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PROPERTY, PERSONALITY RIGHTS AND SUBJECTIVITY

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The last couple of years have seen intense media coverage in the UK concerning the granting of injunctions preventing the publication of stories and images that may damage the reputation of certain well-known people. These injunctions are granted on the basis of an emerging English law of privacy, but an unintended consequence is that they constitute a new form of property in personality. Although they operate *in personam*, these injunctions have the *in rem* effect of constituting the subject of law an object of property; the world is excluded from exploiting 'knowledge' connected with the subject, notwithstanding its truth, giving the subject monopoly over themselves and control over access to and dissemination of their personality. For some, this extension of property to personality is justified in terms of utility, efficiency, personal dignity and autonomy. For others, it illustrates a further enclosure of the cultural commons, where personality is understood as a resource to be freely appropriated in cultural production. For others still, personality rights entail a commodification of the subject divesting them of essential human qualities. In this paper I will explore the relationship between property and subjectivity in the context of personality rights, and in particular the relationship between cultural capitalism, personal branding, and human capital.