

**ANTH 250X-1
Anthropology of Publics**

Prof. Cori Hayden

**Spring 2005
Thursdays, 3-5pm**

Office hours: M 3:30-5pm and TH 1-2pm
327 Kroeber Hall
cphayden@berkeley.edu
510.643.4168

COURSE DESCRIPTION:

Is the public (particularly, the public domain) *coming back*? That is a question currently posed (and sometimes answered in the affirmative) by people who are critically engaged with open access bioscience research tools and libraries, free/open source software, and campaigns for access to HIV/AIDS drugs. Each of these mobilizations is anchored in an appeal to the public good, the public interest, and often to the generativity of the public domain against the presumed primacy of private property as the ultimate incitement to proper productive behavior. These social-political-technical developments (which we will address in detail in the last several weeks of the semester) suggest some powerful and important questions: of what are such publics made? What kinds of relationships do appeals to the public require, produce, elide? We will work through these and other instances of 'public-ization' by tracking a series of conversations about publicness which have the *property question* at their core. Reading back from Habermas, some of his key sources of inspiration [including Marx and Locke], and subsequent interlocutors, we will interrogate how the idea of the liberal public sphere was – and continues to be -- forged through specific understandings of property, value, and exchange. Second, we look to several 20th century articulations of publics and their problems – in particular, publics' relationship to capital, the state, democracy, and citizenship, to interrogate what the public has signified as an idiom of political sociality, participation, and allocation. Finally, we will look to contemporary conversations in anthropology and beyond in which the "the public domain" in particular has come to anchor efforts to re-tool liberal modes of "creativity" and circulation. Intellectual property looms large in these latter-day re-imaginings of what can be achieved "in public," and we will address some of the growing anthropological literature on this topic. Throughout, a number of questions will remain on the table: what is the relationship between the nation-state and various imaginations of publics and counter-publics? How is public-ness both productive of and averse to particular kinds of "difference"?

Required books:

Warner, Michael. 2002. *Publics and Counterpublics*. Zone Books.

Locke, John. 1952. *Second Treatise of Government*. Prentice Hall.

Habermas, Jurgen. 1991. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge MA: MIT Press

Dewey, John. 1954. *The public and its problems*. Chicago : Swallow Press

Joseph, Miranda. 2002. *Against the Romance of Community*. University of Minnesota Press.

Titmuss, Richard. 1997 [1973]. *The Gift Relationship: From Human Blood to Social Policy* New Press.

Coombe, Rosemary. 1998. *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law*. Duke University Press.

Lovink, Geert and Shudhabrata Sengupta, eds. 2000. *Sarai Reader 1- The Public Domain*
Waag Society for Old & New Media

Available online: <http://www.sarai.net/journal/reader1.html>

Other required readings will be available on e-res and conventional reserves at the Anthropology library

Recommended books

Calhoun, Craig. 1992. *Habermas and the Public Sphere*. Cambridge MA: MIT Press

Mauss, Marcel. 2000. *The Gift: The Form and Reason for Exchange in Archaic Societies*
W.W. Norton & Company.

Verdery, Katherine and Caroline Humphrey, eds . 2004. *Property in Question: Value Transformation in the Global Economy*. Oxford and New York: Berg.

Course requirements

Close readings and engaged, thoughtful participation in discussion are central – please come prepared! Each student will be responsible for making at least one presentation on the weekly readings, either individually or in a group (depending on seminar size). These should be short (no longer than 15 minutes), critically engaged, and designed to open up discussion. Emphasis should be on critical questions rather than summarizing.

Précis: You will be asked to do 8 short (one page!) reading responses/précis for (limited) public consumption over the course of the semester. I'll be setting up a Blackboard site for the course where responses can be posted to all seminar members the night before class.

Written work: One 20-page paper, due May 6, 5pm at the latest.

Week 1. Jan. 20: Course introduction

I. Points of departure

Week 2, Jan 27: Public and private

Sarai reader, "Discussing the public domain", pp. 1-9
<http://www.sarai.net/journal/reader1.html>

Warner, Michael. 2002 Chapter 1, "Public and Private" in *Publics and Counterpublics*.

Habermas, Jurgen. 1991 *The Structural Transformation of the Public Sphere*, chapters [-]

Week 3. Feb 3: The bourgeois public sphere

Habermas, Jurgen. *The Structural Transformation of the Public Sphere*, continued

Calhoun, 1992 "Habermas and the Public Sphere" in Calhoun, Craig, ed. *Habermas and the Public Sphere*. Cambridge MA: MIT Press, 1992.

Week 4. Feb 10: Economy, state, society

Habermas, conclude

Locke, John. *The Second Treatise of Government: An Essay Concerning the True Original, Extent, and End of Civil Government*. Chapters I, II (Of the State of Nature), III (The State of War), IV (Slavery), V (Of Property), VI, (Of Paternal Power), VII (Of Political Society), VIII (Of the Beginning of Political Societies).

Marx, K. "On the Jewish Question" (pp. 26-46); selections from "The German Ideology" (pp. 176-200); "Society and Economy in History" (letter on Proudhon, 1846) (pp. 136-142), and "The Communist Manifesto" (with F. Engels), (pp. 484-491) in *The Marx-Engels Reader*, 2nd edition, edited by Robert Tucker, 1978.

Engels, F. selections from *The Origin of the Family, Private Property, and the State*, pp. 734-759 in *The Marx-Engels Reader*, 2d edition, edited by Robert C. Tucker. New York: Norton Press, 1978 .

Mauss, Marcel. 1990. *The Gift* pp. vii-18; 65-83

Alexander, Catherine. 2004. "Value, Relations, and Changing Bodies: Privatization and Property Rights in Kazakhstan" in Verdery and Humphrey, eds. *Property in Question*, pp. 251-273.

Week 5: Feb 17 Domainning

Sacks, Karen "Engels revisited," pp. 211-234 in R. Reiter, ed. *Towards an Anthropology of Women*. New York and London: Monthly Review Press. 1975.

Fraser, Nancy. "Rethinking the Public Sphere: A contribution to the critique of actually existing democracy" in Craig Calhoun, editor, *Habermas and the Public Sphere*, 1992, pp. 109-142.

Strathern, Marilyn. "Domains: Male and Female Models" (pp. 66-97) and "Work: Exploitation at Issue" (pp. 133-167) in *Gender of the Gift*, 1988.

Comaroff, John. 1987 "Sui Genderis: Feminism, Kinship Theory, and Structural Domains." In JF Collier & SJ Yanagisako [eds], *Gender and Kinship: Toward a Unified Analysis*.

McKinnon, Susan. 2001. "The Economies in Kinship and the Paternity of Culture: Origin Stories in Kinship Theory," pp. 277-301, in *Relative Values*, edited by S. McKinnon and S. Franklin, Durham NC: Duke University Press.

II. Articulations of the public

Week 6. Feb 24: A sociology of association: the (im)possibilities of democracy

Dewey, John. 1927. *The public and its problems*.

Lippman, Walter. Selections from *Public Opinion* (1920) [30-36; 161-184; 250-262] and *The Phantom Public* (1925) [xi-xlvii; 3-29; 44-52; 145-162]

Warner, M. Chapter 4, "The Mass Public and the Mass Subject" in *Publics and Counterpublics*.

Week 7. Mar 3: Community and exchange

Joseph, M. 2000. *Against the Romance of Community* (selected chapters)

Rose, N. 1999. "Community" in *Powers of Freedom*, pp. 167-196.

Warner, Michael "Something Queer About the Nation-State" in *Publics and Counterpublics*

Week 8. Mar 10 (Re)distribution: giving and getting in biomedicine

Titmuss, Richard. *The Gift Relationship: From Human Blood to Social Policy* (selections)

Hayden, Cori. 2004 ms. "Taking as giving: the rise of an ethic of benefit-sharing".

Winickoff, David and Richard N. Winickoff, 2003. "The Charitable Trust as a Model for Genomic Biobanks". *The New England Journal of Medicine* 349 (12):1180-1184.

Week 9. Mar 17 Social (in)security: allocations, risk, refuge

Franklin Delano Roosevelt, 1934. Fireside Chat, June 28

Frances Perkins, 1962. Speech to the SSA on the 35th Anniversary of the Signing of the Social Security Act.

Habermas, Jurgen. 1989. "The New Obscurity: The Crisis of the Welfare State and the Exhaustion of Utopian Energies" in *The New Conservatism*, pp. 48-70.

Berlant, Lauren. 2002 [1997], "The Intimate Public Sphere," in *The Queen of America Goes to Washington City*, pp. 1-24. Duke University Press.

Rose, Nikolas. "The Social" in *Powers of Freedom*.

Mbembe, Achille. "On private, indirect government", pp. 66-101 in *On the Postcolony*, Berkeley, Los Angeles, London: UC Press, 2001.

Giddens, Anthony. "The Social Investment State" in *The Third Way: The Renewal of Social Democracy*, pp. 99-128. Oxford: Polity Press. 1999.

Cato Institute, "The ownership society". Available at:
http://www.cato.org/cgi-bin/scripts/printtech.cgi/special/ownership_society/boaz.html

Blackburn, Robin, 2004. "When I'm 65" *London Review of Books*, 19 February.

Daunton, Martin, 2004. "Dear Prudence" *London Review of Books*, 19 February.

Brooks, Sarah. 2004. *Selections from her work on global politics of social security privatization*.

Week 10 Mar 24: SPRING BREAK

Week 11 Mar 31: Inside/outside markets: Propertization and public-ization

Mitchell, Timothy. "The Properties of Markets: Informal Housing and Capitalism's Mystery." Working paper, available at: <http://www.lancs.ac.uk/ias/polecon/index.htm>

Verdery, Katherine, 2004. "The Obligations of Ownership: Restoring Rights to Land in Postsocialist Transylvania" in Verdery and Humphrey, eds., *Property in Question*, pp. 139-159.

Rajagopal, Arvind. 2003. Chapter 10, "The Menace of Hawkers: Property Forms and the Politics of Market Liberalization in Mumbai" , pp. 227-248 in K. Verdery and C. Humphrey, eds. *Property in Question*

The Sarai Reader Volume 1: The Public Domain, pp 10-11, 33-46, 53-54,
<http://www.sarai.net/journal/reader1.html>

IV. The 'return' to the public domain: forget Locke? (thx to Bill Maurer)

Week 12. Apr 7: Copyright and the authorship question

Foucault, Michel. 1977 "What is an author?" In Donald Bouchard, ed., *Language, Counter-Memory, Practice*. Cornell University Press, 113-138.

Woodmansee, Martha 1994. "On the Author Effect: Recovering Collectivity" in Woodmansee and Jaszi, eds, *The Construction of Authorship: Textual Appropriation in Law and Literature* Duke UP, pp. 15-28.

Jaszi, Peter 1994. "On the Author Effect (II): Contemporary Copyright and Collective Creativity" in Woodmansee and Jaszi, eds, *The Construction of Authorship: Textual Appropriation in Law and Literature* Duke UP, pp. 29-56.

The following selections from *Law and Contemporary Problems*, Volume 66 Numbers 1-2, Winter/Spring 2003, available at: <http://www.law.duke.edu/journals/lcp/indexpd.htm>

Forward: The Opposite of Property? (James Boyle) (pp. 1-XX)

Nine-Tenths of the Law (Mark Rose) (pp. 75-88)

Reimagining the Public Domain (David Lange) (463-end)

Week 13. Apr 14: A cultural public domain

Coombe, Rosemary. 1998 *The Cultural Life of Intellectual Properties*, Duke UP, Chapters 1, 4, 5,6, and 7

Negativland, "Two Relationships to a Cultural Public Domain" *Law and Contemporary Problems*, Volume 66 Numbers 1-2, Winter/Spring 2003, available at: <http://www.law.duke.edu/journals/lcp/indexpd.htm> (pp. 239-262)

Week 14. Apr 21: Science, culture, commons

Callon, Michel 1994. "Is science a public good?" *Science, Technology, and Human Values* Vol. 19, No. 4, 395-424 [Avail on JSTOR]

Boyle, James "The Second Enclosure Movement and the Construction of the Public Domain" *Law and Contemporary Problems*, Volume 66 Numbers 1-2, Winter/Spring 2003, available at: <http://www.law.duke.edu/journals/lcp/indexpd.htm>

Kelty, Christopher. (1999) *Hau to do things with words* (available at <http://www.kelty.org/or/index.html>)

The Sarai Reader Volume 1: The Public Domain, 2001, pp. 17-23, 192-221 [free science, free software] [online]

Creative commons (Lessig): see <http://creativecommons.org/licenses/by-nc-sa/1.0/>

Hayden, Cori. 2004 "Prospecting's publics" in K. Verdery and C. Humphrey, eds. *Property in Question*, pp. 115-138

Suggested reading on the commons:

Hardin, Garrett. 1968. "The Tragedy of the Commons" *Science* 162: 1234-48.

Heller, M. "The Tragedy of the Anti-Commons," in *Property and Values*, C. Geisler and G. Daneker, eds. Washington DC: Island Press.

Goldman, Michael 1998. "Inventing the Commons" in *Privatizing Nature: Political Struggles for the Global Commons*, edited by M. Goldman. Rutgers University Press, pp. 20-53.

Ostrom, Elinor . 1990. *Governing the commons*. Cambridge UK: Cambridge University Press.

Week 15. Apr 28 Piracy//publicity

Working papers, TBA. Will include:

Liang, L. 2003. “Porous Legalities and Avenues of Participation”, SSRC workshop on Intellectual Property, Markets, and Cultural Flows

Sundaram, Ravi, “Recycling Modernity: Pirate Electronic Cultures in India,” *Sarai Reader* 01pp 93-99 [online] + “Beyond the Nationalist Panopticon” [citation TBA]

Liang. Lawrence delhi comments, 2005

Hubbard, Tim and Jamie Love. 2003. Medicines without Barriers. *New Scientist*, 14 June, Comment and analysis.

Kucinich, Dennis J. The Case for Public Patents. *The Nation*, July 2003

Week 16. May 5: END