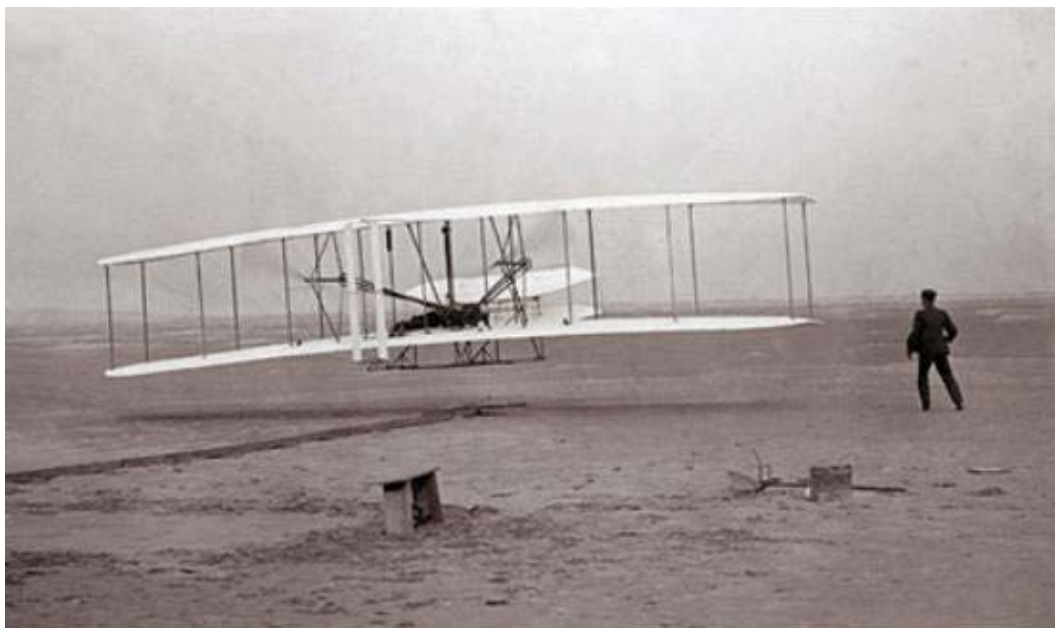


Intellectual creation and intellectual property: The most characteristic human function and its historical predicament

For some years now humanity is in the innermost core of a revolution that is apt to fundamentally alter all the materials of our life as we are familiar with today - among other things, ethical and epistemological foundations, work culture and organization and the integration between consumption and production patterns. What is hereby implied is the Information Revolution era. Bruce Lehman, US assistant commerce secretary and commissioner of patents, employs words echoing somewhat dramatic - in face of this historical turn - that our being inside it masks its full meaning: "There is a brain boom. We are living in a period that is equivalent to the transition from the agricultural to the industrial age. An increasing large percentage of our work force makes its living simply off mental activity" (A.P., 22 October 1997).

It appears that the economic, social and value-laden infrastructure behind this revolution, sharpens the distinction between a creative act that is productive and promotes viable development, and immature approaches that were prevalent in the 60' and 70' seeing in any whim-like mud-cake constructed by someone, the expression of the creative potential allegedly inherent in Man. Those new infrastructures, on the other hand, necessarily posit a value judgment focusing on quality and excellence, a judgment that by its very nature, is not egalitarian.

The fact that what is implied here is higher attentional effort, often multi-stage one, and not relaxation of attention while giving oneself up to being flood by random associations, is highlighted today by the renewed concern in the Wright brothers experiments, on the occasion of marking the centennial for the first flight in history.



The First Flight • December 17, 1903 • 10:35 am • Kitty Hawk, NC

Unlike contemporaries that tried to build flying machines which turned out to be grotesque killers, the Wright brothers acted as thorough and methodical scientists in their experiments. This stands opposite to the prevalent myth of their being a pair of uneducated bicycle mechanics who simply happened to get lucky.

Thus, in four years, they created a fully flying airplane out of the blue. Some of the Wright brothers work, such as the design of propellers, could hardly be further improved in the hundred years that have followed.

In 1899, at the beginning of their work, the brothers built a sophisticated kite and determined that one vital component of a controlled turn was banking, which could be accomplished by mechanically warping the wings in opposite directions. Yet the gliders that the pair tried in 1900-1 did not have the lift promised in tables worked out by previous experimenters in Europe.

The winter of 1901-2 was pivotal for the Wright brothers, who decided to re-check the previous century calculations to figure out why their gliders had so much drag, and so little lift. In this framework they created the world's first wind-tunnel.

At first they designed a contraption mounted to a bicycle to measure the effects of moving air on differently shaped wings, yet the system proved inaccurate. The turning point occurred when they took one of the fans from the bike factory ceiling and placed it at one end of a horizontal, open-ended box. In this tunnel, they measured in minute detail how air moved over more than 200 differently curved surfaces. They discovered, among other things, that their previous calculations were as much as 50 percent off.

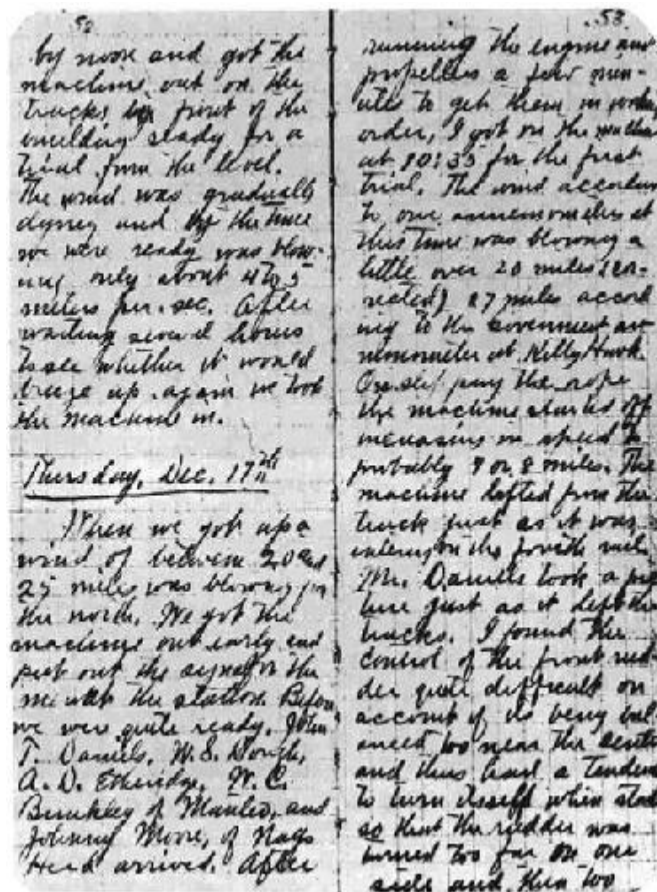


Reconstruction of the first wind-tunnel

The results of their experiments yielded in 1902 an improved glider whose steering performance was enhanced with a rudder to control yaw, or side to side sway. In the following year, they developed a three-axis steering – an elevator up front to control pitch, wing warping to control bank, and a rudder configuration to control yaw. The machine also had a 12-horsepower engine that drove two propellers operating in opposite directions to prevent the twisting tendency one propeller would have caused. The wood propellers, also designed from the wind-tunnel calculations, operated with 81 percent efficiency converting horsepower to thrust, where the best wood props today are only 3 percent more efficient. Thus, the Wright brothers knew precisely what wing shape and speed would be needed to lift their entire 700 pound package.

On December 17 1903, at the sands zone near the small town of Kitty Hawk, North Carolina, the brothers went out for Man's first flight in history. As a result of a coin toss, Orville was chosen to lie on the lower wing at the controls and the engine. To balance the plane during the takeoff run, Wilbur jogged alongside with the wingtip in one hand.

As David Arnold notes in his article "The Wright Stuff" in the Boston Globe, February 19, 2002 (Being widely cited here, in referral to the Wrights brothers endeavor), Wilbur Wright, as captured in the famous photograph, did not have the figure of a man celebrating his good luck, in accordance with the prevalent myth. Rather, Wilbur seems to have the "All systems Go" stance of a defiant engineer who had worked out the numbers, built the experiment, and is confirming those calculations in the field.



A page from the diary of Orville Wright

There were those that tried to rob the Wright brothers of the fruits of their effort and genius, and dragged them into a bitter patent dispute, in which the brothers finally won.

Yet, this may also indicate the huge problem-area formed for the creator as a result of ruthless ambition by others, that may not necessarily derive from sheer greed. The thing is that although there are highly skilled people in every domain, still, inventive thought, new and substantial ideas and the initiation of novel directions are not only infrequent. They also commonly appear to be a sort of miracle and an unnatural resource involving huge gains from diverse and different directions. This is far too significant as to remain unnoticed, off the horizons-range of power-oriented people and collectives.

The creative act is a highly fundamental human function, and involves the self-esteem as well as the sense of ontological weight of the individual.

Thus, giving up this function, often for the sake of tight chasing for power and attaining indecent advantages by people of overwhelming and ruthless ambition, may confront these people with their own low self-esteem, due to this betrayal in His image – since the essence of man, highly contributing to one’s self-esteem, is the creative act of constructing tools and instruments. And this self-esteem loss may bring forth spontaneous implementation of destructive moves towards people of high-quality creativity, in the service of existential jealousy and for rehabilitating one’s sense of low ontological weight and stature.

Such reality, that may be more frequent than we figure out, is described in a subtle and sensitive manner in the play of the Scottish writer Peter Shaffer “Amadeus”. The play portrays the destructive acts by the composer of the minor talent Antonio Salieri towards the great composer with the magical and fascinating musical ideas that are generated in inexhaustible flow – Wolfgang Amadeus Mozart (1756-1791).

Salieri – as described in “Amadeus” – tries, almost in a missionary way, to demonstrate the practical advantages of sheer aggressiveness and power-orientation followed by various wiles and plots, relative to the excellence of the multi-dimensional creator. This is done by further and further being swept away, starting from abolishing the sources of Mozart’s creative work, through social isolation and humiliation, and terminating with actual annihilation of this outstanding representative of the tendency for generating pure beauty values – Mozart. This “missionary orientation”, that is tightly related to the low self-esteem and self image of Salieri (evoked by his creative inferiority relative to Mozart) expresses itself also in a defiant and boasting exposure in public, at old age days, of his destructive acts against Mozart.

I will present below a conceptual network that elucidates - in view of the revolution of the new era, which is, in my terms, the era of accelerated production-effective creativity (PEC) – on one hand the evolutionary significance of the creative function, and on the other, the major existential problem-area that lies herein for the creative individual and for society in general.

This major problem-area, which is intensified and built-in into certain historical stages and into the quintessence of the social structures characteristic of these historical stages, can transform a phenomenon appealing to everything that is elating and sublime in Man, into a source of deep social defilement.

Basic postulates:

The most fundamental human function is intellectual/ideational.
Every human progress is initiated by a basic idea.

This holds, regarding, say, the idea of employing a wheel for carrying heavy cargo, or the usage of sharpened bones as a hunting instrument, and applies as well even to folklore dance or a song. This is the case in employing a head cover for protection from the sun (And the local modes in various periods of materializing this idea – the Arab Kafiya with two ties at the head; the European hat and the cowboy hat; and the Mexican straw-hat Sombrero with its wide margins etc.).

Such basic ideas are inherent also in the extension of those concepts, such as head covers, towards additional usages: Body protection in the battlefield (The Assyrian or ancient Greek helmets with their specific design); or the insight that certain plants can serve for cure of wounds or illnesses (and not only as food for Man or animals).

And this holds to even jokes of any kind, a folk proverb or a popular expression, to religious ideas; or the setup for any ritual in religious practice or an Order - with its sequence of acts.

All of these start with a basic idea.

And always, ever, this idea is of a single man, amazingly fruitful and natural mannered, often described as “source” or a sort of fountainhead.

This basic idea is never of a group, some immaterial and abstract “national folklore”, “The spirit of the people and its roots” or “The sublime values of the Order” and the like.

Ever – a single and fruitfully inspiring man, that indeed, his particular location, his religion, his nation, the background in which he grew – all these endow the particular hue, the background, the specific problem-situation confronted - that is, the raw materials.

But never do these endow the structure, the idea itself that shapes these materials.

This holds in the same way that the chess game is an abstract concept of rules for moving the pieces, the characteristics of each piece, the structure of the platform on which the pieces move, aims, tactics and strategies. Yet the pieces can be composed of different materials and in different shapes, the board can be made from paper, cardboard, plastic, an image in a computer monitor; or even an image in the brain, where the players exchange paper notes on each move. And this applies as long as the abstract structure and the rules are kept.

On one hand, there is the thing itself – the abstract idea or structure. And on the other – the materials out of which the abstract structure is materialized.

Ever, the idea’s originator is a single man – a fountainhead of fresh water, as it may be regarded

Hence, the environment (or part of it) endows the materials. And also, can encourage the creator or block him. And the intermediate possibility – encouraging the creator to production while looting the products and hiding the originator with a coarse palm, or even, gradually extinguishing and annihilating the original creator.

This intermediate possibility is not “on the surface”, since it negates the totality of principles and rules regulating activity in any human society – including also a criminal society. And hence, it is highly improbable for the average man, but transferred “mouth to ear” as a latent or highly cynical narrative.

This intermediate possibility is, assumably, the source of the ancient myths on the meritorious and clever people among us, that nevertheless, “they could not help themselves”. Or this may be the source for the ancient common saying existing in most

human societies and cultures, in Africa, China, India, or in the West, about the “shoemakers being barefoot”.

And it is the source of perhaps more ancient myth –

The Myth of the sacrificial victim, the *Angus Dei*:

The Meritorious or excellent Man (Me'u'le' in Hebrew) or the one who is the best of us - that could not help himself.

It may be observed that in Hebrew (as an ancient Semitic language) and probably in other languages, from etymological point of view, Me'u'le' מעולה (excellent man) and Mu'a'le' מועלה (sacrificed; meaning also, being lifted high above) are of the same root.

The people and priests always sacrifice מעלים (Ma'a'lim) a sacrificial victim, which is an animal in ancient Jewish rituals (Ma'a'lim - raising high above; sacrificing); but they never Give it. Of course, this refers to active work of the gods or Godhead – actively **lifting** the sacrifice up for the Godhead, never leaving it for Him to come and take.

But what does that mean – Ma'a'lim מעלים in the other Hebrew sense of the word: Hiding, Concealing?

This constitutes an enigma.

Etymologically speaking – עולה (O'la: sacrifice);

but also – עוולה (Avla: injustice, evil. Same letters, same syllables, but different pronunciation).

Mystery on a mystery.

In the Roman-Catholic faith there is a unique and special contemplation and communion rite, named “the *miste're*”. And of course, the concept “Mystery” - from the ancient Greek “*Musterion*” – secret rites; and from Latin, *Mysterium*; and from Hebrew and Aramaic, “*Mistorin*” מיסתורין implying “hiding place” מיסתור (Mistor) or “secret”; and the word denotes also ancient mediterranean cults and secret rites to which only initiates were admitted.

Now “Mystery” is a fundamental constituent – often explicit and not only implicitly given in the background – of any religious faith. Yet, it is also the feeling underlying or following any focusing and directing of attention towards the *improbable* that nevertheless occurs in empirical reality.

And again, in Hebrew, *Mistorin* מיסתורין from the root “hiding”, “to hide” (Le'hastir להסתיר).

But also in Aramaic – a close Semitic language to Hebrew, that reflects common cultural evolution and collective experience of thousands of years, growing out of

the same human environment: Satra סטרא Side, often with connotation of the hidden side – see the Kabbalistic concept of “Satra-O’fanim”, implying “hidden sides” of God (again, the phonetic similarity to: Seter - secret, hidden; Hastara – hide, hiding).

This, in turn, is related or connected to “the other” - Akher אחר, “the stranger” or “strange”, “the different” - with a conceptual link with evil and the impure – the “Satra Akhra” סטרא אחרא – the other or “hidden side”, meaning the devil.

Further, the “different” (Shone’ – שונה) or “other” (Hebrew: Akher אחר. Aramaic: Akhra אחרא) are often conceptually related to the incomprehensible and the improbable, about which it is desirable not to think, God forbid, for our sanity’s sake (e.g., “strange death”, “Mita Meshuna” where “Meshuna” is of the same root as “Shone’” שונה, “different” - implying, a death which is drastically different from the common one)

So, here are information-collections or networks of concepts that are mutually linked, and reflect ancient knowledge and human experience. They seem to rotate around the major theme of “Sacrificing the best of us, or the excellent ones (Or their transformations in later years: Sacrificing the best in ourselves; or the excellent qualities in Man; or the sacrifice of the best among man’s property or his animals)

What is the origin or source of this ancient human experience?

From the side of the Me’u’lim (excellent ones) or Mu’a’lim (sacrificed) there is no folly or weakness or the like. “It is simply the way it is”.

And in the English language, there is often a special and minor-tone expression, lacking any drama, that refers in a virtual shrug to the types of things that surpass our understanding, so to speak, but nevertheless occur in reality – things that apparently are more frequent than we are willing to admit, in spite of their exceptionality and common-sense improbability: “One of those things”.

Those “other” things are indicated by common wisdom, which reflect accumulative experience from ancient times applying to reality and the unexpected and improbable apparent-paradoxes that occur in it.

These paradoxes happen in a “hidden” and mysterious way (“Mysterious” in the sense of “not being reasonable”), but also more often than we are inclined to assume, in spite of their being highly unacceptable.

“This is the way things are. What can we do?” – this saying and its like reflect basic understanding and attitudes which are at the core level of any kind of cynicism.

And behind the acts of massive injustice and robbery, often tended – where a looting of creator’s rights is practiced – to “bury” and conceal the original creator, the victim of this robbery; and whenever ruthless wildness apt to emerge as a reaction to high-level production of intellectual property, purports jealously to hide itself by all means from public sight – behind these often evolve also the justifications. And at times anxious understanding and regret emerge in those indirectly involved, whose rage

have been channeled to the loathsome deed by the initiators of the roots and fruits of evil, in the service of their endless power seeking and anarchic ambition.

Often the former, the actual performers of the looting, are directed to victimization of creators by the few of the real interest, who “are not there” when their aim is full-scale carried out.

The justifications and perhaps the regret and self-purification by those harnessed to the matter without “really knowing”- these are always found after the deed, sometimes as a justification for the next step; a chain of deeds and justifications, where one thing leads to another, until the last step of victimization emerges, in a sort of ironic metamorphosis of “we will act and then hear”.

The excellent ones, the Me’u’lim.
Excellent in some sense. Which?

Is it in the simple and basic sense of ideational fruitfulness in a way that advances our human environment by a tiny step or more – a simple and basic meaning because this and only this is the human function that characterizes us in the animal kingdom, that renders Man unique in the colossal symphony of evolution of the processes of life?

And if indeed this is the most basic thing –
Basic as coming home after a hard journey, or as waking up alongside a beloved woman after a bad dream – if it is so basic, are nevertheless the excellent ones very few in number?

They are in fact much fewer and rare than one could reasonably assume.

And if indeed so, if so many suppressed in themselves the innermost human essence available – which is so simple and basic that most of us have ignored the whisper of the fountain flow inside us, clinging upon the exotic and dramatic as a substitute for boredom and emptiness –

Is it not flinching?

Flinching – due to that historical experience whose result is that the boundless attachment to this innermost fountain became identified with “victim”, and self-righteous rhetoric turned into a substitute for real things as they are.