

MARYSIA LEWANDOWSKA AND LAUREL PTAK IN CONVERSATION ON INTELLECTUAL PROPERTY

Artist Marysia Lewandowska and curator Laurel Ptak have initiated a long-term conversation and collaborative research project on the subject of intellectual property, open culture and art practice. The following text is an imperfect facsimile and uncopyrightable trace of their ongoing dialogue as it has unfolded since the fall of 2009.

LP

For me, debates around intellectual property are essentially questions about who owns ideas and knowledge; who produces them? Who consumes them? Who profits from them? What are the politics, conditions and economies of their production, circulation and distribution? Our work together explores and tries to articulate the scope and terms upon which ideas and knowledge might more ideally be shared — both inside and outside the art context.

ML

What is the value of culture that is predominantly owned rather than shared? This brings us to the question of the social dynamics of property. And relates directly to neoliberal politics and the destruction of public space which includes publicly owned knowledge and creativity. The more enclosures you invent and legally enforce, the more you are creating a situation where the very concept of the public is being eliminated.

LP

You have lived for many years in London, and I've been based in New York for a decade. Between the twin figures of Thatcher and Reagan, the instances and effects of deregulation and privatisation they set into motion have been widely discussed and deeply felt. The changed social conditions shaped by these economic and political policies are well expressed inside recent struggles over intellectual property. Our geographic but also generational points of view have proven productively different for our work together.



Bedford Square, London, 2010.

ML

I was raised in Poland, in a culture where ownership was assumed to be collective, and private property was abolished and violated. It might seem a contradiction but the experience of collectivity under communism left me with a very ambivalent relationship to property. And yet my experience since moving to London in 1985 has gradually allowed me to get closer to a notion of knowledge that is produced collectively without having to always go back to the question of origin. I have also for the past six or seven years encountered the principle of the commons, originating in English land rights. So gradually through these contexts in which I lived and worked, I became more open, and that happened to coincide with larger cultural movements like digital peer-to-peer production, open source culture, ownership of knowledge and intellectual property debates.

A starting point for my interest in intellectual property is the question of generosity and the gift. It's an interest in the circulation of the gift and its need for dissemination that brought me to the point of considering creativity as an exchange of gifts. It may also have something to do with having had a long-term collaborative art practice that was based in negotiation and questioned authorship, even though not so explicitly. Another turning point for me was working with archives and the realisation of how something that has been produced and supported by collective efforts is controlled through limiting access and becomes the site of struggle over property rights.

LP

My interest in these ideas radiates from a cultural moment I experienced in New York in the early 2000s — the end of the 'dotcom boom'. This was the moment I graduated from college, when anyone with a freshly earned liberal arts degree could teach themselves code and be recruited to work for an Internet start-up company. My adult subjectivity was formed directly under the conditions of this emerging digital and information economy, with its attendant post-Fordist conditions. Participating in the building of this new system for mass communication and commodification allowed me to reflect on its features, rules, and economies. I know it intimately.

A decade later I think a lot about how much notions of communication, site, labour, production, distribution, community, sharing, as well as the boundaries between what is public and what is private are in flux through our experience of this technology.

ML

There might also be a convergence of the fall of communism in Eastern Europe and the Internet entering into our lives. Both of those events introduced the possibilities of living without an ideologically centred ruling system. Something that comes with an understanding of freedom a new system promises is how easily it can be abused.



Graffiti at University College London during the student protests, 2010.

LP

It's interesting to me that we're both pointing to much larger systems of change which affect the ways authorship and ownership relate to one another — albeit in radically different contexts.

Network culture has certainly revealed how freely and inexpensively information and knowledge are able to flow and circulate. But it has rendered equally visible how hard the state, the corporation or the museum will fight to keep things privatised in the interest of certain economies. This is so starkly at odds with the ways that individuals demonstrate a will to use and share information, knowledge and creativity. Intellectual property is ultimately a legal and economic apparatus that transforms ideas into commodities — always at stake are tensions between authorship, creativity, value, law and the state.

ML

Every artwork always navigates precisely these concerns — but not necessarily transparently or even reflexively. Ownership and identity are strongly linked with each other. Collaboration and participation appear to be sites of exchange open to negotiation. The object of that exchange is creativity itself. How we own and share what we collectively produce defines, as well as is defined by, a social framework.



Marysia Lewandowska, *Subject to Change*, Royal College of Art (2011). Photograph by David Pearson.

LP

There are many conflicting narratives at play that contribute to this lack of transparency. Think of how hard it is to answer

questions like: is art publicly or privately produced, owned and funded? Is culture a social or economic form?

ML

In the last three years I have developed a number of works based in the research of the social function of the public museum, more actively exploring the model of an open source production. The film *Museum Futures: Distributed* (2008), commissioned by Moderna Museet in Stockholm for their Jubilee, was the last work in my long-term collaborative practice with Neil Cummings. It is a machinima record of the centenary interview with Moderna Museet's executive Ayan Lindquist set in June 2008. The exchange between two women explores a possible genealogy for contemporary art practice and its institutions, by re-imagining the role of artists, museums, galleries, markets and academies. It is also explicitly critical of proprietary regimes, characterised by false scarcity and artificially inflated art prices driven by market concerns. The project proposes how voluntary contributions of one's own work to the common pool is a right that should not be restricted or determined by openly commercial interests.

LP

Where *Museum Futures* speculates about open culture and the fate of the public domain, some of your other projects deal more tactically with these concepts.

ML

I had a chance to work with Moderna again in the context of their survey exhibition *Moderna utställningen 2010*. My project *How Public is the Public Museum?* (2010) explores questions of intellectual property, economy and gift in relation to mechanisms of dissemination, engaging forms such as the poster, the exhibition catalogue and the museum logo itself. By inviting all the participating artists, writers, photographers and designers involved to consider having their works reproduced in the catalogue as non-proprietary, I encourage a clear declaration concerning exchanges in the creative field. Granting free access to one's work changes the mind set and perhaps reduces the fear of illegal violation. As a result of this request the catalogue appeared with the Creative Commons license — making it the first of its kind in the history of publications released by Moderna.

With the additional gesture of giving away a double-sided poster bearing the image of Robert Rauschenberg — whose handwriting is used in the museum logo — I offer a choice to the visitor of releasing the object and image into the public domain. As one side bears the logo with the Creative Commons sign, the other reminds us of its current status as a copyrighted entity. The double-sidedness of the poster articulates a possibility of active engagement in the thinking and deciding that the visitor and owner of the distributed gift are empowered through. A similar reminder appears on the façade of the museum where the logo is clearly painted. By adding the copyright sign, I wanted to bring to the public attention the fact that despite the original writing having been offered by Rauschenberg in a generous gesture, it had to be withdrawn from free circulation and locked into an exercise of branding in order to ensure its exclusive rights.



Marysia Lewandowska, *How Public Is The Public Museum?*, Moderna Museet (2010).

A similar spirit also characterises the project through which we met at the Center for Curatorial Studies at Bard College, *Women's Audio Archive* (2010), which establishes a dedicated online archive (www.womensaudioarchive.org) of conversations and public events, which I recorded during the 1980s in London and elsewhere. The work still continues as I'm involved in negotiations with all the authors whose voices have now been digitised, to secure their agreement in making the recordings freely available as part of the public domain.

All of these projects contribute to the debate concerning the constitution of a cultural commons, whose contents are freely re-usable and protected from privatisation. The underlining desire is in creating and supporting a clear alternative to the currently existing restrictive procedures developed in the interest of capitalising on the wealth of ideas, rather than benefiting their authors. Conceiving knowledge and expression as something essentially common, to be shared and made available as a resource for future creation, both semiotic and embodied, material and immaterial, seems an important basis for an artist's practice.

LP

My curatorial projects have sought to address parallel concerns. It feels increasingly urgent to make explicit how intertwined the relations between economies and ideas have

become and to articulate, examine and occasionally counteract problematic sets of social and power relations these conditions bring along with them.

I'm now in the midst of launching an online project, wehavethetechnology.org, which attempts to negotiate these relations through creating an artist residency programme in digital space that structures itself as a sustained platform for dispersed communication, research and collaboration. It's a way of wondering if there are better uses of the technological tools we already have — how we might try to use them more productively or openly and attempt to steer them away from the problematic or exploitative aspects of immaterial labour and information and knowledge economies we've already discussed.

Another example is my collaboration with American artist David Horvitz and the 2010 graduating class of Bard College's MFA programme, *Like the English Language, Formulae of Newtonian Physics, the Works of Shakespeare, and Patents Over Powered Flight* (2010). The title comes from the Wikipedia entry for 'Public Domain' — it's a list of remarkable things that are immune to private ownership.

Much of Horvitz's work deals with the concept of distribution and the gift — often engaging, re-working, or making transparent the logic that network culture in particular has brought to bear on these concepts. We wrote a letter to the class explaining why generosity might be important to consider in the field of art, how their work as professional artists would be constantly entangled in questions of intellectual property, ownership and value that had never been directly addressed in the context of their education. They agreed to release 25 of their artworks into the public domain, relinquishing all legal ownership and copyright.

ML

It would have taken 70 years otherwise before these works would have become part of the public domain. In the past 300 years, legal protections of copyright have been extended from 14 years in 1710 to 70 years today. Does that mean what we are producing now is more valuable? How is this value manufactured? How does the process and pressure of this extension of time relate to commercial exploitation?



www.womensaudioarchive.org

LP

One of my favourite aspects of working on this project was editing and circulating a pirated PDF reader that assembled a range of texts on the subject of intellectual property and the public domain that I had encountered in my private research and now had occasion to share.

Out of this I became interested in and began to research the history of pirated books. It's fascinating what a long tradition there has been of people making and distributing them. Not to mention how many stark parallels we can draw between the debates that unfolded centuries ago, with the wide-spread use of mechanical movable type and the printing press, and current debates around the Internet and digital reproduction technologies. There was a powerful populist movement in the 1700s that argued that the pirating of books was in the public's interest — it practically mirrors today's discussion of peer-to-peer file distribution.

ML

Matthew Stadler has this great quote: 'Publication is not the production of books but the production of a public for whom those books have meaning. There is no pre-existing public. The public is created through deliberate, wilful acts: the circulation of texts, discussions and gatherings in physical space, and the maintenance of a related digital commons. These construct a common space of conversation, a public space, which beckons a public into being. This is publication in its fullest sense'.¹ This idea deeply resonates with me, especially in the context of our exchanges over the past few months and with our desire to bring our ideas into published form.



Public Library, Stockholm, 2006.

LP

I'm interested in something Stadler suggests here, that today our notion of public space is comprised of both an immaterial digital commons as well as more traditional physical spaces for gathering or exchange. Can we think of online space as a public space in and of itself? If so how might we characterise it? It seems to me a rather ad hoc kind of public space, and its non-physical, deterritorialised nature certainly makes it harder to ensure that protections here can be equally offered to everyone. On the one hand it seems to be a site we want to grant unique democratic potentialities to — think of

¹ Matthew Stadler, 'What is a Publication?', public lecture at Montehermoso Art Centre, Vitoria, Spain, 27 September 2008.



National Union of Students march, London, 2010.

Wikileaks 'cablegate' or the press' frequent evocation of social media like Twitter or YouTube in recent political revolutions. But it also speaks of a privatised, corporate sort of public space — like Facebook or Google. A parallel to the latter might be to imagine urban corporate atriums or food courts inside suburban malls. While we are all allowed to enter and occupy these spaces for 'free', our behaviour inside them is always instructed by and ultimately subject to the rules and logic of the corporation. Maybe we need to start recognising that the information architecture and code used in constructing a website are equally like architecture in physical space — on some level it embodies ideologies and controls our behaviour.

ML

The protection of the embodied public sphere has taken a different turn with the recent student protests across the UK. I experienced them in London, witnessing self-organised responses against fee increases and cuts to higher education. The occupational strikes proved that all those involved in academic and art institutions, both tutors and students alike, were being subjected to business models of education, threatening their basic rights with harsh commercial considerations, which will soon lock publicly produced knowledge and resources into privatised zones of access. The accompanying motto 'Don't panic. Organise' resulted in successful actions with occupied classrooms from University College London to the Royal College of Art and beyond. A clear refusal and opposition to government proposals perceived by everyone as a violation to human rights was an indication of how intellectually and emotionally invested the subject of ownership has become.

LP

The protests have had a lot of impact on your recent thinking and projects.

ML

Yes, it was around the same time, in December last year, that the graduating students on the Curating Contemporary Art MA at the RCA invited me to participate in SHADOWBOXING. Since their interests took as a starting point Giorgio Agamben's essay 'What is an Apparatus?', written in 2006, I took this opportunity to look more closely at institutional

hierarchies in relation to the history of student protests at the RCA. Although not that many protests have taken place, all of them can be characterised by a desire for greater participation in the governance of the school, transparency in decision-making processes, as well as greater freedom in accounting for art practice away from object or manufacturing based production. The closure of the Environmental Media Department in 1986 — which supported critical and politically motivated practice based in film, video and performance, with its immaterial and often ephemeral event-based outcomes — put an end to more radical approaches in the formulation and dissemination of ideas. Many of the works exercised a need for intelligent critique of media culture, nuclear spill concerns, power relations and feminist politics. It was quite shocking to find no trace of this production in either the RCA archives or their art collection. Disconnected from the educational context which served as a fertile ground for these artists and now only available with authorisation of the distributor, it brings back the debate of access to cultural production, even of the most recent times, and makes me wonder why there are no efforts to make all that history available through an online archive.

The climate of increased pressure from policymakers to shape our public life around financial interests has created an urgent need for non-proprietary, collaborative production and ownership. Through these moments of consolidated engagement one's attention shifts and explores rich areas of cultural activity that fall below the radar of state control and intervene into strengthening our desires for open access to knowledge and creativity. They must be part of what one thinks of as un-knowledged knowledge, often originating in networked contexts ridden with unexpected affiliations between people and the wider social imagination.

This text was originally commissioned by Maria Lind for publication in *Paletten*, No. 1, 2011. It has been adapted and updated for SHADOWBOXING.

ANTONIA BLOCKER REFLECTIONS ON THE INEFFICIENCY OF THE EXHIBITION: PART ONE

ex-hi-bi-tion [ek-suh-bish-uhn]

— noun

1. an exhibiting, showing, or presenting to view.
2. a public display, as of the work of artists or artisans, the products of farms or factories, the skills of performers, or objects of general interest.

As defined above, the creation of any exhibition involves making something publicly visible. Therefore, the exhibition must be understood as a forum in which, through the means of display, something otherwise unseen or unavailable can be translated into public space. In the course of the daylong seminar, *The Art of Not Being Governed Quite So Much* (the first in the series of events that accompanied SHADOWBOXING) Marysia Lewandowska noted the parallel polarities of studio and exhibition, private and public. Lewandowska proposed that 'the separation [of studio/exhibition, private/public] is not useful'. Continuing in this vein, one might say that, if the studio is the domain of the artist, then the exhibition is the domain of the curator. In the case of SHADOWBOXING, the intention was to dissolve this boundary, so that artists and curators would collaborate to determine and produce both what was on display in the exhibition space and the thesis of the project as a whole.

A curator, more than being an organiser of exhibitions, at least for me, is someone who puts forth a thesis, a proposal about particular attributes of art, and uses the

exhibition to provide an argument for its cultural and artistic importance, and if they are academics or scholars, employ the catalogue essay to examine the role of that art within broader art historical consideration. — Okwui Enwezor¹

Here Enwezor succinctly characterises the exhibition as a container, an enclosed space in which a defined idea can be presented to an audience, with the catalogue providing a separate space for art historical contextualisation. This definition reinforces the notion of a dominant pyramid format, where the exhibition is paramount and the publication and events provide supporting roles. What if the curator enters into the process of making an exhibition with no singular thesis to articulate, but instead with the intention of locating an idea within a process of collaboration with invited artists? How might this process of collaboration be communicated to an audience? Is the conventional exhibition format still appropriate? If the pyramid is reconfigured so that all three elements are given equal importance, how does this affect the final results? In the case of SHADOWBOXING, it seemed necessary to upset this hierarchical trifecta in order to allow for a different, less predetermined approach. In light of this, it was important that the exhibition and catalogue remained as open and fluid as possible.



Marysia Lewandowska, *Subject to Change* (2011). Cover of student publication *Is There a Way Through* (1984). Reproduced by permission of the Royal College of Art Archive.