



Information as public domain. A philosophical argument against intellectual private property

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Table of Contents

[Introduction](#)

[Kant's arguments](#)

[Anàmnesis as emancipation](#)

Introduction

We are accustomed to see political censorship as the main enemy of freedom of information. However, if we intend information in a broad meaning, as code, we realize that even private intellectual property might be regarded as a restraint to a free circulation of information. The advocates of intellectual private property are facing a challenge against the legal devices they recommend to protect it: patents, copyright restrictions, harsh and intrusive anti-piracy laws. On the other hand, the critics of intellectual private property propose to conceive information as a commons: code can be developed to everyone's advantage only in a community free to share and to discuss it. The freedom of such a community, however, is connected to the freedom of its object, that is to say to the publicness and openness of the code. It requires, in other words, a kind of communism of knowledge.

The idea of code as a commons is usually asserted in relation with two specific, technical fields: software and genetic code. The question of intellectual property may appear very specialized, indeed. However, as it concerns the wider subject of freedom of information, it may be useful to see it from the perspective of Western philosophy tradition. In it, communism of knowledge is a marginal opinion, or is it intertwined in the mainstream?

The sociologist Pekka Himanen, in his recent book on hacker ¹ ethic ², quotes a well-known *Theaetetus* passage on the independence of theoretical life ³ to show the likeness between hackers' world and Plato's Academy. Such a comparison is not surprising: they both share a peculiar freedom in defining their schedule and organizing their timetable. In the Academy and in the scientific communities based on its model, scientists release their work to the public, so that scientific community can use, test, criticize and improve it. The freedom of the scientific work

and of its products is reflected in the freedom of the scientists. Hackers rely on a kind of organized skepticism and of collective development of ideas that may be viewed as a prosecution of Plato's Academy *synousia*: they learn by staying together and by teaching others, that is by taking part in a community of knowledge.

The connection between communism of knowledge and mainstream Western philosophy did not appear as obvious, as long as the books used to be the major *medium* to preserve and transmit information. In fact, as such a *medium* is a discrete physical object, the information it conveys can be easily seen as a commodity, like the book itself, which is produced and distributed in a specialized way. However, as Pierre Lévy says, the ongoing *media* revolution undermines the power of traditional distributors, because it makes possible a direct, personal access to information. Such a revolution concerns not only books and newspapers publishing, cinema, television and so on, but the very educational system as well. The teacher's principal role is no longer one of transmitting knowledge, because this task is now more efficiently performed by other means. His competence has to shift towards the incitement to learning and thinking – to animate collective intelligence.⁴ If information is no longer scarce, but overabundant, the typical questions of theoretical life – how to produce, select, transmit and apply knowledge – are no longer reserved to hackers, researcher or philosophers, because they concern a wider public. Already in 1964, Marshall McLuhan understood it clearly:

Paradoxically, automation makes liberal education mandatory....a fate that calls man to the role of artist in society. It has the effect of making most people realize how much they had come to depend on the fragmentalized and repetitive routines of the mechanical era. Thousands of years ago, man the nomadic food-gatherer, had taken up positional, or relatively sedentary, tasks. He began to specialize. The developing of writing and printing were major stages of that process. They were supremely specialist in separating the roles of knowledge from the roles of action...But with electricity and automation, the technology of fragmented processes suddenly fused with the human dialogue and the need for over-all consideration of human unity. Men are suddenly nomadic gatherers of knowledge, nomadic as never before, informed as never before, free from fragmentary specialization as never before--but also involved in the total social process as never before, since with electricity we extend our central nervous system globally, instantly relating to every human experience.⁵

The truth of McLuhan's prophecy depends closely on intellectual property regulation. If information, like physical objects, has private proprietors, its accessibility will be submitted to private economy laws and theoretical life will be subjugated, objectively and subjectively, to economy. If knowledge, as commons, cannot have private owners, everyone will be able to collect it and theoretical life will remain virtually open. Authors like Vandana Shiva⁶ and Lawrence Lessig have recently advocated the freedom of genetic code and of software. In Lessig's opinion, knowledge should remain a non-rivalrous commons, because it is like a public road, whose values is not decreased, but increased by its general accessibility.⁷ "He who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me. That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expansible over all space, without lessening their density in any point, and like the air in which we breathe, move, and have our physical being, incapable of confinement or exclusive appropriation".⁸

It is possible to outline arguments for the idea of knowledge as a commons both in Kant's and in Plato's thought. We shall analyze those arguments, to show the continuity of a tradition that is much more respectable and ancient than the claims of intellectual private property.

Kant's arguments

Kant wrote about copyright in a 1785 essay, *Von der Unrechtmäßigkeit des Büchernachdrucks*, whose ideas were briefly restated in *Metaphysik der Sitten*, § 31, section II (1797). Therefore, if Kant did not change his mind since 1785, we may read the 1785 essay together with another 1797 writing, *Über ein vermeintes Recht aus Menschenliebe zu lügen*, which deals with the question of the proprietary nature of knowledge and of its relation with politics, while replying to the liberal theorist Benjamin Constant.

From Constant's point of view, we should not follow the moral imperative that prescribes us to tell the truth in an unconditioned and abstract way, because society would become impossible. If telling the truth is a duty, a right should be correlated to it; but no one has a right to any truth that harms others.⁹ This way of thinking presupposes that knowledge can be treated as an object of a patrimonial right. Its owner can grant or deny accessibility to it and civil society exerts a political control to limit the exercise of such a right, to prevent harm to others. In other words: the accessibility of knowledge may be limited either by the will of its owner or by the public law, which has to restrain the right of the owner to prevent injuring other people. Accordingly, perceived dangers like French Revolution Terror, terrorism or, more simply, the perspective of an economic damage for a group with a strong lobbying presence can become proper reasons to justify a restraint to knowledge accessibility, even by means of censorship and disinformation.

Kant does not agree with Constant. First of all, he draws a distinction between two facets of truth: from an objective point of view, truth is a proposition being true or false. From a subjective point of view, on the other hand, truth is a person's truthfulness or sincerity.¹⁰

If truth in its first meaning were a proprietary thing, the being true or false of a proposition would depend on the will of the owner.¹¹ But this cannot be the case: even a libertarian legal system, which is based on an absolute conception of private property, needs that the domain of knowledge and justification of law be immune from individuals' property and arbitrary will.

Truth in its subjective meaning, as truthfulness, does not concern the objects of knowledge, but the individual behaviors that grant or deny their accessibility to others. Lie – like political or economic censorship – works as follows: even if I do accept that objective truth cannot depend on my arbitrary will, I assign myself the right to decide who can access to it. And it is worth noticing that, in Kant's thought, knowledge subjective accessibility and its objective truth are two separate but intertwined facets: the freedom in the public use of reason is important, because knowledge, as such, does not work as a private experience, but as conversation and intersubjectivity.¹²

In Kant's opinion, no one has ever the right to lie, that is to restrain subjectively the accessibility to knowledge. He justifies his thesis by means of two kinds of reasons, concerning the connection of knowledge and law and the relation between knowledge and world:

- lying would make public law useless.¹³ In Kant's view, public law is founded on a ideal contract of everyone with everyone, whose condition is publicness, as everyone's equal accessibility to what is true and false. The liar violates this condition, because his arbitrary will makes knowledge unequally accessible and undermines the very possibility of a public and common law:

...because truth is not a possession (*Besitzum*), of which we grant a right to one and deny it to another; but specially because the duty of truthfulness – we are speaking only about this – does not make distinctions between persons to whom is it possible to maintain such a duty and persons to whom it is possible to neglect it, but, on the contrary, it is an unconditioned duty that is valid in every situation.¹⁴

- when we lie for good's sake, we suppose to know every possible consequence of our lie. Only on the basis of this supposition we can be sure that all what follows from our lie will be good as well.¹⁵ We are, however, finite beings, who increase their knowledge in time: a single individual could be sure that the consequences of his lie will be in line with his expected aim only if he had – while being a finite and separate individual – the whole world under his cognitive control. Without such a control, his lie might turn out to be harmful, as well as unfair.

Therefore, a proprietary conception applied to knowledge has two major flaws. First, it is impossible to establish a legal system valid for everyone while granting access to information in a discriminating way. Second, it is impossible that finite individuals detain a total control of world and knowledge.

We have articulated Kant's thesis in an intentionally abstract way. However, Kant and Constant do discuss a very concrete question: in Kant's opinion, if a killer were hunting for a friend of ours and the latter were hiding in our home, we should tell the truth even to the slayer, if he asks us where is our friend and we cannot avoid answering.¹⁶ We cannot assume as an universal principle the permission to restrain the knowledge access whenever we believe that it injures

someone, because we would legitimize every kind of censorship and disinformation. In Kant's time, the core question was the tenability of the French Revolution ideals after the Reign of Terror; today, our core question is the freedom of information against the claims in favor of political, administrative and economic control. The example of the friend hunted by a killer belongs to the private sphere, and choosing to lie may appear an obvious line of action. However, if we assumed its principle as universal, it would undermine the very possibility of a common public sphere. We may lie, if we want, to save our friends, but we have to acknowledge that such an action is particular and arbitrary and cannot be adopted in a universal law, without clashing with the publicness that is connected to the very concept of a public law.

If that is true, the restriction to information accessibility has to be evaluated mainly from a political point of view. Kant himself says that the obligation to tell the truth can be applied only with the mediation of the political principle of democratic autonomy: ¹⁷ we can be obliged only by the laws to the constitution of which we took part.

A democracy founded on the principle of citizens' political autonomy can be genuine only if their consensus is informed and aware. If information accessibility is restricted, for whatever reason, citizens would not share the political power, but would be manipulated, because they would not have any longer the opportunity to produce a well-informed consensus. A democracy that abridges the freedom of information or consents to its limitation for economic reasons, is not a genuine democracy. *Media* concentrations, administrative restrictions to free speech and the economic censorship connected to patents and copyright extension are not forgettable social and bureaucratic incidents, but obstacles to democracy. This is the substance of the so-called Kantian formalism.

Kant's 1785 essay, *Von der Unrechtmäßigkeit des Büchernachdrucks*, sketches more clearly the thesis that knowledge is incomparable to physical objects and not proprietary. Kant draws a distinction between the book as a physical object and the thoughts it conveys. The book as a physical object becomes a property of whoever buys it. For this reason, it is not fair to restrain the ways in which its legitimate purchaser may use it, without his consent. Therefore, if we intend a book as a physical object, we must admit that its buyer may copy it. On the other hand, the thoughts that are published in a books remain a property of their author, regardless of their reproduction, because they are not physical resources: I can continue to conceive my ideas even if they are indefinitely reproduced. ¹⁸ The question of property makes sense only in the case of physical objects, because they cannot be owned and used by everyone at the same time. On the contrary, ideas can be reproduced and thought by everyone, without depriving their authors. Even the question of the actual paternity of an idea does not properly concern property, but historical truth. Properly speaking, the plagiarist that uses another person's ideas as they were his own, is not a thief, but a liar. Again, "he who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me."

Knowledge is not a physical object exposed to a rivalrous use; for this reason it is senseless to submit it to private property and to forbid the reproduction of ideas. On the other hand, from Kant's point of view, it is equally senseless to forbid the reproduction of any physical object, if it has been purchased in a legal transaction and the purchaser copies it by his own means. Therefore, if we conceive intellectual property as a right on physical objects (*jus reale* or real right), any reservation of copyright is untenable.

Kant tries to experiment the perspective of personal rights: a book is not only a physical object, but it is also the *medium* through which an author can transmit his speech to the public. This *medium* is provided by a publisher. For this reason, we can say that the publisher speaks in the name of another. But someone may speak in the name of another person only if he has the latter's authorization. And the authorized publisher ought to be only one, Kant asserts, because a further reproduction would be useless and would spoil the business of both. ¹⁹ The mandate of the author to the publisher is only a personal relationship that does not imply the acquisition of proprietary rights on the text. Furthermore, the goal of this personal relationship is conveying a speech to the public in its indefinite wideness. The author speaks to a public, and the public has a right to his speech regardless to the publisher, whose rights are justified only as long as he provides a *medium* to reach the public. Consequently, the editor may neither refuse to publish - or to hand over to another publisher, if he does not want to do it himself - a text of a dead author, nor release mutilated or spurious works, nor print only a limited impression that does not meet the demand. ²⁰

Kant does not recognize works of art as speeches. He calls works of art *Werke* or *opera*, i.e. things that are produced, while indicating books as *Handlungen* or *operae*, i.e. actions. If the works of art are simply physical objects, we can derive from Kant's assumption that every legitimate purchaser may reproduce them and pass his copies to others. ²¹

Kant backs the restriction of the freedom to reproduce a text only in connection with the author as a living person and with his action towards the public. When the author disappears, the public interest for a free circulation of information prevails. And every time a creative work is treated as a proprietary thing, Kant does not see legal hindrances to the freedom of its legitimate owner to reproduce it. He would endorse as legitimate even the so-called piracy, that is to say the reproduction of music, songs, images and films to gift or to sell them to others. Furthermore, Kant would justify even texts reproduction for a personal use: the problem with unauthorized printing is only the circumstance that the printer speaks to the public without s mandate from the author. But if I reproduce a text only to read or to study it by myself, I do not speak to a public in the name of its author.

Kant's position does not rely on pure reason only, but involves a perhaps intentional empirical contamination. In the essay of 1785, the ground for the the exclusive nature of the mandate to a publisher is only the interest of the latter to avoid competition.²² In the later, and more theoretical, *Metaphysik der Sitten*, Kant does not mention the question at all. In Kant's world the press used to be *medium* that provided for the widest distribution of ideas. Printing requires both specific tools and skills, and specialized and centralized organizations. And as long as the publisher of printed texts provides the only *medium* to convey speeches to a wide public, we cannot avoid to bow to his interest. But the primacy of the publisher's interest is not based on reason, but only on technology. If there is a *medium* that makes it possible to authors to communicate directly with the public, without relying on publishers, respecting their interests would become senseless. Such a *medium*, today, is the Internet.

When Kant draws a distinction between the work of art and the book and recognizes only to the latter the quality of a speech, he repeats an ancient, Platonic distinction. The work of art can be treated as a thing and copied because it is not a *logos*, and cannot talk with the public in a dialogue. For this reason, we can separate it from its author's personality. However - as Kant himself says - even a printed book is a separate and closed physical object. It contains certainly a speech - a tentative dialogue with the public, in Kant's views -; but the speech is restricted by the limitations of the *medium* it has to use to spread. For this reason, it is easy to confuse books and speeches and to treat both as proprietary physical objects. A different *medium*, like the Internet, could help us to avoid such a confusion and to set eventually information free from a proprietary conception of copyright.

Anàmnesis as emancipation

Immanuel Kant is often considered as a modern Platonist. In fact, he shares with Plato a non-proprietary conception of knowledge. It is not possible to present here a comprehensive perspective on Plato.²³ However, we can analyze a single example: the well-known argument of recollection, from the dialogue *Meno*:

Socrates; Without anyone having taught him, and only through questions put to him, he will understand, recovering the knowledge out of himself?

Meno: Yes.

Socrates: And is not this recovery of knowledge, in himself and by himself, recollection?

Meno: Certainly.

Socrates: And must he not have either once acquired or always had the knowledge he now has?

Meno: Yes.

Socrates: Now if he always had it, he was always in a state of knowing; and if he acquired it all some time, he could not have acquired it in this life. Or has someone taught him geometry? You see, he can do the same as this with all geometry and every branch of knowledge. Now, can anyone have taught him all this? You ought surely to know, especially as he was born and bred in your house.

Meno: Well, I know that no one has ever taught him.

Socrates: And has he these opinions, or has he not?

Meno: He must have them, Socrates, evidently.

Socrates: And if he did not acquire them in this present life, is it not obvious at once that he had them and learnt them during some other time?

Meno: Apparently.

Socrates: And this must have been the time when he was not a human being?

Meno: Yes. (*Meno*, 85d-86a, transl. W.R. Lamb)

Meno, a young Thessalian aristocrat who studied with the Sophist Gorgias, has been put in difficulty by Socrates. At the beginning of the dialogue, Meno had proposed him a question that was widely discussed in Athens philosophical circles: how is virtue (*areté*) acquired, or more specifically, can virtue be taught? Socrates tried to explain him that, before answering such a question, we have to solve a preliminary problem: how do we define *areté*? Meno does not succeed in solving the problem, either because he presents a list of *areté* instances without caring about which common property makes them instances of the same term, or because he is inclined to take for granted the term he has to define and produces circular reasonings.²⁴ At first, Meno believed to master his *logos*; after speaking with Socrates, he feels himself benumbed just like he had touched a torpedo sea-fish. Socrates says him: "For it is not from my being sure (*éuporos*) that I cause others to doubt (*aporéin*): it is from being in more doubt (*aporòn*) than anyone else that I cause doubt (*aporéin*) in others" (*Meno*, 80c-d)

The Greek verb *aporéin*, beyond its philosophical meaning – to be in doubt or puzzled –, has also an economic meaning: to be without resource or to be poor. A little before, Socrates had refuted a tentative definition of *areté* in which terms like *poros*, *aporia*, *porizesthai* (to procure) occurred, because it took the *definiendum* for granted: *areté*, Meno said at first, is the ability to procure goods. However, he had admitted later that an unjust acquisition is not *areté*: therefore, Socrates concluded, *poros* is no more a virtue than *aporia* (deprivation). (*Meno*, 76c-e) The question is to explain what we mean with justice, if justice is a part of *areté*.

Refutation, thus, is an experience of deprivation, at least from the perspective of a proprietary conception of knowledge: we believed to have a tenable notion and, after an *élenchos*, we remain without anything. Meno tries to escape from his perplexities by asking a question that comes from his sophistic education:

Why, on what lines will you look, Socrates, for a thing whose nature you know nothing at all? Pray, what sort of thing, amongst those that you know not, will you treat us to as the object of your search? Or even supposing, at the best, that you hit upon it, how will you know it is the thing you did not know? (*Meno*, 80d)

Such a paradox cannot be overcome, if we endorse a proprietary conception of knowledge: notions are entities that are distinct, separate and independent from each other. We can own or not own them. If we do not own them, it is impossible for us to look for them, because our mind is empty, as it were, and clueless.

Socrates summons one of Meno's slave boys and leads him, by questioning, from a wrong answer to the right solution of a geometry problem. Among Meno characters, the slave boy is the only one who has learned something. Socrates, however, taught him nothing, if we intend teaching in a sophistic, proprietary meaning, because he did not give him any notion.

To show how it is possible to learn and to search, Socrates brings out an extraordinary tale: for the human beings learning is recollection or *anàmnesis*, that is to say a recalling to their minds already known notions, to become able to argue and to retain them in memory. Since we do search and learn things we did not experienced during our individual lives, the knowing part of ourselves, the soul or *psyché*, has to be immortal and independent from the human shape in which it is wrapped at the moment.

Seeing then that the soul is immortal and has been born many times, and has beheld all things both in this world and in the nether realms, she has acquired knowledge of all and everything; so that it is no wonder that she should be able to recollect all that she knew before about virtue and other things. For as all nature is akin, and the soul has learned all things, there is no reason why we should not, by remembering but one single thing--an act which men call learning--discover everything else, if we have courage and faint not in the search; since, it would seem, research and learning are wholly recollection. (*Meno*), 81c-d

The Marxist thinker Ernst Bloch deprecated *anàmnesis* as a methodical expression of unfriendliness towards future. As ideas are viewed as residing in a timeless eternity, they cannot evolve: thus they are reduced to an objectified and commodified *factum*.²⁵ We saw, however,

that Meno's paradox – the impossibility to search for something we do not know – works only with the presupposition of a proprietary conception of knowledge. But *anàmnesis* implies the opposite: research and learning can work – and avoid Meno's paradox – only if it is assumed a previous *continuum* of a common, contextual and interconnected knowledge. I may vindicate no idea as “mine”. Meno himself can discuss on *areté*, even if he is not able to define it, only because he shares such a *continuum*. As I discover or learn something, it is certainly new for me, in my finite and individual history, but I may not affirm that my notion is absolutely new and “mine” in the sense that I created it *ex nihilo*. For I do not learn anything from nothing: I can learn only if I share a previous common knowledge and I corroborate my ideas in a community of discussion. Knowledge cannot be privatized without paradoxes, because its conditions cannot be individualistic.²⁶

Therefore, knowledge cannot justify itself as the peculiar expression of an individual, or of social class, of a group, a race or a culture, without reducing itself to a simple manifestation of taste. Ideas have to be valid for everyone, and all those who are able to search and to learn must be allowed to enter the realm of ideas, regardless of their social condition. Meno's slave boy has the right to be citizen in the world of knowledge. And, as Socrates identifies virtue and knowledge, the doctrine of *anàmnesis* implies a virtual criticism to slavery and a potentiality for emancipation.

In conclusion, the scrutiny of Kant and Plato's ideas on the social nature of knowledge suggests two possible positions:

- a. knowledge produces information that can be divided into discrete, independent and separate units. Those units can be transmitted in a mechanical way and can be embedded in proprietary physical objects. Therefore, whoever acquires them in a legal way enjoys the same rights of the legitimate owner of physical objects and is free to reproduce them and to give or to sell their copies to others;
- b. knowledge is, in its very nature, societal, supra-individual and interpersonal; the possibility of producing and developing information depends on publicness. Therefore information cannot become a private property without jeopardizing the very conditions of the common world and of the knowledge sharing that is the ground even of private property as a public, legal institution.

This essay tried to show that the latter position is sounder than the former. Anyway, even if the former were preferred, the proprietary paradigm would not consistently be able to forbid the reproduction and the distribution of informational entities. On the other hand, if we endorse the latter position, we have to admit that the following passage of Richard Stallman is no unusual eccentricity, but it is approved by the mainstream tradition of Western philosophy and science. It is unusual and eccentric, instead, the proprietary conception that Stallman criticizes.

...copying useful, enlightening or entertaining information for a friend makes the world happier and better off; it benefits the friend, and inherently hurts no one. It is a constructive activity that strengthens social bonds.

Some readers may question this statement because they know publishers claim that illegal copying causes them “loss.” This claim is mostly inaccurate and partly misleading. More importantly, it is begging the question.

- The claim is mostly inaccurate because it presupposes that the friend would otherwise have bought a copy from the publisher. That is occasionally true, but more often false; and when it is false, the claimed loss does not occur.
- The claim is partly misleading because the word “loss” suggests events of a very different nature--events in which something they have is taken away from them. For example, if the bookstore's stock of books were burned, or if the money in the register got torn up, that would really be a “loss.” We generally agree it is wrong to do these things to other people. But when your friend avoids the need to buy a copy of a book, the bookstore and the publisher do not lose anything they had. A more fitting description would be that the bookstore and publisher get less income than they might have got. The same consequence can result if your friend decides to play bridge instead of reading a book. In a free market system, no business is

entitled to cry "foul" just because a potential customer chooses not to deal with them.

- The claim is begging the question because the idea of "loss" is based on the assumption that the publisher "should have" got paid. That is based on the assumption that copyright exists and prohibits individual copying. But that is just the issue at hand: what should copyright cover? If the public decides it can share copies, then the publisher is not entitled to expect to be paid for each copy, and so cannot claim there is a "loss" when it is not. In other words, the "loss" comes from the copyright system; it is not an inherent part of copying. Copying in itself hurts no one²⁷

[1] For the meaning of the word "hacker" see the definition reported in [The Jargon file](#)

[2] P. Himanen, *The Hacker Ethic and the Spirit of Information Age*, London, Secker and Warburg, 2001, pp. 33-34.

[3] Plato, *Theaetetus*, 172d-173c.

[4] P. Lévy, *Cyberculture*, Paris, O. Jacob, 1997.

[5] M. McLuhan, *Understanding Media: The Extensions of Man*, MIT Press, 1964, pp. 310-311.

[6] V. Shiva, *Biopiracy. The Plunder of Nature and Knowledge*, Foxhole-Dartington Totnes, Green Books, 1997.

[7] L. Lessig, *The future of ideas. The fate of the commons in a connected world*, New York, Random House, 2001, pp. 86-87.

[8] T. Jefferson, [Letter to Isaac McPherson](#), August 13, 1813.

[9] B. Constant, *Des réactions politiques* (1797), in *Ecrits et discours politiques*, Montreuil, J.J. Pauvert, 1964, pp. 27-85; I. Kant, *Über ein vermeintes Recht aus Menschenliebe zu lügen* (A 302-303).

[10] *Ibidem*, A 303-305.

[11] *Ibidem*, A 305.

[12] I. Kant, *Beantwortung der Frage: Was ist Aufklärung?*

[13] I. Kant, *Über ein vermeintes Recht aus Menschenliebe zu lügen*, A 305.

[14] *Ibidem*, A 311.

[15] *Ibidem*, A 306.

[16] *Ibidem*, A 302.

[17] *Ibidem*, A 309.

[18] I. Kant, *Von der Unrechtmäßigkeit des Büchernachdrucks*, A 79.

[19] *Ibidem*, A 80-92.

[20] *Ibidem*, A 83-84.

[21] *Ibidem*, A 85-86.

[22] *Ibidem*, A 81.

[23] For such a perspective see M.C. Pievatolo, *I padroni del discorso. Platone e la libertà della conoscenza*, Pisa, PLUS, 2002.

[24] See also A. Koyré, *Introduction à la lecture de Platon*, New York, Brentano's, 1945, chpt. I.

[25] E. Bloch, *Das Prinzip Hoffnung*, Berlin, Aufbau, 1954-1959. p. 7.

[26] As M. Erler says (*Der Sinn der Aporien in den Dialogen Platons*, Berlin, W. de Gruyter, 1987, p. 275), in Plato knowledge is independent from individuals. For this reason, Socrates never claims copyright: " But I have this one remarkable good quality, which is my salvation; for I am not afraid to learn, but I inquire and ask questions and am very grateful to him who answers, and I never failed in gratitude to anyone; for when I have learned

anything I have never denied it, pretending that the information was a discovery of my own; but I praise the wisdom of him who instructed me and proclaim what I learned from him." (*Hipp. Min.*, 372c)

^[27] R. Stallman, *Reevaluating Copyright: The Public Must Prevail*, "Oregon Law Review", Spring 1996.

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