

# «Friends have all things in common»: intellectual property, publishing, and politics

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Even if open access to research literature is gaining some interest in Italy too,<sup>1</sup> most researchers are insensitive to the licenses of their writings. They are interested in the prestige of their publishers and in the impact factor of their works, but they deem themselves too noble to be concerned with the market facets of their papers. They are theoretically aware that «the *medium* is the message»<sup>2</sup>, but they do not realize practically that the *media* licenses affect all what they say: for instance, the strictest criticism against the global trends towards privatization does accept the same system it is reprobating, if it is published on hardly accessible *media* and protected by restrictive licenses. However, the same scholars are voracious readers and share files and photocopies, usually without realizing that their very research needs push them to violate systematically the same intellectual property they have inattentively accepted.

Because of such a disregard, today the question of the way licenses affect knowledge is ordinarily treated by “technicians” - computer scientists like Richard Stallman, or lawyers like Lawrence Lessig. But a political theory that wants legs to walk in the world should acknowledge that its dissemination is a question of its.

At the beginnings of Western philosophy, Plato meditated on understanding media. He was so lucky to live before the “great division” between humanities and natural science and to witness the first media revolution, the transition from orality to literacy.<sup>3</sup> The age of print and of books manufactures made us to forget that communication concerns above all authors. Now, however, the internet makes it possible to publish our writings without giving them away: humanities scholars could emerge from nonage and take back all what they delegated to the publishers and their market concern, from which they usually earn very little. Why should they do it? To answer to such a question, I will introduce an ancient platonic argument, to propose a modern, and political, suggestion.

## **Phaedrus and the publication prejudice**

According to a widespread interpretation, antiquity cannot be used as a term of comparison to revolutionize modernity. Plato's works are dialogs and seem to invite us to keep on discussing: however, we should not compare our perspective to Plato's point of view without falling into an anachronism.<sup>4</sup> The purpose of Plato's writings was only promotional: his “actual” philosophy was an oral, esoteric doctrine, as we can infer from *Phaedrus* criticism against written communication.

When Socrates asserts that writings, *by means of publication*, reach indifferently both understanding and misunderstanding readers, and for this reason they are not able to

communicate serious philosophical notions, such a statement is valid for Plato's writings as well <sup>5</sup>.

Such a thesis, however, is flawed by an anachronism in technology: in the antiquity, written texts could not be properly published, by giving them to printers, because the print did not yet exist. According to Moses Finley, we can say that in the antiquity all writings were a kind of *samizdat*, because their circulation was restricted to manuscripts, transferred by hand from person to person. *Samizdat* makes it difficult, for the states, to exert censorship, because it is not easy to control and to prevent the circulation of handwritten copies. <sup>6</sup>

Plato, therefore, used to write in a world where writings went around without anyone being able to control them. Besides, he did not normally hand over his texts to publication, but, while letting them circulate freely, he was reviewing them all the time. <sup>7</sup> Let alone the difficulty of copying texts by hand and of finding them, the world of ancient writings might be compared to the "quicksand" of the web, as the Finnish hacker Fravia describes it: «once you publish something on the web, if it has some original content, or if it is of some interest, "it goes forth and multiplies"». <sup>8</sup> In other words, Plato, as author, might be very much like a webmaster always updating his site.

In such an environment, what should we do with our knowledge? Should we throw it in the copyleft quicksand, or back the copyright masters in their battle to retain the control of the texts?

## Information preservation

In the *Phaedrus*, Socrates' criticism to writing does not come from a traditionalistic perspective. In the second half of the fifth century BCE, conservatives condemned writing for two reasons, which Socrates does not share:

- written speeches are a typical production of speech-writers (*logographoi*), paid to do for others something that every free man should do for himself: in a direct democracy, like the Athenian *polis*, every citizen was expected to be able to deliver a public speech by himself, as a part of his political capacity;
- written speeches are typically used by Sophists as manuals and tutorials: therefore a writer may risk to look like a Sophist and to gain a bad reputation.

Socrates does not believe in the sincerity of these opinions.

...when an orator or a king is able to rival the greatness of Lycurgus or Solon or Darius and attain immortality as a writer in the state, does he not while living think himself equal to the gods, and has not posterity the same opinion of him, when they see his writings? (*Phaedrus*, 258c) <sup>9</sup>

Socrates suggests that the written text can preserve people's speeches and therefore their fame for a time much longer than their biological life. The ambition to remain memorable was a feature of the traditional Greek ethics, although in its oral culture, the role of "memorizers" was traditionally played by poets, not by writings. <sup>10</sup> Conservatives cannot coherently blame a desire they themselves share.

Then that is clear to all, that writing speeches is not in itself a disgrace (*Phaedrus*, 258d)

These words are important, because they show that, on writing, Plato detaches himself from the oral tradition. A culture obsessed over memory cannot afford to blame such a successful technology. Writing, however, introduces a new danger: the separation between information and teaching and the possibility the former becomes a thing that can be privatized, bought and sold, instead of being a good that can exist only as a commons.

A conservative criticism to literacy would have implied a refusal to write and would have let the use of a successful communication technology to others. Plato did not commit such a mistake. On the contrary, he tried to use writing without reducing knowledge to a thing, by adopting a

two-pronged strategy: the freedom of the texts and the promotion of knowledge communities.



## The criticism of writing

In a well-known *Phaedrus* myth, the Egyptian god Theuth, inventor of numbers, arithmetic, geometry, astronomy, draughts and dice, and, above all, of letters (*grammata*) is presenting his invention to the pharaoh Thamus with the following words:

This invention, o king, will make the Egyptians more sapient and will improve their memories; for it is drug (*pharmakon*) of memory and sapience that I have discovered." But Thamus replied, "Most ingenious (*technikotate*) Theuth, one man has the ability to beget arts, but the ability to judge of their usefulness or harmfulness to their users belongs to another; and now you, who are the father of letters, have been led by your affection to ascribe to them a power the opposite of that which they really possess. For this invention will produce forgetfulness (*lethe*) in the minds of those who learn, because they will not practice their memory. Their trust in writing, produced by external characters (*typoi*) which are no part of themselves, will discourage the use of their own memory within them. You have invented a drug (*pharmakon*) not of memory (*mneme*), but of reminding (*hypomnesis*); and you offer your pupils the appearance of sapience, not true sapience, for they will read many things without instruction and will therefore seem to know many things, when they are for the most part ignorant and hard to get along with (*syneinai*), since they are not sapient, but only appear sapient (*doxosophoi*). (*Phaedrus*, 274e-275a)

Writing is called a *pharmakon*, an equivocal Greek word meaning both "drug" and "poison", because it can produce both good and bad effects:

- it facilitates the reminding (*hypomnesis*), that is the preservation and transmission of information;
- the abundance of information does not enhance, by itself, the users' memory and sapience, that is their personal ability to recall the proper notion when it is needed and to evaluate and connect mnemonic data;
- as information provided by writing depends on external devices, not on personal and interpersonal conditions, the staying together that used to support oral cultures and ancient philosophical schools (*synousia*) becomes difficult; cooperation is replaced by competition.

According to Plato, we have knowledge only if the knowing subject can handle notions in a critical way and is able to discuss them with others. If an idea is only for someone, it cannot be an idea for everyone; but if an idea is not for everyone, it is not knowledge. Writing, however, produces the delusion the life of knowledge can be transferred to objects that can be owned, bought and sold. But the actual knowledge is something different. The Asian primitive people that ran away from the shore when they suddenly saw the sea ebbing down knew by tradition that such an event foreshadowed a *tsunami*. Paradoxically, their archaic information sharing system, orality, worked better than our books: many Western tourists remained on the beach to take pictures and died. Our knowledge society has experienced a tragedy of ignorance on whose causes we should meditate.

As the information abundance caused by writing does not imply, in itself, the ability to control our notions in a critical way, we have to learn to use *grammata* being aware both of their potentialities and of their limitations. According to Socrates, *grammata* do not produce anything clear and certain. Only a very simple person can believe that

written words are of any use except to remind (*hypomnesai*) him who knows the matter about which they are written (*Phaedrus*, 275d)

To understand the meaning of *hypomnesis*, as the writing only proper purpose, we should use as term of comparison the *anamnesis* of *Phaedrus* 249b-d. *Anamnesis* – literally, a remembering "from above" (*anà*) – is understanding «according to what is called *eidòs*, by going forward from manifold sensations to the unit collected together by means of reasoning». On the other hand, *hypomnesis* – literally, a remembering "from below" is the bare ability of preserving information. In other words, knowledge is composed by two elements:

- a bunch of information data that can be preserved and conveyed in various ways, object of *hypomnesis*;

- their systematic interconnection, in a unitary and consistent meaning.

In both levels, memory (*mneme*) plays a role. From Plato's point of view, knowledge can exist only in relation to a collective endowment, which is not created by single individuals, but only reconstructed by them. To get knowledge, we need information; but we should also be able to understand it, that is to explain, select and evaluate it. Written texts can give us *hypomnesis* and information data; but to obtain knowledge we need people to discuss with. An idea becomes an idea only if it is not private, but can be thought and shared by everyone. Information becomes knowledge only if it passes the examination of sharing.

Writing, Phaedrus, has this terrible (*deinon*) quality, and is very like painting; for the creatures of painting stand like living beings, but if one asks them a question, they preserve a solemn silence. And so it is with speeches (*logoi*); you might think they spoke as if they had intelligence, but if you question them, wishing to know about their sayings, they always say only one and the same thing. And every word, when once it is written, is bandied about, alike among those who understand and those who have no interest in it, and it knows not to whom to speak or not to speak; when ill-treated or unjustly reviled it always needs its father to help it; for it has no power to protect or help itself. (275d-e)

A written text is not able to go beyond the communication of bare data because it lacks interactivity. Plato's criticism does not involve only written texts, but every kind of monologue as well.<sup>11</sup> However, beyond the monologue, we can conceive another kind of speech, its "legitimate" brother. (*Phaedrus*, 276a) To understand the meaning of such a metaphor, we should recall *Phaedrus*, 275d-e: the written text is a son of the writer, but it is not able to resort to its filiation kinship. When it is ill-treated, its fathers' authority does not grow from the text, if he does not defend it in person. For this reason, it is like an illegitimate, unrecognized child. A legitimate child, on the contrary, enjoys some rights from its father's legitimation, on the basis of its position in a chain of authority. Socrates characterizes it in the following way:

Socrates: [The speech] which is written with science (*episteme*) in the soul of the learner, which is able to defend itself and knows to whom it should speak, and before whom to be silent.

Phaedrus: You mean the living and breathing speech of him who knows, of which the written one may justly be called the image (*eidolon*). (*Phaedrus*, 276a)

According to Socrates, a written text is ephemeral like the gardens of Adonis (*Phaedrus*, 276b).<sup>2</sup> On the contrary, he who has knowledge of the just and the good

will plant the gardens of letters for amusement, and will write, when he writes, to treasure up reminders (*hypomnēmata*) for himself, when he comes to the forgetfulness (*lethe*) of old age, and for others who follow the same path, (*Phaedrus*, 276d)

...but, in my opinion, seriousness is far nobler, when one employs the dialectic method (*dialektiké techne*) and, with science (*episteme*), plants and sows in a fitting soul speeches which are able to help themselves and him who planted them, which are not fruitless, but yield seed from which there spring up in other minds other words capable of continuing the process for ever, and which make their possessor happy, to the farthest possible limit of human happiness. (*Phaedrus*, 276e-277a)

Socrates believes in the potential immortality of the speeches that are "written in the soul" and considers texts as passing, even if they can admittedly preserve information. As we already know, according to Plato notions (object of *hypomnesis*) can become knowledge only by means of an interactive and critical processing. Socrates' words and metaphors, however, seem to suggest that the speeches "written in the soul" are more permanent in time as well. We have therefore to ask whether stressing the importance of texts or the role of speeches "written in the soul" leads to two different communication strategies.

## Freedom of texts and knowledge communities

Plato's criticism of writing has reached us by means of a written text, freely copied through the centuries. He has obviously chosen to write, but within the frame of a communication strategy

in which writing is clearly subordinate.

If Plato had adopted the text as a major or unique means to preserve and communicate knowledge, not bare information, he would have had to consider that «it is bandied about, alike among those who understand and those who have no interest in it [...] and has no power to protect itself» (*Phaedrus*, 275d-e). To propagate a text in time and space, we need to copy it. However, if the writer leaves it to itself, it is easy mangling or altering it, for ignorance or malice. The only way to preserve its integrity is the control of its copy, even before that the invention of print and the interest of the state to censorship together with the stationers' pursuit of monopoly pave the way to copyright.<sup>12</sup> Copy, however, is not only the vector of counterfeiting, but also a crucial *medium* to disseminate a text in time and space.<sup>13</sup> Therefore, the control of copy will abridge the propagation of texts; there will be fewer copies and it will be easier a text gets lost for the wear of time or some calamity. Besides, if texts have a smaller circulation, the cultural community that knows them will be smaller as well. Thus, even if some texts succeeded in surviving, they risk to become unintelligible, because no one is able to understand them any longer.

Plato did choose to take seriously the task of writing in the soul: he worked for the creation of a cultural community and treated text just like a mnemonic help, which can produce knowledge only if someone capable to follow its paths will read it attentively. In such a perspective, there is no reason to control the copy: our texts circulate freely, even if they risk to get altered or forged. A community of persons lasts both by means of direct teaching and thanks to easily accessible texts, while yielding, in this way, a continuity in cultural tradition. People are less long-lasting than many data storage supports; but the knowledge communities, composed by people, let information remain knowledge. From a more earthbound perspective, people copy and rewrite the texts, and the redundancy they produce secures them against the wear of the time and the calamities of history.

Plato, thus, founded the Academy as the seed of a knowledge community, and set free his writings in the quicksand of the ancient *samizdat*. The very fact we are still discussing on his thought after two millennia and a half shows that he was historically right. The success of GNU-Linux, which is likewise founded on a users and developers community and on the freedom of the code, is not a computer science oddity.<sup>14</sup> All the meaningful cultural experiences that cross centuries and generations spread in a similar way. If we reduce knowledge to private property, within a bare economic perspective according to which «In the long-run we are all dead», we cancel the possibility to begin and to share meaningful cultural experiences. For this reason licenses of their works should be a concern for authors – or, at least, for authors that desire to keep on living in the long run, when the others are all dead.

## «Friends have all things in common»

The idea that meaningful cultural experiences need texts freedom and knowledge communities is not only academic. The conversation partner of Socrates in *Phaedrus* quotes a byword: «friends have all things in common». In Plato's most important political work, the *Republic* (449c), the same proverb is both the principle of a just society pattern and the beginning of a theoretical excursus on some fundamental facets of his metaphysics. What is the political meaning of the formation of knowledge by means of texts freedom and cognitive communities?

There are two ways of doing politics: either by exerting power and manipulating people, or by building something together, on the basis of what we all want and know. But it is possible to know something together only if there are knowledge communities and freely accessible texts. The information concealed under the cloak of private intellectual property reduces this space of liberty, within its longer and longer time extension, and increases, correspondingly, the scope of politics as bare power. Therefore, the intellectuals who hand over their words to a private property, from which, moreover, they hardly earn anything, nullify even their noblest statements and reduce themselves to deceptive entertainers.

Today we all, as authors, do have the means to make our ideas common: we need only to learn to use them. As it is explained by J.-C. Guèdon, the net empowers us to communicate without the mediation of the publishers and their interest in copyright. And it is not obvious that the selection of what has a scientific value must happen before publication. Such a prejudice derives from the age of print, when the printing costs did not allow to publish everything. On the net, just like in the ancient world of *samizdat*, selection is done *ex post*, through usage.<sup>15</sup> A selection

of this kind, across the centuries, conveyed Plato's works to us. Joining the open archives movement, publishing and promoting on-line open access journals is cheap and easy; and it gives authors an otherwise unimaginable visibility.<sup>16</sup>

Every political speech recalling something common that cannot be so because it is not a commons is simply rhetorical. Meaningfully, the world of the private intellectual property triumph is at the same time the world of *media* manipulation, and of the laws written under the pressure of powerful corporate lobbies.

No truly common political plan – from Plato's republic to representative democracy – can exist without knowledge communism.<sup>17</sup> Friends have all things in common: if there are no commons, there are no friends.

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[1] In November 2004 a wide majority of the Italian university chancellors signed the *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities*; see F. Di Donato, «[Workshop nazionale. Gli atenei italiani per l'Open Access: verso l'accesso aperto alla letteratura di ricerca](#)», *Bollettino telematico di filosofia politica*

[2] M. McLuhan, *Understanding Media, The Extensions of Man*, Cambridge, Mass, MIT Press, 1964, p. 7.

[3] E.A. Havelock, *Preface to Plato*, Cambridge Mass., Harvard UP. 1963, *Preface*

[4] K. Gaiser, «Platone come scrittore filosofico», Napoli, Bibliopolis, 1984, pp. 31-54. Against this point of view, see for instance M. Isnardi Parente, «Phdr. 274C ss o il discorso orale come autoelenchos», in L. Rossetti (ed) *Understanding the Phaedrus. Preceedings of the II Symposium Platonicum*, Sankt Augustin, Akademie Verlag, 1992, pp. 108-121, and G. Cerri, *Platone sociologo della comunicazione*, Milano, il Saggiatore, 1991

[5] K. Gaiser, see above, p. 84. The italics and the translation are mine.

[6] M. Finley, «Censorship in classical antiquity», *Times Literary Supplement*, 27 July 1977.

[7] M. Vegetti, *Introduzione al libro I*, in Platone, *La Repubblica*, Napoli, Bibliopolis, 1998, vol. I, p. 17; Diogenes Laertius, III, 37.

[8] Fravia, *Web Searchlores Advanced Internet searching strategies & advices*, <http://www.searchlore.org/basimk.htm>

[9] All the translations of Plato's quotes come from the Perseus Project, with some slight modifications <http://www.perseus.tufts.edu/cgi-bin/ptext?lookup=Plat.+Phaedrus+258c>.

[10] See W. Ong, *Orality and Literacy. The Technologizing of the Word*, London and N.Y., Methuen 1982

[11] In *Protagoras* 329a-b, Socrates refuses to listen to the Sophist's long speeches, by asserting that some speaker can certainly deliver long and beautiful speeches, but they – just like books - would not be able to answer to someone interrupting and questioning them.

[12] M. Rose, *Authors and Owners. The Invention of Copyright*, Cambridge (Mass.), Harvard U.P., 1993.

[13] Wu Ming 1, *Meglio del gingko biloba. Lottare contro il copyright fa bene alla memoria*, *Infoxoa - rivista di quotidiano movimento* november 17th 2003.

[14] The Finnish sociologist P. Himanen (*The Hacker Ethic and the Spirit of Information Age*, London, Secker and Warburg, 2001, pp. 33-34) needs to recall Plato's Academy to describe the hacker ethics. See also my article for *Linux Magazine* «[I calcolatori dell'Accademia](#)»

[15] J-C. Guédon, «In Oldenburg's Long Shadow: Librarians, Research Scientists, Publishers, and the Control of Scientific Publishing», *Arl Proceedings*, 2001 <http://www.arl.org/arl/proceedings/138/guedon.html#ivb>

[16] *Ibidem*.

[17] L. Lessig, *The Future of the Ideas. The Fate of the Commons in a Connected World*, New York, Random House, 2001, p. 82.