

**Drunk on Capitalism. An Interdisciplinary
Reflection on Market Economy, Art and Science**

EINSTEIN MEETS MAGRITTE: An Interdisciplinary Reflection on Science,
Nature, Art, Human Action and Society

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Diederik Aerts, Leo Apostel Centre for Interdisciplinary Studies, Brussels Free
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An Interdisciplinary
Reflection on Market
Economy, Art and Science

 Springer

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Frank Vande Veire teaches philosophy and aesthetics at the Academy of Fine Art in Ghent (KASK). In 1997, he received an important award (The Flemish Cultural Award for Art Critics) particularly for his book: *De geplooidde voorstelling. Essays over kunst*. Since then, he published a retrospective aesthetical survey: *Als in een donkere spiegel. De kunst in de moderne filosofie* (2002) and a collection of critical philosophical essays: *Neem en eet, dit is je lichaam. Fascinatie en intimidatie in de hedendaagse cultuur* (2005).

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Christophe Bruno lives and works in Paris. His polymorphic work (installations, performances, conceptual pieces...) has a critical take on network phenomena and globalisation in the field of language and images. He was awarded a prize at the Madrid Contemporary Art Fair with the ARCO new media prize 2007 and at the Prix Ars Electronica 2003. His work has been shown internationally: FIAC Paris, ARCO Madrid, Diva Fair in New-York, Palais de Tokyo in Paris, ArtCologne, MOCA Taipei, Modern Art Museum of the city of Paris, Biennale of Sydney, New Museum of Contemporary Art in New-York, Tirana Biennale of Contemporary Art, HMKV Dortmund, Gallery West in The Hague, Vooruit Arts Center in Gent, Share

Festival in Torino, Transmediale in Berlin, Laboral Cyberspaces in Gijon, galerie Sollertis in Toulouse, ICC in Tokyo, Nuit Blanche de Paris, File Festival in Sao Paulo, Rencontres Paris-Berlin, f.2004@shangai, ReJoyce Festival in Dublin, P0es1s.net in Berlin, Microwave Media Art Festival in Honk-Kong, Read_Me Festival in Dortmund and Aarhus, Vidarte in Mexico City... He divides his time between his artistic activity, curating, teaching, lectures and publications.

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Introduction: (Don't) Put Your Money Where Your Mouth Is

Robrecht Vanderbeeken

1 Between the High and the Hangover

The grandiloquent title of this book is of course intended to catch one's attention. This intention is itself a fine illustration of the vigorous marketing that we see all around us today. At the same time, the title perfectly captures the problem posed by this book. While the entire twentieth century was defined by the struggle between ideologies such as fascism, communism and capitalism, since the fall of the Berlin Wall, capitalism is the only reality left standing. These days, capitalism is no longer characterized as an ideology but rather as a *fait accompli* – but then without us really knowing what it actually is. Our attitude with respect to something like the 'free market' is, in effect, fanaticism, confusion, disbelief and discord. In short: delirium. Meanwhile, we are waiting for the so-called 'invisible hand' to smack us across the face in order to sober us up.

For example, in the wake of Francis Fukuyama, a great many supporters of liberalism have announced the end of history, thereby emphasizing that capitalism is here to stay. According to them, we should simply accept the lesson that history teaches us, namely that capitalism is the social model with the best chance of surviving and thus, seen from an evolutionary perspective, is the fittest formula. By analogy with the idea that communism – at least according to the communist scripture – is a historical necessity, today it is capitalism that is all too often seen as a historical fact. Even more, it appears to be a natural order that seems to impose reality upon us. For instance, 'debt' is in the first place semantically associated with financial problems nowadays, not with (religious) guilt. Business logic, expressed in terms of the 'rational consumer', 'progress' and 'profit', has thus come to serve as ontology, even though it was only an instruction manual for the fundamental order of our socio-cultural world. On the other hand, liberal advocates too often forget that capitalism did not necessarily defeat

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communism, but that 'communism', under the specific guise of the Soviet Republic, has collapsed, and consequently the capitalistic West is the only economic superpower left. In other words: it is rather shortsighted to deduce from the implosion of the USSR that the one 'theory' has ultimately triumphed over the other. Or that there were only two possibilities and that now only one remains. A flush of victory such as this is something like a blind high, as if they are stunned, sweet on TINA (There Is No Alternative). However, with the near-fatal market crash of 2008 in mind, we now all know that the threat of catastrophe is all too real – should we still need convincing after all the climate disasters – and that it is imperative that we find an alternative to casino capitalism as soon as possible, before it is really too late.

The seasoned opponents of the capitalistic system also seem to be running around in a drunken state, often with a blurred view of reality and selective memory loss with respect to the past. Because the bankruptcy of the Soviet Union and the unprecedented crimes of their leaders stands in stark contrast to the humane promise that socialism actually wants to be, many former sympathizers rightfully feel they have been duped for believing in the good cause. Unfortunately, their social aspirations are now but so much hot air, as they are still searching for a collective approach that never seems to come. People have nowhere to turn with their sense of commitment and therefore push it to the side. On the other hand, those who wish to continue the fight often seem to have lost their ideological focus insofar as they are content to be spoiled by the pleasures that capitalism affords them. Even if the anesthesia of shopping and the instantaneous pleasure of entertainment cannot tempt them, people are still sometimes tipsy from capitalism because they wrongfully imagine they belong to the upper class simply because they have a pension fund, a home mortgage or some declining stocks. Or because people are not insensitive to the false promise that every individual can become as rich as Bill Gates provided they work hard enough. Consequently, people are no longer able to fundamentally question economic reality. When something goes wrong – such as, for instance, unrestricted stock market speculation – it is no longer seen as a symptom indicative of a structural deficiency, but as an excess that can be corrected with regulation, and thus as a temporary disturbance to our opulent pleasure cruise on our way to a prosperous future.

Finally, for both the proponents as well as the opponents of capitalism, the drunkenness also, and perhaps primarily, comes from the fact that capitalism is a denominator we all use because it seems so clear to everyone, and yet we simultaneously know that it is a very simplistic reduction of a complex, diverse and rapidly evolving economic reality. By way of compensation we occasionally grasp at semantic variations, but these do not seem to temper the ambiguity and its corresponding misunderstandings – on the contrary. To name a few: system of free enterprise, reciprocal trade, laissez faire economy, self-regulating market, the stock market oracle, neo-liberalism, late-capitalism, privatized tyranny, post-fordism, etc. Furthermore, political writings, both for and against, contain numerous apt or even archetypical illustrations of the way in which rhetoric can create phantoms that ultimately threaten to become their own reality. For example, how many anti-capitalistic militants are there who do not assume that 'the capitalist empire' is centrally governed by a lobby of a few 'fat-cat bankers' who clandestinely huddle together and steer the world from their subterranean cockpit? Starting

from the assumption of this kind of anthropomorphic error, they forget that capitalism is actually everywhere and that from the moment we walk into a store as clients, put our money in the bank, or try to fulfill our daily duty at work, we all partake in the ritual. Capitalism, it's us, living our daily live.

In contrast to what the title of the book or this introduction thus far might make one believe, the purpose of this book is not to present an activist-style indictment of capitalism. For this we refer to other actors, such as *Adbusters Magazine*, or to a new generation of born-again communists, such as philosophers Alain Badiou or Slavoj Žižek. On the contrary, what we are in fact aiming at is a little sobering-up from the drunkenness of capitalism. We already know that the situation is critical and that a huge hangover is coming up. In the meantime, in view of the analyses in this book, we attempt to obtain a clear-headed vision of the manner in which the market works upon our culture and in particular on art and science. We have indeed chosen for a very broad theme, and have done so in the hope of mapping out the bigger picture, or at least its diverse complexity. We therefore opted for an inversion of a focused study: beginning from a broad perspective, we try to cast a glance at the horizon. Otherwise stated, this book is both gifted and plagued by the advantages and disadvantages of an interdisciplinary study; in a short space of time, the reader is offered a sample of discussions, problems and standpoints through which one gets a sense of the larger story. The inevitable consequence of this, however, is that many of the storylines raised are broken off too abruptly, are sometimes difficult to relate to one another and, even if they can be, they have to bridge a large distance without an adequate indication of that which lies between. In what follows, this introduction tries to formulate a summary of this overview. In conclusion, this book is the result of much prior discussion, including the two related symposia that preceded this book, namely: *Science for Sale* and *Buy Buy Art*. These symposia took place at the art centre Vooruit in Ghent, Belgium, during a lively art festival that included film, performance, artist talks and a fine arts show – *Art for Sale*. You can find more information, together with the online recordings of the readings at the symposia, at the website www.interface.ugent.be, under 'Activities'.

2 Science for Sale: Abuse, Corporatization and Commerce

This first part brings together six articles written by reputable scientists who, each from their own area of expertise, focus on the many-sided interplay between 'science and money'. Like the scientific researcher in the days of communism was confronted with the fact he or she was always being used ideologically, indoctrinated and recuperated, the scientist in the so-called free western world continually has to deal with the illusion of freedom. Aside from the various threats that the scientific enterprise today must constantly try to resist, and which we will soon discuss, there is for example the simple fact that science in itself is an academic institutional economy that regulates and legitimizes itself, and to which not everyone is simply given free access. Everyone in our contemporary society has the freedom to say what they please, but this does not

mean that anyone is listening. There is something very intolerant lurking within this tolerance. For example, the internet provides an immense forum where every individual can state their opinion in the excess of blogs, discussions and replies. But in this turbulent ocean of information and disinformation, a great many insights that are right on the money simply disappear in the cacophony of a blind mass that continually drowns itself out in all the screaming. In other words, if you want to have an impact on the discussion you need the symbolic capital of an institution, immunity from every accusation of being a fraud, agitator or pseudo-scientist. Considering the fact that we can invoke the academic honors of many international institutions of importance, and above all because a highly regarded publisher such as Springer has given us the opportunity to tell our story, we do not face this problem. Now that we have been given the stage, we of course have to say something. With these six texts we therefore attempt to indicate three general threats the sciences have to deal with, threats that we also must try to resist in the production of this book.

In our contemporary, so-called 'post-wall' age, there has been an enormous increase in the commercialization and corporatization of every aspect of our public and private lives. Consequently, the free market also infiltrates every domain of science. Actually, and primarily for its own continued existence, it is very important for science to enter the political forum and to participate in the discussion concerning this economic transition by means of developing political-economic theories and critiques. But naturally the influence of the market is not limited to being a subject of debate within the political sciences alone. The entire scientific enterprise is subjected to new forms of kinship with the free market on the level of content and organization, as well as the production of knowledge. In itself this need not be bad news. It is, for example, not because scientific research remains exempt from commercial support that the absence of manipulation is guaranteed. On the other hand, it is of course not the case that research carried out by industrial corporations is per definition corrupt. And thus, the combination of science and economy is not a problem *per se*. Problems arise, however, as soon as the authority of science is enlisted in the defense of various interests that have nothing to do with science.

The first significant threat is thus the abuse of the power of the aura of science by the market. In many advertisements, for example, one can find purchasing advice that is based upon on so-called scientific research. For instance, the expression, 'research has shown that... .' accompanies all sorts of marketing strategies like a magical proverb, even if it actually has little to do with the product or the service being advertised. Fortunately there are also many scientists who investigate just this kind of commercial abuse and can thus provide legal evidence in the case of intentional disinformation and falsification. Alas, the chances of being caught, together with the processing speed of ombudsman offices and the short-term memory of the average consumer, is often calculated into a prior risk analysis, and so the damage is long past before it can be corrected. A less evident, and therefore much more dangerous form of abuse, is the recuperation of scientific discourse itself. This often happens in cases of popularization of science. It is not restricted to such cases, of course, but it often comes very clearly to light in this way. In the attempt to make scientific complexity understandable for a general audience, the dangers of oversimplification, wishful thinking and even stubborn dogmatism quickly creep in.

In order to start off with a few observations concerning this problem of abuse, the first part begins with a philosophy of science analysis by John Dupré: “The Inseparability of Science and Values”, in which the platitude of so-called objective science is unmasked. Dupré succeeds in showing in a simple and clear way that science is seldom or never free from value judgments, and is therefore exposed to all kinds of abuse. There are perhaps a few particular fields, such as theoretical physics, where the facts do not carry a great deal of value, but that is primarily because the discourse in these fields has little impact on our daily lives – at least directly. Most sciences, which function as an economy of facts, are indeed saturated with all kinds of values, even if that is due to the fact that our language is semantically so complex that normativity is very difficult to exclude, even should we wish to exclude it. Dupré supports his assertions in view of two cases, namely: one concerning the analysis of rape from the perspective of evolutionary psychology; and one about the hidden normative premises in many economic theories. Concerning the latter, after the assessment of the presence of the implicitly value-laden agenda of prevailing economic thought – such as the conclusion that increased production is an obvious goal – , it should not come as a surprise that a great many economic analysts were blindsided by the 2008 stock market crash, or that it was difficult for them to admit afterwards that they actually contributed to the crash. The exceptional thing about Dupré’s article is also that it is a reworking of a previously existing text. By noting that it is ‘recycled’, we want to draw attention to the fact that scientific research always has to be original if it wishes to be considered for publication. From a commercial standpoint this is of course totally understandable. But a side-effect of this is that, because of commercial motivation, the brakes are applied to the need to repeat some established insights, which is often necessary for their true impact to be felt. By choosing for a partial reprint, we immediately open up for discussion two other crucial threats with which science is confronted: the transformation of scientific knowledge into a commodity so that insights become the property of private companies, and the transformation of scientific institutions into corporations whereby, under the guise of making these institutions ‘academic’, scientists simply become employees who have to make sure that they increase their maximum output should they wish to be promoted.

Beginning with the latter threat: one of the consequences of the ‘publish-or-perish’ motto that has increasingly found its way into the universities – usually at the expense of education – is that many scientists often emphasize the quantity of publications over the quality; the result is that certain scientific discussions become spread out over so many different texts in books and journals that they make themselves inert and sometimes even redundant. In other words, by advocating professionalism one generates an efficient publication-economy in which productivity is often determined by competition and self-preservation rather than maintaining quality and truth. In order to get a picture of this second threat of corporatization – senior professors becoming publishing managers for their research unit and scientific research turning into a business of academic multinationals – we have included two related texts. In his “Humanities Under Fire?”, Rik Pinxten traces the evolution of the scientific community over the last half century and draws our attention to the fact that, with the shift toward the business culture, free research has come under pressure. This can be seen on many levels.

For example, academic institutions have been subjected to an extensive bureaucracy with various selection procedures and control mechanisms such that preference is given only that research which the policy makers decide is useful. Regardless of their internal politics, academic institutions are also increasingly exposed to the power of scientific indexes, such as the famous ISI Index which only measures English-language articles from a select collection of journals, and furthermore is run by a private company, Thomson USA. The more these indexes become the international standard, the more they will also become indexes of promotion, sponsoring and government subsidies. Given the powers that be, Pinxten is rather skeptical about the possibility of guiding this industrialization toward democratic methods. On this point, he is contradicted by Jeroen Van Bouwel who, in his text, "What is there Beyond Mertonian and Dollar Green Science?: Exploring the Contours of Epistemic Democracy", goes in search of a third way between the idealistic idea of independent research – which in his opinion is largely an illusion – and hard core corporatism. Starting with a deconstruction of the Mertonian vision of 'disinterested' research, and somewhat in analogy with the one that John Dupré also makes in his text, Van Bouwel argues that while epistemic and non-epistemic interests still play a role in research, they do not necessarily stand in the way of objective science (i.e. science without forgery and abuse). Starting from this insight, and thus by analogy to the democratizations principles of Philip Kitcher, Van Bouwel presents us with a blueprint for what an epistemic democracy that could protect the scientific institution from the excesses of corporatism might look like. In doing so, he shows us a way to escape from the dilemma. Fingers crossed that it will be utilized.

A third and final threat we address in the first part is the commodification of science. When knowledge can be sold, do people not primarily look for the kind of knowledge that one can sell? When scientists become, so to speak, peer-to-peer, client-oriented traders, there is a risk that scientific practice will become entangled with customer relations. This brings us to the text by Sigrid Sterckx: "Enclosing the Academic Commons – Increasing Knowledge Transfer or Eroding Academic Values?" While John Dupré points to the possibility of the substantial, ideological manipulation of what is called science, Sterckx discusses how scientific research can also come under direct pressure by the simple fact that scientific discoveries can be claimed by means of patents and licenses. With this, the use of knowledge not only becomes an expensive affair that threatens to exclude capital-poor researchers, but can also in principle become simply forbidden. Furthermore, the taxpayer is at risk of paying twice; first for the development of scientific research, and then for the royalties that are included in the prices of the products and processes developed by these universities. Sterckx starts from the sobering assertion that the copyrights for research results have not only significantly increased over the last few years, but also that there has been an increase in 'upstream' patenting; namely, the linking of intellectual property rights to the instruments of research that are required should one wish to undertake research. After a discussion of the impact and dangers of this, she formulates a number of proposals designed to enable people to resist the excesses of patenting. These may be placed within the framework of epistemic democracy, as championed by Van Bouwel, but here as well the question remains whether

academic institutions can muster the will to collectively implement these instructions in their common academic interest.

This places the ball in the scientist's court. In the interest of their own profession and passion, together they themselves will have to muster the will to force through an ethical and socially responsible scientific policy that does not directly concern their expertise and the immediate advantages that are important to them. There is simply no alternative. An uncontrolled commercialisation of science inevitably leads to excesses in terms of misuse, profit seeking, exploitation and perversion that make impossible the normal functioning of the pursuit of science. Succumbing to this pathology would be extremely cynical.

Speaking of pathology, in his contribution, "(E)valuating Words: Money and Gain in the Therapeutic Economy", Dany Nobus offers an entirely different perspective on the relationship between money and science. Nobus' analysis adds a dissonant story to this first part, also focusing our attention on the fact that the logic of money is not just a necessary evil that a scientist has to deal with in order to provide for himself. In fact, the truth is quite the opposite: money often plays an important role both in the practice of science as well as in the so-called 'science wars'; the battle between scientific disciplines or academic departments. In the current mental health economy, for instance, psychoanalysis has been receiving heavy criticism for a good while now. According to Nobus, the problem is not so much the fact that health insurance gives money to treatments that do not necessarily adhere to strict medical discourse in terms of 'accredited, evidence-based practitioners'. The real problem is much simpler: psychoanalysts are under attack from the 'new health economy' because they ask money for what they do. If, like priests, they were to offer their services for free as an act of philanthropic generosity inspired by a fundamental commitment to the well-being of their fellow citizens, no one would likely be bothered by their reluctance to buy into contemporary standards of care. In response to this, Nobus discusses the fact that the economy of money is indeed a crucial aspect of psychoanalytic therapy and thus follows its own particular logic: money monitors the therapeutic transference. Without it, women would never conclude their treatment, believing it to be a matter of love; men would stop because they cannot handle their gratitude. Unlike other sciences, in psychoanalysis, 'trade' is an essential element because money is part of the libidinal economy of the cure. This makes psychoanalysis a 'science of sale'. It is precisely for these reasons that one may think that psychoanalysis is not a science in the strict sense, but rather a pure, albeit subversive therapy. Subversive because, for instance, this therapy undermines the common capitalistic logic of production and consumption insofar as it forces its 'labourers' to question the value of their therapy in their own psychological economy.

With the sixth and final contribution, "Copyright: A Curse or a Blessing?", we conclude the first part with another topic that also brings us a step closer to the next part, "Buy Buy Art". Evi Werkers is a legal researcher who investigates the principle of copyright, and in doing so she focuses on the extent to which this system is still operative in a digital age. Today, primarily because of the rise of the internet, the free use of content, style and images is often seen as self-evident. For many artists who experiment with recycling, re-enactment, mash-ups, etc., it is even a necessity. On the

other hand, copyright law exists in order to protect creativity: with this protection, artists are able to generate income, and ultimately this also stimulates the development of new creations. From a juridical standpoint, the result is an important theoretical exercise designed to conceive of a useful framework in which the artist is protected against both blind piracy as well as industrial commercialisation. With her analysis of so-called 'creative commons', Werkers at the same time illustrates that the regulation of the commoditisation and commercialising of (scientific or artistic) creativity also belongs in the scientific debate and to the very concrete form of juridical decision making. 'Science for sale' is thus not only something of great interest to us all, and to scientists in particular; it is also something that in every respect – its evolutions, causes, problems, solutions – should be the subject of scientific discussion.

3 Buy Buy Art: Contemporary Art and the Play of the Market

Art is an ideal optical instrument with which to view the culture from which it emerges. This is certainly the case for the way in which contemporary art reflects the delirium generated by capitalism today. When we first turn briefly back to the period before the fall of the Berlin wall, it is remarkable to see how clearly the avant-gardes portray the ideological tensions of the cold war. The propaganda in Soviet art simultaneously presented a stereotypical example of what political art is and what it should not be. American art, such as the work of Jackson Pollock and Willem De Kooning, offered an ideological counterbalance to so-called social realism by giving expression to radical freedom. Nevertheless, it is sometimes contended – though this too is also contested – that a great many abstract expressionists received financial support from the CIA. In any case, it was definitely not by pure chance alone that abstract, apparently apolitical art became such a success in the United States. All of those large, elegant canvases and sculptures would likely not have adorned the many entrance halls or stately offices of banks and multinationals were they not absolutely silent and benign concerning the political and the social. The apparently complete renunciation of politics can thus make art very political, and whether by chance or not. The art market started its unprecedented rise after the fall of the Berlin wall, and parallel with the triumph of capitalism in the East and West. This as well is strikingly reflected in the art itself. Andy Warhol's pop art and his playing of the market was beautifully radicalised and perverted by artists such as Jeff Koons, and later by the Young British Artists – the successful brand by speculator Charles Saatchi – or, for instance, by Takasi Murakami. In the summer of 2010, this Japanese visual artist presented a unique exhibition in Versailles. His hyper-decorative, colourful sculptures with Manga dolls and cheerful Hiroshima-Buddha's are wonderfully suited to the majestic halls of this luxurious palace. When viewing it, it is rather difficult to ignore how these artistic crown jewels of our contemporary art elite are a direct extension of the decadent French court lifestyle of the Old Regime. In other words, Versailles is back. Apparently, the class conflict is still being waged – but then not by the proletariat and even less by the middle class because, oddly enough, it thinks it is the propertied class. The capitalists, on the contrary, are organised and are becoming

inviolably rich at a very fast pace. In short, paradoxically enough Murakami strikingly portrays how the art market itself is as well actually a thorough subversion of the established order. It embodies its grotesque, empty and foolish nature – or in the words of the artist himself, ‘Superflat’. Why would we blame the artist that he or she reflects the soul of those who buy their work?

The delirium caused by capitalism after the fall of the Berlin wall is threatening to become ubiquitous in the art world primarily because the average contemporary art lover is often obsessed by the top layer of the best-selling artists. Therefore it is sometimes assumed that the art market totally dominates the art world, and also that this is inevitable. Furthermore, this complacent attitude is also strongly on the rise in subsidised art museums: more and more they submit to the imposing symbolic capital of important collectors, the leading galleries and expensive artists. Many art festivals, such as Documenta, Manifesta, the Istanbul Biennial and the Berlin Biennial try in vain to offer a counterbalance. Their frenetic attempts to profile themselves with an activist or politically conscious program are in stark contrast to the jet-set mentality of the participating curators and artists. One apparently needs to distance oneself from commercial art, but nevertheless it is usually the very same people who attend the absurdly expensive art fairs such as Art Miami, Art Basel, Frieze Art Fair and the Armory Show. The typical excuse: one has to keep up with the fast-evolving global spectacle of the art scene; otherwise one might just disappear into oblivion. A fitting example that the art world is at this point in a schizophrenic, untenable situation is the reversal made by curator Catherine David. In 1997 she became noted for her sharply political Documenta 10 in Kassel. In 2009 she was the curator of ADACH (Abu Dhabi Authority for Culture and Heritage) Platform for Venice, a project that enabled Arab oil oligarchs to scrupulously buy their way into the Biennale of Venice in order to present their visions of the future: a series of notorious new and large museums (‘Louvre’, ‘Guggenheim’, a ‘Biennale Park’, etc.) which will be the crown on a megalomaniacal consumption and entertainment paradise. The elitist aura of contemporary Western art is thus used to maximum effect in order to keep up with the neighbours from – ‘Do Buy’ (Dubai).

The aim of this second part is also not the formulation of a critique. For this we refer you to, for instance, *High Art Lite* (2000) by the British critic Julian Stallabrass who set his sights on the Young British Artists and by extension the art world in general. Furthermore, focusing on the excesses of the art market quickly leads to rather unilateral indignation which not only makes one forget that the art world ultimately only follows a general social evolution and is thus not an exception to the rule, but also makes one overlook the fact that contemporary art has much more to offer than commerce. Moreover, while many artists today act like the handmaidens of capital, often selling off their talent, a work by an artist such as Pablo Picasso or Gerhard Richter is still not qualitatively less valuable just because it is expensive. Rather than offering a critique, the six contributions to the second part primarily attempt to clarify the varied nature of the complex relation between ‘art and money’.

We begin with a challenging analysis of the role of capitalism in modern and contemporary art. In his “The Fetish Character of the Work of Art and its Secret”, philosopher Frank Vanderveire discusses the kinship between the abstract value of money and art. Starting from the observation that it is capitalism that freed the artist

from the demands of the clergy or nobility, the artist now creates for an anonymous 'public', i.e. the market. The explanation for the success of art's enormous exchange value is to be found in the psychology of the consumer: when money incarnates the delusional promise to buy an indeterminate amount of things, a work of art resembles money since it allows us to enjoy in the present the indeterminateness of this principally useless thing. The collector who buys art even exceeds the bourgeois logic of calculated self-interest. It amounts to an aristocratic gesture in which pure prestige and the pursuit of honour play a crucial role. Nonetheless, as the opening quote of this text reads: thanks to the market, art is of no use.

Following this philosophical demystification are two analyses from the perspective of the history of art (i.e. fine art and film). Referring to Salvador Dali's participation in the 1939 New York World's Fair, the first text discusses how the art market used to take advantage of the vanity of artists, with the result being that the artistic aspect was often completely lacking. While Vande Veire in his text considers what capitalism means for art in general via clarification of the desire of the collector, Christel Stalpaert discusses how the individual artist can become entangled in this new paradigm. In her article, "Salvador Dali's Dream of Venus at the 1939 New York World's Fair: Capitalist Funhouse or Surrealist Landmark?" she focuses on how, in the case of Salvador Dali, surrealist avant-garde aesthetics and politics become entangled in, and are recuperated by, consumer culture. Starting from the leftist intention to make art for the masses and to move away from upper class chic and its bourgeois capitalism, Dali's experimental crossovers with fashion and popular cinema turn into sheer entertainment. Dali's intentions to break free from the museum and investigate new modes of exhibiting art outside the walls of traditional museums unfortunately result in a commercial funhouse. In response, the surrealist movement excommunicated Dali. In an attempt to save his credibility, however, the artist distanced himself from his creations and claimed that his genius was 'a victim' of commercialisation. Moreover, by way of compensation, Dali radicalised his façade of madness after his excommunication. He thus tries to escape criticism by acting like an eccentric clown. This posturing nonetheless would come to inspire a great many artists after they had prostituted their talents to the art market and there was no longer any way back.

The second analysis argues, on the contrary, that artistic quality – in contradiction to what is often thought – is not by definition impossible within a commercial world of entertainment such as, for instance, Hollywood. In her "How to Sell a Boring Action Hero: An Analysis of the Success of *The Bourne Ultimatum* within the Context of Corporate Hollywood", Isolde Vanhee directs her attention not so much to the establishment of the market value of art, but rather on the entertainment industry, the ultimate stumbling block for many art lovers and artists. She starts with a film theory-style analysis of *The Bourn Ultimatum* because this film so strikingly defies the clichés of mainstream Hollywood: it is qualitatively not only a strong film with a remarkably boring main character; the film also includes a sharp indictment of American imperialism and global corporatism. Does this mean that subversion is also possible inside Hollywood, or does it only illustrate the moral bankruptcy of the West? Is the anti-capitalist air of this film just a sales strategy, a recuperation of criticism by the 'system', or does it display a general shift in mentality? According

to the dominant prescription of Hollywood film, however, this film as well has a significant happy end: when the plot comes to a close, the viewer gets the message that, when all is said and done, it is not the system itself that is rotten to the core. . . there are just a whole lot of bad apples.

After the two analyses from the history of art, we turn our attention to the way in which artists attempt to both resist and provide commentary on the impact of the art market. After a description of the existing, critical situation, curator Katerina Gregos, in her “Saturn and His Children, *The Crying of Potential Estate: A Case Study of the Art Market as Metaphor and Practice*”, offers an analysis of the complex impact of the art market on the arts with respect to a specific case: *The Crying of Potential Estate*. This work, which was shown at the – financially very dubious – first edition of the Brussels Biennale, is simultaneously a representation and a critique of the commoditisation of contemporary art. It is actually a metaphor for the workings of the art market and what art has become because of it. Despite the conclusion that the art market has had a deleterious effect on the production of art, Gregos concludes her analysis with the suggestion that it is also simplistic and one-sided to demonise the role of capital with respect to art. Artists also need to earn a living. The challenge thus consists in finding ways that artists can sell their works without selling themselves out in order to comply with the expectations of the art market. At the same time she calls upon the art lovers to turn their attention to artists who are not simply trying to make a mint, but who are engaged in the lovely world of art that still exists independently of the excesses and sensation of the art market.

After hearing from the curator, we turn the podium over to the artist. French artist Christophe Bruno is a media artist who gained international notoriety with his poetic experiments with Google Adwords. Google generates its income via a system of advertisement in which sponsored links are coupled with keywords typed into the search program. Ironically enough, as Bruno discovered, ‘free’ appears to be the most expensive keyword of all. Using this system, Bruno presented his poetry to his audience, and in doing so played with the computer-generated editorial advice to increase the ‘efficiency’ of his input. In this and other ways, Bruno studied the semantic significance of e-commerce, with emphasis on its undermining of meaning. Starting out from his artistic practice, he developed an original analysis of the decay of the aura of language in our digital-capitalistic age. He brought his insights and standpoints together in a text, “The Work of Art in the Age of Meta-Capital”. It is a peculiar manifesto overflowing with a personal, playful newspeak including keywords such as ‘wasteland’, ‘popstar area’, ‘zarkoland’ and ‘dadameter’.

Julian Dibbell rounds off part 2 with a dissonant contribution: “Play Money: How to Handcraft an Achingly Self-Referential Virtual Fetish Object (For Fun and Profit!)”. Like Christophe Bruno, Dibbell also wonders what space is still left for the individual within a hyper-capitalistic economy. While Bruno, as an artist, addresses his contribution to this book through the medium of the essay, Dibbell chooses an alternative route: as a freelance journalist and essayist, he ventures an artistic experiment which is the logical extension of his position as author. Dibbell is known for his journalistic research into the virtual economy of the now largely abandoned Second Life. Many creative individuals attempted to use it to make

money, for instance by earning points in popular games and then auctioning them off on eBay, or by producing virtual artworks and other artefacts and then selling them online in 'linden dollars', the currency of Second Life. The book that Dibbell wrote about this is equally an artistic, self-referential commodity, a way to earn money on the assumption of this virtual economy. Dibbell takes this given as his starting point for an analysis of the making of a book as commodity, both in real and virtual form. In the form of a reflective instruction manual, his text explains to us how it is possible to do this on your own. By way of contrast, this project works very well in the framework of this book, exposing the economy required to arrive at an academic book like this.

For example, outside of the necessary institutional context (participation in the book by professors, the presence of the symbolic capital of university institutions, the division of labour among and the sequence of editors, etc.), it requires business negotiations (contractual agreements concerning property rights, financial support and compensation, etc.) and ultimately professional implementation that is competitive within the sector (preliminary market research concerning financial feasibility, economically profitable proofreading in low-wage countries, active international distribution, online promotion and sales of individual texts, etc.). It should be clear that, in comparison with Dibbell's book project, these days it is more or less impossible for a single individual to come up with something that would generate the same visibility and in some way 'exist' within our contemporary mass-media culture. The market produces, facilitates, competes, conquers and rules. This rule of law also goes for the contemporary artist. For ages, art was produced in service of religion and politics. Now it is in the business of selling itself. So today, no doubt, art is for sale. But let us hope it is for sale for the sake of art. That is, for the sake of art itself, and not for its economic and speculative value, for the marketable value of its institutions or for the esteem of its entourage.

In closing, I have the privilege to call your attention to another art project that is interwoven in this book. The initial plan of the book was that various images would pop up in-between the texts as an intermezzo of the act of reading. The images of day plans are a report by the British artist Heath Bunting. In order to facilitate an online presale of the individual texts of the book, however, this plan was abandoned. Instead, an outline of his project is included as a secondary introduction. The images of the day plans can be found on the website of the artist. On the website irrational.org, you can find other excellent projects that, in a playful but pointed manner, take issue with our neo-liberal society. *BorderXing* (2002) is, for example, an extensive online guide for illegally crossing European borders. Instructions for transgressing borders without being noticed are accompanied by hiking maps and lists with necessary supplies (LED flashlight, compass, pen, notebook, etc.). This project is supported by, *nota bene*, Tate London. *SuperWeed* (1999) is a do-it-yourself package for generating weed-killer resistant seeds as a 'genetic weapon' against biotechnology companies that produce genetically modified plants and food. Bunting describes himself as an 'artist' (a compound of activist and artist) and since becoming known, he has intentionally chosen not to make any work that

can be sold. Institutions and sympathisers are more than welcome to financially support his projects. According to his website, he describes himself as follows:

Heath Bunting was born a Buddhist in Wood Green, London, UK and is able to make himself laugh. (currently, reduced to only smile) He is a co-founder of both net.art and sport-art movements and is banned for life from entering the USA for his anti genetic work. His self taught and authentically independent work is direct and uncomplicated and has never been awarded a prize. He is both Britain's most important practising artist and The World's most famous computer artist. He aspires to be a skillful member of the public and is producing an expert system for identity mutation.

For *Drunk on Capitalism* he studied how we can map out our daily affairs with a view to maximising efficiency. Might it also serve as a methodology for arriving at a meaningful life in the midst of capitalist society? Or more: as a way to gain some extent of control over the drunkenness we are all subjected to? For this project, Bunting turned to models and principles from Rational Choice Theory. In what follows, he offers some explanation.

Single Step Guide to Success – Day Planning

Heath Bunting

Abstract This guide describes how to create and use a paper based day planning system. Much of modern life can be wasted either through lack of vision, planning or preparation. Rigorously planning your days can minimise time spent working or waiting and maximise engagement with pleasure, happiness and growth.

The possession of either a pencil and rubber or pen and white-out marker is essential in the making and use of a day plan. It is assumed that the reader is already skilled in the use of an appointments to-do list and diary.

1 Introduction

This guide describes how to create and use a paper based day planning system.

Much of modern life can be wasted either through lack of vision, planning or preparation. Rigorously planning your days can minimalise time spent working or waiting and maximise engagement with pleasure, happiness and growth.

The possession of either a pencil and rubber or pen and white-out marker is essential in the making and use of a day plan.

It is assumed that the reader is already skilled in the use of an appointments to-do list and diary.

In this version I have the pleasure of acknowledging: kayle (at) irrational.org for encouragement otherwise all this research would have been binned. I would also, like to thank the creator of lagmhor bay rock shelter (Skye), where most of this guide was written.

H. Bunting (✉)
Independent Artist

2 Why Make a Day Plan?

A day plan provides a combined and edited, hence more readable and specific version of an appointments diary and to do list.

A planned day can provide a structure to relax into, in the same way a house is seen as a place of refuge not a place of confinement. You know what's going to happen and how much, thus releasing you from the feeling of being out of control or having too much to do.

A structured day can help eliminate mental energy required constantly deciding what to do next.

A day plan should maximise the efficiency of dispatching chores. I try to have all my work finished by lunch time. Sitting in a traffic jam can be a pleasure if approached with a positive attitude, but more fundamental activities offer greater happiness and growth such as being in nature or having sex.

A day plan can enable the utilisation of lost space and time such as in-between time spent on journeys. Staring at subway advertisements can be replaced with walking with friends, doing graffiti or listening to music.

I am assuming that most people interested in reading this text will be other artists, who will already have a containing practice for their activities. If you don't have such a structure, then develop one. Your energies will be not only easily focused and productive, but more meaningful. Structured day planning is a useful instance of this type of containment.

Through the repetition of individual ideal elements we can gradually move towards a recurring perfect whole day.

Life is full of interruptions, mostly unpleasant. A clear overview of things you need or want to do can help rebuff distractions.

A day plan can be used to ring fence time and place for personal pleasure and growth.

A bottom line of enjoyment can be drawn, above which the experience of the day can be maintained. It can be used as proof of unavailability, but can also be abandoned if better options present themselves. A fully planned day can be a perfect excuse for not doing something unpleasant.

Grace of movement can be refined not only on a human scale, but also on a street and city scale. Aspirational habit paths can be laid down and easily followed.

A day plan can be useful for on the move note taking. Each day plan can be filed for later reference and analysis.

A day plan can be a space for unwelcome interventions by your loved ones. Mine regularly become sketch pads for my girlfriend.

3 How to Make a Day Plan

Try to make your day simple.

Most people fail to see that it is possible to directly achieve their ambitions and get persuaded into intermediate steps, by people who profit from the diversion. Try to attempt tasks directly without meditation steps.

The places we visit and the journeys we undertake determine the experiences we have and the thoughts and further actions we follow. A good day plan can set the conditions for happiness, productivity and a better tomorrow.

We have the ability to change our environment, often only in small ways. A stone placed each day, after some months becomes a path or wall. A single seed planted each day eventually becomes a woodland.

Make your day plan the evening before. Not only does this give you a system to slip into upon awakening, but night planning tends to be more ambitious and inspired. This is either due to falling off the end of the daily habitual tracks or just confidence from completing your day successfully. When you are a disciple of the day plan you will have both reckless courage and dogged discipline to move your forward.

A day plan is generated by selecting relevant appointments from ones diary and pending items from a to-do list. These will be arranged in a geographically spaced manner on a convenient sized piece of paper. A sheet of A4 can be folded twice and fits easily in the pocket providing ample planning space.

To create a day plan, first consider tasks and activities that you would or would not perform, plus ones that you strongly aspire to.

Then do this for locations where these tasks would be performed.

When you are clear of your intentions sketch out the locations you anticipate visiting in the day. Write today's date on your day plan.

Then add today's appointments and most urgent tasks. Transfer yesterday's unfinished tasks plus your preferred tasks.

Also, for each landmark, create a list of tasks that you do, should do or want to do each or most of the times you visit. Even obvious things such as brushing your teeth at home should be included.

Make a non located list of activities that you intend to perform each day e.g. be somewhere sunny or smile at people.

Try to include free time and space to allow new or unexpected events to impose themselves upon you.

Go to a place each day for no reason and do something that can not be described or easily repeated.

If a certain method of achievement is no longer productive, try another or perhaps do nothing for a few days or weeks. You and the world are always changing and routines and habits only function temporarily. Do not hold on to a routine that no longer works otherwise you will expend more and more energy and ultimately take a nose dive.

Create a different radical day plan from time to time or perhaps don't create a day plan at all to make sure you have not become addicted to something on your day plan or day planning itself.

If you do decide to enter the cult of the self and create a delusional world to explore, chart and commodify, then make sure you have a way out, even if its only to another delusional state.

Develop different day plans for various weather conditions or different sections of personal monthly or annual cycles.

Habits are an efficient method of getting things done. They can also be burdensome. The creation and maintenance of habit requires a lot of energy this quickly becomes apparent when we try to step beyond an ingrained habit. Breaking or

disrupting these habits can release energy for other activities. So change your routine either temporarily or permanently on a regular basis. For instance, take a regular break from being yourself.

In any form of work or training, productivity can be increased by creating a motivational fantasy.

Going to the bank to pay in cheques will be more efficient or pleasurable if you believe that you are practising for a bank robbery or a similar adventurous activity.

Fighting the system or becoming a celebrity seem to be the most popular self centered fantasies in our society.

You may prefer to believe you could be working for the greater good instead though.

Make sure any fantasy is only employed in limited amounts. Do not let it breach the confines of the day plan page and become an escape from the intensity of the miracle of being alive.

By following a fantasy we build stories. Create yourself a personal story to understand your past, but better still, project an ideal story into the future. Then make sure that most steps lead in that direction.

Do not believe in your story, just see it as a useful process.

Develop a passion for your activities. Fantasy may kick start this process, but get real as soon as possible and follow the passion. Make sure your passions are contained and channelled in a productive and ethical manner.

Each evening consider your successes and advances or mistakes and failures, then put them to rest. Transfer unfulfilled tasks to the next day's plan.

3.1 Landmarks

Be in places that support your tasks. For example, if there are five banks in your town, visit the one that makes you happiest, even if it is not the closest.

Be careful not to create negative associations at important landmarks. If something is not happening to plan and is likely to create bad feeling then move on and try another day.

Be sure to use the correct names for landmarks as personalised names could lead you into the cult of the self. Perhaps use grid references for ultimate depersonalisation.

3.2 Tasks

Keep tasks to a minimum. Do not fall for the idea that attempting or fulfilling many tasks equals achievement. Concentrate on the quality of your effort and the full completion of tasks.

If a task can not be completed or even started then create the conditions in which it can.

Remember that apart from the occasional exceptional moment, daily life is as good as it gets, so make sure you include a little or lot of the things that bring you joy. Don't wait for a holiday or party to have fun, do it while you produce.

In an authoritarian society, a day plan can provide authorisation to act.

Making time for and writing down indicates good reasoning and provides permission and thus removes shame e.g. look at pornography, watch television.

Always remember that having nothing to do is the highest state of efficiency and achievement. Do not feel anxious and tempted to fill up free time with work.

Be aware not only of what other secondary tasks are required to attempt or complete a primary task, but also which further tasks will result from its completion.

For example, to take a photograph not only is a fully functioning camera required, but also a system for transferring, naming, ordering and storing the final image. It may be better not to take the photograph in the first place.

Make sure to add some seemingly unfulfillable tasks, which would take you many steps forward if achieved. Attempting them will stretch and broaden you. Failure will demonstrate your limits, while success will surprise and inspire you.

Add things that will challenge you, but don't feel guilty if you do not do them.

If you fail to fulfill a task then be careful not to attempt it again too soon. If you continually fail to complete a task, drop it for sometime, otherwise you will generate negative associations which will undermine the success of your future attempts.

3.3 Routes

Try to follow simple looping journeys.

Keep routes as uncomplicated as possible. Try not to cross other routes or visit the same landmark more than once in the same day.

Be aware of all the different methods of transport that are available between landmarks. Also, consider the activities that are possible en-route between landmarks e.g. listening to music, meditating, skateboarding.

Two people can perform the exact same tasks each day, but the order in which they are performed can define each persons sense of self. You can have a totally different day just by altering when and where tasks are enacted.

Follow routes that make you happy as well as efficient. Try to vary your routes otherwise you will get bored with them and thus reduce your happiness. Occasionally make a new route deviating from predefined public routes. For example, climb a wall or go through a semi-private building.

If you really enjoyed a route or are preparing to start an anxiety-generating route, run the route through your mind several times in a positive fashion. When you actually perform the route next, it should be with more joy and ease.

4 Using a Day Plan

Keep in mind your main intentions for the day. Be prepared to modify or abandon a task if it is going to disrupt the overall form of the day.

People make their own good luck or more precisely, they lay the conditions to respond constructively to chance happenings. Remember that your day plan is a mitigation of living in a competitive, degraded society and that occasionally things break down and something generous or rich is on offer.

If such a door opens, take the opportunity and discard your day plan. A perfect day plan is one that neutralises the deadening effects of your environment and prepares you for an instance of life and celebration. Your days should be a party zone.

Be present in your activity. There is no point planning a day for growth and happiness if you come back either not remembering or moved by it.

Make sure that in your quest to fulfil your day plan, you do not ignore the events going on around you, but do not get become distracted by them.

Follow your day plan almost to the letter unless it states; do not look in shop windows or at attractive people.

Perhaps, see yourself as an actor following a script.

Consider what might go wrong in your day and run through your mind positive actions. This should ensure that your on-the-ground response will be constructive.

Note any compulsion to stray from your day plan or any avoidance of any activity or location.

Do not think ill thoughts of others as this will hinder your progress.

Do not worry, its either being dealt with on today's plan or you can add it to tomorrow's.

Do not at any time call yourself a day plan artist or maker. If you are already a day plannist then seek help from a psychologist.

If you are suffering from pain then make sure any regular day plan, location or activity you adopt is not a form of escape.

Perhaps include an activity or place to confront any pains directly.

Changing one's routine can create the conditions for certain pains to ease or disappear. For example, not engaging in arguments or eating too much sugar tend to improve ones well being.

Study which activities generate less work. Perhaps consider abandoning tasks which directly make more tasks.

4.1 Landmarks

If you are attracted to a landmark or activity, but have no valid reason to go there, still visit or act. After several repetitions you will find that you soon have compelling and legitimate reasons to visit on a regular basis.

4.2 Tasks

Do not doubt a task: if it was important enough to add to the day planner, then get on with it.

Take note of any emotions you may have during your day, but do not let them cause you to deviate from your day plan. Most of us have little control over thoughts and emotions, but we do mostly have control over our actions. Perform the actions on your day plan that were decided with rational good intent.

Always remember this could be your last day, so complete your tasks with pleasure and grace. Do not concern yourself too strongly over the coming tasks, as with any luck, you will not have to perform them. I am a strong believer in the idea that your last 10 s of life are the most important. Don't be thinking about unfinished scheduled tasks on during this time. Equally so, make sure you add the tasks today that you want fulfilled before you die. Its good to have nothing to live for.

After each task, cross it out and select the next one to attempt. Consider the next task as you approach its landmark so that you will be in the correct mental state to attempt it. Also, note landmarks generate unique states in the minds of the surrounding people. Try to anticipate the best mental state required to attempt and complete a specific task.

4.3 Routes

Place trust in the systems and people who can offer you assistance. The occasional inconvenient disruption of a service will be much less stressful than the continuous daily expenditure of personal anxious energy.

Develop friendships or at least acknowledgements with people along your routes or at your landmarks.

5 Advanced Use

Give yourself license to perform unusual activities and see if you take the opportunity.

Ask around to see if other people create day plans. If so, compare your day plans and look for commonalities. See if you perform the same task and note different approaches.

Perhaps get other people to follow your day plan either to have a break from yourself or get another persons interpretation on your organisational skills. You may find it interesting to follow their day plan.

Make an imagined day plan for someone else and then follow it to get better understanding of that persons life and perspectives.

Create a shared day plan with a partner or a friend for increased efficiency and better understanding of the others daily experience.

Perhaps get someone to follow you on one of your regular days and make a record of your actual activities. This can be compared to your day plan to discover discrepancies between your intentions and your true actions.

Perhaps spend a whole day at one landmark or repeating a journey, taking note of all the tasks undertaken by other people. This may give greater insight into your own motivations, methods, efficiency and results.

It may be interesting to repeat a past day plan. This maybe a way to discover the spirit in the machine.

Perhaps make an internal day plan and plan for the emotions or thoughts to be experienced during the day.

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Part I
Science for Sale

The Inseparability of Science and Values

John Dupré

Abstract Contrary to the theme of this volume - Science for sale - science often succeeds in presenting itself as somehow above the realm of human conflict and politics. Science, of course, is a human activity, and humans are always liable to deceit, corruption or fraud. But this is the injection of something alien into the natural purity of science. Science, it is said, is the arena of facts, and bad things happen only when it is inappropriately contaminated with values. But in reality science is not just accidentally and regrettably a human activity, but is inevitably so, and it would be remarkable if it was by its nature divorced from the values that inform all other human activities. In the following paper it is argued that values do indeed permeate the practice of science. There are areas of science, it is true, where the content of scientific belief is largely free of human values, though their application is certainly not. But the reason for this is that parts of science deal with matters that almost no one cares about beyond a pure interest in the truth. Here the purity attributed to science has some purchase, though only, of course, so long as scientific ideas are not applied to human ends. But much of science, on the contrary, concerns questions that people care deeply and disagree deeply about. Here there is no such possibility of purity: values are inescapably embedded in the language we use to discuss such questions. Or so this paper argues.

1 Introduction

There is a view of science, as stereotyped in the hands of its critics as its advocates, that goes as follows. Science deals only in facts. Values come in only when decisions are made as to how the facts of science are to be applied. Often it is added that

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this second stage is no special concern of scientists, though this is an optional addition. My main aim in this paper is to see what sense can be made of the first part of this story, that science deals only in facts.

The expression 'deals in' is intentionally vague. Two ways of dealing fairly obviously need to be considered. First is the question of the nature of the products of science. These are certainly to be facts. But there might also be a question about inputs. In generating a fact, dinosaurs are extinct, say, one needs to feed some facts in. (These are dinosaur bones. Our best tests suggest they are 80 million years old. No dinosaurs have been observed recently. And so on.) So these inputs had better be facts too.

There are some immediate worries. One might reasonably object to the suggestion that the only products of science are facts with the observation that science often produces things. Polio vaccines, mobile phones, laser guided missiles, and suchlike are often thought of as very much what science is in the business of producing. Recalling the stereotypic view with which I began, it may be replied that science produces laws and suchlike on the basis of which it is possible to create polio vaccines, mobile phones, and so on. And the trouble with this is that it seems so grossly to misrepresent how science actually works. A group of scientists trying to develop a vaccine do not try first to formulate general rules of vaccine development, and then hand these over to technicians who will produce the actual vaccines. No doubt they will benefit from the past experience, recorded in texts of various kinds, of past vaccine-makers. And perhaps, if they are successful, they will themselves add to the body of advice for future vaccine-makers. But it seems beyond dispute that the primary objective here is an effective vaccine, not any bit of fact or theory.

Let us ignore this concern for the time being, however, and concentrate on the question whether, in so far as science produces what we might think of as bits of discourse, these bits of discourse are strictly factual, never evaluative. So we need to ask, What is the criterion for a bit of discourse being merely factual?

It is not hard to find some paradigm cases. 'Electrons have negative charge' is pretty clearly factual, whereas 'torturing children is a bad thing to do' is pretty clearly evaluative (though we might note at the outset that the clarity of this judgement strongly invites the suggestion that it is also a fact). The existence of these and many other possible paradigms may tempt one to apply the criterion made famous for the case of pornography by Supreme Court Justice Potter Stewart, 'I know one when I see one'. But it is just as easy to find cases that are much less clear. Consider for instance, 'The U.S. is a violent country'. On the one hand we can easily imagine a sociologist devising an objective measure of social violence – number of murders per capita, number of reported cases of domestic violence, and so on – and announcing that the U.S. ranked higher than most comparable countries in terms of this measure. But on the other hand we can imagine someone describing this conclusion as a negative judgement on the country.

Of course there is a familiar response here. We have the fact and then the judgement. The fact is that there are certain statistics about acts of violence. The value judgement is that these statistics constitute a bad thing about the place where they were gathered. In support of this distinction we can point out that it is always possible to accept the fact and reject the value judgement. Some people approve

of violent countries (they reveal the rugged independence of the populace, perhaps) and perhaps there are even people who think torturing children is a good thing. But this defence is beside the present point. That point was just that the statement ‘The U.S. is a violent country’ cannot be obviously assigned to either of the categories factual or evaluative. In case this is not clear compare the statement ‘Sam is a violent little boy’. In any normal parlance this does not mean just that Sam is disposed to occasional violent acts – that is, after all, true of virtually all little boys – still less that his rate of violent act production reaches a certain level on a standard scale approved by the American Psychological Association. It is a criticism of Sam, and probably of his parents too. Anyone who doubts this should visit their nearest daycare centre and try out this comment on the parents collecting their precious charges there.

Suppose, as I have imagined with the case of social violence, that there is indeed a standard measure of violence for little boys. On this scale a violent child is defined as one who emits more than five acts of aggression per hour. Now when I, as an expert child psychologist, announce that Sam is a violent child my remark is entirely factual. Should his parents find the remark objectionable I shall point out that this is no more than a factual observation and it is entirely a subjective opinion, and one that I as a scientist shall certainly refrain from entertaining, whether it is a bad thing to be a violent child.

A possible conclusion at this point would be something like this. ‘The U.S. is a violent country’ and ‘Sam is a violent little boy’ are both potentially ambiguous. While both may often be used evaluatively, especially by regular folk, scientists will only use them after careful definition (operationalisation) of their meanings. Thus when used by responsible scientists these statements will turn out to be merely and wholly factual. The statements under consideration are thus seriously ambiguous.

So perhaps scientists would do better to avoid these normatively loaded terms and stick to an explicitly technical language. To say that Sam scored 84 on the Smith-Jones physical assertiveness scale is much less threatening (even if this practically off the scale, the sort of score only achieved by the most appallingly violent children). And it is certainly true that psychologists or psychiatrists, to pursue the present example, are often more inclined to invoke technical diagnostic language, backed up by detailed technical definitions in standard nosological manuals, than to say, for instance, that someone is mad.

There is however, an overwhelming advantage to ordinary evaluative language: it provides reasons for action. To say that the U.S. is a violent country is a reason for politicians to act to reduce violence or mitigate its effects (for example by controlling the availability of dangerous weapons). It is, other things being equal, a reason not to live there. And so on. It is of no interest just to be given a number and told this is the violence index for a country or a city; we want to know whether it is high or low or indeed whether it is good or bad. Similarly, though here we tread on shakier ground, it might be valuable to know that someone is mad. It might be expedient to restrain them, or at least not put them in charge of security at the local nuclear power station.

There is a more general point here. Once we move away from the rarified environments of cosmology or particle physics, we are interested in scientific investigations

that have consequences for action. And this undoubtedly is why, while often paying lip-service to operationalised or technical concepts, scientific language often gets expressed in everyday evaluative language.

The situation so far seems to me to be this. Many terms of ordinary language are both descriptive and evaluative. The reason is obvious. Evaluative language expresses our interests which, unsurprisingly, are things we are interested in expressing. When we describe things it is often, perhaps usually, in terms that relate to the relevance of things for satisfying our interests. Sometimes we try to lay down rather precise criteria for applying interest-relative terminology to things. These range from the relatively banal – the standards that must be met to count as a class I potato, for instance – to the much more portentous – the standards that an act must meet to count as a murder. In such cases we might be tempted to say that the precision of the criteria converts an evaluative term to a descriptive one. It is important to notice, however, that the precision is given point by the interest in evaluation. The same is often the case for operationalised terms in science. More often in everyday life, the terms are a much more indeterminate mix of the evaluative and the descriptive: crisp, soggy; fresh, stale or rotten; vivacious, lethargic, idle, stupid, or intelligent; or, recalling Austin's memorable proposal for revitalising aesthetics, dainty and dumpy.

This, I think, is the language that we use to talk about the things that matter to us, and to understand such language requires that we understand both the descriptive criteria and the normative significance of the concepts involved. It seems to follow that there is no possibility of drawing a sharp fact/value distinction. Science may reasonably eschew some of these familiar terms on the ground that they are vague and imprecise, and may try to substitute them with more precisely defined alternatives. But, first, the use of these alternatives will ultimately depend on their capturing the evaluative force of the vaguer terms they replace. And, second, science does not, and almost certainly cannot, entirely dispense with the hybrid language of description and evaluation. This fact makes the assumption of a sharp fact/value distinction not only untenable, but often harmful.

So much for the general background of skepticism about the fact/value distinction. For the rest of the paper I shall be concerned with more detailed specific examples. Two such examples will be used to illustrate more concretely how normativity finds its way into scientific work, and how its denial can potentially be dangerous.

Before continuing, though, let me make one more very general comment. The examples that I shall discuss will both be drawn from parts of science directly connected to human concerns. I have often heard the view expressed that though it is interesting and important that the human sciences should be contaminated with values, it is not altogether surprising. But what would really concern the advocate of the value-neutrality thesis with which this paper began would be an indication that physics or chemistry or mathematics was value-laden. So, on such a view, I am dodging the really important task.

In reply to this let me first say that I do not propose to deny that many of the results of these sciences may well be value-free. The sense in which I am questioning the legitimacy of the fact-value distinction is not one that implies that there are no areas that human values do not infiltrate. It is rather that there are large areas, including the

domain of much of science, in which the attempt to separate the factual from the normative is a futile one. What I want to say about physics is that if most or all of physics is value-free, it is not because physics is science, but because most of physics simply doesn't matter to us. Whether electrons have a positive or a negative charge, or whether there is a black hole in the middle of our galaxy are questions of absolutely no immediate importance to us. The only human interests they touch (and these they may indeed touch deeply) are cognitive ones, and so the only values that they implicate are cognitive values. The statement, electrons have negative charge, is thus value-free in a quite banal sense: it has no bearing on anything we care about.

I said that these were matters of no immediate importance, and the word 'immediate' is crucial. It is often pointed out that physics also tells us how to build nuclear power stations or hydrogen bombs. Here, we are, to say the least, in the realm of values. There is no unique nuclear power station that physics tells us how to build, nor could there be a general theory that applied to the building of any possible power station. Physics assists us in building particular kinds of power stations, and particular kinds of power stations are more or less safe, efficient, ugly, and so on. I doubt whether anyone could seriously suppose that there was a value-free theory of nuclear power station building, let alone hydrogen bomb construction. The argument that physics is value laden beyond the merely cognitive values mentioned in the last paragraph seems most plausibly to depend on some such claim as that physics really is, contrary to appearances or propaganda, the science of bomb-building. Examinations of the extent to which physics is a project funded by the military lends some credibility to such a view, but it is not one on which I shall offer any judgement. My point is just that the value-freedom of physics, if such there be, has no tendency to show that science is in general value-free.

2 Rape

My first example is not a pleasant one. It is the evolutionary psychological hypothesis about rape.¹ The basic story goes something like this. In the Stone Age, when the central features of human nature are said to have evolved, females were attracted to mates who had command of resources that could be expended on rearing children. Perhaps they were also attracted to males with good genes – and perhaps these were simply genes for being, in the virtuously circular sense characteristic of sexual selection, attractive. Perhaps finally these ancestral females were smart enough to deploy some deception on the resource-rich males, and get their resources from the 'Dads' and their genes from the more attractive 'cads'. At any rate, there would very probably have been males with neither competitive-looking genes nor resources, and they, like everyone else, would be looking for a sexual strategy.

¹A standard reference is Thornhill and Thornhill (1992). The ideas were popularised by Thornhill and Palmer (2000). For detailed rebuttal see various essays in Travis (2003).

Since they have no chance of persuading any females to engage in consensual sex with them, this strategy can only be rape. As is generally the way with evolutionary psychology, once a form of behaviour has been proposed as a good idea in the Stone Age, it is inferred that a module for producing it must have evolved. So men, it appears, have a rape module, activated when they find their ability to attract females by any acceptable method falls to a low enough level.

Evolutionary psychologists presenting such theories generally insist also on a quite naive version of the fact/value distinction. Their claimed discoveries about rape are merely facts about human behaviour, certainly not facts with any sort of evaluative consequences. We can at least agree, contrary to what evolutionary psychologists sometimes accuse their critics of maintaining, that showing that rape is, in the sense just described, natural, doesn't mean it is good. Earthquakes and the AIDS virus are, discounting some paranoid speculations, natural, but not, thereby, good. But such theories certainly do have consequences for what would be appropriate policy responses to the incidence of rape. Even this indisputable fact is enough to refute the occasional claim that such theories have no evaluative consequences. They have at least the consequences that certain policies would be good or bad. The most obvious such policy response to the theory in question would be the elimination of poverty, since the hypothesis is that it is poor men who are rapists (because they lack the resources to attract women). Though certainly a good idea, this goal has unfortunately proved a difficult one to achieve. On some plausible Marxist analyses it is a goal that could not be achieved without the elimination of capitalism – an equally tricky proposition – since, on these analyses, poverty is not an intrinsic property of people, but a relation between people, and a relation that is fundamental to capitalism. And it is interesting that such an analysis appears relevant to the sociobiological stories: it is not the intrinsic worthlessness of the failed caveman that doomed him to sterility or sexual violence, but his relative lack of worth compared to his more fortunate rivals.

But all of this is of course somewhat beside the point. Those who have thought seriously about contemporary sexual violence as opposed to the hypothetical reproductive strategies of imagined ancestors have observed that rape is not exclusively, or even mainly, a crime of resourceless reproductive predators lurking in dark alleyways, but has much more to do with misogyny, and more to do with violence than sex, let alone reproduction. Its causes appear therefore to be at the level of ideology rather than economics.

The existence of such divergent theories, and the fact that they do indeed have implications for policy, indicate that the stakes are high in theorising about matters of this moment. But these matters do not get to the heart of my present argument. So far I have spoken as if there is no problem whatever in deciding what, in the context of this theoretical enquiry, we are talking about. Indeed to make research simpler, sociobiologists often begin their investigation of rape with observations of flies or ducks. If we have a good understanding of why sexually frustrated mallards leap out from behind bushes and have their way with unwilling, happily partnered, passing ducks, then the essential nature of rape is revealed, and we can start applying these insights to humans. And of course one thing that this blatantly

ignores is the fact that human rape (and I doubt whether there is any other kind) is about as thoroughly normative a concept as one could possibly find. Someone who supposed they were investigating the causes of rape but, since they were good scientists, were doing so with no preconceptions as to whether it was a good or a bad thing, is deeply confused: they lack a grasp of what it is that they are purporting to investigate.

All this is perfectly obvious when one looks at real issues rather than pseudoscience. A more serious perspective on rape is that it involves a profound violation of the rights of its victims. When, not long ago, it was conceptually impossible for a married man to rape his wife, this reflected a widespread moral assumption that, vis-a-vis her husband, a woman had no rights. Indeed the husband was supposed to have a right, perhaps divinely guaranteed, to whatever kinds of (generally legal) sexual relations he desired with his wife. Nowadays more complex debates surround the concept of date rape, and the exact tones of voice in which 'No' means 'Yes' and so on. Less controversially, it has long been understood that sexual relations with young children is a form of rape, since the relation between adults and small children does not permit meaningful consent. But the age at which consent becomes possible varies greatly from culture to culture and is often subject to renegotiation. As Ian Hacking (1995) powerfully illustrates, evaluating intergenerational sex in different historical eras is anything but simple.

The point of this is not to argue that there is no place for science in relation to such a topic. On the contrary, there are quantitative and qualitative sociological questions, psychological questions, criminological questions, and no doubt others, that are of obvious importance. The point is just that if one supposes one is investigating a natural kind with a timeless essence, an essence that may be discovered in ducks and flies as much as in humans, one is unlikely to come up with any meaningful results. Though this is an extreme example, in that the value-ladenness in this case is so obvious that only the most extreme scientism can conceal it, I think it is atypical only in that obviousness. As I argued in the opening section of this paper, fact and value are typically inextricably linked in the matters that concern us. And we are most often concerned with matters that concern us.

3 Economics

My second example is a quite different one. Nowhere is the tradition of dividing the factual from the evaluative more deeply ingrained than in economics. In recognition of the fact that issues about the production and distribution of the goods on which human life depends do have a normative component there is, indeed, a branch of economics called normative, or welfare, economics. But this is sharply divided from the properly factual investigations of so-called positive economics, and it is hardly a matter of debate that it is the latter that is the more prestigious branch of the discipline. In common with traditional positivism and contemporary scientism, the underlying assumption of this distinction is that there is a set of economic facts and

laws that economists are employed to discover, and that what to do with these is largely a matter for politicians or voters to decide.²

And in fact normative economics has itself tended to reinforce this perspective, and has therefore tried to limit itself to the question whether there are economic actions that are indisputably beneficial. This concern is expressed in the focus of attention on the criterion of Pareto Optimality: an economic allocation is said to be Pareto optimal if there is no possible transfer of goods that would improve the lot of some agent or agents while harming no one. It may be that failures to achieve Pareto optimality should be addressed where possible (though even this may be called in question by some accounts of distributive justice). But the ‘optimality’ in ‘Pareto optimality’ is a dubious one. If, for example, I possess everything in the world and I derive pleasure from the knowledge that I own everything in the world, this distribution of goods constitutes a Pareto optimum. If some crust of my bread were diverted to a starving child, I would no longer have the satisfaction of owning everything in the world, and similarly with any other possible transfer. So one person, myself, would be less well off. But this would be an unconvincing argument that this distribution was optimal, or even good. There are of course countless Pareto optima, which by itself suggests something anomalous in the use of the term ‘optimum’.

The problem is perfectly obvious. While we can all agree that Pareto optimality is a good thing if we can get it, the issue of interest is which of the many Pareto optima we should prefer. Pareto optimality is really about efficiency, whereas we are interested in properly normative economics in matters such as justice. We should recall here the general assumption that science in general, and economics in particular, should aim simply to describe the mechanisms of economic activity and leave it to others to decide what to do with it. Not only is this assumption at work in positive economics, but it is even more starkly visible in much of the practice of normative economics, which is concerned not with how economies ought to be organised, but with efficiency.

I believe that this is a highly undesirable, and very probably incoherent, conception of the business of economists. One way to see that it is undesirable is to note that when we consult supposedly expert economists about what might be good economic policy we might naively suppose that they would have useful advice to offer us. But on the conception under review it turns out that, apart perhaps from pointing to the occasional departure from Pareto optimality, they have no relevant expertise whatever. They are, after all, experts in efficiency not policy. But since economists often seem willing to offer such advice, it seems disingenuous that they should deny that normative questions are part of their discipline. And if they do insist on this denial, they will presumably be of much less use to us than we had thought, and we could perhaps get by with rather fewer of them.

More worryingly, it is quite clear that there is an implicit normative agenda to the vast majority of economic thinking. Because economists believe they have something to say about economic efficiency, they are naturally inclined to think of this as a good thing. And as the clearest measure of efficiency is the ability to produce more stuff with the same resources, economists are often inclined to think the goal

²A classic paper by Friedman (1953) provides a well-known statement of this position.

of economic activity is to produce as much stuff as possible. Even if this account of the etiology of this goal is disputable, it is hard to dispute that many economists do assume such a goal; and assuming a goal is a good way of avoiding the vital intellectual labour of considering what the goals of economic activity really should be. Returning to the economists who offer advice on matters of public policy it is clear that very frequently they assume that what they are required to do is to advocate those policies that they believe, rightly or wrongly, will promote the production of as much stuff as possible.

It is, in fact, an enormously difficult question, even if we agree that something should be maximised by economic activity, what that something should be. Not infrequently positive economics assumes that the real question is about maximising wealth measured in monetary terms, and tragically many politicians seem willing to accept this facile view. An obviously preferable goal would be something like standard of living, except that that would be little more than a marker for the difficult question of what constitutes standard of living. The work particularly of Amartya Sen³ has made it clear that any satisfactory analysis of this concept will be only marginally related either to any standard account of utility, or to the accumulation of wealth. It is also clear that even if we knew what constituted standard of living we would still have to face the task of deciding how this should be distributed. Surely the utility of increases in standard of living declines as one reaches more comfortable levels, so greater good can be gained by distributing standards of living more equally. And there is also the question of who should be among the beneficiaries of a distribution. Should we care about the standards of living of foreigners for instance? Do the as yet unborn have any claim on a decent standard of living? Or must we consider the well-being of non-human animals, or the effects of economic activity on the environment?

Once again, however, the issue I want to emphasise here is the inescapably value-laden nature of the terms in which we talk about ourselves and our social existence. Consider a central idea in macroeconomics the measurement of which has had profound implications on economic policies throughout the world, Inflation. Like earthquakes or AIDS, inflation is generally seen to be a bad thing. But also like earthquakes and AIDS it is seen as the sort of thing that can be described and theorised without regard to its goodness or badness.

The problem here is somewhat different from that for rape. The normative judgement is fundamental to the meaning of rape, and therefore fundamental to negotiations about what should and should not count as rape. With inflation, normativity comes in a little later. The primary problem, as has long been familiar to economists though it appears often to be surprising to others, is that there is no unequivocal way of measuring this economic property. It would be easy enough if everything changed in price by identical percentages, but of course that does not happen. How should we balance a rise in the price of staple foods, say, against a fall in the price of air travel. The immediately obvious reply is that we should weight different items in proportion to the amount spent on them. The problem, then, is that not all goods are equally consumed by all people, or even all groups of people. It is quite commonly

³A number of insightful discussions of the issue can be found in Nussbaum and Sen (1993).

the case that luxury goods fall in price while basic necessities rise. It might be that these cancel out under the suggested weighting, so that there is no measured inflation. But for those too poor to afford luxury goods there has manifestly been an increase in the price level.

How then does one decide how such an index should be constructed? The unavoidable answer, it seems to me, is that it depends on the purposes for which it is to be constructed. There are many very practical such purposes. People on pensions, for instance, may have their incomes adjusted to account for changes in the level of inflation. For such purposes the goal might reasonably be to maintain the value of the pension, in which case the ideal would be to enable typical pensioners to continue to afford the goods that they had previously consumed. Of course no pensioner is absolutely typical, but a case might be made for addressing particularly the case of pensioners dependent solely on the pension. Clearly for such ends it would be desirable to have specific indices designed for specific groups. But the goals might be quite different, calling for different measures. For example, and perhaps more plausibly, one such goal might be to save the taxpayer money.

Perhaps the central goal nowadays of inflation measurement is as an input into the decision procedures of central banks in determining interest rates. In Britain (I'm not sure how widespread the practice is) this leads to the rather bizarre habit of regularly announcing something called the 'underlying rate of inflation'. This is a measure of inflation that ignores changes in mortgage payments consequent on changes in interest rates. A plausible rationale for this measure might be that the article of faith on which much macroeconomic policy depends (or depended not long ago) is that inflation rate is inversely related to interest rate. Since increasing interest rates cause an immediate and large increase in the prices confronted by consumers, especially in debt-laden home-buying cultures, this central dogma would be constantly refuted if mortgage costs were included in the measure of inflation. Hence the importance of the underlying rate as a way of allowing the theory to be maintained, at least as true in (some sufficiently) long term. (I suppose this aspect of the matter is of more obvious concern to students of the theory-laden than of the value-laden.)

Another aspect of all this is that the assumption that inflation is objectively bad is by no means self-evident. In common with most middle-class Americans, I have spent substantial parts of my life owing large sums of money borrowed at fixed interest rates. From a personal point of view, therefore, I have always seen inflation as something to be enthusiastically welcomed. Since moving to the UK, and a regime of variable or short-term fixed interest rates, the situation is more complex as rises in interest rate have an immediate impact on my cost of living and are, moreover, reliably induced by increases in price level. At any rate, the deep horror with which inflation is now so widely perceived should lend support to those who believe that the world is mainly controlled by bankers.

Some quite different aspects of value-ladenness could be introduced by considering another central macroeconomic concept, employment. Having work is widely perceived in many contemporary cultures as a necessary condition for any social status and even for self-respect. But what counts as work is a complicated and contentious issue and one that has profound implications for all kinds of economic poli-

cies. It is still frequently the case, for instance, that work is equated with the receipt of financial reward, with the consequence that domestic work from raising children to the domestic production of food counts, from an economic perspective, as a form of unemployment. A quite different concept can be found in Adam Smith (and an earlier Adam who was required to make his living ‘in the sweat of thy face’) in which work is generally unpleasant – toil and trouble – and understood by its contrast to leisure or ease (see Smith 1994: 33). Quite different again is the idea most conspicuous developed by Karl Marx that work provides the possibility of human self-fulfilment. Both these conceptions are evidently value-laden, and the notion that there can be a purified economic conception of work somehow divorced from any of these varied normative connotations seems both misguided and potentially dangerous.⁴ No doubt it is widely taken as obvious and hardly requiring argument that work is a good thing, and the promotion of high levels of employment is a good thing. But whether this is true because people must have food and shelter and work is the necessary, if otherwise undesirable, condition of providing these things, or because satisfying work is at the core of a valuable human life, make enormous differences to the implementation of an employment policy.

There are, in sum, many ways in which values figure in the construction and use of many of our concepts and scientific concepts are no exceptions. For much of language the notion of separating the one from the other is altogether infeasible⁵ and the pretence that this can be done can have very serious and damaging consequences on policy and action.

4 Conclusion

As I indicated earlier, I am not claiming that there is no distinction between the factual and the normative. What I do claim is that this is not a distinction that can be read off from a mere inspection of the words in a sentence, or a distinction on one side or the other of which every concept can be unequivocally placed. For large tracts of language, centrally the language we use to describe ourselves and our societies, the factual and the normative are thoroughly interconnected. Where matters of importance to our lives are at stake, the language we use has more or less profound consequences, and our evaluation of those consequences is deeply embedded in the construction of our concepts. The fundamental distinction at work, here, is that between what matters to us and what doesn't. There are plenty of more or less wholly value-free statements, but they achieve that status by restricting themselves to things that are of merely academic interest to us. This is one reason why physics

⁴These different meanings of work are discussed in more detail in Dupré (2001: 138–46) and Gagnier and Dupré (1995).

⁵For more detailed accounts of important aspects of value-ladenness in economics see Starmer (2000) and Guala (2000).

has been a sometimes disastrous model for the rest of science. We hardly want to limit science to the investigation of things that don't matter much to us one way or the other. The application of assumptions appropriate only to things that don't matter to those that do is potentially a disastrous one.

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The Humanities Under Fire?

Hendrik (Rik) Pinxten

Abstract Humanities move in a direction of controlled and politically directed disciplines. The so-called ‘corporatization’ of the sciences touches the humanities also: there is ever less free research. Where natural sciences and the health sciences are in a tightening grip of business groups, the humanities are openly approached by secret services on the one hand and held in a bureaucratic grip on the other hand. The critical assessment of these developments is called for.

1 The Problem

Science is not a divine or otherwise context-free phenomenon. Richard Feynman (1999) related on several occasions how during the Second World War he and his fellow-physicists were confronted with the question whether they should collaborate with the USA at war in order to develop the first atomic bomb, or whether they could afford not to engage themselves in that project. With a path breaking PhD at the age of 25 he agreed to go and work in Los Alamos. He was and is considered to be an extremely free thinking and independent sort of researcher in the highest category of excellence (who was granted a Nobel prize for work in theoretical physics).

At the time of Newton most scientists were well to do people, who did not need to bother about survival. Their involvement in science came down to pure interest, pleasure and prestige, and was not or to a much lesser extent concerned with earning a living. In the contemporary world, almost all scientists are hired by universities to teach and do research, by government agencies to do government-driven

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research, or by private laboratories and industries to either devise or implement patent-research. Practically all of them are dependent on the job to earn their living. In other words, the question is relevant to what extent the wage-earner status of the contemporary scientist impacts on her or his freedom of mind and hence on the freedom of scientific research in itself. Also, at the time of Newton hundreds of learned men busied themselves with scientific research. Today, millions of women and men are earning a salary doing the research as their work. Even more importantly, since the time of Archimedes and again that of da Vinci, some concepts and results from the natural sciences were put to use by rulers and warriors to enhance their chances in warfare. Today, both military and civil industrial success depend to a large extent on the proficiency of scientific research. So, scientists have become wage earners in a society where science and technology have great importance for the wealth and power of a country or a region. It is important to consider the possible impact of these social and political shifts on the nature and the constraints of the scientific endeavour. According to some analysts mentioned in this contribution, a new shift is taking place in the present era: the 'corporatization of science' (see below). Again, we need to reflect on the impact of such a change on research organization and even on the nature of science.

In the past century we have witnessed a gradual (and after the Second World War a fast) growth of universities and of research funding agencies. In the USA this led to a tremendous deployment of two separate types of universities: a private sector (with elite universities as the exemplary cases) and a public system (with excellent centres in some states or cities – e.g. California, and second rate universities in many states). In Europe the university system is primarily a public system, and several important or general private universities have a religious denomination but are factually subsidized by the state or the city. Hence, the influence of political rulers on the development of the university and scientific research arena has been substantial.

However, over the same period, the economic development of the USA and Europe has been absolutely unprecedented. Large parts of the rest of the world have been colonized up to the 1960s of the past century, and are held in alliances with the former colonial rulers until today. Granted that these alliances are not easy today (cf. the shifting relationships between the USA and Latin America, or the explicit refusal of the EPAS by African countries vis-à-vis the EU), but the economic and political dependency is still overwhelming (Fukuda: UNDP report 2004). By whatever measure one wants to estimate the growth of wealth (income, consumer capacity, health services, education level), the general trend decidedly is that in the rich countries of what we call 'the West' the past decades showed a tremendous boom in life expectancy and in consumer wealth. Scientific research has come to be looked upon in a different way during that same period: it is not anymore a place of free and unmitigated investigation into the wonders of nature and humans, of minds and cultures. Rather, it became a source of power, of opportunities for business, the military and the political circles. Within that context a lot of scientists today (systematically more every year) are contract scientists, dependent on the fulfilment of the conditions set by their contractors (government, industry, corporations). This makes their position less 'free' than at the time of Newton, or even that of Lord Rutherford.

The student revolts of the 1960s opposed the trend to draw intellect into what former President Eisenhower had named the ‘Military-industrial complex’ (MIC), which had led to the Vietnam war. The state and the economic system, however, needed more brains at the end of the 1960s in order to be able to secure the dominance over world markets and political structures, and thus opened up to let a larger amount of students into the higher education system. This was then announced as the ‘democratisation of education’ in several western countries. The student revolts which aimed to overthrow the dominance system of the ‘old boys’ (rich families, bishops, senior professors, depending on the case of the particular university) should be situated in this complex context (Bourdieu 1982; Chomsky 1995). With the advent of the first oil crisis in 1973 the uproar was silenced, and the slowing of the economy put an end to the movement of ‘democratization of education’ as well.

A clear by-product of this student revolt was, however, that the landscape of scientific research was redesigned:

- Universities were now built according to the campus model, isolated from the rest of the population in a format of seemingly independent communities. For example, in Belgium the Catholic University of the French speaking community built an entirely new campus as a village (Louvain-la-Neuve) miles removed from any part of normal society. The same can be seen with nearly all ‘new’ universities or departments of universities, which are located outside of the cities to form campuses in the countryside (Utrecht University, Nijmegen University in The Netherlands, Bochum or Bielefeld in Germany, many of the new universities in southern European countries, and a tremendous amount of the American universities). At best some central offices and promotion buildings are kept in the centre of a town, but the bulk of activity is moved far away from the rest of the population.
- Courses were rapidly steered into becoming more uniform (with the Bologna agreements as a ‘high point’ for the EU in this regard), and controls of all sorts were introduced. Over the past three decades national and transnational controlling systems have been set up: yearly individual controls of all levels of personnel by students, yearly individual controls of personnel by colleagues (deans, computer steered teaching ‘guidance’, etc.), evaluation rounds of all professors, control procedures for promotion cycles, and so on (Loobuyck et al. 2007). In a few years time, private firms have taken a piece of the controlling and evaluation territory, claiming expertise in these matters on the basis of their marketing and management tradition.
- With this turn towards a rather excessively controlled and regulated treatment of academics a rapidly growing group of bureaucrats emerged and immediately came into power: where professors (and after the 1970s professors, other staff and students) had a large saying in what the policy choices in terms of content and of educational procedures would be in a certain school (with a genuine assembly which voted on major issues), today the rules for promotion are uniformly and in minute detail defined by the bureaucrats and by self-declared managers of the institute. Often, colleagues who are convinced their innovative power lies in the steering and managing of departments and faculties get themselves elected as

deans and as commission presidents. After some years of service they are seen to push on very frequently into other bureaucratic jobs, and to be sitting on councils and boards which decide on ever more rules of management for everybody else. In a few years time they are so far estranged from their own research area that it is difficult for them to get back to their laboratory or department. This is the course of life one might say, except that the rules and regulations they are meanwhile constructing and implementing are all the time more and more imposing and binding for education and research on the floor. In a nutshell, the bureaucratization of education and research has reached such a degree of expansion that it may become counterproductive for research innovation.¹ My point is that indeed the management aspect of spending money is relevant, but that the choice for this or that topic of research, and for this or that approach has to be taken prior to and independent of management considerations. That is, it is bad governance to not decide on preferences and political choices, and to shy away from them in terms of mere policy and management rules. In that move, and this is my first major point, one chooses implicitly and factually for the market and/or for the powerful of the moment to decide for you, and hands over the freedom of choice in education and research to powers one cannot control at all. In my estimation this may yield changes in the nature of scientific research and the status of scientific knowledge. The elementary category mistake if not cowardice (Chomsky 1970) is that of not distinguishing between policy and politics: politics (in the noble sense) is about the fundamental choices on truth, freedom, relevance and the like, and policy is about organising work and duties in view of the former choices. By exclusively stressing policy the bureaucratisation of education and research kills the arena for the important and free choices of a society. Or, more realistically, it will leave this arena to the external powers who want to control and steer research and the education of the minds for their own private benefits or political aims. This is in profound disagreement with democracy in my understanding, and will only allow for hegemonic policies and antidemocratic scheming in the long run. In the following sections I will indicate that such trends and tendencies may already become dominant now.

2 Cold War and the Corporatization of the Humanities

- a. In an intriguing collection of essays (Chomsky 1995) a set of leading authors in the Humanities from the USA have brought together information on the ways the military and the secret services have actively influenced the development of several

¹In a small quest I launched (through the cover of an interest group promoting ‘free research’) on these issues to Chancellors and the Minister of education in Flanders, Belgium, the reaction by all but one responsible persons was: ‘you may have a point, but we as good managers have to distribute money and hence we need a quantitative measure to decide what to subsidize’.

disciplines during the Cold War period. According to the reports on each and every domain of the humanities political, military and secret services personnel often interfered in the promotion of staff and in the launching or development of courses. More often than not these attacks on academic freedom were subliminal in nature, and sometimes led to harm for the researchers targeted. With the MacCarthy era this is well documented. However, in the book edited by Chomsky it proves to be the case that elaborate processes of interference and intrusion on research agendas and on private careers was much more widespread than that, and that such processes continued all the way upto the fall of the Berlin Wall (1989, marking the official end of the Cold War period). History, cultural studies, anthropology, literature and linguistic studies, and philosophy and religious studies were systematically screened and ‘coached’ by these forces for decades on end. The scope and depth of their impact only became clear when the Chomsky-volume finally got published. For example, Chomsky himself was targeted and harmed in a double scenario: on the one hand, his access to funding was diminished deliberately, and colleagues were found ready to write negative rumour-like criticisms on the quality of his linguistic work. This started when he began to publish highly critical analyses on political issues.

- b. In the period after the fall of the Berlin Wall and the implosion of the Soviet Union, a new type of constraining and ‘coaching’ seems to be emerging: corporatization and the open sponsoring of research in the humanities through secret services.

In a remarkable series on ‘Political economy of academia’, launched by the newsletter of the largest professional organization in the field of anthropology (Anthropology News 2008), the famous Chicago anthropologist Marshall Sahlins speaks out about what is now called ‘the corporatization of academia’. His main point of departure is that the notion of scientific research is undergoing drastic changes in the past couple of decades. The notion of disinterested and so-called ‘free’ research – advocated forcibly in the early twentieth century by T. Veblen in the USA, and several top researchers in Europe (B. Russell, and a series of Nobel laureates but also philosophers such as P. Bourdieu) – is under attack. Veblen for example, was speaking of ‘conflicting regimes of truth’ (Sahlins 2008: 5). Utilitarian or pecuniary issues were not considered to be an argument in the debate on truth or relevance of research choices, at least not in principle. Of course, universities need money: ‘but they ought to have an academic policy first and then try to finance it, rather than let finances determine their academic policy.’ (Sahlins 2008). To be clear on this issue, I do not hold that Veblen, or the normative and somewhat utopian views of sociologists of science like Merton should be considered the only standards of ‘real science’. Neither that disinterestedness of scientific knowledge is sacrosanct. What I do plead for is that we investigate what is the impact of the market-thinking (with short term demands, competition for profit, secrecy clauses and so on) on the process and on the output of science today. We have some impressive studies now on the ways corporate groups manipulate research and output in the pharmaceutical industry (e.g., the well-known struggle over AIDS-medicine). We also witnessed how the so-called ‘laws of the market’

and the 'rational choice' concept (both rather naturalistic and somewhat religionistic ideas in the powerful theories of M. Friedman and his group) was abandoned for a short time after the deep bank crisis of 2008, to reappear with force in 2009. It is not nostalgic to analyse what aspects of science are subordinated to these 'laws of the market' when universities are drawn into that frame. When evaluation criteria are invented and applied to scientific work, it is critical for science (and indeed for the production of wealth as a by-product) to carefully assess the relevance and irrelevance of the values one uses in the process. The least that can be said today is that the bottom of the system, i.e. the values and concepts of the 'free market laws', was seriously rocked when top managers are suddenly qualified as 'casino capitalists' and 'bogus salesmen', notwithstanding their so-called exemplary status in the preceding decade. If science does not use its tradition of critical assessment, unhampered by local or temporary interests, it seems to alter basic features. Whether this should be called disinterestedness or free margin of critique or whatever is up for discussion. That the market rules are neither 'natural' nor sacrosanct is a point that should be taken into account, though.

Sahlins tells the story of how an excellent centre of research and teaching such as the University of Chicago, notwithstanding its demonstrable very high status (amount of Nobel prizes, excellent research, and healthy finances) was pushed into 'academic capitalism' since the 1990's by a host of business people who were hired as presidents of the University. With that the University of Chicago followed the trend in the rest of the country; universities are rapidly more and more run like businesses: "logically and categorically, the university-powers-that-be considered the endowment as a 'capital fund' – the increase of which would be the principal goal of a capitalist corporation." (Sahlins 2008). That is to say, not the furthering of knowledge, the greater understanding of the universe and humankind, let alone the transfer of first class knowledge or the serving of society's interests are the ends towards which endowments are the means on the road to realisation. Rather, capitalizing stocks, investing in terms of big contracts for the sake of the contracts, occupying territory in a market universe become the dominant values and steer decisions. The result 'on the floor', however, is that staff is more and more hired as 'adjunct faculty' who fill in jobs with temporary and partial mandates: "in the country at large [...] some 70% of all faculty is adjunct" (Sahlins 2008). That is to say, they are in part time jobs, limited in time, serving a clientele of students who need a particular skill. Their research has to keep them in a position of marketability, not have them grow into an adult scope on their topic of research. They have become wage-labourers, and will not risk becoming intellectuals, to put it sharply. The trustees and managerial personnel have become businessmen, with almost entire careers in administration, control of others, fundraising for the sake of fundraising, and so on. Another effect of the corporate model for academia, Sahlins states, is that scholars (younger ones to begin with) try to define small and so-called promising new niches all the time, which they try to sell as the unique smart focus or innovating sub-discipline and which hence will secure them a job for a longer time, because of the market-value of their proposal. This yields an 'institutional involution'

(Sahlins 2008: 6), where the core of disciplinary knowledge is snowed under by sometimes exotic new hype sub-disciplines and perspectives en vogue.

Sahlins asks the question in his profound contribution to the debate whether corporate logic in research and academia is supplanting the older research perspective of 'free research', openness to innovation from fundamental research and systematic criticism (e.g. R. Merton's views, as exemplified in most National Science Foundations): what is research becoming? Is the corporate organisation format beneficial or harmful for the future of research and of knowledge? Given the importance of knowledge for the wealth of regions these days (even more so in a knowledge society), how should we evaluate at the deeper level (not at that of mere managerial or policy issues) the sense, the value or the danger in this almost silent take over of academia by corporate business? Is knowledge and the development of progress in knowledge to be compared with the rather exotic unlimited games of investment and plunder of shares and stock market bonds which we witness today, and which are apparently convincingly argued for by the managers of this system? Is it merely conservative to ask the question whether the managerial views and practices may be more harmful than foreseen, because knowledge and hence longer term and stronger impact on reality is intrinsically different from bonds, shares and game theoretical schemes? What has the corporate world to show us in terms of longer term successes which benefit the whole of society? And finally, from a democratic perspective on society and its scientific organizations: who decides on all these questions and where and when were they openly discussed by scientists and/or by civil society? These questions should be asked and debated about in an open political discussion in a democratic society before we would let the managers dictate the constraints, but also the rules of the game the way it is happening for over a decade now. So, without offering a definite answer or picking a certain position, I side with Sahlins that we have to try and assess the impact on this way of thinking about research and knowledge before we start implementing the business and management logic, and hence potentially kill the bird instead of having it fly better and faster and with more revenue. That debate, however, has not taken place. Instead, a sort of blind race in the name of the rules of the market and of the manager is underway, it seems to me.

- c. Two instruments, which are beneficial to corporatization have been growing exponentially over the past decades: the measuring rod of the citation system, and the open funding of research by multinational corporations and by secret services.
 - c1. The citation industry. For some time a private group (Thomson, USA) developed a measuring system for scientific recognition: the ISI (International Science Index). The system counts the amount of citations a researcher accumulates in a (very) limited set of scientific journals. In that way out of tens of thousands of journals in hundreds of languages a very small sample was composed to form a manageable set of almost 8000 journals. The journals are predominantly English language publications (for some fields ranging to more than 90%). Citations of an author within these journals are

counted by the firm, which publishes the balances regularly. Chapters in books or books in themselves are not included. Hence, a researcher's output is exclusively tracked in this small basket of journals. Given the fact that they are overwhelmingly English language journals and that books and book chapters are not involved in the process, the instrument of ISI is debatable for the Humanities, to say the least. Indeed, the Humanities and Social Sciences study over 4000 living cultures and some 6000 genuine languages in the world, and it is no secret that the Anglo-Saxon mirror image, if at all relevant or interesting for over 80% of the world's non-English speaking population, is not necessarily a priority for them in policy or community building decisions. For example, the basket has two English language journals on Taoism, and none at all in Chinese, nor in another relevant language. The reason is most probably that the cost of doing the counting job in a host of other languages would be too high for a commercial enterprise, and maybe that the selling of the ISI journals and publications in other languages would be too risky. The same default can be pointed at for medicinal research on Africa, which is not deemed financially rewarding by the large pharmaceutical firms, which sponsor medical research and get patents from it. Here the reason is demonstrably that Africa will not be able to buy the products, so why would one bother mapping research which is primarily relevant for this part of the world (e.g. malaria studies)? The question should be raised then whether such a market logic can at all be the (factual) basis for the construction of a measuring system for science and knowledge of humankind. How can one justify scientific quality in terms of the amount of money that will be earned by the firm which sells the results of the measuring procedure? How can any sort of objectivity be reached by having the market play? Surely, when markets would be genuinely free, this issue could be debated seriously. But continuing publications on growing poverty and durable inequality in the world tell us that such freedom is a fiction (Sen 2000; Fukuda 2004).

Moreover, in the short existence of the ISI it has become clear how journals engage in a competition on this new 'market' in order to get most attention and impose themselves in a ranking system (the 'impact factor' ranking). Very soon institutes and research groups engaged in the organization of output in order to have high visibility and ranking within the ISI system: by adapting to the rule of the market here, one can reach a 'high number'. When sponsors and governments started using the ISI rankings as a conditional criterion for promotion and for sponsoring of research, a genuine race for the numbers started, which reshaped the presumably 'clever' researchers or research centres into little enterprises concerned with their ISI-returns. We know now that all sorts of tricks can be and are used to boost numbers. We also know that neither relevance of the research, nor intrinsically epistemological choices dominate here: the ranking is guiding the game. Also, by disqualifying in fact (i.e. in view of subsidies and career) books and book

chapters, a deep change towards a ‘hit and run’ market mentality is taking shape. The use of the ISI scores of scholars in important decisions on promotion for jobs and on funding for projects is a clear instance of policy thinking, which occasions at the same time a submission of the scientific world to the political choices of (a private firm in) one country of the world. I called this elsewhere an imperialism of knowledge (Pinxten 2007).

- c2. Mi5 and CIA present themselves openly as sponsors for research in the Humanities since 2005. In open advertisements in both the British and the American professional journals of anthropology these two secret services offer jobs to those young scholars and professors who want to go and study terrorism in some part of the world. Of course, some debate emerged (Price 2005), but the fact that these sponsors will own and use the data according to their choice, did not arouse major protest. Indeed, some scholars objected that we have had ‘bad experiences’ with intrusions by secret services in the past, but others stated that they would go for the money and did not care about the ethical issues. The simple effect that scientific research is thus clearly and openly invaded by organisms which cannot by their nature have an open communication and interaction with citizens (let alone with the subjects under study in anthropology) changes the nature of the research: once more, the researcher is reduced to an instrument one more step, taking leave of the responsibility of his results vis-à-vis his subjects and of humanity at large in a dramatic way.

3 Conclusion

Whatever preferences or ideological and cultural tastes one might have, I want to make first and foremost the point that scientific knowledge seems to be changing ‘in nature’ or to its core by such developments. It is not simply market or control mechanisms which are added on to the reach and the working of free minds. It looks like the very core business and the mastering of knowledge are shifting toward a new definition. One should wonder whether this is for good or for worse. That is, one may ask the question who is deciding on what science is and what type of science is needed, when scientists themselves seem to have given the right to decide on such questions out of hand. Secondly, it certainly does not look as if society or a representative and democratically accountable body of it is in power to claim and execute this right. When this analysis has some validity I think it is high time to put these questions on the table if one still believes in the power of scientific research. The courage to do so will be substantial: one will probably need to take back the power which has slipped inadvertently in the hands of corporations and of their bureaucrat servants. One will also need to trust scientists again, and to do away with the ‘scholastic’ turn of the policy makers who control and evaluate quantitatively on formal issues only rather than debate and choose in open arenas for quality.

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What Is There Beyond Mertonian and Dollar Green Science? Exploring the Contours of Epistemic Democracy

Jeroen Van Bouwel*

Abstract The story is sometimes told as follows: Once science was a disinterested activity giving scientists the opportunity to freely solve the puzzle of nature to the benefit of all. Nowadays science seems more and more driven by the search for patents and dollars compelling scientists to follow the logic of capitalism and corporatization. Take-home lesson: science is for sale and we should do everything to reverse this evolution.

In this contribution, I want to analyze the narrator's assumptions implicit in this account of science. In particular, the rosy description of earlier disinterested forms of scientific research will be questioned, as well as the lack of alternatives to the dichotomy disinterested versus corporatized. I will argue that beyond the dichotomy an interest-driven science can be conceived framed within an epistemic democracy.

1 Introduction: Mertonian and Dollar Green Science

The story is sometimes told as follows: Once science was a disinterested activity giving scientists the opportunity to freely solve the puzzle of nature to the benefit of all. Nowadays science seems more and more driven by the search for patents and dollars compelling scientists to follow the logic of capitalism and corporatization. Take-home lesson: science is for sale and we should do everything to reverse this evolution.

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The critics of the commercialization of science often nostalgically invoke the Golden Mertonian Age. In those days, scientific research was thought to be governed by the norms of *communalism*, *universalism*, *disinterestedness* and *organized scepticism*, as described by Robert Merton (1942). These institutional norms guaranteed the commitment to the search for objective truth. According to those critics, these norms, take, for instance, the norm of disinterestedness, are often violated for economic reasons and interests nowadays. They consider the drift away from the Mertonian science (towards the dollar green science?) as a threat to the objectivity and trustworthiness of the results of scientific research. As a reaction against this the norm of disinterestedness is defended.¹

This defence of the norm of disinterestedness raises a couple of questions I want to address in this chapter, i.e., (a) Is disinterestedness (on the level of research approaches or theories) a possibility? (b) Is disinterestedness necessary for objectivity? (c) Is aiming for disinterestedness desirable? Should the norm of disinterestedness be sacrosanct?

In what follows, we first embark on a journey through the discussions concerning (non-)epistemic interests and values in Sect. 2, then we discuss the construction of scientific objectivity in Sect. 3, and, finally, in Sect. 4, we explore the desirability of disinterestedness and the contours of epistemic democracy. Section 5 concludes.

2 Epistemic Interests and Values

Notwithstanding the pleas for a disinterested science, some interests and values are considered to be not ‘bad’, i.e., no ‘threat’ to science or its objectivity, according to traditional philosophy of science; these are the so-called epistemic interests and values.² On the contrary, they are considered to be virtuous and constitutive of science. These epistemic interests and values should be strictly distinguished from the non-epistemic interests and values, the latter considered as pernicious to science. Let us just elaborate on both groups of interests and values, i.e. the epistemic and non-epistemic ones, and on their distinction. This will help us to answer question (a) on whether disinterestedness (on the level of research approaches or theories) is a possibility.

The notion of *epistemic interests and values* has been subject of much debate. While virtually all participants in that debate now agree that epistemic interests are

¹Cf., Matthias Adam (2008), for instance, who defends that science should be understood as a profession (recommending to change the culture of science to emphasize science as a *profession*), and like all professions, having an obligation to be disinterested and to help humanity. Another example of defending the disinterestedness of the Golden Mertonian Age can be found in this volume, cf. the chapter of Rik Pinxten: “The notion of disinterested and so-called ‘free’ research, – advocated forcibly in the early twentieth century by T. Veblen in the USA, and several top researchers in Europe (B. Russell, and a series of Nobel laureates but also philosophers such as P. Bourdieu) –, is under attack.”

²These *epistemic* interests and values are sometimes referred to as *cognitive* goals or values, *constitutive* values, *theoretical virtues*, etc.

constitutive of scientific inquiry, the role non-epistemic interests might play is much more controversial. Traditional philosophy of science considers epistemic interests in strong opposition to non-epistemic interests. The former ones are considered as interests *internal* to science that help us in our theory choice – as additional guidance beyond logic and evidence; they are “epistemic measurements used to evaluate competing theories during times of theory contestation” (Rooney 1992: 17). The latter ones, the non-epistemic, are of a social, political, moral or economic nature, *external* to science, and are to be avoided as they are a threat to the objectivity of scientific inquiry. However, this traditional understanding of *epistemic interests*, excluding the non-epistemic interests from a constitutive role in scientific inquiry, has to contend with several difficulties.

First, there is no clear consensus about which interests have to be included in the list of epistemic interests internal to science (Rooney 1992; Lacey 1999: 52–54). Thomas Kuhn (1977: 321–322) lists five epistemic interests, i.e., *accuracy*, *consistency*, *broad scope*, *simplicity* and *fruitfulness*. Ernan McMullin (1983) elaborates a slightly different list, including *predictive accuracy*, *internal coherence*, *external consistency*, *unifying power*, *fertility*, and (“one other more problematic candidate”, pp. 15–16) *simplicity*. Larry Laudan (1984: 35) mentions “such familiar cognitive goals as truth, coherence, simplicity, and predictive fertility.” Hilary Putnam (1981) wants *instrumental efficacy* on the list, but McMullin considers that as a social, non-epistemic value. Hence, a first problem seems to be the identification of the list of internal interests and values in science.

Second, presume a consensus about the list could be reached (the lists do have some interests in common, even though they are definitely not identical), the exact interpretation of every single one of these interests or values seems contentious. This problem was already mentioned by Kuhn: “Individually, the criteria are imprecise: individuals may legitimately differ about their application to concrete cases.” (1977: 322) For instance, what does *simplicity* mean? Hugh Lacey considers *simplicity*; the term suggests, inter alia, “*parsimony*; *economy* (of formulation, of technical devices); efficiency in use for explanation, predictive and other “scientific” purposes; deployment of the “simplest” available mathematical equations; conceptual clarity, “clearness and distinctness” (Descartes), intelligibility; *idealization* which provides a benchmark, departures from which can be conveniently explained; having appropriate *analogies* with other theories (...) and *formalizability*.” (Lacey 1999: 60, his italics) *Simplicity* connotes as well *harmony*, *elegance* and other aesthetic qualities. Besides the problem of the exact interpretation of the epistemic interests, there is room for disagreements on how a particular interest or value manifests itself in a theory or model. (cf., Lacey 1999: 54)

Third, the different epistemic interests of traditional philosophy of science can generally not all be maximally addressed or satisfied simultaneously by any single theory, model or explanation.³ This raises the question of how these different

³Cf. Kuhn (1977: 322): “In addition, when deployed together, they repeatedly prove to conflict with one another; accuracy may, for example, dictate the choice of one theory, scope the choice of its competitor.”

interests then should be balanced or how they must be weighed against one another (cf., Longino 2002a: 185; van Fraassen 1989: 41–42). What counts as the right balance? Who decides the weight of the respective interests?

Given these problems of identification, interpretation and the balancing or weighting of epistemic interests it seems hard to stick to considering these epistemic interests as internal to science without any external “interference” of the context and the preferences of particular scientists. This does not bode well for those who want to uphold a strict demarcation between (the acceptable) epistemic and (the unacceptable) non-epistemic interests and values – the wish of most philosophers of science and epistemologists. Furthermore, it promises little good for the norm of disinterestedness, understood as only allowing epistemic interests.

The strict division or dichotomy between epistemic and non-epistemic interests has come under fire from other quarters too. Feminists studying the history of science often conclude that some (male or androcentric) epistemic interests have gotten a lot more attention than other (female) epistemic interests. Mary Tiles, for instance, in her “A Science of Mars or of Venus?” (1987) criticizes the overemphasis on the (allegedly universal, but – according to Tiles – male) interest in *prediction* and *control* in modern Baconian science (1987: 299). She pleads for a reorientation of epistemic interests that would lead to more cooperation with Nature rather than conquering it.

Another contribution in line with feminist philosophy of science is Helen Longino’s defence of *ontological heterogeneity* against *simplicity* as an epistemic interest and theoretical virtue. Rejecting ontological simplicity and valuing ontological heterogeneity can be linked to Longino’s discussion of theories of inferiority. These theories are often supported in part by a preference for simplicity and an intolerance of heterogeneity: “Difference must be ordered, one type chosen as the standard, and all others seen as failed or incomplete versions. Theories of inferiority which take the white middle class male (or the free male citizen) as the standard grant ontological priority to that type. Difference is then treated as a departure from, a failure fully to meet, the standard, rather than simply difference. Ontological heterogeneity permits equal standing for different types, and mandates investigation of the details of such difference. Difference is resource, not failure.” (Longino 1994: 477) Thus, for Longino simplicity as an epistemic interest and value is misguided; on the contrary, she praises the virtue of ontological heterogeneity.

But it is not only in feminist quarters that questions are raised concerning the epistemic interests as understood by the more traditional philosophers of science. Hugh Lacey, for instance, maintains that modern science is conducted almost exclusively under an interest to *control* natural objects. As a result, certain possibilities – that cannot be developed if the search for knowledge is driven by the interest to control – might disappear from view. He illustrates this by considering transgenic seeds, which are embodiments of soundly accepted theoretical knowledge, but of little interest for, e.g., the many rural grassroots movements throughout Latin America (and elsewhere) that “aim to cultivate productive, sustainable agroecosystems in which both diversity is protected and local community empowerment is furthered.” (Lacey 2004: 38) These alternative interests might be scientifically addressed in

agroecology “in which a multiplicity of variables (concerning crop production, ecological soundness, biodiversity, and local community well-being and agency) are investigated simultaneously and interactively” (2004: 38). However, the epistemic privilege attributed to theories addressing the interest to control consolidates their predominance and the ecological and social disruption it brings is taken to be simply the price of progress. Lacey explains the privileged status of the interest to control by referring to, *inter alia*, the relationship “with other values that are highly manifested in powerful contemporary social institutions (generally at the present time linked with capital, the market, and the military)” and “given current forms of the institutionalization of science, where the institutions that provide material and financial conditions for research are likely to do so because they expect that applications “useful” for them will be forthcoming” (2004: 39). This analysis obviously raises questions about the commercialization of science, but, for our discussion concerning (non)epistemic interests we keep in mind that Lacey identifies social and economic (non-epistemic) interests (global-market triumphalism) in prioritizing particular epistemic interests.

Summarizing, critical voices in philosophy of science like Tiles, Longino and Lacey, question the traditional understanding of epistemic interests as universal, internal to science and as clearly distinguished from non-epistemic interests. In addition to the three problems concerning epistemic interests mentioned above, these critics point to the male/androcentric, political, social and economic interests that co-constitute some of the epistemic interests. One could then draw the – too hasty – conclusion that epistemic interests are merely political or social (i.e., non-epistemic) and science just a way of doing politics with other means, a power struggle or an instrument of oppression. One could, however, choose a different, subtler path which questions the strict dichotomy between epistemic and non-epistemic interests.

Phyllis Rooney suggests to consider the epistemic/non-epistemic “as something like a continuum scale in given scientific contexts” (cf. Rooney 1992: 21), or – departing from the inadmissibility of the non-epistemic, from understanding the non-epistemic as a source of irrationality – to focus on how the non-epistemic interests and values “become encoded into constitutive features of rationality and objectivity of particular scientific endeavors, into features that are genuinely epistemically compelling for given scientific communities, we are invited to gain greater insight into how that occurs, and we are invited to develop that insight within the context of specific philosophical concerns and questions.” (Rooney 1992: 21) Hence, instead of labelling all interests as social and non-epistemic or maintaining a (problematic) strict distinction between epistemic and non-epistemic interests, we could try to be more explicit about the interaction between both. Helen Longino has explored such a path, elaborating an account of scientific knowledge in which the dichotomous understanding of the epistemic (or rational) and the non-epistemic (or social) in science can be overcome. Contrary to many traditional accounts of scientific knowledge, Longino (2002a) considers the non-epistemic interests and values not as a source of bias and irrationality, but rather as securing objective, rationally based knowledge. Where traditional epistemologists and philosophers of science are

(unsuccessfully) trying to freeze out these interests, maintaining some form of disinterestedness, their inclusion does not necessarily have to lead to worse science as we elaborate in the following section.

3 Interests, Plurality and Objectivity

Non-epistemic interests in scientific inquiry are not bad *per se*, nor do they necessarily threaten objectivity, but in order for objectivity to be increased interests need to be scrutinized through critical interaction, according to Helen Longino. She identifies four CCE-norms that make this critical interaction and effective or transformative criticism possible, i.e., (1) venues for criticism, (2) uptake of criticism, (3) public standards, (4) tempered equality of intellectual authority.⁴ The critical interaction (respecting these four norms, the conditions of transformative criticism) will, following Longino, make interests, values and other *background assumptions* of a particular scientific theory, model or approach visible. First, these background assumptions (as well as their metaphysical, empirical and normative implications) might turn out to be in conflict with other assumptions of the approach in question and to be modified. Second, in this process of critical interaction, interests and values are not eliminated or purified, but rather addressed by more and different values and interests. Criticizing background assumptions from a variety of perspectives, a variety of (other) background assumptions, (non)epistemic interests and biases, is a constructive and generative activity through which concepts proper to each approach are clarified or modified, methods refined, new arguments developed, beliefs modified or rejected, etc.

In feminist philosophy of science it is not uncommon to advocate this kind of strategy of addressing interests by more and different interests; within a critical interaction dominant androcentric or sexist biases might be exposed by showing that there are alternative (feminist/biased) approaches that do not do worse empirically.⁵ This strategy might make female contributions (more) visible, whether the females be housewives in economic theory, langurs in primatological theory or gametes in fertilization theory (see e.g. Ferber and Nelson 1993; Sperling 1991; Martin 1991; Haraway 1989). The history of science provides us with many examples like these.

Another notable example where the female perspective had been excluded (at first) is research and experiments concerning heart disease. Two widely publicized

⁴More on these CCE-norms can be found in Longino (1990) and her (2002a: 128–135). CCE is the abbreviation of *Critical Contextual Empiricism*, Longino's philosophy of science – see her 1996 for a good introduction to this philosophy.

⁵One can think here of the *bias paradox* characterised by Louise Antony (1993), contrasting (a) the ideal of trying to remove all background biases from scientific tests with (b) the ideal of preserving only background biases likely to track the truth when combined with empirical tests. The puzzling situation of the feminist is then: "Rejection of the ideal of impartiality in science because it leads to gender bias appears both to reject the ideal of impartiality and at the same time to accept it." (Campbell 2006: 251–252).

studies on the effect of low doses of aspirin and the risk of heart attack were conducted using study samples of 12,866 general subjects and 22,071 physicians, respectively. All subjects in both studies were male (Rosser 1994). The reduced heart attack risk that emerged from this research was considered so spectacular that the public was made aware of the potential results before the findings were published. These findings cannot be generalized to women, in part because the role of oestrogen needs to be considered. At one time studies and clinical trials of coronary heart disease were, however, confined to large samples of men, based on the androcentric assumption that the etiology of coronary in men would be exactly the same in women. The situation is somewhat complex because coronary heart disease kills women overall at roughly the same rate as men, and the results of the tests provided good data for assessing how men develop coronary heart disease. However, coronary heart disease develops differently in women as later tests confirmed. No one seriously doubts the objectivity of the later findings, yet the fact that coronary heart disease develops differently in women was discovered only when the androcentric assumption was challenged. The non-epistemic interests and values in this case yield, in the context of suitable empirical tests, a less distorted and, in one of the senses distinguished above, a more objective scientific understanding of women's health.

Do these examples of inquiry driven or biased by a specific female interest – hence, violations of disinterestedness – represent a threat to scientific objectivity? The examples just mentioned suggest that it is no threat, on the contrary. Moreover, Longino's account stipulates how objectivity is maximized through the critical discursive interactions that respect the four CCE-norms mentioned above. Objectivity is then not so much the view from nowhere, but rather the result of the interaction between different stances. Given Longino's focus on the *process* of knowledge production and the norms it should respect, how do we have to understand the relation between the scientific *practices* and *process* and the justification of scientific knowledge (as a *product*)? She distinguishes three senses of *knowledge*, i.e., knowledge-productive practices, knowledge as content, and knowing; the four norms stipulate the normative criteria that apply to knowledge-productive practices, and knowing and the content of knowledge are defined in relation to these processes. The critical discursive interaction is thus both constructive and justificatory (Longino 2002a: 205).⁶

The result of applying the CCE-norms to scientific inquiry will not be that all interests are thrown out of science, but that by making them public we submit them to social processes that can screen out idiosyncratic interests and open the evaluations to critical discussion.⁷ A strategy of trying to 'avoid' interests – allegedly

⁶Longino is not alone in considering objectivity as constructed by a certain kind of practices, performed by concrete situated subjects entangled in power relations, in disclosing particular concrete phenomena; other contributions to 'naturalizing' objectivity are, for instance, Harding (1991) and Daston and Galison (2007).

⁷Longino (1990: 80) does recognize that some interests will be shared by the entire cultural community, and will therefore be invisible. These widely held views will "not become visible until individuals who do not share the community's assumptions can provide alternative explanations of the phenomena without those assumptions".

living up to the ideal of disinterestedness or claiming a view-from-nowhere – is a way to conceal or be unaware of interests (exactly what happened with the androcentric interests claiming to be disinterested, according to feminists); the critical interaction within and between scientific communities, on the other hand, will elucidate the problems with certain interests; they will be adjudicated, judged benign, or adjusted. That way, we will be able to deal with interests in a more self-conscious way.

Longino's fourth CCE-norm – tempered equality of intellectual authority – puts emphasis on the necessity of a diversity of perspectives, avoiding that a consensus would merely be the result of political or economic power, or of the exclusion of dissenting perspectives; maximizing “epistemic effectiveness requires that all (relevant) perspectives be included” (Longino 2002a: 131); the confrontation of a diversity of perspective and interests is necessary to optimize scientific knowledge – it is people with perspectives and interests that are different from one's own who are in a position to critically evaluate one's assumptions – the more diversity, the better. In relation to the question of the commercialization of science, it seems obvious that merely taking into account commercial interests violates this fourth CCE-norm. Another CCE-norm, namely the first one – venues for criticism – is not respected by commercialized forms of science either; the privatization of ideas and restricting research outcomes to positive results (e.g. drug companies almost never report a negative result – they are buried, cf. Sismondo 2008), undermines the possibility of critical interaction and having forums for criticism.

Summarizing, we can conclude that the traditional, strict division between the epistemic and non-epistemic interests cannot be upheld, but that it does not undermine the possibility of objective scientific knowledge. We should acknowledge that the constitution of epistemic interests might just as well include non-epistemic factors (Longino 1990: 100 – various ways of conceptualizing the objects of (scientific) knowledge can “help to show how contextual values are transformed in constitutive values”). This does, however, not have to imply that each social group would have a specific, unchanging set of interests (which would be determinately linked to their standpoint or location in society), nor that an individual researcher would be interested merely in furthering her own social, economic or political position via her research. The lesson I want to draw from the examples above is that we – as members of the scientific community and consumers of scientific knowledge – should acknowledge that there can be more than one (allegedly universal) interest or set of interests. Public reflection on our epistemic interests will make us more self-conscious about our interests and provides us with the possibility to give arguments for or against their legitimacy, to change interest, to adopt new interests, and so on. Thus, I want to emphasize that this view on interests does neither lead to an *anything goes* relativism, nor to epistemic isolation; it does however raise the problem of how to deal with a plurality of interests in science in a democratic society.

4 The Contours of Epistemic Democracy

The role of (non-)epistemic interests and the construction of objectivity, as clarified in the former sections, show us that science is a less disinterested and autonomous activity than portrayed in the Mertonian picture. The feminist critique, amongst others, obliges us to reconsider the proclaimed disinterestedness, value-freedom and view-from-nowhere characterising science. Rooney rightly raises the following question: “Why, we might ask, have some of the fairly obvious examples of gender and race bias become visible only relatively recently, despite philosophers’ and scientists’ long-held proclamations about the value-freedom of science?” (Rooney 1992: 20).⁸

Focussing on the different interests in scientific inquiry, numerous philosophers of science comprehend how some viewpoints are excluded from scientific discussion and other viewpoints overrepresented. This has led scholars to defend an inclusion of these excluded viewpoints which would lead to better – more objective – knowledge, to discuss the (un)desirability of elitism or commercialization in science, or to plead for a science embodying some kind of democratic ideal – the idea of *epistemic democracy* (to be understood as a democratic conception of knowledge and science, not as the epistemic conception of democracy common in political philosophy).

Developing the idea of epistemic democracy requires designing a framework for dealing with a plurality of epistemic interests and values. However, these epistemic interests and values can play at different levels; we can distinguish at least three levels, i.e. interests and values about (1) what scientific knowledge to pursue, (2) what knowledge to accept and (3) what knowledge to transmit, or otherwise put, (1) the research agenda setting, (2) the actual scientific research process resulting in theories, models, and so on, and (3) the applications of the research output, i.e. scientific knowledge.⁹ Strictly separating and distinguishing

⁸And she continues as follows: “In addition, discussions about androcentrism regularly meet with resistance or hostility from many of those within science, so one cannot say that science as we have known it to date necessarily welcomes calls to examine and sift out certain kinds of non-epistemic factors, calls that according to its stated truth-seeking, value-free mission it surely ought to welcome. The gradual separation of the non-epistemic from the epistemic does not seem to be as *constitutively* guaranteed as McMullin would like. It sometimes seems to require specific “external” historical political shifts, such as the admission of women into science, or the development of second-wave feminism. These clearly did not come from constitutive “truth-seeking” impulses internal to the institutions and practices of science itself.” (Rooney 1992: 20).

⁹The first two are discussed by Philip Kitcher, as: (a) the Interest Problem: the (democratic) setting of the research agenda. The Interest Problem “arises when the hypotheses accepted conform to nature in a way that suits the concerns of only of a subgroup of the species.” (Kitcher 2002: 557); (b) the Millian Problem: the inclusion in scientific inquiry of a variety of different points of view, representing different cultures and social groups, in order to better get at the truth (the Millian Problem). The Millian Problem “arises when the choice of alternative hypotheses is restricted because of the exclusion of some group of people from scientific deliberation, so that the hypothesis that would conform to nature is left out.” (Kitcher 2002: 557).

these different levels in practice will not always be easy or possible, but it seems helpful distinguishing them in discussing the options for a more democratic science and epistemic democracy.

4.1 *The Democratization of Science Policy*

Democratization in relation to the first (what to pursue?) and the third problem (what to transmit?) is discussed in Philip Kitcher's *Science, Truth, and Democracy* (2001). According to Kitcher, science is not so much after Truth but after *significant* truth – *significance* cannot be assessed objectively but is tied to our interests. Kitcher elaborates his idea of significant truth by drawing the analogy with maps: “The map-makers’ task is to produce maps that are pertinent to the enterprises and interests of their societies. By the same token, I suggest, the aim of the sciences is to address the issues that are significant for people at a particular stage in the evolution of human culture.” (2001: 59) Maps are always drawn to address specific interests, answer particular questions – about the topography, about streets and highways, about public transport, about landmarks, etc. No map can satisfy all (current and future) interests and questions at once; there is no ideal atlas.

Analogous to the map-makers, according to Kitcher, the partitioning of nature by scientists accords with our interests (2001: 49) and the scientific research agenda is shaped by a wide range of theoretical and practical interests (reflecting the concerns of the age), as well as by past projects and accomplishments. What counts as scientifically significant is not context-independent, “all kinds of considerations, including moral, social, and political ideals, figure in judgments about scientific significance.” (Kitcher 2001: 86)

Kitcher (2001) thus recognizes that the research agenda of science is not set by nature; it has a clear social, non-epistemic component. Therefore, in order to manage the social interests and values involved in a non-arbitrarian and fair way, Kitcher elaborates – employing Rawlsian terminology – the ideal of a *well-ordered science*. A well-ordered science is accountable to society at large through democratic control over the aims of inquiry. The democratic control is stipulated as ‘enlightened democracy’ (in contrast with vulgar democracy, internal and external elitism) characterised by a process of ideal deliberation, in which members of the community learn about the possibilities of scientific research, express their priorities, and share their concerns. The course of science is then charted in light of the group’s ‘tutored preferences’ (2001, Chap. 10). In Kitcher’s words: “For *perfectly* well-ordered science we require that there be institutions governing the practice of inquiry within the society that *invariably* lead to investigations that *coincide* in three respects with the judgments of ideal deliberators, representative of the distribution of viewpoints in the society. First, at the stage of agenda-setting, the assignment of resources to projects is exactly the one that would be chosen though (sic) the process of ideal deliberations I have described. Second, in the pursuit of the investigations, the strategies adopted are those which are maximally efficient among the set that accords

with the moral constraints that ideal deliberations would collectively choose. Third, in the translation of results of inquiry into applications, the policy followed is just the one that would be recommended by ideal deliberators who underwent the process described.” (Kitcher 2001: 122–123, his italics) This democratic evaluation should ensure that the research agendas pursued within science are conducive to produce *significant* truth.

Kitcher’s contribution to the democratization of science thus sketches what institutions should ideally be put in place to make science, or at least the setting of the research agenda, democratic. He states, though, that “Perfectly well-ordered science is surely too much to hope for. What we would like is, I suggest, a feasible approximation (...) there’s no thought that well-order science must *actually institute* the complicated discussions I’ve envisaged. The thought is that, however inquiry proceeds, we want it to match the outcomes those complex procedures would achieve at the points I’ve indicated.” (2001: 123, his italics) So, at least in principle, it might be accomplished by a central planner giving orders to every scientist.

4.2 *The Democratization of Science*

Kitcher’s democratizing proposals are not out of step with traditional philosophy of science which, in general, did allow outsiders to play a role in decisions concerning the research agenda (which topics are to be funded) and for what ends scientific knowledge is used. But outsiders were never assumed to have any authority in issues of the epistemic practices of scientists or on epistemic justification (i.e., the actual research process resulting in the acceptance of knowledge). This is where Helen Longino’s proposals on democratizing science enter.

In evaluating Kitcher’s (2001) project, Longino is positive about his call for democratic deliberation about the research agenda and the applications of scientific inquiry. However, she does emphasise that Kitcher wants to democratize science policy, not science, and argues “that the democratic agenda setters of Kitcher’s well-ordered science should insist that the epistemic practices of the experts on whose testimony they must rely conform with the social norms of inquiry I advocate.” (Longino 2002b: 576) For Longino, democratic values should also play a role at the level of scientific inquiry itself.

Kitcher’s ideal of a well-ordered science neglects this; he treats the influence of background assumptions on how scientific inquiry is conducted as unproblematic. He does neither pay much attention to the possible interactions between the process of scientific inquiry and the research agenda setting, nor does he take into account how democratic values may be fruitfully brought to bear on the process of inquiry itself by creating room for the scrutiny of the influence of background assumptions.

The first neglect is problematic as Kitcher’s approach does not take into consideration how – in setting the research agenda – the use of categories and the identification of kinds of things for possible scientific inquiry already include some background assumptions as well as former results of scientific inquiry, and, as such,

the agenda “carries with it something of our own evaluation”, as John Dupré (2004: 410) puts it. Kitcher seems to recognize this when he writes that: “We divide things into kinds to suit our purposes.” (2001: 49), but the ‘we’ might be understood as an unqualified (*unitary*, one might say) *we*, not taking into account that different groups might have different background assumptions and, hence, different ways of dividing things into kinds – framing the research agenda differently. The different background assumptions will not be brought out or confronted with each other during the scientific inquiry in Kitcher’s approach, as, once the research agenda is set the scientists do their jobs – “maximally effective”. The background assumptions, the biases and interests, that got into the research agenda remain unquestioned and are avoided during the process of scientific inquiry.

Longino’s view is different as she emphasises how democratic values may be fruitfully brought to bear on the process of inquiry itself after the setting of the research agenda – an agenda (and its scientific significance) that will be (re)moulded through a democratic process of inquiry – identifying the conditions for the scrutiny of the influence of background assumptions, i.e. the four CCE-norms (cf. supra, see also Van Bouwel 2008). Her procedural social epistemology keeps epistemically bad biases in check by appropriately organizing inquiry at the social level. Note that Longino’s introduction of democratic values in scientific inquiry is motivated in the first place by epistemic reasons, diversity and interaction are epistemically fruitful (as was already mentioned in Sect. 3), and not by political or moral reasons, i.e., a fairer distribution of knowledge.¹⁰ Aiming for disinterestedness, avoiding dealing with interests explicitly, will then lead to epistemically suboptimal results, according to Longino’s reasoning. This answers question (c), raised in Sect. 1, on whether disinterestedness is desirable and sacrosanct as a norm.

The contributions of Philip Kitcher and Helen Longino illustrate the possible direction(s) the democratization of science can take, developing a framework within which the variety of interests and values about (1) what scientific knowledge to pursue, (2) what knowledge to accept and (3) what knowledge to transmit, can be dealt with, realizing epistemic democracy and a more democratic science (for other proposals concerning the democratization of science see, for instance, Van Bouwel 2009).

5 Conclusion

The discussion on the commercialization and corporatization of science is often characterised by a polarization between on the one hand the commercializers, the Economic Whigs promoting technology transfer and public/private partnerships,

¹⁰Kitcher’s points seem to be more politically or morally driven, i.e., there should be a fairer distribution of the right of free inquiry. Let us just add for future reflection that a *politically more correct* science is not necessarily an *epistemically better* science, and vice versa (obviously *epistemically better* will have to be specified), cf. Freedman (2009).

and, on the other, the nostalgists, the Mertonian Tories alarmed and pleading for a return to the supposed Golden Mertonian Age of disinterested science. This chapter has been questioning the norm of disinterestedness, (a) its possibility, (b) its indispensability for objectivity and (c) its desirability. We concluded it is dispensable as a norm and proposed to deal with different interests in a more explicit and democratically framed manner, which could lead to a third option or third regime beyond Mertonian and dollar green science, i.e. democratized science characterised by epistemic democracy.

Let it be clear that we do share the worries about a commercialized, patent-driven science; just like in Mertonian science (driven by the scientific elite), in a commercialized capitalist-driven science (driven by patents etc.) important epistemic interests would be left out. As illustrated, commercialized science does have problems living up to the Longino's CCE-norms – norms that could replace Merton's CUDOS-norms in order to obtain a more democratic science. Thus, both Mertonian and commercial regimes are hard to square with the democratization of science, which requires more than commercial and/or (scientific) elitist interests to be taken into account. Therefore, we hope more energy will be invested in advancing the democratization of science.

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Enclosing the Academic Commons – Increasing Knowledge Transfer or Eroding Academic Values?*

Sigrid Sterckx

Universities must maintain and encourage freedom of enquiry, discourse, teaching, research and publication, and they must protect all members of the academic staff and student body against external and internal influences that might restrict the exercise of these freedoms.¹

Abstract Academic research is increasingly being commercialised. This commercialisation trend has different dimensions, among which the massive increase of patenting and licensing activities by universities, the significant growth of industry funding of academic research via so-called contract research, and the creation of ever more ‘spin-out’ companies. All this is strongly encouraged by governments throughout the Western world. The commercialisation trend has far-reaching consequences for access to the fruits of academic research and so the question arises whether the current policies are indeed promoting innovation or whether they are instead a symptom of a pro-commercialisation culture which is blind to adverse effects.

This paper discusses the justifications that are given for the current policies and raises the question to what extent they threaten important academic values. Next, the

*This text served as the basis for a talk given in Gent on March 6th, 2008, at the symposium that led to this book.

¹*Statement on Academic Freedom*, May 26th, 2005, signed by the Presidents of the following (and more) universities: Columbia, Oxford, Yale, Harvard, Princeton (available at <http://www.columbia.edu/cu/president/ommunications%20files/globalcolloquium.htm>).

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question will be addressed as to why policymakers seem to ignore the adverse effects of the commercialisation of academic research. Finally, a number of proposals for improving university policies will be made.

1 The Massive Rise of Academic Patenting and Licensing in the US and Europe

For most of the twentieth century, US universities were clearly hesitant about getting involved with patenting and licensing of research results produced by their faculty. Especially in relation to medical patents, opposition was widespread. According to Mowery et al., in their impressive book *Ivory tower and industrial innovation*:

In part, this ambivalence reflected concerns that any appearance of profiteering at public expense would be politically embarrassing.²

Well into the 1960s ... [m]any institutions continued to avoid direct involvement in patent administration, and others maintained a hands-off attitude towards patents altogether. Columbia [University's] policy left patenting to the inventor and patent administration to the Research Corporation, stating that "it is not deemed within the sphere of the University's scholarly objectives" to hold patents, and Harvard, Yale, and Johns Hopkins adopted similar positions. All of these universities ... discouraged or prohibited medical patents. Other universities allowed patents on biomedical inventions only if it was clear that patenting would be in the public interest (Mowery et al. 2004, pp. 42–43).

However, this attitude has changed. Since the early 1980s in the US and the 1990s in Europe, academic patenting and licensing activities have massively increased, particularly in biomedical fields and some fields of engineering. Between 1980 and 2004, the number of US patents obtained by universities increased almost 16-fold. The strategies universities use to defend and extend their patents are sometimes very aggressive, which leads to growing irritation on the part of industry.³ In fiscal year (FY) 2004, circa 154 US universities collected more than \$1 billion in net patent licensing income, signed 3,928 new licences, and obtained over 3,800 U.S. patents.⁴ In 2006, 4,963 new licences were signed, 3,255 U.S. patents were issued and 553 spin-off companies were set up.⁵ The number of technology transfer offices (TTOs) in the US has also mushroomed: in 1980 there were only 25 active TTOs; in 2005 there were 3,300 (Pollarito 2005). Indeed: "Technology transfer has become a multi-billion dollar industry unto itself".⁶

²Mowery et al. (2004), p. 4. For a detailed discussion of the evolution of the patent policies and practices of US universities from 1925 to 1980, see Mowery et al. (2004), Chap. 3. Those universities who did get involved with patenting and licensing did so indirectly, i.e. they 'outsourced' these activities to a third party. Concerns about direct involvement with patenting were one of the reasons why the Research Corporation was established in the US in 1912. See Mowery et al. (2004), Chapter 4.

³See e.g. Wysocki (2004). See also Bagley (2006). See also Thursby and Thursby (2005).

⁴Bagley (2006), p. 217, referring to the summary of the 2004 *Licensing Survey* by the Association of University Technology Managers (available at www.autm.net).

⁵2006 *Licensing Survey US*. See Association of University Technology Managers (www.autm.net).

⁶Ritchie de Larena (2007), Part V, opening paragraph.

Recently, figures for Europe became available which show the same trend of a very fast increase in the number of academic patents and licences.⁷ *ProTon Europe*, an organisation similar to the *American Association of University Technology Managers*, provides an overview of ‘knowledge transfer’ in Europe, based on information obtained from 392 ‘Knowledge Transfer Organisations’ across 17 European countries. In FY 2005, according to this source, 2,310 patent applications were filed,⁸ 731 licences were executed, € 94 million was obtained in licensing income and 434 spin-off companies were created. These figures may be less impressive than the US figures for 2005 – the already mentioned 4,932 licences, the creation of 628 spin-off companies and the \$1.3 billion in licensing income – but the trend is clear and the numbers are rising quickly.⁹ For FY 2006, *ProTon Europe* reports the granting of 687 patents, the execution of 3,174 licences and the creation of 473 spin-offs.¹⁰

Two other trends are also apparent, which will briefly be commented on in the next two sections: the increasing number of ‘upstream’ patents and the preponderance of exclusive – as opposed to non-exclusive – licences.

2 The Increasing Number of ‘Upstream’ Patents

An increasing number of patents, including academic patents and university spin-off patents, are being applied for and obtained for the results of ‘upstream’ research – sometimes referred to as patenting of ‘research tools’¹¹ or ‘inputs to science’ – particularly in biomedical fields as well as nanotechnology (Lemley 2005).

The patenting of research tools by universities seems an almost inevitable result of the pressure on universities to patent. The basic or early stage research for which universities receive funding is often such as leads to the discovery of techniques useful in later stage research, i.e. research which universities are not generally funded to carry out. Whilst manufacturing industries are more interested in patenting end products and hence may choose to keep research tools secret, this option may not be available to universities if they have neither the funds for nor the interest in carrying out the later stage research which leads to those end products. The shortage

⁷See the 2005 Annual Survey Report by *ProTon Europe*, a European network of ‘Knowledge Transfer Offices’ and companies affiliated to universities and other public research organisations, available at <http://www.protoneurope.org/news/2007/Articles/2005AnnualSurveyReport>.

⁸No information is given on the number of patents granted.

⁹As shown by *ProTon Europe*’s comparison with FY2004.

¹⁰See the 2006 Annual Survey Report by *ProTon Europe*.

¹¹‘Research tool’ is used in this paper since it is the term most widely used in this context. It is, however, somewhat misleading since it brings to mind the image of the machines and equipment used in the lab by researchers. It has long been the case that universities buy lab equipment from commercial suppliers when it is available, whether or not the suppliers have patented it. Our particular concern in this paper is with research *methods* which could be performed without specialized equipment and with patented apparatus and materials which are only available, if at all, under conditions universities find hard to meet, e.g. inflated cost or demanding licensing terms.

of funding to perform later stage research and hence the drive to patent ‘upstream’ research results applies similarly to university spin-offs.

Such patents pose particular problems (Heller and Eisenberg 1998; See also Eisenberg 2001; See also Rai 1999). A proliferation of intellectual property rights on results of ‘upstream’ research – i.e. early in the pipeline – may stifle ‘downstream’ research and development, as the greater the number of people whose agreement has to be obtained in order to allow a project to proceed, the higher the risk that bargaining will fail or that transaction costs will become too high. This will be even more likely if the property rights belong to actors in both the public and the private sector, with different institutional agendas. Just as *too few* property rights can lead to *overuse* of resources in a ‘tragedy of the commons’, *too many* property rights can cause *underuse* of resources in a ‘tragedy of the anticommons’ if too many owners can block each other. Hence, future research can be stalled as a result of the:

[C]omplex obstacles that arise when a user needs access to multiple patented inputs to create a single useful product. Each upstream patent allows its owner to set up another tollbooth on the road to product development, adding to the cost and slowing the pace of downstream ... innovation. (Heller and Eisenberg 1998, p. 698)

More concretely, proliferation of ‘upstream’ patents leads to royalty stacking and a reduced number of ‘players’ in the research field, both of which hinder or limit the arrival of new products onto the market.

The problem of ‘royalty stacking’ (or ‘licence stacking’) is clearly explained by Heller & Eisenberg:

[A]n RTLA (reach-through license agreement) gives the owner of a patented invention, used in upstream stages of research, rights in subsequent downstream discoveries. Such rights may take the form of a royalty on sales that result from use of the upstream research tool, an exclusive or nonexclusive license on future discoveries, or an option to acquire such a license. ... RTLAs may lead to an anticommons as upstream owners stack overlapping and inconsistent claims on potential downstream products. In effect, the use of RTLAs gives each upstream patent owner a continuing right to be present at the bargaining table as a research project moves downstream toward product development (Heller and Eisenberg 1998).

Thus the result of such ‘stacking’ can be that the product reaches the market but only after extended delays due to licence negotiations or at a price which is affordable to few of the possible users, or even that the product does not reach the market at all.

In addition, ‘upstream patenting’ reduces the number of players in the research field. More specifically, unlike traditional patents to commercial end products, which are rarely infringed by university researchers, ‘research tool’ patents cover almost by definition the type of research carried out by academics. While academics may fondly believe that their research cannot infringe patents, unlicensed use of patented research tools by university researchers in the US and most of Europe would almost certainly constitute patent infringement (see *infra* Sect. 4). Accordingly, research tool patents act not only to exclude commercial research players but also academic ones. Clearly, the less a field of research is explored, the fewer the products that can be expected to emerge from it.

3 The High Proportion of Exclusive Licences

Our focus should not only be on patenting *per se*, for the way universities design their *licensing* policies can also have a significant impact on the ‘social return’ of publicly funded research. Thus, for example, more than a quarter of licences issued by universities and research institutes are reported to include clauses allowing the industry partner to *delete* information from publications, while almost half allow the industry partner to insist on *delaying* publication (Thursby et al. 2003).

Research by Stanford Law Professor Mark Lemley has shown that the vast majority of licences granted under university patents are exclusive (see Lemley 2007). This tendency to grant exclusive licences has benefits and disadvantages for both the university in question and society at large. While university technology transfer offices tend to think that it is beneficial for them because it generates more income, this is not necessarily the case. The non-exclusive licensing of the Cohen-Boyer patent on recombinant DNA technology certainly proves this. As Lemley explains, it may depend on the nature of the technology:

For certain basic building blocks – ... “enabling technologies” – opening up licensing to many innovators who can develop different uses will generate substantial improvements, while giving an exclusive license to only one person will generate fewer improvements. And exclusive licenses can block any development of a technology if the licensee doesn’t deliver. ... Exclusive licenses aren’t necessarily bad ... but they raise concerns about the effective diffusion of new technologies (Lemley 2007, p. 6).

Exclusive licensing, moreover, raises the risk that scarce university financial resources are diverted into litigation. Where a patent for a technology critical for the development of a product in a new field is licensed exclusively, companies wishing to enter that field have little option but to ignore or seek to revoke the patent.

4 Negative Effects of These Trends

In addition to the *general* problem that academic patenting and licensing amount to double taxation,¹² the developments discussed above pose various *specific* problems which are the topic of this section.

A pro-IP culture may have negative effects on the *sharing of research results* among academics.¹³ Margo Bagley, a Law Professor at Virginia University, summarises it neatly:

[T]oday, academic researchers are being encouraged by technology transfer offices ... and industry sponsors to delay publishing and presenting their work until after filing a

¹²Since taxpayers contribute to the funding of the initial research and then must pay a second time as the cost of royalty payments to universities is reflected in the prices of patented products and processes. See Ritchie de Larena (2007) as well as Washburn (2005) for numerous examples.

¹³See e.g. Blumenthal et al. (1997). See also Campbell et al. (2002). For a more general discussion, see Liebeskind (2001). See also Washburn (2005).

patent application and sometimes even longer than that. ... While not amenable to precise quantification, the stifling of discourse and the erosion in the norms of sharing and colloquy historically associated with the scholarly enterprise are costs that must be balanced against the technology transfer gains (Bagley 2006, pp. 2–3.).

Encroachment on traditional sharing norms now often comes from university intellectual property policies codified in faculty hand-books and in the instructions of TTO [Technology Transfer Office] personnel to vet inventive work through the office before publishing or presenting it to avoid the loss of potential patent rights (Bagley 2006, p. 12; see also Grushcow 2004).

Current university policies on patenting and licensing may also affect the *direction of academic research*. Research funding as well as research efforts may be redirected from non-commercialisable to commercialisable areas – a shift which may imply a redirection from fundamental to applied research as well as from research in the arts and humanities to research in the ‘hard’ sciences.

Another risk of the increased pressure to commercialise is that *the manner in which research results are presented* may deviate from the disinterested Mertonian (Merton 1973) standard to a more selective ‘patent-friendly’ format. As Corinne McSherry quotes an interviewee from a technology transfer office:

[Attorneys] prefer that you make every invention by accident ... What the patent attorney’s trying to do is establish that there’s no mechanism, [that] you couldn’t have foreseen this. Which is the exact opposite of the faculty inventor who’s trying to establish that their understanding of the mechanism and predictability led to this discovery ... That scares patent attorneys to death. People could say “Wait a minute, you mean anybody could have formed this hypothesis based on what Professor Joe Schmoe said in this paper and that all you did was test [that idea]?” (McSherry 2001)

It also seems clear that the current emphasis on commercialization of academic work raises the *risk of further sidelining the importance of educating students*. As Geuna and Nesta observe¹⁴:

If patent output is to be used in the academic evaluation process (as is already happening in a few countries and as is being promoted by some policy reviews), this will create incentives for researchers to reduce their time/commitment to some of their activities – and, given the current weighting scheme, teaching will be the activity likely to suffer the highest time reduction.

Another serious potentially negative effect is the *risk of universities being sued for patent infringement* in countries that don’t have a sufficiently broad ‘research exemption’ in their patent law.¹⁵ This has become all too clear in the US, with the decision in the case *Madey v. Duke*. The significance of this decision is clearly explained as follows by Adam Jaffe and Josh Lerner:

Historically, universities and others engaged in academic research [in the US] have not typically been targets of patent infringement suits. This is partly because there is a doctrine in [US] patent law of an “experimental use exception,” whereby otherwise infringing activity

¹⁴Geuna and Nesta (2003), p. 17. In this regard, Geuna and Nesta refer to the paper by Stephan (2001).

¹⁵National patent laws differ as to whether they include a research exemption or not, and how narrow or broad it is. See e.g. Cook (2006).

cannot be prevented if it occurs “for amusement, to satisfy idle curiosity, or for strictly philosophical inquiry.” But it has never been clear that this narrow exception covers much of what universities do; the fact that they have rarely been sued in the past may have been due to a lack of concern or focus by patent holders as much as a belief that universities were truly exempt (Jaffe and Lerner 2004).

However, as they observe, this situation is changing:

A recent CAFC [Court of Appeals for the Federal Circuit] decision has sent ripples of fear through the general counsel’s offices at universities. In a case between Duke University and a former faculty member named John Madey, the experimental use exception was construed so narrowly that whatever fig leaf it may previously have provided university activities may have shriveled to the point of irrelevance (Jaffe and Lerner 2004).

The CAFC overruled an earlier decision by a District Court judge in favour of Duke University – which construed the ‘research exemption’ broadly as covering activities “solely for research, academic or experimental purposes”.¹⁶ In the view of the CAFC, this construction of the exemption was much broader than the traditional test, which limited the exemption to activities “for amusement, to satisfy idle curiosity, or for strictly philosophical inquiry”.¹⁷ The CAFC concluded that:

[R]egardless of whether a particular institution or entity is engaged in an endeavour for commercial gain, so long as the act is in furtherance of the alleged infringer’s legitimate business and is not solely for amusement, to satisfy idle curiosity, or for strictly philosophical inquiry, the act does not qualify for the very narrow and strictly limited experimental use defense.

In June 2003 the US Supreme Court refused to hear an appeal of the CAFC decision.

Under the CAFC’s interpretation, most basic research will *not* be considered as exempted from patent infringement suits – an alarming state of affairs, for access to technologies and materials is vital for much basic research. Forcing academic researchers to seek licences may result in research being reduced, delayed or foregone.

5 Why Do Policy-Makers Seem to Ignore These Problematic Aspects of Academic Patenting and Licensing?

In spite of all the potential and real problems discussed in the previous section, policymakers at the level of both governments and universities strongly defend and encourage academic patenting and licensing as *the* way to promote ‘knowledge

¹⁶ *John M.J. Madey v. Duke University*, 307 F.3d 1351 (Fed. Cir. 2002).

¹⁷ The traditional construction goes back to two famous nineteenth century decisions. In 1813 *Justice Story* ruled in *Whittemore v. Cutter* that: “[I]t could never have been the intention of the legislature to punish a man, who constructed ... a machine merely for philosophical experiments, or for the purpose of ascertaining the sufficiency of the machine to produce its described effects”. *Whittemore v. Cutter*, 29 F. Cas. 1120 (C.C.D. Mass. 1813). In 1850 it was decided that patent holders cannot sue for infringement: “[a person whose] use is for experiments for the sole purposes of gratifying a philosophical taste or curiosity or for instruction and amusement”. *Gayler v. Wilder*, 51 U.S. (10 How.) 477, 497 (1850).

transfer' or 'technology transfer' from academia to industry. Might it be the case that these negative effects are the price we must pay for technology transfer which is vital to our economies? Several empirical studies – all based on responses obtained through interviews or surveys from senior managers in different industrial sectors – show that academic patenting and licensing are *not* the main channels for such transfer. Three such studies are briefly summarised here.

A first study which needs mentioning is Edwin Mansfield's survey, asking senior industry managers what proportion of their innovations either would not have been developed or would have been developed only significantly later in the absence of recent university research (Mansfield 1991). A second, similar example of pertinent empirical research is the so-called 'Yale Survey' (Levin et al. 1987). A third study is known as the 'Carnegie-Mellon Survey' (Cohen et al. 2002). This is even more important than the other two, as it is more recent, and because it also asked senior research managers from industry which were the most important channels via which corporations obtained access to the results of academic research to be applied in their innovations.

One of the main conclusions from each of these studies is that the importance of academic research for industrial innovation varies considerably between industries. In fact, only in biomedical fields – particularly pharmaceuticals and biotechnology – does university research appear to significantly and directly influence industrial innovation.

As noted earlier, the 'Carnegie-Mellon Survey' also asked industrial research managers to rate the importance of various information channels to industrial R&D. Interestingly, even according to managers from the pharmaceutical sector, the most important sources of information are not agreements with universities on patenting and licensing – even though these are regarded as very important – but research publications and conferences. Respondents from most other industries considered university patents and licences to be of very little importance to industrial R&D.

The question arises as to why these empirical findings are ignored by policymakers. Why is the pro-IP culture in academia growing stronger rather than being reoriented to take account of the abovementioned problems? A number of arguments are invoked to justify policies which encourage academic patenting and licensing:

First argument: strengthening the regional economy

In policy documents of international bodies, governments and universities, it is argued increasingly frequently that, through patenting and licensing, universities can promote the regional economy, e.g. by addressing technical problems faced by regional industries and by creating marketable products and jobs.

Admittedly, encouraging academics to generate things which are of value to the community can be a good thing, but universities can do this without getting entangled with patenting and licensing.

Second argument: more money for universities

Some say that, through their involvement in patenting and licensing, universities may generate revenue for themselves, revenue which is necessary in view of the

decline of government funding of universities (see Guena 2001). However, even though universities may well have a legitimate claim to more funding, patenting and licensing of academic research is not necessarily the best or the only way to achieve this – especially in view of the abovementioned disadvantages.¹⁸

The licensing revenues even of universities which have extensive experience with patenting and licensing are dominated by a very small number of outstandingly successful inventions (usually in the biomedical field). For most universities, patenting and licensing activities are clearly unprofitable (see e.g. Geuna and Nesta 2003). Yet, generating income seems to be the main reason why universities get involved with patenting and licensing. Research by Jensen and Thursby, surveying university licensing officers, found that 75% of respondents rated ‘revenue’ as ‘extremely important’, making it the most important objective of academic licensing offices in this survey (Jensen and Thursby 2001; see also Thursby et al. 2001).

Third argument: incentive to invent

A major aspect of the classic utilitarian justification of the patent system is that it provides an indispensable incentive to invent. It is sometimes claimed that this incentive effect may be real in an industry context but has very little relevance for academia, because academic researchers are paid to invent and hence don’t need any additional encouragement. However, the argument *does* have some force:¹⁹ even though academics are paid to do research, this does not necessarily imply that they make inventions. Generating *information* from research is not the same thing as generating *inventions*.

The pressure on the academic to publish new knowledge revealed by her research is not the same as pressure to consider the possible ways in which that knowledge might be utilized commercially. Since it is the *originality* of research that has traditionally been valued amongst academic scientists, there has moreover been little incentive for the academic to investigate the suitability of the new knowledge for such commercial end uses. With a pressure from the university to patent, there indeed comes a pressure on the academic to consider how to turn the new knowledge into a patentable invention.

Fourth argument: incentive to innovate

The most frequently invoked argument for universities’ involvement with patenting and licensing is that this is a key enabling factor in the process of transforming research results into products or processes with market value, a process otherwise known as ‘innovation’. Indeed, commercialising an invention may involve developing or improving technologies to manufacture the invention, performing additional scientific testing of the invention, performing pre- and post-marketing research and advertising the product or process, all of which require investment.

¹⁸This goal may better be obtained via a general tax. See Lemley (2007), note 27 and the reference given there.

¹⁹I am grateful to Julian Cockbain for making this point.

As noted by Abramowicz:

Inventors sometimes might need to engage in inventive activity and seek patents well before commercialization is possible, lest they lose the patent race. ... [C]ompetition among inventors [forces] patenting at an early stage, often so early that patentees will be quite unsure whether it will be worthwhile to ever [develop the invention].²⁰

The question which concerns us here is whether the ‘commercialization argument’ is convincing in the case of *academic* inventions. Mowery, Nelson, Sampat and Ziedonis have analysed this issue in great detail (Mowery et al. 2004), in the context of their study of the effects of the US Bayh-Dole Act (1980), a law which was intended to promote the commercialization of federally funded inventions (including federally funded academic inventions).²¹ One of the most significant findings of these researchers is that both before and after the entry into force of the Bayh-Dole Act, a lot of technology transfer took (and still takes) place *even in the absence of* academic patenting and licensing.

It is important to keep in mind that the overriding goal of the Bayh-Dole Act was and continues to be to produce the greatest *public* benefit. The objectives mentioned in the Preamble to the Act include: “to promote the utilization of inventions”, “[for inventions to be] used in a manner to promote free competition and enterprise without unduly encumbering future research and discovery”, to “promote commercialization and public availability of inventions” and to “protect the public against nonuse or unreasonable use of inventions”. How the goals of the Bayh-Dole Act can be achieved – and whether patenting and licensing by the university is at all necessary – will often vary depending on the sector of technology and even the nature of the invention.

The popular view, which was also the key justification for adopting the Bayh-Dole Act, viz. that academic patenting and licensing are essential to achieve commercial development of academic knowledge, is in need of revision. For on the one hand, academic patenting and licensing turn out to be much less vital for commercialization of academic knowledge than is claimed by the dominant view, and on the other hand the pro-IP culture which has become so widespread in academia has several undesired effects and paradoxical consequences.

The ‘prevailing wisdom’ fails to see the real-world consequences of academic patenting and licensing. Although the empirical support for the pro-IP arguments discussed earlier turns out to be weak, these arguments continue to play a major role in policy-making, both at the level of universities and at the level of governments. What can be done to solve this problem? How can policy-making in this field be improved in the short term?²²

²⁰Abramowicz (2005). Of course the problem of the delay between patent grant and commercialization is exacerbated by the increasing tendency of patent offices to grant ‘embryonic’ patents, i.e. the abovementioned patenting of ‘upstream’ research, especially by universities.

²¹*The Universities and Small Business Patent Procedures Act*, Public Law 96–517, 96th Congress, 94 Stat. 3015 (1980), enacted as 35 U.S.C. §200, et seq.

²²‘Short term’ solutions are understood here as opposed to solutions which would imply major modifications of patent laws, e.g. modifications of the novelty requirement for patentability, as proposed in Bagley (2006), or modifications of the requirement of susceptibility of industrial application. While such longer term solutions are necessary, the urgency of the matter is such that short term solutions should be investigated and put into place with minimum delay.

6 Some Comments on Potential Solutions

This final section of the paper makes some suggestions for reorienting academic patenting and licensing policies in order to curb the erosion of traditional academic norms and to bring the public interest back into focus.²³

Some universities are already taking steps in this direction. Stanford University, for example, has a policy that contains at least two unusual features intended to facilitate technology transfer.²⁴ Firstly, despite the fact that the university claims ownership of all inventions made by faculty and staff, the inventors retain the right to place inventions into the public domain, i.e. to require no licence for their use, if this is deemed to be in the best interests of technology transfer. Secondly, Stanford University has an extremely simple procedure for material transfer agreements (MTAs), i.e. for the exchange of ‘tangible research products’.²⁵ Where the recipient is in academia or a not-for-profit institution, no MTA is required. Where the recipient is in industry, three options are open to the donor: where the donor is certain that the material will be used for research purposes only, then again no MTA is required, and where the donor is uncertain he may either insist on an MTA where the recipient confirms use will be only for research purposes or he may refer the matter to the TTO for licensing.

Indeed, *standardising MTAs* in this way removes a barrier to academic cooperation and hence is one step towards reversing the current erosion of the key academic values of collaboration and openness.

Other suggestions which deserve further consideration can be split into three categories: a first which requires change in policy by universities; a second which necessitates change in national law; and a third which needs international agreement. Our focus here will be on the level of university policies.²⁶

²³This section has benefited greatly from my discussions with Julian Cockbain.

²⁴Stanford University Office of Technology Licensing, *Our policy*, available at: <http://otl.stanford.edu/inventors/policies.html>.

²⁵MTAs restrict the use of materials and data. An MTA is a contract between the donor and the recipient of a material which the donor is providing to the recipient. Frequently an MTA may forbid the recipient to analyse the material or to seek intellectual property rights in anything resulting from use of the material, and to publish results of experiments using the material. Some MTAs go so far as to provide that the intellectual property rights resulting from the recipient’s use of the material shall belong to the donor. MTAs are becoming more and more widespread, and they are imposing increasingly complex and onerous terms. They typically forbid researchers receiving material to share that material with other institutions and may require pre-publication review of research results. As they are contractual agreements (e.g. between a university and company or between different universities), MTAs are not geographically or temporally limited. In this respect they differ from patents and can have even more far-reaching effects. See Streitz and Bennett (2003). See also Pool (2000).

²⁶One suggestion requiring change in *national law* would be to make the research exemption to patent infringement explicitly cover *all* research by not-for-profit or public bodies, including universities, and hence shield them from litigation. Perhaps this should even extend to all areas of intellectual property, including in particular copyright. One example of a remedy necessitating agreement at an *international level* would be to adopt a one year grace period, similar to that already in US patent law. This would permit researchers to publish before patenting and hence would facilitate scientific openness. These and other proposals cannot be elaborated here.

The proposals listed below are aimed at improving university policies which relate to research collaborations and to the operation of the Technology Transfer Offices. To a large extent, with these proposals we aim to suggest that universities should instruct their TTOs to act for the benefit of the faculty rather than the reverse – in other words, the tail should not wag the dog.

First proposal: Universities must not enter into research or licensing agreements with industry that permit suppression or unreasonable delay of publication.

At first glance this would appear to be self-evident and it might surprise many readers that it is not a policy already in existence. However, as noted in Sect. 3, it is not. To give a simple example, one should consider the case of clinical trials carried out by academic medics, where it has been common practice for the sponsoring company to be in a position to delay, edit or suppress publication of less than favourable results.²⁷

Second proposal: Require licences to be non-exclusive unless exclusivity can be convincingly justified, for example on the basis that development requires large and long term investment.

Since academic research is largely funded by the state, the use of IP rights to maximise the sale price of products stemming from this research represents a double payment by the public. This is avoided and the broad diffusion of the fruits of the research is encouraged by *non-exclusive* licensing, a strategy which nonetheless

²⁷See *inter alia* Washburn (2005) and Smith, Richard (2006), for several examples. One of the particularly striking examples discussed by Washburn (pp. 19–20) relates to the long delay in publication of findings on the effectiveness of different thyroid medications. Betty Dong, a scientist working at the University of California at San Francisco (UCSF) discovered in 1990 that Synthroid, a drug which at that time was taken by eight million Americans every day, was no more effective than three cheaper drugs. The pharmaceutical company which sponsored her research – Boots Pharmaceutical, which later became Knoll Pharmaceutical Co. – spent several years vigorously trying to prevent the publication of these findings, arguing that Dong’s research was flawed. Her research results were subjected to two investigations and only very minor problems were found. The conclusion from these investigations was that Boots/Knoll was harassing Dong because it did not want the public to learn these results. What Dong’s employer UCSF did was at least as alarming. At first the university’s lawyers agreed that Dong could submit her findings to the *Journal of the American medical Association* (JAMA), even though her research contract, which was approved by the university, required the company’s approval for publication. JAMA’s reviewers accepted the article and it was scheduled for publication on January 25, 1995, but a few weeks earlier Boots/Knoll threatened to sue UCSF. The university then urged Dong to withdraw her manuscript and she did. A while later a journalist from the *Wall Street Journal* learned of Dong’s study and wrote an article on what had been happening. This led to pressure from the Food and Drug Administration on Boots/Knoll and ultimately, 9 years after Dong completed the research, her results were published in the JAMA. As noted by Washburn: “[This] was a huge victory for Boots/Knoll, enabling the company to sustain Synthroid’s dominant position in a \$600-million market for drugs to control hypothyroidism. For the general public, it was another story. If an equally effective generic or brand-name preparation were substituted for Synthroid, Dong and her colleagues estimated that people suffering from hypothyroidism and other conditions would have saved \$365 million annually.” See Washburn (2005), p. 20 and the references given there.

provides the university with a financial incentive to promote such diffusion. However, we may accept that where extraordinary levels of investment are required to proceed from the research results to the marketplace, licence exclusivity may be necessary in order to allow the licensee to recoup that investment.

Third proposal: Require licensees to meet public interest goals, e.g. as regards sufficient and affordable dissemination of the invention.

One of the primary functions of a university is to provide services to the community. In as far as university *research* is concerned, one facet of this responsibility is surely to ensure that where research leads to products which meet a pressing need, those products are made accessible to the community. This is particularly relevant to essential drugs and other means for reducing disease burden, as well as for example to techniques for reducing pollution and increasing crop yields – more generally, this requirement relates to basic needs which are not met by existing products or which are met but at too high a cost.

Failure to meet these public interest goals could be sanctioned for example by loss of exclusivity, reduction of licence term, reduction in licence territory, etc.

Fourth proposal: As part of any licence agreement, require licensees to agree not to sue universities for IP infringement.

As discussed earlier, certain aspects of academic research in certain countries may not count as patent infringement, but other aspects do and in the US, e.g., the research exemption is currently almost meaningless. By their own collective actions, however, universities can claw back some freedom to carry out research without fear of incurring legal costs or damages or otherwise wasting scarce resources in litigation (including inter-university litigation).

The larger the number of universities that adopt such a policy of not suing other universities for IP infringement, the more effective it will be for all universities and the more beneficial it will be for scientific progress.

7 Conclusion

A long time has passed since the 1940 *Statement of Principles on Academic Freedom and Tenure* by the *American Association of University Professors*, which stressed *inter alia* that:

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.²⁸

²⁸American Association of University Professors, *1940 Statement of Principles on Academic Freedom and Tenure, With 1970 Interpretive Comments*, in *Policy Documents & Reports*, appendix 1 (9th ed. 2001), p. 3, quoted in Bagley (2006), p. 9.

Admittedly, academic patenting and licensing can generate significant social benefits, but these are not likely to be achieved by following the current approach of blindly promoting a pro-IP culture with hardly any attention being paid to negative effects and paradoxical consequences.

As Lemley puts it:

University technology transfer ought to have as its goal maximizing the social impact of technology, not merely maximizing the university's licensing revenue. A university ... is a public-regarding institution that should be advancing the development and spread of knowledge and the beneficial use of that knowledge (Lemley 2007, p. 14).

Unfortunately, this part of the story seems to have been somewhat lost along the way in the designing of academic patenting and licensing policies. However, better ways of doing these things are possible and urgently need to be implemented.

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(E)valuating Words: Money and Gain in the Therapeutic Economy

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Abstract One does not need to be a cynic to acknowledge that the psychiatric profession and the pharmaceutical industry form a marriage made in heaven. Psychiatrists benefit from the marketing of the latest drugs; pharmaceutical companies capitalise on the psychiatric diagnosis and treatment of mental disorders. Psychotherapists, psychoanalysts and related mental health care professionals who rely on the ‘talking cure’ seem to circumvent this insidious corporatisation of their clinical practice, but it does not stop them from placing a monetary value on the dispensation of ‘care’, and quite often in the absence of scientific, ‘evidence-based’ principles of treatment. Should we really believe that there is no such thing as a psychotherapeutic industry in which patients are cash-cows and practitioners are enriching themselves on the back of other people’s misery? How does one place a value on words anyway?

1 The Psychoanalytic Balance Sheet

Taking the vantage point of contemporary Western health economy, which favours evidence-based treatment, rigorous quality-control, reliable outcome measures, standardized training procedures and active patient participation, the practice of psychoanalysis must appear as exceedingly outdated and hopelessly out of place, a lingering remnant of “old Europe” which has consistently failed to search the state of its own soul. Psychoanalysts have never been able to present definitive reliable proof that their interventions are effective, let alone how this effectiveness is brought about.

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They do not want to be evaluated and generally eschew evaluating themselves with a view to demonstrating the intrinsic quality of their practice, occasionally exposing the current culture of evaluation as a pseudo-scientific, mystical enterprise that is purely designed to alleviate public concerns over social well-being and substantiate the hegemony of a certain authoritative discourse of mental and physical health.¹ Why does this exasperate representatives of the “new mental health economy” so much? Is it because psychoanalysts are perceived as dangerous individuals, whose dubious theoretical claims and disputable clinical techniques constitute a major risk to public health? My hunch is that the real issue lies elsewhere and that, much like in any economic system, the debate revolves around money. Yet the problem is not so much that “accredited, evidence-based practitioners” lose money because patients decide to spend it on their maverick counterparts, nor that health insurance systems are spending money on treatment plans that manifestly defy their most cherished principles, even less that the “endlessness” of a psychoanalytic treatment may adversely affect the economy as a whole because it prolongs the patient’s inactivity. The key problem is much simpler: psychoanalysts are under attack from the new health economy because they ask money for what they do. If, like priests, they were to offer their services for free, as an act of philanthropic generosity inspired by a fundamental commitment to the mental well-being of their fellow citizens, no one is likely to be bothered by their reluctance to buy into contemporary standards of care.

Perhaps I should slightly qualify my assertion, here, and say that no one is likely to be bothered as long as psychoanalysts were to do their thing for free, or were only asking “peanuts”. After all, under conditions of high capitalism there is no such thing as a free lunch, and nobody can be expected to work for free all the time, unless indeed the person is self-effacingly altruistic, driven by God or the spirit of charity. Thus, the problem is that psychoanalysts are deemed to ask “too much” money for what they do. Their practice is not regarded as a “cost-effective” service that is good “value for money”. And to make things worse, rumour has it that the average psychoanalytic fee largely exceeds that of non-psychoanalytic therapies in the broad field of non-medical mental health care. Before long, what starts off as a seemingly innocuous question about costing develops into a full-blown scandal. “Why are the fees of psychoanalysts so much higher than those of other psychotherapists? Why do they so often insist on being paid in cash? Why has psychoanalysis, on the whole, always been the business of wealthy people (and thus of those who are well off)? And why do psychoanalytic institutions so often receive legacies and donations from grateful patients?” (Meyer 2005). These are some of the questions formulated by the editor of *Le livre noir de la psychanalyse*, under the heading of “The Ethics of Psychoanalysis?”, and if one knows that they function as an introduction to a paper by Peter J. Swales, it becomes instantly clear that many pecuniary skeletons will be discovered in the psychoanalytic cupboard.

I will hopefully be excused, here, for not showing Swales’ investigative acumen and leaving his many “scandalous” findings aside. Instead of regurgitating and

¹See, amongst other psychoanalytic diatribes: Miller and Milner (2004).

criticizing his examples of Freud's alleged lack of integrity in money matters, I actually prefer to bring out some more "dirty linen", not from Freud's consultation room, but from that of his truest follower Jacques Lacan, in order to demonstrate that the carefully maintained surplus on the psychoanalytic balance sheet can easily be stretched out beyond the boundaries of the Bergasse.

In 1989, the French writer Pierre Rey published an extensive account of his analysis with Lacan, which he had decided to undertake when his life seemed to be at risk of being washed away by the rising tide of an undefined malaise. At the end of his first session, Rey asked Lacan how much he owed him: "Although nobody had told me, I already knew the figure he mentioned to me. I had realized that it would be exorbitant. It was. It matched exactly the amount of money I had managed to borrow the night before from two friends who were as broke as I was. So without surprise I gave him my three notes, and they disappeared immediately into the pocket of his trousers. With a big smile on his face he shook my hand and said: 'Until tomorrow'. I told him that unfortunately this wouldn't be possible because I had no means of paying him. He still held my hand and I tried to find a way of taking it back without giving him a reason for being offended. As if he hadn't heard what I'd said, he opened the door and repeated the words: 'Until tomorrow' (Rey 1989, p. 52)." This scenario would become a template for all subsequent analytic sessions: Rey has no income, needs to borrow money, succeeds in finding a benefactor, hands over all his money to Lacan, complains that he cannot afford the next session, meets Lacan's indifference, is told to come back the day after, spends the rest of the day trying to borrow money etc. On those occasions when he has failed obtaining sufficient funds, Rey comes to his session feeling guilty and ashamed. Lacan remains silent, yet when Rey's debts accumulate he threatens to break off the analysis if he does not settle his bills (Rey 1989, p. 102).

Second vignette. Returning from Africa, where he worked as an agricultural engineer, Gérard Haddad decides to start an analysis with Lacan, after having read Althusser's texts on psychoanalysis. At the end of the first session, during which Haddad talks about the traumatic experiences that haunt his mind and Lacan explains to him the process of psychoanalysis, the inevitable issue of money is raised: "'For this consultation I shall ask you (he hesitates for a moment) ... 200 Francs ...' With my engineer's salary, 3,000 Francs [per month] in 1969, this sum of 200 Francs seemed considerable to me, inhumane actually. I did have some savings, which I had told him about, and which he had referred to with a term that struck me as rather odd, 'your little nest egg' (Haddad 2002, p. 86)". On his way to his first 'proper' session, Haddad is held up in traffic and arrives 15 min late and Lacan tells him he does not like it. Haddad explains the situation and then broaches the vexed issue of the fee: "[Lacan] immediately mastered the situation with the words 'I knew your lateness had other reasons'. . . Didn't you mention to me that you owned a nest egg? In any case, this sum is the price of my consultation. But it's not what I shall ask you for your analytic sessions . . . It'll be . . . let's say half of this, 100 Francs, that is to say, for 3 weekly sessions, taking account of holiday periods, about 1,000 Francs [per month], one third of your income, which is the accepted norm for the cost of an analysis' (Haddad 2002, p. 89)". Haddad still feels

that the monthly cost will be taxing, but he accepts Lacan's "bargain", and the analysis gets underway.

One does not need to be a punk-historian with an incorrigible anti-establishment spot in order to feel disconcerted, nay outraged by the seemingly ruthless attitude towards money that Lacan displays in these two situations which, it needs to be said, were recorded by analysands with an unequivocally positive transference towards their analyst. And quite apart from the fact that the fee appears as excessive, not only to the patients but also to the readers of their stories, it is imposed upon them as a non-negotiable "condition" of the treatment, or purportedly decided by the analyst in quite arbitrary fashion, with no room for manoeuvring on the side of the patient, by means of an obscure financial equation in which the analyst's prestige and the analysand's capital (income, savings and borrowings) are the only variables. In light of these narratives it is difficult to avoid the idea that the psychoanalyst (and there is no reason to believe that minor celebrities would be more scrupulous) has succumbed to the law of capital, and that the desire of the analyst is but another word for the deadly sin of greed. As it happens, the cynic would no doubt argue that psychoanalysis is worse than capitalism, here, because it validates an economic system in which "sick people" are told to pay for their own work—indeed, people entering psychoanalytic treatment are expected to produce free associations, to delve into all kinds of unpleasant things and to 'work through' their symptoms, with the analyst simply appearing to sit back, relax and wait—whereas in a capitalist production process labourers at least receive some form of recompense for their hard labour. If the capitalist pays the labourers for their time whilst simultaneously exploiting them by virtue of their production of surplus value, then the psychoanalyst emerges as an über-capitalist by only allowing labourers to work on condition that they pay for their own labour.

2 Money and Time in the Psychoanalytic Transference

Without wanting to justify the practices described by Rey and Haddad, it is no doubt fair to say that they represent "local" arrangements and should therefore not be employed as reliable indicators of a generic rule. It is crystal-clear from Rey's account that Lacan did not observe the famous principle of the "sliding scale"—adapting the fee to the patient's earnings—yet it is by no means obvious that his fee was *de facto* excessive. Although there is little solid ground to build a persuasive case, for all we know Lacan may have been as unfathomable as Freud, who made little financial allowances for the Wolf Man during the time of his analysis yet did not hesitate to provide him with an occasional stipend after the treatment had finished (Obholzer 1982).

Whatever the case may be, psychoanalysts have always been better at explaining the significance of money in the mental economy of their patients than in the clinical economy of their own discourse. The classic Freudian trope is that money equals shit. It is generally accepted that Freud broached this connection for the first time in

a letter to Wilhelm Fließ of 22 December 1897 (Masson 1985). Sharing with his correspondent an “old fantasy” of his becoming “a new Midas”, Freud conceded that on the basis of certain linguistic derivations he had discovered that a great many things, including money, can be traced back to “coproerotic terms”. Some 10 years later, the case-study of the Rat Man substantiated Freud’s initial intimation and prompted him to develop an elaborate theory of the anal eroticism which governs the psychological significance of money.² Although post-Freudian authors such as Fenichel expanded Freud’s theory to include both additional libidinal components and interactive processes between the intra-psychic drives and the social structures in which they operate, the gist of the equivalence between money and shit still stands (Fenichel 1955). And this ongoing belief in the anal foundations of money not only applies to the field of psychoanalysis, but also rings true for the wider popular imagination: the miser is identified as an anal-retentive character, whereas the spendthrift is suffering from uncontrollable diarrhoea. Given the clinical materials on which Freud based his theory (the case-study of the Rat Man and, to a lesser extent, that of the Wolf Man) it also does not come as a surprise that psychoanalysts have primarily situated the excremental value of money within the realm of obsessional neurosis, to the point where psychoanalytic social theorists such as Reich and Fromm designated capitalism as an institutionalised form of obsessionality.

Compared to Freud’s detailed explorations of the unconscious meaning of money, his justifications for the analyst’s insistence on being paid for the treatment are rather bland: (1) money is “a medium for self-preservation and obtaining power”; (2) offering free treatments substantially reduces the analyst’s revenue because of the time-consuming nature of the analytic process; (3) treating patients for free hinders their progress, because it “enormously increases some of a neurotic’s resistances” (women fall victim to their transference-love and young men do not know what to do with their gratitude); (4) money regulates the analytic process and offers the patient a motive for ending the treatment (Freud 1958). No mention of anal eroticism when it comes to describing the analyst’s remuneration! It does not seem to have crossed Freud’s mind that the analyst’s fee may be equally bound to the analyst’s faeces. In addition, however sensible each of the motives on Freud’s list may be, when put together they somehow conjure up the famous “logic of the kettle” from his analysis of the so-called “Irma-dream” in *The Interpretation of Dreams*: in not wanting to admit that one has made a mistake, one comes up with a lengthy series of mutually incompatible, defensive arguments, which prove all the more that one is guilty as charged (Freud 1953). In Freud’s case, the most obvious motive not to be admitted would be that he does it for the money, that is to say that he charges patients (high) fees because he enjoys increasing his capital. This would no doubt be awkward to admit for anyone, and might even deter the most ruthlessly exploitative capitalist, yet psychoanalysts would no doubt be doubly embarrassed by

²Freud (1955). During the time of his treatment of the Rat Man, Freud also wrote a short theoretical text in which he identified three key character traits associated with anal eroticism: obstinacy, orderliness and being parsimonious. See Freud (1959).

publicly revealing their extrinsic motivation by the money-machine. For in conceding a money-motive, the analyst on the one hand compromises on his desire, contaminating it with the lowest and dirtiest of libidinal objects, whereas on the other hand he is unable, much more than other professionals, to pinpoint the exact nature of the service that he provides—the object that the client is buying—and to guarantee its positive effects on the service user (the quality of the object). I shall return to this thorny problem at the end of my paper, demonstrating how it also crucially affects the way in which the discourse of psychoanalysis operates with regard to the accumulative, inflationary politics of a capitalist economy.

When taken separately, Freud's reasons for asking patients to pay for their analysis definitely make more sense, although some make more sense than others. For example, Freud is no doubt right when suggesting that in an urban society citizens need money in order to survive and maintain their power (socio-economic and symbolic power, we may assume), yet this does not in any way imply that an analyst is forced to charge for her sessions—if only because she might easily be able to guarantee a stable income via other means. No one forces the psychoanalyst to commit himself exclusively to his clinical practice, and if he practices “after hours”, Freud's first reason for operating with a fee-system becomes obsolete. The pragmatic tone of my argument, here, should not diminish its importance for determining the nature of the psychoanalytic balance sheet and its potential inclusion of “non-analytic”, “fraudulent” practices. For the extent to which a psychoanalyst is exclusively devoted to his patients may very well determine his desire at the end of the analytic treatment, the more so as patient-resources become scarce owing to increased competition amongst analysts or, indeed, due to the emergence of an anti-psychoanalytic (health) culture. Within a market ideology, the last factor, which is exemplified by the publication of the aforementioned *Livre noir de la psychanalyse* as well as by the advent of purportedly more cost-effective treatments such as cognitive-behavioural therapy, is unlikely to do much damage to the respectability of psychoanalytic theory, which has historically shown a remarkable ability to withstand the most serious intellectual attacks and to recover from the most seriously tarnishing onslaughts on its reputation, but might very well decimate the psychoanalytic client base. Would it be so unthinkable, then, for the psychoanalyst who has to make a living out of her clinical practice to raise her fee, or to try to persuade her analysands to carry on with their analysis even when they believe that it is time to leave? Time is money and the psychoanalyst has no means of escaping it: the more he devotes himself to the practice of psychoanalysis, the more he has to live off his practice, the more his analytic desire might be (consciously or unconsciously) influenced by monetary considerations. The pseudo-paranoid client principle that emerges from this is: Never trust a permanent full-time psychoanalyst!

The third and fourth reasons specified by Freud open up less pragmatic perspectives (with regard to the analyst's maintaining an income), and throw the reader headlong into extremely complicated debates concerning the relationship between the psychoanalytic fee and the deployment (and analysis) of the transference. Freud suggests that free treatment adversely affects the transference inasmuch as some patients (particularly young females!) might interpret the analyst's generosity as an

act of love and consequently fall prey to their own erotic transference, whereas other patients (particularly young males!) might prematurely leave the treatment because they cannot cope with their feelings of gratitude. In brief, Freud surmises that money may help some patients (the young females) to end their analysis, whereas it may help others (the young males) to continue. Two key principles can be derived from these observations: (1) Money monitors the transference, and since the transference decides over the duration of the analysis, money plays a crucial part in the temporal regime (individual length, proposed frequency, pro- and retrospective amount) of the sessions and the analysis as a whole; (2) The nature of the relationship between money and the transference depends on subjective variables and can therefore not be formulated in one single general rule.³ Freud posits that paying the analyst is different for young women as opposed to young men, but given his own in-depth reflections on the anal qualities of money and their quintessential value in the mental economy of obsessional neurotics, it is to be expected that the act of paying will also acquire a different meaning depending on the patient's libidinal dynamics.

Freud's construction, here, of the intricate links between money, time and transference, elicits a range of difficult theoretical and technical questions, many of which remain unresolved. First of all, Freud contends that the patient's money neutralizes the possibility of the latter investing the analyst's service with unproductive unconscious meanings. In an almost casual aside (moreover formulated by means of a question), Lacan made a similar remark when commenting on C. Auguste Dupin's eager acceptance of 50,000 Francs in exchange for the return of the purloined letter in E.A. Poe's eponymous story: "And is it not the responsibility their transference [of the purloined letters that the patient deposits in the analyst] entails that we neutralize by equating it with the signifier that most thoroughly annihilates every signification—namely, money?" (Lacan 2006). In emphasizing the peculiar semantic function of money—the meaning of money is that it evacuates meaning—Lacan follows Freud, yet in designating money as a signifier he also explicitly strips it of its economic value (as something that buys and procures, despite or perhaps by virtue of the fact that it is not a natural resource) in favour of its linguistic value (as something that represents and refers). The question that follows and which was already looming on the horizon of Freud's own construction is whether only money (the economically sanctioned means of payment) can function as a money-signifier, or whether other objects can also acquire the same annihilating semantic quality as "real money". Does the patient always have to pay in cash (or by cheque), or can he be allowed to pay by means of another object, on the grounds that any object can potentially be a money-signifier? The higher the importance one attaches to the aforementioned pragmatic point of view, which underlines the necessity of the psychoanalyst's earning his living, the more this question will probably be experienced as uncomfortable. But since psychoanalysts are supposed to be particularly attuned to the most uncomfortable questions, there is no excuse for discarding it—which does not mean that I intend to resolve it.

³Drawing on Hegel's famous dictum that the concept is the time of the thing, Lacan argued in *Seminar I* that transference is the time of analysis. See Lacan (1988).

If we accept, then, that money (regardless of its shape and size) sustains the analytic transference as a workable process, the idiosyncratic relationship to money every patient brings to analysis, professionally and/or emotionally, may still shatter the analyst's technical coordinates. The difficulty is summed up in the question formulated by the honourable Kurt R Eissler in a 1974 paper on paying fees for psychoanalytic treatment: "Should one accept a fee when one analyses a call girl?" Demonstrating that he did not want his point to remain in abeyance, Eissler immediately proposed that "the analysis has a far better chance of success if the payment of a fee is postponed until such time as the patient has made a new professional choice" (Eissler 1974). Really? I am not sure whether I understand why this would be the case. In an astute comment on Eissler's suggestion, John Forrester has argued that "it is only when the woman thinks the analyst is doing it for love, not money, that the seduction essential to analysis will start to unfold. The call girl is too much like the analyst to be seduced—she knows what the price of love is, she knows what an hour is worth—no ambiguity. Only when money and love no longer fully correspond with each other will the seduction start, will her words begin to fill up with ambiguity. The analyst knows too well how to weigh words, just as the call girl knows that the whore with a heart of gold is an effect of language" (Forrester 1990). However admirable Forrester's reading of Eissler's proposition may be, I remain unconvinced that the latter is a splendid technical recipe for the analyst's seducing or being seduced by his patient-call girl. Wouldn't it be better for the seduction to unfold, in all its ambivalent complexities, if the analyst demands that the girl hand over a substantial proportion of her earnings, much like her pimp? And wouldn't the removal of the fee increase the possibility, here, as Freud had already asserted, of the call-girl acting upon her erotic transference, especially since she must have grown used to exchanging sex for what she wants from the other, in this case not money but precisely a form of treatment? Once again, these questions shall remain unanswered, yet they hopefully illustrate how confused and conflicted the psychoanalyst may be when trying to adjust the fee to the specific mental economy of his patient.

Over the last 50 years or so many psychoanalysts have endeavoured to solve the ineluctable transference qualities of money in psychoanalysis by adopting a so-called "rigorous fee system", whereby the analyst presents all the concrete financial arrangements of the treatment to all patients in the same standardized and non-negotiable way at the start of the process, whilst also alerting patients to sanctions for non-payment and charges for missed sessions, in order to avoid creating welcome opportunities for absence whenever their emotional conflicts would be too strong. It seems that psychoanalysts have attempted to eradicate the anxiety associated with the fundamental impossibility of formalisation in analytic money matters with a return to the strictest of formalisms. One is involuntarily reminded, here, of how the psychoanalytic community "resolved" the impossible question of the time (duration) of an analytic session by imposing the 50-minute hour. Critics of the "rigorous fee policy" have pointed out that they are "more likely than more flexible approaches to be determined by unsolved conflicts of the therapist", by which we are presumably supposed to understand that the analyst who employs a "rigorous fee policy" has somehow failed to come to terms with his own anal eroticism, transforming

analysis into professional anal-ism (Schonbar 1986). Technically, however, “rigorous fee policies” seem to be primarily designed to prevent the patient’s transference from being affected by the circulation of money or, vice versa, to preclude the possibility of payment being invested with transference qualities. As such, the analyst no doubt wants to maintain better control over the treatment, yet by the same token she might also seal off an important section of the analytic playground. And it is by no means sure, even, that “rigorous fee policies” can be rigorously adhered to in each and every situation.

A married man in his mid-30s comes to see me because he wants “to build confidence” and “be in control”. When I ask him what he means by that he says that he suffers from a lack of confidence both in his professional life and in his relationship with his wife. Professionally, he is incapable of making promotion at work, thus ensuring a better social position for himself and guaranteeing a higher income, because every time he applies for it and he is called in for a promotional interview he falls ill and is forced to postpone the event. Sexually, his relationship with his wife is strained because he has never been able to have full penetrative genital intercourse with her. Every time he enters her, his erection “melts like snow under the heat of her body” and they end up having oral sex instead. In recent months, he continues, his confidence has been given another “blow” in relation to a specific sexual activity he has started engaging in, and of which his wife is completely unaware. For some months, he has started visiting gay bars, where he has found a great deal of satisfaction using “glory holes” (small openings in the partitions separating the cubicles of the men’s toilets), through which he puts his erect penis hoping that another man “on the other side” will take advantage of it to give him a blow job. He explains that he did not start doing this because he is a “closet gay guy who has finally come out”, but rather because he believed it would help him getting over his confidence issues at work and with his wife. As a participant in the gay community, he felt he would be able to build the confidence he needs in order to affirm himself better in his job and to have better sex with his wife. Yet recently he discovered that every time he tried, or was invited to go “beyond the partition principle” and have sex with a whole man (and a man’s hole) he would fail and retreat back feeling shy and embarrassed. “I want to build confidence,” he says, “so that I would no longer need to have recourse to glory holes, but would be capable of approaching another man directly, without the protection of the partition.” “It would entail,” he continues, “the transformation of the glory hole into an experience of holy glory”. When I point out to him that his building confidence would no longer require this transformation, because he only decided to participate in the gay community owing to a *lack* of confidence, he looks slightly bemused, but goes on to tell me that his “real problem” is that he is unable to handle the other’s demand. Whether it concerns his wife demanding that he has genital intercourse with her, or his boss “expecting” him to apply for promotion, or the promiscuous gay men being hungry for sex, he cannot supply what they are asking him to do. At this point, he looks at me and says that the “reason why he came to see me, a Lacanian psychoanalyst, is that he has heard that Lacanians are very undemanding.” He explains that he was forced to “sack” his previous therapist because he did not understand anything about

the nature of his problem. I ask what brought him to that conclusion and he says that his ex-therapist “demanded” that he come three times a week and “demanded” a fee of £60 per session. “Given my problem”, he explains, “he should have known that I wouldn’t be able to cope with this.” “And so I hope, no I insist that you don’t do this. Because of my problem, I am the only one who is capable of deciding over the frequency of the sessions and the fee.” Having said this, he looks at his watch and says “I’d better go. I’ve already taken up too much of your time”. Yet before leaving he asks “So what do you think of all this?” “You have a major confidence issue,” I respond. “I see that you understand the severity of my problem,” he says, and he ensures me that he will be back in touch soon in order to schedule a new session.

This brief summary of the contents of a first session not only demonstrates how money, time and transference can be extraordinarily and quite symptomatically intertwined, but also how challenging it can be for a clinician to decide upon a fee policy that allows the transference to unfold without allowing the patient to direct and control the treatment process. In cases such as this one, which may be unusual but which nonetheless exist, any “rigorous fee policy” is *a priori* wrestled out of the analyst’s hands. This might not stop some psychoanalysts from trying to rescue it and presenting it even more forcefully as a necessary precondition for the treatment, yet in the aforementioned case I would have been very surprised if this kind of inflexible approach had made the patient return to embark upon a psychoanalytic journey. In matters of money, I would prefer to extrapolate Freud’s warning in “On Beginning the Treatment”: “The extraordinary diversity of the psychological constellations concerned, the plasticity of all mental processes and the wealth of determining factors oppose any mechanization of the technique; and they bring it about that a course of action that is as a rule justified may at times prove ineffective, whilst one that is usually mistaken may once in a while lead to the desired end (Freud 1958, p. 123).” In matters of money, the psychoanalyst should be as ruthlessly flexible as in every other aspect of his service. How far this principle can and should be taken within one and the same treatment remains to be seen. Would anyone dare to justify, here, the implementation of a “variable cost session”?

3 The Analyst as Surplus Value?

Most psychoanalytic accounts of the circulation of money within the treatment focus on its significance within the mental economy of the patient. As such, Freud emphasized money’s anal dynamics, whereas post-Freudians such as Fenichel developed a more encompassing libidinal picture of subjective attitudes to money, which was subsequently endorsed by authors such as Borneman and, more recently, Herron and Rouslin Welt, Reiss-Schimmel and Vasse (see Borneman 1976; Herron and Welt 1992; Reiss-Schimmel 1993; Vasse 2008). As I pointed out in the previous section of this essay, Lacan, in his scarce glosses on the meaning of money, has tended to emphasize, not surprisingly perhaps, the linguistic dimension of money *qua* signifier, to the detriment of its libidinal value, whereby he asserted (although on

probably no more than one occasion) its annihilating function for all signification. Although endlessly regurgitated, this “precious” statement might actually benefit from a dialectical reading with the only other passage in Lacan’s written works where he addressed the issue of money, notably in “The Function and Field of Speech and Language in Psychoanalysis”, if only because in this paragraph, which was written earlier, Lacan designated speech as a form of money, thus not only emphasizing the latter’s exchange value, but also suggesting its intrinsic ambiguity (Lacan 1953).

Rather than trying to reconcile these ostensibly incompatible accounts, I would like to explore, for the last part of my essay, a different avenue and investigate the significance of money within the mental economy of the analyst, as the professional who directs and monitors the treatment, and its function for the maintenance of the analytic discourse. I am not afraid to concede, here, that my desire to examine these issues was inspired by what I now no longer doubt to be a typographical error. When trying to read Pierre Martin’s ultra-Lacanian, and therefore ultra-unreadable book *Argent et psychanalyse*, I came across a remarkable reference to Lacan’s representation of the four positions in his formulae of the four discourses.⁴ Martin reproduces Lacan’s general schema of the discursive positions as follows:

$$\begin{array}{ccc} \underline{\text{L'argent}} & \rightarrow & \underline{\text{le travail}} \\ \text{la vérité} & & \text{la production} \end{array}$$

The terms will be overly familiar to any Lacanian scholar who has spent some time reading through Lacan’s *Seminar XVII*, with one exception: in the top left hand corner of the schema Lacan did not put “l’argent” (money), but “agent” (agency). That the mistake is not on the side of the editor of Lacan’s seminar, which had not been published at the time Martin’s book came out, is borne out both by Lacan’s glosses on his schema and Martin’s own interpretations of it. This strange conflation of agency and money in Lacan’s heuristic for his four discourse formulae nonetheless re-activated my interest in his theoretical elaborations of the late 1960s and early 1970s, which eventually brought me to Lacan’s most extensive and thought-provoking discussion of money. The text in question, which I have never seen referenced and which does not even appear in Martin’s book, concerns the transcript of a verbal intervention Lacan made at Aix-en-Provence in 1971, after a paper by P. Mathis (Lacan 1972, pp. 195–205). I have no way of knowing how faithful the transcription is, nor whether Lacan’s comments were summarized, truncated, edited or rendered verbatim, in extenso. The transcript makes clear that other interventions during the discussion, such as those by Félix Guattari, were left out, yet this does not mean that all of Lacan’s were left in.

In his response to Mathis, Lacan proceeds with an explanation of the place of money in his four discourses, thereby relying on his own identification of the object *a* with Marx’s notion of surplus-value. Although Lacan’s comments on money in the master discourse and especially the university discourse are rather difficult to

⁴Martin (1984). For Lacan’s four discourses, see Lacan (2007).

follow (and he seems to have forgotten about the hysteric's discourse), his take on the analytic discourse is both clear and provocative: "I think it's impossible to say something about the function of money [in the analytic discourse] without asking oneself, from the beginning, whether money is situated at the place of the analyst, whether it can be identified with this object *a* . . . What could this possibly mean? Perhaps this could be a starting-point, perhaps we could make an effort here to think about the meaning of these things, because at the end of the day placing the object *a* there [in the top left-hand corner, the place of the agency of the analytic discourse] must mean something. This is what I propose to you, and perhaps I can expect that someone responds to me on this point (Lacan 1972, p. 205)." If an answer was forthcoming it was definitely not included in the proceedings of the conference!

Of course, the extraordinary thing about Lacan's comment or rather question, here, is that it validates the typographical error in Martin's book with reference to the analytic discourse, in which money would indeed seem to operate from the place of the agency, at least as surplus-value. Put differently, Lacan's provocation suggests that there is one case in which Martin's typographical error actually constitutes an accurate representation of a discursive economy, notably that of psychoanalytic practice itself!

Within the space of this essay, I can only offer some small fragments of a possible answer to Lacan's question concerning the meaning of surplus-value as agency, in the place of the analyst, for the analytic discourse. In Marx's theory of a capitalist political economy, surplus-value is the social product (which the capitalist acquires in the form of profit) resulting from the accumulated excess of labour-time. Surplus-value is by definition a "gain" for the capitalist and it substantiates the latter's drive to accumulate wealth. In this sense, it is easy to see how the structure of capitalism coincides with Lacan's discourse of the master, although on one occasion, in a conference held at the University of Milan on 12 May 1972, he actually interchanged the terms on the left-hand side of his formula of the master's discourse, thus seemingly creating a "fifth" discourse of capitalism (Lacan 1978). However, the change in question did not affect the position of surplus-value (Lacan's object *a*) as a discursive product. The difficulty with Lacan's shift of surplus-value to the place of the agency, in the discourse of the analyst, is that it forces us to completely rethink the notion of surplus-value, which from a Marxist point of view only seems suitable with reference to something that is generated "on top", "in addition", as a "bonus". In the place of agency, surplus-value is not the effect but the cause of the labourer's exploitation. In a capitalist economy the labourer is paid for his labour, yet his labour time is excessive; in a psychoanalytic economy the labourer does not sell his labour force, but actually pays for it, as a result of which the exploitation is somehow inverted: instead of the labour time being excessive compared to the financial rewards that it brings, the financial efforts become excessive compared to the rewards in labour that they represent. And so the upshot is that the labour itself is thrown into doubt as something that is by definition productive and conducive to the emergence of a good, better, improved product.

This fundamental questioning of the intrinsic value of labour, as an activity which leads to the creation and accumulation of valuable products, is, I believe, the main

reason why the discourse of psychoanalysis is so unacceptable under conditions of high-capitalism, which also preside over Western health economy. Whereas a capitalist economy celebrates an accumulative, inflationary politics (not only with regard to money, but pertaining to all types of social goods, including health, social status and knowledge), the psychoanalytic economy is fundamentally at odds with this principle of “more is better”. This does not imply that the analytic discourse glorifies idleness, but rather that it forces its “labourers” to question the rationale and value of their work within their own economy of desire, which is precisely what may undermine their potential as diligent labourers in a capitalist production process.

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Copyright: A Curse or a Blessing?

Evi Werkers*

Abstract Whereas in earlier times copyright was a clear-cut concept both for creators and users of original works of art, today both parties seem to be tangled in the web of modern copyright regulation. Copyright is generally seen as a complex, technological matter in which only lawyers can find their way these days. The challenge for legislators is to protect the cornerstones of copyright law (culture, cultural diversity, mutual respect, freedom of expression, etcetera), while taking into account the technological and sociological developments.

1 Introduction

At the source of copyright lies the stimulation of creativity in society. By granting legal protection to original works – resulting from the creative efforts of a human being – intellectual property rights simultaneously aim to provide incentives to artists to continue to produce original works, which in turn is good for the economy. The relation between copyright regulation/creativity and culture always seemed an evident one. But this rather romantic view has been recently replaced by a conflict between content producers seeking for more protection measures to counter digital piracy on the one hand and users seeking for better protection of their rights as creative “prosumers” on the other hand.

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It goes without saying that digitisation as a technological (r)evolution enabled both negative and positive developments in the context of e-culture. *Negative* in the sense that it introduced online piracy, illegal peer-to-peer networks or other platforms where content is shared, copied, modified and re-used for free without prior authorisation and/or a fair remuneration for right holders in exchange for certain uses. *Positive* in the sense that digitisation also emerged opportunities such as e-learning, virtual platforms to exchange experiences, opinions and information, international digital libraries, digital archives, on-demand-services enabling an extended use of works, user-generated-content (as opposed to professional content) etcetera. As a consequence, the public domain has known an overwhelming growth and the need to protect it as a source of knowledge and creativity which people are free to share and to use to (re)create, became primordial.

Since the economic and technological context of cultural products changed drastically, subsequent regulatory initiatives were taken on European level to “modernise” copyright. Throughout that process, policy makers and legislators tried to take into account the aspirations of creators, investors and creative users as well as the different cultural traditions of Member States with regard to copyright. Though the legislator certainly attempted to balance both interests, we cannot help but wonder whether he has actually succeeded in that task or has in fact yielded to the lobbying of the creative industry. Can copyright still be embraced as a rightful system or should we abolish it as a whole?

Whereas in earlier times copyright was a clear-cut concept both for creators and users of original works of art, today both parties seem to be tangled in the web of modern copyright regulation. Copyright is generally seen as a complex, technological matter in which only lawyers can find their way these days. The challenge for legislators is to protect the cornerstones of copyright law (culture, cultural diversity, mutual respect, freedom of expression, etcetera), while taking into account the technological and sociological developments. Law is a human science, not an exact one. It constantly needs reassessment in the search for the right balance of interests in the international networked information society we live in today.

2 New Technologies and Opportunities: Unknown, Unloved?

Since the invention of printing media, fast evolving new technological developments, have traditionally always caused panic amongst content providers since they do not merely enable to make a paper copy (“reproduction”), but also to broadcast the work via radio and television, to send it through cable or free to air channels, to record it, etcetera. Digitisation opened the door to an even greater variety of content applications and services with an interactive character. The user now has a much wider array of networks (internet, satellite, cable, terrestrial means), digital media (television set, mobile phone, ipod) and services (linear and non-linear television, movies on demand, streaming radio, social networks, blogs) at his disposal to view, read or listen the content he selected at a chosen, time, place and carrier. What also

makes the internet quite different from previous technologies is its worldwide network and the almost infinite storage space, which is open to all sorts of content providers. New creative uses are enabled by the availability of digital born or digitized content on the internet which can be consulted, downloaded, copied, and combined in multiple ways. The way we use technologies has changed the way we experience culture, gain knowledge and consume entertainment.

In the eyes of the enclosed circle of the traditional content production industry (film producers, music producers, book and magazine publishers) this is a serious threat, both from an economic and a moral perspective. *Firstly*, the distribution of works is no longer limited to recordings via controllable channels. Once a work is created and put online, it distributes itself via the divergent providers of services, networks, platforms and their users. Particularly peer-to-peer networks are seen as the “thorn in the eye”, seducing teenagers to the practice of illegal file sharing and robbing artists from their income. *Secondly*, a work can be modified by internet users and providers in such a way that it can be quite harmful for the author’s reputation. Works can be ripped out of their original context, combined with other elements of other works through computer-based applications (mash-ups) or human interventions, resulting in derivatives.

However, it’s not all black and white. Digitisation also opened new doors in terms of profit: via on demand tools, mobile applications and internet gaming, the creative industry has found a new market. Financial losses due to the decreasing sale of offline products such as CD’s are in that sense compensated by the new online services. Recent studies even point out that the usage of peer-to-peer networks has a potentially positive effect on the purchasing habits of consumers who discover more content (Huygen et al. 2009).

3 The “Artist” Versus the “Amateur-Creator”

From a consumer perspective, the internet opened a whole new world of possibilities. The internet considerably lowered the threshold and has made it possible for everyone to share digital content and to create new content on a worldwide scale without having to count upon intermediaries providing the technological and financial support. As a consequence writers, musicians and other artists face competition of a whole new crowd of non-professional players producing content which receives as much attention and appreciation of the audience.

The open character of the internet encourages users to seek for creative content more actively and to produce and share content with others through new creation and communication tools that are often granted for free via the digital gateway. They can consult the website or twitter page of their favourite music groups to stay informed about their latest concerts and experiences on tours, share photo albums with friends, provide impressions or thoughts after having read a book, comment on a news article or simply communicate with others via the many information society services.

In terms of freedom of expression – enshrined in numerous international treaties and national constitutions – internet has opened a door which is truly unique in

history. Never before was there such an unlimited pool of creative and informative content, produced by and available to professional and non-professional actors on a worldwide platform. The success of popular social networks or portals such as Facebook, Twitter or YouTube gave a considerable boost to self-expression (creativity), the free flow of information and cultural diversity amounting to fan fiction, mash-ups, blooks (blog books), aggregation services, music sampling, etcetera.

However, it also emerged legal disputes amongst content producers. The court case brought by Harry Potter's creator J.K. Rowling against one of her most prominent fans for the creation and the imminent (commercial) publication of an online Lexicon in book format, is one of the most famous examples of how participatory culture can lead to conflicts of interests between creators and fans.¹ The rise of new technologies emerged extensive debates on the exact scope of economic rights granted to creators of original, copyright protected works. The open, ubiquitous and participatory character of the web 2.0. context, and the rapidness by which works of all kind are copied in part or as a whole is in sharp contrast with the current rules of copyright.

4 Put Your Work to the Originality Test

Increasingly problematic is the blurring border between what is copyright protected and what is not. Copyright not merely protects "artistic" works, as is often wrongly presumed. Throughout the years the "originality" test has been lowered significantly, which led to a growth of works that tend to be rather functional or informational instead of artistic. Copyright protection is not only granted to music, paintings, sculptures, poetry, performances by professional dancers, movies produced by professional film producers, but also to original databases, software programs, scoops in newspapers, manuals, etcetera. Since digitisation opened the door to web 2.0. and web 3.0. applications – turning users into creators and vice versa – the distinction between what is original copyrighted material and what is not has become even more pressing. Photographs on Flickr, amateur videos on YouTube, fan blogs: do they qualify as original copyrightable content?

There is a tendency in case law to grant copyright protection to works or elements of works which at first sight might not seem original. Ultimately it is up to a judge to decide whether a work can endure the originality test or not in case of a legal dispute: is the subject matter the fruit of the intellectual efforts of a human being and does it bear the stamp of his personality? The Belgian judge in the *Google News v. Copiepersse* case decided that titles of news articles can be copyright protected.² In the case of *Infopaq International A/S vs. Danske Dagblades Forening*, the European Court of Justice ruled that a data capture process, which

¹For an analysis on fan fiction see for example Schwabach (2009).

²Pres. Court Brussels 13 February 2007.

consists of storing an extract of a protected work comprising 11 words and printing out that extract, can be elements that are the expression of the intellectual creation of their author.³

Given the very broad application of copyright protection, most information society service providers of user portals anticipate the fact that potential copyrightable material can be uploaded by their users and stipulate via the Terms of Agreement that a non-exclusive, worldwide license is granted by the user to the service provider to be able to reuse their material in multiple ways. Whether such general conditions – often signed unknowingly by the client upon subscription to a service – are legally valid is still under debate. Internet users seem to become increasingly alert though when it concerns the use and (continuous) availability of their content and personal data. The storm of protest following the attempt of the founders of Facebook to change the licensing terms of their service unilaterally – to simplify them and make it easier for users to exchange personal information with each other – is a perfect demonstration of how conflicts of interests may arise between service providers and their users.

5 Evaluation of Current European Copyright Policy

Unfortunately, the internet – as a new and (rather) anonymous communication tool – is not only used for decent goals. The flows of illegal and harmful content such as copyright infringements, digital piracy, child pornography, fraud, libel and defamation and infringements of privacy remind us of the dark side of the internet every day. Threats to the basic values of a democratic society cannot be solely left into the hands of the internet technology and the free market mechanisms, but call for a legal intervention based upon democratic principles. Consequently, there has been an increase of regulatory intervention on the different levels of the internet (Benkler 2006), some being more controversial than other.

The most disputed legal intervention today concerns the over-protective European copyright regime which was adapted to respond to the new technological challenges that creators face. By granting statutory property rights to creators, they can charge for the usage of their works. In their quest against privacy, stakeholders of the creative content industry have successfully lobbied to get additional copyright protection and equitable remuneration for new forms of (re)distribution. As a result, the legislator has been quite active in adapting the legislation which led to a considerable extension in terms of content, duration and economic rights of authors, performers, producers and broadcasters (reproduction, communication to the public, distribution, resale).

The adoption of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty in 1996 set out the first steps to adapt copyright to its new multimedia content. The European legislator faced not only the challenge to fulfil the

³European Court of Justice 19 July 2009, Infopaq International A/S vs. Danske Dagblades Forening, <http://curia.europa.eu>

international duty of implementing these International Treaties, but also to establish a compromise amongst the European Member States. Despite the many harmonising efforts disparity of the national legislations continues to exist, for example regarding the beginning of authorship, the validity of licensing agreements, the protection of moral rights,⁴ etcetera. However, a consensus – reflected by a package of subsequent Directives regarding diverse aspects of copyright and related rights – does exist on the scope of exploitation rights, the legal protection of certain technological measures, the duration of economic rights and the legal exceptions which prosumers can invoke.

5.1 *Protection Copyright Holders*

The Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (hereafter Copyright Directive 2001/29⁵) led to a huge expansion of economic rights of creators. Every copy, upload, download, modification, translation or other re-use of a copyrighted work, requires the prior authorisation of the right holder. The latter has the exclusive power to decide whether he grants or prohibits a specific use of his work.

This “use” extends to (a) every copy including albeit a “*direct or indirect, temporary or permanent reproduction by any means and in any form, in whole or in part*”⁶ and (b) communications in the form of audio(visual) broadcasts, performances, uploads or as the European legislator defines it: “*any communication to the public of their works, by wire or wireless means, including the making available to the public of their works in such a way that members of the public may access them from a place and at a time individually chosen by them*”.⁷

An even more eye catching initiative is the legal protection of digital rights management techniques – i.e. technological protection measures to mark the work with identification information or to limit access or uses to what the right holder allows – the circumvention of which is punished with high penalties.⁸ The Enforcement Directive⁹ of 2004 requires all Member States to apply effective,

⁴In many countries like Belgium, authors are granted certain moral rights which are usually divided into three categories: divulgation, paternity and integrity.

⁵Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, *O.J. L.* 22.06.2001, 10.

⁶Article 2 Copyright Directive 2001/29/EC.

⁷Article 3 Copyright Directive 2001/29/EC.

⁸Article 6 Copyright Directive 2001/29/EC.

⁹Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, *O.J. L.* 195, 02.06.2004, 16 (Enforcement Directive).

dissuasive, proportionate, fair and equitable measures, procedures and remedies against those engaged in counterfeiting and piracy in the EU.

Under the guidance of EC Commissioner Charlie Mc GREEVY, the European Commission launched a proposal to extend the term for musicians from 50 to 95 years,¹⁰ following a rather questionable Impact Assessment¹¹ which completely contradicted previous studies conducted at the request of the European Commission.¹² The Proposal – comparable to the American Sony Bono Copyright Act of 1998 – led to a huge storm of protest. Multiple scholars expressed serious doubts concerning the supposedly positive effects of a prolongation of the term of protection to improve the situation of session musicians. It would have a baleful influence on the growth of the public domain and only music producers would benefit from the prolongation in the end (Kretschmer 2008; Helberger et al. 2008). Finally, the European Parliament endorsed the proposal to extend the term to 70 years instead of 95 (IP/09/627 2009).

Despite the legislator's efforts to provide an effective legal framework to protect and enforce copyright and related rights in the new digital environment, a fierce battle continues against the endless stream of copyright infringements on the Internet. This has especially become clear in the legal disputes of copyright holders against peer-to-peer software developers, video sharing websites and social networks. But taking matters to court seems to have a minor impact on the volume of illegal copies or infringing uses. Right holders have begun to explore new paths to enforce their rights.

Several steps have been taken to involve intermediaries in the enforcement of copyrights via the internet and in the battle against online piracy. Notwithstanding the actions undertaken by civil rights groups, the French legislator adopted its controversial three strikes law and seems to have set a legislative example to other countries (e.g. UK, Sweden). On European level, the adoption of similar obligations for Internet Service Providers, was also the centre of debate in the revision of the electronic communications framework. The involvement of neutral intermediaries providing networks, infrastructure, access and/or storage space is quite worrisome in the sense that it might seriously endanger the fundamental rights and freedoms of their clients, not as mere users of this technological tool, but also as citizens in democratic societies that should be able to share and express views, information and content and create in a democratic fashion. It goes without saying that the internet has become the ultimate communication tool in the current information society.

¹⁰ Proposal for a European Parliament and Council Directive amending Directive 2006/116/EC of the European Parliament and of the Council on the term of protection of copyright and related rights, COM(2008)464/3. The proposal is currently still under debate at European Union level.

¹¹ Commission Staff Working Document accompanying the Proposal for a Council Directive amending Council Directive 2006/116/EC as regards the term of protection of copyright and related rights. Impact assessment on the legal and economic situation of performers and record producers in the European Union, (COM)(2008) 464 final http://ec.europa.eu/internal_market/copyright/term-protection/term-protection_en.htm

¹² Guibault and Hugenholtz (2006), and following.

To deprive citizens of this communication tool is comparable to censorship. Of course piracy should be put to a halt, but to block internet access or to impose filtering tools on ISPs – all for the purpose of protecting intellectual property rights – is arguable and disproportionate for numerous reasons. Besides the lack of defence tools of these clients questions also rise with regard to the effectiveness of filtering tools since they cannot distinguish between illegal uses and lawful uses of copyrighted works which are legally protected.¹³

5.2 *Protection Prosumers*

Several specific “exceptions” were called into life as a limitation to the rule that authorisation of the right holder should be obtained. European copyright legislation stipulates several exceptions to safeguard the interests of society and users such as the right to freedom of expression, press freedom, public security, right to information, etcetera. In very specific cases set out by the legislator that do not endanger the normal exploitation nor the legitimate interests of the copyright holder,¹⁴ no prior authorisation of the right holder is needed.

In contrast with the American approach, the European legislator did not adopt the “fair use” approach but rather set out a “closed” exhaustive list of detailed exceptions for copies and communications of copyrighted works for educational goals, scientific purposes, press reporting on current issues, quotations, private copying etcetera.¹⁵ Additionally, statutory licensing schemes have been introduced throughout the years as a compensation for new uses, enabled by technologies which cannot really be controlled because they take place on a mass scale, e.g. making copies via copying machines.

However, the user is not left entirely free. Strict conditions are attached to each exception such as the mentioning of the source, limitations in terms of the length of the copy, exclusion of types of works, specific persons are targeted (e.g. the press), etcetera. Revenue schemes are often attached to exceptions in the form of a copyright tax (e.g. tax on blanked CD’s and certain types of machines) or fixed fee (e.g. subscription fee at public libraries).

Apart from the obligatory exception of “temporary acts of reproduction referred to in Article 2, which are transient or incidental [and] an integral and essential part of a technological process”,¹⁶ legislators of the European Member States could autonomously choose which exceptions from this “menu” they wanted to implement into national copyright law. Consequently, the rights of prosumers can be quite different from one Member State to another. Furthermore, these legally protected

¹³ For a more profound legal analysis consult Coudert and Werkers (2008); Werkers and Coudert (2008).

¹⁴ Also known as the international “three-steps-test”.

¹⁵ Article 5 Copyright Directive 2001/29/EC.

¹⁶ Article 5.1. Copyright Directive 2001/29/EC.

uses can be easily blocked by technological protection measures, unless the right holder is willing to take voluntary measures. In case he lacks to enable the usage to beneficiaries once again, Member States have to take “appropriate measures” to make sure certain exceptions (though not all) are not blocked.¹⁷

In sum, the position of users, leave alone prosumers creatively mixing content and making derivatives, is quite weak in comparison to right holders. Copyright seems to have lost pace with the new participatory culture environment where creation, inspiration, distribution fall together in one and the same digital space (also see Gasser and Ernst 2006). When every copy is seen as an equivalent of a copyright infringement and contrary to creativity, it has a chilling effect and rather hinders creativity instead of stimulating it.¹⁸

6 Finding a New Balance

There is a growing strained relation between on the one hand copyright protection by right holders seeking for new ways to produce and market their goods and services and, on the other hand, the right of users to have free access to information and ideas, to make use of works in various ways, to freely express themselves and create derivatives. The gap between creators and users has become almost unbridgeable if European copyright is not adapted to such an extent that it becomes more harmonised, comprehensible and more balanced with respect for all rights involved, namely copyright, freedom of expression, creativity, right to information and right to privacy.

The legal uncertainty regarding the scope of application of copyright has made it quite a challenge for creative users to find out whether or not they are dealing with a copyrighted work and whether or not they can invoke a legal exception for the re-usage of a work. Most users who are active within the creative participatory culture, are ignorant of the scope of application of copyright and the legal consequences of copying or otherwise reusing fragments of texts, videos, images etcetera without having obtained the necessary license(s). But even when a user comes to the conclusion he has to obtain an authorisation in the form of a license (“clearance of rights”), it can easily become a gigantic task when every copied element of a work originates from different authors, who usually cannot be traced down easily on the worldwide internet, especially within the “non-professional circuit” where content producers often upload content anonymously.

Being an original creator, it is also assumed you want to claim your economic rights. The desire to share your copyrighted work with others without claiming remuneration in exchange is considered to be somewhat odd. Yet many of the new born creators, have other motives than traditional content producers. The promotion

¹⁷ Article 6.4. Copyright Directive 2001/29/EC.

¹⁸ For a profound analysis of the chilling effect on creativity see for example Arewa (2007).

of Creative Commons licenses – inspired by the Free Software Foundation’s GNU General Public License – could provide a solution here. Creative Commons licenses provide authors the choice to decide which rights they wish to preserve or grant under a license. Contrary to open source licences, they are directed to the individual author, translated and adapted to legislations of different jurisdictions in the world. The standardised and automated licensing tool provided by Creative Commons inverts the “All Rights Reserved” monopoly into a “Some Rights Reserved” license. Though Creative Commons Licenses show some shortcomings (like a risk of incompatibility) (Guibault 2008) its usage is definitely more user-friendly and international than current copyright licenses.

The “monopoly” position of copyright holders of original works has to be counterbalanced by an equally strong position of users. When copyright is overly strong protected, it imposes much higher costs on future generations of creators and encourages piracy (Towse 2006). Policy makers reluctantly admit that the rights of consumers (including prosumers) should be more respected. One of the three goals determined by the European Commission in the creative content online consultation is to ensure that European content achieves its full potential in contributing to European competitiveness and in fostering the availability and circulation of the great diversity of European content creation and of Europe’s cultural and linguistic heritage. The following four horizontal challenges were analysed: (1) the need to improve the availability of creative content, (2) to encourage multi-territorial licenses for creative content, (3) ensuring interoperability and transparency of DRM and (4) the management of online rights and protection against piracy.¹⁹

Besides steps that need to be stimulated amongst the actors of the creative content industry, copyright legislation needs to be scrutinized. The inconsistency and lack of clarity of copyright legislation do not exactly stimulate a uniform interpretation and leads to legal uncertainty. A first possible measure would be to restrict copyright protection to works that are truly original and registered by its maker who thereby expresses his intention to claim his rights and to be compensated for the usage of his work. Second, copyright regulation – and legal exceptions in particular – are still too technologically bound and differ between Member States. It would be recommendable to aim at technologically independent exceptions, providing users the possibility to use works for example for educational purposes, regardless of the carrier/channel that is used. In addition, the European list of exceptions should be made entirely obligatory but should also leave room for Member States to adopt additional exceptions. Finally, some existing exceptions need to be expanded in personal and/or material scope. Given the adoption of the Green Paper on Copyright in the Knowledge Economy²⁰ and the following public consultation on “content online”²¹ intended as the starting point for a structured debate on the long-term future of copyright policy,

¹⁹ For an overview see http://ec.europa.eu/avpolicy/other_actions/content_online/index_en.htm

²⁰ Green Paper copyright in the knowledge economy, COM(2008)466/3

²¹ Public Consultation 2009–2010, Creative Content in a European digital single market: Challenges for the future. Contributions can be found via the following link: http://ec.europa.eu/avpolicy/other_actions/content_online/consultation_2009/index_en.htm

the European policy maker seems to have chosen the path to try to restore the balance again. So to provide an answer to the very question leading to this publication: copyright as a legal basis to stimulate culture in our information society still has a future, provided the democratisation of creativity is taken into account.

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Part II
Buy Buy Art

The Fetish Character of the Work of Art and Its Secret

Frank Vande Veire

Abstract In what consists, to paraphrase Marx, the fetish character of the strange kind of commodity the work of art has become? What fascinates in the contemporary art work is the gap between its enormous exchange value and its manifest lack of use value. Investing in art is therefore not just a ‘misuse’ of art in favour of economic interest; the work of art, being of no concrete use, semantically and aesthetically highly indeterminate, in itself materialises the kind of abstraction that is proper to money. In that sense the art market reveals the irrational *potlatch* that is at work in the heart of capitalism.

1 Thanks to the Market, Art Is of No Use

The modern artist produces for the market, i.e. for an anonymous public of potential buyers. This has become possible because the direct, intimate relation between the artist and its ‘public’ has been severed. There are no longer any patrons or Maecenas who request works of art personally from the artist. In other words: there is no concrete demand for art. There may still be a demand for art in general, but there is no longer a explicitly formulated, personalized demand for a certain kind of art. This means that there is no longer anyone to tell the artist what his art should look like. In former times there was an aristocratic and priestly class that oversaw the beauty, suitability or meaningfulness of the work of art. But in modern times this class is no longer of influence in the production of art.

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This is an essential condition of modern art: *the artist no longer knows to whom he addresses his art, because nobody demands anything of him*. There is no clergy who asks him to make images that, in all modesty, affirm the word of God. There is no nobility who, as it was in the renaissance, asks for representations of the beauty and goodness of divine creation. And during the course of the nineteenth century, the academic institute, which claimed that art represents man in all his dignity, also lost its grip on the production of art.

Because there is no longer anyone to demand a specific kind of art from the artist, art has become *public* – this means that art is now created for what we call the ‘public’; an open, anonymous group without a face, without a specific (cultural, ethnic, religious, class) identity, a kind of cosmo-political citizen who *in concreto* does not exist. The artist creates for an abstract Everybody who is a Nobody. While this may seem sad, it is also the reason that the artist can do what he wants. He just has to take care that someone buys his product. But anyway: since the buyer no longer has a direct and personal influence on the production of works of art, the artist should not worry about the meaning or the (use)value his products will have for the potential buyer. He leaves this meaning or this value ‘open’.

The absence of a concrete demand for art implies that there is no field of reception, no ‘cultural context’ anymore within which the work of art makes sense *a priori*. For the artist as well, the meaning and the right ‘use’ of his work (how you should perceive, interpret, experience, understand it) becomes more and more uncertain. This has become commonplace for us: the modern artist distinguishes himself from other kinds of producers insofar as he is not expected to tell us something meaningful about his work. We presume that when he makes something, he is drawing upon something in himself about which he is unable to speak.

This is of course the freedom of the modern artist, unique in history, which is discussed so often today. The artist is free because nobody asks for art, because he creates for an anonymous public, i.e. for the market. This celebrated freedom or ‘autonomy’ of the artist, however, is conditioned by the commodification of the work of art. In that sense, modern Kantian aesthetics, which was the first to sharply define the absolute autonomy and specificity of the work of art, is unthinkable without the market economy – say, capitalism.

For Kant, as we know, the experience of the work of art is ‘disinterested’. This implies that there are severe restrictions on what you can and cannot expect from the work of art: for instance, you cannot expect it to gratify the senses, teach or instruct us about something, that it has moral value. In short: we cannot expect the work of art to be useful or functional in the widest sense. That is what ‘disinterested’ means: we should not take an *interest* in the work of art. It need not satisfy us on the sensory, cognitive, moral or instrumental level. In all of these respects, the work of art *is of no use*.

This notion of disinterestedness, closely linked to that of autonomy, has in the meantime often been criticized or even ridiculed, certainly today. But this is due to a misunderstanding. Disinterestedness or autonomy does not at all mean that the work of art cannot touch seriously upon moral, social, political or religious issues. It just means that, concerning representations in the field of knowledge, morals,

politics, religion etc., the work of art does not decide what is true or untrue, what is right or wrong, what should be believed or not. In the field of art, the public as well as the artist have the freedom to play with all kind of representations without being obliged to decide about their ultimate significance. This we all agree, and in that sense we are all Kantians.

Every one of us not only accepts but even demands that the work of art be ‘open’, ‘ambiguous’, ‘poly-interpretable’, etc. and in that sense it indeed possesses a sovereign uselessness. When this is not the case, we find the work of art ordinary, illustrative, didactic, moralising – in other words, instrumentalised, and therefore not really a work of art at all. This is why, since Kant and romanticism, art is considered to be the field *par excellence* of human freedom.

Conclusion: the work of art owes its autonomy, i.e. its modern semantic indetermination, to the fact that it, like any kind of product, is integrated into the market economy. In other words: capitalism has set art free.

2 The Work of Art as Commodity

In pre-capitalist economies people produce primarily for their own use, within the family, the clan or the village; only that which is left over is destined for the market. In a capitalist system, on the contrary, one produces exclusively for the market, and thus with the intention to exchange and make a profit. This implies that the producer produces things that have no concrete use value for himself, but only for the potential buyer. For the producer, products simply embody a certain quantity of *exchange value* – say, money.

This changes fundamentally the character of labour: social labour, wherein people together produce something that is useful and meaningful for them, is reduced to the production of a quantity of exchange value that will be gained when the product is bought by potential buyers. This is what Marx means when he says that, as the product, labour becomes abstract. All it does is add a quantity of exchange value to an object. In other words: insofar as a product is produced for the market, the concrete social character of the labour that produced it vanishes. For its producers, the product becomes abstract. One is unable to recognize something of oneself in it, leaving the producer with the impression that the product receives its value from the act of exchange, and thus from the transformation of the product into money.

It is in this sense that Marx speaks about commodity fetishism: it is the phenomena that occurs in capitalism when the social relations between people working together assume the alienating form of a relation between things. These things are strange. They have become as it were ghosts of themselves. Stripped of their concrete qualities, they incarnate only exchange value: money. About these abstract, ghostlike things, Marx says they have ‘theological whims’ or ‘metaphysical subtleties’. They are said to be ‘sensuous suprasensuous’. They possess an ‘enigma blinding the eyes’. The commodity on the market is a ‘phantasmagoria’. (Marx, 1852) In short: with commodities we find ourselves in the ‘nebulous region of religion’.

What about the work of art? One could say that in modern capitalist society the work of art has also lost the determinate use value it once had for the nobility or the clergy. As long as it contained a religious message or represented the proud self-consciousness of the nobility, the work of art *a priori* possessed a use value. Its usefulness consisted in affirming certain beliefs and the rightness of the noble life style and world view. What is demanded from the work of art in modern times is, as is often said, only an ‘aesthetic’ value: it has to please its buyer/user. He has to find it beautiful. But of course we know that it is not essential for a modern work of art to be beautiful, at least not in the classical sense of pleasing the senses. This does not mean that modern art is provocative necessarily, but that the freedom of art can no longer be limited by the imperative to be beautiful.

Like every commodity, the modern work of art is thrown onto the market and there, in ‘exhibitions’, it is presented and offered to an anonymous public. But is there no difference between a work of art and an ordinary commodity? We know there is. In the case of the work of art, *the alibi of use value no longer exists*, certainly not for the producer, the artist. The modern artist is suspicious of any use value that can be ascribed to his art; he is critical, sceptical, ironic, cynical or melancholic about it. In other words: he keeps his distance from any meaning that might be attached to his art. This is not because he simply rejects all cognitive, educative, moral, civilising or political meaning, but rather because he makes art out of a radical and principal lack of knowledge about all those fields upon which his art is purported to comment. His ‘intention’, if he has an intention at all, is in a certain sense to inject or poison his public with this lack of knowledge.

3 The Capitalist as Servant

What then to think about the one who buys art, the mysterious art collector? Of course he will say that he buys art products because he finds them beautiful or fascinating, and that, of course, he is pleasantly surprised when his acquisition turns out to be a successful investment. Critics will say that this claim of personal fascination is an alibi, or that it is simply a matter of self-deception – that the primary intention is in fact to invest and make a profit. In other words, the question is whether the motive is indeed aesthetic in a disinterested way, or whether it is purchased for baser, pragmatic-egoistic reasons.

But what if this alternative is profoundly false? What if it betrays a complete misunderstanding of the nature of capitalism when one thinks that the egoistic pursuit of gain and the authentic love for art are contradictory?

We know that the capitalist is not just an egoist who is only concerned about his own self-interest. This would imply that he only accumulates exchange value (money) in order to do with it what he likes to do. This is of course not the case. The capitalist is someone who sacrifices his life to the accumulation of capital. He is not interested in money as a means, but rather in money *itself*, money in its very abstraction. He is the servant of the world of commodities, and in this world a product

can appear only insofar as it leaves behind the concrete use value it possesses for concrete people. Once on the market, the specific (use) value of a product is wiped out and reduced to its pure quantitative exchange value.

As Georg Simmel wrote, the attractive and fascinating thing about money is that the ‘possession of it signifies the enjoyment of an indeterminate amount of things’ (Simmel, 1900 [1907]). In other words: what is fantastic about money is that it makes you feel that you can do anything with it; that it, as it were, makes everything possible. It is this possibility that makes people drunk: a pure potentiality or virtuality.

That is what is so fascinating about the world of commodities, and is the reason why Marx calls them ‘phantasmagoria’. As soon a thing becomes a commodity it incarnates the possibility of *any kind of use*, the possibility of enjoying anything. At the same time, of course, this possibility appears to be impossibility. That is why money functions as a fetish. It promises ‘the enjoyment of an indeterminate amount of things’, but at the same time it conceals the utter impossibility of the enjoyment it promises.

To put it in another way: in the consciousness of its owner, money is attractive as an instrument to gain access to specific use values. Objectively, however, things do not work that way. Objectively, money fascinates because, as general equivalent, it seems to make everything possible. This means that when the capitalist accumulates money, he sacrifices the pleasure that certain specific use values can give him to the fantasy about ‘all these things that are possible’. The ‘anything’ money refers to is closer to pure phantasmatic enjoyment than to the satisfaction of any concrete need. In this sense the capitalist is the opposite of an ordinary egoist who only thinks about satisfying his own needs. He suspends this satisfaction in favour of a *religious* fascination for the abstraction proper to money: it signifies everything and nothing. Although the capitalist likes to see himself as pragmatic, he is in fact an idealist.

4 The Art Collector as Meta-Capitalist

But again: what drives the art collector? To understand this we have to understand the homology between the attraction the capitalist feels for the abstraction of exchange value and the fascination for modern art. There is an uncanny resemblance between modern art – which is praised for being enigmatic, poly-interpretable and having an indeterminate meaning – and the abstract character of a product when it enters the field of exchange. Due to its semantic indeterminateness, the work of art resembles money. Like the modern work of art can have many different meanings, with money one can do many different things. There is, of course, a crucial difference. The work of art does not cultivate the delusional fantasy about an indeterminate amount of things one could enjoy in the future. It allows us to enjoy, in the present, *the indeterminateness of this thing*.

Like money, art promises. But the work of art does not promise something that is not there yet, but which should be there and maybe still will be in the future. On the contrary, the work of art is a promise that neutralizes the desire to enjoy an

indeterminate amount of things in the future. It is the enjoyment of a promise for its own sake.

Money attracts because it is abstract and colourless. It signifies the enjoyable use of future: dreamed, fantasized, but still not present use values. The work of art, on the contrary, is enjoyed for itself. The representation or the image is satisfying in itself. Unlike the images found in publicity or pornography, the art image does not stimulate the desire for the reality behind it. Art is not a representation that lures with a promise of possible satisfactions. It is not suspended satisfaction. Art neutralizes the unsatisfied desire for possibilities, for a better future, a future wherein you would finally get what you want. This is what Kant means with a 'disinterested pleasure' (Kant, 1790 [1902]).

But again, what about the collector? The opposition between investing – striving to increase one's capital – and authentic, disinterested love for art is, in this context, far from clear. As we have seen, the desire to make money, to accumulate capital is in itself of an ascetic, 'idealistic' (though of course obsessive) nature. The capitalist sacrifices the pleasure he could have by consuming concrete use values to the ghostly game of exchange value. Of course one could assert that he deceives himself when he argues that he is buying simply out of love for the work of art. More fundamental, however, is the fact that he deceives himself no less when he says that he is making a calculated investment. What fascinates the collector is *the enormous, scandalous gap between the high exchange value of the modern or contemporary work of art and its manifest lack of use value*. The contemporary work of art is clearly useless, even aesthetically useless not only because its significance is highly questionable, but also because there is often very little in it that pleases the senses. One could say that the motive of the collector is to decorate himself with this uselessness.

Baudrillard already argued that the act of buying art has an absurd character of irresponsible dissipation or squander. It is a kind of potlatch. But this does not simply mean that spending money on art, 'investing' in art, is a kind of folly the capitalist permits himself. Or better: it is indeed a folly, but one that is perfectly in line with what he always does: make money.

In fact, collecting art is the capitalist act *par excellence*, because in buying art the alibi of use value is eclipsed. In that sense, the collector who buys art reveals the foolish, dissipating character of capitalist economy. The contemporary, enigmatic work of art is one that obviously does not satisfy the longing for beauty, and obviously breaks with all standards of what is useful in the broadest sense: meaningful, or of social or political interest. Such a kind of strange thing materializes as it were the abstraction proper to exchange value: its radical, cruel indifference for everything that is useful, both for the 'ordinary man's' needs as well as his attachment to meaning.

In that sense, the postmodern discourse about the Sublime, the Impossible, the Other, the Unrepresentable, the semantic undecidability or openness of the work of art suits the art market very well. As the modern art-lover abstracts from every idea of beauty, being recognisable or comprehensible in favour of something nameless, so the capitalist abstracts from any concrete use value in favour of another, yet unknown use that exceeds every ordinary, familiar kind of use.

The collector of art can legitimate his purchase of a work of art by referring to the aesthetic appeal of the thing, or he can admit that it is an investment. In both cases the motive brought forward is a deceitful alibi to conceal the fact that he yields to an *uneconomic* gift, to an excess that gives him prestige: the more you pay for art, the more you present yourself as someone who is elevated above all concern for gain or use, for ordinary human considerations about what gives value to life.

It is not difficult for a collector to admit that art for him is an investment. Such a confession is easy because it is ultimately false. It comes down to confessing a sin (mercantile calculation) so as to conceal a worse sin. He squanders an enormous amount of money – with which he could do useful things – to a thing whose value is unrecognizable to the great majority of men, to a thing whose value remains unnameable for him as well, a value that can only be formulated by the discourse of art critics emphasising again and again the enigmatic character of the art work.

While society more and more expects that artists, critics and curators will prove or legitimate the social, political and cultural value of art, the collector spends an enormous amount of money on a thing with no determinate value, without feeling obliged to legitimate his choices. In this sense it seems that the collector is the most sovereign figure in the art world.

So by buying art, one exceeds the bourgeois logic of calculated self-interest. It amounts to an aristocratic gesture in which pure prestige and the pursuit of honour play a crucial role. But we immediately have to add to this that this transgression of the bourgeois logic reveals an excess proper to capitalism. This transgression is, as it were, a symptom that exposes the sickness of capitalism.

Capitalism is a religion that cultivates the desire for everything possible. This implies that everything concretely possible is nothing compared to the Possible that desire promises itself. Of course, as has already been said, this Possible Thing is impossible. It opens in the field of what is concretely possible a bottomless lack or void. To deny this void man clings to the most empty, abstract sign of what is eternally promised: *money*. Building a cult around money allows us to quietly deny that everything we can really do with money is worth nothing compared with the infinity that lurks within it and lures us toward it. The capitalist obviously knows that money as such is without value, that it only obtains value through what one can do with it. However, *what he does* betrays the fact that the only thing of value for him is the abstraction of money itself. The capitalist sacrifices all that is possible in favour of Possibility itself, of Possibility *as* Possibility, to use Heidegger's terminology (Heidegger, 1927 [1977]).

So what happens when someone buys art? Buying art is indeed not the same as investing in property or buying shares. *Money becomes a work of art*, which means: *money, that promises an infinity of things, and that at the same time conceals the impossibility of what it promises, is converted into the work of art as a clearly impossible, inaccessible Thing*. So again, the capitalist does not suddenly overcome the logic of capitalism when he buys art. Rather, he reveals more than ever what capitalism is: a cult of the impossible, even though it is usually presented as the best system to satisfy concrete needs.

Interesting from this perspective is the phenomena of the collector who, after having bought a work of art, stops looking at it, locks it away in a safe-deposit or lets it disappear between other works in storage. Under the guise of ultimate egoism, he as it were throws away his desired object, somewhat like certain ancient peoples who sacrificed their most precious treasures or bricked them up in a sacred space where only the gods could enjoy. The collector gives away his own treasure, which apparently can not give him the pleasure he expected from it, to an unknown Other. This – of course fantasized – Other is supposed to experience in his place the enjoyment he is unable to experience. This supposed enjoyment exceeds the limited pleasure that any concrete use values can provide him. In the words of good old Freud: it is enjoyment beyond the pleasure principle (Freud, 1921 [1934]). The collector *invests* in an impossible enjoyment like the faithful invest in heaven.

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Salvador Dalí's *Dream of Venus* at the 1939 New York World's Fair: Capitalist Funhouse or Surrealist Landmark?

Christel Stalpaert

Abstract For the 1939 World's Fair in Flushing Meadows Corona Park, New York, Salvador Dalí created a surrealist funhouse called *Dream of Venus*. This installation, which included sound and performance, aimed at a controversial sensation, a truly surreal experience for its visitors. Labelled as a 'tacky, Oceanside amusement park attraction' and wrapped up by consumer commodity, however, Dalí's surrealist funhouse is said to have lost much of its provocative power. This contribution investigates to what extent the avant-garde aesthetics and politics became part and parcel of American consumer culture, commodity culture and capitalism. Gilles Deleuze and Félix Guattari's poststructuralist analysis of the axiomatic regime of capitalism and their view on madness provides a toolbox for taking a closer look at surrealist and perhaps vain efforts to combat capitalist dominion.

It must have amused and shocked the visitors of the 1939 New York world's fair. Lured by a siren's recorded chants (sung by B-movie legend Ruth Ford), fairgoers purchased 25 cent tickets from a ticket booth shaped like a hideous fish, and then entered the surrealist pavilion through a pair of giant women's legs made of plaster. The doorway was topped by Botticelli's Venus, blown up to billboard height. Once inside, visitors encountered a topless sleeping Venus, goddess of Love, who reclined in an outsize bed draped in red satin, covered with flowers and leaves. An adjacent aquarium contained telephones floating around like seaweed and bare-breasted mermaids who were either milking a bandaged cow or tapping on floating typewriter keys.

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Dalí agreed to create a pavilion for the world's fair in order to introduce the large American audience to the surrealist movement. The mermaids, 'seen at close range and a trifle water-magnified, should win more converts to surrealism than a dozen high-brow exhibitions', claims a contemporaneous review in *Time* magazine (*Time*, 10). As they were familiar with Freud's psychoanalytic methods of examination, surrealists believed in the omnipotence of the dream to liberate people from the reign of logic and to find a new way of expressing oneself. In his *First Surrealist Manifesto* (1924), André Breton regretted that in the western world:

boundaries have been assigned even to experience. It revolves in a cage from which release is becoming increasingly difficult. It (...) depends upon immediate utility and is guarded by common sense. (...) The mind hardly dares express itself and, when it does, is limited to stating that this idea or that woman has an effect on it. What effect it cannot say; thus it gives the measure of its subjectivism and nothing more. (in Waldberg, 66–67)

Instead of the superficial mode of expressionism, surrealism designated a new mode of 'pure' expression, by means of revealing unconscious dream thoughts. 'I would like to sleep in order to enable myself to surrender to sleepers, as I surrender to those who read me with their eyes open, in order to stop the conscious rhythm of my thought from prevailing over this material', reports Breton (in Waldberg, 67).

In line with these surrealist writings, Dalí's sleeping beauty in *Dream of Venus* can be interpreted as a brave explorer of the human mind, fleeing the suffocating cage of common sense, crossing the boundaries of consciousness and displaying her dreams to those who gaze at her with wide open eyes. Her imagination on the verge of sleeping is staged underwater, in the adjacent aquarium and subsequent 'chambers'. Indeed, you can hear her dreaming: 'In the fever of love, I lie upon my ardent bed¹. A bed eternally long, and I dream my burning dreams – the longest dreams ever dreamed without beginning and without end ... Enter the shell of my house and you will see my dreams' (in Schaffner 2002, 18).

Dalí used bizarre and delirious images to reveal Venus' dreams, but in fact created an unforgettable landscape of *his own* most inner fantasy; 'an erotic underwater fantasia' (Kachur 2003, 71).² In Dalí's world, Venus does not represent a goddess, sublimating the feelings of love. Instead, with an ironic reference to Botticelli's *Birth of Venus*, Dalí evokes the mad passion of lust for love and sexual pleasure.³ His mermaids refer to the legendary aquatic creatures whose beautiful singing lured fishermen towards the devastating rocks. These mythological stories were integrated into Catholic moral discourse in order to warn mortals against the dangerous seduction of the flesh. Dalí, however, wanted the visitors to freely experience the dream of convulsive passion and

¹For a detailed description of the several surrealist 'chambers', see Schaffner (2002).

²Lewis Kachur pointed at the stereotypically gendered 'Godivers' performing underwater. 'They could play milkmaid or secretary, typing on floating keys, or chat on the telephone' (Kachur 2001, 142). These gender issues will not be discussed here, though.

³The delirious images testify of mad love – 'l'amour fou', as Breton pointed out in his poem of 1937. 'La beauté sera convulsive ou ne sera pas', judges Breton (108). It is the same convulsive passion that is at stake in Dalí's *Dream of Venus*.

mad love. The Botticelli reproduction aligned directly above the plaster women's legs suggests that the visitor enters the very womb of Venus herself.

Freud's psychoanalytic writings inspired surrealists to become 'the explorer of the human mind to extend his investigations' (Breton in Waldberg, 66). It is precisely in these words that Dalí described his representation of Columbus as a new version of the artist's famous *Rainy Taxi* (1938) in one of the first 'dream chambers' beyond the glass tanks of *Dream of Venus*. Dalí conceived this historical personage as the passenger of an ivy-strewn taxi, bearing a sign 'I Return' (to Europe). Columbus was to be continually sprayed with interior rain, as had been done at the 1938 version at the Galerie Beaux-Arts courtyard for the *Exposition internationale du Surréalisme* in Paris. A huge fish-tail peeping through the front window mirrored the mermaid theme. According to some critics, the connection between Columbus and Venus was 'incomprehensible' (Kachur 2001, 150), but the link between Columbus and the artist himself, on the other hand, was obvious. Both Dalí and his alter ego Columbus had an adventurous mind and endeavored towards yet undiscovered territories. Dalí himself observed that he shared Columbus' desire to leave, to escape, to find himself in the middle of the sea, trying to cross the line of the horizon, making his exit from the known world. Looked at through the lens of poststructuralist discourse, this reads as a critique on the dogmatic model of representation and recognition in art. In fact, Dalí maintains a rigorous distinction between on the one hand knowledge, understood as the recognition of prefabricated truths, and on the other hand thinking, seen as the creative creation of new concepts. In this sense, the surrealist dream image becomes an alternative one, exceeding pat representations of the real and instead tickling the invisible or unrepresentable.⁴ In *The Secret Life of Salvador Dalí*, the artist confesses the following:

Columbus discovered America while he was looking for the Antipodes. In the Middle Ages, metals like lead and antimony were discovered in the search for the philosopher's Stone. And I, while I had been looking for the most directly exhibitionist way of showing my obsession with bread, had just discovered its invisibility. (...) One does not immediately see what one is looking at, and this is not a vulgar phenomenon of attention, but very frequently a clearly hallucinatory phenomenon. The power to provoke this kind of hallucination at will would pose possibilities of invisibility within the framework of real phenomena, becoming one of the most effective weapons of paranoiac magic. (337)

The 'hallucinatory power' that reveals 'the possibilities of invisibility' that Dalí refers to, is displayed in his *Dream of Venus*. The bizarre setting of his surrealist fun-house was meant to invite the visitors to move beyond common sense, and hence to discover the yet unseen, to hear the yet unnoticed, to feel the yet not experienced. The waterless enclosure in the *Dream of Venus* pavilion contained a ceiling hung with inverted black umbrellas, displayed like surrealist objects. Most of the umbrellas were open, some of them were accompanied with hanks of human hair or a telephone receiver. In using ordinary objects which no longer had a use value, Dalí unmistakably proceeded the surrealistic quest of 'the golden fleece of everyday magic' (Rosemont 52). By diverting objects from their customary use, Dalí wished to discover and reveal the

⁴Gilles Deleuze and Félix Guattari have elaborately written about the distinction between knowledge and thinking in *What is Philosophy?*, p. 54.

dreamlike magic of these supposed gratuitous objects. It is precisely the immediate utility of goods in a logocentric society that surrealists put into question, hence tackling one of the baselines of capitalism.

1 I Can't Get No Satisfaction ... of the Appetite of the Mind

The unsettling images were not used for entertainment purposes only and did not serve cheap pleasure. It was the surrealist's intention to move towards a solution of the principal problems of life. 'Why should I not expect more of the dream sign than I do of a daily increasing degree of consciousness? Could not the dreams as well be applied to the solution of life's fundamental problems?', Breton wondered in his *First Surrealist Manifesto* (in Waldberg, 67). This intention goes hand in hand with the common knowledge that surrealism politically moved to the left. Shortly after the first surrealist manifesto, Breton wrote that the true liberation of humanity was only possible after the proletarian revolution. The title of the surrealist journal that appeared from 1930 onwards – *Le surréalisme au service de la révolution* – speaks for itself.

During the decade 1929–1939, the surrealist movement most explicitly acted as a supportive (artistic) force that sided with revolutionary actors that fought capitalism (e.g. the Communist party, proletariat and the labour organizations). In line with communist thought, surrealism combated every effort of capitalist recuperation, rubbing their shoulders with Marxism. This is no surprise, as Marx pointed out in his *Theories of Surplus Value* that capitalist production is hostile to certain aspects of intellectual production, such as art and poetry.

In 1930, the newspaper *L'esprit française* addressed an inquiry to several revolutionary intellectuals to find out whether, with regard to the sale of works of art, they were pessimistic or optimistic about the relations between intellectual work and those who make it profitable. Breton replied to the inquiry that the intellectual producer should strive to satisfy the *appetite of the mind*, as natural as hunger. The other mode of intellectual production, aimed at satisfying needs on the part of the producer, such as money, honours or glory, was considered to be problematic. 'Such an individual is an integral part of the capitalist world', Breton writes, 'and the extent of his disappointments with that world should not, certainly, morally exceed those of any other exploiter – for example, a trader in rubber' (in Rosemont, 91). These words would prove to be prophetic, as Dalí would experience severe problems in protecting his artistic concept against what he called the brute commercial forces of his sponsor and rubber agent Gardner.

In the *New Yorker*, Salvador Dalí appropriated the surrealists' 1930s leftist ideology by stating with regard to his *Dream of Venus*, 'I paint for the masses ... for the people' (in Kachur 2001, 126). To create art for the masses indeed seemed to be the solution to move away from the capitalism that ruled the glamorous world of upper-class chic. It was a matter of *épater la bourgeoisie*, of shaking off the weight of artistic convention. For this reason, surrealists wished to move beyond the museum walls and were eager to blend high and low culture. They experienced the traditional art

hierarchy – which only granted museum status to painting and sculpture – as insufficient and inaccurate, believing that galleries and museums should broaden their purview to accommodate photography, film, architecture, industrial design, and performance. Surrealists radically diffused the line between low and high culture, but also between disciplines, hence following the principles of critic Gilbert Seldes, who in 1924 published his widely read book *The 7 Lively Arts*. Slapstick films, cartoons, comics, musical comedies, black humour, revues, popular songs, and vaudeville (along with their mass audiences) were thus elevated to the formerly exclusive precincts of high art.

Paradoxically, many surrealists were attracted to the Hollywood industry of celluloid dreams to satisfy the appetite of their artistic mind.⁵ Applying Taylorist and Fordist production principles to the creative process, the 'dream factory' of Hollywood seems at odds with the leftist surrealist ideology. Hence, Breton, arbiter of surrealism, held serious reservations about the potential of film for surrealist endeavours. In the pamphlet *Au grand jour*, which appeared in Paris in 1927 and in which the exclusion of Antonin Artaud and Philippe Soupault from the surrealist group was made public, he condemns Artaud for being a film actor and perceives the acting as a 'concession au néant'.

On the other hand, not all surrealists saw film in the same bad light as Breton did.⁶ Comedy, musicals, horror films and animated cartoons were 'low culture' genres that provided fertile territory to 'dislodge our faith in a realist apprehension of the solidity of reality' (Richardson, 62). For example, some surrealists even adored the humour of Charlie Chaplin and Buster Keaton because of its 'taste for anarchy and insubordination' (Richardson, 62).

Dalí himself actually went to Hollywood twice: first in 1945, to stage the dream sequence for Alfred Hitchcock's movie *Spellbound*, and again in 1946, at the invitation of Walt Disney to collaborate on *Destino*, an unrealized animated film based on a Mexican ballad (Schaffner 1999, 43). In line with the times, Julien Levy, one of the many sponsors behind Dalí's *Dream of Venus* pavilion and one of the most influential surrealist art dealers of that time in New York, enlivened his gallery by mixing culture with entertainment, and by putting movies and comics on his programme. Cultural interest in the cartoonist's art was percolating at the time in America; the Museum of Modern Art included two frames from Disney shorts in the 1936 *Fantastic Art, Dada, Surrealism* exhibition. Yet, Levy bears the distinction of being among the first to show the work of Walt Disney in a commercial gallery; in 1938 he exhibited animation art for the film *Snow White and the Seven Dwarfs* (Schaffner 1999, 107).

Many surrealists also had a close relation to the world of fashion for the same purpose; to undermine the world of appearance and to destabilize the border of high-brow art. For example, Man Ray very actively photographed models and mannequins for *Harper's Bazaar* in the mid-1930s. Artists like Meret Oppenheim

⁵The fascination of surrealism with Hollywood has been explored by Richardson (2006).

⁶André Breton was in fact very ambiguous himself in his attitude towards film. The film *Un Chien Andalou* (1928–29) created by Dalí and Buñuel was hailed as a surrealist masterpiece. In *The Second Manifesto of Surrealism* (1930), Breton explicitly mentions film, next to painting and literature, as a surrealist product.

even worked as couturiers and fabricated fur-lined jewellery for Elsa Schiaparelli. Dalí himself produced a number of surrealist store windows for Bonwit-Teller's department store on Fifth Avenue and Fifty-seventh Street and collaborated with Schiaparelli in dress designs from 1937 onwards. New York glossy magazines would advertise the infamous Dalí-rouge as that year's fashion, together with his infamous shoe-hat. A variety of surrealists used mannequins in their displays, such as Marcel Duchamp's, who used a headless mannequin in the New York bookstore window display for Breton's *Arcane 17* (1945).

Throughout the 1930s, the playful, inventive spirit of surrealists tickled the decorative arts. Kurt Siligmann's *Ultra-Furniture* (1938), a stool made of four women's legs, competed for attention with Dalí's *Mae West Sofa* of 1936, a lip-shaped sofa inspired by the erotic lips of the Hollywood actress. To conquer America, surrealists rubbed their shoulders with fashion, 'low', commercial culture and entertainment. It seemed to work. The American painter Dorothea Tanning remembers how The Julien Levy Gallery brought:

mostly from France where radical things were happening to art and ideas, a stunning series of visual explosions whose seismic vibrations were felt in studio lofts and galleries all over town and as far away as California. By the time the Museum of Modern Art got around to its famous exhibition *Fantastic Art, Dada, Surrealism* in 1936, the Julien Levy Gallery had given New York four years of surrealist shocks, such as the Dalí exhibition I walked in on one day (...) where both Dalí and his wife occupied the place like an invading army. (in Schaffner 1999, 15)

2 A New Mode of Exhibiting Art

In blending low and high culture, surrealism 'moved into three-dimensional space', as Kachur put it (2001, 108), and as such it addressed a broad public space. Much in the same way, the surrealist funhouse *Dream of Venus* deliberately wormed its way up the entertainment business in order to investigate new modes for exhibiting art, outside the walls of traditional museums. Dalí himself cultivated a disdain for the suffocating labels with which art was customarily shrouded. His particular sense of adventure called for a radical blurring of the lines between art and life, between high and low culture, aiming at complete human freedom. He intended *Dream of Venus* to be provocatively anti-institutional and cross-disciplinary. Hence, the pavilion does not only incorporate the visual arts and performance, but also architecture. A less conventional, more corporeal interaction with art replaced the usual contemplative encounter with pictures on a wall. The circuitous aspect of the pavilion, a kind of 'passage' through surrealist 'chambers' displaying performances, objects and wall paintings, surely questioned the traditional mode of exhibiting art. With a marked point of entry, the visitor followed a determined sequence of surrealist encounters, tickling all the senses in the most intriguing manner. Another way in which the visitors' expectations were thwarted was the ceiling. This is normally an unnoticed zone in conventional museum exhibitions, but here it was stuffed with inverted umbrellas and became a stunning focal point.

Dalí's art dealer and sponsor of the surrealist pavilion at the fair, Julien Levy, had the same effect in mind: he also intended to question the traditional mode of exhibiting art in Dalí's pavilion. He had visited the experimental 1938 *Exposition Internationale du Surréalisme* in Paris and was eager to bring the concept of the unsettling environmental display to New York. As Kachur (2001, 106) points out, he thought beyond his gallery to envision a newly theatricalized Surrealist installation in a broad public space.

Already in his own gallery, Levy had used the unsettling architectural element of the curved wall. On the opening of the gallery, in October 1937, *Vogue* enthusiastically wrote, 'The newly-planned walls are broken up artfully, dipping and waving and straightening out again. The rug is dark wine, the walls white, the effect naked and modern' (in Schaffner 1999, 20). Levy not only redefined the conventional backdrop for serious painting and sculpture – the naked, stark white walls would replace the velvet walls and Victorian decoration galleries that were mostly used in those days – he also questioned the static display of paintings and sculpture. Ingrid Schaffner describes his gallery as follows:

Pictures hanging on those [curved] walls took on a cinematic sequencing, directed by the dealer. Accelerated by the viewer's advance, the curve rapidly dissolved one image into another, like frames in a film screened through a projector. A gallery press release announced that pictures 'present themselves one by one, instead of stiffly regimented as they would be on a straight wall'. (Schaffner 1999, 21)

She concludes very appropriately that 'Julien Levy made art lively' (1999, 22).

This liveliness of the arts was not only achieved from an architectural point of view, however. Levy cleverly picked up the shift that was taking place in the American art world and codified the rituals of post-war gallery commerce. Galleries changed from upholstered enclaves and salon-style sanctuaries to fashionable forums with an expanded public. As Schaffner observes, 'there was always something amusing going on' in the Julien Levy Gallery (1999, 36). Press releases, snappy announcement cards and opening-night cocktail parties created a discourse that attracted a mix of visitors: critics, collectors, curators, and artists, who then generated reviews, gossip, speculation, interest and sales.⁷ The step that Levy made towards the public grounds of the upcoming and much ballyhooed New York world's fair in 1939 thus seems fairly logical.

3 Several Americas

In 1935, in the depths of the Great Depression, when America's future seemed bleak, a group of New York City retired policemen decided to create an international exposition to fire the nation's imagination, to provide hope for prosperity and to lift the city and the entire country out of depression. According to the official

⁷From sales income, Levy made 50% if the work came directly from the artist, but he only received a portion of that if another dealer was involved (Schaffner 1999, 25).

New York world's fair pamphlet, the world's fair allowed the visitors to take a look at the world of tomorrow: 'Here are the materials, ideas, and forces at work in our world. These are the tools with which the World of Tomorrow must be made.' The 1939 world's fair proclaimed progress and the arrival of Modern America. While the main purpose of the fair was to lift the spirits of America and drive much-needed business to New York City, it was also felt that there should be a cultural or historical association. Therefore, it was decided that the fair should mix fine art with commercial entertainment forms, that it should blend great mass attractions with class-specific interests. Surrealism fit these decisions well, as it was in those days perceived as a link between both 'worlds of upper class chic and fashion' (Kachur 2001, 108). It is precisely this mix that drew Dalí to the New York fair. The artist was convinced that America was the right place to attain this goal, not Europe. In *The Secret Life of Salvador Dalí*, he writes:

I had a growing desire to feel myself in contact with a 'new flesh', with a new country, that had not yet been touched by the decomposition of Post-War Europe. America! I wanted to go over there and see what it was like, to bring my bread, place my bread over there. (324)

This radical choice for America, the so-called 'land of the dollar', seems at odds with the surrealists' fight against capitalism, but one must not forget that surrealism came into existence in a Europe that suffered from the outcome of World War I, an outcome that was completely different for Europe than for America. Both the American and European economies crashed at the end of the 1920s, but, as Robert W. Rydell has pointed out, the formulas for salvation from the depression varied in Europe and America, echoing in different sorts of world's fairs. He reports that:

European and British world's fair promoters, usually national governments, tended to stress the development of empire as the key ingredient for national recovery, while American exposition promoters, usually industrialists and local civic leaders acting with federal government sponsorship, tended to place more weight on the marriage of science and technology to the modern corporation as the blueprint for building a better tomorrow. (7)

In service to the American world's fair, a scientific and cultural association was introduced 'as science is the best use of the human intelligence to study and improve the environment of human living'. Moreover, the university presidents members of the committee stressed that education was not merely an institutional activity. Instead, they highlighted the value of the radio, motion pictures, and the theatre for 'providing "extra-curricular" instruction to Americans' (in Rydell, 113).

In order to understand Dalí's radical choice for Modern America, one must also keep in mind that by 1939, the Nazi world conquest was on its way to becoming a reality. Hitler annexed Austria and seized Czechoslovakia. The world was burning and America seemed to be the only one around with a fire truck. Albert Einstein, who had been invited to serve as the nominal chairman of the ACS of the 1939 world's fair, was on the verge of becoming an American citizen in 1940 and uttered the following warm praise in favour of the United States: 'In America, the development of the individual and his creative powers is possible, and that, to me, is the most valuable asset in life. (...) In some countries, men have neither political rights

nor the opportunity for free intellectual development. But for most Americans, such a situation would be intolerable' (in Jerome and Taylor, 70). It was in this context that Dalí wrote the following words of acclaim about America:

And often what with us had tragic undertones assumed at most an aspect of entertainment in America. (...) Far from the battle, having nothing to gain and nothing to lose or to combat, they could be lucid and see spontaneously what made the most impression upon them among all the things that were happening in Europe. (...) Europeans are mistaken in considering America incapable of poetic and intellectual intuition. It is obviously not by tradition that they are able to avoid mistakes, or by a perpetual sharpening of 'taste'. No, America does not choose with the atavistic prudence of an experience which she has not had, or with the refined speculation of a decadent brain which it does not possess, or even with the sentimental effusion of its heart which is too young. No, America chooses better and more surely than it would with all these things combined. America chooses with all the unfathomable and elementary force of her unique and intact biology. She knows, as does no one else, what she lacks, what she does not have. And all that America 'did not have' on the spiritual plane I was going to bring her, materialized in the integral and delirious mixture of my paranoiac work. (325)

The complex concept of Modern America is also a topic in the poststructuralist writings of Gilles Deleuze and Félix Guattari. In *A Thousand Plateaus*, they claim that capitalist America did not exist, that there were in fact several Americas. According to them, 'America is a special case'. To them, it acts as an intermediary between East and West, because:

it proceeds both by internal examinations and liquidations (not only the Indians but also the farmers, etc.), and by the successive waves of immigration from outside. (...) They know how to move between things, establish a logic of the AND, overthrow ontology, do away with foundations, nullify endings and beginnings. They know how to practice pragmatics. The middle is by no means an average; on the contrary, it is where things pick up speed. (22, 28)

These observations refer to America as a rhizomatic configuration, rather than the solid, structural or generative model of the tree. This botanical concept of the rhizome was developed by Deleuze and Guattari to denote a multiple, non-hierarchical and creative mode of thinking, as opposed to the arborescent conception of knowledge that is based on dualist categories, binary choices and distinct identities. The rhizomatic configuration that they attribute to several Americas refers to an open structure that apprehends heterogeneity and multiplicities. According to them:

Everything important that has happened or is happening takes the route of the American rhizome: the beatniks, the underground, bands and gangs, successive lateral offshoots in immediate connection with an outside. American books are different from European books, even when the American sets off in pursuit of trees. The conception of the book is different. *Leaves of grass*. (Deleuze and Guattari 2007b, 21)

However, can one escape the tenets of capitalism as easily as Deleuze and Guattari seem to suggest? They do acknowledge that the recuperative power of capitalism is not to be underestimated. Whereas all social formations usually restrict or structure movements or flows by means of coding, capitalism – as a radical exception – is a regime of decoding in tandem with a process of axiomatization. The decoding creates the false liberatory effects of capitalism. Deleuze and Guattari are Marxists insofar as they consider real freedom to be unavailable in the world of

monetary equivalence enacted by capitalism. As a matter of fact, in the same chapter in which they observe the subversive possibilities the multiple Americas offer, they outline how:

the flow of capital produces an immense channel, a quantification of power with immediate “quanta”, where each person profits from the passage of the money flow in his or her own way (...): in America everything comes together, tree and channel, root and rhizome. There is no universal capitalism, there is no capitalism in itself; capitalism is at the crossroads of all kinds of formations, it is neo-capitalism by nature. It invents its eastern face and western face, and reshapes them both – all for the worst. (...) An impasse. So much the better. (...) for there is no dualism, no ontological dualism between here and there, no axiological dualism between good and bad, no blend or American synthesis. (2007b, 22)

4 A Story with a Rubber Tail

An impasse is exactly where Dalí ultimately found himself when he headed for a surrealist conquest of America. His affinity with the entertainment industries and low culture had ambivalent consequences, which left him in a difficult position.

To begin with, Dalí’s pavilion was not located in the main fairgrounds but was relegated to the Amusement Zone, along with popcorn, barbecue stands, a roller coaster, and other carnival games. One would expect Dalí to be situated, as Kachur writes, ‘on the cutting edge as investigating Eros’ (2003, 71). Squeezed between a popcorn concession stand and the chalet-like spires of Sun Valley, the avant-garde had instead been literally cast away from ‘serious’ art. Dalí had to compete with top moneymaking amusements like Jungle Land, the Parachute Jump and Rose’s Aquacade, but was not able to outshine the other attractions of ‘the truly carnivalesque midway’ (Kachur 2001, 128). Compared with the semi-nude acts of Gypsy Rose Lee’s spectacle *The Streets of Paris* (1940 season), for example – described as an ‘unabashedly topless young woman who entertained in the Zone’ (Kachur 2003, 71) – Dalí’s Venus was labelled as ‘modest’. Bel Geddes’ Crystal Lassies were endlessly reflected in the mirrored glass on the walls and even the floor. This crystal polygon multiplied the image of the semi-nude, sensuously moving dancers a thousand times more than was the case in Dalí’s *Dream of Venus*, ‘providing access for the desiring gaze from all sides and points of view’ (Kachur 2001, 154). Billy Rose’s Aquacade featured ‘dozens of synchronized swimmers and divers as well as singers and dancers, a cast of 350, in a 300-foot pool (...), a 10,000-seat amphitheatre’ (Kachur 2001, 157). This obviously outclassed the 11-meter-long glass tank of Dalí’s *Dream of Venus*, filled only two meters deep with water. Aquacade was considered to be more spectacular, more sensational, more thrilling and hence got more public attention. Dalí skirted a thin line between the naked and the nude, rationalizing the blunt nakedness with an ‘overlay of fine art veneer’, as Kachur put it (2001, 157), but his exploration of the unknown territories of the unconscious and the dream were downcast to cheap amusement, being measured on the basis of soft-core entertainment criteria, and ultimately being evaluated half-heartedly.

What Dalí himself experienced to be more problematic, however, was that he had to deal with the censorship of the Fair's Amusement Area Chairing Committee to realize his design. The title, for example, was negotiated from the artist's first choice, *Dalí's Naked Dream*. The main point of contention, though, was the refusal to give Botticelli's Venus the head of a fish. The Fair's Amusement Area Chairing Committee wrote that, 'A woman with a tail of a fish is possible; a woman with the head of a fish is impossible' (in Etherington-Smith, 245). As a consequence, the visitors only saw a censored and popularized version of the artist's original concept. 'The pavilion turned out to be a lamentable caricature of my ideas and my projects', Dalí complains in his memoirs (377).

Dalí's attempt to wed art and the masses was problem-ridden from the start. To secure financing for the surrealist adventure, Julien Levy joined forces with a 'rubber man', W.M. Gardner from Gardner Displays, Pittsburgh. Gardner would finance the pavilion provided that *Dream of Venus* would feature his products, mainly in the form of rubber mermaid tails (Harriman, 23).⁸ Dalí was not happy with this. 'I had designed costumes for my swimming girls executed after ideas of Leonardo da Vinci's, and instead of this they constantly kept bringing me horrible costumes of sirens with rubber fish-tails', he sighs. He calls the fluorescent gold and silver wigs – which he had not designed either – a 'wholly and gratuitous and anonymous fantasy of the corporation's' and concludes: 'I realized that all this was going to end up in a fish-tail – that is, badly' (376–377). A whole struggle followed. In his memoirs, Dalí recalls how he used 'the challenging force' of his scissors and cut open, one after the other, the dozen siren's tails, thus making them unusable. He attacked the wigs by cutting them into braids and dipping them in tar, to be stuck to the umbrellas which were to line the ceiling of the pavilion. Yet, this did not end the struggle. He was displeased with the quality of his ordered goods and even spoke of sabotage. In the meantime, Julien Levy's exhibitions at his gallery became a resounding success, with the help of flashy magazines,⁹ which reported his success and hailed his popularity. '[Dalí's works] sold like hotcakes', Levy writes in his memoirs (199). His gallery was significantly called 'one of New York's most fashionable art shops' (in Schaffner, 1999, 53. See also *Newsweek*, 48).

⁸ Levy was only one of the many sponsors behind Dalí's *Dream of Venus* pavilion. As reported in the *New Yorker*, it was "promoted and financed by a group of substantial men", including "William Morris, the theatrical agent; Julien Levy; Edward James, an art collector and a Dalí fan; I.D. Wolf of the Pennsylvania State Exhibit at the Fair; W.M. Gardner of the Gardner Display Company; Ian Woodner, an architect; and Philip Wittengerg, a lawyer" (Schaffner 1999, 59, fn. 73). See also Harriman, 22–27.

⁹ The Julien Levy Gallery reached a large public by calling upon both publicity magazines and art journals. 'In addition to receiving constant notice in *The Art Digest*, *The Art News*, and *The New York Times*, the gallery received regular coverage in *Vogue*, *Harper's Bazaar*, *Life*, *Newsweek* and *Time*' (Schaffner 1999, 53).

Dalí was reproached for being ‘fully capitalized on his easily-won American reputation’, for becoming ‘an entertaining crackpot’. Critics blamed Dalí for going down on his knees for fashion commodities, ‘low’ culture and entertainment modalities. Franklin Rosemont, for example, calls him a ‘venal and reactionary charlatan’ lured into capitalism by Levy, who cultivated ‘the marketability of Dalí’s work’. Rosemont holds him responsible for ‘the popular equation of surrealism with Salvador Dalí, an abysmal misconception more firmly entrenched in the English-speaking world than anywhere else’ (28, 93).

By the end of the 1930s, Breton was convinced that Dalí drained surrealism of its political content and simply reconstituted it as pure entertainment. He anagrammatically dubbed him ‘Avida Dollars’ and expelled him from the movement.¹⁰ In his eyes, Dalí’s mode of ‘intellectual’ production had shifted from satisfying the appetite of the artistic mind to meeting needs on the part of the ‘rubber man’, such as money, honours, glory, etc.

In fact, Dalí himself was very unhappy with the result of *Dream of Venus*. The funhouse did not match his surrealist endeavours at all. He realised that the promised liberty was a fake and a farce and left for Europe: ‘This pavilion was to be called *The Dream of Venus*, but in reality it was a frightful nightmare, for after some time I realized that the corporation in question intended to make *The Dream of Venus* with its own imagination, and that what it wanted of me was my name, which had become dazzling from the publicity point of view’ (376). Indeed, in the end, capitalism proved to be the main track for the fair to follow in order to escape from depression. ‘Imperial dreams (...) were never far removed from the consciousness of America’s exposition’s organizers’, states Rydell correctly (7).

The 1939 New York world’s fair is said to have been the largest world’s fair of all time, acquiring the status of the capitalist phoenix rising from its ashes after the Great Depression. It soon turned out to be that Grover Whalen, former chief of police and president of the committee, saw the fair as an opportunity for corporations to present consumer products, rather than as an exercise in presenting science and the scientific way of thinking in its own right, as Harold Urey, Albert Einstein and other scientists had wished to see the project. ‘As events transpired’, reported astronomer and astrochemist Carl Sagan, whose own interest in science was nevertheless sparked by the fair’s gadgetry, ‘almost no real science was tacked on to the Fair’s exhibits, despite the scientists’ protests and their appeals to high principles’ (Sagan, 404). Even in his praise for America’s ideals of freedom and diversity, Einstein did not hesitate to warn that the noble principles were in danger or at least needed vigilant guarding. He voices his disappointment in the 1939 world’s fair by recommending that ‘it is all the more important (...) to see to it that these liberties are preserved and protected’

¹⁰Dalí’s exclusion from the surrealist movement had been proposed as early as 1934 for having avowed, in his typically frivolous way, pro-Hitler sentiments. However, ‘Dalí formally renounced his pro-fascist views and remained a peripheral figure in the group through 1935. Briefly reconciled with the group in 1938, he participated in the International Surrealist Exhibition of that year, then drifted away permanently. “Since 1936”, Breton wrote in 1942, Dalí’s work “has had no interest whatsoever for surrealism”’ (in Rosemont, 93, 196, fn 44).

(in Jerome and Taylor, 70–71). Dalí was likewise disillusioned with his word's fair adventure, which led him to publish a pamphlet titled *Declaration of the Independence of the Imagination and Rights of Man to His Own Madness*.¹¹ He hired a small plane to fly over the city and dropped copies of this manifesto on Manhattan below. He refused to attend the opening on June 15, 1939.

5 The Rights of Man to His Own Madness

In his *Declaration*, Dalí rid himself of any moral responsibility for the world's fair pavilion *Dream of Venus* and uttered the desire to break with all logical chains of capitalist society as follows:

When, in the course of human culture it becomes necessary for a people to destroy the intellectual bonds that unite them with the logical systems of the past, in order to create for themselves an original mythology which corresponds to the very essence and total expression of their biological reality ... then the respect that is due public opinion makes it necessary to lay bare the causes that have forced the break with the outworn and conventional formulas of a pragmatic society. (in Schaffner 2002, 106)

The question arises whether destroying the intellectual bonds that tie us to logical systems provides a way out of the tenets of capitalist society. It has been suggested more than once that Dalí cultivated the mythic image of the 'mad artist' as a spectacle. Dalí's press agents released a press clipping entitled 'Is Dalí insane?', hoping for big box office successes with a curious public. Reviews of *Dream of Venus* also significantly claim that 'there is plenty of Broadway method in Dalí's madness' (in Kachur 2001, 126).

From a poststructuralist point of view, Deleuze and Guattari also seem to suggest that even madmen are trapped in capitalism for life. In *Anti-Oedipus*, they point at the intertwining of capitalism and schizophrenia. Capitalism automatically creates schizos, because of its process of decoding in tandem with axiomatisation. It produces 'an awesome schizophrenic accumulation of energy or charge' (37). What is peculiar is that capitalism constantly pushes schizophrenic modalities into the margin, hence denying the residue of what it actually creates. The schizo is trapped – so it seems – within the very recoding institutions of capitalist society itself; in the analyst's office. In this way, capitalism constantly turns against schizophrenia with all its powers to bear, but at the same time schizophrenia continues to act as a boundary for capitalism. 'It continually seeks to avoid reaching its limit while simultaneously tending toward that limit.' (37) Along with Deleuze and Guattari, one could say that schizophrenia is the *exterior* limit of capitalism itself. Hence, schizophrenia is not the identity of capitalism, but on the contrary its

¹¹Excerpts of his declaration appeared in 'Dalí Manifests', *Art Digest* 13 (August 1, 1939). Other art periodicals were silent on the 'Declaration'. Its entire text is reprinted in Levy's *Memoir of an Art Gallery*, on p. 219–222.

difference, its divergence, and its death. ‘Our society produces schizos the same way it produces Prell shampoo or Ford cars, the only difference being that the schizos are not salable’ (266–267).

Dalí believed that the position of the madman provides a way out of the axiomatic system of capitalism. Therefore, he demands in his declaration the rights of man to his own madness. In demanding the right to be mad, Dalí at the same time again links himself and Columbus as Catalans, and as explorers of new (American) worlds:

If I'm the madman, then give me madness or give me death (...) In the nightmare of the American Venus, out of the darkness (bristling with dry umbrellas) the celebrated taxi of Christopher Columbus ... CHRISTOPHER COLUMBUS, DISCOVERED AMERICAN, AND ANOTHER CATALAN, SALVADOR DALÍ, HAS JUST REDISCOVERED CHRISTOPHER COLUMBUS. (in Schaffner 2002, 108)

The identification with Columbus gets another dimension here; the explorer's historical voyage is deepened with an internal voyage. In an extraordinary tale about Columbus, Jacques Besse describes the explorer's historical voyage in terms of following non-decomposable distances, and the internal historical voyage in terms of enveloping intensities. At a certain moment in the tale, Columbus has to calm his mutinous crew and becomes admiral again only by simulating a (false) admiral who is impersonating a dancing whore. The peculiarity of Columbus here is that he was something only by being something else, hence displaying the qualities of the schizo. Deleuze and Guattari were thrilled by this tale by Besse because it points at the double stroll of the schizo during Columbus' ‘great discoveries’. ‘The “great discoveries”, the great expeditions do not merely involve uncertainty as to what will be discovered, the conquest of the unknown’, says Deleuze in an interview with Claire Parnet, ‘but the invention of a line of flight, and the power of treason: to be the only traitor, and traitor to all. (...) The creative theft of the traitor, as against the plagiarism of the trickster’ (Deleuze and Parnet 2007, 41. See also *Anti-Oedipus*, 96).

Deleuze here points at the creative qualities of Columbus as schizo, displaying the ability to move beyond logical certainties, common sense and fixed identities. It is true, just like Dalí, Columbus, the Great Discoverer, might have been motivated by the riches he hoped to find. But at least he opened up lines of flight, moved into the great wide open and hence produced differences. In fact, Dalí's schizophrenic utterance ‘the only difference between me and a madman is that I am not mad’, is not a matter of synthesis. It is a matter of what Deleuze and Guattari have called an ‘inclusive disjunction that carries out the synthesis in itself in drifting from one term to another and following the distance between terms’ (2007a, 86).

6 Conclusion

During a boat trip with Gala and the fishermen of Cadaques, moving forward with the characteristic slowness of a row-boat, passing by the rocks of Cape Creus, Dalí is intrigued by all the images capable of being suggested by the complexity of the

innumerable irregularities of the rocks. He is delighted by the way the rocks at every stroke continually become metamorphosed:

What had been the camel's head now formed the comb, and the camel's lower lip which was already prominent had lengthened to become the beak. The hump, which before had been in the middle of its back, was now all the way back and formed the rooster's tail (304).

Watching the 'stirring' of the forms of those motionless rocks, Dalí wishes his thoughts to be like them:

changing in the slightest displacement in the space of the spirit, becoming constantly their own opposite, dissembling, ambivalent, hypocritical, disguised, vague and concrete, without dream, without 'mist of wonder', measurable, observable, physical, objective, material and hard as granite (305).

He realizes that, if he really wants to return to Paris as a conqueror, he should arrive there rowing a boat. 'I ought not even to get out of this boat', he writes, 'but go there directly, bringing this light of Lligat clinging to my brow. (...) Row, Dalí, row!', he encourages himself, 'Or rather, let the others, those worthy fishermen of Cadaques, row. You know where you want to go; they are taking you there, and one might almost say that it was by rowing, surrounded by fine paranoiac fellows, that Columbus discovered the Americas!' (305–306).

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How to Sell a Boring Action Hero: An Analysis of the Success of *The Bourne Ultimatum* Within the Context of Corporate Hollywood

Isolde Vanhee

Abstract Jason Bourne is certainly not your typical action hero. He may share his initials with that other undercover icon James Bond, but ultimately, have very little else in common. Jason Bourne is ordinary looking, has no sparkling personality, and no apparent sense of humor. To make things worse, he suffers from amnesia. Initially, all he knows about himself is that he displays impressive situational awareness, has an awesome set of fighting skills, and that parties unknown want to kill him. Consequently, he looks confused whenever he is not otherwise engaged in dispatching bad guys. Nor is there any eye candy – no beaches and no babes – to make up for his otherwise rather dull personality. Even the final outcome of the Bourne films to date is far from uplifting. Ultimately, Bourne lays bare the moral bankruptcy of the West and its main political and economic systems.

A boring action hero in a politically engaged story? This sounds like a recipe for disaster at the box office and yet the Bourne trilogy is one of the most successful Hollywood franchises in recent years. How did Jason Bourne acquire such a huge audience and critical acclaim? Can a film be both mass entertainment and score high on an artistic scale? How did anti-corporatism and anti-capitalism find its way into mainstream Hollywood? How does all this fit into the marketing strategies of Universal Studios? To summarize: Is there still hope for Hollywood, both aesthetically and ethically?

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1 Introduction

An unconscious man is picked up by a fishing boat, bullet-riddled and without memory. His discovery of a safe-deposit box filled with money, different passports, and a gun raises further disturbing questions about his identity. This is the starting point of the first Bourne film, *The Bourne Identity* (2002, Doug Liman). Its success spawned two more Bourne films, *The Bourne Supremacy* (2004, Paul Greengrass) and *The Bourne Ultimatum* (2007, Paul Greengrass). In *The Bourne Ultimatum*, Jason Bourne is both predator and prey. By now, he has learned that a secret CIA training program made him into the perfect killer, technically superior and morally indifferent. He fully realizes that instead of serving his country, he really was assassinating people who were a threat to the system, that system being the current political and economic power structures. Bourne wants to come to terms with his past, seek forgiveness for his deeds, and ultimately expose his former employees who are now trying to eliminate him.

It is tempting to compare the character of Jason Bourne to James Bond. They have their initials in common and they are both secret agents with superior skills. But that is about as far the shared characteristics go. Compared to Bond, Bourne is a rather boring hero. His fighting skills and his cool-headedness in times of crisis are his only truly impressive assets. Furthermore, he is just another face in the crowd. Unlike Bond, he is no lady's man nor does he have an armada of high-tech gadgets at his disposal. Still, this humble action hero has appealed to audiences worldwide. Even more than *The Bourne Identity* and *The Bourne Supremacy*, *The Bourne Ultimatum* was a major hit for Universal Studios. Worldwide, the film grossed US \$442,815,128, good for a respectable 82nd place in the all-time box office chart.¹ Still, *The Bourne Ultimatum* is regarded as more than a successful action blockbuster. The film has been praised, not only for its superb chases and perfectly choreographed mayhem, but also for its daring style and its political awareness. The Bourne franchise thus made the transit from mainstream Hollywood product to what the *New York Times* fittingly described as "unusual smart works of industrial entertainment" (Dargis 2007). In other words: a quality product. Through the analysis of this remarkable trilogy, particularly the final installment, the present attitude of the big Hollywood studios towards money, art and politics is brought to light.

2 Art Versus Business: The Universal Case Study

In *Hollywood Cinema*, Richard Maltby emphasizes the importance of understanding American cinema as an industry engaged in the production and sale of a commercial commodity. As Maltby defines Hollywood movies, they exist as commercial

¹All box office numbers concerning *The Bourne Ultimatum* can be retrieved from the Mojo Box Office Database.

goods in a capitalist society. Commercial considerations shape their aesthetic organization. From his perspective, Maltby criticizes approaches that see Hollywood as primarily determined by a set of formal characteristics (Maltby, 2003 [1995], p. 7). On the other hand, Richard Dyer recognizes the importance of studying cultural, economic, and historical conditions, but he pleads that film studies should not forget that film matters for its artistic merits. Film studies need to return to considering the aesthetic reasons for thinking why film matters, reasons not themselves entirely in concert with the cultures of production and consumption. From Dyer's perspective, film has its own way of doing things that cannot be reduced to ideological formulations or what people (producers, audiences) think and feel about it (Dyer 1998, pp. 9–10).

It is not just the film theorists, who differ in opinion on how crucial the aesthetic or economic aspects are in the filmmaking process. This conflict between art and business has always been central to American motion pictures, most famously represented by battles between directors and producers. In the history of Hollywood filmmaking, there has been a constant anxiety about the fading quality of Hollywood films due to commercial pressures. This anxiety testifies to the obstinate belief that commercial and artistic aspirations are essentially in conflict. From the studio's viewpoint, the commercial success is of course far more important than any artistic merits. Ultimately, the company executives are not trying to write film history, they are in it for the money.

Concerns about the commercial logic of Hollywood are intensified by the fact that Hollywood is increasingly targeting their product at an audience of teenagers. Since the early 1950s, Thomas Doherty observes a juvenilization of movie content in response to the new teenage market (Doherty 1988). This progressive juvenilization of movie audiences has been linked to a further decline in the number of quality films.

The case of Universal Pictures is exemplary for past and current evolutions in the film industry. Like every other major film studio these days, Universal is linked to a larger conglomerate that no longer has filmmaking as its core business. Universal is now part of NBC Universal, a media and entertainment company formed in May 2004 out of the merging of General Electric's NBC with Vivendi's Universal Entertainment. General Electric owns 80% of NBC Universal with the remaining 20% owned by Vivendi SA, a French Media Group. The company owns television networks, motion picture companies, and a number of theme parks (Official NBC Universal site 2008).² Hence, film is one of its many entertainment products.

In the Classical Hollywood past, Universal Pictures made a name for itself with horror classics like *Dracula* (1931, Tod Browning) and *Frankenstein* (1931, James Whale). With yet another monster, Universal Pictures rang the bell for the blockbuster era half a century later. With *Jaws* (1975, Steven Spielberg), studio boss Lev Wasserman helped launch the blockbuster culture that dominates the present movie industry. Despite his initial doubts about *Jaws*, Wasserman knew how to market it.

²More information about the different areas of NBC Universal can be found on its official homepage: www.nbcuni.com

Defying the movie industry's suspicion of television, he saturated the airwaves with advertising. And in place of the traditional model of premiering a movie in New York and Los Angeles, *Jaws* was simultaneously released on screens across the country. Both strategies are now standard. At the time, they were reserved for cheaper and less ambitious films (King 2002, p. 55). *Jaws* made US \$192 million in its first year. According to David Puttnam, Wasserman's entire career was built around an unspoken credo: "The deal, no matter how cynical, is an end in itself." The fact that businessmen like Wasserman were able to take control of the film industry has been an ongoing process since the earliest days. Hollywood had long been ruled by mercurial showmen who operated principally on instinct. Wasserman had their instinct – it was said that he could guess how much a movie would gross just by looking at the first hour's receipts – but he matched it with a hard-nosed understanding of corporate organization (Puttnam 1999, pp. 195–196).

These days marketing experts are a significant part of the Hollywood machine. They increasingly dictate what gets made and what gets distributed, as well as what the potential viewing public is told about a film. Hollywood has always been more impressed by box office receipts than art, but over the past decades, films have been increasingly turned into commodities (Dick 1997, p. 182). Marketing specialists are also running Universal these days. In 2006, Ron Meyer, president of Universal Studios, announced that Marc Shmuger had been named chairman and David Linde co-Chairman of Universal Pictures. Marc Shmuger was the company's former marketing chief. Along with the Bourne franchise, he launched *King Kong* (2005, Peter Jackson), *The Mummy* franchise (1999, 2001, 2008), the *American Pie* franchise (1999, 2001, 2003), *The Fast and the Furious* franchise (2001, 2003, 2006, 2009), the *Bridget Jones* franchise (2001, 2004), and other commercial hits. David Linde's new responsibility was to bring in innovative talent, since he had formerly served as a co-president for Focus Features and president of Rogue Pictures, the specialty film unit of Universal Pictures, since 2002. Linde had overseen a critically-acclaimed slate of films including Roman Polanski's *The Pianist* (2002), Sofia Coppola's *Lost in Translation* (2003), Fernando Mereilles's *The Constant Gardener* (2005), and Ang Lee's *Brokeback Mountain* (2005). He is known to have a nose for talent and break-out box office successes. *Variety* observed that neither chairman had much actual production experience. Still, they oversee all domestic and international business units, including production, distribution, marketing, acquisitions, consumer products, corporate partnerships, strategic planning, and finance (Fleming 2008).

According to Bernard Dick, corporate Hollywood is even more profit-driven than the Hollywood of the studio years. The days of the studio system may be long gone, but the major studios remain overwhelmingly dominant. They control the international distribution networks. Even so-called independent films are quite often made by production companies that have deals with the major studios for distribution or co-financing (Dick 1997, p. 171). The working definition of independent in the US film industry covers all films made by producers who are not members of the Motion Picture Association of America (MPAA) and are mostly represented by the American Film Marketing Association (AFMA) (Milleret al. 2005, p. 48). Still, 'independent' remains a loose, slippery label. Historically, it has always implied

work different from the mainstream, whether this relationship is defined primarily in economic terms or in aesthetic terms. (Hillier 2001, p. VII). Over the years, Universal has made deals with various independent companies, such as Amblin Entertainment, Morgan Creek Productions, Working Title Films, and StudioCanal. Furthermore, Universal has its own independent sidekick. Independent or art film divisions enable the majors to seek to benefit from the relatively few films of this type that break through to larger success. Moreover, they can be good for the image of the studios. (King 2002, p. 83). Focus Features is the art house films division of NBC Universal and acts as both a producer and distributor for its own films and a distributor for foreign films. Smaller budget films may come with a larger degree of artistic freedom for independent filmmakers, but their films go down the same distribution road. Corporate executives decide whether or not they get distributed to a worldwide audience.

It is hardly surprising that marketing agents are controlling the film industry today. It is through this vast marketing machinery that films are often turned into hits long before their actual release. Today, films have to score big on their opening weekend in order to be successful. *The Bourne Ultimatum* for instance has a perfectly normal box office history for a successful hit today. It made approximately 69 million dollar on its opening weekend, which is 30.5% of the total domestic gross. Because of this typical box office pattern, the importance of test screenings can not be underestimated. They are a strong indication of future success. Executives may decide that films that perform poorly in test screening are condemned to go straight to DVD. The theatrical box office is no longer the only place to make money. There is significant income to be made from the DVD and television market. The first Bourne film was in fact a greater DVD success than a box office hit. Whereas Bond films are famous for their extensive product placement, the Bourne films exercise considerably more restraint in this area. Still, it is hardly a coincidence that the character played by Clive Owen in *The Bourne Identity* drives a BMW, just as he does in the BMW commercials.

The constant takeovers, the truly massive expenditures on marketing, the recent strikes, the fire at Universal Studios may suggest a crumbling Hollywood industry. However, even in times of financial crisis, there seems to be no need for concern. Geoff King quite correctly observes that even the most notorious box office disappointments are not always the financial disasters they might first appear (King 2002, p. 53). The major studios only take calculated risks. Filmmaking is simply following a corporate ethos that its principal task is to make profits for shareholders. A movie that fails to make a considerable profit at the box office often quite undeservedly gets labeled a flop, even if no money is in fact lost at the end of the corporate line. According to the impressive amount of statistical data gathered in *Global Hollywood 2*, there are no signs that Hollywood is weakened despite the growing competition of other entertainment media, such as the booming video game industry. Furthermore, Hollywood has tightened its grip on international movie business. The world market is crucial to Hollywood. In the past decade, the overseas box office has grown to the point where it virtually equals the domestic figures (Miller et al. 2005, p. 10). *The Bourne Ultimatum* made 48.6% of its total

gross outside the US.³ Measured in box office receipts, Europe is Hollywood's most valuable territory (Miller et al. 2005, p. 17). More difficult to answer is whether Hollywood truly fulfils a need with its worldwide audiences or whether it operates via monopolistic business practices. Furthermore, are these ever more cynical bottom-line driven practices slowly suffocating creative forces in Hollywood? Some even question whether today's global Hollywood is still able to deliver that unique mix of art and entertainment.

3 From Action Blockbuster to Quality Film: The Bourne Case Study

The Bourne Ultimatum is an action-adventure film, designed to entertain large audiences. Hollywood has always relied strongly on genres to categorize, economize, and promote its products. According to Steve Neale, action-adventure films have been a dominant trend since the 1980s in Hollywood, exemplified by the *Alien* films (1979, 1986, 1992, 1997), the *Indiana Jones* films (1981, 1984, 1989, 2008), the *Rambo* films (1982, 1985, 1988, 2008), the *Die Hard* films (1988, 1990, 1995, 2007), and the *Terminator* films (1984, 1991, 2003, 2009). This trend encompasses a range of films and genres, from science fiction to thrillers and war films. The term action-adventure refers to a propensity for spectacular physical action, a narrative structure involving fights, chases, and explosions, and in addition to special effects, an emphasis on athletic feats and stunts (Neale 2000, p. 52). This set of characteristics certainly applies to *The Bourne Ultimatum*. The film is structured around three thrilling chases, each of which pits the extensive, elaborate high-tech eyes and ears of the CIA against the intuitive, ultra-alert mind of a single man with impressive fighting skills (Lee 2007).

The Bourne Ultimatum is no small action flick, but a downright blockbuster. Blockbusters are supposed to attract a huge audience and a lot of money is spent to make this happen. *The Bourne Ultimatum* was made on a budget of US \$110,000,000 which is a normal production budget for a big studio film. For a large-scale action-adventure film, *The Bourne Ultimatum* holds back on spectacular explosions and state-of-the-art special effects. But then again, no costs were spared to deliver exhilarating fights and stunning chases. For instance the production devoted 6 weeks to the climactic car chase in lower Manhattan, a location that certainly doesn't come cheap. The oversized blockbuster budgets not only enable a higher production value, but also the contribution of star actors. In this case, Matt Damon was cast as Jason Bourne. Matt Damon was already a star, but he was not an obvious choice to play an action hero. Damon is no typical glamour boy, nor is he a muscleman like Schwarzenegger or Stallone. He comes across cautious, quiet, and even vulnerable. Still, the Bourne

³*The Bourne Ultimatum* made US \$227,471,070 domestic and US \$215,346,089 foreign, totalizing US \$442,817,159 (Box Office Mojo Database 2008).

films made him an action star. Damon succeeded in getting the audience to accept that Jason Bourne was unbeatable and helpless at the same time. Apart from the characterization of Jason Bourne, *The Bourne Ultimatum* also has a rather smart story compared to the average action-adventure blockbuster. Despite the simple pitch of an amnesiac hit man, the story has a complexity rarely encountered in such films. In an action film, the thrill of the action is more important than the logic of the story and the credibility of the characters, as it is clearly the case in *Pirates of the Caribbean: At World's End* (2007, Gore Verbinski) and *Transformers* (2007, Michael Bay), two major blockbusters released in the same year as the last Bourne film. *The Bourne Ultimatum* aspires to be more than a thrilling rollercoaster ride. The smart conspiracy plot guides the kinetic energy of spectacular chases and brutal fight scenes. A lot of screen time goes to the character and story building, both in between action scenes and across the total length of the film. Director Paul Greengrass's goal was to hit that "sweet spot between energy and information" (Greengrass 2007). He wanted his film at times to be pure energy, but he wanted to keep the audience informed about where the story was taking Jason Bourne and why. Therefore, the cause-and-effect chain that is central to Hollywood storytelling is never broken. Whether you regard this narrative structure as a heritage from Classical Hollywood story crafting or not, Greengrass does not refer to Hollywood's distant past. He marks the conspiracy thrillers of the 1970s, such as *The French Connection* (1971, William Friedkin), *The Parallax View* (1974, Alan J. Pakula), and *All the President's Men* (1976, Alan J. Pakula) as main points of reference (Greengrass 2007). The so-called New Hollywood of the 1970s not only saw the rise of the blockbuster, it was an era of unrivalled creative energy. Today's leading directors such as Paul Greengrass are children of the 1970s.

It is primarily the name of British director Paul Greengrass that lends *The Bourne Ultimatum* a quality label. His name is associated with a kinetic style and a history of engaged filmmaking. The old prejudice still lingers that genre films – and certainly action-adventure films – are foremost mass products following a fixed set of rules whereas the link with a talented director holds the promise of an original, outstanding work of art.⁴ Hollywood executives predominantly tend to use star actors to sell a film. They will, when the occasion merits, employ the same strategy with star directors. Studios use the name of a well-known or critically acclaimed director as a marketing instrument (Elsaesser 2000, p. 238). However, Universal took a chance in putting Paul Greengrass in the director's chair. He was a critically acclaimed, but not a well-known director on the domestic American box office. So far, Greengrass has adjusted well to the Hollywood system. Today, it is virtually impossible for a director to have total control over a big budget film. Greengrass has to play by the studio rules, but he has been able to simultaneously put his mark on a film. He is interested in real-life stories and he makes *The Bourne Ultimatum* look like one, fusing the traditional look of a Hollywood action blockbuster with his own typical *vérité* style.

⁴In the 1950s, the French auteur theory already hailed the director as the artistic genius behind the Hollywood film. Through the writings of Andrew Sarris, the auteur theory became highly influential in the US in the 1960s (Sarris 1992, pp. 586–587).

Greengrass does not hold a sole claim on the current use of a *vérité* style. Worldwide, filmmakers use a spontaneous, documentary style to give their picture a sense of reality. The handheld aesthetic is well represented in Hollywood these days. The success of reality TV, news shows, and Youtube has made executives realize more than ever that reality sells. Audiences are believed to respond well to authenticity and a sense of realness. Therefore, the Hollywood style is being injected with a new realism that most critics like to refer to as a *vérité* style. The term *vérité* is borrowed from the *Cinema Vérité*, a French documentary movement of the 1960s (Hayward 2000, p. 58). Today, the term *vérité* style covers a variety of semi-documentary styles that often make use of handheld cameras, rough editing, actual locations, and non-star actors. In the case of *The Bourne Ultimatum*, it is difficult to untangle the typical stylistic ingredients of the action-adventure film, the Greengrass film, and the *vérité* trend. Many of the stylistic techniques used in *The Bourne Ultimatum* can be labeled *vérité*, but it is important to realize that this *vérité* look results from deliberate choices and not from random recording. First, there is the extensive search for the ultimate location. The action scenes are set against the everyday streets of major world cities like Paris, London, Madrid, Tangiers, and finally, New York. The film deliberately does not show off tourist spots, but tries to capture a sense of everyday city life. Furthermore, the restless camera suggests that scenes are directly and spontaneously recorded, when in fact camera positions and movements have all been very precisely planned. The editing also looks edgy, frenetic, and impulsive, yet remains tightly controlled. Ultimately, the *vérité* style leaves the viewer with the impression that they are watching a poignant news story or at least a story that matters.

Vérité is considered to be more than a handheld aesthetic. As were their forerunners of the French *Cinema Vérité*, today's *vérité* filmmakers are presumed to address political and social issues. The Bourne films keep this promise. Not only is *The Bourne Ultimatum* trying to set itself apart from other action-adventure films with its much praised talented director, unusual action hero, and daring film style, there is also the socially critical undertone. *The Bourne Ultimatum* is more than a handsome thriller; it speaks of the dangers of military indoctrination, global capitalism, and American imperialism.

4 Ethics as a Selling Strategy

James Bond is not the obedient spy, who simply takes orders. However, he seldom questions the nature or the purpose of his assignments. Ultimately, he is loyal to his employees and their main objectives. Jason Bourne is not. The Bourne films tell a spy story with a distinctive anti-authoritarian tone.⁵ Paul Greengrass added his semi-documentary style to make an urgent and realistic picture about a hypocritical

⁵The Bourne films are loosely based on the novels by Robert Ludlum. They have been updated from their original Cold War setting and further developed by screenwriter Tony Gilroy.

US government and its equally hypocritical war on terror. Greengrass has covered this issue before in *United 93* (2006). In between *The Bourne Supremacy* and *The Bourne Ultimatum*, he directed this real time account of what is presumed to have happened aboard Flight 93, the fourth hijacked plane that crashed in Pennsylvania on 9/11. The film ends with the image of the passengers striking back and storming the cabin, a moment that for Greengrass symbolically marks the beginning of America's war on terror.⁶ In the Bourne films, Greengrass shows how the imperialist strategies of the American government undermine the moral values of its main institutions and affect the lives of its citizens. Jason Bourne himself is the proof of what military propaganda and indoctrination can do. From a broader perspective, the film portrays a morally bankrupt West.

However, despite this critical undertone, the CIA isn't challenged as an institution. A few malicious individuals are held responsible, not the system that shaped their behavior. In 1979, Fredric Jameson pointed to this trait in Hollywood narratives, when talking about the ideological function of the Mafia narrative. Jameson claims that the downfall of the Mafiosi in the first two *Godfather* films (1972, 1974, Francis Ford Coppola) had to obscure the inherent injustice of the capitalist, economic system (Jameson 1979, p. 42)

The function of the Mafia narrative is indeed to encourage the conviction that the deterioration of the daily life in the United States today is an ethical rather than economic matter, connected, not with profit, but rather "merely" with dishonesty, and with some omnipresent moral corruption whose ultimate mythic source lies in the pure Evil of the Mafiosi themselves (Jameson 1979, p. 43).

Jameson's position is relevant to the Bourne films. Once again, authority is questioned, but the problem lies with the disturbed morals of a few CIA supervisors and not with the system. Ultimately, the situation is resolved by their downfall. Still, it can be argued that through their downfall, the faults of the system have at least been exposed. Since the 1960s, Hollywood's representation of politics has reinforced the disillusionment of its audiences with the political process. Furthermore, to personalize fundamental societal problems is not necessary a strategy to successfully obscure them. Hollywood's engagement with societal problems is most often indirect. Issues of class, nationality, and sexuality are more likely to be embodied in characters and action than to be expressed as themes (Maltby 2003, p. 306).

Another feature of Hollywood cinema that provoked Jameson's criticism is the need for closure. Once the personal problem is resolved, the societal issues are overcome, at least for a while. To Jameson, Hollywood films thus suggest that society only needs its citizens to be at their best moral behavior and that no major political, social, or economic upheaval is necessary. The solution to all problems is not changing the core of the system, but of enhancing incorruptibility, honesty, crime fighting, and finally law-and-order itself (Jameson 1979, p. 43). In his analysis of the Mafia

⁶Greengrass intended to conclude the film with the sober statement that 'America's war on terror had begun'. Eventually Paramount opted for the less political and more sentimental 'Dedicated to the memory of all those who lost their lives on September 11, 2001'.

narrative, Jameson thus considers the Hollywood method of storytelling to be an ideological enterprise. Jameson's critical approach to Hollywood is inspired by the strong condemnation of Hollywood films by the *Frankfurter Schule* in the 1930s and 1940s. Theodor W. Adorno and Max Horkheimer heavily criticize the ideological manipulation and the commercial logic of the Hollywood studios.

That the difference between the Chrysler range and General Motors products is basically illusory strikes every child with a keen interest in varieties. What connoisseurs discuss as good or bad points serve only to perpetuate the semblance of competition and range of choice. The same applies to the Warner Brothers and Metro Goldwin Mayer productions. But even the differences between the more expensive and the cheaper models put out by the same firm steadily diminish: for automobiles, there are such differences as the number of cylinders, cubic capacity, details of patented gadgets; and for films there are the number of stars, the extravagant use of technology, labor, and equipment and the introduction of the latest psychological formulas (Adorno and Horkheimer 1997 [1944], pp. 123–124).

Today, the premise that pure art can only be contaminated by commercial interest is still fashionable. Bill Nichols describes this kind of attitude towards Hollywood as an elitist, aesthetic fetishism. He claims that the more a thing is valued as art, the less it is acknowledged as a commodity. Moreover, he insists that the more we value a film aesthetically, the less we concern ourselves with its ideological operations (Nichols 2000, p. 45). In other words, Hollywood is often discredited because of its popularity and its commercial goals. Mainstream Hollywood films like the Bourne films are suspect, both aesthetically and ethically.

On the opposite side, cultural studies tend to value Hollywood films because of that same popularity. They especially take an interest in Hollywood's large audiences. Stuart Hall, among others, turned his attention to the audience and the fact that the societal issues films raise spur different reactions with different viewers (Hall et al. 1980 [1973], pp. 125–127). In the case of *The Bourne Ultimatum*, some viewers may focus on the happy end and evil being overcome. Others may take away the message that the CIA can't be trusted and some simply return home thrilled by the entertainment provided by vicariously participating in the action. However, David Morley – once a pioneer to the active audience perspective with his book *The Nationwide Audience* – warns not to underestimate the power of large media institutions. For Morley, the power of viewers to reinterpret meanings is hardly equivalent to the discursive power of centralized media institutions to reconstruct the films which the viewer then interprets (Morley 1997, p. 125).

Douglas Kellner also tries to reconcile the active audience perspective and the lingering ideas of the *Frankfurter Schule*. In his view, it was a mistake of the *Frankfurter Schule* to assume that audiences were cultural dupes who were simply manipulated by media culture. But it is equally questionable to assume that audiences are always active and creative in producing their own meanings (Kellner 1997, p. 116). In other words, *The Bourne Ultimatum* needs to be analyzed as a media product manufactured by the Universal Studios. Its meaning is not entirely up to the viewer. On the other hand, the commercial aspirations of Universal do not control the entire filmmaking process. Or better yet, that the entertainment industry that is Hollywood, still leaves room for aesthetic and ethical heterogeneity.

In the end, Hollywood films do not necessarily deliver a consistent ideological message, however formulaic they may seemingly appear to be. Simultaneously establishing, challenging, and negotiating the morals of American society has always been central to Hollywood narratives. According to Kellner, Hollywood genre films in particular tend to support dominant American values and institutions, but they are also used to contest ideological norms as well as reproduce them, and to provide ideological critique as well as legitimization (Kellner 2000, p. 131). *The Bourne Ultimatum* does end with the downfall of the corrupt CIA supervisors, but other questions remain. For instance, can Jason Bourne be redeemed for killing a Russian diplomat and his wife who stood up against the oil Mafia? Can he be held personally responsible for his deeds or is it all the fault of the CIA?

No matter what message ultimately comes across, the fact is that major studios like Universal do not shy away from a politically engaged plot that is critical of the American government and its institutions. Nor does Hollywood automatically rule out talented directors or stars that have a history of political filmmaking. Greengrass has a history as a politically engaged director. Matt Damon also has an image of political awareness.⁷ The crucial fracture in the corporate strategy is that each film must be sold as its own mini-brand. The stars, name recognition of the director, the special effects, and the quality of the story sell the film. This means that socially engaged filmmakers can win themselves a degree of directorial control, if they can convince someone in the corporate-run process that their idea will sell. Ben Dickenson has already observed how important the independent label has become to Hollywood's market manipulation (Dickenson 2006, pp. 163–164). This openness towards independent filmmaking in Hollywood does not necessarily indicate that the gap between mainstream and independent American cinema is closing. Mainstream Hollywood films are still associated with large budgets, mass entertainment, and conservative ideology, whereas independent films are perceived to be low-budget art house cinema with progressive agendas. Despite these enduring differences, the two circuits are interconnected, both financially and artistically. The major studios distribute independent films and independent directors take on mainstream films. *The Bourne Ultimatum* gets its independent tag by bringing on board a director like Greengrass with a clear political engagement and an avant-garde style. The commercial success of *The Bourne Ultimatum* may further encourage studio executives that this formula works. But then again, a few flops in the near future could well convince them otherwise.

⁷In his breakthrough film *Good Will Hunting* (1997) which he co-wrote with Ben Affleck, his character challenges Robin Williams' character to read Howard Zinn's *A People's History of the United States*. Williams then responds by challenging him to read Noam Chomsky's *Manufacturing Consent*. In recent years, Matt Damon acted in *Syriana* (2005, Stephen Gaghan) and *The Good Shepherd* (2006, Robert De Niro), both films that also criticize the CIA and the general objectives of US foreign policy.

5 Conclusion

Through the years, Hollywood's core business has remained the same: to entertain its audiences and make large profits. Not surprisingly, Hollywood does not want to damage the profitability of its products with undue controversy. To call the pitch of *The Bourne Ultimatum* subversive would be farfetched. The Bourne films deliver trendy statements against global corporatism and American imperialism similar to those often encountered in Hollywood films since the 1960s. These films may raise awareness, but are hardly political manifestoes. Yet, in a time where Hollywood is said to produce ever louder, bigger, and dumbed-down spectacles, these smart industrial products represent a hope for its ethical and aesthetic future.

More than any other mass entertainment industry, Hollywood has repeatedly proven that art and business can go hand in hand. In the 1950s, the film critics of the *Cahiers du Cinéma* heralded Hollywood as a place of true art by respectable authors. Today, the 1970s are applauded as a time of creative energy by the current generation of filmmakers. At the same time the 1970s gave birth to the blockbuster, that phenomenon which approaches film more than ever before as a commercial product. *The Bourne Ultimatum* is a true child of the 1970s, both an artistic highflier created by a talented director and profitable entertainment manufactured by a major studio. It is a commodity and it has artistic value. In the forthcoming years, Hollywood executives will hopefully realize that investing in talent does pay off. This strategy can help Hollywood regain an adult audience and thus re-establish its position as an industry that delivers quality entertainment for the worldwide audience. With *The Bourne Ultimatum*, Universal has hit the sweet spot between art, business, and entertainment.

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Saturn and His Children. The Crying of Potential Estate: A Case Study of the Art Market as Metaphor and Practice

Katerina Gregos

It is not the office of art to spotlight alternatives, but to resist by its form alone the course of the world which permanently puts a pistol to men's heads

– Theodor Adorno

Abstract A large segment of contemporary art today is dependent on branding, publicity and marketing. The art market has turned art into something that can be measured – like money and it would indeed appear that money has now become more important than art. The text takes as its point of departure a film by the Belgian artists group Potential Estate *The Crying of Potential Estate* (2008). The film functions as a multi-faceted critique on the mechanisms of the commercial art world, and subverts the fundamental principles of the art market and its dependence on the financial exchange of a tangible ‘object’. The text elaborates on the symbolic violence that the market and capitalism exercise on art taking the film as a case study but also examining other art world structures and institutions. The author argues that the question is not how to eliminate money from the equation, but how the conditions for art production can be less dependent on the art market. She suggests that artists should reclaim the power they have relinquished to collectors, galleries, museums and curators and that art’s capacity for ‘imaginative truth’ should be wrested back from commercial vested interests and those who have reduced it to a marketable commodity.

In 2007 the well-known American art critic Jerry Saltz published an article entitled “Has Money Ruined Art?” (Saltz 2007) in *New York* magazine. It was just before the economic crisis had erupted, at a time when the contemporary art world was in a state of delirious euphoria, when it seemed that almost any old rubbish could be

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sold for significant – even exorbitant – amounts of money. Then the crisis broke, the hedge fund managers disappeared and the art world began sobering up. In many quarters there was a certain relief and – yes, hope even! – that finally there would be a return to art's *content* and *substance*. A bit more than a year on the art market is slowly bouncing back and all this wishful thinking is becoming a distant echo, since people have short-term memories and art has become too much of an irresistible status symbol for social climbing *wannabes*.

It would be useless here to trace the gradual commodification of art, the rise of the commercial art market since the 1960s, and the effects it has had on a large segment of contemporary art in particular. True, today much art is dependent on branding, publicity or marketing, and even artists themselves – not to mention curators – have become brands. One rich man bets on a 'hot', emerging artist and the rest seem to follow in sheepish succession, hoping that they will reap big profits as a result. Anyone not willing to jump onto this bandwagon – let's call it the 'art-system' – risks being 'left behind'. For the violence exercised by the market on art is a much more insidious kind of violence, in comparison to the other types of violence that capitalism inflicts on people's lives in very real, tangible ways. This violence is of an altogether different nature – more metaphorical; and the power it exercises is more 'conceptual', dare I say. For it has altered the very nature of art and the way we perceive it. It has turned art from something of cultural *value* – for want of a better word – an 'object' of creativity which cannot be quantified, to a currency to manage, a competitive spectator sport, an object to be possessed as opposed to appreciated and enjoyed, a commodity with stock market value. It has turned artists into the court jesters or pampered, spoiled children of the nouveau riche and has made these latter 'players' more important than the artists, who themselves have had to turn into 'entrepreneurs'. It has resulted in inflation, surplus, superfluousness, superficiality and vacuousness. It has made art more susceptible to 'naturalism' a term used by the Hungarian Marxist George Lukács to denote the reliance on surface detail and description, rather than revealing the subject's inner significance. Lukács considered naturalism to be a degraded form of realism, devoid of narrative capacities and thus limited to mere description. As the American critic and art historian Donald Kuspit suggested in a recent article, we are at a time when it would appear that the art market has usurped the spiritual, aesthetic, cognitive, emotional and moral value of art.¹ It has turned art into something that can be measured – like money – when art is in fact subjective and can't be measured.

All these issues – and more – are raised in a recent film by Potential Estate, a temporary alliance of artists² which operates collaboratively along models of

¹Kuspit (2007). The text is derived from a talk titled "Art Values or Money values: An Analysis of Art Prices in 2006," given at the New York Studio School on Feb. 22, 2007, www.artnet.com/magazineus/features/kuspit/kuspit3-6-07.asp.

²Potential Estate/Cabinet Aniaux is David Evrard, Ronny Heiremans, Pierre Huyghebaert, Vincent Meessen, Katleen Vermeir

The Crying of Potential Estate includes the artistic collaboration of Adam Leech, Mon Bernaets, Amir Borenstein, Eric Thielemans, Jean-Yves Evrard, John Pirard & Marc Lacroix

self-organization and participation, often challenging the fixed hierarchies of the art world and turning them on their head. The film, entitled *The Crying of Potential Estate* (2008) is, in fact, a critique – even fulmination – on the mechanisms of the commercial ‘art world’ as we currently know it. It depicts an auction that took place in a commercial gallery in Antwerp. A story written collaboratively by Potential Estate was put up for sale. The story was cut up into 45 lots that were read from an audio-booth concealed in the gallery’s basement. A professional auctioneer was hired to conduct the auction in four languages; after each phrase or sentence was read, the bidding started. All lots were sold. The film captures the saleroom atmosphere of anticipation, excitement, and competitive bidding. As the auction progresses the story that is gradually being sold off unfolds. It revolves around three characters: The Indian, The Tiny Economist, and Wally Hope. Though the characters retain a certain sense of ambiguity throughout the story – and thus can be afforded a multiplicity of meanings – they can also be seen as potent metaphors for certain aspects of the art market economy and the capitalist ‘ethos’, if we may call it such. Wally Hope – a sadistic, vicious, bloodthirsty, bestial creature, a “filthy animal” with “a bloody mouth, seven tiny brains, and one black heart” is the central character that defines the film’s narrative plot of pre-meditated murder. The story is simple, Wally Hope sets out to annihilate The Indian, a less well-defined, more elusive character who personifies the archetypal ‘Victim’ and can also be read as a metaphor for notions of difference, ‘otherness’ and ultimately frustrated resistance; the character could be seen as representing an alternative to the Status Quo. The Indian is the underdog, he who suffers in the light of Hegemony or coercive power. Wally Hope is also an extreme archetype, who epitomises the greed, and voracious, violent proclivity of ‘The Market’, a Gordon Gekko of hideous physique and even more hideous ‘appetites’. On the other hand, the Tiny Economist, as the title suggests, represents that particular kind of non-entity, a *quantité négligeable*, a petty bureaucrat; one of the many, obedient, unquestioning facilitating cogs in the wheel of The Market (capitals intended); a narrow-minded, paltry, insignificant figure who does not see behind the trappings of the market and is an uncritical, servile follower of capitalist dictates. The Tiny Economist believes that “the language of economics has come to dominate all aspects of social life” and that “the fusion of art and economics means that there are no values beyond [those of] the market”.

The village of Belgium, Wisconsin presents itself as the utopian location where the story plays out. Though it does sound a bit odd, Belgium, Wisconsin does actually exist (it is located two miles west of Lake Michigan; and has an overwhelmingly white – 96.3% – population of 1,678 according to the 2000 census). It was set up by immigrants from Belgium and Luxembourg in the middle of the nineteenth century. Repeatedly, the film’s narrator reminds us that, “Belgium, Wisconsin is the closest to utopia as one can get”. In the film, Belgium, Wisconsin functions as a symbolic space that questions the crisis of the concept “nation”, and acts out a buffer between our alienating urbanised environment and the idea of community as utopia. At the same time, as the story progresses, however, we find out that Belgium, Wisconsin also comes to represent the corruption of utopian ideals by capital; the

fact that ultimately, anything/everything can be bought, even Utopia, 'it's just a question of price', as goes the well-known cynical, capitalist creed.

Eventually, Wally Hope exterminates The Indian, and partners up with The Tiny Economist on a financial venture. They turn the unedited footage of the murder, which has been documented on camera and provided by Wally Hope, into a film that is then distributed commercially. The film, we are told in the conclusion, ends up being screened at the Sundance and Cannes film festivals, but receives poor reviews. Nevertheless, The Tiny Economist manages to invest wisely from the film's proceeds and with the profits gained he is able to buy Belgium, Wisconsin "the closest thing to Utopia as one can get". So the village of Belgium, Wisconsin also becomes a contested territory, a site of a new conquest or 'colonisation', this time by the victorious, violent forces of Capital.

The public, which plays an integral role in the live auction and hence the film, were initially unaware of their upcoming role as both active participants and film extras when they entered the gallery without knowing what was about to take place. They were also unknowing of their impending roles as potential bidders for an art work, as well as witnesses and accomplices in the bloody plot that unravelled once the auction commenced.

The *Crying of Potential Estate* contains all the components that are particular to the Potential Estate's working methods: from open, participatory, collaborative modes of production that challenge traditional notions of 'authorship' and artistic 'signature', to strategies of oppositional practices and the instigation of alternative economies. In this case, what is sabotaged and subverted are the fundamental principles of the art market and its dependence on the financial exchange of a tangible 'object'. Potential Estate effectively auctioned off a *concept*, an *idea* and not a tangible *object*. The bidders were bidding for a sentence in a story, not knowing exactly the form or shape of their purchase, but quite possibly assuming that they would receive something slightly tangible, perhaps in the form of a text work – a less desirable but also perfectly marketable variety of contemporary art. And by the end, Potential Estate deliver the final subversive coup: instead of receiving a text fragment, as might be expected, those who placed a successful bid received a signed photo of the story's narrator – who at the time was concealed in the basement, in direct contact with the auctioneer who repeated the story – with the inscription 'In Memory of Lot number...', for each one of the 45 sold lots. So the bidders in fact 'acquired' something that was fundamentally conceptual and immaterial in nature for they received but a token of the memory of a narrative, or of the 'experience' to use a term increasingly favoured by the current culture industry. And even the token 'evidence' that the bidders received for the occasion was not without irony, as the narrator's portrait resembles a kitschy, radio talk-show host.

In effect, in buying the sentence the successful bidders also signalled its death; the impossibility of it assuming a physical, marketable form, at the same time frustrating its expected potential for it to acquire a certain financial 'value' ascribed to it as an 'artwork'. Thus Potential Estate not only invalidated or negated the fundamental ingredient necessary for the sustenance of the art market: the art object *per se*,

but even deny the possibility that this work may materialise in the shape of an also sellable, but less blatantly ‘commercial’, and thus more artistically ‘legitimate’ form of avant-garde ‘concept art’. And they turned the viewers – complicit in this transaction – into self-sabotaging collectors of next to nothingness, victims of their desire to partake of the ownership process. So the public became implicated in a double murder – that of the orthodoxy of the art market as well as that of the murder which takes place within the story itself.

The Crying of Potential Estate was premiered at the 1st Brussels Biennial in 2008. The conditions under which the film was presented also raise further questions in relation to economic issues as well as those of curatorial practice that underlie the presentation of art, this time in connection with the institutional, publicly funded domain. The Biennial was “an initiative of the Flemish Community” and thus publicly funded by the Flemish Ministry of Culture. Yet, the artists received no fee and minimum support to set up their installation. Being aware of the problematic conditions in relation to this Biennial’s capacity to offer tangible artistic *support* (one of the responsibilities of such initiatives which should go without saying but unfortunately increasingly don’t) they decided to participate anyway, formulating or rather conceptualising the nature of their participation as a gift, in line with French sociologist Marcel Mauss’ idea of the gift economy.³ Symbolically, they thus removed any idea of economic transaction from the exchange between artist and institution and laid bare the problematics of such structures, which exploit the position of the artist – and their natural desire to exhibit their work. And this gift would be of a double nature as the film would also subsequently be offered to the village of Belgium, Wisconsin. In order to do this, a collective sale of the copy of the film has been instigated through the hire of an independent ‘Potential Estate Agent’, responsible for seeking out potential buyers-shareholders who are asked to invest in a share of the film (20 shares are offered for 500 euros each). This way the investors – collectors are also asked to disavow their traditional status as signifiers of ownership and become directly implicated in the *modus operandi* of the gift economy. The village of Belgium, Wisconsin, in reciprocity, has to screen the film

³In *The Gift*, Mauss argued that gifts are never “free” but rather give rise to a sentiment of obligatory reciprocal exchange. The question that drove his inquiry into the anthropology of the gift was: “What power resides in the object given that causes its recipient to pay it back?” (1990:3). The answer is simple: the gift is a “total prestation”, imbued with “spiritual mechanisms”, engaging the honour of both giver and receiver. Because of this bond between giver and gift, the act of giving creates a social bond with an obligation to reciprocate on part of the recipient.

It is the fact that the identity of the giver is invariably bound up with the object given that causes the gift to have a power which compels the recipient to reciprocate. Because gifts are inalienable they must be returned; the act of giving creates a gift-debt that has to be repaid. Gift exchange therefore leads to a mutual interdependence between giver and receiver. According to Mauss, the “free” gift that is not returned is a contradiction because it cannot create social ties. Following the Durkheimian quest for understanding social cohesion through the concept of solidarity, Mauss’s argument is that solidarity is achieved through the social bonds created by gift exchange Mauss (1990 (1922)).

once a year in a public place, in acknowledgement of The Gift, which in itself constitutes an auxiliary project, a by-product of the film.

The problematic stance of the Biennial *vis a vis* the artists also became apparent when the Biennial, facing bankruptcy, asked the participating artists to conceive of ten original art certificates, for the Brussels Biennial to put on sale, with no mention of compensation for the artists. So not only were the artists inadequately supported financially, but they in turn were being asked to support the Biennial itself, in a rather strange twist of events. Potential Estate refused to participate in this process, via an open letter to the Biennial's board and artistic director which was also published on their website and disseminated as a newsletter. A number of reasons were cited:

"First there is the nature of our presence in this edition of the Brussels Biennial. The original condition of the exhibition space the Biennial assigned to Potential Estate, obliged us to transform it thoroughly, notably at our personal expense. As things are, we find that we already have been very supportive to the Biennial, not only offering the première of our film 'The Crying of Potential Estate', but also transforming a greasy technical room, into an intimate lounge situated between two spacious floors in the cold Post Sorting Center.... We intend The Gift to raise the complex issue of economic transactions in the field of contemporary art. Basically our project inscribes itself as a rupture into your invitation to support your 'decision to recapitalize the Brussels Biennial to the amount of 285.000 euro'. Questioning your invitation is in our view also questioning the forms of exchange in the art economy at large. Biennials producing art works on condition of their advance sales to collectors or private banks, as was the case for some works in this edition of Manifesta and the Brussels Biennial, seems more a unilateral redistribution of roles rather than a direct consequence of the current worldwide economic crisis.... So do we calculate correctly? One third of the Biennial's total budget will depend on the generosity of its participating artists, and your ability to capitalize on their efforts? Are we being invited to butter the Biennial's sandwiches, as a bonus?" Finally, they remind the artistic director of the Biennial of one of her fundamental roles: "Is the work of the curator not that of the one who takes care of the work and consequently of its author?"⁴

It is worth mentioning that Potential Estate's project for the Biennial, which involved the presentation of the film *The Crying of Potential Estate*, as well as the set up of a bar and area of social exchange within the same space, was entitled *Cabinet Anciaux*, a direct reference to the then Flemish Minister of Culture, Bert Anciaux (who was one of the few people who continued to believe in and support the existence of a Biennial in Brussels, despite the early warning signs that all was not well within the ranks of the organising structure of the 1st Brussels Biennial). Anciaux was adamant and systematic in ensuring that it was made clear that the biennial was "an initiative of the Flemish Community" (this sentence was inscribed in all the publicity material, ensuring that the Ministry – and Anciaux, of course – claimed 'ownership' of the event. The sentence did ring a tad regional and provincial, especially in the light of the fact that it was attached to what was supposed to be an 'International Biennial' with global ambitions). The choice for the title "Cabinet Anciaux" – a reference to Marie-Adèle Anciaux, a nineteenth century

⁴www.potentialestate.org/Newsletter-02-Curare-Curare.html

libertarian educationalist – thus proposes a counter-narrative, grounded in social praxis and ideals of welfare.⁵

One has to wonder why inherently problematic endeavours such as the 1st Brussels Biennial are even embarked upon in the first place, if they are not able to provide even the basic support that participating artists are rightfully owed. Unfortunately it has become a well-known, if not commonplace fact that Biennials have become more about city marketing (in the case of the Brussels Biennial not even this target was realised), tourism, political gains, networking, PR, curatorial *vanitas* etcetera, and less and less about art and artists. In fact, the artist now seems to lie somewhere at the bottom of the agenda, as the necessary pawn or ‘apparatus’ which provides a *raison d’être* or rather *the excuse* that justifies the event. (Indicatively, I recently logged onto the website of the last edition of the Lyon Biennial and the names of the participating artists are nowhere to be found). It is a further paradox that while it sometimes appears as if there is a considerable amount of money flying around in the art world, it invariably does not seem to reach the artists themselves. But we are – all art ‘professionals’ – collectively responsible for this state of affairs. Indeed, as a recent study commissioned by Edinburgh College of Art suggests “The time has come for all of us involved in the mediation of art to play an active part in redressing [this] balance...”. (Edinburgh College of Art 2005)

On the other hand, however, it could also be argued that artists themselves are legitimising such structures and practices by agreeing to participate in them, for the understandable reason that Biennials as such can provide important platforms of ‘visibility’, for better or for worse as the latter case may be. The same argument could be directed towards Potential Estate themselves, the only difference being that they actually used their participation to raise the highly relevant questions that transpired as a result of the problematic relationship between themselves and the Biennial. Whether this stance effectively changes anything, is another question. And here I do agree with the point made by Miwon Kwon that “artists – no matter how deeply convinced their anti-institutional sentiment or adamant their critique of dominant ideology, are inevitably engaged, self-servingly or with ambivalence, in the process of cultural legitimization” (Kwon 2003), and that this is an issue that artists themselves need to address more.

By unexpected and entirely ironic coincidence the dates of the Biennial coincided with the unfolding of the current economic crisis whose roots – even more ironically enough – lie in real estate; that is, in the sub-prime mortgage crisis in the United States. In this light, even the title of the group and the film itself, both acquire

⁵Footnote: *Cabinet Anciaux* is named after Marie-Adèle Anciaux (1887–1983) also known as Mary Smiles. Anciaux was a libertarian who participated at early pedagogical experiments along with her husband Stephen Mac Say (1883–1972) teacher, beekeeper, stallholder and author. In 1928, Mac Say published *From Fourier to Godin* the first complete survey on Godin’s Familistère, the only successful and long lasting utopian community based on Fourier’s communalist theories. The Familistère located in Northern France was a philosophical, social and architectural utopia that lasted a century. Fourier’s writings about turning work into play influenced the young Karl Marx, a former Brussels resident. From: www.potentialestate.org

an additional level of significance and meaning. No doubt, however, *The Crying of Potential Estate* is a complex, germane and multi-faceted project as regards the commodification of art, the nature and function of the art market, current institutional practices, and the role of the artist within these frameworks. Perhaps the project's most important parameter, apart from its function as institutional critique, is its significance as a symbolic act: as a reclamation of the power of the artist to decide *how, where* and *why* their work is presented and finally exchanged; and in effect as an attempt to change the hierarchical structure by which artists have to abide through a decisive act which subverts the rules of the art market system. In that sense, it also fits into a trajectory of significant contemporary art works which function as a critique on the art market, challenge the commodification of art, the 'selling out' of the artist, and the psychopathology of the market; from Michael Landy's dramatic destruction of all of his possessions, except the clothes on his back, in an empty department store on Oxford Street, London's most popular shopping destination (2001), and Andrea Fraser's *Untitled* (2003) a video where the artist is seen having sex with an unidentified American collector who paid close to \$20,000 to participate in this work of art, to – more recently – Superflex's *The Financial Crisis (Session I–V)* [2009] in which the artists treat the current economic crisis as form of psychosis requiring the treatment of a hypnotist.

At the same time, the film's story can be seen as a potent metaphor for the violence that the market and capitalism exercises on art, a form of violence that plays out in different shapes and forms: from the fact that the market readily 'consumes' its own children (young artists) and readily discards them, in voracious anticipation of the next neophyte and product which will also be subsequently consumed, exhausted, and cast aside; to the fact that artists are now latently coerced to churn out artworks that can be readily sold, thus compromising and willingly relinquishing their artistic freedom and integrity. Indeed, as Pierre Bourdieu has argued out in his seminal book *The Field of Cultural Production*, while artists became autonomous, i.e. free from the demands and constraints of the state and church and able to create what they choose, they at the same time have become subservient to the market, compelled to create work that satisfies the demands of the public in order to sell (Bourdieu 1993).

It thus does indeed now appear as if a large segment of art in our post-modern era has relinquished its subversive critical function, as Frederic Jameson pointed out quite early on, in addition to having lost the oppositional character that was inherent to much modernist art. Whereas modernist art often attacked the bourgeois society from which it emerged, the art of the post-modern period largely "replicates...reproduces...[and] reinforces... the logic of consumer capital" (Jameson 1988). As modernism lost its subversive edge and became commodified and assimilated into the art market, the radical social politics it believed in have not been filled by post-modernism. Jameson criticised the status of the artwork as an autonomous object separated from the context of its production and the anti-historical formalism which sever it from this context and from the social-economical realities from which it springs. In that sense, his criticism may also be applied to the current formalist return in much contemporary art practice, which – unsurprisingly – is

also commercially fashionable. Pierre Bourdieu calls this kind of art *l'art moyen* or 'middle brow art', art which appeals to popular taste and offers some promise of financial profit.

Slavoj Žižek goes on to talk about how the problem regarding the functioning of today's artistic scene: "is not only the much-deplored commodification of culture (art objects produced for the market) but also the less noted but perhaps even more crucial *opposite* movement: the growing '*culturalisation*' of the market economy itself. With the shift towards the tertiary economy (services, cultural goods) culture is less and less a specific sphere exempted from the market and more and more not just one of the spheres of the market, but its central component (from the software amusement industry to other media productions). What this short-circuit between market and culture entails is the waning of the old modernist avant-garde logic of provocation of shocking the establishment. Today more and more, the cultural-economic apparatus itself, in order to reproduce itself in competitive market conditions, has not only to tolerate but directly to provoke stronger shocking effects and products" (Žižek 2000). There are examples galore of this kind of highly-sellable shock-value contemporary art from – more obviously – Damien Hirst and other 'bad boy' artists to Andres Serrano, and beyond. Žižek goes on to say that "perhaps this is one possible definitions of post-modern as opposed to modernist art: in modernism the transgressive excess loses its shock value and is fully integrated into the established art market" (Žižek 2000).

Nonetheless, it is easy and at the same simplistic to demonise the role that capital plays in the art world. Money – from the time of the Medicis – has always been implicated in art and has *invested in art*, which it perceived to be a superior force; (the difference being that perhaps back then people were more aware of the dialectical varieties of critical consciousness that art proffers and could better genuinely appreciate art itself). So the question is not how to eliminate money from the equation as artists also have to make a living but how the conditions for art production can be less dependent on the art market and its rules – rules that affect the nature of the art that is being produced; in effect, how it is possible for artists to conceive of strategies or practices for what Dave Hickey called "selling without selling out" (Hickey 2007). He adds, and I agree, that "there has never been a better chance to call attention to oneself by behaving honourably" (Hickey 2007).

It's realistic not to forget that 'the market' also affords many artists a living when they would probably be having a hard time making ends meet (and here I don't refer to the very few multi-millionaire artists like Damien Hirst but those that make modest and decent livings). The problem is not the free market *per se* but that money has become more important than art, much in the same way that Pierre Bourdieu described the transformation of the economy from being a 'thing in itself' into a 'thing for itself'. As one critic recently pointed out, "money no longer serves and supports art, art serves and supports money".¹ That this has a limiting effect on creative freedom and the *power of art* in this respect is obvious. When you are making art with the exclusive goal of selling it, content is clearly compromised (think of the emergence of a recent phenomenon, 'art fair' art – i.e. art of doubtful 'quality' or substance, made especially so it can be sold at art fairs or of those artists who have mastered the 'art' of creating value from nothing, literally speaking).

However, all is not gloom and doom. The free conditions under which artists operate in a capitalist system are also a stimulus to creativity. Yes, the big money has taken over art but that is assuming there is only one art world and only one kind of art or artist. But thankfully there isn't. With contemporary art's massive publicity machine we often tend to forget that there are many 'art worlds' outside the Christies', Sothebys', Guggenheims and Tates, 'art worlds' and artists that don't come with a price tag, are not dependent on the market and indeed not interested in being a part of it. As artist and writer Ronald Jones has correctly pointed out, "Yes of course art is made under economic conditions and is inextricably tied to market forces, but it is not reducible to these. No doubt art is made in social worlds but it also moved beyond these worlds" (Kapferer 2005).

There are many artists who exist outside the commercial art system, supported by public funds or who are making art in economical, creative ways – subsisting by holding teaching or other jobs – whose work is shown by dedicated, genuinely interested people in institutional and non-institutional places from biennials and museums to non-profit spaces. These are the artists who might give back what Bourdieu has called art's ethical and political dimension, or who may respond to Jean Baudrillard's call for a 'new collective symbolic order'. Indeed one of the paradoxes of today is that though there is an unprecedented interest in contemporary art, the position of the artist has never been more disempowered, rendering the artists, in effect, isolated and "when artists are isolated, as they are today, they lapse into clichés and naturalism" (Edinburgh College of Art 2005). Indeed it is a valid and perplexing question that Scottish artist Nick Evans poses when he asks: "Why is it that whilst the world outside spirals in ever tighter circles of terror and repression, and the potential avenues of avoidance or resistance become squeezed by the growing dominance of capital and its civil and military bulldogs, artists retreat further into a hermetic world of abstraction, formalism, deferred meanings and latent spiritualism?" (Evans 2002), in an attempt to try and make sense of the recent turn to formalism, that particularly socially apathetic aspect of art practice.

Nonetheless, there are artists who manage to get by without participating in the gallery system and selling to the big collectors and who occupy their own niche and have their own audience. In fact, the artists whose names are endlessly repeated and hyped by the media constitute such a small fraction, that they cannot possibly be indicative of art practice today. And let's not forget that we are witnessing a moment of extraordinary creativity in the artistic field – aided and abetted by the emergence of video, digital technologies, open source networks and multi-disciplinary practices. There are so many different ideas coming from so many places that the 'art world' has also never been a richer place. The explosion of contemporary art in recent years has also had its good points, in the form of numerous venues and occasions to see good things in perhaps less visible and glamorous venues but ones where there is more content. In any case, art that is served up for immediate consumption is probably art that is not worth pondering over.

So perhaps its time to turn the gaze away from the flashy galleries and that brand of increasingly corporatised museum – counting its visitor numbers and shop profits – to more modest venues. And perhaps it is also time for artists to reclaim the

power they have relinquished to collectors, museums and curators and to start deciding *where, how and why* their work is shown. It is also time for them to begin participating more actively in the public life, reclaiming their public voice for they are the most independent and thus appropriate voices of dissent, and as such can be said to represent the conscience of our culture. In that sense, Pierre Bourdieu's utopic call for an Internationale of Artists and Intellectuals who can aim to advance the project of the Enlightenment seems all the more relevant now, "Intellectuals and all others who care about the good of humanity, should re-establish a utopian thought with scientific backing" (Bourdieu 1998). Similarly pertinent are Jean-François Lyotard's ideas about the "pernicious and dehumanising character of capital" and thus the importance of an active avant garde to combat the worst effects of commodification.⁶

We are now more than ever in need of a critical, opinionated, engaged, independent art infused with genuine concern and sentiment, not just academic musings on reality and arms-length theoretical engagement, protected by the safe, self-contented bubble that is the art world. Raymond Williams and other writers have noted how modern art developed in self-conscious opposition to capitalism. "While capitalism looked at the world from the point of view of mechanical utility, art aspired to be a sphere of 'imaginative truth'. While capitalism weighs all things in terms of market value, art looks at the object from its many angles. In his 1844 manuscripts, Karl Marx wrote: 'the dealer in minerals sees only the mercantile value but not the beauty and the unique nature of the mineral – he has no mineralogical sense.'" (Appleton, www.jjcharlesworth.com/thefuture/essays.html). Unfortunately, in certain instances, it would appear that art has also been reduced to the same kind of equation; it's thus time to wrest back art's capacity for 'imaginative truth'.

Art can and should help to expose social reality, and to help facilitate a common humane culture, as an autonomous cultural entity, though that is of course not its only function. Likewise institutions should re-claim their intellectual autonomy and resist playing into the hands of rich patrons, trustees, the market, and mass media. It is sad to see institutions that possessed true artistic vision and were genuine voices of dissent like, for example the Serpentine Gallery in London and the New Museum in New York, bowing to the pressures of the market, the media and fashion and adopting blatantly mainstream positions, in line with what is currently trendy. "In the light

⁶Lyotard (2006). The authors go on to suggest that, "For Lyotard, the logic of capital or the 'genre of the economic' as he terms it in *The Differend* is that of gaining time. Following Marx, Lyotard asserts that capital is consistently at war against the lag between idea and production, manufacture and commodity. Capitalists compete on the basis of time, the time it takes to make a commodity, to get it to the market place. Capital is thus at war with the human itself...Lyotard asserts that art is a key weapon in the war against 'gaining time'. Modern art, in particular is a game of questioning and thus of inducing the pause or lag. Art inserts conversation, play, reflection where capital wishes to eliminate it. Art thus resists capital since as an example of a primarily 'useless' kind of activity it queries the logic of gaining time over thought, critique, decision. He does not deny that art itself can be a commodity and thus implicated in the fetish character of modern life. He merely wishes to restore the sense of importance of an avant-garde in art which in turn means non-realist forms of art that resist reproduction as commodity (i.e. installation art)"

of diminishing and instrumentalised public funding and a massive orientation towards the market, a contingency urgently needs to be developed. A self-sustaining economy that does not rely on the mechanisms of capitalism will be needed to create the conditions for truly autonomous artistic production to thrive” (Edinburgh College of Art 2005). Similarly even galleries can also play a role in ameliorating the situation if they for example showed work they genuinely stood behind, which might engender collectors to ameliorate their views on art. Many things can still be done to curb the shameless capitalism that has infected practically every aspect of our lives. That said, there are alternatives to ‘big market’ art. It only takes a little bit of effort to find them. And that’s another aspect of the ‘violence’ exercised by the market on art – it has made us lazy and less curious. We approach art as if we were sitting on a couch waiting for the cheap thrills of the next episode of the soap opera, or the instant vacuous gratification of the next issue of the gossip magazine. Seek and ye shall find.

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The Work of Art in the Age of Meta-Capital

Christophe Bruno

Abstract This article deals with the theoretical extensions of my artistic work and suggests the impossibility for the contemporary artist to maintain a critical positioning within what is described as ‘Meta-capitalism’. The latter is assumed to have a scale-free network structure and is subject to phenomena such as semantic capitalism and Taylorization of speech. My recent art project, the Dadameter, may provide a framework to unveil the interface between the figure of the artist and the ‘Great Chain of Being of Meta-capital’.

1 Introduction

Yet another article entitled “The work of art in the age of...”? If you have a look at the variety of possible titles inspired by Walter Benjamin’s essay (Benjamin 1936) by browsing some of the Webpages of Google’s results¹ to the query “The work of art in the age of”, you might start to think of a way to interrupt definitely the series. For example by using the prefix “meta” like in meta-capitalism, so that the new title would be an extremum containing all other possible titles. This is actually a pure Newspeak strategy!

¹...of mechanical reproduction, ...of digital reproduction, ...of cultural overproduction, ...of global consumption, ...of electronic reproduction, ...of Cyber Technology, ...of Biocybernetics, ...of Non-Mechanical Reproduction, ...of the Smart Machine, ...of outsourced production, ...of Real Time Systems, ...of Speculative Politics, ...of Potential Electronic Manipulation, ...of Alien Reproduction, ...of Techno-Somaticism, ...of My Cell Phone, ...of Autonomous Digital Self-replication etc.

C. Bruno (✉)
Independent Artist

The considerations in this article are grounded primarily on my personal experience as an artist and are to be seen as its theoretical extensions. They have been fed with readings that have accompanied and influenced this artistic trajectory from its beginning in 2001 when I started to divert global symbolic structures like Google or Yahoo from their utilitarian side. I belong to the second or maybe third generation of Internet artists (the first one is often called “net.art” and lasted from 1995 to 1998), whose characteristic is to have started after the desillusions of the emergence of the World Wide Web and also after the exacerbation of the spectacular dimension that constituted the 9–11 event.

One of my first artworks is a global Internet performance I did in April 2002 on the Google Adwords system. In my account of the performance, called the “Google Adwords Happening”,² I described what I called Semantic Capitalism: any word of any language has a price that fluctuates according to market laws. Anybody can rent words on the Google Adwords system, and disseminate targeted advertising messages. Whenever Internet users type the chosen words on Google, they can see the text-ad in the top right corner of the search results’ page; and if they click on it, they are redirected towards the advertised Website. Then the advertiser pays a few cents per click to Google. This apparatus turned Google into the most renowned brand after their IPO in 2004.

My initial idea when I opened an account on Google Adwords was to make a series of targeted global poetry performances by renting words and disseminating different text-ads worldwide. The first keyword I bought was “symptom” and my first “Adwords-poetry” read: “Words aren’t free anymore – bicornuate-bicervical uterus – one-eyed hemi-vagina”. As soon as the campaign was launched, I was able to see the results. Every time somebody was looking for the word “symptom” in Google, they could see my strange message in the top right corner of the page. In 24 h, I launched the following campaigns, with the keywords “symptom”, “dream”, “mary”, “money”:

<p>Words aren't free anymore bicornuate-bicervical uterus one-eyed hemi-vagina www.unbehagen.com</p>	<table border="1"> <thead> <tr> <th>Keyword</th> <th>Clicks</th> <th>Impr.</th> <th>CTR</th> <th>Avg. CPC</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td>symptom</td> <td>16</td> <td>5517</td> <td>0.3%</td> <td>\$0.05</td> <td>\$0.8</td> </tr> </tbody> </table>	Keyword	Clicks	Impr.	CTR	Avg. CPC	Cost	symptom	16	5517	0.3%	\$0.05	\$0.8
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<p>Follow your dreams Did I just urinate ? Directly into the wind www.unbehagen.com</p>	<table border="1"> <thead> <tr> <th>Keyword</th> <th>Clicks</th> <th>Impr.</th> <th>CTR</th> <th>Avg. CPC</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td>dream</td> <td>14</td> <td>2837</td> <td>0.4%</td> <td>\$0.05</td> <td>\$0.70</td> </tr> </tbody> </table>	Keyword	Clicks	Impr.	CTR	Avg. CPC	Cost	dream	14	2837	0.4%	\$0.05	\$0.70
Keyword	Clicks	Impr.	CTR	Avg. CPC	Cost								
dream	14	2837	0.4%	\$0.05	\$0.70								
<p>mary !!! I love you come back john</p>	<table border="1"> <thead> <tr> <th>Keyword</th> <th>Clicks</th> <th>Impr.</th> <th>CTR</th> <th>Avg. CPC</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td>mary</td> <td>31</td> <td>2682</td> <td>1.1%</td> <td>\$0.06</td> <td>\$1.56</td> </tr> </tbody> </table>	Keyword	Clicks	Impr.	CTR	Avg. CPC	Cost	mary	31	2682	1.1%	\$0.06	\$1.56
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mary	31	2682	1.1%	\$0.06	\$1.56								
<p>don't ever do that again aaaagh ! are you mad ? ooops !!!</p>	<table border="1"> <thead> <tr> <th>Keyword</th> <th>Clicks</th> <th>Impr.</th> <th>CTR</th> <th>Avg. CPC</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td>money</td> <td>5</td> <td>837</td> <td>0.5%</td> <td>\$0.05</td> <td>\$0.25</td> </tr> </tbody> </table>	Keyword	Clicks	Impr.	CTR	Avg. CPC	Cost	money	5	837	0.5%	\$0.05	\$0.25
Keyword	Clicks	Impr.	CTR	Avg. CPC	Cost								
money	5	837	0.5%	\$0.05	\$0.25								

²Available at <http://www.literature.com/adwords>

The administration interface provided by Google allowed me to follow the profitability of my poetry. As I was planning to begin a large-scale study of what could be called the “spectrum of language” – i.e. the reaction of any human thought process to any textual perturbation – I started to receive e-mails from the robot monitoring device asking me to rewrite my texts, because the so-called poetry I had written instead of the usual advertising messages was performing poorly: the low clickthrough-rate (CTR) of my targeted poems imperiled the global economic dynamics of Google.

Traffic Estimator *			
Keyword	Clicks / Day	Average Cost-Per-Click	Cost / Day
anal	390.0	\$0.83	\$319.90
art	800.0	\$0.52	\$409.67
bin laden	250.0	\$0.10	\$24.37
britney spears	490.0	\$0.30	\$144.20
capitalism	30.0	\$0.10	\$2.74
communism	2.1	\$0.16	\$0.33
death	92.0	\$0.47	\$42.66
dream	390.0	\$0.17	\$63.07
free	5700.0	\$1.33	\$7,569.23
freedom	5.1	\$0.37	\$1.88
gay	2200.0	\$1.02	\$2,239.56
hemorroid	0.5	\$0.16	\$0.08
language	650.0	\$0.37	\$237.30
lesbian	740.0	\$0.80	\$584.62
love	730.0	\$1.74	\$1,264.72
mankind	8.0	\$0.59	\$4.70
money	350.0	\$0.81	\$281.46
net art	0.9	\$0.05	\$0.05
self	80.0	\$0.85	\$67.72
sex	7500.0	\$0.52	\$3,836.79
suicide	18.0	\$0.27	\$4.72
symptom	23.0	\$0.30	\$6.83
Overall	20449.6	\$0.84	\$17,106.49

I concluded by noticing the shift from an ethical censorship towards a purely economic one and the commodification of speech or semantic capitalism, whereas until then, language had been considered as an impregnable commons, a sacred fortress which was both a place of human dwelling and the gathering of its ultimate constituents, words.

The present article tries to push to an extreme the consequences of such a decay of the aura of language, by placing it in the broader context of Meta-capitalism. The term was actually coined around 2000 by two leading business strategists of PricewaterhouseCoopers Global in a book named *Meta-capitalism* (Means and Schneider 2000) to describe a radical evolution of corporate structures driven by the internet and e-networks in a global free market economy. According to the authors, this transformation which promised unprecedented growth, promotes extreme outsourcing, downsizing of physical and working capital, de-capitalisation of all non-core capital assets. The Meta-capitalist firm is brand-focused, highly flexible, devoted to customer satisfaction and lives in a rapidly evolving ecosystem of networked B2B supply chains.

The book *Meta-Capitalism* was written just before the Internet bubble crashed and before the advent of Web 2.0, which probably explains why this imprudent concept was rapidly forgotten. Here I will use this terminology of Meta-capitalism in a somehow different perspective – i.e. not purely financial or economic, although it deals with a very similar object. Hopefully, this will allow me to address questions which are left aside by the corporate studies. Those questions concern the intersection between the networked internal structure of Meta-capitalism with the fields of speech and artistic creation.

2 Among Parasites

The advanced stage of commodification I described in the “Google Adwords Happening” belongs to the large-scale process that occurred in the history of the world-system, if we read this history as the successive collapses of resistance against a parasite called capitalism.³ This parasite, sometimes the bearer of modernity, sometimes a regulator, sometimes devastating, lives and flourishes on another parasite: man. Capitalism never ceases to desecrate the structures on which it stands, invading all scales of human existence. It is now so inextricably linked to man, that it has become virtually impossible to disentangle one from the other, to distinguish the structure from the parasite. Especially since man is also a parasite of capitalism. I should precise here that my use of the word “parasite” is not derogatory but purely functional, even if it may look polemic. For instance, in the “Google Adwords Happening”, I would describe myself as a parasite on Google.

³This text is written under the influence of some (more or less) recent readings: Agamben (2005), Braudel (1985) and Wallerstein (1995).

But I am parasiting another parasite much bigger than myself which lives on a lower layer, extracting surplus-value from the raw material of global intimacy, as we shall see in the next sections.

Modernity in arts was born in the interstices left open by the phenomena of normalization of industrial capitalism and hence there is a temptation to oppose Modernity and the dynamics of capitalism. Taking the opposite path, I will try to examine the possibility of a complicity between capitalism and Modernity in arts including its post-modern extension, a complicity which would become more manifest when you look at this history on larger scales.

Each one of us may choose or not choose between these two possibilities : opposition or complicity. But the important thing is to stress the way this connivance may emerge: thanks to the profanation of symbolic transmission, a profanation which became explicit in the context of semantic capitalism. Transmission is a term of precious ambiguity related to the performative side of language, that allows to describe all sorts of phenomena, from the bottle thrown to the sea, to issues of education, teaching, domestication (cf Sloterdijk 1999), or even kinship – transmission of power, capital, knowledge... It seems to me appropriate to try to situate these questions in the line of this commodification of knowledge, ultimate deprivation of speech.

3 Meta-capital

Let us consider two of the large scale phenomena that occurred in the history of capitalism: first, the shift from the issue of production to the issue of consumption, and second, the extension of the domains of consumption and production towards the so-called “dematerialization” realm.

At the time of the birth of English “agrarian capitalism” in the sixteenth century, agricultural production controlled by London poured into the world-system through the development of long distance trade bypassing local markets. The strategy of “improvement” that is emerging relates mainly to production and distribution. The issue of consumption also arises, though. This is evidenced by the statement of Thomas More, contemporary of the social violence of “enclosure”: “Sheep devouring men”.⁴ Thus, the food turns against those who eat it and capitalism is revealed as second-order cannibalism: man eats sheep who eats man.

It was only with the transition to the Age of Access (Rifkin 2000) in the 1960s, with the gradual satisfaction of human needs, that the more developed countries discovered the upside of the problem. The question of the saturation of consumption and needs became acute and capitalism was soon faced with the desire of the consumer. Consumption thus becomes an integral part of the phenomenon of generalized production that seeks to expand into so-called dematerialized spaces: advertising,

⁴Thomas More, *Utopia*, 1516 and for example Wood (1998)

of course, but also cognitive or semantic capitalism, human capital, attention economy... Thus, while the resources of the World-System are depleting, capitalism seeks to desecrate its internal borders, those of intimacy, desire or aesthetic positions. It is now producing the very consumers and their desires so that the entire chain continues to go round. The art market itself can't elude this extension and one cannot distinguish the aesthetics relative to the art object from the one relative to the act of consumption of the art collector.

Behind the concept of "dematerialization" lies the question of the transition from the object towards the question of being. If capitalism is the private property of the means of production, as soon as the production chain is stretched from objects to beings and that the production of consumers themselves becomes necessary, we are led to a generalized conception of capital. This great chain of being of capitalism contains the sum of all conditions of reproduction and growth of the generalized means of production, including the different modes of transmission of knowledge. Meta-capitalism is the total capitalism whose new form of capital is the great chain of generalized production of objects and beings, which are alternatively products, producers, consumers or consumed.

4 Meta-capitalism as a Scale-Free Network

The transition period from capitalism to meta-capitalism spreads from the 1960s – the beginning of the Age of Access, to the years 2000/2001 that witness both 9/11 and the shift from Web 1.0 to Web 2.0. Companies such as Google and Amazon have converted the logic of the spectacle into a logic of what could be called post-control (the usual conception of control⁵ seems to have progressively mutated into a notion of auto-regulation, which may look softer, although it might be considered as more constraining in the end). These Web 2.0 brands are all the more powerful that they know how to fade out and take advantage of the global spectacle provided by the Internet users, that eludes any normalization. The dynamics of Web 2.0 lies in the articulation of this post-control attitude with the old spectacular media that have been redesigned thanks to reality TV. In this "taylorization of speech" (cf Bruno, <http://www.cosmolalia.com/readme100>), the fictional, political or commercial messages sent to the spectators-consumers are constantly optimized through the profiling of the content of the blogosphere that global structure like Google have practically privatized. The reproduction and expansion of meta-capital in the framework of Web 2.0 involves the set of Internet producer-consumers who give free rein to their exhibitionism and unwillingly constitute the raw material from which the surplus value will be extracted.

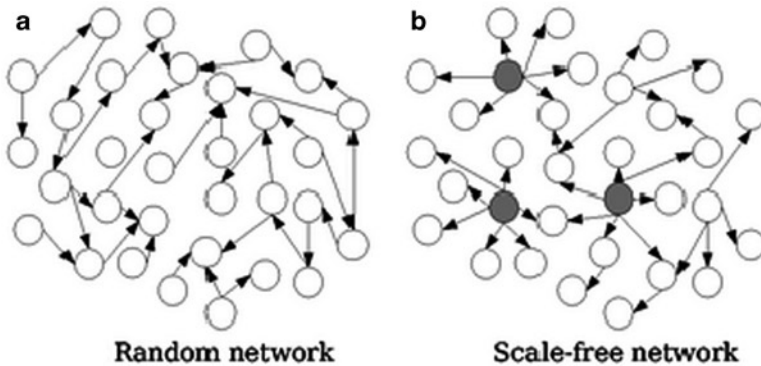
This mechanism illustrates the root principles of the control, reproduction and growth of meta-capital. These do not only involve labor coupled with the extraction

⁵About control, cf Deleuze (1990)

of surplus-value, but also the generalized conditions of breeding meta-capital in the great chain, that is to say the education and domestication of men, the transmission of knowledge... complex alchemical phenomena of extraction and re-injection of value along the great chain.

My conjecture is that this great chain of being of meta-capital has a relatively well defined internal structure: the one described in the scale-free networks theory studied in the years 2000 by the mathematician Albert-László Barabási and popularized in his book *Linked: How Everything Is Connected to Everything Else and What It Means for Business, Science, and Everyday Life* (Barabási 2002). Although one could try to define the concept of meta-capital without describing its structure as a complex network, my intuition is, on the contrary, that the structure I'm going to deal with now is essential for the emergence of the concept and not just an extra-determination. Barabási discovered that large networks tend to obey the following rules, which are characteristic of the so-called scale-free networks:

- Small World, a concept promoted by Stanley Milgram (Travers and Milgram 1969)
- The Strength of weak ties, a phenomenon discovered by Mark Granovetter (1973)
- Rich get richer, or the rule of “preferential attachment”: the more a node is connected, the more it may acquire new connections.



The irony of history, is that the network of networks has been built in a democratically distributed fashion in order to survive a nuclear attack (if a node of a distributed network is destroyed, the remaining part of the network is supposed to compensate for the local failure). This distributed configuration was proved to be pure myth by the mathematical discovery of Barabási which shows that complex evolving networks – the Web, social networks, semantic networks, some economic networks – naturally tend towards an aristocratic-like scale-free configuration, showing a hierarchical ordonning of the nodes and whose robustness and sensitivity to risk obey different rules than a distributed network.⁶

⁶About the robustness of complex network, see (Albert et al. 2000)

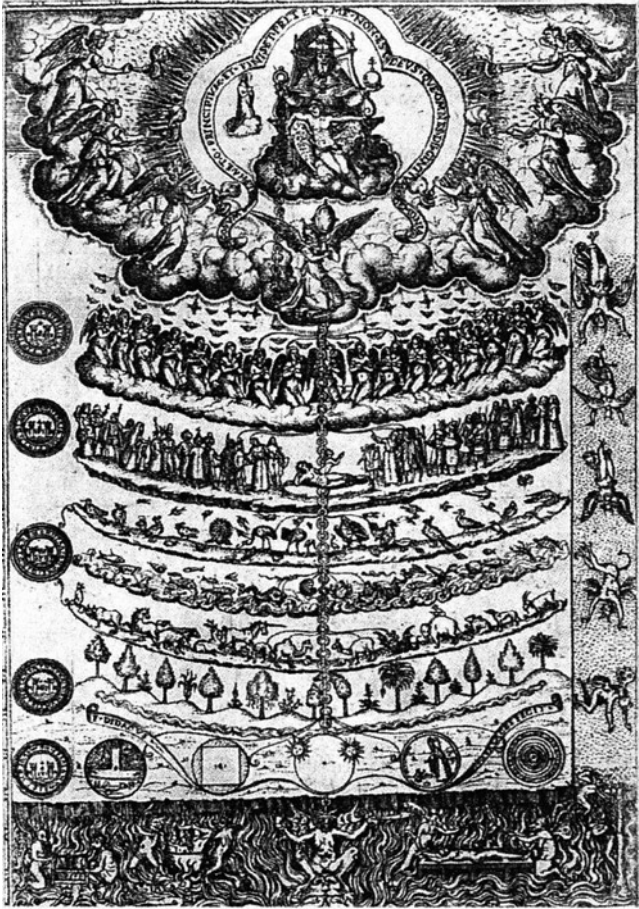
All these considerations would be quite abstract and formal if this theory of scale-free networks was not deeply related to very concrete socio-economic situations. In fact it is related to the Web 2.0 well-known phenomenon called the Long Tail (Anderson 2004) and somehow generalizes some concepts introduced by the neo-classical theories of value in the economic sphere (like Pareto distributions etc.).



Here is an example of a “power law” graph, being used to demonstrate the ranking of Websites by popularity. To the left, the green region corresponds to a Fordist situation where a single product or a single message is massively sent to a great number of consumers or spectators. To the right is the long tail, the post-fordist region, rediscovered by the Web 2.0: the distribution of these businesses allow them to make a significant profit by selling small volumes of hard-to-find items to many customers (instead of only selling large volumes of a reduced number of popular items). The group of persons that buy the hard-to-find items is the customer demographic called the Long Tail, where each consumer may receive the object that is supposed to suit her particular desire. This effect is typical of a flux economy in which storage costs become low, in particular in the framework of dematerialization phenomena.

This universality of scale-free networks, deeply linked to the Web 2.0 paradigm which can be considered as a major achievement of the digital revolution, have shifted this scientific discovery towards an ideological apparatus. Indeed, if scale-free aristocratic networks are proven to be the only possible configuration of a complex auto-regulated social network, what way out is left for a possibly more democratically distributed network society? Scale invariance also means that any node of the network is a microcosmos that reflects the global structure of the network, or macrocosmos. The strange similarity between the Great Chain

of Being⁷ that dominated the history of thought from Antiquity until the end of Renaissance, and this new paradigm of the scale free network is everything but chance and justifies the terminology that I use in this article.



But it is not enough to talk about this scale-invariant structure to exhaust the dynamics of meta-capitalism. It is important to distinguish between, on the one hand, the circulation of objects and beings inside of the great chain of meta-capital, and on the other hand, the fact that each actor will ultimately interface with the great chain, in incessant profanation/sacralization relations. Each subject can be both outside and inside the great chain.

⁷http://en.wikipedia.org/wiki/Great_chain_of_being

5 Interface with Meta-capitalism

The transition from object to being and the associated dematerialization phenomena redefine the concept of division of labor. The latter reconfigures itself on a mode that is a mix between Hollywood and the Web 2.0, in a hyper-modern apparatus articulating spectacle with post-control, and extending its empire on the whole post-modern spectrum of acts of production-consumption. The figure of the artist is emblematic of this reconfiguration in that it will seek to fill all these places and identify with the different active or passive positions of the chain successively, that she must choose to assume or not, in the company of engineers, communicators, designers, financiers, accountants, workers, shareholders, customers ...

One can observe a wide range of positions in the attitude that the artist adopts in this interface with Meta-capital. In fact, it has long included the profaning dimension within the sacred or vice versa, playing a game that is sometimes schizophrenic, sometimes perverse, sometimes activist, sometimes pop (sometimes none of it). If she wants to become more of a commodity than commodities, she manages to do it, with or without irony. Conversely, if she thinks herself as a liberator through profanation, she realizes afterwards her complicity with large-scale profanation phenomena (in the small field of net.art for example, there are numerous hijacking artworks that have directly inspired brands in “guerrilla marketing” campaigns.) These strange loops form a kind of recursive mythology where concepts evolve along the great chain thanks to successive hacks, in a neo-darwinist manner. The contemporary artist, delocalized between (H)ac(k)tivism and Pop has become the prototype of the individual in the age of Meta-capital.

Ultimately, this situation defines two extreme places that interface with the great chain of meta-capital at its limits. To the bottom, on the right side of the long tail lies the Wasteland. Above, on the left side of the long tail is the Popstar area.

The Wasteland: Google’s founders come from the academic world, close to the open source movement and the libertarian side of the Internet. Their attitude of ecological preservation of free speech is revealing and constitutes the essence of Google’s economic dynamics: any deprivation of freedom of speech is a lost niche market. The raw material from which they create surplus value is extracted from the Wasteland of “free speech”.

Let’s generalize: no need of a complete privatization of all means of production in order for the whole chain to function. On the contrary, in the deregulation process, a Wasteland may be kept intact, as an exception carefully controlled but left on the side. In the same way as security specialists are sometimes recruited among hackers, these virgin regions and temporary autonomous zones (Bey 1991) are the cradle of the new concepts that will allow capitalism, always struggling against the fading of desire, to renew itself through new profanation operations. In the very fact that the wasteland is believed to preserve its innocence by seeming outside meta-capital, it becomes one of its essential elements.

Conversely, the neo-conservative attitude, worried by the viral fluidity of meta-capital and the collapsing of normative constraints in the blogosphere and society in general, tries to consolidate its position at the top of the great chain. In that purpose, it imposes a zero-tolerance⁸ regime to the remaining part of the great chain, rebuilding classes and borders for which it sometimes pretends to approve the disappearance. Contrary to the permeability and liberal dynamics of capitalism à la Google, this zero-tolerance is counterbalanced by the spectacle of total risk and the disinhibition race that reigns in this other exception zone at the top of the great chain of being.

The Popstar academy⁹: let's now have a look at the top of the great chain. In order to breed the human stock, the academy of total risk, a founding myth of capitalism, has to be elevated to an ideal. This Popstar academy produces individuals who are not only linked by contract to the brands, but who also assume their own status of absolute commodity (Baudrillard 1988), or absolute fetishes, in Pop.

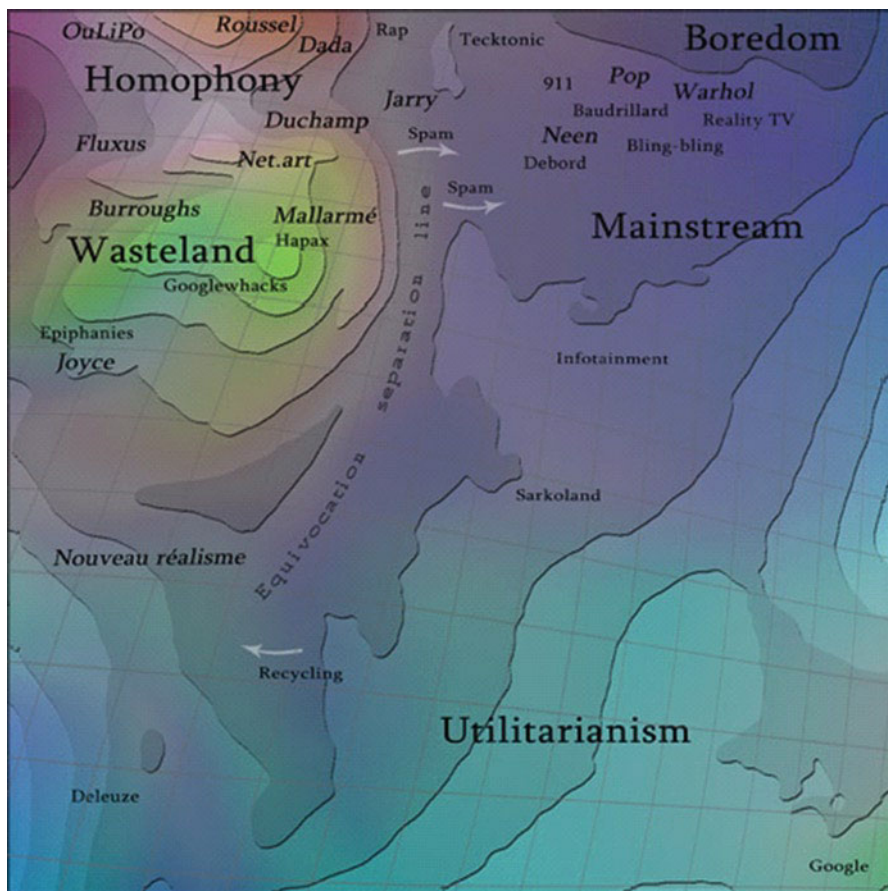
The fetish character of commodities has spread to the fetish character of beings. Absolute fetishes play the role of hubs of the gaze. The technical reproducibility of the object was at the same time the cause of the loss of the aura of the art object and of its resurrection in the Pop transfiguration; in the same manner, with the technical reproducibility of beings, the Popstar academy is promoted as the supreme stage of human stock breeding in the age of meta-capital. The profitability of the star is maximal: her birth, coaching, storage, maintenance of the human raw material are supported by the whole nation. No transportation fees since the media network is already in place. There are some extraction, scenario or representation fees though.... Dismembered between these extreme positions of the Wasteland and the Popstar academy, anybody can enjoy the illusion of occupying in the future this place of absolute fetish, or, on the contrary, to benefit from the masochistic delights of the daily frustrations of their narcissism and to find a shelter in the Wasteland.

6 The Dadameter : From Dada to Google

This hopeless situation is reflected in my recent satirical project “The Dadameter, global index of the decay of the aura of language”, where one can see on the conceptual map how Spam currents stream from Wasteland, towards Mainstream and Pop regions.

⁸Zero-tolerance is closely linked to the theory of networks (cf “Broken Windows theory”, available at http://en.wikipedia.org/wiki/Fixing_Broken_Windows)

⁹After the Reality-TV shows, whose title depends on the country: Star Academy, Popstars, Pop Idol, American Idol etc.



This project is actually a complex elaboration, imitating the strategies of trend analysis of global surveillance structures of Web 2.0. It uses up-to-date technologies for the tracking of thought: data visualization technologies, neural networks, recent breakthrough in graph theory or quantitative structural linguistics. The starting point is twofold: the work of Raymond Roussel, considered as a precursor of Dada, and the recent transmutation of language into a global market as described above.

In 1912, Marcel Duchamp and Francis Picabia attended Roussel's play *Impressions d'Afrique* whose scandalous character anticipated the future Dada performances. Roussel became "an absolute master" for Duchamp and influenced Dada, Surrealism, the OuLiPo or the Nouveau Roman. In his posthumous text, *How I Wrote Certain of My Books* (Roussel 1935), Roussel describes his method: "I chose two similar words. For example billard and pillard (plunderer). Then I added to it similar words, but taken in two different directions, and thus I obtained two almost identical sentences. Once the two sentences found, it was a question of writing a tale which could start with the first and finish with the second.". For example, "Les lettres du blanc sur les

bandes du vieux billard”(The white letters on the cushions of the old billiard table) must somehow reach “Les lettres du blanc sur les bandes du vieux pillard” (Letters by a white man about the hordes of the old plunderer).

This pre-dadaist method playing with homophony and equivocation shows a mechanization of literary production which echoes the contemporary taylorization of speech in the field of meaning. As our most intimate behaviors (language, work, desire, ideology...) are accounted for within the stock market indexes of a globalized finance, one might make one step further towards the decay of the aura and look for new global indexes, but in the fields of art and language. The Dadameter is supposed to be the first of these new indexes; it aims at measuring the density of Dadaism (or Rousselism) in language – our distance from Dada in a way. The more homophony there is between words that are semantically closely related, the higher this density will be. By downloading massive amount of textual information from Google and analyzing it, the Dadameter project tries to have a glimpse at this large scale structure of language.

Using three criteria, homophony, Google similarity (semantic relatedness) and equivocation, the study results in a conceptual map where you can follow some media phenomena and artistic trends and where the different regions have quite simple interpretations: Homophony, Wasteland (low semantic relatedness), Mainstream (high semantic relatedness), Utilitarianism (low equivocation) or Boredom.

This half-scientific, half-parodic project might be a step towards a possible understanding of the dynamics of large scale phenomena of profanation of symbolic transmission that are part of the process of meta-capitalism. As indicated by the “spam” arrows on the map, artistic surplus-value is extracted from the Wasteland and re-injected towards the Mainstream or Pop region. For more explanation on how the project was build, you can consult the Website of the project.¹⁰

7 The Network of the Void and the Re-enchantment of the World

In his book *Storytelling* (Salmon 2007), Christian Salmon describes how, from the years 1990–2000, it is no longer the brand but the mythological story associated with this brand and built around it, which will become its value.

It may seem paradoxical to link this re-enchantment of the world with the emergence of the network, symbol of modernity and technology. However, the decay of the aura of the brand is a typical phenomenon of the great chain of meta-capitalism. The nodes in the network of attention are indeed subject to an intense volatility: an object, a brand, can not stay very long in the spotlight without being submitted to a need for renewal. Traffic flowing through the great chain of meta-capital, will allow attention, once captured, to be maintained and improved, while avoiding saturation.

¹⁰ Available at <http://www.iterature.com/dadameter>

In a society of abundance, the void, because of its scarcity, becomes a valuable commodity. The strategy is here to use the network of the attention economy to take control over the vacated spaces, to appropriate the various interstices, to create empty places to make them profitable and permanent; quite real advertising spaces, but also conceptual spaces in the attention economy, domain names, Adwords, and so on, which are managed by sophisticated mechanisms of laws and licences.

The closer the empty space is to a hub of the network of the attention economy, the higher its value, by metonymic contagion. But because of the decay of the aura of the brands, this empty space is no longer used for direct promotion, but instead as a place for the identification of the spectator to the narrative flux to which the brand is linked.

On the one hand, Google, managing the society of post-control, has taken position on the long-tailed market of language and exploits the Wasteland. On the other hand, the top of the network of the void – including the spectacle, the Popstar academy, Disneyland and other specialists of mythological storytelling – is ruled by the oligopolies of infotainment (television, contemporary art fairs and other spectacular mass media...). A future giant resulting from an alliance against nature between companies like Google and Disney might be one of the candidates to the supreme domination of meta-capitalism. Thus, between Wasteland and the Popstar academy, between the profanation of symbolic transmission and the re-enchantment of the world, meta-capital has launched the war of the void. The colonization of this network of the void will not be achieved by overtaking it from the outside but by internal growth, desecrating all the degrees of human existence, through the promotion of human breeding as the fundamental ecology of production and consumption of beings, a generalized husbanding of human stock in the autochthony of meta-capital.

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How to Handcraft an Achingly Self-Referential Virtual Commodity Fetish Object (For Fun and Profit!)

Julian Dibbell

Abstract In this easy-to-follow seven-step project guide, you will learn how to turn a weightless virtual commodity into a lovingly handmade piece of artisanal craftwork fated to collapse into its own meta-indexical core like the semiotic black hole it is. This project requires you to handle sharp implements, fast-bonding adhesives, and volatile distinctions between the real and the symbolic. It should not be attempted without professional legal guidance and a basic understanding of social-constructionist theories of reality.

Introduction

In the spring of 2003 I announced that I was going to spend the following year making money from the sale of virtual houses, weapons, gold, and other mostly imaginary commodities. I may have said I was going to make *a lot* of money. I certainly wanted people to believe I could. But I didn't very much believe it myself.

Let me clarify: I knew for a fact that making lots of money in this line of work was possible. I had spent much of the previous year researching the business of what is now known as real-money trading (or RMT) – the typically unauthorized exchange of digital items from online fantasy games and other virtual worlds for dollars, euros, yen, and other sovereign currencies – and I'd met plenty of people who could attest to this fact. I had met a man in West Virginia who earned well over \$100,000 a year simply buying items from other players of the game *Ultima Online* (a virtual

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realm with a population, at the time, of about 150,000) and selling them at a mark-up on eBay or on his own Web site. He had sold virtual castles for as much as \$2,000 each; a rare piece of virtual horse manure (no bigger than a few pixels square on most computer screens) had gone for about \$75. I had met the economist Edward Castronova, who in 2001 published a paper analyzing the virtual economy of the 500,000-player game Ever Quest and determining that its gross national product, based on eBay prices of the most heavily traded EverQuest items, was about \$135 million (a GNP per capita greater than Russia's or, back then, China's).

In short, there was no doubt in my mind that big money could be made in virtual commodities, or that plenty of people were already making it. What I doubted, rather, was that I could ever become one of those people. Again, to be clear, it wasn't that I doubted my grasp of the phenomenon at hand. I believed, and still believe, that I understood it about as well as anyone could. I believe I was right to see in RMT a peculiar culmination of a drift toward virtuality that has haunted capitalism since long before Karl Marx first filed it under the heading "All that is solid melts into air." But having met some of the people who were making the most money in RMT, I didn't think they really understood it any differently. What distinguished them from me, instead, was the same thing I suspect has always distinguished capitalism's ablest practitioners from its keenest observers: Not that they failed to recognize the fetishistic nature of the commodities they dealt in, but that they didn't find this insight quite as fascinating as the profits that could be made from it. I suspected, ultimately, that I didn't have it in me to stop marveling at the virtual-items trade long enough to master it.

And I was right. I spent the next year diligently buying and selling virtual commodities (following the lead of my friend from West Virginia, I worked the market in Ultima Online real estate and currency), and at the end of it I had made exactly \$11,356.70 in profit. This was not quite as poor a performance as it seems. My profits grew steadily, and in the final month I made \$3,917, a figure suggesting that if I'd stuck with the business I could have made a modest but not inconsiderable \$47,000 the following year. But I didn't. By that point I much preferred the idea of writing a book about my experience to the experience itself. And so I did. The book was called *Play Money: Or How I Quit My Day Job and Made Millions Trading Virtual Loot*, and it was published 2 years later, in mid-2006. By then the RMT business had evolved considerably. More and more people were playing online games, and a new game, World of Warcraft, played by millions around the world, sustained a far-flung international gray-market in virtual goods. In China, hundreds of thousands of young game-literate laborers were paid 30 cents an hour to play WoW and "farm" the virtual gold coins that could be won by slaying the game's monsters. These coins were sold to Western players through a distribution system dominated by companies like IGE, a corporation then valued at more than \$60 million. Estimates of the total size of the RMT market were heading toward \$2 billion annually. I gave a lot of talks about the virtual-commodities trade that year. I gave a lot more talks about it the year after that. And by the start of the year that followed, I had given so many talks about virtual commodities that it was sort of like when you say a word

over and over so many times you lose the sense of what it means or how it differs from any other random bundle of sounds: I wasn't sure I really knew anymore what a virtual commodity was or how it differed from any other kind of commodity. It was around then that I was invited to give yet another talk, at an arts festival in Ghent, Belgium, but this time I was also invited to contribute a piece of art to be sold at the festival, in a vending machine. And though I am not an artist, it occurred to me this might be a way for me to recover, beneath the surface of the words describing it, some sense of what a virtual commodity really was. And so I created what I came to think of as an "achingly self-referential virtual commodity fetish object." I could explain the point of the object in greater depth, I suppose, but I think you'll understand it better if you create one yourself. Please do. Instructions follow:

1 Description

In this easy-to-follow seven-step project guide, you will learn how to turn a weightless virtual commodity into a lovingly handmade piece of artisanal craftwork fated to collapse into its own meta-indexical core like the semiotic black hole it is. This project requires you to handle sharp implements, fast-bonding adhesives, and volatile distinctions between the real and the symbolic. It should not be attempted without professional legal guidance and a basic understanding of social-constructionist theories of reality.

2 Materials

- one literary property (written but not owned by you)
- one arguably enforceable end-user license agreement (can be custom-ordered from an intellectual-property law firm or cribbed from software packaging and/or online terms-of-service agreements)
- one Second Life user account
- one United States Federal Reserve note or other tangible piece of currency (optional)
- basic bookbinding materials (available at most art-supply stores)

3 Time

- 10 h minimum for assembly
- 12 h for drying
- 2–10 years prep time.

Step 1: Write and Publish a Book

The first step is to become a published author. Easy, right? Not so fast. Sure, today's robust DIY media landscape – with its blogs, bittorrents, print-on-demand sites, and other powerful textcasting tools – has made it so anyone with a faint pulse and the patience to line up 40,000 words of recognizable English can publish a book. But remember: Your final goal isn't a book. It's an achingly self-referential handcrafted virtual commodity fetish object. A published book will get you started in that direction, but if you want to make it all the way to the goal line, you can't start with just any published book.

Most importantly, it can't be a *self*-published book. Don't get me wrong: I've done my share of self-publishing, and I'm all for it. Truly, there is nothing like the clean-all-over feeling of creative autonomy you get from controlling the means of your own intellectual production. But clean-all-over is not what this project is about. Not-quite-right; sort-of-questionable; deeply-yet-elusively-alienating – that's more the vibe you're going for here, and for that sort of thing, you really can't beat the traditional publishing arrangement.

If you've ever been party to one, you know what I'm talking about. But if this will be your first time signing with a commercial publisher, I want you to close your eyes now and picture it: Publication day. Thousands of books going out into the world with your name in big type on the cover. The name says the work inside is yours, and so does all the effort you put into it. You wrote it. You said it. And now, according to copyright law, nobody else can say it again. Only here's the catch: Neither can you. Because in order to get all those words of yours out into the great wide marketplace of ideas, you signed away your exclusive right to ever write them down in the exact same order again – your copyright. The publisher owns those words now, and strictly speaking you aren't allowed to communicate them to another person again without the publisher's consent.

Step 1, in other words, requires you to enter into a relationship that on close examination turns out to be among the most perverse in modern commerce. But trust me, you won't regret it: In the end, this very perversity is what's going to give your handcrafted virtual commodity fetish object that hauntingly pallid glow of the uncanny that marks it as a work of true craftsmanship. Plus, keep in mind some authors have actually made serious money with this traditional-publishing stuff. You could be a winner!

One other thing: This is an *achingly self-referential* virtual commodity fetish object you're making, don't forget, so you'll want to choose the book's subject matter carefully. And sure, I know what you're thinking: Why, right? Aren't intellectual properties themselves so peculiarly virtual, commodified, and fetishistic by their very nature that a virtual commodity fetish object made out of *any* copyrighted book – no matter what the subject – is pretty much self-referential by definition? Well: yes. But you know what? There's self-referentiality and there's *aching* self-referentiality, and what you really need to ask yourself is this: At the end of the project, when you're holding the final product in your hands for that one last once-over, will you honestly be satisfied if its self-referentiality is anything less than almost literally throbbing like a bee-stung fingertip? If the answer is no,

then there's no cutting corners: You will want to build your virtual commodity fetish object from a book about virtual commodity fetish objects.

Fortunately, that's one topic book publishers just can't seem to get enough of. For this walk-through, we'll be using my own book on the subject – *Play Money: Or, How I Quit My Day Job and Made Millions Trading Virtual Loot*. Released in 2006 by mainstream trade publishers Basic Books (a member of the Perseus Books group) *Play Money* is a nonfiction book about the toy economies of online virtual worlds and their increasing spillover into the real global economy, but that's just one way to get at the topic. Nonfiction not your style? Hey, plenty of science-fiction writers, from William Gibson to Neal Stephenson to Cory Doctorow, have published novels and stories about virtual worlds as annexes and/or allegories of contemporary capitalism – and so can you! Trade publishing too low-brow for you? Steal a page from Mr. Commodity Fetishism himself, Karl Marx (or any of the long line of critical thinkers who have worked that same patch of Marxian turf, from Georg Lukacs to Guy Debord to Jean Baudrillard), and scribble up a wad of social theory any academic publisher would kill to get the rights to.

The possibilities are endless. Let your imagination run wild, then go out and get yourself a book contract. It may take as little as 2 years from proposal to publication, it might take as long as ten, and either way, it will sometimes feel like it's taking forever. But that's when you'll need to remind yourself what getting that book shipped is all about: Moving on to step 2!

I'll wait.

Step 2: Create a Virtual Version of the Book

Congratulations, you're published. Now it's time to get crafting again!

In the next two steps you'll be turning what is already an essentially virtual commodity – the literary property you wrote and sold to your publisher – into an actually virtual commodity. For this, you'll need access to an actual virtual world, and in particular, you'll need a virtual world you can actually build your own custom-spec'd virtual objects in. Which, yeah, pretty much means Second Life. So go on, get over it and get it over with: You will have to find a new way to prove how cool you are besides being the last kid on the block who refuses to sign up for their very own walking, talking, 3D-graphical Second Life “avatar” (free of charge!).

Done? All right: you're a “resident” of Second Life now. What next? Two options. One: you can devote the next 100 h or so to learning enough of Second Life's maddeningly proprietary object-scripting language to create a buggy, semi-legible virtual version of your book. Or two: you can pay ace Second Life book coder Falk Bergmann a very reasonable amount of Linden dollars to turn your book into a handsome, fully functional work of object-scripting genius.

Tell him I sent you.

Oh, and kids, very important: don't forget to get your publisher's permission before you get started on this step! Virtual or not, your Second Life book is a *copy* of your real-life book, and unless your publisher authorizes you to make it, you are skating on thin ice, civil-and/or-criminal-liability-wise.

Step 3: Market the Virtual Version of the Book

Now, here's where you start getting hands-on with that magic moment that makes the modern world go around: The transformation of a mere object into the radiant thing of wonder we call a commodity.

If you've never done this before, don't worry. It's actually pretty easy. There's only one simple ingredient you have to add to any object to turn it into a commodity: marketing. Yep: multimillion-dollar product launch or one-day eBay auction, all you really need to do is stick a price on your object, wave it around in front of some potential buyers (a/k/a "the market"), and you're done. Turning a virtual object into a virtual commodity isn't any different, except for one detail: The price you put on your object will be in a virtual currency – like Second Life's Linden dollars – rather than real-world money like U.S. dollars or euros.

The catch here, of course, is that "your object" isn't actually, as you'll recall, *your* object. No one but your publisher is authorized to distribute your book, so before you start trying to sell it in Second Life, you will once again need to get their permission.

Don't sweat this part either, though. Second Life may not be the publicity magnet it was for a while there, but free exposure is free exposure, and as long as the publisher is looking to promote your book about virtual commodities, they're not going to pass up a chance to claim it's been transformed into a virtual commodity itself.

If you really want to hook them, don't even suggest that this is purely a promotional stunt – let them assume that themselves. Be businesslike about how much you expect to generate in virtual sales, and inquire earnestly about how to remit them their virtual revenues. You can even offer to convert their Linden dollars into "real" money for them (don't forget the quote marks). They'll love it. They will love how authentically immersed in this whole crazy scene you are. They will chuckle and give you a big fat green light and, in all likelihood, tell you to keep the Linden dollars too. Believe me.

From there it just gets easier. Second Life is lousy with retail outlets. Pick one or pick a few. Do an in-world search on Second Life bookstore owners and partner with them to sell your book. Or buy some Second Life land and build a bookstore of your own. Or register at a Second Life commerce site like SLExchange and sell straight to the Web.

Then push your chair back, roll your sleeves up, and clear yourself a nice big workspace on your kitchen table. It's time to leave the virtual world behind and move on to step 4!

Step 4: Create a Lovingly Hand-Bound Copy of the Book

In this step you're going to print out your entire book in 4-sheet signature format then lovingly hand-fold and hand-stitch the signatures into a single archival-quality volume complete with hand-made, ornamental hard cover.

Seriously, that's the whole step. (You thought this was going to be the hard part?)

Naturally I won't insult your crafting prowess by explaining *how* to make a hand-bound hardcover book from scratch. But given the unique requirements of the project generally, there are a couple tips you might want to keep in mind as you tackle step 4:

1. If there's some part of "lovingly" you don't understand, please ask

I can't stress this enough: The effect you're going for here is what's known in the business as "foregrounding the materiality of the signifier" – so for heaven's sake *go* for it! Your hand-crafted book shouldn't just look hand-crafted – it should radiate hand-craftedness the way a fresh-baked country biscuit radiates oven warmth. It should reflect your painstaking attention the way a baby's smile reflects its mother's tender care. At the same time, though, and for the same reasons, it should also not turn out so perfect as to be indistinguishable from a machine-made book. Correct any glaring errors as you go, but if a page tears slightly or a bit of glue oozes out from behind the spine or (God forbid) you prick a finger on the binding needle and streak the cover cloth with a drop of your own red blood, let these imperfections stand as traces of the unfakeably human hand that shaped the book. (Or fake them, as necessary.)

2. Nothing says "pure abstracted market capital dancing in the paradoxical embrace of its own inevitably concrete self-representation" like legal-tender origami

The cover ornament is up to you, and if you can think of anything that conveys the essence of this project better than a single U.S. dollar bill artfully accordion-pleated and stitch-fastened to the cover in an assertively decorative truncation of its own iconic image, hey, knock yourself out. But you can't, can you? And there's no shame in that.

Step 5: Repeat Step 4, ad Libitum

Now go ahead and make some copies – but don't overdo it! It's easy to make too many and hard to know when to stop, but here's the trick:

First, pick up that first hand-made book of yours and give it a good long look. See that halo of irreducible authenticity emanating from its every stitch and surface? This is what's sometimes referred to as "the authority of the object," or more handily, its "aura." Now, as you begin making more of the books, keep a close eye on your growing stack and watch what happens to the aura. It will start to fade. And the moment you find yourself unsure it's still there (but before you're certain it's gone), stop copying!

The idea here is not to destroy the aura but to distress it, scuffing away a bit of glow with each reproduction until a spectral, melancholy flicker is all that remains. Five or six copies ought to do it.

Oh, and give yourself a gold star if you've thought to ask yourself the following excellent question: If it was so important to get the publisher's permission to make virtual copies of your book, why don't we need permission to make these hard copies as well?

Proceed to step 6 for the answer.

Step 6: ??? (The Miracle of the EULA)

All right now: if you're still wondering when we get to the hard part, you can stop. We're there. This is it. This is the step upon which the entire project balances, the step that gives all steps before and after it their reason for being. The mother of steps: step 6.

Step 6 is where you must finally gather all the conceptual loose ends generated by your various book-making efforts thus far and tie them together in a single, ornate bow. You must connect the peculiarities of both the commercial and the virtual versions of your book (the queer bargain you entered into to get it published in the first place; the ambiguities, both ontological and economic, that cloud its existence in Second Life) to those of the hand-crafted version – and you must do it in such a way that these final books, the books you have just spent so many hours folding, stitching, and gluing into being, now literally vanish in an instant.

A tall order, for sure, but fortunately there's a tool that can cut it down to size – a powerful piece of legal technology that nowadays makes all manner of dematerializations, transubstantiations, and related modern miracles a snap for average citizens and corporate “persons” alike. It's called a shrink-wrap end-user license, or EULA, and what you're actually going to do in this step, finally, is write one for your hand-made books and wrap them it.

Properly crafted and applied, this EULA will immediately cause the books to cease to exist as books. Instead, by the EULA's magical decree, they will now be tokens of exchange and nothing more, redeemable only for Second Life copies of your book and thus, in a sense, more virtual than the virtual objects they now represent. Not being books, of course, they are also now exempt from the terms of your *book* contract, a twist that you can think of as either a trenchant comment on contemporary intellectual-property relations or a way to cut your publisher out of any potential unbook revenues or both. But perhaps most important, your shrink-wrapped object, reduced by the EULA to standing as proxy for a book that is in essence the “same” book it would be if it were still, in fact, a book, will now acquire one final layer of self-referentiality that if it isn't aching, well, it's definitely gotta hurt.

How the EULA does all this, exactly, is up to you. But if you want a model to work from, here's the one I wrote for my own project, cobbled together from scraps of existing product licenses (Microsoft Office, Second Life, etc.) and a few creative but perhaps not entirely ungrounded legal gambits of my own. Take what you like, but by all means get a real attorney's opinion before you try this at home:

END-USER LICENSE AGREEMENT FOR “PLAY MONEY,” HAND-BOUND EDITION

The following agreement describes the terms on which Julian Dibbell (“the Author”) licenses you to use copy number (“the Book”) of the limited-run hand-bound edition of his book “Play Money: Or, How I Quit My Day Job and Made Millions Trading Virtual Loot” (“Play Money”). By using the Book in any way (including, but not limited to, touching it, looking at it, displaying it, lending it, and keeping it in your home, office, safe-deposit box, gym locker, or any other place to which you have exclusive access), you indicate your acceptance of this agreement in its entirety. If you do not accept the agreement or any of its terms, do not use the Book. Instead,

return it to the person or organization from which you acquired it for a refund or credit. If you cannot obtain a refund there, contact the Author (julian@juliandibbell.com) for information about his refund policies.

1. Description of the Book.

The Book is one of no more than 5 (five) special-edition copies of “Play Money.” It contains the full text of “Play Money” as originally published in the 2006 hardcover edition. The text is inkjet-printed on 84 sheets of text-weight paper, hand-folded into 21 signatures, stitched together with linen thread, reinforced with decorative endpages, and cased in a cover constructed of cardboard, bookcloth, linen thread, text-weight paper hand-printed with a rubber stamp, and one U.S. dollar bill. Except for the ink-jet printer, no machinery was used in the making of the Book, and all work was done by the Author, with no physical assistance from any person.

2. The Book is not a book.

The Book is a financial instrument. Specifically, it is a bearer note granting title to one of 5 (five) special-edition virtual copies of “Play Money” located in the online environment Second Life. You may redeem the Book by delivering it in person to the Author. Upon redemption, and subject to the Author’s confirmation of the Book’s authenticity, the Author will cause his Second Life avatar to deliver the virtual book to whichever Second Life avatar you designate as recipient. The Author warrants the Book’s fitness for this purpose and for no other, whether aesthetic, intellectual, or practical. All details of the Book’s construction, including its printed contents, are intended solely as mechanisms of authentication, for the purpose of confirming its validity as proof of title.

3. The Book does not belong to you.

The Book is licensed, not sold. This agreement only gives you some rights to use the Book. The Author reserves all other rights. Unless applicable law gives you more rights despite this limitation, you may use the Book only as expressly permitted in this agreement.

4. You may not read the Book.

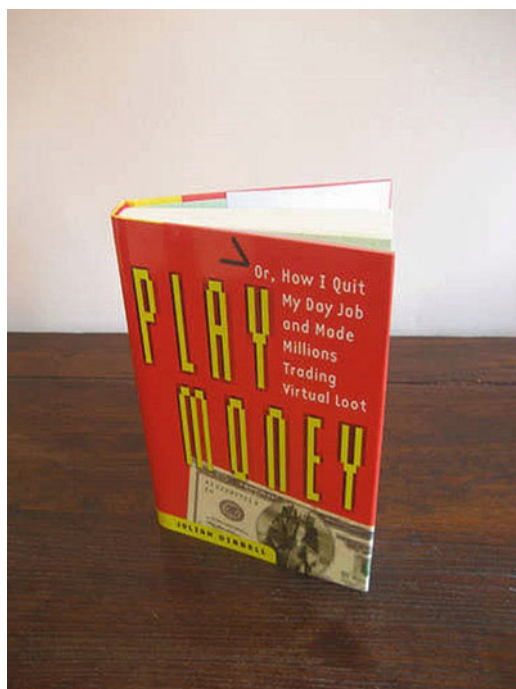
The exclusive right to publish, reproduce and distribute “Play Money” is held by Basic Books publishers, a member of Perseus Books LLC. Basic Books has granted the Author permission to copy and distribute “Play Money” in Second Life but nowhere else. You acknowledge and agree, therefore, that the paper copy printed out for inclusion in the Book was made by the Author as a personal copy, for his use only, as permitted under the fair-use doctrine of United States copyright law. You may not read it.

Step 7: Profit!

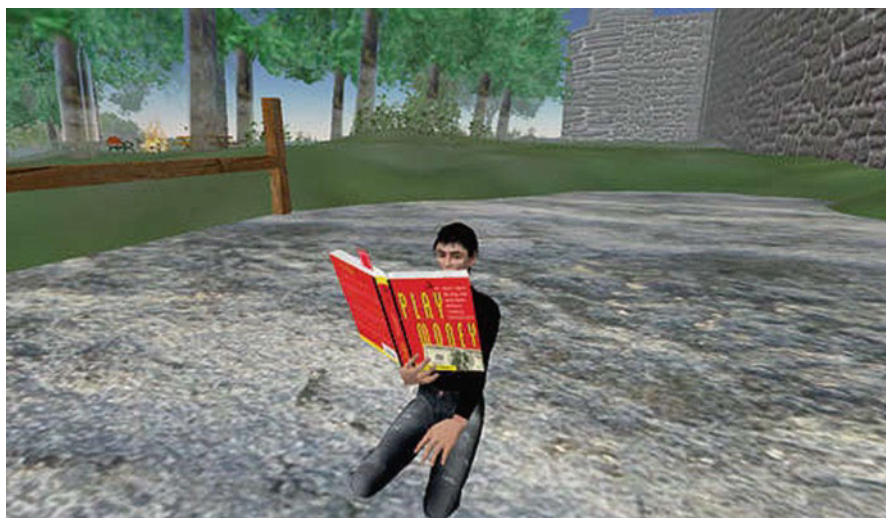
It’s Miller time! Your achingly self-referential virtual commodity fetish object is shrink-wrapped and ready to ship. In just a moment you’ll be putting your feet up on the table and watching the revenues roll in.

Of course, you’ll first have to sort out who, approximately, will be supplying those revenues, but it turns out that’s an easy one. In the 47 years since Italian artist Piero Manzoni managed to sell – as art works – ninety 1-oz. tins of his own shit

Step 1



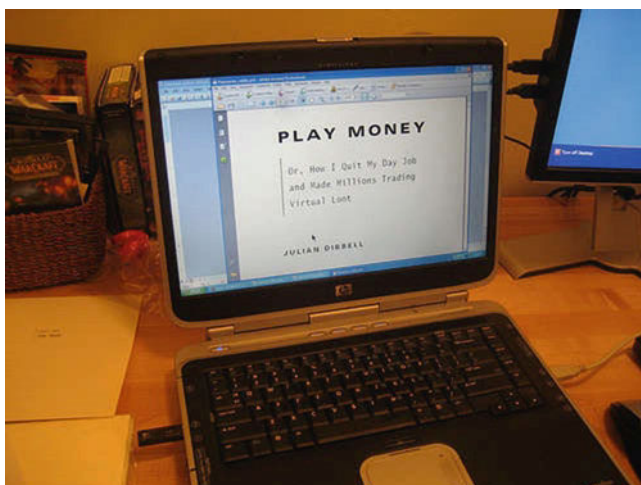
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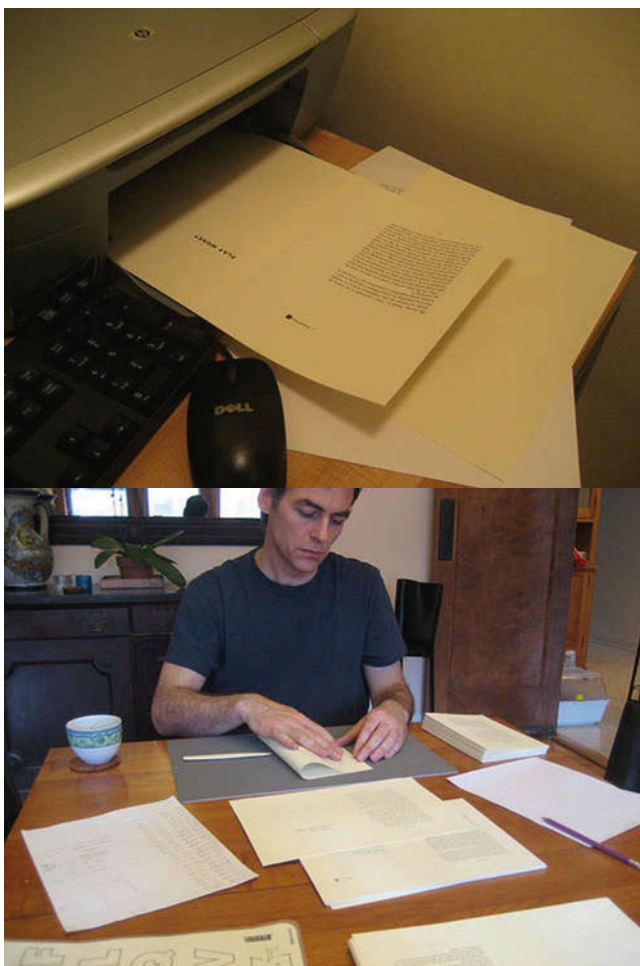


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Step 4

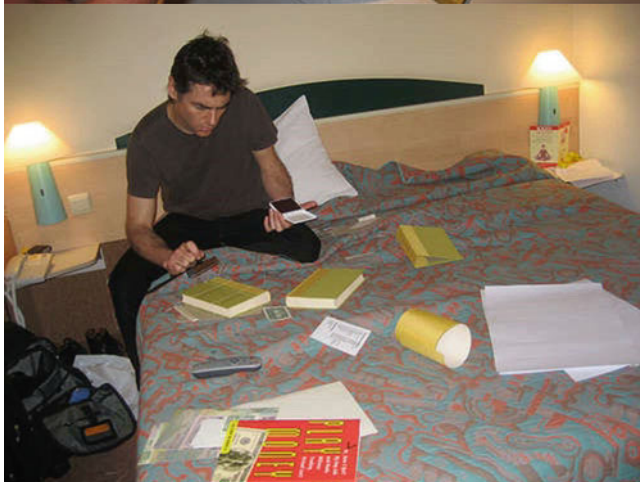


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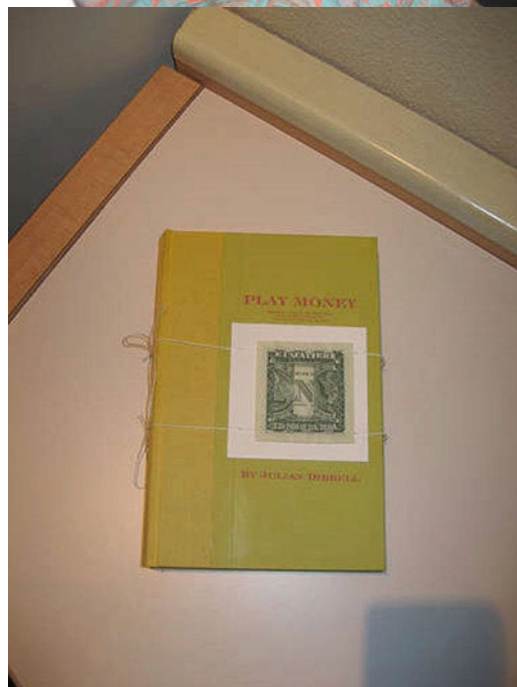
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Step 4 (continued)



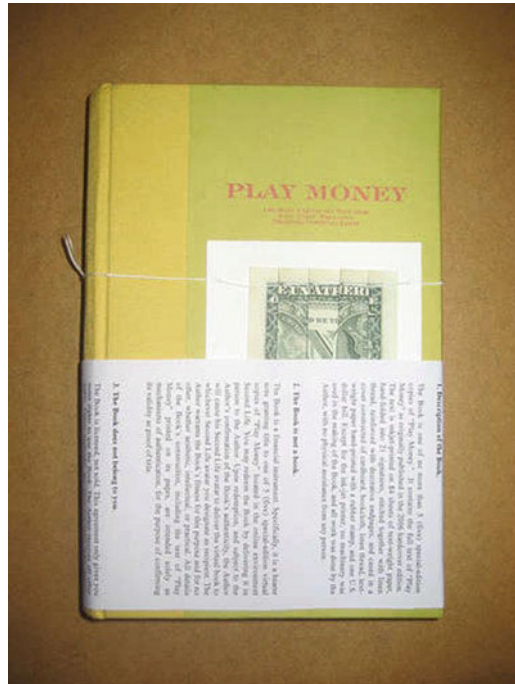
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Step 5



Step 6



Step 7



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