The Signature: Three Arguments about the Commodity Form

John Fraw

1. THE KINDER SURPRISE

My topic is the original, the authentic, the singular; the foundational categories of the work of art. I begin therefore with the unoriginal, the inauthentic, the multiple, and I exemplify them with the most banal and most trivial object I have been able to imagine. Neither simply confectionery nor simply a toy, the Kinder Surprise is a plastic figure or assemblage within a plastic egg within a chocolate egg: a ‘surprise’ for ‘children’. These figures, something like what you might find in an expensive Christmas cracker, might be a vintage car, reproduced in faithful detail; a character from The Flintstones or Peanuts; a smurf, an elf, a cartoon cow; it might be a toucan, with a gleaming blue plastic body and large scrolled wings in brilliant colours; it might be a miniature nickelodeon with a few frames of film, a wagon drawn by horses, a seal with a cavity in its body that holds small pieces of crayon, a kaleidoscope, a tortoise, a model plane. Behind each of these figures stands the almost infinite seriality of mass production: four hundred million eggs a year, hundreds of thousands and perhaps millions of each figure surprising someone at every moment of every day throughout the world. At the same
time, distinct sub-series exist within the totality of objects, and these form the basis of the organisation of the range.

I have called these things objects rather than toys or sculptures or icons because they seem to me to be essentially functionless: it’s hard to imagine any way of playing with them, or indeed any real use for them other than infinitely to exchange them for others. But how is it possible to imagine an object without function, an object removed from all human finalities? Let me propose three figures by way of approach to this question (which is, in a sense, the Kantian question of the zuecklose Zweckmaßigkeit – the ‘disinterested purposiveness’ – of the work of art).

The first is the figure of Odradek in Kafka’s story ‘Die Sorge des Hausvaters’.1 The story begins with a speculation about the reputed Slavonic or German origins of the word ‘Odradek’; probably neither etymology is accurate, however, and in any case the word is unintelligible. Of more importance than this ambiguous and undecidable etymology is the creature called ‘Odradek that corresponds to the word:

At first glance it looks like a flat star-shaped spool for thread and indeed it does seem to have thread wound upon it; to be sure, they are only old, broken-off bits of thread, knotted and tangled together, of the most varied sorts and colours. But it is not only a spool, for a small wooden crossbar sticks out of the middle of the star, and another small rod is joined to that at a right angle. By means of this latter rod on one side and one of the points of the star on the other, the whole thing can stand upright as if on two legs. [428]

This thing, this creature is at once ‘senseless’ and ‘in its own way perfectly finished’ – but in any case it is so elusive that it is impossible to observe it properly. We do know that it is animate: an ungraspable but quasi-human creature, that
talks and laughs (although 'it is only the kind of laughter that has no lungs behind it. It sounds rather like the rustling of fallen leaves' [ibid.]). Most importantly, it is an object that cannot die, and therefore has no aim in life, no purpose, and that will survive the narrator – an idea that 'I find almost painful' [429].

The laughter of this thing, this McGuffin, is demonic: a name that Goethe gives to a being or a force that, like Kafka's Odradek, is 'manifested only in contradictions and can therefore not be comprehended by a concept, still less by a word'.

'It was not divine', Goethe writes,

for it seemed irrational: not human, for it had no reason: not devilish, for it was beneficent; not angelic, for it often allowed one a glimpse of malice [Schadenfreude]. It resembled the accidental, for it was without consequence; it looked like providence, for it hinted at connections. It seemed to be able to pass through everything that restricts us; it seemed to play around arbitrarily with the necessary elements of our existence; it contracted time and expanded space. It seemed to take pleasure only in the impossible, and to thrust the possible from itself with contempt.²

Goethe's demonic in turn resembles my third and final avatar of the object without function: the Baudrillardian Thing. This object beyond the reach of the system of value, indifferent, seductive in its absolute lack of desire, mirroring whatever desire is projected on to it, reaches its apogee in the fetishized commodity, indeed in the work of art as fetish, as pure commodity, a form of being which 'shatters the previous ideality of the object (its beauty, its authenticity, even its functionality)' ³. Commodity form and aesthetic form join in this emptiness.
But the Kinder Surprise is also a figure of plenitude: it is found inside an egg – indeed, inside a chocolate egg, which, rather than the asceticism of plastic and the fetish, evokes the rich folkloric fertility of the Easter egg, its seriality that of the diminishing infinity of eggs within the entrails of a hen, or of the Fabergé egg’s _mulieb in parvo_, the bezewelled miniaturisation of the mechanical in the form of clockwork. This sense of a packed interiority is nicely conveyed in Barthes’ description of the _mises-en-scène_ of Verne’s novels: Verne, he writes, ‘had an obsessions for plenitude: he never stopped putting a last touch to the world and furnishing it, making it full with an egg-like fullness. His tendency is exactly that of an eighteenth-century encyclopaedist or of a Dutch painter: the world is finite, the world is full of numerable and contiguous objects. The artist can have no other task than to make catalogues, inventories, and to watch out for small unfilled corners in order to conjure up there, in close ranks, the creations and the instruments of man’. The object without function fills the world and is itself a promise of such human fullness.

Although Kinder Surprises are marketed for children, they mime a set of conditions of circulation and use that are those of the adult world. ‘The toy world’, writes Susan Stewart, ‘presents a projection of the world of everyday life; this real world is miniaturised or giganticised in such a way as to test the relation between materiality and meaning’. Toys are thus for grown-ups, and ‘it must be remembered that the toy moved late to the nursery, that from the beginning it was adults who made toys, and not only with regard to their other invention, the child’.

The category of ‘surprise’, finally, directs us to the notions of novelty and unexpected variation which lie at the core of
modernist aesthetics and which are closely related to the temporality of fashion. The word 'novelty' implies triviality; and the Kinder Surprise is indeed cheap and readily discardable, although (like Otradek) it is also imperishable.

It does, however, give rise to systematic collection. The plastic figures are extensively swapped, either personally or through shops that specialise in their exchange; value is created within an internationally organised system structured on relative rarity. Certain figures are highly prized: the 'Blue Mauritius of the Ferrero world' is 'a yellow Hans im Glück that the Italian chocolate firm put in its eggs in 1976', and for which collectors pay more than DM1,000. As the ultimate confirmation of market value, forgers are now dumping imitations on the market. Similarly, certain early prototypes have acquired scarcity value. Since 1981 the firm has employed its own designers, like the cartoonist Peyo; the figures are put out as prototypes in Germany, then go into mass production in China, and finally are put into four hundred million chocolate eggs in a German factory. Peyo's first versions of eight Smurfs forming an Olympic team (which have minor variations from the later mass-market version) now sell in the collector's market for around DM2,000.

2. SERIALITY

These figures are thus in their demonic lack of function and their singularity analogous to aesthetic objects, and are collected in a similar but not identical way. At the same time, however, they are rather pure examples of mass-produced commodities structured by an overwhelming seriality. The concept of the series has been a central metaphor in twentieth-century thought for the industrialised commodity pro-
duction of aesthetic forms. Let me now distinguish four modes of serial temporality constituting four different ways in which art forms can be thought to constitute a series:

(1) art forms can be understood as an oeuvre. Baudrillard speaks of the 'paradoxical law' that 'bends authenticity to the constraint of seriality', since each painting in an oeuvre is a discontinuous term of an indefinite series, and thus legible first, not in its relation to the world but in its relation to the other paintings by the same artist, its meaning being thus tied down to succession and repetition.⁸

(2) art forms can be understood as a succession of styles. Kubler's formalist analysis of the 'shaped times' of historical sequences such as a particular stylistic or generic development supposes that such sequences are determinate and unilinear, and that they can be described as an interconnected succession of solutions to formal problems, which he calls 'linked solutions describing early and late stages of effort upon a problem.'⁹ Sequences follow a structure defined by an incremental narrowing of options in an informational system, such that 'every new form limits the succeeding innovations in the same series' (53). Aesthetic succession is therefore primarily a process of constructive development and then progressive entropy, and the diachronic sequence follows a curve corresponding to the logic of its predetermined potentialities and limits. This logic is purely immanent: 'The idea of invention... presupposes a structural order in the sequence of inventions which exists independently of other conditions' (85); and this structural order is composed of two qualitatively distinct moments: the ruptural moment of invention, and the integrative moment of assimilation and reproduction.

(3) art forms can be understood as a collection. In this
sense, temporal succession undergoes a spatialisation. Stewart writes that 'the collection replaces history with classification, with order beyond the realm of temporality. In the collection, time is not something to be restored to an origin; rather, all time is made simultaneous or synchronous within the collections' world'. It thereby reorganises its objects according to aesthetic principles, reframing them 'within a world of attention and manipulation of context'. This framing follows the logic of a self-fashioning, an act of will constituting the principles by which series of objects are constituted. At the same time it is always an act of control and containment, since 'to play with series is to play with the fire of infinity', and 'in the collection the threat of infinity is always met with the articulation of boundary' (159). It is in this sense that the collection is at once continuous and discontinuous with the fourth conception of the series:

1. an infinite number of copies generated from a one-off model or program or blueprint. This is the relevant definition in this context: seriality is set in opposition to the singular, the unique, and this logical structure then becomes a value-laden metaphor for the relation of art to industrialised commodity production.

The opposition of authentic art to the commodity form is at the basis of all post-Romantic aesthetics and is grounded in the category of the person. The terms in which the emancipation and universalisation of the category of art have come to be cast are those of a distinction between works founded in freedom and internal necessity, on the one hand, and in unfreedom and external (economic) necessity on the other. Historically this distinction emerges as one between art and craft, but is then intensified into an opposition between art
and the serially produced commodity, differing in essence from the self-purposive work of art constituted by the singularity of its origin and by the signature which corresponds to and guarantees this origin. (This opposition is complicated but not undone by a tradition of work—Duchamp, Warhol, Levine, Koons— which attempts to refuse its terms, but which is nevertheless predicated on the paradoxical difference between the signed artwork and the commodity form whose structure it imitates.)

Kubler’s concept of replications is one useful way of exemplifying this paradigm. By ‘replications’ he means the ‘entire system of replicas, reproductions, copies, reductions, transfers, and derivations, floating in the wake of an important work of art’ (39). Kubler distinguishes between the non-identity of new products (which he calls ‘prime objects’) and the identity (a relative identity, imposed on the underlying non-identity of the universe) of replicas. And this distinction implies a temporal dialectic of aesthetic evolution: ‘Without change there is no history; without regularity there is no time. Time and history are related as rule and variation: time is the regular setting for the vagaries of history. The replica and the invention are related in the same way... the replica relates to regularity and to time; the invention relates to variation and to history’ (72). This is to say that the replica belongs to the regularity of commodity production; the invention breaks or deflects the cycle of reproduction.

Attali mobilises a different version of this distinction, using a metaphor taken from pottery: that of the mould (the design or blueprint, the primal form), and its repetitions. In representation (handicrafts or archaic capitalism), he writes, distinguishing between semiotically defined modes of produc
tion, 'each object is unique, and the mould is only used once. By contrast, in the economy of repetition a mould is used a great many times' (40). In an economy of repetition, 'a significant portion of the surplus-value created in the production of supply must be spent to create demand; and repetition produces less and less use value'; what is produced instead is the semblance of use value, an 'inauthentic' use value geared to the requirement of increasing market share through the 'artificial creation of hierarchies of value' (106): 'In the most modern sectors of our societies, exchange has destroyed usage, and surplus-value is spent to remunerate the producers of moulds and to create a semblance of use-value for the objects that are mass-produced' (42). Repetition, which Attali describes as a 'stockpiling of time' (101), abolishes temporal presence, the singular temporality of production: 'Reproduction, in a certain sense, is the death of the original, the triumph of the copy, and the forgetting of the represented foundation: in mass production, the mould has almost no importance or value in itself' (89). A primary example of this process is the displacement of live performance by recording (that is, of 'representation' by 'repetition'), which has the effect that, in turn, 'public performance becomes a simulacrum of the record: an audience generally familiar with the artist's recordings attends to hear their live replication', and the musical criteria of the recording (accuracy, technical perfection, information without noise) are imposed on the performance (85).

Both Kubler's and Baudrillard's accounts of seriality are striking in their failure to undo the valorised hierarchy set up by this opposition. In Baudrillard's case this failure follows from his retention of the negative value given to the concept
of the series: 'The status of the modern object', he writes, is dominated by the opposition of the unique object to the mass-produced object — of the "model" to the "series" and this opposition is directly the product of an industrial mode of production. It is tempting to derive a hierarchy of value from this dichotomy, in order to ascribe 'reality' to one or the other: 'But the ubiquitousness of serial objects does not make them unreal, in relation to a world of models which represent true value, nor is the world of models imaginary simply because it arises from a tiny minority and seems, as a result, to escape from social reality'. Rather than forming an unmediated opposition, then, model and series are mutually dependent. The idea of the model now permeates all objects: 'The use of a serial object never exists without an implicit or explicit postulation of models', and 'in turn, models are no longer entrenched in a caste system but, through inserting themselves into industrial production, make themselves available for mass dissemination. They present themselves, also, as "functional"... and rightfully accessible to everybody. And everybody, through the most humble objects, participates rightfully in the model' (4).

This means that the contemporary system of objects operates through a system of apparent differentiations in which every serially produced object has the appearance of being unique: 'no object presents itself as a mass-produced object but rather as a model' (5), as a 'personalised' object — where the concept of 'personalisation' indicates the paradox of a large-scale, indeed industrialised singularity: a stylistic difference which is itself serial. Thus Baudrillard argues that 'it is not necessary to think of the series and the model as two terms in a systematic opposition: the model is a kind of "essential" quality which, divided and multiplied by the com
cept of mass-production, ends up in the series', and it is present in each unit of the series as the idea of absolute difference.

Unlike Brecht and Benjamin, who draw ambivalent or even, at times, optimistic conclusions from the fact of commodity production, and in particular its role in demolishing the quasi-religious cult value of aesthetic objects, Baudrillard's conclusions are uniformly melancholy. His account of the serial object moves into a denunciation of its planned obsolescence, of its loss of 'originality', and of the systemic control that negates difference and choice. Writing elsewhere of the 'structural homology between a systematised world and an art that is itself serial in its most profound exercise', he concludes: 'One must surrender to the evidence: art no longer contests anything, if it ever did. Revolt is isolated, the "male- diction" consumed'. 15 This conclusion is entirely predicated, however, on the negative value given to the concept of seriality, and its implicit opposition to a notion of a lost and henceforth impossible, almost unimaginable authenticity.

Kubler, by contrast, suggests - against the grain of his own argument - why the series is never a succession of self-identical units, never what Benjamin calls the *Immerwiedergleiche*, the eternal recurrence of sameness. The stability of the replica, he says, 'is imperfect. Every man-made replica varies from its model by minute, unplanned diver- gences, of which the accumulated effects are like a slow drift away from the archetype' (70). This is close to Deleuze's argument that repetition is always variant, always generative of non-identity, if only because temporal change is built into all repetition; the copy is never a simple reproduction of a Platonic original.
3. SINGULARISATION

This brings me to the first of my arguments concerning the commodity form. Seriality and singularity are not opposed terms; the industrial production of commodities precludes neither their conversion into scarcity value nor their conversion into pure use values.

Susan Stewart tells the following story of one such conversion:

There is a story of a wealthy English collector who long believed that a certain rare book in his possession was unique. One day he received a bitter blow. He learned that there was another copy in Paris. But he soon rallied, and, crossing over the Channel, he made his way to the rival's home. 'You have such and such a book in your library?' he asked, plunging at once in medias res. 'Yes', 'Well, I want to buy it'. 'But my dear sir - ' 'I will give you a thousand francs for it'. 'But it isn't for sale; I - ' 'Two thousand!' 'On my word, I don't care to dispose of it'. 'Ten thousand!' and so on, till at last twenty-five thousand francs was offered; and the Parisian gentleman finally consented to part with this treasure. The Englishman counted out twenty-five thousand-franc bills, examined the purchase carefully, smiled with satisfaction, and cast the book into the fire. 'Are you crazy?' cried the Parisian, stooping over to rescue it. 'Nay', said the Englishman, detaining his arm. 'I am quite right in my mind. I, too, possess a copy of that book. I deemed it a unique'.

I read this story as a metaphor of the construction of the scarcity of all objects that have passed, in one way or another, out of the commodity state. Such acts of singularisation transform serial commodities - and the book is perhaps the earliest
and in many ways still the paramount example of seriality — into something that is perhaps best described as a simulacrum of the handmade and singular craft object that belongs to a quite different mode of production.

I take the concept of singularisation from the broadly anthropological account of material culture developed by Arjun Appadurai and Igor Kopytoff in *The Social Life of Things*, where the commodity is defined in terms of a situation in which ‘its exchangeability (past, present, or future) for some other thing is its socially relevant feature’.\(^{13}\) Objects can therefore move, under the appropriate circumstances, in and out of the commodity state (that is, between use value and exchange value).

Appadurai speaks of a ‘perennial and universal tug-of-war between the tendency of all economies to expand the jurisdiction of commoditisation and of all cultures to restrict it’.\(^ {16}\) and the question this raises is of the extent to which the logic of the ‘cultural’ is able to restrict the logic of the economic, as well as of the possibilities of movement out of the commodity state. To what extent can cognitive, ethical, affective, and aesthetic processes resist commodification (the commodification of knowledge in industry; of ethical decision in professional or commercial relations; of affect in service work;\(^ {17}\) of the aesthetic in commercially available works of art)? And what sort of value judgement should be made of these processes?

In advanced capitalist societies it has now become difficult to separate the commodification of material from that of immaterial goods, including such ‘services’ as knowledges and feelings. Certainly there are still firmly defined non-commodity spheres in our society (marriage, social exchanges, exchanges of personal or professional favours are all non-mon-
etized, although this exemption is in many ways an ideology: the status of women in marriage, for example, is hardly to be thought outside of a model of property); and there is certainly a culturally specific moral concern in the West about the commoditisation of human attributes such as labour, intellect, or creativity, or, more recently, human organs, female reproductive capacity, and ova. At the same time, however, there are a number of areas of increasing uncertainty, including that of the aesthetic, especially in its growing integration into advertising and marketing. Professional sport, to take a different example, has become highly commercialised in the last twenty years and has not yet resolved many of the ethical dilemmas posed by the saleability of skills in the context of an overriding importance placed on successful performance. It is perhaps this ambivalence, or this sense of a tension between countervailing forces, that now most precisely characterises the status, midway between the private and the publicly saleable, of that set of attributes of 'the person' and the personal which have defined in our society the protected domain of the human.

In this respect Igor Kopytoff has pointed to cultural strategies of singularisation (for example of sacred objects) or re-singularisation as one of the key mechanisms for movement out of the commodity state. One of the distinctive features of complex societies, he writes,

is that their publicly recognised commoditisation operates side by side with innumerable schemes of valuation and singularisation devised by individuals, social categories, and groups, and these schemes stand in unresolvable conflict with public commoditisation as well as with one another . . . There is clearly a yearning for singularisation in complex
societies. Much of it is satisfied individually, by private singularisation, often on principles as mundane as the one that governs the fate of heirlooms and old slippers alike — the longevity of the relation assimilates them in some sense to the person and makes parting from them unthinkable.  

It is on this principle that the valorisation of old objects such as cars or houses functions as a singularisation that moves its objects out of their commodity status. The odd result of such moves, however, is that the process of singularisation may result in an increase in the object’s exchange value. It is the singularity of the signature that guarantees aesthetic value and, by direct extension, monetary value. By analogy, the gentrification of degraded housing stock can be understood through an ideology of personal, as opposed to financial, investment, and conceived as a positive aesthetic or historical project; but it tends to result in the paradox that this personal investment (‘sweat capital’) may well turn out to have constituted a shrewd financial speculation, thereby undermining precisely the singularity that justified the project in the first place.  

Appadurai gives a number of other examples of the diversion of objects back into the trajectory of the commodity. These include economic hardship (leading to the commodification of household possessions); war and plunder (which function as the inverse of trade); and theft. A somewhat different example is that of tourist art, in which objects produced for aesthetic, ceremonial, or sumptuary use in small, face-to-face communities are transformed culturally, economically, and socially by the tastes, markets, and ideologies of larger economies. But perhaps the most interesting exam-
amples from contemporary culture of the diversion of commodities from their original nexus can be found:

in the domain of fashion, domestic display, and collecting in the modern West. In the high-tech look inspired by the Bauhaus, the functionality of factories, warehouses, and workplaces is diverted to household aesthetics. The uniforms of various occupations are turned into the vocabulary of costume. In the logic of found art, the everyday commodity is framed and aestheticised. . . . It is the aesthetics of decontextualisation (itself driven by the quest for novelty) that is at the heart of the display, in highbrow Western homes, of the tools and artefacts of the 'other': the Turkmen saddlebag, Masai spear, Dinka basket. In these objects, we see not only the equation of the authentic with the exotic everyday object, but also the aesthetics of diversion. Such diversion is not only an instrument of decommoditisation of the object, but also of the (potential) intensification of commoditisation by the enhancement of value attendant upon its diversion.25

One of the strongest manifestations of this twist is the paradox that the concept of the unique and self-determining person – precisely what seems most to resist the commodity form – lies at the basis of the values of 'singularity' and 'originality' that have come to be central to the market in industrially produced aesthetic goods, and underpins the commodification of knowledge in many areas of intellectual property law.24

4. GIFT AND PERSON

This brings me to my second argument about the commodity form. The post-Romantic opposition of the organic, free, di-
interested, self-fulfilling work of art to the mechanical, inorganic and interested product of mass – or industrial – culture can be and often is recast in terms of an opposition of an aesthetic of the gift to an aesthetic of the commodity – where the concept of 'gift' is equated with the authenticity and generosity that are thought to constitute the central core of the person. Here too this opposition quickly breaks down as its two poles come to implicate each other.

One of the most lucid expositions of the aesthetics of the gift, Lewis Hyde's *The Gift: Imagination and the Erotic Life of Property*, links together the 'erotic commerce' of gift-giving with the 'inner gift' that is the source of all aesthetic activity. The 'outer gift', the carrier of social bonds, may or may not correspond to this inner gift: gifts and commodities may come to resemble each other, and any gift may be contaminated by the social interest in giving. In its pure form, however, the movement of the gift, its consumption as 'it moves from one hand to another with no assurance of anything in return' (9), is free of all calculation. Hyde is thus not concerned with gifts given in spite or fear, nor those gifts we accept out of servility or obligation; his concern 'is the gift we long for, the gift that, when it comes, speaks commandingly to the soul and irresistibly moves us' (xvii), and it is of course precisely that absence of 'assurance of anything in return' that endows the gift with this authority.

The exemplary form of the gift for Hyde is the artwork, and his primary argument is 'that a work of art is a gift, not a commodity. Or, to state the modern case with more precision, that works of art exist simultaneously in two "economies", a market economy and a gift economy. Only one of these is essential, however; a work of art can survive without the
market, but where there is no gift there is no art' (xi). This gift economy in turn derives not from a mode of social organisation but from the particular attributes of persons: what Hyde calls 'giftedness', the inner gift of the creative spirit, and so from 'the invisible commerce through which the gifted come to profess their gifts, and we to receive them' (xv).

For Hyde it is the generosity of the gift relation as it is expressed in the work of art that counters and transcends the visible commerce of commodity exchange. Perhaps the most powerful attempt to found an anti-utilitarian aesthetic on gift relations, however, is Bataille's more sombre anti-humanist aesthetic of destruction, of the waste that the pure gift embodies. Bataille's account has its roots in Mauss's account of the gift, and especially in the figure of the potlatch: a model of competitive and even antagonistic gift-giving, where the gift, or the pure destruction of goods, represents an attempt to humiliate receivers by making it impossible for them to respond to the generosity of which they are the object.

In Bataille's thought the potlatch is at once the essence of the gift and the opposite of the principle of reciprocity (understood as equilibrium or equivalence); it is the very form of the unreturnable gift, and as such institutes the possibility of transgression of any material or symbolic economy. Instead of reciprocity there is waste, loss, whatever breaks the closure of a system of balanced exchanges. The non-productive expenditure (dépense) of potlatch is the figure of an anti-economic and anti-utilitarian excess, a negation that cannot be recuperated through the dialectics of negativity since it is 'a sacrifice without return and without reserves'.

The concept of dépense brings together a series of different
activities which lie outside the utilitarian calculus, and which include ‘luxury, mourning, war, cults, the construction of sumptuary monuments, games, spectacles, arts, perverse sexuality (i.e., deflected from genital finality) . . . .47 All of these constitute a loss or ‘waste’ (gaspillage) against which there is no balance of credit; they involve the expulsion of waste matter, la part maudite – shit, the social surplus, the sacrificial victim, what Lacan will call the objet petit a. bodily waste or wealth doomed to uselessness. These are gifts in the strong sense that Bataille gives to the concept of potlatch. Distinguishing (as Mauss seems to) between donative and destructive forms of potlatch, he posits the logical (and perhaps temporal) priority of the latter. In this pure form the gift is absolute loss, consumption without profit, a sacrifice of the part maudite which substitutes for the sacrificial gift of the donor’s own life.

Let me note two general points about the destructive potlatch as Bataille conceives it. The first is that as sacrifice it restores the primordially intimate link between the thing and its owner, a link destroyed by the instrumental rationality of the world of work. The second is that the activities of dépense, which ‘have no end beyond themselves’ (‘Notion’, 118), are in that Kantian sense aesthetic activities.

The ascription to them of gratuitousness encounters severe theoretical difficulties, however, within the framework of Mauss’s description of potlatch. The paradox Bataille must confront is that, although giving is, in a certain sense, losing, yet ‘the loss seems to profit the one who suffers it’28 – both in the immediate sense that the gift is returned with interest, and in the indirect sense that the giver acquires power from the act of giving. Bataille’s solution to this problem is to distin-
guish between economic gain and the achievement of social prestige (rang), in such a way that only pursuit of the former is said to be calculating, whereas the latter involves 'an unconsidered expenditure of vital resources' ('La Part maudite', 74). But this distinction is a sleight of hand; prestige is as much a social interest as is wealth. Mauss's recognition of the coercive and calculative dimension of all gift is surely more rigorous in its theorisation of the gift's constitutive ambivalence.

One further theoretical contradiction fundamentally organises Bataille's writing. The concept of dépense, non-productive expenditure, belongs to a metaphysics of energy flow. At an explicit level it works as the force that disrupts the system of generalised reciprocity that, in one reading of Mauss and certainly in his structuralist succession, models the systemic equilibrium of exchange. Potliatch, writes Bataille, 'is the opposite of a principle of conservation', since it makes the possession of wealth inherently unstable and always subject to the 'need for limitless loss, which exists endemically in a social group' ('Notion', 123-4). At the same time, it is clear that the system of production and instrumentality which Bataille opposes is a dynamic model of the increase of energy within a closed system – and that dépense is the release of energy that allows the system to continue functioning. Thus he speaks of blockages of energy in the global system leading to 'congestion' and either a festerling or an 'explosion' ('La Part maudite', 31-2); of the build-up of 'pressure' before unused energy is released (37); or, in a reference to blood-letting, of the need to relieve the 'fever' caused by trade imbalances (164). This is that metaphor of the flow of energy (or its blockage or repression) through thermodynamic systems, together with the accompanying hydraulic metaphors of rese-
voirs and damming, which Michel Serres has identified as a major component of nineteenth-century thought; it remains in Bataille a metaphoric of the maintenance, rather than the disruption, of equilibrium.

In anthropological theory, to which both Hyde and Bataille are indebted, the economy of the gift is directly linked to the maintenance of social ties of obligation; gifts function as extensions of persons and carry with them something of the virtù of the person. But the commodity form too is linked in a particular way with the category of the person. As Chris Gregory argues, a gift economy depends upon the creation of debt, where what is at stake is not the things themselves or the possibility of material profit but the personal relationships that are formed and perpetuated by ongoing indebtedness. Things in the gift economy are the vehicles, the effective mediators and generators, of social bonds. Putting this in terms derived from Marx’s theory of commodity fetishism, Gregory writes that things and people assume the social form of objects in a commodity economy while they assume the social form of persons in a gift economy.

The argument is of course already explicitly developed in Mauss, for whom gift exchange ‘is first and foremost a pattern of spiritual bonds between things which are to some extent parts of persons, and persons and groups that behave in some measure as if they were things’ (11): ‘everything is tied together; things have personality, and personalities are in some manner the permanent possession of the clan’ (44). In giving objects to another ‘a man gives’, in addition, ‘himself, and he does so because he owes himself – himself and his possessions – to others’ (45). ‘Things which are . . . parts of persons’ what seems most dramatically to differentiate societies pre-
dominantly structured by a gift economy and societies predomi-

nantly structured by a market economy is the category of prop-

erty and the forms of personification or objectification it

tails. Within commodity-oriented social formations, as

Marilyn Strathern argues, both the category of the person and

the relation between persons and things are understood

through the metaphor of the commodity. What she calls

‘Western proprietism’ finds expression in one of two com-

plementary propositions: either the person is a unitary self with

the power freely to alienate its possessions or to acquire pos-

sessions which become a separable component of its identity;

or the person is conceived as identical with its activities and

loses its unitary identity when the products of these activities

are alienated from the person. In both cases the person is self-

possessed and self-contained, separate from the world of social

others; things have a singular value in relation to the person,

and it is the external social world that gives things the plurali-

ty and diversity of their value. This assumption, however,

‘runs counter to the supposition of the gift economy that per-

sons are intrinsically plural and diverse in origin and in their

acts’. The corollary of this argument is then that it becomes

problematic to argue against the commodity form by appeal
to an apparently given and universal category of the person.

In one of the most thoughtful recent discussions of the

limits of commodification, Margaret Radin proposes the con-

cept of market-inalienability as a way of exploring the scope

of that domain of rights or things that, like Annette Weiner’s

concept of ‘inalienable possessions’, can be given away but not

alienated by sale in the market. This domain includes per-

sonal attributes and the integrity of the body, sacred objects, and

kinship relations; and the sorts of things that test its limits.
are, for example, the possibilities of creating a market in babies or in fetal gestational services, the sale of blood, of human organs, or of sexual services, or the payment of 'amateur' athletes.53

Radin's point of reference is the tradition of Western liberalism, with its simultaneous (and potentially contradictory) belief that the right to hold property is inalienably given, but that any particular property rights ought in principle to be able to be freely disposed of in the market. It is this potential contradiction that underlies neoliberal economic analysis, which implicitly challenges the distinction between inalienable and alienable rights and has thereby 'invited markets to fill the social universe' (1851). Economic analysis is a vision of universal commodification: all human interactions are understood as sales and are subject to a cost-benefit analysis, and market trading represents an ideal of human freedom. Laissez-faire markets are presumptively efficient because 'under universal commodification, voluntary transfers are presumed to maximise gains from trade, and all human interactions are characterisable as trades. Laissez-faire also presumptively expresses freedom, because freedom is defined as free choices of the person seen as trader' (1861). Radin cites as an example of the workings of this model Richard Posner's application of a market rhetoric to the analysis of rape, where he writes that 'The prohibition against rape is to the marriage and sex "market" as the prohibition against theft is to explicit markets in goods and services'.55

Against this tradition Radin sets the vision of universal noncommodification that has largely been the province of Marxism and concludes that there is little scope for a concept of market-inalienability in Marxist thought, since the concept
'posits a nonmarket realm that appropriately coexists with a market realm, and this implicitly grants some legitimacy to market transactions' (1875). More broadly, she argues that for both evolutionary and revolutionary (socialist and Marxist) versions of universal noncommodification the problem of transition from a market to a non-market society poses severe difficulties: a gradualist approach will need to make use of market structures which may undermine the eventual goal, and an approach that stakes everything on the moment of revolution can guarantee neither an instantaneous transition to non-market relations, nor that a principled decommodification during the transition process will not wreak injustice.

What Radin wants to take from the argument for universal noncommodification is not a practical politics but an understanding of the effectivity of market rhetoric as a force in its own right. Distinguishing between 'fungible' forms of property (property that is readily exchangeable for money) and 'personal' forms (property that has become identified with the core of a person's identity),36 she suggests that market rhetoric treats bodily integrity (for example) as a fungible object, replaceable with money and able to be alienated without affecting the person. But 'thinking of rape in market rhetoric implicitly conceives of as fungible something that we know to be personal, in fact conceives of as fungible property something we know to be too personal even to be personal property. Bodily integrity is an attribute and not an object, and to treat it as such is inherently degrading (1880-1). In making it easier both to envisage and to countenance the loss of personal attributes, the rhetoric of the market represents an 'inferior conception of human flourishing' (1884). In Posner's
cost-benefit analysis of rape, which weighs the 'benefits' to the rapist against the 'costs' to the person raped, for example, the "pleasure" and "satisfaction" of maintaining one's bodily integrity is commensurate with the "pleasure" and "satisfaction" of someone who invades it. Thus, there could be circumstances in which the satisfactions or "value" to rapists would outweigh the costs or "disvalue" to victims. In those situations rape would not be morally wrong and might instead be morally commendable. The idea of the fungibility of personal attributes is incompatible with the idea of human uniqueness, and in its extreme form can comprehend human freedom only in terms of the activity of 'buying and selling commodified objects in order to maximise monetizable wealth' (1885).

Much of Radin's article is made up of a detailed and rigorous analysis of the philosophical infrastructure of liberal pluralism, which with its negative conception of liberty (liberty as the freedom of individuals to act as they choose as long as no others are harmed) and its constitutive notion of property (social personhood flows from a primordial self-possession, a property right in one's self) assumes both that buying and selling constitute acts of freedom or enhance freedom, and that inalienabilities (restrictions on the market) are paternalistic limitations on freedom. Within this schema there is no secure place for the fundamental inalienability that applies to the freedom of the person itself. Hence the difficulty that John Stuart Mill finds in arguing against the freedom to sell oneself into slavery.

What Radin gets at nicely, in other words, is the economic core of the liberal conception of the person, as well as its complicity with some of the uglier aspects of neoliberal eco-
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nomics. She is able to counterpose to it, however, at most the assertion of a countervailing conception of ‘human flourishing’. This conception, which she bases in a ‘positive’ notion of human liberty that includes human self-development as a central component, requires us to decide ‘what market-inalienabilities are justified by the need to protect and foster personhood’, and to work out ‘why these inalienabilities seem to us to be freedom enhancing’ (1902). At its heart is an argument that both personal attributes and the contexts within which development is realised (politics, work, religion, family, love and sexuality, moral commitment, and so on) are integral to selfhood and should therefore not be treated as full commodities. To conceive either of attributes or the ‘things’ that are extensions of our personhood as detachable parts of our self is to assume

that persons cannot freely give of themselves to others. At best they can bestow commodities. At worst – in universal commodification – the gift is conceived of as a bargain. Conceiving of gifts as bargains not only conceives of what is personal as fungible, it also endorses the picture of persons as profit-maximizers. A better view of personhood should conceive of gifts not as disguised sales, but rather as expressions of the interrelationships between the self and others. To relinquish something to someone else by gift is to give of yourself. Such a gift takes place within a personal relationship with the recipient, or else it creates one. Commodification stresses separateness both between ourselves and our things and between ourselves and other people . . . [G]ifts diminish separateness. (1907-8)

The major weakness of Radin’s argument, however, is that in asserting the category of personhood against liberalism she
is insufficiently attentive to the central role that personhood already plays there as a category of property. 'The person' is neither a real core of selfhood nor a transcendental principle that inherently resists being alienated in the market, because it is always the product of the social relations formed by the distinction between alienable and inalienable possessions. Nor is it simply on the side of the latter: what Strathern calls 'Western proprietism' is based on self-possession, a primordial property right in the self which then grounds all other property rights. 'The person' is at once the opposite of the commodity form and its condition of existence, and in some cases enters directly into its philosophical rationale.

5. THE SIGNATURE

This is the gist of my third argument about the commodity form: that the form of the person is the juridical basis of all property rights in information, including aesthetic information. I take up here the problematic of the signature, which in the history of European thought has been intimately linked to that of the contract. 37

The social form expressed by the contract is that of a pact between strangers, and its sealing functions as a ritual appeasement of hostility. If the Western juridical subject is defined as the one who has (always already) the right to sign their name in this way, this subject is at the same time constituted in the act of signature, the writing of the proper name.

In non-reciprocal forms of signature (like the signing of a cheque) the contractual mutuality is reduced to a unilateral action (which is nevertheless still latently two-sided). Here the signature functions as a guarantee, a declaration that I pledge myself to honour the document I have signed. It functions,
that is to say, as a metonym for my person: the signature of the mark, uniquely mine like my fingerprints or my face, commit me in my entirety to legal liability, the extreme form of which would be the pledge of my life or my freedom in the vicarious form of this mark on paper.

Within the institutions of painting and the book, the signature is a guarantee of authenticity and its converse, the repudiation of forgery. In its most fully developed form in Abstract Expressionism (and perhaps also in performance art where the body itself is on the line) the whole painting (which may be ‘unsigned’) functions as a signature in so far as the brushstrokes or the drip marks are to be taken as fully expressive indices of the artist’s personality; or the performance may write in pain the authenticity of the experience.

The signature as written trace of the artist’s name appears as recently as the late Middle Ages, although the form ‘x pinni’ or ‘x pingebat’ did occasionally occur earlier. Since that time it has fulfilled a variety of functions involving diverse forms of compositional specificity. Some of these have been codified by Claude Gandelman: he talks of iconic signatures like the small winged dragon, the Drachen, that stands for Lucas Cranach in his Allegory of Salvation, and of various forms of rebus, like Holbein’s picture of a hohi Bein, a hollow bone (an anamorphic skull) in The Ambassadors or Klee’s play with the French clef in the late painting Zerbrochene Schlüssel. He talks of various ways in which the signature can be a compositionally functional element, bearing colour or line; and he discusses internal mimicry of the painting by the signature, or of the signature by the painting.

What I want in particular to take from his work, however, is the notion of the signature as a shifter, a débrayeur setting...
up a tension between the planes of representation and the represented. I adapt this argument here to stress the disjunction that the signature introduces between the planes of drawing and writing, of image and verbal text. This disjunction is the index of an act of framing by which the signature leads out of the painting into a context which is at once intertextual (that is, aesthetic) and institutional: a context of names and values which I designate, in shorthand, the art system.

Much of twentieth-century art has been taken up with the struggle to displace or contest the power of this system: to contest the logic of an aesthetic based on the signature. Its exemplary moments, like Duchamp’s signing of a defaced Mona Lisa or his attaching of a false signature (‘R. Mutt, 1917’) to the Objet Trouvé, the famous pissoir, but also the moments of automatic writing, of Pop, or of performance art involve a radical renunciation of originality. When Sherrie Levine photographs and exhibits as her own work well-known photographs by Walker Evans or Edward Weston she is at once reframing them so that they take on quite different meanings (like Pierre Ménard’s rewriting in the twentieth century of Don Quixote, not as an imitation but as a new work) and thereby challenging the notion that the creative originality of the artist will result in a unique and un reproduceable work. This appropriation is a kind of signature.

But is this signature a forgery, or not? Were she literally to sign these photographs, the mark she made would be, presumably, her ‘real’ signature inscribing her ‘real’ name, and it would correspond to a real claim of attribution based in real labour exercised in the production of the image: she has indeed taken and developed this photograph. It is, however, a re-photographing of an existing photograph or painting:
copyright law might well see it as a simple repetition without any addition of personality or work that would deposit the trace of an original self. But were she to sign the photograph there would in fact be such a trace, the signature itself (and this signature need not be physically inscribed); the signature, this supplement, this mere gesture of certification, would make the creative difference.

What then is being parodied or challenged here? The act of attribution exercised by way of the signature? But such an act of attribution continues to operate here, both as parody and as a real defence against prosecution for breach of copyright, since this act of parody is perfectly defensible in law as an original creative act. Alternatively, we could say that what is being parodied in the case of the photographs is the very act of signing a photograph (or, less literally, of claiming it as a work of art). Photographs are normally unsigned (or they are signed on the reverse of the image), because, as well as designating a naming right, the signature designates the contention that the work has been executed with the artist’s own hands; the signature is a writing of a word, a manuscript, whereas a photograph is mechanically executed. Levine’s act of appropriation thus invokes and provokes a whole history of rivalry between the photograph and the painting, and a whole history in which the photograph has had to prove its entitlement to creative recognition; but again we must add that Levine’s act is as much complicit in maintaining the dichotomy between the handcrafted work of art and the mechanical and infinitely reproducible photograph as it is effective in undermining it.

In all of these cases, and whether or not the act of signature is literal or implicit, we must recognise that we continue
to have to do with signed forms, which posit an intentionality, a willed aesthetic integrity that guarantees even the authenticity of the inauthentic; the myth of singularity retains its power even in its renunciation.

6. AUTHORSHIP

Both the countermovement against the aesthetics of the signature and its historical failure are bound up with the fact that the signature has become intrinsic both to aesthetic and to market value. As a metonym for the self-possessed, self-possessing person, it is the foundation for all intellectual property rights. Peter Jaszi speaks of two overlapping modes of legally controlling the proliferation of meaning. One of them, copyright, is commercial, giving the author the right to control copying of the work for a limited period of time. The other, that of moral rights, is noncommercial, protecting the author’s control of the circumstances of release of her work to the public, the right to withdraw the work from circulation, the right to claim attribution (‘paternity right’), and the right to object to distortion or mutilation of the work (‘integrity right’). The doctrine of moral rights is based in ‘the idea that the work of art is an extension of the artist’s personality, an expression of his innermost being. To mistreat the work of art is to mistreat the artist, to invade his area of privacy, to impair his personality’.

Authorship as origin is the most fundamental category of copyright law, in relation to which all other categories are secondary. It is the principle that founds both the work and the
copy in their respective acts: both the idea and its expression. But this principle in turn requires further analysis.

The concepts of work and author are in a tautological relation to each other. A work of authorship is anything which is the product of an author, whereas "author", in a constitutional sense, means "he to whom anything owes its origin; originator; maker". 42

This tautology is not purely uninformative, however, because it means that a work can always be traced back to an originary principle, and that it is this principle which defines the specificity of the work. Thus various judicial decisions have held that authorship implies that there has been put into a production something meritorious from the author's own mind; that the product embodies thought of the author, as well as the thought of others; and that it would not have found existence in the form presented, but for the distinctive individuality of mind from which it sprang. 43

Neither work nor copy can therefore be defined in terms of material or structural self-identity. Rather, they are defined in relation to an intentional act, an act of human will. Proof of copying is not given by the simple identity of two works, since in addition a copyright holder must establish that a deliberate act of copying has taken place, or at least establish its physical possibility and the likelihood of its occurrence. Conversely, if it can be demonstrated that an independent act of creation has taken place, then two identical works may each be entitled to copyright protection. Hence Judge Learned Hand's famous dictum:

Borrowed the work must indeed not be, for a plagiarist is not himself pro tanto an 'author'; but if by some magic a man who had never known it were to compose anew Keats's
Ode on a Grecian Urn, he would be an ‘author’, and, if he copyrighted it, others may not copy that poem, though they might of course copy Keats’s.\textsuperscript{41}

Authorship is thus a general principle of differentiation; but because this principle can only readily be grasped in terms of differentiations between works, the concept of originality has been defined in two slightly different ways. In the first, the ‘something irreducible’ that marks originality is located in the work itself; the law is interpreted as making a minimal demand for some more than ‘merely trivial’ variation to distinguish the work from other works.\textsuperscript{45} Because this is a minimal requirement, however, ‘copyrighted matter need not be strikingly unique or novel, and any distinguishable variation resulting from an author’s independent creative effort will suffice’.\textsuperscript{46} Thus slight changes in appearance from the products of competitors have been held sufficient to attract copyright protection to dolls or stuffed animals, or to a sketch based on Paddington Bear, or indeed to each object within the Kinder Surprise series. Moreover, the ‘distinguishable variation’ need not even be perceptible to an untrained observer.\textsuperscript{47}

The second way of defining originality is without reference to the status of the product. One commentator puts it this way: ‘Originality is not to be equated with the creation of something which had not hitherto existed; it is the word used to describe the causal relationship between an author and the material form in which a work is embodied’.\textsuperscript{48} This definition of originality as a causal relationship has the advantage of being able to explain certain apparent anomalies in copyright law, above all the importance given to the moment and the process of fixation – of material realisation – rather than the moment and process of creation. (Thus, for example, ‘the
"author" of a photograph is the owner of the film upon which it is taken; and if a musician composes an impromptu tune which another records, it is the person upon whose tape the recording is made who becomes first owner of copyright in the sound recording.61 It helps explain, too, the distinction made in relation to the separate copyright category of the 'work of art', which requires both originality and 'some creative authorship in its delineation or form', where, as Nimmer puts it, 'creativity refers to the nature of the work itself, originality refers to the nature of the author's contribution to the work'.62

This conception of originality is at once broader, in that it refers to persons other than the 'creator' of the work, and narrower, in that it excludes the nature of the work itself from consideration except in so far as this is the effect of its origin. Again, however, the concept can be understood in two rather different ways, reflecting a fundamental ambiguity in the social function of copyright law. These are, briefly, in terms of an investment of capital, or of an investment of labour.

On the one hand, ever since its origins in the 1709 English Act, which protected the commercial exploitation of printed books, copyright law has vested the right of reproduction in copyright owners rather than directly in authors. The great case here is Donaldson v. Becket (1774), which effected the transition in English law from a system based on the bookseller's perpetual monopoly privilege to a system of limited monopoly based on the figure of the professional author.63 The distinguishing feature of the author as Donaldson constructs it 'is that he is a proprietor, the originator and first owner of a special kind of commodity, the "work". And the principal institutional embodiment of the author-work
relation is copyright, which not only makes possible the profitable publishing of books, but also, by endowing it with legal reality, produces and affirms the very identity of the author as author. Two rather different kinds of result flow from the decision. The first is a strengthening of the public domain at the expense of the closed medieval forms of guild privilege: with this case, 'the works of Shakespeare, Bacon, Milton, Bunyan, and others, all the perennials of the book trade that the booksellers had been accustomed to treat as if they were private landed estates, were suddenly declared open commons. The second is that the category of authorship becomes the foundation for limited but effective property rights in the modern information and culture industries, few of the products of which are recognisably 'literary' or 'creative' in the sense intended by eighteenth-century jurists.

With the industrialisation of the production of information the non-coincidence between writers and copyright owners has become commercially crucial. Cornish notes that the British Copyright Act of 1911 gave the producers of sound recordings their own exclusive right to prevent reproductions of their recordings (and, as the courts later held, also to prevent public performances of them). The right was indiscriminately labelled copyright, even though it was conferred, not upon the executant artist whose performance was recorded but upon the business which organised the recording.

And Jaszi cites US 'work-for-hire doctrine', where copyright is considered to be vested in the person who employs somebody else to produce a creative work for them: for example, in the movie producer who hires a director or a screen
writer. (Brecht has written extensively on the subordination of the ‘author’ and the author’s property rights to the economic requirements of the film industry, in such a way that the representative of capital, the producer, effectively takes over the author function for legal purposes.)

This is not just a cynical recognition of the predominance of capital over creativity, but rather follows directly from an application of the Romantic notion of the authorial subject. ‘In effect’, Jaszi writes, ‘the visionary component of Romantic “authorship” was disaggregated from the associated component of intellectual and physical labour. The employer was cast as the visionary, and the employee as a mere mechanic following orders’. The effect of this division, however, is to reinforce the function of copyright as a screen for the rights of capital.

On the other hand, copyright doctrine has often taken the approach of directly protecting an investment of labour rather than the work which is the ostensibly protected object. This has been the case, for example, with works such as computer databases and compilations where there is no ‘organisation of ideas’ to protect. Thus the Court in National Business Lists v Dun and Bradstreet, Inc. (1982) decided that

compilations such as Dun and Bradstreet’s have value because the compiler has collected data which otherwise would not be available. The compiler’s contribution to knowledge normally is the collection of the information, not its arrangement. If his protection is limited solely to the form of expression, the economic incentives underlying the copyright law are largely swept away.

Similarly, in the case of cartography the possibility of pro-
tection of virtually identical maps is seen to reside in the labour of production which has gone into them. There is indeed debate about whether consulting and conflating a number of previous maps constitutes an appropriate kind and degree of work, or whether a cartographer must actually undertake research in the field; but in either case the category of originality is reduced to labour. As Whitcher writes: 'When the creative process is re-examined by the wisdom of judicial hindsight, it is, like a conjurer's trick that has been explained to the children, almost always a disappointment. There is, we discover, no magic in it after all. It's only work' 58.

These approaches represent two routes out of the Lockean codification of property rights. In the one, the stress falls on the absolute status of the person; in the other, it falls on the secondary rights to the fruits of one's labour that derive from the first right. Understood either as an investment of capital or as an investment of labour, however, copyright is rooted in the fundamental category of the human person, and the function of this category is to establish a set of property rights in intellectual work. As Lury summarizes the movement of intellectual property law: 'It was in terms derived from the functioning of the author in aesthetic discourse that individual works and movements entered the market as "property"; in short, it was through the author-function that cultural value became a thing, a product and a possession caught in a circuit of property values' 59.

It is this problematic of authorisation that determines the crucial role of the signature in the art market as emblem and medium of authentication, the guarantee of a value that isn't simply aesthetic, and that entails unthinkable financial consequences when the signature of a 'Master' is called into ques-
tion. The workings of the signature can be seen in a particularly clear form in the case of limited-edition prints, which fuse a signature-effect with a restricted serial production to produce a work that is neither quite authentic nor quite inauthentic. The same restricted seriality operates in the case of the limitation of Rodin castings to twelve casts of any plaster in order to maintain the authenticity of this limited set (the alternative would have been an unlimited set, a Rodin in every home). Rosalind Krauss speaks of this as the deliberate construction (in this case by an act of parliament) of a 'culture of originals'.

Celia Lury and Jane Gaines have both suggested that the author function in popular culture (and to some extent in high culture) is now being established through a process which is closer to the trade mark than to copyright: the process of branding, the creation of the author’s or artist’s name as the object of a form of brand recognition. Claude Gandelman indeed argues that this process is a function of the art system itself. His argument follows from the difference between the indexical form of the signature (that is, its designation of the presence of the artist: not just ‘I did this’ but ‘I was here’) and the taxonomic function of the proper name: far from being a pure singularity, as much semiotic theory has argued,

the ‘Name’, when one abstracts it from the signature which indicates it and ‘contains’ it, loses its ‘index’ character and becomes a ‘trade mark’. Indeed, like the trade mark, the name is of a symbolic order. Thus the name ‘Degas’ abstracted from its index the signature is something like ‘Ford’ or ‘Cadillac’. It does not mean that the artist, Mr Degas, was there any more than the name Ford means that Mr Ford has
taken part in the fabricating of the car which bears his name. What the signature-free name Degas means is that what we have here is a Degas in a symbolic system opposing Degas to Monet or Bouguereau (just as a Ford is meaningful within a context or system which opposes Ford to Dodge or Cadillac).52

In recent years, this system has been extended to include the exploitation of a set of secondary products (emblems) that accompany the brand name (a Manet or a Matisse T-shirt, a Dali or a Tanguy poster, a Whiteley greeting card, a Renoir mug). More generally, the signature (of designer or sponsor: the difference is immaterial) is now an established part of the fashion industry and of many areas of industrial design — of motor cars, of perfumes and cosmetics, of sporting equipment, even of food (Paul Newman’s spaghetti sauce).

And in the movie industry the star function can be seen as a transformation of the older system of the author function, such that “the imprint of the star acts as a means of linking the signs of creative labour with the exhibition value of the work produced.”61 Authorship, celebrity and stardom are now central instruments for the organisation of the marketing of cultural goods.

All art is now fully commodified (at least as a system), and certainly high culture is fully absorbed within commodity production. The relation to the market can therefore not be used as a general principle of differentiation between high-cultural and low-cultural products, nor is it any longer possible to employ the traditional value-laden opposition between the disinterested, organic, original, self-governing work of art and the interested, mechanical, formulaic, and commercial mass-cultural text. Works of high culture are now produced in
exactly the same serial forms as those of low culture: the paperback book, the photographically reproduced image, the record or disk, film, radio, and television (where there now exist specifically high-cultural channels). Within the overall cultural market high culture forms a ‘niche’ market – but this is also true of many, increasingly differentiated, low-cultural products.

7. THE COMMODITY FORM

Benjamin’s prediction that commodity production and mechanical reproducibility would spell the end of the religious or expressive aura surrounding the traditional work of art has turned out to be almost the opposite of the historical outcome. Commodity production has reinforced and exploited aesthetic aura, and the copy has worked to guarantee the authenticity of originals. But it is surely unwise to attempt to generalise a historical truth of the commodity form. Let me tell a well-known (and perhaps in part mythical) story about it.

In the early 1970s a ‘new’ mode of painting emerged among the Aboriginal people of the Australian Western Desert. It was the product of a curious syncretism: a young white schoolteacher, Geoff Bardon, introduced acrylic paints to the Papunya community, and the medium was then adopted by the older men, first for the completion of a school mural in the traditional rock-painting style, then for use on plywood and linoleum, and finally, as a market began to develop for this work, for painting on stretched canvas. But this style, the acrylic dot-painting known as Papunya Tula – which later in the 1970s was taken up and modified by other Western Desert communities, especially at Yuendumu – is
syncretistic as well in its fusion of a series of cultural functions that we would probably call 'religious' and a series of aesthetic functions which organise its value within the Western art market and endow it with author functions and values of 'authenticity' that are largely irrelevant to its initial context. In a sense the market success of this style is based on an immensely productive mistake: despite its recontextualisation within the Western art system, the concerns of its producers are with a communal enterprise that has to do with the 'territorial' mapping of the sacred, with the authorisation and coding of the knowledges conveyed by such mapping, with iconology rather than formal pattern (or rather this opposition becomes unworkable) and with the elaboration of a form of access for outsiders which at once reveals the knowledge of the Dreaming and conceals its secrets.

At another level, however, there is no mistake: the art of the Western Desert is a major source of income for these desperately poor communities, it was called into being by the formation of markets for it (and by the marketing activities of white advisers, community art cooperatives and specialist dealers in Alice Springs and Sydney), and it is sustained by its commodity status: as Anderson and Dussart argue, 'If non-Aborigines stopped buying the paintings, the Aborigines would stop producing them'. Although this is not tourist art, there are similar stories to be told about the formation of both markets and skills for indigenous art (as well as the application of the category of 'art' itself) throughout the world.

Of course it is possible to express reservations about this process. Anderson and Dussart argue that acrylic painting 'to some extent converts religious art into a commodity, thereby
alienating the art from religious practice; the result is that 'Aboriginal painters are now confronted with the alien notion of a form of personal expression that overrides ancestral heritage and obligations and that there is thus 'an increasing identification of and association with paintings not just as depictions of Dreamings, but also as individual creations and professional achievements'.68 But this language of alienation belongs to precisely the same metaphysics of the person as does the concept of 'individual creation' which they are here rejecting; and there is little evidence that Aboriginal people have found the tension between religious practice and the art market unmanageable. To the contrary, they seem to have managed it with remarkable grace and irony.

The conclusion I draw from this fable is that the commodity form has the potential to be enabling and productive as well as to be limiting and destructive. Historically it has almost always been both of these things at the same time, and the balance of gain and loss has rarely been easy to draw. Why is this so?

The commodity form does three things. First, it channels resources of capital into an area of production in order to expand it to its fullest capacity,69 at the same time destroying all productive activities which are not themselves commodified. Second, it transforms the purpose of production away from the particular qualities of the thing produced and towards the generation of profit; production is the indifferent medium for capital valorisation, and the qualities of the thing produced are incidental to this end. Third, it transforms previously or potentially common resources (both raw materials and final products) into private resources; the allocation of these resources normally takes place according to

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economic criteria (ability to pay rather than moral or civic entitlement), and it may be either restrictive or expansive in its effects. In the case of most cultural production – for example of books, perhaps the oldest of all commodities, or of movies, which would not have come into being without extensive capital investment – the effects of commodification have been massively expansive.20

The commodification of culture, as of any other domain, doesn't happen in a single stroke (and this is why there are such great difficulties in periodising the process).21 Rather, it takes place on a number of different semiotic levels corresponding to different historical 'stages'. In the case of printed texts we could distinguish between an initial commodification of the material object ('the book'), virtually coeval with the invention of the printing press;22 a second stage of commodification of the information contained within the material object (and conceptualised in legal doctrine as 'the work'), of which the major historical expression is the development in the eighteenth century of copyright law and the modern system of authorship;23 and a third, contemporary moment, developed in relation to electronically stored information, which, in addition to the copyrighted information itself, commodifies access to that information. These are 'stages' in the sense that this sequence is normally progressive (although it may be condensed and is by no means uniform in its effects), and corresponds both to an application of property rights to increasingly immaterial entities and to the development of markets which are increasingly fine-grained in their scope. Each of these moments is, paradoxically, at once a way of restricting the use of the commodity and of expanding its controlled use to as broad an audience as possible.

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If it is true that the commodification of cultural objects is a process that extends, in a series of movements, over many centuries, then the theoretical commonplace that locates this process exclusively or largely in the twentieth century in fact refers to something rather different: on the one hand to the development of major new cultural industries in this period (radio, the movies, broadcast and narrowcast television, video games, the Internet); on the other, to the industrialisation, or the more intensive industrialisation, of traditional areas of cultural production (mass-market paperback books, recorded music, mechanically reproduced images . . .). Industrialisation is not the same thing as commodification, although the two are closely intertwined. The Romantic and post-romantic critique of the commodity form is perhaps more properly seen as a critique of the serial and formulaic mode of industrialised mass-cultural production, to which it opposes the singularity and originality that is thought to characterise authentic art forms (a singularity and originality which, with a perverse irony, have come to be central to the system of authorship, the drive to signature as scarcity value, that organises the second major moment of the commodification of culture).

At the core of contemporary aesthetic production is a conflict between the potential for proliferation of information that flows from the recent explosion of technologies and industries of dissemination, and the countervailing systems of privatised control of information and its reproduction. This is a battle for the commons, waged between different (expansive and restrictive) aspects of the commodity form; a battle to define the extent to which markets in information and in aesthetic objects will support or increasingly undermine the public domain and all of the values that our culture associates with it.


7 Ibid., p. 134.


9 George Kubler, *The Shape of Time* (New Haven: Yale University Press, 1962), p. 35; further citations are given in the text.


13 *For a Critique of the Political Economy of the Sign*, p. 110.


15 Arjun Appadurai (ed) *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge: University Press, 1986). I do not, however, accept this conception in its totality. Appadurai takes over from Simmel a definition of economic value as a particular and variable effect of 'the commensuration of two intensities of demand' which takes the form of 'the exchange of sacrifice and gain' (p. 4). It is thus the moment of exchange rather than that of pro-
duction (or of the totality of moments in the cycle of production, exchange, and consumption) that governs the formation of value and 'sets the parameters of utility and scarcity, rather than the other way round' (ibid.). This subjectivization of value leads Appadurai to refuse the qualitative distinction made by Marx between use-value and exchange-value: commodities are a 'true value for others' (p. 9; original emphasis). In this respect, of course, his definition of value approximates that of neoclassical economics, and involves, I think, a failure to accept the complex and systemic nature of value formation (value is rather an aggregation of a series of simple transactions).

16 Appadurai, pp. 23, 17.
19 Kopytoff, *The Social Life of Things*, p. 84.
20 Ibid., pp. 79-80.
23 Ibid., p. 28.


32 Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies*, trans. Ian Cunnison (New York: Norton, 1967). It should be added that in the act of giving we not only acknowledge obligation to others but also acquire the power to coerce those others into a recognition of their indebtedness to us. It is in terms of this continual reinforcement of debt and obligation that reciprocity can be said to be the foundation of social order in customary societies. And it is this strand of Mauss’s thinking about gift relations that has contributed most influentially to the characteristically sociological problematic of the formation and the maintenance of social cohesion. Thus David Cheal, in his study of contemporary gift economies, contrasts the short-term profits of the market economy to the long-term interest in sustaining social solidarity that drives the moral economy of interpersonal relationships. Within the latter, ‘the social significance of individuals is defined by their obligations to others, with whom they maintain continuing relationships. It is the extended reproduction of these relationships that lies at the heart of a gift economy, just as it is the extended reproduction of financial capital which lies at the heart of a market economy’. David Cheal, *The Gift Economy* (London: Routledge, 1988), p. 40.

34 Margaret Jane Radin, 'Market-Inalienability', *Harvard Law Review* 100:8 (June, 1987), p. 1856; further citations are given in the text.


40 Gandelman, p. 105.


43 National Telegraph News Co. v Western Union Telegraph Co. (CA7) 119 F 294.

44 Sheldon v Metro-Goldwyn Pictures Corp., 81 F 2d 49, 54 (1936), CA2 NY, cert den 298 US 669, 80 L Ed 1392, 56 S Ct 835.


46 *American Jurisprudence* 2d, 19.

49 Whale, p. 21.
52 Mark Rose, 'The Author as Proprietor: *Donaldson v. Becket* and the Genealogy of Modern Authorship', *ibid.*, p. 27.
56 Jaszi, p. 489.
62 Gandelman, p. 76.
63 Lury, p. 58.

66 Anderson & Dussart, p.142.


68 Anderson and Dussart, pp. 140, 142.

69 That is, to whatever capacity will generate the maximum return on investment at a given time.

70 This account of course is schematic and ahistorical. Historically, the extension of the commodity form takes place through different strategies: through an expansion of production or of consumption, through the multiplication of productive activities or through monopolistic restriction, and so on.

71 Cf. Dan Schiller, ‘From Culture to Information and Back Again: Commodity as a Route to Knowledge’, *Critical Studies in Mass Communication*, 11 (1994), pp. 93-115, for an account of some of these difficulties.


73 Specifically on the historical emergence of the concept of 'the work', cf. Jaziz, pp. 473-74. In the course of the eighteenth and nineteenth centuries 'the work' is progressively separated from its physical incarnations, to become a complex object in which limited property rights can be vested in the 'expression' but not the 'ideas'.
Author/s: FROW, JOHN

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