



Theseus' Ship Sure Rocked and Rolled

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It couldn't have happened to a better-named defendant.

The Guess Who, a Canadian rock band, has continued over the years from its late-60s/early-70s heyday. Or hasn't.

Depending upon your ontology.

Yes. *Theory of being.*

The original band, known best for the hit "American Woman," was originally made up of Randy Bachman, Burton Cummings, Jim Kale, and Garry Peterson, and became one of the first big Canadian exports to American and world popular music. But Bachman left in 1970, at the peak of the band's fame — to create Bachman-Turner Overdrive — and lead-singer Cummings left five years later. Now these two are suing Kale and Peterson and the

corporation that is the band itself.

[According](#) to *The Rolling Stone*, they call the "current lineup a 'cover band'" and object to the band's usage of photos from its classic period to, in the words of the suit, "give the false impression that Plaintiffs are performing as part of the cover band."

Wikipedia says the band [broke up in 1975](#), but was revived by Kale and Peterson.

Now, this is none of our business; we can hope the courts adjudicate it justly. But because it reminds us of the Ship of Theseus, discussed as a thought experiment by Plutarch and Thomas Hobbes, it's hard to let this one go. An old ship has its planks and other parts replaced piece by piece, over time. Is the all-new ship the same as the old?

Obviously, Bachman and Cummings don't like being treated as so much old lumber. Regardless, wouldn't there be an *estoppel* motion, or something like that, preventing litigation over the [haecceity](#) of a band named "The Guess Who"?

[These eyes](#) expected them to share the band, if not the [land](#).

This is Common Sense — and I'm . . . Guess Who.