

## Ownership in Retreat?

IMRE SZEMAN

FOR PROPERTY.  
FOR THE EXPLOITATION OF OTHERS.  
FOR THE JUST DIVISION OF SPIRITUAL GOODS.  
FOR THE UNJUST DIVISION OF TEMPORAL GOODS.  
FOR LOVE.  
FOR THE BUYING AND SELLING OF LOVE.  
FOR THE NATURAL DISORDER OF THINGS.  
FOR THE PROLONGATION OF THE GOLDEN AGE.

—Bertholt Brecht, *The Rise and Fall of the City of Mahagonny*<sup>1</sup>

EVEN IN AN ERA when images have become omnipresent, and the collapse of the divide between art and life once imagined by radical avant-gardes seems to have become more threat than political possibility, art practices continue to carry out critique of a kind that is invaluable to our comprehension of our social and political condition. One of the most significant issues art and critical cultural production today draw attention to is the operations of *ownership*, especially in connection to culture. Despite the new significance of knowledge and cultural production in today's economy, despite the varied experiments in new economic formations and other forms of social innovation, and despite attempts to engender modes of communal knowledge sharing, ownership today remains configured in relation to *property*; just as it has since the origins of capitalism. Property continues to have a limit and blockage in our current social configuration; in the words of Ernst Bloch, "there is a very clear interest that has prevented the world from being changed into the possible"<sup>2</sup>—those who control and benefit from property relations and the global politico-economic system that supports it. How, why, and what are the consequences of property today? A look at struggles over the demands made by property today as a result of shifts and changes in how it has come to be imagined might give us some sense of how we can make the forces of ownership retreat, and in so doing, at long last, change the possible into the actual.

### 1. Property

In his 2004 essay "The Politics of Utopia," the cultural critic Fredric Jameson puts forward what he takes to be "the most radical demand to make on our own system...: the demand for full employment, universal full employment around the globe."<sup>3</sup> What such a demand reveals starkly is the shape and character of the political and economic structures in which we live today, which render such a demand unrealizable. The possibility for all individuals to engage in productive work cannot happen under capitalism, in part because of the structural need for a reserve army of labour (however configured)—a need that takes distinct forms in different parts of the world. This is the point of the direct, utopian demand that Jameson makes here: to break us out of *fictions* about the possibility, on some distant horizon, that within our governing political and economic logics, that eventually everyone will have a job, be able to feed themselves, and feel as if they are participating in the social alongside their fellow citizens. By showing how so basic a right cannot be realized in the present system, the political returns in the form not of a hope for this or that change of policy or implementation of some new law. Rather, what cannot help but emerge is the need, if we are to achieve certain basic elements of just and equitable society, for a "society structurally distinct from this one in every conceivable way, from the psychological to the sociological, from the cultural to the political."<sup>4</sup>

Let's try this same utopian formula with a different content. What would it mean to demand that intellectual and creative production be, first, accessible to everyone, and, second, belong to everyone (since ideas always emerge out of the fertile soil of society and not, as we tend to think, from some mysterious place inside an individual's head)? In a phrase: what would it mean to insist that there would no longer be such a thing as intellectual property—ownership of ideas, images, words, concepts? Is this a demand that could ever be realized within existing social and political structures? By, for instance, appropriate changes to national and international laws addressed to the ownership of intellectual property? Of course not. As numerous critics have pointed out—everyone from Michael Hardt, Antonio Negri, and Paolo Virno on the Left, to more establishment figures such as Richard Florida, Robert Reich, or *The Economist* magazine on the Right—the contemporary economic system is heavily dependent on the fruits of cognitive and creative labour. Intellectual property in all its various forms have some of the highest available margins; major manufacturers long ago moved out of production and reconfigured themselves as purveyors of sign-systems (such as brand-names) that can be attached to any object whatsoever. For a system that thrives on the consumption of "newness," the production of endless amounts of new cultural content is essential, whether in the form of experiences (tourism, theme parks, style, shopping malls, Las Vegas, television programs, etc.) or physical or cultural goods (three-blade shaving systems! *Breaking Bad*! value-added coffee drinks!). If the cognitive labour that produces and manages ideas within contemporary capitalism is by no means the dominant form of labour in the world, it is hegemonic in terms of its role in structuring the direction of economies, and so, life on the planet, even those who eke out a bare existence in factories located in Third World "free trade" zones are pulled into its guiding orbit. The ownership of the products of creative and cognitive labour is increasingly important for companies intent on generating as large a profit as possible; it should come as no surprise that there is little desire or interest in a social and political system organized around economic growth and profit—that is, capitalism—to set ideas free in the world.

This system of cognitive labour and intellectual property is under constant pressure: the fact that this immaterial thing called “culture” is now in many respects at the centre of the global economy renders capitalism open to new and unprecedented challenges. In the case of intellectual property, these challenges have come from its users, consumers, and audiences. Whenever possible, we aim to get things for free: music, images, film, and video—everything and anything. And we can—save, perhaps for those design elements that make their way into physical goods, though in this case, too, we can always opt for cheaper imitations of clothing, electronic goods, or jewellery. To some degree, the culture of downloading constitutes a universal protest against a system in which culture and knowledge *can*, when they should be provided to all for free; less optimistically, the culture of downloading is a practice devoid of conscious politics whose aim is simply to get as much as possible for as little as possible, a situation enabled via a historically unprecedented re-organization of social experience through technological means whose long term impacts remain in question. Within existing social structures, the tendency of this user pressure on property regimes has been to reinforce the insistence on the part of capital for more and greater control over the products of cognitive labour. As in the case of Jameson’s demand for universal work, the insistence on an end to intellectual property forces us to recognize that it is impossible without an end to property in general, which is to say, that such a demand could only be realized in a “society structurally distinct from this one in every conceivable way, from the psychological to the sociological, from the cultural to the political.”

Where does leave the creators of intellectual property—those who make images, design styles, develop fonts? Couldn’t we imagine an intermediate step for these creators of ideas, images, and sounds, which would be for them to have better control and ownership of their own production? Does it have to be all or nothing? Is there a way in which we might step back from the current regime in order to grasp it better—that is, *retreat* from it in order to understand where we might attack its weakest point? What such a retreat would tell us is that whether others own it or it is taken for free, at its core the real issue about ownership is less property than *labour*. If cognitive or creative workers are employed in capitalist industries, they are exploited in the same way as any other worker, and are subject to the same growing labour precarity and degraded social systems that are the consequence of 30 years of neoliberalism. When their work is taken for free, on the other hand, it proves hard for creators to fill their bellies. A solution might appear to be independent work enabled by an intellectual property regime that generates a livelihood, even if this would be to side implicitly with capital and against the possibility of a society in which there is genuinely free cultural and intellectual production. Can’t one advocate for such a stop-gap solution as a step towards a bigger social change?

The urban theorist Richard Florida (in his now infamous book *The Rise of the Creative Class* and elsewhere) has argued that the creative practices once associated with the arts and cultural sector have been generalized across the economy. And it has—though not in the celebratory fashion in which he and others in the business community imagine: a world of fully capitalist work, in which we are nevertheless able through the creative character of our work to engage in a self-fulfilling, self-fashioning endeavour at the same time as we earn a paycheck. What has been generalized is not creative work, but rather, the *labour discount* that has long accompanied artistic and cultural activity, which is now spread across the workforce under the guise of greater freedom at work. The Romantic vision of the artist is one in which they are understood as “willing to accept non-mone-

etary rewards—the gratification of producing art was compensation for their work, thereby discounting the cash price of their labour”;<sup>5</sup> this is one of the reasons why artists remain at the bottom of the social ladder in most countries by measurements of their annual incomes. Members of Florida’s Creative Class, too, indicate in surveys that work challenge, flexibility, and stability all come before pay as reasons why they choose their jobs, with many other values (vacations, their opinions being valued, etc.) standing only a few percentage points behind. Just as love of literature or art was supposed to offset long-hours of work and dismal levels of compensation for writers and artists, crunching code for hours on end is now offset by the informality of the high-tech workplaces— which sometimes even mimic artist studios in their structure. If cognitive labour means that we are all artists now, it is not because we have the capacity to engage in meaningful activity on a day-to-day basis, but because we have yielded wages and security for the promise of “creativity” at work. Jameson’s demand on the system is for “universal full employment around the globe.” Could we not add to this: full employment, with a guaranteed minimum annual salary that offers more than just a bare living wage for everyone? This would make it possible for artists and cultural workers to engage in their practices without fear of poverty and without the need to rely on a system of intellectual property, however it is configured. That this would require an entirely new social and political system goes without saying—a difficult task, to say the least. But what other response could one have if one follows the logic of property through to its end? A positive answer to the question of ownership—that this or that person owns something, for this or that reason and principle—falls to answer the larger demand encoded within it: the end of ownership as such.

## 2. The Commons

One place where we might find conceptual support for the development of a social system that isn’t organized around property and ownership in the idea of the “commons.” The commons is a term that insists on the fundamentally shared character of social life: that everything from language to education, from nature to our genetic inheritance, from images to knowledge belongs ineluctably to all of us. It is an old term for describing this shared life, first used in describing the process by which common lands—shared pastures, fields, streams, forests, and so on—underwent a process of enclosure over a long period of time (well into the nineteenth century in the UK). One outcome of enclosure was the establishment of property as the primary form of relation to land; another was the subsumption of labour into capital and the push of rural inhabitants into cities, a process that continues around the world. In *Multitude*, Hardt and Negri write: “It is no coincidence that so many scholars of intellectual property and the Internet use terms like an electronic and creative commons or the *new enclosures* of the Internet, because the current processes recall the earliest period of capitalist development.”<sup>6</sup> The period of intense artistic and cultural productivity and experimentation we are living through at present time is being undercut and blocked by processes of private appropriation. These new electronic commons seem as if they will share the fate of the older ones, preyed on by that neoliberal drive that cultural geographer David Harvey has named “accumulation by dispossession.”<sup>7</sup>

The commons are what we live and produce together. Hardt and Negri again: “This is perhaps most easily understood in terms of the example of communication as production: we can communicate only on the basis of languages, symbols, ideas, and relationships we share in common, and in turn the results of our communication are new common languages, symbols, ideas and relation-

ships. Today this dual relationship between production and the common—the common is produced and it is also productive—is key to understanding all social and economic activity.<sup>8</sup>

The common is not only a key to the present, but one of the basic, founding principles of the political. The philosopher Jacques Rancière argues that equality is not something to be slowly worked towards in successive phases—as understood in most liberal versions of politics—but rather the fundamental principle from which politics has to begin: we are all, already, equal, and if this is not the case it points to failings of our social and political system. The commons are fundamental to the political in just this way. Why we do not share life in common, but are divided up and split apart, our common production being owned by the few and not by the many is a matter of history—the history of capitalism, whose relatively short existence on this planet tells us that other forms of production are possible, too. It is also a situation whose perpetuation requires an argument—some claim for why we live apart and not in common, in the way that the concept of the commons demands.

The usual rejoinder? It is not human nature to share and share alike. Humanity is such that its actions and behaviour inevitably led it to violence and destruction. The political then becomes a way of reigning in natural impulses—like placing a muzzle on a dog. The most famous of such arguments, one which might well act as a motto for the neoliberal age, is Friedrich Hayek's claim that the only way to protect radical egalitarianism and individual rights in the face of state violence (fascism, communism) is "to install inviolable private property rights at the heart of the social order."<sup>9</sup> And so we are back to property as the definitive characteristic of *homo sapiens*, never mind that what was from the beginning a political decision—the advance of enclosure and destruction of the commons by the moneyed and powerful classes—is now treated as a fact of nature without any further need of comment.

Hayek's work has played an important role in defining the guiding ethos of neoliberalism. There is, however, a more recent and perhaps even more influential claim about the commons that has been repeatedly used to argue for its impossibility: Garrett Hardin's 1968 essay "The Tragedy of the Commons." Since its first publication, this has become a widely-anthologized and cited text that has been used to justify the privatization of land and other social services, and, more generally, to make the case for the rationality of private property and the irrationality of every other system. Hardin's argument is simple: communities that share resources end up with nothing. "Instead of wealth for all, there is wealth for none."<sup>10</sup> The basis for this claim is a hypothetical case involving the commons as they existed in rural England. Hardin asks: what if a herdsman who makes use of the commons wants to expand his herd? The rational herdsman, he supposes, will add another animal, since the cost of additional grazing (reduced food for the common, soil depletion, etc.) is borne by all who use the commons, while the benefits accrue to him alone. Since every herdsman will rationally act in the same way, the commons will become so overstocked as to eventually become used up, leaving nothing for everyone. If the herdsman owned the property they used for their herds, however, this would not happen, since each would want to make sure that they maximized production and that their land was not damaged or destroyed.

Despite having become the dominant paradigm through which social scientists have come to assess natural resource issues (this, according to a recent World Bank Discussion paper), the environmentalist Ian Angus has pointed out that there is in fact *no* evidence to support Hardin's claims as to what would happen to the shared commons. "Hardin simply ignored what actually happens

in a real commons," Angus writes, "*Self-regulation by the communities involved*... in the real world, small farmers, fishers and others have created their own institutions and rules for preserving resources and ensuring that the commons community survived through good years and bad."<sup>11</sup> The assumption driving Hardin's analysis is that human nature is fundamentally selfish; the centuries of community usage of common lands to the benefit of all involved would seem to suggest otherwise. And *why*, for that matter, would the herdsman want to increase the size of his herd in the first place? Angus writes: "Hardin didn't describe the behavior of herdsman in pre-capitalist farming communities—the described the behavior of *capitalists operating in a capitalist economy*."<sup>12</sup> Not only does Hardin fail to offer a reason why the commons couldn't or wouldn't work, he also offers no evidence that privatization would do a better job of preserving the land—indeed, the damage wrought to the environment by all manner of capitalist enterprises might give us cause to think that the very opposite was true. Nevertheless, "The Tragedy of the Commons" continues to be appealed to as a landmark argument for the benefit of private over public—a useful myth supporting the politics of the World Bank, IMF, and national governments in their ongoing project of enclosure of the commons and the privatization of public property.

Is the commons impossible? Is not the *possible* a world so degraded and unjust that it is necessary to challenge the basis on which arguments are made to support it? In a blog posting, the Nobel Prize winning economist Paul Krugman wrote the following lines: "Open immigration can't coexist with a strong social safety net; if you're going to assure health care and a decent income to everyone, you can't make the offer global."<sup>13</sup> One the one hand, the claim is made that capitalism can be made just only by strong social services; on the other hand, it says that such services can't be made available to everyone. The reason why they can't has less to do with possibility, than with the defence of the privilege of few at the expense of the many. Looming in the background is, of course, the unspoken supposition that guides all such liberal beliefs: the reason why we can't insure health care and a decent income to everyone is because of the existing distribution of power and privilege and even though we know it is unjust, most of us would rather keep it as it is than try to create genuinely new ways of living and being together.

### 3. Retreat

Ownership... in retreat? Why think of it in relation to retreat and not simply imagine the politics of property as something we push past on the way to a better future? Retreat does not mean regression. Nor does it mean defeat. It means to assess the reality of one's circumstances in a manner that allows for the most effective approach to the problem under attack. Retreat to the mountainside is what allows a general to contemplate the path through defences arrayed differently than *s/he* might have initially thought; the attack, when it then comes, is at all the right places, with just the right force, and so devastating to the enemy. It might come across as old-fashioned in these new times to still be talking about property and labour as essential to our political futures, even if the subject-matter is now intellectual property and creative labour. The intellectual property produced by creative types has become essential to contemporary capitalism; it constitutes one of the few remaining spaces in which (it is hoped by capital) expanded accumulation might still be possible—outside of the factory and in the spaces of experience. A commons without property is not some mere fantasy that cannot come to be for creatures such as us. And creativity and intellectual labour, while now

a site of exploitation and profit-taking, is central to the commons that most of us want to inhabit. What a gaze down at the current configuration of power should tell us is that no amount of tinkering around the edges is going to be sufficient to make the world better for those whose physical and creative labour are exploited for the purposes of a leechlike mechanism of accumulation that cares little about the consequences of its practices. We need to definitively reject this system of ownership and property in order to transform the possible Bloch speaks of into the actual that would allow, at long last, all of us to flourish by living and working in common.

#### Notes

- 1 Berolt Bloch, *The Rise and Fall of the City of Mahagonny* in Berolt Bloch, *Collected Plays*, vol. 2, part 3, ed. Jan Walter and Ralph Mannheim (London: Eyre Methuen, 1972), 63-64.
- 2 Ernst Bloch and Theodor Adorno, "Something's Missing: A Discussion between Ernst Bloch and Theodor Adorno on the Contradictions of Utopian Ideology," in *Ernst Bloch: Essays on Utopian Ideology and Literature*, Selected Essays, trans. Jack Zipes and Frank Mendenburg (Cambridge, MA: The MIT Press, 1988), 7.
- 3 Fredric Jameson, "The Politics of Utopia," *New Left Review* 25 (2004): 37.
- 4 *Ibid.*
- 5 Andrew Ross, "The Mental Labour Problem," *Social Text* 63 (2000): 6.
- 6 Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2009), 186.
- 7 David Harvey, *The Enigma of Capital* (London: Profile Books, 2011).
- 8 Hardt and Negri, 197.
- 9 Quoted in Ian Angus, "The Myth of the Tragedy of the Commons," *The Bulliet: Socialist Project e-bulletin* 133, August 25, 2008, <http://www.socialspj.org/csl/bullet/bullet133.html>.
- 10 Angus.
- 11 Angus.
- 12 *Ibid.*
- 13 Paul Krogman, "The Curious Politics of Immigration," *The Conscience of a Liberal Blog*, New York Times, April 26, 2010, <http://krogman.blogspot.com/2010/04/26/the-curious-politics-of-immigration/>.

## Afterword

Alice Ming Wai Jim

*The following reflects on The Retreat: A Position of dOCUMENTA (13) through personal vignettes, epistles, unrammed colophons, and mesh writing (the use of keywords to connect essays in this issue). The first half focuses on the time of retreat in the world. The second half examines Yoni Levi's recent projection-based art installation to consider contemporary implications for retreat as model in relation to the historic literati retreat of seventeenth century China and the Buddhist metaphor of Indra's Net. I am going to end when I have argued that we can no more actually profoundly withdraw than we can retreat into indifference. As an afterword, it will read afterwards as having utterly failed no less for its residing in the future perfect.*

IT WAS A TUMULTUOUS time of world events leading up to and following The Retreat that took place early August 2012 in the mountain resort town of Banff, Alberta. Almost one year since its first demonstration on Wall Street, the Occupy movement was reverbly organizing for anniversary rallies in more than thirty cities around the world, although with much less momentum and publicity than in 2011. In Egypt, the 25 January revolution, a.k.a. the 18-day revolt centred in Cairo's Tahrir Square in early 2011, saw the ousting of long-ruling dictator Hosni Mubarak and the first democratically-elected president, Mohammed Morsi, sworn in on 30 June 2012. Within five months, mass protests had begun to criticize Morsi's giving a monopoly on power to his Muslim Brotherhood and Islamist allies, polarizing the country, and running affairs similarly to the autocrat the protesters had deposed 31 months before: the 30 June 2013 revolution witnessed Morsi dramatically removed by the military after only one year in office following mass demonstrations for his resignation, larger than those of the Arab Spring.

Meanwhile, the US continued to complete its withdrawal of allied combat troops from Afghanistan with an end date in 2014 when NATO-trained Afghan National Security Forces assumed responsibility of the country's security in time for the election of Abdel-Fatah el-Sisi as Egypt's new president, with Hamid Karzai, leader of the Kabul government since 2001, required to step down under the constitution. Uncertainty and violent religious extremism continue to escalate. On 4 November 2013, five months after Occupy Gezi in Istanbul's Taksim Square, Turkish president Abdullah Gül warned that bordering Syria could become the "Mediterranean Afghanistan" if the international community did not act to end the bloody civil war that has seen President Bashar al-Assad and his allies fighting against the Free Syrian Army and rebel forces since the first leadership protests began in March 2011, spurring the largest refugee crisis in a generation.