

Speaking Clown to Power: Can We Resist the Historic Compromise of Neoliberal Art?

GREGORY SHOLETTE

Clowns always speak of the same thing, they speak of hunger; hunger for food, hunger for sex, but also hunger for dignity, hunger for identity, hunger for power. In fact, they introduce questions about who commands, who protests.¹

The transformation of the postwar welfare or “Keynesian” state economy into its current, neoliberal form has dramatically altered the relationship between labour, capital, and the state. As noted in the introduction to this book, globalization, privatization, flexible work schedules, financial schemes, and hyper-deregulated markets have plunged many individuals into a world of precarious labour, in which one’s very sense of “being” is in a constant, yet indeterminate state of risk. In one stroke, the 2008 global financial meltdown illuminated the details of risk society—painfully for many (profitably for a small group of others). Not surprisingly, some look to culture for a modicum of critical insight if not an entirely different vision of life and labour. The work of artists, it is alleged, provides self-knowledge and sometimes utopian alternatives precisely because cultural creativity is said to be a unique form of sensuous, nonproductive, self-directed, and therefore “autonomous,” labour. Art appears to exist separately from the “cultural pollution” of everyday commerce. But given that art is also a form of labour, is it not also affected by the recent changes in working conditions described above? In an age of unmediated market penetration that philosopher Giorgio Agamben describes as “Bare Life,” is it still possible to believe that art and artistic labour represent a special form of production, set apart from the demands of capital?²

And yet, on the other hand, if artists are caught up in the new forces of entrepreneurship and instability, what becomes of the link between aesthetics and political activism that was a significant feature of nineteenth- and twentieth-century culture? Has it been jeopardized, or simply aban-

done altogether? And if the mainstream art world has indeed forsaken its role as society's insubordinate critic, then from what overlooked corner or bedraggled intellectual and artistic shantytown will the challenge to neoliberal hegemony emerge, assuming cultural resistance is even still a possibility today? Or perhaps that challenge already exists and in such a way that we are reminded of Socrates' ancient warning about the subversive power of the imitative arts as outlined in Plato's Republic?

If a politics (and perhaps also aesthetics) of production exists that is distinct from a politics of representation, where would it be located? The second half of this chapter seeks to answer that question by looking at the recent wave of self-institutionalized and typically interventionist artists' collectives—some made up of trained artists and others mixing political activists with cultural professionals—who appear to recognize their own redundancy and excess productivity by critically, even playfully, projecting an image of power well beyond their actual size and stature. We might think of these informal groups who mimic authority using hyperbolic representation as one part of a previously invisible cultural mass, or what I have elsewhere described as kind of artistic “dark matter”: the far larger surplus of socially generated cultural productivity—including the “normal” excess of professional artists as well as many informal, amateurs—that invisibly stabilizes the symbolic and economic citadel of the “serious” art world. Thanks in part to the very forces of neoliberalization under discussion in this book—globalization, precarious labour, digital and cellular technologies, social networking—and no doubt accelerated by the global, financial contraction that began a few years ago, this shadowy absence/presence has suddenly been forced into view, in turn affecting not only traditional notions of labour and management but also, in so far as these forces call into question the arbitrary lines demarcating what is and what is not “really art,” threatening to undermine long-held aesthetic norms and the art world institutions built to protect them.³

“Just In Time” Creativity?

Clearly, a change of great magnitude has taken place over the past several decades regarding the place of the artist in society. For one thing, the profile of the artist as radical or anti-social outsider—an impression that became almost ubiquitous in the 1960s and early 1970s—has been dramatically softened of late. A new, affirmative image of artist as entrepreneur is even making its way around business circles as free-market economists and neoliberal

policy wonks praise the very qualities that once pushed artists to the social margins—deviation from standards and routines, non-linear problem solving, and outright contempt for authority and work itself. It is an unorthodox outlook that has paradoxically become the new “creative” engine of twenty-first-century capitalism.⁴ Cultural work can be seen as the fixation, even fetish, of the so-called “new economy.” One outcome of this new-found adulation is that all workers are being measured by standards of cultural labour: they must produce creatively, even at times “artistically,” with imaginative panache, or what Paolo Virno calls a “virtuosic performance,” otherwise they suffer the consequences. Ironically, such consequences amount to sharing the same fate as most “failed” artists: a one-way ticket to the very un-creative abyss of the office cubicle, or part-time service work.⁵ What then becomes of the avant-garde’s renowned rebelliousness when the movers and shakers of capitalism 2.0 cheerfully advise “Never hire anyone without an aberration in their background,”⁶ or when former director of New York’s Metropolitan Museum of Art Thomas Hoving proclaims, “Art is sexy! Art is money-sexy! Art is money-sexy-social-climbing-fantastic!”⁷

Curiously, despite continued poor working conditions for artists in the deregulated economy, there has been an ever-increasing number of individuals who identify themselves as working artists. How and why is this taking place, particularly given that the relation of artists to their market has always been one of excess and that this “glut of artists” (as historian Carol Duncan pointed out in 1983), is the “normal condition of the art world?”⁸ Certainly it poses the question: does it matter how politically subversive, feminist, queer, black, or radical the content of your visual production is if most artists belong to an overeducated army of surplus labourers who—while occasionally feeding imagery to the “Society of the Spectacle”—are by and large disconnected from the mainstream cultural experience of the larger population? This asymmetry and isolation is all the more remarkable today given the size that the global art market has reached even as it continues to widen the gap between a few successful artists and the many who fail, much like the neoliberal economy in general. (Nor has this structural disparity significantly slowed following the so-called “great recession.”)

What might come of increasingly obvious adulation of cultural labour is not merely an academic question. For anyone who believes artistic representation preserves, or should preserve, an impulse for freedom and a degree of social dissent, the very possibility of a détente between artists and neoliberalism must be greeted with alarm. In order to address this question of historic

compromise we will first need a snapshot of cultural working conditions in the deregulated economy. In addition we will need to speculate on just what makes free-market capitalists so interested in artists and to ask: what if anything can be done to save the “soul” of critical artistic practices from neoliberal enterprise culture? This chapter begins by tracing an apparent paradox: why have the ranks of artistic workers swelled in many nations despite the inherent instability of that profession and the rise of precarious labour in general over the past thirty years? Several short comparisons follow, contrasting post-1980s “enterprise culture” with the frequently radical art of the 1960s and 1970s. These comparisons are made without ignoring the fact that the latter took shape under the more generous conditions of administered culture: Adorno’s term for the managed institutions of the cold-war’s “culture industry.” The final section concludes with an outline of an emergent aesthetics of resistance that appears to manifest itself not at the level of artistic forms or techniques but at the level of the organizational and social imaginary.

“Citadel Culture”

In every nation touched by the combined forces of deregulation and privatization, governments have all but given up their former role as an intermediary between the worker’s security and the business sector’s drive to raise production and lower labour costs (see, for example, the ongoing drive to privatize health care, the proposed introduction of punitive copyright legislation, and the dismantling of social services over the last decade in Canada).⁹ The neoliberal state does not even pretend to offer full, meaningful employment for those who seek it. The result is the redistribution of risk from the collective (state, nation, group, society) to each isolated individual. As if to conspire in this humiliation, new labour-saving technology and access to cheap labour (and also slave labour) abroad have accelerated the normal rate of redundancy in the workforce.¹⁰ Shorn from both the real and imaginary social safety net, we stand before the raw, unmediated needs of capital, our economic success or failure the only measure of who we are. Arguably, workers are left today with two extreme alternatives: either to sell oneself “creatively,” at the high-end of the market, or to join the inflated ranks of those who compete for low-skilled, frequently part-time jobs in retail stores, restaurants, and supermarkets.¹¹

There is, however, one category of workers who manage to straddle this seemingly irreconcilable gap at both ends of the economy: sculptors, painters, filmmakers, performers, writers, musicians, and poets have always

been in oversupply relative to the art market, a reality that has forced them to become expert at juggling intermittent bouts of “creative” labour with numerous humdrum, underpaid jobs. By constantly retraining to meet new work conditions, and by drawing on social networks made up of other, semi-employed artists, and also family members, friends, and the occasional patron or grant, most artists have learned to survive in a society of redundancy and risk. As such, artists might be models for the “new economy,” though they might equally attest that survival is not affluence.

As a category of labour, artists are over-educated, under-employed, and make substantially less income compared to workers with the same degree of professional training.¹² In spite of the importance of “creativity” to the neoliberal economy, for artists, the past few decades have brought substantial, negative consequences, ranging from urban gentrification of visual artists’ communities to the fact that the specific employment situation for most cultural workers has not significantly changed. If anything, deregulation has simply enhanced the poor working conditions associated with artistic production in market economies. As always, a handful of artists have breakthrough careers, receiving strong financial rewards for their work, while the majority join the ranks of redundant workers in the part-time service sector (even as the social safety net that once ameliorated labour’s superfluosity under capitalism has been diminished or, in the United States, virtually cut loose). A recent study by Arts Council England summarizes the situation for British cultural labour this way,

People in cultural occupations are three times more likely to be self-employed than those in non-cultural occupations—39 per cent compared with 12 per cent. Among the self-employed, people in cultural occupations are twice as likely to have a second job than people in non-cultural occupations—10 per cent compared with 5 per cent. While those in cultural employment receive above overall average earnings, their earnings are generally substantially less than similarly qualified professionals working in other fields.¹³

Similar results are found among cultural workers in the United States, where the actual median income of visual artists, for example, is so low that it is impossible to purchase a home or even rent studio space in many parts of New York City, Chicago, Los Angeles, or San Francisco; all urban centres known for their interest in “creative” workers.¹⁴ A recent study organized by

the Canada Council for the Arts found that Canadian artists of all types made only \$23,500 in 2001, “or about 26 per cent less than an average annual salary for all workers.” Prior to 1991 they made “23 per cent less than the average” suggesting that this income gap is growing.¹⁵

And yet, contrary to the obvious economic logic, and despite this precariousness, which is in fact an “income penalty,” the overall number of art professionals in the United States, Britain, and Canada has been on the rise. In England this increase has kept pace with other types of work, but in the United States the population of visual artists alone doubled between 1970 and 1990. Today, artists, actors, musicians, and writers account for some 1.4 per cent of the entire U.S. labour force; a substantial sub-sector of the overall economy.¹⁶ More remarkable is the spike in Canada’s artistic population. Between 1991 and 2000 the number of artists in all provinces grew at a rate three times that of the overall Canadian workforce. The authors of the above-mentioned Canada Council report appear genuinely surprised by the fact that some 131,000 Canadians now “spend more time on creating art than on any other occupation.” They go on to suggest that this number is probably low since many “artists” who drive taxis at night or work civil service jobs during the day are simply invisible.¹⁷

What does the deregulated, privatized economy possibly have to offer artists? By itself, the increasing number of professional artists might be explained by any number of things, including the demand for a meaningful life that has become part of the social contract offered by late capitalism after the “great refusal” of the 1960s and early 1970s, when so many young people rejected a future of pointless jobs and the 2.1 family with house in the suburbs.¹⁸ But taken in conjunction with the attention paid by the business world to creative types, and to artists in particular, a different, far less sanguine reading suggests itself, one that poses the question: is it possible that a cheerful alliance of sorts now exists between artists and enterprise culture such that the former are given a new level of respectability and the latter a cultural paradigm with which to promote it? While art historians Julian Stallabrass and Chin-tao Wu have written persuasively about the corrosive effects of neoliberal “risk society” on artists and art institutions, it is perhaps O.K. Werckmeister’s term “Citadel Culture” that most unambiguously summarizes the recondite aesthetic imagination of an era typified by Margaret Thatcher, Ronald Reagan, Brian Mulroney, and Roger Douglas among others. “At the moment of their greatest economic success,” Werckmeister insists, these democratic industrial societies produced “a culture contrived to exhibit the conflicts of those societies

in a form that keeps any judgment in abeyance.”¹⁹ Within the art world, such “Citadel Culture” has slipped into the present through an increasingly raw, formulaic logic and fortress mentality that appears to have influenced institutions, aesthetics, and the way contemporary art is typically historicized, each illustrated here through a brief, cross-sectional account.

Institutions

As noted, interest from the devotees of deregulation in the work of artists and creative workers is not difficult to find. At least not on Amazon.com. A bevy of bestselling business books has appeared recently with titles such as *Artful Making: What Managers Need to Know About How Artists Work*; *Group Genius: The Creative Power of Collaboration*; or *Creativity: Competitive Advantage through Collaborative Innovation Networks*. There is even a book called *Creatively Self-Employed: How Writers and Artists Deal with Career Ups and Downs*, and, of course, the debatable classic by Richard Florida *The Rise of the Creative Class: And How Its Transforming Work, Leisure, Community and Everyday Life*.²⁰ Even this modest library’s worth of volumes, however, does not mean that so-called “creatives,” “knowledge workers,” or what academic-turned-urban-consultant guru Richard Florida famously describes as the “creative class” has actually improved the working conditions for artists themselves.²¹ What is really meant by the use of such terms is a kind of shorthand for approaching management and manufacturing inventively, rather than dogmatically, as a type of risk-seeking rather than risk-averse mental labour. If the social reference here invokes the artist, it is not the actual working lives of most artists, but a caricature of the artist as dreamer or bohemian who, as Eric Schmidt, chairman and CEO of Google writes, nevertheless knows how to “create on cue [and] how to innovate reliably on a deadline.”²² In other words, there are definite limits to how slack one is permitted to act, even in the “new” economy. We can add to this emulation of creative types the very real fact that artists, as discussed above, are exceptionally skilled at living perilously. Even the products they create—paintings, installations, plays, symphonies—have their own pedagogical function within enterprise culture. As one CEO put it when asked why he filled the offices of his staff with occasionally disturbing contemporary art works, “We want them to think creatively, so why not highlight these pieces? That’s what art is all about—doing it in a different way”²³ This “it” is what requires our attention, especially since it appears to be as conceptually and historically flexible as neoliberalism itself.

Although the fuzzy superimposition of business ideology and a vaguely conceived notion of artistic creativity has become commonplace, actual examples of artists collaborating directly with free-marketers is less so, and therefore all the more revealing when uncovered. One poignant illustration of this convergence involves the recent invention of Artists Pension Trust (APT). Created in 2004 by Moti Shniberg (a “new” economy technology entrepreneur), Dan Galai (onetime accomplice of the late economist Milton Friedman, father of Reaganomics), and David A. Ross (former San Francisco Museum of Modern Art and Whitney Museum of Art director), APT has now opened offices not only in New York, Los Angeles, London, and Berlin but also in the budding art-market centres of Dubai, Mumbai, Beijing, and Mexico City. The fund’s goal is to collateralize the chronic insecurity of art professionals by enlisting artists—generally those who have already achieved a certain level of market success—to invest some of their work alongside a “community” of select peers, thereby providing “a uniquely diversified, alternative income stream.”²⁴ In theory, if even a few exclusive APT community members turn into art superstars the economic raft beneath all of them will rise.

In order to underline the expediency of APT, it is worth comparing its market-driven and discriminating model of privatized security with the universalist demands made by Art Workers’ Coalition (AWC): a New York–based, though nevertheless international, collective of artists and cultural workers founded in the late 1960s. The latter group presented thirteen demands to the New York art world establishment in 1969 including the right to receive royalties from the resale of their work, the establishment of free legal services for artists, and the opening up of museums to artists without commercial gallery representation.²⁵ In addition, AWC also demanded that a trust fund be set up to provide “stipends, health insurance, help for artists’ dependents and other social benefits.” The fund they dreamed of would be endowed by taxes levied on the sale of work by dead artists. In theory, it would be accessible to all.²⁶

By contrast, APT makes no excuses regarding its complete lack of interest in the security, fair-trade practices, or legal rights of artists in general. In this sense theirs is very much a gated community. But the broader point here is the degree to which APT’s free-market approach mirrors the overall program of neoliberalism, including its hierarchies of valorization, as well as its reduction of everything—art, work, leisure, life—to an instrument for speculation, much like finance capital itself.²⁷ (What will happen to APT’s artists and its assets in the wake of the global financial crisis is probably not going to be pretty; however, the fact that the fund’s capital is located in the British

Virgin Islands, an offshore tax haven, suggests its managers, despite their Friedmanesque faith in the so-called free market, were nonetheless planning ahead for the inevitable crunch.)

Aesthetics

Shag rugs, imaginary animals, doodles and distorted figures, deconstructed sheetrock walls, film noir-ish video installations, here and there a few geometric paintings, and one or two soft references to the war in Iraq and Afghanistan: this is an admittedly woolly rundown of work in the past two Whitney Museum Biennials (2006, 2008) in New York City. Although it may not be scientifically rigorous to appraise an entire industry through one venue (no matter how prominent), we can nonetheless make use of it as a rudimentary benchmark for a certain “neoliberal” artistic fashion.²⁸ As the bullish contemporary art market reached ever more astounding heights until the financial crash of 2008–09, the going recipe for art world success appeared to combine a measure of frothy entertainment with a strong dose of art world self-referentiality. Note, however that this “looking inward” is not the same as the late modernist interrogation of visual experience in conceptual and minimal art. Instead, it is a self-referencing focused on the art world as its own universe: a glamorous, personality-producing cosmos that, for all intents and purposes, is deeply ironic and enclosed upon itself. As one art dealer explained to artist Martha Rosler, “See this table? That’s the artworld and you’re either on it, or you’re not.”²⁹

For artists working in evermore unhinged economic circumstances, that table might seem increasingly out of reach; there seems to be little problem getting on it if you’re a high profile fashion-oriented corporation. Hugo Boss, Prada, and now Gap clothes have nestled snugly up against what Julian Stallabrass calls “Art Incorporated.”³⁰ The 2008 Whitney Biennial mentioned above featured a series of artist-designed “Limited Edition” T-Shirts marketed under the Gap Whitney Biennial label. Admittedly, blatant commercialism by a major U.S. museum is not surprising these days. After all, we have the Guggenheim Motorcycle and Armani exhibitions to serve as a compass reading here. Instead, what is especially distressing, as well as revealing, about the Gap Whitney alliance is that some of the artists—Barbara Kruger, Glenn Ligon, Kiki Smith, and Kerry James Marshall—are known for their critical stance toward commodity culture and mainstream politics. Perhaps the art historian Chin Tao Wu puts all of this in perspective, however, when she writes in her important study of art after neoliberalism: “The irony is, of

course, that while contemporary art, especially in its avant-garde manifestations, is generally assumed to be in rebellion against the system, it actually acquires a seductive commercial appeal within it.”³¹

Rebelliousness that seduces its opponent is no real threat and may explain why the “hottest” piece in the 2006 Whitney Biennial was the Milan-based artist Francesco Vezzoli’s “Trailer for a re-make of Gore Vidal’s *Caligula*.” The five-and-one-half-minute ersatz “trailer” was prominently screened in the museum’s main gallery and featured campy shots of international art stars and a few actual movie actors dolled-up in Donatella Versace togas spouting double entendres that drew parallels between the contemporary art world and the decadent collapse of ancient Rome.³² The Italian artist himself drew the obvious if nonetheless cynical conclusion, stating that, “For me, the art world has become a place that has turned itself, willingly or not, into some sort of entertainment industry.”³³ But if neoliberal art is an insider’s view of an empire in decline, then looking back, the art of the 1960s and 1970s was the story of *Spartacus*: the vengeful uprising of those who were forced to perform or perish.

Archival Interpretations

Artist Bruce Barber describes an incident that took place at the Metropolitan Museum of Art in New York on 16 October 1969. The museum had accepted a large donation by Xerox Corporation to mount an exhibition of painting and sculpture. The collective Art Workers’ Coalition was already picketing outside the museum when the Guerrilla Art Action Group (GAAG) arrived and “in front of several policemen and other protestors of the exhibition they extracted a large trunk from the rear of the cab they had arrived in and assumed their roles.” At this point Jon Hendricks and Jean Toche—the members of GAAG—began a performance in which one played the “curator,” and the other “artist.” In front of the crowd Hendricks (the curator) stuffed Toche (the artist) into the large trunk after which he poured milk over him, followed by trays of caviar and hors d’oeuvres. The “curator” invited others to help him until the “artist” began to gag, at which point the police tried to stop them. Thanks to GAAG’s insistence that it was just “art,” the performance/protest ended without either being arrested. But because the act of representing direct action appeared real enough, the efforts by police to intervene were inevitable, even anticipated. Barber writes that by breaching “legitimate forms of protest,” what GAAG accomplished was to provoke the “repressive apparatus of the state and thereby reproduce its hegemony.”³⁴ In other words,

making the limits of protest visible was an important function of the work and it was carried out through an act of mimicry, a point I will return to in a moment.

As suggested by the quiet acceptance of the Gap-Whitney T-shirts, it is inconceivable today to imagine a group of artists risking arrest, or perhaps more seriously, risking expulsion from the art world (as Toch and Hendricks soon came to experience) by mounting a public protest against a museum, especially over the receipt of corporate sponsorship. But it was not so long ago, from the late 1960s to the mid 1980s, that artists and activists organized in direct confrontation with established institutions over issues of commercialization as well as broader political concerns. On 2 May 1970, members of the Art Workers' Coalition (AWC) together with GAAG staged a mock gun battle in front of the Museum of Modern Art after the killing of unarmed students protesting the Vietnam War at Kent and Jackson State Universities in Ohio. AWC even wrote an open letter to Pablo Picasso asking him to have the Museum of Modern Art remove his painting *Guernica* from public view "as long as American troops are committing genocide in Vietnam."³⁵ That same year a group of guerrilla theatre performers played a key role in a pro-abortion caravan organized by the Vancouver Women's Caucus that took off across Canada. Carrying out performances along the three-thousand-mile route group, members were arrested in Ottawa during a "staged" demonstration that shut Parliament down for the first time in its history. In 1972, Mary Kelly, Kay Fido Hunt, Conrad Atkinson, and Margaret Harrison, among others, founded the Artists' Union in Britain to lobby for artists' rights; in 1976 a group of U.S. art historians and artists produced an anti-catalogue denouncing the nationalism and racism of the Whitney's Bicentennial exhibition that same year. One year later Carole Condé and Karl Beveridge helped establish the short-lived radical art "zine" *Red Herring*, which pointed out that while many artists were organizing into groups, unions, and communities they would never be able to successfully bridge the gap between high culture and the working class without taking into account the contradictory "class historical nature" initiated by their own processes of self-institutionalization.

Perhaps the last grand coalition between artists and activists in the United States took place in 1984. It was a short-lived group called Artists Call Against United States Intervention into Latin America. In several national exhibition venues, artists protested the Reagan Administration's apparent intention to invade Nicaragua and El Salvador. Art was sold as a means of raising

material aid for refugees, and public performances educated pedestrians about the politics of imperialism. (Envision a similar project today that called for the arrest of George W. Bush and Dick Cheney on human rights violations and war crimes.) Before the 1980s ended a few more exemplary groups came into being, including Paper Tiger Television, Carnival Knowledge, Border Arts Workshop, and of course the Guerrilla Girls, who invaded the art world's "boys-club" with statistics about gender inequality. And breaking out of the art world were the dynamic performances and graphics of ACT UP and Gran Fury, which spilled out into the broader public sphere to educate and confront the population about the AIDS crisis. All of this merging of artists and politics now seems to belong to a historical moment long gone.³⁶ These three sketches appear to demonstrate an entirely different world from that of the 1960s and 1970s, a growing and intractable collusion between the business world and the art world, and the consequent narrowing of possibility for political intervention or affect—or so it appears if one looks only within the confines of the "Citadel Culture" of the mainstream, neoliberal art world.

The Rise of the Mockstition

In spite of increased economic volatility and more censorship and self-censorship in the wake of security measures introduced after 9/11, there is one final skill set that ultimately sets cultural workers apart from most other labourers and provides an edge when dealing with the society of risk. We encountered this unique capacity in Barber's description of GAAG's performance, even in the way AWC presented its demands to museum boards as if it were a bone-fide labour union, when in fact it was a short-lived, informally structured alliance. In addition to a propensity for flexible work patterns, gift-sharing networks, and a knack for intuitive problem solving, most artists have one final skill that aids survival: a performative relationship to power that derives from the arts of imitation.

Plato warns us about this artistic mimicry when he tells us that Socrates barred poets and painters from his Republic. Artists don't do honest work; they merely represent the work of other labourers. An image of a chair is three times removed from the ideal chair. The first facsimile is that of the carpenter, and yet at least the carpenter's chair can be used for sitting. The artist's feeble, third-order simulation is useless. Worse still, with its fantastic relationship to the truth, the artist's imitative production misleads citizens (unlike say, the work of the philosophers). But there is something else in this art of

deception that jeopardizes the very order of the Republic. The carpenter, baker, shoemaker, blacksmith, all must remain tied to their stations in life. The “office” of the artist, however, is ambiguous. It is like a phantom profession, one that permits the artist to simultaneously work and not work, to have a “real” job and to have a fictional job. And nothing is more subversive than showing other workers the pleasure of not engaging in productive labour. Thanks to this labour of dissimulation, artists can slide between social barriers, even move between class distinctions so as to “pass” for what they are not. If in Socrates’ time artists replicated the works of manual labourers, today they have found a target more appropriate to the post-industrial economy: the administrative power of the institution itself.

This tendency, as artist, activist, and curator Luis Jacob points out, dates back in Canada to the 1970s with groups such as “Image Bank, General Idea (a reference to General Motors or General Electric), Banal Beauty Inc., and Ingrid and Lain Baxter’s N.E. Thing Co.,” all of which expressed, says Jacob, an “ambivalent attitude of both fascination and apprehension towards corporate culture.”³⁷ This tendency relates to Benjamin Buchloh’s notion of an aesthetics of administration that was typical of 1960s conceptual artists, but if we think of the 1970s as the historical cusp between an older, bureaucratic form of culture associated with the social welfare state (what Adorno and later Buchloh describe as administered culture) and an emerging experiment in radical deregulation (the rise neoliberalism), then it is worth noting such simulated managerial branding has only increased among artists in the decades since. And while it may be that this “politics of publicity,” as Alexander Alberro describes art’s entrepreneurial turn, was already imminent in the work of Seth Siegelaub among others during the late 1960s, might it now be logical that the emergence of neoliberal deregulation has made the mimicry of institutional power all the more appealing as a tactic of survival today?³⁸

As if acknowledging (through subversive self-camouflage and imitation) the business world’s avaricious gaze directed at them, some artists (and activists) have generated a surprising range of ersatz institutes, centres, schools, bureaus, offices, corporations, leagues, departments, societies, clubs, and corporations, each with its official-looking logo, mission, and website page. The most engaging of these phantom institutions does more than just replicate the appearance of organizational structures, they also use their virtual offices to confront and intervene within the bureaucratic landscape of actual corporations, businesses, municipalities, and states. Broken City Lab in Windsor, Ontario, is neither a laboratory nor an official municipal organization—it

is a group of young art graduates addressing issues of urban destabilization while seeking to imagine alternative uses of space; The Yes Men impersonate business executives so well they slip in and out of the global corporate world; the Center for Tactical Magic mixes art, wicca, and interventionist practice in an effort to activate latent energies aimed at “positive social transformation;” Carbon Defense League and the Institute for Applied Autonomy develop open source “hacks” for retrofitting technology in the service of self-determination; Yomango has developed its own brand of fashion accessories useful for surviving neoliberal precariousness through everyday acts of shoplifting (besides Barcelona, Yomango had additional “franchises” in Mexico, Chile, Argentina, and Germany); Howling Mob Society installed radical history markers in downtown Pittsburg, Pennsylvania (they are not the city’s “official” historical preservation society); and the Bureau of Inverse Technology has even incorporated itself as an agency “servicing the information age” in the Cayman Islands, where “real” corporations set up offices in order to escape paying U.S. business taxes. There is even a counterfeit congregation, the Church of Life After Shopping (formerly the Church of Stop-Shopping), presided over by performance-artist-come-preacher Reverend Billy, an anti-institutional-institution and reading group named after its location in downtown Manhattan on 16 Beaver Street, and Critical Art Ensemble whose amateur-science experiments led to a four-year FBI investigation of group co-founder Steven Kurtz.³⁹

While all of these recent pseudo-organizations make use of the Internet there are some that could simply not have existed prior to the advent of digital technology or cyberspace. Continental Drift, Republicart/eipcp.net, Institute for Distributed Knowledge, XURBAN, and the Dadaistic game-platform Public Library Zero combine digital networks and interactive software to produce research-based, pedagogical projects about political theory, aesthetics, militarism, gentrification, and neoliberalism. Digital networks are also central to the design-oriented cyber-collective panty raiders, which is run for and by young women in order to “destabilize the mainstream media” while bringing “rebellion back to pop culture.” Another art-fem-group called brainstormers have launched a witty assault on art-world gender inequality that looks something like Adbusters-meets-the-Guerrilla-Girls-in-cyberspace.

Like many of the culture-jamming groups under discussion here, if one could locate a common, visual aesthetic it would owe a strong debt to the photomontage work of John Heartfield in the 1930s and the *détournement* tactics of the Situationist International in the 1960s. But the most

recent reference point for many of these younger artists is the “Kissing Doesn’t Kill” poster campaign by Gran Fury in the 1980s. What is different about the visual practices of post-1980s groups is the degree to which image-manipulating practices have been ramped up by the intrinsically sophisticated “spoofing” capacity of digital technologies. Yet digital technology by no means dominates the work of these self-institutional entities. Many could be said to simply use networking capacity made available by globalization to amplify social and organizational interaction in actual, public spaces. Knit for Peace, Church of Craft, Knitting Community, Knitting Nation, and MicroRevolt focus on the seemingly “archaic” arts of needlework, a cultural form typically associated with women’s work in the past but now undergoing a revival among men and women, straight people and queer. MicroRevolt has an ongoing project in which knitters replicate the Nike swoop in wool, city after city, as a means of linking the corporation to child labour and sweatshop practices around the world. Again, while these groups are invested in digital networking they most often use the web as a means of posting news and videos, circulating information (including knitting patterns), and as an organization-growing tool.

Other self-institutionalized groups—the Montreal-based ATSA (Action Terrorisme Socialement Acceptable), CSpace in London, NeMe in Cyprus, AREA and the Stock Yard Institute on the South Side of Chicago, the Center for Urban Pedagogy in New York, the Brooklyn-based Change You Want To See, Toronto’s City Beautification Ensemble (CBE), and Wochenklauser in Vienna—all operate much like pocket-sized NGOs (Non-Governmental Organizations), producing the appearance of institutional solidity, and sometimes even attracting funding from local art councils in the process. Which raises a question: must the representation of institutional power function just as well as the real thing?

Wochenklauser’s work for instance, is rooted in Joseph Beuys’s idea of social sculpture and has, since 1993, sought to create short-term public-service-oriented interventions that have measurable benefits such as educational improvements, aid to guest labourers, and access to health care for sex workers. Much of the group’s practice involves a type of negotiated reallocation of power, or what Grant Kester describes as a dialogical aesthetic in which the artists serve as a discursive conduit or interlocutor between institutions on one hand, such as a city, state, or even the European Union, and groups or individuals who lack access to power on the other hand, such as young people, immigrants, and prostitutes. Perhaps this intentional blurring of representational

and authentic institutionality helps explain the fact that one of the group's founders, Wolfgang Zingg, was elected to the Austrian parliament as a member of the Green Party? But one does not have to take this plagiarized functionality so literally, or so authoritatively. The City Beautification Ensemble (CBE) in Toronto, for example, compares itself to late-nineteenth-century city beautiful movements such as the one that gave New York City its Central Park in the 1873. But in reality, CBE is a situationist-inspired, guerrilla action group that goes about painting over small sections of urban space in pastel colors with the aim of creating "a calming place for the eye to take a breath."⁴⁰ Similarly, the group Temporary Services does indeed offer "services" of a sort, but their real aim is to intervene in public with gift-based exhibitions, organizing educational spaces, gardens and other activities that challenge the line between "recognized" artistic practices and the everyday, spontaneous interventions made by passersby, amateurs, and other non-artists. In part, the work of Temporary Services builds on the now-defunct design-based collective N55, whose floating biospheres and portable personal shelters have turned up on the streets and waterways of Copenhagen. Describing themselves as a "platform for persons who want to work together, share places to live, economy, and means of production," N55 also produced manuals for replicating the group's experiments in living. Likewise, Temporary Services has written, published, and distributed dozens of zine-like pamphlets that encourage others to engage in their own DIY public services.

Even more hyperbolic representations that suggest entire militia are invoked by groups such as the recently disbanded groups Infernal Noise Brigade and Pink Bloque, as well as *Les panthères roses*: Queer Rebellion Movement, or the Biotic Baking Brigade, whose anonymous members "speak pie to power," most recently by targeting neoliberal populist Thomas Friedman with a pastry missile. Meanwhile, the infamous Clandestine Insurgent Rebel Clown Army (CIRCA) turns up around the world wearing oversized shoes and rubber noses to confront arms dealers and G8 leaders in the form of a "fighting force armed with ruthless love and fully trained in the ancient art of clowning and non-violent direct action." CIRCA's recruitment pitch parodies the language of self-help manuals, stating, "you could learn ingeniously stupid tactics that baffle the powerful. You could uncover your inner clown and discover the subversive freedom of fooling." To join CIRCA means first training to be "rubbish" by spending three days at a "bigshoe camp" where you learn the tactics and techniques of both clowning and non-violent resistance.

Speaking Pie to Power

Militant street theatre, counterfeit corporations, interventionist research portals, knitting networks, pie throwers, ninjas, snake charmers, river rafters, amateur scientists. Any attempt at Re:(Image)ining Resistance will inevitably come up against these heterogeneous forms of cultural production that have always survived thanks to an architecture of invisibility and the careful study of tactics borrowed from the realm of informal dark matter. Which is to say the rescue of art in an age of neoliberal enterprise culture will not take place exclusively within the realm of representation. Instead, it will require an appreciation of feints, dodges, sideways maneuvers, unexpected acts of reversal, and the ability to mimic organizational power like a clown, better yet, like a clandestine rebel army of many clowns. Such informal, frequently politicized micro-institutions are proliferating today. They create work that infiltrates high schools, flea markets, public squares, corporate websites, city streets, housing projects, and local political machines in ways that do not set out to recover a specific meaning or use-value for art world discourse or other private interests. At the same time they are performing a strategic occupation of sorts, in which the cast-off shell of a now-archaic, liberal, public sphere is inhabited and possessed. A bit of mischievous necromancy or rebel clowning perhaps, but by breathing life into the dead remains of the collective body, these micro-institutions, cultural cells, and engaged artists' collectives have not only produced an entire taxonomy of interventionist-administrative forms, they have established what Jacob described as a "self-consciously perverse" relationship to neoliberal enterprise culture. Consciously or not, they call attention to one inescapable fact about the deregulated economy: that the superfluity of labour has become a permanent feature of "bare life." What has changed, is that this superfluosness we now experience is no longer as invisible as it once was; just one hour surfing the limitless redundancies of the Internet attest to this change. The growing visibility of "dark matter"—a once-shadowed realm of social production—is forcing business, art, and government to radically rethink the process of making work into value. The arbitrary lines that previously demarcated what is productive and non-productive labour; between who is permitted to "create" culture and who is not, and just what separates value freely produced, and value compulsively extracted, are being laid bare, in some cases overturned. For artists, and those concerned with visual culture, the stakes are simple enough: what can be done to save the political "soul" of art under neoliberalism?

Notes

- 1 Dario Fo, quoted on “Writings,” Clandestine Insurgent Rebel Clown Army (CICA) <http://www.rebelclown.net/about/writings.html>.
- 2 See Giorgio Agamben’s notion of the *Homo Sacer*, the virtually non-human who has had all rights of speech and civil engagement revoked (for example the prisoners held by the United States government at Guantánamo Bay, Cuba). Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (California, Stanford University Press, 1998).
- 3 For decades this “artistic” or “creative” dark matter remained invisible primarily to those who lay claim to the management and interpretation of culture—the critics, art historians, collectors, dealers, museums, curators, and arts administrators who nevertheless were always deeply dependent upon it. For example, contemplate the impact on art-world institutions were hobbyists and amateurs to stop purchasing art supplies, or if the surplus army of “failed” artists stopped subscribing to art magazines and museums, or no longer attended lectures, or refused to serve as part-time instructors “reproducing” the next generation of artists for the market? Nevertheless, today, increased access to technology for copying, modifying, and distributing images, movies, and music has transformed this previously shadowed realm into an unmistakable presence—every amateur author or artist can now be their own producer—and this has in turn raised fundamental issues regarding the valorization of the art world itself. For more on the author’s concept of cultural dark matter see: *Dark Matter: Art and Politics in the Age of Enterprise Culture*, Gregory Sholette, Pluto Press, 2010. For a different application of this idea see Marc James Léger, “The Elephant in the Room: A Brief Excursus on Avant-Garde and Community Art,” *C Magazine* 98 (Summer 2008), 18–22.
- 4 Chris Anderson, “People Power, Blogs, User Reviews, Photo-Sharing—The Peer Production Era has Arrived,” *WIRED* 14, no. 7 (July 2006), <http://www.wired.com/wired/archive/14.07/people.html>.
- 5 Sociologist Saskia Sassen points out that job growth is most robust for “retail sales workers, registered nurses, cashiers, truck drivers, waiters and waitresses, nursing aides, janitors, food preparation workers, and systems analysts.” Saskia Sassen, “Informalization in Advanced Market Economies,” a discussion paper for the *International Labour Office* (Geneva, Switzerland, 1997), 10.
- 6 Tom Peters, quoted by Stefan Stern in “A Guru Aims High on Prozac,” *New Statesman*, (18 December 2000), <http://www.newstatesman.com/200012180027>.
- 7 Thomas Hoving quoted in Chin-tao Wu, *Privatising Culture: Corporate Art Intervention since the 1980s* (London/New York, Verso, 2002), 127.
- 8 Carol Duncan, “Who Rules the Art World?” *Aesthetics of Power: Essays in Critical Art History* (Cambridge: Cambridge University Press, 1983), 172, 180.
- 9 See Mel Hurtig, *Pay the Rent or Feed the Kids: The Tragedy of Poverty in Canada* (Toronto: McClelland and Stewart, 1999).
- 10 “Rather than a skills shortage, millions of American workers have more skills than their jobs require,” writes journalist Louis Uchitelle, who points out that some thirty million people have lost full-time unemployment since 1980, and since 2000 an average of 2.6 job seekers have competed for every job opening. Uchitelle adds that the numbers would be much higher if so many people had not simply stopped looking for meaningful work. Louis Uchitelle, *The Disposable American: Layoffs and Their Consequences* (New York: Vintage Books 2007), 66.

- 11 While the effects of Canada's version of neoliberalism on workers varies from province to province, it shares many of the same fundamental features as the U.S. and of Britain, which, according to sociologist Saskia Sassen, is an economy in which a small number of high-paying technology positions are generated, while the largest increase in jobs takes place amongst "retail sales workers, registered nurses, cashiers, truck drivers, waiters and waitresses, nursing aides, janitors, food preparation workers, and systems analysts" (Sassen, *Informalization in Advanced Market Economies*), 10. See also Gregory Albo, "Neoliberalism, the State, and the Left: A Canadian Perspective," *Monthly Review* (May 2002), http://findarticles.com/p/articles/mi_m1132/is_1_54/ai_85700426/pg_3.
- 12 While this paper focuses primarily on visual artists, I am making use of several studies that focus on all artists, because painters, sculptors, installation artists, and so forth show no significant difference in their socio-economic profile under neoliberalism from that of their peers in related arts professions. For an excellent, internationally oriented study that bears this out see: Pierre-Michel Menger, "Artistic Labor Markets: Contingent Work, Excess," in *Handbook of the Economics of Art and Culture, Volume 1*, ed. Victor A. Ginsburgh and David Throsby (Amsterdam: North Holland Publishers, 2006).
- 13 Although employment by artists and cultural workers has increased in England, wages for this sector have declined overall, especially in London: see the Arts Council England website, Press & News, "Massive Increase in Employment in Arts and Culture" (22 September 2003), http://www.artscouncil.org.uk/pressnews/press_detail.php?rid=10&id=108&page=7.
- 14 Joan Jeffri and Robert Greenblatt, *Artists Who Work with Their Hands: Painters, Sculptors, Craft Artists and Artist Printmakers: A Trend Report, 1970-1990*, sponsored by the National Endowment for the Arts Research Division (Washington: NEA, August 1994).
- 15 See CBC, "More Artists in Canada, but Still Making Less than Most: Study" (22 October 2004), <http://www.cbc.ca/story/arts/national/2004/10/21/Arts/artsjob-study041021.html>.
- 16 Sam Roberts, "A 21st-Century Profile: Art for Art's Sake, and for the U.S. Economy, Too," *The New York Times* (12 June 2008), <http://www.nytimes.com/2008/06/12/arts/12nea.html?ex=1214193600&en=a8f30b5b62faf0f4&ei=5070&emc=eta1>. It is also noteworthy that over 150 art schools in the United States are dedicated solely to turning out artists, and that most other colleges and universities also offer a bachelor or graduate level degree in fine art.
- 17 CBC, "More Artists in Canada," 2004.
- 18 For example, see Luc Boltanski, *New Spirit of Capitalism* (New York: Verso Press, 2007); Brian Holmes, "The Flexible Personality: For a New Cultural Critique," *International Seminar of Class Composition in Cognitive Capitalism* (France: The Sorbonne, February 2002), <http://www.geocities.com/CognitiveCapitalism/holmes1.html>.
- 19 Otto Karl Werckmeister, *Citadel Culture* (Chicago: University of Chicago Press, 1991), 4.
- 20 Mentioned here are just some of the dozens of titles available online in which artistic, creative, and aesthetic methods are applied to business management, as opposed to merely arts administration.

- 21 The academic-turned-consultant's own website promotes his work with the following blurb: "Florida describes a society in which the creative ethos is increasingly dominant. Millions of us are beginning to work and live much as creative types like artists and scientists always have." Richard Florida, *Creative Class: The Source on how we Live, Work and Play*, http://creativeclass.com/richard_florida/books/the_rise_of_the_creative_class/.
- 22 Rob Austin and Lee Devin, *Artful Making: What Managers Need to Know About How Artists Work* (New York: Prentice Hall publishers, 2003), xxvii.
- 23 Al West, the CEO of SEI Investments, quoted by John Dunn, "Designing a Business Revolution," *Georgia Tech Magazine* 76, no. 2 (Fall 1999), <http://gtalumni.org/news/magazine/fall99/west.html>.
- 24 Artist Pension Trust, "Artist Pension Trust," <http://aptglobal.org/default.asp>.
- 25 For a similar Canadian example, see Canadian Artists Representation/ Le Front des Artistes Canadiens, "CARFAC History," CARFAC, <http://www.carfac.ca/about/history/>.
- 26 Artist Kirsten Forkert has designed a new web project based on AWC entitled "The Art Workers Coalition (revisited)," which features recordings of younger artists reading AWC documents and manifestos. As Forkert explains, "What does it mean to say, in the year 2007, 'We need a revolution now'? Does this seem like an embarrassing thing to say? If so, then why?" The site is hosted by the *Journal of Aesthetics and Protest* here: <http://www.journalofaestheticsandprotest.org/5/articles/forkert.htm>. For more on the history of AWC, see Lucy R. Lippard, "The Art Workers Coalition: Not a History," in *Get the Message: A Decade Of Art For Social Change* (New York: E. P. Dutton, 1984), 10–19. See also Julia Bryan-Wilson, *Art Workers: Radical Practice in the Vietnam War Era* (Berkeley: University of California Press, 2009), and Alan W. Moore, "Artists' Collectives Mostly in New York, 1975–2000," in *Collectivism After Modernism: The Art of Social Imagination after 1945*, ed. Blake Stimpson and Gregory Sholette (Minneapolis: University of Minnesota Press, 2007), 193–221.
- 27 Ulrich Beck, "Risk Society Revisited: Theory, Politics and Research Programmes," in *The Risk Society and Beyond: Critical Issues for Social Theory*, ed. Barbara Adam, Ulrich Beck, and Joost Van Loon (London, Thousand Oaks, New Delhi: Sage Publications, 2000), 213. See also Anthony Giddens, "Risk and Responsibility" *Modern Law Review* 62, no. 1 (1999), 1–10.
- 28 Recently the Whitney Museum expanded the scope of its famed Whitney Biennial to include international contributions as opposed to strictly "American" art. According to the museum's director Adam Weinberg, the aim of the biennial is "imposing temporary order and control onto a situation that is, essentially, out of control," (Adam Weinberg, "Foreword," *Whitney Biennial 2008*, ed. Henriette Huldish and Shamim Momin [New Haven: Yale University Press, 2008]). Though there are several museum curators, including Okwui Enwezor, Charles Esche, and Nato Thomson, who have all sought to address politically engaged and interventionist cultural practices in recent years, these bold efforts to introduce such work—largely ephemeral and frequently text based—remain peripheral to the multi-billion dollar contemporary art market. As one commentator summarized Enwezor's ambitious Documenta 11 project, which not only took place in Kassel, Germany, but in several venues in developing nations: "Enwezor's pioneering effort deserves commendation for focusing on this struggle and for using Documenta 11 to shoulder the exorbitant expectations of

- both the mainstream art world and its marginalized constituencies. Only time will reveal the true intent and impact of his intervention” (Okwunodu Ogbechie, “Ordering the Universe: Documenta 11 and the Apotheosis of the Occidental Gaze,” *Art Journal* 65 [Spring 2005], 6). But from all indications this anticipated “catching-up” has yet to occur.
- 29 Martha Rosler, “Money, Power, Contemporary Art—Money, Power, and the History of Art,” *The Art Bulletin*, 79 (March 1997).
- 30 Julian Stallabrass, *Art Incorporated: The Story of Contemporary Art* (New York: Oxford University Press, 2005).
- 31 Chin-tao Wu, *Privatising Culture: Corporate Art Intervention since the 1980s* (London and New York: Verso, 2002), 161.
- 32 In fairness, the other prominent “re-make” featured in the 2006 Whitney Biennial. First conceived and built in 1966, the original “peace tower” was fabricated out of steel and stood in a dirt-filled lot between Hollywood and Los Angeles. Following its construction, some four hundred artworks ostensibly protesting the war in Southeast Asia were attached to the structure. The 2006 version at the Whitney Museum looked similar, but like some Hollywood clone the curators paired Mark di Suvero who designed the 66-foot tower with Rirkrit Tiravanija, a younger co-star apparently more in touch with today’s art audience. This “buddy” picture also ends on a less spectacular note, since its producers wound up selecting a far smaller group of artists to attach work to their remake. Further, they also displayed Peace Tower the sequel in the museum’s outdoor, waterless “moat” as if it was some strange and melancholic artifact from a politicized past no longer capable of public life outside the art institution. For more on both versions of “peace tower” see: [http://en.wikipedia.org/wiki/Peace_Tower_\(art\)](http://en.wikipedia.org/wiki/Peace_Tower_(art)).
- 33 Linda Yablonsky, “‘Caligula’ Gives a Toga Party (but No One’s Really Invited),” *The New York Times* (26 February 2006), http://www.nytimes.com/2006/02/26/arts/design/26yabl.html?pagewanted=1&_r=1.
- 34 Bruce Barber, *Reading Rooms* (Halifax: Eyelevel Gallery Publications, 1991), 112–13.
- 35 Details of the AWC letter can be found at <http://cti.itc.virginia.edu/~arth280/week11.html>.
- 36 The historical chain of alliances between artists and social activists is long and complex, with instances dating back to the Peasant Wars of the 1500s, when common land was being enclosed by an emerging capitalist class. It also includes Courbet and his painter colleagues’ involvement in the Paris Commune of 1871, the pledge of support by the Berlin Dadaists for the short-lived Spartacist communist party founded by Rosa Luxemburg and Karl Liebknecht in 1918, and the commitment to radical political change by artists associated with the Communist Party in the 1920s, ’30s, and ’40s. For an excellent account on Courbet and the Paris Commune, see Gerard Raunig, *Art and Revolution: Transversal Activism in the Long Twentieth Century* (Cambridge Mass: Semiotext(e)/MIT, 2007); on the Vancouver Women’s Caucus use of theatre, see Charlotte Rea, “Women’s Theatre Groups,” *The Drama Review: TDR* 16 no. 2 (June, 1972), 85–86.
- 37 Luis Jacob, from the exhibition catalog *Golden Streams: Artists’ Collaboration and Exchange in the 1970s* (Toronto: Blackwood Gallery, University of Toronto at Mississauga, 2002), 2.

- 38 Alexander Alberro, *Conceptual Art and the Politics of Publicity* (Cambridge Mass: MIT Press, 2003).
- 39 The multi-million dollar investigation of Kurtz by the United States Department of Justice began in May of 2004 when the artist was initially charged with bio-terrorism for having harmless bacteria in his studio. It was not settled until 21 April 2008, when New York District Court Judge Richard J. Arcara ruled that the Department of Justice should drop all charges. No doubt the seriousness of this case has enhanced the post-911 chilling effect among socially critical artists discussed above. For more on the CAE/Steve Kurtz saga, see <http://caedefensefund.org>.
- 40 The group's "psychogeographical" videos are available at <http://hk.youtube.com/citybeautification>.

Canadian Artists' Representation and Copyright

KIRSTY ROBERTSON AND J. KERI CRONIN

"We're going somewhere you won't believe. London, Ontario has become a North American hotspot." So said Canadian painter William Ronald in 1966, as he stormed onscreen at the CBC in an arts show like no other. The Umbrella ("it covers everything") combined William Ronald's acerbic (and occasionally chauvinist) humour and a certain *je ne sais quoi*, with straight man Lloyd Robertson's (yes, that Lloyd Robertson) stolid commentary.¹ The Umbrella showcased a who's who of the cultural scene of the late 1960s, including interviews with artists (among them Marcel Duchamp), designers, philosophers, and politicians. But the London show was a central one, as Ronald traveled to southwestern Ontario to talk with artists Jack Chambers and Greg Curnoe and poet James Reaney on topics ranging from the new Canada Council grants for artists to an argument over whether or not someone should be able to choose to die on live television.²

In 1968, the art scene in London, Ontario was vibrant. Artists such as Chambers, Curnoe, and Bernice Vincent were turning what was little more than a conservative regional centre into an important contemporary art scene. Others came from Toronto and elsewhere, among them Joyce Wieland and Michael Snow. The National Gallery's Pierre Théberge came to town, Buckminster Fuller gave a talk at the University of Western Ontario, artists and locals gathered for a series of happenings and Nihilist Spasm Band performances.³ Always at the centre, Curnoe's brand of anti-American regional-nationalism took off. "Close the 49th Parallel" and "Use of American spelling of words to be punished by strapping" he wrote (tongue in cheek, or maybe not).⁴ London, which had been known as a conservative insurance town in the middle of an agricultural belt, and the home seat of the Ontario Conservative Party, became an important centre for emerging and established artists. The city—equidistant between the heady nightlife, riots, and growing anti-Vietnam protests in Detroit, and the conservatism and Anglo-centrism of Toronto—was, for a time, an artistic hotspot.

It was in this atmosphere that artists Jack Chambers, Tony Urquhart, and Kim Ondaatje came together to challenge the National Gallery's refusal to

secure copyright or reproduction rights for artists. From initial discussions on how artists should be recompensed for their work being shown in the gallery, an artists' union—the Canadian Artists' Representation—was formed. By 1971, CAR had gone national, with the union advocating for artists' rights at a federal level, resulting in copyright fee schedules and exhibition payments in 1976—the first country to do so. CAR (now CARFAC) advocated for an amendment to the Copyright Act in 1988 that “recognizes artists as the primary producers of culture, and gives artists legal entitlement to exhibition and other fees.”⁵ In 1992, a Status of the Artist Act was established that endeavoured to recognize the role played by artists in the cultural life of the country through fair compensation for work.⁶ In 1997, this was supplemented by the Status of the Artist legislation, which gave artists the right to bargain collectively at a federal level. As the CARFAC website notes, “This means that CARFAC National and RAAV (Regroupement des artistes en arts visuels du Québec) can negotiate collective agreements with all federal institutions such as the National Gallery of Canada, the Department of Foreign Affairs and International Trade (including embassies), the Canadian Museum of Civilization, etc. Once a signed federal agreement is reached with an institution and is ratified by the membership of the certified organization, it is legally binding and will set a major precedent for other federal and even provincial institutions.”⁷

Gregory Sholette, in his chapter in this volume, introduces the Art Workers' Coalition (AWC): “a New York based, though nevertheless international collective of artists and cultural workers founded in the late 1960s.” He notes how, like CAR, the AWC presented the New York art world with a series of demands, “including the right to receive royalties from the resale of their work, the establishment of free legal services for artists, and the opening up of museums to artists without commercial gallery representation.”⁸ In addition, AWC also demanded that a trust fund be set up to provide “stipends, health insurance, help for artists' dependents, and other social benefits.”⁹ CAR and the AWC emerged simultaneously, but, arguably, CAR was the more effective of the two, banking as it did on the heady combination of residue left from the celebration of Canada's centennial year and a belief that the state should ultimately support the arts.

As Jack Chambers put it, “What CAR is is a bunch of artists together, doing something for one another.... Canada is unique in one way ... the galleries, the government and the artists are all interdependent and so you can’t do one without the other. So if you try to undo the artists the artists get together and you undo the gallery, and you undo the government ... and that’s the way it should be.... And you gotta have it in the hands of the artists, because the artists will work with anybody.”¹⁰

While CARFAC and London, Ontario, no longer have the same relationship, and the scene into which CAR was born has changed dramatically, many of the issues remain the same. In fact, perhaps the original impetus behind the formation of CAR—the securing of reproduction rights for artists—has become even more important in recent years as intellectual property has emerged as an important economic engine. Artists such as Chambers, Ondaatje, and Urquhart supposed a direct relationship between the gallery and the artist that now has to be contextualized by international agreements and negotiations over IP rights. Agreements such as TRIPs (Trade Related Aspects of Intellectual Property Rights) and WIPO (World Intellectual Property Organization) have placed copyright and intellectual property at the forefront of twenty-first-century global capitalism.

As Susan Crean writes, noting a disjuncture between the way that free trade is preached and the way that it is practiced, the liberalization and openness of the economy to trade in knowledge relies on the strict regulation of intellectual property. She suggests that whereas individual creators used to have to struggle to obtain copyright and recompense for their work, this ideal has now been taken on by massive multinational corporations (with, it should be noted, much greater success).

How do these issues play out? Often, Crean suggests, what is guaranteed through law for corporations does not filter down through the system, where creators’ work continues to be regularly used without acknowledgment or payment. Somewhat contradictorily, access can also be an issue. In a recent case in point, the National Gallery of Canada (NGC) (a publicly owned, state-supported institution), operating at arm’s-length from the government, used existing copyright legislation to target the Manitoba Frontier School Division (MFSD).¹¹ In 2004, the Stark Museum, in Orange, Texas, donated four reproduction paintings by

Canadian artist Paul Kane to the MFSD. As Michael Geist reports, “the paintings were seen as a homecoming of sorts since one of the portraits features the only known likeness of aboriginal elder Ogemawwah Chack, ‘The Spirit Chief,’ who is a direct ancestor of many local residents.”¹² To include the paintings in local school curricula, the MFSD contacted the NGC to ask for a copy of a photo of the painting held in its collection. The gallery asked for \$150, more than ten times the amount charged by the National Archives for a similar request. The NGC also claimed the right, “to see and approve final design proofs for the use of this public domain image.”¹³ School Board officials wrote to Liberal Minister of Canadian Heritage Liza Frulla, but Frulla’s office declined to intervene. The MFSD officials went public with their concerns, trying to draw attention to “the misuse of copyright law to restrict access to Canadian culture.”¹⁴ The double assumption here is that Canadian culture is a shared knowledge that should be accessible to all Canadians, and that the NGC, as a public institution, should not be making money from the symbolic heritage of Canadians. In truth, galleries and museums have for some time been at the forefront of copyright regimes. Though the Manitoba case did not garner a great deal of attention, it is exemplary of the direction that copyright protection could take in Canada over the coming years as the management of rights comes increasingly to be seen as a source of potential revenue.

It is not, however, capital accumulation that is always at stake. Crean, Edwards and Hebb describe a case with a different emphasis: “Recently, however, the Snuneymawx (Nanaimo) First Nation on Vancouver Island took an innovative step in establishing a number of the petroglyphs found on Gabriola Island as marks under the Trade-Marks Act. These images were being widely exploited by artists and entrepreneurs without reference to the native community. The Band did this on the basis of its being a public authority not a commercial operation and this is indicative of its intent to preserve a limited commons rather than create a private interest. What is innovative about the move is that it advances a method for the collective ownership regime operating in native culture to be recognized.”¹⁵

Copyright has become an increasingly complex field of negotiation in the art world as some artists lobby for compensation and others for the right to freely appropriate images and circulate work outside of IP regimes. In Canada, for example, numerous artists and others have gathered together

under the label Appropriation Art in order to contest the imposition of stringent copyright law on the arts. For these artists, recompense for reproduction pales in comparison to what they see as a crackdown on their right as artists to use preexisting material in their artworks.¹⁶ In 1968 London, Ontario, it is unlikely that Chambers, Ondaatje, and Urquhart could have foreseen the importance that intellectual property rights would come to hold in the twenty-first century. The heady days of 1960s London are now almost entirely absent from the national and international forums in which IP agreements are negotiated. And yet, what was set in place in 1968 remains an important standard by which the rights of artists can be legally upheld.

Notes

- 1 Lloyd Robertson became a well-known news anchor on CTV, a privately owned competitor to the national broadcaster CBC. He announced his retirement in 2010 after 37 years on the air.
- 2 The Umbrella, Canadian Broadcasting Corporation, 1966.
- 3 See, for example, Nancy Geddes Poole, *The Art of London, 1830-1980* (London: Blackpool Press, 1984); Dennis Reid and Matthew Teitelbaum, eds., *Greg Curnoe: Life & Stuff* (Vancouver: Douglas & McIntyre, 2001).
- 4 Greg Curnoe, "Amendments to Continental Refusal/Refus Continental," in *Beyond Wilderness: The Group of Seven, Canadian Identity, and Contemporary Art*, ed., John O'Brian and Peter White (Montreal and Kingston: McGill-Queen's University Press, 2007), 57.
- 5 CARFAC, www.carfac.ca.
- 6 The Status of the Artist Act can be found at <http://laws.justice.gc.ca/en/S-19.6/index.html>.
- 7 CARFAC, "Status of the Artist," <http://www.carfac.ca/about/federal-status-of-the-artist-certification/>
- 8 See Gregory Sholette in chapter 3 of this volume.
- 9 See also Lucy R. Lippard, "The Art Workers Coalition: Not a History," in *Get the Message: A Decade Of Art For Social Change* (New York: E. P. Dutton, 1984).
- 10 Jack Chambers, from the AGO collection. This interview can be accessed by dialing 1-888-244-4184 (code 110#).
- 11 The Canadian Heritage website on the National Gallery notes that, "Copyright in the Artists in Canada Database belongs to the National Gallery of Canada. No part of the Artists in Canada Database may be stored, transmitted, or otherwise used or reproduced in any form except for non-commercial study or research purposes with a proper acknowledgement or citation of the Artists in Canada Database. Any commercial use of the database or extracts thereof is prohibited without the express written

consent of the National Gallery of Canada” (Canadian Heritage Information Network, “Museums and Sustainable Communities” (April 1998), http://www.rcip.gc.ca/Resources/Icom/English/e_conf_agenda.html).

- 12 Michael Geist, “Harry Potter and the Right to Read,” (17 July 2005) <http://www.michaelgeist.ca/index.php?option=content&task=view&id=896>.
- 13 Ibid.
- 14 Ibid.
- 15 Susan Crean, Laurie Edwards, and Maria D. Hebb, “Intellectual Property and International Trade.” *Paper Prepared for the Canada Council* (August 2000), <http://www.cra-c.ca/CanadaCouncilpaper2.doc>.
- 16 Appropriation Art, “Appropriation Art,” <http://www.appropriationart.ca>.