ART AND POLITICS OF APPROPRIATION

by

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Abstract

This thesis works towards a theory of creative appropriation as critical praxis. Defining ‘appropriation’ as the re-use of already-authored cultural matter, I investigate how the ubiquity of aesthetically and commercially motivated appropriative practices has impacted concepts of creativity, originality, authorship and ownership. Throughout this thesis, appropriation is understood as bridging the artistic, political, economic, and scientific realms. As such, it strongly affects cultural and socio-political landscapes, and has become an ideal vehicle for effectively criticizing and, perhaps, radically changing dominant aesthetic, legal and ethical discourses regarding the (re)production, ownership and circulation of knowledge, artifacts, skills, resources, and cultural matter in general. Critical appropriation is thus posited as a political strategy that can draw together the different causes motivating appropriative processes across the globe, and organize them for the benefit of a multitude which values concepts of reusing, sharing and collectivity over concepts of the individually authored and the privately owned.

My arguments regarding this critical potentiality are based on concrete practices emanating from several media (textual – visual – sonic – digital). The corpus includes Berlin Dadaist collage, ‘found footage’ filmmaking, audio sampling, and digital media art. It is
critically contextualized in the fields of philosophy, law, and aesthetics, and paired with relevant examples from extra-aesthetic arenas (economics, industrial production and science). Following a trajectory from the analog to the digital, my thesis traces the emergence and tactical employment of critical appropriative practices in the context of different historical, philosophical, technological and economic circumstances. Focussing on conceptual and practical shifts from the analog to the digital furthermore enables me to draw connections between analytic perspectives founded in dialectic materialism and contemporary theories foregrounding issues of immaterial labor. The important qualitative changes that practices and perceptions of appropriation have undergone are argue to significantly amplify the critical potential of all appropriative practices. Ultimately, my comparative analyses thus establish appropriation as an ideal site for effectively challenging – both in terms of form and content – the ingrained, restrictive notions of original genius and naturalized authorship-qua-ownership on which present cultures and technologies of global capitalism are so heavily based.
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Figure 1: “Narrative trajectory”
Introduction

This project concerns the theorization of ubiquitous cultural practices of appropriation, a term that here denotes the re-use of already-existing, already-authored cultural matter, and its incorporation in new works. This broad definition – which accommodates practices ranging from collage art to the reuse of film footage, from the physical cutting and pasting of photographic images to the more intangible sampling of audio recordings and the creative re-coding of digital information – purposefully foregrounds the practical, material aspects implied by the term ‘appropriation.’ Appropriation, in this sense, is to be understood as distinctly different from related concepts such as allusion and adaptation, with which it is, in common parlance, often wrongly conflated. This distinction is of great importance for numerous reasons: most importantly, it must be noted that creative practices marked by the purely conceptual invocation or referencing of prior works invoke an entirely different set of critical stakes than creative practices marked by the actual, material re-using of existing cultural matter. In this sense, an adaptation or remake of an already-authored film is quite different, for example, from a cinematic appropriation that is based on the re-editing of already-authored film footage – while the former reworks motifs, narrative content, or formal aspects, the latter reworks the actual material of the referenced work. Of immediate importance in the definition of appropriation given above is, in other words, the proximity of the terms ‘creative’ and ‘re-use:’ it indicates a strong and fertile potential for conflict, since the conjunction of the two terms simultaneously implies long-standing notions of originality, creativity and uniqueness, but also of derivation, secondariness, imitation and, all too often, theft.

Right away, ‘appropriation’ thus emerges as a complex, fractured concept that is invoked in very different, often opposite contexts. While all creative appropriations share the peculiar
status of being connected both to the new and to the old (to the ‘originals’ on which they are based, as well as to the new composites that are created), this status can be interpreted in starkly divergent ways, and can mark, based on the interpreter’s perspective, a ‘copy,’ a ‘plagiarism,’ an ‘invention,’ a ‘crime,’ or a new ‘original’ in its own right. In this ambiguity, I will argue, is embodied a strong critical potential, by way of which appropriative art can insert itself into a large variety of socio-political contexts in order to address a multitude of already-existing, extra-aesthetic (and often-times negatively connotated) discourses and uses of appropriation.

Insisting on a definition of appropriation that is based on the material re-incorporation of already-existing, already-authored cultural matter thus enables me to go beyond questions of influence, homage, referentiality and intertextuality, which are commonly negotiated on the level of adaptation, allusion and quotation. Such a reformulation of what is meant by ‘appropriation’ may appear as a narrowing of focus – but as will be seen, focusing on the material aspects of appropriative processes makes it much easier to theorize the ubiquity of appropriative practices in many realms outside the aesthetic, as well as the critical interconnectedness between these different realms. Accordingly, all primary examples of artistic appropriative practices discussed in this thesis conform to the criterion of the explicit, direct re-using of pre-existing materials. This criterion can perhaps most easily be seen to be fulfilled by early montage practices such as Dadaist collage (discussed in Chapter 2), because the Dadaists took great care to make their cutting and pasting practices extremely obvious and explicit; in more recent appropriative practices that push into the more elusive realm of incorporeal sounds and projected images (discussed in Chapters 3 and 4), the criteria of ‘material’ appropriation is fulfilled, as will be seen, by way of engagement of the base media in which the appropriated cultural expressions are bound (such as the film strip, the audio CD, etc.); in the even less tangible realm of the
appropriation of digital information (discussed in Chapter 5), finally, it is copyright and intellectual property legislation that posits abstract entities such as ‘information’ as fixed, material property, so that my general definition of appropriation continues to apply. As I will argue, in comparison to purely allusive and referential techniques, appropriation thus speaks to complex issues of creativity, originality and authorship that are always raised when pre-existing cultural matter is re-used in a more direct, more immediate manner. Based on this, creative appropriation is here posited as a practice that is more pertinent than adaptation or allusion for theorizing the histories of intellectual and private property, for tracing both the facilitation and the suppression of creativity and of circulating free thought, and for exposing the development of capitalist economic regimes steeped in the regulatory (re)production of cultural commodities.

Beyond any historical, contextual and medium-based specificities and differences (which undoubtedly exist), all appropriations are herein understood to be aligned at least in the sense that they are based on related processes (but not philosophies) of re-using. As already indicated, I consider all appropriations to result from practices that are useful for creatively fabricating new composites from pre-existing material or information; what remains to be determined is whether the ‘usefulness’ of the diverse appropriative practices discussed in the following chapters is understood in aesthetic, critical, political, or economic terms – and it is exactly this variability that suspends the general concept of appropriation between the creative, the derivative and the economically informed, and that lends it a reputation that is often tainted with overly negative connotations, last but not least because it posits appropriation as a forceful critical tactic.

While the practices of creative appropriation briefly listed so far permeate much of our contemporary cultural lifeworlds, the broad definition given on page 1 also encompasses a wide range of creative, i.e., productive activities that are not limited to the ‘cultural’ per se. In fact, a
key part of this project is to scrutinize the ways in which practices of re-using and re-coding have come to be of equal concern in the extra-aesthetic, yet concomitant realms of political, economic, legal and ethical discourse. While artists have thus realized the power of appropriative techniques for socio-political critique and activism, economists and the culture industry similarly embrace appropriation as a cheap and effective substitute for costly and time-consuming research and innovation, policy-makers and jurists see themselves compelled to continuously refine legal frameworks regulating appropriative practices in all arenas of human (re)productivity, and scientists, last but not least, have long accepted that many of their most important findings are based on the appropriation of known facts and figures. National as well as multilateral policies dealing with copyrights, intellectual property, privacy, or patent law are, in this sense, always directly concerned with regulating appropriative practices – a fact that again posits creative appropriation as an extremely powerful vehicle for critical commentary on and interfere with these extra-aesthetic discursive fields. A general, comparative theory of the practices and politics of appropriation, then, is of great relevance far beyond discussions of the purely cultural and aesthetic, and plays a vital role also in related debates pertaining to fields such as media-, data-, and bio-piracy, to the manipulation and patenting of genetic code, to globalized economy and politics of trade and (re)production, and to civil and privacy rights.

In themselves, the various ways of re-using already-authored materials for the production of new creative expressions (be they of a tangible or intangible, aesthetic or commercial nature) are nothing new at all. At various points in time, it has, indeed, been a generally accepted notion that imitation is one of the core elements of humanity’s shared faculties of learning and creativity. The ways in which appropriative practices have been and are being perceived and defined, however, have, time and again, drastically changed: along the way, appropriation has
thus both renewed and challenged aesthetic traditions of creativity and authorship, has asserted
and subverted humanist and legal concepts of ownership that were long deemed quasi-absolute,
and has both facilitated and undermined wave after wave of capitalist economics and politics.
What all appropriative practices ultimately share, then, is an inherent proclivity to put in question
absolutist discourses that seek to restrict the fundamental human tendency to creatively use, re-
use, share, and produce in common. In this sense, the development of new (re)productive
technologies, the opening of new markets, the restructuring of political formations, and the
institution of new (trans)national juridical policies dealing with both tangible and intellectual
property all continue to impact general ideas of what it means to re-use and reproduce – and, by
extension, what it means to be able to create, to author, to own, and to share.

A peripheral note in the paralipomena to Theodore Adorno’s Ästhetische Theorie touches
on this observation in the following way: “The New is heir to that which the individualistic
concept of ‘originality’ used to want to convey – a concept that is evoked, by now, by those who
do not want the New, who accuse it of being unoriginal, of being a sophisticated form of
uniformity” (Ästhetische Theorie 402).¹ When considered in the context of appropriative
practices, this statement again strongly points beyond the sphere of aesthetic theory. It evokes
not only the collage and assemblage artists that most promptly come to mind (such as Marcel
Duchamp, Joseph Cornell, or the French and German Cubists whom Adorno repeatedly
references), but, indeed, the entire mass of warring factions involved in current discourses
surrounding practices of both commercial and critical re-use and (re)production: the proponents
of the globally dominant economic systems that profit from impeding and criminalizing the

¹. “Das Neue ist Erbe dessen, was vordem der individualistische Begriff der Originalität sagen wollte, den
mittlerweile jene ins Feld führen, die das Neue nicht wollen, es der Unoriginalität, als avancierte Form der
Uniformität bezichtigen.” [Note: In what follows, citations from languages other than English appear as my own
translations in the main body text, with the original text supplied in the corresponding footnotes.]
unencumbered circulation of cultural information and artifacts; the multitude of underprivileged individuals who, by existential necessity, have turned the human capacity to improvise, creatively recombine and re-use into an art of survival; the appropriation artists, activists, and creative tinkerers who more and more often come to be called hackers, pirates, thieves, or even terrorists; and finally the policymakers and cultural theorists who either attack or continue to abide by absolutist divisions between the aesthetic, the political, the economic, and the ethical and legal. Whether in abstraction or in the immediacy of performed appropriative practices, all of these factions must be understood to represent appropriators in their own rights. But as different types of appropriation have always implied vastly divergent stakes, and have enabled vastly different agendas, a great number of different notions regarding the concept of appropriation therefore co-exist in sometimes paradoxical ways. Quite obviously, not all appropriations are alike, and competing discourses on the phenomenon often want to be concerned, it seems, only with aesthetics, with legal matters, with privacy rights, or with economics.

Beyond such exclusionary tendencies, however, the general concept of appropriation remains eerily ubiquitous and universal, and we will find it wherever we care to look. Regardless of whether a particular type of appropriation relates to or poses as an aesthetic principle, a business practice, a scientific methodology, or a philosophical tenet, it will always reflect an odd double nature inherent in all discourses concerned with appropriation, which, depending on one’s perspective, can render concrete appropriations as adhering to a dominant, commanding doctrine, and/or as a tactic of resistance that subverts such doctrine. As an example, consider the sampling of existing sounds and melodies: when practiced by hip hop artists or electronic musicians, sampling is both celebrated as symptomatic of postmodern subjectivity and criticized as a deliberate, defiant form of theft. When we discover unlicensed, unauthorized samples buried in
the ‘World Music’ catalogues of transnational media conglomerates, however, an entirely
different set of arguments is commonly deployed in attempts both to justify and to challenge the
appropriations from which they result. In what follows, these paradoxes will emerge in much
clearer detail, and appropriative practices that have been argued to be diametrically opposed to
each other will be seen to share many characteristics; at the same time, existing and shared
discursive grounds that are commonly invoked in discussing divergent appropriative practices
will be posited as unstable and artificially constructed. A close comparative look at different
types and concepts of creative appropriation will thus force to the surface the oftentimes
unrecognized, underestimated, or purposefully obscured tensions and interdependencies between
different materializations of appropriative practices, and will also foreground the aesthetic,
political, ethical and economic stakes that inform competing discourses on issues related to them.
Ultimately, these comparative analyses will provide the context for my more general arguments
regarding appropriation’s potential for representing a critical practice of perhaps utopian scope
and force – a practice that draws, as I will show, much of its strength from its ubiquity and
uncertain status, and that holds an inherent capacity for critical and political commentary on its
own multifarious applications and meanings.

As noted above, throughout this project the primary vehicle for formulating a theory of
the politics of appropriation is the analysis of practices employed for the creation of art. Yet,
assuming that art can never be apolitical, the examples discussed in the following chapters will
always serve the purpose of thinking appropriation beyond the aesthetic, of relating it back to
some of the practical spheres from which it emerges, and of relating it, furthermore, to domains
which have sought to limit its critical potentiality through assimilation, commodification and the
institution of legal boundaries precariously balanced on often outdated aesthetic theories.
Ultimately, the first-order creative appropriations discussed below will thus point beyond themselves to demonstrate how appropriation in general might be posited as an explicitly political phenomenon that is both ‘old’ and ‘new,’ and that simultaneously points back to tradition and forward to aesthetic, ethical, economic, political and legal utopias.

The following five chapters are structured around a relatively contained corpus delimited by four distinct creative practices and medium-specific contexts. Each of these four clusters focuses on explicitly appropriative (re)production processes (rather than on elusive intertextual references), and encompasses a range of related artists, styles, and concrete works. The corpus also spans several media, and in this sense roughly follows a historical trajectory (from the early twentieth century onwards) of the development of technological-qua-aesthetic practices that moves from the context of the analog to that of the digital. I begin with a discussion of cut-and-paste montage and collage (more specifically with the work of the Berlin Dadaists, in Chapter 2), and then move to more recent examples of analog, physical appropriation represented by experimental found footage films (i.e., films assembled from already shot footage, in Chapter 3). This leads into a discussion of contemporary practices that are based on more abstract definitions of the concept of appropriation, and that apply themselves not only to the actual, physical appropriation of analog media, but that also move into less tangible contexts of the analog (sound, images-as-such; Chapter 4), and, finally, into the digital (Chapter 5).

The rough timeline just outlined follows the emerging importance of appropriative practices for artistic/creative purposes, and suggests that many of the core concerns of critical appropriators – such as addressing the material, socio-political contexts and circumstances of cultural production, or addressing issues of authorship, ownership and censorship – have essentially remained unaltered over time. It furthermore confirms what I have already suggested
in stating that it is in the very nature of creative appropriation to function as a vehicle for critical commentary on such issues. At the same time, following this relatively linear timeline from Dadaism to the digital also conveys the rapid assimilation of radical appropriative practices for mainstreamed and popular cultural arenas. My particular approach to defining appropriative practices therefore allows me to meaningfully string together the historical avant-gardes, industrial and post-industrial (re)production, the natural sciences, and contemporary experimental art as well as mainstream culture. Related to my discussion of creative appropriation is, then, also a focus on important shifts in the way in which appropriative practices have been perceived and interpreted over time: in the arts, for example, appropriation has moved from an extremely marginal and radical position to a position where it now pervades, as will be seen, the entire, global culture industry, all the while continuing to bear, in its more radical manifestations, the stigma of being utterly political and, oftentimes, criminal; in the domains of capitalist (re)production and scientific research, appropriation is, in similar ways, precariously suspended between being perceived as an amazingly efficient and ‘beneficial’ practice, on the one hand, and as a harmful, parasitic and potentially criminal activity, on the other.

As we move deeper into an era in which knowledge as well as many cultural expressions and commodities primarily exist as incorporeal manifestations of digital, genetic or other code, appropriation is undoubtedly becoming an increasingly versatile and, as I will argue, ‘dangerous’ practice. The intangibility, immateriality and paradoxically deep simplicity of these intangible contexts, which philosophers of intellectual property tend to discuss as ‘ideal’ media, make it increasingly difficult to regulate and protect the (re)production and circulation of information, artifacts and commodities. At the same time, however, these same contexts vastly facilitate all
appropriative efforts. The physical fragments that served as the source materials for Dadaist collages and other early appropriation efforts, and that allowed these practitioners to closely relate their appropriations to the material, social and political circumstances out of which they emerged, have come to be replaced, then, by qualitatively different kinds of ‘bits and pieces’ – ones that are much harder to protect from being appropriated and copied, yet much easier to access, repurpose, re-assemble and circulate. In addressing these shifts, the structure of this study describes, then, a trajectory from the ‘arborescent’ to the ‘rhizomatic:’ it moves from the analog to the digital, from the peripheral to the ubiquitous, from the little-noticed to the allegedly harmful, and constantly oscillates between the aesthetic, the political, the economic, the ethical and the legal.

Since the following chapters follow a very specific, select route through the multitude of appropriative practices and the discourses thereon (a route that is necessarily marked by exclusions and a highly particular focus), it is helpful here to briefly explain how the exclusivity and high degree of specificity of this route nevertheless enables an inclusive, representative discussion of the critical praxis of appropriation in the twentieth and twenty-first centuries. The primary corpus of collage, found footage filmmaking, audio sampling and digital appropriation art may perhaps best be understood as inscribed on a simple diagram that bears, roughly, the shape of a capital letter ‘X’ (see Figure 1, page 11). Such a diagram would represent, in profile, a top and a bottom plane (approximately in the shape of a letter ‘V’ and its upturned image, ‘ʌ’) that approach each other, touch upon each other, and then, somewhat more reluctantly, meander away from each once again. The two touching planes would move along a common timeline: the bottom plane would represent the development of the discussed practices of appropriating and recoding pre-existing cultural matter, as well as the manner and motivation for deploying such
practices; the top plane, in turn, would represent the reception, interpretation, as well as the assimilation of these practices in the spheres of public opinion, economics and politics (by peers, critics, the entertainment industry, audiences, etc.). The ‘X’-shaped diagram would depict, then, the shifting relationship between these two planes over time, i.e., the changing pace and intensity of the proximation between critical appropriation, on the one hand, and discourses thereupon, on the other.

To the lower left of the touching point would be situated the avant-gardiste montage practices discussed in Chapter 2 (most prominently the collage practices of the Berlin Dadaists); to the upper left of the touching point, and thus at the furthest remove from the lower plane, we would find the general opinions of and attitudes towards these early radical appropriations. This disjunction represents the rather one-dimensional kind of attention that montage initially received when it became a favored practice in the production of critical art: as I will show, despite the fact that early montage artists always considered appropriation to bear a much more ‘real’ (i.e., concrete, tangible, and effective) connection to the post-WWI world of emerging late capitalist societies than that afforded by other Modernist aesthetic developments, montage was nevertheless perceived to shock, confuse and offend primarily in aesthetic terms. Accordingly, the Berlin Dadaists were much more likely to be attacked for their political agenda and their rambunctious appearance and behavior than for their actual practices of appropriating and
reusing images and artifacts that were, in most cases, already authored and legally owned by
others. Likewise, despite the fact that one of Dadaist montage’s primary aims was the
problematization of the modes and circumstances of capitalist (re)production processes, the way
in which their appropriative interventions directly interfered with these spheres and with the
system of exclusive ownership that they stood for was not, generally, considered problematic.
This constitutes a vast difference, for example, to current negative portraiture of contemporary
appropriative audio sampling, where the way in which appropriation is challenged has
significantly shifted to a representation of it as theft (and which would be posited on the
diagram’s right-hand side). In comparison, the single recorded instance of a larger legal action
against the Berlin Dadaists (discussed in section 4.1) concerned charges not of the criminal,
physical misappropriation of already-authored, commodified materials (i.e., of the infringement
of property rights), but of political agitation and sedition.

Closer to the centre of the diagram, we would find, on the lower plane, more
contemporary appropriative practices such as the explicitly political photomontage that
developed out of Dadaism, as well as some of the found footage films discussed in Chapter 3.
The proximity of the diagram’s two planes, at this point, speaks to the rapidly expanding culture
industry: with the emergence and popularization of various reproductive media (photography,
cinema, vinyl discs, audio tapes, and, later on, video), artists employing appropriative techniques
to critically comment on socio-political phenomena were now able to strengthen the impact of
their works, since the technologies they relied on made it easier and easier to appropriate pre-
existing cultural matter – in fact, such technologies were, for the most part, explicitly designed
for such reproduction, albeit of a commercial nature. Appropriation artists were thus able to tap
into the culture industry’s own technologies of reproduction and recirculation, which, I will argue, tremendously raised the stakes for appropriation art’s critical effectiveness.

At the same time, critical appropriation’s more pronounced interference with markets and capitalist technologies (which paralleled the gradual assimilation of appropriative techniques by the culture industry) no longer drew the attention merely of art critics and insider audiences, but also of the ranks of economists, corporate lawyers, and policy makers. The hypothetical ‘X’-shaped diagram’s two planes approach each other, then, also because of the assimilation and mainstream popularization of appropriative techniques and practices that were once perceived as avant-gardiste. Just as montage, collage, and other such techniques had always been integral elements of the general capitalist apparatus’ manufacturing, (re)production and circulation processes, these practices now came to represent also the culture this apparatus produces.

Active acknowledgment of such overlaps resulted in further critical appropriation art, and thereby further problematized interactions between art and the culture industry. The touching point between the diagram’s two planes marks, consequently, an important qualitative shift in how cultural appropriation is perceived: since appropriation was now not only a process-based, but also a content-based branch of the entertainment industry (cultural appropriation, in other words, was becoming more and more lucrative), its more critical and subversive practitioners were no longer perceived merely as tinkerers, exotic monteurs and radical outsiders with little influence on that other sphere on which they sought to comment (and from which, in our diagram, they were once so far removed). Instead, these critical appropriators would, from now on, often be regarded as criminals (thieves, plagiarizers, pirates, etc.), because their appropriative interventions came to signify not merely aesthetic divergence, but also actual, effective interference with socio-economic spheres. From this point forward, the diagram’s two planes
would thus once more recede from each other, indicating a new, different kind of relationship between the two planes – a new understanding of creative appropriation, an amplified importance of appropriative practices for commercial sectors, and, most importantly, a significantly raised critical potential of appropriation art born exactly from these aforementioned points. This qualitative shift in what appropriation is understood to mean and to be able to achieve reflects, I will argue, the practice’s raised critical effectiveness – an effectiveness whose potential for critical intervention in socio-political and economic spheres grows stronger and stronger on the lower right half of the diagram, which represents the emergence of contemporary appropriation techniques that go beyond the analog to finally embrace the ultimate in reproducibility, appropriability and circulability, namely the binary code of the digital.

On the upper right half, meanwhile, the corporate, official and legal opposition to such appropriations grows exponentially, partly because appropriation as a critical praxis now bears such a powerful potential to expose and challenge the important, yet often unethical and unjust appropriative techniques that the globalized capitalist apparatus itself employs (corporate flipping, economic and scientific appropriation of traditional knowledge, folk wisdom, and bioknowledge – all of which are discussed in Chapter 5), but also because appropriation has become a criminal counter-industry that, from the perspective of intellectual property legislation, is seen to resemble (at least technically) the appropriative interventions of critical artists. Common definitions of a ‘hacker,’ for example, might thus apply to a human rights activist bypassing internet censorship just as much as to a criminal entrepreneur who is in the business of pirating digitized music or films. Since appropriation, therefore, is now no longer only an artistic tool, but also an important economic, scientific and political tool, the relations between the two planes represented in our hypothetical diagram have become more complicated than ever,
resulting in a complexity that in my discussion will manifest itself as an extraordinary potentiality of critical appropriation’s sustained effectiveness.

A great range of studies dealing with appropriative practices, and drawing on the artistic movements listed above, show that the project of agreeing on a suitable terminology and a set of critical tools for studying the phenomena at hand has been much less successful than one might expect. As my discussion in Chapter 1 implies, terms such as collage, quotation, borrowing, stealing, copying, or plagiarizing are thus often used more or less synonymously or, conversely, in an overly contradictory fashion. Quite inconsistently, the techniques that these terms are deployed to refer to continue to be understood as related to political agitation, revolutionary avant-gardism, Modernist aestheticism, conformist popular culture, or detrital postmodernism. What such exclusivist interpretations almost always ignore are important convergences between radical artistic practices, on the one hand, and the mainstream culture industries as well as industrial manufacturing and commerce, on the other, which, again, further appropriation’s continued potential for critical effectiveness. Recent writing on the broad concept of appropriation and on the slightly less inclusive notion of ‘cultural appropriation’ has done little to posit decisive definitions within any of the concrete contexts mentioned above, and even less to acknowledge the connections between these different contexts. In this sense, what aligns the different areas covered by my corpus is also that they enable me to scrutinize the interconnectedness of different practices of and discourses on appropriation, and to show that if appropriation is to be understood as a critical practice rather than as an affirmative one, such an understanding must emerge from the acknowledgment of the interdependencies and tensions that exist between the aesthetic, economic and political realities of appropriation.
The philosopher James O. Young’s book-length essay *Cultural Appropriation and the Arts* (2008) is a useful example of a comprehensive discussion of a number of the issues outlined above, but also of some of the ‘missed connections’ discernible in contemporary theories of appropriation. Young’s focus is purposefully designed to be narrower than the focus of my own project, and rather than addressing the full scale of appropriative techniques and contexts I introduced above, the author is primarily concerned with indigenous culture (discussed in more detail in Chapter 5), with what is traditionally perceived as artistic expression, and with its appropriation “across the boundaries of cultures” (5). In defining the parameters of his inquiry, Young notes that “artists take as their own to use styles, motifs, stories, and other artistic elements. Collectors and museums take as their private property entire works of art” (4). As the different possible manifestations of such appropriation, Young identifies ‘object appropriation,’ ‘content appropriation,’ ‘style appropriation,’ ‘motif appropriation,’ and ‘subject appropriation’ (4-7). Yet, while this definition undoubtedly opens fertile grounds for a wide range critical observations, the narrowly defined scope of *Cultural Appropriation*’s philosophical inquiry – namely the ‘appropriation of art’ – is problematic at least because it does not acknowledge that art itself will so very often draw on the extra-aesthetic, both conceptually and in material terms. Young’s expansive taxonomy makes it difficult, furthermore, to meaningfully distinguish between adaptation, appropriation, plagiarism, etc. – concepts which, as I proposed above, imply very different processes and critical stakes. The author’s above-quoted take on how appropriation can figure in the arts, then, comprehensively covers one area of inquiry, but does not reach far enough. What are the ‘other artistic elements’ he invokes in the above-cited passage? Do museums really take works of art as their private property, or do they also fulfill important functions of mediating what is already common, public and shared? And, since the
notion of private property has already been raised: what about the almost infinite range of economic implications of the conceptual as well as material appropriation of culture?

While Young thus explains his disregard of the material (i.e., economic, socio-political and legal) implications of cultural appropriation with his declared intent to primarily focus on art, I would argue that, as I have proposed above, the most pertinent vehicle for the kinds of criticisms of cultural appropriation that the author delivers is, in fact, art that is itself based on explicit appropriative practices. In this sense, Young’s laudable (if unpopular) conclusion that appropriation is almost always defensible, even when it concerns the cultural expressions and traditions of native ‘minority cultures’ (ix), appears incomplete. The author’s overall intention is to defend even the more problematic manifestations of cultural appropriation “on both aesthetic and moral grounds” (ix) because, as he writes in his conclusion, “no one … has a right not to be offended” (152). But are there not many, fundamentally different kinds of ‘offenses’ that appropriations can pose? What kind of harm is implied here? Can the aesthetic and moral offenses resulting from ‘cultural appropriation’ be considered in isolation of the extra-aesthetic purposes and agendas which they so often serve? Despite Young’s favorable stance, here it never becomes entirely clear just what constitutes admissible appropriations. And even when legally criminal appropriators are deliberately excluded from discussion of such issues, where can the line between ‘moral grounds’ and legal theory possibly be drawn? What equivalent must a philosophical treaty on the morality of appropriation be able to envision for itself in the real world of applied appropriative practices? How might, to give a more concrete example, the commercial appropriation of a sacred native ornament and its use on, say, cheaply sold rugs or towels be negotiated? And what if a critical, radical usefulness of such appropriations plays out
(as is so often the case with contemporary appropriation art) precisely on those ‘moral grounds’ of economics and dubitable legality that Young’s philosophical discussion explicitly brackets?

Before I begin my (art-)historical and theoretical definition of appropriation in Chapter 1, I want to point to two statements that frame Young’s essay, and that are representative of much of the confusion surrounding current theoretical work on appropriative practices: before introducing his table of contents, the author begins with Picasso’s (or is it T.S. Eliot’s?) famous dictum that bad artists copy, while good artists steal. The final sentences of Young’s essay, however, implore artists to proceed with “respect and politeness,” to which he author adds, quasi as an afterthought, “Oh, and no one should steal anyone’s (or any culture’s) tangible artworks” (158). Here, then, the ‘moral grounds’ that structure Young’s argument tread legal territory, after all. Yet, since the preceding philosophical discussion has not established the specificities and practicalities of the implied acts of theft, the grounds for distinguishing between appropriations and ‘misappropriation’ remain unclear. What remains is the question of whether or not concepts such as ‘originality,’ ‘creativity’ and ‘authorship,’ based on which questions of an appropriation’s ‘morality’ are commonly negotiated, always strongly point beyond the artistic and the aesthetic. What is the difference between the appropriator’s and the critic’s motivation and intent in the closely related contexts of art, enterprise and crime?

In light of such questions, Young’s last sentence, quoted above, can be read as a further twist, a further complication suggesting that there is a lot more to question, challenge and discuss – and perhaps it is meant as such. To tackle these complications, to push inquiries such as Young’s from the philosophical plane to the praxis of appropriation and the praxis of dealing with it, to force concepts of creative appropriation beyond the conceived limits of the aesthetic and into other, related realms, to expose and overcome the bias of contemporary interpretations
of appropriation, and finally to discover the practice as a powerful means of critical commentary and creative expression – these are the aims of this project.
Chapter 1: Theoretical Scaffolding

1.1 What appropriation? Why appropriation? How appropriation?
Given the ubiquity of appropriation in modern and postmodern culture, it is surprising that there are no inclusive studies of the history, theory, or current materializations of the practice. Works on isolated issues do exist, but they commonly fail to situate their agenda in a wider, comprehensive context. As my reading of one study that is exemplary of such problems (Julia Sanders’ recently published Adaptation and Appropriation, 2006) will show, these works tend to be built on the lack of a more general theory of appropriation, and substitute for it their own highly specific views, thus obscuring oversights and legitimizing their exclusive perspectives.

One of the most comprehensive, if brief, discussions of appropriative practices is found, curiously, in the editorial essay of a 2002 issue of the Journal of Medieval and Early Modern Studies, entitled “The Cultural Processes of Appropriation” (Vol. 32.1, Winter 2002). This short essay, which contends with asking important questions rather than with supplying answers, gains much of its authoritative tone from acknowledging the notable lack of a more comprehensive theory of appropriation. Pointing out the longstanding importance of concepts of reuse for medievalists and art historians, the editors Kathleen Ashley and Véronique Plesch state that “the term appropriation has become ubiquitous in the discourse of many disciplines, but – despite its manifest usefulness in academic argument – it remains conceptually unstable” (Ashley and Plesch 1). The authors then point to two volumes of critical terminology for art history and literary studies, in which the entries on ‘appropriation,’ ‘influence,’ and ‘originality’ are located in immediate, premeditated proximity, thus correctly suggesting the critical importance of
complex correlations between the concepts (1). Finally, Ashley and Plesch qualify their account by stating that no inclusive theories are available for reference – but sadly, the editors’ plea for a more thorough theorization of “The Cultural Processes of Appropriation” goes unheard, and is barely addressed in the highly specialized essays featured in the issue.

Literary scholar Julie Sanders’ recently published Adaptation and Appropriation represents a more sustained effort of outlining a comprehensive survey of the issues implied by her book’s title. Her effort also exemplifies, however, the shortcomings that many such works tend to exhibit. Released as part of Routledge’s ambitious “The New Critical Idiom” series, the text sets out to “provide a handy, explanatory guide to the use (and abuse)” of the concepts adaptation and appropriation, and seeks to relate them “to the larger field of cultural representation” (Sanders n.p., series editor’s notes). While the cover blurb outlines a perspective that might, in certain contexts, still indicate a daring scholarly approach (“[f]rom the apparently simple adaptation of a text into film, theatre or a new literary work, to the more complex appropriation of style or meaning, it is arguable that all texts are somehow connected to a network of existing texts and art forms”), the book’s intended comprehensiveness is, unfortunately, severely limited by a radical, self-imposed reduction of its scope, namely by the exclusive focus on literary production. Thus, instead of opening up traditional concepts of ‘text’ to the analysis of everything extra-textual, Sanders takes a Genettian stance when she confirms, in the first sentence of the introductory chapter, that her book is strictly “concerned with the literariness of literature” (1).

An almost formulaic reference to the continued importance of theories of intertextuality is thus paired with the declared intent to conceptualize them in a relatively reductive context – and Sanders, despite clearly recognizing the critical importance of today’s ubiquitous practices
of adaptation and appropriation, nevertheless decides to structure her book along a reductive and exclusive rather than along an expansive conceptual perimeter. Here, the theories of intertextuality once used to enable literary scholars to radically increase the sphere of their analyses to include the extra-literary (which always remains, as Kristeva’s argument went, obviously rather than “arguably” bound to and conditioned by the textual) become a standard reference functioning the other way around, namely to imply the quasi-automatic relevance of an exclusive study of the purely literary for larger social or political issues.

But can a discussion of literary adaptation and appropriation, however exhaustive it may be, really address the critical importance of these practices in the “larger field of cultural representation”? Is it possible to address the critical stakes that practices of adaptation and appropriation can engage in a discussion that is limited to their (mostly canonical) literary manifestations? Apart from believing that the exclusive context of the literary serves to conflate, rather than to differentiate concepts of adaptation and appropriation, in contrast to Sanders I insist that the analysis of the purely literary cannot reach far enough to touch many of those aspects of contemporary life that are most immediately and urgently affected by the powers of adaptation and appropriation. Furthermore, I argue that such an approach effectively alienates the practices discussed from the critical potential they possess, that it belies their ethical or economic relevance, and that it aligns them with art forms and aesthetic projects that tend to represent (given Sanders’ canonical corpus) elitist aloofness rather than consideration of social and political concerns. Sanders recognizes, of course, the pitfalls of self-involved academism and l’art pour l’art exclusivity. Her book implies, nevertheless, that notions of reverence and insiderdom are critical components of the functioning and reception of adaptive and appropriative practices. The critical potential of these practices, in other words, is determined by
the possible meanings of the incorporated references, and by our recognition of the interplay between the original referenced and the derivative work.

Meanwhile, the main formal problem that such practices create for their audiences is that of recognizing them – a problem commonly measured in degrees of knowingness of canon and form. According to Sanders’ discussion of adaptation and appropriation, the reward for such recognition is an enhanced sense of aesthetic enjoyment and pleasure, marked by a certain playfulness in dealing with the adapted/appropriated texts that outsiders cannot enjoy. Foregrounding the playfulness of these intertextual mechanisms comes dangerously close to reducing processes of adaptation and appropriation to mere sophisticated games, a move that becomes very clear when the author introduces terms such as “(re)creation” and “recreational fiction” to describe adaptations and appropriations (124). At this point, a sound “foreknowledge” (52) of the great texts becomes the primary requirement for the enjoyable game of decoding any recreational fiction based upon them. While playfulness can certainly be an important component of any creative expression’s critical core, the problem with this approach is obvious: Sanders’ double emphasis on reader competence and canonicity as well as on playfulness and pleasure somewhat destabilizes her assertion that adaptations and appropriations are highly critical, radical, political. It must be acknowledged, of course, that in all likelihood, no one engaged in the project of alerting an audience to existing texts through critical allusion can hope to avoid use of legitimizing references – but even this issue elucidates a key difference between adaptation and appropriation, namely that the latter can more easily and more effectively preempt the necessity to know the referenced texts by foregrounding, instead, the appropriative practices it makes use of.
There are, admittedly, many powerful dissident voices to be found among the adaptors and appropriators Sanders cites (feminist, post-colonialist, and indigenous, for example) – yet even these examples operate from within the context of privileged institutional settings, and appear as strikingly highbrow. Unless we feel inclined to describe as revolutionary all allusions to canonical texts from the perspective of newly canonized texts, we must conclude that Sanders’ treatment of adaptation and appropriation leaves little space for resistance, subversion, or critical practice. Throughout the majority of her book, Sanders thus joins in the game of sophisticated reference and masterful allusion that also represents the theoretical foundation of her argument, and provides many examples of undoubtedly brilliant literary adaptations and appropriations. In technical terms, however, her definitions do not reach quite as far: adaptations simply fall in one of three categories, namely “transposition,” “commentary,” and “analogue” (adopted from Cartmell and Whelehan 24). Appropriation, in turn, is rather vaguely described as an extended or “sustained” adaptation (32), and as more sophisticated than simpler adaptations (27). As Sanders explains, appropriation is thus at work wherever we can discern “a more decisive journey from the informing source” (26). Such journeys can also take the form of more complex “acts of filtration” (24), which are expressly discussed as quasi-Darwinist selection processes in which only those texts fit for reworking survive (24, 31). Finally, the author proposes that we always regard adaptations and appropriations in terms of what she calls the “pleasure principle,” since both practices are designed, in her view, to “prolong the pleasure of the initial act of reading or the initial encounter with the text” (24-25).

In stark contrast to Sanders’ arguments, I see appropriation as going far beyond what she describes as merely a more “sustained” adaptive process. By definition (whether it be grounded in legal, philosophical, or technical discourse), the term ‘appropriation’ implies activities that go
beyond pure referentiality of style or content. As I indicated in the Introduction, and as I will demonstrate throughout the following chapters, appropriation can effectively tackle real, material stakes that Sanders’ definitions of the practice cannot accommodate. A Dadaist text-and-image collage that critiques the capitalist (re)production machine by physically incorporating the mechanics of this apparatus displays, arguably, more urgency than a literary description thereof, and clearly represents, based on my earlier definition, not a ‘sustained’ adaptation, but rather an appropriation.

If what is at stake in our encounter of works of adaptation/appropriation is primarily the aesthetic pleasure of recognizing intertexts (a pleasure that according to Sanders is, moreover, based on the quasi-Darwinist selection of great texts that pass some of their hereditary greatness on to their reworkings), how critical can such works really be? Issues of authorship, originality, or agency can certainly still arise, but in the discourse Sanders’ book is representative of, they remain to be negotiated in the context of canon and aesthetic convention, rather than in relation to the social functions of art, or in relation to the socio-political circumstances of its (re)production and circulation. If adaptation and appropriation are found to maintain, rather than transgress, the thresholds that often divide the aesthetic from the material, then such practices would be truly stuck in the kind of self-absorbed perpetuation that Modernist and postmodern art have so often been accused of.

Yet, since examples of highly effective critical and political artistic adaptations and appropriations fortunately present themselves in overwhelming abundance, the arguments outlined in Adaptation and Appropriation cannot hold, and must be rethought and expanded, if not abandoned. In order to do so, first of all an important distinction must be drawn between the concepts of adaptation and appropriation. Aesthetic theories of adaptive practices often tend to
leave off at the point at which the social, political, or economic enter on stage. Consequently, socio-political and economic stakes that importantly structure the complex interrelations between appropriator and appropriated are often disregarded in analyses of adaptations. In Sanders’ book, this disregard surfaces when these conflicted relationships are explained only in the safe context of “precapitalist societies,” where “the distance between the poet’s act of appropriating a given text or theme and his or her own intellectual product and property is much smaller,” and where “the extent to which […] ‘source,’ genre, plot patterns, topoi and so on are pre-ordained is much greater” (34, qtd. from Weimann 434). Yet how can the political, economic and legal not figure in the discussion of a concept whose etymological and practical history has everything to do with issues of (re)production and ownership, with claims to property and the circulation thereof? Clearly, a conflation of adaptation and appropriation, the definition of both as mere variants of more general intertextual practices, and the discussion of appropriation in a purely aesthetic context is far too reductive.

Indeed, the recombinant re-use of already-authored cultural matter that marks all appropriative techniques must be situated at the threshold or even outside the mainly aesthetic realm. As noted in the Introduction, artists and activists have long realized the power of appropriation as socio-political critique and dissent – and they have come to this realization based on the ways in which appropriation figures in other contexts. In these extra-aesthetic contexts, the allusive qualities of adaptation and the processual, material particularities of appropriation as defined earlier will never be conflated. By extension, it appears that a general conflation of adaptation and appropriation in the arts, too, disregards important qualitative differences between the two concepts, and limits the critical potential of either. To return, once more, to the earlier example of a Dadaist cut-and-paste collage: how vastly different are the
possibilities for understanding such a work and its critical implications when it is perceived, on
the one hand, as a work that physically appropriates pre-existing images, or, on the other hand, as
a work that merely adapts pre-existing styles, motifs, etc.!

If Sanders’ discussion of appropriation in literary terms is deemed unsatisfactory, what
other definitions and contexts must be taken into account? In the broader context of a more
general theory of postmodern cultural production (an umbrella term that fits well with many
appropriative works), literary theorist Linda Hutcheon, too, points out that a good deal of
theoretical and thematic sophistication can sometimes be required of any text’s audience
(Hutcheon 1989). But rather than foregrounding canonicity and suggesting, as Sanders does,
‘hereditary’ relationships between originals and their reworkings, Hutcheon makes much clearer
the paradoxical suspension of such works between ‘complicity’ and ‘critique,’ and their
indisputable connections to socio-political formations outside the aesthetic. A certain
embeddedness of artistic works in the real world, then, can render them what Marcuse called
‘affirmative’ of hegemonic formations, while at the same time enabling an effective critical
stance that is based on exactly this kind of embeddedness or ‘complicity’ (often also described,
most famously by the early Frankfurt School, as a state of being assimilated). Hutcheon herself
thus situates the cultural texts and practices she analyzes “squarely within both economic
capitalism and cultural humanism” (Hutcheon 13), and navigates an analytical route that allows
her to steer clear of the kind of reductionism that can arise when one’s critical concerns are
limited either to the purely literary (as exemplified by Sanders’ approach), or, conversely, when
aesthetic matters are ignored to make place exclusively for political, economic, etc. issues. In the
middle path Hutcheon chooses, the cultural practices discussed thus acknowledge, as she puts it,
“their inevitable implication in capitalism, without relinquishing the power or will to intervene critically in it” (25).

This simple yet far-reaching characterization of postmodern cultural production holds true for many appropriative practices. Their implication in the realities of socio-political formations becomes obvious through their inevitable evocation of concepts of property and ownership. The automatic implication in these concepts must be understood to be of critical importance in any discussion of appropriation, since the practice by definition suggests a certain kind of engagement of source materials that is, as I have outlined in my introduction, always more practical/tangible than the merely stylistic or thematic adaptation of or reference to already-authored materials.

Appropriation’s use and recirculation of material or intellectual property, then, are irrevocable facts. And while appropriators can, of course, be indifferent towards their own implication in discourses of ownership and authorship, it is clear that regardless of how abstractly or indirectly already-authored matter (qua ‘property’) figures in an appropriation, its conceptual relevance immediately forces the stakes of any appropriative act beyond the purely aesthetic. In the sphere of the arts, appropriation is thus never a vehicle of only aesthetics; instead, it emerges as one that is always inextricably bound to the economic, the political, and the ethical, and that links Modernist and postmodernist philosophies of property, ownership, and authorship.

In this sense, appropriation simultaneously affirms and undermines seemingly oppositional issues: for example, the relative impermanence of all ownership that is automatically implied by appropriative practices of reusing depends, perhaps paradoxically, on the prior acknowledgement of more conventional notions of property. In other words, arguing
that practices of appropriation are symptomatic of the impermanence of ownership is both in contrast to and contingent upon the belief that material and ideal objects (commodities, knowledge, etc.) can indeed be owned in the first place.² It follows that in the act of creating a new composite from appropriated materials, rival notions of original creation and of the theoretical stability of authorship are both criticized and asserted, since the resulting compound, consisting of fragments of already-authored material, questions the immutability of authorship while at the same time constituting a unified whole that can itself easily be classified as an original, new work.

Much-documented legal disputes such as Rogers vs. Koons can illustrate this further: In this famous trial, it was held that American artist Jeff Koons’ commissioned 1992 sculpture of a huddle of puppies (entitled “Puppies”) suspended in the arms of a person sitting on a park bench constitutes an infringement of copyright because it is based on an already-owned image for sale on greeting cards. In court, Koons’ defense that he intended the piece as a parody – a form commonly exempt from many copyright regulations – did not hold. While it was shown that his appropriation did indeed represent ironic commentary (the changes he introduced to the image gave the puppies’ bearers a moronic look, and placed them in the context of an exhibition entitled “The Banality Show”), it also resulted in significant financial gains, a fact that often serves as the basis of infringement lawsuits. The owner of the tawdry appropriated image thus successfully argued that he may have suffered financial losses as a direct result of the sculpture’s creation. In the end, legal doctrine interpreted what was intended as a parodic comment on

² In theoretical writing on intellectual property, the term ‘ideal object’ is commonly used to denote immaterial objects such as ideas, information, and the skills based on them. For a more detailed discussion of the term see Peter Drahos’ A Philosophy of Intellectual Property, discussed below in section 1.2.
American popular culture as an economically informed, unlawful appropriation of intellectual property – in other words as a kind of theft.\(^3\)

Although Jeff Koons’ puppy sculpture need not be regarded as one of the more overtly radical critical appropriations discussed in this thesis, this example nevertheless indicates that even if appropriation were to be understood purely as an artistic practice, it always points beyond itself to the economic, the socio-political, the ethical, and the legal. More generally, it can be said that ‘appropriation’ to some extent always signifies ‘circulation,’ since it implicitly acknowledges that whatever material or thought is appropriated and freshly re-entered into the process of creation and authoring has most likely at least once before been created/authored/owned.

The example of Rogers vs. Koons also shows, however, that it is too simple to surmise from this that literary adaptations always “reinforce” or “re-inscribe” the canon (Sanders 98, 105), or that appropriation art is by definition derivative. On the contrary, in different discursive and practical contexts, appropriation’s signification of ‘circulation’ can play out in a variety of ways: in the humanities, it can denote reverence, criticism, influence, or intertextual strategies; in economics, it may refer to the fluctuating values that commodities and ideas represent when they are (re)produced and circulated; in the hard sciences, ‘circulation’ can refer to the ways in which new discoveries or inventions are made based on the recombinant analysis of existing facts, phenomena, or substances; in philosophy and legal discourse, finally, appropriation’s signification of ‘circulation’ characterizes the ways in which ‘appropriability’ and ‘owned-ness’

\(^3\) 960 F.2d 301 (2d Circ. 1992). An interesting twist in the judge’s ruling was his specific definition of ‘parody.’ He opined that the appropriation of a copyrighted image in another work of art can only be exempted from copyright regulations if the appropriated image is indeed the target of the parody. Since Koons admitted that the appropriated image was merely a vehicle for his more general parodic commentary, his use of the image was not considered a fair use of the copyrighted image.
condition and influence each other. How, then, has the concept of appropriation been deployed and used in these different yet connected spheres?

1.1.1 Excursus: historical, legal, economic considerations

Whether by nature of its obvious presence or in its curious absence, it is clear that the concept of property, complete with its implications of originality, creativity, and authorship, is at the core of most discourses on appropriation. A discussion of the various discursive usages of ‘appropriation’ must thus begin with an introduction of the philosophical and legal meanings of the term.

Often, links between the philosophy of authorship and creativity and the economics of property are established by way of the second of John Locke’s *Two Treatises on Government* (1690). There, Locke outlines connections between the common and the private, discusses ideals of the relationship between individual and sovereign, and formulates an influential theory of private property’s conceptual origins. As legal theorist Peter Jaszi points out, Locke’s theories of individual subjectivity (which take up much of the *Treatises*) “at least implicitly identified the individual’s proprietorship over himself as a function of ‘authorship’” (Jaszi 470). In other words, for Locke the basic and incontestable premise of ownership of oneself (in both a physical and a philosophical sense) logically extends to the possibility of all private individuals being both owners and authors of things and thoughts external to themselves. In §26 of his second treatise’s fifth chapter, Locke thus writes:

Though the earth and all inferior creatures be common to all men, yet every man has a ‘property’ in his own ‘person.’ This nobody has any right to but himself. The ‘labour’ of his body and the ‘work’ of his hands, we may say, are properly his. Whatsoever, then, he removes out of the state that Nature hath provided and
Locke’s concrete example for this process is that of the hungry man picking up an apple for nourishment. According to Locke, the apple is ‘owned’ (that is to say, appropriated, or made property) first and foremost through the labor the hungry man exerts in picking it up – “It being by him removed from the common state Nature placed it in, it hath by this labour something annexed to it that excludes the common right of other men” (§27).

It is important to note that Locke’s theory of property is thus also 1) a theory of labor: he defines property quite literally as the fruit of one’s labor; and 2) a theory of appropriation: property is established by an act of appropriation or the authoring act of “original acquisition” (Moore 173). With regard to the second point, it is particularly noteworthy that appropriation is understood as a performative act of signification, a process that establishes not only property itself, but also norms and contractual contexts of property and of the practice of appropriation. More refined concepts of authorship and ownership have often been based on similar interpretations of individual subjectivity. In this context, Jaszi quotes, for example, Thomas Hobbes, who defines ‘person,’ and by direct extension ‘author,’ in the following way: “He whose words or actions are considered either as his own or as representing the words or actions of another man or of any other thing to whom they are attributed, whether truly or by fiction” (Hobbes 23).

The connection between Locke’s labor theory of property and questions of authorship and ownership emerged most explicitly in the now famous trial of Donaldson vs. Becket, for which hearings began in early 1774 in London.4 This was the first legal dispute to contest an

4. An extensive bibliography of documents covering the proceedings for this case can be found in Rose, “Author as Proprietor”, footnote 5.
established copyright doctrine, to raise critical questions about the origin of copyright, and to
discuss whether or not authors ought to be seen as the perpetual proprietors of their creations
(established in the case’s proceedings as ‘works’). At the time, the first recognized copyright
document, the English “Statute of Anne” (1710), had already been in existence for the better part
of the century. The legal battle of Donaldson vs. Becket, which became a precedent concerning
the publishing industry as a whole, flared up when the copyright terms prescribed in the “Statute
of Anne” began to expire – it began at a moment, in other words, when many ‘owned’ cultural
expressions were about to be pushed into the public domain, and when publishers realized that
they were about to lose economic control over the creative output of the authors they
represented. The first large-scale attempts to legally protect certain appropriative acts by defining
others as criminal flared up, then, when it became clear that the once easily obtained (and nearly
unconditional) protection of publishers’ monopolist rights to commercial appropriation would
soon be a thing of the past.

The “Statute of Anne” prescribed a non-renewable copyright term of 21 years (for all
works in print at the time), and while it primarily focused on the exclusive rights that publishers
could hold for an author’s work, it also decreed that authors, as private individuals, legally own
the fruits of their labor. This extensive recognition of the ownership rights of private individuals
was new at the time, as was the definition of authors’ rights to act against those who would
“trespass on their literary property” (Jaszi 468). From today’s perspective, the legal situation
established through the “Statute of Anne” was certainly a vast improvement over the regulations
found in the various Licensing Acts that preceded it. Some scholars go as far as proposing that
the statute, with its strong focus both on private property rights and on the predetermined end of
copyright terms, single-handedly enabled what Jürgen Habermas later theorized as the ‘public
sphere’ and its ‘states of publicity,’ and legally instituted the public domain, which before then had existed as philosophical concept rather than as juridical fact.5

Yet at its very core, the “Statute of Anne” constituted much more than a legal provision based on ethic and moral principles: it was designed as a structural framework enabling large degrees of economic control. As is typical for copyright law, the statute understood the protection of ownership rights of individuals’ creative output as a device to indirectly safeguard public access to creative works, and, more importantly, as an incentive designed to foster further creativity – hence the statute’s subtitle “An Act for the Encouragement of Learning.”6 In more practical terms, however, the statute had primarily served to ensure publishers’ exclusive and unobstructed proprietary access to the copyrighted works in question. In order to be able to extend their reach beyond the end of the official copyright terms, in Donaldson vs. Becket the publishers’ legal representatives now more explicitly applied John Locke’s labor theory of property to the realm of literature. The House of Lords was asked to rule that authors should be considered the natural owners of their work (of the fruits of their labor), and that ownership of literary creations, just like other property, should therefore be regarded as perpetual rather than temporary. Publishers thus argued that authors should have absolute property rights in their creations, and “fashioned themselves as the time-honoured guardians of the authors,” who, it was rather hypocritically claimed, “had always ‘owned’ their texts” (Bowrey 259).

5. See Mark Rose, “The Public Sphere and the Emergence of Copyright,” CILP workshop lecture, University of Toronto, January 22, 2008.
6. I will have occasion to elaborate on this fundamental concept of copyright law, which may seem paradoxical at first. For now, a brief explanation should suffice: Copyright protection can ensure public access and foster creativity 1) because it only applies once a work exists in a tangible form (i.e., once it has been published/made accessible), and 2) because it is designed to make creativity and publication worthwhile by securely channeling benefits reaped from any copyrighted works to the rightful owner, i.e., the author. However, based on these same fundamental aspects of copyright law, some scholars, such as Kathy Bowrey, have argued that copyright law’s invocation of morals and romanticist concepts of creativity has always been a mere front to cover up its economic agenda.
An interesting paradox arises here. By way of a legal dispute regarding questions of property, what the debates exemplified by *Donaldson vs. Becket* really negotiate are matters of appropriability: with reference to Locke’s labor theory of property (i.e., of original appropriation), the ownership rights to creative works were argued to be inalienable since they represent, in the most literal sense, the creative fruits of the author’s labor. This point, however, was put forward not in order to ensure authors’ perpetual control over their work, but rather to argue against the institution of determinate, finite copyright terms. More advanced economic concepts of property were thus invoked alongside the initial argument, resulting in the proposition that because of the very similarity of author-owned creative works to other common law property, ownership rights of such works should certainly be seen as absolute, and thus as permanently appropriable in business transactions.

1.2 Property, appropriation, agency

Under the pretext of discussing issues of authorship, what the legal debates referred to here really addressed, then, were issues of ownership and appropriability. By extension, what was at stake in *Donaldson vs. Becket* and similar cases was the agency of private individuals – in this context their ability to retain control over their own creative expressions as well as their ability to access others’ creations. Here, further expansion of common definitions of appropriation becomes necessary, one in which the phenomenon is not exclusively related to property rights, and which takes into account its connections to creativity and individuality, as well as to the formation of

7. As such this has emerged only in one national copyright regime, the French droit d’auteur (see note 115 on page 235).
8. Incidentally, this strategy backfired in *Donaldson vs. Becket* as well as in many similar cases that followed soon followed, with an interesting side effect: as Bowrey points out, the core contention that “the author had a property in the product of his labor” was never revoked in any of these cases, and although “the London booksellers failed to secure perpetual copyright … the arguments did develop the representation of the author as a proprietor, and this representation was very widely disseminated” (262).
identity and subjectivity. Appropriation must also be understood, in other words, as what Marx called a general symptom of human interaction, societal relations, and intersubjectivity. Such an alternative reading yields two important implications: first, that appropriations do not necessarily represent unoriginal imitations (as is often argued from a traditional economist perspective), but rather also unique expressions of creativity; and secondly, that the right to property and to the practice of appropriation should not be seen as exclusively statutory, but, to some degree, as common to all individuals in a more universal sense.

In one of the few sustained discussions of these issues, the legal scholar and philosopher Peter Drahos analyzes several readings of appropriation that correspond to the arguments just outlined. Among the different theories Drahos discusses in *A Philosophy of Intellectual Property* (1996), Locke’s labor theory of original appropriation emerges, again, as an important point of departure. Since Locke’s theory establishes ownership of oneself as a natural right, his general approach can be understood to form an important basis for many personality-based theories of property. However, many such theories, including Hegel’s writings on property and personality, focus on property not so much as a necessary basis for common wealth and societal progress, but more generally define it (and the liberty to manage it) as the seat of human individuality and agency. As the legal scholar and human rights activist Tom G. Palmer explains, Hegel’s and Kant’s personality-based theories of property are based, in this sense, on the idea that property is, quite simply, a prerequisite “for the development of personality” (Palmer 125). In such theories, “[p]ersonality develops … in its interaction with the world; without a sphere of property over which we exercise control … moral responsibility is unlikely to develop” (125).

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9. This connection is explored in more detail in my discussion of Antonio Negri and Michael Hardt’s concept of the multitude (see section 1.6, page 68).
10. In this context, it is interesting to keep in mind Hobbes’ implication of the terms of both ‘person’ and ‘author’ in his argument regarding the attributability of actions and words (see page 32).
Questions of the appropriability and misappropriation of material and intellectual property are indeed closely tied to issues of individual agency, freedom and privacy. Philosophies of property-relations always go beyond simple questions of ownership, and also ask what it is that general principles of property enable, and what, by extension, the ethical implications of the right to appropriate and own can be. (This is perhaps most urgently exemplified by the commercial appropriation of genetic code, which enables highly problematic profit-oriented ventures and control schemes that are based on the genetic information inscribed in individuals’ DNA; these and related issues will be taken up in more detail in Chapter 5.) As Palmer argues, conceptual links between appropriation, property, and agency are very important concerns because while legal concepts such as copyrights and patents are designed to primarily relate to property, they also create an imbalance in the distribution of individuals’ freedom to use and handle ideal and material objects in certain ways. Palmer explains this by comparing how property rights and/or intellectual property rights restrict individuals’ liberties. According to him, “property rights in tangible objects do not,” to begin with, “restrict liberty at all – they simply restrain action” (134). One example for this would be the restrictive copyrights sought by monopolist booksellers in late-eighteenth century England, designed to prevent the copying of materially owned texts. Ethical problems arise, however, when such rights are expanded and imposed on seemingly related issues. Thus Palmer continues, “[i]ntellectual property rights, on the other hand, do restrict liberty,” since “property in ideal objects restricts an entire range of actions unlimited by place or time …, by all but those privileged to receive monopoly grants from the state” (133-34). In a more current example, the user restrictions that contemporary legal discourse associates with the legitimate ownership of VCR tapes, DVDs, and other entertainment media including books, tends to delegitimize certain uses (and appropriations) of these objects.
In other words, by legitimately acquiring a printed text or sound recording, readers and listeners paradoxically acknowledge that while they privately own the object within which the creative expression in question is contained, the inspiration that they can gain from it, and which they might channel into their own creative work, is bound by strongly limiting terms. In Palmer’s view, intellectual property rights are thus incompatible with Locke’s concept of self-ownership – even though this concept has, as we have seen, once provided a philosophical basis for the precursors of these very rights.  

This quandary has been interpreted to suggest that restrictive concepts of property can interfere with private individuals’ agency over their own creativity and the expressions resulting from it (a fear that played, as noted, an important role in the process of including moral rights provisions in French and German copyright law). The links between property, appropriation, and personality take a different form, however, in Hegel’s *Philosophy of Right*, where it is, again, explicitly stated that property is the embodiment of freedom and thus personality. As Drahos explains, property is so important in Hegel’s concept of identity and personality because it is through the acquisition and management of property that the mind (for Hegel a fundamentally free and unbound entity) manages to “achieve [a] concrete form of existence in the world” (76). This “concrete form” that personality must take in order to be known and to know itself is established “through the appropriation of things” (76), to which, Hegel writes, any individual must have an ‘absolute right.’ In Hegel’s philosophy, not only material objects situated in the common are subject to such appropriation, but so, too, are “inner possessions” such as “mental aptitudes, erudition, [and] artistic skill” (Drahos 77). Once externalized in tangible form (i.e., in

11. It is hard to overlook that Palmer’s argument ignores important aspects of contract law that relate to the user rights of acquired property; he correctly points out, however, that the personalities of all authors, composers, and producers are inscribed in whatever tangible or ideal object they create.
the form of alienable artifacts that can be owned), these inner possessions help to further shape and stabilize personality. Contemporary law, however, tends to approximate a premature conflation between “inner possessions” and the tangible forms they can take – which preempts the agency to appropriate and hinders, following Hegel’s argument, the shaping and stabilization of individual personality.

Personality, then, “does not simply require external objects for its development. Its development is its objectification through externalization of its will” (Palmer 139), or in other words the Hegelian imposition of a concrete form (‘occupancy’) on an externality. Property, therefore, “invites recognition by others,” which in turn “helps to foster a moral and social dimension in the personality of the property claimer (Drahos 77).” Property is thus “essential to individual survival in the world where survival refers not just to biological survival, but also to the ability to cope with life in the context of one’s given social system” (Palmer 139). It follows that Hegel’s concept of property and his postulated absolute right to appropriation concern both physical needs and the development of personal agency and individuation. Drahos agrees that property serves as “the subject-matter of interaction between personalities and the state” (78) and, one might once more emphasize, as the site of interaction between individuals. It thus factors importantly in the organization and management of the social fabric of any society, and suggests that all property-based economies of interaction always also implicate appropriative practices of all kinds.

When these ideas are applied to the realm of cultural production, their relevance for a more general discussion of appropriation becomes very clear: in its artistic manifestations, appropriation often thematizes resistance against rigid property-based systems, and thus challenges the suppression of Hegel’s idealized free spirit/mind. Yet this very characteristic of
creative appropriations is, at the same time, what tends to render them illegitimate in contemporary legal systems. Based on the above discussion, it emerges, then, that if claims to property are “one of the first acts of free will in which the will as personality takes on a concrete, free form” (Drahos 77), then appropriation assumes the quality both of an absolute right (as Hegel argues), and simultaneously also of a practice that challenges this right, that can interfere with the liberty to own and to develop and maintain one’s personality (as Palmer shows).  

Consequently, property as “the first embodiment of freedom” (Hegel 1952, 42) is an institution that must be safeguarded – but so is appropriation, and a violation of the right to either may be symptomatic not just of theft or piracy, as is so often argued, but also of political or economic oppression. It can be concluded that since both appropriation and property, according to Hegel’s argument, are linked to the formation and perpetuation of identity and individual agency, restrictions of appropriative processes that go beyond the safeguarding of private property interfere with the individual freedom of expression and self-identification.  

A final note: parts of the above exposition could, admittedly, be part of a relatively conservative argument regarding the importance of safeguarding personal property from theft. My linking of ‘property’ and ‘personality’ is, thus, to be taken with a grain of salt: in the larger context of this thesis, it does not primarily point to the importance of protecting private property, but rather to the critical implications that appropriative practices can raise exactly because they are so adept at tampering with traditional notions of the direct link between authorship and ownership.

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12. Once again it must be kept in mind that ‘appropriation’ here denotes not only critical artistic practices, but also, for example, commercial appropriation of traditional knowledge or genetic code.
13. In its focus on the basic formation of personality and individual agency, this discussion leaves out, for the moment, issues of ‘the one versus the many,’ in other words issues of biopolitics and of what contemporary political theory calls the ‘multitude.’ These issues will be taken up towards the end of this chapter.
1.2.1 A foundation in ethics or economics or aesthetics or law?

Locke’s theory of property is not the only source of contemporary theories of material and ideal property. Perhaps in order to veil economic concerns as well as ethical issues, copyright discourse has long sought to situate itself in close proximity to Romantic theories of original creation and authorship, which in turn must be seen as pointing back to Classicism. As Anne Barron points out, “it has become a commonplace of critical scholarship that copyright’s primary social function is to give juridical form to a ‘Romantic’ aesthetic [and] that the key doctrinal features of copyright law – especially the concept of authorship – have been crucially shaped by this aesthetic” (Barron 277). In one sentence, Barron here draws together the most important issues related to a discussion of the official aesthetics underlying copyright doctrine: the ‘author’ figure as the originary and singular creator of a ‘work’; its relation to the post-Enlightenment Romantic conception of the individual subject (as the primary and originary seat of expression, imagination, and creativity); and finally the ‘social function’ that copyright law has in mediating whatever conflicts arise surrounding these concepts.

Yet given the apparent priority of economic considerations that underlies many debates concerning copyright and intellectual property, scholars tend to agree that the centrality of Romantic concepts of authorship and creativity for emerging copyright doctrine is more façade than fact. Bernard Edelman’s Althusserian account of copyright law, for example, leads the legal scholar Kathy Bowrey to observe that it was never the creative individual, but always “‘capital’ that copyright rewarded” (Bowrey 267). Referencing Edelman’s Ownership of the Image (1979), she writes that “‘creativity’ is celebrated in copyright law not out of respect for art, but because it is a tool that can serve the interests of capital” (267). Creativity’s specific services to capitalist interests take their cues, of course, from the ideas already hinted at, namely that in light of
Romantic notions of originality, creativity, and authorship, works must be attributable to their rightful ‘authors’ (*qua* owners), and that these “exceptional but fragile individuals” (277) must receive legal protection by a juridical system that lets them decide on the appropriability of their creative property as they see fit.

At first sight, a Marxism-informed perspective such as Edelman’s certainly puts economic considerations at strong odds with Romantic aesthetics. Yet, given the undeniable relevance of aesthetic theory for understanding appropriation as a political practice, it is easy to see how most Romantic celebrations of original genius and creativity have been assimilated into economic discourse. A particularly good example for the pertinence of Romantic thought for economic and legal theory is the English philosopher Edward Young’s *Conjectures on Original Composition* (1759), a foundational treatise in which the author grafts an expansive aesthetic theory of original creativity, authorship, and genius that quickly rendered the text extremely popular both in England and in continental Europe (where it fueled the emerging *Sturm und Drang* movement, influencing writers such as Kant, Herder, and Goethe). *Conjectures* is exemplary of the kind of thought that consolidated the post-Enlightenment and Romantic period’s cult of the original genius in that it simultaneously re-affirmed the unsurpassable greatness of the Ancients (a Classicist move) and challenged this notion on the basis of an elaborate concept of original genius that can reside, potentially, in every man (a neoclassicist tendency).

In Young’s text, as in so many others of that period, what I discuss as appropriation is considered a practice touching on the related categories of imitation, copying and emulation.14

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14. As typical for a Romanticist theorist, Young’s arguments as detailed below are a reaction to Classicist aesthetics, in which different types of appropriation where accepted and, indeed, encouraged. In Young’s *Conjectures*, this encouragement is inflected through his emphasis on individual originality.
That the relevance of Young’s ideas nevertheless extends to more contemporary notions of appropriation becomes clear in the wake of an oft-quoted passage from the *Conjectures*, in which Young defines the nature of the original and relates it to genius by stating that “[a]n Original may be said to be of a vegetable nature; it rises spontaneously, from the vital root of Genius; it grows, it is not made” (12, author’s emphasis). The rarely quoted continuation of this passage is more interesting in the context of my discussion of appropriation; here, Young goes on to contrast the ‘original’ with ‘imitation,’ and furthermore complicates basic notions of just what constitutes such an imitation: “Imitations are often a sort of Manufacture wrought up by those Mechanics, Art, and Labour, out of existent materials not their own” (*Conjectures* 12). Young thus takes pains to establish imitation as a practice that is to be defined not simply by the forms it takes, but rather in terms of the processes and methods it employs – it is a “manufacture.” In Young’s formulation, then, imitation approximates my definition of appropriation, with its focus on process and the materiality of the re-purposed fragments.

The context Young provides for his discussion of original and appropriated work is also noteworthy: as in the texts of most prominent Romantic thinkers, economic considerations are never acknowledged, and the focus is instead on aesthetics and morals, on purity, artfulness, beauty, and righteousness. This explains Young’s ideal of the organicity of genius (and its “vegetable” nature), which is contrasted with the mechanistic nature of the always-derivative imitation. In Young’s view, genius is entirely original – it is a “Spring” of which “Originals are the fairest flowers” (*Conjectures* 9). At the most, it imitates or references nature, for which there is no precedent, and which therefore stands outside the author’s derivational equation. Like Locke, Young considers nature as a domain out of which original appropriation by man can rightfully occur. Such appropriative imitation, Young states, produces originals, while only the
appropriation of the already-existing work of authors – an imitation to the power of two, so to speak – produces the kind of imitations he goes to great lengths to vilify. This latter kind of appropriation Young calls “copying,” and opposes it to the more acceptable imitations, which as such need not necessarily be rejected. In the most lauded examples, they simply represent the aspiration to work ‘in the spirit’ of the great classical authors – in Young’s view a necessary attitude if we want to achieve true greatness ourselves. Hence, “imitate aright” (Conjectures 20), and “[l]et us build our Compositions with the Spirit, and in the Taste, of the Ancients; but not with their Materials” (Conjectures 22).

Based on Young’s concept of genius, originality is established, then, as the norm by which to measure the achievements of all that is manmade. Originality is superior in comparison to all else. “Imitation is inferiority confessed,” while the other popular way of engaging with originals, emulation, is less problematic, and represents “superiority contested, or denied” (Conjectures 65-66). 15 None of this challenges, of course, the high moral and aesthetic pedestal on which the ‘original’ itself is placed, a label that no ‘derivative’ work can attain, simply due to the nature of the appropriative practices that led to its production. Along with its various cousins, then, imitation implies a choice of how to appropriate – it becomes a practice (a “manufacture” as Young calls it) – or rather the umbrella term for a number of creative practices – and, more importantly, an approach to creative (re)production that necessitates moral judgment on the part first of author, and later of audience. 16 As Young states, there can well be originality in imitation, but “the more remote your Path from the Highway, the more reputable” the resulting work

15. Curiously, Young neglects ‘translation,’ the third concept that conventionally appears in this triad of derivation that Romanticism contested. In his view, good translations are so different from the originals (in either a good or a bad way) that they represent a problematic of an altogether different quality (Conjectures 60).
16. “After all, the first Ancients had no Merit in being Originals: They could not be Imitators. Modern Writers have a Choice to make; and therefore have a Merit in their power” (Conjectures 19).
(Conjectures 22-23). With this he sanctions certain kinds of appropriative practices (indeed implies that different types of appropriations must be interpreted as qualitatively different), while simultaneously re-affirming the unique standard of the original.

This move appears to be the crux of both the early aesthetics of appropriation and of references thereto in early copyright jurisdiction and economic theory: that an invocation of innate genius and its originality is useful in establishing a sense of any creative/productive practice’s underlying ethics – and by extension that commercial disputes regarding these matters can be resolved (or at least furnished with a convenient moral bias) by framing them, too, in a legal language that remains informed by aesthetic considerations. For the development of a coherent copyright doctrine, arguments such as Young’s meant that the “concept of the author as the originator of a literary text rather than as the reproducer of traditional truths also had to be more fully realized” – a move that involved, as literary-cum-legal scholar Mark Rose points out, a “major aesthetic realignment in which such concepts as ‘art,’ ‘genius,’ and ‘originality’ were transvalued” (Rose, “Author as Proprietor” 56). The cultural developments of the Romantic movement, comprising “the emergence of the mass market for books, the valorization of original genius, and the development of the Lockean discourse of possessive individualism” (“Author as Proprietor” 56), lent themselves well to this task. “Extended into the realm of literary production, the Lockean discourse with its concern for origin and first proprietors blended readily with the aesthetic discourse of originality” (“Author as Proprietor” 57-58), and both schools of thought conveniently coincided with the problems surrounding early copyright law.

These discursive intersections and the developments they effected did not come about quickly or overtly. They have been noted, however, by many legal scholars and historians, and are by no means confined to the literary realm with which Rose is concerned (and which often
serves as the rather problematic model based on which other arts are theorized). While Young’s *Conjectures* are primarily framed by the literary arts, many texts contemporary to Young’s treatise that, too, concerned themselves with originality and the nature and role of the creative producer, display significant departures from the literary, and choose as their argumentative context traditions of painting or the dramatic arts. This discourse is summarized well in Rudolf Wittkower’s essay “Imitation, Eclecticism, and Genius,” which approximates arguments similar to Young’s by reference mostly to painting, and in the philosophical context of Ancient Greek poetics. An important example that Wittkower elaborates on is that of the artist and critic Joshua Reynolds, who in his *Discourses* (1769) wrote about the supremacy of the original, but who, like Young, also was of the opinion, with regard to the appropriative practices of ‘incorporation,’ ‘adaptation,’ and ‘digestion’ (which he subsumed as ‘borrowing’), that “[s]uch imitation is so far from having any thing in it of the servility of plagiarism, that it is a perpetual exercise of the mind, a continual invention” (Wittkower 107).

All this suggests that the concept of appropriation has paralleled Western discourses of property, creativity and authorship that are bound in the aesthetic, philosophical, and legal, and that this understanding in itself is based on the aesthetically informed values of the Romantic period (which itself reworked Classicist aesthetics). As exemplified by the writing of philosophers such as Young, appropriations that are based on the re-using of primary materials from the works they engage were already established, in the philosophy from which first copyright doctrines drew, as aesthetically minor and ethically problematic.

1.3 Appropriation according to Marx

Since economic considerations are an important intertext to the façade of aesthetic theories on which principles of property and appropriation are based, it is important to consider the degree to
which capital in turn seeks to veil this fact with a tendency to foreground Romantic aesthetics and ethics, and by vilifying creative appropriations that expose this tendency. Despite the great differences between various types of appropriative practices (and their differing interpretations), an underlying conceptual strand may be seen to connect all kinds of appropriations implied so far. Connecting the above-cited Donaldson vs. Becket trial to the contemporary, litigious moment of entertainment law can help to clarify this: whether we consider the arguments of those who call small-scale, artistic appropriations ‘theft’ and argue for more protection of corporate property (for example, large music labels attacking the work of sampling artists), or whether we consider, in contrast, the arguments of those who call corporate appropriation ‘piracy’ and argue for more protection of individuals’ creative expressions (such as opponents of quasi-colonialist ‘World Music’ projects), it will be noticed that both positions suggest the broad relevance of an economically informed theory of appropriation for discourses regarding the control over material and intellectual property and the general approprability of individual expression and creativity. This relevance is due to the nature of appropriative processes itself, which does not significantly change in seemingly antithetical artistic or commercial manifestations. No matter what the means and ends of an appropriative act may be, it will always implicate issues of human inventiveness, creativity, and (re)productivity that are marked by a collective reliance on knowledge and/or artifacts provided as inspiration, influence, or resource either by nature or by society.

In the context of philosophy and artistic production, this is, by all accounts, old news, and a multitude of notable thinkers have discussed ideas related to the concept of appropriation under the guises of various other terms: Julia Kristeva has called it intertextuality; Mikhail Bakhtin discussed it as dialogism; Claude Lévi-Strauss, Roland Barthes and others called it bricolage; for
Gérard Genette it took the form of hypertextuality; Jacques Derrida subsumed it in his broader concept of \textit{différance}; Guy Debord practiced it as Situationism; psychoanalysts and philosophers speak of intersubjectivity – and the list continues on, past many postmodernist theorists who coined their own labels for the practice and fact of appropriation. As I have, by now, established, and as anyone familiar with these, mostly complementary, concepts will agree, describing appropriative activity as simple ‘theft,’ ‘imitation’ or ‘cheating’\textsuperscript{17} is reductive, and vastly underestimates the complexities that the practice can entail. Similarly, it will be agreed that interpreting appropriation on a par with traditions of original creation is equally inaccurate. One element that appears to unite different views on appropriation, however, is that once it is put in the wider context of today’s global capitalist social fabric, matters are much complicated by nature of the economic stakes implied – with the result that appropriation, in its manifestations as a component of, a challenge to, or a violation of economic theories of property, can serve to support many, opposing positions.

Charges of ‘piracy’ and ‘theft,’ on the one hand, are no doubt often justified. At the same time, however, the appropriative impulse to make use of whatever an individual finds available to work with has been identified – by anthropologists, philosophers, art historians and economists alike – as a universal human trait. The question, then, becomes whether this trait can be consolidated with the largely negative interpretations of appropriation that seem unavoidable once the economic comes into play. Can the momentum that drives all kinds of appropriations in more abstract terms – the acknowledgement and realization of values residing in already-existing

\textsuperscript{17}. Video artist Johanna Householder thus described the philosophy of her artistic practice in a recent round table discussion on appropriation art, held as part of the 21st Images Festival. (“Copy Cats: Copyright and Appropriation in the Media Arts,” 6 April 2008, Trinity Square Video, Toronto).
matter and thought, and the desire to build upon them by incorporating them into new work – be thought through the economic in order to reach beyond the economic?

We might say that the recombinations underlying appropriation always fashion a kind of ‘surplus-value,’ whether monetary, aesthetic, or intellectual. This can explain the reverence that certain forms of imitation used to represent in the arts; at the same time, it is, of course, this very ability to generate surplus-value that makes appropriation such an attractive commercial strategy, such a successful scientific method, etc. The first, and undoubtedly most eminently important intertext this calls to mind is Karl Marx’s elaborate discussion of surplus-value throughout his theory of capitalist economy. However, since arguments for or against appropriation tend to be grounded, as I have shown, in theories of property and productive creativity that predate advanced theorizations of capitalist commerce, this intertext tends to be veiled (sometimes purposefully, sometimes accidentally), and is generally not recognized as what may indeed be an ideal first step towards critically rethinking appropriation in its current discursive formations. The following pages thus develop Marx’s discussion of appropriation as immensely helpful for the task of disambiguating the tensions and contradictions inherent in current interpretation of appropriative practices.

Intimately related to the concept of surplus-value, the idea of appropriation is itself centrally important to Marxist thought, and remains a constant undercurrent not only throughout the foundational introductory sections of the first volume of Das Kapital, but also in Marx’s other key economic treatises, including Grundrisse and Manuskripte. The most basic instance of the production and acquisition of capital can be summed up, accordingly, as the appropriation of surplus-value. This surplus-value can be created in two ways: 1) “Products of nature […] get a price through private appropriation, through the social institution of private property” (Mandel in
Marx, *Capital* 40). Or 2) workers “produce value over and above the value of their own labour-power,” which is appropriated by whomever they sell it to (Mandel in Marx, *Capital* 51).¹⁸

In its very basic Marxist definition, capitalist appropriation is commonly seen to equal exploitation. But as suggested above, Marx also recognized appropriation’s fundamental societal importance. For him it represents “the critical site” where all human societies “develop their distinctive characters” (Lury 41), an argument reminiscent of my earlier discussion of Hegel, Drahos and Palmer in the preceding section. Acknowledging that appropriation is a fundamental human impulse, Marx thus condemns only its capitalist manifestations, and his alternative to the exploitative practices of capitalist appropriation “deprives no man of the power to appropriate the products of society,” as Engel and he write in the *Communist Manifesto* (Part 2, §33).

Instead, it proposes simply to “deprive [man] of the power to subjugate the labour of others by means of such appropriations” (*Communist Manifesto* §33). Here, the important differentiation between several qualitatively different types of appropriation is again intimated: appropriations that enable (and represent) individuals’ participation in what can most broadly be understood as the circuit of social activities and vital human productivity can not simply be conflated with appropriations that enable the accumulation of capital (or, for that matter, the concepts of appropriation underlying other ideological formations such as Feudalism and Socialism).

In *Grundrisse*, Marx thus suggests that appropriation is a universal human activity, and states that “the unity of living and active humanity with the natural, inorganic conditions of their metabolic exchange with nature, and hence their appropriation of nature [is] not the result of a historic process” (*Grundrisse* 489). Chapter Four of the first volume of *Capital* builds on this argument, and here Marx explains that “[t]he simple circulation of commodities – selling in

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¹⁸. Since Marx’ measurement unit for value is exerted labor time, surplus-value is that which is produced by unwaged labor time.
order to buy – is a means of carrying out a purpose unconnected with [the] circulation [of
capital], namely the appropriation of use-values, the satisfaction of wants” (Capital 92). This
statement effectively substantiates that appropriation, which in the context of ideal pre-capitalist
societies can take the form of the mere satisfaction of personal needs out of the common,
undergoes an important qualitative change once it enters into the domain of capitalist circulation.
Marx thus continues: “The circulation of money as capital is, on the contrary, an end in itself, for
the expansion of value takes place only within this constantly renewed movement” (Capital 92),
namely as the appropriation and recirculation of surplus-values.  

The creation of capital by way of exchanging commodities for more than their actual use-
value is no easy task. Indeed, Marx sees this extraction-through-appropriation as the biggest
talent of the capitalist entrepreneur, who has recognized that “the one commodity whose use-
value possesses the peculiar property of being a source of value” is commodified labor-power,
and who knows that its “actual consumption, therefore, is itself … a creation of value” (Capital
106). This ‘consumption’ of labor-power – again a kind of appropriation – allows its new owners
to channel, direct, and modify labor-power for the purpose of accumulating capital. It is turned
from what Marx calls ‘unproductive labor,’ (i.e., labor that must be exerted in order to satisfy
personal needs) into ‘productive labor’ that creates value beyond what the laborer’s subsistence
depends on – value that becomes appropriable. The production of surplus-value, it follows, is not
necessarily constituted by any kind of material appropriation, but rather, as Marx’s famous
formulation goes, by “[t]he prolongation of the working-day beyond the point at which the

19. It is important to note here that based on the varying, immediate contexts of his arguments, Marx sometimes
uses terms such as ‘circulation,’ ‘appropriation,’ or ‘accumulation’ interchangeably. While circulation, for example,
has a more balanced ring to it, terms such as ‘embezzlement’ more clearly foreground the exploitative nature of the
exchanges between, for example, wage-laborers and capitalists (see Warren).
labourer would have produced just an equivalent for the value of his labour-power,” and subsequently by “the appropriation of that surplus-labour by capital” (Capital 305).

Based on even this short précis, it is impossible to ignore the many ways in which Marxist theories of the production and accumulation of surplus-value indeed implicate not only examples of the practice and critical perception of commercial and scientific appropriation (some of which are discussed in more detail in Chapter 5), but also creative appropriation, which can be assimilated into capitalist circuits or, conversely, challenge them. It may be objected that the material and ethical implications of extracting surplus-value from a labor-force that is remunerated unfairly are very different from those of the artistic appropriation of already-authored materials. However, the labor force that is appropriated in the first example (contemporary political theory often calls it ‘biopower,’ a concept that will concern me in more detail in the final section of the present chapter) can arguably be ‘owned’ in much the same way as the creative energy and intellect of the second example. Today, both types of ‘resources’ are subject to private owner- and authorship; both thus reach beyond the owners’ or authors’ individual subjectivities that they are grounded in, pervading all of society and comprising the collectivity of humankind’s general creative and productive powers.

Is appropriation, then, really so deeply entrenched in the mechanics of capitalist exchange that it has become one with it? Is it thereby obscured to the point of being invisible as a concept of broader relevance? Can appropriations that stand (as far as this is possible) outside the sphere of capitalist commerce only be discussed in terms that assume that they are already contained within it? Marx’s use of the concept suggests that this is not the case. At the outset of his Grundrisse, he writes that “[a]ll production is appropriation of nature on the part of an individual within and through a specific form of society. In this sense it is a tautology to say that property
(appropriation) is a precondition of production” (Grundrisse 87). It may be that economic discourse has layered itself onto the idea of appropriation so completely simply because of the financial stakes that have come to accompany (and motivate) so many appropriative practices. But this just makes it more important to theorize appropriation within capitalist social formations without resorting to the dominant discourse on the economics of appropriation.

The step of subsuming all appropriation under Marx’s theory of the accumulation of capital has here been undertaken only temporarily, in order to emphasize how strongly appropriative practices (along with their motivations, effects, and stakes) are today perceived in the context of an economic conceptual framework. For the moment, it is enough to acknowledge that the economics of appropriation are an inevitable, ever-present undercurrent in all general discussions of appropriation. Any alternative theory of appropriation must build on the acknowledgement that these general discussions are today revolving around an ideological framework that represents an economics rather than an aesthetics – but an economics that is often masked by an aesthetics, and that can be invoked for critical as much as for affirmative purposes.

While this economics can validate capital’s restrictive extraction of material and ideal objects from the circuits that mark social (re)productivity, it can, therefore, also be called upon for the purpose of challenging capital’s reliance on unjust appropriative practices. A theory that conceives of appropriation as a critical practice must, in this sense, engage established notions of ‘property’ on their own, current grounds. It does not have to begin with a consideration of pre- or proto-capitalist social formations, nor does it have to distance itself from economic discourse through an alignment with established aesthetic theories of adaptation. There are, indeed,
qualitative differences between different types of appropriation – the external circumstances under which they occur and to which they relate, however, bridge these differences.

Appropriative practices and the ways in which they are perceived and discussed are always imprints of existing power relations and of the discourses structuring these relations. As such, appropriation can be affirmative of these power relations, but it can also draw critical attention to them. Overall, concrete manifestations of appropriative practices – inevitably negotiating, as they do, issues of the (re)production and ownership of material and ideal objects – will always enable a clearer perception of these power relations as far as they relate to the economic discourses currently governing matters of property; they will always, in other words, figure importantly in discussions about the means and ends of (trans-)national economic, aesthetic, and ethical directives designed to balance (or, conversely, to sway) the uses of appropriation.

1.4 ‘Culture industry’ vs. critical appropriation

Whatever agenda one might follow in interpreting appropriative practices, they always inevitably allow for relatively straightforward materialist interpretations. The uses to which such interpretations can be put vary greatly. My own argument – prefigured by my strong differentiation between concepts of adaptation and of appropriation – is, ultimately, that appropriation’s groundedness not in the incorporeal referential but rather in a complex concept of material re-use (which is not limited to the ‘analog’ of ‘tangible’ of physical materiality) enables it as a powerful political practice. But before this idea can be developed in more detail, it is necessary to consider what is perhaps the most sustained and well-known counter-argument, namely the early Frankfurt School’s negativist perspective on the incorporation of cultural production into capitalist (re)production schemata.
Over time, it has frequently been argued that a perspective on current cultural production as framed by economic contexts need not be exclusive and total, and that appropriation can be interpreted as a creative practice outside the realm of ownership-based discourse. Oddly, this perspective often emerges from discourses that heavily depend on the profitability of appropriative practices, and one may suspect that it is based on a vested interest in obstructing the critically motivated repurposing of appropriative practices. At the very least, it is clear that fully subsuming the ethics and aesthetics of appropriation in economic discourse is perilous to its critical potential. The analogies on which both perspectives are based (that of appropriation as creative, critical expression, and that of appropriation as interfering with more traditional concepts of property, i.e., private property, ownership of oneself and one’s labor, etc.) can thus ‘work both ways,’ and both are invoked to justify restrictive ownership-based discourses as well as to point to the necessity of critical challenges to these discourses.

The legal scholar and human rights activist Tom G. Palmer has thus noted that most arguments in support of restrictive intellectual rights regulations are posited by those in favor of neo-liberalist approaches to private property. Based on his argument, it appears that even though copyright regimes originally sported the noble ambition of safeguarding the acknowledgement and protection of individuals’ creative expressions, such policies now pose a severe danger to many areas of creative (re)production that used to lie outside the conceptual reach of narrow definitions of ownership and appropriability. Cultural theorist Eva Hemmungs Wirtén arrives at a similar conclusion, and fears that ‘protecting’ the (re)production and circulation of creative expressions, artisanal skills, and traditional knowledge through legal regimes tied to economic concerns will achieve little more than to facilitate and expedite their commodification and “tradefication” (Wirtén 123).
In the above-cited analysis of the landmark trial of Donaldson v. Becket, Mark Rose makes similar observations and notes that such patterns of assimilation qua commodification can be traced back at least to the formulation of early copyright law in England. He argues that with the progressively restrictive body of legal and philosophical provisions addressing matters of property and exchange, “[a]bstracting the author and the work from the social fabric … contributed to a tendency already implicit in printing technology to reify the literary composition [and] to treat the text as a thing” (“Author as Proprietor” 63). This tendency to abstract and reify paved the way for the more and more complete commodification of cultural production, and transformed “what should properly be thought of as social relations” into “property relations” (“Author as Proprietor” 64). Once this transformation is in place, it seems that the enmity between what Theodore Adorno and Max Horkheimer called the culture industry (which is based on an economics of assimilation and appropriation, and on the ideological reification of idealized culture as commodities) and a critical practice of appropriation (which challenges and problematizes the workings of the culture industry) can develop its full force.

Adorno and Horkheimer’ famous critique of the Kulturindustrie addresses this tense relationship. Part of the a larger cultural critique of the politics that capitalist economics favors, their analysis has often been accused, however, of taking an overly pessimistic critical stance without envisioning a workable alternative. The difficulty of their prose and their unwillingness to formulate a revolutionary agenda are, of course, essential to the authors’ rhetorical strategies;
yet, in the effort of realigning the concepts of appropriation, reuse, and circulation on which the
culture industry so heavily depends as critical practices, it is nevertheless useful to revisit the
analysis offered by Adorno and Horkheimer and isolate in it some instances that seem rather to
confirm appropriation’s critical potential.

Adorno and Horkheimer describe the culture industry as an apparatus of absolute
domination within the complex social formations that make up our life world. For them,
*Kulturindustrie* (they use the singular, which carries more sinister undertones than the plural of
‘culture industries,’ and which lends their arguments a somewhat universal quality) is the
oppressive circulatory machine of homogenized mass culture that the late capitalist subject has
been assimilated into, and that it is constantly exposed to and dominated by while aiding in its
reproduction and perpetuation. An individual’s integration into this apparatus has the
fundamental effect, according to Adorno and Horkheimer, of rendering impossible the
development of any critical awareness of the social conditions that we are permanently
confronted with. This claim is perfectly encapsulated in an illustrative simile used by the authors
to decry the culture industry’s wickedness: describing the persuasive schemes employed in order
to obscure the repression of the late capitalist subject, Adorno and Horkheimer resort to an
example from American cartoons. In their view, these animated films (like most other cultural
products associated with leisure and consumers’ freedom of choice) offer a merely illusory
escape from the dullness of everyday life. Indeed, the joy derived from the consumption of such
cartoons is the result of a hegemonic strategy of deception and represents the oppressive
tendencies of late capitalist societies. What is more, for Adorno and Horkheimer the consumers
themselves play an important role in abetting the implied deceptive processes, and the authors
thus argue that “[t]he flight from the everyday world” that the culture industry fraudulently
promises must be understood “much like the abduction of the daughter in the American cartoons: the father is holding the ladder in the dark” (Adorno and Horkheimer 113). Being thus kept in the dark, the father, generically representing the collectivity of late capitalist subjects and unaware of his implication in the “abduction,” is assisting in the assimilation of his own, seemingly free and independent self. The dark in which this figure is shrouded makes critical awareness of his unwitting complicity impossible, and for Adorno and Horkheimer, this image perfectly captures how the culture industry achieves absolute containment of any critical impulses via the total instrumentalization of its subjects, in all matters regarding production, consumption, leisure, and so forth.

One of the effects of this instrumentalization (essentially a negation of Hegel’s free spirit as discussed in Chapter 1.2) is to effectively forestall the resistant interventions that are embodied, for example, in critical appropriative practices. Yet in light of my description of critical appropriation thus far, it is worthwhile to consider whether Adorno and Horkheimer’s complicit father figure is not, indeed, already holding in his very own hands the tools that can enable him to resist. “[H]olding the ladder in the dark,” he is indeed always just a mere step away from appropriating the system that instrumentalizes him for his own purposes. In the context of the emergence and current prevalence of diverse appropriative practices (both official and dissident), a much brighter picture can thus be construed. With a focus on appropriation and its critical potential, many of the elusive characteristics of the culture industry emerge as far less negative than in Adorno and Horkheimer’s portrayal, and some aspects of the late capitalist (re)production and distribution apparatus that they describe as ever more intensifying the darkness shrouding its subjects’ vision may indeed serve to ‘enlighten’ the assimilated subject after all.
Adorno and Horkheimer’s concept of instrumentalization stands in clear opposition to all disruption of the hegemonic order. They argue that the culture industry’s mechanisms of instrumentalization are more than merely a symptom of the underlying system’s efficiency; the late capitalist subject’s total containment (assimilation of the consumer as labor force) appears, indeed, as an inevitable necessity for the continued functioning of the culture industry. Consequently, many of the authors’ arguments centrally hinge on the assumption that consumers partake of both the production and the product – and hence it is dogmatically stated, in an oft-quoted passage, that “entertainment is the prolongation of work under late capitalism” (109).

Adorno and Horkheimer thus suggest that the consumers’ incorporation into the (re)production/circulation/distribution system of the culture industry completes the goal of absolute ideological assimilation and domination. But I further argue that by nature of the technology, knowledge, and skills implicated in the assimilative forces Adorno and Horkheimer describe, consumers’ participation in the culture industry’s production cycles can be empowering. In other words, the active (if forced) participation in perpetuating the hegemonic system of cultural (re)production offers tools that aid the overcoming of what the two critics see as the unattainability of mass enlightenment.21

During the enlightenment era, culture itself was perceived as a power that could effect what Kant has famously called “man’s abandonment of his self-inflicted nonage” (Kant 9).22 In this sense, culture (or ‘culturedness’) measures progress in the project of reaching individual, critical independence, and is a tool to propel it along. While Adorno and Horkheimer use

21. In an analysis of Adorno’s rhetoric in his brief essay “Culture Industry Reconsidered,” Andreas Huyssen has noted, incidentally, that Adorno seems to embrace the possibility of enlightenment without expressly admitting to this optimist stance: “To be sure, he still sees culture industry as a deception of the masses, but by describing the wholesale effect of culture industry as ‘substitute gratification’ and ‘anti-enlightenment,’ he seems to imply that genuine enlightenment and gratification of needs may be possible after all” (Huyssen, “Introduction” 4).
‘culture’ in much the same way, their argument only marginally touches on the potentially revolutionary implications of mass culture. Popular culture, according to them, is no longer the great vehicle and side-product of enlightenment, but has been fully appropriated and instrumentalized as a tool of the self-concealing perpetuation of ideology and oppressive rule. This insistence is still apparent in Adorno’s later essay “Culture Industry Reconsidered,” which offers a less aggressively negative version of the prior arguments. In it, he states:

The total effect of the culture industry is one of anti-enlightenment, in which, as Horkheimer and I have noted, enlightenment, that is the progressive domination of nature, becomes mass deception and is turned into a means for fettering consciousness. It impedes the development of autonomous, independent individuals who judge and decide consciously for themselves (Adorno, “Reconsidered” 18-19).

While acknowledging the ways in which the culture industry appropriates culture as a tool of oppression, Adorno here still does not consider the potential for an appropriative use of popular culture and its underlying apparatus as tools for intellectual, political, spiritual, or economic liberation.

In contrast to this depiction of the culture industry and cultural production as a socio-political and economic system that successfully rules out all notions of resistance and intervention, I argue that a host of technological, philosophical, and logistic/administrative developments have begun to overturn the order Adorno and Horkheimer describe, and that a subversive force can be drawn exactly from the notions of assimilation and appropriation that they perceive as representing the powers that defuse and destroy the critical substance of creativity and art. Consequently, it is possible to conceptualize an appropriative tactics of
resistance that is based on skills that the resilient subjects of late capitalist domination can acquire not despite, but rather exactly because of their seemingly complete incorporation in the production and consumption cycles that Adorno and Horkheimer characterize as so efficiently oppressive. I locate, in other words, a resistant potential in the practical skills represented by appropriations of resources, knowledge, and techniques gained within an otherwise oppressive hegemonic system – a potential that resides in the appropriation and reuse of ideal or material objects for new, unsanctioned purposes, and the reinsertion of the appropriated materials, techniques, and ideas into contexts and (re)productive circuits that they were not originally intended for.

Consider the improvisational skills of factory workers who expand and apply their specialized (some would say limited) knowledge to the spheres outside that of their primary workplace; consider the overtly political cutting and pasting of the early twentieth-century Dada monteurs (whose work will be discussed in Chapter 2); consider, as a last preliminary example, those contemporary appropriators commonly called hackers, who, sharing their skills with the programmers of proprietary code, rework digital information in order to modify existing knowledge, to freely circulate cultural matter, or to circumvent censorship and restrictive user policies (see Chapter 5). All these practitioners of critical appropriation are engaged in the process of realizing resistant powers acquired within contexts that Adorno and Horkheimer have defined as part of the oppressive, homogenizing, paralyzing culture industry apparatus. In “Culture Industry Reconsidered,” Adorno argues that “[t]he concepts of order which [the culture industry] hammers into human beings are always those of the status quo” (“Reconsidered” 17). The assimilated masses, however, are more than what he calls a “secondary … appendage of the machinery” (“Reconsidered” 12); they are, indeed, an appendage that is vital for the machine’s
functioning, an appendage with access to the machine’s operational core. The culture industry, it is true, “intentionally integrates its consumers from above” (“Reconsidered” 12). Yet as I have argued, this integration – which itself is a necessity, not a choice – can be repurposed and recontextualized; it, too, is subject to appropriation. And as I will show in the following section, it can therefore never amount to the absolute containment of effective, critical resistance.

1.5  **Mētis**

Based on Adorno and Horkheimer’s own interpretation, the classic argument of late capitalism’s assimilative powers can be counterpointed with a theory of the appropriative force to be gained by ‘assimilated’ subjects exactly because they are so fundamentally incorporated in the (re)production, dissemination, and maintenance processes that make and keep late capitalism functional as a system of quasi-global control. We must understand this force to be boundless and indeterminate in its scope and scale: as a critical potentiality, it can be limited to precise and intimate contexts of personal use or, conversely, reach out across different media, unrelated (re)production contexts, and different political agendas; likewise, it can play out on the private, immediate level of minuscule repurposing, or on the more abstract level of transnational organization. For the purpose of abstracting a first approximation of this critical appropriative force, my discussion of resilient appropriation from within hegemonic (re)production apparatuses is best concretized with reference to the concept of *mētis*, as it emerges from the work of the historians and anthropologists Marcel Detienne and Jean-Pierre Vernant, and as it is further developed by Michel de Certeau and the political scientist James C. Scott.

Derived from ancient Greek mythology, *mētis* broadly denotes a kind of cunning intelligence or wit that is based on the resistant utilization of knowledge, resources, and technology appropriated within a dominant, oppressive context. In Greek mythology, the Titan
goddess Mētis was Zeus’ first wife. Initially smitten with her guile and wisdom, Zeus soon began to fear her as the embodiment of free-spirited insubordination, which was manifest in her cunning disobedience. Accordingly, Mētis quickly came to be associated not only with wise counsel, but also with Promethean, potentially revolutionary tricksterdom. Mētis’ slyness was perceived as posing such a danger to Zeus’ magisterial rule that he finally swallowed her alive in order to be able to contain, quite literally, the dissident force she embodied. Detienne and Vernant, authors of the only authoritative monograph on cunning intelligence in Greek mythology, describe the effect of Zeus’ actions thus:

By swallowing the goddess Mētis … Zeus at one stroke eliminated the element of unpredictability and disorder which had previously given rise to revolts and conflicts [and] replaced it with an order which was immutable. Thereafter there would be no more chance ventures or surprises; no more reversals in which the master of bonds could, in turn, find himself bound. (Detienne and Vernant 305).

Mētis, however, had already conceived a child, and the story of how Athena (goddess of wisdom, handicrafts, and warfare) sprung forth from Zeus’s badly hurting head is well known. Based on this myth, mētis has come to abstractly refer to a type of practical skill that is impossible to successfully contain by dominant forces – practical skills that have the theoretical power to challenge a dominant system from within.

In this sense, the concept is very useful to frame a discussion of critical appropriation, and furthermore to conceptualize its oscillations between representing a dominant practice and one that is critical. In his 1980 monograph *The Practice of Everyday Life*, Michel de Certeau thus employs the story of Mētis in outlining a series of resistant tactics that would, in his argument, allow ordinary consumers/workers to reclaim a sense of agency and authority from within
dominant socio-economic and political systems. De Certeau’s argument begins with the question of what the late capitalist subject may be able to create while allegedly doing ‘nothing’ but consuming; related to this is the question of what there may be in workers’ power to produce while they outwardly submit, each for themselves, to the rules of the work place and the pressure to sell their labor force. De Certeau’s questions point back to Adorno and Horkheimer’s image of the seemingly complicit father who is holding the ladder in the dark, and the answer to these questions is simple this: the deficiency in the capitalist ploy of perpetual and complete domination through assimilation is that the subject’s instrumentalization (which the two Frankfurt School theorists perceived as an insurmountable obstacle) must be seen as serving a double function – it not only yokes and subjugates the subject, but simultaneously provides it with access to the operative meta-structure underpinning the dominant system, thus enabling the acquisition of exactly the kind of métis that the autocratic ruler Zeus was so worried about.

Following de Certeau’s argument, the resourceful workers – whose economic predicaments almost always also make them keen tinkerers, hackers, repairmen, or other types of appropriators – now arise as low-level yet powerful resistant parameters within a larger system. This may or may not make the worker a revolutionary; but it aligns him, at the very least, with what de Certeau perceives as the endlessly creative, productive, and politically charged ‘practice of everyday life.’ As an example, the author points to the common factory floor workers who, simply by having access to the knowledge, machinery and raw materials necessary to carry out their job, find themselves in a position of theoretical power that allow them to appropriate the resources at his disposal for his own purposes, however modest they may be. More concretely, de Certeau discusses what in French argot is called faire de la perruque (‘making the wig’). This, he writes, “is the worker’s own work disguised as work for his employer. It differs from pilfering
in that nothing of material value is stolen. It differs from absenteeism in that the worker is officially on the job” (25). *Faire de la perruque*, then, is the practice of appropriating and repurposing the resources available at a workplace, “work that is free, creative, and precisely not directed toward profit” (25).

James C. Scott offers a very similar example in his own definition of *mētis*, but pushes the concept to a broader critical and political level. He thus discusses, for example, work-to-rule strikes, during which employees continue their duties in strict adherence to their work manuals. In doing so they refuse to put to work the *mētis* that can only be acquired on the factory floor – a tactic of recalcitrant obedience that tends to massively slow down production and that can generate great financial losses (Scott 310). There is no need for industrial sabotage, then, or for a full-on walkout. On the contrary, again it is the *mētis* – the routines, experience, and practical skills – acquired and workable within the dominating setting itself that represent a raw power that may gain a revolutionary momentum.

Like de Certeau, Scott defines the appropriative powers of *mētis* as a cunning intelligence that is rooted in highly contextual, heavily localized and specialized practical skills. He explains the concept in opposition to Plato’s *techne*: whereas *techne* is characterized by “impersonal, often quantitative precision and a concern with explanation and verification, … *mētis* is concerned with personal skill, with ‘touch,’ and with practical results” (320). Detienne and Vernant, too, state that the contexts for *mētis* are “situations which are transient, shifting, disconcerting and ambiguous, situations which do not lend themselves to precise measurement, exact calculation, or rigorous logic” (3-4) – situations that require the improvisational logic of the tinkerer, and not the rational logic of authority.
Mētis must be understood, then, in relation to the precarious links between authoritative schemes of an economic or political order, and the practical skills on which these schemes rely, but which they tend to ignore or seek to prohibit (Scott 311). Official order, in other words, is always related to “informal processes which the formal scheme does not recognize, without which it could not exist, and which it alone cannot create or maintain” (310). Today mētis is thus often acquired in formal apprenticeship, and from a position interior to a larger systemic apparatus that generally does not condone the kind of knowledge and activities mētis represents. The condemnation of the innovations and practices enabled by mētis is due to the fact that they typically represent “a recombination of existing elements” (324) – appropriations exactly of the kind that Adorno and Horkheimer deemed impossible, and that are abhorred in today’s discourses aimed at restricting appropriative practices just as they were feared by the mythological Zeus.

But what lends mētis, this “partisan knowledge” (Scott 318), its potentially revolutionary force? The logic animating the hegemonic projects on which the criticisms of Adorno and Horkheimer, de Certeau, and Scott are based is one of control and containment. But the mētis of specialized and traditional knowledge and of practical skills operates in relative autonomy of such ideological projects, and is all but uncontainable. Just as Zeus futilely swallowed the Titaness Mētis in order to maintain his sovereignty, Scott states, “the reduction or … elimination of mētis and the local control it entails are preconditions, in the case of the state, of administrative and fiscal appropriation and, in the case of the large capitalist firm, of worker discipline and profit” (335). Likewise, in Adorno and Horkheimer’s argument, its elimination would be the precondition for the complete and perpetual subduing of a critical, enlightened,
consciousness. Yet, by way of its inherent resilience and uncontainability, métis resists this elimination. De Certeau thus describes the individual bearer of métis as follows:

Increasingly constrained, yet less and less concerned with [the vast technological and economic frameworks] in which he is incorporated, the individual detaches himself from them without being able to escape them and can henceforth try to outwit them, to pull tricks on them, to rediscover within an electronized and computerized megalopolis the ‘art’ of the hunters and rural folk of earlier days. … These ways of re-appropriating the product-system, ways created by consumers and workers, have as their goal a therapeutics for deteriorating social relations and make use of techniques of re-employment in which we can recognize the procedures of everyday practices. (xxiii-xiv)

Building on de Certeau’s and Scott’s arguments, we can recognize métis as a phenomenon that can withstand assimilation by dominant systems without losing its critical potentiality. Even when it appears affirmative of such a system (in Marcuse’s sense), it draws power from its position as the secondary, derivative, and assimilated because it represents access to all kinds of vital resources and infrastructures. It is, perhaps, what Deleuze and Guattari would call a ‘minor’ practice, demonstrating that the systemic limitations that come with assimilation can indeed be understood to represent the very possibility of the production of resistance.

Communicating and utilizing key aspects of dominant (re)production and circulation apparatuses – knowing them ‘inside-out,’ as it were – métis enables their appropriation for alternative uses. It thereby represents a resistant potential that is not limited to (or by) a specific cause, not limited to the local or the global, not limited to specific media or production environments, and also not limited to the private or the collective. Rather, it denotes a more
abstract modality of resistance, one that begins with the “plastic, local, and divergent” (Scott 322) to become flexible and unlocalizable.

1.6 New media and theories of the multitude

If appropriation is indeed such a viable, everyday practice of resistance, then it must be able to effectively cut across a wide range of media and (re)production contexts, and cannot be bound by a rigid teleological stratum. An inclusive concept of critical appropriation must furthermore accommodate broad contexts of artistic production as much as those of specific political projects; it must apply, for example, to the appropriative measures of industrial labor struggles as much as to discussions of contemporary appropriation art. My discussion of mētis has shown that the term is inclusive enough to accommodate a wide variety of practices and contexts. In de Certeau’s and Scott’s renditions, however, it primarily concerns industrial and proto-industrial (re)production processes that can roughly be described as analog (i.e., that are concerned with the material use and reuse of resources). What, then, about appropriative practices situated in or after the emergence of post-industrial (re)production – conditions in which issues of originality, copying and ownership and their negotiation in global arenas have, arguably, gained much urgency?

An ideal context for developing a more complex model of appropriation as critical practice is provided whenever political theory and new media theory become concerned with the possibility of challenging capital’s globalized reign over most current economic systems and cultural spheres. Since the early 2000s, such theories have been popularized, for example, by the Italian political theorist Antonio Negri and his American colleague Michael Hardt, who envision a new type of global resistance based on two concepts that are particularly useful for my purposes, namely those of ‘immaterial labor’ and ‘multitude.’ In their jointly written monographs
Empire (2000) and Multitude (2004) – each widely celebrated as well as vigorously criticized – Negri and Hardt retrace the developmental stages of capitalist production and discuss the emergence of new types of labor relations that may be able to effectively subvert labor’s oppressive subjection to capital. In their view, the technological, infrastructural, legislative and social changes appendant to the emergence of contemporary capitalist (re)production circuits have brought with them the foundations of a new type of individual that embodies just such revolutionary potentials as the ones I have above described as being represented by the practical skills of métis.

In many ways, Negri and Hardt’s theories are a continuation of the work of the Italian “autonomist” strain of Marxism, of which Negri was an important member throughout the 1960s and 1970s. The “great rediscovery of autonomist theory,” writes Canadian cultural theorist Nick Dyer-Witheford, has been to recognize that “the circulation of capital [is] also a circulation of struggles” (Dyer-Witheford, Cyber-Marx 3). When analyzing the circuit of capitalist production, the autonomists regard “each node [as] a potential site of conflict where the productive subjectivities capital requires may contest its imperatives” (Cyber-Marx 3). Most notably, this happens through acts of appropriation, since the sites of conflict identified above (which pervade capital on all levels) are based on labor power’s theoretical potential to “refuse to remain labor-power: it resists and re-appropriates” (Cyber-Marx 3). Such re-appropriations take a great number of different shapes. In addition to the examples given throughout the preceding sections, we could, for example, view the appropriative practices characterizing pop art as a model for current, more explicitly political anti-consumerist activism; similarly, we could describe Dadaist

23. Critical responses to their theories have been published, for example, in Rethinking Marxism 13.3-4 (2001), edited by Abdul-Karim Mustapha and Bülent Eken, in Gopal Balakrishnan and Stanley Aronowitz’ Debating Empire (2003), and in Paul Passavant and Jodi Dean’s Empire’s New Clothes (2004).
and Situationist appropriation of industrialized production processes (discussed in more detail in Chapter 2) as conceptual precursors of more practical political protests occurring in the context of post-industrial production settings today.

While the Italian autonomists’ primary concern was the context of industrial labor struggles, they also began to develop the concepts of ‘immaterial labor’ and ‘general intellect’ that much of Negri and Hardt’s work is based on. The latter of the two terms is adopted from Marx’ *Grundrisse* (1858), where it designates a type of technological and scientific expertise that capital production depends on and which is understood, as Mark Coté notes, to be acquired by all workers and to accumulate “in the fixed capital of machinery” (in Negri, “Labor of the Multitude” 11). Pushing this concept further, the Italian autonomists employed it to think labor struggle into the post-Fordist era and beyond the immediate contexts of industrial production. Negri, accordingly, situates the value of general intellect “in new laboring subjectivities, the technical, cultural, and linguistic knowledge that makes our high-tech economy possible” (in Negri, “Labor of the Multitude” 11). These new types of laboring subjectivities, which tend to produce immaterial goods such as services, communication, ideas, cooperation, and affective relations, constitute ‘immaterial labor’ (Negri and Hardt, *Multitude* 146). This term has, in turn, enabled the autonomists to extend traditional notions of labor struggle to those spheres of society that were commonly seen as standing outside capital’s immediate sphere of influence because they were unwaged or ‘unproductive.’ This new kind of labor power can thus be understood to embody something similar to de Certeau’s *mêtis* – it enables struggles that go, like itself, beyond the immediate sphere of work relations that are subjected to capitalist control.

Now, theorization of struggles against capital comes to encompass individuals whose direct containment within a capital apparatus has traditionally been hard to account for, such as
the unemployed and unemployable, the elderly, the homemakers, as well as many of the appropriators already mentioned in earlier sections. Accordingly, the autonomist theorist Maurizio Lazzarato describes immaterial labor as being decoupled from any particular type or class of laborers (133-34); it is, rather, a shared activity “of every productive subject within postindustrial societies” (Terranova 41). Likewise, for Negri the force embodied in immaterial labor pervades all of society, and points to the “global potentiality which has within it that generalized social knowledge which is now an essential condition of production” (Negri, Writings 224). All economic production, then, appears as “increasingly biopolitical,24 aimed not only at the production of goods, but ultimately at the production of social relationships and social order” (Multitude 334). This stands in clear contrast to Adorno and Horkheimer’s negativist claims regarding the culture industry’s ability to absolutely contain and scotch any resistant attitudes. The argument that work, under capitalism, has come to subsume leisure time and private life (no doubt accurate when Adorno and Horkheimer proposed it) now more clearly points to positive interpretations: even though there may no longer be an outside to the late capitalist subject’s implication in production circuits, this fact now implies labor power’s resistant potential – while material production “creates the means of social life,” immaterial production “tends to create … social life itself” (Multitude 146).

Of the political theorists who subscribe to the autonomist notion of a capitalism marked by ongoing, potentially constructive struggles with its subjects, most focus their research on immaterial labor because it is here that such struggles are most pronounced, and resistance (whether organized or individual) appears most likely to succeed. In the autonomist model, labor

24. “Biopolitics is … a contradictory context of/within life. By its very definition, it represents the extension of the economic and political contradiction over the entire social fabric, but it also represents the emergence of the singularization of resistances that permanently cut across it” (Negri, “Labor of the Multitude” 18).
power (embodied, as noted above, not merely in waged workers) always retains at least a theoretical capacity to resist containment by capital. It takes the shape of “a problematic ‘other’ that must constantly be controlled and subdued, and that, as persistently, circumvents or challenges this command” (Dyer-Witheford, *Cyber-Marx* 65). A new power dynamic can thus be identified, one that posits, at least theoretically, the possibility that the métis of labor power is “not only antagonistic to capital but autonomous from [it]” (Moté, qtd. in Negri, “Labor of the Multitude” 12). Put in terms of my current argument, the antagonistic force of labor power, in other words, lies in its ability to appropriate.

On a very basic level, this new dynamic of assimilation against appropriation expands Marx and Engel’s famous dictum from *The Communist Manifesto*, wherein they state that capital is constantly forging the weapons that shall one day bring death to itself. In Negri and Hardt’s account, these weapons may be seen to be embodied in the biopolitical force that constitutes what they call the ‘multitude’ – the creative force that perpetuates capital but that is “also capable of autonomously constructing a counter-Empire, an alternative political organization of global flows and exchanges” (Negri and Hardt, *Empire* xv). “The concept of multitude,” Negri thus writes,

is derived from the relationship between a constitutive form (that of singularity, of invention, of risk, to which all the transformation of labor … has brought us) and a practice of power (the destructive tendency of value/labor that capital is today obliged to put in effect). But while capital was in the past capable of reducing the multiplicity of singularities to something close to the organized and unitary – a class, a people, a mass, a set – this process has today failed intimately: it no longer works. The multitude should thus be necessarily thought of as a
disorganized, differential, and powerful multiplicity (“Labor of the Multitude” 22).

Embodying an immensely large number of individuals, the multitude thus does not represent a coherent group, but rather a swarm of “unrepresentable singularities” (Negri, "Approximations" §1). The multitude’s “swarm intelligence” (Multitude 91) thus again invokes definitions of métis as a force consisting of an uncontainable abundance of individual skills and practices that are hard to assimilate or even to describe. Like de Certeau’s ‘practice of everyday life,’ the multitude “is, at once, subject and product of collective praxis” ("Approximations" §16).

That the emergence of immaterial labor has enabled new modes of resistance against capital is a generally agreed-upon notion. Yet in suggesting this, Negri and Hardt do not argue, as it is sometimes wrongly assumed, that immaterial labor has taken the place of material labor, or even that material labor is on the decline. Their argument, rather, is that “the qualities and characteristics of immaterial production are tending to transform the other forms of labor and indeed society as a whole” (Multitude 65) – that the multitude, in other words, encompasses both ‘material’ and ‘immaterial’ laborers.25 As a result, even some of the decidedly negative effects associated with the emergence of immaterial labor (such as the ways in which the skills and types of services it is connected to tend to render work-relations precarious and highly unstable) can become a potential for resistance and subversion. This is due, in part, to the flexibility and mobility by which immaterial labor is, perforce, marked. It “tends to move out of the limited realm of the strictly economic domain and engage in the general production and reproduction of society …, [becoming] immediately a social, cultural, and political force” (Multitude 66).

25. In their view, all resistance that the multitude engenders seeks to unite individuals, while at the same time conserving the critical differences between individualities; its drive, according to Negri and Hardt’s argument, is toward democracy.
It is important to note that while material and immaterial labor do not constitute separate, absolute categories, qualitative differences necessarily remain. In Negri and Hardt’s account, the distinction is upheld, however provisionally, because it aids them in formulating their concept of the multitude. The nature and type of skills and services linked to immaterial labor seem to clearly set them apart from those of material labor: while the latter has a long tradition of established Marxist definitions, the immaterial labor that nurtures the multitude, on the other hand, is identified by its tendency towards interactivity, its reliance on networked communication, and the communality of the productive activities it entails. Based on this basic definition, the ‘material’ and the ‘immaterial’ are, unfortunately, too often treated as binary opposites. The concepts of the ‘material’ and the ‘immaterial’ are, furthermore, often conflated with those of the ‘analog’ and the ‘digital,’ respectively. Frequently, the results are heated debates regarding the ontology of these terms as well as the usefulness of either for resistant causes. It is at just such junctures, of course, that complicated issues of originality, copying, and critical appropriation arise with their fullest force, and since my own discussion of appropriative practices will itself, throughout the following chapters, follow a rough trajectory

26. This holds true in particular for readers who seek to interpret Negri and Hardt’s purposefully abstract theory as a concrete, quasi-revolutionary call-to-arms. More explicitly than many other schools of thought, ‘globalization theory’ leads a double existence in philosophical abstraction and in activist practice, which gives rise to many conflicting readings and strong misgivings amongst opponents of global capitalism.

27. A favored platform for debates negotiating the front lines between the spheres of the ‘analog’ and the ‘digital’ is the popular web-based mailing list nettime (<http://www.nettime.org/info/html>), which understands itself as a forum for the networked theorization of problems located at the interstices of what the editors call ‘old’ and ‘new’ media. The latest in a long series of heated arguments over rivaling definitions of analog and digital media flared up in January 2009 (see nettime-l Digest Volume 16, issues 11 to present), when subscribers of the mailing list discussed at length the “Digital Humanities Manifesto” published through UCLA’s Center for Digital Humanities. Although this collaboratively written manifesto had the declared aim of proposing new structures for organization of the humanities at contemporary educational institutions, the nettime debate focused primarily on general issues of terminology and jargon. During such prolonged events of theoretical sparring, questions regarding the usefulness and necessity of ontological distinctions surface, though infrequently, and do not tend to have much traction.
from the analog toward the digital, these debates must here be addressed and resolved at least tentatively.

Reductive readings of the distinction between material and immaterial labor are often based on the assumption that Negri and Hardt’s theories of the multitude and of immaterial labor are primarily referring to the very specific (and highly exclusive) media- and (re)production circumstances of the ‘immaterial’ digital. In such interpretations, ‘reproducibility’ is commonly taken to refer to the copyability of digital media, and new media technologies are thus mistakenly conflated with the ‘immaterial’ that Negri and Hardt propose as the primary site for the rise of the multitude. Often, such readings take as their point of departure the fact that the concept of immaterial labor is commonly evoked in the context of post-industrial (re)production processes, and that it thus inherently implies, to some degree, new media technology. Negri and Hardt, too, describe the multitude as quasi-analogous to the inherent structures of such technologies. A “distributed network such as the Internet is a good initial image or model for the multitude,” they state, at a moment when “familiarity and facility with computer technology is becoming an increasingly general primary qualification for work in the dominant countries” (Empire xv, 291). They find such a network helpful for describing the multitude because in both, “the various nodes remain different but are all connected, [and] the external boundaries of the network are open such that new nodes and new relationships can always be added” (Multitude xv).

Indeed, for theorists who focus on the socio-political aspects of new media technologies, Negri and Hardt’s writing strongly suggests that immaterial labor is constituted by “those forms of communicational and affective production associated, not exclusively but strongly, with digital networks” (Dyer-Witheford, "Circulation" 7), and that such networks are very useful for
facilitating the multitude’s struggles. To a certain degree, Negri himself backs up such arguments when he notes, for example, that since immaterial labor no longer adheres to Marx’s description of capitalist production as “presenting the synthesis of the living creativity of labor and of the exploitive structures organized by fixed capital and its temporal laws of productivity,” it “reveals a surplus” that lies outside the order of that which capital can immediately control and expropriate (“Labor of the Multitude” 20). This surplus, however, appears difficult to successfully pin down once it is transposed to the sphere of digital media environments. New media theorists frequently attempt this by rightly noting that for Negri and Hardt, the economic equivalent to postmodernization is informatization (Empire 280) and, one might add, the logically appendant virtualization and stratification of resources and production infrastructures across the globe. Yet, as Dyer-Witheford points out, from this argument it is often extrapolated, in an overly general manner, that “[t]he generation of wealth increasingly depends on an ‘information economy’ in which the exchange and manipulation of symbolic data matches, exceeds, or subsumes the importance of material processing” (Cyber-Marx 24).

The resulting analyses often suffer from at least two important flaws: first, they tend to lose sight of the important material limitations that can easily obstruct the tactical application of immaterial labor (such as inaccessibility of physical network access points, lack of necessary training to interact with new technologies, cost of hardware, etc.). Secondly, they tend to assume a set of essentialist medium-specific differences between the analog and the digital – differences that would indicate a teleology and absolute hierarchy of the practicability of struggles, based on whichever medium they are grounded in. Ultimately, the result of such faulty interpretations is a narrow, and rather shortsighted focus on how easily Negri and Hardt’s concept of the multitude can be applied to the exclusive context of new media and digital technologies. Thereby, new
media theorists often insist that the multitude’s ‘openness’ and adaptability that they see reflected in digital technology and networked communication are indicative of digital media’s alleged inherent affinity for democratic structures (which would conveniently align these contexts with Negri and Hardt’s insistence that the multitude always moves towards democracy).

In a markedly one-dimensional account, the cultural critic Michael Strangelove, for example, envisions the unfolding of a primarily digital future that will be much more open, democratic and just than the present because it is “propelled by a cultural divorce between the values of the commercial sector and a newly empowered online audience” (Strangelove 11). The author’s persistent rhetoric of ‘audiences,’ however, undermines his own arguments of empowerment, and implies a sustained socio-political and commercial imbalance that his study fails to undo. Douglas Kellner’s essay “Globalization, Technopolitics and Revolution” is another example in which a strong, popular argument suffers from the insistence on a strict binary between the analog and the digital. In it, the author rightly notes that “much significant political struggle today … is mediated by technopolitics” (Kellner 181), and goes on to locate the potential of this mediation in the ways in which new media technologies can help political activists to better communicate and organize their struggles. Developing an argument that is exemplary of much current discourse on critical uses of new media, Kellner thus suggests that the Internet’s interactive structure, once accessed, deconstructs class-divisions and other hierarchies between users, and forms an open platform that is, at least in theory, utterly democratic. Ultimately, however, Kellner’s considerations fail to go beyond conceptualizing the mediation and communication of recusant knowledge; he, too, fails to demonstrate how various media can play more fundamentally structural roles in organizing resistant practices.
As such, the above examples display an overly enthusiastic embrace of digital media as a new, global context for all work relations that is seen to inevitably upturn (by virtue of the inherent, medium-specific qualities of the digital) the inequalities of the present moment of global capitalist (re)production environments. The underlying assumption of such interpretations tends to be that whereas production processes grounded in ‘analog’ media ideally lent themselves to capitalist oppression because of the relative ease with which the time, place, and extent of such (re)production activities could be physically controlled, ‘digital’ (re)production processes (and thus, the argument goes, immaterial labor in general) ideally lend themselves to the subversion thereof. Whereas material (re)production and appropriation, in other words, would be seen as marked by the physical limits of space and time, the more intangible production processes associated with digital media cannot be ‘locked in,’ can operate both inside and outside of capital’s circuits, and are thus understood to be available for resistant uses.

While there is considerable merit to such arguments, their basic essentialist stance remains highly problematic. By contrast, Dyer-Witheford’s *Cyber-Marx. Cycles and Circuits of Struggle in High-Technology Capitalism* proposes much more inclusive ideas, and exemplifies a strain of new media theory that contemplates global practices of resistances without heavily relying on fundamental differences between ‘analog’ and ‘digital’ artifacts or (re)production contexts. Closely following the ideas of the Italian autonomists (and anticipating, in often surprising ways, Negri and Hardt’s work in *Empire*, which was first published a year later), Dyer-Witheford considers the types of labor and production processes linked to new media technology as an extension of industrial production, rather than as a substitution for them. Bridging different contexts of base media and production rather than forcefully dividing them,
*Cyber-Marx* thus provides a useful intertext for the theorization of *mētis* as a critical practice that spans, rather than divides, different contexts of creative and commercial (re)production.

Like Negri and Hardt, Dyer-Witheford departs from the premise that while late capitalism is based on an “unprecedented, worldwide order of general commodification,” the underlying logic of this same order produces the potential for a resistance that may have the power to change the system from within (*Cyber-Marx* 2). The author sees this power embodied not so much in the ontological qualities as in the structure of new technologies; more specifically, he locates it inside the “bourgeois dream” of technological progress, and describes it in terms that are reminiscent, again, of autonomist discourse:

… by setting in motion the powers of scientific knowledge and social cooperation, capital undermines the basis of its own rule[, and] the profoundly social qualities of the new technoscientific systems – so dependent for their invention and operation on forms of collective, communicative cooperation – will overflow the parameters of private property (*Cyber-Marx* 4)

In Dyer-Witheford’s view, then, informatization and the appendant emergence of immaterial labor represent not merely a new venue for capitalist domination, but also a potentially lethal flaw of late capitalism (*Cyber-Marx* 48-49), which he implies in more concrete terms than Negri and Hardt. One effect of this flaw is that capital can today no longer successfully stratify and smoothen socio-political spaces. As a consequence, the new (re)production technologies enable new entry points and interstices for struggles to erupt and organize.

Overall, the obstacles that limit many current theories on the tactical, appropriative use of new media point to the importance of keeping the analog and the digital connected in critical discourse as well as in practice. Negri and Hardt, of course, do not imply a categorical split
between ‘old’ and ‘new’ media. Their argument is not that society is produced by immaterial labor alone, but rather that the circumstances under which such labor occurs may simply be better suited to empower the emerging multitude in its efforts – and, consequently, better suited to provide models for the organization of resistance based in other contexts. While important differences between analog and digital media undoubtedly exist (my own arguments throughout the following chapters will suggest certain qualitative differences in their usefulness for appropriative projects), workable theories of contemporary resistance to capital must thus not be based on a perspective of technological determinism that values one base medium above and beyond another.

Throughout Negri and Hardt’s writing, a strong conceptual equation between economic production and political production suggests that while the kinds of appropriations that amount to critical, resistant practices may be conditioned by the specific media-contexts from which they emerge, they are not necessarily bound to these contexts. Rather, as Dyer-Witheford recognizes, they are indicative of “a technological change that does not just alter individual products but pervades the fundamental processes of an entire culture” (*Cyber-Marx* 24). The networked structure that enables and defines the multitude thus goes beyond itself to “transform every boundary into a threshold” (Negri and Hardt, *Multitude* 55). This perspective effectively overrides divisions between the sphere of the digital and that of the analog, and enables the recognition and creation of wider opportunities “for otherwise isolated and dispersed points of insurgency to connect and combine with one another” (Dyer-Witheford, *Cyber-Marx* 92). More importantly, it substitutes medium- and context-specific limitations for an emphasis on the

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28. See, for example (*Multitude* 336): “When the products of labor are not material goods but social relationships, networks of communication, and forms of life, then it becomes clear that economic production immediately implies a kind of political production, or the production of society itself.”
processual qualities that may be seen to form the resistant potential inherent in all (re)productive activities.

In other words, rather than limiting the relevance of a discourse of resistant, antagonistic productivity to specific historical or technological moments, this relevance should be framed, more generally, in terms of new modes of engagement that need not be intrinsically bound to the sphere of either old or new media environments. Interrelated issues of how to more concretely describe the organization of the multitude and of how to theorize appropriation as a critical practice should thus not be regarded as problems concerning distinctly divergent (re)production environments, but rather as a problem of complementary modes of engagement. An approximation of how to more concretely define this rather abstract idea of ‘modes of engagement’ is, once again, to approach it by way of Scott’s and de Certeau’s mētis. Thus, the appropriative resistance that is possible in all (re)production contexts can be understood as a ‘practice of everyday life’ that represents, following Negri and Hardt’s arguments, a universal type of political production that can expand and migrate, and which can use one medium-specific context of (re)production to reach another. In this sense, the ‘reproducibility’ on which my concept of critical appropriation hinges can be construed as a concept that applies not only to material and ideal objects, but more importantly to operative principles and structures of techniques, skills, and so forth. Consequently, when discussions of critical appropriation and the resistant potential inherent in all types of (re)production are framed in terms of complementary modes of engagement, rather than in exclusionary notions of medium- and context-specificity, the problematic binary of ontological assumptions evoked above can effectively be bypassed.  

29 Negri and Hardt themselves approximate this position when they situate the abstract kernel of resistance in ‘habits’ (Multitude 197-98). In their discussion of habits, they outline a concept of critical, resistant production that is highly reminiscent of what I above discussed as mētis in that it does not exclusively prescribe specific methods or practices and does not limit itself to specific contexts. In their account, habits, which they see as “the common basis
When we properly consider Negri and Hardt’s work as exemplary of political theories that provide bridging devices between different media and (re)production contexts, and when we focus on those aspects of human productivity that stress abstract notions of process and inclusive modes of engagement rather than narrow, highly specific techniques, base media, and production environments, it emerges that theories of immaterial labor and the theories of the multitude that they engender can very effectively be aligned with my arguments regarding critical appropriation. As Negri and Hardt convincingly show, any philosophy of the multitude must progress dialectically, through an understanding of globalization; just as capitalism contains the theoretical methods and trajectories for its own eventual undoing, so globalization, they propose, is a condition for the liberation and organization of the multitude (Empire 52). Again, this can be seen most clearly in how immaterial labor operates and functions: if capitalism is at its core based on the idea that individuals own and sell their labor power, then capital’s expropriation of this value inevitably must, in the era of immaterial labor, become less complete, since the skills, techniques, and infrastructural resources it is linked to can no longer be so easily tied to controlled (re)production environments. The ability to reuse and repurpose technological skills, resources, and proprietary information – in other words to tactically employ the mētis acquired, for example, at the workplace – now transcends the places of production that are controlled by

on which all creation takes place” (Multitude 198), are rarely entirely private, but represent rather a quasi-common venue for the circulation and exchange of specific knowledge and skills, as well as for collaborative production based thereupon. Shaped by everyday occurrences and work routines, they may lie dormant, waiting for purposes and needs to arise. Like de Certeau’s ‘practice of everyday life,’ they are, finally, guided not by want of property, but rather by a social and shared nature. From a tentative perch between the complicit and the critical, habits thus function as a kind of leveler between different paradigms of the private and the common, the individual and the social. A noteworthy flaw in Negri and Hardt’s discussion of habits, however, is that they do not take into account that an individual’s embeddedness into capitalist apparatuses of (re)production must be seen as a precondition for the effective rise of the multitude as a critical force. Here, the merit of the open concept of mētis becomes very clear: given the fact that the acquisition of mētis depends on the close proximity to contexts in which the practices it represents circulate, mētis (unlike habits) can be understood more properly to always already imply the interrelations between multitude and the capitalist formation that it resists.
state or capital, and suffuses all of society. “The creative capacity” on which capital so heavily depends becomes subject to being “appropriated or used or denied” (Dyer-Witheford, *Cyber-Marx* 71).

In the final section of *Multitude*, this focus on the political force inherent in the communality of labor power and human productivity is once more strongly emphasized:

> Labor is antagonistic to capital and constantly represents a threat to reproduction through its strikes, sabotage, and other forms of subterfuge, but capital … is forced to cohabit intimately with [it]. Capital, in other words, must exploit the labor of workers but it cannot really oppress, repress, or exclude them. It cannot do without their reproductivity. … [W]orkers … are not powerless victims. They are, in fact, extremely powerful, because they are the source of wealth. ‘The oppressed’ may be a marginal and powerless mass, but ‘the exploited’ is necessarily a central, productive, and powerful subject. (*Multitude* 333)

This suggests that like the values the multitude produces, its power as embodied in immaterial labor is held in common. Capitalist expropriation, the “expropriation of the common,” emerges as the “private appropriation of part or all of the value that has been produced as common” (*Multitude* 150). And when the ‘reproductivity’ of immaterial labor, manifest in its potential to produce and repurpose knowledge, social relationships, etc., begins to resist private appropriation by staging its own appropriative events, this is a clear indication that we may now have entered a slightly ‘healthier’ moment of what philosopher and political theorist John McMurtry has called ‘the cancer stage of capitalism.’

Two ‘cancerous’ dangers that capital itself is today faced with can immediately be identified. The first is the underlying communality of the labor power that feeds the multitude.
The second is the reusability and appropriability of the knowledge and skills linked to this labor power. It is important to note that both of these points are diametrically opposed to capital’s dependence on private property; while each addresses issues of appropriation, neither is primarily concerned with the material appropriation of artifacts or sites of production (this would perhaps more directly feed into traditional concepts of labor struggles; it would also continue to enable, however, capital’s obsession with traditional concepts of private property). Rather, both points designate abstract and open-ended practices and modes of engagement. What is at stake here, in other words, is the appropriation of processes, operational models, and conceptual infrastructures. It is here, at what (with Debord) we might call ‘detourned’ sites of appropriated knowledge, skills, and techniques, that individuals and groups alike can tactically employ the métis that capital provides (thus both ensuring and endangering its own continued functionality). When Negri and Hardt discuss instances of ‘deterritorialization’ in Empire, it is precisely this healing cancer of the spreading and utilization of métis that they are referring to – the appropriation and repurposing of a wide variety of skills and knowledge from within the sphere of capitalist (re)production.

To summarize: if, as noted earlier, the condition for resistance against the capitalist sentiments that today underpin the production, reproduction, and circulation of most ideas and artifacts must unavoidably be globalization, and if the biopower contained in the multitude is its driving force, then I propose that the most viable mode of engagement qua resistance that this multitude can deploy is that of critical appropriation based on the métis acquired within the systems to be opposed. As outlined above, such a definition of critical appropriation as political practice can accommodate the seemingly assimilative powers that capital brings to that which opposed it; it can accommodate the ethical and aesthetic concerns that form the foundation of an
inclusive, general understanding of appropriation; likewise, such a definition can accommodate the concept’s history in legal and economic philosophies of private property as well as its importance for contemporary notions of intellectual property; and a focus on the modal and processual character of critical appropriation can, finally, bridge divides between discourses on different media, different critical agendas, and different historical moments of appropriative practice – it can address Dadaist collage practices as discussed in the following chapter no less than the hands-on reuse of found footage by experimental filmmakers (Chapter 3) or the digital practices of critically repurposing audio-visual material (Chapters 4 and 5). As Negri and Hardt state, “[t]oday, the new characteristics of the multitude and its biopolitical productivity give powerful new avenues” for the struggle for justice and democracy (Multitude 67) – and of these, I will show throughout the following chapters, that of the creative and critical appropriation of skills, resources, and information acquired within the capitalist production apparatus is the most powerful and viable. In the analysis of appropriative practices, it emerges most strongly that “the poor are actually extraordinarily wealthy and productive” (Multitude 131), and that late capitalism indeed amounts to what Negri called “an enormous node of strategic contradictions – like a boiling volcano” (see Dyer-Witheford, Cyber-Marx 90n.). Critical appropriation is marked to considerable extent, in other words, by the ‘cultural logic of late capitalism’ – and its resistant potential is derived not only from the fact that appropriators know they are “unavoidably compromised” (Hutcheon 115), but furthermore from the fact that this implication can be, as I have shown above, extremely enabling.
Chapter 2: 
Early Appropriation Art and the Berlin Dada Tinkerers

In the context of artistic production, ‘montage’ and ‘collage’ are, in many ways, nearly synonymous with ‘appropriation.’ Of the two terms, montage strikes me as more interesting, however, because the term also conveys a number of important meanings outside the sphere of the artistic, and as such is very useful in pointing to conceptual overlaps between creative appropriation and other, related realms. Denoting both a process and a product, throughout the twentieth century the term has come to be applied to a more and more varied range of manufacturing techniques, as well as to the manufactured artifacts and ideas resulting from these techniques – regardless of whether they represent the outcome of creative or of industrial ventures. No unified usage of the concept of montage can easily be traced; the term has thus not only been invoked to describe profit-driven developments in industrial manufacturing processes, but also the emergence of artistic and philosophical trends focusing (and insisting) on the composite nature of everything man-made. The critical application of various montage techniques has helped, for example, in exposing the propagandistic aspects of photographic and cinematic editing (see, for example, the theoretical and practical work of Sergeij Eisenstein and Dziga Vertov, John Heartfield’s photomontages discussed below, or also the work of Jean-Luc Godard as well as Harun Farocki), while the term simultaneously continues to represent, in its manifestation as ‘continuity editing,’ the high art of concealing the ideologies and artificial piecemeal structure of mainstream film narratives. Like the manifold discourses on appropriation tentatively invoked in the previous chapter, diverse concepts of ‘montage’ tap into the socio-political, economic, philosophical, artistic, genetic, and legal realms. As such, ‘montage’ has
been employed, for example, as a flag-of-convenience term in support of artistic freedom and to 
counter charges of plagiarism or theft, while the same concept, curiously, also figures 
importantly in the abstractions of copyright and patent law, where it is invoked in efforts to 
protect the ‘fair’ advantages of ingenuous entrepreneurs and manufacturers whose inventions 
may well be based on creative acts of adaptation or copying, but that cannot, in turn, be 
appropriated for further creations and inventions. In untangling such paradoxes, what will 
concern me most centrally throughout this chapter are the ways in which montage implicates 
mechanical and industrial ‘assemblage,’ and thus, as a technical term, points also to specific (re)production contexts.

Clearly, there is no easy way to define montage, as its various usages not only denote 
different concrete forms of both practice and product, but represent, furthermore, qualitatively 
different discursive contexts. But despite the unavailability of a unified, simple definition, the 
tentative frame of references provided above points to at least one characteristic shared by all 
montages: the concept always implies developments and practices that challenge and undercut, 
implicitly or overtly, ingrained notions of the unity, coherence, and organicity of human life, 
activity, and productivity – notions that have, as I showed in the preceding chapter, long 
influenced aesthetic, legal and economic discourses of authorship and ownership. 
Simultaneously, this sense of the fragmentary nature of montage and appropriation is 
complicated (as also noted in the preceding chapter) by the very same conventional definitions of 
originality and singular authorship that appropriative practices often aim to challenge; after all, 
the creative reuse of already-authored materials can result in unique, ‘original’ composites. It 
could thus also be argued that montage affirms, to some extent, notions of unity and coherence,

30. For a more detailed discussion of this, see section 5.2, “The business of appropriation.”
and that it can be a technique representing the order that human intervention can bring to the chaos of nature. In its critical formations, however, montage always appears as a subversive thrust that implies the appropriation and renewal of already-existing ideas, artifacts, or commodities, rather than the creation of what is conventionally perceived as the utterly new. In the context of such an abstract definition, it does not matter, in fact, whether the subject of discussion is aesthetic development, the improved profitability or efficiency of industrial (re)production, or freedom of speech as it applies to artistic production; ‘montage,’ most generally, concerns the import (positive or negative) of the production, appropriation, and creative reproduction of artworks, commodities, or ideas that are inherently composite in their nature, and that often openly acknowledge this very fact.

Yet, the openness of the above definition also renders the more recent history of montage complex and convoluted. Given that montage can bring together so many different contexts, a highly instructive point of departure for a critical discussion of the term is the emergence of the so-called ‘historical avant-gardes’ of the early twentieth century, since they represent a first purposeful (even forced) creative convergence of aesthetics, radical politics, and industrial production, and since they used montage as one of their most important vehicles. Today, as the law and culture scholar Johnson Okpalubua notes, montage and appropriation have long ceased to be “a preserve of the avant-garde” (Okpalubua 199), and have entered the mainstream. Yet these same historical avant-gardes Okpalubua refers to have never accepted, I would argue, rigid divisions between a “mainstream” of popular culture and industrial production, on the one hand, and elitist spheres of critical thought or artistic production, on the other. On the contrary, avant-gardist practices tend to be based precisely on the breaching of such divisions, and thus consist in

31. We could here again point to montage as a cinematic practice, which, at least in mainstream conventions, has the purpose of unifying and smoothing out narrative incoherence or confusion.
the reuse and modification of practices, ideas, and artifacts that emerged from all available contexts – a fact that again renders them an ideal framework for a critical analysis of montage and appropriation. A look back to the historical avant-gardes appears thus also as a good approach towards understanding today’s debates surrounding the ramifications of appropriative practices – regardless of whether they concern the cultural or the commercial, and regardless also of whether they are being played out in legal, political, or aesthetic arenas. As most cultural theorists and art historians will agree, one of the core underlying characteristics of montage practices such as collage or assemblage is indeed the power to challenge traditional notions of authorship, originality, authenticity, and tabula rasa creation. Interestingly, this critical power of creative montage manifests itself not in isolation or opposition to more conventional views on and practices of montage, but rather in direct relation to them. Futurist collage, for example, derived its ideological force not by detached commentary on the greatness of technological progress, but by direct practical incorporation thereof in its typographical experiments (it directly appropriated, in other words, the print media apparatus used to set type by hand or mechanically). By the same token, the revolutionary potential of Dadaist assemblages – and the angry repudiation thereof by the conservative Right – stems from the radical reference to and appropriation of materials and reproductive practices directly related to the social and economic systems on which the Dadaists’ works sought to critically comment.

Clearly, various materializations of seemingly different types of montage – which tend to be wrongly perceived or described as playing out only between the aesthetic and the economic, the capitalist and the revolutionary, the ideological and the philosophical – serve for more than merely complicating the project of devising a general definition of montage: they all must be recognized as being collectively located at the very core of any such definition. Yet while
montage pervades virtually all artistic movements at least of the twentieth century, not all montage artists share the same motivations for practicing montage, or even similar general ideas as to how the materials they appropriate in their work should be treated conceptually and practically. Therefore, certain artistic developments emerge as better suited than others for the purpose of formulating and illustrating a working definition of montage as critical appropriative practice. In this chapter, I will devise such a working definition based on an art historical survey of early montage practices as well as close analysis of the work of the Berlin Dadaists.

This tentative working definition will treat montage as a way to playfully incorporate, critically appropriate, and practically engage the social, political, economic, material and materialistic aspects of the manifold realities from which no work of art can ever hope to escape in the first place. In an introductory article to Peter Bürger’s famous *Theorie der Avantgarde*, Jochen Schulte-Sasse approximates an explanation of why early forms of radical appropriative practices are such a good context for discussions of the contemporary arts of appropriation: while modernism, he states, may be understood as an aesthetic attack on traditional artistic endeavors and techniques, the avant-gardes, with their implementation of montage techniques, focus much more on socio-political matters, and “can only be understood as an attack meant to alter the institutionalized commerce with art” (Schulte-Sasse xv). The common project of the critical collagists and assemblagists on whose work I will draw for the formulation of my working definition of montage-qua-appropriation is well described, then, by the kind of *Realmontage* that avant-garde artists such as the Berlin Dadas practiced – a German term which posits their work quite literally as an ‘assembling of the real’ that recognizes the general composite character of

32. In opposition to some common notions about artistic montage, I will not, in other words, discuss the practice as a self-involved response to aesthetic developments (or impasses) of, for example, *l’art pour l’art* Modernism. Likewise, montage will also not be discussed as a way to transform fragments of external realities into integral/native elements of organic, original works of art.
our realities, and that purposefully breaches conceived boundaries between aesthetics, politics, economics, etc. As I understand it, montage, then, is self-consciously and purposefully open and participatory. It seeks to expose, ridicule and undermine aestheticist elitism, to include audiences rather than to confront them with finished works, and to systematically foreground and strengthen the social function of artistic expression. It will emerge, from my following examples and analyses, as an anti-traditional and potentially revolutionary practice in which the incorporated bits of material reality are invited (but not required) to retain their status as document, instead of being forcefully transmuted and denigrated to the state of biddable and dependent ‘parts-of-a-whole.’

Montage is thus a practice that does not shy away from any of the fundamental conflicts it enables (such as the challenging of traditional notions of the existence of the organic, original work of art), and that rather seeks to engage them wherever it can. When Walter Benjamin wrote his famous essay “The Work of Art in the Age of Mechanical Reproduction” in 1936 and noted that “the basic distinction between author and public is about to lose its fundamental character” (Kunstwerk 29), part of the revolutionary potential he identified was, indeed, enabled by critical montage practices. As the more general reason for the impending changes, Benjamin famously identified the large-scale emergence and propagation of sophisticated techniques and technologies of mechanical reproduction. Infinite reproducibility, Benjamin believed, would radically alter the indicated author/public distinction and subsequently also the author’s status, which had remained in a state of conventional and ideological fixity since the Romantic era. Yet,

33. Note that the article’s original title “Das Kunstwerk im Zeitalter seiner mechanischen Reproduzierbarkeit” were better translated as “The Work of Art in the Age of its Mechanical Reproducibility,” which more precisely captures the text’s focus on the processes implicated by the potential reproducibility of any work of art, rather than suggesting a strong focus on actual reproductions. The present chapter consciously follows this shift in focus.
34. “… die Unterscheidung zwischen Autor und Publikum [ist] im Begriff, ihren grundsätzlichen Charakter zu verlieren.”
as time has gone on to show, Benjamin’s vision of the possible disappearance of the omnipresent Romantic author was articulated in a tone altogether too optimistic. (This author concept continues to strongly inform, after all, legal concepts of authorship and ownership.) Benjamin’s vision has proven prophetic, however, at least with regard to the radical changes that he saw beginning to occur in the fundamental relationship between authors and the general public. These changes took place in part thanks to the pioneering collage works of artists such as the Berlin Dadas (active, roughly, from 1916 to the early 1920s), who were among the first to self-consciously embrace the powerful participatory practice of montage and its critical implications for the cultural and socio-political meanings of all things man-made. By the time the first waves of critical montage production began to be subdued by the rise of Western Europe’s fascist regimes, ‘fragmentation’ was thus established as a fundamental condition not only of artistic montage, but of all extra-aesthetic circumstances of contemporary political and socio-economic life on which such work was drawing. The formerly hegemonic author/public distinction had shifted, as Benjamin had foreseen, from the traditional relationship between ingenious creator, on the one hand, and awed individual beholder, on the other, to a more complex constellation in which authors and recipients assumed much more democratic positions in relation to each other – positions that still largely inform contemporary author-reader relationships, and that approximate those of collaborative tinkerers, rather than the rigidly assumed singularity of individual creators, or the hierarchy maintained (at least in theory) between producers and consumers.

In the present chapter, I discuss the emergence of early montage practices as instances of critical creative (re)production that importantly prefigured a wide range of more self-consciously appropriative contemporary montage practices, practices that are now often less closely tied to the sphere of purely artistic productivity. Yet, since ‘artistic production’ inaccurately remains,
even today, the primary context for most artifacts and phenomena discussed as ‘montage,’ ‘collage,’ etc., my following examples will also be helpful in showing how the artists who brought about the advent of such practices were always already looking beyond the ‘purely’ aesthetic – towards the economic and socio-political planes from which montage had really emerged, and on which in turn it could so easily be made to critically comment. Today’s ubiquity of appropriation, as discussed in the Introduction relates back, therefore, to a similar situation, since montage emerged as a critical form that, too, operated in conjunction rather than in opposition to the spheres on which it commented. After surveying the various accounts and theorizations of the emergence of montage, and after properly contextualizing them with primary examples, I will thus consider how insights regarding the emergence of creative montage can be brought to bear critically on our understanding of current debates surrounding more recent montage and appropriation practices.

Most generally, the concept of montage implies an awareness of the inherent constructedness of objects, mechanisms and ideas that traditionally used to be considered consubstantial entities. Defined by the *Oxford American Dictionary* as “the technique of producing a new composite whole from fragments of pictures, text, or music,” montage right away suggests a strong link between the cultural sphere and mechanical reproduction. As I will show, from its location at a critical junction between creative and industrial/economic production, the concept thus hails as a tool that is equally useful for politicizing non-commercial creative processes and for abetting the assimilative tendencies of the global culture industries. Today, montage continues to be understood mainly as a key practice of twentieth-century artistic production (especially when it comes to the arts of cinema, photography, and visual collage); meanwhile, its importance for industrial production techniques may have come to be so obvious
as to have fallen out of common awareness (after all, the Fordian production line’s functionality hinges centrally on the concept of assemblage). However, for any comprehensive understanding of the concept as a critical cultural practice, it is necessary to recognize and thoroughly bridge the gap between the two spheres of industrial production and cultural production – once understood to be distinct – and acknowledge that ‘montage’ applies equally to both. I argue, in fact, that it was exactly the intimate link to ‘late capitalist modes of production’ that initially made the concept of montage such a fascinating idea for critically inclined artistic communities. In what follows, montage’s ‘hands-on’ focus on material aspects situates the concept as a direct precursor of many contemporary forms of less tangible appropriation (whether they be artistic or commercial). Ultimately, a thorough discussion of montage is thus useful for my more general theorization of appropriative practices at least in so far as it demonstrates the fundamental formal and modal interconnectedness between creative production, on the one hand, and industrial, entrepreneurial and commercial production, on the other. As a first definitional approximation of this claim, it is useful to point to Diderot and d’Alembert’s famous Encyclopédie from 1765, in which the contemporary meaning of the French verb approprier, from which virtually all other current usages derive, was for the first time described in a way that encompasses both industrial/entrepreneurial and artistic meanings. There, montage is defined as an “[o]peration by which one assembles the pieces of a mechanism, a device, a more or less complex object, in order to put it in a serviceable state, to make it functional.”35 Beyond its significance for cultural enterprises, montage continues to figure, then, in its anterior context of craftsmanship, handiwork, mechanized and industrial manufacture, and serialized (re)production. For my general discussion of appropriative techniques as critical tools of creative activity, these broader meanings of

35. “Opération par laquelle on assemble les pièces d’un mécanisme, d’un dispositif, d’un objet plus ou moins complexe pour le mettre en état de servir, de fonctionner.”
montage are, indeed, of the utmost importance, and my analyses of critical montage as a creative process\textsuperscript{36} that systematically harnesses and utilizes the fragmentedness and reproducibility inherent in any ‘composite whole’ will centrally focus on them.

According to most Western art histories, the productive mode of montage made its entry into the world of serious art in the form of avant-gardist collage, which as such first assumed its center stage position in the form of Pablo Picasso and George Braque’s \textit{papiers collés} in the early 1910s. This is closely followed by a series of well-established artistic movements that quickly began to use various forms of montage for various aesthetic and critical purposes; the most well known among them are, in their order of historical appearance, Cubism (of which Picasso and Braque themselves were prominent proponents), Futurism, Dadaism, and Surrealism. Literary traditions such as \textit{Lautgedichte} (sound poems) and the literary technique known as “\textit{Kinostil}”\textsuperscript{37} must be seen as equally important for the dissemination of critical collage. While all these movements played major roles in the emergence and development of artistic montage, some of them more readily deployed it as the critical tool I have tentatively described above, while others embraced montage as a technique useful mostly for the purpose of achieving particular aesthetic effects (which may then uproot the art world, but little else). Since the overall focus in this dissertation is on the critical and socio-political effectiveness of appropriation (and thus montage), rather than on the aesthetic effects these practices can help to achieve, the examples discussed in the following analyses are exclusively drawn from the Dadaist movement, which best fits this premise.

\textsuperscript{36} It should be kept in mind that the English verb ‘create’ stems from Latin \textit{creatus}, pp. of \textit{creare} “to make, produce.”

\textsuperscript{37} \textit{Kinostil} literally means ‘cinema style.’ The German writer Alfred Döblin was its most famous practitioner. (His \textit{Berlin Alexanderplatz} was published in 1929.) The American writer John Dos Passos popularized a similar form in the English-speaking world with his \textit{Manhattan Transfer}, published in 1925.
As one of the first artistic movements to systematically appropriate and subvert mainstream content, technology and mechanical (re)production techniques for avant-gardist purposes, the Berlin Dadaists actively sought such convergences as they began to grasp the potential for critical commentary, for large-scale public provocation, and later on for political agitation that already resides in the images, objects and texts so easily accessible as montage material. By centering much of their work around themes and experiences that were shared by large parts of the rapidly growing urban population, and more importantly by materially including the stuff that constituted the general postwar experience of everyday urban life (with its ubiquitous billboards, popular songs, movie halls, news media, public announcements, and tavern gossip), the Berlin Dada’s experimental use of massively popular media (news publications, advertisements, pop cultural memorabilia and fan-items) and more specifically images (of historical events, celebrities of the political theatre as well as the entertainment world, etc.) effected suggestive links between their art works, their creative practice, and the domains of mass media, culture, and politics.

In Dadaist montage practices, appropriation as discussed in the preceding chapter thus emerges as an important conceptual undercurrent. While the more explicitly appropriative aspects of montage have often gone unnoticed by contemporaneous audiences (with famous exceptions, of course, such as Marcel Duchamp’s readymades), montage has, indeed, paved the way for the later popularity of related artistic phenomena, as well as, more recently, for the economically motivated re-appropriation or assimilation of montage techniques by the mainstream culture industries (an issue discussed via Adorno and Horkheimer in Chapter 1, and one that will reappear in the context of my discussion of sampling music and the appropriability of digital content in Chapters 4 and 5, respectively). As such, despite the fact that appropriation
did not emerge as a strong systematic concern of practicing artists and critics until the second half of the twentieth century,\textsuperscript{38} the concept is here understood to represent a particularly important critical presence in the Dadaist manifestations of early montage practices. (The overall absence of legal, popular and critical rebuke of the specifically appropriative aspects of Dadaist montage furthermore represents an interesting counterpoint to extremely negative connotations that all kinds of appropriations must presently bear, and will as such be of interest again throughout the following chapters.)

Given the extraordinary productiveness of the Berlin Dadas, my discussion of specific works excludes the so-called “metamechanic” works of the second half of the Berlin Dada era,\textsuperscript{39} which represent a move away from explicitly appropriative techniques, and my focus will be on the duo John Heartfield and George Grosz, Raoul Hausmann, Hannah Höch, as well as on a few early works by Max Ernst. With regard to secondary texts, the work of Walter Benjamin, Bertolt Brecht and Theodore Adorno proves particularly useful for an analysis of the Dadaist context for creative montage and appropriation’s emergence. Benjamin’s groundbreaking writing on the mechanics, aesthetics and psychology of reproduction, already mentioned in Chapter 1, is directly applicable to early collage practice (and indeed implies montage as one of its central referents). Via Dadaism, Benjamin relates montage techniques to the workings of the culture industries in general, and signals the critical and ideological potentials and pitfalls contained in these artistic practices’ ability to put in question the conventional status of authorship, originality and authenticity. These issues are most clearly developed in “The Author as Producer” (1934), which looks back to the Dadaists in an approximation of the critical agendas of many

\textsuperscript{38} As a creative practice, appropriation is often associated with the advent of Pop Art in Britain (in the mid-1950s) and in the U.S. (in the late 1950s).

\textsuperscript{39} See Bergius, Introduction.
contemporary appropriation practices. Adorno’s critical bearing on my discussion of the early manifestations of montage and appropriation emerges primarily out of his Ästhetische Theorie (first published in monographic form in 1970), in which he situates montage art and the avant-gardes more generally as suspended between material reality and aesthetic effect, and in which he reflects on the potential political force that the practice can – or cannot – represent. Bertolt Brecht, finally, has commented on general aspects of montage in the visual, dramatic, and cinematic arts in numerous places, and has himself developed related techniques (such as his Verfremdungseffekt and his less well known concept of Umfunktionierung, which literally means ‘refunctioning,’ but which is commonly translated as ‘functional transformation,’ perhaps to avoid terminological confusion with related theories of the Russian Formalists), which, again, will be discussed as closely linked to the critical effectiveness sought by the Dadas’ processual and participatory montage techniques. Reference to a number of more recent theorists and art historians will help to provide further links between early montage and contemporary appropriative techniques. Here, Peter Bürger’s Theorie der Avantgarde and Andreas Huyssen’s After the Great Divide serve as particularly useful starting points; regarding the historical circumstances of the Berlin Dadas, recent discerning monographs by Hanno Moebius (2004) and Hanne Bergius (2000), and Herta Wescher’s authoritative compendium on collage in general (1968) will help to furnish my analyses with critical art historical details and to consistently draw out the overlaps and intersections between creative practices and other realms that will continue to concern me in the following chapters.

2.1 “Montage” – art historical contexts and a working definition

In the context of outlining the emergence of Western practices of collage- and montage-production, art historians and theorists alike generally identify the Cubist papiers collés as the
first large group of important works. They were preceded by various folk practices and by the *Incoherents*, a loose group of Paris-based artists who produced collaborative public collages (such as murals) throughout the 1880s, but who never gained much recognition in the world of serious art (Moebius 122-23). The much higher standing that Cubist collage was quick to reach was due in part to the fact that by the time Picasso and Braque began their montage experiments, they had already established themselves in the circuits of institutionalized ‘high art.’ This facilitated the institutional acceptance of montage, and ensured it even when the Futurists, Dadaists, and Surrealists later drove their avant-gardist (and often anti-institutional) cutting and pasting to more extreme proportions.

Ranking high among the most illustrious examples of Cubist collage is Pablo Picasso’s work from the mid to late 1910s. In varying accounts, the ‘invention’ of the collage techniques manifest in the *papiers collés* is accredited either to him\(^{40}\) or to Georges Braque, who began to glue cut-out fabric and paper fragments onto his canvases at least as early.\(^{41}\) In the immediately preceding years, a series of important aesthetic and formal developments in the Cubist movement paved the way for the emergence of the *papiers collés*. Cubist practice was undergoing great changes that were marked, most generally, by the rapidly growing complexity of compositional concepts. In reaction to the perceived Modernist dead end into which many prominent Cubist painters felt they had navigated themselves by way of sophisticated layering, overlapping, and fragmentation of pictorial content, a struggle for equally strong simplification set in. By and by, content was no longer “developed from the simulated three-dimensional depth of the canvas, but spread out on large, clear surfaces in the shallow planes of the work” (Wescher 21).\(^{42}\)

\(^{40}\) Wescher dates Picasso’s first such work to 1912, when he pasted a piece of wax paper into a still life (20).
\(^{41}\) See, for example, his “Fruit Dish and Glass” series from late 1912.
\(^{42}\) “… aus der Tiefe heraus entwickelt, sondern in der vorderen Bildebene in übersichtlichen, großen Flächen ausgebreitet.”
attempting to implement an ever-stronger sense of simplicity by means of optical illusions that were disproportionally hard to realize (such as the rigorous simulation of the presence of wallpaper in a work through painstaking replication of its texture with layers of paint), artists began to simply paste fragments of common materials into their works. In this context, Braque is commonly credited with first recognizing and practically realizing the potential of collage to disassociate form and content.

Picasso and Braque, who were working together very closely at the time, continued to include more and more concrete fragments appropriated from the material reality outside their works’ diegetic frames into their pictures. In the resulting collages, however, these objects continued to undergo what Wescher calls “abstract transposition” (25), i.e., the direct, if abstract, incorporation of the collage fragments into the artwork as part of a quasi-organic unity. In Cubist collages, incorporated fragments thus rarely appear as extraneous, and tend to be directly relatable to a work’s abstract subject matter even if the included bits represent recognizable ephemera from the world of everyday life (such as advertisements or newspaper snippets).

Based on this brief survey, Cubist montage practice emerges as a primarily formal response to larger aesthetic developments commonly associated with high Modernism, rather than as a manifestation of the soon-to-surface urge to grant the appropriated/intruding material reality at least a semi-autonomous voice from within the resulting work of art. The motivations for the Cubists’ adoption of cutting-and-pasting practices must thus be strictly kept apart from the related montage techniques it preceded. In this sense, the Surrealists, highly prolific collagists in their own right and never known to be a group respectful of their peers or predecessors, rightly

43. “abstrakte Transponierung”
charged the Cubists with simply citing reality in their collages rather than re-working it. The Surrealists, however, were themselves a group that generally valued the organic – if dream-like – unity of their often intensely personal work higher than the potential processual or narrative referentiality of the incorporated fragments. Into their obsessively self-involved collages, they tended to admit concrete allusions only as mythological or religious referents, but rarely as references to the concrete material or socio-political realities that had formed the prior circumstances of the appropriated materials. In turn, the Futurists, who more immediately succeeded the Cubists, and who were active in the time leading up to and throughout WWI, followed a much more strongly expressed political agenda than the Cubist artists. Yet while they clearly wished to have as forceful an impact on their political environment as possible, Futurist montage practice nevertheless retained little of the initial Cubist tendency to creatively cite or incorporate the actual stuff of real life. Instead, Futurist techniques generally took the form of simulating montage with the help of typographical devices (a celebration of the technological progress that so fascinated Futurist artists), and thus, in collages that remained formally unified and ideologically focused, displayed the sheer effects of fragmentation rather than actually performing it. This tendency is summed up well in a note on the Futurist practice of Marinetti, one of the main proponents of Italian Futurism: “Since the general obsession with technology can be incorporated into the materiality of image and text only within limits, Marinetti mobilizes its practical realization through literary devices, and mostly through the powers of imagination” (Moebius 153).  

In comparison to the movements surveyed above, the Dadaists much more explicitly strove to reference the real circumstances from which their montage fragments emerged. It is in

44. “Die Technikbegeisterung, die nur eingeschränkt in die Materialität von Bild und Text umsetzbar ist, wird von Marinetti literarisch vor allem über die Vorstellungskraft mobilisiert.”
their practice that the conscious incorporation of material that is explicitly foreign to the work into which it is incorporated first became a systematic formal and stylistic concern. At least in this sense, Dadaist montage must be seen as almost diametrically opposed to the related practices that both preceded and followed it. Accordingly, in a retrospective comment on the advent of Dadaist collage, Max Ernst observed that “‘[c]ollages’ mustn’t be confused with the work that was known in Paris as ‘papiers collés’ as early as 1913 or 1914. The Cubist ‘papier collé’ was composed by pasting into the work contemporaneous lyrical elements, or just about anything that plastically related to the desired image” (qtd. in Spies 16). Dadaist collage, in contrast, ranks materiality higher than lyrical analogies. It does not seek to erase the ways in which collage fragments refer to the contexts from which they were taken, and does not appropriate them as parts of newly created organic wholes. On the contrary, as a technique that by definition performs the creative examination and re-composition of a material reality external to itself, critical montage acknowledges and retains the foreignness of incorporated fragments, and thus foregrounds the processual aspects of appropriation as vital components of a practice that always implicitly challenges traditional ideas of any work’s organic unity and original creation rather than reconfirming them.

Part of a society that was perceived as coming undone (or, depending on one’s viewpoint, as being held together by highly objectionable political forces), the Dadaists were thus from the outset characterized by a strong anti-traditional and ironic undertone running through most of their work. Confronted with the trauma and uncertainty of the Great War that constituted their “Initialkatastrophe” (see Bergius, Chapter 1), the Dadaists strongly objected to a prevalent

45. “Man darf die ’Collagen’ nicht mit dem verwechseln, was in Paris schon seit 1913 oder 1914 als ’papier collé’ bekannt war. Das ’papier collé’ der Kubisten bestand darin, dass man lyrische Elemente oder irgend etwas, das plastisch mit dem Bild zu tun hatte, in das Bild einsetzte.”
aestheticist elitism that they perceived as detached from reality, and accordingly turned against the institutionalized traditions of European high art and academicism. The Dadaists thus sought to establish themselves as ‘non-artists,’ a status which to them embodied a much stronger potential for effective criticism and social commentary: in order to radically redefine and boost the potential for socio-political effectiveness of all art, they situated themselves square in the middle of the budding, all-encompassing sphere of mass media and popular culture, in order “to be free from its issues, and at the same time … to engage them” (Bergius xi).46

The following discussion of Dada montage focuses on the these key terms and concepts: first, I will consider which concrete modes and conditions of (re)production montage implicates; here, close attention will be paid to the foregrounding of the fragmentary nature of montages and, more importantly, to the processual aspects of montage practices. Montage will thus be more firmly established as process, rather than merely as product. This section will be followed by a discussion of the social and political function that montage can assume when it embraces the various circumstances and conditions implicated by the incorporated materials and practices. This necessitates a consideration of the tensions between the terms ‘effect’ and ‘effectiveness,’ which here function as a binary concept useful for comparing different agendas of montage techniques, as well as for setting the Dadaists’ critical montage apart from the activity of some contemporaneous artistic movements. My discussion of montage concludes with a brief discussion of Brecht’s concept of Umfunktionierung, i.e., ‘refunctioning,’ as well as by a discussion of the Fremdmaterial status (literally ‘alien materials’) inhabited by the concrete materials appropriated in montages.

46. “Mitten in der Gesellschaft gegen sie und zugleich für sie zu sein, stellte Freiheit von den Dingen und überdies Freiheit zu ihnen dar, bildete aktive kommunikative Prozesse aus und wandelte die Kunst in ein multimediales Verfahren, das die Grenzen zwischen Hoch- und Trivialkultur überschritt.”

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2.2 Conditions of production and producers – montage as process and product

To begin with, it is important to point out once more that until the popularization of Cubist collage, the term ‘montage’ had had no established aesthetic connotations, and in general rather represented a technical term referring to a mode of production. The Berlin Dadas deliberately retained this prior meaning, and thus adopted their terminology and working principles from a context in which the German term Montage had had the primary meaning of mechanical assemblage. John Heartfield and George Grosz (who collaborated heavily and often appeared as a duo) consciously embraced these anterior meanings, specifically where they implicated industrial manufacture and mechanical reproduction. As a studio, the duo used a warehouse that resembled an abandoned workshop, thus celebrating the haphazard and improvisational work principles of the skilled-yet-impecunious tinkerer, both in their work and in the anti-artistic aura they sought to create around their personas. To make this self-ordained status as explicit as possible, Heartfield and Grosz often wore, on the occasions of public appearances, the emblematic blue one-piece workers’ overall that in the German language is today still known as the Montur; this term derives from an older German meaning of the noun that described the various items comprising a soldier’s equipment (montage, in this sense, would be the process of outfitting a soldier). In the derived meaning of the word, the German Monteur is, literally, an ‘assembler’ (not an editor/cutter, as the French noun’s principal meaning would today suggest), and to this day the German term is used to describe a handyman who is in the profession of assembling and installing (but not producing) appliances and other devices. Clearly, this meaning

47. It is interesting to note that Heartfield and Grosz retrospectively laid claims to the invention of photomontage (much like Raoul Hausmann, but more credibly so). Collaborating in much of their earlier work, the two artists eventually fell apart over arguments as to who had first introduced the term montage to artistic contexts. While I do not think it necessary to try to settle this somewhat absurd dispute, it is certainly informative with regard to the perils of ‘work’ concepts that challenge the singularity of authorship and stress co-operation.
fit well with the way the Dadaists wanted their occupation perceived, and especially Heartfield welcomed the label of *Monteur*, assigned to him by both peers and critics, throughout his career.

In thus embracing the role of the *Monteur*, Heartfield and Grosz aimed to make explicit the processes implicated by montage techniques, and actively stressed the “craft-based aspects of art” (Hage 32). They sought to display the assembled nature of their works, and to make clear “that they no longer want[ed] to assume the role of the artist-creator,” the status of the artist who creates from a *tabula rasa*. Instead, they worked in a fashion that understood itself to be what Moebius calls *arbeitsteilig*, a German term from political theory that literally signifies ‘division of labor.’ The *Arbeitsteiligkeit* of montage, then, foregrounds the fragmented processual aspects of the practice rather than the fragmentation of the materials it incorporates; it consists of many interrelated steps, of which the first may be impossible to trace. Moebius’ use of this term is highly pertinent also in that it points to Marxist theories and Socialist models of advanced industrial production methods (which certainly interested the more politically inclined Dadaists), and thus recalls my earlier discussion of the concept of appropriation in Marxist terms (see Chapter 1.3). Here, it is important to note that through the political, the explicit and practical invocation of *Arbeitsteiligkeit* also links back to creative practice: any society that is based on a sophisticated hegemonic system of the division of labor while simultaneously sustaining a myth of the singularity and originality of works of art (as well as of all material and ideal commodities that can be authored and owned), will certainly be disturbed by the emergence of creative practices that foreground this same system and expose its ideological bias. When the (re)productive processes underlying such a society are appropriated, critically repurposed and thus exposed by montage artists, the potential for a socio-political impact of the resulting works

48. “handwerkliche Seite der Kunst.”
49. “dass sie nicht mehr den Status des schöpferischen Künstlers einnehmen wollen.”
is undeniably heightened, and the Berlin Dada’s provocative call for the “the production of thought and art in factories” (Hausmann n.p.)\(^{50}\) gains considerable critical currency. Moebius goes as far as to suggest that in societies whose (re)productive systems are based on \textit{Arbeitsteiligkeit,} art that does not engage this aspect can no longer be critically functional.\(^{51}\) The concrete socio-political and technological conditions and circumstances that practical reference to industrial manufacturing will inevitably mirror the Dada agenda very well: “Beyond the analogy to machine-production, Dada Berlin linked the economic and Taylorist aspects [of their works; M.Z.] to a creative dilettantism on the one hand, and to the politicization of montage practices on the other” (Bergius 52).\(^{52}\)

One of the most important characteristics that Dadaism shares with contemporary appropriation techniques thus emerges very clearly here: the Dadaists were appropriators not simply of material, but more importantly of already-existing practices and (re)productive processes; they critically utilized the \textit{mētis} that permeates the everyday of late capitalist work and culture. In this sense, while it could certainly be claimed that Dadaist collages, montages, and assemblages owe their existence to the concrete primary materials they reuse, it strikes me as more important to note that the appropriation of ‘found’ materials does here not serve the purpose of constituting a new, unified whole, but rather that the Dadaists re-worked montage fragments with the specific aim of continually addressing connections between the appropriated materials and their ‘original’ sources and contexts. These connections, furthermore, were by no

\[\begin{array}{l}
\text{50. “Herstellung von Geist und Kunst in Fabriken”} \\
\text{51. Adorno, too, considers the alignment of contemporary societies with aspects of \textit{Arbeitsteiligkeit} to be so complete that he suggests that in terms of its micro structure, all contemporary art should probably be called montage (\textit{Ästhetische Theorie} 233).} \\
\text{52. “Der zeitökonomische, tayloristische Anspruch wurde von Dada Berlin über die Analogie zur Maschinen-Produktion hinaus zum einen mit einem schöpferischen Dilettantismus, und zum anderen mit der Politisierung des montierenden Verfahrens verbunden.”}
\end{array}\]
means meant to simply subvert the prior meanings of individual fragments (i.e., of content); instead of simply retaining or recoding anterior meanings and contexts of their appropriated fragments as such, Dadaist montage more specifically comments on the sustained relationship between reworked materials and their sources by way of appropriating the particular (re)productive processes that characterized the appropriated materials’ ‘original’ context.

This enabled Dada’s effective critical commentary on the circumstances of (re)production as evoked by the reused materials – a capability that holds considerably more potential for critical intervention than direct commentary on the concrete contents of appropriated fragments or their sources, and that is a concrete example of my earlier critique of Adorno and Horkheimer’s pessimistic perspective on critical agency within the confines of the culture industry. Walter Benjamin’s “The Author as Producer” greatly expands on this specific aspect of the Dadas’ radical approach to creative montage, and discusses at length the importance of foregrounding the conditions of any artwork’s production, rather than the product itself. Published in 1934 (more than a decade after the pinnacle of Berlin Dada activity), large parts of the article read like a general directive for critical montage and appropriation, and focus on the potential of montage to critically comment on the socio-economic techniques and circumstances it appropriates. In Benjamin’s article, as in Dadaist practice, the artist is thus often stripped of his/her identity as ‘creator,’ and becomes but a simple ‘producer’ – a term that retains some of the flair of capitalist enterprise, but that now takes on the additional meaning of ‘activist.’ Benjamin explains this move based on the conviction that cultural expression can be greatly empowered as a critical site for radical socio-political commentary as soon as one pays attention not so much to its contents, but rather to the conditions of its production.
According to Benjamin, the focal shift from content to modes of production becomes necessary because “the bourgeois apparatus of production and publication can assimilate astonishing quantities of revolutionary themes … without calling its own existence … into question” (“Author” 74). This view is strikingly reminiscent, in some ways, of Adorno and Horkheimer’s commentary on the culture industry’s assimilative force; yet Benjamin’s outlook is, ultimately, a lot more positive, and resembles more the stance taken by the political theorists and new media scholars discussed at the end of Chapter 1. By ‘revolutionary themes,’ Benjamin means, quite simply, the potentially radical contents of cultural expressions, which could be “neutralized if presented within the context of high art or commercial entertainment” (Duncombe 66). It follows that popular media or institutionalized art are hardly vehicles for effectively transporting socio-political criticism, if this criticism is to be conveyed on the level of content. Montage and appropriation, however, do not simply rely on the effectiveness of content, i.e., of recognizable fragments.\(^{53}\) Rather, such practices always mirror or mimic – appropriate – the conditions that mark the production circumstances of any incorporated commodity or cultural expression (let us keep in mind here Adorno and Horkheimer’s dark image of the complicit father-worker who is holding the ladder in the dark during the abduction of his daughter-consumer) – and the fragmentation and repurposing of these material or ideal objects will always continue to speak, incontrovertibly, to the real social or political moments indexed by the production processes they imply. Instead of asking “what politics a piece of art is representing,” montage thus approximates Benjamin’s demand that “we should be asking about the politics of how it is produced” (“Author” 68) – and in Dadaist montage, this approach is reflected in how

\(^{53}\) This is why Picasso’s early *papiers collées* are commonly perceived as critically engaging aesthetic conventions rather than socio-political issues; it also explains why the critical effectiveness of the *Incoherents*, who also focused on product rather than on mode of production, went little beyond that of folkloristic collage traditions.
the practice goes beyond the simple appropriation of content and employs productive techniques that speak to (and about) a socio-political and economic system other than that within which Dadaist works (as ‘art’) would be immediately situated. Like Cubism or Futurism, Dadaism comments critically on aesthetic matters and uproots traditional concepts of the work of art as an original, organic unity. Like these other movements, it also challenges ingrained conventions of the reception, dissemination, and institutionalization of ‘high’ art. What distinguishes Dadaist montage from related movements and makes it ‘revolutionary,’ however, is that it also tackles the conditions within which artworks – like all artifacts circulating in a capitalist society – are being (re)produced.

The political dimension of Dadaist montage and of Benjamin’s encouragement for “everyone” to create and produce (“Author” 68) emerges even more clearly when we keep in mind that conditions of production always concern the socio-political living conditions of those who produce. As manifest, for example, in the self-representation of the Monteur Heartfield and his colleague Grosz, the Dadaist montage artist works to erode traditional distinctions between artist and spectator or producer and consumer and seeks to side with the low-level worker-producer. The status of god-like artist-producer is thus cast off along the way, and based on the métis emanating from the late capitalist industrial production apparatus, a more vertical relationship between different ‘users’ is enabled. The Berlin Dadas’ strong concerns with the (re)productive techniques dictated by the socio-economic apparatus it comments on thus amount to the practical realization that only the proper positioning of any work “in the relations of production of its time” makes aesthetic expressions “directly accessible to a social and therefore a materialist analysis” (“Author” 70), and empowers them as critical commentary. Just as Benjamin’s insistence that cultural expressions and artifacts should be analyzed in relation to the
conditions of their production, the Dadas’ attempts to steer the focus of their audiences’ attention
to these same conditions and circumstances therefore has important implications for the intended
reception of montage work: all meanings that audiences may decipher in a work of art (or a
bought commodity, for that matter) are now properly seen to reside not merely in the final
product, but also in the processes leading up to its manufacture. As Adorno states, “[t]he
relationship between art and society is not to be sought primarily in the sphere of interpretation.
It precedes this relationship on the level of production processes” (*Ästhetische Theorie* 339).54

Whoever is interested in the “social decoding of art,” i.e., in the decoding of what Peter
Bürger calls art’s ‘social function’ (see below), must thus turn to production “instead of being
content with the registering and classification of effects, which, for various societal reasons, are
often completely different from the artworks and their objective social value” (*Ästhetische
Theorie* 339).55 Accordingly, “[t]he aesthetic productive force [*Produktivkraft*]” of artistic
artifacts “is the same as that of conventional useful labor, and follows the same teleology” (*Ästhetische
Theorie* 15n.),56 and by means of appropriation and montage, different artifacts and
commodities that may once have been seen as distinct in their value, meanings and ideological
function can be re-rendered as different manifestations of related processes, each mirroring the
larger conditions and relations of production, producers, and product. It follows that “whatever
can be described as the aesthetic conditions of production, everything that is inscribed with the
productive force and is subject to its workings, is simultaneously a reflection or impression of the

54. “das Verhältnis der Kunst zur Gesellschaft [ist] nicht vorwiegend in der Sphäre der Rezeption aufzusuchen. Es
ist dieser vorgängig: in der Produktion.”
55. The quote in its entirety is as follows: “Darum ist das Verhältnis der Kunst zur Gesellschaft nicht vorwiegend in
der Sphäre der Rezeption aufzusuchen. Es ist dieser vorgängig: in der Produktion. Das Interesse an der
gesellschaftlichen Dechiffrierung der Kunst muß dieser sich zukehren, anstatt mit der Ermittlung und
Klassifizierung von Wirkungen sich abzuspeisen zu lassen, die vielfach aus gesellschaftlichem Grund von den
Kunstwerken und ihrem objektiven gesellschaftlichen Gehalt gänzlich divergieren.”
56. “Die ästhetische Produktivkraft ist die gleiche wie die der nützlichen Arbeit und hat in sich dieselbe
Teleologie.”
social conditions of production” (Ästhetische Theorie 15n.)

– regardless, one might add, of whether the artifact which reflects these circumstances and relations is of aesthetic or commercial value. Dadaist ‘anti-art’ montage, then, can speak to the reality of production modes and conditions as authoritatively as the analysis of any commodity could, and perhaps more effectively so because it is removed, to a certain degree, from the purely commercial system of commodity-circulation. The practice thus corresponds closely to Benjamin’s call for a creative activity that is fully aware of its formalist aspects as well as of the conditions under which its works are produced – a practice that appropriates, incorporates and critically activates the modes and techniques of (re)production that it represents and that it seeks to criticize; and what Benjamin demands of the work of the politically informed artist in general holds true in an exemplary fashion for the Dadaist Monteur who wants to see himself as a revolutionary force: “His work will never be merely work on products but always, at the same time, on the means of production” (“Author” 78).

Given this model, it might be asked how Dadaist montage differs from certain developments in High Modernist aesthetics that may not have modeled themselves as anti-artistic endeavors, but that, too, were marked by extreme degrees of formal introspection and radical processual refinement. A popular (and highly debatable) opinion regarding this is offered by the conservative art critic and theorist Clement Greenberg, who includes Dadaism in his discussion of Late Modernist aesthetic phenomena. In “Avant-Garde and Kitsch” (1939), Greenberg sought to describe a development that runs contrary to what Dadaist practice, I argue, indeed aimed to effect. In his article, Greenberg registered a conscious move away from the conditions and

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57. The quote in its entirety is as follows: “Die ästhetische Produktivkraft ist die gleiche wie die der nützlichen Arbeit und hat in sich die selbe Teleologie; und was ästhetisches Produktivverhältnis heißen darf, alles worin die Produktivkraft sich eingebettet findet und woran sie sich beschäftigt, sind Sedimente oder Abdrücke der gesellschaftlichen.”
modes of late capitalist production/circulation by whom he defined, in very sweeping terms, as “the avant-garde poet or artist” (Greenberg 8). This artist “sought to maintain the high levels of his art by both narrowing and raising it to the expression of an absolute in which all relatives and contradictions would be either resolved or beside the point” ("Kitsch" 8); Greenberg’s avant-garde artist thus dissolves content “so completely into form that the work of art or literature cannot be reduced in whole or in part to anything not itself” ("Kitsch" 8). This argument, of course, suggests the exact opposite of what I believe all critical montage practices work towards: as I define it, montage adds, to its already-existing and undeniable interest in content and in the concrete materials it appropriates, a critical concern for form that is politically motivated. Because of this concern for form, which enabled the making-visible of modes and conditions of production processes, Dadaist montage does not, as Greenberg had it, signal aesthetic isolationism; much to the contrary, critical montage and the appropriative mētis it is a manifestation of foreground their insistence that their products may always be broken down into everything but themselves, and that their ‘meanings’ may well be encoded in the processes of their productions, rather than in a determinate, finished result.

2.3 Social function

Critical montage’s focal shift from product to process does not dismiss content and embrace formal concerns in ways that would signify elitist aloofness over social awareness; as encouraged by Benjamin, this shift represents, rather, a move to buttress art’s social function, and not as an attempt at the total removal of any such function (as suggested by Greenberg). Adorno describes such a link between serious art and society in Ästhetische Theorie:

Both social productive forces and social conditions of production must formally reappear, stripped of their factual context, in works of art, because artistic labor is
social labor; its products always are, too. The productive force manifest in artworks is not fundamentally different from the social productive forces, but only appear as such through their constitutive remove from the realities of society. Hardly anything is done or produced in artworks, we must assume, that does not replicate, however latently, a model of societal production. (Ästhetische Theorie 350-51)\textsuperscript{58}

Despite Adorno’s notorious negativism with regard to the effectiveness of aesthetic expression as political intervention, the above statement amounts to the suggestion at least of a potential for art’s critical functionality in social matters. A more strongly pronounced focus on art’s social function is at the core of Peter Bürger’s influential Theorie der Avantgarde (1974), in which he argues that the general project of the ‘historical avant-gardes’ was marked, in conscious opposition to the kind of Modernist aestheticism heralded by Greenberg, by exactly such an attempt to strengthen the social and political impact of all creative activity. Where Greenberg conflates the radical formal agendas of the historical avant-gardes with Late Modernism in general, Bürger understands the withdrawal of aesthetic experience from the realm of social awareness to be a marker of Modernist developments that preceded the avant-garde movements, and which played a role in effecting, ultimately, the avant-garde’s emergence. Thus, Jochen Schulte-Sasse writes in the introduction to Bürger’s book that “[a]estheticism’s intensification of artistic autonomy … permitted the avant-garde to clearly recognize the social inconsequentiality of autonomous art and, as the logical consequence of this recognition, to attempt to lead art back

\textsuperscript{58} “Gesellschaftliche Produktivkräfte sowohl wie Produktionsverhältnisse kehren der bloßen Form nach, ihrer Faktizität entäußert, in den Kunstwerken wieder, weil künstlerische Arbeit gesellschaftliche Arbeit ist; stets sind es auch ihre Produkte. Nicht an sich sind die Produktivkräfte in den Kunstwerken verschieden von den gesellschaftlichen sondern nur durch ihre konstitutive Absentierung von der realen Gesellschaft. Kaum etwas dürfte in den Kunstwerken getan oder erzeugt werden, was nicht sein wie immer auch latentes Vorbild in gesellschaftlicher Produktion hätte.”
into social praxis” (xiv). As Bürger argues, the vanishing of the patronage system and the ensuing assimilation of the arts into the bourgeois-dominated culture industries (an observation based on related arguments more thoroughly developed Adorno and Horkheimer’s *Dialectic of Enlightenment*) allowed artists to recognize their works’ absolute lack of “social impact” (22). It was based on this realization that the avant-gardes sought to redirect art towards material and socio-political reality. In direct opposition to Greenberg’s earlier arguments (and by extension also in opposition to theories formulated by Kant, Schiller, and other thinkers of the Enlightenment era), Bürger thus defines the avant-garde artist’s intention as “the attempt to direct toward the practical the aesthetic experience (which rebels against the praxis of life) that Aestheticism developed. What most strongly conflicts with the means-end rationality of bourgeois society is to become life’s organizing principle” (*Theory* 34).

In more concrete terms, the attempted redefinition of art’s social function and its reintegration into social praxis are tied to practices such as montage, which represents the conscious contextualization (in part and whole) of works of art in the material, economic, and political circumstances from which they emerge and to which they refer. This marks a reversal of the precarious autonomy that art has, some argue, gained since the decline of the patronage system. In light of my earlier discussion of the important foregrounding of process, it follows that if the negation of a concept of the autonomy of art, and the renewal and strengthening of its social function are main goals of the avant-gardes, then critical montage and creative appropriation more generally are ideal vehicles to achieve them both formally and in terms of content. And indeed, Bürger points out that the most important marker of an avant-garde work of
art that seeks to assume a strong social and political function is that it “proclaims itself an artificial construct, an artifact” (*Theory* 72).59

A problem arises here: it must not be forgotten that Bürger, while rightly identifying the potential force residing in the avant-gardes’ ‘fundamental principle’ of appropriation/montage, also ultimately regards the radical project of reintegrating art into everyday social praxis as a complete failure. In his argument, this failure is evidenced by the ongoing institutionalization of avant-garde practices, as well as by their assimilation through both the “neo-avantgardes” and, subsequently, through the mainstream culture industry (*Theory* 57n.). That Bürger arrived at this conclusion (which echoes, once again, Adorno and Horkheimer’s perspective) and that he formulated it in exceedingly pessimistic and absolute terms can be explained in part by the fact that while the general reconceptualization of art he discusses was undertaken with the aim of enhancing its concrete critical functionality, a theorization of this process must by necessity concern aesthetic discourses in which ‘real’ social functions of art may remain a rather abstract notion. Accordingly, Bürger’s definition of montage is (art-)historically grounded, and revolves primarily around Cubist collage. However, Cubist collage, which surely “calls attention to the fact that it is made up of reality fragments” and “breaks through the appearance of totality” (*Theory* 72), tends to operate based on principles of the constructed simulation of external realities rather than on the committed appropriation thereof (in the following section, I will

59. Bürger goes on to suggest that the montage may therefore “be considered the fundamental principle of avantgardiste art” (*Theory* 72). This claim may be read to refer to the prominence of montage in Cubism (generally recognized as the initial moment in the historical avant-gardes; it may also be read, however, as a reference to appropriation’s ubiquity and omnipresence as a universal component of human (re)productivity. Once montage techniques become integral parts of institutionalized processes of cultural production, they certainly cease to be the premise solely of avant-gardist activity. This is important in the context of discussions of less radical, more popular creative appropriation, but also in the context of discussions of extra-aesthetic appropriation; see, for example, the sections on economic and scientific appropriation in Chapter 5, in which I argue that such practices nevertheless inevitably raise the same issues of authorship, ownership and creativity that concerned avant-gardist movements such as the Berlin Dadaists.
discuss this difference as part of a distinction between ‘effect’ and ‘effectiveness’), and can hardly be seen as ‘revolutionary’ in the same socio-political sense that the Dadaists assign to their work. Bürger admits as much in reference to an early *papier collé* by Picasso, but unfortunately does not take into account other, more developed montage practices such as cinematic montage and photomontage, stating that they are irrelevant to his theory of the avant-garde because they are either medium-specific (and thus, in his use of the term, impossible to employ by choice) or not visible/noticeable enough to have a strong impact on the recipient (*Theorie* 104n.). By isolating Cubism from subsequent montage phenomena, Bürger thus ignores artistic practices that were serious about considering art’s function as more than a merely conceptual attack on the institution of art and fails, ultimately, to recognize that Dadaist montage transcended – like many other more recent appropriative practices – the limitations of the montage work’s quasi-determinate form as product by way of utilizing the critical functionality of montage as process. 

While art as an institution may indeed “neutralize the political content of the individual work” (*Theory* 89), a fear that Benjamin, as pointed out above, also expressed, it does not at all follow from this that the assimilation of avant-garde practices into institutionalized contexts (such as the popularization of photomontage and its use for propaganda purposes) removes the potential for socio-political functionality of these same practices. In this sense, critical montage

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60. Bürger’s description of the avant-gardist attack on institutionalized art as a failed project furthermore works with rigid concepts of motivation, intention, and function that are marked, as has been pointed out by a host of researchers responding to the publication of *Theorie der Avantgarde*, by their own problematic proclivity towards Modernist aesthetics and Modernist concepts of artistic authorship, and that are too narrow, overall, to encompass the entirety of the ‘historical avant-gardes’ as Bürger intends them to. In his argument, it thus appears that the avant-gardes must comprise a distinct group, and form a kind of self-contradictory anti-institution that must remain intact and separate not only from the traditional institutions of art, but also from the culture industries that came to complement them. It follows, in Bürger’s argument, that any assimilation of formerly avant-gardist techniques into these culture industries constitutes a defusing of the critical functionality of these practices – an ongoing and unavoidable process that must lead to what he proclaims as the failure of the avant-gardist project.
as practiced by the Dadaists is hardly guilty of Bürger’s charge of having failed the avant-gardes (or, likewise, more recent and more mainstreamed endeavors of creative appropriation) in their project of re-igniting the social function of art.

2.4 Effekt – Effektivität – Umfunktionierung

To determine the social function of montage and appropriation is to determine its critical effectiveness, which, inevitably, is closely tied to the concrete forms that appropriative activities take. In Chapter 1 I have thus suggested that adaptation and appropriation, for example, must be distinguished because there is a striking qualitative difference in how each treats the materials it invokes (an intertextual reference, quite clearly, does not constitute a montage). But what, then, determines more concretely the critical functionality of montage and appropriation as discussed so far, or at least a heightened potential for such functionality? Are they necessarily marked by what opponents of cutting-and-pasting practices call the theft of material or intellectual property? Should one conceive of the act of ‘appropriation’ in its narrowly defined legal sense, as taking ownership of something – “typically without the owner’s permission,” as the Oxford American Dictionary would have it? Is the effectiveness of critical appropriation determined by its relative position within or outside of Adorno and Horkheimer’s culture industry? This section expands on definitions of montage and appropriation provided thus far by considering these general questions in light of the crucial distinction between the simulation of montage-effects, on the one hand, and the realized effectiveness of montage and appropriation on the other.

In this opposition, the effectiveness of any montage piece is the crucial marker showing that the work fulfills, in Bürger’s terms, a critical, social function; following arguments proposed by Bürger and Benjamin, I have already suggested that a decisive requirement for such functionality is that the works in question engage the modes and conditions of their own
existence, (re)production and reproducibility. To make this idea more useful for the concrete study of montage and appropriation work, it is here paired with the notion of effect – more specifically with a pair of concepts that are easier explained by way of the corresponding German terms: the German noun Effekt, which suggests a semblance or appearance rather than a result (as, for example, in the film-related term ‘special effects’); Effektivität, on the other hand, designates a realized mode of functioning, and negotiates more than the mere semblance of critical functionality (as in ‘an effective method’). In this sense, the category of effects that a work banks on is qualitatively different from that of the effectiveness that a work may achieve.

For example: as I have suggested, simulated montage-effects (Effekte) such as can be observed in many of the Futurists’ typographical experiments or the early Cubist papiers collées tend to speak to a work’s critical scope in aesthetic terms. In contrast to this, a montage work’s effectiveness (Effektivität) describes its actual ‘practicality’ in Bürger’s sense of the fulfilling of a social function.

The potentially ‘revolutionary’ quality of the critical avant-gardes thus lies in the fact that they directly engage the materials and conditions of real life, such as materialism, industrial (re)production, and social inequalities; the simple production of aesthetic replications of these circumstances, on the other hand, would amount to little more than the simulative creation of effects. As Benjamin and Brecht suggest in “The Author as Producer” and “Notizen über realistische Schreibweise,” respectively, a montage’s effectiveness is largely tied to what Moebius calls, as noted, Realmontage, i.e., to the extent to which a montage goes beyond the reliance on effects and instead performs the deliberate appropriation and incorporation of the stuff of everyday life, along with the conditions marking the contexts from which it is taken (see
Moebius 92, 96). Accordingly, the Berlin Dadaist Wieland Herzfelde wrote in the catalogue for the “First International Dada Fair”:

The Dadaists accept as their only agenda the duty to make the current affairs of real life the content of their works, which is why they don’t use ‘The Book of One Thousand and One Nights’ or ‘Panoramas of the Far East’ as the source of their productions, but rather the tabloids and daily editorials. … The Dadaists say: if formerly vast amounts of time, love and effort went into the painting of a flower, a hat, a shadow, etc., then today we need nothing but a pair of scissors, and pick from the paintings or photographic representations of these things whatever we need; if smaller items are concerned, then we don’t even need the representations, but simply take the actual items, such as pocket knifes, ashtrays, etc. – things that were nicely painted for the museums of old art, but that were only painted, after all. (Herzfelde n.p.)

In relation to this statement, other montage-based movements’ prevalent concerns with montage-effects rather than with the social function of their montages emerge more clearly: the Futurists, for example, were never known to care much for the first-hand appropriation of the real world in their collages, and mostly relied on the typographical simulation of montage-effects; as noted above, the Cubists *collageurs* are, in a similar fashion, commonly understood to have aimed their criticism primarily at traditions of aesthetic academism rather than at current political affairs.

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61. “Die Dadaisten anerkennen als einziges Programm die Pflicht, … das gegenwärtige Geschehen zum Inhalt ihrer Bilder zu machen, weswegen sie auch nicht ‘Tausendundeine Nacht’ oder ‘Bilder aus Hinterindien,’ sondern die illustrierte Zeitung und die Leitartikel als Quell ihrer Produktion ansehen. … Die Dadaisten sagen: wenn früher Unmengen von Zeit, Liebe und Anstrengung auf das malen einer Blume, eines Hutes, eines Schlagschattens usw. verwandt wurde, so brauchen wir nur die Schere nehmen und uns unter den Malereien, photographischen Darstellungen all dieser Dinge herausschneiden, was wir brauchen; handelt es sich um Dinge geringeren Umfanges, so brauchen wir auch gar nicht Darstellungen, sondern nehmen die Gegenstände selbst, z.B. Taschenmesser, Aschenbecher etc. – lauter Sachen, die in den Museen alter Kunst recht schön gemalt sind, aber doch nur gemalt.”
Once more, the Dadaists thus emerge as the one group among early montage artists that was most immediately concerned with Realmontage and its strong links to the processes and materials to which it responds.

The common conflation of effect and effectiveness in scholarship on early montage practices is due in part to the fact that montage tends to be discussed in terms of its shock value and of the alienating effects on which the practice relies. This explains, for example, Bürger’s focus on the Cubists, who, being the earliest popular montage artists, were thus best able to work with the ‘revolutionariness’ of cutting-and-pasting. Yet in Bürger’s account of the emergence of avant-gardist practice, the intended shock value of the works stems from a “refusal” and “withdrawal” of meaning, as evidenced, again, in the decontextualized appropriation of reality fragments in Cubist collage (Theory 80). Shock effect or absence of meaning, however, can hardly be seen to provide the grounds for a “change [of] one’s conduct of life” (Theory 80), something that, as Bürger argues, the avant-garde revolution sought yet failed to achieve. Furthermore, the newness of the creative montage practices (their alienating, formerly unknown effects), which may initially have been strong enough to make for the effectiveness that Bürger calls for, quickly waned. It becomes clear, then, that Effekt and Effektivität cannot be unconditionally conflated – the social function or effectiveness of a work cannot be seen to rely merely on surface effects. As suggested above, an artwork’s effectiveness must rather be determined based on the specificities of its modes of production, on its open reference to these modes, on the self-conscious exposition of all incorporated materials, and on the popularity and accessibility of the media it uses. It is in this sense, ultimately, that the Realmontage exhibited in the Dadaists’ critical montages effectively rework everyday processes, materials, and
experiences, rather then merely generating the effects that these processes and experiences may yield.\footnote{62}

In broader terms, a montage work’s critical effectiveness thus also depends on Brecht’s \textit{Umfunktionierung}, namely the creative appropriation of means and modes of production for new, revolutionary causes, as opposed to attempts of achieving political change by simply abolish existing modes of production. Reference to Brecht’s concept of ‘refunctioning’ is relatively sparse, with the exception of short entries in his working journals, as well as a lone discussion of it in Benjamin’s “The Author as Producer.” As Benjamin writes, Brecht coined the term to promote “the transformation of the forms and instruments of production in the way desired by a

\footnote{62. The crucial difference between the effects and the effectiveness of montage works can quite easily be demonstrated also by reference to literary experimentation contemporaneous with the Dadaists’ work: comparing, for example, Alfred Döblin’s \textit{Kinostil} novel \textit{Berlin Alexanderplatz} to some of the Surrealist ‘novels’ or Kurt Schwitters’ \textit{Merzgedichte}, it becomes clear that while the works of all of these artists play with the effects of montage, some are much more concerned with the socio-critical effectiveness of the practice than others. Of the two authors just mentioned, Döblin was undoubtedly more concerned with the appropriation and incorporation of the world his readers were familiar with – a world constituted not only by what they saw, but also by how they experienced it. Cubist innovators such as Braque or Picasso, in contrast, were, arguably, more concerned with disabling aesthetic appreciation of their creations in terms of how works of art were conventionally perceived. Döblin’s preoccupation with his work’s effectiveness emerges also in his choice to work in the immensely popular and accessible medium of the novel (similar arguments have been made concerning Brecht’s motivation for the dramatic presentation of his critical commentaries), instead of presenting his work in avant-gardist salons, or circulating them as unique artworks (as, for example, Raoul Hausmann did with his “Plakatgedichte”). While Schwitters’ \textit{Merzgedichte} have thus never traveled beyond the restricted circles of a select audience – a limitation that undoubtedly undercut any revolutionary potential they may have possessed – Döblin’s montage-novel was deployed in such a way as to be able to potentially reach the masses. In his article “Krisis des Romans,” Benjamin thus links the effectiveness of Döblin’s novel both to his use of montage practices and to the particularities of the medium used, which, as he writes, enables a kind of epic realism. (Among the more politically inclined writers of the era, many have sought to tie the new creative techniques of collage and montage to realism. Most notable are some articles and reviews by Benjamin and Brecht, as well as Döblin’s critical essays. In this context, it is also interesting to note that the Futurists opposed, to some extent, collage, because of the ‘naturalist tendencies’ it represented for them – after all, collage artists use “real things in their works […], without transforming them in a lyrical or rational fashion – which used to be seen as the purpose of art” (Wescher 57).

This ‘realism,’ however, must not be confused with conventional notions of its role in the fine arts, and has much more in common with what above has been introduced as \textit{Realmontage}. While Brecht did not use this specific term, some of his articles indicate that he had something similar in mind when speaking about artistic realism. In his essay “\textit{Notizen über realistische Schreibweise},” for example, it transpires that like Döblin and Benjamin, Brecht, too, felt that if critical artists wanted their work to be effective, it needed to be ‘realistic,’ i.e., to be consciously influenced by reality, and in turn to attempt to consciously influence this reality. For Brecht, his own theater practice realized these demands much in the same way as Dadaist montage did, namely by the presence of appropriated materials, “untreated raw material” (\textit{Notizen} 369).}
progressive intelligentsia – that is, one interested in freeing the means of production and serving the class struggle” (“Author” 74). Brecht’s central demand was that intellectuals should not “supply the apparatus of production without, to the utmost extent possible, changing it in accordance with Socialism,” which would imply shifting notions of property, access and circulability from a focus on individuals to a focus on collectives (“Author” 74).

*Umfunktionierung* (not to be confused with Brecht’s better-known *Verfremdungseffekt*) thus denotes a broad, highly political scheme that can be realized both within and without the realm of art, and the projected tangent of which follows a path through capitalism, rather than against it. As such, *Umfunktionierung* is closely related to de Certeau’s description of *mētis* and its critical utilization in the form of immaterial labor, as developed in Chapter 1; following Brecht’s argument, a subversive factory hand working to appropriate and transform the modes of production known to him or her may thus stand a better chance of effecting socio-political change (even if only on a small scale) than a political economist proposing to replace the apparatus of industrial capitalism with something else entirely. And in much the same way, the radical tinkering and appropriations of montage artists have more potential for critical effectiveness than the self-absorbed transformational urges of the *l’art pour l’art* movement celebrated by Clement Greenberg, or the anti-naturalist simulative tendencies of the Futurists as referenced above.

Brecht’s own “photo-epigrams” are good examples of the functionality of *Umfunktionierung*. For these works, created throughout the 1940s and published in a photo-book

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63. As Huyssen points out, Brecht’s politics do not propose to transcend capitalism, as Marcuse’s do, or negate it, like Adorno (see Huyssen, *Divide*, Chapter 5). Other notable concepts that have been discussed as related to *Umfunktionierung* include Roman Jakobson’s theory of ‘defamiliarization,’ André Breton’s notion of ‘dépaysement,’ and Guy Debord’s ‘détournement.’ However, as opposed to these concepts, Brecht’s *Umfunktionierung* is not necessarily related only to literature or the visual arts (or to drama, for that matter). As noted above, it must be understood, rather, as a primarily political concept.
entitled *War Primer (Kriegsfibel)* in 1955, Brecht developed a montage practice in which he appropriated press photographs, used them in new contexts, and added short poems of four lines in length.\(^{64}\) These short texts functioned as captions (doubly alienating due to a simple rhyme scheme, which is typically not present in photo captions), but more importantly also as tools of critical commentary designed to expose the instability of the photographs’ anterior, supposedly singular meanings, and to propose points of departure for new interpretations. Photo-epigram 27 in Brecht’s *War Primer*, for example, shows a photograph of Adolf Hitler shaking hands with an old woman, and features the caption “Suffer the old women come unto me / That they may glimpse, before their graves close o’er them / The man their sons obeyed so faithfully / As long as he had graves still waiting for them.” The poem is an obvious reference to the New Testament (borrowing a line from Mark 10:14 – “Suffer the little children to come unto me.”), and is designed to represents Hitler’s private thoughts in order to expose his twisted “messianic pretensions” (Evans 9). The montage thus turns the *Führer* into an “ersatz savior” (9), the swastika on his arm appears as a perverted approximation of the Christian cross, and he can furthermore only greet mothers, having had their sons killed on the battlefields.

At the root of this montage practice lies Brecht’s open distrust of the assumption that photorealistic representation should contain an inherent singular truth. In its journalistic manifestation, it has contributed, in his words, “practically nothing to the revelation of the truth about the conditions of this world” (Brecht, *Journals* 103n.); in various appropriated forms, however, and with added captions designed to re-work (*umfunktionieren*) the source images’ contents as well as the conventions of the composition and framing of press photographs, these same images, while remaining unaltered, become montages requiring reinterpretation. By

\(^{64}\) An English edition of Brecht’s *War Primer* (not to be confused with the English edition of his book of poems entitled *German War Primer*) was first published in 1998.
inviting alternative meanings and by commenting on the subjectivity and instability of any one meaning found in ‘authoritative’ pictorial representations of reality, the photo-epigrams thus fulfill the two primary demands Benjamin formulates based on Brecht’s own concept – “the application and use of modern artistic techniques (photography and montage), and partisanship and active participation of the artist in the class struggle” (Huysen, Divide 154).

Overall, Brecht’s *Umfunctionierung* is thus the appropriation and making-political of techniques, forms, and materials that may before have appeared mainly in aesthetic or political contexts that were closed off to reuse and reinterpretation. This opening-up is achieved via the explicit acknowledgement of those aspects of the appropriated material that indicate ideologically tainted socio-political circumstances of institutional or industrial (re)production, circulation, and reception (aspects that all cultural expressions, whether concrete or ideal, already carry with them). Thus, new forms are “cast” from a “molten mass,” in which “photography and music, and whatever else occurs to you” are contained (Benjamin, “Author” 76). Going beyond mere commentary because it tends to incorporate its subjects into new critical expressions, *Umfunctionierung* points to the need to grasp the always-ideological, anterior function of the appropriated idea, commodity or artifact, and to begin the process of effective transformation there. *Umfunctionierung* in critical, open montage therefore thus not merely reproduce or recontextualize situations, objects, or experiences – it does not produce effects. As practiced in the circumference of the Berlin Dadaists, it literally “discovering them” (“Author” 79), and, based on this process of discovery, reworks not merely appearances or already-existing meanings, but also the critical functionality of the entire form and modes of production from which they emerge.65

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65. Benjamin also considers the possibility of a reversal of such appropriation processes (a kind of re-assimilation), as Adorno and Horkheimer later would in their critique of the culture industry, and fears a “conversion of
2.5 Material status of the appropriated fragment

When montage is employed as a critical device, focus on the practice’s processual nature is commonly paired with (and codependent on) emphasis of the equally significant materiality of the appropriated fragments. As discussed in Chapter 1, this emphasis on the corporeality and materiality of montage fragments can take two forms: it can be employed to positively amplify the critical potential of appropriative practices (for example when materials are appropriated with the specific aim of exposing the ideological circumstances of their initial production); or it can take the form of criticism leveled against montage and other appropriative practices (for example when appropriation is condemned as ‘theft’). In the montage works of the Berlin Dadas, which have triggered surprisingly little criticism that focuses on their inclusion of already-‘authored’ materials, and which clearly fall into the former of these two categories, the material aspects of appropriated fragments are intentionally stressed in order to draw attention to the correlation between the works themselves and the circumstances and conditions from which they emerge/to which they refer. The successful deployment of the montage process as critical device, it seems, depends to a large degree on the recognizability of montage bits that explicitly lay bare the groundedness of their fragmentary nature in material reality. Before awareness of the processes implicated by a montage can elicit more sophisticated responses to such works, the basic and crucial recognition of a montage’s fundamentally composite nature must be enabled, in other words, by the noticeable presence of cut and pasted elements. In order to ensure the Effektivität revolutionärer Reflexe ... in Objekte der Unterhaltung” ("Author" 77); early incarnations of appropriation and montage such as exemplified with reference to Brecht’s Umfunktionierung, however, hold, for Benjamin, a very strong potential for political commentary and social critique.

66. This is particularly striking when Dadaist montage is compared to contemporary appropriative practices, which very often trigger legal action against them. The Dadaists were involved in only one lawsuit that focused, to some degree, on their appropriation of already-authored, already-owned materials, and which is discussed in more detail on page 195.
of a montage work, the audience must ideally be able, furthermore, to relate these elements to a source external to the work and its creator’s mind. The decipherability and visibility of the cuts, notes Moebius, create “not only a gap, but …, at the same time, the precondition for the integration of a montage fragment” (277) – and, one might add, the precondition for noticing the processual circumstances surrounding to the artist’s re-arrangement of fragments.

The Berlin Dadaist Hannah Höch’s 1919 photomontage Schnitt mit dem Küchenmesser durch die letzte Weimarer Bierbauchkulturepoche Deutschlands addresses all requirements just listed: the montage consists exclusively of images and words cut from newspapers and magazines; the fragments are rearranged to fit Höch’s purposes, but in such a way that the seams and cuts remain clearly visible; the varying texture and quality of the incorporated fragments draw further attention to the composite nature of the piece, which in turn alerts the viewer’s attention to the fact that this montage is fragmented also in terms of its thematic contents – military, industry, science and revolutionary politics; ultimately, Höch’s practice enables her to easily challenge the order that is commonly perceived to reign over these themes, and the ironic treatment that her appropriation piece affords various public figures and current events signals that chaos, disintegration and fragmentation are always already inherent in the science, technology and rhetorics of warfare, politics, and cultural/industrial reproduction. Höch’s Schnitt mit dem Küchenmesser thus demonstrates my point that only when a montage recognizes itself as ‘made,’ and is recognized as such by others, is it possible for the beholder to think multiple meanings that emerge from the composite whole, instead of looking for a singular meaning that the traditionally organic, unified whole of the Romantic work of art would be assumed to contain.

67. “schafft nicht nur eine Lücke, sondern zugleich die Vorraussetzung für die Integration des Montageteils”
68. The title translates as Cut with the Kitchen Knife through Germany’s Last Weimar Beer Belly Cultural Epoch.
Invisible or hard-to-notice montage, then, will impinge upon the critical effectiveness of
the practice, preventing audiences from considering more complex aspects of the montage
process itself, and keeping it from being incorporated in the active (re)production of the works’
possible meanings. It could indeed be argued that appropriation ceases to refer to concrete
materials and ideas beyond itself when it cannot be recognized as such – a requirement for the
activation of the recipients is thus that montage openly makes the modes and materials implied in
its own production known. In one of the more comprehensive, if brief, definitions of montage,
the Croatian literary theorist Viktor Žmegač describes the potential openness of the practice with
explicit reference to the external materials it incorporates: Žmegač distinguishes between the
more conventional “concealed” or “obscured” montage (verdeckt) that is marked by its
homogenizing integration of montage fragments, and the “open” and “perplexing” montage
(offen and irritierend) that is marked, on the contrary, by a demonstrative approach towards the
appropriation of montage fragments. Only the latter candidly shows off its composite nature,
rendering the recipients’ participation in the construction of meaning not only wanted, but
required (Žmegač 288-89).

The ramifications of ‘open’ and ‘concealed’ montage have been discussed most
thoroughly with regard to photomontage, where seamless and invisible cutting and pasting not
only hinders the critical functionality of the practice, but furthermore obscures the already
unstable potential for the photographic medium’s truth-value. This has led many theorists to treat
photomontage as an ideologically problematic form that may be more suitable for propaganda
purposes than for cultural critique;69 following a similar line of reasoning, Peter Bürger entirely

69. This on-going debate is carried out based on arguments regarding the potential for perfect reproducibility
inherent in the photographic medium, and has concerned far too many theorists than can be meaningfully referenced
here. Notable work on the issue has been produced, for example, by theorists of photography and cinema such as
André Bazin, theorists of history such as Hayden White, art historians such as W.J.T. Mitchell, and political
excludes cinematic montage from his theory of the avant-garde because he finds it to be inevitable and medium-specific, representing a device that cannot be employed at will and that can thus be considered neither critical nor aesthetic (Theory 76). Countering this, I would argue that while cinematic montage in particular has, indeed, a proclivity to seek to efface itself (at least in its popular applications), the inevitability of cutting-and-pasting in any given medium should not be related in an absolute sense to the uses to which montage can or can not be put in that same medium. On the contrary, the explicit foregrounding of montage fragments can acutely heighten the potential for critical employment of the appropriative practice in media in which montage is so common as to have become hard-to-notice.

John Heartfield’s 1932 photomontage *Millionen stehen hinter mir!* is a particularly good example of this. The work plays on conventions of photomontage that had already come to be identified, at the time of its creation, with propaganda techniques. It implicates the perfect recognizability of objects represented photographically, but at the same time makes clear, through the obvious manipulation of the appropriated elements, that this recognizability cannot be trusted. To make its point perfectly clear, the piece goes beyond the simple questioning of content, and exposes as potentially deceiving photography’s claim to truthfully reproduce perspective. Commonly, perspective functions as the strongest marker of realistic representation; but the immediate sense of perspectival logic (distance, spatial relations, etc.) that any photographic reproduction of reality should by all means convey never transpires in *Millionen stehen hinter mir!*; and it remains unclear how exactly the stereotypical image of the capitalist it

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theorists and philosophers including Jean Paul Sartre, Henri Bergson, Jean Baudrillard, Gilles Deleuze and Slavoj Žižek. While this debate is of little concern for my present project (I do not consider montage a purposefully fraudulent activity, after all), debates regarding the implications of perfect reproducibility have made an important comeback in the context of appropriative techniques utilizing digital media. It is in this context that the ideological implications of reproducibility will be taken up again in chapters 4 and 5.
shows is to be situated in relation to Adolf Hitler, who is the piece’s obvious focal point. The capitalist can thus be perceived as towering over him, as figuratively backing him up, or – as the laws of perspective would, absurdly, dictate – simply as being positioned much closer to the camera’s point of view than Hitler himself; this interpretation, however, would strongly counteract the thematic logic of the image. Lastly, Heartfield’s underlying warning not to believe what is seen/heard (the title, while appropriating Hitler’s voice, clearly also functions as both caption and commentary) is here paired with a political message, and seeks to criticize not simply propagandist montage techniques, but rather the thief and liar Hitler, who, it is suggested, financially exploits his disciples under the pretense of political activity for the common good.

Questions of the reliability of various media and of their suitability for montage purposes will be taken up again in later chapters, in the discussion of appropriation works based in analog film and sound, as well as in digital media. For now, what can be drawn from the above examples is that regardless of the mode of their appropriation, concrete montage fragments must always, if they wish to realize their critical force, retain the status of material (if imprecise) referents in relation to anterior, real contexts. As noted above, this functional referentiality is a necessary precondition for the decoding of more complex, process-based aspects of montage works by any audience. The Monteur can put material referents to critical use in a variety of ways. Most simply, they can be made to function based on their very materiality, when nothing but the physical nature of the fragments is known. Picasso’s and Braque’s early papiers collées are good examples of this, wherein traditions of the two-dimensional mimetic integrity of the canvas were challenged by integrating materials instead of representing them. The incorporated fragments can furthermore function figuratively, when the more general contexts/narratives of the appropriated sources are identifiable. And finally, as discussed throughout the preceding
sections, they can have a modal function, when the fragments implicate the montage processes they have undergone in being appropriated for the resulting work, or indicate circumstances of their (re)productive nature that remain relevant for readings of the resulting montage. A collaborative work by Grosz/Heartfield as well as a collage by George Grosz exemplify this well: like Hannah Höch’s *Schnitt mit dem Küchenmesser*, both *Leben und Treiben in Universal City um 12 Uhr 5 Mittags* (1919) and *Dada-merika* (1919) are montage pieces that foreground their own artifice, and whose explicit performance of appropriation practices serve not only a formal, but simultaneously also a thematic purpose in that it references fragmentation, reproduction, and circulation as markers both of contemporary urban culture (specifically photography and cinema) and industrial capitalism. In both works, industrial and cultural (re)production ultimately become, through the inclusion of paraphernalia from the fields of photography, film, advertisement, magazines and technical manuals, quasi-congruent.

The fragments that comprise critically functional montages are, then, by no means chosen randomly.\(^\text{70}\) Despite the multifarious possible reasons for the appropriating *Monteur’s* choice of various montage sources, some general continuities can be identified in all montages, and it is possible to broadly define what the materials appropriated have in common. To encompass all the manifold montage materials, Moebius proposes use of the term *Fremdmaterial* – literally “foreign” or “alien” material. Working from the immediate context of literature, Moebius states that “*Fremdmaterial* is a general, technical term that might at first appear confusing in the context of literary production. This effect, however, is desired, exactly because it implies the sense of foreignness that is contained in montage fragments” (39).\(^\text{71}\) When the material, formal,
stylistic or figurative ‘foreignness’ of the appropriated materials forces itself upon the recipients of a montage piece, the very recognizability thereof necessitates the critical reflection on the possible functions and meanings of the incorporated fragments. When montage explicitly acknowledges the fragmentedness it inherits from the incorporation of alien components, it furthermore pushes the recipient to critically consider this acknowledgment. Since montage fragments must be considered as meaningful both in their new contexts and as markers of anterior conditions, there then emerges a double-status of all montage bits as components of a new meaningful unit, on the one hand, and as referential artifacts, on the other. Reminiscent of Bürger’s comments on the social function of art and montage’s role in it, Moebius states that the aim of montage “is not subjugation and homogenization, but the preservation of the external character [of the incorporated fragment]. … Open montages are thus a medium negotiating a dialectic between art and non-art, art and life, a dialectic that changes ‘real life’ no less than art itself” (287). It is in this way that the critical praxis of the montage artist can reach over into the practice of everyday life: as the activation of awareness, the spreading of metis, perhaps the demonstration of everyday, practical schemes for organizing the multitude.

Fragments of the Dadaists’ critical montage works are always decipherable as documents, then, since they hold a real material referentiality, point back to their origins or supposed origins, and retain, most importantly, their “contexts of place, time, and action” (Moebius 227). The very appropriateness of the terms ‘montage’ and ‘appropriation’ as I use them depends, in fact, on the presence and decipherability of such Fremdmaterial-as-documents in a montage work;

irritieren muss. Dieser Effekt ist aber gerade willkommen, weil der Begriff das Fremdartige aufnimmt, das in den Montagefragmenten enthalten ist.”
73. “Orts-, Zeit-, und Handlungszusammenhang”
without the incorporation of documents that represent traceable representations of actions that have a known or unknown source other than the creative genius of the Monteur, effectiveness will once more make room for effect. In his article “Krisis des Romans,” Walter Benjamin, too, supports the argument that appropriated montage fragment must be understood as documents: “The material of montage is by no means arbitrary. Real montage is based on the document. Dadaism, in its heavy reliance on montage, has adopted real life as its ally in the fanatical fight against the work of art” (“Krisis” 232). 74

The Dadaists’ intention to renounce traditional ideas of order, unity, and original creation by way of fully relying on the always already authored stuff of material reality for the assembly of their art works can be traced back as far as Raoul Hausmann’s first manifesto regarding the exclusive use of “new material” (Neues Material). 75 Hage rightly interprets this fundamental insistence on the “inclusion of non-fictional material” (33) as serving, at least partly, documentary purposes, and also emphasizes the political motives behind this type of montage. He wrongly identifies, however, the general motivation for treating montage fragments as documents as an attempt aiming to “heighten one’s credibility by approximating scientific practices” (33). 77 That the type of montage practices propagated by the Dadaists had little to do with attempts to boost their credibility as ‘scientific’ chroniclers of reality (and also very little

74. “Das Material der Montage ist ja durchaus kein beliebiges. Echte Montage beruht auf dem Dokument. Der Dadaismus hat sich in seinem fanatischen Kampf gegen das Kunstwerk durch sie das tägliche Leben zum Bundesgenossen gemacht.” Benjamin’s evocation of the term ‘document’ here serves a double function. On the one hand, it politicizes avant-garde aesthetics by linking it to the stuff of everyday life. On the other, his remark is designed to problematize montage’s position in relation to other art historical developments and movements: the central topic of Benjamin’s article is thus the emergence of what he called the ‘epic realism’ of the contemporary novel – by which he meant the montage techniques and its critical functionality as it appeared, for example, in Alfred Döblin’s collage novel Berlin Alexanderplatz and in Brecht’s ‘epic drama.’
75. It was presented at the first Dada Abend (Dada soirée) in Berlin, and was circulated in print from 1918 onwards. [ref]
76. “Aufnahme von nicht-fiktivem Material”
77. “[...] in Annäherung an Wissenschaft die eigene Glaubwürdigkeit zu erhöhen.”
with aims of ‘enlightening’ their audiences, as Hage claims in the same passage) becomes clear
in the playfulness of a letter sent by the *Monteur* George Grosz to his friend Otto Schmalhausen
in early 1918. The letter accompanied a care package that Schmalhausen received while
recovering from a war injury in a military lazaret. “Contained in these packages,” Grosz wrote,
are all sorts of things, from liquor pricelists to directions for how to put on a
condom, furthermore cooking recipes, pulp fiction novels – serious art! – bread
tickets, grain market stock reports, and bits of fashion – all this represents, in
model form, a more diverse cross section of life than any single novel, regardless
of how great a book it would be, will ever be able to present – I hope you receive
it all unharmed by mice, and find great pleasure in it! (in Bergius 20)78

While the immediate co-presence of bread tickets and grain market reports shows that there is a
humorous political undertone to this private assemblage, the quotation in its entirety suggests
that the Dadas’ strategy in addressing post-WWI reality was to playfully yet carefully
approximate the chaos and confusion of everyday life, instead of taking a rational scientific-
documentary approach to it, as Hage suggests. Benjamin argues that montage became an
important critical practice, rather, when the Dadaists began to pursue the opposite approach upon
realizing, “towards the end of the war, that reality had ceased to be manageable” (Benjamin,
“Eingang” 560).79

78. “Es sind in diesen Paketen enthalten allerlei Dinge, von der Liqueurpreisliste bis zur
Präservativüberstülpungsanleitung, desgl. Kochrezepte, Schauerromanhefte – ernsche Kunscht – Brotmarken,
Getreidebörsenberichte und Modeplaudereien – dies alles stellt im Kleinen den vielfältigeren Lebensquerschnitt dar,
als je ein einzeler Roman, und sei’s auch noch so ein gutes Buch, jemals geben wird – hoffentlich erhältst Du alles
unbemaust und erfreust Dich darob!”
aufgehört, sich bewältigen zu lassen.”
2.6 Arbeitsteiligkeit – towards an economy of montage

This last section reconsiders the Dadaists’ critical strategies and practices in the context of Adorno’s discussion of montage in his Ästhetische Theorie, which serves to problematize some of the arguments made above, and which recasts my definitions of montage and appropriation in a way useful for the analyses of more current appropriation techniques based in different media that are to follow in the subsequent chapters. As a self-declaredly revolutionary and political movement seeking to challenge institutionalized concepts of the work of art and its role in the world, in their work the Berlin Dadas implemented the immediate context of the post-WWI years as an actively engaged reality that had come to be marked by the seemingly boundless complication and fragmentation of the political landscape, contemporary urbanized life, and the capitalist economic system that had torn apart and now sought to mend the existences of so many. In this sense, perhaps the most important aspect of the concept of Realmontage is that of Arbeitsteiligkeit, or ‘division of labor,’ as briefly introduced above. In Marxist theory, this concept marks, first of all, the underlying systemic structure of capitalist production and accumulation. It is also closely related, however, to the alienation that results from the specialization and mechanization of the capitalist subject’s role in the larger production apparatus. When the Dadaists wanted to reform art’s social function such that it would motivate its recipients to change their ‘praxis of life,’ this ambition clearly relates, I would argue, to the realization that the general public’s experience of both work and leisure was already coming to be more and more heavily marked by the same Arbeitsteiligkeit that also informs critical montage practice. In other words, if montage picks up and critically reflects the circumstances and modes of production of its time as thoroughly as I argue it does, then Arbeitsteiligkeit, as a key characteristic of industrial and post-industrial capitalism, is a central link between the
Dadaists’ avant-gardist practice and the socio-political and economic environment it comments on. The concept’s relevance thus retains, but also transcends the logic of the late capitalist workplace, and strongly impacts the collective experience of everyday life (a basic claim on which Adorno and Horkheimer’s critical analysis of the culture industry as an all-encompassing phenomenon of late capitalist society is also based).

In *Theory of the Avantgarde*, Bürger, too, discusses the growing specialization and “crystallization of subsystems” in all arenas of contemporary life as a result of the “progressing division of labor,” and identifies a resulting general “shrinking of experience” (*Theory* 34). This ‘shrinkage’ is felt by all late capitalist subjects (the worker as much as the artist), and should be understood not only in the sense of the progressively stricter division of primary labor itself, but also in the sense of the widening gaps between specialized social clusters. The overall effect of this is that “‘experiences’ [that] the specialist has in his partial sphere can no longer be translated back into the praxis of life” (*Theory* 34). Above, I countered Bürger’s arguments regarding the failure of the ‘historical avant-gardes’ to realize a social function of their works by arguing that montage and appropriation actually bring art into infinitely close proximity to Bürger’s ‘praxis of life’; they do so, I have shown, by incorporating the ubiquitous and immediate circumstances of the realities they critique by way of the very same practices that these realities are based on.

Adorno’s rather monumental *Ästhetische Theorie* offers some comments that directly pair the author’s acute awareness of the political and economic issues that informed his critique of the late capitalist culture industry with the history and practice of art and creative expression, and that further confirm the close-knit relationship between political readings of *Arbeitsteiligkeit* and the critical functionality of montage and appropriation. Compared to the writing of Benjamin and Brecht, Adorno’s views of modern (re)production methods and their critical applicability to
serious art are relatively negative. Yet like the other two theorists’ work, Adorno’s writing also speaks (if more hesitantly) to the potential that resides in emerging artistic practices of appropriation. As Adorno asserts, montage duly challenges aesthetic traditions that are strongly deserving of harsh criticism. He doubts, however, that the practice contains the power to overturn these traditions in their institutionalized forms. Stating that in its “micro-structure,” all new art now appears as montage, Adorno implies that the practice may work well to undermine the “fraudulent organic unity” of conventional works of art” (Ästhetische Theorie 233). Yet, despite appearing as inherently “shattered” (Ästhetische Theorie 231), the very fact that montage so systematically displays its composite nature and the individual elements it consists of results, in the author’s view, in a renewed sense of unity and organicity. Following this argument, one could conclude that montage echoes the oppressive Arbeitsteiligkeit of late capitalism’s culture industry in the disempowered and complicit manner discussed in Dialectic of Enlightenment. In this sense, both montage and the concept of Arbeitsteiligkeit shatter or shrink, according to Adorno’s argument, the scope and relevance of individual, critical experience, while at the same time conveying a sense of wholeness (even wholesomeness) and gratification both in the workplace and in the reproductive cycles of the consumption of mainstream culture. Adorno ultimately concludes, thus, that montage (and by extension appropriation) cannot successfully dispense with conventional notions of the nature of artworks, and that categories that perpetuate capitalist hegemony, such as harmony, unity and originality, remain firmly in place (Ästhetische Theorie 235).

Adorno furthermore argues that as a political, ‘revolutionary’ device, montage was from its very beginnings designed to work primarily by its shock value (Ästhetische Theorie 213n.).

80. “erschlichene organische Einheit”
81. “zerrüttet”
Once this shock value expires, “the cut-and-pasted material becomes, again, nothing but indifferent matter; the process does not suffice to ignite communications between that which is aesthetic and that which is external to it, and all real concerns are neutralized, take on a merely art historical nature” (Ästhetische Theorie 233n.). At that point, any socio-political effectiveness that the avant-gardist practice of montage possesses would turn back into nothing but art historical curio. Despite attesting, then, to montage’s proper critical intentions and to its proper formal approach for fulfilling its critical goals, Adorno simultaneously voids the practice of all real effectiveness: on the one hand, montage “seeks to force shifted meanings onto [the incorporated fragments] or, in the best of cases, to awaken their latent meanings” (Ästhetische Theorie 90), on the other hand, the practice fails to follow through on its own agenda, and is “powerless” because it “does not explode these elements on its own accord” (Ästhetische Theorie 90).

The answer to the paradox of Adorno’s simultaneous affirmation and negation of montage’s critical potential lies, in part, in his particular choice of primary examples to which he refers: he cannot convince himself of montage and appropriation’s concrete, critical practicality simply because his insistent and quasi-exclusive references to cubism and to Picasso’s papiers collées invoke what earlier I called a conceptual framework of Effekt rather than Effektivität. But more importantly, Adorno chooses to ignore, perhaps based on his limited corpus, the real interconnectedness between creative (re)production and the material realities with which it interfaces. In Ästhetische Theorie, montage is ultimately charged “with retaining a residue of

82. “… wird das Montierte abermals zum bloßen indifferenten Stoff; das Verfahren reicht nicht mehr hin, durch Zündung Kommunikation zwischen Ästhetischem und Außerästhetischem zu bewirken, das Interesse wird neutralisiert zu einem kulturhistorischen.”
83. “[s]chaltet mit Elementen der Wirklichkeit des unangefochten gesunden Menschenverstands, um ihnen eine veränderte Tendenz abzuzwingen oder, in den gelungensten Fällen, ihre latente Sprache zu erwecken.”
84. “Kraftlos ist [Montage] insofern, als sie die Elemente selbst nicht aufsprengt.”
compliant irrationalism, and accused of adapting to what the materials readily supplied for the piece command.” Yet based on my exposition of critical montage thus far, it is clear that the appropriation and repurposing of the operative logic of the system which montage criticizes is precisely not a sign of ‘compliance’ – there is, indeed, a crucial difference between ‘adapting to’ what Benjamin called the conditions and circumstances of the montage fragments’ (re)production, and appropriating, instead, these same circumstances for one’s own purposes. And it is this very difference between Adorno and Horkheimer’s ‘assimilation’ (i.e., having one’s materials, functional modes and cause assimilated) and the resistance to assimilation through practices of subversive repurposing that provides the basis for the continued critical functionality of montage and contemporary appropriation art, and for the relevance that these practices hold for broader political causes outside the aesthetic realm.

To rephrase this in terms introduced earlier: where Adorno conflates assimilation and appropriation, we should locate the gaping difference between mētis lying dormant and mētis utilized, between the masses sedated and the multitude testing models of its own appropriative force. Montage emphasizes this difference, encourages and actively performs it, and posits it as a matter that cannot be negotiated with recourse only to art historical periods or artistic movements, but that requires attention to the socio-political concerns and projects that such movements may enable or facilitate. Montage and appropriation, then, are not indicative, as Adorno and others would have it, of a “powerlessness” that all art felt facing the chaos of post-WWI urban life and industrial capitalism (Hage 158). When Adorno states that “[m]ontage is the inner-aesthetic capitulation of art to that which is different from itself” (Ästhetische Theorie

85. “Gerade ihr wäre ein Rest von willfährigem Irrationalismus vorzuwerfen, Adaptation an das von außen dem Gebilde fertig gelieferte Material.”
86. “Montage ist die innerästhetische Kapitulation der Kunst vor dem ihr Heterogenen.”
232), we should interpret this ‘capitulation’ as an offensive move: montage’s ‘capitulation’ is, in fact, its abandonment of an elitist sense of self-sufficiency, and thus stresses its viability as a political, critical endeavor. When art surrenders to the empirical, when it gives itself up to what is different from itself and appropriates it (instead of attempting to merely resemble it), it embracing the reuse of already existing cultural matter as a utopian measure, rather than as a retreat into a passivity of the mimetic digestion of reality. Critical montage, then, performs the model of an economy of appropriation that precedes itself – a practice of the reusing of external materials and ideas that is inherent to human creativity and productivity and that also figures importantly in philosophical, economic and political systems. It may interfere with established philosophies of creativity and with established economics of private and cultural property, but it does so purposefully, as part of a project of exposing the intricately interwoven ideological agendas of the late capitalist culture industries. And as I will continue to demonstrate in the context of other media and more current examples, it draws its potential for critical commentary from exactly these facts.
Chapter 3: Found Footage and the Limits of the Analog

The previous chapter considered the critical potential that appropriative practices can gain when they foreground their investedness in the material realities they incorporate as a vehicle for their critical interventions. And having established that this critical potential is closely related to the ability to directly partake in the source fragments’ modes and circumstances of (re)production, from now onward I shift my focus to a range of more recent creative practices that take a less literal approach than that of the Dadaists presented in Chapter 2. The practice under consideration in the present chapter – the well-established cinematic form of found footage filmmaking – will be shown to have emerged in tandem with significant changes to the way in which humankind produces, records, and circulates knowledge and ideas, as well as the artifacts that contain them. As in my discussion of Dadaist montage, these changes could be argued to have originated in the realm of technological innovation and the mainstreamed dissemination of information and cultural commodities. But as always, such changes are intimately linked to all adjoining strata of contemporary life, and have, as will be seen, resulted in (or from) related developments in economics, public policy, legal discourse and, finally, critical commentary in the form of artistic production.

As suggested in the previous chapter, a critical praxis of appropriation can in no way be defined as disparate from the spheres on which it comments; instead, appropriation – understood to be founded on the actual, often physical reuse of already-existing cultural matter – realizes its critical potential in immediate and infinitely close relation to those realms of industrial and ideological (re)production that it can never escape and that it thus seeks to critically engage. The
Berlin Dadaists, in this sense, developed their montage practices not in imitation of or opposition to emerging technologies of the reproduction, reusability, and recirculation of ideas, cultural artifacts, and commodities, but rather in direct relation to them. Like the entrepreneurs and ideologues benefiting from the development of more and more efficient techniques for reproducing and disseminating both ideal and tangible objects, the Dadaists, too, made use of the emerging technologies and media, which enabled them to put into practice their insistence that fragmentation and reproducibility, so utterly characteristic of the late capitalist subjects’ life worlds, have to become integral parts of every art form that strives for more than aesthetic effects, and that wants to critically engage contemporary modes and circumstances of production.

In this, the Dadaists set a precedent that has been continued and intensified by critical appropriators every since. As the reproducibility and appropriability of all kinds of information and values represented by tangible commodities and more incorporeal media has kept increasing rapidly, artists and activists have continued to incorporate newly emerging reproductive techniques, ‘capitalizing’ on them, one might say, in a critical fashion. This tendency continues to follow – and expand upon – the same logic already presented in the physical cutting-and-pasting of earlier montage: that critical appropriation will be most effective, to paraphrase Walter Benjamin, when it embraces, as completely as possible, the modes and circumstances of production and reproduction upon which it wishes to comment. The technological advances of production and reproduction processes now incorporated by appropriation artists were of a nature that suggests a move away from the immediately tangible and physical. While the ‘miracle’ of early photographic reproduction had still been based very much on the materiality of the second, third, and \( n \)th identical print drawn from a single negative, the intangibility of projected moving
images and recorded sound draw less attention to themselves as physical, corporeal media – film is just light, after all, and sound is just moving air.87 Poised against the background of the progressing establishment of transnational culture industries, this move away from the immediately, literally graspable coincided with a rigidification of notions regarding the ways in which more abstract commodities (including ideas), their producers, owners and users could be defined legally. This rigidification was necessary, as outlined in Chapter 1, in order to maintain control of the traffic in such commodities, and of the knowledge on which they are based. Creative appropriators, however, were quick to reflect this development in their work: thanks to the growing popular acceptance of more complex concepts of creativity, authorship, and ownership that were no longer tied merely to the physical, tangible, appropriation artists who want to challenge these notions and the politics for which they stand now no longer needed to limit themselves to the corporeality of actual photos, print media, and other physical ephemera of contemporary life.

Aside from the practicality of easier access to highly appropriable new media such as film and sound recordings, moving away from the straightforwardly material furthermore enabled appropriation practices to better thematize utopian ideals of human creativity and productivity as heralded also, for example, by theories of intertextuality. (The abstract nature of many appropriation pieces using new media more properly imply, one could argue, the creative mind as endlessly relatable to a multitude of separate ideas, influences, artifacts, etc.) Put in practice, expansive concepts of appropriation thus allow artists to more effectively criticize and

87. This tendency is so powerful that even today, ‘suspension of disbelief’ remains a complex notion for film studies inductees, who have to begin by unlearning the attention they bring to the screen and the narrative that usually unfolds thereupon, in order to be able to grasp the apparatus that enables it.
expose the limiting measures imposed on human creativity and collective (re)production by the hegemonic division between owners and users.

Analog, strictly tangible appropriation thus ceased to be the only workable context for critiques of the emerging ideological apparatus of globalized capitalism and the more and more complex ways in which reproductive media and technologies played into its advances. This is not to say, however, that my prior focus on the materiality of appropriation qua montage will be less relevant in the context of the more recent appropriative practices discussed in this and the following chapters, or that the artists studied below have abandoned the earlier appropriators’ strong desire to retain an intimate relationship between their works and the material and socio-political production/consumption circumstances of the appropriated cultural matter. On the contrary, I will show that this chapter’s exemplarily discussed artists still expressly adhere to previously introduced ideas regarding the tangibility, materiality and tactile qualities of their various appropriative agendas. What has changed and shifted are not the artists’ attitudes towards appropriation, but rather the technological means available to them, the medium-specific nature of the materials available for appropriation, and general notions of the material status of cultural matter in both its ‘original’ and appropriated forms.

Without doubt, the growing popularity of easily reproducible media such as film, photography, and recorded sound has strongly impacted artistic practices; yet at the same time, it has had an equally strong impact on the parameters along which the culture industry itself operates. In the context of found footage filmmaking (and, in the following chapter, of audio sampling), the stakes raised by the significantly heightened appropriability of audio-visual content must thus be seen to be of both a critical and an economic nature. The same technologies, in other words, that make all kinds of cultural matter easier to reproduce and
distribute, and thus more valuable, also make it easier for artists to critically engage the workings of the culture industry. In this sense, my discussion of found footage filmmaking will show dominant culture (both as industry and as ideological tool) to have become more powerful and more porous at the same time.

The shifts and developments just outlined could be described, roughly, as a process of what I tentatively discussed as the ‘democratization’ of popular media and related technologies in Chapter 1 – ever since their invention, motion film, photography and sound recording have become more and more easily available, accessible, and, thus, appropriable. Innovation in these technologies continues to be concerned, of course, with the facilitation of mediation, i.e., with ease of access, (re)production, circulation and consumption. But since this ‘democratization’ of media and technologies goes hand in hand, as noted, with the emergence of more restrictive views regarding the regulation of said facilitated access (to do with questions of the author- and ownership of ideas and cultural objects grounded in these media), the shifts outlined have at least two important ramifications for practicing appropriation artists: having once been perceived mostly as avant-gardist provocateurs operating on the margins of the culture industries, they are now more easily consigned to the realm of criminality (regardless of whether or not their appropriations harbor economic intentions, which would clearly render them as ‘piracy’ or ‘theft’) because their work can more clearly be seen to intervene with narrow, rigidly enforced property rights. Yet while this makes it trickier to engage in the more traditional appropriative

88. In Chapters 4 and 5, an important aspect that will thus be added to my discussion of critical appropriation is that of the ‘ease of use’ that new media commonly afford – the digital is, in theory, infinitely easy to circulate, copy, and appropriate; it is, therefore, a preferred context for the ‘modding,’ hacking and modification in which appropriation artists tend to engage. Since the proliferation of the digital is also accompanied, however, by the loss of a clear sense of the auralic original (a sense that used to go a long way toward protect originals from appropriation simply by strongly foregrounding their uniqueness), it also has become a preferred context for debates regarding the illicitness and ethical problems involved in appropriative practices.
practices discussed in the previous chapter, exceedingly limiting notions regarding the status of authorship and ownership in relation to the value of all artifacts and the ideas that precede their production can furthermore render complex appropriative practices such as found footage filmmaking much more effective.

Benefiting from the ‘democratization’ of new media, related technologies, and their distribution channels, such practices now indeed appear better suited for effective criticism; their interventions, speaking to a more developed industrial, economic and legal regime, are by no means becoming less tangible (as the media employed might suggest), but instead a lot more pertinent. An underlying premise throughout this chapter is thus that highly conceptual, less material-based appropriative practices are, in fact, more suitable for critically engaging the more and more abstract mechanisms underlying the apparatus of the culture industry itself. Under these circumstances, the purely analog of straightforwardly physical/material appropriation no longer has a ‘cutting edge’ over less tangible appropriations: for artists seeking to critically comment on the socio-political or economic context of a cultural phenomenon or artifact, and to maintain a strong, concrete connection to this context, it is no longer absolutely necessary to appropriate the physical materials implicated in their work quite so literally. Where the Dadaist monteurs felt the need to employ scissors and glue to directly engage and foreground the material circumstances of the culture they sought to comment on, found footage filmmakers can now do so in the expanded field of ephemeral moving images and fleeting, reproduced sounds. And despite the fact that the actual, physical presence of the reused materials is no longer such a prominent aspect of the resulting montage piece, contemporary audiences’ more sophisticated grasp of the conventions and rules governing matters of the authorship, ownership and (re)use of ideal and concrete cultural objects ensures that the use of any pre-existing film or sound footage
will still be identified as the physical, concrete appropriation of already-authored, pre-existing cultural matter.

In discussing the shift from analog montage to more abstract concepts of critical appropriation, my primary examples in this chapter will focus on the cinematic image. The appropriation of film (and of the recorded sound that often accompanies it) functions on a more conceptual level than the Dadaist montage discussed in Chapter 2, and prepares the path for further types of appropriations that leave behind the analog even more completely, while continuing to follow agendas not unlike those of earlier appropriators. In the present chapter, the analytic context of a small number of found footage films will thus allow me to reflect on medium-specific limits of the analog’s usefulness for critical appropriative purposes. Among the large number of relevant found footage films, my primary focus will be on the American filmmaker (and neo-Dadaist) Bruce Conner’s seminal *A Movie* (1958) and on two eminent found footage works by Austrian filmmakers: Martin Arnold’s *Alone. Life Wastes Andy Hardy* (1998) and Peter Tscherkassky’s *Outer Space* (1999). These films provide insight into a variety of different approaches to the re-use of film material, ranging from the relatively straightforward transfer of older (print-)montage concepts to the screen to highly complex formal analyses and exposition of narrative systems contained in the appropriated cinematic material. Ultimately, both found footage filmmaking and my discussion of audio sampling in the subsequent chapter lead beyond the limits of the analog media that I will identify below, and move into the vast and current space of the theoretically all-appropriable, the digital.89 There, as the practical differences

89. For the moment, it suffices to note that in the contexts of both sound art and music, audio sampling made the leap from the analog to the digital without, essentially, having to change its industrial, institutional or experimental venues and methods of production, discussion, and consumption. It was afforded a rather seamless transition following a trajectory of the ongoing usage of ever more simple, cheap, and effective technology. Film (and specifically found footage film), on the other hand, had fostered a more intimate connection with the analog medium itself (aesthetes, high profile directors, and the great majority of found footage filmmakers still swear by a long
between industrial and artistic appropriative stances become indistinct, the possibilities, fields of application, and perhaps most importantly, the critical stakes for creative appropriations will be seen to rise exponentially – a phenomenon prepared by the appropriations discussed in this and the following chapter.

3.1 Theories of cinematic found footage

The cinematic use of found or appropriated footage has been a widespread, if scattered, practice almost since the invention of moving images. Most basically, the term refers simply to the re-use of already-shot material in new films; this can range from single frames to entire movies. The creative intervention of found footage filmmakers can also vary greatly: some simply re-edit appropriated material, while others paint over the footage, optically manipulate and re-photograph it in the darkroom, or let algae grow over it in the backyard pond. Over time, the appropriation and repurposing of found footage has been practiced not only for primarily artistic reasons, but also for economical reasons (when film stock is expensive or unavailable), for practical reasons (when archived material can best convey what the filmmaker wants to express), and, like photomontage, also for propagandistic purposes. Many directors, documentary filmmakers, historians, propaganda ministers and ethnographers have thus felt found footage filmmaking to be an ideal form for the scrutinizing, exposition, distortion, or simply repetition of all that was captured on film as it happened (or that was made to look as if it happened). Critical reflection on the practice, however, remains exceedingly scarce, and has been very tentative


number of specifically analog medium-specific characteristics of film), and had to undergo a more complicated shift from the use of analog film material (and production equipment) to analog video in its various formations, and finally to digital video.
90. So much so that Early Cinema has long been a key frame of reference for experimental found footage films. See, for example, Peter Tscherkassky’s films Motion Picture (1984) and L’Arrivée (1997/98), or Bart Testa and Charlie Keil’s The Avant-Garde + Primitive Cinema.
rather than comprehensive: a couple of dated monographs, an anthology of short, poorly translated essays, some entries in film historical surveys and textbooks, and a handful of useful yet overly specialized (thus limited) articles rarely exceeding ten pages in length. Overall, the material available tends to focus on isolated filmmakers or on national clusters of found footage artists. It may be argued, as will be seen, that a highly self-reflexive and meta-critical form such as found footage filmmaking writes its own theory, that a body of found footage films always already constitutes a theory of found footage film – but failing that, a general theory of the art of found footage filmmaking (as well as an inclusive history of the practice) remains to be written.

Among the first to attempt a comprehensive survey of appropriative cinematic practices was the American filmmaker, film historian, and early translator of Sergej Eisenstein’s writings, Jay Leyda. His book, however, largely takes the form of an anecdotal historical overview. The practices he was interested in had been well established in the U.S. since at least the late 1950s, but by the mid-1960s had not drawn enough scholarly attention even to be fitted with a proper name. In his 1964 book-length study aptly titled *Films Beget Films*, Leyda thus muses: “The proper term would have to indicate that the work begins on the cutting table, with already existing film shots, … that the film used originated some time in the past, [and] that [the resulting work] is a film of ideas, for most films made in this form are not content to be mere records or documents …” (Leyda 9). Putting in writing a number of important aspects that should certainly be part of any definition of found footage film, Leyda’s idea of the form does not, however, reach beyond a rather problematic understanding of it as “compilation films,” i.e., as a kind of documentary. Given the task of “portray[ing] a concept” (31), such a film will, in his words, always try “to hide itself so that the spectator sees only ‘reality’” (10) – a definition that
is clearly strongly at odds with how I have begun to define, in the past chapters, critical practices of appropriation.

Based on Leyda’s definition, and given the inescapable tang of propaganda that the use of cinema for ‘historical’ purposes always carries, it is hardly surprising that his book is, for the most part, a history of the recombinant use of war-related or otherwise patriotic newsreels. Leyda wants the compilation film understood purely as an ideological tool (which it surely can be), and thus mostly ignores subversive acts of cinematic appropriation.91 Wherever dissident reuse of archival material does appear, it is generally framed in counter-propagandistic contexts that are no less institutionalized (such as a 1928 film created for the Berlin Workers’ Society, whose editors, reacting to the film’s censoring, insisted that it did not contain anything that hadn’t already been seen in UFA theater news shows before [see Leyda 27]). Beyond warfare, Leyda’s discussion of compilation films also reaches into the TV era, but even here, his underlying focus does not change; Leyda’s is a discussion entirely of dominant usages of found footage (always for ideologically charged purposes), even when he addresses admittedly unsanctioned appropriations. Ultimately, from a contemporary perspective his vision of compilation films thus remains strikingly naïve: for him, they can “convey a better idea of a period in history than any single cameraman or source could provide,” and he feels that a whole range of important “national compilations” and even “continental compilations” are waiting to be created (114, author’s emphasis). Leyda’s optimistic belief that the huge film archives of this world have material waiting for “any artist with something he [sic] needs to say” (140) thus never touches on questions of access or permissibility, let alone of how institutionalized archiving limits and

91. His most interesting examples are of editors who were commissioned by political regimes to create propagandistic compilations, such as Esther Schub, a Russian editor and acquaintance of both Kuleshov and Eisenstein, who not only prepared (i.e., re-edited) Western films for release in the East, but also created epic footage compilations relating Russia revolutionary past.
It is reminiscent, rather, of the ways in which political regimes quickly began to appropriate the Dadaists’ vision of radical (photo-)montage for decidedly non-critical purposes. In Leyda’s portrayal, cinematic compilation can thus hardly emerge as an investigative, subversive or critical form, and comes across rather as an ideal mode for affirming ideologies that are already inscribed in the used materials.

Leyda must be credited, however, with properly defining the ‘compilation film’ in technical terms. He clearly (if implicitly) differentiates between cinematic adaptation, on the one hand, and the compilation of already-authored material, on the other – an important distinction that contemporary critics still often fail to make, and without which found footage films tend to be discussed under the theoretical parameters of ‘adaptation studies,’ which are not entirely applicable to the form. Having already discussed the critical difference between adaptation and appropriation in Chapter 1, it does not require further elaboration here. It is worth noticing, however, that the study of cinematic adaptation (by eminent scholars such as Dudley Andrews, James Naremore and Robert Stam) is such a prominent field of critical investigation in film studies that it has a tendency to absorb narrower questions relating to practices of found footage filmmaking – a problematic move, since adaptation studies generally foregrounds referentiality rather than material reuse.

In Chapter 1, I have suggested that adaptation may be understood to fall under the rubric of a more general understanding of what constitutes appropriations, and that the two terms are not interchangeable because adaptation does not address the same critical stakes raised by an appropriation’s implication of its source material’s physicality and tangibility. In this sense, cinema emerges as an ideal medium for demonstrating some fundamental differences between adaptation and appropriation: while both cinematic adaptation and cinematic appropriation are
well-established practices, the former abounds and enjoys enormous popularity, and the latter remains relatively obscure; in straightforwardly technical terms, overlaps between the two rarely occur. The cinematic adaptation of style, narrative techniques and story elements is as ubiquitous an element of TV programming and both mainstream and art-house cinema as it is of literature, whether it be in remakes, parodies, or unattributed generic productions. The actual appropriation of pre-existing film material and its reuse in new, self-contained works, however, are less regular occurrences. Most commonly, it appears in documentaries, historical programs (such as the ‘compilation films’ envisioned by Leyda) and music videos. Yet in such works it is rarely sustained, and usually appears in conjunction with original material, which it frames or in which it is embedded. Here, the appropriated material tends to be of a secondary nature, and its combination with original materials actually affirms conventional author functions.

Compared to this, self-sustained found footage filmmaking’s potential for critical commentary on prior cinematic works or on more general generic, ideological, or stylistic aspects of the authoring, production, and circulation of film is all the greater because the practice actively bypasses most of what is commonly understood to be among the instrumentarium of cinema’s primary author figure, the director: found footage filmmakers do not use a camera, do not direct and manipulate that which the camera captures or the manner by which the camera captures it, and have no primary influence over the duration, framing, or dynamics of any shots being filmed. Instead, theirs is an art of retrospective manipulation, of the reworking of already-authored film material in ways that inevitably makes the appropriative intervention obvious (which adaptation often avoids).

In the aptly entitled monograph *Recycled Images* (1993), the Canadian film scholar William C. Wees develops a more comprehensive definition of the form of found footage
filmmaking than that achieved by Leyda. To begin with, he acknowledges that cinematic appropriation reaches its apex not in documentaries, but rather in experimental films. Primarily focusing his analysis on the work of North American filmmakers, Wees makes brief reference also to the Austrian artists discussed further below, whose work has, in the meantime, become the mainstay of contemporary found footage filmmaking. As an overall unifying quality of the films he discusses, Wees notes that they are “not only composed of found footage, but highlight that fact and make it one of [their] principle points of interest” (Wees, *Recycled* 4) This marks a clear departure from Leyda’s vision of ‘compilation films’ that self-consciously hide behind the reality they seek to represent. Where Leyda sees finished appropriation films as approximating unencumbered historical documents, Wees rightly foregrounds the process of creating such films, and, in a gesture to Peter Bürger, states that cinematic montage appears as “the most effective means of exposing the social and political implications of found footage while, at the same time, adapting it to the demands of the ‘quintessential twentieth-century art form,’ namely collage” (*Recycled* 4). With reference to Bruce Conner’s found footage film *Marylin Times Five* (1973), Wees elaborates on this notion by explaining that “the repetition of shots and the extreme graininess of the film increasingly draw attention to the body of the film itself, to the film’s own image-ness,” a function that he sees as “the effect of all found footage films, [which] invite us to recognize them as found footage, as recycled images, and due to that self-referentiality, they encourage a more analytical reading” (*Recycled* 11).

Unfortunately, Wees’ study, too, falls short of a satisfactory general theory of the form of found footage filmmaking when he attempts to establish a cover-all taxonomy that allows the classification of all appropriation films in a limited number of categories. Wees begins by outlining an odd continuum between untouched found footage, edited found footage, and
physically manipulated found footage material (*Recycled* 25-26), which allows him to
distinguish between “fully developed and organically unified works” (comprising the first of his
categories, and by way of their ‘organicity’ by definition at strong odds with how I have defined
critical appropriation) and what he sees as critically ineffective aesthetic studies and experiments
(the latter of the three) (*Recycled* 30). Thus dismissing the visual abstraction that importantly
characterizes the work of many found footage filmmakers such as, for example, the Canadian
filmmaker David Rimmer (whose eminent works *Surfacing on the Thames* [1970] and
*Variations on a Cellophane Wrapper* [1970] draw much of their critical appeal from the
meticulous and deep manipulation of the appropriated materials’ visual ‘surface’ properties),
Wees concludes that a kind of premeditated yet non-intrusive recycling of images is, in terms of
its critical effectiveness, the most powerful:

> [R]ecycled images call attention to themselves as images, as products of the
image-producing industries of film and television, and therefore as pieces of the
vast and intricate mosaic of information, entertainment, and persuasion that
constitute the media-saturated environment of modern – or many would say,
postmodern – life. By reminding us that we are seeing images produced and
disseminated by the media, found footage films open the door to a critical
examination of the methods and motives underlying the media’s use of images.

(*Recycled* 32)

While this is a strong, generally pertinent statement, Wees’ dismissal of strong physical
interventions that can erase the appropriated material’s representational qualities, which he
perceives to raise “aesthetic and critical concerns that have nothing to do with found footage as
such” (*Recycled* 31), is too restrictive, especially given the fact that he himself notes the
importance of recognizing that the ‘image-ness’ of reused filmic material is grounded in ‘the body of the film itself.’ Wees’ limiting definition strikes me as artificial and rather arbitrary, since physical manipulation not simply of sequence (i.e., editing) but also of surface (such as tinting or scratching of the film emulsion) can arguably serve the important critical function of drawing more attention to film images as images, to undercut the authority of the prior creator more explicitly and vehemently, and thus to bear at least as much critical potential as the simple re-editing of what Wees calls ‘untouched footage.’ (Tinting, scratching, and similar treatments are, indeed, present in a good many of the examples I will go on to discuss below, as well as in several of the films referenced by Wees.)

Wees’ definition of found footage filmmaking becomes still more problematic when he specifies what he perceives as three distinct types of found footage montage: compilation, collage, and appropriation (Recycled 33-34). His definition of the first is very close to Leyda’s; Wees considers compilation films to “operate on the assumption that there is a direct correspondence between the images and their profilmic sources in the real world,” and notes that they fail to “make [viewers] alert to montage as a method of composition and … argument” (Recycled 36). Collage films, which he finds to represent the majority of experimental found footage films, are, in Wees’ view, the most critically viable of all found footage films, and challenge precisely “the kind of representation that compilation films tend to take for granted” (Recycled 38). The connections between different bits of used material forged in such films “not only call attention to the montage technique itself, but provoke a self-conscious and critical viewing of cinematic representations, especially where originally intended to be seen as unmediated signifiers of reality” (Recycled 40). Appropriation films, finally, the last of Wees’ three categories, “also capitalize on the manipulations of montage and the equivocal nature of
cinematic representations, but they lack the deconstructive strategies and critical point of view characteristic of collage films” (Recycled 40). Wees sees this type of found footage film exemplified in music videos, a relatively new creative form at the time he wrote Recycled Images, and that to him is marked by a complete lack of “concern for [the images’] historical specificity[,] let alone logical or even chronological connection” (Recycled 44). What he calls appropriations thus appear as “simulacra” and display a “postmodernist ‘superficiality’” that robs them of all theoretical functionality (Recycled 45).

This final moment in Wees’ definitional effort is where the limitations of his altogether too vague and limited concept of appropriation emerge in full force. Apart from representing a simplistic application of popular theories of postmodernist visual culture (specifically those of Baudrillard and Jameson), it suggests that Wees’ categories are vested in the beholders’ subjective perception of the contexts which found footage and its manipulation adheres to (compilation films), challenges (collage films), or “quotes” in the form of representations that are “without regard for their truth content” Recycled 45. The problem with Wees’ tripartite categorization thus primarily appears to be one of taxonomic confusion (or, in other words, of overly exclusive precision) – it ignores that in formal terms, the labels he uses operate as part of the same spectrum of material intervention, rather than describing qualitatively different approaches that will of necessity yield different results. Accordingly, Wees’ definition of found footage films as either compilations, collages, or appropriations functions not based on how material is being used in them, but rather based on what agenda he perceives the films in question to follow. At this point, classification becomes a matter of interpretation, and the author’s definitions no longer refer to general processual aspects of the diversified practice of found footage filmmaking. A further, technical problem is that he perceives appropriation films
to ‘quote’ their sources, a claim that plays into the common conflation between adaptation and appropriation as discussed earlier, and that is thus incompatible with my own definition of critical appropriation. Despite these problems, Wees’ overall theorization of found footage filmmaking is highly instructive in basic formal terms; he correctly identifies the critical potential of found footage film in its manifestation of what he calls collage films, and explains this potential by relating it to the emergence of collage as I discussed it in the preceding chapter. His arguments lose their thrust only in the limiting and forced imposition of his breakdown between compilation, collage, and appropriation. Ultimately, Wees’ categorizing effort appears as an exercise in the juxtaposition of non-exclusive, subjectively interpreted terms – “[c]ollage is critical; appropriation is accommodating” (Recycled 46). In this sense, little is said about the more general critical potential of reusing already-authored filmic matter, and a more global, inclusive approach is therefore needed.

As noted above, the appropriative reuse of film footage is a lot more prevalent in experimental circles than in the traditional film industry. Fundamentally, it represents a cinema that “integrates previously shot film material into new productions. The etymology of the phrase suggests its devotion to uncovering ‘hidden meanings’ in film material” (Zryd 41). “Found footage filmmakers,” Michael Zryd, a young Toronto-based film scholar, goes on to argue, “play at the margins, whether with the obscurity of the ephemeral footage itself or with the countercultural meanings excavated from culturally iconic footage” (41) – a statement that I would qualify by stating that the unmitigated appropriability of cinematic footage (a film strip’s endless malleability and manipulability) enables such filmmakers to tackle, from their peripheral position, the very center of the massively popular media and cultural streams into which they tap when reusing found footage. For Zryd, found footage filmmaking is thus “a metahistorical form
commenting on the cultural discourses and narrative patterns behind history” (41) – as opposed to being a form that merely digests it, as Leyda argued. Like the Dadaist *collageur*, the found footage filmmaker “critically investigate[s] the history *behind* the image, [which is] discursively embedded within its history of production, circulation, and consumption” (41). Zryd’s theoretical position, too, must be taken, however, with a grain of salt: while his definition of the form of found footage filmmaking is laudably inclusive, he focuses too much on foregrounding the historiographic nature of the appropriation of film material, and conflates the reproduction of already-authored material with its analysis. In contrast, it strikes me as very important to point out that even though in strictly technical terms, found footage filmmaking must necessarily engage its own history, in thematic, structural and even in more straightforwardly narrative terms, the form is very well able to embark on trajectories that are decidedly ahistorical, that point forward as much as backward – or even, as my discussion of Arnold’s *Alone. Life Wastes Andy Hardy* will show, inward. The embeddedness of found footage film in film history should thus be understood literally rather than figuratively (a distinction that, again, points to my differentiation between adaptation and appropriation): the analog film medium that forms the base for many of the most critically acclaimed found footage films produces artifacts that can be touched and looked at, and what is repurposed is thus often not the ‘original’ content (and the histories it references), but the very material and its (re)production apparatus itself.

In this revisiting of anterior cultural matter, found footage film thus always retains the material proximity between an original image and its appropriated form – an often explicit connection between ‘original’ and copy that enables, quite literally, the ‘materialization’ of a critical commentary that has the potential of being more effective, immediate, and complex than the results of regular adaptive processes focusing on historicity or narrative reference. Most
found footage filmmakers are extremely aware of this function, and cite the propinquity between ‘original’ and appropriated material as the principal fascination of appropriating pre-existing filmic material. This points to a relationship between ‘original’ and ‘reworking’ that is not historical, but rather similar to that between the Genettian ‘hypertext’ and ‘hypotext,’ i.e., between the found footage piece and the prior cultural expression on which it draws or which, in a literalization of Genette’s notion of the palimpsest, it overwrites. As in Dadaist collages, the instant recognizability of both the old and the new thus lends found footage films a vigorous dynamism that is not only of a historiographic quality, but rather one that can speak to formal, genre- or medium-specific, and techno-ideological matters of the (re)production and circulation machine of cinema. When found footage filmmakers actively insert their work into the same sphere of mass-reproducibility and mass circulation that the appropriated materials are already part of, they suggest, in this sense, that it is the very copyability intrinsic to the film medium in general that makes found footage filmmaking so critically viable. Over the years, recognition of this fact on the part of experimental filmmakers has resulted in very compelling commentaries on the history of cinema in general, on formal codices of various popular film genres, on the ways in which reality is treated and distorted in this medium, and, perhaps most interestingly, on cinema’s important role not only as a form of entertainment but also as an ideological tool of what Adorno and Horkheimer famously called ‘mass deception.’

3.2 Strategies of found footage filmmaking
Undoubtedly the most famous case in point is Bruce Conner’s film A Movie (1958). Drawing together the different approaches just outlined, the film is a darkly humorous collage

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92. The Canadian filmmaker Arthur Lipsett’s Very Nice, Very Nice (1960) is an equally suitable example that I here have no space, unfortunately, to elaborate on.
appropriating a wide variety of sources, including newsreels, ethnographic footage, amateur erotica, as well as scientific and documentary footage (all of which Conner bought in bulk from an editing studio). Quite possibly the most-studied experimental film in the history of cinema, _A Movie_ explores the “‘cult value’ of media images as a catastrophic form of repetition” (Russell 9), and renders the general moviegoers’ voyeuristic obsession with spectacle and disaster both as a general “history of cinema as catastrophe” and as a “history of Western Culture or the United States” (Mellencamp 104). It is a celebration of the grotesquely triumphant and spectacular failures of colonial, technological and humanist progress, chronicling the spirals of life, death, conquest and failure as they have unfolded in American history, and as they were reflected in the cinema of its time. An indispensable component of film studies survey classes, _A Movie_ lends itself to a large number of analytical approaches (see, for example, its discussion in Wee’s _Recycled Images_), but also in David Bordwell and Kristin Thompson’s omnipresent textbook _Film Art: An Introduction_) and represents, overall, an excellent example of the different ways in which appropriative practices can attain critical effectiveness: playing with stylistic conventions of narrative cinema (such as pace, frequency and narrative coherence), Conner’s film constantly thwarts its viewers’ ingrained expectations by exposing the artifice of the medium’s deceiving naturalism; by making editing patterns explicit and comically uneven, _A Movie_ inscribes itself in the realm of the mass-production and mass-circulation of ideologically manipulative images and narrative structures, while simultaneously forcing these problematic aspects to the foreground; finally, the film emphatically thematizes the historicity of the appropriated footage, and treats it as a tangible trace that draws its meanings not so much from the events it depicts or reenacts, but rather from its audiences’ recognition of the contexts it invokes.
While Conner’s film represents an appropriative intervention primarily on the level of recontextualization through editing, the much earlier example of the American Dada artist Joseph Cornell’s similarly acclaimed *Rose Hobart* (1936) – another found footage film that primarily relies on editing – follows a slightly different strategy in foregrounding the tangible quality of the critical intervention it performs. Cornell’s film follows a more contained and personal tangent than Conner’s epic *A Movie*, and poses as a reflection on the filmmaker’s private obsession with the mediated image of Rose Hobart, a famous Hollywood starlet fallen out of fashion. Working with a copy of the not-so-popular adventure movie *East of Borneo* (1931), Cornell began by cutting out most of the sequences that do not primarily focus on Hobart’s image, and reedited the rest in such a way that the appropriated material’s original narrative makes place for a new, dreamlike and lyrical logic. By furthermore reducing the remaining scenes to those roughly corresponding to a desired frame composition, the filmmaker creates the sense of a unified visual pace that nevertheless perpetually undercuts itself as it withstands all attempts at rational interpretation. The tangible ‘meaning’ that remains is that Cornell celebrates his voyeuristic obsession mostly with medium shots, thus staging an imagined proximity between the filmmaker and the object of his desiring gaze which functions to expose generic conventions of cinematic composition that actually enable this kind of quasi-private, frame-by-frame voyeurism. Arguably the most powerful appropriative intervention, however, is that of the film material’s tinting (originally, Cornell covered the projector’s lens with a colored filter), which changes the film’s tonal quality, emphasizes surface blemishes of the film strip, and, overall, draws attention to the film as material. The individual frames’ representational content is thus abstracted, and the film’s quasi-Surrealist appeal is strongly reinforced. (Salvador Dali is said to have left the film’s New York premiere in a rage, claiming that Cornell had
somehow ‘stolen’ a method for externalizing the unconscious that he, Dali, had subliminally
developed [Basilico, Lessig and Yeo 16].) Ultimately, Cornell’s reworking of a Hollywood
adventure flick into a disturbingly intimate and personal dream sequence works to problematize
the frantic tedium of the Hollywood star cult, which in the film’s manic and meticulous focus on
and repetition of Hobart’s image (further emphasized by the looping of a single song throughout
the twenty-plus minute film) emerges as obsessive, fanatical, even pathological, and takes on a
vaguely violent, threatening quality through the purple tinting.

A similar strategy of ‘superficial’ yet intensely tangible physical intervention is followed
in the work of the now defunct German filmmakers’ collective Schmelzdahin (its name most
likely an absurd literal German translation of the English term ‘meltdown’), which operated
under the auspices of self-professed ‘film-alchemist’ Jürgen Reble throughout the mid-1980s.
For the composition of their Super-8 found footage film Aus den Algen (From the Algae, 1986)
the artists first deposited found film material in a backyard pond. When the material was, in
Reble’s words, “harvested” about a year later, layers of algae had formed on the filmstrip, and
bacteria had partly eroded the emulsion and distorted the footage’s colors (see "Schmelzdahin").
After sighting the material, it was re-edited based on the new, abstract visual information it
displayed, and when final copies were eventually drawn, the extreme heat of the contact printer’s
bulb was used to furthermore alter the images. Where Cornell’s violet tinting in Rose Hobart has
a unifying quality to it, and is so obvious that after a while it becomes hard to notice,
Schmelzdahin’s biochemical interventions have the opposite effect; they are of a dizzyingly
effervescent quality that reverses the alleged impermeability of photorealistic images that ‘can’t
be touched,’ and create a visual experience in which the cinematic images and narrative once
mediated now serve mostly as a mere base for the ‘added’ visuals. The physical interaction with
the appropriated media, always at the heart of Schmelzdahin’s artistic practice, was in this case furthermore utilized to critically comment, in a series of performative screening events in Bonn, Germany, on conventional environments of the production and consumption of pre-set, fixed image clusters and narratives that commonly seek to conceal their artificiality and material existence behind the incorporeal ‘silver screen.’ In *Aus den Algen*, very little concrete information regarding the nature of the appropriated film material thus remains, thanks, firstly, to the ‘proto-cinematic’ intervention of incorporating algae in the ‘filming’ process, and, secondly, to the post-production intervention of burning the manipulated film material with the heat of the contact printer’s bulb. The process of ‘creation’ is thus shifted from the ingenious aesthetic vision of an individual artist to the primordial soup of backyard pond bacteria, which we could interpret as a reference back to Edward Young’s musings about the ‘vegetable nature’ of originality and creativity (see Chapter 1).

As a last preliminary example of a found footage film that draws its critical force not from superimposing an appropriative practice onto its source but rather from ‘letting the medium speak for itself’ (as Peter Kubelka, film historian and pioneer of Structural Film, says), the Dutch film archivist and filmmaker Peter Delpeut’s *Lyrisch Nitraat* (1991) is highly deserving of mention. Comprising a 50-minute collage composed from fragments of nitrate-based early cinema in various states of deterioration, *Lyrisch Nitraat* follows an even more reduced approach than Cornell’s manual tinting, but yields an even more intense visual experience: given nitrate film’s tendency to fade, degenerate, and eventually auto-combust, there is no need, in *Lyrisch*

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93. Nitrate based film stock was used from the mid-1890s until the early 1950s. Nitrate-based film has a remarkably long life span if stored properly; if stored improperly, however, the material deteriorates to the point of self-destruction by auto-combustion. To give just two of many (oftentimes deadly) examples: in 1978, the nitrate film archives of the film manufacturer Eastman House and of the U.S. National Archive auto-ignited, destroying invaluable collections of early films. To this day, proper handling, storage and insurance of nitrate-based film is so costly and complicated that many archives can afford neither the expensive maintenance nor the re-copying of...
Nitraat, for the filmmaker to actively alter the source materials. Instead, it is the auto-
manipulation of the medium itself that creates what could be described as the film’s particular
aesthetic appeal. As such, a primary purpose of the film was indeed to raise awareness of the
precariousness of early film stock, rather than to create a homage to early cinema as an art form.
The disjointed and jumbled bits of narrative that make up Lyrisch Nitraat thus display a
motivation that is different both from Conner’s mixing of different types of footage and from
Cornell’s omission of expository sequences from East of Borneo. Including footage from
literally all kinds of nitrate-based films at his disposal (narrative vignettes, historical
reenactments, newsreels, and documentary footage), Delpeut did not change the sequential order
of material taken from any one film, but limited his use thereof to footage that was chosen either
because it had remained relatively intact or, conversely, exactly because progressing decay had
radically changed the quality of the shots or obliterated their representational content altogether.
Narrative development thus sometimes falters abruptly when key moments are rendered
unintelligible due to the film material’s deterioration; at other times, narrative makes way
entirely for lyrical abstractions of pulsing colors, peeling emulsion, and quivering image
fragments. These results make the viewer acutely aware of the degree to which the choice of
included footage is imposed by what the improperly stored media is willing to divulge in terms
of usable material. Despite sharply defined breaks that mark the junctions between footage from
different sources, the viewer ultimately cannot help but project a strong thematic cohesion onto
the film – one that speaks of decay, loss, forgetting, nostalgia, and death. In Lyrisch Nitraat, it is
thus the appropriated footage itself that prescribes narrative interpretation: the sad story of early

nitrate films to acetate- or polyester-based safety film stock.
film history effacing itself by dictate of the used film stock’s medium-specific characteristics, and due to economic rather than artistic intervention.

Many experimental filmmakers (among them also the aforementioned Peter Kubelka and Peter Delpeut) insist that it is the tactile pleasure of the material that draws them to film instead of video, and that aspects such as the malleability and fragility of analog film make for its powerful critical, aesthetic (and perhaps also nostalgic) allure. Yet the equally strong critical appeal of analog film material for appropriative purposes is also undeniable; even after the brief examples given so far, work with analog found footage thus emerges as a practice that forces viewers of the resulting films to recognize the artifice of what is seen, and that subverts the appropriated images/narratives through formal, stylistic, or technical interventions that are so powerful exactly because they can expose the formerly invisible cinematic apparatus and its appendant industry and economy. When filmmakers appropriate and reuse found footage, they no longer merely ‘draw with light,’ as the cinematic arts have sometimes been poetically described, but instead physically reshuffle existing images or literally draw on the filmstrips surface – much like the Dadaists discussed in Chapter 2, who emphasized the seams, cuts, and thus the anterior contexts of the images they appropriated instead of disguising them. Like the tactile pleasures of working with analog footage, the critical potential of found footage filmmaking, too, is a condition of the medium-specificity of analog film.

3.3 **Peter Tscherkassky’s “Films from a Dark Room”**

Few films develop this potential as powerfully as the oeuvre of Austrian found footage filmmaker Peter Tscherkassky, which has come to be heralded, since the early 1990s, as

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94. Thus the title of a DVD anthology of Tscherkassky’s work, released on the Vienna-based “Index” distribution label.
including some of the most accomplished, complex, and masterfully crafted experimental films of the past decades. Tscherkassky’s practice of physical engagement with the appropriated material is unparalleled both in its intricacy as a craft and in its suggestiveness as critical commentary. In terms of its complexity, his work pushes the creative appropriation of analog film to the limit of what is technically possible. Particularly his ‘cinemascope trilogy’ – a series of found footage films that use 35mm material as their source, and that, as a result, both require and problematize a viewing environment that brings avant-garde cinema in close proximity to mainstream cinema – is often described as an unprecedented formal and aesthetic achievement, and is in high demand in the international festival circuit’s retrospective screenings. Outer Space (1999), the middle part of the trilogy, thus played at 43 festivals in just two years following its completion (Rist n.p.). While Outer Space’s critical implications remain relevant for a very broad field of cinema, the film differs from the works discussed so far in that it achieves its far-reaching meta-discursive relevance through a focus that is more channeled and specific. Rather than tackling general production- or reception-related aspects of the cinematic arts, Outer Space sets out by engaging the narrative and thematic conventions of a single genre, the horror film, and explodes its pertinence to refer to cinema more globally. Staying close to the source it draws on, Outer Space thus appears as the ultimate possible remake of a horror film that itself already plays with the long series of genre conventions handed down through the decades; in Tscherkassky’s reworking, the found footage speaks, at any point, to more than merely the ‘original’ at hand, and critically implicates the entirety of the analog film medium itself.

Outer Space appropriates The Entity (1981), a medium-budget horror flick directed by Sidney J. Furie. Both the source film and Tscherkassky’s appropriation star Barbara Hershey, cast as a single mother of two who is repeatedly subjected to extremely violent sexual assaults
carried out by an invisible, silent entity within the family’s home. Because the attacks happen at night and behind locked doors, and since no trace of a human violator’s presence is ever found, The Entity’s police and doctors refuse to believe that the “disembodied” attacks (Blümlinger §2) are actually taking place, and instead diagnose the protagonist as mentally unstable and hysterical. Her traumatic experiences are traced back to the isolated interior mind-space of nightmares, an explanation that in Furie’s film reinforces the intense experience of entrapment suggested by the movie’s setting and cinematography. To the viewer, however, The Entity’s monster is clearly identified as a force that may seem incorporeal, but that becomes visible, nevertheless, through its actions upon the protagonist’s body, or, more specifically, through the effects of its actions upon the image of her body. Outer Space pushes this sparse and negatively enforced visible evidence beyond the limits of The Entity’s diegetic frame of possibility, and complicates the diagnosis of hysteria in such a way that it must be understood to refer no longer to the source story’s imaginary (the protagonist’s nightmares), but rather to the diegetically unimaginable: ‘the entity’ that violates the protagonist’s image becomes the cinematic medium itself, manipulated as it is at the hands of the filmmaker qua creator/director, and mediating the audience’s intrusive gaze.

Tscherkassky achieves this effect through a series of extremely meticulous and exacting manual interventions: using an improvised contact-printer\(^{95}\) to copy, enlarge, and reposition single frames or frame-fragments of the appropriated material onto unexposed film strips, Tscherkassky sights and rearranges (in the gloom of the dark room) tens of thousands of single-frame still images, hand-processes them, and then reprints them. It is in this way that the entire

\(^{95}\) A contact printer is a photographic device used to reproduce single frames of analog film in the dark room; experimental filmmakers have described it as a device that unites the functionality of a camera, a projector and a copying device.
cinematic apparatus that usually remains invisible assumes a major role both in and ‘around’ the resulting appropriation piece. Throughout most of Outer Space, visual material from numerous individual frames (each measuring roughly 35 by 26 millimeters) is thus copied together onto new images. To do so, Tscherkassky places small strips of the appropriated material, containing the desired image-fragments, on top of unexposed film stock (again, in the darkroom), and manually exposes whatever small fraction of the original image he wishes to retain using a laser-pointer (as commonly used for lectures and presentations). This technique also allows the filmmaker to introduce formerly ‘invisible’ parts of the source material, such as the sprocket holes, the optical soundtrack and the frame divisions to the new composition. To ensure coherent movement in the subsequent projection of the appropriated material, the exposed sections must be in the exact same position on each successive frame, which requires that the filmmaker is extremely exacting and precise in his work. On a basic level, this procedure is comparable to the physical cutting and pasting practiced by the Dadaists; the major complication that Tscherkassky introduces to this principle of visual montage is that he works on a vastly different scale, and that he constructs moving images from great numbers of still frames (twenty-four of which are commonly projected per second). Overall, the incredibly precise manner of looking and listening that precedes Tscherkassky’s darkroom labor – the memorization and retention of the appropriated images’ time-space, i.e., the location and duration of filmic moments on tiny analog film frames – is perhaps best described as a real-life approximation of the kind of invisible force that holds Barbara Hershey’s image captive in The Entity.

In the source film, the peculiar (super-)nature of the story’s evil power enabled the director Furie to play with generic narrative and formal codices well-known from many similarly themed horror films. The Entity’s female victim, exposed to the gaze of the perpetrator with
whose perspective the viewer has so often been made to identify, attains a new dimension of immediacy because only the marks left on the protagonist’s body are proof of the evil presence; since the visual representation of these attacks are relayed to the viewer through the monster’s point-of-view perspective, the special effects of invisible hands groping Barbara Hershey’s exposed body are particularly disturbing. They also lend themselves very well to the kind of reworking Tscherkassky envisions; in Outer Space, he picks up and amplifies these frightening qualities, and suggests a disturbing equation not only between the evil entity and the viewer, but furthermore between the entity and the filmmaker as well as film itself. Tscherkassky’s reworking thus literalizes the time-proven horror movie convention of the off-screen, male-coded threat and its genre-specific proximity to the perspective of the moviegoer, with whom ‘he’ often tends to share relatively unobstructed access to (i.e., view of) the female body. But beyond that, in his appropriation the entity is furthermore rendered as the most coldly callous and threatening vision-machine imaginable, namely the medium itself, replete with its reproductive apparatus (enlarger/projector), and in all its physical, analog detail (celluloid filmstrip, optical soundstrip, frame divisions and sprocket holes).

When Peter Tscherkassky began to rework analog film material in the early 1980s, Central European experimental cinema had begun to reach what the film scholar Alexander Horwath calls an “‘absolute zero,’ by dispensing with the material, the celluloid strip, and [by] replacing it with an ‘Expanded Cinema’” (Horwath, "Tabula Rasa" §2). Following in the footsteps of the Viennese Actionist group, the expanded cinema movement (another important proponent of which was the feminist performance artist Valie Export) rethought the role of the medium itself at all stages of the creation, circulation and consumption of film, and began to foreground the quasi-tyrannical grip that the cinema-machine (as technology and entertainment
industry) had on its practitioners. Embracing the Super-8 format, then widely and cheaply available, many experimental filmmakers underwent what in other media, and several decades earlier, had been interpreted as either Modernist self-reflection and abstraction, or as avant-gardist negation/renewal of aesthetic traditions, and began to express what the structural filmmaker Peter Kubelka articulated most powerfully: that film is never simply seen, and that its viewing demands recognition not only of cinema’s role as a mediator of visual content, but of the critical relevance of the tangible, physical medium and the appendant technical apparatus as such. The materiality of film, in other words, was to be actively integrated in the process of making and viewing films, and was to become part of these processes.96 For Tscherkassky, too, the ready availability of Super-8 film stock and post-production equipment offered the possibility to use film’s physicality to manually enter into creative dialogues with the medium and its aesthetic and ideological conventions. This motif is developed most sophisticatedly in the so-called cinemascopes trilogy, of which Outer Space forms the middle part.97

Like the other parts of the series, Outer Space displays some of the most minute and painstaking techniques to be found in the international body of films that are based on appropriated and manually reworked film material. More narrative (and thus, one might say, more accessible) than Tscherkassky’s other films, Outer Space goes beyond abstract material manipulation, and makes the results of all formal interventions known not only to the viewer, but also to the narrative it reworks. Tscherkassky thus lets his manual interventions drift over into the diegetic frame retained from The Entity, and by establishing real, physical links between it

96. While Kubelka has built two ‘invisible cinemas’ to eliminate distractions from the cinematic experience (they are located in New York and Vienna), he is also famous – and notorious among projectionists – for insisting that his films be literally ‘handed out’ to the audience right after being projected, so that viewers can properly experience (‘screen’) the materiality of film by looking at the white, ‘empty’ projection surface through the film strips held up in front of their eyes.
97. The trilogy’s first part is L’Arrivée (1997/98); it concludes with Dream Work (2001).
and his own film forces the viewers’ recognition of an intersubjective relationship between the ‘original’ and the ‘copy,’ the prior and the revised. *Outer Space* reworks only a minimal amount of footage from Sidney Furie’s feature-length film (an estimated two minutes), and omits many of the more graphic sequences depicting the haunted female protagonist’s ordeal (which in the original culminates in repeated rape). The overall focus is thereby shifted more to the protagonist’s attempts to defend herself. But the most important change introduced by Tscherkassky is the nature of the adversary: as noted, in contrast to the source film, in *Outer Space* film itself takes on the role of the perpetrator, and the desperate fights depicted becomes one not between monster and victim, but between cinematic image and mechanical periphery, between on-screen and off-screen space, between framed image content and alien sprocket hole. In Tscherkassky’s appropriation, the nightmarish sense of entrapment is thus dramatically amplified by the viewers’ realization that Barbara Hershey’s character is now also fighting the medium that contains her, that exposes her to everyone’s view, and that torments her perpetual (if time-bound) existence as ephemeral image.

Tscherkassky’s appropriative intervention exposes and narrativizes, then, the artifice of the moving image; as result, in *Outer Space* the filmmaker himself emerges as a powerful, problematic entity (as an ‘author’ representative, perhaps, of cinema in its entirety), an entity that, playfully and cruelly in an almost god-like fashion, enables both Barbara Hershey’s violation and her resistance to it. The repetition of certain scenes, the elision of others, and heavy use of superimposition creates narrative cycles during which the main character is allowed to retreat into the relative safety of her ‘projected’ cinematic image, only to then shatter the impression that she is in control of this image, and to force her to face yet another violent clash with the surrounding medium. Tscherkassky’s intricate material interventions thus take the
concrete shape of fragmented, splintered, and multiplied faces (images of mirrors and reflecting surfaces appropriated from *The Entity* greatly enhance this imagery), and Barbara Hershey is no longer seen as trapped in a suburban West coast bungalow, but rather as a cognizant hostage of the actual, physical frame/screen/image. This interpretation ineluctably forces itself upon the viewer thanks to the above-mentioned, extremely skillful and arduous copying and recopying of single frames and even frame-fragments, which forces the commonly unseen periphery of the cinematic apparatus (the filmstrip’s edges and surface texture, the optical sound track, the sprocket holes lining the edge of the film strip, the blinding white of the projection bulb) onto the screen. It becomes impossible to ignore that it has always been the border of the frame and the texture and graininess of the 35mm film stock that physically entrapped and threatened the image of Barbara Hershey, and that the eye beholding the horrified victim, the hand groping it, has always been the filmmaker’s as well as our own. The invisible force, in *The Entity* still relegated to the unrepresentable beyond the screen’s edges, has thus found its true shape as film itself. Shedding its invisibility, it now violently shares knowledge of its existence not only with us viewers, but also with the trapped main character, caught as she is in a physical struggle with her ‘real’ environment. The material circumstances of cinema penetrate the diegetic unity of *The Entity*, and the borders between film and film (i.e., between filmed story and the medium itself) vanish. The fictional ‘negative’ (that which appears as unreal, invisible, impossible) is transformed into the ‘positive’ of the actual filmstrip, and the negative, ‘outer space’ of analog film enters into the reified glare of every successive frame.

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98. Analog 35mm filmstrips are lined by the image of soundwave forms that are picked up (‘seen’) by the sound-producing apparatus in ways similar to the way in which the semi-transparent celluloid image itself is read and reproduced by the projector.
The intense visuals generated by Tscherkassky’s appropriative intervention are furthermore supplemented by physical manipulation of the optical soundtrack, which makes the main character’s screams appear to be literally “punctured by the scratches and glitches of the torn film [and] of the sprocket holes that bleed across the screen” (Rhys Graham §2).99 Because of the jittery and pulsing effect that Tscherkassky’s technique has on the image-shards as well as sound bits that remain discernible in Outer Space, Guy Maddin, himself an expert re-viewer of film and a prolific found footage filmmaker, has mistakenly described Tscherkassky’s practice as the use of “a primitive traveling matte” (Maddin §7). As I have shown above, however, Tscherkassky’s in-darkroom re-exposing and reprinting of individual frames’ image contents is by no means a simple ‘post-production’ procedure, and must be understood, on the contrary, as one of contemporary cinema’s most exacting and laborious techniques of the manual (re)creation of cinema. While representing a practice of manually reusing preexisting material, it thus also concerns, as all appropriation art does, notions of creation, creativity, and authorship. In another article, Tscherkassky’s reworking is described as triggering an “attack of the filmic material against the figuration of the film,” which “bursts out through the edges of the film” (Blümlinger §6) and leaves the protagonist fighting, as noted, against the formal conventions and the technical apparatus of a whole medium. This kind of violence that bleeds into Tscherkassky’s appropriation from the anterior film and then onwards into many critics’ rhetoric is not uncommon in scholarly discussions of Outer Space, and I take it to be indicative of a muted and disturbed awareness of what above I identified as one of Outer Space’s main concerns, namely

99. As already noted, a stereophonic 35mm filmstrip is furnished by two monophonic ‘sound tracks’ running along its left and right off-screen edges. These visual representations of sound waves (they exist as actual images on the celluloid strip and in Outer Space are made to enter the frame of what is visible on the screen) are picked up by an optical reader, which transforms them into actual sound. This technology is easily appropriated: by drawing, scratching, etc. in the margins of the film frame, the optical reader can be made to pick up and give voice to sounds that are physically layered over the original soundtrack.
the disturbing leveling of the seemingly different types of violating gazes (of the invisible entity, the filmmaker, the appropriator, the audience at large) that are present in the generic original and problematized in the appropriation piece.

In this sense, Outer Space critically engages the legacy and conventions of the horror genre as part of a greater, more general voyeurism tied to movie-going and picture-taking. When the film is seen to relate to the tale of “mak[ing] contact with the dream machine operator, with the magician himself” (Horwath, “Supercinematography” §45), the critic’s use of the male pronoun thus may be read, perhaps, as a subconscious admission of complicity. Similarly, reviews that isolate Outer Space’s technical sophistication and formal achievements from the film’s thematic concerns tend to negate the more general commentary on the medium it posits: in and of itself, Outer Space would be a problematic film full of unreciprocated violence and cruelty (as is The Entity). But alongside each other – and with acknowledgment of the criticism that Outer Space levels, via The Entity, against the horror genre in specific and against cinema’s instrumentalization of our more sinister viewing desires in general – the two films work to communicate what would remain invisible in each, and defuse what would otherwise appear disturbingly unremediated.

Like many other contemporary found footage filmmakers in their respective practices, in Outer Space Tscherkassky engages his material on the level of significations and cultural codes that are always already inscribed in the referenced film as unconscious or repressed content. When Tscherkassky thus materializes this repressed matter in the very narrative which it helped to mediate, and when he amplifies it as suggestive of meanings that are no longer of a merely liminal and peripheral visibility, his Outer Space becomes a literalization of hidden meanings that radically challenges the objectivity of the photographic apparatus which, in Benjamin’s
terms, can introduce us “to unconscious optics as does psychoanalysis to unconscious impulses” (“Work of Art” 236-37). If we subscribe to the found footage filmmaker Gustav Deutsch’s proclamation Film Ist – German for “film is,” a phrase he used as the title of a recent found footage film 100 – and thus take physical film footage to be the core element of any cinematic event, then we must agree that Tscherkassky’s direct engagement with the cinematic apparatus can bring the appropriating filmmaker as close to the sound-and-image world of the referenced material as he can possibly get. To stay within the framework of Benjaminian thought, it could be said that the material congruence between the appropriation and the work it references leaves intact all auratic qualities that the prior cultural expression may be argued to possess, while supplementing the reworked piece with what I would call a ‘penumbral’ quality – the appropriation comes to simultaneously shadow and illuminate, in a way, the appropriated material.

In Outer Space, the ‘priority’ of the appropriated material thus continues to figure importantly not just as a material base, but also as the very stuff of the ‘commentary-on-itself’ that the film represents. It is hard to think of a way that would bring critical commentary closer to the subject of its critique than the physical appropriation of the actual subject. Outer Space, accordingly, forces the myth of cinema’s transience and incorporeality to give way to the concrete ideological implications of the shocking recognition that the medium is tangible and real, as well as to the implications of our intrusive conventions first of filming, and then of watching, which is here quasi-equated with physical assault. In line with my underlying argument regarding physical appropriation of tangible media, it is therefore important to note

100. Tom Gunning called Film Ist “the first film theory done entirely in film” (§5).
that the viability of this critical function is contingent largely on the analog nature of the medium in which it operates.

The title of the DVD compilation of Tscherkassky’s work, “Films from a Dark Room,” also hints at the precarious critical roles of all interlopers along the various stages of filming, manipulating, circulating, and watching cinematic images – the horrified victim of the evil entity’s force in the dark bedrooms of all horror films, the all-powerful director and his vision, the editor (or appropriator) in his darkroom, and finally all spectators, detached and safely invisible in the darkness of the theatre. My analysis of Tscherkassky’s practice of critical appropriation has suggested, I believe, that in representing the apex of manual strategies of the reworking of appropriated cultural matter, a film such as Outer Space may also point to the limits of what kinds of interventions are practicable in the general medium-specific framework – that of the analog – in which such a film operates. Tscherkassky’s practice, in other words, not only benefits from the easy appropriability of analog film; it might also demonstrate the technical limits of analog media’s usefulness for critical appropriative purposes. As I have argued throughout the past chapters, analog media enable interventional strategies that are unparalleled in their concrete materiality, i.e., immediacy, and thus in their potential for critical effectiveness. Like more incorporeal digital media, analog media are, hypothetically, endlessly appropriable, and can be used, reused and modified ad infinitum. But unlike digital media, which enable what is commonly called ‘lossless’ copying, analog media inevitably retain, in each appropriation and by nature of their very materiality, a more explicit reference to the appropriative measures that were put to work in their reworking, as well as to the (re)production contexts and processes that precede their reusing – and it is exactly these characteristics, I have argued, that make analog appropriations particularly effective as critical commentary. By the very nature of their medium-
specific characteristics, however, the critical effectiveness of analog media appropriations can also remain highly dependent on very specific technological, architectural, and time-based contexts and frameworks of (re)production, distribution, and access. For scissors-and-glue collages utilizing print media or, similarly, for appropriation-based installation art, this is a negligible problem; the necessary frameworks for interacting with such appropriation work are, after all, the universally available ‘biotechnological interfaces’ of sight or touch. But because the growing sophistication of appropriative practices such as the ones present in Tscherkassky’s films is paralleled, among other things, by the emergence of more and more complex systems (and apparatuses) of the distribution, manipulation and consumption of the media in question, issues of accessibility and practicable appropriability do indeed become a greater problem. In contrast to print-media collages or photo-collages, my example of found footage film may thus reduce itself, eventually, to a much less ‘democratic’ form of analog appropriation – one that can pose difficult obstacles to the appropriation artist as well as to viewers of such films, because access to equipment, darkrooms and, perhaps most importantly, dedicated time, space, and technology for the creation, projection and viewing of such appropriations become indispensable factors.

Collage works such as the ones discussed in the previous chapter required of their audience only to be in possession of the faculties of sight and/or touch; for the production of such work, little was needed beyond appropriable cultural matter and basic, universally available tools. With regard to found footage film, matters have changed drastically: while nothing beyond the faculty of sight is required to see films, and while analog film material can, in principle, be appropriated just as easily as print-media, a sophisticated set of technological expertise and equipment is required for the production and showing of filmic appropriations (editing
equipment, possibly darkroom and processing lab, projector, screening room). With the added complication of the time- and space-boundness of analog film (specific screening contexts are necessary, and analog film cannot easily be paused, rewound, or replayed), the question remains whether masterful found footage films such as Tscherkassky’s Outer Space are an indication that this ‘democratic’ analog medium may have lost – paradoxically due to its sophistication – a good deal of its appeal as the basis for effective, critical practices of appropriation as defined earlier.

3.4 Martin Arnold’s ‘discovery’ of the cinema of repression

Martin Arnold’s Alone, Life Wastes Andy Hardy (1998) provides an ideal context for pursuing this question further. Of all films discussed in this chapter, Martin Arnold’s found footage work displays perhaps the most intense full-scale engagement of the cinematic apparatus and the psycho-technological cinema machine behind it. Since the early 1990s, Arnold’s sophisticated appropriations have garnered him tremendous amounts of critical attention and temporary academic appointments at a number of renowned academic institutions such as SUNY Binghamton’s film department. The critical acclaim for his appropriative practice centers primarily on the ways in which his films re-purpose existing film narratives to investigate the underlying social and psychological histories of popular film genres. In most of his work, Arnold relies exclusively on editing – the image content itself is not manipulated, and no new material is added. Instead, a given range of appropriated material is broken down into its primary constituents (single frames), which he recopies and replays so often that ten seconds of source material might explode into a found footage film fifty-odd times that length. In terms of technical sophistication, this seemingly simple intervention actually approximates Tscherkassky’s practice, and causes the smooth-running cinema machine to break down, stutter and stagger, exposing formerly invisible conceptual aspects of the appropriated material. Arnold’s reduced approach,
which introduces hardly any changes to the sequence of the incorporated images, allows him to highlight the appropriated material itself as *Fremdmaterial*: in his films, the highly familiar thus becomes foreign to itself, and the repetition that standard editing techniques enable ensures that with every reviewing, something new is discovered on the screen. Since Arnold’s films loosely cling to the appropriated materials’ narrative logic, the obsessive repetition of well-known story lines and character interactions also takes on a psychoanalytical function, and enables interpretations that single sightings – of a film, of a sequence, of an individual frame – may have glossed over. The intensity of experiencing Arnold’s work is thus partly based on the high degree of familiarity with the actors, characters and narratives that his appropriations feature; the full force of his films is developed, however, when we begin to see the codes, generic patterns and psychological implications inherent in the source films, which Arnold’s micro-structural studies help us decipher.

Arnold’s *Alone. Life Wastes Andy Hardy* consists of clips appropriated from the extremely popular MGM-produced *Andy Hardy* series, which comprises sixteen films released between 1937 and 1958. Starring Mickey Rooney, Judy Garland and Fay Holden, the Andy Hardy films centrally focus on the adolescent Andy’s romantic misadventures as well as on his relationship with his stern father, Judge Hardy, played by Lewis Stone. As Michael Zryd writes, “[a]rchival and found footage is ripe for the work of both illustration and irony because it can so economically signify and read official institutional discourses: its iconography is the quintessence of stereotype” (50). This, perhaps, is true in particular for works emanating from Hollywood’s so-called Golden Age of the studio era, from which Arnold’s appropriated material dates, and thus offers a good summary of his project. Through the filmmaker’s micro-fissuring and the introduction of frantic repetition, hidden meanings are thus exposed in already-existing
narratives, and the appropriated material speaks beyond the perimeter of the simple story Arnold investigates. As a result, we encounter a churning oedipal drama full of figures that are rich with highly recognizable generic cultural significations, and who are triply coded, first through the specific narrative context, secondly through their stardom, and finally through the cultural and social codes dominating the circumstances of the Andy Hardy productions. Mickey Rooney, then, is the troubled male child, Fay Holden is his mother and first object of forbidden desire, Lewis Stone is the father and the law, and Judy Garland, the love interest, represents a second object of desire. Arnold’s investigative technique performs, so to speak, an immensely close reading of the movement and content of the original images, and reconfigures – or works over, as the more proper psychoanalytical term would be – what is, quite literally, already there. As Wees note, the results appear, initially, hilarious; but as they gain momentum, “the most ordinary events, [such as] a door opening, someone standing up, a touch on the arm, a quick, innocent kiss,” or an argument between father and son become charged with more and more explicit “subtexts of anxiety, hostility, aggressiveness, sensuality and sexual desire” that were, as we begin to realize, already written into the original footage (“Ambiguous” 12). In Arnold’s reworking, the generic story that plays out among these characters is thus magnified to an epic dance of suppressed and unknown desires, power struggles, and sexual rivalry.

The filmmaker treats the still images that comprise moving pictures as canvases that not only convey a clearly legible narrative, but on which are inscribed, furthermore, the ideological codes of representation configured through the social and historical contexts of the film’s original production. If one looks closely, Arnold proposes, it is possible, then, to see the entire precarious cosmos of social norms, performed gender roles, struggling classes, etc. unfold in the course of just a few frames. Embedded in each image that Arnold scrutinizes, we can discern the
suppressed dreams, hopes and events that underlie mainstream cinema’s generic structure – the unbalanced power dynamics and tensions of the nuclear family, the longing, fears and desires of adolescence, the hierarchies of labor relations, and so forth. In this way, the cinema of Hollywood emerges as “a cinema of exclusion, reduction, and denial, a cinema of repression” (MacDonald and Arnold 7).

In an interview with the prominent film historian Scott MacDonald, Martin Arnold relates this perspective on cinema as a repository for collectively ‘authored’ knowledge to other media in an anecdote that further elucidates his manner of investigative, appropriative re-reading: according to Arnold’s anecdote, he was once given a collection of old vinyl records by a friend, who, as a teenager, had listened to her favorite passages over and over again, lifting the needle and repeating her favorite moments. By doing so, recounts Arnold, “she had scratched those passages so severely that now the needle gets stuck, endlessly repeating certain grooves: ‘Dream-lo-lo-lo-lo-ver where are you-u-u-u…’ Thus the psyche of a young girl has engraved its desires into the record, [which is] now a great document situated somewhere between the unconscious of a single person and [that of] popular culture” (MacDonald and Arnold 10).

Arnold’s *Alone*, quite clearly, functions on a similar principle and, as Arnold himself points out in the interview, the same technique retains an important function also in the sampling experiments of audio art (which is discussed in more detail in the following chapter). Based on the assumption that beyond the cultural moment inscribed in a narrative, the base medium itself has a kind of memory and subconscious, it follows that embodied in each individual frame of appropriated film footage, there may be some trace of and clue to reading both the cultural artifact in question and the society that produces them.
In this sense, Arnold’s anecdote strongly emphasizes a point to which I have repeatedly drawn attention throughout the preceding chapters, namely the important connection between the content-based (narrative and psychological) subtexts of popular culture and the analog base of the media in which they are bound, a connection that can serve, I have argued, as a particularly strong site for critical appropriative interventions. Arnold’s insistence on working with the actual film strips and his frequent implication of the notion of ‘inscription’ again suggest that the concept of adaptation can hardly reproduce the particular kind of critical rereading he creates, a rereading that foregrounds existing subtexts while retaining so much of the literal integrity of the incorporated material. As discussed in the previous chapter, an appropriative intervention of this kind can be much more effective than mere commentary, and, rather than simply recontextualizing content or simulating effects, Arnold’s technique represents the kind of Brechtian *Umfunktionierung* that the Dadaists, too, practiced, and to which Benjamin ascribed the potential of literally “discovering” inherent meanings (“Author” 79).

In Arnold’s work, cinema thus becomes a kind of memory-machine that, as the cultural theorist Akira M. Lippit observes, obsessively, compulsively and incessantly thematizes the scene of its own breakdown (Lippit 9), but that does so without tearing itself apart in the same way portrayed by Tscherkassky’s *Outer Space*. As one of the most important sites for this critical thematization and for the exposing of underlying conflicts, Lippit correctly identifies Arnold’s “choice of primary tools” of (re)production (9) – the optical printer and the projector. Both devices, as noted above, facilitate the physical interaction with the analog film medium and, indeed, foreground its tactile qualities as well as the hands-on manner of working with it. The optical printer, in this sense, “is an apparatus that works against the camera” (MacDonald and Arnold 11), and what we see in *Alone* is a matter of the post-production apparatus of cinema
analyzing the earlier events of production and shooting. Likewise, Arnold explains, in his films “the projector is broken … Sometimes it seems to stand still, the next moment it seems to flip the film outside down [sic]. With regard to the characters, a similar phenomenon occurs: they clearly project a neurotic impression … So they seem to be hysterical, compulsive, and manic” (Arnold, qtd. in Lippit 9). In his interview with MacDonald, Arnold explains the critical results of this effect with reference to psychoanalytical concepts of stuttering and of ‘tics,’ which are associated with anxieties, compulsive behavior, and repressed desire. The movement produced by tics, then, is “superimposed over an opposite or at least different movement, which has to be repressed as a consequence of censored wishes, ambivalences, and aggressive urges, which in their turn, though stunted to a rudiment, vainly try to overcome the manifest action” (MacDonald and Arnold 11) – again a description that captures the look and feel of Arnold’s film extremely well.

Again, it is important to note the foregrounding of film’s medium-specificity: the tics Arnold is pointing to are manifest not only in the content but also in the material; they oscillate between the two, and carry meaning between the narrative and the physical realm. Arnold’s film, in other words, “produces a constant flow of nervous ruptures, which are the result of a struggle” between the antagonistic forces of the film’s characters (as the “hosts” of meaning), and the medium and machine of cinema itself, which functions as the viral, “invading body” of the lens through which we read (Lippit 8). In this sense, Alone may be said to simply replicate the trauma that a Hollywood studio production inflicts on its characters – but Arnold’s reworking goes beyond the symptoms and traumata of the characters and the stars, and uses the narrative as a vehicle to interrogate the symptoms of Hollywood filmmaking itself. In Lippit’s words, both on the level of content and on the level of form the entire film “represents a prolonged struggle
within the memory apparatus, which appears to be both reworking and resisting the eruptions of a crashing repression” (8).

Arnold is, undoubtedly, extremely adept in the appropriative art of what Wees calls “joining materialist analysis of the [cinema] apparatus with psychoanalytic analysis of the images the apparatus produces” (Wees, “Ambiguous” 14). As my discussion of *Alone Life Wastes Andy Hardy* shows, his film posits a powerful critical statement that is equally alert and pertinent to the contexts of story, entertainment industry, and audience reception. Yet one important and highly elusive detail remains to be noted: unlike Tscherkassky’s *Outer Space*, Arnold’s film does not simply approximate the threshold of that which is possible by way of physically appropriating analog film; instead, it accepts this limit and steps to the other side – *Alone Life Wastes Andy Hardy* is edited digitally. Like Tscherkassky, Arnold created his earlier films entirely in the darkroom and on the editing table. He is thus commonly considered and discussed as a purist who insists on the use of analog film because it is an ideal frame for both his conceptual and thematic concerns. To a considerable degree, his fame as a found footage filmmaker indeed rests on two important films that immediately preceded *Alone*, namely *Pièce Touchée* (1989) and *Passage à l’acte* (1993) . The first appropriates eighteen seconds from *The Human Jungle*, a 1954 detective film directed by Joseph M. Newman, and extends the material into a film of sixteen minutes length, while the second similarly treats a short sequence from Robert Mulligan’s Oscar-winning screen-adaptation *To Kill a Mockingbird* (1962) . Both of these found footage films were created based on the same technique used for *Alone*, and while Arnold’s reputation as a masterful appropriator whose creative practice amounts to a theory of film in its own right is partly based on the two earlier films, it was, undoubtedly, fortified and popularized by the release of *Alone*. In many critical discussions of the whole trilogy, it is seen
as highly significant that in producing it, Arnold completely bound himself to the analog realm (that the footage, in other words, was physically appropriated, physically re-photographed, and edited by hand). While the fact that a digital editor was commissioned with the editing of Alone is not entirely unknown or hidden, it is also not noticeable when viewing the film, and critics tend to ignore it. But in a film that critically, self-consciously and purposefully plays at the interstices between form and content, and that ‘physically’ turns a deceptively linear storyline into “complex configurations of advance/retreat, attract/repel, and express/repress” (Wees, “Ambiguous” 14) in order to expose the tense relations between medium and story, narrative and industry, industry and audience, or character and star, does the choice to partly frame the appropriative intervention with a different medium not appear significant?

Taking this question into account, Lippit’s discussion of Arnold’s film in terms of the way in which it speaks to the analog cinematic medium itself remains strong and highly pertinent. It seems curious, however, that Lippit’s reading neither explicitly acknowledges the film’s essentially digital nature, nor the fact that it is, in contrast, the analog film machine that Arnold so forcefully brings to bear upon contexts of the original’s narrative (re)production. Perhaps all this does, indeed, not matter; yet Alone, Life Wastes Andy Hardy clearly speaks to film as film, is distributed as a film (on 35mm reels), and looks like a film. Until recently, Martin Arnold has, in fact, been highly reluctant to release a collection of his films on DVD (a fact that was commonly seen to underline his reputation as an analog purist). All this points, I propose, to the fact that Arnold’s work acknowledges, to some extent, a critical limit of the analog, a point at which a different medium may be better able to frame critical commentary on medium-specific qualities it may perhaps not share itself. In this sense, Arnold’s choice to digitally edit Alone paradoxically enables him to better approximate (or simulate) the smooth, steady, unruptured
flow of narrative and life in general that the polished products of Hollywood’s Studio Era he appropriates can so effectively communicate. Again, one could conclude that technological progress and the development of media that are more easily accessed, (re)produced and circulated have relegated analog film to a position that renders it less critically effective than it was once seen to be. In comparison to other media that are less dependent on complex (re)production systems, analog film’s heavy reliance on specific production/circulation/consumption contexts may, again, be interpreted to have changed from being a potentiality to being a limitation. Since Arnold’s film is almost always read as immensely powerful commentary not only on the narrative conventions and interpretive habits on which they comment, but also on the apparatus of cinema itself, I cannot help but find Arnold’s ‘breaching’ of the analog-digital divide significant in a discussion of qualitative differences between divergent contexts of critical appropriation – an issue that I will pick up again in my discussion of audio sampling, a form grounded in a conceptual context that by definition more strongly blurs the lines between the tangible and the intangible, and a form that, due to its immense popularity, once more raises the bar of what is seen to be at stake – ethically, aesthetically, economically, politically – when already-authored cultural matter is appropriated and reworked.
Chapter 4: 
Audio Sampling and Appropriation Beyond the Analog

In the previous chapter, I have discussed Peter Tscherkassky’s and Martin Arnold’s work as limit cases of the analog film medium’s manual appropriability that may be seen to demarcate film’s critical practicability as copyable, reusable source material for new works. As I will now go on to show, the potential limitations that analog film imposes on the critical appropriator are representative of a more general phenomenon that can be observed also in other analog media; these limitations have been more successfully tackled, however, by sound artists whose work extends beyond the moment at which the appropriation of analog film footage was hindered by its own medium-specific characteristics. As has already emerged in the previous chapter, this moment may be understood as one that bridges the gap between the analog and the digital; accordingly, many of the sampling pieces discussed in this chapter are either situated in the digital or thematize critical issues of that which analog and/or digital contexts facilitate or disable. Where my discussion of the analog visual leaves off, then, the sonic – whether as music or as sound art – continues. In the context of my present discussion of the critical functionality of appropriation art, it represents a sphere that enables practices very similar to found footage filmmaking, and that, again, clearly demonstrates how the critical potential of the creatively appropriated analog has emerged, rapidly risen, and eventually also yielded to simpler, possibly more ‘democratic’ techniques of sound recording, manipulation and reproduction that do not require the sophistication and complexity of comparable analog apparatuses discussed in the context of film.

In its modern formations, music as a form of creative expression by definition relies, both
in terms of its internal structure and of its contexts of reproduction, on repetition. This is true even for live improvisation, in which players communicate (with each other or their audience) via a shared knowledge of rhythm, harmony, etc. Most commonly, this reliance on repetition presumes the existence of recordings, which can take the form of sheet music, vinyl discs, magnetic tapes, and so forth. It follows that music – or better, all information conveyed through sound waves – provides rich grounds for creative and other kinds of appropriations, since it tends to be inscribed in a reproducible medium. As a matter of fact, most technologies for sonic recording and (re)production make music, speech, and other captured sound matter so utterly appropriable that given the socio-political context of their invention and emergence (that of capitalist mass production and mass consumption), their use for all manner of copying purposes is all but inevitable. These ‘instrumentalizations’ of technology have led theorists such as the French political economist Jacques Attali (perhaps the most radical among interdisciplinary scholars of sound), to argue that the repetition that has come to represent an indispensable structural characteristic of all contemporary music is symptomatic not only of (oftentimes naturalized) aesthetic developments, but equally of the role that music, and by extension noise, plays in capitalist society. Attali locates the significance of sonic repetition primarily in the hegemony of music as a structuring measure of control and containment, in other words as an enjoyable model for order that functions to shape both an industry (economically) and appendant mass audiences (aesthetically). But the effects of repetition, which often imply the prior employment of appropriative practices, can also emerge as a transgressive tactic of composition, and can critically engage aesthetic and economic structures much in the same way that Benjamin described the Dadaists’ appropriative treatment of print media in “The Author as Producer” (see Chapter 2).
The specific example of audio sampling, which at its most basic level simply denotes the reuse of pre-recorded sounds, perfectly captures the many possible connections between artistic and other appropriative stances and is, as will be seen, highly demonstrative of the practice’s critical potential. Like my discussion of found footage filmmaking in the last chapter, a survey of the art of analog audio sampling (as it has developed throughout roughly the past half-century) also retraces the already noted shifts in the availability, accessibility and usability of analog media for appropriation in general, shifts that I have linked to the critical functionality of appropriative forms. In contrast to the cinematic art of appropriation, however, evolving practices of creatively and critically reusing sound are more useful for purposes of illustrating how the limits of the analog, above exemplified by the complications of extremely complex analog found footage filmmaking, have been addressed and overcome by critical appropriators – and it is this aspect in particular that my following analysis, which will more comprehensively bridge the divide between the analog and the digital, focuses on.

4.1 Material appropriation of thin air?

Within the larger context of sound art, sampling has held a prominent role at least since the French composer Pierre Schaeffer conceived his concept of musique concrète, and began to incorporate the use of recorded music into his compositional practice in 1948 (see Cutler 143). While it was the Italian Futurists who first proposed the use of incidental sounds for the creation of music (see, for example, Luigi Russolo’s important 1913 manifesto, “The Art of Noises”), Schaeffer, as the founding father of ‘tape music,’ is generally regarded as the first important avant la lettre sampling artist (see Cutler, Goldsmith). The practice of audio sampling generally refers to the appropriation of pre-existing, recorded sound sequences (most commonly not of one’s own creation) and their use in new works. The term ‘sampling’ must thus be distinguished
from practices such as the ‘remaking’ or ‘covering’ of songs, musicals, etc., which more squarely falls into the category of musical adaptation; the appropriation and adaptation of sound/music are, indeed, as different from each other as the literary examples discussed in Chapter 1.

For the purposes of my investigation of critical appropriation in general, audio sampling can be defined as a sonic equivalent of what I discussed as found footage filmmaking in the preceding chapter: the creative use of already-recorded matter that precedes the appropriation piece, and that points to the material reuse of cultural expressions already inscribed in larger arenas of creative authorship, individual ownership, and (re)production practices. As in found footage filmmaking, the recognizability and scope of sampled materials can vary greatly. Janek Schaefer’s experimental sampling piece “Thriller,” for example, uses Michael Jackson’s entire song of the same name, but modulates it so heavily that it may be unrecognizable to some listeners. Busta Rhymes’ rap song “Gimme Some More,” on the other hand, appropriates around four seconds of the highly recognizable string arrangement from the soundtrack to Alfred Hitchcock’s Psycho, and loops it without manipulation so that it is and remains immediately recognizable. Like found footage, sampled material can thus simply be re-edited to fit the context of a new piece, or can be heavily manipulated and altered. For example, the German label Mille Plateaux (aptly named after Gilles Deleuze and Félix Guattari’s book of the same name), is well known for minimalist electronic sampling music based on so-called ‘glitches,’ extremely short errors in electronic music systems’ sound reproduction that are used to ‘rhizomatically’ structure sampling pieces.

Yet beyond these similarities to cinematic appropriation, there are some important differences between the appropriation of film material and that of recorded sound. Two of these will be particularly important for the development of my argument regarding the ways in which
medium-specificity can impact the critical functionality of creative appropriations. The first is a simple matter of technologically conditioned ease of use and access. While the medium of analog film is based on the copyability of photographic images, it remains curiously resistant to being ‘recorded’ – the procedure of copying film is time-consuming, difficult and expensive, and even the mere replaying of analog film is relatively tedious (the film has to be threaded into a projector; it is commonly difficult to stop a screening without damaging the film). Analog sound recordings, on the other hand, can easily, cheaply and almost instantaneously be (re)recorded and replayed, and the technology to do so has become exceedingly ubiquitous. The second important difference from cinematic appropriation is that the sonic arts are, traditionally, more immediately performance-based than the cinematic arts. Cinema, one might say, is performance-based only in a secondary sense; a screening is just a simulation of a live performance, and since the ‘performed’ material already exists in a fixed, recorded state, it is more proper to say that it is ‘replayed.’ Thanks to the technology-based differences just mentioned, audio sampling is an easier undertaking than found footage filmmaking and can, like any other music, easily be performed live.

Because many philosophical and legal doctrines of authorship and intellectual property continue to be based on notions of ‘fixity,’ the ability to practice audio sampling in live settings – using recordings, but not recording the results – thus provides an added layer of conceptual depth to sonic appropriation; it can challenge notions of authorship without itself yielding traditionally ‘authored,’ i.e., fixed/recorded results, something that analog film can

101. In the second half of the 1960s, the already-mentioned Viennese Expanded Cinema movement launched one of the very few sustained attempts of ‘performing’ cinema. Yet apart from the real-time drawing on filmstrips as they were fed into running projectors, most expanded cinema performances amounted to quasi-theatrical performances that abandoned, for the most part, the actual analog film apparatus (see Export).
102. The copyrightability of an idea without a fixed – i.e., printed or otherwise recorded – expression is, generally, problematic, and unfixed appropriations, consequently, rarely amount to infringement.
hardly avoid. Even though both film and music are art forms that are time-based and (in the broadest sense) performance-based, the latter thus lends itself significantly more easily to appropriation, while at the same time being able to more immediately and effectively issue challenges to the conceptual cluster of authorship, creativity, and originality for which appropriation, I have argued, is an inherently ideal vehicle. As I will show below, this has enabled practitioners of audio sampling to deal more successfully with the limits of the analog as defined in my discussion of found footage filmmaking; like my analysis on film, my discussion of audio sampling will also arrive, however, at a moment at which the limits of the analog become strongly felt – a moment at which analog audio sampling will be shown to have made way for digital appropriative practices.

Since Schaeffer’s first forays into the use of tape players in composition and performance settings, sampling has become progressively more popular both in experimental and in popular circles. This parallels the development of critical appropriation practices in the visual arts as well as in cinema, and is contingent, as I already showed for these other cases, upon the prominent use of modern (re)production technologies. Tape players, vinyl records, and, more recently, digital sampling devices have uprooted the traditionally hierarchical relationship between composer and performer, and have leveled the equally hierarchical productive field between creator and audience – so much so that de Certeau’s everyday practice of consumption in the form of listening can, as the Canadian sampling artist John Oswald’s puts it, become an active, experimental, and compositional event in itself (Oswald 135). Oswald’s positive perspective is, of course, not shared by all. Despite sampling’s popularity, the recording technologies that enable it continue to be perceived as troublesome by some music theorists, musicians, audiences
and, most of all, sound entrepreneurs. The well-known American sampling artist Chris Cutler, a prolific essayist on contemporary experimental music, thus observes:

On the one hand [recording] offers control of musical parameters beyond the wildest dreams of the most radical mid-twentieth century composer; on the other it terminally threatens the deepest roots of the inherited art music paradigm, replacing notation with the direct transcription of performances and rendering the clear distinction between performances and composition null. (140)

In the immediate context of Cutler’s argument, which identifies important recent changes to the aesthetics of experimental composition practices, the threat posed by recording is felt most strongly by proponents of classical and contemporary art music traditions. Jacques Attali, in turn, might interpret the same statement as pertaining more to Western music’s demonstrated usefulness as an ideological tool; after all, the traditionally hierarchical structure of such music is severely challenged by reproduction technologies’ inherent ‘democratizing’ energies. Yet perhaps most disturbed by the implications of ever more sophisticated possibilities of sound recording and reproduction would be those who have helped to structure the music industry as an economic field that relies on the ownability of creativity and intellectual property, as a system that justifies its restrictive structure by upholding notions of originality as markers of artistic talent and genius that are closely connected to individual ownership.  

In the wake of Schaeffer’s _musique concrète_, many other contemporary composers began developing techniques for incorporating recorded sounds into their work: John Cage, for

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103. In a much-publicized (and now much-cited) hearing before congressional representatives in 1982, Jack Valenti, the notoriously long-time president of the Motion Picture Association of America (MPAA), issued a famous statement that is representative of the culture industry’s attitude towards recording technology: “I say to you that the VCR is to the American film producer and the American public as the Boston strangler is to the woman home alone” (see "Home Recording Hearings").
example, quite early on began to compose pieces for ensembles of radio and record players
(*Imaginary Landscape No. 4*, composed in 1951, famously calls for twelve radio receivers, to be
played by twenty-four performers); along with similar work by Terry Riley and La Monte
Young, Steve Reich’s ‘phase shifting’ compositions (in which identical melodic or rhythmic
patterns are initially ‘looped’ either as recordings or as repetitive performances, and then slowly
shifted out of sync) are also clearly linked to the replay modulations enabled and facilitated by
recording technology. Yet the first actual sampling piece, widely celebrated because it uses a
pre-recorded song rather than incidental or purposefully recorded sounds as its source, is the
Canadian minimalist composer James Tenney’s *Collage No. 1* (1961). The composition is based
entirely on samples of an Elvis Presley version of Carl Perkins’ 1955 song *Blue Suede Shoes*;
the samples are replayed on a series of tape players, and feature complex modulations of the used
material’s pitch, volume, speed, duration and direction of play. After Tenney’s initial and
tentative move into pop culture, it did not take long for there to appear sampling artists who not
only drew on, but also emerged from the world of popular music. Among the first truly
successful ones, The Beatles (in particular their tape composition “Tomorrow Never Knows”
from *Revolver* [1966] and the song “Revolution No. 9” from *The White Album* [1968]) as well
as Frank Zappa’s 1968 concept album *We’re Only in It for the Money* are particularly
noteworthy (see Cutler 148).

The key moments of audio sampling’s large-scale popularization both in experimental
and mainstream circles, however, lie somewhere between the practice’s rise to fame at the hands
of New York City’s Bronx-based deejays leading up to the mid-1980s (a development that was
based, in turn, on the ingenious sound engineering achievements of Jamaican dub producers),
and the release of Toronto-based sampling artist John Oswald’s highly acclaimed album
*Plunderphonics* in 1989. *Plunderphonics* is a serious critical endeavor by all accounts, and even though it exclusively draws on pop songs for its source materials, it is of little appeal for mass audiences thanks to its purposeful disregard for harmonic and rhythmic traditions. Using well-known songs by the likes of Dolly Parton, Elvis Presley, James Brown, and Michael Jackson, Oswald developed complex pieces in the spirit of Tenney’s *Collage No.1*, each devoted to a single source. The album quickly came to epitomize the broader development of critical sampling practices at the time, not only thanks to Oswald’s skillful techniques (he uses vinyl, magnetic tapes, as well as studio equipment), but also for two other important reasons: the first was that Oswald heavily promulgated his personal theory of ‘plunderphonics,’ which conceptualizes sampling as the ‘plundering’ of recorded sounds from the vast, now so easily accessible repository of popular culture. As a result, he was quickly embraced as an important pioneer of the growing experimental sampling scene. Secondly, and more importantly, the release of *Plunderphonics* caught the attention of Michael Jackson’s copyright lawyers. Even though the album had been envisioned as a non-commercial work of art and was, accordingly, distributed only to radio broadcasters, educational institutions, etc., Jackson’s legal counsel threatened Oswald with prosecution. The outcome of the conflict was “disproportionate industry pressure … and the forcible withdrawal from circulation and destruction of all extant copies” (Cutler 153). Within a few months of *Plunderphonics*’ release, the album had, officially, disappeared again (it is now, unsurprisingly, widely available on the Internet). What Jackson’s lawyers objected to was, curiously, not Oswald’s re-use of the song “Bad,” but the album cover created for *Plunderphonics*, which showed Michael Jackson’s head and signature back leather jacket collaged onto the body of a lewdly postured pin-up. Jackson owns, of course, the image of his artistic persona just as he owns his compositions, and it remains unclear whether his legal
department’s objections were really based on a fear for the integrity of the singer’s image or that of his artistic creations. It is safe to say, however, that the visual collage’s fixity formed an accessible and logical basis for their legal charges, whereas the formulation of infringement charges based on Oswald’s sound piece might have been considered rather obscure at the time.

In this sense, this legal dispute (or rather, the threat to incite one) is oddly reminiscent of the only documented lawsuit involving the Berlin Dadaists as an artistic movement: the case, which took place in the wake of the 1st International Dada Fair (see Chapter 2), included charges of political agitation, public disturbance and sedition. But since most of the pieces in question had already been disassembled and the fragments thrown away or used for other pieces, the prosecution had to moderate their charges and, more importantly, decided to organize them around the only piece that could easily be presented to the court – a portfolio of works by George Grosz and Wieland Herzfelde that was chosen exactly because it was printed and thus fit the established legislation regarding the circulation and censorship of political material (see Bergius 294-95). Likewise, Oswald’s sampling piece can be understood to have evaded legal charges because the legality of reusing copyrighted sound on an ‘educational,’ free-of-charge recording was less clearly established than the mocking reuse of a celebrity’s likeness in print.

All this undoubtedly helped cement Oswald’s status as a partisan artist who intentionally provoked the dire legal repercussions triggered so easily by socio-political criticism levered by means of creative appropriation. More importantly, however, the cease-and-desist order from Jackson’s lawyers meant that the culture industry had now officially taken notice of experimental art scenes that did not, by any measure, pose a real commercial threat to the system they criticized. From now on, sampling-based sound art and music, already associated with political subversion thanks to socially conscious Hip-Hop and Rap artists, would be perceived as an art
form that could easily be politicized (and criminalized) because of how it challenged boundaries that went beyond established aesthetic codices, and because it questioned, likewise, the workability of existing legislation regarding the reuse of artistic expressions bound in sonic form. This, interestingly, constitutes a striking difference between audio sampling and the history of found footage filmmaker’s visual ‘sampling,’ which lacks a comparable moment. With regard to the copyability of film, the entertainment industry may have felt that it exerted enough control over the unwieldy apparatus of analog cinema, and that the expensive, professionalized film-machine resisted subversive appropriation (as well as, initially, commercial misappropriation) of its own accord. Indeed, the film industry started voicing concern over the copyability of cinematic images only once found footage filmmakers (and film buffs at home) began to abandon analog film for the sake of video and VCRs that allowed for mass-distribution that had the potential of amounting to worthwhile licensing/infringement payments.

Quite early on, audio sampling thus came to be generalized as an economically subversive practice perceived as willfully violating legal doctrine.\(^\text{104}\) And while it has today become virtually impossible to turn on the radio or TV without being exposed to sampled sounds, there has, interestingly, been little effort to theorize sampling as a critical practice whose concerns do not always include economically damaging copyright holders. Following Oswald’s example, many sampling artists continue to subscribe to the somewhat self-defeating simplification of appropriation as plundering qua theft.\(^\text{105}\) As a result, the politically subversive

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\(^{104}\) Based on arguments such as this, sampling has more recently often been related, incorrectly, to more straightforward, non-artistic copying practices enabled by digital media. Such connections have been made, for example, between the current immense popularity of ‘mash-up’ sampling (which tends to be entirely software-based) and peer-to-peer networks that enable the private ‘pirating’ of copyrighted music (see, for example, Strauss).\(^\text{105}\) Incidentally, this is reminiscent of the unfortunate invocation of the term ‘biopiracy’ in native peoples’ attempts to protect traditional knowledge from appropriation by multination pharmaceutical corporations (an issue that is discussed in Chapter 5.3), which implies that ‘ownership’ can indeed always be clearly identified, measured, and attributed.
motives of some sampling practices (such as the 1980s’ East Coast Rap of Grandmaster Flash or
Public Enemy) have been seamlessly – and, lacking resistance from the artistic community,
relatively effortlessly – extended to apply to almost all audio sampling. With the exception of
sampling music emerging from within the safe confines of the culture industry’s major music
labels, sound appropriation as a whole thus tends to be unduly criminalized and artificially
curtailed not so much as a critical artistic practice, but instead as a technique redolent of anarchy,
piracy, or even, as in Valenti’s statement (see note 103 on page 192), of pathological criminal
activity.

Partly, this is an effect of the particular system that monitors sampling and appropriation
practices, a system of ever-expanding copyright doctrines favored by an economically motivated
commercial apparatus that is concerned not with the aesthetic and ethical implications of
plagiarism, but with the loss of profits. Since sampling artists themselves furthermore tend to
inadvertently reinforce the negative rhetoric levered against them by adopting a narrative of
‘plundering,’ they are reinforcing the direction that debates of musical sampling often take,
namely that of interpreting it as the ab-use of a legitimately original authorial voice – as a
discursive practice, in other words, that can be supported or opposed only for its politically
subversive agenda. What this view ignores, however, is that in sampling music, as in other
appropriation arts, the authenticity and integrity of prior composition and/or performance are not
necessarily lost. They can, indeed, be foregrounded, and a prior scriptor’s voice is generally
transposed and altered rather than erased. As shown throughout the preceding chapters, the
results are works that invariably relate to the sources they incorporate as well as to their

106. Legal scholars such as John Okpaluba and Anne Barron discuss copyright law as inherently unfit to cover
contemporary forms of creative expression such as appropriation art; while art – especially when it aims to be
critical – requires aesthetic, i.e., highly subjective judgment as part of its interpretation, legal doctrine demands
objectivity and neutrality in court (see Okpaluba and Barron).
(re)production circumstances, and that can be so shot through with the appropriation artist’s creative interventions that they challenge charges of constituting ‘plagiarism’ on the basis of the appropriators’ intention, motivation, or, indeed, because of the resulting works’ striking ‘originality.’ This, it appears, is generally acknowledged in the context of discussions of the work of serious sampling artists who fit, despite their unconventional sonic experimentation, into traditional schemata of the modern art music composer. When John Cage appropriates airwaves reserved for live radio broadcasts along with the music played or the hosts’ voices, or when James Tenney reuses Elvis Presley, it is not, in other words, considered a criminal act of plundering. But the same yardstick is not used to measure the legitimacy of all sampling practices. Overall, at least three models of interpretation can thus easily be seen to be applied: that of the genius composer whose work emanates from nowhere but the depths of his or her imagination; that of the sampling artist who purposefully violates these principles (whether for aesthetic or economic purposes); and that of the musician who employs sampling practices, but does so within the confines of copyright doctrine, thus indirectly upholding the inviolability of the original.

The fact that only a few decades after Tenney’s appropriation of Elvis’ adaptation of Perkins in Collage No. 1, Oswald’s Jackson-based plunderphonics were considered a threat to the integrity of the mass media landscape suggests that what was here beginning to be perceived to be at stake goes beyond mere matters of content. And indeed, Oswald’s sampling of that other king of pop occurred at a time when the culture industry had begun to fear that emerging reproduction technologies would do more than simply open vast new markets. The inherent copyability of various new (re)recording media that had been created (VHS, music cassette, CD) began to be seen, in fact, as a possible mistake of potentially Faustian proportions (or, to use a
more appropriate, because copyrighted, analogy, as a mistake reminiscent of apprentice magician Mickey Mouse’s self-copying broom from Disney’s strictly protected *Fantasia* [1940], which, in turn, is based on Goethe’s public domain ballad *Der Zauberlehrling* [1797]. There can be no doubt that the emerging art of audio sampling took many of its practical cues from the technologies developed by the culture industry itself; to canonical experimenters such as Tenney, Cage and Oswald (not to mention a multitude of more recent sampling and mash-up artists), it will have been beautifully obvious that the industry providing easy access to reproduction technologies is becoming more and more caught up in the contradictions of wanting, on the one hand, to uphold notions of individual creativity underpinning individual ownership, while, on the other hand, developing technologies that are more and more useful for undermining authorship and individual property as central functions of a capitalist culture industry. Clearly, the political economy that Attali identifies to be at the heart of Western music traditions is both supported and threatened by recording technologies.

In this sense, the gradual inclusion of incidental and generally ‘concrete’ ambient sounds into musical production, too, took place via the extensive use of recording technology. As Cutler points out, Schaeffer embraced these technologies to “extend the transformational procedures learned through [earlier] turntable manipulations with the vastly more flexible resources of magnetic tape” (141). Ultimately, the choice to use more and more flexible base media for appropriative purposes thus points to an interesting double bind: while it represents an obvious symptom of the general tendency to adopt more practical, more easily usable technologies, it also moves appropriation artists closer to the economic apparatus they clearly do not want to be a part of. The critical implications of this move may not be immediately apparent, and can be elucidated with an argument that Andreas Huyssen posited in the more general context of
sampling’s avant-gardist precursors in the visual arts, and that strongly applies also to sonic appropriation. Huyssen set out by stating that “[t]echnology helped initiate [this kind of] artwork and its radical break with tradition” (*Divide* 15); yet more importantly, he noted, technology simultaneously forces creative appropriation into close encounters with the economic apparatus that develops these reproduction technologies for its own (non-critical) purposes. Throughout the preceding chapters, I have taken this fact for granted, and have, indeed, suggested that appropriation art’s continued critical functionality is contingent upon it. For Huyssen, however, it is this very embrace of new reproduction technologies that effected the critical avant-gardes’ demise (his concrete example is American Pop Art), because, in his view, it made it impossible for them to maintain their critical thrust. When “[a]rt thus becomes the reproduction of a reproduction,” Huyssen concludes: “Affirmation or critique – that is the question” (*Divide* 146); he, of course, sides with ‘affirmation,’ while I side with ‘critique.’ Huyssen’s critical position, I would argue, unwittingly approximates an elitist and ultimately reductive notion of just what the critical artist’s mode of creative production can be. But in light of my preceding arguments, and in light also of the critical potentiality of audio sampling as I demonstrate it in this chapter, I would like to restate that arguments such as Huyssen’s severely underestimate the critical effectiveness that rest in the appropriation of material, technology and techniques. In this sense, it is apparent not only that appropriation can facilitate the closing of the gaping divide that Peter Bürger located between art and the general praxis of life – but also that the legions of industry representatives and lobbyists who so strongly oppose appropriation and sampling practices surely do not share Huyssen’s viewpoint.

Based on my definition of appropriation art throughout this thesis, the close technological proximity between critical and commercial appropriative practices considerably raise
appropriation’s usefulness for purposes of critical commentary. While tape technology, for example, was developed with the concrete aim of making the commercial copying of owned content cheaper and more efficient, it also gave rise to all kinds of sonic experimentation and brought about the mix tape (arguably a major vehicle of spreading counter-cultural content, undercutting corporate control over and profiting from creative scenes, and forging critical communities). Technological development, then, functions both to increase economic efficiency and to raise appropriation’s critical potential. This is more apparent in audio sampling than it is in the prior example of found footage filmmaking because while the latter, as noted, gets caught in struggles with its base medium’s cumbersome and expensive medium-specific characteristics, the former was from the outset driven by artists’ more practical interest in easy access, appropriability, and copyability, as well as by the coincident fact that the cheap, more and more ubiquitous technologies used for sampling practices can place the ability to challenge conventions of author- and ownership in the hands of great masses of potential recipients/(re)producers of sampled work.

As I have suggested, after the hands-on cut-and-paste appropriation of the Dadaists, found footage filmmakers responded to the diversification of the contemporary media landscape by foregrounding more conceptual qualities of less immediately tangible appropriations of analog media – only to be stopped short, eventually, by the complications that the very medium of analog film itself imposed on appropriation efforts. Based on a series of medium-specific advantages, sonic appropriation is facing these same difficulties to a much lesser degree, a fact that I take to effectively raise its critical practicability, and that I develop in more detail in the following section, which pushes audio sampling towards, and finally beyond, its own specific limits of the analog. Considering the above preliminary arguments in the context of a series of
brief concrete analyses of sampling pieces, I will argue that pejorative interpretations and stigmatization of audio sampling may be based not so much on the contents of sampled work (that is, on its thematic relation to the appropriated matter), and also not on the general idea of sampling itself (as already shown, appropriation is by no means a stranger to either aesthetic traditions or capitalist business tactics); instead, such interpretations may be based on the critical contexts raised when audio sampling, for the concrete copying and reusing techniques useful to challenge conventions of individual creativity and ownership, follows – and sometimes prescribes – the technological path of the culture industries’ economic strata.

4.2 Audio sampling strategies

As an appropriative practice, sampling “begins and ends only with recordings” (Cutler 141). Unfortunately, such assertions have long been aligned with restrictive legal qua ethical perspectives on the critical use of reproductive technologies. In a widely quoted essay from 1988 entitled “Sample and Hold: Pop Music in the Digital Age of Reproduction,” Andrew Goodwin has stated, for example, that in the context of new sound technologies, an important aspect of what “place[s] issues such as authenticity and creativity in crisis” is “the issue of theft” (Goodwin 38). For Goodwin, contemporary popular music’s “essentially Romantic aesthetics” (he refers here, as so often is the case, to notions of singular authorship and original genius, which arguably are important aspects of pop music’s star cult) are challenged primarily via this issue of theft, along with that of ‘automation,’ his term for the progressively disembodied practicalities of musical creation and performance. The assumption that ‘theft’ is a viable critical challenge to ownership qua authorship, however, is strikingly misguided, and does not recognize that it is, indeed, the more general (re)productive modes of recording technology itself that issue these challenges. Goodwin’s essay thus does not provide the kind of general description of
sampling that it is commonly cited for, and rather helps fortify a simplistic, inaccurate ‘politics’ of sampling when he notes that artists have made “an aesthetics out of sampling … and in some cases, a politics out of stealing” (46). This negatively informed politics of sampling ignores the central paradox that becomes apparent when reproductive technologies are employed in an economic system designed to uphold concepts of individual creativity and ownership: as already argued in the context of other appropriative practices, such reproductive technologies may indeed facilitate the efficient perpetuation of a capitalist apparatus founded on private property and restrictive access, but more importantly, they can, at the same time, undercut its integrity. These contradictions are founded in reproductive technologies themselves – it is not their abuse for illicit purposes that challenges Romantic aesthetics of individual creativity and authorship and the corresponding, limiting definitions of the ‘work.’

This can be demonstrated by reference to countless contemporary sampling artists who foreground the technological aspects of their sound pieces, and who incorporate these in their work much like the Dadaists did. To begin with, a focus on works that modulate their sources so heavily as to make their identification impossible and irrelevant is a good way to bracket the issues of theft and plagiarism invoked by writers such as Goodwin (but also by artists who subscribe to Oswald’s concept of ‘plunderphonics’). In such works, all that remains of the appropriated material is a heightened awareness of its newly won anonymity, and perhaps vague traces of its recognizable type. This awareness joins with the explicitly foregrounded reproductive processes used in the sampling pieces’ creation, and complicates traditional notions of attributability, singular authorship, and the integrity of general ideas regarding a work’s authenticity. The argument that concrete referentiality qua recognizability is not necessarily a requirement for the critical effectiveness of appropriation art has already been developed
throughout the preceding chapters; it is also reflected in Jacques Attali’s theories of the inherent political relevance of sound and noise. If referential content, then, is not of exclusive importance in the reception of sonic appropriation art, interpretation can also, again, center on its modes and circumstances of production, which are as easily heard in audio sampling as they can be seen in found footage films.

A useful example is the “Impromptu Suite for Wounded CD” (2003) by the Austrian sampling artist Vakant. The piece consists of a single, unattributable sample taken from a classical piano piece, which is looped, with minor variations, for 26 minutes. The sound suggests a damaged, skipping CD, of which two or three seconds (approximately two chords) are replayed over and over. Slight variations in each successive loop create the impression of the complex layering of more than one single sample, and lend the piece the air of a minimalist improvisation, rather than a prerecorded sound event. The piece was created, however, when the artist heard what sounded like a skipping CD on a local radio station, and decided simply to record it on a cassette tape; the looping and slight variations were effected, most likely, by the random interaction a scratched audio CD and the error-correction algorithms of the radio station’s CD player, as well as by imbalances in the station’s transmission via terrestrial airwaves. In this example, the artist has thus removed himself one step further from the appropriated material; the act of sampling is anonymized and mediated by the radio signal, and the act of recording constitutes the only creative intervention. Accordingly, and true to Cutler’s statement as cited above, the piece literally begins and ends “only with recordings.”

The “Impromptu Suite” was created in the spirit of the Japanese multi-media artist Yasunao Tone’s “Wounded CD” recordings, which follow a tactic of ‘confusing’ CD players’ reading lenses by affixing punctured pieces of transparent tape to CDs’ surfaces, thus distorting
the readable sound information contained on the discs. Tone’s work is based on the same unrecognizability of the source materials, but supplants Vakant’s rather general complication of authorship principles in a different way. Whereas the latter likens conventional ‘composing’ or ‘authoring’ to the happenstance recording of a technological error, Tone posits a more active analog intervention with the CD player’s reproduction technology. In both pieces, a recording technology designed to enable the perpetual, unchanging preservation of pre-fixed and authored work now becomes useful, effectively, as a creative device. While the concrete appropriative practices in these two examples differ considerably, the critical effectiveness of Vakant’s coincidental recording and Tone’s active “de-controlling” (Marclay and Tone 347) are similar: a replaying technology assumes the function of an instrument of creation rather than of reproduction; the notion of individual authorship that this technology is designed to mediate makes place for more open concepts of collectivity and collaboration; and the focus of interpretation, finally, is shifted away from the source materials’ content (which cannot be decoded in either example), and towards their technological context.

As mentioned above, beyond the exclusive focus on either content or process (modes of production), the other important differentiation between previously discussed appropriation practices and audio sampling is that of considering sampling’s performative aspects. As a time-based art form that more easily lends itself to live performance than film does, sampling can thematically engage all technological aspects pertaining to its appropriative stances (from the initial moment of recording to that of playing live), and furthermore move them to the stage, so that the retroactivity suggested by the use of pre-recorded media is transformed into an ever-present moment of performance. This has the interesting effect of providing, on the one hand, a more tangible, ‘real’ experience to the audience, while simultaneously removing the sampling
work itself further into the stratum of the ephemeral, inconcrete and unfixed. This effect, which is exclusive, perhaps, to live sampling, resides in the tensions between, on the one hand, the deceiving sense of concreteness issued by live performances (the performer and the audience share a space and a time, and the audience witnesses the ‘creation,’ in conventional terms, of what they hear), and, on the other hand, the fleeting singularity of such events. Since fixity (i.e., the existence of an actual ‘copy’) still largely determines whether an appropriation piece constitutes infringement of copyrights or intellectual property rights, live sampling, which can be based on records without actually yielding recordings, constitutes a powerful strategy of counteracting the charge of sampling’s oft-alleged criminal intent (e.g., ‘plundering’). As noted before, in contrast to audio sampling, found footage filmmaking can hardly represent a ‘performance’ and is always ‘fixed,’ which posits the practice differently vis-à-vis legal implications of appropriation. It is also noteworthy that found footage films are often not considered as re-recordings, but rather as acts of the reusing and replaying of primary material—a subtle but important difference that has to do with the notion that analog film, like other visual media, is always in some way ‘written,’ and which means that found footage filmmakers are sometimes considered authors in a more traditional (even Modernist) sense. The ephemerality and incorporeality of sound allow sampling artists to evade such interpretations much more easily.

The underlying critical implications of the inclusion of recording technologies into composition practices thus point to the following important issue: as long as notation was the only recognized system of ‘recording’ music, concepts of authorship and the work could remain relatively intact and untouched. Until fairly recently, it was indeed only ‘written’ music (‘sheet
music’) that was subject to protection by copyright law. Subsuming recordings in the logic of the ‘idea-expression dichotomy’ cannot, however, scotch the appropriative use of sound and music. With the emergence of technologies that are inherently based on recording (i.e., copying), dominant traditions of musical authoring by way of writing music are, instead, severely challenged. Composition, in its now confusing proximity to both authoring and recording, can then be pushed even further into the sphere of performance. (With regard to this, Attali’s Noise provides insightful ideas on the political hierarchies of musical production, and directly relates the priority of composer over conductor over performer over audience to the economic system within which music must be seen to be situated.)

Based on the ease of access and use of many analog sound reproduction technologies, sonic appropriation art has always had a very pronounced focus on live performances; the ubiquity of a DJ’s use of turntables as instruments in contemporary popular music is the most obvious, but by far not the only testament to this fact. In performing appropriation in such live contexts, the source materials’ remaining level of recognizability in the sampling piece can take on a new significance. While recorded sampling pieces that use highly recognizable materials can more easily be labeled ‘theft,’ real-time performances of sampling practices – which can use, as noted above, recordings without yielding further recordings – can positively employ recognizability to raise their critical effectiveness without immediately and explicitly exposing themselves to legal retribution. In performance settings, the recognizability of appropriated material can indeed gain the same critical significance that its unrecognizability carried in the examples discussed above (Vakant and Tone). There, unrecognizability drew attention away

107. In the U.S., for example, the Copyright Act of 1976 regulated protection of actual recordings as legitimately ‘fixed’ ‘expressions.’
108. MIDI (Musical Instrument Digital Interface) technology, which directly synthesizes musical notation as sound on a variety of electronic instruments, actually goes as far as conflating composition and performance entirely.
from the issue of appropriated content, and more generally toward the doubtful integrity of singular authorship as well as to the ways in which recording technologies can encourage collective production. Here, the appropriated materials’ recognizability represents a different stance: it clearly posits itself in relation to existing, distinct authorial expressions, but simultaneously removes itself from the sphere of influence of traditional discourses of authorship and originality, since it does not ‘exist’ in a fixed expression. When performed live, sampling is thus able to conceptually evade the charge of infringement, as it represents a unique, singular event that does not automatically yield a fixed, recorded work (which is still commonly expected to be the outcome of any creative activity). An ideal example of this are some of the appropriative practices of the British sound artist Janek Schaefer, which largely expands on the sampling of well-known source material through the “utiliz[ation of] familiar devices in ways that both usurp and extend their inherent characteristics and imperfections” (Schaefer 71). Schaefer’s sampling work oscillates between the highly recognizable and the highly abstract, and employs technologies and techniques that enable him to use the context of live performances in raising provocative questions regarding the occurrence of theft/infringement. Perhaps most interesting among the many sound devices and sampling pieces constructed by the self-proclaimed inventor is his “tri-phonic turntable.” This “accident-making machine” (71) is a mechanized assembly that consists of a modified turntable featuring seamlessly variable revolution speeds, a reverse mode, an integrated mixer and, most importantly, three separate tone arms. The highly compact and portable device can thus be used to simultaneously access three separate sound grooves on a single vinyl record, or, conversely, to play three separate, stacked records at the same time.
As its base material, the tri-phonic turntable uses conventionally pre-recorded sounds; but Schaefer’s interventions in the mechanics of reproducing the recorded sound moves the material used quite far from what it ‘originally’ sounded like. To him, vinyl records are, quite literally, “an ‘open-air’ affair” – a medium that lays itself bare to immediate material appropriation and intervention (all sound information is tangibly inscribed in its surface), and that thus represents “the most visually and physically accessible forms of sound reproduction” (73). Based on this, Schaefer’s sampling work emerges as the epitome of analog appropriation, all the while easily evading legally problematic fixity: since records “can be easily accessed in many time frames/places simultaneously,” his modified turntable maximizes “the potential of obscure vinyl discoveries” and allows him to “multiply, magnify and manipulate the essential physical surface of sound in as many ways as [is] practically possible” (73). Thus, Schaefer’s live improvisations, during which he lets the three separate tone arms skid across records and samples sounds with subtle yet distinct interventions, perform in perfect clarity the concepts that post-structuralist and postmodernist theorists have posited with regard to texts in general: the power to create meaning resides with the reader (or listener), and consists not only of interpretation, but also of actual, physical recreation; the replaying of any record becomes an original performance, yet still retains the original’s ‘voice.’ Schaefer’s tri-phonic sampling piece entitled “Three Arm ‘Thriller’” is a particularly suitable example. Thanks to its performative nature, it posits an interesting contrast to related sampling works referenced earlier: like Oswald’s “Bad,” Schaefer’s “Three Arm ‘Thriller’” appropriates an extremely popular song authored and owned by Michael Jackson. Yet in bringing the critical versatility of the tri-phonic turntable to bear on Jackson’s 1982 single “Thriller,” the artist does not aggressively assert his personal authorial voice. Instead, he attributes “Three Arm ‘Thriller’” to the collaborative authoring effort of “Jackson/Schaefer,” and
foregrounds the fundamental open-endedness of the record as an analog medium not only of reproduction and preservation, but also of creation. The record is posited, then, not only as a medium that holds the potential for accurate and ‘authentic’ replaying, but also as one that can be put to uses that significantly diverge from their original meanings.

The key difference between Oswald’s and Schaefer’s appropriation of Jackson lies in the fact that the latter exists only as a performance – apart from various references, there is no published recording of the piece. While Oswald’s use of Jackson’s image and song for his “Plunderphonics” album forced him to eventually destroy all existing copies of his work, Schaefer’s piece continues to exist only as a concept; according to the boundaries set by the recording industry, it includes nothing that violates existing copyrights (records, after all, are sold in order to be played on record players). This allows the artist to foreground the material proximity of his work to the appropriated source and to insist on their interrelatedness without risking legal trouble. Even an interpretation of “Three Arm ‘Thriller’” as a freestanding, independent piece would thus not suggest, technically, the theft or even borrowing of intellectual property; likewise, its interpretation as all too closely related to Jackson’s “Thriller” could, most likely, not succeed in demonstrating copyright infringement.

Overall, live sampling practices such as Schaefer’s enable us to ponder questions that the visual appropriations discussed earlier can hardly address: What is signified by the live performance of alterations made to processes of the reproduction of already-authored cultural matter? Can questions of their legitimacy be negotiated satisfyingly by existing copyright and intellectual property rights doctrine? Schaefer’s work constitutes an interesting complication of

109. In its (admittedly less illustrious) absence, the Schaefer piece is reminiscent of Duchamp’s famous readymade fountain, which exists, as Thierry De Duve has argued, only in a Stieglitz photograph, and which few people can actually recall seeing in the Salon des refusés in which it was, allegedly, exhibited in 1917 (De Duve 116-17).
the issues raised by the appropriation practices discussed thus far. What his sampling pieces make explicit is that the DJ’s hand as a direct extension of the turntable’s mechanical tone arm represents no more or less of an authoring stance than the traditional figure of the composer or of the famous interpreter of classical music; without doubt, fully crediting Michael Jackson for Janek Schaefer’s performance of “Thriller” would be about as imprecise and unfair as not mentioning that a particular interpretation of Johann Sebastian Bach’s “Goldberg Variations” is played by Glenn Gould.

The British sound artist Robin Rimbaud, who works under the pseudonym Scanner, follows an approach that is similar to Schaefer’s, but locates his practice of sampling found and appropriated sounds in a more uncertain state between the analog and the digital. Since the early 1990s, Scanner has been widely celebrated for performances in which he uses arrays of modified radio receivers to scan audio transmission signals (including radio broadcasts, amateur CB radio signals, and transmissions broadcast on classified frequency ranges reserved for use by ambulances, police, and other emergency personnel), which are then manipulated into rhythmic, often danceable pieces using multi-channel mixing boards. Although recordings of some of his work exist (see, for example, his self-titled album from 1992), in performance settings Scanner’s approach tends to intensify, again, the theoretical issues that arise when sampling fails (or refuses) to yield fixed expressions. Reuse of the sounds he incorporates is problematic not only in the context of discourses of original creation and intellectual property; the mere access to some of the bandwidths he scans (those that are reserved for use by law enforcement, etc.) is legally prohibited in some countries. Yet, like the sounds stored on vinyl records, the sounds carried by radio waves are, to use Schaefer’s analogy, always there for the taking and reusing, and as long as no recordings are made, infringement charges are not pertinent. Scanner thus
purposefully moves sampling closer to the grey area of the unauthorized, and is able to challenge – rather than violate – current legal doctrine regarding the re-use of already-authored information, thereby demonstrating that such policies are incapable of accommodating the wide range of contemporary appropriation-based sound art. Like Schaefer’s sampling practices, Scanner’s live scanning and mixing, too, approximates the digital in that it removes itself further from the physicality/materiality of analog sampling, while continuing to use analog media as its base.

The German sampling collective Oval (originally Markus Popp, Frank Metzger, Sebastian Oschatz) has moved its sampling practice still further into the area of self-reflexive analysis of reproductive media and technologies. After initial experiments with manipulating conventional sound reproduction (similar to Tone’s), Oval went on to consider the glitches resulting from the obstruction of CD-players laser lenses on a more abstract level. With their tendency to entirely abandon recognizable samples and instead use abstract, sampled fragments of technological noise, the group’s influence has been vital in the formation of so-called Glitch Hop, i.e., minimalist electronic music based on the sequencing of primarily electronic noise fragments. In addition to recordings of the noise produced by skipping CDs (and, as their virtual equivalent, destroyed digital sound files), Oval’s sampling pieces also use manipulated computer modem sounds and super-amplified internal sounds of computer hardware as their base material. Here, the process of sampling has almost entirely replaced the significance of the appropriated materials’ contents. Oval’s appropriative practice thus goes beyond the idea of noise as music (i.e., the accommodation of noise in musical structures) as proposed by the

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110. One CD that shows the conceptual relatedness between appropriation practices based in different media is “Re: Martin Arnold: Alone, Life Wastes Andy Hardy” (2001, Apestaartje Records), which features several prominent experimental Glitch Hop artists, all of whom use only the soundtrack to Arnold’s film as their source material.
Futurists, John Cage, and other theorists of sound. Rejecting the use of common sound-synthesizing machines, in Oval’s work all focus on sonic content is almost entirely replaced by a focus on the (re)productive circumstances of mediating (or encoding) such content. In Oval’s sound pieces, the ambient noise produced by communicative technology – such as spinning hard drives and dialing computer modems – thus serves as a rich substitutive analogy for the musical content that is usually carried by such technology. Oval foregrounds the media upon which sound information is commonly inscribed, and creates sound pieces in which these media come to audibly reverberate, so to speak, with the reproductive tasks they are designed to carry out.

Compared to the practice of sampling artists such as Scanner, Oval’s sampling pieces are less concerned with the ethics of sampling, but rather investigate the significance of reproduced noise (as well as its reproduction) more generally. In their sampling pieces, attempts to identify origin, source, sometimes even type of the samples border on the impossible, and becomes irrelevant. At the same time, most of their compositions are distinctly musical even by popular music measures, and it is furthermore easy to undisputedly recognize the pieces as the creative expressions of Oval. Consequently, an odd sense of originality comes to haunt what might by definition be regarded as entirely generic by-products of general mechanisms of sound reproduction. Without doubt, this is an intended effect, and is intensified by the fact that Oval’s compositions move within the structural confines of contemporary pop music; their strategy for commenting on and tapping into the economy of the sonic culture industries is to assemble pieces that revolve around radio’s preferred 3-minute mark (Stuart 47), and that approximate the rhythmic and cyclical structure and length of pop songs. Oval’s originality, then, is distinct and palpable; but it is also a sophisticated trick, as it is organized in such a way that it can be located only in the fact that no sounds on an Oval CD are produced or authored in ways conforming to
traditional notions of artistic creation – all are derived either from heavily modulated samples, or from the sounds of (sound-)information’s reproduction itself.

The now defunct sampling duo Stock, Hausen & Walkman (Andrew Sharpley and Matt Wand) positions itself in even closer proximity to the pop universe. Their name, to begin with, is a smart concoction of three references to pop culture and art music: it refers to the famous 1980s pop producer trio Stock, Aitken, and Waterman (a hugely successful production trio known for streamlining synthetic pop music as well as for a tendency to sue bands who sampled its music), the avant-gardist composer Karlheinz Stockhausen, and the Sony Walkman (undisputedly one of the pioneering devices of private mass music copying). In tune with this parodic moniker, Stock, Hausen & Walkman perfected a sampling practice that relied exclusively on highly complex appropriations and mixing of popular sounds bits lifted from pop, rock, classical music and film soundtracks. The samples created from these sources were mixed into peculiar miniatures that, like Oval’s sampling pieces, again roughly fitted the mold of the pop song format. In doing so, Stock, Hausen & Walkman mock not only the form, but also the content of pop music, Muzak, and advertisements, and do so entirely from within the structural contexts that demarcate these forms. Since the duo positioned its work in such close proximity to the cultural spheres it commented on, it was, however, never unanimously welcomed on the experimental music circuit that provided the conceptual background for its activities. Indeed, the seemingly mindless straightforwardness of its intricately woven sampling creations and the fact that their practice allowed for generic – but not specific – recognition of their source material as

111. In a particularly well-known case, Stock, Aitken and Waterman (SAW) sued the British group M/A/R/R/S over the unlicensed use of a SAW-owned sample that consisted of an indistinct voice moaning the word “hey.” The music press countered with exposing numerous cases of SAW lifting samples themselves, and a prolonged, paradoxical animosity ensued between the producers (who continued to provide the public with many hit releases) and the press, which praised their products while criticizing their methods (see Sutcliffe).
popular music elicited much derision at festivals hosting jazz and experimental music. Along with the absurd distortion of mainstream conventions practiced by Stock, Hausen & Walkman, this fact of the borderline unrecognizability of their source material (samples would commonly be very short and/or heavily modulated) meant that the pop world was equally unable to accommodate their work (and would, in all likelihood, have objected to their unlicensed use of copyrighted materials). This suspension between the mainstream and the experimental, which the duo fullheartedly embraced, demonstrated and at the same time countered the homogeneity that the culture industries’ prevailing ideology and reproductive technologies are said to engender – a direct refutation, perhaps, of Huyssen’s critique discussed earlier in this chapter.

Indeed, in Stock, Hausen & Walkman’s practice, the mundane, unvaried content of mass-produced pop music, the streamlined forms it takes, and the reproductive technologies that enable both are not immune to critical subversion through appropriation, as some critics would claim, but rather are fertile ground for such interventions. Throughout the duo’s collaboration, complaints from ‘sophisticated audiences’ about their work’s alleged shallowness ran parallel to the music industry’s complaints about their unlicensed use of samples. Their notoriety surely stems, last but not least, from the fact that Matt Wand and Andrew Sharpley are extremely proficient studio *monteurs* as well as live performers. “Containing all your favorite hits from last summer,” as one radio host put it, their samples are woven together so tightly that their audiences’ collective memories of the original sources function only subliminally; in their work, the incorporated material, unrecognized but certainly not undetected, thus functions to mark art music’s indebtedness to mainstream forms and styles, and the use of reproductive technologies it shares with pop. Foregrounding such interactions and overlaps is hardly a new strategy (consider again, for example, Tenney’s *Collage No. 1*). In Stock, Hausen & Walkman’s practice, however,
appropriation is not abstractly focused on either content or means of reproduction; it also sustains the prior functional principles of the source material. Pop, in other words, is critically replicated rather than reused for new and different purposes.

4.3 Beyond the Limits of the Analog

Ultimately, Stock, Hausen and Walkman’s audio appropriations point to the important fact that the homogeneity as well as the tame ultra-compatibility of mainstream music’s form, content, and technological reproduction contexts are representative of the new global condition of most pop cultural expressions: the digital. In the cultural and socio-political circumstances addressed in such work, a continued foundation in the analog would be of little consequence for both the original’s integrity and the appropriation’s critical effectiveness. The digital, accordingly, is the preferred *modus operandi* of contemporary sampling artists, not merely for reasons of accessibility and ease of use, but more importantly for reasons of critical pertinence.

Stock, Hausen & Walkman, too, operated exclusively in the digital, using hard drive samplers that move all creative intervention with source materials from the tangible into the virtual. In their work, as in that of many other contemporary sampling artists, the modal and technological context of the digital provides not only the technological, functional principle for sound appropriation, but relates to the internal structure of the sampling pieces also on a conceptual level: despite the popular sources used, the smallness of the samples that Stock, Hausen & Walkman work with overrides individual recognition and instead encourages what I have called ‘generic recognition.’ In this, the samples can cease to function as content-based references, and are used more like percussive or musical notes. This argument provides yet another conceptual link to the digital, and points, again, to its critical effectiveness in contemporary sampling music. A linguistic analogy can help to illustrate this point: in
morphology, i.e., the study of the internal structure of words, morphemes are identified as the ‘smallest meaningful units’ of language, which are combined to form words. Morphemes do not necessarily carry lexical significance; their meaningfulness can be limited to the grammatical, to the fact that they are part of an established system of meaning. In the Western tradition of musical notation, individual notes may be said to fill the same position, since they represent the ‘smallest meaningful units’ out of which fixed melodies and sound patterns are formed. This in itself already suggests the important role that reuse and copyability can be argued to play in musical composition (at least in a structural sense) – as abstract referents, each note can never be considered original. Audio sampling in general follows a similar logic, in that it is based on the recombinant use of small, appropriated fragments that can also serve to imply the absolute copyability and reusability of (larger) sound patterns. This foregrounds questions of originality and the derivative use of already-authored materials as aesthetic and/or ethical problems. The digital encoding of information, finally, pushes this analogy to a point where the ontological difference between original and copy is challenged in the most radical form possible: like morphemes and musical notes, digital ‘bytes’ (the smallest meaningful units of digital computation, consisting of strings of 1s and 0s that form ‘bits’ of information) gain significance only in meaningful combinations, and thus always already problematize traditional notions of singular, immutable meaning and the logic of its ownability and inalienability on a technological level.

Based on this it can be argued that appropriation practices relying on digital technology can question rigid notions of original creativity in ways whose effectiveness is amplified by the technological framework in which they are based – an ability that analog appropriation, too, possesses, but which has, as I have shown in the previous chapter, more pronounced limits.
Whether inadvertently or purposefully, creative expressions that are explicitly framed by the digital can always call into question, in other words, their own originality and uniqueness, even when they are not posited as appropriation pieces. Consequently, creative appropriations that are based on the recombinant use of small samples can strongly imply the absolute copyability and reusability of digital code; they suggest their own implication in a system in which meaning is created primarily through a double recombination not only of technical components, but by extension also of the cultural information encoded therein. The ultimate abstraction of creative, ‘authored’ sound information – going beyond notation systems, and certainly beyond inscription in analog base media – is thus its encoding as digital information, a mode of existence that inherently undercuts traditional notions of attributability and originality. And since in audio sampling, the breaking down of preexisting, recorded sound material by definition precedes the recombinant use of these fragments, the reliance on digital media can be considered a technological and, more importantly, conceptual approximation of the creative practice itself. In this sense, digital appropriation appears as an ideal way of rendering the use of a particular mode of reproduction critically pertinent, as Walter Benjamin demanded every critical artist inevitably must. Theorists such as Huyssen have argued that the embrace of reproductive technologies for creative purposes can easily amount to the culture industry’s ‘assimilation’ of the artistic movements implicated, and their re-rendering as uncritical, Marcusian affirmative culture. In contrast to this, I have suggested that the harnessing of the digital as both repository of meaning and (re)productive context enables contemporary sampling music to considerably increase its critical effectiveness. Transcending the limiting analog, which still carries with it the inevitability of producing tangible originals, sampling can now much more freely and powerfully comment
on the shared creativity and on the general referentiality of creative production processes that all
creative appropriation seeks to imply.

In recent years, an immensely popular electronic sampling scene has been pushing these
concepts far beyond the extremes to which artists such as Stock, Hausen & Walkman had already
driven it. The most popularly and critically acclaimed (although not necessarily theory-minded)
among these new sampling artists is Pittsburgh-based Girl Talk (a.k.a. Gregg Gillis).
Spearheading the so-called ‘mash-up’ scene, Girl Talk works with samples lifted from popular
music, which he molds into densely layered dance tracks that remain as broadly accessible as
their pop sources. His most recent album *Feed the Animals*, released on the Illegal Art label in
mid-2008, runs less than an hour, yet consists of over 300 individual samples, all of which point
to best-selling hip hop, rock and pop hits. The used samples are clearly recognizable, and are
edited only for length, speed, and pitch. Justifying his appropriations with the inescapable
ubiquity of his source materials, Girl Talk thus stretches the appropriative use of owned cultural
matter dangerously far into the sphere of profit-conscious mass culture. In doing so, he utilizes
digital technologies (and digital distribution channels) that are primarily designed to facilitate,
quite clearly, the global assault of pop culture, but which alternative mash-up artists often cite as
their inspiration. He uses technologies, in other words, that have recently rendered mash-up
sampling nearly as ubiquitous as the appropriated sounds it is based on.

In the work of mash-up artists, recognizability as well as questions related to the general
legitimacy of reuse often appears as a game, or a dare. Yet, unlike the insiderdom and
foreknowledge that renders literary adaptation an intellectual ‘recreation’ (see Chapter 1),
sampling mash-ups are marked more by a ludic quality that highlights the defiant stance that
mash-up artists take *vis-à-vis* the culture industry that they harvest for their appropriations.
Accordingly, the preexisting materials used in mash-ups are not chosen for their artistic pedigree, but rather as representative of the omnipresence of mainstream sound culture that theorists of postmodern culture have long argued to be a given, and that entertainment industry lobbyists would like to control as a closed circuit of commodities rather than as an open cultural repository. As I will show in the following chapter, the playfulness just indicated is not exclusive to audio sampling, where it helps to balance creative works between criticism and entertainment, or to ward of allegations of criminal intent; rather, this kind of playfulness (which often takes the appearance of critical aimlessness) is an important marker also of many other forms of digital appropriation that are more precariously poised between criticism and hooliganism, and that are often discussed as ‘hacking,’ or digital vandalism. In the context of audio sampling, however, I have thus far posited the shift from analog to digital appropriation as one that ultimately empowered, rather than muted critical effectiveness.

4.4 Into the Digital
I began this thesis with the claim that the concreteness of analog creative appropriation can promote the practice’s overall critical functionality. Yet, as I have showed, a close proximity to the tangible, as embraced by the Dadaists and further explored by found footage filmmakers, can result in a series of practical and theoretical difficulties. To being with, it renders creative appropriations more vulnerable to basic charges of theft and plagiarism. It also cuts off the possibility of more abstract criticism that the analog sometimes disables due to the practical, technological restrictions imposed by specific media and (re)production technologies. A further, theoretical problem is that analog appropriation inevitably yields, whether wittingly or not, works that can be construed as ‘originals,’ even if their aim is to challenge such a concept. In the last chapter, Peter Tscherkassky’s and Martin Arnold’s extremely complex – and, no doubt,
effective – appropriation of analog film material served as examples of these difficulties. In
comparison, in the present chapter I have shown sonic appropriation to be more suitable for
tackling such complications; this observation has been argued not simply as an effect of a
qualitatively different mode of expression (the sonic instead of the visual), but rather as a
function of the preferred and facilitated use of digital media instead of analog media. Finally, I
have argued that artists such as Girl Talk are able to entirely evade the technical complications
that come with the analog, not simply because the digital is more suitable for their purposes in
practical terms, but rather because the digital is emerging as a much more relevant and forceful
venue for issuing critical commentary via creative appropriation.

As I have shown, since the initial material focus of the Dadaists, the embrace of the ‘less
analog’ (such as projected images and recorded sound) marked a decisive shift of interpretive
focus from artifact to process, from the appropriation piece itself to the reproductive technologies
used in its creation and appropriative production. The important critical role that incorporeality,
intangibility and unrecognizability play in this interpretive shift can be seen as a first
approximation of the digital; it is a more decisive coming to power of creative appropriation than
the earlier hands-on use of scissors and glue. By problematizing the traditional focus on works
and tangible objects (a move made possible by changing sensibilities regarding the ownability
not only of concrete, but also of ideal objects and information), appropriation may now be able to
amplify its potential for conceptual sophistication and critical effectiveness. In the present
chapter, the context of digital audio sampling has provided a good framework for such an
amplification of critical functionality; in the following chapter, the context of further practices of
digital appropriation enable me to discuss this assertion in more detail, and with reference to both
its positive and negative manifestations.
Like other appropriative practices, audio sampling stresses the potential for positing new, different meanings and interpretations that the appropriation artist creates. It emphasizes the artistic processes involved in the production of any composition or performance, but recasts them as catalytic procedures that modify the appropriated original’s voice and that, without erasing this voice, add to it aspects that can be interpreted as either another, new layer of originality, as indicative of plagiarism or theft, or even as a creative stance that is qualitatively different from that which we traditionally perceive as authoritatively original. The added reliance on digital media and technology, as I have argued, significantly complicates these notions of originality and uniqueness, and thus raises the critical potential of such appropriations.

To summarize: While earlier notions of appropriation’s critical power were largely based on the use of analog materials, and more specifically on the close connection that such materials could suggest between the works they were used for and the circumstances and contexts from which they emerged, more recently technological advances and their discursive and practical implications have opened up new media and techniques to critical appropriators. The confluence that can be observed in the use of new technologies and media by both the culture industry and appropriation artists points to a paradox that has already been discussed in Chapter 1, and that will be developed in more detail in the following, final chapter: as the commodification of art and cultural artifacts/traditions has made these spheres profitable arenas for capitalist enterprise, theories of authorship and ownership that were originally conceived to foster the creativity and productivity of the individual are now employed to restrict the same creative processes they were once supposed to facilitate, and mostly serve entrepreneurial and regulatory purposes. Opposition to creative appropriation is thus both politically and economically motivated: economically, because contemporary legal doctrine has significantly raised the financial stakes
involved in unsanctioned appropriation of cultural knowledge/information (debates about media-
‘piracy’ are the both cause and result of this); and politically, because critical appropriation still
continues to become a more and more powerful tool for exposing the unethical appropriative
practices that keep the capitalist apparatus functional at its very core.

Critical appropriative forms such as found footage filmmaking and audio sampling
address these very developments, and have emerged as powerful tools for political commentary
and intervention. The materials analyzed in this and the previous chapters outline a tangential
move away from Chapter 2’s more practical concerns with montage and literal, physical
appropriation, which was marked by a focus on technique, by the tangibility of collage materials,
and by the identification of the artist as engineer and Monteur. Although the ‘realness’ of the
appropriated materials remains an important issue, appropriation in general is thus beginning to
take into consideration more abstract concepts of originality, authorship, and ownership,
considerations that are facilitated by updated technological contexts of (re)production. The two
appropriative practices of found footage filmmaking and audio sampling both function on a more
conceptual level than the Dadaist montage discussed in Chapter 2, and also prepare the path for
appropriation relying on digital technology.

It appears that for analog audio sampling there is no limit case similar to the one outlined
for the context of found footage filmmaking. Because of the fundamentally fleeting and
intangible nature of sound, I have suggested that easily accessible reproduction technologies
enable audio sampling to push further than the technically related analog reuse of other material,
such as photographs or analog film, is able to. Ultimately, these characteristics of sound may be
seen to situate audio sampling in an area where questions of whether an appropriation is carried
out in the analog or in the digital become relatively inconsequential. By definition, creative
appropriative practices operating in the fields of sound and moving images thus mark an important conceptual move beyond the critical reach of the materially manifest appropriations of the Dadaists. With the growing recognition of the economic and ideological values embodied in all cultural matter (regardless of their base media), and the laying down of these notions in ethical codices and legal doctrine, creative reuses of authored yet intangible cultural matter that had once been unclassifiable become instantly and unmistakably recognizable as acts of appropriation. Against the background of significantly shifted notions of the ownability, appropriability, and reproducibility of cultural matter, the degree of creative appropriations’ tangibility (or intangibility) has thus ceased to greatly impact the works’ critical potential. Audio sampling is, then, ideally posited to break through the insistence that a groundedness in either analog or digital media constitutes a significant conceptual difference with regard to a work’s critical functionality.

In Chapter 1, Adorno and Horkheimer were tentatively invoked to exemplify a certain theoretical pessimism (justified, no doubt, in its historical context) that perceived the individual subject as defeated at the hands of late capitalism’s culture industry; to complicate this perspective, I contrasted their arguments with a theory of mētis, a theory celebrating the practical skills that can be acquired within all settings of social productivity, including capitalist systems of labor relations and technological reproduction. These skills, I have suggested, can enable resistant appropriation of knowledge, resources and technology even at the core of the late capitalist system of assimilative containment, and may provide the context for a tactical application of creative appropriation. As my comparison between appropriative practices applied to analog film, on the one hand, and digital sound, on the other, has furthermore suggested, the resistant potential of appropriation is even more pertinent with regard to digital production.
processes, an argument that I have developed in contemporary contexts in which ‘the digital’ has come to figure as the primary base medium of the majority of cultural expressions. Now, it is time to revisit and expand the discursive context of mētis, and to cast a wider framework for theorizing the late capitalist subjects’ power of resisting containment within the cultural and economic formation in which they are inscribed. In Chapter 1, I have already argued that suitability for critical appropriative uses is not necessarily contingent upon medium-specific contexts (it does not matter, in other words, whether we speak of the analog or the digital). In the following chapter, then, I will show that the digital may be an ideal context for formulating a theory of appropriation as a critical practice, but that the relevance of such a (digital) practice need not be limited to the digital sphere.

Indeed, many sampling practices discussed in this chapter purposefully blur the distinctions between analog and digital, tangible and intangible, and challenge the general relevance of such classifications. My first two examples of audio sampling pieces (Vakant’s “Impromptu Suite” and Tone’s “Solo for Wounded CD”) are a good case in point: while both establish the critical relationship between the appropriative practice and appropriated recordings through analog practices (the analog recording of skipping sounds in the first case, and the analog surface treatment of the base media in the second), both examples also represent interventions with a digital medium (that of the CD). After the move away from the immediately tangible, the digital is thus the open field beyond the limit imposed by the analog. Pushing into this sphere, both examples just cited allow both the analog and the digital to critically bear upon each other. Analog-digital crossovers such as this are thinkable also in the context of the cinematic arts. There, however, they necessitate an important shift (from film to video) that tends to be perceived as an actual change in the medium used. Through its heavy focus on process and
technology (at least reminiscent of the analog), audio sampling is better able to suggest the bridging between the analog and the digital, and represents an ideal example of a push into the digital that retains, and further develops, all the prior critical implications of artistic analog appropriation: the economic, the ethical, the aesthetic, the ideological.
Chapter 5: Towards a Critical Practice of Appropriation

After having drawn a varied image of three concrete modes of creative appropriation grounded in different media, and after having pushed the framework for my analyses from the sphere of the analog towards that of the digital, it is now time to consider some critical implications of the abstraction represented by this shift. I will therefore revisit and expand some of the arguments that have provided the theoretical foundation for the outset of this project, and contextualize these arguments first with reference to current appropriative practices outside the aesthetic sphere, and then with further examples of contemporary appropriation art grounded in the digital.

At the outset of this thesis, the general ubiquity of creative appropriation was set against the background of the legal history of the production and ownership of material and ideal objects, a context that led me to the discussion of the ethics of appropriation. I first introduced these issues through the premise of discourses of material property; issues of intellectual property and of the creation and dissemination of ‘ideal’ objects were, thus, initially touched upon only tentatively and indirectly. Likewise, questions of how creative appropriation can critically interfere with appropriative practices in (re)productive spheres outside the artistic realm were discussed hypothetically rather than practically, and these other areas (most importantly, the economic and the scientific), in which the systematic application of appropriative practices is also of vital importance, have so far been implied rather than addressed in detail. Nevertheless, throughout this thesis a general underlying argument has been that all appropriative practices are symptomatic, whether purposefully or involuntarily, of a critical potential that can, if realized, enable individual agents as well as a global multitude of appropriators to expose, challenge and
perhaps counter the commodification, homogenization and domination to which the present moment of late capitalism and the growing prominence of immaterial labor constantly expose them.

After initially discussing this critical potential based on de Certeau’s and Scott’s concepts of *métis*, I went on to develop it in more detail with reference to Negri and Hardt’s theories of the multitude and of immaterial labor. In my own argument, their focus on notions of immaterial labor (so characteristic of ‘post-industrial’ capitalism, and embraced in equal measures by neoliberalist policymakers and the political left) is seen, again, as symptomatic of a general shift towards digital contexts of (re)production. As I have shown in subsequent chapters, political theories of immaterial labor suggest that in such contexts the critical momentum of creative appropriation is not only retained, but may actually be intensified. Accordingly, the concrete analyses of artistic practices of appropriation that followed are based on the following assumption: if appropriation art in specific is indeed inherently disposed to challenge the inadequacies of traditional notions of individual creativity and genius, and of the economically informed theories of authorship and ownership that they enabled, then appropriation in general must be understood to involve skills that make possible a wide variety of resistant, potentially revolutionary activity. This regards not only artists’ resistance to the legal restrictions imposed on the circulation of already-authored ideas, images and sound; it also points, rather, to the general subversive potential that is available to all productive agents with the ability to appropriate knowledge, resources, and technical skills, and the will to repurpose them for other, individual or collective means. Acting out on a public level of creative production that has long been accepted as a testing stage for the turmoil of everyday life, appropriation art thus simulates and demonstrates the potentially empowering aspects of all appropriation in countering
sentiments that continue to feed – under the guise of protecting the integrity of individual creativity and intellectual property – the inequalities of current ideological and economic formations.

Throughout the preceding chapters, I showed that all creative appropriation actively addresses (and performs) the notion that ideas, materials, and techniques are perpetually subject to meaningful, useful recombination. Attempting to disable such critical appropriative practices, dominant ideological and economic formations have time and again sought to render unsanctioned recombinant practices illegal, to make appropriation more difficult by imposing technological barriers, or to defuse appropriation’s critical force through strategies of commodification and assimilation. These strategies, however, have again and again failed. It seems, indeed, that in particular the economically motivated technological advances that have shifted so much cultural (re)production from the analog to the digital over the past decades have, to a large degree, empowered appropriative efforts, rather than impeding them.

All knowledge, techniques, and artifacts (whether material or ideal) can thus become sites of critical appropriative interventions. Currently, this is forcefully evidenced in the context of the ultra-copiable, ultra-appropriable digital that has come to provide the basis for so many cultural and commercial (re)production processes. Even here, in an arena where the profit stakes are higher than ever before (partly because the cost of commercial reproduction can theoretically approach zero), legal and technological obstacles can never successfully prevent appropriation. The only vaguely successful strategy of containment, it appears, has been one of intimidation and fear: the mere possibility of litigation and looming legal bills prevents countless artists from employing subversive appropriative practices; the staging of ‘precedent’ piracy trials against low-income citizens who allegedly wreak millions of dollars worth of annually lost revenues by
appropriating entertainment content stigmatizes every individual as a potential criminal who can and will be caught;\textsuperscript{112} the practice of settling infringement cases out of court, finally, has the convenient effect of never forcing courts to rule on the extent to which appropriative practices should or should not be criminalized.

Such strategies of intimidation and criminalization certainly divert public focus away from issues of individual agency and civil liberties of sharing and reusing, as I discussed them in Chapter 1, and as they were implied by the artistic practices that were discussed in the subsequent chapters. Yet they also lead legal theorists such as the UCLA-based legal scholar Neil Netanel to ask if current copyright doctrine may be interfering with constitutional rights to freedom of speech (as detailed in the 1st Amendment).\textsuperscript{113} And overall, the discourses represented by doctrinal obstructions to the freedom to appropriate undoubtedly demonstrate that appropriation’s critical potential is indeed perceived as more than just a commercial threat to copyright holders. What, then, about those contexts of appropriation that go beyond the immediate sphere of the concrete, well-established artistic practices analyzed throughout the preceding chapters? What about unavoidable, often purposeful overlaps between the art of appropriation and, for example, the business and science of appropriation? What are the intersections between critical appropriation and the possibilities for more sustained and organized modes of resistance that both globalization theorists and new media scholars locate in

\textsuperscript{112} Even outspoken supporters of shared culture, such as the Swedish founders of the website The Pirate Bay (one of the most prominent repositories of so-called torrents, i.e., small files used to establish downloads of often-times pirated digital materials through peer-to-peer connections), have, during the recent high-profile law suit filed against them, pointed out that instead of prosecuting them, the law should go after the real perpetrators – the twenty-two million private users of their site (see Hansen).

\textsuperscript{113} This pertinent question is asked despite the fact that in the landmark case \textit{Eldred vs. Ashcroft}, the Supreme Court has ruled otherwise: when the Internet publisher Eric Eldred challenged the latest American extension of copyright provisions (the “Sonny Bono Copyright Term Extension Act” passed in 1998), which granted an additional twenty years of retroactive protection to copyright holders of already existing works, the Supreme Court opined that copyrights do indeed protect free speech (as argued in the early copyright debates of eighteenth century England), rather than obstructing it (see Netanel).
the emerging importance of immaterial labor? Does the shift from analog to digital
(re)production circumstances indeed make a big, even qualitative difference, and does this shift
really raise not only the financial stakes of officially sanctioned appropriation, but also the
functional stakes of subversive, resistant appropriation?

This chapter explores how the issues just outlined affect the interrelations between
various appropriative practices (both artistic and non-artistic). In doing so, I will focus first on
appropriation outside the aesthetic; this is followed by an exploration of contemporary artistic
practices that vehemently challenge the above-indicated assimilation, commodification and
criminalization of appropriative practices, and that raise important questions about official and
corporate attempts to defuse the critical force of such practices. I will thus begin by discussing
some examples of how the assimilation of appropriation as an economic and scientific technique
has strengthened discourses that strive to paint creative appropriation as harmful and unlawful,
and that thereby seek to ignore humankind’s long history of creative collaboration and collective
knowledge. The economic and the scientific, in this sense, are two discursive fields that strive for
the vindication of some types of appropriations, while reproving and criminalizing others. This
discussion will then be contrasted with some contemporary examples of critical appropriation
that practically and conceptually situate themselves both squarely within and entirely out of
reach of charges of theft, piracy and so forth. As will be seen, my examples are mostly framed by
a specific understanding of the digital as a context whose heightened suitability for critical
purposes is not a matter of medium-specific principle, but rather as a context that is ideally
positioned to tackle the critical issues arising at the very specific current moment when –
primarily in the context of digital media – official and corporate pressure on creative
appropriators has assumed disturbing and intensity simply by virtue of the very fact that it itself provides the structural and technological context for many of these complications.

Continuing the preceding chapters’ comparative discussion of creative appropriations that are grounded in different historical, political, and medium-specific circumstances, the following analyses of creative practices of appropriation will once more argue that their critical viability and effectiveness are not determined exclusively by the specific techniques of appropriation employed, by the materials or processes they are based on, or by media-specific contexts they engage, but rather by a combination of these factors. Here, it will be important to note that contemporary critical appropriation often takes a digital shape not only because this context is more convenient for practical reasons (as has been intimated, to some extent, in Chapter 4), but, as discussed in Chapter 1, because the digital enables more effective conceptual linkage to those critical issues of individual and collective agency, of freedom of speech, and of unencumbered, creative communication that the economy and science of appropriation tends to negate.

In this sense, while the scientific and economic appropriations discussed in this chapter are heavily invested in notions of private property, and indeed often justify themselves with arguments about ‘private property for the public good,’ the creative practices discussed below adopt perspectives that are more strongly grounded in the premise of the common than the practices discussed in prior chapters. Like so many other critical aspects of the appropriative practices I analyzed, this, too, has to do with their processual qualities. As a practical stance, the underlying embrace of the common allows appropriators to evade allegations of theft or piracy (and in many cases, it ends up forcing an even stronger focus on issues of privacy and property). As a thematic tactic, it allows them, as I will show, to tackle the critical issues indicated above in a roundabout way: choosing the premise of collectivity and the common as a thematic and
formal context, the creative practices discussed below have no need to call for either the protection or the disbandment of private rights in the ownership and circulation of goods and ideas, and furthermore avoid becoming structurally entangled in pre-existing discourses of originality and authorship. Because the creative appropriations discussed below set out in the sphere of the common and the collective, use the common as material, theme, and structure, and thereby arrive at critical issues of individual and collective agency, privacy, and democracy, they challenge the restrictive application of current notions of private property indirectly, and cannot so easily be said to defy them through ‘criminal actions.’

5.1 The business of appropriation

When appropriation is deployed for commercial purposes, as a form of entrepreneurial tactics, it might at first appear to be at strong odds with the Romantic ideals of creativity, authorship, and ownership on which copyright and other legal measures regulating the circulation of commodified cultural production are, as I have shown in Chapter 1, built. Yet appropriative business practices, which are indispensable due to their economic efficiency, can be observed to continually call upon these very ideals (flawed as we may perceive them to be) for purposes of self-legitimization. The result is a strangely paradoxical situation in which certain appropriative practices may be denounced as unscrupulous by those whose assumed property is in danger of being appropriated, while the same parties may openly or covertly embrace other such practices as a cheap and effective substitute for costly and time-consuming research, development or (re)production processes.

This odd dichotomy is upheld not only between explicitly commercial and explicitly critical appropriation, but is applied also within the closed realm of entrepreneurial appropriation tactics. Often, such tactics are initially justified and then challenged by one and the same party
simply because the ‘natural’ rightfulness that commercial appropriators attach to their practices based on Romantic notions of original genius is, in this context, curiously inverted as an exclusive, one-time-only occurrence. It is, in other words, quite obviously very convenient to first justify one’s commercial appropriation as an original act of creative production, and then to invoke the same principle in order to protect one’s newly assumed position as author *qua* owner.

In economic terms, the appropriation of a material or ideal object for commercial use may be inestimably more profitable than its painstaking development through other avenues of invention, licensing, and so forth; yet this simple equation only holds if the appropriated object or idea can be protected from subsequent re-appropriation that would result in the appearance of further, similar commodities invading the ‘original’s’ market. While commercial appropriation must thus – by necessity and paradoxically – seek to foreclose the repetition of the initial appropriative act that it itself constitutes, artistic appropriative practices can perform the important function of exposing this tendency, by emphasizing and celebrate the circularity and open-endedness of the re-use of all materials, of the cross-fertilization of ideas and knowledge, and of the multifariously useful practical results this can yield for the commonwealth of appropriators.

In order to be eligible for legal protection from further reuse, then, commercial appropriation must, in fact, be able to retroactively define itself as a kind of ‘original creation.’ This self-identification as original functions based on the same theories of natural and perpetual ownership that also informed early copyright legislation vested in Romantic aesthetics of genius and originality (and, by extensions, the formation of contemporary intellectual property rights and patent law). But where (Neo-)Classical and Romantic theory admitted to the perpetuity of
appropriation as an admissible, recurrent practice, the commercial appropriator invokes and employs such practices only in order to then rule them out. Reference to Romantic ideals can thus serve to both legitimize and challenge the rightfulness and legitimacy of appropriation, exactly because the notions of natural ownership that such ideals propose can easily be interpreted as either absolute or alienable. The French *droit d’auteur*, for example, speaks to authors’ perpetual control over their creative productions – but more entrepreneurially-minded interpretations of copyright legislation might argue that copyright must be treated like all other acknowledged claims to absolute property, and represents, thus, an entitlement that “can then be subjectively valued by its owner and traded for other entitlements” (Drahos 126).

The systemic logic of global capital’s (re)production machine commands, then, that commercial appropriation can work (i.e., be profitable) only if competing notions of natural ownership as either absolute or alienable are first acknowledged, and subsequently denied. In the context of aesthetic (re)production of authorship (for example, in literary adaptations), such matters might be negotiated in terms of influence, reference, perhaps reverence – but in economics, an entirely different set of stakes and discourses are at play. This is exemplified by the practice of corporate ‘flipping,’ a term that describes the venture capitalist practice of cheaply acquiring corporate entities that are threatened by bankruptcy or precariously afflicted in some other way, and then reselling them for profit. Obviously, the potential profitability of this type of transaction depends on an appropriation of values (monetary or abstract) that pre-exist

114. It is for this purpose that neoclassical theory – and later Romantic philosophers such as Edward Young, discussed in Chapter 1 – drew subtle yet far-reaching differences between concepts of ‘copying,’ ‘emulation,’ ‘imitation’ and ‘translation.’

115. French copyright law provides authors with a set of rights that go beyond common copyright terms and that are, essentially, perpetual and inalienable. Similar to moral rights, they include: right of publication, right of attribution, right to the respect of the work (prevents unauthorized alterations), right of withdrawal, right to protection of honor and reputation.
the investors’ involvement and that do not have to be realized by them (such as respected product lines, corporate identity, reputation, etc.). This kind of ‘flipping’ is based on the assumption, then, that the values represented by a brand, product, or patent are fully appropriable/alienable, while at the same time being legally protected against unauthorized reproduction. The thought, labor, or financial investments that precede the flipping event are valued, in other words, exactly for their originality (they are external to the investments of the buyer) – but it is the appropriation of the positive discrepancy between the bought-out entity’s initial market value and its value at the time of being ‘flipped’ (Marx’s surplus value) that makes the practice a lucrative and accepted (if deplored) entrepreneurial scheme. While this may once again recall Julie Sanders’ explanation for the successes and cultural currency of literary appropriation as discussed in Chapter 1, it is unimaginable that a kind of ‘aesthetic flipping’ could become an acknowledged, openly embraced practice. Instead, some of the arguments that justify corporate flipping are, in fact, inverted as unfavorable ethical criteria when creative appropriation is condemned as derivative, plagiarism, or theft.116 (Since corporate flipping is often linked to massive lay-offs, outsourcing, relocation of facilities, and major changes to the product line, product quality, or corporate identity of a company, it is not surprising, however, that this practice and those who engage in it also have to bear a relatively bad reputation – if not in legal, then at least in moral terms.)117

116. As noted in the introduction and in Chapter 1, the moral and/or legal rightfulness of appropriations is often purely a matter of perspective; in particular, it seems that wherever creative appropriations critically comment on their economically informed counterparts, this fuels the unfavorable stance that the culture industry overall is taking on the matter of creative appropriation.

117. The legal responsibilities for large-scale investment flipping tend to be carried by abstract entities of corporate personhood rather than by private individuals. The practice thus represent relatively negligible immediate pecuniary dangers to what in the language of philosophy and law is understood as ‘natural’ persons.’ But on a smaller, more private level, a similar practice has recently gained – and subsequently lost – immense popularity: before the recent burst of the North American real estate bubble, private real estate ‘flipping’ had become a common appropriative business scheme that was rumored to yield fantastical profits. Its reputation, however, has always remained as questionable as that of corporate flipping (and the practice is, therefore, very much at odds with the ‘American
Appropriation’s duality of being both attractive and problematic as an entrepreneurial strategy also surfaces in corporate strategies of dealing with exploding R&D (“research and development”) costs, especially where they relate to the digital media industries and their software and entertainment sectors. It is easy to see how in the business of marketing ideas, trends and information, an appropriative approach can be immensely helpful in bypassing some of the costs usually incurred in this area. For the very same reasons, however, easy appropriability – now a universal characteristic of virtually all digital commodities – has become an enormous financial liability: the simple fact that appropriation cuts the costs of developing a piece of software does not stop at the public release of such a product; it also applies to the finished product’s own easy appropriability, which poses a obvious potential harm to its profitability.  

Clearly, the economic implications of this are vast. In an interview, Microsoft’s founder Bill Gates demonstrated this with the following example: as he pointed out, once the enormous development costs of any digital product have been recouped, the sale of “every single additional unit is pure profit” (qtd. in Davis 1). If, however, a similar product – perhaps based on an appropriation of the ‘original’ – appears on the market, demand for this original can drop to zero. The critical issue Gates addresses here is, again, the problem of digital media’s inherent copyability and appropriability, which, in the words of the economic strategist Lee Davis, often fuels, for example, discussions over the “digital rights management” (DRM) protection of copyrighted/licensed digital content. Generally, DRM refers to the implementation of technological barriers that make the appropriation (copying, modification, etc.) of digital media impossible. One reason why the practice is heavily disputed in scholarly communities is that it imposes limits on user rights that have been argued to be in violation of basic contract law (more specifically, it prohibits commodities’ rightful owners from engaging in certain uses of their property); more importantly, DRM measures effectively amount to the assumption of criminal intent on the users’ part (i.e., the intention to unlawfully appropriate). Some of the problematic implications of DRM will be discussed in more detail in the section on creative interventions below.
“concerns the degree to which the returns from investments in R&D accrue to the innovator or to other market participants” (3). The values Davis refers to here are generally discussed as being monetary in nature, but they can easily be understood to more generally represent information, skills, resources, or knowledge. What Davis refers to, in other words, is not so far removed from the discussions of originality and imitation that play out in the aesthetic realm – with the simple difference that the currency contextualizing the proposed arguments is of an ideal nature in the latter example, and of a monetary nature in the former.

Considering the easy appropriability of digital media and information, and given the high R&D costs involved in the production of profitable new media commodities, economists often fear that without sound legal (or technological) protection, “firms will lack adequate incentives” for continued investments (Davis 3). Curiously, these concerns, which stimulate today’s discussions of appropriative practices and relevant countermeasures, again approximate the concerns driving the formulation of early copyright doctrines in the eighteenth century, when securing control over intellectual property was considered an important measure to foster aesthetic and philosophical progress (hence the Statute of Anne’s subtitle “An Act for the Encouragement of Learning”). What is particularly interesting about the concerns raised by authors like Davis is that he frames his discussion in the context of what he calls the ‘public good’ aspects of potentially appropriable matter. In a different context, I would define these ‘public good’ aspects as the (highly desirable) expansive intellectual or practical métis acquired through the interaction with software, literature, music, etc.). For Davis, however, the term negatively refers to the extent to which digital information is uncontainable – which is of course another, more politically charged aspect of métis and the political force residing in Negri and Hardt’s multitude. Whatever the context, aspects such as these are often considered to rest
outside the sphere of that which can be easily framed by contract law, licensing, or property law; they are aspects, in other words, that can be easily appropriated or circulated while being very hard to control – a combination that immensely empowers critical appropriation, but that economists see as posing mortal dangers to the continued profitability of commodities that are based on the provision of intangible experiences, or that are – even worse – structurally intangible themselves.  

As the above example shows, in economic terms the easy appropriability of digital media renders the (re)production and dissemination of software and other, similarly ‘immaterial’ products both rewarding and fraught with dangers; it is rewarding because commonly incurred costs can be cut, and dangerous because of the resulting product’s easy copyability, alterability, and distributability. Like other creative expressions that inspire, educate, or inform, commodities bound in digital form also tend to embody experiential qualities that are difficult to control, and that may inspire what the initial owners might perceive as ‘derivative’ products or expressions. Again, these issues could be recast also in terms of my earlier discussion of métis as an ultimately empowering form of interfacing with ideas, commodities and technology. It seems more important, however, to point out the inherent flaw of discourses promoting the obstruction of appropriative practices for economic reasons: as Davis’s arguments show, even in the high-

119. Since information and other ideal (often digital) values so stubbornly “want to be free” (a popular free culture slogan generally attributed to the hacker Steward Brand), developers must choose either to invest large sums in technological brute-force protection of their goods (such as DRM, see footnote 125), or on the contrary to make them more or less openly available for appropriation – an avenue that is often calculated to be the far more economic course of action. The latter option is more and more often chosen, for example, by software developers who hope to thereby bind customers to their products not through strict contracts or technological barriers, but through the more abstract means of what in the software industry is often called a ‘locking-in effect,’ i.e., the formation of strong ties between users and a family of products simply by nature of the software’s ubiquity on the market (Davis 15). (See Grindley for more information.) Interestingly, in this context it makes no difference whether the large-scale dispersion of a product occurs by legitimate means or through piracy; PC users in China, where the circulation of pirated Microsoft products is rampant, are no less ‘hooked’ on the company’s products than users in other parts of the world. It is an acknowledged fact, then, that the appropriation of ‘owned’ or ‘authored’ commodities can have, through the above-mentioned ‘locking-in effect,’ positive economic percussions even when it is not sanctioned.
stakes arena of the (re)production of digital commodities, where the ‘public good’ nature of information may “exacerbate the problem of appropriability,” this does not necessarily represent a “detriment,” and can instead “in the long run generate even greater returns than if copying had not occurred” (21, 22).

Even though the above examples address appropriative expressions and practices of both the material and the immaterial kind, they cannot be considered to be comprehensive, as they may seem to suggest that the ethics of commercial appropriation are best negotiated via issues of property. Creative appropriation has been very successful in countering such sentiments. Think, for example, of Andy Warhol’s aesthetic reappropriation of proprietary brand names and the way in which his work gained critical momentum exactly by embracing – rather than negating – the culture industry’s system of commodification, circulation and ownership. Perhaps the most urgent example of the problematic ways in which the business of appropriation is suspended between the economic and the ethical, however, is that of the common practice of commercially appropriating traditional/indigenous knowledge and folk art. In a report commissioned by the World Intellectual Property Organization (WIPO), traditional knowledge is defined as including “tradition-based literary, artistic, or scientific works; performances; inventions; scientific discoveries; designs; marks, names and symbols; undisclosed information; and all other tradition-based innovations and creations resulting from intellectual activity in the industrial, scientific, literary, or artistic fields” (qtd. in Wirtén 110). In Western legal regimes, most of these instances of creative production would indisputably be protected against unauthorized appropriation. Yet existing copyright and intellectual property rights legislation (whether national or international) does not easily extend to these kinds of values and objects when they are represented by indigenous and traditional knowledge and practices (including medical
remedies, agricultural techniques, sacred images and melody patterns, traditional hairstyles, and architectural techniques).

One reason for this is that often, no individual owner can be identified; another, more important reason is that in many cases, the holders of such rights are unwilling to make ownership claims that in their view would mean ‘buying into’ the framework of Western (or, more properly, global) capital’s copyright regimes. Yet since the types of objects, sounds, images and ideas here mentioned can be interpreted as ‘public goods’ (much easier than the experiential qualities of digital media commodities discussed above), traditional knowledge and artifacts are even more susceptible to appropriative efforts – they are, in fact, frequently regarded as “naturally occurring ‘raw materials’ available for appropriation” (Jaszi and Woodmansee 960).

The lack of a tight legal discourse protecting such values (and certainly also the lack of a strong lobby representing those who should by all means have control over the dealings with them) means that the appropriation of traditional culture (and even more so of indigenous culture) goes largely ignored, or, in any case, unchallenged. This can have tremendous repercussions for the communities whose knowledge, practices, or artifacts are appropriated. Jay McGown and Alexandra Curi’s “Biodiversity Mystery Theatre” lists a large number of exemplary cases in which the misappropriation and patenting of indigenous remedies, healing practices, etc. has returned to haunt the communities that freely shared their knowledge in the form of infringement claims. As the legal scholar James Boyle puts it, “[c]urare, batik, myths, and the dance ‘lambada’ flow out of developing countries, unprotected by intellectual property rights, while Prozac, Levis, Grisham, and the movie Lambada! flow in – protected by a suite of intellectual property laws, which in turn are backed by the threat of trade sanctions” (125).
legal scholars Peter Jaszi and Martha Woodmansee frame the same argument in less cynical, but considerably more sinister terms:

In their effect, then, the positive commands of [copyright and intellectual property agreements], along with [their] strategic silences, codify and reinforce essentially imperialistic patterns [and assure] the conditions for a continued steady flow of free content, which can be improved and shaped into recognizable works by the industries of authorship. (960)

Over time, a long line of remarkable legal disputes has been bringing these grievances to the attention of the scholarly community and of the general public. This development is most noticeable on the American and Australian continents, where indigenous communities continue to be engaged in an ongoing struggle for access to and rights over the use of information and practices that they ‘possessed’ for longer than anyone can remember. More often than not, sharing these traditional values has proven a grave error for the communities involved. A series of examples cited in Jaszi and Woodmansee’s “The Ethical Reaches of Authorship” and in Eva Hemmungs Wirtén’s No Trespassing: Authorship, Intellectual Property Rights, and the Boundaries of Globalization make this shockingly clear. Both texts are based on the broad assumption that our “creative practices are largely derivative, generally collective, and increasingly corporate or collaborative” (947). In conjunction with the ‘natural’ development and expansion of global capitalism, this has meant a more and more thorough assimilation of traditional knowledge into Western culture industries, scientific research, etc. But as both Jaszi/Woodmansee and Wirtén point out, this creeping presence of the economic in worldwide cultural production and heritage has not resulted in the development of legal doctrine or everyday handling of traditional knowledge that can be considered more inclusive, considerate, or fair.
Instead, in a move for incorporation rather than equitable, collaborative regulation, Western standards of property and copyright or patent ownership are often simply expanded to apply to new arenas that show symptoms of becoming profitable markets.

In an overly optimistic observation, Wirtén points out that this transnational expansionist logic (which is highly reminiscent also of how the reaches of copyright law have expanded in intra-national contexts)\textsuperscript{120} “could be beneficial to developing nations as it at least in theory mean[s] that their resources, while previously considered neither trade-related, nor intellectual property, now [stand] a chance of being included in the global intellectual property regime” (107). Experience has shown, however, that inclusion in such regimes usually achieves little more than the forced exposure of traditional culture and knowledge to the logic of a global industrial/cultural/scientific marketplace that has little regard for the sanctity or context-based inalienability of certain types of artifacts and information. Cultural expressions that would otherwise resist smooth assimilation into Eurocentric, neo-imperialist economic systems are thus subjected to Western copyright/intellectual property/patent law and its three tiers of simultaneous legal protection, public accessibility/distributability, and – above all – monetary compensation.

International pacts such as the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS), whose official \textit{raison d’être} is, among other things, the protection of traditional knowledge and culture from unauthorized appropriation, actually have the effect of providing strong protection for “the most significant exports of the [existing] information and entertainment industries,” while leaving “other forms of cultural expression without any significant recognition in international intellectual property law” (Jaszi and Woodmansee 959).

\textsuperscript{120}. Anne Barron makes a similar point when she outlines how additions and expansions of conventional copyright legislation have always been conceived “incrementally by way of analogy with what had already received the protection of the law,” and not by systematic thinking about literature, art, etc. (283).
Part of the problem here is the inflexible formulation of applicable legislation: traditional knowledge, it appears, is ill-suited for protection under “authorship-centered” legal regimes simply because the content of such cultural expressions is often “not attributable to identifiable individuals” and furthermore tends to lack demonstrable ‘originality’ – another core legal prerequisite for the recognition of ‘authorship’ (which, in turn, is a prerequisite for the positive applicability of copyright, intellectual property laws, etc.) (959).

As a “particularly pernicious recent example,” Jaszi and Woodmansee cite the “unauthorized commercial invocation of the revered Lakota Sioux figure Tasunke Witko – or Crazy Horse – in the promotion of a ‘niche’ alcoholic beverage brand” (961). As is well known, during his lifetime Tasunke Witko fervently objected both to the excessive consumption of alcohol in native American communities and to the reproduction of his name and image. But since nobody can today rightfully claim ownership rights to the use of the name ‘Crazy Horse,’ an absurd predicament emerged: while the Lakota Sioux community had no legal course of action against the New Jersey-based company that started selling “Original Crazy Horse Malt Liquor” in 1992, the company itself would in turn have had no problem filing successful lawsuits for trademark and copyright infringement, should further appropriations of the name used for their product have appeared in cheap booze aisles across the U.S. In other words: while girl scouts can today be sued for singing “Happy Birthday” around a campfire (Zittrain D12), and while musicians can be sued for indirectly invoking the likeness, style, or vocal timbre of, for example, Elvis Presley and Michael Jackson, a community such as the Lakota Sioux cannot protect the revered name of a former leader against similar usage. Ultimately, representatives of the Lakota Sioux tribe saw themselves forced to include claims based on established intellectual

121. The same company, by the way, sells the popular “Arizona” brand of iced tea.
property theory in the lawsuit they filed – a strategy that amounts, quite plainly, to the forced acknowledgment that the appropriation of their cultural tradition and their ancestor’s venerated name is, as a matter of fact, subject to Western concept of property and ownership.

Clearly, legal frameworks alone do not suffice in negotiating the issues arising from the appropriation of cultural matter, regardless of whether the ensuing debates concern defamation or financial damages. If only legal matters are taken into consideration, “the artifacts and practices that constitute part of a heritage and/or represent significant trade benefits [tend] to be sucked into a Western machinery that swiftly turns [them] into intellectual property, and a highly policed one at that, without recognizing or acknowledging the original source” (Wirtén 109). This emerged perhaps even more clearly in the heavily publicized case of Yumbulul vs. Reserve Bank of Australia (discussed, for example, in Wirtén 116-17), which more directly dealt with the appropriation of hard-to-protect cultural expressions. The case concerned the unauthorized use of reproduced images of a so-called Morning Star Pole, taken from a sculpture created by the Aboriginal Warimiri clan member Terry Yumbulul. Upon finding himself in a difficult financial predicament, Yumbulul had licensed the use and management of his design to an agency representing Aboriginal artists. Following a request from an Australian artist who had seen Yumbulul’s sculpture in a museum, the agency sublicensed user rights for Yumbulul’s Morning Star Pole (a common procedure governed by a contract with the original artist). The subsequent reproductions, however, were appropriated for what can only be called the ultimate, unwittingly sardonic commodification of indigenous cultural property – the design of an Australian banknote commemorating the bicentennial of European tenure.

122. For more details, see also the New South Wales Government’s webpage “Terry Yumbulul and the ten-dollar note.”
Yumbulul had based his sculpture on a traditional cultural artifact that has a sacred character for many Aboriginal tribes. When it emerged that the image of his Morning Star Pole, complete with a number of sacred designs that Yumbulul was permitted to reproduce only after a series of elaborate rites and ceremonies, was being printed on banknotes and widely circulated, the artist came under heavy criticism from the Aboriginal community. It was felt that while he was personally authorized to recreate the Morning Star Pole and appendant designs, they must not be made available to public audiences for purposes that are not educational or ceremonial in nature. As a result, Yumbulul attempted to regain control of the user rights to his design (and, by extension, to the cultural property of his Aboriginal community), insisting that he had not fully understood the extent of the uses enabled by his licensing agreement with the agency representing him. When the court did not accept this, the case was reopened based on an argument regarding the moral rights that the Aboriginal community held in the designs of the Morning Star Pole, as well as in the symbolic sculpture itself. The matter was eventually settled out of court (without an admission of liability on the part of the Reserve Bank of Australia) – and the judge presiding over the case acknowledged “that Australian copyright law did not provide adequate recognition of Aboriginal community claims for works which are essentially communal in origin” (Wirtén 118).

The appropriation of cultural property, then, is never a matter that can be successfully negotiated with exclusive recourse to legal, economic, or ethical discourse alone. While this opinion can obviously be formed also based on the activities of Western appropriation artists (whether they be sampling musicians, video mash-up artists, etc.), its pertinence is particularly striking in the context of traditional/indigenous knowledge. As evidenced by cases such as

123. Moral rights constitute a set of essentially inalienable authorship rights that remain intact even after copyright terms end. (See note 115 on page 235.)
Yumbulul vs. Reserve Bank of Australia, even a victorious legal battle could here be considered as a defeat, and as insufficient for righting the wrongs done to ethnic, religious and cultural communities: if a copyright claim against the Reserve Bank of Australia and its commemorative banknote had been successful, court-ordered monetary compensation for infringements of the Warimiri clan’s intellectual property rights in the Morning Star Pole may have been regarded as even more offensive and sacrilegious than the original misappropriation of the designs. Disputes such as this are so tricky to manage because while the communities of ‘collaborative authors’ involved (whose authorship-claims are based on a vague but universal notion of collective productivity) do regard their cultural and spiritual traditions as a kind of property, they “do not, however, consider it commodifiable” (Wirtén 122). This distinction is extremely important, as it points, again, to the great necessity for a clearer differentiation between qualitatively different types of property and different appropriative practices that is not derived from a focus on the protection and furthering of economic ‘profit.’

The above examples all link into current debates concerning the interrelations between creative and commercial appropriation, and show the inability of economically informed legal provisions to arbitrate in these matters. There are countless further examples in which the entrepreneurial perspectives discernable above are replaced by quasi-aesthetic ambitions. There are, for example, a number of interesting cases in which infringement suits were fought over the creative qua commercial use of unsanctioned appropriations of traditional and indigenous melodies/songs (usually obtained in the form of field recordings) for new compositions that were then copyrighted. The Western appetite for ‘World Music’ both amplifies and belittles such issues; it takes on the role of a placeholder of sorts, which seeks to indicate an open, curious, tolerant mind, but which simultaneously disregards many critical circumstances and contexts of
the ‘original’ (re)production of appropriated cultural goods. The various infringement lawsuits brought against Rumanian-born composer Michael Cretu’s band project Enigma provide a good example of this. Since the early 1990s, Enigma’s use of obscure and ‘exotic’ audio materials in their rather esoteric strain of ambient electronic music has repeatedly been charged with misappropriating recorded performances by traditional and indigenous artists, thereby infringing on unregistered intellectual property rights. The sources for Enigma’s appropriations are far-reaching, and include a German Gregorian choir as well as Taiwanese aboriginal singers. While the results of the legal battles fought over Enigma’s sampling practices varied, it is interesting to note Enigma’s self-declared aesthetic premise, which was to hide the band members’ names from the public in order to maintain, as Cretu stated, “a sense of mystery in the music that I wanted to leave untouched by the perceptions and preconceived ideas that come with the past history [sic] of a producer or a songwriter” (Cretu in Flick §5). Sued over their un-credited appropriation of a “Jubilant Drinking Song” performed by the aboriginal Taiwanese singer Difang and their use of samples thereof in a song they called, amusingly enough, “Return to Innocence,” Enigma and their label EMI fought an extended legal battle and eventually settled out of court for an undisclosed sum (see, for example, Tan). Cretu, who once likened Enigma to a “United Colors of Music,” stated in a 1990 Virgin Records press release that “[o]ld rules and habits have to be rejected and dismissed so that something new can be created” (“Enigma Biography” §7) – and one wonders to which extent and for which real purpose this principle has been applied not only to the creative efforts of Enigma, but also to the attributable sources of the already-authored materials they have used.

In some regards, the various ethical implications of appropriating copyrighted entertainment commodities and traditional/indigenous knowledge can easily be shown to
engender striking differences – but it is eminently important to note that before the law, these different matters are often treated in exactly the same manner; and it is cases such as Yumbulul vs. Reserve Bank of Australia that clearly point to the limits of this kind of legal practice with regard to the larger implications of the creation and reuse of cultural expressions. Such cases point, in other words, to the problem (as already discussed earlier) that in the Western legal tradition, the very basic idea that something can be owned makes way for related notions that the same thing (whether tangible or immaterial) can be traded, and thus governs, to some extent the appropriability of everything that can be owned.

5.2 The science of appropriation

The types of traditional and indigenous knowledge discussed in the above examples are often appropriated not merely as cultural commodities, but also as so-called ‘bioknowledge.’ This term can refer either to traditions and practices derived from the intimate knowledge of the flora, fauna, and climatic particularities specific to certain communities and geographical areas (which are often shared only by the immediate inhabitants of these territories), or also to the specific information coded in the DNA of individuals or isolated groups. Compared to the economic contexts discussed above, scientific appropriation appears easier to justify, since it can much easier be argued to serve the ‘common good;’ at the same time, scientific appropriation is also easier to subsume in authorship-based legal regimes, since the research that scientific innovation requires is commonly seen as exactly the type of exertion of ‘labor’ that constitutes originality and property in Lockean terms. This posits scientific practices of appropriation as a paradox not unlike the one described in the preceding section, but with its own particularities and implications for a broader conceptualization of appropriation discourses.
Scientific appropriation has a tendency to conveniently place certain kinds of information, knowledge, and practices in the domain of the common good in order to justify their reuse by means of ethnographic or hard scientific research. As in the economic examples cited earlier, questions of authorship and intellectual property are here commonly invoked primarily for the purpose of either justifying or challenging appropriative measures; at the same time, there is little acknowledgement that here, the same underlying philosophies of ownership commonly used for purposes of protecting copyrighted commodities and cultural expressions are applied. This may be due to the fact that the ‘scientific’ is often very explicitly set apart from the property-based sphere of commodities that the ‘cultural’ has come to represent – a division that is based, again, on the emphatic ties between the scientific and the ‘public good.’ Yet, arguments that scientific knowledge and information require legal protection from appropriation and reproduction are based on a striking paradox: if their benefits should indeed be secured for the public good, the proper repository for scientific discoveries would obviously be the public domain, rather than corporate or institutional labs. Common sense would suggest that unless national or personal security are implicated, scientific findings can only develop their full beneficial merit when they are available to as many people as possible – not when they are protected against circulation.124

Therefore, frequently issued claims that scientific appropriation is primarily conducted for the common good, and that legal protection is required merely to recoup research investments appear as an obvious distortion of the fact that what is at stake here is, once again, profitability. This is evidenced also by the fact that ‘bioprospecting’ (the ‘scouting’ that tends to precede the

124. Perhaps the most obvious example for this is the restrictive patenting of HIV medications (which constitute, no doubt, a very profitable and lasting commodity), and Brazil’s ongoing efforts to get permission to produce generics based on patented HIV drugs.
appropriation of bioknowledge) is commonly carried out with the specific goal of establishing intellectual property claims, filing patents, and developing profitable commodities such as medicines, tools, or plant strains. Many scholars thus rightly suggest that this practice, which is often funded by corporate entities such as pharmaceutical companies, should be condemned as a form of racketeering, looting, or piracy. Yet since scientific appropriation, as noted above, can so easily operate as a self-declaredly altruistic activity (it has, after all, the potential of helping countless people), it is not hard to euphemistically justify it as being in the common interest of all mankind. Following the same line of thought, strict legal protection of traditional and indigenous bioknowledge from the patent scouts sent out by pharmaceutical corporations indeed adds a difficult twist to this issue, and raises some ethical questions that may be understood to run contrary to what has been suggested in the above section on the business of appropriation: given the humanitarian potentials of scientific appropriation, should communities really be able to hold property rights or moral rights in cultural heritage such as agricultural practices or medicinal properties of plants – especially where such knowledge pertains to techniques and natural phenomena that could be interpreted as belonging in the realm of the common? Can there be an objective measure to determine the value of organic information or matter for private owners or, conversely, for the public? By extension, how should the undoubtedly valuable bioknowledge coded in the gene pool of indigenous populations or in individuals’ DNA be treated? If such information can be considered as ‘authored,’ and if the knowledge derived thereof is perceived as qualifying for legal protection from appropriations that limit public access to potential humanitarian benefits, would this protection not amount to access restrictions that are very similar to those imposed by patent monopolies?
Information about issues and concrete cases that showcase the perils of the misappropriation of traditional knowledge for scientific qua economic appropriation is today circulated not only in scholarly communities, but also by a growing number of governmental and NGO-run websites and blogs. (The Internet’s open structure has, of course, quickly become the favorite medium of activist initiatives dealing with issues of property rights, copyability, and ownership.) However, among the stronger institutional bodies advocating the ‘fair’ regulation of access to and protection of traditional and indigenous knowledge, one finds not only the largely unbiased ECOSOC (the UN’s Economic and Social Council), but also the World Intellectual Property Organization (WIPO), a powerful subsidiary of the World Trade Organization (WTO) driven by economic interests rather than by ethical concerns. In the “International Cancun Declaration of Indigenous Peoples,” published in the context of the WTO’s 5th Ministerial Conference in September 2003, representatives of a large number of indigenous communities explicitly charge the WTO’s important multilateral “Agreement on Trade-Related Intellectual Property Rights” (TRIPS) with the unfair protection of Western, capitalist appropriative practices, and with facilitating, for example, the “patenting of medicinal plants and seeds nurtured and used by Indigenous Peoples, like the quinoa, ayahuasca, Mexican yellow bean, maca, sangre de drago, hoodia, yew plant, etc” ("Cancun Declaration" §11). Indigenous Peoples, it is argued, must be entitled to “retain [their] rights to have control over [their] seeds, medicinal plants and indigenous knowledge,” so that Western corporations’ patenting of life forms and filing of intellectual property claims “over biological resources and indigenous knowledge” can be forced to end ("Cancun Declaration" §18).

Yet since Western patent and trademark regulations have emerged, as I have shown, from a discursive background whose primary concern is the economic protection of original genius
and individuals’ author rights, mandates to safeguard public access rarely appear credible, and it is obvious that the realization of demands such as those formulated in the Cancun Declaration is a difficult task even when the responsible institutions and policymakers display willingness to cooperate with indigenous communities. In this regard, scientific appropriation faces a dilemma similar to the one raised in *Yumbulul vs. Reserve Bank of Australia*. The sociologist Jack Kloppenburg, for example, makes direct reference to Lockean terminology when he stresses that even though “[g]enetic and cultural information has been produced and reproduced over millennia by peasants and indigenous people,” the “fruits of this labor are given no value despite their recognized utility” (Kloppenburg 16). The underlying problem here is that the Western legal apparatus can acknowledge and safeguard ‘value’ only once it is covered by one of the various property rights provisions (such as copyrights, trademarks, or patents). Again, it appears that the *mētis* embodied not only in traditional techniques and cultural expressions, but also in traditional and indigenous bioknowledge has no place in contemporary legal regimes.

In order to qualify for inclusion in such provisions, one of the major prerequisites that any ‘new’ commodity, invention, or idea must fulfill is to show – generally through ‘fixation’125 – that it is authored, original, and (in the case of patents) that it can display a recognizable ‘added value’ that the idea, phenomenon, or principle it is based on lacked. Ironically, this ‘added value’ can take the form of the costs incurred by the appropriation process itself – i.e., the costs of research investments, fixation, product development, etc. It thus clearly represents a value that indigenous knowledge can never display. Again, it becomes painfully clear that the existing legal framework, with its roots in Western economics and Romantic

125. As a legal term, ‘fixation’ means that an idea, object, etc. must exist in a fixed form (for example written down) in order to be eligible for the legal protection provided through copyrights, intellectual property legislation, and so forth.
theories of creativity and ownership, is doomed to fail when it attempts to fully accommodate the concerns of traditional communities, Indigenous Peoples, and all other wardens of traditional knowledge and bioknowledge. “Where indigenous ‘bioknowledge’ is concerned,” Jaszi and Woodmansee summarize, “specific Western models of intellectual property, which reward the transformation of naturally occurring raw materials by inspired genius, simply don’t apply” (965).126

What is favored and protected, instead, is the “extensive research and development process required to commercialize” indigenous knowledge (Jaszi and Woodmansee 967), a process that in Lockean terms can easily be explained as the added labor that signifies original appropriation and the creation of property out of the common. Again, it appears that ethically problematic practices are purposefully justified with recourse to essentially inapplicable (we might want to add impertinent) Western theories of property in order to ensure economic profits. Or, as the economists Fritz Machlup and Edith Penrose put it: “Those who started using the word property in connection with inventions had a very definite purpose in mind: they wanted to substitute a word with a respectable connotation, ‘property,’ for a word that had an unpleasant ring, ‘privilege’” (Machlup and Penrose 16).

The problematic handling of bioknowledge in the way of an asymmetrical distribution of essentially trade-related privileges also surfaces ‘closer to home,’ namely in scientific practices to do with the deciphering, modification, and reusing of the genetic information coded in individuals’ DNA. Anthropologist Margaret Everett, for example, argues that genes and DNA

126. Legal scholar Amanda Warren-Jones, outlining a similar argument, explains this as follows: “[I]n terms of protecting indigenous knowledge, a central difficulty is that in most patent protection systems, publication [i.e., fixation; M.Z.] is a basic requirement before information will be deemed to be in the public domain. Only then is it capable of preventing any subsequent attempt to protect the same information. In the context of knowledge held by indigenous populations, therefore, unless their knowledge has been published, it will remain unprotected within current rights systems” (Warren-Jones 44).
have already become commodities, and cites, as an obvious example, an incident from the year 2000, when the Nasdaq stock index fell sharply upon the U.S. and Britain’s joint decision to freely share the information gathered during the publicly funded effort to decode the human genome – clearly an indication that “the open exchange of information is not good for business” (Everett 233). While economic systems and specific industries depend on open access to information and will argue that it must be commonly accessible, this incident suggests, again, that the same economic formations will also demand that by nature of the value ‘added’ to this information in the form of research, development, and production costs, it must subsequently be considered private property, and off-limits to further appropriation.

Similar problems also erupt on a smaller scale: Everett mentions the much-cited legal battle of Moore Vs. Regents of the University of California, in which former patient John Moore’s family unsuccessfully fought for a share in the financial profits that the UCLA Medical Center was procuring from discoveries made based on Moore’s DNA. Cases such as this once more expose the paradoxes of a legal situation that will not allow private individuals to hold ownership rights to the information encoded in their genes, while corporations or research institutions can easily file property claims for medicines, therapeutic techniques, etc., appropriated from just such genetic information. Again, what is at stake here is the potential appropriability of knowledge/information that has uncertain legal status – information that often is, as I showed in the last section, forcefully incorporated into existing legal regimes by way of expanding legal/economic/ethic theories that are ill fit to accommodate the problems at hand. In order to better deal with cases such as Moore Vs. Regents of the University of California, in 1995 Oregon was the first U.S. State to pass an act that entitled private individuals to ownership of the genetic information coded in their bodies (see "Genetic Privacy Act"). The act’s provisions
included “the requirement of informed consent for the collection, analysis, and disclosure of
DNA information, a statement that DNA is the property of the individual, and a requirement that
DNA samples must be destroyed when analysis has been completed” (Everett 239). In the
context of a larger economic system in which the potential profitability of DNA-based
information is so high that pharmaceutical corporations are trying “to own patents to random
DNA sequences, even without knowing their function or where they occur on chromosomes”
(232), the passing of the Genetic Privacy Act can certainly be considered a bold step. It is not
surprising, however, that it triggered immediate opposition from both the scholarly community
and the biotech lobby. Everett herself was a member of a review board tasked to reevaluate the
Act’s usefulness. As she writes, she soon “began to feel that the proponents of individual
property rights were encouraging, perhaps unwittingly, the very commodification and
objectification” (241) of human DNA that the Genetic Privacy Act had originally been designed
to prevent. The pharmaceutical industry’s lobbyists, at the same time, “repeatedly asserted that
individuals should not be allowed a property right to their genetic information, since one’s
privacy should be considered an inalienable right” (246) – a strikingly illogical argument, since
the property rights the pharmaceutical industry was lobbying for were clearly trade-related, and
would thus be, by all accounts, alienable.

While the debates related to the reevaluation of Oregon’s Genetic Privacy Act may
appear to have primarily concerned abstract philosophical and ethical questions regarding the
status of private individuals as creators/authors/owners of the information encoded in their
bodies, it is hard to overlook the strong undercurrent of private vs. corporate economic agendas
in this matter. Ultimately, the concrete positions backed up both by the biotech lobby and by the
proponents of individual rights must be seen as paradoxical, since each simultaneously argued
for open access and for access restrictions. This leaves us at an impasse similar to the one
manifest in the inefficient deployment of WIPO and TRIPS regulations for the protection of
indigenous cultural knowledge. “In the end,” Everett writes, “I lent my support to the elimination
of the [Act’s] property clause” (241).

In *Patenting rDNA* (2001), law and bioethics specialist Amanda Warren-Jones notes
similar paradoxes and complications. Based on her core arguments, genetic engineering can
essentially be described as a method of the appropriation and subsequent manipulation of
existing information, undertaken in order to enable its continued, perfect(ed) copyability. As
Warren-Jones recounts, the procedure’s potential profitability has resulted in a race for DNA-
based patents, so that by now the “central technique [for human cloning] is already protected by
patent for use on mammals (including humans) and the resultant human clone is product
protected [sic] up until 14 days [of age]” (Warren-Jones 41) – a fact that is all the more
disturbing since this legal protection is not currently tied to any useful techniques or workable
applications for human cloning (none have been identified to date). While Warren-Jones is not in
favor of such developments, like Everett she also suggests that the counteraction (granting
individuals private property rights or even moral rights over human tissue and the genetic
information contained therein) is no less worrisome. She does so, curiously, by invoking, yet
again, economic considerations as a way to safeguard the public’s access to genetic information,
and states that after all, a patent’s “market exclusivity … is time-limited” (42), whereas granting
individuals absolute moral rights over their body (again, a Lockean move) can indefinitely
preempt public access. Warren-Jones furthermore fears that without the protection of patents, it
is “debatable that screening [and treatment] for new disorders would be developed” (46), since
the already exorbitant R&D costs would then be augmented by licensing fees, royalties, and so
forth – a common, somewhat self-perpetuating argument that essentially replicates the agenda underlying the passing of the Statute of Anne, i.e., the belief that only legal protection of author/ownership rights can make it worthwhile for individuals or corporations to continue their creative productivity.

But to further complicate matters, when it comes to genetic information any lack of legal protection of individual privacy raises important security concerns. As Warren-Jones rightly points out, the ethical dilemmas resulting from the potential ownability/appropriability of genetic information are boundless: patent and copyright law’s fixity requirements would mean that individually attributable genetic information must be stored in centralized databases, which in turn would facilitate the abuse of patients’ or employees’ confidential genetic data, as well as the discrimination against individuals based on this information. This scenario is already becoming a serious problem at least in the U.S., where employers and insurance companies more and more often force potential employees and clients to undergo compulsory genetic screenings (52). While Warren-Jones seems to suggest that employers should have the right to protect themselves against unwanted future expenses in the form of insurance payments or medical bills, such screening methods nevertheless remain highly problematic since, based on the assumption that individuals are indeed the inalienable owners of their bodies and genes, they imply that these individuals are solely responsible for the economic repercussions of everything contained in or produced by their bodies – including, for example, malignant tumors. This disturbing notion, a kind neoliberalist stance with a neo-phrenological twist, could realistically lead to the “creation of a ‘genetic’ underclass” (54); more generally it should also be noted, however, that in this instance recourse to economic discourse is once again used to resolve essentially ethical dilemmas regarding the appropriability of information.
‘Biotheft’ and ‘biopiracy’ are the terms commonly used when challenging the appropriative practices most closely related to the issues discussed above. Yet as the example of the appropriated aboriginal “Morning Star Pole” in the preceding section shows, simply adopting the dominant economic rhetoric of ownership is not helpful here. In the case of the Warimiri tribe’s “Morning Star Pole,” it became clear, in fact, that Western copyright law is unable to properly negotiate authorship and/or ownership of such items and designs. Similar conclusions can be drawn with regard to debates about the appropriability of the bioknowledge contained in human DNA, plants and animals bred by indigenous/traditional communities, or traditional skills and knowledges: if the goal is to oppose appropriability and ownability of genetic information, then to frame these issues in terms of ‘biotheft’ or ‘biopiracy’ is futile and wrong, since any concept of ‘theft’ must be tied to a concept of ‘ownership,’ just as ‘piracy’ necessarily implies the criminal appropriation of another’s ‘property’ for economic profits. By adopting these terms for their arguments, scholars such as Warren-Jones fail to realize, it seems, that in order to develop viable ways of protecting the information contained in collectively ‘authored’ genetic material or in human DNA from misappropriation, what is needed is a theory of the protection of bioknowledge that is not based on economic discourse/ideology, and also not on the Romantic ideals underlying Western theories of creativity, authorship, and ownership.

The discourse currently levered against the controversial exploitative aspects of the relationships between Western concepts of property and traditional knowledge/bioknowledge is far from successful, then, in grappling with the core problems at hand; it is marked, rather, by paradoxes not unlike those complicating the legal and discursive interfacing between economic and creative appropriation. What all this emphasizes on a larger level is both the infinitely close connection between supposedly disparate discourses on appropriation, and the strongly flawed
invocation of economic, aesthetic, ethical, or scientific rhetoric in dealing with these overlaps. In paragraph 19 of the above-cited Cancun Declaration of Indigenous Peoples, for example, the demands of the signatories mirror Warren-Jones’ unfortunate choice of terminology when they state that “[b]iopiracy should be stopped and the free and prior informed consent of Indigenous Peoples should be obtained before access to their resources is granted.” While it is true that “[t]he issue of indigenous knowledge should not be dealt with by the WTO TRIPs Agreement because its basic assumptions contradict the concepts, values and ethics underpinning indigenous knowledge systems,” usage of the term ‘biopiracy’ – with its implication that indigenous knowledge can indeed constitute ownable commodities – belies this notion; it is inappropriate and ultimately undermines the position that proponents of the protection of traditional knowledge and bioknowledge quite clearly aim to adopt.

Richard Stallman, a well-known intellectual property activist associated with the collaborative computer operating system GNU and with “copyleft” and “free culture” movements, addresses this problem in a short polemic entitled “Biopiracy or Bioprivateering?” Here, rather than advocating the institution of rigid protective legislation, the author argues that any such measures would amount to little more than the already occurring expansionist assimilation of traditional/indigenous knowledge and bioknowledge into existing capitalist systems along the same property-based fields outlined above. For Stallman, whose perspective on such matters is strongly informed by the possibilities for collaboration and sharing that digital media and the Internet have opened up, the legal protection of indigenous knowledge and bioknowledge by traditional Western law is, at least conceptually, strongly connected to the digital realm, and represents a continuation of colonialist and imperialist projects since ‘protection’ here becomes quasi-synonymous with ‘commercial appropriation.’ While the author
agrees that “[p]atent monopolies on plant and animal varieties, on genes, and on new medicines threaten to harm” the affected communities (Stallman, “Biopiracy/Privateeering” 169), he correctly opposes the charge that such commercial monopolies amount to ‘biopiracy.’ He does so for the following reason: “The ‘biopiracy’ concept presupposes that natural plant and animal varieties, and human genes, have an owner as a matter of natural right. Once that assumption is granted, it is hard to question the idea that an artificial variety, gene, or drug is property of the biotech company by natural right” (“Biopiracy/Privateeering” 170).

Despite the explicit acknowledgment, then, that corporate appropriation of traditional knowledge is ethically wrong as a matter of principle, many opponents of such practices frame their opposition along the same, economically informed arguments that corporate copyright/patent holders use in efforts to quell appropriation of their legally protected products (be it in the realm of agricultural technology or in that of sampling music). As I have shown in this section, this kind of inversed adoption of a vilifying rhetoric that is primarily based on economics is counterproductive. Evoked in order to expose the hypocrisy of capitalist appropriation, what the idea of ‘biopiracy’ can achieve here is merely to offer transnational capitalism “an easy way to cement forever [its] regime of monopolies” (“Biopiracy/Privateeering” 170).

5.3 Digital vigilantism – two examples of contemporary appropriation art

The two preceding sections solidified in more explicit terms the manifold intersections and overlaps between different types of general contexts for appropriation. As such, they showed the extent to which arguments both for and against appropriative practices tend to be grounded in

127. According to Stallman, the harm done is three-fold: “First, by raising prices so far that most citizens have no access to these new developments; second, by blocking local production when the patent owner so chooses; third, for agricultural varieties, by forbidding farmers to continue breeding them as has been done for thousands of years” (“Biopiracy/Privateeering” 169).
economic discourses of author- and ownership, as well as the extent to which these discourses themselves often refer back, if indirectly, to the Romantic theories that originally informed them. More clearly than in preceding chapters, here it also emerges that the various critical stakes identified in arguments both in favor of and against appropriative practices often revolve around related issues of original creation, authorship and ownership, and commonly play out at the borderlines between the embattled discursive fields of public/collective access and private property. Lastly, my discussion of economic and scientific appropriation suggests some important conceptual links between different kinds of appropriative practices that lend themselves well to being developed for critical purposes. My reference to Richard Stallman thus indicates that in many ways, the structural functionality of genetic code is not so different from that of digital code, so that appropriative practices pertaining to either are, in fact, conceptually related (Stallman, in this sense, is by far not the only contemporary critic whose work pertains to computer science as well as to the ethics of scientific research and the economics of social interaction). These overlaps are constituted, in part, by the structural and operational similarities that all appropriative practices share. As tentatively suggested in the preceding chapter, such analogies can be pushed even to include linguistic examples (a notion that I return to in the Conclusion), and in general are indicative, again, of the suitability of all cultural matter for meaningful, useful, divergent recombination.

More concretely, some of the scientific examples discussed above directly approximate my earlier discussion of digital appropriation in that they open up arenas that are neither public nor private: they present appropriation as a formal rather than merely a content-based problem, and thus level the playing field, so to speak, between realms that were once considered to be separate, and to be covered more or less exclusively by discourses of property, privacy, ethics, or
revolutionary politics. Once again, my discussion thus points also to the added issue of appropriation as a political practice that empowers the appropriating subjects, and that holds a perhaps unrealized revolutionary potential. But how do these concerns translate into the actual contemporary praxis of critical appropriation? And, perhaps more importantly, are they indicative of a more channeled focus of contemporary critical appropriation efforts? Can they function, in other words, to bring together the wide range of disjointed practices of appropriation into an approximation, at the very least, of that critical force of the multitude of users, recyclers, tinkerers and hackers that I discussed in Chapter 1?

A lot of current digital appropriation that defines itself as critical must be posited, by all accounts, as ethically problematic and criminal rather than as ‘liberating’ or ‘emancipatory.’ Even the legal proceedings against such self-declared and celebrated liberators of cultural content as the Swedish founders of The Pirate Bay (see note 112 on page 230) are generally understood to be justified – hardly anyone doubts that their activities enable theft, and their defense strategy to counter the charge of complicity hinges, unsurprisingly, on technicalities of Swedish legislation that was written long before the advent of digital peer-to-peer network technology. Other appropriations are slightly more successful in their self-identification as ‘critical,’ but in turn lack an identifiable agenda that goes beyond that of adopting a defiant stance vis-à-vis the controlling and regulating mechanisms of the culture industry. A good example is the short-lived online project “Pirates of the Amazon,” a typical, if ingenious, web mash-up released in early December 2008, in which two Dutch design students created a simple interface that linked the services of the online retail giant Amazon.com to The Pirate Bay’s free, but illegal download services.128 When Amazon.com served them with a cease and desist order

128. The project took the form of a freely downloadable web applet for the open source Firefox Internet browser. While the search functionality of Amazon.com was retained, the transaction initialized by clicking on certain links
the following day, the students complied, but defended their project as a work of parody – a relatively unconvincing explanation that is reminiscent of Jeff Koons’ similar (and similarly unsuccessful) defense of his appropriative sculpture “Puppies” (see Chapter 1), and that clearly speaks to a lack of a more sustained critical project.

All this is not to say, however, that general notions of appropriation are today so thoroughly assimilated into late capitalist discourse (and practice) that they cease to be useful for divergent, critical purposes. As discussed in Chapter 1, this would amount to an interpretation (undoubtedly encouraged by many) serving to fortify popular notions of the legal and economic harm that appropriation is often said to do. However, such an interpretation would disregard the critical potential that appropriation continues to draw precisely from its implication in those theoretical and practical territories with which it often seeks to interfere, as well as from its self-conscious, probing and sometimes playful alignment with problematic appropriative practices. The two concrete examples discussed in more detail below thus serve the purpose not of consolidating negative views on creative appropriation, but rather that of illustrating the development of more sustained tactics of critical appropriation. On some level, both examples may suggest that appropriation art is, indeed, drifting towards the economic; as will be seen, however, this has little to do with piracy, and is also not indicative of the affirmative loss of critical force that Huysen associated with, for example, Warhol’s pop art. Rather, the examples discussed below critically invert their inevitable implication in economic discourses and appropriate them, as it were, for the opinions they communicate, the reactions they trigger, the questions they raise, as well as for the practical means by which they achieve all this. To

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was not a conventional purchase, but rather the illegal download of the corresponding data (see “Pirates”). A link to a privately stored video that demonstrates the original functionality of the applet is available upon request (the project initiators have asked me not to publish the screencast’s online location).
furthermore raise their own pertinence for broad contexts of contemporary life, both examples proceed by way of raising critical issues of collective (re)production and the access to appropriable cultural matter. In implicating different realms of appropriative production processes and reception contexts (ethical, legal, economic), they will thus be seen not to submit to the opposition they prompt, but rather to test the extent to which appropriation art is really able to thematize and perform the kind of open, free access and exchange that I have shown to be so frequently vilified and denounced.

5.3.1 Art Mobs

The activities of a (now defunct) group of media activists called Art Mobs will serve as a point of departure for this discussion.129 Put simply, Art Mobs provides alternative, freely downloadable audio guides to exhibitions mounted at established institutions. By conceptually appropriating existing contexts, infrastructures and technologies (exhibited artworks, the Internet, and personal media players such as Apple Inc.’s ubiquitous iPod), the group sidesteps institutionalized channels of the dispersion and control of information, and, rather than ‘stealing’ anything, simply participates in what is posited as the unproblematic, free exchange of ideas in the public sphere. Art Mobs’ practice thus brings together many of the critical aspects of appropriation discussed throughout the earlier chapters of this thesis, and its creative approach approximates the strategies discussed at the outset of the present chapter.

129. The name Art Mobs is a pun on the concept of the ‘smart mobs,’ coined by Howard Rheingold in his 2002 book *Smart Mobs: The Next Social Revolution*. A smart mob, according to Rheingold, is a self-sufficient and autonomously structured social group organized through new media technology. The group is also not to be confused with the Canadian intellectual property scholar Rosemary Coombe’s initiative Artmob, a web-based project designed to create online archives of “publicly licensed Canadian art, and to foreground the issues that this process raises for Canadian copyright and intellectual property laws” (“Artmob”).
The group’s appropriative interventions emphasize the strong tensions located at the interstices between culture and commerce, and perform the critical difference between official doctrine and individual opinion. Art Mobs’ practice is an exploration of how these tensions can be exposed, challenged and critically utilized. The group’s work engages a technological and intellectual milieu that is generally recognized as common rather than private, and thereby tests the validity of common assumption regarding freedom of expression as they emerge both in artistic production and in interpretations thereof. By participating in discourses that are commonly understood to be marked as free and open, Art Mobs’ guerilla audio guides thus circumvent the popular charges of plagiarism, theft, etc. that are so often levered against creative appropriators. Indeed, the group posits its work in such a way that in case such negative discourses should be employed in arguing against Art Mobs’ appropriative practices, this sets in motion a kind of argumentative feedback loop that likely tips the balance between private property and public access in favor of the latter. Consequently, the tensions between culture and commerce, private property and public access, etc., which again render issues of authorship and ownership, individual creativity, and individual agency complicated and hazy, become particularly useful venues for critical commentary by means of appropriative practices. In the example of Art Mobs as well as in the analyses of appropriative practices following thereafter, it is also important to note that the critical functionality just outlined is to a large degree due to the fact that they are framed in the larger context of the digital, rather than by the physicality of the material culture on which they comment.

Art Mobs took up operations in New York City in late 2004, when it began to offer guerilla audio guides for exhibitions mounted at the Museum of Modern Art. In principle, these alternative guides perform the same function as the official audio guides that can be rented at the
museum; the key difference is that Art Mobs’ guides are encoded in the ultra-compatible digital mp3 format, and are freely available on the Internet. They thus turn a proprietary channel of communication (the somewhat hegemonically administered information about displayed artworks) into one that is truly public. Representing an attempt at “democratizing the experience of touring an art museum” ("Art Mobs" §11), these alternative audio guides do not seek to mediate official expert opinion, and thus do not abide by the often canonical views of the implicated institution or curators. Instead, by making use of ‘podcasting’ technology (i.e., the online broadcasting of digitally recorded audio segments), Art Mobs’ audio guides represent a purposefully muddled swarm of content producers and consumers that is designed to symptomatically represent the quasi-democratic collectivity of the multitude that has access both to MoMA and to the technological infrastructure of mp3-players and the Internet.

As the project’s initiator David Gilbert states, Art Mobs achieves this goal by “sampling, in a sense, from MoMA’s collection to produce an audio-visual experience that incorporates the original art work” ("Art Mobs" §13). While the sampling practiced in Art Mobs’ audio guides directly implicates the material presence of the works referenced, it does not extend to the actual materials themselves; Gilbert’s invocation of the concept of sampling points, rather, to what is perhaps the most radical statement issued by Art Mobs, namely its open articulation of the challenge it poses to the notion that organizations (whether commercial or educational) should maintain perpetual “proprietary control over their goods and services” ("Art Mobs" §14). The group’s principle of open, vertical (re)production and dissemination thus amounts to an invitation “for anyone to ‘curate’ their own little corner of MoMA” ("Art Mobs" §11), and brings together the agents still separated in Benjamin’s tentative distinction between ‘producers’ and ‘consumers’ (as discussed in Chapter 2) into a more inclusive category of ‘users.’ It furthermore
recasts, in practical terms, the assumption that an audience’s attribution of meaning to any cultural expression need by no means match that of its ‘original’ creator or of its owner – especially when the work in question is on display at a publicly accessible institution such as a museum.

Within a few months of its launch, Art Mobs had garnered a substantial amount of attention, including numerous blog entries and an article in *The New York Times*. Overall, its appropriation of new media technology and its linking thereof to real-world sites and pre-existing art works was seen as ingenious and radical: not only are Art Mobs’ alternative audio guides based, as noted, on an existing technological infrastructure (benefiting from a current fad with podcasting and personal music players), but they also represent a way of evading the institutionally regulated distribution of sanctioned interpretive opinion. Initially, institutions (including MoMA itself) were unsure about how to react to Art Mobs’ strategy of circumnavigating their proprietary – and profitable – channels of disseminating moderated information about exhibited art; some institutions ignored the interventions, while others actually considered prohibiting the use of iPods on their premises. This, of course, only strengthened the general sentiment that the institutions targeted by the circulation of guerilla audio guides should, by all means, recognize and honor their mission of providing participatory and accessible education and mediation, rather than controlling that which can be said and thought about exhibited works of art. As a result, institutions quickly turned to embrace the implications of work such as Art Mobs’ as part of their curatorial efforts. By now, MoMA encourages all visitors to create their own alternative audio guides prior to visiting the museum, and in some areas even provides WiFi access.130

130. The museum’s website advises visitors on how to find out which parts of the collection are currently on display and on how to create podcasts. Creators of alternative audio guides are furthermore invited to submit their podcasts.
It is important to note that in challenging institutions’ ‘proprietary control’ over goods and services, Art Mobs does not practice or encourage what legal regimes commonly perceive as the ‘theft’ of such goods and services; in effect, it simply performs the exemplary appropriation of infrastructure and then creates new contexts for interaction. Accordingly, Art Mobs explicitly states that it “loves MoMA” and that “[h]ackers hack a platform out of respect for it” (Kennedy §11). But even though no tangible property is here physically appropriated, Art Mobs’ practice is nevertheless more than just virtual: it appropriates ideological ‘real estate’ and information that is today often bound to private property and institutionalized control even when it is considered a public good. Art Mobs thus radicalizes the use of technological and discursive fields that are cannot easily be situated in either the public or the private sphere. The group’s work implicates existing systems of networked communication devices and communication channels that potentially enables the free flow of information (and that often does, indeed, claim to do so); it also points to the fact, however, that this same system is, in fact, primarily deployed to regulate the access to and commercial exchange of cultural artifacts over monitored channels that use proprietary encoding and transmission methods.

By drawing attention to the usefulness of their practice in critical terms, to the critical implications of their structural appropriations, and to the variety of reactions that such activities can trigger, Art Mobs’ free-of-charge guerilla guides raise complex issues about the precarious desirability of control measures that regulate the use and reuse of information (issues that are reminiscent of some debates surrounding the appropriation of genetic code as discussed above.) While Art Mobs’ specific practice was ultimately met with encouraging responses (or, if you

for online distribution. Upon closer inspection, however, it appears that the submissions are subject to an undisclosed screening process; the links provided on the museum’s website furthermore lead to what appear to be officially commissioned audio guides, available only through Apple Inc.’s proprietary “iTunes” store.
will, assimilated by the institutions it sought to criticize), less favorable, more persistently preventive measures have been considered desirable in cases where similar appropriative practices are employed for more ‘questionable’ manifestations of free speech; the Denver Museum of Nature and Science, for example, has felt compelled to counter Christian fundamentalist groups’ dissemination of podcasts that feature ultraconservative reinterpretations of exhibits dealing with evolution. Many museums and galleries are furthermore facing legal repercussions when audiences appropriate representations of exhibited material in their alternative guides, or when they include them, for example, on websites purporting to represent the institutions themselves (author’s private correspondence with Nina Simon, editor of *Museum 2.0*).

While Art Mobs’ activity has tapered off due to the fact that their appropriations came to be institutionally embraced as common practice, it is not surprising that corporate research has, in the meantime, explored ways of disabling such rogue practices. A good example is a patent filed by Microsoft Corporation in May 2008, which describes technologies designed to enforce what is euphemistically called “device manners policies,” or DMP. If implemented in portable digital devices such as music players, cell phones, or personal digital assistants, DMP protocols could effectively render undesirable consumer behavior impossible by automatically ‘scrambling’ certain functions of the devices in question (see Abel, Guday and Sinclair). In this way, operating an iPod in a gallery, talking on a cell phone in the theatre, taking pictures in a museum, or listening to music while crossing the street could be made impossible. DMP technology, however, could quickly go beyond the simple policing of public etiquette. To begin

131. In early 2007, several unfortunate accidents have prompted New York state senator Carl Kruger to propose legislation that would make it illegal to use crosswalks while listening to music on portable media players (see Cheng).
with, like digital rights management technology, DMP technology is problematic because it operates on the presumption of all users’ delinquent intent. Yet, in a recent article for Wired Magazine online, the popular IT columnist and computer security specialist Bruce Schneier envisioned much more questionable DMP applications, and suggested that while the technology could indeed serve tasks such as helping instructors to keep students from cheating during exams, they might also help the police “avoid another Rodney King incident” by disabling personal camcorders in the vicinity of deployed police officers (Schneier §6).

Luckily, the technological principles that would enable such outrageous challenges to civil rights of freedom from interference are the very same principles that have, time and again, enabled hackers and activists to evade such corporate and official interventions. In the previous chapter, the contexts that frame many contemporary manifestations of such appropriative métis were tentatively identified as the general (re)production technologies of the digital. The above examples indeed suggest that the variable permutations of digital code that would constitute DMP technologies will most likely never be unhackable/unappropriable, and that patent restrictions’ abstract boundaries, too, will likely fail to protect such technologies from appropriative interventions. As long as the engineers scrambling communication devices and the hackers unscrambling them share a congruent, if not identical set of skills and tools (in my discussion of Benjamin in Chapter 3 I have called the quality of such overlaps ‘penumbral’), digital technologies and cultural matter will remain endlessly copyable and hackable, and thus retain a strong potential for oftentimes simple, yet highly effective, critical appropriations such as Art Mobs’ alternative audio guides.
5.3.2 Manu Luksch’s Faceless

In 2007, the London-based media artist Manu Luksch, a longstanding member of the radical media art collective ambientTV, completed a “50-minute manifesto-driven fiction film” entitled Faceless (Luksch, "Faceless Project" 1), which pushes some of the issues raised still further. The film, critically acclaimed and widely screened at international festivals, is constructed entirely from visual material captured by London’s dense network of surveillance cameras, and later obtained under the U.K. Data Protection Act (DPA) of 1998. The DPA provides all individuals with the right to request such material if they can convincingly demonstrate that their personal images have been captured by public surveillance equipment at a certain time and place. Faceless is an exercise in probing this law (Luksch and Patel §9); it explores its critical implications, and appropriates its concrete application as both thematic and formal premise.

Since privacy is an important concern even in the context of surveillance of public spaces, the released materials render illegible the identities of every captured individual except that of the person filing the request. This is commonly done by placing black oval shapes over the individuals’ heads in each image. The resulting visual quality of the footage – it is full of figures that are, literally, faceless – carries over into the film’s story as a literalized trope that is appropriated as the premise for the film’s narrative.

Faceless is loosely based in traditions of dystopic science fiction and conspiracy narratives that deal with electronic surveillance, and as such is reminiscent of works including George Orwell’s 1984, Chris Marker’s La Jetée (1962), the Wachowski brother’s The Matrix (1999), and D. J. Caruso’s Eagle Eye (2008). The story told in Faceless is simple enough, yet

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132. The U.K. DPA is not to be confused with the controversial American Digital Privacy Act, a bill introduced (but never passed) in 2000 with the purpose of extending existing U.S. laws concerning electronic eavesdropping.
it provides a highly disturbing critique of the reality that enabled its making; Luksch’s synopsis of the film’s narrative is as follows: “In an eerily familiar city, a calendar reform has dispensed with the past and the future, freeing citizens from guilt and regret, anxiety and fear. Without memory or anticipation, faces have become vestigial—the population is literally faceless. Unimaginable happiness abounds—until a woman recovers her face…” ("Chasing the Data Shadow" §13). In what follows, the main character embarks on a journey of forced existential self-discovery that is mediated (perhaps even created) by the control apparatus around her – an apparatus that she comes first to distrust and then to despise. The results, as a reviewer noted in The Guardian, are “incredibly uncomfortable” (Hubert §4).

Given the U.K. Data Protection Act’s strict stipulations that only individuals shown in the captured footage can request the material, the main character is, inevitably, played by Luksch herself. In order to make the film, the artist first spent several years mapping and ‘sniffing’ London’s network of CCTV cameras. She then went on to stage her narrative in the city’s public spaces, meticulously noting the times and places of her performative interventions. According to Luksch’s own “Manifesto for CCTV Filmmakers,” this constitutes (in conjunction with the process of obtaining and editing the captured material) the only acceptable way of critically subverting the controlled sphere of state surveillance. Finally, the performed material was recovered through the lengthy process of writing detailed “subject release requests” to the

133. It is interesting to note, in this context, that since its inception in 1998, the British Data Protection Act has changed its definitions of the types of footage individuals can request; in addition to the stipulation that the request must not demand “disproportionate effort” on the part of the operator, to appear in the footage is now no longer sufficient – the data requested must be of a “biographical nature” (Film Stars of CCTV §7).
134. ‘Video sniffing’ describes the practice of using improvised equipment to intercept the wirelessly transmitted images captured by surveillance cameras; it allows individuals to map the exact visual field of such surveillance equipment, and subsequently either to avoid this zone or, conversely, to use it as a stage for performances that can be documented on the intercepted footage.
135. The manifesto’s first and most important rule is that “[t]he filmmaker is not permitted to introduce any cameras or lighting into the location.”
various institutions managing the storage and use of the surveillance material. Faceless thus battles the real dystopia of seamless audiovisual surveillance on its own grounds – through recoding public, everyday activities as performed events, through reclaiming the controlled public spaces as impromptu stages, and finally through the dual process of first appropriating the materials recorded and then redistributing them in altered forms.

The horrific reality of state surveillance thus becomes not only the subject of criticism, but also the means by which it is carried out. As Luksch points out, “[t]he scenario of Faceless … derives from the legal properties of CCTV images” (“Chasing the Data Shadow” §11), and thematically, the film as a whole centrally implicates the formal modes of (re)production of itself, of the material it uses, and, ultimately, of the reality that this material depicts or, indeed, creates. The mystery that the main character tries to unveil, then, is larger than the story itself; it transgresses the diegetic bounds of Faceless and approximates real, critical questions the filmmaker aims to raise in her work: why does she live in a ‘faceless’ society? Who rules over the images it produces and that in turn produce it? And who has the power to own and manipulate them?

These questions vividly bring to mind Guy Debord, the forefather and most popular proponent of ‘Situationism’ and ‘detournement’ – yet Luksch’s approach adds a level of complication to his theory: in Faceless, neither the actual place nor the situation or moment of original actions are ‘detourned.’ Instead, Luksch operates through a temporal lapse that is of critical importance for her work as it points to the appropriability of events, images, and meanings that are recorded and stored. Debord’s theory of detournement has resounded most strongly, perhaps, in the context of various types of performance art; it has had a strong appeal

136. See "Chasing the Data Shadow" for a collage of official responses to Luksch’s numerous requests for the release of footage depicting her.
for artists and activists working in this field because it essentially encourages its subjects to seize the ‘now’ and to negate the teleology of traditional, orderly political action. It thus always posits the current moment (rather than an abstract, distant future) as that moment in which radical, resistant intervention can render the present different from itself. An audiovisual work such as Luksch’ *Faceless*, however, complicates the established practice of *detournement* through the added aspect of temporality;137 in today’s environment of the capturing and potentially unlimited storage of audiovisual content, the extent to which *Faceless* (along with an emerging pool of other ‘surveillance art’)138 is bound to the temporal may indeed be one of its most critically important aspects: as a work of creative appropriation, its existence is contingent on the very anteriority of the captured, recorded, and reused materials. And as I have argued in Chapter 3, cinematic images lend themselves so well to critical appropriative interventions exactly because they forcefully foreground their state of being ‘already-authored,’ and because they explicitly point back to the processual circumstances of their ‘original’ production (which under certain circumstances, especially if privacy law is taken into consideration, can always already be considered an appropriative act).

In my discussion of analog found footage, the contexts were, of course, vastly different. There, my arguments revolved largely around the physicality of the appropriated materials, which constitutes them as authored, or owned. The method of capturing, transmitting, and

137. There is, of course, an existent history of Situationist cinema; it is noteworthy, however, that while all of Debord’s original prescriptions and directions for ‘Situationist’ interventions focus on the presence of the material, they cannot satisfactorily (i.e., critically) take into account the medium-specific pasts that might arise in the use of certain materials (the past moments and circumstances of production, reproduction, distribution, storage, etc.). I would thus relegate the usefulness of Debord’s theories for analyzing, for example, found footage films, to the political contexts and intentions that such works share with properly ‘Situationist’ performative interventions; given cinema’s important implication of temporality, I see little overlap between Situationist actions as originally envisioned and the reusing of film material.
138. See, for example, the New York-based “Surveillance Camera Players” (Bill Brown and Michael Carter) who, like Luksch, use public sites of surveillance as stages upon which to perform short narratives and interventions.
storing the materials Luksch appropriates, however, is primarily digital. There is, nevertheless, no question about the fact that these images, too, are grounded in the material circumstances of ‘real life,’ that they are subject to different kinds of authorship and ownership claims, that they, too, are deserving of protection, and that their reuse (even their mere existence) has many political implications. In the reality of Faceless, the parameters of what is meant by ‘authorship’ and ‘production’ may simply have (yet again) shifted, and now include all individuals moving through public spaces, along with all the actions they produce. In this sense, like the images reused in Hannah Höch’s photo collages or Bruce Conner’s A Movie, the images reused in Faceless also serve to reify the relationships represented by the footage. But where my earlier examples focused on the conventional aspects of authorship and ownership, or on the political implications of thematically appropriating certain modes of (re)production, contemporary appropriations such as Luksch’s go beyond media- or context-specific interpretations that might be limited by definitions of the ‘work,’ and more explicitly and immediately serve to reify social relations that directly implicate the critical force of the multitude as discussed in Chapter 1.

When Luksch pulls the CCTV surveillance system into her fiction through direct appropriation of the ideological and processual circumstances of the ‘creation’ of the images she reuses, she in turn also pushes her narrative into the reality she appropriates, and indeed blurs the distinction between the two. As the geographer Amy Siciliano points out (upon having observed, from the confines of a remote control room, the destruction of a CCTV camera by two inner-city youth): the acknowledgement of the surveillance system makes the observers present and marks their presence as viewers – but it also tends to constitute the significance of the very events it records (Siciliano 54).
The film created by Luksch thus raises questions not simply about the possibility of author- or ownership claims by those captured on surveillance equipment (which would clearly be problematic), but rather questions regarding agency, regarding these individuals’ right to direct their lives with(out) the automatic and oddly author-less production of records documenting their every move. Against the background of London’s diverse cityscape, and with the city’s inhabitants as unwitting co-stars and extras in both the diegetic reality of *Faceless* and in the reality the film is staged in, Luksch-the-artist and Luksch-the-character become nomads suspended between the utopian and the dystopic. The status of the surveillance cameras themselves, meanwhile, is unclear: does their focus on nodes of hyperactivity, on centers of public presence and population density capture and control the masses, or do they, in fact, establish the visible multitude of individuals as a powerful collective that now indeed needs to be controlled? With an estimated 4.2 million CCTV cameras holding watch (Schöny §1), the U.K. presently has the densest visual surveillance apparatus in the world – and upon seeing *Faceless*, it becomes doubtful what the real function of the unseen, acknowledged-yet-covert Benthamian interpellation of individuals through a near-seamless surveillance system of cameras can be. While the accepted function is undoubtedly the moderation of criminal activity, Luksch’s critical appropriation posits the state’s aggregation and extraction of countless images out of the public sphere as an appropriative act in its own right, an appropriative act that may be understood as productive or creative in the sense that it is constitutive of the dissent it is designed to preempt.

Whether or not one agrees that the threat of terrorist attacks (or pickpockets) warrants large-scale surveillance projects, in works such as *Faceless* the state’s ‘authoring’ and storage of surveillance footage is thus posited as the first – not the only – act in a divergent series of possible appropriative interventions. The surveillance apparatus’ secret repository of public
audiovisual material, indeed of everyday life, is treated as exactly that: a repository of material, an image bank that should be as useful for the artist as it is for the police, and that is as useful, ultimately, for the collective as it is for the individual. The function of the surveillance apparatus as mediating agent is thus changed from that of ‘observation’ to that of ‘interlocution;’ in fact, the law governing the creation and circulation of the images in question ceases to be an obstacle and becomes, rather, an arbitrator (its interpretation is itself appropriated) – another node in a larger system of (re)producing and reusing images that may assume controlling functions in one of its manifestations, a censoring function in another, and a self-critical function in Luksch’s variant.

As Luksch herself points out, the critique that Faceless constitutes emerges both from the film’s “mode of coming into being and [from] its plot” ("Chasing the Data Shadow” §15). It is thus an ideal example of the kind of creative appropriation that I have defined as most critically viable throughout the preceding chapters. Yet whereas the appropriations discussed earlier accepted the limits of specific contexts and media, and developed a critical momentum implicating flawed notions of private ownership, of singular authorship, or of ethically problematic business practices and scientific methods based on these limits, Faceless points the way to a new kind of complex critical appropriation that addresses all of these issues from a perspective that cannot easily be pinned down in the realms of the aesthetic, the economic, or the philosophical. Representative of some of the most effective appropriative art of today, what is so strikingly important in Luksch’s work is not the depressing situation she comments on, but rather the methods by which she is able to do so – methods that show possibilities beyond the restraints they thematize. In this sense, Luksch raises questions about appropriability and about the meaning of appropriative acts that are marked by a new magnitude of complexity and breadth, in
that they simultaneously hold, encapsulated within them, many of the (positively and negativey) connotated discourses that I have explored throughout this thesis.
Conclusion: Critical Appropriation and Wild Cultural Matter

Throughout the preceding chapters, I have outlined a progressively more multifaceted vision of creative appropriation’s critical applications. Based on comparative readings of appropriative practices grounded in different media as well as in different philosophical, historical, economic and socio-political moments, I have differentiated between appropriation and related creative modes such as adaptation. Appropriation, I have argued, must not be confused with these other referential modes of creative expression, as it holds a uniquely flexible, inclusive and powerful potential of addressing not only aesthetic and content-based connections between ‘original’ and ‘copy,’ but also of directly engaging the economic, legal and ethical circumstances that frame the production, (re)production and reception of all appropriated materials. My examples have sought to demonstrate that regardless of whether creative appropriations mockingly reproduce or forthrightly challenge these circumstances, and regardless of whether they implicate themselves in the systems of (re)production they engage or attempt to assume a position outside of them, they will always problematize concepts of the authorship, ownership, and circulation of artifacts, commodities and information, along with the processes involved in establishing and fortifying these concepts.

This relatively general definition applies to analog appropriations that foreground the physical reuse of primary material as well as to contemporary digital appropriations that focus, rather, on the repurposing and recoding of more elusive ‘ideal’ objects. In fact, the trajectory from the analog to the digital followed throughout this project implies that critical appropriation as defined here is closely connected not only to the different types of ‘objects’ it reuses, but more
importantly also to its subjects. Whether technologically or philosophically, whether in concrete or in conceptual terms, appropriation is perpetually contingent on the systems it critically engages – it always develops and shifts along with these systems, and is therefore immensely useful in how it reflects (on) them. While the emerging analog and digital technologies discussed in the preceding chapters have thus played an important role in structuring current philosophies and legal concepts of property, of the common, and of creative as well as commercial (re)production, discourses related to these issues have, in turn, triggered or enabled a large variety of critical appropriative responses.

Of the examples discussed in the last three chapters, some are radical, some reckless, some, arguably, criminal, and others affirmative of existing oppressive systems. Continuing this list, the examples discussed in Chapter 5 may seem to be indicative, in this sense, of an exceedingly dire present moment, in which the utter appropriability of much current cultural matter has resulted in a highly litigious, restrictive atmosphere that is extremely unfavorable to critical appropriation but that, at the same time, favors the economic and/or political assimilation of appropriative techniques, and thus compromises individuals’ creative and commercial independence as well as their democratic agency and privacy. If I were to conclude that we have, indeed, arrived at such a moment, then my attempt to posit appropriation as a powerful vehicle of effective criticism and possibly of radical (if small-scale) positive change would have to be discarded as a failure. Yet, as I have argued earlier, the effectiveness (Effektivität) of appropriative criticism relies on the functionality of the technologies, discourses and mentalities that oppose it; these, rather than disabling or weakening it, are its fuel. Just as capitalism is sometimes said to posit, at least theoretically, the technologies and socio-political trajectories necessary for its own undoing, so the sophisticated infrastructures of the late capitalist analog
and digital (re)production of and commerce in commodities and information provide the grounds for effective, critical appropriation. Throughout this thesis, one of my most important arguments has thus been that global capital’s industries and marketplaces have brought upon themselves technologies and philosophies of reuse and reproduction that can form a powerful basis for critical appropriative interventions.

It is in this sense that Negri and Hardt argue – correctly, I believe – that globalization, which in my argument represents the primary implied framework for today’s amplified possibilities of shared, appropriative (re)productivity, is a condition for the liberation and organization of the multitude (see section 1.6). I subscribe to their argument that, in other words, the emerging, forced universality and homogeneity of many production techniques and methods (i.e., their appropriability), initially designed to increase their usefulness for efficient economic activity, also increases the usefulness of these same techniques for more subversive purposes. Extending to contemporary communication networks (which are, really, technologies for the appropriation and reproduction of information), this affords unprecedented opportunity for individuals as well as undifferentiated multitudes to self-organize, link up, and benefit – either privately or collectively – from the circulation and reuse of resources and knowledge.

It may be objected, at this juncture, that the critical appropriative practices discussed throughout the preceding chapters are far from being on a par with the economic qua political assimilation of appropriation (as discussed, for example, in Chapter 5) – that the force of the Dadaists’ cutting and pasting, for example, is not equal to the culture industry’s instrumentalization of the print media apparatus for propaganda purposes; that found footage films work to expose ideologically problematic narrative conventions that nevertheless continue to be enjoyed (rather than condemned) by billions; or that digital cultures of sharing are nothing
but the conceptual broadening of mass markets into the realm of the formerly criminal. Against such objections I would hold that the opposite is true, namely that current legislation and persuasive official notions of ownership, authorship and creativity are simply out of step with the actual landscape of globally operating creative appropriation and (re)production. This opinion is supported, most importantly, by the prevalence of appropriative artworks, by ongoing multilateral negotiations (official, philosophical and legal) regarding copyright and intellectual property legislation and, last but not least, by the ubiquitous practices of sharing that pervade contemporary popular culture and everyday life. Once again, all this is evidenced both by the positive and by the negative developments of how appropriative practices are deployed and discussed – it is apparent not just in experimental work such as Manu Luksch’s  

Perhaps most useful for the purpose of illustrating this issue are the relatively straightforward appropriative activities enabled by the Internet and the basic softwares commonly used to access it. Copying is a fundamentally important process for the functioning of all computers; strictly speaking, no image, word, or sound accessed through a connected electronic device is ever an original, but rather always a copied version, temporarily placed in the local machine’s RAM (“random access memory”) or cache memory. Likewise, word processors and similar ‘expressive’ softwares – today used so importantly for the production/composition of the type of ideas that early copyright theory sought to safeguard – use copying functions as one of the most important tools designed to increase their users’ productivity. It is little surprise, then, that digital mash-ups, whether based on videos, words or sounds, are so extremely popular. One might say that today, they simply come naturally. And perhaps, one might then be inclined
to conclude, today’s electronic tools for the production, recording and circulation of ideas, while seemingly restrictive and legally shackled, are, unwittingly, very closely related to humankind’s ‘original’ creative modes of improvisation, sharing and collective production. Indeed, besides more problematic mash-ups, such as the online project “Pirates of the Amazon” discussed in the preceding chapter (see page 263), there exist countless more useful, freely circulated online-applets that constructively appropriate and combine the functionality of different (often copyrighted) services – that combine, for example, Google Maps with lists of online personal ads (thus making the formerly unreal, virtual proximity/distance between hopeful romantics more tangible), or that use web-based repositories of bookmark collections to automatically compile up-to-date aggregates of different newspapers’ headlines (thus evading the censoring tendencies of individual editors). While we may not be inclined to classify such applets as ‘radical’ appropriations, they do display what I have defined as an important characteristic of critical appropriation, namely the reworking of existing cultural matter for purposes of critical commentary or for collectively beneficial purposes.

At the same time, examples of digital appropriation and mash-ups that fail to display any of the characteristics of critical appropriation, and that are often categorized, rather, as ‘appropriation for appropriation’s sake,’ can also not be ignored. One relevant example, in this context, is an online activity commonly known as ‘trolling,’ which describes the posting of “controversial, inflammatory or off-topic” items (so-called “trolls”) on message boards ("Troll" §1). The practice is designed to incite predictable responses by outsiders, and to provoke as large a quantity as possible of discussions, “indignant corrections” (Porter 41), and other reiterations based on the original posting. Accordingly, editors and administrators tend to view trolling as a disruptive form of appropriating and undermining the usability and usefulness of communicative
infrastructures (see, for example, "Definition of Troll"). Often practiced as a kind of aimless hobby, trolling is perceived as particularly annoying, furthermore, because it is carried out with the declared motivation of “doing it for the lulz,” i.e., simply for the fun of it.\textsuperscript{139} Initially, trolling was thus understood to serve no other purposes then to situate the initial posters as ‘locals’ who are so familiar with the information in question that they are able to incite predictable appropriations and reactions that stamp the subsequent posters as ignorant outsiders – the practice is an exercise, in other words, in the application of a highly specialized, appropriative mētis. This mētis, however, remains unorganized and directionless, and mainly serves the purpose of triggering the “complicated play of cultural capital that constitutes trolling” (Porter 41), a circulatory reworking of knowledge that is based on the reuse of manipulated information, and that simultaneously establishes and undermines collectivity simply in order to demonstrate the possibility of doing so.

A further important marker of the successful poster of trolls is that this individual, whose aim is to claim incontestable yet unattributable responsibility for the ongoing appropriation and (re)production of ‘useless’ content, will generally strive to hide behind a pseudonym or, ideally, to remain anonymous (since the identification of a troll’s source will expose the post as redundant). Interestingly, the combination of this anonymity and the tremendous activity of troll-posters has, most recently, come to denote not only individuals’ actions, but rather those of an outwardly politicized motley crew that is now officially identified as a multitudinous non-group

\textsuperscript{139} ‘lulz’ is a bastardization of ‘LOL,’ a popular written expression understood as an abbreviation of the exclamation ‘laugh out loud.’ Accordingly, for a long time, one of the most important sites for the posting of trolls has been a now famous message board that functions as a repository for purposefully “random,” uncategorized, and mostly unfiltered communications: the “/b/- Random” board, a sub-section of the massively popular “4chan” bulletin board, which continues to be among the most heavily accessed websites on the Internet. Alexa, a company that tracks internet traffic, places “4chan” among the 600 most frequently visited websites worldwide (see "4chan.org").
known simply as “Anonymous.” Out of the unorganized, swarm-like multitude of troll-posters has thus emerged a conceptual entity that is marked by the self-organized yet unordered, ubiquitous yet untraceable recoding and repurposing of information, digital technology and virtual infrastructure. As an ‘ideal,’ intangible entity that playfully appropriates the mass of unattributable, anonymous expressions and events recorded through history, Anonymous may be understood to represent the single most creative author figure known to humankind – an author which, according to the non-group’s quasi-encyclopedic mouthpiece “Encyclopædia Dramatica,” represents “85% of all quotes ever made,” as well as “the source of 91% of all internet truth” (see "Anonymous"). By pushing the limits of the malleability and appropriability of the digital, Anonymous evades the boundaries established by commercial and official discourses on the (re)use of cultural matter, and thus again demonstrates the potential, unrealized force of appropriative techniques – even though it does so by way of insisting on how little it cares.

While some may deem this stance as radical in a quasi-anarchist sense, it also exposes the perspective of Anonymous as coming from a place of assimilation and of complicity with late capitalist ideologies and consumerist detachment and malice. More or less indiscriminately, and with no apparent unified goal, Anonymous has thus hacked and published the U.S. presidential candidate Sarah Palin’s email account, has posted flashing, seizure-inducing images on the online bulletin board of the “Epilepsy Foundation,” has rigged Time Magazine’s high-profile online poll to place the messaging board 4chan’s chief administrator as the most important person of the year, and has formally declared war on the Church of Scientology because of the sect’s aggressive efforts to restrict the circulation of critical opinions regarding its practices (see, respectively, Pareene, Poulsen, Singel, Anonymous). Based on such a diverse range of activities, one might interpret Anonymous as infinitely democratic in Negri and Hardt’s sense of the
politically aware multitude; in line with my definitions of critical appropriation, Anonymous simultaneously denies and claims authorship, challenges authority by refusing to accept established notions of property and privacy, and points to the power that the present technological moment of analog and digital appropriability theoretically enables for user collectives. Yet, since Anonymous is so precariously poised between maliciousness, vandalism and vigilantism, one of its few distinguishing markers continues to be the reckless indifference with which it operates, and the carelessness with which the tinkerers behind the pseudonym deploy their appropriative mētis. While Anonymous is exemplary of the type and extent of collective organization that appropriation presently enables, it could thus also be categorized as totalitarian and fascist.

In this sense, the critical potential and the responsibility that Negri and Hardt assign the multitude is, here, never realized – it is, rather, actively dodged. Nevertheless, Anonymous is recognized as a political force, albeit one that bears a negative connotation: association with the group has repeatedly resulted in criminal charges (see "Anonymous [group]"), and in early 2009, Anonymous was included in the annual “Virginia Terrorism Threat Assessment,” a confidential, “law enforcement sensitive” document compiled with the purpose of conveying “potential terrorism threats affecting the Commonwealth of Virginia” (4). Presumably, then, the perceived force of Anonymous lies precisely in the lack of direction the non-group itself celebrates, and in the denial of fixed attributability, which may be seen, as suggested earlier, as an equally important concern in the analysis of both artistic and criminal activities. The chaotic force of Anonymous is similar, perhaps, to that of the Dadaists and Surrealists. More strongly than those, however, Anonymous is considered harmful and radical because it is enabled by the appropriable knowledge and technology that the culture industry’s ideological and legal apparatus seeks to
control and regulate. At first sight, Anonymous’ concerted efforts to resist organization and classification may thus appear to counteract my earlier definitions of critical appropriation, because they point to a preference for elaborate, often harmful pranks rather than to an ambition to effect positive political change. Specifically in the context of the digital, it must also be kept in mind that the mark of a master hacker (i.e., a master appropriator of the digital) is often not a distinctive signature, but rather the lack thereof; he or she will likely underwrite the masterpiece of appropriative recoding with an unattributable signifier, rather than with the trace of a identifiable group. In this sense, it is hardly surprising that the most active alliance of digital poachers, appropriators, thieves, and pranksters should call itself Anonymous, and that it is be generally viewed as radical in an unconstructive and negative sense. With the persistant lack of a common political or social cause, the power to appropriate therefore does not pull the Anonymous troll-posters together as the powerful multitude of users envisioned by Benjamin and Brecht. Likewise, the métis to which de Certeau and Scott ascribe so much political potential here does not feed a collective, but is deployed, rather, in countless, infinitely variegated ‘practices of everyday life’ that are so disinterested in the common that they indeed become Anonymous.

But it would be wrong to propose, in any case, that Anonymous or similar developments are indicative of the formation of a positively oriented multitude that is based on the realization of appropriative power. Like Manu Luksch’s Faceless, they are, rather, symptomatic of the broader contexts that precede, condition and, perhaps, determine the emergence of Anonymous – contexts such as the restrictive, litigious greed of globalized capitalism and its allied political formations’ fear of independent action and organized dissent. In the same way that Faceless is a result of the system it criticizes, Anonymous is the outcome, then, of the exceedingly restrictive
and prohibitive discourses that dominate and subdue the freedom to express and (re)produce knowledge and cultural matter in the present day of the globalized digital. Likewise, trolling is not among the causes for the system of criminalization that characterizes official opinion on many appropriative practices (although it is often said to be); instead, it, too, appears more like a disturbing and defiant appropriative counteraction that is produced by the system it attacks.\footnote{Earlier, I have noted a similarly problematic connection between Digital Rights Management (DRM) technology and the restrictions that such technology imposes on users: while DRM seeks to impede illegal uses of software, entertainment media, etc., it actually operates on the assumption of the potential criminal intent of every reader, viewer, listener and user – and, as numerous ‘copy left’ spokespersons never tire in pointing out, it thus criminalizes millions of legitimate owners of cultural property.}

How, then, to deal with this anonymous activity that serves no unified cause, that so insistently rejects all claims of responsibility, and whose few existing manifestos appear almost Futurist in how they parade, above all else, their purposefully self-contradictory aimlessness and indifference? Clearly, there is no policy that can successfully counteract such appropriations without further fortifying the tendencies with which it has triggered the appropriative dissent in the first place.

Despite posing as the unstructured, randomized testing of possibilities, Anonymous’ appropriative experiments nevertheless demonstrate that we exist in a technological and philosophical moment in which there is no more need to supplant one author figure with another – and in the fearful perception of those who oppose appropriative practices on political, economic or ethical grounds, the void this leaves functions as a placeholder for the politically aware multitude. Anonymous represents, then, the critical potential of appropriation as outlined throughout this thesis in an unrealized, indirectly addressed, and, arguably, negative form. And while the vast appropriative entity that makes up Anonymous may still seem to resemble Adorno and Horkheimer’s acquiescent and hopeless ‘father in the dark’ more than de Certeau’s
subversive factory worker, it is nevertheless here, more than in any of the examples discussed earlier, that the critical links between democratic agency and individual/collective empowerment that appropriation affords can be most strongly felt. While the cutting-and-pasting of, for example, the Berlin Dadaists relied on the continued positing of appropriators-as-authors, Anonymous performs as an unknown, singular entity that draws its uncanny political force from the fact that it can credibly claim to be the voice of a multitude. The strongly felt and feared potentiality that resides in Anonymous’ purportedly aimless appropriative activities (and the purposefully deployed lack of good reasons to engage in them) thus render the workings of this non-group just as threatening to pro-globalization ideologues as it is to supporters of restrictive intellectual property rights, because again they demonstrate, with great clarity, that appropriation is not a derivative, secondary, and inherently malicious practice, but rather a primal, wildly original event, and as such the expression of a relentlessly collective creativity/productivity.

To conclude, a more genuinely positive manifestation of the kinds of appropriative tendencies and practices discussed throughout this thesis will be helpful in providing a more balanced image of the critical potential drafted throughout the previous chapters. One such manifestation is the U.S.-based, internationally operating, non-profit project One Laptop per Child (OLPC), which has the ambitious and utopian goal of providing underprivileged children worldwide with free and durable portable personal computers that operate based on open-source technology. These computers, dubbed “XO” and co-developed by an illustrious group of sociologists, anthropologists, political scientists, computer scientists, activists, industry representatives, artists and policy-makers, are to provide the children with an unprecedented “means of learning, self-expression, and exploration” that will lead, it is hoped, to the emergence
of a strong and independent multitude of individuals who value the collectively shared and reused over the private owned ("OLPC").  

Sponsorship and donations keep the XO devices cheap; the laptops are privately manufactured, and then sold to governments for further distribution. Overall, the highly ambitious project is received enthusiastically, and by early 2009, an estimated 1,300,000 units have been delivered. While distribution and operation of the devices remain the main logistic problems, its developers consider the project to be “not about a machine, [but] about a movement.” The focus, in this sense, is not on computer literacy: the goal is not to produce knowledgeable users of proprietary software, and thus to raise legions of dependent informational laborers, but rather to “bring children technology as a means to freedom and empowerment.” Accordingly, success of the project is only possible through “embracing openness and by providing the laptop’s users and developers a profound level of freedom.” As OLPC’s main website states, the project thus puts an emphasis on software tools for exploring and expressing, rather than instruction. Love is a better master than duty. Using the laptop as the agency for engaging children in constructing knowledge based upon their personal interests and providing them tools for sharing and critiquing these constructions will lead them to become learners and teachers.

In many ways, this mission statement approximates my definition of the material and philosophical circumstances necessary to facilitate critical appropriation. Enabling users to access “a whole world of ideas,” and considering this as the best-possible “opportunity to tap into their own potential” is, in this sense, an apt reformulation of my own description of the

141. Note: Unless otherwise marked, the following quotations all refer to OLPC’s main website.
parameters that will define a current, effective practice of critical appropriation. The project’s purpose must furthermore be understood as the declared aim of enabling an unorganized multitude of underprivileged individuals to realize a critical, liberatory potential that is seen to already reside in this multitude’s inherent abilities to learn, improvise and innovate based on existing knowledge and resources. OLPC sees this potential hindered primarily by a lack of organization and opportunity, which can be remedied, the organizers believe, through the provision of access to resources and technology. Distributing portable computers rather than textbooks (i.e., providing a communication infrastructure rather than information) is designed to radically depart from the top-down distribution of mediated, sanitized knowledge that has, in the context of aiding developing nations, often been considered a quasi-colonialist practice that solidifies dependencies rather than ending them. To put it in terms developed throughout my thesis, OLPC’s aim, then, is to facilitate a linking and an exchange of both universal and localized knowledge and *mētis* that may, ideally, result in the emergence of a different, new kind of perspective regarding the value of collective creativity and (re)production.

In Edward Young’s terminology (see section 1.2.a), OLPC promotes a perspective in which the ‘organic growth’ of knowledge based on certain types of appropriation and ‘copying’ are welcomed and, indeed, seen as desirable. A key concept for OLPC’s potential effectiveness is, thus, an internalized and strengthened sensibility for the value of the common and the collective that is diametrically opposed to the way in which such a sensibility would be posited amongst the ‘trolls’ discussed above. This appreciation of the productive and political force of the common and the collective is best and most simply defined as ‘organization’ – an organization that the laptops are designed to foster through their built-in network functionality. On the surface, this organization appears to be of a primarily practical nature (accessing the
Internet can, for example, make the costly distribution of printed study materials redundant. But beyond this practical usefulness, the functionality of the XO laptops aims at long-term, radical change: its aim is to facilitate social, economic and political organization from the bottom up. Most immediately, this may again be explained with the Internet-connectivity that the computers provide (as is well known, Internet access itself is often associated with political self-education and dissent, and is often considered dangerous for this reason); but the XO laptops function not only as receivers – they also submit network signals, and thus have the potential to turn, in Benjamin’s terms, every reader into an author and, perhaps more importantly, into a producer. Even without an established Internet connection, the portable computers can link up with each other, and thereby create a self-sustaining swarm of devices that functions based on spatial proximity. Each computer then becomes a node in a mesh-like multitude of communication devices that enables collective access to all manner of electronically reproducible and accessible information and cultural matter. Similar to the productivity of the online poster of ‘trolls,’ the productivity of the XO users is thus based on that which they receive and reuse. On the level of primary XO use, this model may appear to be applied mostly to the organization of networks for purposes of ludic interaction (the XO’s interface encourages its juvenile users to connect with each other for playful interaction). But many of the learning activities envisioned by the OLPC developers purposefully incorporate the real, material circumstances and living conditions of the XO users as immersive learning environments. Thus, the devices are designed to directly

142. Such ‘mesh networks’ are highly reliable, so-called self-healing networks that can still operate even when individual nodes or connections fail. OLPC developers link this technology to theories of “constructivist learning,” i.e., active, engaged processes of learning-by-doing that are based on existing information and experiential models. At the same time, this technology is at the root of some of the harshest criticisms of the OLPC project: mesh networking is conceptually related to the principles of peer-to-peer technology, which is, as noted above, highly vilified by contemporary copyright discourses because it facilitates the circulation of illegal or pirated content, while enabling a high degree of anonymity that is sometimes argued to further encourage criminal activity.
implicate and foreground the practical and ultimately political usefulness of connecting local, individual métis to a collective.

Yet, despite all the good intentions, and considerable success in implementing them, OLPC has had to endure much criticism, and especially in practical terms, the project struggles with a large number of obstacles.\(^{143}\) For the purposes of my discussion of critical appropriation, by far the most interesting among the manifold criticisms (many of which are certainly justified) are those that focus on OLPC’s utopian ambitions – not so much because these ambitions are considered unrealistic, but rather because they tend to be interpreted as a threat to an established order. Against the background of broad international support for the project, critics find it difficult, for once, to lever the same objections that are commonly brought against other practices and technologies that draw their force from principles of appropriation; here, where different types of practitioners of appropriation (the wealthy and the underprivileged) meet in an arena that is not so obviously defined by economic interests, some of the real stakes in discussing the critical potential of appropriation are finally forced out in the open. First of all, the potential for political change that resides in the self-organization of a globally stratified social, economic and educational multitude is nervously recognized both by the governments of nations targeted by the OLPC program as well as by Western powers. Secondly, the powers that seek control over

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143. Many of the objections address the project’s practicability and relevance, and questions are asked such as the following: Is the device cheap enough? Can poor governments handle the long-term repercussions of such an investment? What if the computers – highly visible and valuable items – are stolen from their underage owners? Can the devices endure the range of harsh climates to which they will be exposed? Who will provide technical support? Do the corporations involved in manufacturing the XO have hidden, commercial agendas? Can a single design respond to the varied needs of children who live in very different cultures and geographic regions? How can the project’s subjects be protected from the security risks that connected children in the developed world are facing (such as online sex predators, fraud, or identity theft)? And, perhaps most importantly, is an electronic device that has been described as a Western “kid-hacker’s dream” really suitable for battling the real, material circumstances of poverty, malnutrition, economic exploitation and lack of education? For many of the reasons just listed, the Indian Ministry of Human Resources Development has famously refused to participate in the OLPC project (see Mukul). (For concise summaries of these and other objections, see Aranda and Felsenstein.)
the global markets of communication devices, labor forces, and (re)production resources recognize the ‘harm’ that a sustainable and more or less self-sustaining system of networked knowledge-exchange can do both in the short term and in the long term (closure of potential markets through the emergence of self-organized, communal, extra-capitalist collectives and economies, loss of access to cheap labor, etc.). *The New York Times*’ popular technology columnist David Pogue thus accurately summarizes many of the concerns as follows: “[T]he biggest obstacle to the XO’s success is not technology – it’s already a wonder – but fear. Overseas ministers of education fear that changing the status quo might risk their jobs. Big-name computer makers fear that the XO will steal away an overlooked two-billion-person market…” (Pogue §26).

In discussions of the OLPC project, the fear Pogue mentions is rarely put in the broader terms of the fear of revolutionary change. But on a smaller, more local level, the objections against the appropriated forces that OLPC might unleash point in just this direction. It is thus conjectured, for example, that the XO’s connectivity and the Internet access it provides may fuel organized crime, gang wars, the management of international drug trafficking, and even terrorism (see, for example, Graham). Underlying such fears is no doubt the more general acknowledgement of the basic political power that can always come with the organization of groups. Another undercurrent is that the XOs are not machines with a measured half-life, and that their users are not affluent consumers who will, by receiving these machines, enter a cycle of upgrading, replacing, buying more, etc. If OLPC’s goals transpire, the multitude of XO users may, instead, be lost as a more and more inexpendable work force. The utopian vision of the feasibility of projects such as OLPC is that of engaging individuals who are very urgently and intimately, painfully aware of the material realities of the circumstances under which they live,
produce, (re)produce, etc. Connecting these individuals to a repository of information, knowledge and mutual acknowledgement involves many of the concepts of critical appropriation discussed throughout this dissertation – and it is the organization of this ability to appropriate that is, I believe, perceived as the project’s most threatening aspect.

For many, it is undoubtedly a fearsome thought, in other words, that the same knowledge, skills and critical awareness that have helped along the practices of critical appropriators discussed in the preceding chapters (avant-gardiste artists, hackers, labor activists, etc.) be made available to millions of others, who until now have existed in political and economic subordination, but who have already developed highly sophisticated principles of collective production, of the sharing of knowledge, and of the repurposing of existing resources that now only await activation and organization. The fear Pogue refers to could thus also be paraphrased in the form of the following question: what if the recognized value of collective production, of sharing and organizing the reuse of information and resources (all of which the XO playfully teaches) could indeed lead to the more widespread desire for political and economic independence, and to the realization that such independence may be achieved through concerted appropriative efforts?

As a gesture pointing in this direction, the activist and Computer Scientist Richard Stallman (already referenced in the context of my discussion of biopiracy in the preceding chapter) has migrated all his personal use of computers and the Internet to an XO because, as he says, it is the only computer whose hardware and software he can keep entirely free of proprietary restrictions and of the ideological issues that taint such restrictions (see Stallman, "Rescue OLPC"). The motivation behind this move is, of course, to ask what would happen if the millions of children who are envisioned to grow up using XOs learn to appreciate the device for
exactly this reason. What if they begin to transfer this appreciation to other areas of their
‘practice of everyday life’ – workplaces, political decision-making, social organizations, etc.?
Clearly, the thought of having a multitude of children grow into a connected network of critical
adults who continue to uphold OLPC’s core philosophy of communication environments that are
marked by openness, connectedness, saturation, freedom and appropriability (see "OLPC
Principles") is as horrendous to the late capitalist entrepreneur as it is to many policy-makers and
political leaders.

As noted above, OLPC is, no doubt, a utopian and in many ways flawed project; the most
valid criticism is perhaps that the digital may be a highly unsuitable realm to battle the very real
material circumstances of hunger and poverty, of economic exploitation and insufficient
education. Yet the aim of OLPC’s digital approach, it must not be forgotten, is to bring all that
which the digital’s appropriability and ease of recombination enables to bear on the analog, on
the real-world processes in which the distributed computers are embedded. The project’s aim, in
other words, is to suggest, through the easily graspable appropriability of connected, open-source
computers, what may be possible if recognition of the value of the commonly shared and reused
extends to the analog. OLPC thus stakes out the current limits of global humanitarian endeavors
that are geared towards radical, long-term change; and however much (or little) the project may
eventually achieve, what counts is that it operates based on a technology and philosophy that
foregrounds the collective, mutually beneficial reuse and reproduction of appropriable
knowledge, skills and resources. Once more, OLPC hints at the powerful potential that resides in
appropriative practices, and once more it shows how dangerous this potential is perceived to be.

Throughout this thesis, one of the most important premises for my arguments has been
that the ideological and technological crossover between the artistic sphere of appropriative
practices and other areas of our contemporary lifeworlds is now so complete that it is becoming irrelevant to differentiate between discourses pertaining to ‘the arts’ of appropriation, on the one hand, and to discourses pertaining to scientific, economic, ethical or legal aspects of appropriation, on the other. In fact, such differentiation would only obscure the more complete picture that I have tried to sketch. As I have shown, against the background of new technologies and media that are, more often than not, inherently incorporeal, and that tend to contradict traditional notions of originality, theories of authorship, ownership and creativity have come to be codified in restrictive ways that are supposed to be equally applicable to questions and disputes concerning vastly different appropriative practices. Yet current policies and legal discourses of copyright and intellectual property are ill fit to deal with the wide variety of issues that arise in the broad field of reusing and appropriating cultural matter. Regardless of whether issues of creative license, patent law, democratic agency, bioethics or media-piracy are at stake, the legal philosophy invoked and applied is conceived, for the most part, in accordance with the needs and desires of the economic and ideological apparatus of late capitalism. Consequently, courts’ and policymakers’ opinions often remain based on ideas that traditionally strove to uphold fantastically repressive systems of singular creativity and individual ownership – systems that have a history of disregarding the collective and communal aspects of human productivity and the circulation of ideas and knowledge.

A variety of technological developments have, at long last, rung in a somewhat absurd but promising situation that enables unprecedented control over productive forces and resources while at the same time being marked by the unprecedented appropriability of these forces and resources (and in general of most skills and information). At this present moment, when appropriative practices can so forcefully challenge the restrictive and homogenizing tendencies
of current policies regulating matters of the authoring, collection, trading and reuse of all kinds of information, the political potential of critical appropriation becomes most obvious in all its urgency. After the literal, physical appropriations of the Dadaists and other early appropriators, and after the complications introduced by visual artists, filmmakers and sound artists, today, artists, theorists and activists alike can finally operate on the premise that the ubiquity of appropriation across all media and areas of application has rendered the idea of the inappropriable original philosophically and ethically ludicrous, and technically obsolete.

That in view of this, there emerge powerful attempts that vilify and criminalize creative and critical appropriation while protecting its other applications is not surprising. To recount an inventory invoked earlier: sampling artists are today often defamed as thieves, while transnational music labels rehash unlicensed, and thus profitable, content from their ‘world music’ archives; appropriation artists who parody or imitate existing works are threatened with legal action, while corporations keep on appropriating indigenous cultural knowledge and artifacts for economic purposes and without seeking permission; manufacturers of all kinds of commodities seek to legally prohibit physical modification to and repairs of their products by the individuals who rightfully buy and own them, while engineers and scientists keep being hired for their ability to ‘author’ mechanisms, commodities, processes and information that are appropriated from contexts in which Western copyright laws are less rigidly enforced; and while the copying of most cultural matter is more and more often considered a crime, the valuable information contained in individual’s genetic matter is pooled and archived without the hosts’ consent. As noted earlier, this list of imbalances extends through the ages, and could be continued ad infinitum. What has changed, however – especially once this inventory reaches the digital – are the conceptual and practical circumstances of all appropriation and copying.
activities, as well as the difficulty in containing and controlling such activities. Where once it may have been enough to lock up a machine in a factory in order to prevent its use for unauthorized purposes, current virtual (and viral) infrastructures of production and circulation can no longer be so easily controlled.

On the one hand, this difficulty of controlling information, artifacts and commodities has as its result what writers such as the cultural theorist Gregor Claude have identified as attempts to extend and then forcefully consolidate markets. (The Bertelsmann publishing group, for example, first sued the web-based music-sharing platform Napster, and then bought the site while legal proceedings were still going on; [Claude 244].) On the other hand, this difficulty takes the welcome form of the rampant, proliferative spreading of the more or less unbounded ability to appropriate – and it is here that appropriation, strangely suspended between assimilation and vilification, is taking shape as a powerful political practice, as that tool of criticism and resistance that I have tentatively posited in the introductory chapter. The critical usefulness of appropriative practices is most obvious in the context of the digital – and from this vantage point, appropriation represents, I would argue, a return to a more universal perspective of appreciating the skills of improvisation that grow most powerful through the act of sharing and collaborating, the creative and potentially beneficial force of the common and the collective, and the kinds of communal productivity that preceded the restrictive, economically informed mindset which philosophies of the singular author-genius, of individual creativity and ownership have imposed on the productive force of the multitude.

This general state of the appropriability of cultural matter is perhaps best described as ‘wild’: it is, as Dyer-Witheford notes with reference to digital information, quite literally “out of control” ("Circulation" 9). Beyond the context of the digital, this wildness generally denotes
those aspects of knowledge, skills, resources, etc. that sidestep the regulating measures of copyright and intellectual property law, and which escape the commercial grip of corporate control. It is found in the universality of métis, in the human will and need to share, improvise, collaborate, influence and reference – all of which may override, in the end, the will to buy, hoard and own. Representative of the potential appropriability of all cultural matter, the wild digital is that radical moment of the conceptual and practical realization of appropriability that is manifest in all of the appropriation art discussed throughout the preceding chapters – from Dadaist collage to indigenous practices to found footage filmmaking and video sniffing. Many think, as I have noted, that this wild aspect of all cultural matter needs to be tamed through legislative measures, through technological obstacles such as Digital Rights Management tools, and, last but not least, through the general derision of copying and sharing practices. But this taming has proven hard, if not impossible. When copying is not just ‘easier’ than what used to be understood as original production, but rather “unavoidable and intrinsic” (Claude 245), then attempts to control the appropriable, to control appropriative practices and to break the universal inclination to appropriate can achieve little more than exposing their own bias – which tends to be aligned with profit and capital, rather than with the collective, common good.

As I have argued, in critical appropriation practices the ownable product that traditional concepts of authorship tend to focus on is accompanied, if not supplanted, by a focus on the shareable, non-exclusive process of reusing. Sampling music, for example, must in this sense be understood not simply as the production of a finite end result, but rather, as the composer and music theorist Alistair Riddell proposes, as the redefinition of the value of certain data by a certain process (Deleuze calls it ‘modulation’). Sampling music is indeed a prime example of how the disruptive fact of contemporary culture’s absolute copyability permeates content, and of
how it has also become embodied in creative methods and structure. In works by mash up artists such as Girl Talk or Stock, Hausen & Walkman, the appropriated fragments are more than copies of originals – they always also perform the creative methods employed, the listening environment implicated, and the critical issues raised by such art. For Riddell, this confirms the multivalence that the technical terminology of contemporary, digital culture suggests. He arrives at the above-cited definition of sampling by equating the types of data that form the informational basis of digital culture, technology and the economy, so that we can begin to relate the different meanings that the term ‘value’ (so intimately tied to concepts of ‘product,’ ‘artifact’ and ‘commodity’) carries in diverse discursive fields such as economics, aesthetics and philosophy. It follows that like most other appropriative practices, audio sampling has the potential to problematize both the commercial and the cultural value of all used data (i.e., cultural matter), to foreground the critical importance of ‘process’ (i.e., the technical manipulation of data’s analog or digital values/parameters) in the (re)creation and (re)production of meaning, and perhaps to effectively and positively change the circumstances that have traditionally bound these processes. As data, all cultural matter “is a currency” (Riddell 342), and as methods for the recoding of cultural values, sampling and other appropriative practices do more than to simply create new strings of digital values or analog characteristics – through processual interventions, they can effectively challenge and threaten the ordered circulation of monetary and ethical values.

My earlier discussion of Benjamin’s “The Author as Producer,” too, has shown that the critical pertinence of this focus on process parallels and supersedes a focus on product, and as I noted in the context of my discussion of Anonymous and OLPC, the ‘success’ of critical appropriation need then not be measured by tangible results. In fact, just as Riddell argues that
audio sampling software can act as a kind of theory based on which complex aesthetic arguments are developed, so I argue that all techniques for appropriating and reusing cultural matter represent not only a practice but also a kind of theory that drives our understanding of the meaning of concepts such as authorship, ownership and creativity, and that can form the basis on which new, radical and tactical practices of everyday life can be developed. In this sense, the results of appropriative practices simply help to “externalize the idea of process and … mirror a society’s attitude to content and experience” (Riddell 340).

If, as I argue, appropriative practices work to display and challenge the stakes in current discourses regarding creativity, authorship, ownership and agency, then it must be agreed that they derive their critical currency through the dual focus on content and process as outlined throughout the preceding chapters. Like the generation of digital data, appropriative processes of generating cultural matter are theoretically boundless, universally readable, and thus, again, what above I have called wild. This wild aspect not only opposes but indeed precedes the order of legislation and technology, and in view of the type of opposition that is today commonly brought against it, it must again be noted that the contexts for the popular slogan ‘information wants to be free’ are not created by subversive circles of theorists, but rather by today’s “peculiar reproductive economies of information” themselves (Claude 246).

Throughout this dissertation, I have outlined a series of appropriative practices that are steeped in very real material and socio-political circumstances, yet whose critical potential remains, at this point, somewhat utopian. But even in face of this utopian moment, what is clearly visible is the specter of both individual and collective usefulness of appropriative practices and, based on this, critical appropriation’s potential for organizing socially and politically aware multitudes of ‘readers’ who are becoming ‘producers’ or, as the more relevant
and inclusive current term is, who are becoming ‘users.’ Already, appropriation is an ubiquitous
fact both in its critical and in its assimilated configurations. In this fact of appropriation’s
ubiquity, and in its universal usefulness and practicability (which continues to be demonstrated
by individuals, corporate entities and artists alike) lie embodied both appropriation’s critical
promise and the obstacles it needs to overcome. And for once, where it can lead (or where it can
be taken) is not up to those few with the assumed power to regulate, ordain and restrict, but to
the many who possess the métis and the appropriative skills that have always already kept the
cultural, economic and philosophical machine churning.
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