

What is (Not) Had: Reflections on Emptor

Steyn Bergs, 2023-24

0. Introduction

To ask how property can be practiced for a sustainable visual arts field, seems, on the face of it, already to presume that there is, or could potentially be, such a thing as a 'proper' way of enacting and relating to property—and therefore that private property is not as such detrimental or antithetical to an ecology of the (visual) arts that, presumably, would nonetheless espouse values (ways of working, relating, and being) markedly different from those of the capitalist mode of the production. It would also seem posit, from the outset, that a sustainable arts field is generally to be considered desirable, which may already be debatable in and of itself. In an article interrogating the interrelations between the particular niche of the market economy that is the art world, Andrea Fraser has noted: "Except to stalwart adherents of trickle-down theory, it must be abundantly clear by now that what has been good for the art world has been disastrous for the rest of the world."¹ Without wanting to reject out of hand the central premises that underpin Emptor as an artistic research project focusing on the role of property relations in the arts, it therefore nonetheless seems appropriate to ask about the strategic advantages gained by begging the question in this way, and to try to touch on some of the limitations that come with this particular way of framing debates that took—and still take—place within Emptor.²

The strategic advantages, it rather quickly turns out, are many. Not the least among them is that the presumption of the art world's immanence, for the time being at least, to the capitalist mode of production is a way to circumvent the all-too-facile dualism between reformist and revolutionary forms of thinking and practice—which, under present conditions, is simply "stupid and hypocritical."³ Eve Kosofsky Sedgwick, too, has deplored the tendency

¹ Andrea Fraser, "L'1% C'est Moi!," *Texte zur Kunst*, no. 83 (2011): 118.

² It is worth noting that I myself was involved in the project as a 'dramaturg,' which more concretely meant participating in the project's assemblies of practice and staying in conversation with its participants outside of these concentrated moments, in order to contribute to steering, contextualizing, and giving a sense of direction to the conversations taking place within Emptor.

³ Gilles Deleuze and Michel Foucault, "Intellectuals and Power," in *Language, Counter-Memory, Practice: Selected*

in critical theory to disesteem, in a paranoid and often knee-jerk fashion, the “‘merely reformist’” and the ameliorative, incisively asking what it is exactly that makes “amelioration so ‘mere’?”⁴ In already assuming a degree of implication in property relations that many participants in the research project would probably prefer to reject (or at least so I would hope), Emptor steers clear from the phobic and purist tendencies to distantiation and self-immunization that can sometimes accompany models of thought that have the luxury of taking a ‘strong’ position—a luxury that is afforded by, but also comes at the cost of, not being very much in touch with reality at all. In other words, in seemingly accepting a properly unacceptable state of affairs, the Emptor project foregrounds the necessity of forms of *praxis* that might help negotiate, and therefore operate on, a compromised present. Or, in a perhaps somewhat more invigorating and quickening variation on the same theme, the project can be said to insist that the capitalist mode of production is itself a heterogeneous composition or assemblage, one that contains within itself many diverse economies—including ones that are still or already non-capitalist—and that it is in fact the internalized *presumption* of the totality of its hegemony that is totalizing, and therefore paralyzing in its effects.⁵ Practice-based research projects like Emptor, where questions of property are tackled through and by way of always particular and always concrete forms of artistic work, are well positioned to avoid or bypass such totalizing presumptions of totality.

Let’s be quite clear: the necessity of ‘making a living’ (an expression that itself already confuses and collapses life with waged work, and in that sense is unfortunately highly adequate) is experienced as a horrific, in fact impossible, compromise by many artists and art workers. But of course the same goes for almost everyone else too, lest we forget—with the arguable difference being that the field of artistic practice is still often haunted by reductive fantasies of artistic autonomy (here understood as a kind of autarky and near-absolute freedom from exterior conditions). At the very least, then, a project like Emptor would need to carefully gage and consider the specificity of art-work—of both the art object as an extraordinary and also extra ordinary commodity, and of artistic and art-adjacent labour—and

Essays and Interviews, ed. Donald F. Bouchard (Ithaca: Cornell University Press, 1977), 208-209. In the conversation, Deleuze continues: “Either reforms are designed by people who claim to be representative, who make a profession of speaking for others, and they lead to a division of power, to a distribution of this new power which is consequently increased by a double repression, or they arise from the complains and demands of of those concerned. This latter instance is no longer a reform but revolutionary action that questions (expressing the full force of its partiality) the totality of power and the hierarchy that maintains it.”

⁴ Eve Kosofsky Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* (Durham: Duke University Press, 2003), 144.

⁵ Such is the general thrust of the work of feminist economic geographers J.K. Gibson-Graham, who foreground the persistence of different modes of working, community economies, and so forth. See for instance their first book: J.K. Gibson-Graham, *The End of Capitalism (As We Knew It): A Feminist Critique of Political Economy* (Minneapolis: University of Minnesota Press, 1996). This being said, such an approach to some extent necessitates the bracketing of the capitalist reliance on, and exploitative relations to, its immanent and interstitial ‘outsides,’ which are indeed many and may arguably include certain segments of what is generically referred to as the art world.

of various art institutions or sites hosting or accomodating (or exploiting) art-work in their interrelations to the capitalist mode of production at large. What, if any, are the particular property relations here, and what are the particular ways of relating to property? Rather than responding directly to Emptor, the rest of this essay will relate to it in a lateral fashion by articulating some initial (somewhat provisional and certainly non-exhaustive) reflections on this question. These reflections will be roughly organized around the issues of (I) individual subjecthood as a form of property in and of one's self, (II) the art institution and the notion of complicity as employed in forms of institutional critique, and (III) aesthetic experience and the impropriety that is proper to it.

I. The (Self-)Possessive Subject

In the art world as anywhere else, one particularly fundamental, and particularly pernicious, obstacle to the formation of a collectivity or community worthy of that name is the extent to which dominant modes of existing as a subject are all tangled up already with property. In fact, as Étienne Balibar, among many others, has shown, it is no exaggeration to state that subjectivity and subjecthood in general—and not merely in the restricted sense of the 'legal subject' beholden to nation, state, and law—are generally perceived, in the Western tradition, as based on a form of self-possession. Since Locke at least, the identity of the individual subject is generally presumed to be contingent on property relations and ownership. These relations are at least twofold. They are external, in the sense that subjecthood is seen as both the basis of private property at the same time as the capacity for property ownership is also a requirement for the admission of full subjecthood. They are, however, also internal in the sense that the subject's 'proper' relation to itself—to *its self*—is rooted in the possession of its body, its physical and mental capacities, and its full interiority, over which the subject must exercise mastery and for which it should take full responsibility.⁶ Being, in this view, is contingent on having, and the individual (self-possessive) subject precedes any and all forms of relationality that may be deemed legitimate or desirable. C.B. Macpherson's work on "possessive individualism" remains one of the most incisive critiques of this economy of self and subject.⁷

It is more than worth noting that this conception of subjecthood has functioned, and in many ways continues to function, as a means of denying full subjecthood to some persons (and the concomitant political rights and forms of recognition), particularly through

⁶ See the chapter "'My Self,' 'My Own': Variations on Locke" in: Étienne Balibar, *Citizen Subject: Foundations for Philosophical Anthropology* (New York: Fordham University Press, 2016).

⁷ C.B. Macpherson, *The Political Theory of Possessive Individualism: From Hobbes to Locke* (Oxford: Clarendon Press, 1962).

racialization. Brenna Bhandar has written extensively on how the work of Locke and the likes has served to cement a regime of property and ownership that is inextricable from racialization—and vice versa: “modern legal personality rooted in Lockean notions of self-possession is constituted through acts of appropriation that take place in both the interior realm of knowledge and the exterior realm of the world,” and the very “structure of the self-possessed subject was defined in relation to the figure of the savage Indian or child, who lacked the capacity for self-possession.”⁸ Cheryl Harris, too, has famously exposed the interrelations between concepts of property and race, demonstrating how whiteness and property share a “common premise” in the “right to exclude,” which has historically led to the ratification of white identity as a form of status property, and which persists (albeit in more subtle forms) to this day.⁹

What, though, is the particular significance of the conception of subjecthood as a kind of ownership in and of the self for the art world? For one thing, modern conceptions of both the artist and of the art object are grounded in, and seen as stemming from, this specific understanding of subjecthood. In romantic idealism in particular, the artwork was seen as a material extension and expression of the singular and unique subjectivity of the artist—who, in turn, was therefore seen as a highly paradigmatic kind of subject, a genius displaying his (and it was always *his*) sovereignty in and through his work. Needless to say, this view has been deconstructed both in thinking about art and in thinking in and through art—in artistic practice from the avant-garde, via the contingent practices of the 1960s and after, through to present forms of artistic practice, which, as the description of the Emptor project rightly notes, is “often collaborative, performative, internet-based, audiovisual, immaterial in its form.” At the same time, it must be noted that the actual economy (here to be understood in its most expansive sense) of the art world continues to be premised on notions of authorship directly indebted to certain aspects of the romantic idealism described here. (Not to mention that the legal rights attendant to authorship are even more explicit than those attendant to property ownership in their reliance on property in and of the self.) The author is undead, and the persistence of a “cruel economy of authorship” that must be navigated even by those attempting to work against it—those who conceive and experience authorship as a form of subjection more than of subjectification ‘proper’—is surely among the more problematic aspects of making a living as an artist or art worker.¹⁰ In attempting to reckon with the property relations in the field of art and beyond, a project like Emptor would need to set our

⁸ Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham: Duke University Press, 2018), 163.

⁹ Cheryl L. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (1993): 1714.

¹⁰ Kuba Szreder, “Cruel Economy of Authorship,” in *Undoing Property?*, ed. Marysia Lewandowska and Laurel Ptak (Berlin: Sternberg Press, 2013).

from, and include in its matters of concern as well as in its methodologies, a thoroughgoing problematization of subjecthood as such, and especially of how dominant conceptions of subjecthood inform artistic practices—and vice versa.

The heroic position of criticality and/or self-assigned marginalization is scarcely a solution to the cruel economy of authorship, as should be obvious by now. More promising is the approach that foregrounds practices that emerge from, and therefore are already entangled with, collectivities of all sorts—the most recent iteration of documenta being one place where many such practices were brought together. While collective authorship is of course still authorship, this approach at least offers a different way of conceiving, and therefore practicing, artistic production, distribution, and reception. And perhaps less directly, but no less importantly, it also encourages apprehending certain works by ‘individual’ ‘authors’ as all mixed up already in the entanglement of entanglement and virtuosity anyway, as both more and less than can be contained by ascription and assimilation to anyone’s and any one supposedly proper name.¹¹

II. Institutional Critique and After, Beyond Rejection or Complicity

Towards the end of an essay on cultural revolution in *Valences of the Dialectic*, Fredric Jameson suggests that Althusserian ideological state apparatuses, among which art institutions must surely be counted, present “something like an infrastructure of [...] superstructures as such.”¹² An attempt to complicate—while also partially salvaging—Marxist theories concerning the relation of the economic base to the socio-cultural superstructure (and vice versa), Jameson’s attempt to situate with some degree of precision the position of cultural institutions in this schematic and arguably dualistic divide of economy and culture are reminiscent of Marina Vishmidt’s influential proposition of a shift toward a form of institutional critique in both art theory and artistic practice. “At minimum,” Vishmidt writes in a crucial passage, “the shift from institutional critique to infrastructural critique as I’m defining it is the move from the institution as a site for ‘false totalizations’ to an engagement with the thoroughly intertwined objective (historical, socio-economic) and subjective (including affect and artistic subjectivization) conditions necessary for the institution and its critique to exist, reproduce themselves, and posit themselves as an immanent horizon as well as transcendental condition.”¹³ In the very last sentence of the short essay, she returns to the

¹¹ “Entanglement and virtuosity” is a Fred Moten formulation: Fred Moten, “Entanglement and Virtuosity,” in *Black and Blur* (Durham: Duke University Press, 2017).

¹² Fredric Jameson, *Valences of the Dialectic* (London: Verso Books, 2010), 277.

¹³ Marina Vishmidt, “Between Not Everything and Not Nothing: Cuts Toward Infrastructural Critique,” in *Former West: Art and the Contemporary After 1989*, ed. Maria Hlavajova and Simon Sheikh (Cambridge, MA: MIT Press, 2016), 267.

notion of the art institution as a site for false totalizations, highlighting the need to move beyond the concomitant, all-too-abstract and overly neat, totalizations of “rejection or complicity.”¹⁴ This is congruent and consistent with Emptor’s approach to issues of property in relation to artistic production, as I have pointed out in the introduction to this essay.

Among the merits of Vishmidt’s proposition is that the focus on the infrastructural qualities of art institutions, as a hermeneutic shift, implies and indeed enforces moving critical attention toward the *specific* ways in which economic determinations and cultural production interlock, coordinate, and clash in these sites. While specifying that the critique of art institutions and/as infrastructures was always already part of the project of institutional critique, it is certainly also true that (a certain reception of) institutional critique has come to impede rather than to propel forward incisive critiques of art institutions’s relations to the capitalist mode of production at large, of their specific emplotments of heteronomy and autonomy, and their relations to property relations, precisely by insisting on the false dilemma between rejection or complicity—themselves exemplary of precisely those phobic and purist tendencies to distantiation and self-immunization that I mentioned previously. There is a passage in Andrea Fraser’s seminal 2005 essay “From the Critique of Institutions to an Institution of Critique” that is worth quoting at length here:

That the art world, now a global multibilliondollar industry, is not part of the ‘real world’ is one of the most absurd fictions of art discourse. The current market boom, to mention only the most obvious example, is a direct product of neoliberal economic policies. It belongs, first of all, to the luxury consumption boom that has gone along with growing income disparities and concentrations of wealth—the beneficiaries of Bush’s tax cuts are our patrons—and, secondly, to the same economic forces that have created the global real estate bubble: lack of confidence in the stock market due to falling prices and corporate accounting scandals, lack of confidence in the bond market due to the rising national debt, low interest rates, and regressive tax cuts. And the art market is not the only art-world site where the growing economic disparities of our society are reproduced. They can also be seen in what are now only nominally ‘nonprofit’ organizations like universities—where MFA programs rely on cheap adjunct labor—and museums, where antiunion policies have produced compensation ratios between the highest- and lowest-paid employees that now surpass forty to one.¹⁵

Fraser’s text is often read as a defense of or pledge for an immanent criticism that not only begins from inside the art world or institution, but if also wholly ‘of’ that inside—this being

¹⁴ Vishmidt, “Between Not Everything,” 268. See also: Marina Vishmidt, “‘Only as Self-Relating Negativity’: Infrastructure and Critique,” *Journal of Science and Technology of the Arts* 13, no. 3 (2021).

¹⁵ Andrea Fraser, “From the Critique of Institutions to an Institution of Critique,” *Artforum* 44, no. 1 (2005): 105.

the early 2000s, a moment that saw the coincidence of, on the one hand, the surge of anti- and counter-globalization movements, and, on the other (within the more rarefied domains of critical theory), the increasing prevalence of Hardt & Negri-style forms of insistence on immanent resistance and on the notion that “there is no outside.” Since the art institution now happily accommodates and valorizes practices critical of the institution, Fraser is often interpreted as saying, an ever more ‘specialized’ approach to art institutions would be required. Yet at the same time, the above-quoted passage suggests, in the strongest of terms, that there is in fact no *inside* to the art institution. Looking at the art world, Fraser suggests, immediately implies looking at the rest of the world as well; the entire essay is in fact an insistence on the near-total character of the heteronomous determination of contemporary art and its institutions.

That an increasingly specialized and ‘insider’ modality of critique should lead to the false totalizations of rejection and complicity does not come as a surprise. Since rejection of the art institution is almost by definition not an option for those who aspire to remain within it, the more common response to the legacy of institutional critique cannot but be described as a generalized assumption of the *big-dealness* of complicity. This assumption, on behalf of artists and art workers, sometimes manages to be both deeply self-indulgent and highly immobilizing at the same time. What Stefano Harney and Fred Moten have written in relation to universities is also true for art institutions: purportedly ‘critical’ participants, highly alert to and cognizant of their own complicity, which they endlessly analyze and work on in ever more sophisticated (and ever more institutionally validated) ways, are in fact the ones who are truly professionalized. Instead of grasping shared complicity as the ground for the generalized antagonism that Harney and Moten would describe as the undercommons, they conjoin the notion of complicity with the suggestion that the personal is political to legitimize talking more about their selves—or, in the best case, about art work as an extension of these selves.¹⁶ Of course, someone like Fraser was always acutely aware of the thin line between critical reflexivity and narcissism—a line that she frantically transgresses in her performances hyperidentifying with personae hyperidentifying with their own roles and forms of involvement in institutional life. But at this point the problem may be that what is satirized in Fraser’s excessive and exaggerated forms of mimicry is scarcely more absurd than some of the more ‘meta,’ and always very straight-faced, talk on what it means to be complicit with the art institution that is out there and that people make their careers of. Perhaps it would best just to leave this to the side and let this slide, too, to negate this only by looking away, but it is hard not to want to suggest that it might be good to at least entertain the possibility

¹⁶ Stefano Harney and Fred Moten, *All Incomplete* (Colchester/New York/Port Watson: Minor Compositions, 2021), particularly the essays ‘Plantocracy and Communism’ and ‘Who Determines if Something is Habitable?’.

that “we” (whoever that may be) may not be quite so special or important as we sometimes like to think, and that some active and caring forgetting of certain aspects of institutional critique is perhaps in order if we are to make way for an infrastructural critique of art institutions. For a project like Emptor, whose aim is to critically assess and alter property relations within and without the field of art, beyond totalization and complicity, this certainly seems to be on the agenda.

III. Aesthetics, Affordances

One way of enacting such caring forgetting would be shift attention towards what would evidently appear to be the most significant particularity of the art world, and its remanent *raison d'être*: the fact that it is supposedly there to accommodate aesthetic encounters with art ‘objects’ – whatever form those may take. Centering once again aesthetic experience presents no opportunity to truly ‘escape’ property regimes, quite obviously, but it does change the terms of the conversation, steering it away from an immobilizing notion of complicity towards something just as compromised but less conducive to melancholy. Already in my essay for Caveat, Emptor’s predecessor, I insisted on the significance of the aesthetic dimensions of the artistic practices and artworks, claiming that this is where residually resistant, negative, and non-commensural qualities still reside. Needless to say, these aesthetic dimensions are no less present in forms of practice that do not necessarily result in clearly delineated, stable, and hypostatized objects in the narrow sense of the word: practices that center on moments of walking and talking, on creating temporary or more lasting forms of collectivity or cohesion, or that are simply performative, contingent, or immaterial nonetheless hinge crucially on experiential aspects and affordances. After reflections on the complicity of artistic production with the capitalist legal-economic complex and its by-proxy complicity with state violence, I wrote that it was “something of an embarrassment to still have to talk about art or aesthetics” but that perhaps such embarrassment, that came from something not being in its proper place, was in its proper place. My view in this regard has not changed, and I want to end my insisting on this insistence.

For one way in which pragmatic, *praxis*-based critique can be effective, beyond the tasks of articulating, enacting, and (p)refiguring more desirable ways of instituting and organizing, relating and collaborating, is to insist on the significance of the specificity of aesthetic experiences as afforded in the art world. While such aesthetic experience clearly exerts only a very weak force or power in the world, I struggle to see the reasons that could possibly legitimize the continued existence of an art world without it occupying a central role

(there would be no reason not to 'just' become activists, educators, organizers, builders of things, etc.). In and of itself, of course, the 'having' of an aesthetic experience does little to nothing to remedy the rampant commodification of artistic practice or the neoliberal onslaught on existing artistic ecologies. It is not an unheard-of or ungrounded objection that the aesthetic, when artificially juxtaposed with and thereby uncoupled from 'real-world' issues, can serve as a pacifying and depoliticizing distraction. Still, at the very least, the aesthetic dimension marks a 'space' that is not entirely reducible to property relations, and from which one can start to carve out and expand a sphere of relative autonomy.

I should note, however, that "aesthetic experience," is tautological given my preference for a broad use of the notion of the aesthetic—referring as it does to any possible form of sensuous bodily experience. This is distinct from aesthetics as a particular branch of Western philosophy that, since Kant onwards, has often been concerned with confining and policing the raw and immediate materiality of the sensory as such, rendering it secondary to 'Sense,' with capital S, as in common sense. In a little-known Situationist text, this latter version of aesthetics is both hilariously and adequately referred to as a "rather neglected branch of criminology."¹⁷ This already indicates the intimate relation between the aesthetic and moral-economic forms of impropriety that sidestep property relations altogether and can indeed even unsettle that most coveted form of property; property in and of the self. This is because aesthetic experiences involves a form of subjectivity that can never properly be said to be 'mine,' just as it holds out against entirely transparent, seamless, and perfectly communicable forms of communion, simultaneously complicating and bracketing the issue of the I/We-relation. There is no need to take the idea of the experience economy serious in the sense of actually believing that such a thing exists outside of (now of course already antiquated) marketing jargon or scoresheets detailing focus group results. In artistic practice as elsewhere, experience cannot be had; rather, one is had and held by it. As such, a turn away from the discursive and toward the specific affordances of the 'artistic' in 'artistic research,' while not remedying all challenges and complications, would seem like one way of decentering the (self-)possessive subject, as well as of bypassing the totalizations of rejection or complicity. The challenge for a project like Emptor, then, is always to remember and to remind us that it is not a contradiction to say that antihegemonic encounters with artistic practices are not just possible within, but even productive of, property relations as they are currently practices, while also keeping a keen eye on the very real political potential that the experience of such work will never not contain.

¹⁷ Attila Kötányi and Raoul Vaneigem, "Basic Program of the Bureau of Unitary Urbanism," in *Situationist International Anthology: Revised and Expanded Edition*, ed. Ken Knabb (Berkeley: Bureau of Public Secrets, 2006), 87.

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This article was authored by Steyn Bergs. Commissioned by **Jubilee** for the research trajectory [Emptor](#). Bergs is one of Emptor's research dramaturgs.

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