



LEONARDO ELECTRONIC ALMANAC

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What is the relationship between contemporary digital media and contemporary society? Is it possible to affirm that digital media are without sin and exist purely in a complex socio-political and economic context within which the users bring with them their ethical and cultural complexities? This issue, through a range of scholarly writings, analyzes the problems of ethics and sin within contemporary digital media frameworks.



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LEONARDO ELECTRONIC ALMANAC, VOLUME 19 ISSUE 4

Without Sin: Freedom and Taboo in Digital Media

VOLUME EDITORS

LANFRANCO ACETI & DONNA LEISHMAN

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SHEENA CALVERT & ÖZDEN ŞAHİN

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Leonardo Electronic Almanac

Volume 19 Issue 4

10 POST-SOCIETY: DATA CAPTURE AND ERASURE ONE CLICK AT A TIME

Lanfranco Aceti

16 WITHOUT SIN: FREEDOM AND TABOO IN DIGITAL MEDIA

Donna Leishman

26 LIKE REALITY

Birgit Bachler

36 MEDIA, MEMORY, AND REPRESENTATION IN THE DIGITAL AGE

David R. Burns

52 DIFFERENTIAL SURVEILLANCE OF STUDENTS

Deborah Burns

**66 ANA-MATERIALISM & THE PINEAL EYE:
BECOMING MOUTH-BREAST**

Johnny Golding

**84 DANCING ON THE HEAD OF A SIN:
TOUCH, DANCE AND TABOO**

Sue Hawksley

100 "THERE MUST BE SOMETHING WRONG WITH THIS, SALLY..."

Ken Hollings

114 COPYRIGHT AND DIGITAL ART PRACTICE

Smita Kheria

128 CURATING, PIRACY AND THE INTERNET EFFECT

Alana Kushnir

148 PRECARIOUS DESIGN

Donna Leishman

**162 SEDUCTIVE TECHNOLOGIES AND INADVERTENT VOYEURS
EFFECT**

Simone O'Callaghan

178 ANONYMOUS SOCIAL AS POLITICAL

Kriss Ravetto-Biagioli

**198 CONTENT OSMOSIS AND THE POLITICAL ECONOMY
OF SOCIAL MEDIA**

Don Ritter

220 RE-PROGRAM MY MIND

Debra Swack

**236 THE PREMEDIATION OF IDENTITY MANAGEMENT IN
ART & DESIGN**

Sandra Wilson & Lilia Gomez Flores

256 PORNOGRAPHY, ALTERITY, DIVINITY

Charlie Gere

268 DO WE NEED MORALITY ANYMORE?

Mikhail Pushkin

280 THE ECONOMIES OF LANGUAGE IN DIGITAL SPACE/S

Sheena Calvert



NSA: No Speaking Aloud, Anonymous, 2013.

Post-Society: Data Capture and Erasure One Click at a Time

"Oh, in the name of God! Now I know what it feels like to be God!"

Frankenstein (1931)

They must have felt like gods at the NSA when they discovered that they were able to spy on anyone. What feels ridiculous to someone that works with digital media is the level of ignorance that people continue to have about how much everyone else knows or can know about 'you.' If only people were willing to pay someone, or to spend a bit of time searching through digital data services themselves, they would discover a range of services that have started to commercialize collective data: bought and sold through a range of semi-public businesses and almost privatized governmental agencies. Public records of infractions and crimes are available for 'you' to know what 'your' neighbor has been up to. These deals, if not outright illegal, are characterized by unsolved ethical issues since they are a 'selling' of state documents that were never supposed to be so easily accessible to a global audience.

Concurrently as I write this introduction, I read that the maddened Angela Merkel is profoundly shocked that her mobile phone has been tapped into – this is naive at best but also deeply concerning: since to not understand what has happened politically and technologically in the 21st century one must have been living on the moon. Perhaps it is an act or a pantomime staged for the benefit of those 'common' people that need to continue living with the strong

belief or faith that their lives are in good hands, that of the state.

Nevertheless it speaks of a 'madness' of the politician as a category. A madness characterized by an alienation from the rest of society that takes the form of isolation. This isolation is, in Foucauldian terms, none other than the enforcement of a voluntary seclusion in the prison and the mad house.

The prisons within which the military, corporate, financial and political worlds have shut themselves in speak increasingly of paranoia and fear. As such the voluntary prison within which they have sought refuge speaks more and more the confused language that one may have imagined to hear from the *Stultifera Navis*.

Paranoia, narcissism and omnipotence, all belong to the delirium of the sociopaths, who push towards the horizon, following the trajectory set by the 'deranged minds.'

It is for the other world that the madman sets sail in his fools' boat; it is from the other world that he comes when he disembarks.

This otherworldliness – this being an alien from another world – has increasingly become the characteristic of contemporary political discourse, which, detached from the reality of the 'majority' of people, feeds into the godlike complex. Foolishness and lunacy reinforce this perspective, creating a rationale that drives the

Stultifera Navis towards its destiny inexorably, bringing all others with them.

Having segregated themselves in a prison of their own doing, the politicians look at all others as being part of a large mad house. It is from the upper deck of a gilded prison that politicians stir the masses in the lower decks into a frenzy of fear and obedience.

Why should it be in this discourse, whose forms we have seen to be so faithful to the rules of reason, that we find all those signs which will most manifestly declare the very absence of reason?

Discourses, and in particular political discourses, no longer mask the reality of madness and with it the feeling of having become omnipotent talks of human madness in its attempt to acquire the impossible: that of being not just godlike, but God.

As omnipotent and omniscient gods the NSA should allow the state to 'see.' The reality is that the 'hands' of the state are no longer functional and have been substituted with prostheses wirelessly controlled by the sociopaths of globalized corporations. The amputation of the hands happened while the state itself was merrily looking somewhere else, too blissfully busy counting the money that was flowing through neo-capitalistic financial dreams of renewed prosperity and Napoleonic grandeur.

The madness is also in the discourse about data, deprived of ethical concerns and rooted within perceptions of both post-democracy and post-state. So much so that we could speak of a post-data society, within which the current post-societal existence is the consequence of profound changes and alterations to an ideal way of living that technology – as its greatest sin – still presents as participatory and horizontal but not as plutocratic and hierarchical.

In order to discuss the present post-societal condition, one would need first to analyze the cultural disregard that people have, or perhaps have acquired, for their personal data and the increasing lack of participation in the alteration of the frameworks set for post-data.

This disregard for personal data is part of cultural forms of concession and contracting that are determined and shaped not by rights but through the mass loss of a few rights in exchange for a) participation in a product as early adopters (Google), b) for design status and appearance (Apple), c) social conventions and entertainment (Facebook) and (Twitter).

Big data offers an insight into the problem of big losses if a catastrophe, accidental or intentional, should ever strike big databases. The right of ownership of the 'real object' that existed in the data-cloud will become the new arena of post-data conflict. In this context of loss, if the crisis of the big banks has demonstrated anything, citizens will bear the brunt of the losses that will be spread iniquitously through 'everyone else.'

The problem is therefore characterized by multiple levels of complexity that can overall be referred to as a general problem of ethics of data, interpreted as the ethical collection and usage of massive amounts of data. Also the ethical issues of post-data and their technologies has to be linked to a psychological understanding of the role that individuals play within society, both singularly and collectively through the use of media that engender new behavioral social systems through the access and usage of big data as sources of information.

Both Prof. Johnny Golding and Prof. Richard Gere present in this collection of essays two perspectives that, by looking at taboos and the sinful nature of technology, demand from the reader a reflection on

the role that ethics plays or no longer plays within contemporary mediated societies.

Concepts of technological neutrality as well as economic neutrality have become enforced taboos when the experiential understanding is that tools that possess a degree of danger should be handled with a modicum of self-control and restraint.

The merging of economic and technological neutrality has generated corporate giants that have acquired a global stronghold on people's digital data. In the construction of arguments in favor or against a modicum of control for these economic and technological giants, the state and its political representatives have thus far considered it convenient not to side with the libertarian argument, since the control was being exercised on the citizen; a category to which politicians and corporate tycoons and other plutocrats and higher managers believe they do not belong to or want to be reduced to.

The problem is then not so much that the German citizens, or the rest of the world, were spied on. The taboo that has been infringed is that Angela Merkel, a head of state, was spied on. This implies an unwillingly democratic reduction from the NSA of all heads of state to 'normal citizens.' The disruption and the violated taboo is that all people are data in a horizontal structure that does not admit hierarchical distinctions and discriminations. In this sense perhaps digital data are violating the last taboo: anyone can be spied upon, creating a truly democratic society of surveillance.

The construction of digital data is such that there is not a normal, a superior, a better or a worse, but everything and everyone is reduced to data. That includes Angela Merkel and any other head of state. Suddenly the process of spying represents a welcome reduction to a basic common denominator: there is no

difference between a German head of state or a blue collar worker; the NSA can spy on both and digital data are collected on both.

If anything was achieved by the NSA it was an egalitarian treatment of all of those who can be spied upon: a horizontal democratic system of spying that does not fear class, political status or money. This is perhaps the best enactment of American egalitarianism: we spy upon all equally and fully with no discrimination based on race, religion, social status, political affiliation or sexual orientation.

But the term spying does not quite manifest the profound level of Panopticon within which we happen to have chosen to live, by giving up and squandering inherited democratic liberties one right at a time, through one agreement at a time, with one click at a time.

These are some of the contemporary issues that this new LEA volume addresses, presenting a series of writings and perspectives from a variety of scholarly fields.

This LEA volume is the result of a collaboration with Dr. Donna Leishman and presents a varied number of perspectives on the infringement of taboos within contemporary digital media.

This issue features a new logo on its cover, that of New York University, Steinhardt School of Culture, Education, and Human Development.

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Lanfranco Aceti

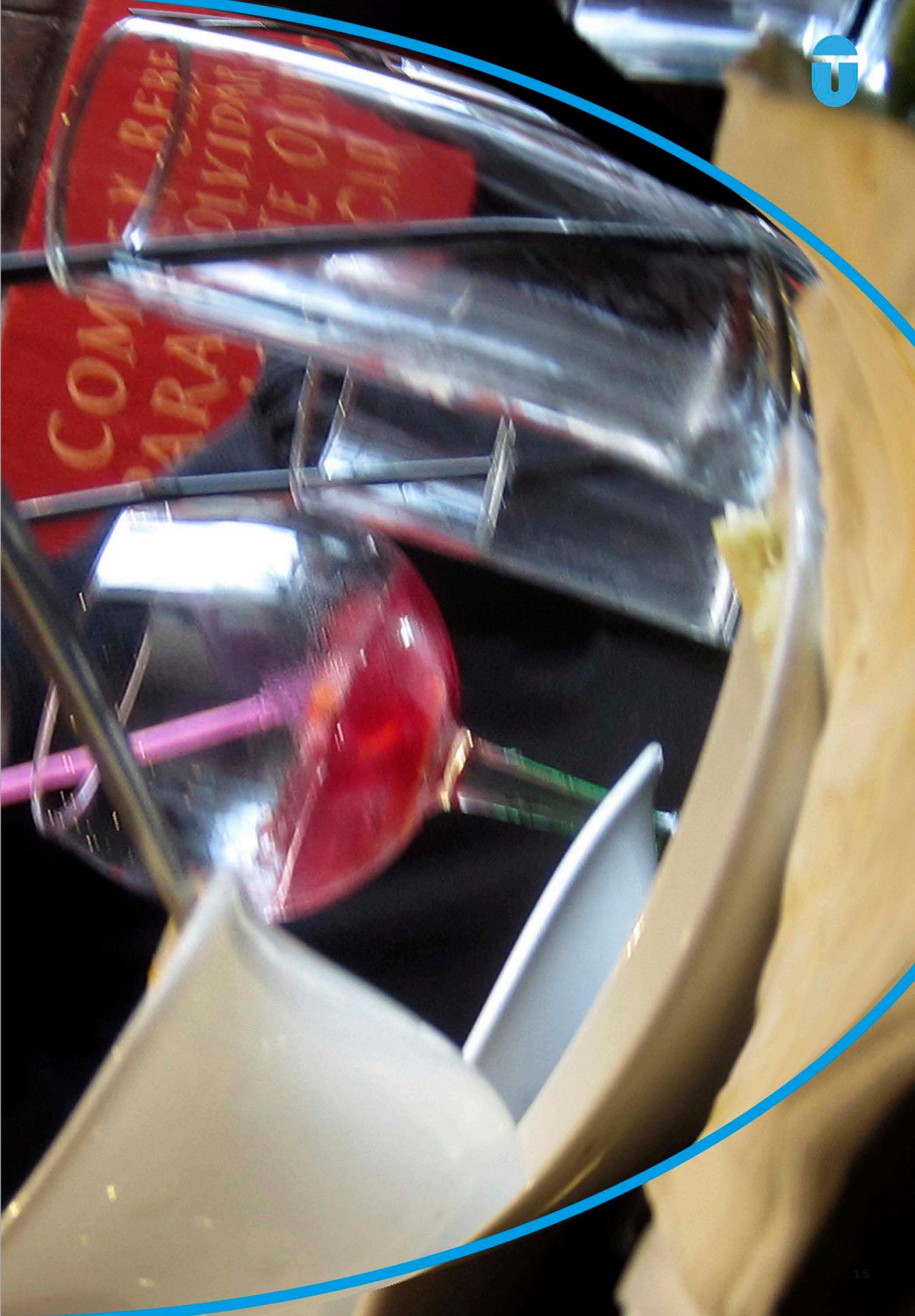
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1. Clive R. Boddy, "The Corporate Psychopaths Theory of the Global Financial Crisis," *Journal of Business Ethics* 102, no. 2 (2011): 255.
 2. Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, trans. Richard Howard (London: Routledge, 2001), 11.
 3. *Ibid.*, 101.



NSA: No Speaking Aloud, Anonymous, 2013.



Without Sin: Freedom and Taboo in Digital Media

INTRODUCTION

“Without Sin: Freedom and Taboo in Digital Media” is both the title of this special edition and the title of a panel that was held at ISEA 2011. The goal of the panel was to explore the disinhibited mind's ability to exercise freedom, act on desires and explore the taboo whilst also surveying the boarder question of the moral economy of human activity and how this translates (or not) within digital media. The original panelists (some of whom have contributed to the this edition) helped to further delineate additional issues surrounding identity, ethics, human socialization and the need to better capture/understand/perceive how we are being affected by our technologies (for good or bad).

In the call for participation, I offered the view that contemporary social technologies are continuously changing our practical reality, a reality where human experience and technical artifacts have become beyond intertwined, but for many interwoven, inseparable – if this were to be true then type of cognizance (legal and personal) do we need to develop? Implied in this call is the need for both a better awareness and jurisdiction of these emergent issues. Whilst this edition is not (and could not be) a unified survey of human activity and digital media; the final edition contains 17 multidisciplinary papers spanning Law, Curation, Pedagogy, Choreography, Art History, Political Science, Creative Practice and Critical Theory – the volume attempts to illustrate the complexity of the situation and if possible the kinship between pertinent disciplines.

Human relationships are rich and they're messy and they're demanding. And we clean them up with technology. Texting, email, posting, all of these things let us present the self, as we want to be. We get to edit, and that means we get to delete, and that means we get to retouch, the face, the voice, the flesh, the body – not too little, not too much, just right. ¹

Sherry Turkle's current hypothesis is that technology has introduced mechanisms that bypass traditional concepts of both community and identity indeed that we are facing (and some of us are struggling with) an array of reconceptualizations. Zygmunt Bauman in his essay “From Pilgrim to Tourist – or a Short History of Identity” suggests that:

One thinks of identity whenever one is not sure if where one belongs; that is, one is not sure how to place oneself among the evident variety if behavioral styles and patterns, and how to make sure that people would accept this placement as right and proper, so that both sides would know how to go on in each other's presence. 'Identity' is the name given to the escape sought from that uncertainty. ²

Our 'post-social' context where increased communication, travel and migration bought about by technological advances has only multiplied Bauman's conditions of uncertainty. Whilst there may be aesthetic tropes within social media, there is no universally accepted

authority within contemporary culture nor is there an easy mutual acceptance of what is 'right and proper' after all we could be engaging in different iterations of “backward presence” or “forward presence” ³ whilst interacting with human and non-human alike (see Simone O'Callaghan's contribution: “Seductive Technologies and Inadvertent Voyeurs” for a further exploration of presence and intimacy).

Editing such a broad set of responses required an editorial approach that both allowed full expansion of each paper's discourse whilst looking for interconnections (and oppositions) in attempt to distil some commonalties. This was achieved by mentally placing citation, speculation and proposition between one another. Spilling the 'meaning' of the individual contributions into proximate conceptual spaces inhabited by other papers and looking for issues that overlapped or resonated allowed me formulate a sense of what might become future pertinent themes, and what now follows below are the notes from this process.

What Social Contract?

Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man.
(Thomas Hobbes in chapter XIII of the *Leviathan*) ⁴

Deborah Swack's “FEELTRACE and the Emotions (after Charles Darwin),” Johnny Golding's “Ana-Materialism & The Pineal Eye: Becoming Mouth-Breast” and Kriss Ravetto's “Anonymous Social As Political” argue that our perception of political authority is somewhere between shaky towards becoming erased altogether. Whilst the original 17th century rational for sublimating to a political authority – i.e. we'd default back to a war like state in the absence of a binding social contract – seems like a overwrought fear, the capacity for repugnant anti-social behavior as a consequence of no longer being in awe of any common power is real and increasingly impactful. ⁵ Problematically the notion of a government that has been created by individuals to protect themselves from one

another sadly seems hopelessly incongruent in today's increasingly skeptical context. Co-joined to the dissipation of perceptible political entities – the power dynamics of being 'good' rather than 'bad' and or 'sinful' appears to be one of most flimsy of our prior social borders. The new reality that allows us to transgress and explore our tastes and predictions from a remote and often depersonalized position feels safer (i.e. with less personal accountability) a scenario that is a further exacerbated space vacated by the historic role of the church as a civic authority. Mikhail Pushkin in his paper “Do we need morality anymore?” explores the online moral value system and how this ties into the deleterious effect of the sensationalism in traditional mass media. He suggests that the absence of restrictive online social structure means the very consciousness of sin and guilt has now changed and potentially so has our capability of experiencing the emotions tied to guilt. ⁶ Sandra Wilson and Lila Gomez in their paper “The Premediation of Identity Management in Art & Design – New Model Cyborgs – Organic & Digital” concur stating that “the line dividing taboos from desires is often blurred, and a taboo can quickly flip into a desire, if the conditions under which that interaction take place change.”

The Free?

The issue of freedom seems to be where much of the debate continues – between what constitutes false liberty and real freedoms. Unique in their own approach Golding's and Pushkin's papers challenge the premise that is implied in this edition's title – that 'Freedom and Taboo' even have a place at all in our contemporary existence as our established codes of morality (and ethics) have been radically reconfigured. This stance made me recall Hobbes's first treaty where he argued that “commodious living” (i.e. morality, politics, society), are purely conventional and that moral terms are not objective states of affairs but are reflections of tastes and preferences – indeed within another of his key concepts (i.e. the “State of Nature”) ‘anything goes’ as nothing is immoral and or unjust. ⁷ It would 'appear' that we are freer from traditional institutional controls whilst at the same time one could argue that the borders of contiguous social forms (i.e.

procedures, networks, our relationship to objects and things) seem to have dissipated alongside our capacity to perceive them. The problematic lack of an established conventional commodious living such as Bauman's idea that something is 'right and proper' is under challenge by the individualized complexity thrown up from our disinhibited minds, which can result in benign or toxic or 'other' behaviors depending on our personality's variables.⁷ Ravetto describes how Anonymous consciously inhabits such an 'other' space:

Anonymous demonstrates how the common cannot take on an ethical or coherent political message. It can only produce a heterogeneity of spontaneous actions, contradictory messages, and embrace its contradictions, its act of vigilante justice as much as its dark, racist, sexist, homophobic and predatory qualities.

Perception

Traditionally good cognition of identity/society/relationships (networks and procedures) was achieved through a mix of social conditioning and astute mindfulness. On the other hand at present the dissipation of contiguous social forms has problematized the whole process creating multiple social situations (new and prior) and rather than a semi-stable situation (to reflect upon) we are faced with a digital deluge of unverifiable information. Perception and memory comes up in David R. Burns's paper "Media, Memory, and Representation in the Digital Age: Rebirth" where he looks at the problematic role of digital mediation in his personal experience of the 9/11. He recalls the discombobulating feeling of being: "part of the digital media being internationally broadcast across the world." Burns seeks to highlight the media's influence over an individual's constructed memories. From a different perspective Charlie Gere reminds us of the prominence (and shortcomings) of our ocular-centric perspective in his discussion of "Alterity, Pornography,

and the Divine" and cites Martin Jay's essay "Scopic Regimes of Modernity"⁸ which in turn explores a variety of significant core concepts of modernity where vision and knowledge meet and influence one another. Gere/Jay's line of references resurrect for the reader Michel Foucault's notion of the "Panopticon" (where surveillance is diffused as a principle of social organization),⁹ Guy DeDord's *The Society of the Spectacle* i.e. "All that once was directly lived has become mere representation"¹⁰ and Richard Rorty's *Philosophy and the Mirror of Nature* (published in 1979).¹¹ The latter gave form to an enduringly relevant question: are we overly reliant on a representational theory of perception? And how does this intersect with the risks associated with solipsistic introjection within non face-to-face online interactions? The ethics of 'looking' and data collection is also a feature of Deborah Burns's paper "Differential Surveillance of Students: Surveillance/Sousveillance Art as Opportunities for Reform" in which Burns asks questions of the higher education system and its complicity in the further erosion of student privacy. Burn's interest in accountability bridges us back to Foucault's idea of panoptic diffusion:

He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection¹²

In panoptic diffusion the knowingness of the subject is key – as we move towards naturalization of surveillance and data capture through mass digitization such power relationships change. This is a concern mirrored by Eric Schmidt Google's Executive Chairman when considering the reach of our digital footprints: "I don't believe society understands what happens when everything is available, knowable and recorded

by everyone all the time."¹³ Smita Kheria's "Copyright and Digital Art practice: The 'Schizophrenic' Position of the Digital Artist" and Alana Kushnir's "When Curating Meets Piracy: Rehashing the History of Unauthorised Exhibition-Making" explore accountability and power relationships in different loci whilst looking at the mitigation of creative appropriation and reuse. It is clear that in this area serious reconfigurations have occurred and that new paradigms of acceptability (often counter to the legal reality) are at play.

Bauman's belief that "One thinks of identity whenever one is not sure if where one belongs"¹⁴ maybe a clue into why social media have become such an integral part of modern society. It is after all an activity that privileges 'looking' and objectifying without the recipient's direct engagement – a new power relationship quite displaced from traditional (identity affirming) social interactions. In this context of social media over dependency it may be timely to reconsider Guy-Ernest Debord's 'thesis 30':

The externality of the spectacle in relation to the active man appears in the fact that his own gestures are no longer his but those of another who represents them to him. This is why the spectator feels at home nowhere, because the spectacle is everywhere.¹⁵

Underneath these issues of perception / presence / identity / is a change or at least a blurring in our political (and personal) agency. Don Ritter's paper "Content Osmosis and the Political Economy of Social Media" functions as a reminder of the historical precedents and continued subterfuges that occur in mediated feelings of empowerment. Whilst Brigit Bachler in her paper "Like Reality" presents to the reader that "besides reality television formats, social networking sites such as Facebook have successfully delivered a new form of watching each other, in a seemingly safe

setting, on a screen at home" and that "the appeal of the real becomes the promise of access to the reality of manipulation."¹⁶ The notion of better access to the 'untruth' of things also appears in Ravetto's paper "Anonymous: Social as Political" where she argues that "secrecy and openness are in fact aporias." What is unclear is that, as society maintains its voyeuristic bent and the spectacle is being conflated into the banality of social media, are we becoming occluded from meaningful developmental human interactions? If so, we are to re-create a sense of agency in a process challenged (or already transformed) by clever implicit back-end data gathering¹⁷ and an unknown/undeclared use our data's mined 'self.' Then, and only then, dissociative anonymity may become one strategy that allows us to be more independent; to be willed enough to see the world from our own distinctive needs whilst devising our own extensions to the long genealogy of moral concepts.

Somewhere / Someplace

Perpetual evolution and sustained emergence is one of the other interconnecting threads found within the edition. Many of the authors recognize a requirement for fluidity as a reaction to the pace of change. Geographer David Harvey uses the term "space-time compression" to refer to "processes that . . . revolutionize the objective qualities of space and time."¹⁸ Indeed there seems to be consensus in the edition that we are 'in' an accelerated existence and a concomitant dissolution of traditional spatial co-ordinates – Swack cites Joanna Zylinska's 'human being' to a perpetual "human becoming"¹⁹ whilst Golding in her paper reminds us that Hobbes also asserted that "[f]or seeing life is but a motion of Limbs"²⁰ and that motion, comes from motion and is inextricably linked to the development and right of the individual. But Golding expands this changing of state further and argues where repetition (and loop) exist so does a different experience:

The usual culprits of time and space (or time as distinct from space and vice versa), along with identity, meaning, Existenz, Being, reconfigure via a relational morphogenesis of velocity, mass, and intensity. This is an immanent surface cohesion, the compelling into a 'this' or a 'here' or a 'now,' a space-time terrain, a collapse and rearticulation of the tick-tick-ticking of distance, movement, speed, born through the repetitive but relative enfolding of otherness, symmetry and diversion.

Golding's is a bewildering proposition requiring a frame of mind traditionally fostered by theoretical physicists but one that may aptly summarize the nature of the quandary. The authors contributing to this edition all exist in their own ways in a post-digital environment, anthropologist Lucy Suchman describes this environment as being "the view from nowhere, detached intimacy, and located accountability."²¹ Wilson and Gomez further offer a possible coping strategy by exploring the usefulness of Jay Bolter and Richard Grusin's "pre-mediation" as a means to externalize a host of fears and reduce negative emotions in the face of uncertainty. The imperative to create some strategies to make sense of some of these pressing issues is something that I explore in my own contribution in which I offer the new term *Precarious Design* – as a category of contemporary practice that is emerging from the design community. Precarious Design encompasses a set of practices that by expressing current and near future scenarios are well positioned to probe deeper and tease out important underlying societal assumptions to attain understanding or control in our context of sustained cultural and technological change.

Embodiment

In theory our deterritorialized and changed relationship with our materiality provides a new context in which a disinhibited mind could better act on desires

and explore the taboo. Ken Hollings's paper "THERE MUST BE SOMETHING WRONG WITH THIS, SALLY... Faults, lapses and imperfections in the sex life of machines" – presents a compelling survey of the early origin of when humans began to objectify and try live through our machines starting with disembodiment of voice as self that arose from the recording of sound via the Edison phonograph in 1876. Golding and Swack mull over the implications of the digital on embodiment and what it means now to be 'human' as we veer away from biological truth and associated moral values towards something else. Sue Hawksley's "Dancing on the Head of a Sin: touch, dance and taboo" reminds us of our sensorial basis in which:

Touch is generally the least shared, or acknowledged, and the most taboo of the senses. Haptic and touch-screen technologies are becoming ubiquitous, but although this makes touch more commonly experienced or shared, it is often reframed through the virtual, while inter-personal touch still tends to remain sexualized, militarized or medicalized (in most Western cultures at least).

Within her paper Hawksley provides an argument (and example) on how the mediation of one taboo – dance – through another – touch – could mitigate the perceived moral dangers and usual frames of social responsibility. Swack raises bioethical questions about the future nature of life for humans and "the embodiment and containment of the self and its symbiotic integration and enhancement with technology and machines." Whilst Wilson and Gomez's go on to discuss *Biopresence* by Shiho Fukuhara and Georg Tremmel – a project that provocatively "creates Human DNA trees by transcoding the essence of a human being within the DNA of a tree in order to create 'Living Memorials' or 'Transgenic Tombstones'"²² – as an example of a manifest situation that still yields a (rare) feeling of transgression into the taboo.

CONCLUSION

In the interstices of this edition there are some questions/observations that remain somewhat unanswered and others that are nascent in their formation. They are listed below as a last comment and as a gateway to further considerations.

Does freedom from traditional hierarchy equate to empowerment when structures and social boundaries are also massively variable and dispersed and are pervasive to the point of incomprehension/invalidation? Or is there some salve to be found in Foucault's line that "'Power is everywhere' and 'comes from everywhere' so in this sense is neither an agency nor a structure,"²³ thus nothing is actually being 'lost' in our current context? And is it possible that power has always resided within the individual and we only need to readjust to this autonomy?

Conventional political power (and their panoptic strategies) seem to be stalling, as efforts to resist and subvert deep-seated and long-held governmental secrecy over military/intelligence activities have gained increased momentum while their once privileged data joins in the leaky soft membrane that is the ethics of sharing digitally stored information.

Through dissociative strategies like online anonymity comes power re-balance, potentially giving the individual better recourse to contest unjust actions/laws but what happens when we have no meaningful social contract to direct our civility? It seems pertinent to explore if we may be in need of a new social contract that reconnects or reconfigures the idea of accountability – indeed it was interesting to see the contrast between Suchman's observed 'lack of accountability' and the Anonymous collective agenda of holding (often political or corporate) hypocrites 'accountable' through punitive measures such as Denial-of-Service attacks.

Regarding de-contextualization of the image / identity – there seems to be something worth bracing oneself against in the free-fall of taxonomies, how we see, how we relate, how we perceive, how we understand that even the surface of things has changed and could still be changing. There is no longer a floating signifier but potentially an abandoned sign in a cloud of dissipating (or endlessly shifting) signification. Where once:

*The judges of normality are present everywhere. We are in the society of the teacher-judge, the doctor-judge, the educator-judge, the 'social-worker'-judge; it is on them that the universal reign of the normative is based; and each individual, wherever he may find himself, subjects to it his body, his gestures, his behaviour, his aptitudes, his achievements.*²⁴

There now is no culturally specific normal in the diffuse digital-physical continuum, which makes the materiality and durability of truth very tenuous indeed; a scenario that judges-teaches-social workers are having some difficulty in addressing and responding to in a timely manner, an activity that the theoretically speculative and methodologically informed research as contained within this edition can hopefully help them with.

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Curating, Piracy and the Internet Effect

by

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INTRODUCTION

The use of a singular colloquial prefix has featured in a considerable amount of today's discourse around contemporary art. 'Re-' is an essential element of such persisting phraseology as 're-cycling,' 're-appropriation,' 're-production,' 're-mix,' 're-programming' and 're-use.' The engagement of such wording is regularly accompanied with the welcoming of an "art of postproduction [that] seems to respond to the proliferating chaos of global culture in the information age,"¹ a "'cut and paste' culture enabled by technology" where "[r]emix is an essential act of... creativity"² and even, an "artistic commonwealth where artists share common artistic forms, images, styles and ideas."³ In order to make sense of this discursive remit, it would be useful to consider the cause and effect of the expansive notion of 'piracy' on creative culture and the ethical considerations with which that notion is bound. In this paper, the word 'piracy' is used in the same vein as that of Lawrence Lessig's interpretation, which is plainly that of "using the creative property of others without their permission."⁴ However, little known to many of those who are generating today's discourse around contemporary art, piracy is an emotive rather than a legal term, which is not gener-

ABSTRACT

This paper examines a selected number of recent and ongoing instances of the practice of unauthorized exhibition-making and other curated formats, which specifically relate to, reference or operate by means of the internet. It will demonstrate that the internet and the advent of post-internet culture has proved to be a particularly fruitful tool for the advancement of such practices. This examination will be contextualized by a survey of historical examples in which the legal and moral rights held by artists have impinged on curators' freedom of expression and inversely, where curators' freedom of expression have impinged on the legal and moral rights held by artists. It will also be prefaced by a review of the notion of appropriation, in order to then develop the argument that where the curator reproduces or uses an artwork for display in an exhibition or other curated project without the prior consent of the artist, and that reproduction or use can be classified as a form of piracy, then that action is justifiable if it features a dimension of criticality.

ally defined in national copyright legislation. Guidance can however be sought from an international legal instrument, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). At Section 4, Article 51, Note 14(b), it defines 'pirated goods' (in relation to copyright) as meaning goods that are copies made without the consent of the right holder, and that are made from an article where the making of that copy would have constituted an infringement of a copyright under the law of the country of importation.⁵ This use of the word 'goods' in relation to 'piracy' is entirely compatible with issues that are regularly resolved in both national and international legal contexts, where the word 'piracy' is generally referred to as the unauthorized reproduction and distribution of copyrighted works on a commercial scale or with a commercial purpose. Putting this reference to commercial scale or with a commercial purpose to one side, Lessig's emotively oriented interpretation and the definition provided by TRIPs presents an opportunity to pose a specific set of questions related to the

role and rights of the curator. Namely, is the curator's reproduction or use of an artwork in an exhibition or other curated project without the artist's authorization, a form of piracy? If so, then when (if ever) is this form of piracy justifiable?

This paper examines a number of recent and ongoing instances of unauthorized exhibition-making and other formats, which specifically relate to, reference or operate by means of the internet. It will demonstrate that the internet has proved to be a particularly fruitful tool for the advancement of such practices. This examination will be grounded by a survey of historical examples in which the legal and moral rights held by artists have impinged on curators' freedom of expression and inversely, where curators' freedom of expression has impinged on the legal and moral rights held by artists. It will also be prefaced by a review of the notion of appropriation, in order to then develop the argument that where the curator reproduces or uses an artwork for display in an exhibition or other curated

project without the prior consent of the artist, and that reproduction or use can be classified as a form of piracy, then that action is justifiable if it features a dimension of criticality.

The examination of the rights of artists, artist-curators and curators with respect to an artwork, namely of authorship, ownership and the right to attribute and control its meaning, will be conducted on the premise that no conceptual understanding of these rights is historically invariant. As Michel Foucault once asserted, “the author-function does not affect all discourses in a universal and constant way.”⁵ With this instability in mind, can the re-use of artworks by curators that relate to, reference or operate by means of the internet mark a turning point in the history of exhibition-making and other curated formats, where the curator’s freedom of expression is equally as relevant as that of the artist?

FROM PIRACY TO APPROPRIATION

Today’s discourse around contemporary art has not concerned itself with the similarities and differences between the notions of piracy and ‘appropriation’ thus far. This may be the case as, akin to the notion of piracy, the conditions in which it is appropriate to employ the word ‘appropriation’ are presently inconclusive. As Bruce Hainley has noted, “[w]hen [Elaine] Sturtevant asked [Sherrie] Levine about the word [appropriation], there was no consensus over for whom, where or when ‘appropriationist’ was let loose.”⁷ Re-using the work of other artists by copying has generally been considered, as Johnson Okpaluba has explained, “an artistic technique not peculiar at all to the twentieth century, as it has always been used as an aid to teach drawing.”⁸ However, when the action of copying is not referred to as a technique, but as a definitive aspect of an artistic practice, the origins

of this kind of practice of appropriation can be traced back to modernist avant-garde strategies.

Useful definitions of appropriation by artists have been put forward by, for example, Martha Buskirk: “a method that uses recontextualization as a critical strategy,”⁹ and E. Kenly Ames:

*the taking [of] images out of their everyday contexts and presenting them in new forms, media, combinations or contexts, [thereby allowing] visual artists [to] call into question the processes through which individuals ‘see’ and through which society assigns meaning to images.*¹⁰

From such definitions it can be surmised that the creative value of appropriation in art – at least in part – lies in its ability to expose the power structures at play in the presentation and dissemination of images, including artworks. Evidently, a critical dimension to this exposé is essential. And interestingly, it is the strategic re-use of artworks (as opposed to the over-arching category of images) that has tended to infringe on the copyrights and moral rights of other artists.¹¹ Where those rights have been defended, such actions have agitated the laws of copyright and challenged their rationale.

The definitions of appropriation put forward by Buskirk and Ames (amongst others), are particularly relevant when responding to the questions relating to the role and rights of the curator which were introduced previously in this paper. Given that the operation of contemporary art is also supported by power structures, it is entirely fitting then for the act of re-using an artwork, an act of piracy by the curator or the artist-curator – and not solely the artist – to be characterized as an act of appropriation. It is precisely due to these kinds of similarities and differences between the notions of appropriation and piracy that a

door can and should be opened for acts of piracy by curators to be considered justifiable.

A BRIEF HISTORY OF CURATING PIRACY

From a historical perspective, a number of documented contentious instances in which curators have displayed artworks without the permission of the artist were largely preoccupied with the potential effect of misrepresenting the artist. One of the earliest court cases highlighting the presence of these concerns was brought by artist Giorgio de Chirico against the organization of the Venice Biennale, in relation to a retrospective exhibition it hosted at the Italian Pavilion in 1948 entitled *Three Italian Metaphysical Painters*, curated by Francesco Arcangeli. De Chirico filed an action alleging that it misrepresented him by including a fake and thereby had violated his right “to oppose any distortion, mutilation or any other modification capable of prejudicing his honor or reputation.”¹² The Court of Appeals of Venice took a narrow and literal approach to the Italian copyright statute and found that as De Chirico did not own his artworks which were in the exhibition (as the works had been borrowed from public and private collections without the artist’s involvement), it did not provide a right to De Chirico to control the exhibition of the artworks.¹³ Putting aside the fact that there was a lack of any ‘deliberate’ inclusion of a fake work by the curator, the case represents what has been considered to be the general approach of Italian courts to restrict the ability of an artist from controlling the display of their works on the basis of their moral right of integrity.¹⁴

Several decades later a controversy arose that similarly lacked any evidence of ‘deliberate’ unauthorized use, but that concerned the rights of artists to control the display of their works within certain contexts. In 1969 the Museum of Modern Art (MoMA), New York

held the exhibition *The Machine as Seen at the End of the Mechanical Age*, curated by the then-director of Stockholm’s Moderna Museet, Pontus Hulten.¹⁵ One month into the exhibition, the Greek sculptor Vasilakis Takis (with the help of a small group of fellow artists) cut the wires and unplugged his kinetic piece *Tele-sculpture* (1960) from the exhibition and physically carried it into the museum’s sculpture garden. He remained there with it until receiving confirmation that his work would be withdrawn from the exhibition.¹⁶ He staged the event due to the decision by Hulten to include the work, which had been purchased by MoMA in 1963, instead of a more recent work that was not in their permanent collection but that had been initially agreed upon for inclusion with Takis.¹⁷ This message, together with the form of protest within the grounds of the museum, suggests that Takis and his counterparts were willing to recognize the museum as both a public institution and cultural agent, whose own rights were expected to be representative of the rights of every individual, including those of the artist. On this basis, the display of Takis’ work without his permission in the setting of an institution was perceived to be unjustified.

One of the quintessential historical examples which, by no coincidence, coincided with the initial rise of the figure of the independent exhibition-maker, is confirmed in a letter that artist Robert Morris wrote to Harald Szeemann in 1972. In this letter Morris requested that his work be withdrawn from the impending ‘documenta 5’ on the basis that he did not “wish to have my work used to illustrate misguided sociological principles or outmoded art historical categories. I do not wish to participate in international exhibitions which do not consult with me as to what work be shown.”¹⁸ Morris’ dissent not only concerned the lack of opportunity for his input on the selection of an appropriate work, but, perhaps more importantly, the re-use of the work of art as an ‘illustration’ of

something other than its autonomous self – an all-encompassing ‘meaning’ according to Claire Bishop, “[w]hat Morris wants from a curator is someone who respects the artist’s wishes, communicates clearly, and is available for negotiation.”¹⁹ She thereby infers that curating and art-making “function within different discursive spheres: curatorial selection is always an ethical negotiation of pre-existing authorships, rather than the artistic creation of meaning *sui generis*.”²⁰ But Bishop’s conclusion contains a flawed assumption, for appropriation in art stands for the notion that nobody – artists included – can generate meaning in a vacuum. Notwithstanding this, the above-mentioned historical examples reveal a tendency to presume otherwise.

A more recent court case in Germany has reinforced these earlier historical instances of the primacy of the rights of the artist. In December 2011, the Higher Regional Court of Düsseldorf held that the Museum Schloss Moyland was not permitted to exhibit photographs in its own collection, taken by Manfred Tischer of Joseph Beuys’s performance *The Silence of Marcel Duchamp Is Overrated* (1964), which was staged and broadcast live on a German television show.²¹ While Beuys had granted Tischer permission to take photographs, the Court found that they were not a free adaptation of Beuys’s performance (which the Court found was a work of art and thereby was entitled to copyright protection), but rather, were an “incorrect deformation of the original performance”²² and that the museum had violated Beuys’s copyright by exhibiting them. Regrettably, the court did not expand upon its intended meaning in using the phrase “incorrect deformation.” On the basis of this conclusion of copyright violation, they found that the Museum Schloss Moyland should have sought the Beuys estate’s prior approval before it exhibited the photographs in the 2009 exhibition, *Joseph Beuys, Unpublished Works by Manfred Tischer*. It should be noted however, that it is unlikely that Beuys’s case would have much of a prac-

tical impact outside of Germany, as copyright statutes in common law countries such as the United Kingdom and the United States are far less accommodating of performances (as opposed to recordings of performances) by artists, which are unlikely to pass all of the hurdles required in order to constitute copyrightable works.²³ Nonetheless, the Beuys case does reinforce the authorial position of the artist in presenting and disseminating their work, in contrast to the rights of the curator and/or the institution, even beyond the artist’s death.

THE INTERNET EFFECT

The lack of documented examples of ‘deliberate’ unauthorized use by curators in the past can be contrasted to the strategies of a number of curators and artist-curators working today. The internet has proved to be a particularly fruitful platform for advancing the acceptability within the industry of contemporary art of the unauthorized use of artworks by curators. A means by which this has been achieved is through the establishment and development of online archives for artworks. In many respects, the administrators of these websites enact the traditional role of the curator who, in Boris Buden’s words, is responsible for “safeguarding heritage, enriching collections, research, and display.”²⁴ One of the longest-running examples of this kind is UbuWeb. The site began in 1996 as an authored repository for visual and concrete poetry and has since expanded to host thousands of avant-garde films, videos and sound recordings, performance documentation, papers about audio, performance, conceptual art, and poetry, as well as full-length PDFs of literature and poetry, and contemporary and historical conceptual writing. Kenneth Goldsmith, the founder and publisher of the site, is more than willing to admit that it is:

*put together pretty much without permission, [and that] Ubu has succeeded by breaking all the rules, by going about things the wrong way. UbuWeb can be construed as the Robin Hood of the avant-garde, but instead of taking from one and giving to the other, we feel that in the end, we’re giving to all.*²⁵

UbuWeb maintains a vociferous agenda to unsettle the art historical canon. As Goldsmith explained, “Ubu proposes a different sort of revisionist art history, one based on the peripheries of artistic production rather than on the perceived, or market-based, center.”²⁶ The site has been faced with numerous threats since its inception, including a site hacking and a regular onslaught of letters demanding the removal of works.²⁷ Notwithstanding these points of contention, UbuWeb takes a more resourceful approach in complementing its mission “for a different sort of revisionist art history” by featuring guest-curated sections of works. For the section ‘UbuWeb: Ethnopoetics,’ guest curator Jerome Rothenberg compiled a range of soundings, visuals, poems and discourses that focus on orality and performance, and are generally considered to be radical within the realm of contemporary literature, but are accepted in other specific cultural traditions. Within this project Rothenberg addressed the writing and inscription aspects of language by including images of – amongst others – Jewish visual poetry, Mayan hieroglyphs and paleolithic palimpsests. The in-depth historical research that was undertaken by Rothenberg in compiling these works was integral to the success of this project. It exemplifies the ability of UbuWeb to engage in acts of appropriation as a means to rediscover and reappraise forgotten knowledge.

UbuWeb also hosts an ongoing project entitled */ubu Editions*, which are selections of contemporary poetry that have been compiled by guest editors. In the first edition released in 2007, editor Brian Kim Stefans

decided to feature “important works from the past decades that are too commercially unviable to do as print works”²⁸ by small press publishers, on the basis of his observation “that people are willing to read long, complex works of literature from the Internet provided they can print them out.”²⁹ Integral to this project was Stefans’ decision to format the featured works with professional typesetting tools and to release them as PDF files, to allow readers to print and keep their own hard copies. This do-it-yourself method enabled the reader to infringe copyrighted works through the act of publishing the work. In engaging with this process, the works were effectively recycled once again – offline to online and then back to offline. These shifts back and forth provide an interesting link to theories of ‘the curatorial,’ which propose that an exhibition or other curated format is situated within a contextual framework in order to generate discussion and debate.³⁰ To that end, UbuWeb not only acts as a forum for the display of art, but also as a means by which to circulate ideas around art.

Another example of this online archival approach is the website o-Day Art, which was initiated in 2011 by net artists and self-proclaimed hacker aficionados, Jeremiah Johnson and Don Miller. The motto often used by the duo is “we put net art back on the net,”³¹ as they release torrent files enabling works from online exhibitions which are no longer accessible by the public to be downloaded for free. One of their primary aims is to crack the codes of, and rip, online net art exhibitions as close as possible to their original release date (and even before), where those exhibitions have been placed online for a limited period of time, are available for viewing by a limited pool of viewers and/or require the viewer to pay to access the exhibition. They are driven by a resistance to the monetization of net art, as Johnson has explained:

in treating digital works as you would a physical work, you are .. neutering the power of those works. Part of the big power of net art is that it can proliferate and it can be seen by so many people in so many places and it can be modified and it can be remixed and it can keep evolving as it makes its way through these networks. ³²

o-Day Art has even ripped an entire series of exhibitions from the website Art Micro Patronage (AMP). AMP exists as a platform for monthly curated exhibitions of net art and encourages its visitors to support the further production of such art by giving small donations to works in the exhibitions on the AMP website that they like. While Miller and Johnson have not shown any consideration for the reasoning behind the AMP programming structure, they have explained that they do not wish to misplace the original intent of net artists or curators of online exhibitions. They try:

to rip them in a way which [is] faithful to the artist's vision. ..It is easy to see this as something that might be disrespectful to the artist whose work we are distributing but we really have a lot of respect for the work and we want to make sure we are preserving it and presenting it in a way that is accurate to what they were trying to accomplish with it. ³³

While some works of net art or online exhibitions may involve some kind of limitations of access as a part of what the artist or curator is trying to accomplish, Miller and Johnson insist that the creator “must possess the technical skill to back it up.” ³⁴ By way of example, they site a work entitled *The \$20 File* by Kim Asendorf and Ole Fach which they were unable to duplicate for their torrent, that was originally featured as part of the C.R.E.A.M. exhibition curated by Lindsay Howard on the AMP website in April 2012. ³⁵

As o-Day Art's ripping of exhibitions is based predominantly on their (in)accessibility, their selection of each individual exhibition for this purpose suffers from a lack of critical thought relating to each exhibition itself. Accordingly, while their actions may easily qualify as acts of piracy, they do not qualify as acts of appropriation and are therefore difficult to justify. However, this is a complication which o-Day Art may well overcome in the future. As Johnson has said:

you can call it fandom but ..[h]aving an aspect of critique and having an aspect of [the] curatorial eye with the project is something that is probably possible. Through curating you can continue a dialogue that is on the same trajectory as what you are doing with the reactions you have with other people's shows. ³⁶

This desire to transition from pure online archive to the taking of a curatorial approach akin to that of Ubu-Web's guest-curated sections, is a sign of how unauthorized exhibition-making and other curating formats can and will evolve together with the internet.

Unauthorized exhibition-making has already evolved together with the internet in the form of 'post-internet' artistic and curating practices. These practices have “an understanding of what the Internet is doing to their work – how it distributes the work, how it devalues the work, [and] revalues it.” ³⁷ As Artie Vierkant has aptly described:

[p]ost-internet is defined as a result of the contemporary moment: inherently informed by ubiquitous authorship, the development of attention as currency, the collapse of physical space in networked culture, and the infinite reproducibility and mutability of digital materials. ³⁸

The output of LuckyPDF, an artists' group based in London that has been active since 2009, is a useful example of how unauthorized exhibition-making has been influenced by the post-internet condition. LuckyPDF, who are James Early, John Hill, Ollie Hogan and Yuri Pattison, work with an ever-changing network of artists to produce online television programmes, internet interventions, live events, installations and even a fashion label. At its essence, LuckyPDF is not just an artists' group but a branded platform, a kind of intangible exhibition space which exists to showcase its own and other artists' artworks. As for the post-internet undertone of their practice, this is explained by Early as follows: “[o]ur work doesn't exclusively exist on the internet. It has a live counterpart, it has objects that aren't part of our distribution model...but we utilize the internet as a tool.” ³⁹ More specifically, LuckyPDF utilize mainstream internet culture – and particularly the interactive social networks offered through websites such as Twitter, Tumblr and Facebook – to produce their output.

LuckyPDF typically describe their method of working with other artists as collaborative. They have said that, “We'll take the work of our friends and peers and incorporate them into our work, ... We hope that our work and collaborations are then used by our friends and other artists for their own purposes.” ⁴⁰ Their approach to collaboration has shifted – particularly in the last year – from producing new works together with other artists (as was the case with the online television series which was commissioned for the Frieze Art Fair in 2011) to more piratical moves involving the unsanctioned use of already-existing works by their peers to incorporate into new works under the LuckyPDF name. For example, in *LuckyPDF and Fred: Artist Brand Collaboration*, originally conceived for Les Urbaines festival but ultimately realized at GroupHab.it Berlin, the group approached Lausanne and Berlin-based cigarette start-up Fred to create a

series of artist-designed packaging. They then invited artists within their social and professional networks, Andreas Angelidakis, Guest, Hannah Perry, Joe Hamilton, Juliette Bennevoit, Aude Pariset, Simon Denny and Yngve Holen to design the packaging. As an attempt to subvert the typical artist-advertiser relationship – where the artist agrees to the advertiser using their design on a broad range of marketing material for a particular product – LuckyPDF digitally rendered the artist-designed packaging and incorporated it into their own multi-layered work, *LuckyPDF and Fred: Artist Brand Collaboration*. They featured the packaging in video works which took the form of advertisements for the cigarettes, as well as produced sculptures, posters and print works in the form of point of sale displays for the cigarettes. While accreditation to the other artists which LuckyPDF invited to collaborate with Fred was provided in the press release and events related to their project, the group did not seek permission to use their designs for their own artworks. LuckyPDF took this approach because, as they explained:

[h]ow this work was distributed followed the trajectory of how branding agencies use artist collaborations as a means for promotion with the artist losing control of the work within this system, however the brand's role and the role of the product was minimized to that purely of a canvas for the artists' work. ⁴¹

Accordingly, “[t]he resulting works realized by us were both exhibition formats and a means of distribution of the contained works... a blurring of collaboration, curation and authorship.” ⁴² Yet ironically, in taking the approach of imitating what they have perceived to be the general approach of advertising agencies, as a means to highlight the problematics of such relationships of art and commerce, the group effectively inherited these problematics, and took advantage of



Figure 1. *LuckyPDF and Fred: Artist Brand Collaboration*, HD digital video, 02'02," groupfab.it, Berlin, 2012. Featuring designs by Andreas Angelidakis, Guest, Hannah Perry, Joe Hamilton, Juliette Bonneviot & Aude Pariset, Simon Denny, Yngve Hølen for LuckyPDF & Fred). Video courtesy LuckyPDF. © LuckyPDF, 2012. Used with permission. <http://vimeo.com/54013035>.

them to expand on their own brand and their own influence on the development of post-internet culture.

Like the ongoing actions of o-Day Art and UbuWeb, in the case of *LuckyPDF and Fred: Artist Brand Collaboration* LuckyPDF have enacted Lessig's "'cut and paste' culture enabled by technology."⁴³ This is a strategy of replication which is similar to that used by certain artist-curators like Ben Vickers and Jennifer Chan, who are also influencing the development of post-internet culture, but conversely, and amongst other approaches, have done so by curating group exhibitions in physical spaces. The premise of Ben Vickers' exhibition *NO PERMISSION / ABSOLUTE HEARTBREAK* – held at New Gallery, London for a single evening on the 23rd of September, 2010 – was "an emulation of the rapid production that takes place online."⁴⁴ The significance to the exhibition of the 'cut and paste' culture of the internet was made apparent through the press release which noted:

[t]he transmission of image, the sharing of work, and the constant reference to form through the portal of [G]oogle image search, renders our attempt to claim an autonomous practice futile. Our relationship with the net has become ubiquitous

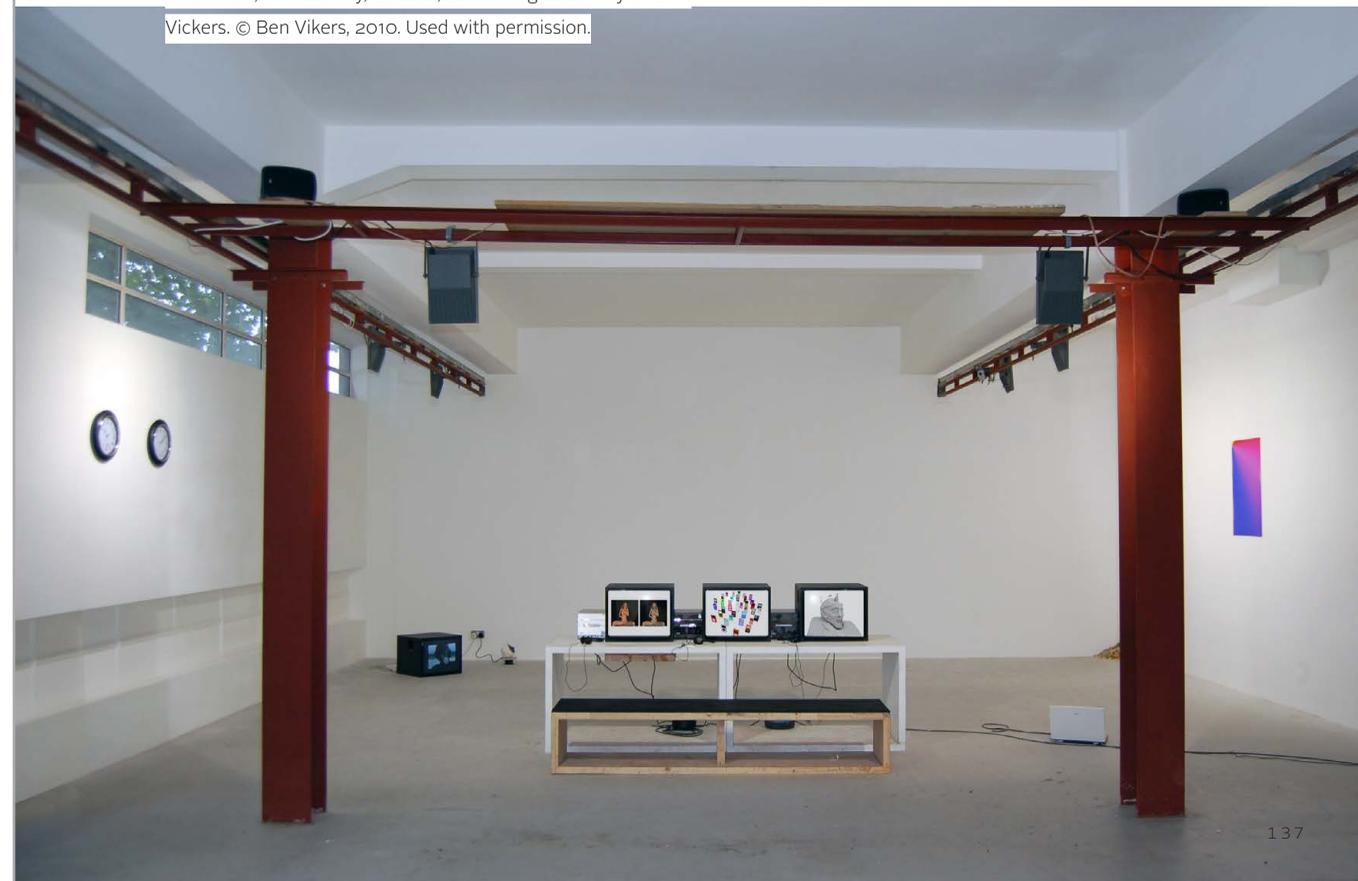
*and as a result the subsequent production of work cannot exist or begin to sustain itself without its points of reference.*⁴⁵

To that end, Vickers selected "works culled from the online archive of art history and contemporary production,"⁴⁶ but did not ask the authors of those works for permission to include them in his exhibition. Rather, their works were "downloaded, reproduced and restaged, curated to transmit a feeling, to summon an atmosphere, one of HEARTBREAK."⁴⁷ Importantly, many of the works selected by Vickers had received a significant amount of public attention and critique, particularly in relation to questions of authorship and the traditional sovereignty of the artwork as a result of other exhibitions. For example, the re-staging of Marina Abramovic and Ulay's performance *Rest Energy* had been re-performed earlier that year by actors selected by Abramovic herself for her retrospective at MoMA while Felix Gonzales Torres' *Untitled (portrait of Ross in LA)* was included in the seminal 2010 – 2011 touring exhibition, *Felix Gonzales-Torres. Specific Objects Without Specific Form*, for which the local curator at each of its three geographic locations could re-select what works were displayed and how they were to be displayed in relation to one another. Also, Oliver

Laric's *Versions* (2009), (2010) and *Versions (Guthrie Lonergan as the Internet)* – works which are visual manifestos of the 'cut and paste' culture of the internet – were also exhibited several times in London in 2010. They were included at a solo exhibition at Seventeen Gallery and were the premise for a solo presentation commissioned for the Frieze Art Fair. Since *NO PERMISSION / ABSOLUTE HEARTBREAK* Vickers has written that while, "on the surface I was perverting and instrumentalising the work of others, without permission," at the same time he "honestly love[d] these works, in the short time the show was up I wanted to rupture our detachment, investing my own heartbreak as a surrogate material that others could relate to, in order to reactive the work."⁴⁸ Accordingly, each work

was selected by Vickers because of its presence in, and relevance to, conversations occurring at the time, which concerned the development of post-internet culture and its impact on established notions of authorship and the traditional sovereignty of the artwork. By grouping these works together, Vickers was able to make visible their individual roles in spurring these conversations. Most importantly, it was through the use of these works without permission that Vickers was able to accelerate the significance and directions of these conversations. Accordingly, Vickers' actions in relation to this exhibition qualify as more than pure piracy. He created a productive critique, which is compatible with an act appropriation.

Figure 2. *NO PERMISSION / ABSOLUTE HEARTBREAK*, installation view, New Gallery, London, 2010. Image courtesy of Ben Vickers. © Ben Vickers, 2010. Used with permission.



Vickers' inclusion of works without permission in *NO PERMISSION / ABSOLUTE HEARTBREAK* has not been considered taboo by his peers either. For example, in the following year Jennifer Chan curated an exhibition titled *SELF-LOVE* – held at Copenhagen Place, London on the 19th of July 2011 that was directly inspired by Vickers' actions. She explained in the press release that “[*SELF-LOVE*] extends attempts at non-consensual exhibition of iconic artwork in *No Permission: Absolute Heartbreak...*”⁴⁹ Interestingly, Chan did not attend Vickers' exhibition in person but viewed it later online via the New Gallery website.⁵⁰ Similarly to Vickers, Chan also used the press release to explain that the exhibition was “a selfish endeavour to exhibit emerging web-based art without ever contacting selected artists.”⁵¹ On her reasons for this endeavor, Chan later explained that “[i]t's both homage and [a]t that point I wanted to provoke the community a bit as the culture of artistic peer support and back-patting seems to express itself through non-verbal gestures like re-blogging on Tumblr, 'Like'-ing and tag-

ging on Facebook. (It still is this way).”⁵² In addition to characterizing the exhibition as a physical act of re-blogging, Chan represented “the social dimension of the internet as a public domain.”⁵³ She re-made web-based artworks based on documentation she had seen of them online “as a way of challenging authorship after work has been released into the public domain and dispersed through image aggregators like [T]umblr.”⁵⁴ Each work was selected because of its interest in how emotion is actualized and experienced on or via the internet. They included *Cxy.biz* by Kaja Cxy Andersen, a website rendition of the Facebook interface which functions as a way of expressing the



Figure 3. *SELF-LOVE*, installation view at Copenhagen Place, London, July 2011. Image courtesy Jennifer Chan. © Jennifer Chan, 2011. Used with permission.

artist's internal emotions and Kristin Smallwood's *Maximum Exposure*, a website and video which simulates the characteristics of experience with the computer interface through fictional narratives.

What is particularly significant about Chan's approach was her decision to use a physical exhibition space to realize her endeavors. She “selected works that people made for the sake of making them for an unknown and anonymous audience on the internet. ... along with exhibitionism, there was an element of self-care enacted through that kind of making and ‘posting’...”⁵⁵ However, rather than emulating the faceless audience of the internet, Chan created, as she later explained “a spatial installation of the work [which] also brings the web-based work to a regional audience, and at that point not many people in London were interested in that type of work yet.”⁵⁶ Chan thus actively altered the audience of the selected work from the unknown to the known, and from the virtual to actual.

Of course, enactments and even performances of the ‘cut and paste’ culture of the internet are not only found within the practices of artists, artist-curators and curators. The past couple of years have seen an onslaught of what are now commonly known as ‘social curation’ sites, which host content copied and collated by users.⁵⁷ For example, on websites such as Pinterest and Tumblr, subscribers share images that they collect from elsewhere online. Users then ‘follow’ other users pages they find interesting and even ‘re-pin’ or ‘re-use’ the images to their own ‘boards’ or ‘pages.’ Currently, only a somewhat ambiguous line can be drawn between the unauthorized use of artworks by the artist-curators like Ben Vickers, Jennifer Chan and LuckyPDF, and those of the broader public who do so through the use of social curation sites. This ambiguous line can be linked back to Nicolas Bourriaud's observation in 2002, that “web surfers, and postproduction artists imply a similar configuration of

knowledge.”⁵⁸ *Let's Go Outside*, an exhibition which Ben Vicker's co-curated with Iain Ball and Emily Jones – held at LIMAZULU project space, London from 9th – 16th of December 2010 – specifically addressed this ambiguous line and suggested that, as a result of widespread activities of social curation, that line was in the process of being dissolved. Their accompanying essay explained that the exhibition was:

*a direct response to the homogenisation of current internet art that has come about as a result of Tumblr – the blending of aesthetic and authorship – to the degree that anything beyond surface interpretation becomes problematic and thus due to the nature of image exchange, this can be extended to all forms of artistic practice .. Is there any unifying motive between producers, in the same way that artists attempt a contribution to culture or the deconstruction of accepted notions of such. .. What do we stand to gain from identifying these dividing lines, when inevitably in the not so distant future they will be broken down? The very existence of this show contributing towards the destruction of such divisions.*⁵⁹

The curators presented these questions to their audience by re-creating and displaying works by non-artists without their permission, persons who they described as alternative or ‘outside’ producers to artists creating net-art or post-internet art including Flickr photo streams of users such as Ji-Ho Park and Stephen Cooper, and YouTube videos created by a user called Wendy Vainity. The intended audience for this exhibition was literally represented, with the placement of a life-size cardboard cut-out of Vincent Uribe, whose image had at that time become a popular internet meme and was used in the exhibition to represent what Vickers' later described as the:



Figure 4. *Let's Go Outside*, 2010, installation view from Limazulu, London. Image courtesy of Ben Vickers. © Ben Vickers, 2010. Used with permission.

CONCLUSIONS

In examining recent and ongoing instances of unauthorized exhibition-making and other curated formats, which specifically relate to, reference or operate by means of the internet, a shift in the degree of priority granted to the rights of an artist to control the display and dissemination of their artworks is apparent. Curator-led acts of piracy have only become visible and justifiable in the last decade. Importantly, they have become public information not through the traditional route of the court case, but rather, through the deliberate online and offline strategies of communication employed by the curators themselves. The guest curators of UbuWeb exemplify wider trends in curatorial-types of activities in the online world, but with ambitions that are distinctly directed towards expanding knowledge and discourse around art and exhibition-making. In contrast to the activities of o-Day Art, this initiative of Ubu-Web has driven agendas of reclaiming the art historical canon, rather than dismantling it. Their curators' attempts to rehash and reframe the past in ways that educate and expand the minds of their audiences, demonstrate the value of granting curators the rights to present and disseminate artworks without the prior permission of the artist. Other curatorial projects, like those of LuckyPDF and the physical exhibitions curated by Ben Vickers and Jennifer Chan, are actively mediated and framed within overarching constructions of post-internet culture. Their actions are distinguishable from the broader domain of social curation, where acts of piracy are often the result of somewhat random and unfounded aesthetic taste. For these reasons, such acts of piracy should fall within the unsettled boundaries of appropriation. On this basis, it would be more than reasonable to suggest that the "artistic commonwealth where artists share common artistic forms, images, styles and ideas"⁶² should be open to curators as well. With its affinity for the 're-' prefix, the discourse around contemporary art can and should re-invigorate the role and rights of the curator by embracing the internet effect. ■

*We or Us [of].. the art-world-small-world for which this show was produced, characterized by a dual audience; firstly a minority acting together online to build a new aesthetic (maybe movement) collectively – and [secondly] those that were still (recently graduated) resisting or denying the implications of these new practices and forms on their own practice.*⁶⁰

Bell, Jones and Vickers speculated in the same press release that:

[t]o place what we ourselves produce and identify as culturally/politically relevant as existing in some way above what it is we see in these communities that appear alternative to our own, would be naive and perhaps short sighted. Is it perhaps possible

*that we are now beginning to truly experience [what Boris Groys has described as] the 'horizontal field of all possible pictorial forms?'*⁶¹

However, what they failed to acknowledge in the exhibition – with its re-use of the works without permission from their creators, together with its attempted visualisation (and arguably therefore, characterisation) of the audience of net art and particularly, post-internet art – is that social curation does not insist on the crafting of agendas, challenges and questions through the selection of images (which may or may not be artworks). The grouping of images together or the highlighting of a specific image on the basis of their aesthetic qualities is, in its purest form, a means by which to encourage like-minded people to connect. Engaging with these social platforms does not

necessarily equate with an awareness of post-internet culture, an awareness which is integral to being able to justify the unauthorized re-use of works by curators from, or by means of, the internet, and within the context of today's discourse around contemporary art. Accordingly, the intention and impact of these online developments is still a useful point of contrast when evaluating whether and when acts of piracy by curators can be likened to actions of appropriation.

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