'Flows, temporality and value creation in regimes of ownership'

Brenna Bhandar Kent Law School

In this paper, I endeavour to explore different aspects of value creation in the realm of biotechnological innovation. My primary interest lies in examining how value creation takes place in relation to different forms of property- in this case, biotech crops. I explore how value creation relies upon the production of certain forms of knowledge, one of which is a potent combination of financial and scientific logics; co-temporaneous with the production of constituencies who desire legal reform and regulatory changes to financial and scientific apparatuses in order to facilitate the growth of the biotechnology industry.

The propertisation of agricultural seed relies on particular spatial orderings and temporalities of production that displace other ways of producing crops, and the socio-economic relations attached to them. That is, the advent of biotechnological crop production confronts and displaces knowledge systems, community relations, and forms of ownership that operate along very different temporal and spatial planes.

The particular kinds of value creation at play – encompassing new forms of knowledge production, new constituencies with new desires, and the displacement of other forms of farming- in turn have implications for legal relations of ownership. In terms of ownership, biotechnological forms of property disaggregate forms of legal ownership (Pottage 2006) while at the same time, producing new forms of multiple and overlapping ownership.

The context for this enquiry is the production of biotech crops (cotton being the primary focus) in India. Claims of bio-imperialism and the 'second enclosure' bring to the fore the radical changes that property relations and agricultural production underwent during colonial rule and in the post-independence period. While current forms of propertisation are certainly tied to the commercialisation of agriculture that began under colonial rule, technological and scientific innovation - coupled with a transformed global and domestic economic context – challenge straightforward assertions of 'bio-imperialism'. Perhaps Marx's strange God on the altar of European divinities has revealed himself to be a blue god afterall.