

The place of 'culture' in the Access to Knowledge movement

Comparing Creative Commons and yogic theories of knowledge transfer

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Fig. 1. Sangamadeva Swamiji of Examba (Karnataka, India) during a visit to disciples living in southern California, July 2008.

A fundamental tenet of the Access to Knowledge (A2K) movement is that access to intangibles, especially educational and cultural works, should be open to all. Grounded in a human rights framework, this perspective links open and unfettered access to principles of social justice, freedom of expression, democratic transparency, and economic development. Activists within this movement feel that the increasing reach of intellectual property rights artificially restricts the free exchange of ideas in favour of control by private owners and that this has detrimental consequences for all, hindering creativity and innovation and reinforcing power differentials (Boyle 2008; Lessig 2001, 2004). A closer look, however, shows that this one-size-fits-all approach to information management, touted by many within the mainstream A2K movement, does not translate universally. In fact, several scholars argue that such an approach produces problematic outcomes when applied *pro forma* to knowledge practices emanating from other traditions and socio-cultural contexts (Christen 2012; Kansa et al. 2005; Liang et al. 2008).¹

A2K & yoga

In exploring the increasing tension between individual and cultural rights discourses in the A2K movement, the following discussion juxtaposes the reactions of select activists and expert yoga practitioners to debates surrounding attempts to manage and restrict access to yoga through intellectual property claims. On the one hand, A2K activists place primacy on modern democratic law as a principle of social ordering. This, combined with an approach that theorizes yoga-as-information, information-as-disembodied, and information-as-neutral, leads many within that community to conceptualize an undifferentiated public domain within which the practice naturally resides. This equating of such a public domain with the commons is produced through – and therefore fails to fully challenge the logic of – modern property law. Additionally, such a

construct produces a problematic interpretation that objectifies yogic knowledge and, by extension, has implications for recognizing South Asian culture as a site of creativity and innovation (see Lowenthal 2005 for a similar discussion on cultural heritage, more generally construed).

In contrast to A2K activists, *sanyasi* (spiritual ascetics) practicing yoga rely on a specific understanding of the guru-disciple relationship as the primary principle through which to order their social world. This move leads yogic practitioners to theorize yoga-as-knowledge, knowledge-as-embodied, and knowledge-as-powerful, producing a conceptualization that places the practice in a restricted and stratified commons. Such restriction, many ascetic yogis argue, protects practitioners from powerful knowledge that, when shared appropriately, is capable of producing immense value. However, when mishandled, that same knowledge can inflict significant karmic harm for the community or physical and psychic injury to the individual practitioner.² For expert yogis, then, the careful and controlled transfer of knowledge from expert-guru to apprentice-disciple is also a tool through which enduring social bonds are woven.

An analysis comparing A2K and yogic approaches to knowledge management adds to emerging debates relating to the place for intangible cultural heritage in the contemporary knowledge commons and the possibilities and limits this has for community and identity politics (Anderson 2009; Boateng 2010; Coombe 1998, 2009; Hayden 2003a; Kansa et al. 2005; Liang et al. 2008; Lowenthal 2005; Sunder 2012; Reddy 2006). In exploring this question through the treatment of a single cultural expression – yogic practice – the ensuing discussion elucidates one way in which a present-day community imagines forms of knowledge exchange and relationality that exist outside of modern property law's public/private binary divide.

This article is informed by a larger ethnographic project that investigates global reactions, including that of

the A2K community, to two legal disputes in California where the primary issue at stake was whether copyright claims could exist in yoga choreographies. However, the content of the discussion draws primarily from nine months of fieldwork with ascetic yogis of the Satyananda lineage that took place in Karnataka (India) and southern California from 2005-2008. Additionally, I draw upon my own involvement with A2K activists from the US, Europe, and India who I encountered during this same time frame. During this period (2005-2008) A2K grew rapidly leading to an increasing realization of differences in the motivations, interests, and goals of separate stakeholders. Since the close of fieldwork, there have been varied attempts to bring these multiple trajectories into productive conversation and address the unique needs of people living in different social, legal, and economic contexts. Below I argue that A2K is at its strongest when conceptualized as a revisionist social movement emphasizing methods and practices for inclusivity, rather than when focused on achieving a goal that mandates a specific definition of 'openness'.

Intellectual property claims in yoga

Knowledge economies are based on the manipulation of information, a category through which different forms of knowledge are purportedly decontextualized, standardized, and objectively valued for purposes of exchange (Nader 1996; Sunder Rajan 2006). Whether or not one agrees that such forms of decontextualization are viable or inevitable, the promise of rendering knowledge into a portable informational form so that it can accrue greater worth has accelerated the pace of efforts to contain or capture the value of intangibles through the use of intellectual property (Coombe 2009; Sunder Rajan 2006). This has fostered a broad sense of crisis amongst those who suggest that the very foundations of creativity, culture, and even humanity are increasingly subject to privatization (Boyle 2008; Brown 2004; Coombe 1998; Lessig 2001; Sunder 2012; Vaidhyanathan 2001). This sentiment has prompted the organization of alternatives, largely through the assertion of the cultural commons (Krikorian & Kapocynski 2010; Liang et al. 2008).

How to best craft a cultural commons that is a viable and successful alternative to intellectual property is a question of much debate within A2K. Proponents of what I term 'mainstream' A2K primarily tend to focus their efforts on an active and conscious effort to turn private proprietary forms, such as copyright, back onto themselves. Creative Commons (CC), and the suite of copyleft licensing practices that this organization has developed, is a well-known face of this type of mainstream activism. However, A2K activists from the developing world and indigenous communities are concerned that these legal forms and the underlying moral discourses do not fit seamlessly with their experience of the world. They argue CC practices are formed in the context of daily life in Euro-American countries and require significant revision lest they replicate imperial legacies that the regime of modern property introduced to the global world system centuries earlier. Central to these concerns are the ways in which key ideas, like 'openness' and 'creativity', are defined by A2K activists in a manner that produces a singular, as opposed to a diverse, conceptualization of the cultural commons (Copy/South Research Group 2006; Liang et al. 2008).

These concerns were highlighted when I participated in various activities sponsored by the international Creative Commons (CC) umbrella organization from 2007 to 2008. During fieldwork I was affiliated with a south Indian organization actively engaged with the CC community and had the opportunity to meet affiliated activists from all over the world. At a conference in South Africa I spent time with two members of CC Europe whose work is well received in the A2K community. At one point our discus-

sion led to an interesting issue that was emerging in my research on yoga. During fieldwork I had been having trouble engaging *sanyasi* practicing yoga in discussing their thoughts on whether or not intellectual property claims to the practice were 'right' or 'appropriate'. I was confident that the ascetic yogis understood the concepts since most were highly educated, well-travelled, and socially powerful. In fact, many knew of the California lawsuits that catalyzed the core of my research. However, when the topic was broached, most began by describing yoga as a practice that could benefit all, but then immediately switched the conversation to other topics, usually attempting to describe yogic thought and how the guru-disciple relationship took shape.

It had taken several months for me to realize that, by changing the conversation, these *sanyasi* were indicating that my question of whether yoga naturally resided in the public domain was fundamentally flawed and failed to get at the significance of the practice, as well as the social relationships that it produced. Instead, my informants stressed that the central goal of yoga is the liberation of the individual self and that a practitioner approaches this goal through a commitment to a daily practice of living explicitly structured through his or her hierarchical relationship with an expert guru who acts as a gatekeeper over spiritually powerful knowledge.

In response to my story, one CC leader scoffed at the 'ridiculous' implication that yogic knowledge could be powerful, telling me it was 'only information'. The other suggested that this explanation was probably just 'an excuse' and that some of these *sanyasi* might be authoritarian figures unwilling to relinquish the possibility of power or wealth. For these two A2K activists the idea of a stratified commons for yoga was either at best, the product of naïve spirituality or, at worst, the product of personal greed or hunger for power. Both reactions, while most strongly conveyed in this moment, are similar to the majority of feedback I received from mainstream A2K activists and are of concern because such perspectives fail to take the viewpoints of cultural heritage stewards seriously – an orientation that requires sincerely listening to and engaging with other stakeholders. Moreover, failure to take cultural heritage stewards' viewpoints and explanatory models seriously is a charge regularly levelled against individuals staking private intellectual property claims to intangible cultural heritage practices.

In discussing intellectual property within mainstream A2K discourses there is a tendency to use the terms 'public domain' and the 'commons' as though they are synonymous. However, two separate histories inform these concepts with 'the public' being those exceptions carved out of the private domain by law and open to all. In contrast, 'the commons' references a multiplicity of systems located outside of modern property regimes where alternative social projects take shape. CC members seek to reverse trends in contemporary appropriative tendencies by re-creating the commons through such instruments as 'open' and 'copyleft' licences. The thought here is that, if property can enclose the commons, then property can also be used to re-create the commons. The problem with these legal technologies and their underlying logics is that they end up creating something very different – they resurrect an aspiration, but produce a commons that is barren of social relationships and where informational objects are abandoned by creators. In contrast, a pre-property notion of the commons is a realm of communal caretaking and development – a space that is socially significant and quite possibly stratified. While there are significant discussions on hierarchical social arrangements emerging with respect to tangible heritage resources that are managed as a commons, there is a dearth with respect to the contemporary

1. Local Contexts, launched in 2012 by Jane Anderson and Kim Christen, is an interesting experiment in the creation of open licensing tools for intangible cultural heritage. This is similar to that by Eric Kansa, Jason Schultz, and Arash Bissell (2005) who developed a 'some rights reserved' model for traditional knowledge and suggested that the creation of a successful licence might only be achieved through long-term processes of trial and revision.

2. The notion that contemplative practices can produce psychic and physical harm is receiving increasing evidentiary support from recent biomedical clinical trials.

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cultural commons as it is conceptualized in relation to intangible heritage resources.

Yogic knowledge exchange is, I suggest, a way in which we can theorize a more vibrant and diverse cultural commons, as differentiated from the public domain. To do this I find the work of Lawrence Liang, Prahsant Iyengar, and Jiti Nitchani (2008) helpful as they argue for a theorization of an Asian commons that isn't simply a crude cultural relativist framework with Asian-ness emerging only as 'a different [and often flawed] way of doing things'. Instead, these scholars argue that both Asia and the commons should be seen as 'categories in the making' that are neither stable nor singular, but diverse and always transforming (2008: 30). It is with this sensibility that I suggest taking seriously the guru-disciple relationship, structured as it is around the transfer of yogic knowledge. This approach requires a refusal to discount the idea of spiritually dangerous knowledge as solely a construct of naïve or power hungry gurus, but as indicative of broader social project meriting consideration.

Relationality through guru-disciple lineages

Yoga is an embodied practice in which the practitioner attempts to unify the mind, entangled in the material self, with an eternal Truth and attain *samadhi* (enlightenment), a goal that most expect will take several lifetimes to achieve (Alter 2004). In this sense, the practice of yoga is of paramount importance over the final end-point of enlightenment, an achievement that most never expect to attain. Truth, while omnipresent, has local instantiations including the inner soul of the practitioner whose attention, however, is corrupted by the physical world. The distracted practitioner, therefore, is unable realize *samadhi* without an external aid that comes in the form of a guru capable of reflecting and guiding the disciple, through his/her unique path to spiritual development over time (de Michelis 2005; Kadetsky 2004).

The sacred and unbreakable relationship between a guru and disciple is initiated through the latter's taking of *diksha*, or spiritual vows, from the former. Once taken, the disciple becomes part of a larger community known as the *gurubund*, or brotherhood of disciples under a guru, to which he/she owes allegiance. Over time spiritual leader-

ship must be passed on to another member of the *gurubund* as individual gurus retire from active social life to enter into *samadhi*. Current gurus are, therefore, disciples of another, creating an unbroken chain of spiritual leaders who transfer knowledge that moves through time and a network of disciples who receive knowledge that extends across space.

Significantly, membership in this temporally and spatially diffuse group is determined not by geographic contiguity or biological relatedness, but by faith in spiritual leaders. In this sense yoga, and yogic knowledge exchange, is predicated on a novel conception of social 'kinship', the spiritually hierarchical relationships between gurus and disciples. When asked to describe the relationship, several disciples characterized it as one of love and 'almost like a family relation', a 'father', or a 'husband'. In the words of one *sanyasi*, 'The main thing is that you give up everything, you give up your life to the guru and you serve the guru. It is very much like a marriage. Not a Western marriage, but an Indian marriage'. Many yogis with whom I spoke discussed how they responded to requests from their spiritual leader, treating the guru's suggestions as if they were divine commands that they must complete, 'with happiness and openness in the heart' and with faith that these requests



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Fig. 2 (above).

Sangamadeva Swamiji preparing to teach a yoga class to new students, California, July 2008.

Fig. 3. Members of the Social Yoga Club (Yoga Gembira) enjoying an open air meeting in Taman Suropati Park, Jakarta, December 2013.

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were designed to enable the student to learn and develop spiritually. This element of faith was something that more than one respondent noted was difficult for a 'modern', 'cosmopolitan', or 'Western' person to understand since this type of individual 'is too independent, too individualistic... these people want everything and everyone to be equal... they find it difficult to submit to a guru'.

In return for this submission and implicit trust, a guru-teacher becomes responsible for the spiritual development and care of the disciple. Part of this responsibility includes the ability to judge the disciple's stage of spiritual development and to then impart the practical knowledge, whether it be *asana* (postures) or spiritual commands, appropriate for that level. Misuse or abuse of a guru's position and transfer of inappropriate knowledge to a dependent disciple is potentially damaging to the karma of not only the individual practitioner involved, but to the guru and then, through him, to all others under his care. In this sense a false guru, one who cannot adequately care for the needs of his disciples and provide the appropriate instruction, can put all of his followers at spiritual risk. A responsible and caring guru must, therefore, manage the knowledge he imparts, as well as assess the ability of the students to handle that knowledge appropriately. The relationship between guru and disciple, therefore, is unambiguously and unapologetically paternalistic.

Since culture is a primary vehicle through which human beings share knowledge, accurate comprehension of heritage management strategies is paramount to understanding how social relationships within a community are structured with 'kinship', often seen as the basis for natural social formations. Modern legal institutions presume that either biology or geography is the logical channel through which social relatedness is constructed and, therefore, the metrics through which valuable cultural heritage should flow (see Hayden 2003b for a critique of this). In contrast, I argue that such presumptions of community formation are not appropriate for the management of all heritage resources. Instead, the guru-disciple relationship produces an equally valid and important social network through the spiritual lineage and encompassing the larger community of the *gurubund*. This bond, cemented through the taking of *diksha* and characterized by faith, is, for many practitioners, the primary channel through which yogic knowledge flows via transference.

Creativity in yogic knowledge transfer

The term guru can be interpreted as the 'giver of knowledge'. In questioning *sanyasi* about how this knowledge is given and perceptions regarding the source of the practice, many spoke not only of how guru-disciple relationships form, but also how they are present in localized instruction. One ascetic, Swami Yogaratna, spoke to me of his relationship with the divine while teaching a class. This *sanyasi* had learned to teach yoga at the ashram from others within his *gurubund* and had not received direct instruction from the guru who had given *diksha*. However, he felt that when he taught yoga he became a vessel through which the guru's knowledge passed. He termed this flow of knowledge from the guru as 'transference', a state triggered upon an initiatory invocation in Sanskrit prior to the start of instruction.

It is important to note that Swami Yogaratna did not believe himself to be an empty vessel for the guru's knowledge and that his own creativity and ability to mould instruction to the specific needs of students remained intact. In elaborating upon this idea Anish, another *sanyasi*, told me:

It is more like getting into that [spiritual] world and letting [the knowledge] go through you... within that what you come up with [while teaching] is all about your involvement in yoga ... [the student is feeling] like this so let me see how I can deliver something that is useful... *I have to know how to express that... and this understanding comes from the guru.*

- Anish (emphasis added)

Another shared, 'I presume the creativity [in yoga] is almost the same [as elsewhere] except that here it is so intangible... [it] is in understanding and presenting rather than coming out with new ideas'. How *sanyasi* interpret the origins of creativity in yoga is significant since this concept is the integral nexus for the contest between copy-right, which champions the lone genius producing novel works, and CC logics, which document the multiplicity and remix of inputs. In other words, it matters how creativity is understood to take shape and who is thought to be involved in the process.

For these three yogis the knowledge imparted during instruction of disciples is generated through their relationship with the guru; however, their own creativity is required to meet the needs of their students. Thus, yogic instruction consists of a blend of a disciple's inalienable bond of faith and devotion to a guru as well as the similar bonds they foster with their own student. Through this linked chain of practitioners, tied to one another through *diksha*, yogic instruction creates an enduring social network predicated upon the transfer of powerful knowledge.

A commons imagined outside of property

A female *sanyasi* with whom I met regularly in Bangalore over several months, made an interesting comment when she described how she became a conduit through which the presence of her guru manifested during the course of instruction. Pressing her to explain, I asked Swami Saraswati where her guru, who was a disciple himself, obtained that knowledge which passed through her and she responded, 'from his guru'. Repeating my question again, but also asking for her thoughts on the ultimate source of the knowledge she paused and said with a thoughtful chuckle, 'why I think ... it is gurus all the way back'.

Swami Saraswati's words recall the story in which an Englishman meets an Indian ascetic who tells him that the world rests upon a platform that rests upon an elephant that is standing on the back of two turtles. The Englishman asks the ascetic what the second turtle is standing upon and the sage responds, 'Ah, Sahib, after that it is turtles all the way down'. Geertz's use of this story alludes to his understanding of the incomplete nature of socio-cultural analysis and his conviction that the purpose of ethnography is to 'bring us into touch with the lives of strangers' and gain access to their conceptual worlds (Geertz 1973: 28-29). I argue that gaining access to the conceptual world of a practicing yogi does not require the acceptance of yogic knowledge transfer, or the spiritual connections this forges, as absolute truth. However, as an anthropologist I am invested in taking these perspectives seriously and, as a supporter of A2K, I do this in the hope that an enriched understanding of the commons might emerge.

The preceding is a preliminary attempt to take seriously the social and symbolic relationships that hold the world of the practicing yogi together and, through doing this, foster a conception of 'openness' that is more than a technical descriptor of accessibility – though that too merits consideration. By thinking with *sanyasi*, 'openness' emerges as a sensibility through which engagement with other people and diverse ways of being in the world becomes possible. In this one example, expert yogis demonstrate how knowledge exchange has the potential to draw people together in enduring bonds of reciprocity characterized by love, faith, and devotion strengthened by everyday practice – all in spite of yoga's exposure to modern proprietary logics that emphasize individuation and alienation. In a sense, then, fostering 'openness' and 'creativity' with the ultimate goal of fashioning a vibrant and diverse cultural commons may be as much a daily practice as is the goal of attaining *sam- adhi* through the practice of yoga. ●

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