

# JUBILEE presents CAVEAT!!!

## 19 May–23 July 2017

CAVEAT!!! Opening Weekend Programme: 19, 20, 21 May, 15–18 h  
CAVEAT!!! and Philippe Thomas: 22 June, 18–21 h and 23 June, 15–18 h  
CAVEAT!!! Workshops on Fridays between 19 May–23 June, 15–18 h

A research project on the artist contract with a series of workshops, presentations, and screenings from 19 May to 23 July, hosted by LODGERS, a collaboration between AIR Antwerpen and M HKA

CAVEAT!!! is a three-year programme (2017–2019) convened by the Brussels-based artists' initiative JUBILEE focusing on the legal and economic position of artists and cultural producers in contemporary society. Taking its name from the law principle 'caveat emptor' – warning against "unfair practices" – the project acts on the relationships between art, artists and cultural producers, and the legal frameworks in which they operate.

Unfolding between 2017 and 2019, CAVEAT!!! takes as points of departure and arrival the contracts used in the art world as a tool for reconfiguring relations of authorship, labour, and price, among others. Contracts are not, however, merely considered as possible instruments for artists and producers to become 'better', savvier entrepreneurial subjects. Rather, they can be seen as a phenomenon with great emancipatory potential. How can contracts, the neoliberal instrument par excellence, be reappropriated and developed towards more inclusive goals?

Although the present neoliberal context heightens the urgency to reconsider artists' contracts, it should be noted that artists' engagement with the form of the contract and its intersections with issues of authorship, labour, and price is not a recent phenomenon. Art historian and theorist Benjamin

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Free entrance

Buchloh, in an article titled ‘Conceptual Art 1962–1969: From the Aesthetic of Administration to the Critique of Institutions’, refers to Marcel Duchamp calling upon a notary in 1944 to draft a certificate of authenticity for the infamous 1919 piece *L.H.O.O.Q.* As Buchloh notes, these kinds of contracts safeguarding authenticity (and therefore economic value) became increasingly prevalent during the 1960s, when an interest emerged in dematerialised, ephemeral, reproducible, or otherwise contingent artworks. While such artworks supposedly prevented (or at least complicated) their own commodification, artists in the 1960s still needed to earn a living nonetheless, and therefore had a strong interest in rigorously defining the artwork and securing their authorship over it.

What we see then, in this period, is that the contract moves in a direction opposite to the development in artistic practice: the more explicitly the latter calls into question what an artwork is or can be, the stronger the need for a water tight definition of the artwork in the contract. As Buchloh notes: “In the absence of any specifically visual qualities and due to the manifest lack of any (artistic) manual competence as a criterion of distinction, all the traditional criteria of aesthetic judgment – of taste and of connoisseurship – have been programmatically voided. The result of this is that the definition of the aesthetic becomes on the one hand a matter of linguistic convention and on the other the function of both a legal contract and an institutional discourse (a discourse of power rather than taste).”<sup>1</sup> Already in the 1960s, Lawrence Weiner worked with attorney Jerry Ordovery to devise a system of certification to help codify and stabilise the artwork now reduced to language (particularly as property) that can be sold and transferred.<sup>2</sup>

If 1960s (and early 1970s) artists’ contracts mainly functioned to grapple with and control the commodification of artistic practice, it is very clear that these contracts tended to privilege discreet objects, starting from the particular artwork rather than the artist’s labour. This tendency was challenged in 1993, when Andrea Fraser and Helmut Draxler initiated their research project *Services*. In parallel with the development (in the West) of a post-Fordist society characterised by an increase in what may alternately be described as immaterial, cognitive, or affective labour, Fraser and Draxler aimed to defend the rights of those artists whose practices consisted mainly of offering artistic services to the cultural field.

Such an approach, which aims to define authorship not from the perspective of the finished artwork but rather from that of artistic labour itself, has been highly informative for some contemporary practices which employ the contract to safeguard artists and other workers in the cultural field against the forms of exploitation tied to the neoliberal imperative of flexibilisation. One noteworthy example in this respect is the New York-based collective

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Benjamin H. D. Buchloh, ‘Conceptual Art 1962–1969: From the Aesthetic of Administration to the Critique of Institutions’, October, 55 (1990), pp.117–118.

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See: Daniel McClean, ‘Collecting Live Art’, in: *Collecting Live Art*, ed. Teresa Colonje, Koenig Books, 2014, p.103; and Martha Buskirk, *The Contingent Object of Contemporary Art*, MIT Press, 2003, pp. 52–53.

W.A.G.E. (an acronym for *working artists and the greater economy*), who have developed a 'fee calculator' for fair remuneration and aspire to further fair practices by handing out certificates to those cultural institutions that pay appropriately for artistic labour.<sup>3</sup>

For CAVEAT!!!, artists, theorists, and experts from the fields of law and economy are invited to research past and present modes of art world contracts, share knowledge, and negotiate future realities. Using this research as raw material, JUBILEE will commission new work and artist interventions. At the same time, CAVEAT!!! aims to produce a 'toolbox' with template contract modules, customizable for various kinds of engagements and the singularity of artists' practices.

Art institutions, too, are increasingly concerned with alternative practices of engagement and remuneration. M HKA and AIR Antwerpen have opened their LODGERS project space and residency for CAVEAT!!!, rendering it a laboratory prelude to the three-year programme. LODGERS functions as CAVEAT!!!'s first platform for public programmes, workshops, a display of artworks and legal material, and film screenings: a framework for research and artistic production as well as a public stage to negotiate possible futures of the artists' contract.

During LODGERS, CAVEAT!!! focuses particularly on the specific concept of authorship, in order to start exploring how it can contribute, both within the artistic and the legal field, to reconfigure relationships as they are organised inside the artists' contract, but also within the art world in general – in the past, the present, and the future. The notion of authorship allows us to reconsider the historical, theoretical, and political context in which artworks have been produced since beginning of the 20th century in order to re-examine these contexts with regards to the current situation.

Indeed, is it not necessary to re-evaluate the concept of authorship in the light of current artistic practices, in particular when it comes to immaterial and/or collaborative processes? How does shared or displaced authorship raise the question of the responsibility of the artist, but also that of the collector, of the viewer, and of the institution? Isn't it necessary to question the signature, which not only ratifies the contract but also the authorship of an artist over his or her work, both as a legal concept and as an artistic practice? Are there other concepts that would be more adequate in order to protect the work and its author(s) while at the same time assuring that it remains shareable, in flux, and even common?

Isn't authorship, as automatically linked and confused with an embodied creator ("créateur incarné"), specific to authorship rights as analysed only

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The Dutch artist fee calculation 'Kunstenaars-honorarium', which has been introduced since 1 January 2017 is now used by NICC and Kunstenpunt to initiate a discussion in Flanders in favour of fair payment for artists.

through the lens of liberal individualism.<sup>4</sup> Isn't it also possible to make a distinction between the author as defined in the legal field and the author as an embodied individual? To this end, it might become interesting to focus on the juridical notion of *persona* as it originally designates both the theatre mask of the actor and the role the actor plays, and more specifically then, in the legal field, as it relates to the legal status of the person and insures his or her political position. How can one reconsider the concept of *persona* with regards to the artist's work and status, in order to enhance their political and economical relevance – and necessity?

CAVEAT!!! in LODGERS proposes to address these issues through a number of historical cases, such as Seth Siegelaub and Bob Projansky's *Artist's Reserved Rights Transfer and Sale Agreement* (1971) presented in CAVEAT!!! through Maria Eichhorn's film on Siegelaub, but also Daniel Buren's *Avertissement...* and a number of works, documents, and contracts emanating from the M HKA itself. These documents will include sales contracts for artworks in display or in the collection of M HKA, but also stipulations concerning image reproduction rights, loans, conditions of display, and so forth. A selection of these legal documents will be presented during the course of the LODGERS programme in a modest display, whereas others will serve as the source material for workshop discussions. Taken together, these cases will help ground this initial phase of CAVEAT!!! in its institutional context – the M HKA – and will therefore serve as ideal conversation pieces in discussions concerning the concrete and pragmatic possibilities embodied by the contract.

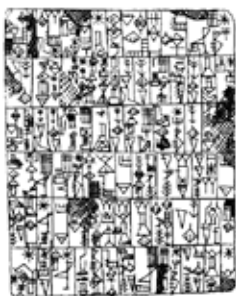
JUBILEE also invites a number of artists, theoreticians and experts with a legal background to engage in a series of thematic workshops and discussions as a prologue for future developments. More specifically, JUBILEE invites contemporary artists or artist collectives whose actual primary material is the law, such as Agency, Patrick Bernier & Olive Martin, Ben Kinmont, Scott Raby, Stijn Van Dorpe, Carey Young, whose work and research will also be tackled and probed into as decisive and crucial examples in order to widen the scope on the topic of the contract and more specifically of authorship within the contemporary art world, and within the selected artworks themselves. Some of these artists will present existing work within the project, others will be intimately involved in the discussion and research process, which will function as a stepping stone for the commission and production of new works and projects later in CAVEAT!!! Of special relevance is the residency Scott Raby will do in AIR Antwerpen during the course of the project, first of all because he will give an introductory lecture on artist-authored contracts to frame CAVEAT!!! and to show what is at stake in the project. Scott Raby's intimate involvement in workshops and his time in Antwerp will also serve as a basis for further collaboration.

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See: Judith Ickowicz, 'Fiction artistique et juridique', in *Retour d'y voir. Retraits de l'artiste en Philippe Thomas*, MAMCO revue, 2012.

Finally, in view of our focus on authorship in this edition of CAVEAT!!!, it is worth mentioning that the work of French artist Philippe Thomas (1951–1995) will play a central part in the events on 22 and 23 June. Indeed, in Philippe Thomas works, authorship, and also co-authorship are intensely questioned and displaced, to the point where it leads to “the ultimate erasure of [the artist’s] name”, inviting “collectors to take authorial responsibility for his works”<sup>5</sup>. For instance, the specific example of *Ready-mades belong to everyone*<sup>®</sup>, the corporation-like agency created by Thomas, will allow us to focus more broadly on authorship as it relates to the viewer in general and explore the specific point of the ready-made as the result of a speech-act (“this is an artwork”), of a tacit contract between the artist and the viewer or the institution (“I agree that ‘this is an artwork’”), but also as it relates to questions of production, of delegated production, and of the copy. Furthermore, as Judith Ickowicz writes in *Fiction artistique et juridique*<sup>6</sup>, Thomas displaced the legal notion of authorship as a juridical fiction in order to make it an artistic fiction, therefore underlying the fictional dimension of both.

We eagerly anticipate two months of lively, constructive, and invigorating discussions on the urgent topic of the artists’ contract as it intersects with the trope of authorship. Let us make use of this occasion to look back on the underappreciated history of the artists’ contract in order to develop the critical tools we need in our problematic present, to join forces in saying: buyer beware!



CAVEAT!!! is initiated and curated by JUBILEE, platform for artistic research and production. JUBILEE is a Brussels based artists’ initiative committed to opening knowledge, common interests and networks. JUBILEE draws attention to artistic research as an integral element of artistic practice. The name JUBILEE is taken from the Sumerian tradition of a periodical debt cancellation, referred to as ‘jubilee’. JUBILEE’s team for CAVEAT!!! consists of Florence Cheval & Steyn Bergs (curators), Sari Depreeuw (legal advisor), and JUBILEE artists and staff. Thanks to the teams of AIR Antwerpen and M HKA. Thanks also to Jan Mot.

The LODGERS programme is a collaboration between AIR Antwerpen and M HKA. It invites imaginative artistic initiatives to come and occupy the 6th floor at M HKA. The programme offers a unique opportunity for public interface, to organisations and initiatives who focus specifically on producing and commissioning, and who do not have their own public space.

JUBILEE is supported by Vlaamse Gemeenschap and Vlaamse Gemeenschapscommissie. CAVEAT!!! is supported by Innoviris.

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Antony Hudek, ‘History can wait (Part 2)’, in: Newspaper Jan Mot, No 98, Aug 2015.

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Judith Ickowicz, ‘Fiction artistique et juridique’, in: Retour d’y voir. Retraits de l’artiste en Philippe Thomas, MAMCO revue, 2012.



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daily 11–18 h (Thursday until 21 h) – closed on Monday

CAVEAT!!! presents a cabinet that will be activated during public programmes and workshops, with artworks, documents and books by Guillaume Bijl, Daniel Buren, Vaast Colson, Maria Eichhorn, Robert Filliou, Andrea Fraser, Goldin + Senneby, Judith Ickowicz, Ben Kinmont, Joseph Kosuth, Gareth Long, Gordon Matta Clark, Elaine Sturtevant, Philippe Thomas, Sarah Vanhee, Stijn Van Dorpe, Lawrence Weiner, and Carey Young.

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Public programme May  
Opening weekend 19–21 May (Antwerp Art Weekend)

Free entrance

Friday 19 May, 15–18 h

- .Steyn Berghs & Florence Cheval: introduction on CAVEAT!!!
- .Sari Depreeuw: keynote on CAVEAT!!!'s legal paradigm

Saturday 20 May, 15–18 h

- .Scott Raby (CAVEAT!!! artist in residence): lecture  
'The Contract in Art as a Site of Production: From Radical Histories to Speculative Possibilities'
- .Sara Martinetti (art historian and curator): lecture  
'*The Artist's Reserved Rights Transfer and Sale Agreement* from the Perspective of Diplomats'

Sunday 21 May, 15–18 h

- .Carey Young (artist): presentation of her work  
'Subject to Contract: Law as an Artistic Medium'

Public programme June  
CAVEAT!!! and Philippe Thomas

Thursday 22 June, 18–21 h & Friday 23 June, 15–18 h

A series of presentations and debates revolving around the work of Philippe Thomas with Agency, Patrick Bernier & Olive Martin, Antony Hudek, Judith Ickowicz, Sven Lütticken, Daniel Mc Clean, Julia Wielgus (Jan Mot)

Friday Workshops Program

26 May, 2 June, 9 June, and 16 June, 15–18 h

CAVEAT!!! at LODGERS is also a number of thematic workshops. The workshops will address authorship and contract issues in relation to Multiple authorship & collaboration; Artists and Curators; Distributing art; The artist's signature. If you are interested and want to join one of the workshops, please contact JUBILEE.

For updates on CAVEAT!!!'s programme, see our website: [jubilee-art.org](http://jubilee-art.org)  
Contact: [annemie.knaepen@jubilee-art.org](mailto:annemie.knaepen@jubilee-art.org)