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Copyright Cowboys Performing the Law.

First published in Joshua Pablo Rosenstock (Ed.), *Journal of the New Media Caucus*, V.08 N.02:
Found, Sampled, Stolen: Strategies of Appropriation in New Media, 2012.
<https://median.newmediacaucus.org/blog/>

In the current debates about copyright and intellectual property, art plays a central role. Art not only stands for an idea of creativity that has spread through 'the invention of the creative industries' far beyond the boundaries of the art world into a general imperative of the knowledge economy; it is also directly involved in the contradictions and conflicts that make the paradoxes of intellectual property more obvious than ever before, due to digital media and a changed economic order. However, there is no 'Art' as such in these debates. Instead, various concepts of art are used to respectively argue 'for' or 'against' certain political positions.

The historicization of creative appropriation is a wide-spread strategy in the argumentation 'against' tightening copyright law and 'for' free access to knowledge and culture. The reference to collage, ready-made, Pop art and appropriation art, contemporary juridically controversial forms of remix and appropriation shall be put in a cultural tradition and thus legitimized. A particular role is attributed here to appropriation art.

Unlike other art forms based on appropriation, appropriation art was defined not only by its questioning of the modernist paradigms of authorship and originality, but also by its explicit critique of the very idea of copyright. Emerging from the context of postmodern philosophy, the seemingly straightforward method of creating new meaning by transferring materials from one context to another was endowed with complex critical and aesthetic aspirations. And even up to the present, appropriation art benefits from a reputation oscillating between critical, illicit – and affirmative.

The questions discussed in this paper are, firstly, whether appropriation artists have been able to meet their own critical claims, and secondly, what the value of a strategy, which depends so much on the workings of the art world, could be within a copyright-critical discourse whose issues go far beyond the art world.

Postmodernism of Resistance

In order to understand the concerns of appropriation art, it is necessary to trace back the conditions of its emergence. The use of already existing imagery and materials, as introduced by Cubist collage and the ready-made, and continued in the era of Pop art, was taken to a new

extreme in appropriation art. Radical practitioners of appropriation art such as Sherrie Levine and Richard Prince took a complete picture, sometimes with no or little modifications, and made it into their work as part of their artistic investigation.

Levine and Prince belong to the generation of young artists that Douglas Crimp introduced to a broader public in the legendary *Pictures* exhibition, which was organized in 1977 at New York's Artist's Space. The non-specific title of the show was a first hint of the aesthetic strategies presented in the exhibition, which included a variety of mainly reproduced visual material: this marked a major challenge to the then predominant modernist discourse. In the years to follow, the academic journal *October* played a crucial role in the creation of a context for this emerging art by introducing French structuralist and poststructuralist theory, including for instance the writings of Roland Barthes, Michel Foucault and Jacques Derrida into the English-speaking world. The contributing theoreticians and critics, among them Rosalind Krauss, Hal Foster, Craig Owens, and Benjamin Buchloh, provided a theoretical framework for this evolving art, which they discussed in relation to postmodern philosophy, in particular in the context of what Foster described as a 'postmodernism of resistance.' Opposed to a 'postmodernism of reaction,' which would reduce all critical claims to a stylistic pluralism, the "resistant postmodernism was concerned with a critical deconstruction of tradition (...) with a critique of origins, not a return to them."¹

A pivotal concern of critical postmodern philosophy was its critique of representation. Based on linguistics and semiotics, it was suggested that representation does not reflect reality/society, but rather constitutes it. "All cultural forms of representation – literary, visual, aural – in high art or the mass media are ideologically grounded, (...) that they cannot avoid involvement with social and political relations and apparatuses."² In that sense, art was re-conceptualized as "a social sign, entangled with other signs in systems productive of value, power and prestige" as a consequence of this, was that the main features of aesthetic modernism, the discourse of the original and artistic autonomy, began to totter, and moreover this led to a blurring of the boundaries between 'high art' as opposed to popular culture.³ Applying a textual model to culture in general, would allow approaching an artifact no longer as 'work' in the modernist sense (formal, expressive) but rather as a text that is 'already written, allegorical, contingent.'⁴ The way Crimp characterized the works in the *Pictures* exhibition reads as a direct translation of such theoretical concepts into practice: "Those processes of quotation, excerption, framing and staging that constitute the strategies of the work I have been discussing necessitate uncovering strata of representation. Needless to say, we are not in search of sources and origins, but of structures of signification: underneath each picture there is always another picture."⁵

Reflecting upon culture as a system of codes implicitly involves a rethinking of the role of the author who traditionally has been conceived as the originator of a work. Roland Barthes' most famous essay 'Death of the Author,' in which he suggested a text is a 'tissue of quotations,' a weaving of words, ideas and meaning, thus undermined the autonomy of artistic creativity, and

¹ Hal Foster, "Introduction to Essays on Postmodern Culture," in: *The Anti-Aesthetic*, ed. Hal Foster (New York: The New Press, 1998), xiii.

² Victor Burgin (1986), as quoted in Linda Hutcheon, *The Politics of Postmodernism*, (London, 1989), 3.

³ Hal Forster, "Subversive Signs," excerpt from *Recoding: Art, Spectacle, Cultural Politics* (Seattle: Bay Press, 1986). Available at: http://allanmccollum.net/allanmcnyc/Hal_Foster.html (accessed September 11, 2012)

⁴ Foster, *The Anti-Aesthetic*, xi.

⁵ Douglas Crimp, "Pictures," *October* 8 (1979): 78.

even today is the – often misinterpreted – leitmotif of authorship-critical discourse.⁶ Barthes does not simply deny the existence of an author, but rather advances a notion of writing/creation that resembles or operates as, the compilation of already existing language/material. Instead of ‘expression,’ he prefers to think of writing as ‘inscription,’ which also entails a shift of production of meaning from the writer to the reader. Subsequent to Barthes and related to a critique of the modern subject as sovereign originator of meaning, Michel Foucault elaborates ‘the author function’ and, amongst others, identifies the property relation between the author and a text as codified in copyright law to be one of the characteristics that all discourses that carry the author function have in common.

Practice without License

Opening up art to a flow of cultural signifiers and their investigation necessarily implies an access to and appropriation of those signifiers. Appropriation thus has become routine for many artists, manifesting itself in a variety of reproductive techniques – with photography as a central medium – and following a wide range of objectives. In order to outline the challenges appropriation art has introduced for both the art world and its legal framework, I will briefly recall the work of Sherrie Levine and Richard Prince as examples.

Sherrie Levine is often talked about as one of the most consequential proponents of appropriation, and her series of re-photographs *After Edward Weston* (1981) and *After Walker Evans* (1981) may be the best examples of her uncompromising approach.⁷ In both cases Levine photographed reproductions of the photos of the pioneers of American art photography and showcased them without any alterations. Only the titles indicate that her exhibits had a past life and are now situated in a new context. Levine appropriated the photographs whole and claimed them as hers; she did not combine or synthesize them, and made no additions or cutouts. She simply photographed other photographs. According to Krauss, Weston’s nude series of his son Neil has to be seen in the long tradition of depicting the male nude torso since Greek antiquity. She suggests that what Levine does could be regarded as “opening the print from behind to the series of models from which it, in turn has stolen, of which it is itself the reproduction.”⁸ Thus, questioning the notion of origin as represented by the original, Levine’s work exemplifies the ‘discourse of the copy’ developed by Barthes: “to depict is to ... refer not from a language to a referent, but from one code to another. Thus, realism consists not in copying the real but in copying a (depicted) copy... Through secondary mimesis [realism, Krauss] copies what is already a copy.”⁹

Instead of developing a visual style of her own, in her purely conceptual appropriation, she reflects on the various layers of appropriation involved in any image making, i.e., the strategy of appropriation itself.¹⁰ Critics hailed her work for leaving all claims to individual expression and

⁶ Roland Barthes, “The Death of the Author” (1968), in *Image, Music, Text*, ed. Stephen Heath (London: Fontana, 1977).

⁷ Rosalind Krauss, “The Originality of the Avant-Garde: A Postmodernist Repetition,” in *Art After Modernism*, ed. Brian Wallis (New York: New Museum of Contemporary Art, 1984).

⁸ Krauss, *Art After Modernism*, 27.

⁹ Roland Barthes as quoted in Krauss, *Art After Modernism*, 27.

¹⁰ Douglas Crimp, “Appropriating Appropriation,” in *On the Museum's Ruins* (Cambridge: MIT Press, 1993), 129.

conventional notions of creativity behind, thus completely denying artistic authorship and the subsequent status of the works as private property.¹¹

Richard Prince adopts a similar mode of re-photographing reproductions of existing images, but pursues an objective slightly different from Levine's. His sources are predominantly from popular culture, and his practice also implies modifications, even though these are minimal like cropping and enlarging. For instance, Prince's ongoing series *Untitled (Cowboys)* (since 1983), for instance, consists of altered Marlboro ads. These ads draw on an American myth, the cowboy, which is (re-)produced and used for selling an industrially manufactured addictive drug. Using his camera as "electronic scissors," he cuts out the elaborate images, isolates them and transfers them to a new context – the museum/gallery exhibition.¹² By processing 'the already-written' and laying bare the social codedness of the appropriated imagery, Prince identifies and deciphers specific myths as designed objects of consumption and advertisement comparable to Barthes' conceptualization in his *Mythologies*.¹³

What is striking about the two artistic approaches outlined above is that both are based on blatant copying as well as a refusal to modify the appropriated material. This approach does not only turn on its head the modernist dictum of originality, but also implies a potential conflict with the legal framework that safeguards the status of the visual object/image as private property.

Legal Aspects

According to Foucault, copyright law plays an essential role in stabilizing the notion of the author that instead of multiplying meaning, rather holds a limiting function: "... [the author] is a certain functional principle by which, in our culture, one limits, excludes, and chooses; in short, by which one impedes the free circulation, the free manipulation, the free composition, decomposition, and recomposition of fiction."¹⁴ This claim serves as a starting point for a more detailed investigation of the relationship between copyright and appropriation art. Fundamentally, copyright grants exclusive rights to the copyright owner, including the right to reproduction and commercial exploitation. Largely following the cultural conventions of the late 18th and early 19th century, copyright focuses on the notion of an original work and individual authorship – even when such conventions are being eroded in the course of the adaption of copyright law to the needs of the informational economy. Consequently, artists who 'have to' appropriate material as part of their artistic investigation necessarily commit a breach of the law. Treating protected works as cultural signifiers that are submitted to a process of resignification means a leverage of their property status. Depending on the legal status of the imagery and the response of the owner, the appropriating artists run the risk of prosecution.

Looking at possible legitimizations of appropriation art, Elizabeth Wang discusses three options: the political free speech defense, the fair use defense, and the seeking of permission from the

¹¹ For instance, Benjamin Buchloh, "Allegorical Procedures: Appropriation and Montage in Contemporary Art," in: *Artforum*, September 1982, and Douglas Crimp.

¹² A term coined by Prince in an interview with Larry Clark, in *4x4* (New York, Power House Books, 1997).

¹³ Roland Barthes, *Mythologies*, translated by Annette Lavers (London, Paladin, 1972).

¹⁴ Michel Foucault, "What is an Author?," in: *Language, Counter-Memory, Practice*, ed. Donald Bouchard, 1970, p.159. (Ithaca: Reprint, Cornell University Press, 1977).

owner.¹⁵ The latter can immediately be excluded, as it is based on the willingness of the owner to cooperate, which might not be given in most cases. A free speech defense would equally be problematic to apply, at least in the cases introduced above, as it requires the artist to transform the appropriated material to a certain degree. Therefore, the most discussed solution is the fair use defense. Contrary to the widely held misunderstanding that fair use generally grants copyright exceptions to any artistic practice, the clause makes no difference between artistic and other uses. Rather, the guidelines for fair use exception stipulate a decision made on the basis of a case-by-case discussion of four factors. These comprise:

- 1) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;
- 2) the nature of the copyrighted work;
- 3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- 4) the effect of the use upon the potential market for or value of the copyrighted work.¹⁶

The discussion of these four factors resides with the respective court and suffers a great deal of imponderability due to “the vagaries of a judiciary untutored in postmodern art,” as Wang polemicalizes.¹⁷ If the contested artistic practice draws on original and copyright protected material, and the artist takes a whole work without adding any alterations, and, in the end does so for professional reasons that may imply a commercial use, the claim for fair use seems rather unlikely to be granted. This shows that the approach taken by radical appropriationists is unlikely to be accommodated within copyright law – which is nothing but logical, as Wang contends. She argues that the value of appropriation art exactly lies in its illicitness which represents only the irreconcilability of the prevalent cultural values reflected in copyright law – something critical postmodern art set out to criticize in the first place. Any form of legitimization would not support the artists’ claims, but rather undermine them. This insoluble contradiction represents the fundamental incompatibility of critically transgressive artistic experiments within copyright law and it is one of the most important achievements of appropriation art. Therefore, working on a legal solution to avoid the conflict would not be a meaningful approach; to complain about the limits of copyright or the demand to change the law is to miss the actual point. To the same extent as the new artworks rely on the gallery/museum context to unfold a meaning different from the original material – while questioning the operating principles of that very system –, appropriation art relies on the restrictions of copyright law to yield its illicit quality. In that sense, any attempt to accommodate it within both the law or the system of commodity-based art distribution would strip it of its relevance. This argument requires a closer look at the way appropriation art functions in both the legal sphere and the art world.

¹⁵ Elizabeth Wang, “(Re)Productive Rights: Copyright and the Postmodern Artist,” in *HeinOnline*, 14 Colum.-VLA J.L. & Arts 261, 1989-1990.

¹⁶ Copyright Law of the United States of America, §107 Copyright Act. Available at: <http://www.copyright.gov/title17/92chap1.html#107> (accessed September 11, 2011).

¹⁷ Wang, “(Re)Productive Rights: Copyright and the Postmodern Artist,” 279.

Reality Check

Interestingly, the theoretically obvious conflict has not resulted in a vast number of litigations. And within the few – though spectacular – court cases, the defense has mainly emphasized fair use claims, focusing on artists' privileges rather than on political critique.¹⁸ Richard Prince faced no lawsuits over almost three decades of appropriative practice, until finally a 2008 court case brought evidence of an infraction. The photographer Patrick Cariou sued Prince for his unauthorized use of more than 40 images. Prince produced one-of-a-kind collage-like paintings after scanning and blowing up the photographs and painting them over. The originals were exhibited in a gallery context and a number of them sold for a total of over \$10 million USD. The court rejected Prince's fair use defense in 2011, and the outcome of Prince's appeal is still pending. The most stunning aspect of this case is that prior to it, Prince's appropriation passed without any legal conflicts. The same is true for Levine, who reportedly only once in her career was 'made aware' that she was violating someone's copyright which led her to move on to another subject matter without any further consequences.¹⁹

It has been argued that most of appropriation art's illicitness remains under the radar of copyright, which might be true for works that are not well known and not widely distributed. In the above cases, and in fact for most art that operates under the label 'appropriation art' in the museum and gallery context, this argument is not applicable. Appropriation art is very visible and has captured a highly recognized position in the art world for the very reason that it is transgressive. Nevertheless, the conceived breach of law has only very rarely had any legal consequences for the infringing artists, which creates the impression that for artists, the law does not apply.²⁰ Regarding appropriation art's impact on the law itself, legal scholar Brad Sherman has found that it has had even fewer consequences: the purported attack of "postmodern artistic practices on copyright law ... has little impact on the way copyright law operates as a practice".²¹ While this may be true for actual statutory law, in particular cases, like the current one of Prince for instance, it may very well influence further jurisdictions particularly in countries with case law. Having said that, and taking up Wang's argument that appropriation art must maintain its illicitness, I would like to suggest that the attitude of appropriation artists towards copyright is much more complex and ambivalent than postmodern theorists have claimed. They interpreted the appropriation of images as criticism of the property relationship between author and work and with that as criticism of copyright. As it turned out, appropriation art was much less radical. While the artists were happy about the political rhetoric building their reputation, the newly established concepts of authorship and property should not endanger appropriation art's operability within the art world.

¹⁸ See for instance the famous Rogers vs. Koons case in 1992, where the court held the infringing art Koons responsible for copying a photograph and transforming it into a three-dimensional wooden sculpture.

¹⁹ Stefan Römer, *Fake* (Köln, Dumont, 2001), 88.

²⁰ Nate Harrison, *The Pictures Generation, the Copyright Act of 1976, and the Reassertion of Authorship in Postmodernity* (2009). Available at: <http://www.artandeducation.net/paper/the-pictures-generation-the-copyright-act-of-1976-and-the-reassertion-of-authorship-in-postmodernity> (accessed September 11, 2012).

²¹ Brad Sherman, "Appropriating the Postmodern," in *Dear Images. Art, Copyright and Culture*, eds. Daniel McLean and Karsten Schubert (London, Ridinghouse), 414.

The Law as Artistic Medium

I will strengthen this assertion by demonstrating how Prince expands the straightforward processing of appropriated images into new artworks by adding a performative component that reintroduces himself as author. Discussing the paradox of building an artistic career on the basis of negating and undermining the very parameters that constitute the art world, Matthias Michalka developed the notion of “the stuttering hero.”²² This contradictory postmodern figure, who according to Michalka, is best exemplified by Andy Warhol, leaves the space of the subject vacant, offering the perfect projection field for the desires and the needs of the audience. Instead of expression there is a processing of external material; instead of meaning there is surface. Whilst offering sufficient indications for the criticality of his negating gestures, this ambivalent figure equally services the needs of the art world by remaining identifiable and providing sellable artifacts. Yet, such ingenious strategy can have its origin nowhere else but in the eluding artist, who thus manages to reestablish himself not just as a sovereign author par excellence, but as a star within the system.

Transferring this model to Prince, who in the hearings of his current court case vs. Cariou refuses to defend his works by ascribing to them any critical meaning by giving mostly banal statements regarding the intents behind the contested, in fact quite banal collages, shows an uncanny resemblance to Warhol’s stuttering performances. Instead of blazing speeches in which Prince criticizes property relations – or, at least, explains his sophisticated artistic approach – he displays a feeling of emptiness and nothingness. New York art lawyer Sergio Muñoz Sarmiento, who interprets this behavior as part of Prince’s larger cryptic shtick, ponders whether Prince’s strange way of not defending himself is part of his art project in which the court operates as a site of artistic expression, and whether the legal system only serves as another medium for the artist.²³ In this view, Prince’s actual focus would not be on the visual masters he is processing but rather his showcasing of the (absurdity of the) legal system. By discussing the four factors of fair use for each single collage-painting at stake, the court supports such argument. It seems to have become a player in Prince’s game, presenting the workings of the system itself. The contested artworks take on the function of actually performing the copyright infringement, which is necessary to get the machinery going, a machinery whose first and foremost purpose seems to be the repetition of the name of the artist. Hailing Prince, the law transforms the elusive artist not only into a subject, but into an author, whose identity is safeguarded by his transgression.

The ambivalence of the set-up is an essential feature. No one knows what the intentions of Prince are, or if there are any intentions at all. He might simply be the uninspired and superficial bore as which he performs. It is more likely, however, that his attacks on artistic sovereignty and authority are staged and that he, like Michalka’s stuttering hero, makes sure to absorb them by pragmatic concessions that allow him to remain a fully functioning part of the system. Considering Prince’s position in the art world, particularly in the art market, the latter option is clearly supported. Before he returned to the production of one-of-a-kind collage paintings that even have the traces

²² Matthias Michalka, *Das Stottern der Helden, oder: Was hat das Kollektiv, was das ‘Ich’ nicht hat?* (1998). Available at: <http://xcult.org/texte/michalka/m1.html> (accessed September 11, 2012).

²³ Dan Duray “Court Jester: Is Richard Prince Using the Legal System as a Medium?” *Gallerist NY*, May 29, 2012, <http://galleristny.com/2012/05/court-jester-is-richard-prince-using-the-legal-system-as-a-medium> (accessed September 11, 2012).

of brush strokes and other individual expressive marks, Prince's re-photographs and other reproductive works already realized maximum prices. The most sensational was when in 2005, when one of the *Untitled (Cowboy)* re-photographs sold for \$1,248,000 USD at a Christie's auction. In his 2008 retrospective *Spiritual America* at the Solomon R. Guggenheim Museum New York, the curator, however, emphasized Prince's "critical approach to art-making—one that questioned notions of originality and the privileged status of the unique aesthetic object," while celebrating him in the accompanying catalog as romantic author par excellence: "... [Prince] makes it new by making it again. Although his work is primarily appropriated ... from popular culture, it conveys a deeply personal vision. His selection of mediums and subject matter ... suggest a uniquely individual logic ... with wit and an idiosyncratic eye, Richard Prince has that rare ability to analyze and translate contemporary experience in new and unexpected ways."²⁴ This perfectly substantiates Michalka's claim that it is in the name of criticism that affirmation enters the art world. In the same way as Warhol "... systematically denied individual creation in favor of a blatant affirmation of the conditions of cultural reification," this can be said of Prince.²⁵ As in the case of late Warhol work, the art world found in Prince another internally inconsistent superstar, who then contributes to the system's own reproduction.

Résumé

Certainly, Prince is just one proponent of appropriation art. However, a large number of his contemporaries, including Sherrie Levine, have successfully managed to establish themselves on the art market. Big galleries represent them, and they are present most of the influential museums and private collections. Appropriation art has become a recognized category in fine art and the critical discourse it was embedded mainly served for the creation of added value. Instead of undermining the workings of the art world, appropriation art thus undermined the claims made by critical postmodern theorists.

As Buchloh rightly claimed in 1992, "... the visual object has become the essential ideological correlate of private property," his following assessment, however, that appropriation art by investigating and working with cultural signifiers would fundamentally "question the necessity of their work being relegated to the status of an individualized commodity" was simply a misjudgement.²⁶ Transferring the appropriated material into the status of private property is possible on the grounds of artistic authorship, a quality that has theoretically been denied in the first place. In fact, it is a different kind of authorship that is required in copyright, one that is based on the addition of meaning by recontextualisation rather than visual creation. The artworks at stake may, therefore, may have no copyright protection – which is different in different jurisdictions – but they still function as commodifiable objects in the economy of the art market, where they can be treated as originals in the modernist sense. Following Peter Bürger, "it is the

²⁴ Seth Waugh, "Sponsor's Statement" (2008) as quoted in Nate Harrison, *The Pictures Generation, the Copyright Act of 1976, and the Reassertion of Authorship in Postmodernity* (2009).

²⁵ Benjamin Buchloh, "Allegorical Procedures: Appropriation and Montage in Contemporary Art," *Artforum* (September 1982): 56.

²⁶ Buchloh, "Allegorical Procedures: Appropriation and Montage in Contemporary Art," 56.

status of their products, not the consciousness artists have of their activity that defines the social effect of works.”²⁷

The workings of appropriation art are based on the reaffirmation of a privileged role for the artist who claims to be a ‘super-user,’ who should be permitted to avail her/himself of the semiotic chain of circulating imagery and taking control. Instead of an art form based on taking and then enclosing information, social movements for open access and free culture require artistic strategies that produce real openings and advance the free circulation of images and other information. This involves the development of forms of authorship and work conceptions that are able to elude the dictatorship of private property in the realm of culture and clear the space between life and art to become a habitat for all.

To end with, I would like to briefly introduce a few examples of artistic and cultural activities that involve a truly radical attitude towards authorship and the resulting property relations. The first is aaaaarg.org, an online archive of texts and books.²⁸ The archive is a response to the growing enclosure of information and does not only offer access to an array of texts drawn from cultural theory, politics, philosophy, art and related areas, but also aims at activating those books by fostering a discussion amongst its members. The users play an active role in building the archive and consciously circulating information and knowledge outside the institution. The project is related to The Public School, which is a combination of an online platform and geographically distributed groups for the self-organization of learning.²⁹ In the context of the school, the text circulation network aaaaarg.org provides an active environment for the experimental creation and circulation of knowledge. Both projects have been initiated by L.A.-based artist Sean Dockray and intrinsically depend on the use of digital networked media as basic infrastructure. A further project is the association for art and culture, constant, in Brussels. The interdisciplinary arts-lab has been initiated by two artists in 1997 and since then grew into a group of involved members surrounded by a large local and online community. The project consists of a number of specific groups and research units, as for example the design and research projects Open Source Publishing and Active Archives. The event formats offered by constant range from workshops and talks to conferences, and aim at fostering discussions and all kinds of exchanges.³⁰ In the center of *constant's* activities are free software, copyright alternatives and (cyber)feminism.

The projects above introduced were started off by artists. Yet, the artists are not authors in the traditional sense; they rather create a technological infrastructure related to a social process that develops its own dynamics. Due to their complexity, the results burst all limits of a traditional artwork. They can neither be ascribed to one person, nor be reduced to a commodity or private property. Without actively referring to them, such projects deliver on the promises of postmodern theory and realize its claim of striving after “a more communitarian conception of society” that so often has wrongly been ascribed to appropriation art.³¹

²⁷ Peter Bürger, *Theory of the Avant-Garde* (Minnesota, Univeristy of Minnesota Press, 1984): 79.

²⁸ <http://aaaaarg.org> (accessed September 19, 2012).

²⁹ <http://thepublicschool.org> (accessed September 19, 2012).

³⁰ <http://constantvzw.org/site/> (accessed September 19, 2012).

³¹ Patricia Krieg, “Copyright, Free Speech, and the Visual Arts” (1984), 93 *Yale Law Journal* 1565, 1578.