

1. Jahrgang

Frühjahr 1994

DM 1

Nummer

KUNST LITERATUR THEORIE



Wolfgang Betke · Marcel Beyer · Natalie Binczek · Claus Carstensen · Stan Douglas

Peter Fend · Axel Fliethmann · Douglas Huebler · Thorsten Krämer

Thomas Kunst · Jacques Lacan · Niklas Luhmann · Ellen Nonnenmacher

Lisa Schmitz · Gregor Schwering · Ralf Weißleder

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Organization of Inventionⁿ

The largest non-automotive company in Germany today is Siemens.

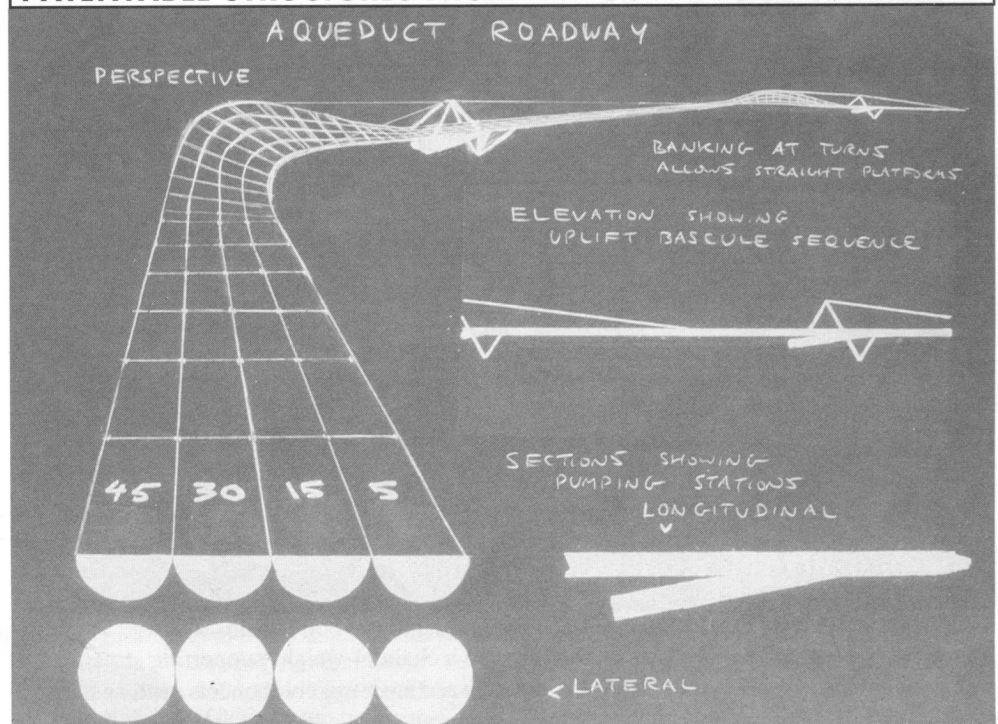
This company was founded by one of the first patent inspectors of the German patent office. Apparently, many patents were seen passing through the office, and the inspector – Dr. Siemens – thought it might be more interesting, or profitable, to privately develop the sort of patents he found most interesting. That is, to privatize what he had been doing for the State.

We may say today that Siemens continues to be a sort of Patent Office, in that it conducts a notably aggressive campaign of searching for and buying up patents or prospective patents from around the world, such that it becomes a repository of state of the art know-how on most aspects of electrical and electronics engineering, including power generation. The collection of patents at Siemens has become powerful enough to shape not only its own industrial strategy but also that of its home country, Germany. Just as Esso and Shell have been able to substantially govern the industrial and foreign policy of their home countries, the US and the UK-Netherlands, so the imperatives of Siemens, with patent rights which must be exploited or otherwise be lost to competitors, have made the firm able to significantly govern the industrial and foreign policy of Germany. Nuclear energy is regarded as a necessity for Germany, despite assessments of leading business journals like *Wirtschaftswoche*, because it has come to be a necessity for Siemens, and there is no major competitor ready to challenge it. A

corollary interlocking of business and government occurred with Desert Storm: the top industrial corporations in the US, such as Mobil and Esso, required such an event to keep their assets secure; whether they are essential to the security of the American Republic, as defined in the US constitution, is unlikely. It is possible, of course, to talk about

how government policies are influenced or even controlled by the perceived necessities of dominant corporations, and it is possible, further, to get »political« in attempting to persuade governments to forfeit their bias for dominant corporations, but this almost invariably never works. The US Government has learned enough from the Vietnam experience to make sure

PATENTABLE STRUCTURES FROM ART OUT INTO ARCHITECTURE



AQUEDUCT ROADWAY. Mass transit system based on blood circulation: pumps, at intervals as in worms, push a liquid or heavier than air gas in continuous beltway of canals which, when covered with lightweight sheets, allow for a continuous moving boat, or boat-train. Different speeds in each lane. This allows above-ground movement with no waiting, no sitting, no physiological stress.

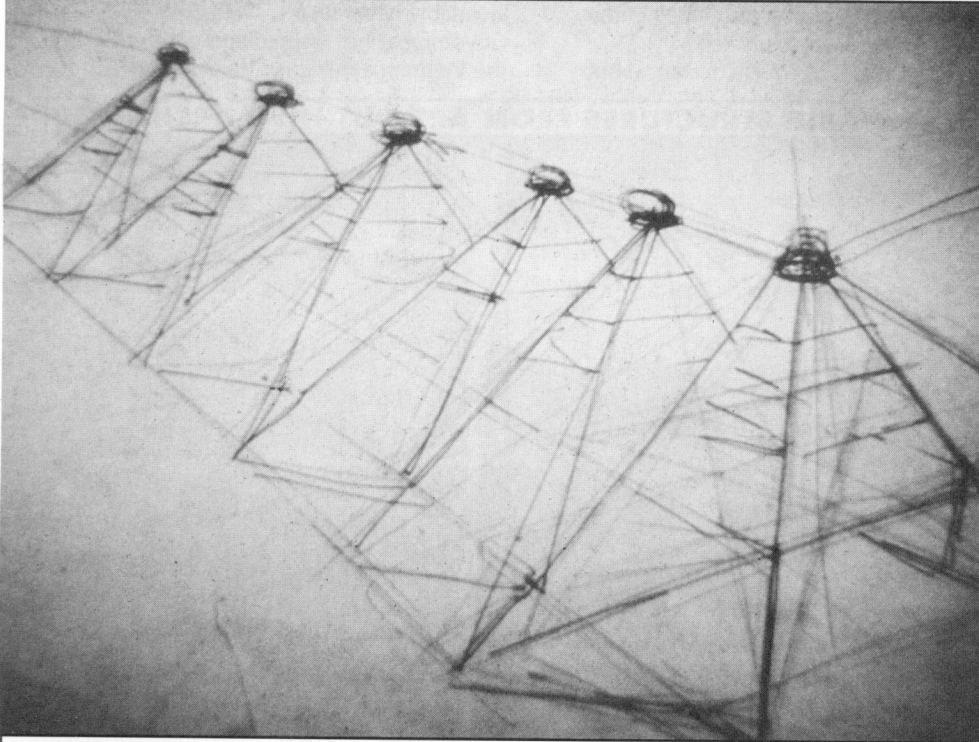
that any further offshore action in the interest of dominant business corporations, such as the oil-route securing actions in Somalia and Granada, or the protection of Western control of Mideast oil in the Gulf War (costing \$700 billion, at last count) and subsequent breakup project for a would-be Gulf War mediator, Yugoslavia, stays out of the legislative or open-media process. Fact is: if one wants to effect a change in the real world, one does well not to object to what is going on, not to protest or even expose, but to effect a new integration, a new accumulation, a new organization of invention. For this purpose laws were established providing for freedom of business

enterprise, for rights of contract and property, including rights of intellectual property. A person could come along with an invention, or could find a few other people with related inventions, and could then team up with like-minded people willing to cooperate more than compete to collect enough inventions, enough know-how, enough state-of-the-art technology, to be able to combine capital, willing workers and sites, with buildings, to manufacture or build real-world manifestations of those inventions, and to sell these manifestations to willing buyers. This was the objective of capitalism: to permit a constructive rather than destructive outlet of the urge for change; to organize aggression through

market competition rather than through war.

Regrettably, as I have learned from experience, conditions of war often supplant those of market competition. Rather, I should say, conditions of corruption within the State. Attempts under allegedly capitalist conditions to sell satellite surveillance projects to Continental Grain Company in New York are frustrated, at end, by learning that they get what they want from their friends in the CIA. Not legal, not fair or sporting, but de facto allowed. There are even de jure attempts to sanction this: in the US Congress now, laws are proposed to officially allow CIA assistance, such as providing intelligence findings about foreign technologies, for US corporations. The rationale is that other countries do this. Yes but... the question is: Which corporations? More likely the assistance will go to established, older-fashioned companies, not to pioneers, and this will discourage innovation and new enterprise. There should be very little worth defending, except the right to do business lawfully, about entities like Esso or Siemens. If a company can develop a better source of energy at a lower price, or with lower levels of risk acceptable to the public, that company should be able to supplant an Esso or Siemens in fair market competition. Similarly, as I have reasoned, if a company I founded, called Ocean Earth, can produce a clearer image of the Chernobyl event for mass media, such that a journal like Paris Match chooses that image over others, then why can't that image be sold and published? The problem with State assistance to private companies, whether covert or overt, is that soon enough the whole purpose of a free market is lost, and whatever could have been an evolution of technology and industry is slowed down, even blocked. Antitrust laws were established to actively deal with this danger; if with current procedures a single corporate enterprise ends up controlling too many new technologies, too much of a market, too big a share of capital and innovation, such that potential competitors simply cannot rise up, then

PATENTABLE STRUCTURES FROM ART OUT INTO ARCHITECTURE



COUNTERWEIGHT MEGASTRUCTURE. Just as the body stands by counterweighting and by inflating, or swelling, so a chain of weight-supporting structures – i.e., urban blocks – can be erected with patentable architectural components such as these: elastic mesh canopies, supporting vegetation; low-grade heat collectors, to create the Leonidov-originated Sky Hook balloon suspension, for a membrane mediation between outdoors and indoors, and for stabilization of all elements; roll-bar caisson foundations, for adjustable Gleichgewicht, further fine-tuned with cable-pulley counterweights on tracks; gantry (centered) crane for input-output location of container and »fixture« elements in respective »loft«. At the apex, load always approaches zero.

the State, to assure open-ended evolution, can require the breakup of such an enterprise. The long-term interests of a Germany or Europe, or of the world economy generally, are probably not served by concentrations of near-monopoly power so vast and interlocked as that, for example, of Siemens and Daimler-Benz. This argument is well-known. We underscore it. And to show what can be done, I present this challenge to what is known as the art world.

Take inventory of what is new in the production of art, what is technically, materially, or physically innovative, and have these new forms recorded in drawing and writing, then registered with a State office, a regulating agency, for identification, exchange and sale. In effect, find ways of patenting innovations produced through art.

Bear in mind these historical facts.

1. The first patent ever, as a certificate of intellectual property in a material innovation, was obtained by an artist and architect named Filippo Brunelleschi. It was for a method of building a scaffolding permitting constructing of a dome, that of the Cathedral in Florence. The method was based on his studies in perspective.
2. Innovations in rendition by artists like Da Vinci and Giotto were being developed concurrently by engineers, with direct consequences on the evolution of modern machinery, including that automation of painting and drawing called the photographic film camera.
3. Industrial patents have been granted for innovations in drawing, including the log-spiral method of visual-information organization developed by a computer artist associated with the firm I founded, George Chaikin.
4. One of the most important and prolific patent producers of the nineteenth century, Samuel Morse, was also a widely-recognized painter.
5. The progressive series of drawings

published as books by Sol Lewitt have been deemed convertible to computer software, and therefore to patent registration.

6. Landscape-transformative procedures exhibited at the California Institute of Technology in 1978 with accumulative assemblies of works by artists like Walter De Maria, Robert Smithson, Dennis Oppenheim, Bruce Nauman and Gordon Matta-Clark, all within paradigms of wastes engineering adumbrated by Joseph Beuys, caused a patent attorney who visited the exhibition to advise against further exhibition without first consulting experts like him – to secure industrial property rights.
7. Industrial designs directly competitive with constructions developed through my firm with a naval architect and shown at art contexts like the Venice Biennale have been registered at the European Patent Office, such that we feel compelled now to do the same.
8. Dr. Dieter Honisch, director of the Nationalgalerie Berlin, acknowledged patentable status in requesting that the patent-holder George Chaikin personally contribute his »know-how« to the realization of work exhibited there in 1985 attributed to the company I founded. In patent language, »know-how« is also called »the art«, and a patent is awarded for an innovation, a new way of organizing materials or imagery, over what is »prior art.«
9. At certain phases in the history of art, such as the phase of Pointillism, or of Futurist Photodynamism, or of color-field painting, or of earth art, breakthroughs occur in the organization of material and visual data which, if extended into real world conditions and technology, would have industrial implications. In between these phases, art tends to descend into forms of mannerism and commentary: this takes place now.
10. In Berlin now, at the experimental studio of the Akademie der Künste am

Pariser Platz, a space formerly used by Albert Speer for his main work and presentations, artist **Lisa Schmitz** is presenting the possibility that ideas, techniques or other innovations generated by artists could be documented and protected, and so be made suitable for exchange and accumulation as intellectual capital, very much in the manner of patents. The exhibition is rather more an investigation, an ongoing research using as substrate the thousands of new patents just now being filed at the European Patent Office, headquartered in Munich. A standing proposition is that just as there is a World Intellectual Property Organization (WIPO) for innovations in science and technology, with obvious industrial applications, so there could be a World Artistic Property Organization (WAPO) for innovations produced through art, also with possible industrial applications. What is unknown now, and is being investigated, is how much the artistic methods of inquiry and invention are different from scientific ones. Are there several ways of arriving at what could be called an innovation, possibly even an industrially-useful innovation? Could there even be first an artistic or imaginative, or simply visual, phase of invention, which is then followed by a more rigorous and detailed technical, or scientifically-exact, phase? Can there be a genuine or definable distinction between a WIPO, which protects conventional patents, and a WAPO, which could protect usable innovations by someone such as systemic-drawer Sol Lewitt or earth artist Dennis Oppenheim? What, after all, constitutes »Das Neue« – the new?

11. This question of The New, published in 1993 by Schmitz, is by coincidence precisely what I raised in 1990 for Johannes Daxer on the question of what sort of exhibiting space he should establish in Munich. I proposed that he set up a multi-cultural exhibition space, not just an »art space«, called »Das Neue«. I said that Munich did not much care for contemporary art, or »Kunst«, but did care about The New. New film, new advertising, new mode, new

Lisa Schmitz **WAPO** (World Artistic Property Organization)

Installation-Investigation 31. Oktober bis 21. November 1993 Galerie am Pariser Platz/ Berlin

Patentierete Erfindungen sind bewußt entwickelte Innovationen. Meist angelegt auf zweckgebundene Vervielfältigung, erhalten sie aus wirtschaftlichen Gründen juristische Rückendeckung, z. B. durch die WIPO: World Intellectual Property Organization mit Sitz in Genf.

Kunst bringt Entdeckungen hervor, die in gewisser Weise radikaler als Erfindungen sind, da sie neben der bewußten Handlung das unbewußte, intuitive Ereignis als gleichrangig miteinbeziehen. Die Anwendung des Urhebergesetzes stellt sich hier als äußerst kompliziert dar (s. Plagiat, Kopie, Simulation), zumal das Urheberrecht im Interesse der Allgemeinheit beschränkt ist. WAPO fragt nach den Zusammenhängen der Möglichkeiten und Grenzen der rechtlichen Absicherung künstlerischer Innovationen.

Wo liegen die Schnittstellen zwischen Erfindung und Entdeckung? Was charakterisiert das Neue? Welchen Sinn erfüllt das Neue in einer Gesellschaft, in der sich herkömmliche Werte in der Auflösung befinden? Bis zu welchem Zeitpunkt sind wir in der Lage, das Angebot an archivierten Informationen zu bewältigen? Was bedeutet diese Situation für unsere Mit-Teilungsbedürfnisse?

Kunst stellt eine hybride Mischform dar. Die zukunftsorientierten Weltmodelle erscheinen nicht mehr akzeptabel. Die rückwärts-gewandten Strategien greifen als Ergebnis des Katastrophen-Jahrhunderts nicht mehr. Der gegenwärtige Schwebeszustand – eine Position zwischen den Stühlen – wird als Herausforderung empfunden und angenommen.

Lisa Schmitz, Oktober 1993

technology and inventions. After all, the German patent office, the European patent office, and probably the most active buyer and registrator of patents in Europe, Siemens, are all based in Munich. Instead of this approach, however, there was an art space set up, called a Kunstraum Daxer, which soon ran into legal difficulties with the other so-called »Kunstraum« in the city. This event, of one institute saying that a second, competitive one could not exist in the same town, confirmed my belief that the city simply was not, and remains not, receptive to innovations in the form of »art.«

Having recited these historical facts, I discuss now an issue that has often been raised about what I allegedly do.

It is often supposed that I am a »political artist«. Or an »ecological

artist«. Or an artist who mixes art with politics and science.

It has also been supposed, based on what I have sometimes published or conducted in the context of NEWS ROOM or opinion columns, that I am an artist preoccupied with the news and mass media, a sort of media artist. Officials of certain governments, troubled by the serious probings of some of the analyses, have suggested that I am operating »out of bounds« and should rather become a sort of cockeyed theorist. On the other hand, art journals like Texte zur Kunst and Kunstforum have tried to stress that I have an art world strategy in which I try to occupy the niche of the »committed artist.« None of these views, as I will explain, reflect the truth.

What I do with ideas from art is

emphatically not political, not ecological, not mixed up with science and politics, not even »committed.« And what I have done through NEWS ROOM or in certain columns is conducted not as part of my art but as part of my role as a citizen. If I were a lawyer specialized in public finance (as once was a primary ambition, and which explains the reasoning behind the maps and satellite work), I would very likely have conducted the same projects of media or geopolitical analysis appearing in journals like Documents and Mediamatic, but probably in other publications. I was educated in American public schools to believe in constitutional guarantees of freedom of religion, of enterprise and of speech, so I have been deeply offended by phenomena like the total distortion of news about the Iran-Iraq war (learned through experiences with civil satellites and selling to mass media), or the blockage of new business enterprises by entrenched interests (learned in attempting to develop a non-fossil fuel source of hydrocarbons), or the ruling in Münster to allow the crucifix in public school classrooms (learned in a quite revealing German press). Like many citizens, I am offended, and even profoundly disappointed, by discoveries that constitutional law is commonly, even normally, violated, as in the Iran-contra scandal. And like many citizens around the world, many normal people, I am disturbed that a feverish nationalism in mass media could induce the stabbing of the world's top tennis star, or that events attributed by governments to alleged terrorists are more likely fabrications or cover-ups of something else. The public voicings I have made on these matters has nothing to do with art, or with the art I practice.

Conversely, the art has nothing in itself to do with politics. The charts of ocean basins for which I am known have been published and exhibited frequently chiefly to establish a context in which specific projects of my art can be accomplished. Giant marsh structures and offshore algae rigs, or associated urban concentrations producing what the UN Environment Program would

call »land-based sources of pollution«, exist physically within the site of an concavity of land draining into a specific, roughly contiguous body of saltwater, or what the same UN Environment Program would call a »regional sea.« If large structures like those envisioned by Robert Smithson are to be built in the Camargue in southern France, as proposed by art-patron Maya Hoffman, then attention must be paid to the impact on the oceanography of the Western Mediterranean Sea. This physical fact is well known from the effect on the Mediterranean of another large structure upstream, the Aswan Dam on the Nile. Being attentive to the impact of such a dam, to the effect on fisheries, public health and offshore algae blooms, is not a political but technical obligation. Indeed, a responsible attentiveness would be conducted without any political considerations. Only after all calculations of site impact are made might one then present the understandings to a client, such as a government agency responsible for coastal conditions; what the client would do, as opposed to what I do, could then take into account political questions, and so be »political«. What I do, as architecture historian Vincent Scully explained, is »not political« but »topographical«. It could even be said that the art is emphatically and almost purely un-political.

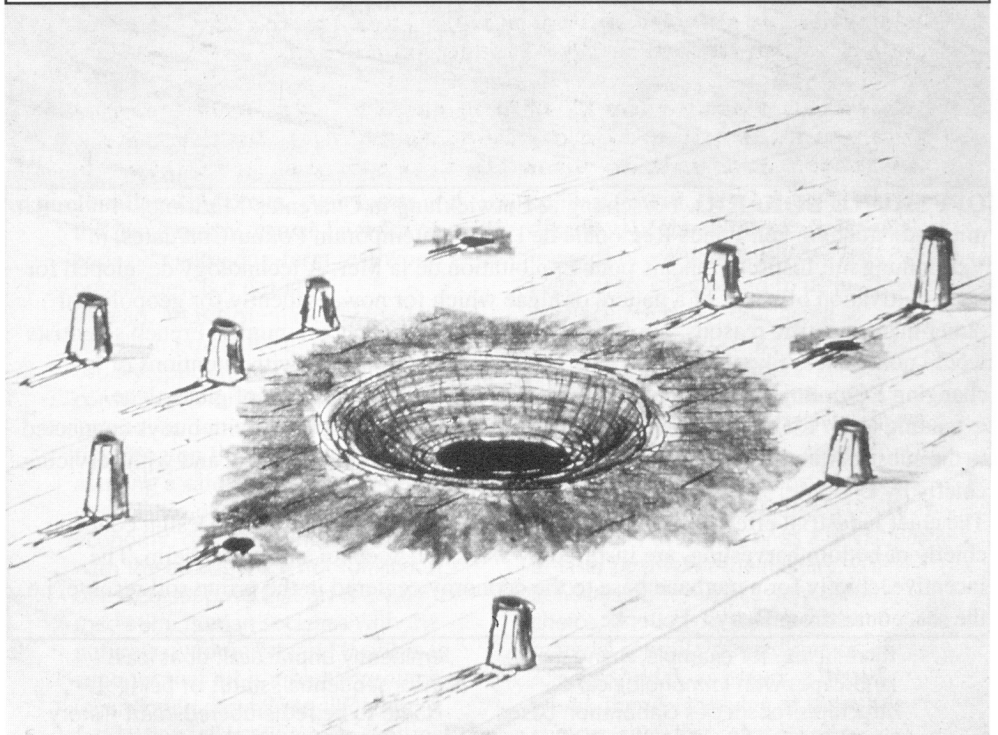
An editor of *Architecture d'Aujourd'hui* remarked that the megastructural architecture, and the associated ocean energy program for the infrastructure supplying such architecture, constituted the »first economically practicable program« of megastructural thinking yet developed. What an architect like Albert Speer envisioned, for a grandiose Berlin to be re-named »Germania«, was very clearly not practicable... because the designs were politically rather than practically, or technically, inspired. Technically speaking, can one actually build such a giant domed structure as he proposed? Even if so, is it structurally efficient? Are there not more efficient and safe ways of covering a large public space? My

work with ambient low-grade heat, to be collected to support tensile canopies supporting trellis vegetation, is far less demanding structurally, far less demanding psychologically, far less »political« in requiring an absolute fixity of plan. Elements of the building technology could be patented, as now discussed with lawyers, and could then be sold on the marketplace for construction according to specific conditions in specific sites, with great flexibility per site, leaving one with the impression that the megastructural architecture work, being based on a broad range of Twentieth Century trends in constructivism, suprematism, metabolism and post-metabolism, is about as un-political as one can get.

Making an artist appear »political« or »provocative«, making the artist be somehow outrageous and scandalous, results from the current orientation of the art world around the »Star.«

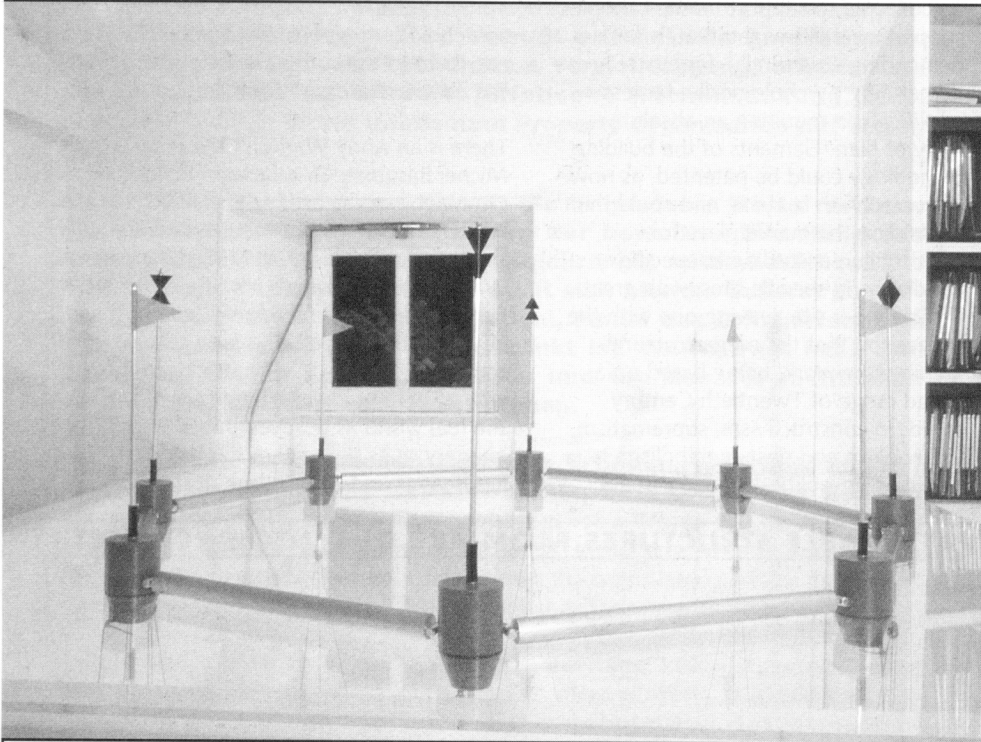
There is an Andy Warhol. Or a Jean-Michel Basquiat. Or a Jackson Pollock. Or, maybe, some art dealers have hoped, a »Peter Fend.« But I do not think there should be an »Andy Warhol«, or »Basquiat«, or »Peter Fend«. I do not think there should be any Stars in art at all. The idea gets in the way of progress in art. It gets in the way of getting ideas extended out into the real world as believed public imagery or as believed, accepted landscapes and architecture. Instead of

PATENTABLE STRUCTURES FROM ART OUT INTO ARCHITECTURE



SAVANNAH MARSH CONSTRUCTION. In what is now desert, oases can be built up near salt playas or wadis, where aquifers naturally rise to the surface, and can generate that convergence of species, that exchange of nutrients, with high rates of killing and food-chain building, from which an Ausbreitung can spread throughout a Hinterland. Construction can be along migratory flyways in Africa (to Europe), Central Asia (to Siberia) and both Americas, specifically for a reversal of desertification and restoration of pre-neolithic levels of Grosswild. Patents can be secured for art works here installed: Dry Wells, Death Hole, Bird Cage, Downward Blows, Lightning Field, Convex Disc, all within an expansion format based on paradigms from Smithson and Denes.

PATENTABLE STRUCTURES FROM ART OUT INTO ARCHITECTURE



OFFSHORE SOIL RIG. Forschung & Entwicklung in Charentes-Maritime, Frankreich, mit Unterstützung von Fonds Regionale de l'Art Contemporain Poitou-Charentes, in Verbindung mit Institut Français pour Exploitation de la Mer. A technology developed for mass cultivation offshore of a genera of algae which for now, evidently for geopolitical rather than scientific reasons, are forbidden in the European Community. French scientists would nonetheless like to proceed. The F&E is conducted partly with intentions of changing EC policy. The structure allows growth at a 2 m/week rate of giant algae extending up to 150 meters, with harvesting at both top and bottom, with buoys connected to the substructure by springs to negate all wave action on the structure, and with servicing chiefly by U-Boote.

The chief industrial effect is a non-polluting replacement of fossil fuels. Design concepts, chiefly of bottom harvesting, are inspired by works of Acconci and Oppenheim. The incentive, chiefly for a methane base to the economy centered in the prime soil reserve, i.e., the sea, comes from Beuys' Fettecke.

there being, for example, many marsh landscapes with immunological structures for species elaboration based on Walter De Maria's Lightning Field, as has been considered by scientists who have approached De Maria, there is a one, barely-accessible Art Work by a one Art Star as supported by a one celebrity Patron. The artist has published, in Arte Povera, that he would like to have had a construction company to execute his ideas, but instead of achieving this practical objective he has ended up with the

eminently unpractical, or at least inconsequential, status of being a Name to be remembered in art history.

For this reason I am quite happy to witness an end of my career, appearing on the cover of this journal, as a Che Guevera.

Now that I can be »dead« as a possible art star, I can return to life and function in a practical way in getting the art – all the art, including the buildings, the marshworks, the attendant radar or

satellite monitoring programs – realized in our world, in our time.

The strategy for returning to life and functioning in a practical way is no more or less than the strategy for most business enterprises, like Siemens: identify precisely what is the domain of intellectual property, establish security for such property in the acquisition and accumulation of patents, trademarks and other legal documents, then use such documents – as opposed to the Name of a »Star« – to organize human skills towards getting the intellectual property converted into concrete goods, services or buildings – into Things. And not just art objects.

Michelangelo was a sculptor, but also progressed to becoming the architect of the No. 1 religious, or media network, building of his time: St. Peter's Basilica.

The cave artists were painters or sculptors, but they probably stayed on the job only as they were probably able to inspire a successful hunt, without too many casualties. Art was a vital service to a group of people facing mortal danger every day.

The art world of today, which is focused on the Art Star, does not perform such functions. It makes art a sign of conspicuous consumption, of status, of power. And it creates a notion that all one should seek in life is at least a bit of fame, a bit of escape from anonymity. The intellectual process in art of invention, the process of transformation in visual or material understanding, is neglected.

The reason why, I conclude from experience, is that vested interests – be they in the State, or Industry, or Mass Culture – naturally tend to want to preserve their past gains and naturally tend to try avoiding change, especially change that does not enhance the value of their property.

Les Levine told me that David Rockefeller, who clearly understands the value to him of property in fossil-fuels, explained once that he helped initiate the US National Endowment for

the Arts in order to individuate and isolate artists, so that they would not be able to combine or accumulate their discoveries, and so that they would not feel incentives to working together. So that, in sum, they would rest content with trying to be Stars.

The result in the art world is a phenomenon like Jeff Koons, who tells us to »embrace the past«. We can forget the necessity of change, we can forget the possibility of new thought, we can forget that evolution in human society or technology ever existed, we can forget that what people think or imagine today might help shape a world tomorrow. Instead, we can try getting Fame, be that with kitsch, or Michael Jackson's monkey, or a popular porn star, and this – all the world can know – can be Art.

I don't think it's art at all, for it involves nothing new.
Maybe it's fun. But not for long.

This does not mean that Koons has not made art. He has. But in early 1989, he proposed that we meet for breakfast several times, and he asked that we discuss strategies for gaining power. The aim was not to embrace the past, not even to have an affair with a famous woman, but to gain power. From the meetings, I chiefly remember suggesting to him that a project with Michael Jackson's monkey, Bubbles, would not help in this direction.

Other artists I know have also tried to gain power: in 1980, Jenny Holzer initiated overtures by a group of artists called The Offices of Fend, Fitzgibbon, Holzer, Nadin, Prince & Winters to deal directly with UN agencies; about that time also, Dennis Oppenheim tried setting up a systematic logistics monitoring program for all major personalities in the art world; Julian Schnabel tried to take art to Hollywood; repeatedly, artists have tried taking work directly into mass media, and through a company I founded, inspired by ideas from a group of artist-shareholders called Space Force, there has come to be a serious reception of state of the art

satellite imagery, or present-day landscape painting, in contexts like UN press conferences, international scientific conferences, and various embassies.

But as I discovered with the satellite-based site analysis work, and as Holzer, Oppenheim, Schnabel and Koons all learned with their forays, the structure of power today does not readily permit entry by people from art.

Worse, the art world itself, as a mechanism centered around the individual name artist, with the ultimate product being the Art Star, directly functions to destroy any possibilities for power, or even serious real-world followthrough, from the context of art. If at a UN press conference any mention were made of art, which is a vital part of the thinking in the works being shown, all credibility would vanish.

Virtually all professions allow entry into the structure of power. Science, law, medicine, economics, even sports and the film industry, can all be fields of endeavor with long-term real-world possibilities. But not art. Instead, art is systematically used by people in power for their own ends, usually opposite to the ends or logical consequence of the art itself. And instead, as one can conclude from reflecting on the function of cave art in assuring a safe and successful hunt, the possibilities of art in orienting the economy, or in meshing the economy with the ecology, are not fulfilled. If one is to suppose that art is a way for mediating human societies with the natural environment, and if one is to suppose that art is a primary source of invention in design, rendition and fabrication, all leading over centuries' time to new technologies and scientific structures, then we can conclude that any serious alienation of the economy from the ecology, or even any serious lack of progress or evolution in the economy generally, directly results from the failure of art to have a power at least commensurate with that of other professions. Art is not respected, not taken seriously, and innovations in

technology, materials processing or architecture which could all help solve the present ecological and economic problems cannot take force. And the chief cause of this failure is the rules of the game in the art world itself, which requires that individual »artists« seek individual fame, attached solely to their individual personality, without possibility of any accumulation or organization of ideas emanating from larger groupings of individuals. If I were to continue in the direction, as demanded by the art world, of becoming a »Peter Fend« art world figure, I would be surely bound to fail in achieving any serious realization of my ideas as would Jenny Holzer, Jeff Koons, Richard Prince, Joseph Beuys, Nam June Paik or any of the other artists who in order to survive become celebrities.

The consequences are very serious, extending far beyond art.

1. In order to be celebrities and have fame, artists feel compelled to become political figures. Hence the drift, as described of the last Whitney Biennial, towards being »politically correct.« Every artist is supposed to be in some way »committed.« But being so »committed,« or being so »correct«, has nothing to do with art. The questions in art, like questions in medicine or science, are questions of materials, color, structure, spatial installation, visual and sensory impact. If a doctor or scientist wants to work as a volunteer in Africa, or as a developer of laser beams for the military, is a political choice, a necessary career choice, but is separate from the material specifics of medicine or science. And if, as occurs in the art world, there is a mixing of these two choices, such that what you do becomes indistinguishable from what political cause or patron you serve, then one can be sure – as has been occurring in the past several decades – that there will be no progress in the material thinking that is art. We do not have a follow-through on the visual research of people like Sol Lewitt; instead, in drawing, we have a return to Norman Rockwell illustrationism in the service of

quite conventional Greenpeace ideas.

2. As the artists abandon their genuine power base, which is their innovations in material and visual thought, they become subject to manipulation by outside parties. Worse, they become subject to misappropriation and distortion. We face now a common

process of governments, particularly government foreign ministries, using artists as entertainers, as official court jesters, to provide a sort of camouflage for their policies. The German Government sponsors an international art exhibition during the Ecology Summit in Rio de Janeiro, called »Arte Amazonas«, which helps to seal the

economic ties of German-organized capital with one resource-rich country, Brazil, at variance with the fact that most of the Amazon flow is not even generated in Brazil, that most of the Amazon impact does not take place in Brazil, and most of whatever is shown as Amazon-related »art« has nothing to do with actual German capital investments in Brazil, such as the construction of a giant nuclear reactor complex on what, according to a broadcast news report, is a geologically-unstable site. The artists think they are making a difference. They are probably helping to effect Amazon-site policies which are the opposite of what they would intend. I was asked to take part in this project, but did not.

The American Government, among other entities, sponsors an American art exhibition in Warsaw named after the title of an 18th century economics book, »The Wealth of Nations«. Afterwards, one of the participants, Jessica Diamond, explains to me that it was managed by people from the CIA. Of course, I exclaimed: there would be geopolitical desire to (a) bolster the Polish regime with a dose of Americana, and (b) continue a policy from Woodrow Wilson, completely contrary to the multi-ethnicity of the American Republic, for blocking any accumulation of power in Europe, particularly eastern Europe, with fragmentation into petty nationalist and ethnic groupings instead.

The American Government also sponsors an art exhibition in Paris called »Trans-Voices« in which one sound installation, allegedly by an independent artist, intones repeatedly the phrase, »The New World Order.« Is this art, or just sanctioned politics?

The French Government now quite bluntly sticks on a label regarding support or approval of various culture export projects from the Ministry of Foreign Affairs, so that one must wonder what actually is going on behind the scenes, in the background of a relatively minor expenditure for decor.

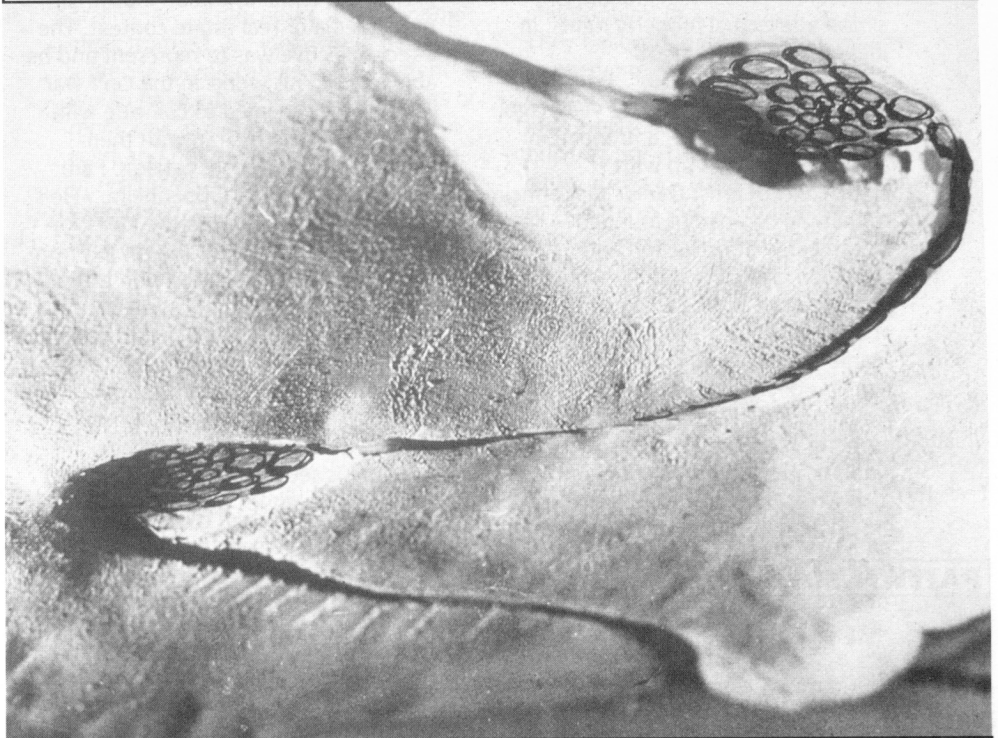
PATENTABLE STRUCTURES FROM ART OUT INTO ARCHITECTURE



DEAD FURROW. We give this name to a structure built by Iraq inside Iran with advice from Soviet engineers, reaching its ultimate form in 1986, then destroyed with military counter-offensives by Iran vitally assisted, we are told, through the »Iran-contra« intrigue. The name and design were invented by Dennis Oppenheim in the late 1960s; the realization, as here, was conducted almost certainly with no knowledge of Oppenheim's work. Such discoveries have been made by Ocean Earth repeatedly, particularly in areas of maximum inter-societal competition, such as war, where ideas emerging in our Zeitalter appear in several places at once. The Iraqi intent, like Oppenheim's, was to effect a fluting of river flow, for reduced deposition of sand and maximum through-push to the sea, effecting what could be called, using another word from Oppenheim, a »River Rifle.« Efforts by secret agencies to block public knowledge of the Iran-Iraq war, of the consequent Gulf war, as well as of course the presence on site of a UN-sanctioned middleman called Yugoslavia, can be circumvented with an intellectual re-appropriation of the technology embodied in this structure. Ocean Earth has idea-sharing agreements with Oppenheim and seeks now to patent the technology once assayed, in a historical convergence, by a now-blockaded state. The technology could be applied in any alluvial region threatened by in-filling and sand blockage, such as most of the river systems of north Africa, central Asia and arid America. Photo copyright Ocean Earth/CNES 1986.

In Munich, a project I was invited to join, called »Kunst-Ökologie-Kultur«, quite suddenly had a change in patron. One could now produce on-site ecological art, with a lavish budget, for a organization labelled the »European Natural Heritage Fund.« Suggested sites for projects included a now-disputed part of Croatia, with all funding coming from the one country with a rather dark past... in effect, political dynamite. An investigation into the European Natural Heritage Fund, which displays for itself a logo based on the 12-star European Community flag, was conducted with advice from a lawyer. These facts were discovered: the organization is not »European« but is based almost exclusively in one country, Germany; though the European Community logo is used, there is no legal relation to it; there are no guarantees for the property security of any ideas or projects developed first by artists, such that after the Name Artist has furnished his credibility once then all the innovations, all the accumulated intellectual capital, can be converted by other persons for other ends, without obligations or contracts; a »twinning« project between two project sites is based not on ecological criteria but nationalist ones; most of the scientific practices are pre-determined, such that what might be contributed by the artists is subordinated to other schemes. Taking part in such a project, I concluded, would more block than enhance the future realization of my ideas. One could ask the artists who took part. Perhaps they know what is happening. Do Newton and Helen Harrison, who were enthusiastically asked by German museums and agencies to conduct a project in Croatia and Bosnia shortly after Documenta 8, realize that the mapped areas they worked on coincide very remarkably with the demarcations of the 1940s, and of now? Does Herman Prigann realize, by producing a »Ring of Remembrance« at the former DDR-BRD border near Blankenburg, that this location – publicized to be a kickoff point for »the European initiative for art in ecology« – has no relation to natural facts, such as the watershed divide 50 kilometers away, but only to quite

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DOUBLE CONVEX DISC. River control system incorporating structures of »Savannah Marsh Construction«. Rather than build a dam, with immediate effects of affording irrigation and hydroelectric power, we propose instead to work with the entire ocean basin within which a river is situated, hence the entire volume of waters and nutrients. Ecological strength upstream is vital to long-term productivity. Thus, the dam is replaced with sops, or marshes, built into adjacent slopes of a steep-grade river valley. Each sop is a convex disc, made secure with inset precast forms, so that waters will always flow regardless of volume, but with greater volume will be more absorbed, or taken up, by the sponge-like conditions of each disc. The system could be introduced on the Karun River in Iran, which appears in the »Dead Furrow« photo as the river to be busted across, instead of a current project by ABB Deutschland, together with a Brazilian company, to build a giant hydroelectric dam, with probably the same ecological and public-health effects (bad) as that of the Aswan Dam. Components used in the construction would be patented.

recent facts of a certain political history? Whose cause is being served with such projects? And what intellectual capital or construction options remain for the artists? Of course whatever is being done is serving certain political ends, quite apart from the intentions or visions of the artists, or of their art. If I were to locate a natural frontier point or center point for Europe, I would do so in accordance with nature, not with recent political history; why do some people regard such an intention of mine as »political«. It is solely based on

natural facts, and would be »true« under almost any political context for the past thousands of years. What is to be done to avoid such distortions? Is there a way out of the subordination to non-art issues, or non-art interests, faced by artists?

Yes, I believe, if one adopts the strategy of people like Dr. Siemens: develop a legal framework in which to accumulate intellectual capital, in which to gather and concentrate a large mesh of useful ideas, and then proceed to direct those ideas towards large-scale realization.

Work progresses now on finding ways of securing patent registration, or similar intellectual property rights, in ideas generated from art.

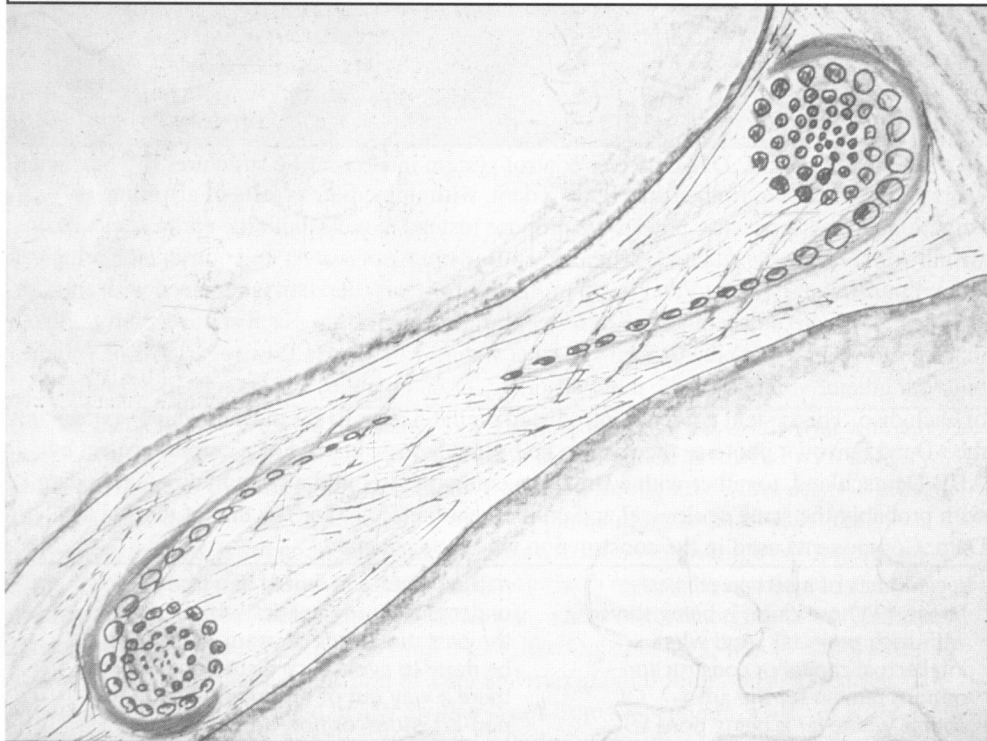
The procedure was forming years ago. By 1988, for example, a production agreement was set up with earth/concept artist Dennis Oppenheim so that the company I founded – Ocean Earth Construction and Development Corporation – could produce or re-produce any of his work, or even versions of his work, with shared financial and credit rights. This was, in effect, a patent agreement: we would own rights to his intellectual property as an artist to construct his work, or even to propose to construct such work and versions of such work, providing that the context was not an

art context (to which he remained exclusively entitled) but an industrial, mass-media or real estate context. The direct objective was to represent and be able to build his works in the Gulf war zone as they seemed to coincide with earthworks built by Iraq with then-Soviet help. In a recent catalog, I am quoted as saying of Oppenheim, »He's an asshole, but I can use the ideas.« Saying this, I am distancing myself from him as an Art Star, which I don't think anyone should try to be anyway, and I am saying that it's more constructive to use the ideas generated by such an important and original artist. I can legitimately and properly use those ideas if, as there is, a written legal structure is set up for carefully defined rights and revenues from doing this.

Such legal agreements contrast sharply with what the art world has encouraged. When Jeff Koons was sued for producing very expensive art work from the »String of Puppies« artwork produced from a far-less prominent commercial artist, his gallerist Ileana Sonnabend argued that Koons, as a Star Artist, had an automatic right to appropriate any idea he would like from lesser known artists. No royalties or rights need be discussed, for without his almost magic touch whatever was appropriated would remain relatively worthless. I have strongly disagreed with the view of Sonnabend, as of most of the art world. The rules of the real world should apply: a commercial artist of low profile and prestige happens to be selling a product which a higher profile commercial artist likes, and the higher-profile artist should be able to ask for and possibly obtain rights to use that product, but only with a legal agreement, a sort of license to a patent.

Our company has learned of art world violation of real-world rules the hard way. A person associated with the firm who happened to maintain close contacts with prominent curators in the art world used his status as a potential Art Star to appropriate a know-how and art, or manner of doing things, developed uniquely by the company, and present such to the art world as his own. In fact, none of the know-how, art, or media connections, or files, or other incorporated understandings, would have been developed or acquired by him if it were not for his association with the company, which he joined several years after it started such work. But the art world requires the name artist, and it requires that any artist appear to have done it all alone, as some towering genius, and it denies the possibility that in some cases what comes to be the capacity of an individual results solely from corporate or group structures to which the individual has been privy. It would not have been possible for anything other than a corporation to gain access to satellite data as it did and to build a customer base among the mass media as it did, and all this consequence of

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OCEAN ESTUARY DOUBLE CONVEX DISC. The same logic as in DOUBLE CONVEX DISC can be applied in saltwater estuaries for maximum mixing of fresh and saltwaters, hence of species. The forces here are river flow versus tidal in and out flow. Of course the layout of the precast patented components is different.

All of the structures here shown have been reviewed with scientists or engineers at recognized world-rank institutes.

Queries as to who, and to what level of approval, can be addressed to Peter Fend through this magazine.

group effort – and coalescent individual thinking – is something which the art world would like to forget. It doesn't fit into the Art Star theory. It doesn't fit into a view of the artist as a sort of Heiliger Geist, even a sort of Savior or Angel, immune from normal rules of government and business. Because of the Art Star problem, I have been forced to enter the art world and re-assert property rights over various ways of doing things, over the name of the company, over the art. Worse, I have been forced by art world conditions to promote the name of me rather than the company Ocean Earth, a legal framework for art collaboration, for acquisition and sale of satellite studies, and for architectural engineering, with the result that although I may get some »fame« I am (1) repeatedly violating corporate contracts with outside parties and collaborators, and (2) undermining any further large-scale projects for which I have gained some recognition.

To get beyond these problems, I seek a blitz breakout. Take advantage of some of the recognition but then, as the cover shows, eradicate the Star. Set up what for now appears to be the most efficient and politically acceptable means of acquiring the ability to get things done: accumulate intellectual capital. Accumulate patents – that is, contracted rights in intellectual product, or ideas – in all preconsidered lines of endeavor, and accumulate such patents, or entitlements to using ideas, as quickly as possible, on not an art

world but a real-world, global-corporate scale. This entails, as a legal preliminary, a procedure for patenting ideas from art. An idea would be given a precise identification, as in a patent. It would have a precise set of drawings or renditions, possibly even in color (as it is art and not the drier scientific mode of research). And it would be executable by anyone if one follows a precise set of instructions.

The re-executability would leave an artist free to exhibit new ideas just once or twice, enough to constitute publication, and not fear a loss of ownership rights in the ideas if they are no longer interesting to pursue and exhibit. As Vito Acconci once observed, the artist, when forced to be a Star, is also forced to repeat what was discovered or developed years earlier ad nauseam, simply in order to continue occupying a certain niche of art history. This of course confines an artist to his or her own past. No progress is possible, and everyone eventually gets bored. An important pioneer like Oppenheim is forced by the art-star system to devolve into an »asshole«, and his chances of breaking out into architectural scale or film-scale realizations of his genius reduce to near-zero.

What is described here is little more than what the Futurists sought. They believed that progress in art thinking could be quantified and could be reduced to precise scientific terms. So

do I. They believed that art is essentially physical, essentially material, not philosophical or intellectual. So do I. They believed that art can be delivered to everyone, that it can be mass culture, and that it can be industrialized, even to the extent of building the entire landscape, including cities. So do I. I continue along this line of reasoning, and along the lines of Futurist belief that with wars the old property relations and values can collapse, to be replaced by newer, fresher ones, to propose that new industrial and economic practices based on recent art should be aggressively introduced wherever there is ferment, wherever there is a breaking away from the past, wherever people cannot »embrace the past«, and even – not for now at least – cannot embrace each other. Patentable or registrable ideas from art must be, after all, new, and as they are new they must agress and disturb. Free market competition is probably the best way to effect the agression that is material change. But if a war takes place somewhere, as in Yugoslavia, even more dramatic are the opportunities for a sudden in-rush of The New, as assembled from a coalescence of new ideas in new art. I say no more of what now will be sought for registration at the European Patent Office. Works from a wide range of artists or architects will be offered for patent review. Works from our cooperation with scientists will also be offered.