaces behave, has not received much attention in anthropology. This is not surprising, given anthropology's general acceptance of a conception of space in which spatial relations are ego-centred, anthropomorphic, and relative. The study of topology becomes interesting only when one leaves behind a mechanical theory of cause and effect and replaces it with a so-called organic one, where the behaviour of the surface of things reflects on the self-organising capacity of relational complexes. From this perspective, the conception of surface as either interior or exterior, linear or planar, suggests a performative dynamic of connectivity and resemblance.

The best example is the quilts of the Cook Islands known as 'tivaevae.' 'Tivaevae' could be described as a perfect example of Annette Weiner's inalienable possessions. They are made for bride-wealth exchanges, for first hair-cutting, and they are wrapped around and piled on top of the dead who are buried in or adjacent to the house; quilts, therefore, pave the paths of tribes. The proud possession of every woman, tivaevae are stored in large wooden trunks. Large, rectangular and elaborately patterned, tivaevae resemble bedspreads, yet are only used as such once a year for village competitions organised by the many women associations that traverse the islands. These women's associations have begun to wield formidable political and economic power over the last 10 years, with their representatives running the non-governmental organisation and members controlling bank-accounts that put chiefly land-holding families to shame.

Despite the fact that most women who avidly spend most of their free time stitching tivaevae will readily admit that they really do not like tivaevae, the quilts are silently realised as thing that equals the most desirable possession of all—a ticket to one of the many far off places in which Cook Islanders live.

More than three-quarters of Cooks' population live somewhere else, and being able to move back and forth for marriages, funerals, and first hair-cutting ceremonies is one of the most desirable and prestigious aspects of modern life. It is quite common to meet women who travelled to Australia and New Zealand within the span of a few months, attending a hair-cutting here, or simply visiting a daughter there. Indeed it is part of the work of a women's association to travel, including extended visits of groups of women to neighbouring islands within the Cook Islands, but also to places further afield, such as Sydney or Los Angeles. Most of the flowers depicted on the quilts are at home someplace else, as are most of the designs embroidered into pillow-cases and the like.

The look of tivaevae in the Cook Islands shares many similarities with quilts made in Hawaii and in Tahiti. This common visual concern with thread and stitching resonates with the concerns of the London Missionary Society. The Society trusted in the educational virtues of embroidery and sewing to internalise an appropriate attitude to work, time, and the management of personal possessions, an attitude which would be publicly manifested as domesticity. However, it is also the case that the availability of cotton, as a result of the spread of Chinese trading across this part of the Pacific, facilitated a development of surface and thus of new forms of property in ways suggested, yet hampered within the existing polity of images around which tribes ranked themselves. We know from collections that the Cooks produced to'o like images known also from Tahiti that were unwrapped and re-wrapped in layers of barkcloth and sennit at the highpoint of a ceremony that expelled and reconnected the dead with the living. Cook island to'o were wrapped in barkcloth that was laboriously coloured in red, yellow, and black as well as covered in fine, hand-drawn lines, which appeared to have been replaced by striped cotton cloth during the nineteenth century.

This sheds light on the peculiar visual quality of the Cook Island tivaevae, its multiple layering held together by the stitched lines of thread visible as a continuous line on the underside of a quilt. The theme of flowers takes on another importance when one realises that in the to'o like images, flowers made of knotted sennit cord served as holders of red feathers, a much-valued possession reflecting networks of trade and influence. Suddenly it is no longer strange to think of tivaevae as connecting devices, facilitating movement and mapping exchange relations, rather than facilitating home-grown wealth creation.

Yet what about the layering? There are, as it were, between two and five layers, which like in an onion can be taken away without infringing the design. The outer and most visible layers outlining the design are the most common and are shared within the extended tribe, while only the first and last added layer, the stitched embroidery, distinguishes one woman's work from another, while connecting those within a household. Each of the layers can exist independently of the other, thus
allowing conceptually for the layering of co-existing forms of property that ultimately are encompassed by and anchored in the household.

In closing, let us return to the apparently insurmountable difference between the carved Malanggan image and the stitched *tiavevae*. Their distinctive surfaces allow us to reflect on the way attachments are created – the soft and easily perforated surface of the Malanggan which visualises connections that exist already as potential, and the layered surface of the *tiavevae* which visualises the co-existence of distinct connections radiating outward from a centre. Visually and conceptually, both are things that throw light on the intrinsic relation, of logic and performance, between the materiality of surface and a concept of person. This relation was shown to be one of visual translation, of seeking resemblances and connections in ways that motivate the acquisition of new materials and technologies of knowledge. The question of how to re-visualise the way we form attachments has thus profound implications for how law and anthropology will approach innovation in an era of intellectual economy in which seriousness resides in the shifting ephemera on the surface of life.

CHAPTER NINE

OUR ORIGINAL INHERITANCE

Alain Pottage

In May 2000, two parliamentary members of the Council of Europe, Jean-François Mattei and Wolfgang Wodarg, organised an Internet petition which invited concerned individuals to protest against the implementation of the European Union's 1998 Directive on the Legal Protection of Biotechnologial Inventions. This was the Directive which, according to its critics, effectively authorised the patenting of 'human' gene sequences. Signatories were asked to write to Romano Prodi, then the President of the European Union, affirming the proposition that 'the human genome is the common property of humanity', and requesting that 'the granting of patents on the genome be suspended'. By the time it was submitted, in November 2000, the petition had apparently attracted some 10,000 signatures, mainly from France. It included the names of prominent geneticists such as the Nobel laureates Jean Dausset and François Jacob. President Chirac also expressed his adherence to the petition, but his support was somewhat equivocal, being based less on the recognition of the special prestige of life or biology than on the pragmatic argument that the patents system might be stifled: 'trop de brevets tue le brevet'.

1 The full text of the petition is at www.respublica.fr/sos.humangenome/index1.htm
2 Libération, 12 February 2001. 'Equivocal' hardly suffices to describe the policy of the Socialist government towards the Directive. Having actively supported the draft Directive in Brussels, government ministers repudiated it as an offence to human dignity when the time came to implement it in French law (see Antoine Schoen, 'La mauvaise foi française' (2002) 358 La Recherche 110.