Art | *Theory* | *Criticism* | *Politics*

OCTOBER

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Denis Hollier
A *Documents* Dossier
The Use-Value of the Impossible
Essays by Georges Bataille, Carl Einstein, Marcel Griaule, Michel Leiris, Georges Limbour, Georges Monnet, Georges Ribemont-Dessaignes, Georges Henri Rivière, and André Schaeffner

Mignon Nixon
"You Thrive on Mistaken Identity"

Martha Buskirk
Commodification as Censor: Copyrights and Fair Use

Giuliana Bruno
Streetwalking Around Plato's Cave

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Cover Photo: Jacques-André Boiffard.
Carnival Mask. *1930.*

DOCUMENTS's seventeen issues were published between 1929 and 1930, with Georges Bataille the general editor and Michel Leiris the managing editor. Neither of them was known to have yet published any book (*Histoire de l'oeil* was published in 1928, pseudononymously under the name Lord Auch). Leiris, a former surrealist, was in the process of becoming an anthropologist. Marcel Griaule, already an anthropologist, was to be the leader of the Dakar-Djibouti Mission in which Leiris and Schaeffner, a musicologist and the author of the first study of jazz written in France, would participate. Georges Henri Rivière, vice-director of the Musée d'Ethnographie, was to become a major figure of modern museography. Carl Einstein, a German art theorist, wrote *Negerplastik* in 1915. Georges Limbour and Georges Ribemont-Dessaignes, both poets and novelists, are former surrealists who, together with Bataille and Leiris, broke away from Breton in 1929. Georges Monnet was a socialist deputy. His secretary was a young philosophy student, Claude Lévi-Strauss, who wrote his correspondence and, sometimes, his articles.

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The Use-Value of the Impossible

DENIS HOLLIER

TRANSLATED BY LIESL OLLMAN

"Beauty shall be irretrievable, or not at all."

1. Documents

The story of *Documents*, spanning two years and fifteen issues, begins very far from the avant-garde, in the gallery of medals at the Bibliothèque Nationale. Georges Bataille and Pierre d'Espezel were colleagues there, d'Espezel editing several journals as well, very official and rather specialized ones: *Aréthuse*, in which Bataille's first notes appeared, when he was a numismatist; and *Cahiers de la république des lettres*, which published Bataille's first major article, "L'Amérique disparue," in a special issue devoted to America before Christopher Columbus, in 1928. D'Espezel was also on the board of *Gazette des beaux-arts*, which was financed by Georges Wildenstein. He was to serve as intermediary. Wildenstein was to finance *Documents*.

Numismatics, according to the definition later given by one of the *Documents* contributors, is the science of "coins that no longer have any currency except within scholarly speculations."[1] It also includes medals, coins that have never had any currency. There is something of the miser in the numismatist's passion. He loves money but, like Molière's Harpagon, only to keep it and look at it. He cannot stand expenditure. He is possessed by a strange, disinterested love for money, a love for that which makes everything possible, but cut off from all that it permits; a love for that which is dead and forbidden, at once on display and in reserve. He demands of the conductors of exchange value

1. Jean Babelon, "Numismatique," in *L'histoire et ses méthodes*, ed. Charles Samaran (Paris: Gallimard, 1961), p. 329. Jean Babelon, a colleague of Bataille at the Bibliothèque Nationale's gallery of medals, was on the editorial board of *Documents* and collaborated on the journal.

that they themselves be out of service. Currency takes leave of the Stock Exchange in order to be recycled, two blocks away, on the rue de Richelieu, at the Bibliothèque Nationale.[2]

2. On the Document According to the Chartists

It was Bataille who suggested the title. It seems that, for the founders (Bataille, d'Espezel, Wildenstein), this title had the status of a program, a contract almost. But, in the opinion of d'Espezel and Wildenstein, before the journal had really even begun, Bataille—who, as "secretary-general," was to actually edit it—had already stopped respecting it.[3] As early as April 1929 (when the journal had published only one issue), d'Espezel sent Bataille a sarcastic and threatening note. "The title you have chosen for this journal is hardly justified except in the sense that it gives us "Documents" on your state of mind. You really must return to the spirit which inspired our first plan for this journal, when you and I talked about it with Mr. Wildenstein."[4]

The word *document* had appeared in Bataille's presentation of *L'ordre de chevalerie*, his 1922 thesis for the Ecole des Chartes. The only value of this medieval text, he writes, is as a document. "The poem, without any literary value, without any originality, has no interest aside from being an old, peculiar document about chivalric ideas and the rites of dubbing."[5] Was the agreement, in accordance with the Chartist notion of documents, to publish in *Documents* only texts with no originality or literary value? If that is the case, one can well understand that d'Espezel would have been troubled: for, in *Documents*, Bataille published his own texts, as well as texts by Leiris and others, which, without even considering their literary aspects, are not without, as d'Espezel rightly suspected, a certain originality.

2. It seems that, among the Chartists, the general opinion, around 1929, still predicted a fine career for Bataille as a numismatist. René Grousset, for example, in an article in *Documents*, refers respectfully to the "numismatic studies of Mr. G. Bataille" (René Grousset, "A Case of Regression towards the Barbaric Arts," *Documents* 2 [1930], p. 73).

On Bataille's numismatics, see Denis Hollier, *Against Architecture: The Writings of Georges Bataille* (Paris: Gallimard, 1974), pp. 227–28.

3. Recollections of *Documents* published in Georges Bataille, *Oeuvres complètes*, Francis Marmande, ed., vol. XI (Paris: Gallimard, 1988), p. 572.

4. One of the rare reviews provoked by the journal, a note which appeared in *Les nouvelles littéraires*, was to permit itself a play on words of the same type, facile and without malice, on the title: "*Documents* presents some very curious photographic 'documents' in its fourth issue."

5. Georges Bataille, "L'Ordre de Chevalerie" (1922), *Oeuvres complètes*, vol. 1 (Paris: Gallimard, 1970), p. 100. See also the account (published in *Aréthuse* in 1926) of a volume of numismatics: "These documents," Bataille writes, "often just as interesting from an archeological point of view as from an artistic one, cast into relief the effort taken to organize a magnificent network of circulation" (Ibid., p. 107).

3. Ethnography

Among the headings listed in the subtitle of the journal, the most prominent position is occupied by the trinity "Archeology Beaux-Arts Ethnography."[6] Each refers to an independent domain: ethnography exceeds the auspices of the fine arts geographically, as archeology exceeds it historically. But this relativization of Western aesthetic values is aggravated by an even more radical relativization of aesthetic values as such. It is the latter that is signaled by the choice of the term "ethnography" rather than the expression "primitive arts." It has the quality of a manifesto: it announces that *Documents* will not be another *Gazette des beaux-arts*, and even less a *Gazette des beaux-arts primitifs*.

Documents was to have as its platform a resistance to the aesthetic point of view, a resistance that is the title's first connotation.[7] A document is, by its very definition, an object devoid of artistic value. Devoid or even stripped of it, depending on whether or not it ever had any. But there are only two possibilities: it is either a document or a work of art. This binary opposition (which gives the term *document*, even when used alone, its anti-aesthetic connotations) is not a case of lexical daring. Leiris takes it for granted, in all innocence, without giving any impression of quoting or of playing on the word, in *Documents* itself, when discussing a collection of anthropological photographs. "Until now," he writes, "there was no book which presented the general public with a selection of purely ethnographic documents rather than just a series of works of art."[8]

And Carl Einstein, without using the word *document* itself, alludes to the same opposition in the report he gives of one of the most important exhibitions of primitive art of the period, the exhibition of African and Oceanic art organized by Tristan Tzara and Charles Ratton at the Théâtre Pigalle gallery: "this art must be treated historically, and no longer considered just from the point of view of taste or aesthetics."[9]

6. In the three first issues: "Doctrines Archéologie Beaux-Arts Ethnographie"; from issue 4 on: "Archéologie Beaux-Arts Ethnographie Variétés."

7. The only contributor to *Documents* to defend art as such was the obscure prehistorian Henri Martin: he concluded his article on prehistoric sculptures by insisting that they respond to an intention that is not only "cultic or symbolic." One must also take into account, he writes, the "imperious desire to satisfy a passion: that of Art." (Dr. Henri Martin, "L'art solutréen dans la vallée du Roc [Charente]," *Documents* 6 [November 1929], p. 309).

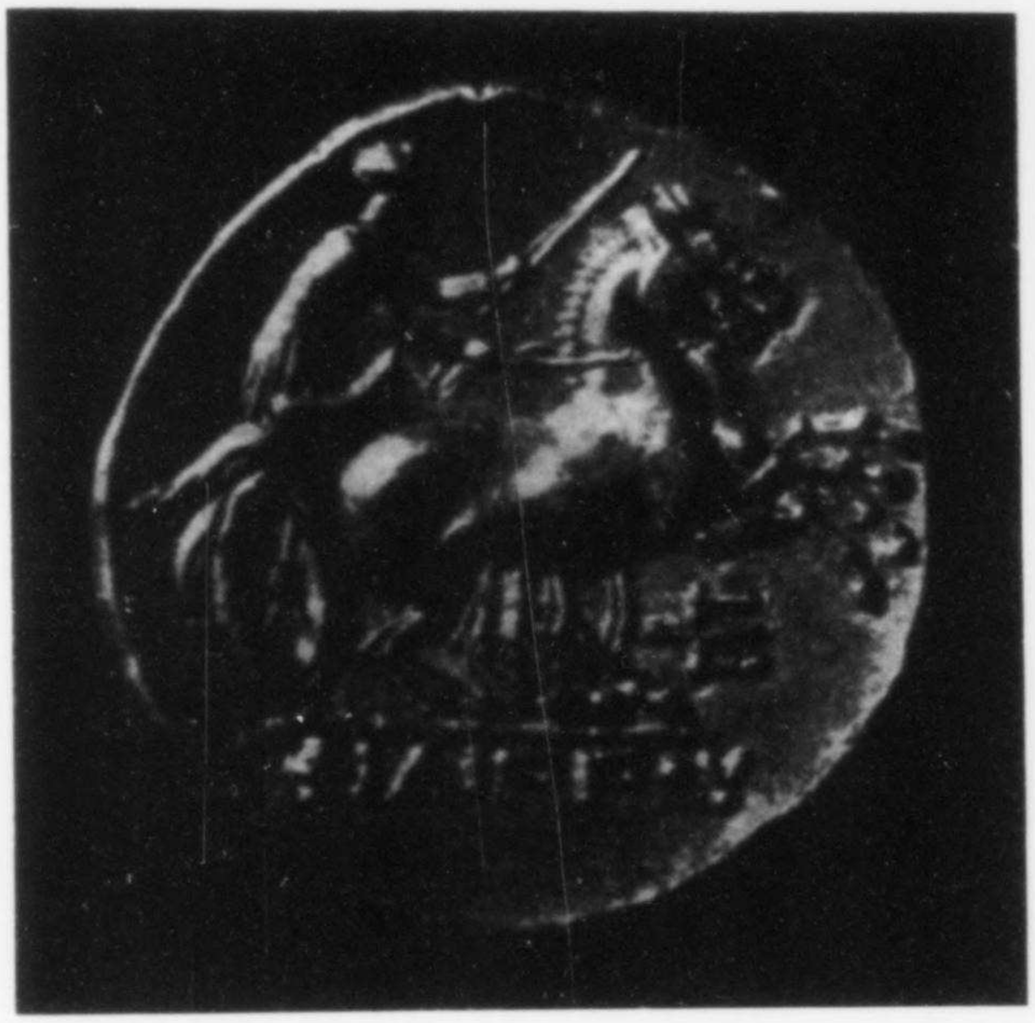
8. Michel Leiris, "Revue des publications. Jean Brunhes, *Races*, documents commentés par Mariel Jean-Brunhes Delamarre, etc.," *Documents* 6 (1930), p. 104.

9. Carl Einstein, "A propos de l'exposition de la Galerie Pigalle," *Documents* 2 (1930), p. 104.

One gets an idea of how polemical it was to refer to ethnography when talking about primitive arts by reading the account of the same exhibition published in another journal, *Formes*. The reviewer concludes his article with this anti-ethnographic declaration: "After an exhibition like the one we have just discussed, no one will be able to class black and Oceanian art, these spontaneous expressions of two little-known civilizations, as ethnographic curiosities" (signed A. S.).

On the subject of the exhibition at the Pigalle Gallery, see Philippe Peltier and Jean-Louis Paudrat's contributions to the exhibition catalogue "*Primitivism*" *in 20th Century Art*, ed. William Rubin (New York: The Museum of Modern Art, 1984), vol. 1, pp. 112 and 159.

Greek and Gallic Coins: Macedonia, Limousin, Artois.



4. Use-Value

Modernity is always striving to go beyond exchange.

—Roland Barthes, *Le plaisir du texte*

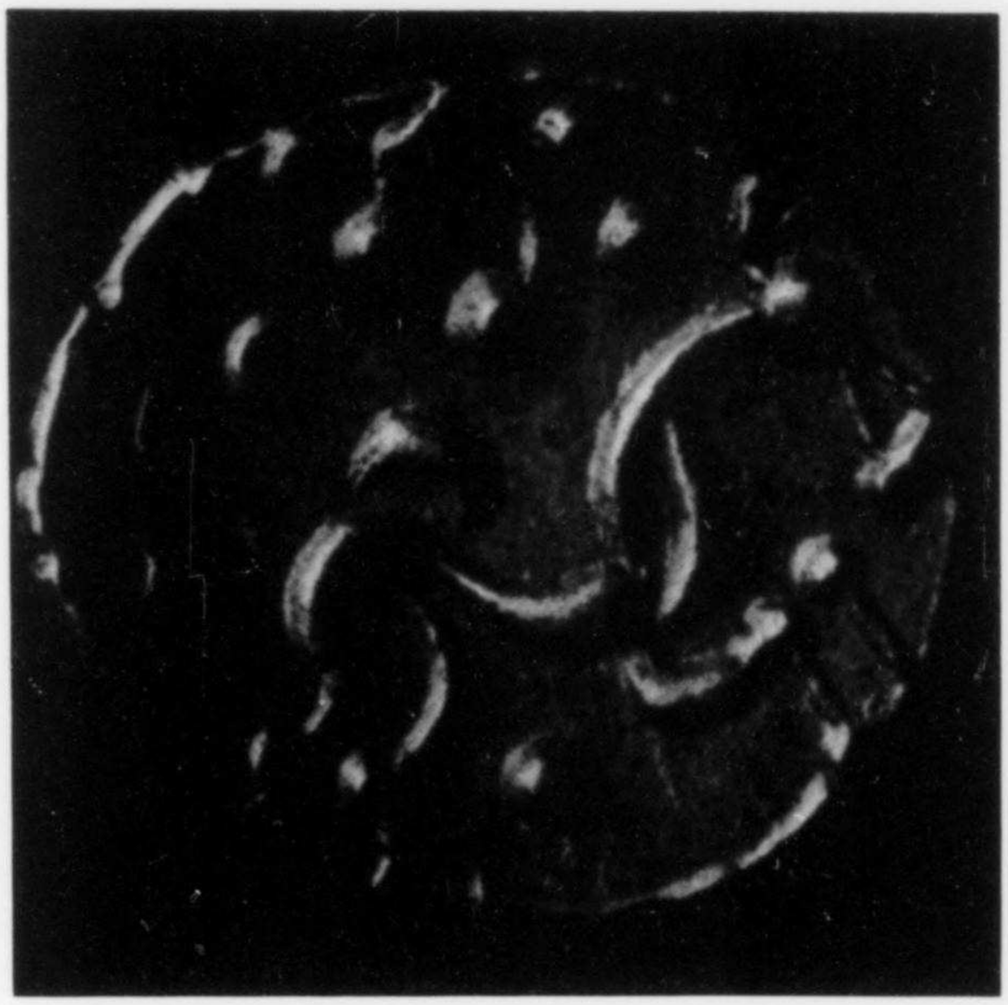
Aside from Bataille's contribution to the first issue, his article on Gaulish coins, "Le cheval académique," the numismatist's perverse interest in the lackeys of exchange value was to leave no deep trace on *Documents*.[10] It was use-value that took the offensive right away, constituting the axis of reflection for the ethnographers gathered around Georges Rivière, the deputy director of the Museum of Ethnography at the Trocadéro.[11] But it is not simply on values themselves that ethnographers and numismatists disagreed. They also disagreed on what attitude to take toward their objective (or rather objectal) support: the ethnographers resisting the aesthetic exemplification of tools; the numismatists

10. Georges Bataille, "Le cheval académique," *Documents* 1 (April 1929).

Among Bataille's contributions to *Documents*, this is the one Breton would resent the most unremittingly. In his 1954 "The Triumph of Gaulish Art," he still will characterize it as carrying "misunderstanding to its farthest limits" (André Breton, *Surrealism and Painting*, trans. Simon Watson Taylor [New York: Harper & Row, 1972], p. 327). Duthuit will side against Breton in this debate about Celtic art (Georges Duthuit, *Le musée inimaginable* [Paris: José Corti, 1956], vol. 2, pp. 109–110). In part, one can assume, this is because Breton had chosen Malraux against Bataille.

11. Several regular contributors were ethnographers, or on the verge of becoming ethnographers: Marcel Griaule, André Schaeffner, Michel Leiris. And, among the occasional contributors, Maurice Leenhardt.

We must also add Lévi-Strauss since he was the author of the article signed Paul Monnet in the issue devoted to Picasso (see his letter to Jean Jamin, July 1986). But it is true that, in 1930, Lévi-Strauss was still a long way from being an ethnologist.



subscribing to just such an exemplification of coins out of circulation. The very shop windows that revive the fortune of the devalued coins devalue the obsolete tools.

Marx's name is not mentioned even once in *Documents*. But the considerations on the museum, which these ethnographers elaborate there, follows quite closely the opposition between use-value and exchange-value established by Marx at the beginning of *Capital*, in the chapters devoted to the analysis of the commodity. It was this critique of the commodity that was also to serve as the basis for the short-lived alliance between ethnographers and dissenting surrealists that was to constitute the specificity of *Documents*. An important part of the avant-garde, during this period of resistance to modernist formalism, is actually animated by the desire for a return, indeed a regression, to what might be called the primitivism of use-value. And it is in effect in the name of use-value that each of these two trends critiqued in its own way the decontextualization performed by formalism.[12]

The description of this use-value given in the first pages of *Capital* is well known. "The usefulness of a thing," Marx writes, "makes of this thing a use-

12. In this sense, as Jean Jamin has convincingly shown, there has never been, even with *Documents*, a project that can properly be said to be common to both ethnographers and surrealists (or, to take up the all too seductive phrase of James Clifford, there has never been a "surrealist ethnography"). There have only been, to quote the title of Alfred Métraux's article on Bataille, "encounters with ethnographers," and these encounters have had a common resistance to commercial decontextualization as their terrain. The object of the present preface is to situate the scene of these encounters and to mark out their limits. See Jean Jamin, "L'ethnographie mode d'inemploi. De quelques rapports de l'ethnologie avec le malaise dans la civilisation," in *Le mal et la douleur*, Jacques Hainard and Roland Kaehr, eds. (Neûchatel: Musée d'ethnographie, 1986). For a discussion of the articulation between aesthetics and anthropology in *Documents*, see also Rosalind Krauss, "No more Play," in *The Originality of the Avant-Garde and Other Modernist Myths* (Cambridge: MIT Press, 1985).

value." This usefulness or use-value of the thing is therefore inseparable from its material support. It has no autonomous, independent existence. But it is at the same time a property of the thing that is only realized in the consumption, that is, the destruction, of the thing: use-value cannot outlast use; it vanishes at the moment it is realized. It is thus a value that the thing can only lose. Exchange-value, on the other hand, is not an intrinsic, exclusive property of any of the objects it allows us to exchange: by definition, it must be common to at least two of them. But above all, it is on account of a delaying of consumption that an object is endowed with an exchange-value and that this exchange-value is detached from the object it quantifies. It is use-value deferred. The commodity is an object whose consumption has been postponed, an object laid aside, an object taken out of circulation, in order to be put on the market and exchanged. The same diversion that defines the market holds for the museum as well: objects enter it only once abstracted from the context of their use-value. It was this diversion (the aesthetic, if not mercantile, surplus value of what is taken out of circulation) that was to be thematized in the *Documents* ethnographers' reflections on the museum.

A brief article by Marcel Griaule, "Pottery," constitutes a good example of this refocusing of museographical thought around use-value. Griaule denounces "the archeologists and aesthetes" for their formalism; they admire, he writes, "the shape of a handle, but," he adds, "they carefully refrain from studying the position of the man who drinks."[13] By looking only at the form of objects (that is, by only looking at the objects), they no longer see how they were used, they no longer even see that they were used. Taking use-value into account implies, in other words, an equal footing with the object. Instead of being the man who looks at a vase, the spectator must enter into its space and place himself in the position of the man who drinks.

But it is in André Schaeffner's article on musical instruments ("On Musical Instruments in a Museum of Ethnography") that we find the best-developed critique of a museography in which the exhibition requires a scrapping of the object, a falling into obsolescence achieved by the decontextualization of the piece exhibited. In the museum he evokes, Griaule requires, next to the vase,

13. Marcel Griaule, "Poterie," *Documents* 4 (1930), p. 236.

What is essential in an object is not its form but its use. And it is rarely possible to deduce one from the other (it is an exception when the way something is used derives from its shape). This critique of formalist aesthetics turns up also in Paul Rivet: "Ethnography should not content itself with a strictly morphological study of objects made by man. It must also study, and I do not hesitate to say that it must above all study, the techniques, which last longer than the forms and are less easily derived." (Paul Rivet, "L'étude des civilisations matérielles: ethnographie, archéologie, préhistoire," *Documents* 3 [June 1929], p. 132.)

The critique of formalism is moreover not made by ethnographers alone; we also encounter it with Carl Einstein: "The moralists of pure form," he says, "preach for the square, filled with drunkenness" (Carl Einstein, "Tableaux récents de Georges Braque," *Documents* 6 [November 1929], p. 290).

the ghost of the man who drinks. For Schaeffner as well, an isolated musical instrument is an abstraction. It needs accompaniment. Photographic and phonographic documents must allow it to return to the concrete: that is, the position of the musician who plays it, the sound or sounds which it produces, etc.[14] Moreover there is a whole range of performances that unfold with no more instrument than the (mortal) body of the musician, consisting of gestures which, Schaeffner says, "would vanish if the photograph did not preserve their character."[15] Use-value, according to Marx, always refers in the final analysis to the needs and organs of a living body. It is thus to be expected that, according to this logic, taking the use-value of the exhibited objects (their function instead of their mere form) into account should lead to the introduction of the body into the space of the museum (opening the space of the museum to the world of the body and its needs). The central concept of this museology is that of bodily techniques.

There is a certain agreement with regard to beauty: just as we do not discuss money at the dinner table, we must silence the laborious origins of the objects exhibited in the museum. Like money, beauty has no smell. All that is behind us. Aesthetic *arrivisme* demands it. No art lover will ever ask what these objects did before they cost so much money. No art lover will ever ask why they were never seen before they were put on exhibit.

The ethnographers of *Documents* challenge this agreement and the repression of use-value it implies. They want a museum that would not automatically reduce exhibited objects to their formal, aesthetic properties, an exhibition space from which use-value would not be excluded, but rather one in which it would not only be represented, but exhibited, demonstrated. They would like to undo the opposition which dictates that one uses a tool and looks at a painting. A tool's inclusion within a museum would not have the renunciation of its origins as condition. Instead of replacing it with an exchange- or exhibition-value, this space would preserve use-value, permitting it to survive decontextualization, cut off from its goal, but use-value all the same, a use-value on sabbatical. Useful

14. "Beside the exhibited instrument should be displayed a photograph of its player; the mute object, and its position between the hands of the person who awakens and suddenly multiplies" (André Schaeffner, "Des instruments de musique dans un musée d'ethnographie," *Documents* 5 [October 1929], p. 252).

This position is close to that of Georges Duthuit who, during the same years—for example in his article in *Cahiers d'art* on "Coptic Fabrics" (1927)—opposed the museographical reification of ceremonial objects.

15. André Schaeffner, "Des instruments de musique dans un musée d'ethnographie," *Documents* 5 (October 1929), p. 154.

The *Trésor de la langue française*, to illustrate the extended sense of the word *document* (its extension beyond the realm of the written document), borrows a quotation from Marcel Griaule's 1957 *Méthode de l'ethnographie*: "photography and cinematography used by researchers of good faith provide a means of establishing the most independent and impartial documents of the ethnological system of investigation."

and idle at the same time. It is the utopia of a space where it would be possible to have one's cake and eat it too. These are not Sunday shoes, these are everyday shoes but on the day of rest.[16]

In 1937, seven years after the end of *Documents*, the Trocadéro was destroyed, replaced by the Palais de Chaillot. The next year, in the new premises, the Museum of Ethnography becomes the Museum of Man. Leiris presents the goals of this institution in *La nouvelle revue française*. The term *document* appears several times in this brief article. "How should we proceed so that the documents (observations, objects, photographs), whose value is tied to the fact that they are things taken from life, may retain some freshness once confined within books or locked up in display windows?" he asks. "An entire technique of presentation must intervene as a follow-up to the techniques of the collecting, if we want to keep the documents from becoming merely materials for a weighty erudition."[17]

5. On the Spot

> *Painting is superior to music because, unlike unfortunate music, it does not have to die as soon as it is born. . . . Music which is consumed in the very act of its birth is inferior to painting which the use of varnish has rendered eternal.*
>
> —Leonardo da Vinci

It is not entirely by accident that it was with respect to jazz that Sartre, returning from New York, formulated his aesthetic imperative: like bananas, works of the mind should be consumed on the spot. The primitive arts (to which jazz belongs) are in effect subject (or rather they subject themselves) to what Proust called the tyranny of the Particular. They do not obey the laws of the market, recognizing only use-value; but that is also what allows them their particularity. It is inseparable from the fact that they cannot be displaced. One cannot expect them to make the first move. These immovable objects, inserted in the space of the social fabric so intimately that they would not survive being extracted, impose a law of consumption on the spot.

16. This reflection on what a museum of use-value would be is not unrelated to the one which Heidegger was to develop a few years later (1935) in "The Origin of the Work of Art" with reference to Van Gogh's paintings representing shoes. "The work belongs, as work, uniquely within the realm that is opened up by itself. For the work-being of the work is presented in, and only in, such opening up." (Martin Heidegger, "The Origin of the Work of Art," in *Poetry, Language, Thought*, trans. Albert Hofstadter [New York: Harper & Row, 1971], p. 41.)

17. Leiris, "Du Musée d'Ethnographie au Musée de l'Homme," *La nouvelle revue française* 299 (August 1938), p. 344.

It is in connection with the church of Balbec that Proust evokes this tyranny of the Particular: Balbec being "the only place in the world that possesses Balbec Church," this church, like Sartre's bananas, gives up its taste only on the spot.[18] The narrator of the *Remembrance* makes this remark in front of the church. But at the same time he remembers the casts of its statues that he saw in the Trocadéro Museum. During the Third Republic the Trocadéro sheltered, next to the Museum of Ethnography, that other "invitation au voyage"—even if it was for shorter trips—the Museum of French Monuments. Without making an ethnographer of Proust, the conjunction is significant. More than a few trips must have been planned in the course of visiting the two museums in this now-vanished building, where every visitor was being told that the thing out of place is never the real thing. These two institutions exhibited a similar uprooting, a nostalgia similar to that of Théophile Gautier's obelisk for "the coconut trees missing from glorious Africa." An identical resistance to the laws of exchange- and exhibition-value leads ethnography and aesthetic reflection to the same demand for the irreplaceable, to the same longing for a world subject to the tyranny of use-value. The "particular" refers here to the inexchangeable heterogeneity of a real, to an irreducible kernel of resistance to any kind of transposition, of substitution, a real which does not yield to a metaphor.[19]

The same articulation of the tyranny of the particular and of use-value is at the heart of one of the most important reflections of the time on the status of the work of art in the context of its commodification, Walter Benjamin's essay, "The Work of Art in the Age of Mechanical Reproduction," published in 1936. It is Benjamin himself who refers to use-value to explain the origin of the value that the original of a work of art is assigned by the mere fact of its uniqueness. "The unique value of the 'authentic' work of art," he writes, "has its basis in ritual, the location of its original use-value." Or, "The uniqueness of a work of art is inseparable from its being imbedded in the fabric of tradition."[20] The reference to tradition thus indicates the ritual, cultic (rather than economic or instrumental) nature of the use-value invoked here. In other words, the work of art is unique only because it is not detachable from its context, because it can only be consumed on the spot. Furthermore, its originality was corrupted by

18. Marcel Proust, *Remembrance of Things Past*, trans. C. K. Scott Moncrieff and Terence Kilmartin (New York: Random House, 1981), p. 709.

19. For the origins of the Museum of French Monuments and the project of restoring (and even resuscitating) the fragments of the past by reconstituting their context, by shifting from a metonymical to a synecdochal presentation of exhibited objects, see the chapter dedicated to De Sommerard and to Alexandre Lenoir by Stephen Bann, *The Clothing of Clio* (New York: Cambridge University Press, 1984), pp. 85 and 91. Bann's analyses fully justify the proximity of the two museums hosted in the Trocadéro: for the romantic museum (the Museum of French Monuments) the alterity is national and medieval, remote in time; for the modern (the Museum of Ethnography) it is exotic, remote in space.

20. Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction," *Illuminations*, trans. Harry Zohn (New York: Schocken, 1978), pp. 223, 224.

the museum well before photography threatened it (or, as Georges Duthuit has shown, the museum was make-believe well before Malraux). Before the question of its reproduction, there was that of its displacement, or even of the possibility of its displacement. The depreciations to be ascribed to mechanical reproduction were, if not present, at least already implicit within the decontextualization which is the museum's program. It follows, moreover, that strictly speaking no work of art in a museum would fit the concept of original in the Benjaminian sense of the term: in effect, the aura is linked less to the original object as such than to its cultic articulation at a given place and time. The aura of the work of art comes down to its use-value; and Benjamin writes that the use-value of a work of art as cultic object is diametrically opposed to "the absolute emphasis on its exhibition value."[21]

The triple conjunction of use-value, ritual, and the uniqueness of the place, which is the form that Proust's tyranny of the Particular takes in Benjamin's analysis, purifies the concept of use-value of any utilitarian connotation. Use-value has nothing to do with usefulness. Benjamin roots it not in factories but in churches. It does not connote the instrumentality of an object or the usefulness of a technique. Use-value implies only this: the thing takes place on the spot, and only there. It can be neither transposed nor transported. It resists displacement and reproduction. And the metamorphosis of the gods. Use-value (ritual, cultic) lies beyond the useful (it refers not to a profit, but to an expenditure). The tyranny of the Particular simply names an absolute dependence on "jealous," irreplaceable objects. In the last analysis, then, use-value describes the anxious dependence of someone who cannot change objects, who, unable to do without, wastes away on the spot. In Proust, after the church of Balbec, it is the irreplaceable Albertine who exerts this tyranny.

Yet, with *Documents*, the nostalgia for use-value follows two different trajectories. For the ethnologists, it follows a profane axis, and for them use-value refers to the technical, social, and economic use of the object (it is vases that Griaule discusses, and the man who uses them is not necessarily a priest). But it is not of this sort of material production that Leiris is thinking when he reproaches the aestheticism of the museum for transforming "a mask or a statue constructed with a view to specific, complex ritual purposes into a vulgar piece of art."[22] As with Proust and Benjamin, here too use-value follows a sacred axis, use referring to the category that Bataille was to explore under the name of nonproductive use. And it was around these two versions of use-value, one profane and the other sacred, that the two active branches of the *Documents* editorial board, the ethnographers and the avant-garde, were to diverge.

21. Ibid., p. 225.
22. Leiris, "Civilisation," *Documents* 4 (September 1929), pp. 221–22.

The strongest critique of exchange-value published in *Documents* came not from an ethnographer, but from Bataille. His target is the marketing of the avant-garde: in 1928 (referring to the publication of *Le Surréalisme et la peinture*?), the productions of the avant-garde entered the market of exchange-values. Before this date, the avant-garde expended itself; now it allowed itself to be bought. Before, it had responded to unspeakable, untransposed obsessions; now it hung on display shelves ("One enters an art dealer's shop as one enters a pharmacist's, in search of nicely presented remedies for unspeakable ailments"). Having previously dispensed "images which form or deform real desires," this movement is no longer anything more than a period in the history of art. "I challenge any art lover," Bataille writes, "to love a canvas as much as a fetishist loves a shoe."[23] For the opposition is not between the expert and the collector, but rather between the collector and the fetishist, between the distance of the collector and the obsession of the fetishist. I challenge a lover of modern art to waste away for a canvas as a fetishist does for a shoe.[24]

The example Bataille chooses, though standard, is nevertheless interesting. This shoe actually serves to underscore the gap being drawn here between the two versions of use-value, Bataille's and the ethnographers'. For the shoe is in effect a useful object, an object that works (it is used for walking, etc.). But is not for walking that the fetishist "uses" the shoe. For him it has a use-value that begins, paradoxically (this is what Bataille will later call the "paradox of absolute usefulness"), at the very moment it stops working, when it no longer serves to walk. It is the use-value of a shoe out of service. One will recall that it was while discussing shoes painted by Van Gogh that Heidegger entrusted the work of art with the task of revealing the "work-being."[25] The use-value of the shoes let loose within the painting. But Bataille's fetishist will never stand free enough before this shoe to get anything out of the painting; without putting it back to work, he wants to shield the shoe from the idleness of the painting. And Bataille's Van Gogh is not Heidegger's. Not the Van Gogh of shoes without a subject, of the shoes unbound by painting, but that of another unbinding, the sacrificial catachresis which seized his body proper, the detaching of the ear which belongs to his body. An ear which might belong to someone who spits it

23. Bataille, "L'esprit moderne et le jeu des transpositions," *Documents* 8 (1930), pp. 490–91.
In a variant manuscript of this article, Bataille opposes "obsession" and "haunting" to "the aesthetism of amateurs" (Batille, *Oeuvres complètes*, vol. 1, p. 656).

24. Bataille was working at the time on "La valeur d'usage de D.A.F. de Sade," in which he denounces (to take up Jamin's expression) the "mode d'inemploi" to which the admiration of literary circles has reduced Sade; Sade's use-value—if there is one—cannot be limited to the bibliophilic pleasure of collectors and connoisseurs. Bataille, "La valeur d'usage de D.A.F. de Sade," in *Oeuvres complètes*, vol. 2, p. 56. See also *Le bleu du ciel*, in *Oeuvres complètes*, vol. 3, p. 428.

25. On the place left to fetishism by Heidegger's analyses, see Jacques Derrida, "Restitutions," in *The Truth in Painting*, trans. Geoff Bennington and Ian McLeod (Chicago: University of Chicago Press, 1987).

out over the market, crying: this is my body, inexchangeable. An ear diverted from the exchange market. Bataille's Van Gogh rejects the logic of transposition: "Vincent Van Gogh belongs not to art history, but to the bloody myth of our existence as humans."[26]

6. Neither High nor Low

The question of the anthropological document (its collection, its preservation) occupies a central place in *Documents*. Moreover, the journal quite closely followed the reorganization of the Museum of Ethnography, undertaken by Georges Henri Rivière under the direction of Paul Rivet, its director since 1927. In the first issue, Rivière summed up the project.[27] Two months later, it was Rivet himself who formulated the ideology governing this reorganization.[28]

This ideology, as I have already said, is fundamentally anti-aesthetic. The Trocadéro was to be no more another museum of fine arts than *Documents* was another *Gazette des beaux-arts*. Not for an instant did Rivière envision competing with the Louvre. On the contrary, he applauded Rivet for having placed the Trocadéro under the wing of the Musée National d'Histoire Naturelle, linking it "with one of the foremost scholarly bodies in the country, while remaining faithful to his object: ethnography." Let us underscore, once more, that Rivière does not speak of primitive arts, but of ethnography. He even talks about protecting ethnography from the vogue enjoyed by the primitive arts within the avant-garde:

> Following the example of our most recent poets, artists and musicians, the favor of the elite is shifting toward the art of peoples said to be primitive and savage. . . . This prompts strange forays into ethnography, increasing a confusion which we thought to diminish. . . . The remodeled Trocadéro could have been founded on this misconception, becoming a Museum of Fine Arts where the objects would be divided up under the aegis of aesthetics alone. A poor principle, to tell the truth, which ends up randomly extracting only a few among its essential elements from the general picture.[29]

26. Bataille, "Van Gogh as Prometheus," *October* 36 (Spring 1986), p. 60.
27. Georges Henri Rivière, "Le musée d'ethnographie du Trocadéro," *Documents* 1 (April 1929), p. 58.
28. Paul Rivet, "L'étude des civilisations matérielles: ethnographie, archéologie, préhistoire," *Documents* 3 (June 1929), p. 132.
29. Rivière, "Le musée d'ethnographie du Trocadéro," p. 58.

Ethnography and the fine arts have to do with distinct institutions. From the range of museographical competences which Rivière lists, one is struck by their respective attributions: "fine arts and archeology" belong to the Louvre, "ethnography" to the Trocadéro.

A museum of ethnography, Rivière elaborates, should embrace the "primitive and archaic" civilizations "as a totality." For they are societies which constitute wholes; they are anterior to the

It was actually the ethnographers who took up the first line of attack in the anti-aesthetic crusade.[30] Rivet: "It is essential that the ethnographer, like the archeologist, like the historian of prehistory, study everything which constitutes a civilization, that he neglect no element, however insignificant or banal it may seem. . . . Collectors have made the mistake of a man who wishes to judge contemporary French civilization by its luxury goods, which are encountered only in a very limited sector of the population."[31] Griaule: ethnography must "distrust the beautiful, which is quite often a rare, which is to say freakish, event in civilization."[32] Schaeffner: "No object with a resonant or musical purpose, however 'primitive' or formless it may appear, no musical instrument will be excluded from a methodological classification."[33] Just as the psychoanalyst must give everything equal attention, just as the surrealist, in automatic writing, must let everything come through, so must the anthropological collector keep everything. He must never privilege an object because it is "beautiful," never exclude another because it seems insignificant, or repugnant, or formless.

Nothing will be excluded, Schaeffner says. No object, however formless it may be.

In the December 1929 issue, Leiris and Griaule each devoted a brief article to spitting. Is the article ethnographical or surrealist? It is, according to James Clifford, at once one and the other: a piece of surrealist ethnography. "The ethnographer, like the surrealist, is licensed to shock." Clifford adds: "Spitting indicates a fundamentally sacrilegious condition. According to this revised, corrected definition, speaking or thinking is also ejaculating."[34]

This definition obviously demands that we be able to apply it to itself. The article on spitting, doing what it says, must itself become a sacrilegious ejaculation. When he talks about spit, the ethnologist must shock as much as he

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separation of functions which is proper to "more evolved societies": for primitive societies, therefore, one and the same building will serve at the same time "as Museum of Fine Arts, Museum of Folklore, and Conservatory of Arts and Crafts."

It was probably not the surrealists who claimed the entrance into the Louvre by primitive arts. In 1930, after the exhibition at the Pigalle Gallery, in order to save it from the cult of the exotic and the savage to which surrealism had driven the fashion for primitive arts, Paul Guillaume was to declare black art to be ripe for the Louvre.

30. Desnos, however, expresses an identical resistance to another aestheticization, the one from which popular imagery benefits (or suffers): "It is popular manifestations which suffer the most from these fleeting fads" (Robert Desnos, "Imagerie moderne," *Documents* 7 [December 1929], p. 377). Same note in Bataille: "Some very pathetic aesthetes, looking for some place to put their chlorotic admiration, flatly invent the beauty of the factories" (Georges Bataille, "Smokestack," *October* 36 [Spring 1986], p. 15).

31. Rivet, "L'étude des civilisations matérielles," p. 133.

32. Griaule, "Un coup de fusil," *Documents* 1 (1930), p. 46.

33. Schaeffner, "Des instruments de musique," p. 252.

34. James Clifford, "On Ethnographic Surrealism," *Comparative Studies in Society and History* (October 1981), p. 52.

The word sacrilege comes from Leiris's article: "Spitting is the height of sacrilege" (Michel Leiris, "Crachat," *Documents* 7 [December 1929], pp. 381–82).

would if he were actually spitting. Hence the recourse to the right to shock. Furthermore, we are confronted here with an article (in all senses of the word) of a palpably different type than those with which we have been dealing until now.

Thirty years later, after Bataille's death, it was by this change of register that Leiris would characterize the turn taken by *Documents*. "The irritating and the heteroclite, if not the disturbing, became, rather than objects of study, characteristics inherent to the publication itself."[35] The collecting of anthropological documents is abandoned in favor of an intervention of a different sort. At the very moment that science, in the name of the neither-high-nor-low, claims to appropriate the low, something happens to it. Science is dirtied by its object. Lets itself be contaminated by it. The object fails to keep its distance, abandons its reserve, overflows onto the page which describes it. I say "flower"—and it appears. Things occur in the very place where they are narrated. On the spot. An article by Leiris, "Metaphor," sets up the same irruption of the referent: the object of study becomes, as it were, a feature of the publication: "This article itself," he concludes, "is metaphorical."[36] It is not yet the shadow of the bull's horn, but something bites into the very page that wanted to appropriate it, something that is not in its place, something heterogenous. Like the fly on the lecturer's nose. Or like the ego in the metaphysical whole. The appearance of the ego, Bataille says, is utterly shocking. Certainly it was this ego which shocked d'Espezel. "The title you have chosen for this journal is hardly justified except in the sense that it gives us 'documents' on your state of mind."

7. Licensed to Shock

But, Clifford says, that is just it, the ethnographer, like the surrealist, has the right to shock.

He knows only one rule. To show everything. To uncover everything. To say everything. The Museum of Man will be the museum of the whole of man. *Nihil humani alienum*. No object, however formless it may seem, will be excluded. Everything that exists deserves to be documented. There is a sort of compassion, a gesture of epistemological charity, in this bias toward the little things. Science consoles these lowly realities for the scorn they receive from the elitism of the aesthetes. Clifford concludes that ethnography "has in common with surrealism a renunciation of the distinction between high and low within culture."[37] And,

35. Leiris, "De Bataille l'Impossible à l'impossible *Documents*," *Brisées* (Paris: Mercure de France, 1965), p. 261.
36. Leiris, "Métaphore," *Documents* 3 (June 1929), p. 170.
37. Clifford, "On Ethnographic Surrealism," p. 49.

from the renunciation of this distinction, it follows that the low no longer shocks. D'Espezel does not share his opinion. He had not yet read the article on spitting.

There is something Nietzschean about this project of saying yes to everything. Of wanting what exists in its totality. Of saying yes without choosing, to what one has not chosen. Of reaffirming, one thing after another, the totality of what is in the ontological display of a museum without reserve. But this eternal return of everything has a price. No one affirms the whole innocently.

In the same issue in which Griaule's and Leiris's articles on "Spitting" appear, Bataille published "Formless," which echoes them: "To assert that the universe does not resemble anything and is merely formless, amounts to saying that the universe is something like a spider or spit."[38] Formless: it is the same word that Schaeffner uses, but here it has lost the humility it had in the hands of the ethnographer. Having grown, like Baudelairean *ennui*, to cosmic proportions, it now refers to the unpresentable monstrosity of the whole. It is no longer a question of showing what everything, including the formless, resembles; it is the whole which, because it is formless, takes on an unexhibitable monstrosity. It resembles nothing. It is a totality without example. The formless (too present to be presentable) no longer allows itself to be contained. Placed *en abyme*, it destabilizes the difference between object and world, between part and whole. And, once again, the common front between the avant-garde and ethnography is undone. The same words do not accomplish the same tasks everywhere. The use-value of the word *formless* is not the same whether it is Schaeffner or whether it is Bataille who uses it. Schaeffner wants to classify even the formless, while, for Bataille, the formless *declassifies* (*declasse*), getting things out of order, depriving them of their proper status. On the one hand, the law of "no exceptions"; on the other, that of an absolute exception, of that which is unique but without properties.

8. Ethnographer's License

Clifford insists on the importance that Mauss's teaching had for *Documents*. But the Mauss he quotes is not that of the great texts (the gift, sacrifice, seasonal variations, etc.), but instead the author of the paper on bodily techniques (subsequent to *Documents*; it dates from 1934), a text that in many ways confirms (without confronting) the museographical problems that were so central for *Documents*.

It happens, moreover, that among the bodily techniques which Mauss mentions we find that of spitting. But it is a spitting that is not sacrilegious, but rather therapeutic (it figures under the heading of oral hygiene). It can thus

38. Georges Bataille, "Informe," *Documents* 7 (December 1929), p. 382.

be done and said in the most appropriate way. And, moreover, if ever there was a sin to be redeemed, the ethnographer is there, ready to pay. This pasteurized spit spares Mauss the necessity of invoking the ethnographer's right to shock.[39]

For Bataille and Leiris, however, hygiene excuses nothing. On the contrary, it is their *bête noire*. In their hands, the word *hygiene* has precisely the impact of spitting. Dirtiness is proper to man, from which it follows that the less a thing is clean (*propre*), the more human it is. And inversely. Leiris formulates the equation explicitly. Speaking of the nude as represented in conventional painting, he declares it to be "clean and emptied, and somehow dehumanized."[40] The same equation is implied in Bataille's definition of the big toe as "the most *human* part of the human body": the most human, he explains, because the most dirty, that which is subject to "the most nauseating filthiness."[41]

It is no longer a question here, as with the ethnographers, of rehabilitating the lowly. Everything can be said. But throughout Bataille, there remains something unmentionable. To say it, one must expose the taboo and, in exposing it, expose oneself. By inducing an expenditure, communication shifts from the

39. "Care of the mouth.—Technique of coughing and of spitting. Here is a personal observation. A little girl did not know how to spit and each of her colds was aggravated as a result. I gathered this information. In her father's village and in his family in particular, au Berry, no one knows how to spit. I taught her how to spit. I gave her four sous per spit. As she wanted to have a bicycle, she learned how to spit. She was the first in the family to know how to spit." (Marcel Mauss, "Les techniques du corps," in *Anthropologie et Sociologie*, [Paris: Presses Universitaires de France, 1960], p. 383.)

This article followed that by Griaule and Leiris by several years.

Clifford does not mention this reference to spitting. But he cites the following heading: "Hygiene of the call of nature.—Here I could enumerate countless facts" (Clifford, p. 47). Mauss says that he could but he does not. Modesty? Is the ethnographer hesitating to use his right to shock? Doesn't he feel, as Clifford says, licensed to shock?

It is with the problems posed by the museographical documentation of bodily techniques that Lévi-Strauss begins his introduction to Mauss's corpus (pp. XI–XIV): "We collect the products of human industry," he remarks, "but do nothing for the body." He also proposes the institution of "International Archives of Bodily Techniques." He elaborates by giving a brief list of said techniques. The first one he mentions concerns "the position of the hand during micturition among men," a gesture that comes under the heading of this "hygiene of the call of nature" around which Mauss could have enumerated countless facts. This example is not indifferent. It bears witness to the proximity of taboo and use-value. And it constitutes on this count the anthropological negative of what Marcel Duchamp's *Fountain* was within the avant-garde. The day that fine arts museums and anthropological museums merge, the unexhibitable position of the man's hand during micturition will finally be able to wed Duchamp's unusable *Fountain*. Until that day, they pursue, glaring at one another, as separated from one another as Achilles and his tortoise, their immobile subversion of exhibition-values.

See also Lévi-Strauss's remarks on anthropological museums in the final chapter of *Structural Anthropology*, where he examines the status of these museums: "It cannot simply be a matter of collecting objects" (p. 413); today, "men tend to replace objects" (p. 414) (Claude Lévi-Strauss, *Anthropologie structurale* [Paris: Plon, 1958]).

40. Leiris, "L'homme et son intérieur," *Documents* 5 (1930), p. 261.

41. Bataille, "The Big Toe," *Visions of Excess*, trans. Allan Stoekl (Minneapolis: University of Minneapolis Press, 1985), pp. 20–21.

level of exchange-value to that of use-value. Or, to put it differently, the forbidden is reintroduced into science. Everything must be said, yes, but on the condition that not everything can be said. The categorical imperative is here caught in a revolving door where the barely formulated "you must" gives way to a "therefore you cannot." The avant-garde has no use for the right to shock proffered by the ethnographers: where, if anyone takes offense, one simply shows one's permit. Ethnographer's license? But what would a sacrilege be within the limits of mere reason?

9. Gaps, Deviations

Griaule, Rivet, and Schaeffner criticized the aesthetes for abandoning the average. In selecting the beautiful, they privileged the rare, and thereby the monstrous. Bataille's position is exactly the opposite. In "The Deviations of Nature," beauty is to be found not in the exceptions, but in the statistical norm: "Beauty," he writes, "would be at the mercy of a definition as classical as that of the common measure."[42] And this teratology (the deviations of nature) is at the core of his aesthetic. But such a teratology implies an inverting of the relationship between the freakish and the ugly: while the ethnologists reject the beautiful because they consider it statistically monstrous, Bataille privileges the monstrous because he considers it aesthetically ugly. His definition of the freakish is no longer statistical, but aesthetic. It is not rare. On the contrary, the monstrous is now the core of the definition of individuality (the impossible is everyday): given the "common character of personal incongruity and of the monster," the individual as such is the site of all deviation."[43] Bataille is certainly against the common denominator, but it is not in the name of a romantic excess; rather it is in the name of something like a very common excess, a general absence of a common denominator. Further, in "Human Face," the species itself is described as a "juxtaposition of monsters."[44] In addition, deviation is the concept responsible for the greatest divergence between the two driving forces behind *Documents*, the ethnographers and the anti-aesthetes. The ethnographers wanted continuity; Bataille wanted a rupture. They wanted to reconstruct contexts so that everything would seem in its place, while he would have the document expose the radical incongruity of the concrete: suddenly, the most ordinary people do not resemble anything; they are no longer in their place. One wonders who was responsible for *Documents*'s publication of "The Crisis of Causality," in which Hans Reichenbach denounces the "false idealization" that underlies the belief in determinism: "each event is a roll of the dice," he adds.[45]

42. Bataille, "The Deviations of Nature," *Visions of Excess*, p. 55.
43. Ibid.
44. Bataille, "Human Face," *October* 36 (Spring 1986), p. 18.
45. Hans Reichenbach, "Crise de la causalité," *Documents* 2 (May 1929), p. 108.

This deviation (the *hiatus irrationalis*) is one of the decisive components of the aesthetic ideology of *Documents*. With modern painting, writes Carl Einstein, "we are placed outside the normal. . . . We have distanced ourselves from biological monotony." The speed of Picasso's imagination "exceeds biological conservatism."[46] Modern art begins at the precise moment when the same causes cease to produce the same effects. It thwarts the reproduction of similarity, the engendering of the same by the same, the law of biologico-aesthetic homogeneity. In other words, beauty is always the result of a resemblance. Meanwhile, ugliness (like formlessness) resembles nothing. That is its definition. Its space is that of a failure. It never manages to raise itself to the level of the double, of the image, of reproduction (of the typical or characteristic). It remains a case. But the *Documents* aesthetic reverses the value judgments relative to these definitions. It is for want of that impossible copy of what is ugly that beauty emerges, a beauty that is nothing more than the result or the residue of the failure of the ugly to reproduce or be reproduced. For this aesthetic of disparity, which is above all an anti-aesthetic of the untransposable (a resistance to aesthetic translation), it is secondary that ugliness is a failure of reproduction; what matters is that the beautiful itself is a failure of nonreproduction. A reproduction that has not managed to fail. An expenditure that has not taken place without reserve. The use-value would not have been completely consumed on the spot. The failure of a failure.

10. Documents—I Invent Nothing

There is another feature of the document. A document is ready-made. Contrary to the products of the imagination, it is not endogenous. Like social acts in Durkheim, the document is transcendent. It is not up to me. I invent nothing. It has not yet been assimilated by an aesthetic metaphorization. Heterogenous and foreign, it has an impact, it shocks (it has a shock-value) as a trauma would. X marks the spot, to quote the title of a collection of sensationalist photographs of the Chicago gang wars on which Bataille commented.[47]

This promotion of the ready-made document stands within the framework of a more general condemnation of the imagination that is essential to modernist

46. Carl Einstein, "Pablo Picasso: quelques tableaux de 1928," *Documents* 1 (April 1929), p. 35. The same conclusion is drawn from Masson's paintings: "We are tired of biological identity" (Carl Einstein, "André Masson, ethnological study," *Documents* 2 [May 1929], p. 102).

We encounter the same articulation of the biological and the aesthetic, the same identification of reproduction with representation in Henry-Charles Puech, who also interprets Picasso—and modern painting in general—in terms of a rebellion against the "biological demand of representation" ("Picasso et la représentation," *Documents* 3 [1930], p. 118).

Finally, a similar way of privileging "the deviations of painting" can be found in Schaeffner ("L'homme à la clarinette," *Documents* 3 [1930], p. 161).

47. Bataille, "X marks the spot," *Documents* 7 (1930), p. 437.

inspiration. It is in such a condemnation, for example, that Leiris grounds his autobiographical project. In "On Literature Considered as Tauromachy," he insists on the fact that *Manhood* is not a work of fiction: it is "the negation of a novel." Comparing his autobiography to a sort of surrealist collage or, rather, photomontage, he presents it as a collection of pieces of evidence: "No element is utilized," he says, "which is not of strict veracity or of documentary value."[48] The same "documentary" inspiration led Bataille to add a final chapter of "Coincidences" to *Story of the Eye*: these memories serve to diminish the role taken in novelistic invention by the freedom of the imagination.[49]

In this sense, *Documents* is not a surrealist journal.

It is an aggressively realist journal.[50]

"Imagination alone tells me what can be," wrote Breton in the 1924 *Manifesto*.[51] But *Documents* wanted neither the imagination nor the possible. In it, photography takes the place of the dream. And if metaphor is the most active figure of surrealist transposition, the document constitutes its nemesis, aggressively anti-metaphorical. With it, the impossible, which is the real, chases away what can be.

11. A Fetishist Materialism

Barthes ended his lecture on "The Big Toe" by describing Bataille's words as "sufficiently detached, sufficiently brilliant, triumphant, to make themselves loved, in the manner of fetish."[52] A listener intervened. She regretted this reference; to speak of the fetish was to diminish the impact of Bataille's words. Barthes: "You see, now we can no longer talk about fetishism. It is too late for fetishism."

Indeed, it is too late. The unmitigated enthusiasm for fetishism that we find in *Documents* is without a doubt what distances us more than anything. For,

48. Leiris, *Manhood*, trans. Richard Howard (New York: Grossman Publishers, 1963), p. 157.

49. Bataille would later manifest the same insistence in "La tragédie de Gilles de Rais": "Such scenes are not the work of an author. They have taken place."

50. Realist professions of faith are frequent. For example, Leiris: "It is in my opinion utter nonsense to forget the fundamentally realist character of Picasso's work" (Michel Leiris, "Toiles récentes de Picasso," *Documents* 2 [1930], p. 62).

See also Georges Ribemont-Dessaignes: "I am a realist. . . . There are people who talk about What-exists and What-does-not-exist, and who only believe in the latter, even as they deny its very existence. . . . They are merely surrealists." "A painter is always a realist. I do not know of any who are not. Too bad for the surrealists: let them abandon all relations with painting" (Georges Ribemont-Dessaignes, "Giorgio de Chirico," *Documents* 6 [1930], pp. 337, 338).

And Desnos, in his review of *La femme 100 têtes*: "For the poet, there are no hallucinations. There is the real" (Robert Desnos, "*La femme 100 têtes*, par Max Ernst," *Documents* 6 [1930], p. 238).

51. André Breton, *Manifeste du surréalisme*, in *Oeuvres complètes*, Marguerite Bonnet, ed., (Paris: Gallimard, 1988), p. 312.

52. Roland Barthes, "Les sorties du texte," *Bataille* (Paris: UGE, 1973), p. 62.

if fetishism for Barthes's listener evokes the escapist tactics of rather "soft," flirtatious, tingly perversions, for Bataille it defines the "hard" requirements of the thing itself. Fetishism is an absolute realism: it unleashes real desires, in real spaces, with real objects. Not for an instant does Bataille oppose, as Marxists do, fetishism and use-value (for him there is no fetishism of the commodity); when he evokes fetishism, it is, on the contrary, always against merchandise. The fetish is the irreplaceable, untransposable object. "I challenge," writes Bataille, "any art lover to love a canvas as much as a fetishist loves a shoe."[53] And Leiris begins his article on Giacometti by opposing true fetishism ("undisguised" fetishism) to what he calls the "transposed fetishism" (or false fetishism) of works of art: "It is only rarely that one finds in the realm of works of art objects (paintings or sculpture) capable of responding to the demands of this true fetishism."[54] The transposed fetish is the fetish that no longer works as a fetish: it has been discarded and framed to be put on the market; it has been degraded to become a commodity. It is no longer used but collected. According to Leiris, Giacometti's surrealist objects would be the first real fetishes to have reappeared in a long time in the studio of an artist in Paris. It is significant that it was not the ethnographers who used this concept, which nevertheless refers to primitive religions.

In April 1929, Emmanuel Berl published his pamphlet, *The Death of Bourgeois Thought*. *The Death of Bourgeois Morality* followed a few months later. Its conclusion, entitled "Defense of Materialism," proposed a materialism that deserves Bataille's label of *low materialism*, a materialism of an aggressive vulgarity which Berl presents as the proletarian weapon par excellence, the only ideological weapon of any weight against the bourgeoisie. Materialism, according to Berl, "does not consist in giving an ontological value to the material in order to refuse it to everything else, but in first looking, in the infinity of causes which provoke a phenomenon, for the lowest, simplest causes. . . . Materialism," he continues, "is therefore a way of depreciating. It indicates a certain taste for depreciation."[55] Berl's words are close to Bataille's. They echo those of a brief

53. Bataille, "L'esprit moderne et le jeu des transpositions," *Documents* 8 (1930), p. 49.
Curiously, these substitutes which, in Bataille's view, works of art amount to, are just as firmly planted as catachreses: "nothing really new can yet replace them," Bataille writes of these irreplaceable replacers.

54. Leiris, "Alberto Giacometti," *Documents* 4 (September 1929), p. 209.

55. Emmanuel Berl, *Mort de la morale bourgeoise* (1929) (Paris: Jean-Jacques Pauvert, 1965), p. 174.
With the crisis of surrealism as background (and also, without doubt, the comings and goings of Suzanne Muzard between Breton and Berl), a brief dialogue took shape between Berl and Bataille. In "Conformismes freudiens," Berl, while discussing what he calls contemporary "fetishism" (which he condemns), mentions the name of Bataille: "The phallus replaces the fig leaf. No more, no less. And, to put it in Georges Bataille's language, the idealism corrupting the fetish makes of it a *devoir être*" (*Formes* 5 [April 1930]).

article, "Materialism," published in the June 1929 issue of *Documents*, a few months before Berl's pamphlet, and started with an attack against the materialists who, having subjected the material itself to the idealist requirement of *devoir-être*, want to substitute in its place an "ideal form of the material, a form that would come closer than any other to what the material should be."[56]

But, despite various appeals to a proletarian populism, the inspiration of this materialism (Berl's and Bataille's) is more Heraclitean than Marxist. A materialism of use-value, it defines the material as what does not last.[57] It goes the way of all use-value, exhausted in its consumption. And it is not reborn from its ashes. No trace is left after the holocaust. Not even a memory. It is exhausted on the spot, does not survive itself. Bataille's materialism is not cumulative (whence the loss), it is a materialism of difference *à fonds perdus*, without representatives, without a future and without reserve, without sequel, without descendants, without any tomorrow. The material is expended integrally, without remains, without leaving anything behind, not a ghost, not an heir, not a double. A flash—then night.

It is to Henry Charles Puech, a scholar of Manichean religions, that we owe an unexpected article on Piranesi presenting the *Carcere*'s engraver as a "nihilist architect," the promoter of an architecture of disaster, driven by "the impatience for a total accomplishment, this desire to take everything to its end, the desire that ruin be absolute, that plenitude explode this taste for nothingness that governs all progress, and that man end up under a heap of stones that one would not know whether to call a construction or debris. The goals of this will are terribly ambiguous; is the reproduction of the ruin meant to delay it, or does it pin on it the acute desire to *finish things off*, to sweep everything away, to construct the universe in which man would be belittled?"[58]

The denunciation of *devoir-être* was one of the key features of Bataille's anti-surrealist realism; see Bataille: "If one says that flowers are beautiful, it is because they seem to *conform to what must be* (*ce qui doit être*)" (Bataille, "The Language of Flowers," *Visions of Excess*, p. 12); and: "Space would do much better, of course, to fulfill its duty (*faire son devoir*)" (Bataille, "Espace," *Documents* 1 [1930], p. 41). On the contrary, André Breton: "It is up to us to oppose to it together this invincible force which is that of *devoir-être*, that of human becoming" (Breton, *Position politique du surréalisme*, in *Manifestes du surréalisme* [Paris: Jean-Jacques Pauvert, 1962], p. 274).

56. Bataille, "Materialism," *Visions of Excess*, p. 15. Bataille was to return to this critique of "ontological materialism" in "Base Materialism and Gnosticism," *Visions of Excess*, p. 45.

57. "The material," Berl writes, "is that which does not last. . . . Materialism therefore refuses all values of permanence, everything which clings to continuance" (Emmanuel Berl, *Mort de la morale bourgeoise* [Paris: Jean-Jacques Pauvert, 1965], p. 174).

58. Henry-Charles Puech, "Les 'Prisons' de Jean-Baptiste Piranèse," *Documents* 4 (1930), p. 199.

We encounter the same nihilism in Leiris, when he exalts the hypothesis of an integral disaster whose ultimate result would be, "after having shattered what was hostile and foreign to it and having destroyed itself . . . only to have wiped out *absolutely everything*" (Michel Leiris, "Débacle," *Documents* 7 [December 1929], p. 382).

12. Reprint

The significance of the reprint is not the same for a book as it is for a periodical. A novel is republished because it has had some success or because the time has come to rediscover it. *Habent sua fata libelli.* With a journal, the transposition from the aorist to the imperfect alters the textual status of the object, its punctuality. Like an event condemned to linger on. To publish a facsimile of the *Fliegende Blätter* of 1929–30, in 1991, would be to set up a resemblance in more than one way with an exhibition of a primitive work of art in a Paris museum, be it a Museum of Man or the Louvre. *Carpe diem.* Starting today, save the daily papers.

But it is for the kamikazes, for the most fleeting trackers of the avant-garde, those who have not even seen two winters, that the honor of the reprint is intended. He who wins loses. They have lasted so short a time that they are called back. The reprint recuperates, against its will, that which spat upon permanence. *Documents*, for example. Placed, as Leiris has said, under the sign of the impossible, it was not a journal destined to burn very long. The official ideological contract was an aesthetic of the irretrievable. There is, also, in the republishing of *Documents*—a phoenix in spite of itself—something of the same nature as, for example, the transformation of a slaughterhouse into a historical site. We other civilizations would have liked so much to be mortal. But, in the age of mechanical reproduction, it is too late. We have lost faith with the fetish. *Ceci*, after all, *ne tuera pas cela*. Who today would bet, like Hugo at the end of Sartre's *Dirty Hands*, on the irretrievable? Or, like Giraudoux's Judith, when she realizes with horror that the unmentionable pleasures she has known in Holophernes's bed are on the verge of being transformed into a pious story, into an edifying legend. Of being given as an example.

Critical Dictionary

TRANSLATED BY DOMINIC FACCINI

ARCHITECTURE.—Architecture is the expression of the true nature of societies, as physiognomy is the expression of the nature of individuals. However, this comparison is applicable, above all, to the physiognomy of officials (prelates, magistrates, admirals). In fact, only society's ideal nature—that of authoritative command and prohibition—expresses itself in actual architectural constructions. Thus great monuments rise up like dams, opposing a logic of majesty and authority to all unquiet elements; it is in the form of cathedrals and palaces that church and state speak to and impose silence upon the crowds. Indeed, monuments obviously inspire good social behavior and often even genuine fear. The fall of the Bastille is symbolic of this state of things. This mass movement is difficult to explain otherwise than by popular hostility toward monuments which are their veritable masters.

For that matter, whenever we find *architectural construction* elsewhere than in monuments, whether it be in physiognomy, dress, music, or painting, we can infer a prevailing taste for human or divine *authority*. The large-scale compositions of certain painters express the will to constrain the spirit within an official ideal. The disappearance of academic pictorial composition, on the other hand, opens the path to the expression (and thereby the exaltation) of psychological processes distinctly at odds with social stability. This, in large part, explains the strong reaction elicited, for over half a century, by the progressive transformation of painting, hitherto characterized by a sort of concealed architectural skeleton.

It is clear, in any case, that mathematical order imposed upon stone is really the culmination of the evolution of earthly forms, whose direction is indicated within the biological order by the passage from the simian to the human form, the latter already displaying all the elements of architecture. Man would seem to represent merely an intermediary stage within the morphological development between monkey and building. Forms have become increasingly static, increasingly dominant. From the very outset, in any case, the human and architectural orders make common cause, the latter being only the development

of the former. Therefore an attack on architecture, whose monumental productions now truly dominate the whole earth, grouping the servile multitudes under their shadow, imposing admiration and wonder, order and constraint, is necessarily, as it were, an attack on man. Currently, an entire earthly activity, and undoubtedly the most intellectually outstanding, tends, through the denunciation of human dominance, in this direction. Hence, however strange this may seem when a creature as elegant as the human being is involved, a path—traced by the painters—opens up toward bestial monstrosity, as if there were no other way of escaping the architectural straitjacket.

Georges Bataille
Vol. I, no. 2 (May 1929)

DEBACLE.—Natural phenomena form a vast alphabet of symbols upon which we draw in forging a number of our expressions. Who is not familiar with the "bolt out of the blue," the "tempest in a teacup," the "flood of compliments," the "brainstorm"?

However worn the majority of these images may be, one still moves us through its brutal and implacable concision, a word quite exactly "thrown together" (*baclé*) with that haste which characterizes disasters—I mean the *debacle*.

It appears as a title in Zola's work to describe the war of 1870 and has been mainly popularized to designate monetary collapses and financial crashes. This expression is still a very strong one, all the more so in that, given the current situation, it could pass for prophetic.

The fact is that life today is bound and frozen in a thick industrial ice meant to make corpses of us. The rivers of truly human relations are immobile, dead. The cold gains ground; the air constricts. Just as in that winter of 1870–71 which ghastly veterans like to recall, when the solidified Seine braced its back, its spine of hardened water, to the passing cars, pedestrians, and trucks, our rivers of feeling are turning into arteries full of cold, coagulating blood, channels for sticky animalcules of a state of affairs in which the principle of justification is purely economic, where social relations are as mean and dirty as lice and harder on our spinal columns than whole truckloads or omnibuses full to bursting with inevitably base-looking men. Prisoners of this cold, like mummies in their stiffened wrappings, in the twisted poses of shameful paralytics, we do not budge, we remain inert, we feel ourselves, in a manner of speaking, more like *bits of wood*, and yet we hope only for the *debacle* . . .

Were the river to thaw, it would be all up with this binding traffic, with this grotesque circulation of calculating triviality whose oppressive yoke makes us worse than servants. To break free of this dusty bin in which we lie, moldering alongside our tarnished castoffs, rusty as the saber of a Reischoffen veteran—

the waters of our hearts, of our muscles, and of our skins would have to regain their natural state, thereby rediscovering in all their primitive violence the time of floods, glacial cataclysms, and tidal waves. They would have to burst the banks, the age-old dams, and spread through every land, whether fallow field, town, or hamlet, drowning in their path all that is not human and, finally, evaporating so that this resurrection may be instantly transformed into a defeat. And having first smashed all that was hostile and stranger to it, it must finally self-destruct, evaporating into a chimerical haze annihilating *absolutely everything*.

Michel Leiris
Vol. I, no. 7 (December 1929)

FORMLESS.—A dictionary would begin from the point at which it no longer rendered the meanings of words but rather their tasks. Thus *formless* is not only an adjective with a given meaning but a term which declassifies, generally requiring that each thing take on a form. That which it designates has no claim in any sense, and is always trampled upon like a spider or an earthworm. Indeed, for academics to be happy, the universe would have to take on form. The whole of philosophy has no other goal: to provide a frock coat for what is, a mathematical frock coat. To declare, on the contrary, that the universe is not like anything, and is simply *formless*, is tantamount to saying the universe is something like a spider or spittle.

Georges Bataille
Vol. I, no. 7 (December 1929)

NIGHTINGALE.—Save in exceptional cases, there is no reference to a bird. The nightingale is, generally, a platitude, a narcotic, indolent, stupid. With words we designate vague opinions rather than objects; we use words as adornments for our own persons. Words are, for the most part, petrifications which elicit mechanical reactions in us. They are means to power proposed by the wily and the drunken. The nightingale can be classed among the paraphrases of the absolute; it is the senior element among all those techniques of classical seduction in which we resort to the charm of the small. Nobody thinks the nightingale wild or excessively erotic. The nightingale is an eternal prop, star of the lyric repertory, adultery's high point, the good courtesan's comfort: it is the sign of an eternal optimism.

Nightingale can be replaced: a) by rose, b) by breasts, but never by legs, because the nightingale's role is precisely to avoid designating them. The nightingale belongs to the repertory of bourgeois diversions, by which we try to

suggest the indecent while skirting it. The nightingale can also be the sign of an erotic fatigue; belonging, in any case, like most words, to the paraphrase, this animal helps to ward off disagreeable elements. The nightingale is an allegory; it is hide-and-seek.

The nightingale is to be classed among those ideals devoid of meaning; it is considered a means of concealment, a moral phenomenon. It is a cheap utopia that obscures misery. The nightingale is to be relegated among the classical still lifes of lyricism.

It's cowardice that prevents people from using themselves in allegory. Allegory is, in fact, a form of assassination because it disposes of the object, robbing it of its literal meaning. It is defenseless animals, plants, and trees that get used; the weak like to juggle with the whole cosmos and get drunk on stars. Imprecision is the soul's facade, while precision is the sign of threatening and hallucinatory processes against which we defend ourselves with a superstructure of knowledge.

The nightingale helps to avoid thinking and psychic disquiet. It is a means of diversion, an ornamental motif. One attributes to animals, to plants, etc., a moral perfection with which one adorns oneself. Allegories and surrogates must hide the failure and ugliness of man: thus the human soul is made of stars, roses, twilights, etc.—that is to say, one schematizes the defenseless world and projects one's idealized ego onto a Chihuahua. One weeps with the nightingale in hope of a good day at the stock exchange. Such is the American's winning sentimentality.

The nightingale outlives the gods, because it is merely allegorical, committing to nothing. Symbols die, but in degenerating, as allegory they pass into eternity. Thus what we call the soul is for the most part a museum of meaningless signs. These signs are hidden behind the facade of actuality.

Poets—those gallivanters and embroiderers—transform the nightingale into turbines, baseball, Buddhism, Taosim, Tchou period, etc.

Mention must be made of the political nightingales, who take their coffee decaffeinated and practice, through Hegel and double-entry bookkeeping, a politics of the absolute, gracefully avoiding every danger through manifestos. Song replaces action.

Let us also note that the nightingale sings best after having devoured a weakling.

The nightingale's music conforms to a steady and classical taste; it seeks a guaranteed success. Its cadences are eclectic compilations: only the nuance changes. It even renders slightly daring sounds in a routine harmony, because the nightingale even uses sadness, like pastry. Let us now cite some highly successful nightingales: Mr. Shaw, the nightingale of socialism, of common sense and evolution, for whom drama is a compilation of feature articles; Anatole France, the nightingale of Hellenism and saccharin skepticism. And we'll add

to the list the scholarly nightingales who engagingly combine the remains of metaphysics with an optimistic biology. The nightingale plays all the flutes of all time; it is more eternal than Apollo, but it cannot master the saxophone.

Carl Einstein
Vol. I, no. 2 (May 1929)

SPITTLE.—1) *spittle-soul*. One can be hit full in the face by a truncheon or an automatic pistol without incurring any dishonor; one can similarly be disfigured by a bowl of vitriol. But one can't accept spittle without shame, whether voluntarily or involuntarily dispatched. This is not, as one might think, a commentary on the kabyl code,[1] but a straightforward rendering of our way of seeing.

For spittle is more than the product of a gland. It must possess a magical nature because, if it bestows ignominy, it is also a miracle-maker: Christ's saliva opened the eyes of the blind, and a mother's "heart's balm" heals the bumps of small children.

Spittle accompanies breath, which can exit the mouth only when permeated with it. Now, breath is soul, so much so that certain peoples have the notion of "the soul before the face," which ceases where breath can no longer be felt. And we say "to breathe one's last," and "pneumatic" really signifies "full of soul."

As in a hive, where the entrance hole glistens from the wax inside, the mouth—magically the body's chief aperture—is humid from the to and fro of the soul, which comes and goes in the form of breath.

Saliva is the deposit of the soul; spittle is soul in movement. We use it to strengthen an action, for protection, to impress one's will on an object, to "sign" a contract, to give life.

Thus, Mohammed himself[2] feared the witches' saliva as they breathed on knots and *spat a little* to work some evil spells. In Great Russia and elsewhere, to seal an oath, one spits. Just about everywhere, the kiss, this exchange of saliva, is a guarantee of peace (to seal with a kiss). In Oriental Africa, when opening a door that has been long closed, one spits in order to cast out the demon of the empty house.[3] Finally—and this is a startling demonstration of the theory of the spittle-soul—in Occidental Africa, to confer spirit on the child, the grandfather spits into the mouth of his grandchild several days after his birth.

1. Hanoteau et Letourneux, *Kabylie*, III, p. 193.
2. *Koran*, Surath 113.
3. Marcel Griaule, *Le Livre des recettes d'un dabtara abyssin* (Institut d'ethnologie de Paris).

To summarize: from evil will to good will, from insult to miracle, spittle behaves like the soul—balm or filth.

Marcel Griaule

—2) *mouth water*. We are so accustomed to the sight of our fellow creatures that we rarely notice what is monstrous in each of our structural elements. Eroticism releases, ever so slightly, great lightning flashes that, on occasion, reveal to us the true nature of a given organ, suddenly restoring both its whole reality and its hallucinatory force, while simultaneously installing as sovereign goddess the abolition of hierarchies—those hierarchies within which we habitually grade, for better or for worse, the different parts of the body. Some we place at the top, others at the bottom (according to the value we attach to the different activities controlled by them): eyes at the summit—because they would seem to be admirable lanterns—but the organs of excretion as far down as possible, below any waterline, in the humid vaults of a sea stagnant with distress, poisoned by a million sewers . . .

Just below the eyes, the mouth occupies a privileged position because it is both locus of speech and respiratory orifice. It is considered the cave where the pact of the kiss is sealed rather than the oily factory of mastication. On the one hand, it requires love to restore to the mouth its mythological function (the mouth is merely a moist and warm grotto garnished nonetheless with the hard stalactites of teeth, and, lurking within its inner reaches, the tongue, that guardian of Lord knows what treasures!). Spittle, on the other hand, casts the mouth in one fell swoop down to the last rung of the organic ladder, lending it a function of ejection even more repugnant than its role as gate through which one stuffs food.

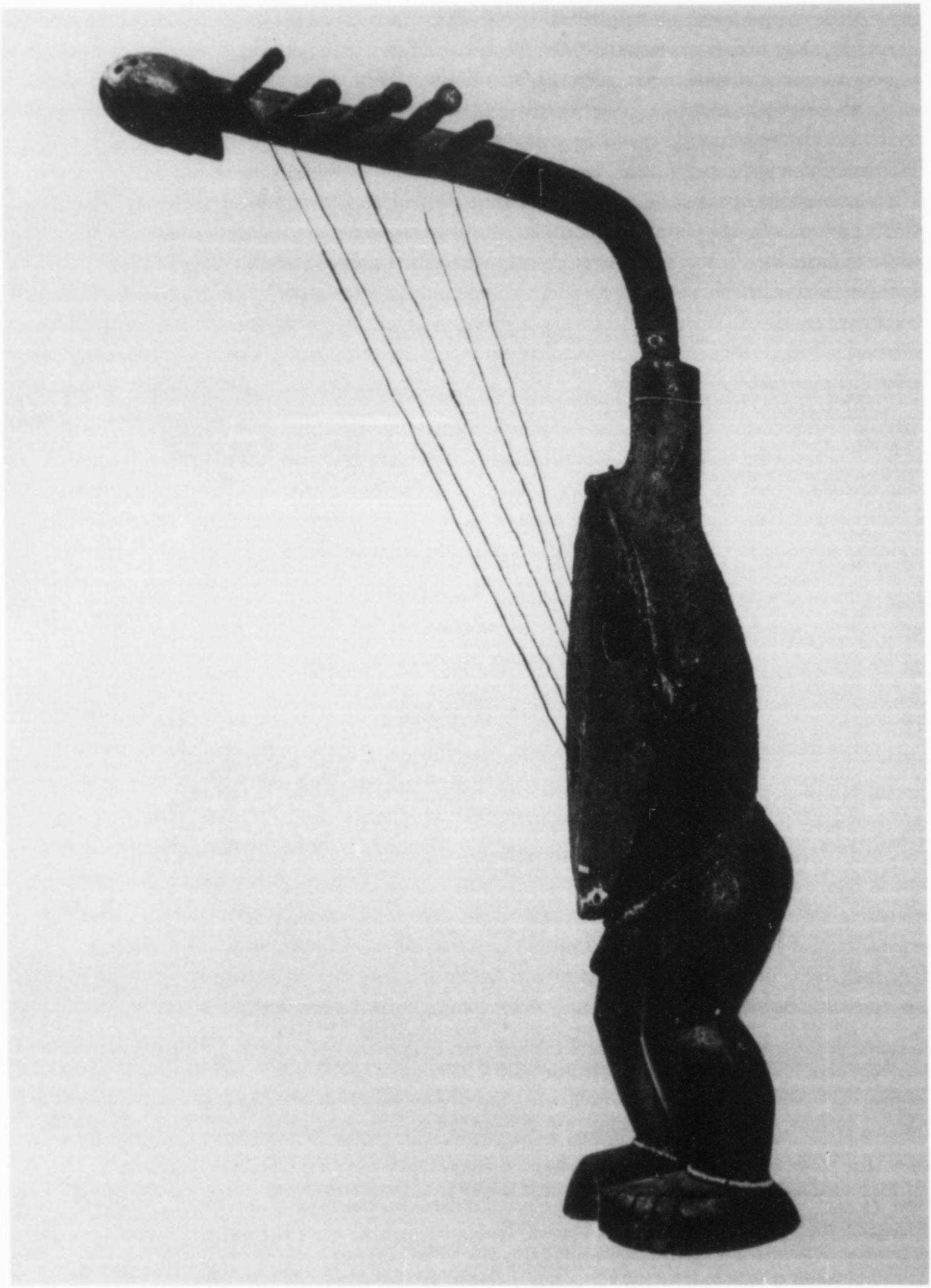
Spittle bears closely on erotic manifestations, because, like love, it plays havoc with the classification of organs. Like the sexual act carried out in broad daylight, it is scandal itself, for it lowers the mouth—which is the visible sign of intelligence—to the level of the most shameful organs, and, subsequently, man in general to the state of those primitive animals which, possessing only one aperture for all their needs—and thereby exempt from that elementary separation between organs of nutrition and secretion (to which would correspond the differentiation between the noble and the ignoble)—are still completely plunged in a sort of diabolical and inextricable chaos.

For this reason, spittle represents the height of sacrilege. The divinity of the mouth is daily sullied by it. Indeed, what value can we attach to reason, or for that matter to speech, and consequently to man's presumed dignity, when we consider that, given the identical source of language and spittle, any philosophical discourse can legitimately be figured by the incongruous image of a spluttering orator?

Spittle is finally, through its inconsistency, its indefinite contours, the relative imprecision of its color, and its humidity, the very symbol of the *formless*, of the unverifiable, of the nonhierarchized. It is the limp and sticky stumbling block shattering more efficiently than any stone all undertakings that presuppose man to be something—something other than a flabby, bald animal, something other than the spittle of a raving demiurge, splitting his sides at having expectorated such a conceited larva: a comical tadpole puffing itself up into meat insufflated by a demigod . . .

Michel Leiris
Vol. I, no. 7 (December 1929)

Guitar from the Upper-Ubangi.



Musical Instruments in an Ethnographic Museum

ANDRÉ SCHAEFFNER

TRANSLATED BY DOMINIC FACCINI

The following notes are not intended to advance a method of classification for a museum of extra-European musical instruments; rather, they detail the difficulties of a study related exclusively to musical instruments and ethnography.

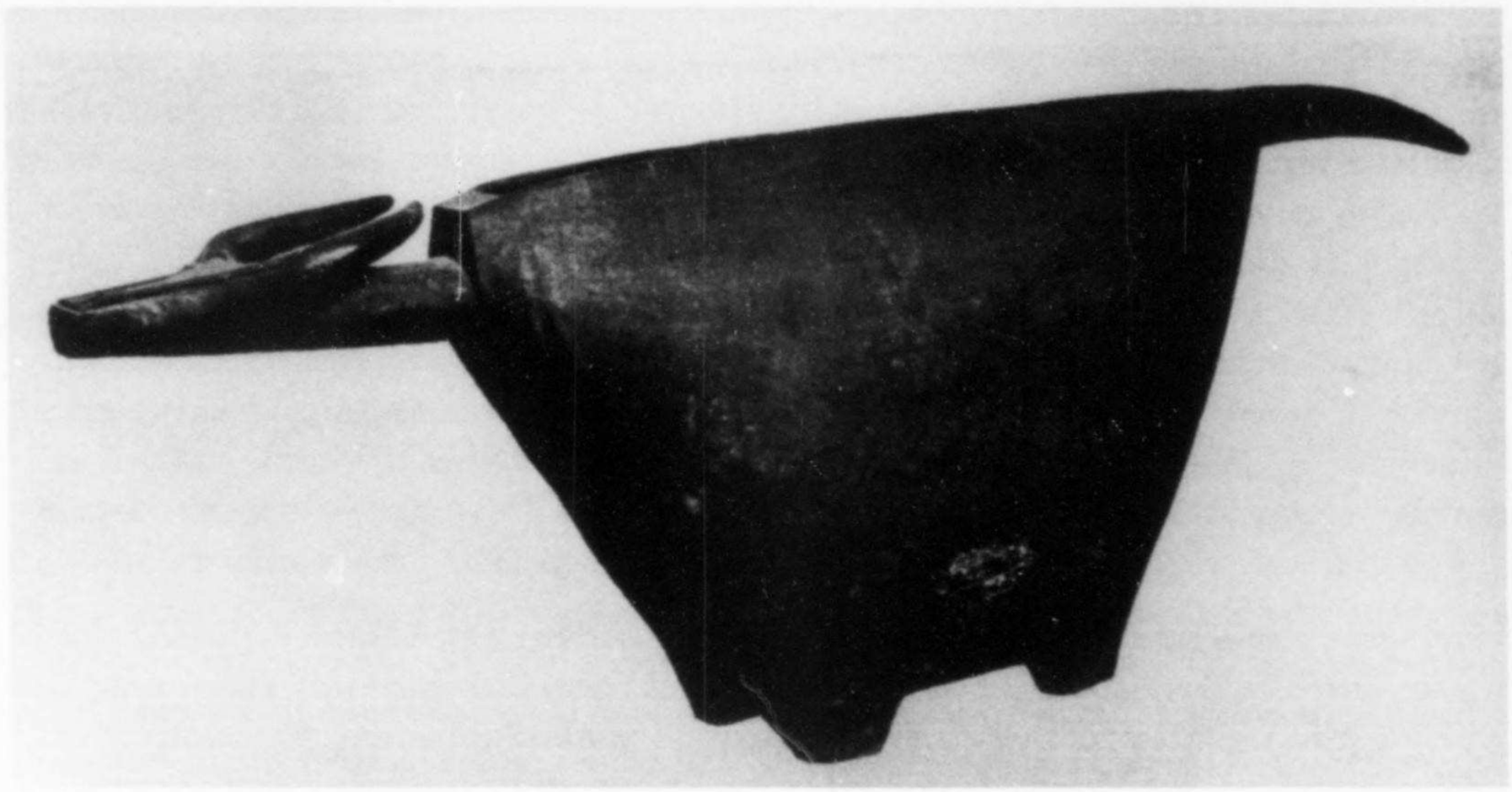
Ethnography necessarily involves the acknowledgment that no object of musical or sound production, however primitive, however formless it may seem, no instrument—whether essentially or accidentally musical—shall be excluded from methodical classification. Within such classification, percussive procedures on wooden chests or upon the earth itself are of no less importance than the melodic or polyphonic resources of the violin or guitar. It is to the travelers, missionaries, and ethnographers that the history of musical instruments owes its only detailed descriptions of objects and techniques that musicologists have ignored and continue to neglect through the same prejudice which leads art historians to reject expressions such as: Negro *art*, Indian *art*, or South Sea island *art*. We were, in the course of a partial examination of documents on the music of American and African Negroes from the sixteenth century to the present, unable to make use of concrete details from anything but travelogues.[1] Now, it is only on condition that nothing of a people's musical life be deemed unworthy of examination that we can consider a general study of instrument-making and scoring throughout history and the five continents, and, consequently, of auditory sensuality in its full range of fantasy. We do not claim, of course, that the intentions of the composers of the Choral Symphony's *scherzo* or *The Rite of Spring* will become clearer to us simply because we will have analyzed the Negro's modes of rhythmic drumming. Invariable elements do, however, lurk within all stages of musical culture; we should attend to the variety of their combinations, just as there is no word in a language which does not help us to decipher it.

1. "Notes sur la musique des Afro-américains." *Menestrel*, (June 25–August 6, 1926).

The ethnographic museum seems best suited to such research: it already has an advantage over the music conservatory and the art museum in that it has omitted nothing of man's artistic experience. It concedes, moreover, that art serves other ends, those of religion, magic, war, hunting, gaming, language. Since it is not born in a vacuum, art can not be isolated. If teaching the Gregorian chant in the conservatory represents recent progress in this regard, we must not expect the study of more distant musics—linked to rituals, languages, and actions foreign to us—to begin for quite some time. Insofar as the Gregorian chant and ancient instruments of European origin are related to the archeology or to the "prehistory" of *our* music, place has been granted them in our conservatories, and in the museums associated with them. As for collections of instruments—and all related studies—which do not fall within the scope of the musical curriculum of our conservatories but refer to other civilizations, to other forms of linkage between art and human practices in general, they necessarily elude the conservatory in principle and their methods in practice, for they cannot match ethnography's flexibility and range.

To arrange musical instruments in an ethnographic museum is to risk scattering them among objects related only by geography, method of fabrication, or external form. A compromise solution would require an autonomous classification of instruments in the museum—the showcase entirely assigned to them not being excluded from rooms specific to objects from the same continent. The possibility of bringing together a culture's minor objects would thus be safeguarded. This seems to us an essential principle of ethnography. The wooden drums that we find in the South Sea islands, in Indian America as in black Africa, would gain nothing from being juxtaposed: their differences are of less concern to the study of musical instruments as such than to the history of primitive religions or the plastic arts. An African drum assumes the ritual form of a cow, whereas a drum from the New Hebrides, a huge phallic post, calls to mind other similarly sculpted tree trunks, and indeed, by the face surmounting it, certain of the same islands' figures made from arborescent fern root. Here considerations of a plastic nature, of purely external typology, prevail over characteristics of sound as such. Knowledge of how these wooden drums sound matters less than understanding their affinity with other objects of worship; it's important to note the sculptural expression claimed as formed by higher powers or the inspiration for the fixation upon them of a fearful and adoring imagination.

With these drum-idols or drum-statues begins the series of instruments that are by no means exclusively restricted to music. We know, of course, that organs with parallel pipes and voluptuously sculpted cases were part of church decoration; organs enlivened by a parade of automatons; there exist harpsichords and clavichords whose lids the master's brush transformed into veritable easel paintings, so that one could not tell which was the excrescence, the instrument, or the work of art. But in the case of the tree-drums from the New



Ubangi Wood Drum.

Hebrides, is it a matter of a more decorative enrichment? Aren't we rather facing an object whose cylindrical form lent itself to the double existence of statue and wooden drum, and, if either idea had priority, might it not have been the statue? A sound statue whose form and use, with all its religious and magical trappings, commands the ceremony of dances which takes place around it.[2] The African bovine-drum, similarly, hardly represents a musical instrument in its pure state. Shaped like a cow, it acquires a quite different meaning; certainly a symbol of fertility, would it call forth the voices as spontaneously as if its form had been less precise? Without wishing to ascribe a ritual character to the object, we simply note a formal intention that is neither musical nor decorative in character.

Other instruments, this time clearly anthropomorphic, present us with other points of intersection between the plastic arts and the study of musical instruments; they also inspire doubt as to their wholly musical use. In Africa, there is a sort of guitar whose strings are braced, like those of a harp, along a plane perpendicular to that of the table or back and compel the neck to bend in caricatural fashion; at the upper extremity of the neck a little man's head emerges, while the sounding board suggests the form of a large bust, without

2. Felix Speiser, *Ethnographische Materialian aus den Neuen Hebriden und den Banks-Inseln* (Berlin, 1923).

arms, but set upon a pair of human legs. The instrument thus stands upright like an ordinary statuette. Certain anatomical details, particularly sexual ones, are indicated with precision by the sculptor;[3] and finally, certain sounding boards are said to be made of human skin. What are we to conclude from an anthropomorphism taken to this extreme? Does the fact that it represents a human being give this guitar a special, extramusical meaning? Was there at the outset a decorative fantasy on the part of the instrument maker? Does the statuette act to set this type of guitar apart from other instruments? In every case, this object concerns equally the study of plastic arts and the study of musical instruments; at this point of intersection it belongs above all to the ethnographic museum, which will take account of the psychological turmoil highlighted by its origin and use. A last example, a whistle-figurine of Mexican construction, shows us a work which would appear, formally, to suffice unto itself; yet within it *hides* a musical instrument. This is not an example of the many whistles and ocarinas of Peru and Central America which, more or less as decoys or toys, express their function for us in a zoomorphic form.[4] This is a statuette whose ceramic delicacy hardly lets us suspect that it surrounds a whistle. The plastic object deprives us of the sight of the instrument, whereas in the case of the drum-statues and the anthropomorphic guitar, the play of volume and outline had been applied to the essential traits of instrument making. Similarly, the object's exterior form lent itself to the instrumentalist's gestures, while the Mexican artist has no concern for the whistler. There is no coincidence whatever between art object and instrument, but a harmony between the two, one empirically containing the other.

Of such instruments, which are also objects of idolatry and of art, we know neither which of the two prevailed, nor in what way they acted upon the instrumentalist's psychology. To them correspond other instruments whose technique we cannot precisely determine. Generally, and up to a certain point, every instrument may presuppose several techniques applicable to it, yet one would appear to be less accidental than the others. A Spanish guitar also solicits the percussion of its strings, indeed of its sounding board. The violin's province is not limited to sounds produced by strokes of the bow, but includes *pizzicati* sounds through direct plucking of the strings, so that we may say that the violin extends from the violin to the guitar to the harp. But where is one to class such instrumental monsters as the clavichord or the "organized" spinet, whose keys act sometimes on chords, at other times on organ pipes, perhaps even on the two timbres at once?[5] And how could one not consign to the Dupuytren museum

3. See the instrument belonging to M. Hessel and reproduced in *Cahiers d'art*, nos. 7–8, 1927.
4. See R. and M. d'Harcourt, *La Musique des Incas et ses survivances* (Paris: Geuthmer, 1925), pp. 69–78 and pp. XXVIII–XXXII.
5. See our study on *le clavecin* (the clavichord) in: *Encyclopedie de la musique*, second part (Paris: Delagrave).

of music another clavichord within which, like tumors or cancers, dwarf instruments had grown, parasites of the parent body?[6] The study of exotic instruments is certainly unfamiliar with such states of madness, but we better understand the superimpositions of techniques within a single instrument and, better still, we grasp the ways in which an instrument, despite or because of its form, can pass from one technique to another or combine two quite different modes of sound production: mixtures and deviations. The simplest case is offered by the so-called nose or nasal flute, found in Africa as well as in the South Sea islands and America and which uses the air exhaled from a nostril. Now, it is not proven that any mouth flute cannot be taken for a nasal flute and inversely that any so-called nasal flute may not also be an ordinary flute. This is properly a case of the perversion of an instrument, when an unpredictable technique is suddenly preferred to the latter's normal technique, but without the new technique ceasing to be *natural*, that is to say within the nature of the instrument. To this example of a mouth flute becoming nasal we can add the case of the Javanese *vahila* which passes from a plucked bark instrument to its definitive state as an instrument of percussion (*krumba*). Surely no form of instrument implies a determined procedure to which human fantasy cannot add a different means of sound production; even if form springs from the definite desire for a certain technique, a whim always risks subverting the instrument.

These remarks demonstrate the need for verification by photography. Next to the exhibit there must be a photograph of the player, of the silent object, its position in the hands of he who suddenly brings it to life, making it multiply. But in an ethnographic museum this is not photographic reproduction's only function. Always coupled with the phonograph, it also preserves for us the idea of instruments such that the player becomes paramount, that through his efforts nature becomes a direct source of sound. Instruments of open air: man beats the sea or the air with arms or feet; he inserts between the slightest breeze and the ear the trembling of a blade of grass, the trap of a fiber. Here is our most poignant sense of man's immense musical need. In this insect's invention, from amid such rudimentary materials, and in the limitless delight that a Negro, for example, finds there, is there not more real music than in the playing of a pianist who, unable to construct his instrument, is no more capable of finding the right phrasing, the expression of a piece by Schumann or Debussy? *Natural* instruments (although in a sense all are) but which would be annihilated if photography did not conserve their process. Thus to Marcel Griaule we owe an account from Abyssinia (1929) of what he calls "earth drum," which consists of beating the ground at the site of two holes of differing depth. Is there a more primitive instrument, whose bare existence remains more elusive? Musician of the earth.

6. *Le Clavecin*, etc.

Earth Drum from the Wollo (Ethiopia).

The need for nomenclature gives rise to other difficulties. Our habit of dictionaries constrains us to absolutely give a name to every instrument, either a native or a European one, whence a dual source of errors and gaps. For the native name of an instrument varies from one tribe to another; we find the exact same descriptions of similar instruments under a dozen names. And, however invaluable Curt Sachs's *Reallexikon der Musikinstrumente*, its author works only with limited means of comparison; the result is an excessive restriction of the possible variety of characteristics of a given instrument. Is he certain that a flute from a given South Sea island has not, under a given native name, a greater or lesser number of pipes than he specifies? The multiplicity of native terms sometimes exceeds the moderate variety of instruments; sometimes a fixed name hides a plethora of instruments. But to apply the names of our instruments to native instruments would be even more dangerous. This leads to arbitrary assimilations, and takes no account of the psychological nuances we tried to point out with reference to the New Hebrides drum or the anthropomorphic guitar. And why give the name *violin* to Arab or Javanese instruments which have less in common with a violin than does our cello? We need a wide variety of precise terms, as subtle as possible, to designate modes of sound production, and respect their perpetual divergence.

Similar scruples should be exercised in any comparative study of the ranges of sound formed by the instruments themselves. One would have to ask oneself first of all if the instrument doesn't create its own scales or whether, through the skill of the instrument maker who chooses the strings and pierces the pipes, the instrument is not submitted to a priori scales; by how much do the empir-

ically obtained scales clash with the theoretical scales; which of the two is truly heard; what disparity is there between the scales the natives believe they hear and those which their imperfect instruments make to our ears? From then on one would have to find out whether, for such peoples, the scales in themselves hold the aesthetic and psychological importance that our own scales have acquired in our music, that they had with the Greeks and the Chinese; whether scales are not the sole melodic means found by natives, whether it represents their entire melodic invention—whereas our scales form only a sound *material* with which the melody plays. It is our belief that in this domain musical ethnography and aesthetics together should provide information of great value.

Vol. I, no. 5 (October 1929)

Drum from the Ivory Coast.

Gunshot

MARCEL GRIAULE

TRANSLATED BY DOMINIC FACCINI

The European public, so great and yet so small, has for some time now taken an interest in the productions of the great "primitive" public which it has come to know through auctions at the Hotel Drouot, through private exhibitions, and a few dealers. Some have also been exhibited in national museums. Asia, America, the South Seas, and Africa have been condensed into a few orderly window displays which satisfy this public's imagination.

Inversely.

The great "primitive" public is interested in so-called aboudjedid cotton fabrics, in the sixteen-liter oil drums, cheap alcohol, and high-quality weapons generously provided by us. Large stocks of these exist in museums not constructed by this public, in those outposts or "exotic" centers where whites deign to dwell. All of which is none too flattering for Europe, beautiful old Europe with her thousand and one arts, literatures, and industries of high and low price. But that is quite another matter.

From a more elevated viewpoint, the question is whether the naiveté of the black in his indignation over a leaky drum exceeds the white's absurdity in declaring a baule drum impure under the pretext that it's decorated with a man bearing a rifle.

The black is certainly naive in thinking that anything could ever stop a white colonial from selling him a faulty drum. The height of absurdity is reached, however, when the other party refuses the African the right to "make art" with a European motif, claiming first that it is European—a somewhat amusingly self-castrating remark—and, secondly, that it looks "modern."

One could say that a gun is not a decorative motif. Fine, but such is not the view of the servicemen who outfit trophy rooms, nor that of the neobyzantine Ethiopian painters whose fondness for European weapons leads them to adorn King Solomon's honorable warriors with them. And if it took a mere rifle to spoil a work of art, how many paintings and sculptures would one have to destroy? This would not, of course, be tragic, but what an effort!

Furthermore, if a black cannot, without debasing himself, use an *exotic* element, namely a European one familiar to him, what is one to make of our blind borrowings from an exotic world, one of color about which we must in self-defense declare we know nothing? Shouldn't we then be pulling up the Queen of Sheba, born by a Negro, from the north portal of Chartres Cathedral, or—in a demonstration of methodical rigor—Deir el Bahari's bas-reliefs of Queen Hat Shep-Sut's expedition to the land of Punt? Wouldn't we also burn the work of Ludolfus, known as Ludolf, who, according to an Ethiopian, drew an exotic sheep while hauling his own cock along in a two-wheeled cart? Shouldn't one, likewise, deny value to the superb spearheads from the Djibuti market, under the pretext that they were made from fish-plates filched from the Franco-Ethiopian railway? And what are we to say of the artistic efforts of the little Galla boys who run alongside trains to snatch up empty Chianti bottles to embellish the pottery rooftops of their houses?

As for the argument of antiquity, only a cellarman could give it any value whatsoever, confusing the part with the whole, antiquity with ethnography.

Boring though it be to repeat it, ethnography is interested in both beauty and ugliness, in the European sense of these absurd words. It is, however, inclined to be suspicious of the beautiful—a rare, and, consequently, a freakish event within a civilization. It is also self-doubting (because it is a white science, and therefore tainted with prejudice) and will not deny an object aesthetic value because it is either ordinary or mass-produced. Ethnography goes so far as to think that the excessive use of oak in the halls of the Sorbonne signals a peculiar conception of the aesthetic of wood. It considers the pottery of the average bourgeois to be the result of a choice determined by social deformations over thousands of years, as the result of much prior consideration and negotiations with the bourgeois wife, revealing concerns with art that are simple yet honest and, in any case, real.

An informed contradictor might say that I am confusing ethnography with folklore. What of it! I call folklore the ethnography of pretentious peoples, of those colorless peoples whose habitat lies north of a sea of low tides and weak storms, the Mediterranean; the ethnography of those who fear both words and things, who refuse to be called natives, and whose dictionaries offer Latin explications of unseemly things, so as to reserve small shameful pleasures for their elites.

Vol. II, no. 1 (1930)

Fox Movietone Follies of 1929

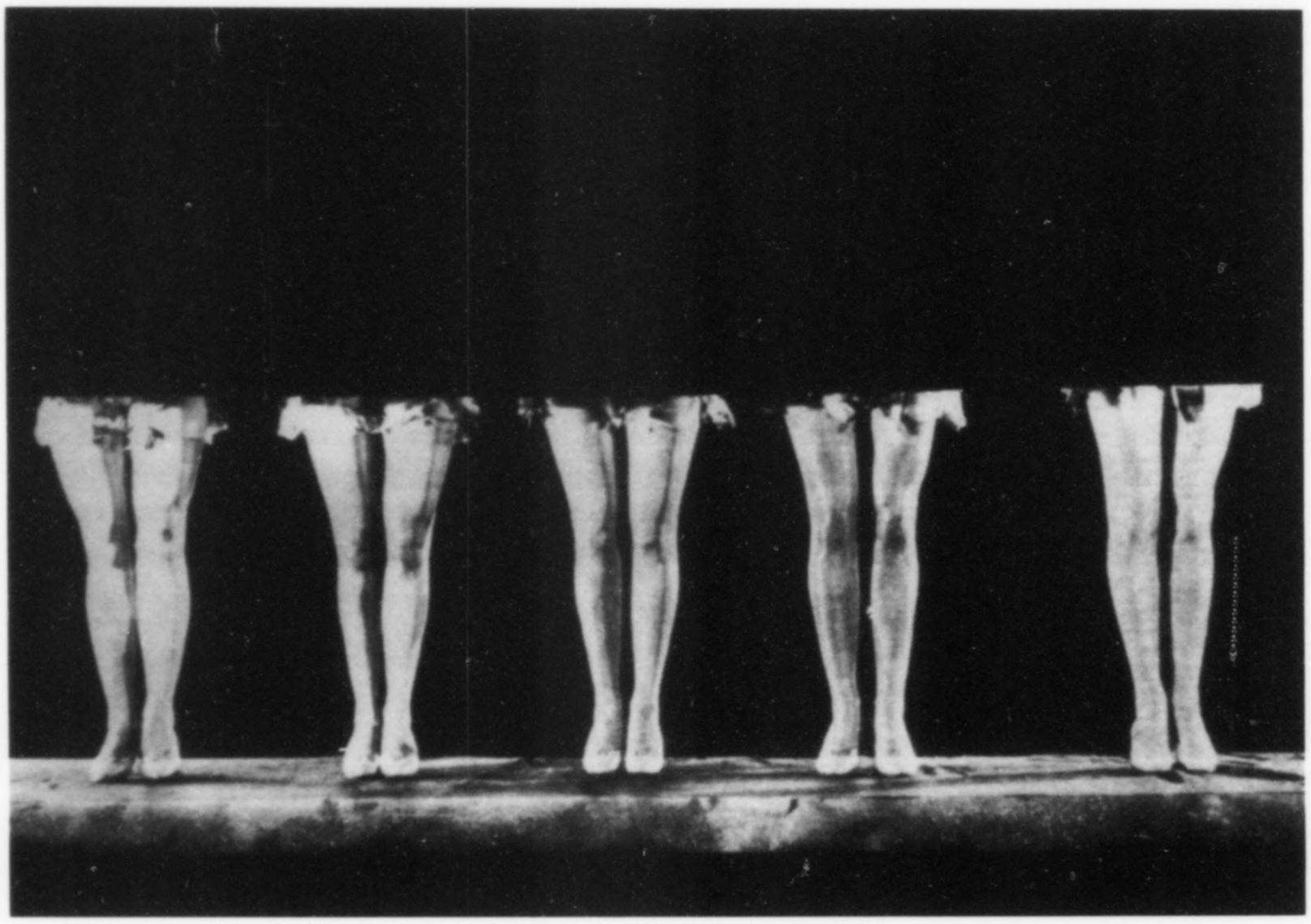
MICHEL LEIRIS

TRANSLATED BY DOMINIC FACCINI

"So, then, Oxford Street, you stony-hearted stepmother, thou that listenest to the sighs of orphans, and drinkest the tears of children, at length I was dismissed from thee: the time was come at last that I no more should pace in anguish thy neverending terraces, no more should dream and wake in captivity to the pangs of hunger. Successors, too many, to myself and Ann have doubtless since trodden in our footsteps, inheritors of our calamities: other orphans than Ann have sighed: tears have been shed by other chldren: and thou, Oxford Street, hast since, doubtless, echoed to the groans of innumerable hearts. For myself, however, the storm which I had outlived seemed to have been the pledge of a long fair-weather . . ."

This passage from the *Confessions of an Opium Eater* immediately follows Thomas de Quincey's account of his encounter, in a nearly deserted house he had rented for lodgings, with a poor child terrorized by ghosts, suffering from cold and hunger, who would huddle up close to him for warmth and comfort at night. Then, there is the moving story of the little London prostitute, Ann, with whom Quincey, on his darkest days, would sadly walk the Oxford Street pavements, and who once may have saved him from dying of starvation with a glass of spiced port from her thin purse.

Despite the appeal of the most dazzling scenes in *Fox Follies*, they are necessarily surpassed by two far more arresting images, which reveal that street magic—sometimes sparkling, at others somber—which creates the marvelous jewel box, velvet-lined, within which, suspected or not, liè glistening a young girl's heady tears. . . . There's the girl, pretty but too modestly dressed and plaintive, standing in front of a sumptuous shop window until the wax figures come alive in dream, drawing her to them, trying the finery on her. There's the girl who sobs beneath the falling snow, while a crowd of shady folk of all sorts stir about in flashes, with inexpressibly absurd gestures. These are both Little Match Girls straight out of children's tales, or orphans out of melodrama. There are those who don't cry: the sirens bobbing up and down in a submarine ballet along enormous algae, like the mysterious bottle-imps in majestic motion



Fox Follies.

during the aquarium scene of Raymond Roussel's inspired play, *Locus Solus*. There are the short-skirted girls and the impish, bare-legged schoolgirls, the whole charming nursery atmosphere, the disquieting childishness that oscillates between laughter and tears, between bright ingenuousness and perverse senility, the beauties singing scales and then replacing their "do, re, mi, fa, sol . . ." with an inventory of body parts: "Eyes, lips, hairs, legs, etc . . . ," and all this while the same look, the same smile, the same silky head of hair, the same vibrating leg multiplied to infinity, appear on the screen. There are the low eroticism, the cheap sensuality and sentimentalism "dumb enough to make you cry," the music you hum on leaving, the complete absence of ideas, the unimaginable infantilism of the script, the tawdry luxury, the hoary jokes, the old phonograph twang, the Folies-Bergères for provincials, the fake virginity. All is summed up in the essential beauty of these two finest scenes, in which the falling snowflakes blend with tears as large as eyes, and in the apotheosis of the plaintive girl whose double passes, as if by magic, through the shop window to don a luxurious nightgown—sequences which carry it all off in an atmosphere that moves us, that's shared, when all is said and done, by even the seemingly cheerful scenes, even the explosive ripples of laughter.

There's not the slightest hint of an aesthetic in this spectacle. Despite appearances, it's all popular, wonderfully cheap. Women predominate through their great beauty, equally touching in their gaiety and in their sentimentality. They have the charm of old ballads, and this despite the dark backdrop of the street, despite the ancient, unforgettable horror of society, that "stony-hearted stepmother" impervious to the sobs of orphans as to those of many others. For it is she who drinks tears more bitter by a thousandfold than those of children battered by a cruel father as he instructs them on behavior in the world, how to live in boredom, in contempt of others—and all from the heights of what he calls responsibility, nobility, morality.

But the adorable blush of the superb *first names*—*Sue* Carol and *Sharon* Lynn—blots out verbiage, and no other questions, grave or otherwise, are asked of heart or spirit, save those a child might ask himself, when, quite simply, he is taken to a magic show.

N.B. *Fox Movietone Follies*, which was shown at the Moulin-Rouge, did not have much of a run. Public xenophobia is largely responsible for this failure. The intellectual clique, on the other hand, could but scorn so simple and unpretentious a spectacle. Recapturing the freshness of childhood is not so easy . . . Even less so than learning English . . .

Vol. I, no. 7 (December 1929)

King Vidor. Hallelujah.

Hallelujah

GEORGES RIBEMONT-DESSAIGNES

TRANSLATED BY DOMINIC FACCINI

It is rather strange circumstances indeed that impel one to defend a work before the public has had a chance to see it, particularly when it concerns a film. Until now, the pleasure of the gaze at the screen had dispensed intelligence and reason from their normal tasks. The nature of the films on offer, however fine, limited their subversive potential to the domains of love and the dream. (The surrealists say love is revolutionary).

The appearance of certain films, such as *Witchcraft*, led to the belief in a possible breakdown of public order. Russian films convinced the state's inner eye that the political fabric was particularly sensitive to the cinema's Bolshevik acid. In sum, the latter's subversive potential is so highly regarded that censorship provides, with maximum frequency and stupidity, demonstrations of its good health.

It is not, at the present time, against this implacable enemy of freedom that King Vidor's film *Hallelujah* need be defended. The film is threatened by no one and everyone, whereas a barrier, singular and invisible, prohibits our approach. To the masses we consign the worst rubbish with a frenzy which would, upon analysis, reveal both overwhelming contempt and diabolical intent; *Hallelujah*, however, is denied them, pending certain maneuvers prior to its release which would, by the same token, provoke extremely disastrous reactions.

This is a unique film of enormous content and unobtrusive direction. The plot is uncomplicated, and special effects are used with touching discretion. No literary symbols grab one's attention, as in *The Crowd*. The film boasts of no aesthetic, and is addressed to no one in particular—not intellectuals, nor bourgeois, nor proletarians—but to people as a whole. It depends on a god and a devil, but escapes the clutches of both religion and morality.

It is, however, and above all, a film of a collective: each individual is but a part of a crowd governed by a common soul, his spirit part of a collective spirit. The dramas played out among the various characters, however violent they may be, eschew that harsh overrefinement of individuality over which lovers of

easy emotions lick their chops with relish. Nevertheless, they move us to anguish, and to our inner cry.

Sometimes, it seems that we have reached the limits of the unspeakable. Never as in the presence of these black crowds seized in ritual dance, or of a craven thief face to face with death, are we so transfixed by the mystery of the reality behind appearances.

We witness at length the departure of the forces of the universe from the bland and anemic heights to which we have become mentally accustomed, taking refuge in what is, geometrically, baseness. Although the lower regions of the world are stirring, it is the soul's greatness (as I understand it) that surges forth.

I would claim that the invocation of spirits, the will to activate the forces of nature through magic formulas, affect pure reality, while the preambles of modern, purified religions are those of spirit acting on its own, unrelated to the outside world. By beginning at the beginning, *Hallelujah* restores us to a universal understanding that is already its stage of perfection.

Are we far from cinema? On the contrary, this is nothing but cinema, and, for the first time, in its perfect form, talking and with sound. No one, even if paid off by a national company, can remain indifferent to those scenes of collective delirium with faces enhanced in terrifying ecstasy, scenes in which we hear the moans of a wounded man and the murderer calling for help, or again, another scene of a hallucinating realism, representing the flight of a stout fellow, fearful as death strides toward him.

The success of such a film cannot be simply the result of luck or of intense passion. Rumor has it that the film is the culmination of a long-cherished dream of King Vidor's, and that he gave up a great deal in order to realize it. It should, in any case, mark the height of a career purified by a great breath of blackness.

As we sink into mediocrity, as, increasingly, only the vilest products, those which flatter the taste of cosmeticians, have a chance of survival, the possible release of *Hallelujah* may enable us to tell whether or not the vociferousness of the national mentality and the silence of the intellectuals must lead us to give up all hope.

Vol. II, no. 4 (1930)

Religion and the Folies-Bergère

GEORGES HENRI RIVIÈRE

TRANSLATED BY ANNETTE MICHELSON

Although for a long time, driven by curiosity, I faithfully attended the Casino de Paris's opening nights, I found myself, after a few moments, steadily yawning at those Spanish fiestas, those acrobatic and apache dances, at Mistinguette's numbers, at that neutered jazz and artistic mise en scène offered by the establishment on the rue de Clichy.

The Folies-Bergère, even in its refurbished state, definitely (though incompletely) spare one this boredom, and I do not wish to create the slightest misunderstanding on that score.

The curtain rises at the beginning of the second act on a street in Paris with a crowd which is, irrespective of the libretto's intention, more sadistic by far than the Marquis de Sade, who does appear in person. There are cyclists clad only in delivery boy's scanty aprons, errand girls with necks muffled up but with breasts and buttocks exposed, and policemen in caps and shorts. And then, upon order from the Divine Marquis, a series of tableaux, some of which turn me off, while others revive me.

I don't think much of *The Ford*, in which a lady of fashion, before leaping, consults a fearless shepherdess who, with skirt drawn up ("until you see where," she sings) bravely exposes her shadowy charms. It's all very eighteenth century, lewd, bourgeois eroticism turned senile.

I prefer the three young women whose nudity is modified only by the addition of banjos decorated by hearts, the hearts on the bellies upon which they strum away with such passion and the bed in which "sous le beau drap transparent/s'etire un corps souple et charmant. . . . ," as its occupant awaits the arrival of a tiny Pekingese.

Nothing, however, in my view, equals *The Society Nude*, *The Wanton Nude*, *The Naughty Nude*, and *The Erotic Nude*. The first three Nudes are of the sort that parade to the rhythm of a music that a more general expertise in such matters would rank as the glory of our French orchestras. This is music in the style of Borel Clerc, a master of the genre: thirty-two bars to a strictly regular beat, but without syncopation and, despite its enhancement by saxophone,

banjo, and a slightly Anglo-Saxon quality, still so different—a decorative, oratorical, automatic music.

The Society Nude and *The Naughty Nude* are two of a kind, with their tall, full-breasted women, fleshly caryatids with their truly ritualistic gestures, ceremonial garb, their conventional speech, their stereotyped smiles of frothy ecstasy. These are priestesses of sensual pleasure. Those skillfully orchestrated rigors—what acts of abandon do they introduce? The curtain duly falls, leaving us panting in the dark.

The Naughty Nude offers one of those processions of antiquity that the red-and-black vase paintings, however well inspired, never do represent clearly enough. On a litter bearing two pigs (with pendant tongues), preceded and followed by maenads draped in sausage links, their breasts capped with oranges and their waists encircled by loincloths sprouting pink rubber buds, one young woman performs an act that's not naughty but rather tremendously sensual.

The Erotic Nude is a series of tableaux that depict the tempting of a monk. We are taken from the cell where a sensual image appears to the hermit from between the leaves of the antiphonary to the witches' sabbath where Lucifer presides over devils, sorceresses, and naked women, bound and whipped with rods[1] or licked by flames. Let us linger for a moment in this cloister. (Why has the Management, seized by a moment of self-doubt, snatched from the radiant cross the body of that woman who represented its most convincingly redemptive element?) Or let us lean out of the convent's window. Gargoyles, cornices, and pinnacles are bathed in a disturbingly intense blue of night. Gradually, these Gothic excrescences begin to blur, draw nearer . . . and they are torsos, members, heads of wanton women.

My pleasure in describing this scene lies not in its mouth-watering effect, but rather in the hope of stressing its religious character, complete even to the element of profanation. For these are truly manifestations of the religious spirit, these vast ceremonies organized at great expense and for maximum profit by real priests. The human species is, above all, characterized by that essentially arbitrary phenomenon that is religion, deployed always, throughout the ages, in greatly diverse forms, but with certain necessary constants. With all due respect to wives, to magistrates, to the nationalist mass, to the craven hearts repelled by present times, the religious spirit no longer dwells within the Catholic cathedral, in the psalms and hymns that spirit spews forth in disgust. It is in the music hall amid the twenty pairs of legs, in the sound of a popular tune, in a conventionalized dance with its wondrous ordering of our carnal desire that we must look for that spirit, restored at last to eroticism.

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1. The word "*verge*," meaning rod, is also commonly used for penis.

Picasso and Cubism*

GEORGES MONNET

TRANSLATED BY DOMINIC FACCINI

What strikes one when considering Picasso's development is the flawless evenness that clearly sets it apart from the successes and failures of cubism. Surely this is because Picasso's inspiration draws upon different sources, and his art is not reducible to this wonderful jugglery.

Cubism extends impressionism. Both displace the picture from canvas to viewer. But whereas the latter depends upon the retina's reestablishment of the image as it should be seen, as true, and as it has by no means been represented by the blending of colors, the former requires restoration of the work's meaning by the mind of the viewer. For the organic recomposition of impressionism, cubism substitutes a process of intellectual reconstruction. The painting is no longer either the equivalent or the direct cause of what is seen because there is more to the picture than what is offered me on the canvas. The painter demands the viewer's collaboration. He must draw up the contract for a profitable partnership. Cubist painting always consists in this commerce between spectator and artist, in this intense and mysterious exchange of passwords, impenetrable to all but the initiated. It is an aristocratic art, or rather a coterie art, which awakens emotions through the calculated use of substances liable to precipitate copiously in the minds of a certain already rather provincial café-intelligentsia, that of the prewar avant-garde. For them, apparently innocent objects are endowed with a good many formidably precise meanings. The guitar, for instance, whose power Picasso doubtless discovered unknowingly, becomes a remarkable point of confluence for this period's most important aesthetic trajectories: exoticism, the dance hall, the rococo of the redoubled curve, and finally, the artificial character of those thin, loosely attached planks through which seep the insta-

* Editor's note: In his autobiographical dialogues with Didier Eribon (Claude Lévi-Strauss and Didier Eribon, *De près et de loin* [Paris: Odile Jacob, 1990], p. 238), Lévi-Strauss explains, "Around 1929–30, the journal *Documents* published a special issue in homage to Picasso in which there is an article signed by Georges Monnet, the Socialist Deputy whose secretary I was; this article is by me. Monnet didn't have the time or the desire to write it, and he left it up to me."

bility of the suburbs and the improvisations of adventure. But triumphant though it could not fail to be, the game revealed a no less disastrous facility. Cubism quickly degenerates into a trivial technique, limiting itself to the ingenious arrangement of classical motifs of proven effect, according to a canon as traditional as that of decadent Japanese draftsmanship. One brings off a picture somewhat as one might an old card trick, and beauty is measured only in terms of craft.

But Picasso is not involved in this academic failure, despite his preeminent role in the genesis and development of cubism. His genius is of a lyricism and spontaneity that links him to all those who aim at the most direct possible expression of reality. *The Window* expresses the heaviness of an urban summer better than any photographic representation. But a picture by Picasso cannot be considered an improvement required for a truthfulness otherwise unattainable by prosaic figuration. Beyond this impression, he pursues more immediate realities. This effort toward an underlying truth makes of Picasso's oeuvre a drama that often moves us. Those torments inflicted on his still lifes, forcing them to speak, have something of the barbaric. They generate the fearful unease of a nudity more than total, like that of a man who had shed both his shirt and his skin. So, too, in these pictures of women, in which the figure conversing with her audience would be a little too superficial; it is the block of flesh he claims to render eloquent. The lowly bottle, the glass, the pipe, are bathed in the tense and inert atmosphere that precedes accidents, riots, and cataclysms. The viewer finds himself enveloped in it. The raw color, the blacks "which do not exist in nature" suddenly reveal objects "never before seen"; they express a beauty undoubtedly patent, hitherto effaced by the monotony of daily contact. The ordinary look of the most banal fruit bowl is reduced to a flimsy stand of plaster and cardboard, through which one discerns the deep and immobile life of things.

Vol. II, no. 3 (1930)

Aeschylus, Carnival, and the Civilized

GEORGES LIMBOUR

TRANSLATED BY DOMINIC FACCINI

I went to the store to buy a newspaper. The shopkeeper was rummaging in vain through disorderly boxes in search of some buttons for a young girl who was waiting there with a milk bottle. In the window, faces of bleeding meat defied the foul and florid metamorphoses of death, and upon this heap, which conjured up no massacres, flies wandered about busily laying their eggs.

The child put her bottle down on the table, and as eager flies gathered there for a feast, she tried on one of these boiled scabs, faces of a banal humanity that would make a newborn jump out of its skin: heads of officials, the very death masks of the neighborhood's elders.

The cardboard faces did not differ from their models—industrial magnates, butchers, perverts—any more than a paper flower differs from a garden flower, but through antithetical qualities, that is to say, only through smell and a certain tactile sensation, so that taken apart, disinfected, embalmed, and unscrewed from their petrified windpipes, one could at last examine them with bare hands.

One of them, heavily bearded, had slid on its own into a half-empty bowl of sweets, where it had settled down on a cushion of red sugar. From the bottom of this transparent cistern, it aimed a permanent smile at the street's little Salomes. Its companions' seductive powers must, finally, have increased, for the little girl with the milk bottle was gleefully trying on the appearance of the old man from whom, every evening after school, she fled in horror and, somewhat vulgarly, was sticking her little pink tongue through its parted lips.

Now it was my turn. Certain that it had taken a long steam bath, and had boiled and reboiled in an infernal pot, I picked up the head of a judge or an inspector, and pushed my nose into the cardboard cutout. Suddenly, the quite singular heat that it gave off—more disquieting than that of a flower, because it had not been experienced since childhood—filled my head with a thousand and one memories, and gave me the impression of entering a room in which I had once lived, closed to me ever since, and in which I rediscovered the perfume of painted flowers that I had once inhaled every morning. I bent my face over

Jacques-André Boiffard. Carnival Masks. *1930.*

these baskets overflowing with a fragrance—alas! now exotic—and what if I were to spill them and inspect their ridiculous undersides, I asked myself: "Is not the gardener a drunk and bawdy man? Is not the virtue of a eunuch to be a monster?"

And afterward, it seemed to me that the obese creatures I encountered in the street, and those moonlike heads (which contained, instead of fire, stones and mines, huge sickly livers), and those with noses covered in eczema were, all unaware, carpeted inside with flowers, where butterflies and birds fluttered in and out.

Aeschylus, you have given us a fine invention. Were you not content with this human face of such diversity—bearded or innocently nude—pale with despair, flush with lechery, green with terror, split with hilarity, or swollen with indignation? The mourners of your time, more expert than monkeys in the art of the grimace, must, nonetheless, have studied all the secrets of pain; they must have known how the handful of dust gathered by the wayside kneads well with tears in the mortar of cheeks hollowed by despair. Aside from the trifling pretext of the megaphone, you reproached the human face for its fantastic mobility—swifter and more disconcerting than an unpredictable sea. It might be, you thought, that the image of greatest torment, the supreme spasm of the

passions, would not last the length of a tragedy. And how much more awesome did a face seem to you once it had descended into the hell of its expression, a face that could no longer find rest, stranded like a ship in frozen ice, and which, even in sleep, retains its appalling, twisted torment. Look, the mouth no longer moves when it delivers these most terrible words, and the cheeks are immobilized in the drama's eternity. For how many speak in chorus behind this superhuman cardboard, behind this mouth forever crippled, like a gymnast who, having performed too many extraordinary feats, is left forever disfigured?

I shan't say much about contemporary masks. He who wishes to draw any aesthetic or philosophical conclusions from these cardboards can simply turn to the attached illustrations, and will, further on, learn what, in my view, is the sole modern mask of our century worthy of Aeschylus. It cannot be photographed; the vapor it releases is fatal to film.

I shall first relate how some of these goons, posing as conquerors, arrived as a new breed of chest-filling Tamerlanes at some islands in the South Seas.

How many times, atop great white robes, in Arab or Sudanese villages, have I seen them at night dancing by oil lamp on the terraces of small bistros, where cylinder or cornet phonographs were bawling out near hookahs extinguished by laughter. These shells upon which the proboscises of mosquitoes

wore themselves out awakened in those who wore them the frenzy of ancient spirits, turning them into mirthful dervishes. The deserts and the whitewashed towns had come together, having fasted for a whole moon, so that one night obscenities as ritualistic as prayer might issue grandly from these toothless, tongueless mouths. Then, outside the love houses, women with tattooed foreheads and rings through their noses welcomed them with a laughter that shook the very night, and soon these fine Occidental offerings hanging from the walls contemplated, from their eyeless orbits, the coupling of the desert's devils.

On the beaches of the southern islands stand long sculpted palisades, like fantastic stakes made of demons climbing one upon the other, and of faces affixed to big tree trunks that looked the sun directly in the eye. These long altars, fortresses of heads, ramparts of the gods, defend the land. Even the sea dares not advance with its tides, the sharks withdraw to the deep, the birds fear to land on these perches over which the sky is emptying.

Now the white man, devoid of all respect, takes advantage of this universal fear to quietly approach the shore with his dismal missionaries, his cardboard Jesuits, in tow. He unloads his chests on the sand and takes out his forty-five-degree holy water; then, to give off a religious air, he unpacks his apostles, his masks, his rubbish from the Faubourg Saint-Denis, and he passes them off for his ancestors, his divine protectors. Thus, the judge with the swollen blimp-like nose and the joyful plaster mugs takes possession of the island. Prisons open, whips crack, money jingles, and the national flag waves gently over the country. In its protective shadow, the civilizer undertakes to saw up this beautiful and elaborate hell, sometimes already moldering in the sun, to ship it back to his markets and his Trocaderos. Cemeteries are dug up and masks and jewelry torn from the dead. If the white pirate hears that a black Cleopatra has just swallowed a pearl, he summons the queen and, although he has forbidden bloody religious sacrifice, he opens her stomach and withdraws the precious object from her smoking entrails. The blacks change gods, and bingo! they also have themselves a little Carnival Trocadero, and native collectors are enriched by a few rare pieces.

Thus the characters we encountered in the grocery store next to the milk bottle went on their colonizing mission. They no longer felt very much at home in our towns. They no longer corresponded, in fact, to anything real. Their outmoded idiocy was replaced by another type of enigmatic mask, one worn by several generations to the brink of death; young folk today don them for symbolic parades, along with helmets and guns.

I imagine a meeting in hell between Aeschylus's troupe of ten or so shades with diversely fearsome wooden faces and a handful of ghosts from my own time, ghosts in absolutely identical masks with no semblance of a human trait. "Who the hell are these pigheads that all look alike?" asks Aeschylus. These are not snouts, dear father of tragedy, they are gas masks, and they sting the eyes

and strangle the throat; they draw tears and fits of coughing. For inside they emit terrible vapors next to which the sulphurous emanations of certain quarters of hell are no more troublesome than the flame of a kitchen match. Here, surely, is the only truly authentic modern mask. For if the various cultures of antiquity, the cult of the dead and the festivals of Dionysus, made of the mask a sacred and ritual headdress, we, too, have our religion, our games, and hence our masks. Only the generalized standardization of our era makes us all wear the same one. This one is intended to repel certain invisible enemies. We may hope to see half of humanity running through fields one day, masked in just this fashion, and all travelers must expect, every now and then, to encounter on the coasts of Africa a demigod or an old woman dressed in a top hat, artlessly swinging this muzzle in the shimmering shade of a palm tree.

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Barbara Kruger. Untitled (We are your circumstantial evidence). *1983*.

"You Thrive on Mistaken Identity"*

MIGNON NIXON

Since the early 1980s Barbara Kruger's work has insistently shown female bodies bound up by sadistic violence—acts of shattering, slicing, stripping, piercing, biting, stabbing, choking, smothering—and by masochistic enslavement—being framed, pinned, or frozen in ritual poses, being or making themselves objects, especially of the gaze, fusing with or being absorbed by powerful others. And the text messages superimposed over these pictures ritually intone masochistic slogans: "We are the objects of your suave entrapments"; "We have received orders not to move"; "I am your almost nothing"; "I am your slice of life."

The female masochistic identity Kruger puts on view turns out to be, however, not fixed or frozen, as in the stereotype it parodies, but multiple and shifting. Pronounced from a range of positions, including those of submission, resistance, reversal, and irony, these phrases—written on bodies—both enact and problematize female masochism: "We are unsuitable for framing," "Do I have to give up me to be loved by you?" "Use only as directed," "It's our pleasure to disgust you," articulating masochism across a space susceptible to rearrangement and to reframing. The framework within which Kruger repeats scenarios of domination and submission is one of oscillation, a charged space of movement in which identification is painstakingly worked over; it is this more than anything else that defines it as a fantasy space.

Kruger's compendium of masochisms can be related to a project of feminist theory: to rethink masochism through the psychoanalytic model of fantasy itself.[1] A number of writers have argued that the strict gendering of sadomasochism—in which masochism is feminized through the devalued gender attributes of passivity and submission and opposed to sadistic fantasy,

* I would like to thank Martha Buskirk, Virginia Rutledge, and, especially, Rosalind Krauss for their useful comments and suggestions on this essay.

1. The work of Cindy Sherman might also be read in relation to this reconsideration of masochism.

marked by putatively masculine qualities of agency and dominance—misconceives the psychic purpose of fantasy as a decentering of subjectivity.[2] For if, as Laplanche and Pontalis have argued, fantasy is a space or setting in which gendered identity breaks down altogether, in which the subject may even be elided into the syntax or matrix of the scenario, then no position is stable or essential.[3] And if, following this model, the fantasy scenario is constructed precisely to permit multiple and shifting identifications, so that all terms are simultaneously kept in play, then the interpretation of fantasy cannot depend on locating, or pinning down, the subject within the fantasy. The pleasure produced by fantasy is, then, a pleasure in movement, a pleasure that the gendering of sadomasochism impedes by arresting the slippage between positions, freezing them instead into set roles or poses.

The potential of fantasy, understood in this way, to overturn the fixed viewing or speaking position that stabilizes the gaze, is obvious, and Kruger's oscillating frameworks clearly play on the possibility of changing places as a means of destabilizing subjectivity. These frameworks, however, do not actually set up a fluid, desubjectivized fantasy field, a mise-en-scène of desire, such as Laplanche describes.[4] For the free play of positionality across such a field is exactly what the fixed identification of the stereotype holds in check, and these static roles are the very ones that Kruger manipulates. So it is not only fantasy's undoing of subjectivity that plays out here, but also subjectivity's containment of fantasy, and it is in the tension between these two refusals, this crossing up of pleasure—pleasure in movement and pleasure in mastery, the two both elicited and denied—that the viewer is caught. Kruger, then, repeatedly enacts a double rupture of desire: she simultaneously frustrates the desire for possession of the image, using such devices as cropping, fragmentation, and superimposition, and blocks the desire for movement, or loss of subjectivity, by insistently reasserting the static formula of the stereotype.

Of course the gender position of the viewer, so explicitly marked by the use of pronomial shifters—I and you, we and they—specifies just how this trap is set, these losses staged. The mechanics of such entrapments are cleary displayed in *Untitled* ("We are your circumstantial evidence") of 1984, in which the glossy image of a woman's face is broken into shards—eyes, nose, shiny

2. The work of Jean Laplanche and Jean-Bertrand Pontalis is the point of departure for many of these readings. For their analysis of fantasy, see Laplanche and Pontalis, "Fantasy and the Origins of Sexuality," in *Formations of Fantasy*, ed. Victor Burgin, James Donald, and Cora Caplan (New York: Routledge, 1986), pp. 5–34. An important essay that draws on the conception of fantasy as a field of shifting positions is Elizabeth Cowie's "Fantasia," in *The Woman in Question*, ed. Cowie and Parveen Adams (Cambridge: MIT Press, 1990).

3. Laplanche and Pontalis, "Fantasy," pp. 22–23.

4. Ibid., pp. 14–15. For a discussion of fantasy as the setting rather than the object of desire, see also Laplanche and Pontalis, *The Language of Psychoanalysis*, trans. Donald Nicholson-Smith (New York: Norton, 1974), p. 318.

mouth—and the surrounding field shattered into jagged, glassy splinters. If the viewer takes a "masculine," sadistic position, then the fragmentation of the field that splinters the fetishized female image transforms the scene of scopophilic pleasure into one of anxiety. The circumstantial evidence against castration, the intactness of the woman or image, is smashed. If, on the other hand, the spectator adopts a "feminine," masochistic position, then this reversal—in which the sadistic gaze is not pleasured by the passive perfection of its object but tormented by the object's self-shattering—can be read as a fantasy of revenge. This scenario of retaliation is enacted through loss, for the shattering by which the object strikes back against the sadistic gaze and deprives it of its mastery is also a self-splintering, a loss imposed on the self for the sake of punishing the other.[5] This double displacement not only disturbs the security of conventional viewing positions—a masculine/sadistic, feminine/masochistic framework controlled by the sadistic term—but also sets up a different scene by reframing looking as loss, or as masochism.

This loss is a loss of position. It might seem dubious to describe the set-up in this way, for of course the losses experienced will be very different depending upon the position that is vacated—the difference perhaps between eviction and liberation. Instead of seeing these scenarios as invested in masochism, would it not then be more accurate to describe them as directly subverting the masochistic positioning of the female subject by refusing sadistic possession? It seems to me that Kruger goes even further, exploiting masochistic pleasure, pleasure in the loss of a stable identity, to counter sadistic gratification. So, yes, by employing techniques of reversal to expose and dramatize power relations, and by enacting those reversals within a certain mise-en-scène, at those sites where domination and submission are produced and inscribed, she does manipulate and subvert the rules of sadomasochistic viewing. But by appealing to masochism, to pleasure in loss, she not only problematizes the strict gendering of sadomasochism but also reveals a subversive potential within masochism itself.[6] When the emphasis in viewing is shifted from sadistic possession to masochistic loss, viewing becomes a process of decentering rather than of stabilizing identity.

5. For an analysis of revenge through self-imposed loss, see Leo Bersani's *The Freudian Body: Psychoanalysis and Art* (New York: Columbia University Press, 1986), pp. 58–59, and Kaja Silverman, "Masochism and Subjectivity," *Framework* 12 (1980), pp. 4–5.

6. For a discussion of the subversive potential of female masochism, see Tania Modleski, *The Women Who Knew Too Much: Hitchcock and Feminist Theory* (New York: Routledge, 1988), pp. 67–71. For a consideration of male masochism as a subversive perversion, see Kaja Silverman, "Masochism and Male Subjectivity," *Camera Obscura* 17 (May 1988), pp. 31–66. Silverman questions the potential for resistance within female masochism: "The difficulty with conceptualizing that psychic condition [female masochism] as in any way potentially deviant or perverse is that it represents such a logical extension of those desires that are assumed to be 'natural' for the female subject. Because there is so little cultural resistance to it, it does not generally assume any of the poetic or narrative complexity of pathological male masochism, nor manifest as marked a heterocosmic impulse" (p. 59).

What Kruger does not do is ignore the gendering of masochism in cultural representations and its enactment in violence against passive female bodies. That scene is relentlessly repeated and interrupted with accusation and resistance. But she uses this altered replay of the conventional masochistic scenario to produce subversive ones. Pleasure in possession is deflected through pleasure in loss, the loss of centered subjectivity in the absence of which gendered domination begins to break down. In order to use masochism subversively, Kruger establishes its multiplicity, even within the constraints of stereotypical images and poses. Resistance is figured in a number of ways: as negation ("I won't be what I mean to you," "We are unsuitable for framing"), exaggeration ("I am your almost nothing"), parody ("Use only as directed," "I am your slice of life"), or self-shattering ("We are your circumstantial evidence," "You are not yourself"). That these are recognizable strategies of female masochism both problematizes the passivity and fixity so emphasized in masochism's stereotypical construction and exposes an instability in the sadomasochistic structure itself. For in surfacing the breaks and snags that *already* fissure it, Kruger shows how that scenario is always already riven.

The repetition of sadomasochistic scenarios produced and viewed from so many different positions not only undermines the oppositional, interlocking mechanism of sadomasochism but also demonstrates how female masochism itself is turned to a wide range of psychic purposes—including disguise (of desire or pleasure), parody (of the construction of femininity), and alternation (of position or identification).[7] So one aspect of Kruger's project is to show us, from a number of points of view, what the psychic purchase of masochism might be. She points to ways of reading and enacting female masochism, even within its most stereotypical representations, that disturb the gendered polarization of dominance and submission, often simply by means of parodic exaggeration. In *Untitled* ("We have received orders not to move"), the drawing of a woman's silhouetted body is literally pinned in place, punctured along its contour with outsized straight pins. Kruger often uses humor to ridicule the excesses of domination with excesses of submission. *Untitled* ("I am your almost nothing") shows a diaphanous cloud of blond hair swirling its tantalizing, silken tangle around a pair of grasping, empty hands—self-effacement driven to its vindictive extreme, or, by reversal, castration anxiety unloosed in the fantasy of ungraspable woman. The use of masochism to burlesque the construction of femininity has been discussed by Tania Modleski, who, drawing on the work of Theodor Reik, suggests that the display of passivity and dependence in female

7. For a discussion of the gendered construction of sadomasochism and the range of psychic uses of female masochism, see, for example: Parveen Adams, "Of Female Bondage," in *Between Feminism and Psychoanalysis*, ed. Teresa Brennan (New York: Routledge, 1989), pp. 247–65; Jessica Benjamin, *The Bonds of Love: Psychoanalysis, Feminism, and the Problem of Domination* (New York: Pantheon, 1988); Elizabeth Cowie, "Fantasia"; and Linda Williams, *Hard Core: Power, Pleasure, and the Frenzy of the Visible* (Berkeley: University of California Press, 1989), pp. 184–228.

Barbara Kruger. Untitled (We have received orders not to move). *1982.*

masochism critiques the positioning of women in patriarchy by dramatically displaying their humiliation and degradation.[8] *Untitled* ("Are we having fun yet?"), in which a woman covers her face in her hands, the painted nails manicured to form knifelike points, directly parodies the cinematic rendering of the pleasure-in-pain perversion. As Modleski points out, female suffering in movies serves not only male sadistic fantasies but also masochistic ones, which are commonly displayed onto a female victim who, as she says, "does the suffering for both of them."[9]

8. Modleski, *The Women Who Knew Too Much*, pp. 67–68.
9. Ibid., p. 13.

Modleski's argument that "female suffering may *itself* be an expression of anger," albeit expressed also toward the self, bears directly on Kruger's practice of juxtaposing masochistic scenes with ironic slogans that, like the images, are adjusted versions of clichés.[10] It is by now a commonplace in discussions of Kruger's work that these texts oppose and disrupt the images they are written over, often with humor. But it is also possible to read Kruger's use of exaggeration as further underlining an excess that is already there and that verges on resistance. Viewed in this way, her work points to a certain complicity between mass culture and female masochism, suggesting that the two are aligned not only as devalued and feminized terms but also as practices that mock their own degradation. For her strategy of critiquing sadomasochism and other gendered power relations through manipulations of the melodramatic, the sensational, the vulgar, amplifies techniques of exaggeration that, as she demonstrates, both female masochism and mass culture themselves exploit.

If Kruger exposes breaks and excesses in the structure of sadomasochism, she also makes clear that this already destabilized structure still coerces; we identify with the roles it sets out even as we may also refuse them. But this condition of "even as" is already a displacement, shifting the relation between these two processes, identification and refusal, from a sequence to a pulse. What this oscillation, this switching back and forth, interrupts is the stereotype's speed, its ability to get there first. So one way of reading this tension—the continual cataloging of masochistic and sadistic identifications even as they are interrogated and blocked—is as an attempt to bring refusal onto the ground of identification, that is, to juxtapose or imbricate the two in an ambiguous figure.

The possibility of a pulsation or alternation between these two terms that I am calling identification and refusal can be related to fantasy, which similarly enacts a deformation of hierarchy and of sequence. As Mary Ann Doane has emphasized in making a crucial distinction between two operations she refers to as getting and reading an image, what separates these two responses is their order in a sequence, or, in other words, a delay or space in time.[11] According to Doane, a critical intervention (reading) may disrupt identification (getting) but can't erase it because it comes too late, following only in a second moment, or after the fact. By using techniques of unconscious fantasy—superimposition, juxtaposition, opposition—to divide the field of identification, Kruger reworks that delay so that it operates not as the lag between a first and a second moment but as the interface, or relay, between terms.[12] This is not to say that Kruger's

10. Ibid., pp. 67 and 70.
11. Mary Ann Doane, "Masquerade Reconsidered: Further Thoughts on the Female Spectator," in Doane, *Femmes Fatales: Feminism, Film Theory, Psychoanalysis* (New York: Routledge, 1991), pp. 40–41.
12. Doane has criticized fantasy theory's model of a spatial arrangement of unstable positions as too summarily dispensing with identification by reducing character to position. See "Sublimation and the Psychoanalysis of the Aesthetic," in *Femmes Fatales*, p. 253.

frameworks somehow re-create the conditions of fantasy, or that they cancel the effect of getting the picture, the constraints on reading, by holding two scenes constantly in play. For on the contrary, she maintains a steady state of tension between constraint and resistance: on the one hand, the viewer is (repeatedly) taken in by identification with an essentialized position, even as that identification may be disavowed, and, on the other hand, a resistance to identification is shown—via excesses and elisions—to be latent within even the most coercive image. So I think it is possible to say that Kruger uses fantasy as a strategy for restaging subjugation as tension, as a spatial and temporal oscillation that radically decenters subjectivity.

Why Fantasy?

The strategies by which Kruger blocks identification and destabilizes subjectivity, disrupts masculine viewing and exposes the construction of gender stereotypes, were closely analyzed in relation to poststructuralist theory by several critics in the early 1980s, including Craig Owens, Jane Weinstock, Kate Linker, and Hal Foster.[13] Why, then, reread Kruger's work through fantasy? In order to answer this, I will need to say something more about what I mean by fantasy. What I mean to suggest with this term is both the psychical process of remaking in which identity is pressured and destabilized (psychoanalytic fantasy) and also the degraded pastime of the feminized mass-cultural consumer in which identity is bought (mass-produced fantasy). For it seems to me that Kruger plays these meanings off one another and that she plays on the way that modernism brought them together to produce its feminized other.[14]

Kruger uses the devices of mass-produced fantasy to enact scenes that problematize identity rather than containing it, and she uses processes of psychoanalytic fantasy—reversal, substitution, projection, and negation—to restage, or reframe, fantasies of mass culture. Images and techniques are appropriated from mass culture, which is itself the scene, devalued and feminized, where female masochism is obsessively constructed, locked in, as the

13. See Craig Owens, "The Medusa Effect, or The Spectacular Ruse" and Jane Weinstock, "What She Means to You," in *We Won't Play Nature to Your Culture* (London: Institute of Contemporary Arts, 1983), pp. 5–11 and pp. 12–16; Kate Linker, "Representation and Sexuality," in *Art After Modernism: Rethinking Representation*, ed. Brian Wallis (New York: New Museum of Contemporary Art, 1984), pp. 391–415, especially pp. 413–15; and Hal Foster, "Subversive Signs," in Foster, *Recodings: Art, Spectacle, Cultural Politics* (Seattle: Bay Press, 1985), pp. 90–115, especially pp. 111–15. An important recent study of Kruger's work is Linker's *Love for Sale: The Words and Pictures of Barbara Kruger* (New York: Harry N. Abrams, 1990).

14. The concept of mass culture as modernism's feminized other is developed by Andreas Huyssen in his essay "Mass Culture as Woman: Modernism's Other," in Huyssen, *After the Great Divide: Modernism, Mass Culture, Postmodernism* (Bloomington: Indiana University Press, 1986), pp. 44–62.

very figure of the stereotype. Then, by means of a series of adjustments, masochistic scenes taken from mass culture are remade as subversive setups that Kruger in turn reproduces on posters, billboards, T-shirts, tote bags, and electronic signs. This tactic by which a set of terms, a mise-en-scène, is replicated in order to be remade is transferred from two fantasy scenes, the psychoanalytic and the mass-cultural, and their convergence in Kruger's practice can be read against modernism's gendering and devaluation of both types of fantasy.

In response to Kruger's work of the early 1980s, which established their signature format of severely cropped black-and-white photographs overlaid with mock captions and marked off by bright red frames, Owens analyzed the work's manipulation and interception of the stereotype as a way of contesting the social positioning of the body.[15] As Owens pointed out, her interventions use mass-cultural techniques of production to counter the subjugation imposed by the stereotype with an active pleasure in decoding and resisting.[16] Using linguistic shifters to play on and against advertising's direct address—its appeal to identification, to the particularity of "you," the individual, that masks the stereotype's hostility to differences—Kruger parodies the operation of advertising. But a side effect of this emphasis on what Owens described as an attack on the stereotype was to marginalize or repress the possibility for sadistic and masochistic identifications that is also present in Kruger's work. For while Kruger obviously does perform a vigorous critique of stereotypes—and there is no stereotype more conventional or more fundamental to advertising than the association of femininity, masochism, and mass culture—she also problematizes these terms and their devaluation by constructing setups that enact not only the satisfactions of decoding and analysis, but also the pleasures and torments of identification.

I would like to suggest, then, that Kruger appropriates mass culture not only, as Linker wrote in 1983, to demonstrate how it operates as an instrument of social control, exposing "the practices by which ideology fixes the production of meaning, reducing its plurality to a limited number of signifieds which are equated with truth within the social economy," but also to point out how certain images and practices open a space of resistance, even subversion.[17] This potential for resistance depends on the possibility of a tension between identification and refusal, between constraint and mobility in reading, and the oscillation between these terms has allowed Kruger to avoid implying, as Foster put it, "not only that . . . cultural fictions and subject positions are more absolute than they are but also that the artist is transcendent in relation to them."[18] The use

15. Owens, "The Medusa Effect."
16. Ibid., p. 7.
17. Linker, "Representation and Sexuality," p. 414.
18. Foster, "Subversive Signs," p. 112.

of interruptions, interventions, and reversals that dramatize the mediated nature of identification can be seen, I think, not only as exposing the coercive methods of the stereotype but also the resistant ways that people read.

One mechanism of this staging of resistance is the text screen that is inserted between viewer and image. Figured as an obstruction, a cancellation of vision, the text disturbs the seamless surface of the picture, blocking fantasies of possession and voicing fantasies of revenge. *Untitled* ("I am your slice of life"), for example, displays a row of three mat-knife blades, strangely suspended, their sharp tips poised against a drafting board. The images that are sliced up to pleasure the gaze (with sadistic possession, narcissistic gratification, or fetishistic fixation) are withdrawn. The photograph is cropped not to intensify pleasure but to refuse it, removing the pleasurable part and picturing only the instruments of its construction. Through devices such as sharp cropping, extreme enlargement, and the text screen, and techniques of negation and substitution, Kruger draws attention to the usual subordination of image to gaze by interrupting it.

Her framework is the simultaneous display of two positions such that vision is always in some sense caught or snagged in the relay between two opposed messages, and the use of shifters to tag and then to switch these positions exposes the vulnerability of oppositions (such as gender) to reversal while obstructing the claim to mastery of the sadistic gaze. But the problem remains, as Foster has pointed out, that Kruger's setups are explicitly and insistently gendered, reenacting the pleasuring of the sadistic "masculine" gaze with a display of passive female objects.[19] So if subject positions are scrambled, this disruption is enacted as a restaging, an altered repetition of the scenario in which those same positions are conventionally and essentially determined. According to Foster's reading, the scopophilic scene is Kruger's target, and her replaying of it is the entrapment that, as he says, both "catches out the gaze" and blocks the feminine identification that submits to it. This reenactment is the vehicle of intervention, "an indictment of the masculine voyeur/fetishist as well as an injunction to the feminine spectator not to be taken in."[20] If, however, Kruger's framework is a space of oscillation, a space in which identification and resistance are literally inscribed within one another through the mechanism of the shifters and through superimposition, then viewers do give in to identification, even as they resist it. By simultaneously dramatizing the compulsion to identify with stereotypical scenarios—the certainty that one will be taken in, will get the picture—and demonstrating their extreme susceptibility to subversion, Kruger strains gendered identification from two angles at once.

19. Ibid.
20. Ibid., p. 113.

Why Masochism?

This is a question that I have often been asked, at times in tones of incredulity or irritation, since I began talking with people about the possibility of reading Kruger's work through models offered by fantasy theory, and especially in relation to masochism. Because I was both surprised and impressed by these doubts, I would like to address them briefly. First, I must mention that the objections were sounded from two different, even perhaps opposite, directions. One line of complaint was this: Kruger is, after all, a feminist whose practice explicitly challenges the rigidity of gender roles, *especially* the interlocking mechanism of male sadism and female masochism, so to suggest that her work itself engages sadistic and masochistic identifications, and more troubling, to imply that her enactments valorize masochism by complicating it, by displaying the range of its psychic investments and its potential for resistance, misses the point or is even perverse. The point that I am missing or refusing, this argument goes, is that Kruger's interventions deftly *block* ingrained identifications with the image, interposing a critical distance, a postponement, that destabilizes and de-essentializes subjectivity. This, of course, is the case, grounded in a poststructuralist apparatus, that critics (not to mention Kruger herself) made so persuasively in relation to her early work, which itself made overt use of the same theoretical framework.[21] But I do not think that this analysis is incompatible with the suggestion that Kruger enacts an oscillation between identification and refusal, or that she uses masochistic pleasure in viewing to deflect sadistic urges. On the contrary, I would say that an important strength of the postmodernist reading is that it offers the basis for further articulation, and can be led in another direction—one that is especially important to follow up given Kruger's more recent production.

The possibility of now reading Kruger's setups in relation to fantasy seems to me warranted on two accounts: not only has her practice moved in the direction of large-scale displays that pulse, blast, and overwhelm the body, exceeding the limits of any frame, but the intensive reworking of fantasy theory over the past decade offers a way of reading a striking convergence—the inscription of female bodies and speakers in masochistic poses within an explicitly critical and insurgent practice—that Kruger insistently repeats. Recent installations enlarge the problem of masochistic identification to cinematic proportions. Collapsing the distance between viewer and object and enveloping the body in a pulsing surround of stimulus, shattering the coolness that Owens ascribed to the reservoir of poses displayed in the framed photographs, these heated-up displays deflect critical composure and aggressively corporealize viewing. Photographs are blown up to cover walls, and texts written on the red

21. See Owens, "The Medusa Effect," p. 7; Foster, "Subversive Signs," pp. 113–14; and Linker, "Representation and Sexuality," p. 414.

grounds of floor and ceiling drive the viewing body, pushing the head down, yanking back the neck. In Kruger's 1991 installation at the Mary Boone Gallery, the texts made direct reference to these physical manipulations, linking the power exerted on the body by giant screens and blasts of text to an ultracinematic effect of sensuround. The ceiling read: "Don't look up. It strains the neck. It drains the brain. It begs for heroes. It flirts with abuse. It brings you down." The floor read: "All that seemed beneath you is speaking to you now. All that seemed deaf hears you. All that seemed dumb knows what's on your mind. All that seemed blind sees through you. All that seemed silent is putting the words right into your mouth." Position here is located squarely in the body and changes with the movements of the viewer—is reversed, for example. So the de-essentializing of identity is literalized in a choreography of shifting positions: constrained from above, attacked from below, the viewing body is subjected to a series of manipulations that dramatize its vulnerability and deliver an object lesson in the contingency and consequences of identification.

The second objection to my reading of Kruger through a fantasy model comes, as I said, from the opposite corner. If the first complaint asserts that my recourse to fantasy obscures Kruger's critical operation, and that my emphasis on her multiplication and complication of female masochism undercuts her attack on the sadistic execution of gendered domination, then the second protests that I am neglecting the masochistic investments of the male viewer. This concern obviously signals a shift in theory's own investment in masochism; no longer devalued, it also is no longer feminized. Through the work of Kaja Silverman in particular, masochism has been claimed as a crucial term within theoretical revisions that attempt to complicate models of male subjectivity and spectatorship.[22]

One aspect of this revision has been to ascribe a greater role to masochism at the preoedipal stage of development. Leo Bersani, for example, has argued, in a rereading of Freud's famous story of the *fort/da* game, that the child's desire for mastery is accomplished through a strategy, founded in loss, that is simultaneously sadistic and masochistic.[23] He contests Freud's assertion that the game, in which the little boy acts out the loss or absence of the mother by casting and recapturing a spool, primarily enacts a sadistic fantasy of overpowering or controlling another person, pointing out that by Freud's own account the child takes greater pleasure in making the mother/spool disappear than in drawing it back to him and that he repeats this part of the game "far more often than the episode in its entirety with its pleasurable ending."[24] According to Bersani,

22. See in particular Silverman's "Masochism and Male Subjectivity." A pivotal text within revisionist analyses of male masochism is Gilles Deleuze's *Coldness and Cruelty*, a reading of Leopold von Sacher Masoch's novel *Venus in Furs* (New York: Zone Books, 1991).
23. Bersani, *The Freudian Body*, pp. 57–59. Silverman makes a similar argument in "Masochism and Subjectivity," pp. 3–5.
24. Quoted in Bersani, *The Freudian Body*, p. 58.

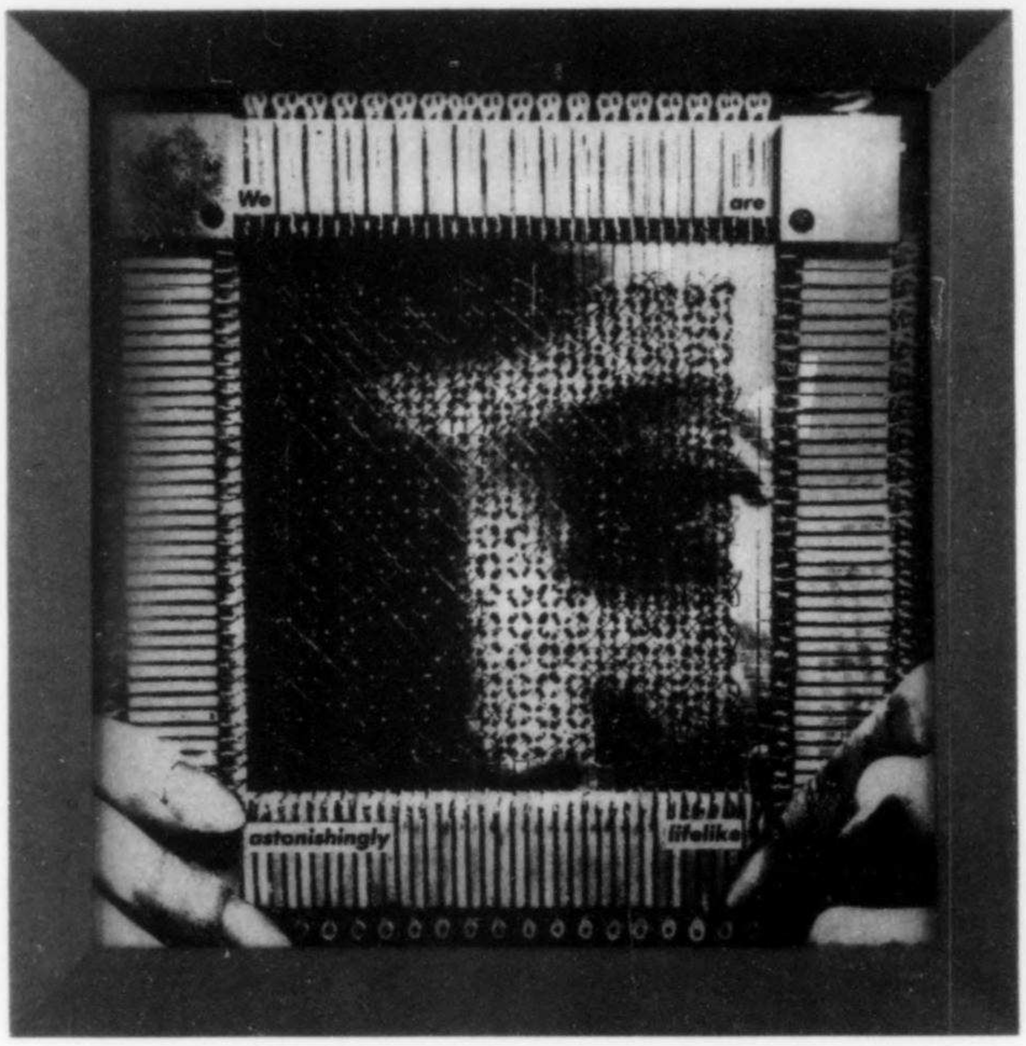
then, the game also plays out a masochistic fantasy of repeating and avenging a loss.

Untitled ("You delight in the loss of others") shows a woman's hand reaching to recover a glass of spilled milk. If we assume that this accusation is directed at a male viewer, then the accused may be not only the sadist who takes pleasure in a woman's suffering, but also the male masochist who takes revenge for his own loss by inflicting loss on another (a mother).[25] As Bersani says: "the child's suffering is now inseparable from two sources of pleasure, his representation of his mother's suffering, and . . . the narcissistic gratification of exercising so much power."[26] I do not think, however, that this episode of a preoedipal temper tantrum will go very far toward satisfying the desire for a reading of Kruger's work in relation to male masochism. For the most part male masochism, as Kruger displays it, is already caught up in sadism by means of a displacement, a tactic that, as Modleski has said of the film spectator, enables the male masochist "to deny his suffering while at the same time safely indulging it."[27] On the other hand, as I have tried to suggest, by reframing viewing as loss, specifically as the loss of a stable position, or identity, Kruger plays on the masochistic pleasure all viewers take in images, and that is a pleasure in movement.

Pleasure in Movement

In fantasy it is possible to see from more than one position at the same time, to see oneself and to see oneself seeing oneself, to divide vision and dislocate subjectivity, and Kruger's oscillating frameworks produce such a fantasy re-vision. Fantasy's radical elision of the *I* position undermines all those processes that depend upon such a center, including not only identification but also vision itself, the organization of an optical field projected by the gaze. For in fantasy it is the charged space between positions, not the viewpoint of the fixed subject, that articulates the scene. Kruger produces this decentering in the instability of speaking positions—suggested by the shifters I and you, we and they; in the alternation or tension between image and text; and in the operation of a frame that mediates a reciprocal encounter between viewer and object. Transformed from a container or boundary of the visual field to a sort of two-way mirror, the frame produces a polyvectored gaze or a fantasy optics. Like fantasy, which is often produced at the interface between two events—one remembered and one fantasized, one fixed and one fluid—this framework holds two scenes, or two positions, in play.

25. See Bersani, *The Freudian Body*, p. 58. For a reading of Bersani's argument that gives a different inflection to male masochism's origin in the subject's relation to the mother, see Modleski, *The Women Who Knew Too Much*, pp. 69–71.
26. Bersani, *The Freudian Body*, p. 58.
27. Modleski, *The Women Who Knew Too Much*, p. 70.

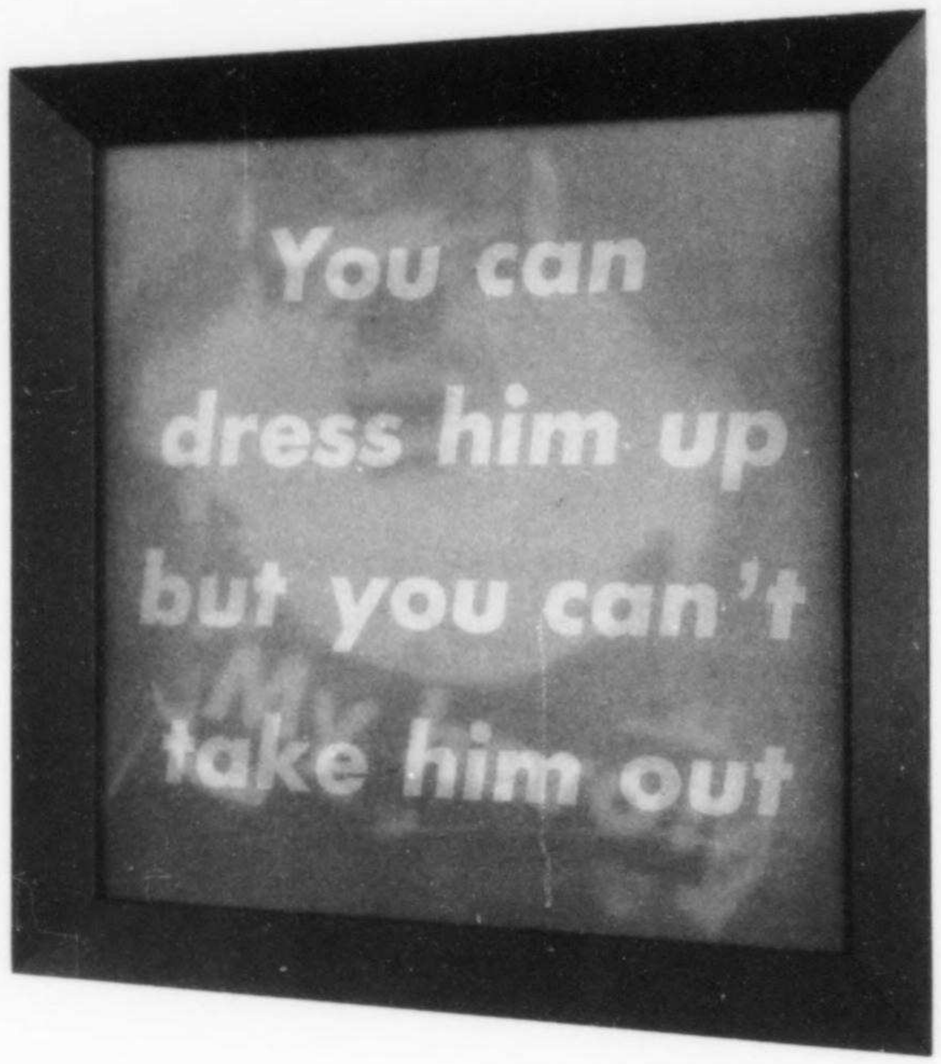


The sensation of instability is particularly acute in Kruger's lenticular photographs, structured as they are through the positional cross fire of anamorphosis. Here the viewer physically shifts position, switches places, to see the two screens that oscillate within one frame. Picture and text alternate on a self-reversing surface, a sort of magic mirror that produces the shifting position of the viewer as an optical effect of pulsation. The alternation between positions that is inscribed in most of Kruger's photographs as a split between text and image is, in these lenticular photographs, literally divided and temporalized. Produced by the viewer's movement, this oscillation demonstrates the contingency of vision on the position assumed by the viewer: what you see is where you stand. The possibility of switching places, like the possibility of trading speaking positions, not only changes the picture but also reveals the imbrication of each picture, each position, within the other.

In a lenticular photograph of 1985, a woman's face looks through the square opening of a framed screen; holding it at its corners she pulls the frame tight against her face—a tight shot, a tight fit, a tight spot—so that her mouth is cut off by the lower edge. Tacked at the corners, four words in small type read "We are astonishingly lifelike." A slight shift of the viewer's position reveals a second screen which covers the first with a red ground and with the message, "HELP! I'm locked inside this picture." The alternation of these two images—the picture of the woman's face doubly framed and doubly screened from view, and the text message that is dealt into the visual field like a dialogue frame into silent movie melodrama—transforms viewing into spectating.

Trapped in the relay between two fixed positions, or stills, that seem to shift, to blink, to switch—locked inside the picture—the viewer/spectator is led

Barbara Kruger. Untitled (Help! I'm locked inside this picture). *1985.*



to read the photograph's flickering surface as a filmic image. That astonishingly lifelike flickering surface, which produces a filmic fantasy of possession, is insistently interrupted by the reassertion of the frame, the constraint on the object now figured as a constraint on the gaze. And through this doubling of the frame as a constraint on the object *and* on the gaze, the viewer is not only dispossessed of a privileged position, but enters into an identification with the object. By means of this identification, viewing becomes an exercise in resistance within constraint.

These lenticular works project a fantasy, then, in which the viewer, as much as the object, is caught. In *Untitled* ("My hero") a burly man is seen from a high vantage point, his menacing B-movie mug announcing evil intent as he seems to lurch forward, hands poised to strangle. Right away you notice your rather surprising perspective on him: you're on top. In a reversal of so many movie repetitions, the setup is inverted and you're staring him down. This image alternates with a screen that reads, "You can dress him up but you can't take him out." You can dress him up—in a frame, in a disguise, in a picture—but you can't get him out of the picture (can't kill him), and that's the catch. Kruger's joke emphasizes both the limits and possibilities of fantasy. Fantasy, like humor, operates by reframing or reworking scenarios, exaggerating their excesses, dressing them up so as to bring them down.[28] Fantasy and humor bring down their targets by repositioning them, not by rubbing them out.

28. In his essay on humor, Freud describes its pleasure in terms of a liberation that is achieved by changing roles, or switching places. See Freud, "Humor" (1927), in *The Standard Edition of the Works of Sigmund Freud*, ed. James Strachey, vol. 21.

Barbara Kruger. Untitled (My hero). *1986.*

Exaggeration belongs to many strategies of subversion, including both masochism (if viewed, for example, as a mockery of the social construction of femininity) and humor. Freud described the joke as a displacement of meaning, a movement that gives pleasure.[29] This pleasure is often produced in a reversal of the usual meaning, or relationship, of words, and when this reversal is turned in the direction of an object—of desire or of aggression—the pleasure is deepened. Whether you appreciate the joke of course depends very much upon identification; the joke is satisfying if it allows you to get out of an uncomfortable position and less than pleasurable if it puts you in one, if it's on you. The jokes that Kruger makes are of the kind Freud described as tendentious, in which pleasure is enhanced by a profound psychic investment in turning things around.[30] The tendentious joke overcomes powerful inhibitions that otherwise would repress its message; it is a cover for desire. And like the dream-work, the joke-work produces an exaggerated affect precisely because it succeeds in doing the seemingly impossible: the joke releases a deeply repressed purpose in all of its original intensity.[31]

Masochism and Mass Culture: The "This Could Be You" of it All

As Andreas Huyssen has demonstrated, by feminizing it, modernism early on debased and contained mass culture, constituting it as object in relation to modernism's subject, the male avant-gardist.[32] Huyssen's analysis of this gendering and devaluation of mass culture by modernism is thought through the devices of objectification, containment, and feminization, emphasizing the overlap between these techniques of othering and modernist aesthetic practice. But he first considers a different strategy: identification—the avowed identification of a male author with his female character, Gustave Flaubert with Emma Bovary. The difference between these two ways of constituting an other, objectification and identification, offers, it seems to me, an interesting angle on the feminization of mass culture and Kruger's critique of it, a critique that deploys fantasy against objectification *and* identification.

Huyssen's case of identification is that seemingly most clichéd of moments, the first example to hand in a rapid scan of early modernist lore boasting transgression—Flaubert's famous coy assertion: "Madame Bovary, c'est moi." As Huyssen shows, Flaubert's fantasy claims femininity for its subject "while

29. Sigmund Freud, *Jokes and Their Relation to the Unconscious* (New York: W. W. Norton and Company, 1960), pp. 117–39. Cowie brings together the analyses of fantasy and jokes in the section of her essay "Fantasia" called "Fantasy in the Realm of the Public."
30. Freud, *Jokes*, pp. 133–35.
31. Ibid., p. 136, n. 1.
32. Huyssen, "Mass Culture as Woman."

simultaneously sharing in his period's hostility toward real women."[33] For Flaubert as for other early modernists, the possibility of a fantasy femininity did not preclude, and was in fact inseparable from, the devaluation of women as consumers of the pulp fantasies produced by mass culture.[34] So Flaubert's remark encapsulates not only his own fantasy of a feminine identity but also an ironicized contempt for women who, like his heroine, are susceptible to the excesses of identification.

Flaubert's canonical witticism become banality recently entered mass culture with some fanfare as the slogan for a French ad campaign announcing the newest film version of *Madame Bovary*. The *New York Times* reported the film's release this way, contrasting the provocative slogan with the plodding faithfulness of the film itself:

> "Madame Bovary, c'est moi," Gustave Flaubert proclaimed in 1856 after completing what would eventually become a classic of French literature. "Flaubert, c'est moi," added Claude Chabrol, after completing his loyal-to-a-fault cinema version of "Madame Bovary."
>
> This month, billboards provocatively announced the film's release here with the message, "Madame Bovary, c'est vous." And of course Isabelle Huppert, the much acclaimed French actress who plays the title role, gave her version of the phrase. "No," she said, "Madame Bovary is not me."[35]

So what does it mean then to say, "Madame Bovary, c'est vous"? The clever, perverse logic of this publicity script, as the *Times* account implies, situates itself at the interface between a nineteenth-century novelist's declared fantasy identification with his heroine and advertising's most basic strategy for seducing consumers: an appeal to fantasy, made by direct address, what Kruger has called "the 'this could be you' of it all."[36]

But this slogan's twist is also of course comically crude. For within the history of film, Emma Bovary is less an alter ego of Flaubert, less a desiring subject "trying to break free from 19th-century bourgeois constraints," as the *Times* put it, than an unreconstructed mass cultural consumer, the cultural dupe par excellence, who is the very image of mass culture as woman—slave to fashion, reader of romance novels, addict of ideal love, masochist. As Doane points out in her reading of Vincente Minnelli's 1949 film treatment of the novel, Flaubert—accused of slipping dangerously low on the moral register in representing "a woman of insatiable passions," that is, a woman who reads

33. Ibid., p. 45.
34. Ibid., p. 46.
35. *The New York Times*, April 16, 1991.
36. Barbara Kruger, press release for "Pictures and Promises," an exhibition at the Kitchen Center for Video and Music, January 1981.

novels—declares her not a character but a type, a symptom of mass culture.[37] The self-discipline of modernist aesthetic practice, concerned with autonomy, purity, and rigor, is opposed to consumption and its surrender to pleasure, the sloppiness of mass culture and its female audience. In Minnelli's *Madame Bovary*, Flaubert becomes the high-art producer as sociologist, documenting the destructive effects of mass culture—hysteria, fantasy, desire, adultery, suicide, bad taste—unleashed by the reading of pulp fiction. In its self-indictment (for the woman's film is of course "pulp" cinema), the film adopts a masochistic position, acting out its own debasement by a modernism that is fantasized as rational and controlling. The film addresses an audience whose fantasies also are assumed to be masochistic, and that masochism is twofold—an identification with the female character and her romantic fantasies, and an identification with the mass cultural consumer, the reader of romance novels who is clearly an analogue to the spectator of film love stories.

Addressed to the female spectator and to her passive, unstable, imitative desire, both the film love story and the romance novel appeal to an audience that is presumed to be capable only of pathologically consuming fantasies and never of producing them. Female reading and, by extension, female spectatorship are represented as psychologically disturbed because, as Doane puts it, their subjects are incapable of perceiving the "distance between fantasy and reality."[38] This distance is, of course, both horizontal and vertical, establishing not only a separation between these terms but also a hierarchy in which reality, aligned with production, the ego, and the masculine, is high, while fantasy, aligned with consumption, pleasure, and the feminine, is low.

As Huyssen demonstrates in his analysis of Flaubert's declared identification with his female character, the perception of distance between fantasy and reality depends upon a secure place in the real world and a secured ego, a psychic and social position to look or to speak from.[39] It was from such a position that Flaubert could forward his scandalous claim, could transgress the boundary of gender and in that single, compact step also cross from high to low, from producer to consumer, from *impassibilité* to vulgarity: it was only the male speaking subject of a certain class, the *I* with ready access to speech in ordinary life, that could erase itself or, to think of it another way, could split itself into an *I* and an other.[40]

Any other author (such as a female author) attempting to produce modernist texts faced a double bind. Lacking an *I* to disavow, her withdrawal from subjectivity was redundant rather than transgressive, while the assertion in a text of the subjectivity she lacked in social life would relegate her to a devalued

37. Doane, *The Desire to Desire*, p. 114.
38. Ibid., pp. 114 and 118.
39. Huyssen, "Mass Culture as Woman," p. 46.
40. Ibid., pp. 46 and 53–55.

register of artistic production.[41] According to this argument, the autonomy of the modernist aesthetic object, from which the *I* disappears or is withdrawn—modernism's move to mark subjectivity as vulgar—depends upon the producer's recognized position as a subject in social life, his claim to an *I* that can be disavowed. The modernist producer, then, exercises control over his identifications. Unlike the feminized mass cultural consumer who buys the identifications that are sold to her and is dominated by them, the avant-garde producer enters into identification only willingly, or transgressively. He crosses the boundary between his social position, the *I* of the male subject/producer, and the position of the female masochist precisely to show that this boundary exists and that he is the master of it. So we could say that for modernism fantasy is a matter of willing identifications that underline the distinctions between reality and fantasy, between the *I* and the other.

The possibility of laying claim to two positions, one inside the work and one outside it, or the ability to define a distance between reality and fantasy, is a basic condition of production within this model, and it is a condition attainable only by male producers of a certain class. From a psychoanalytic perspective, of course, that distance, like so many other divides (gender being the most obvious) perpetually collapses under the pressure of fantasy itself, a uniquely powerful mental structure that is experienced psychically as acutely real.[42] Thus the boundary between fantasy and reality can be seen as one more artificial separation of great significance for the ego that modernism worked hard to maintain and that challenges to modernist vision insistently have broken down.

If modernism glorified a mastering gaze, operating independently from the body, then, as Rosalind Krauss has shown, challenges to modernist instantaneity, "the claims of modernist vision to have both abstracted vision and rationalized form," have appropriated techniques for corporealizing vision.[43] The speed of modernism's disembodied opticality represses movement, eliding the possibility of multiple subject positions and of a space crossing between them and holding them apart. Alternatives to this model of vision, particularly such surrealist objects as Max Ernst's collage novels or Giacometti's *Suspended Ball*, tapping into the sexual rhythms of the body and tracking gestures of objectless desire, hitch together body and machine to temporalize vision as movement.[44] Although the mechanical pulse operates in film, it was not film itself that was used to chart this movement—cinematic motion being imperceptible

41. Ibid., pp. 46–47.
42. For a particularly insightful discussion of the psychic reality of fantasy and of the implications for feminist reading of Freud's concept of fantasy as carrying a preexisting erotic wish, see Cowie's "Fantasia," p. 155.
43. Rosalind Krauss, "The Im/Pulse to See," in *Vision and Visuality*, ed. Hal Foster (Seattle: Bay Press, 1988), p. 62.
44. Ibid., pp. 54–63.

tibly fast—but the slower, gestural motion of the hand-operated viewing machine, protocinematic devices like the zoetrope and stereoscope.[45]

These mechanisms, of course, carried associations of the vulgar fantasies of mass-production, shared in by a feminized crowd of spectators, in which the self is lost in masochistic identification with images. Kruger, too, corporealizes vision, using body-activated devices such as the lenticular screen and the cinematic surround. But her challenge to modernist vision is posed especially against claims of the *I* position, claims to gratification, to agency, to production, that by gendering fantasy make it, for modernism, another object of contemplation and possession. And her use of female masochism, associated with consumption, with pathological identification and pulp fantasies, to block that possession puts an ironic spin on Freud's description of a passive, feminine perversion that is characterized in female subjects by a repression of the *I*.

"You Thrive on Mistaken Identity"

Freud analyzes the obsessional fantasy "A Child Is Being Beaten" through the transformation of a sentence, as a syntax of shifting subject positions from which the *I* is notably absent.[46] The fantasy divides into three distinct phases, each marked by a simple sentence, of which the patient supplies two: the first, "my father is beating a child whom I hate," and the third, "a child is being beaten." The middle term in this fantasy, the term Freud articulates for the patient as "I am being beaten by my father," is unconscious, a deeply repressed erotic wish that, unlike the other phases, assigns the subject a principal role, or more precisely two roles, within the scenario. For this erotic wish is double, the desire to become the father who is beating the child, and the desire to have the father by being beaten. Around these central wishes, the fantasized erotic relations, the patient builds a sort of frame or bracket, a parenthesis of two terms in which the subject, in the position of witness, is removed to the periphery of the scene. The passive, third-person syntax of the final term serves both to repress the wish and to protect it, disguising the subject's desire to change places with the other figures, to take the place of the child who is being beaten or of the father.

This at least is how the female masochistic fantasy is constructed. Freud's male patients present a different version of this fantasy, marked by two active parallel sentences: "I am being beaten by my father" and "I am being beaten

45. Ibid., pp. 58–60. Krauss specifically relates the movement tracked in protocinematic devices to the double vantage point of dream and to the shifting of positions within fantasy.

46. Freud, "A Child is Being Beaten" (1919), in the *Standard Edition*, vol. 17. Freud's analysis of this fantasy has been read in a number of essays discussed herein. These readings may be usefully compared: Adams, "Per (Os)cillation," *Camera Obscura* 17 (May 1988), pp. 7–29; Cowie, "Fantasia"; Doane, *The Desire to Desire*, pp. 17–20; Krauss, "The Im/Pulse to See"; and Silverman, "Masochism and Male Subjectivity."

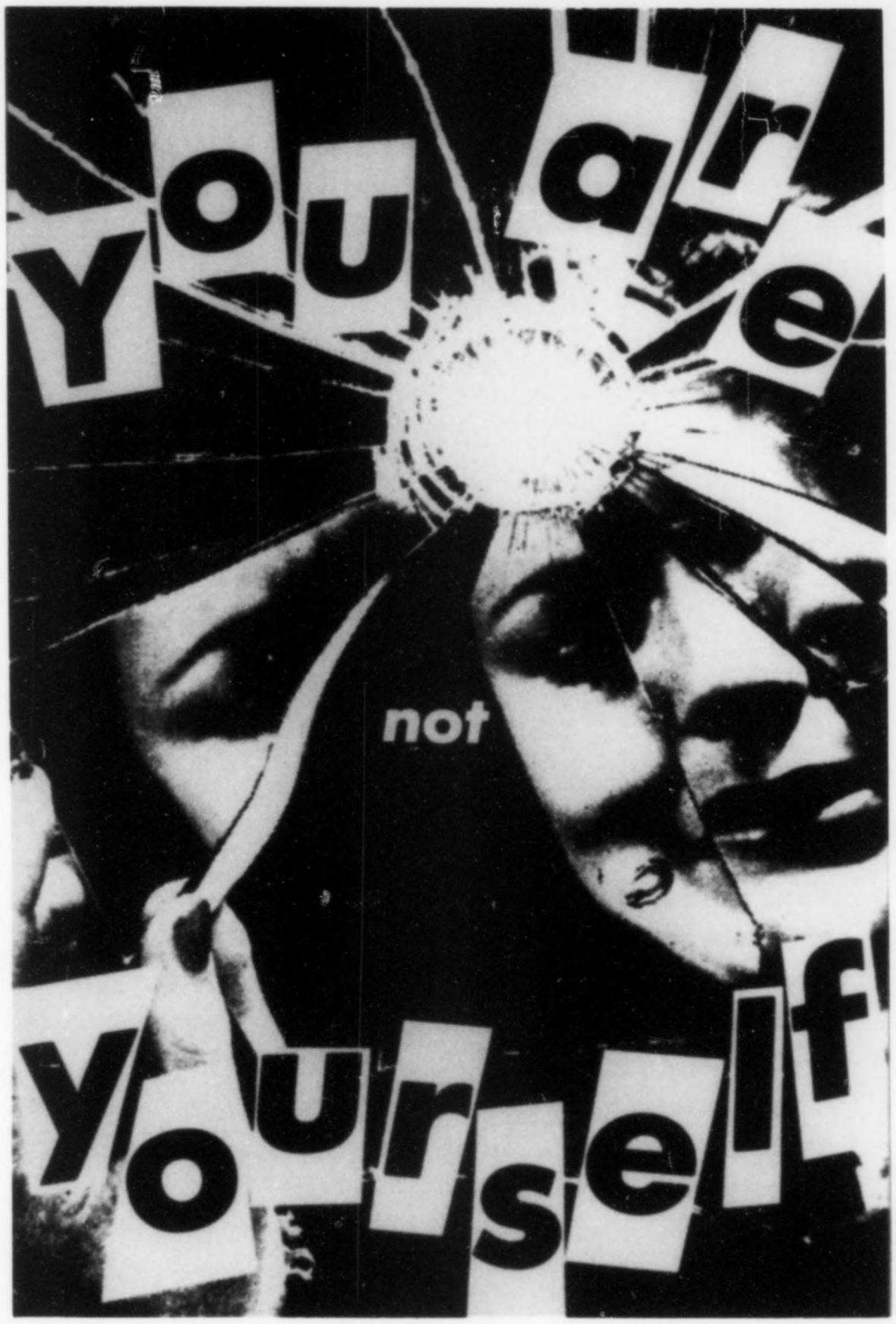
by my mother." Here the subject takes center stage, and Freud correlates the avowed presence of the male subject within his own masochistic fantasy to agency and desire, both of which he sees as lacking in the female masochistic fantasy which he describes as a repression, or replacement, of sexual desire by elaborate representations, or fantasies.

The gendering within masochistic fantasy, de-eroticizing female desire and devaluing female fantasy as passive viewing, has been analyzed in a number of ways, particularly through the eyes of the female spectator. This is fitting, since Freud's model of female masochism describes the subject precisely as a spectator, an onlooker whose gaze, in direct contrast to that of the male viewer, is dissociated from the body, split off from the erotic. The instability of the female spectator position that Freud interpreted as an absence of desire has been read by others as a multiplicity of desires, as designating "multiple entries" to the fantasy scenario.[47] Made, or played, in disguises that both mask and mark the defensive processes by which desire is enacted, the masochistic fantasy scenario is constructed precisely to obscure, or to mistake, identity.

This movement, which may be articulated by changing places, by masking and disguise, by techniques of substitution, projection, and opposition, can be very difficult to see. It may be read even as fixity; disguise may be mistaken for identity. And of course the difficulty of seeing an oscillation within masochistic fantasy has very much to do with wanting to know, as Freud did, where the subject is located within the scenario. If, on the other hand, the subject is assumed to be dislocated within a scene of fluid desire, then the moves are easier to follow. Linda Williams, for example, has problematized the "absolute passivity" of masochism through its play of disguises, asserting that the display of submission is itself an active strategy for gaining pleasure and recognition "through complex masquerades played to the superego and designed to give the *appearance* of passive submission."[48] The masochist's desire is disguised in a pose, disavowing the erotic wish, or displacing it onto the sadist. And this display of passivity mimics submission—with real submission—the disguise preserving desire by exchanging subjugation to the superego for subjugation to the other. Parveen Adams has problematized identification in fantasy by proposing an oscillation of subjectivity and by relating this movement between positions to bisexuality, an alternation of desire.[49] Adams suggests that because identification is multiple and overlapping, *I* should not be mistaken for (sexual) identity.

It is possible, I think, to begin to come to terms with Kruger's deployment of masochistic identification through recent efforts to re-pose the question of female spectatorship through fantasy. What the model of fantasy offers in this context is an alternative to the two positions Doane once identified for the

47. Laplanche and Pontalis, "Fantasy," p. 22.
48. Williams, *Hard Core*, p. 212.
49. Parveen Adams, "Per (Os)cillation." pp. 8–9.

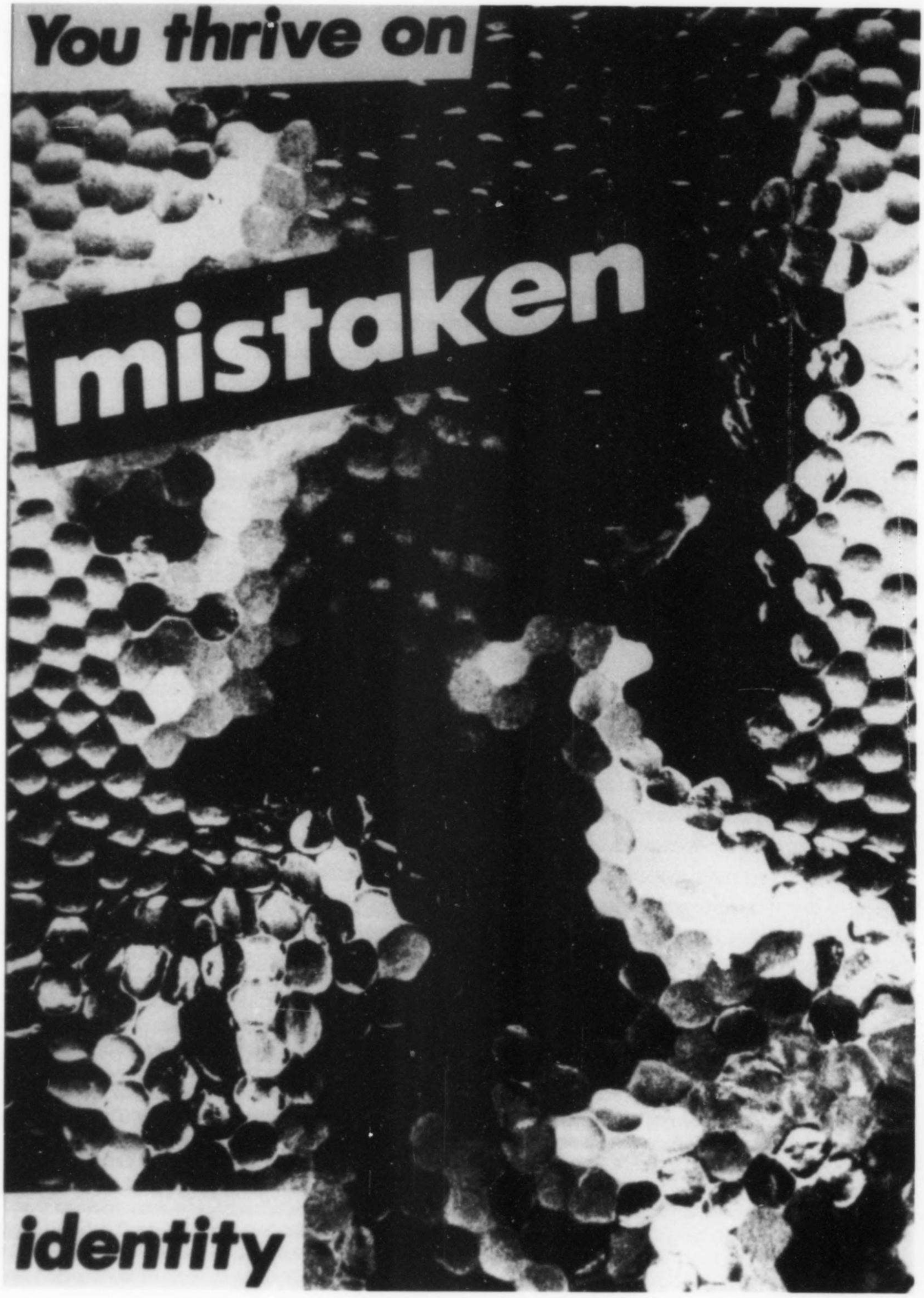


Barbara Kruger. Untitled (You are not yourself). *1983.*

female viewer of conventional images: "the masochism of over-identification or the narcissism entailed in becoming one's own object of desire."[50] In a well-known photograph, *Untitled* ("You are not yourself"), Kruger summarizes the psychic disturbance brought on by this impossible choice as a shattering of identity. A woman's grimacing face is shown reflected in a splintered mirror, her fingers grasping one of the glass fragments to slide it into place in a futile attempt to reconstruct the fractured image. Kruger suggests that one way out

50. Doane, "Film and the Masquerade: Theorizing the Female Spectator," in *Femmes Fatales*, pp. 31–32.

Barbara Kruger. Untitled (You thrive on mistaken identity). *1981.*



of this torture-by-identification is to smash the mirror (or screen) that constructs it. This gesture, of course, has the unsettling effect of destroying the appearance of a unified identity, so that the violence against representation is felt as an annihilation of the self. But simultaneous with this splitting of the unified *I* comes a multiplication of the eye, mirrored in a pinwheel of divergent angles. The visual mastery of the fixed viewpoint is destroyed by a polyvectored gaze, and in this process identification is pressured to the point of rupture. As you and yourself, spectator and image, become separable and even opposing referents, the dynamic of identification is radically altered.

The implication of a shattered image is that it cracks apart the space that once held it together, producing a new field of vision, a discontinuous and irrational field. In opening that space of deformation, of disfigurement, Kruger breaks the unity of rational space into a rhythm of divisions. The viewer is dislocated from a point of view and sent shuttling between two positions, as between "you" and "yourself." By using pronomial shifters and techniques of montage and anamorphosis, Kruger systematically destabilizes viewing, working to effect something like the opposite of cinematic suture or the coherence of the mirror image: a divided identification that carries with it an acute awareness of the constructed status both of the image and of identity. These frameworks, then, repeatedly enact masochism in the loss of a seamless image/identity, calling upon the pleasure in loss of both female and male spectators a basis for destabilizing subjectivity. So in a sense this appeal to masochism in all viewers is used as a wedge against gendered domination. This is not to suggest that masochism operates in Kruger's work as an antidote to sadistic viewing, but rather, that it is used as one strategy for reframing the viewing scene.

In a 1981 photograph, a head in profile is shot through a pane of bubbled glass, the sort of translucent material used to blur and baffle vision while still maintaining contact between viewer and object. The distortion of the visual field by this obfuscating screen obscures all the details of identity—race and gender, for example—while a band emblazoned with the word "mistaken" masks the eyes. The phrase superimposed on the photograph, "You thrive on mistaken identity," forwards an accusation, of course, about the false identities constructed by the sadistic gaze, whose fantasy of possession is obstructed here; but it can also be read as a statement of masochistic pleasure in mistaken identity, in the disappearance of the *I*. Masochism thrives on loss, on disguise and disappearance, on the pain of failed identification. So if the object in the glass —mirror or window—does not quite clarify, then we can all take pleasure in its loss.

THE AIR PIRATES SAY ALL IS "SOME"..

DISNEY SAYS NONE IS "SOME"..

THEREFORE, IF ALL IS TAKEN, IT'S NO LONGER PARODY, IT'S COPYRIGHT VIOLATION..

STILL, IN THE SQUABBLE, EVERYONE MISSED THE REAL NEWS..

Comment on Walt Disney Productions v. The Air Pirates. *From Dan O'Neill, "Communiqué #1 from the M.L.F. (Mouse Liberation Front),"* Coevolution Quarterly, *Spring 1979.*

Commodification as Censor: Copyrights and Fair Use*

MARTHA BUSKIRK

"Five- and six-year-olds at three Florida day-care centers," an article on Disney's aggressive pursuit of copyright infringers tells us, "appear on the national nightly news to say how sad they will be if they can't keep pictures of Mickey, Minnie, Donald, and Goofy on the walls of their playgrounds. But a Disney lawyer who directs anti-piracy efforts out of New York says that a nursery school is no less a profit-making enterprise just because little children are involved."[1]

Animated characters are everywhere in children's entertainment, toys, books, and products of all kinds. Why is it that the day-care centers were subject to legal action when they undertook their own versions of these images? Why were they enjoined from reusing images that Disney has poured countless resources into promoting, images with which Disney would clearly like every consumer to identify?

In attempting to answer these questions, one has to begin with the legal definition of the Disney animated characters, which classifies them as "intellectual property." Copyrighted images are only one example of this incorporeal but highly valuable form of commodity, which is protected in the United States by a network of copyright, patent, and trademark legislation. The Disney car-

* This article has benefited from detailed critiques provided by Rosalind Krauss and by Leon Friedman, attorney and law professor, Hofstra University. My understanding of the nuances of copyright law was greatly strengthened as a result of time spent discussing the issues with the latter and with John B. Koegel, attorney and chairman of the New York City Bar Association Committee on Art Law.

1. Gail Diane Cox, "Don't Mess With the Mouse," *The National Law Journal,* July 31, 1989, pp. 1, 26. It was the placement of the murals that made Disney's case particularly strong, for, according to the same article, "attorneys are on solid ground when they say images on exterior walls are misleading." Nonetheless, as Cox makes clear, Disney did not relish the publicity generated by the case: "The Florida day-care dispute has involved extensive damage control, and Disney is offering free cartoon cutouts to go on interior walls." And Disney would clearly like to avoid further discussion of the case; when approached by phone in November 1991, a representative of Disney's Corporate Information division refused to comment, stating that the matter was a "closed issue."

toon characters, which are protected mainly by the copyright code, are related to other forms of intellectual property in that they are not, in themselves, "inherently" valuable: they are not tremendously difficult to draw or otherwise render, nor are they generally executed with inherently precious (or often even tangible) materials when they are conveyed to the public. Like so many other facets of late-twentieth-century production, that which is most valuable in them is weightless, lacking in substance. They are precious because of the associations they carry—associations that can be broadly categorized with reference to another precious intangible, the corporate asset known as consumer goodwill. These intangibles have assumed their current shape as the result of a tremendous investment on the part of Walt Disney Company in marketing their characters and in controlling the contexts in which their characters are disseminated. And like it or not, protected images of all kinds now pervade the fabric of late-twentieth-century society.

Copyright law (and, by extension, the legal conception of authorship) invites examination because of how it both responds to and makes possible the traffic in images that has come to dominate late-twentieth-century society. It has become difficult to avoid concern for the legal conception of authorship, for everyone who writes, draws, paints, or photographs in a way that responds to or incorporates language or imagery from our media-based environment runs a risk of becoming caught in the net of legal limitations surrounding copyrights. Though control over copying and dissemination is necessary in order to provide economic incentives for intellectual work, there are also far less desirable motivations and effects underlying this network of limitations and control. In the field of the visual arts, as a range of theory and practice has now developed that is focused around the issue of the copy, these practices have, in turn, sometimes transgressed the limits on the use of legally protected imagery.

The History of Copyright

The initial establishment and the subsequent development of copyright principles should be understood as a series of responses to the potential for disruption inherent in various new forms of technology. The printing press was only the first in a long series of inventions to which developments in copyright law have had to respond.[2] Legal limits have become increasingly important, because each new technological advance in what we now categorize broadly as the media has the potential to undermine previous traditions of dissemination and older sources of revenue by eliminating, through technology, earlier in-

2. More recent examples include sound recordings, which have inspired very specific legislation concerning jukebox play and compulsory licensing; the videocassette recorder, which led to a key court case, *Sony Corporation of America v. Universal City Studios, Inc.*, that established fair use for home taping; and increasingly specific copyright legislation concerning computer software.

herent limits in methods of reproduction. Different types of boundaries have therefore been developed, and, like the convention of the limited edition for fine art prints and casts, many of these restrictions are self-imposed or imposed at the behest of producers in the particular area who wish to ensure the value of their intellectual property.

It was the spread of the printing press that inspired the development of copyright principles in England, and those principles served in turn as the model for United States copyright legislation. In England, the concept of the copyright originated in the practices of the Stationers' Company, which was granted a royal charter in 1557.[3] The granting of the charter to the Stationers' Company in the middle of the sixteenth century was, however, itself only one stage in a series of responses to the introduction of printing presses to England in the late fifteenth century.[4] The introduction of printing brought with it a great increase in the potential for the dissemination of ideas, and early attempts to regulate printing in England were motivated by the government's desire to control content—particularly in response to the threat posed by the spread of Lutheran books. Starting in 1528, there was what Cyprian Blagden describes as a "stream of royal proclamations against seditious and heretical books."[5] As of 1538, government control was given a specific mechanism under a law that required books to be approved before publication by the Privy Council.[6]

These attempts to control the dissemination of books were only partially successful; and in this context, the charter granted to the Stationers' Company in 1557 can be understood as an early attempt by government to harness the interests of private enterprise in order to achieve a level of control that the crown's own enforcement mechanisms were not achieving. Once the Stationers' Company was granted a monopoly over most types of printing, its members had a commercial incentive to control printing practices. One element of this form of self-enforcement was the system of record-keeping the Stationers' Company developed. Begun initially as a record of licensed books—those books approved by the royal censors—a printer's entry of a book onto the register very quickly began also to denote the printer's exclusive right over the book in question. This right was enforced via a system of fines leveled against those who infringed on a printer's exclusive right of "copy," and in this system lies the inception of what is now known as copyright.

In 1695, however, the British parliament allowed the Printing Act to lapse, thereby failing to renew the exclusive rights over most types of publication that

3. John Feather, "Authors, Publishers and Politicians: The History of Copyright and the Book Trade," *European Intellectual Property Review* 11 (December 1989), p. 377; Cyprian Blagden, *The Stationers' Company: A History, 1403–1959* (Stanford: Stanford University Press, 1977), pp. 219–20.
4. According to Blagden, Caxton published the first book printed in England in 1477. Blagden, *The Stationers' Company,* p. 23.
5. Ibid., pp. 29–30.
6. Ibid., pp. 30–31; Feather, "Authors, Publishers and Politicians, " p. 377.

the Stationers' Company had previously enjoyed.[7] Without the grant of a royal monopoly over printing, the system of registration maintained by the Stationers' Company could not prevent independent presses from infringing on the copyrights conferred by the company on its own members. In 1709 a bill was introduced in Parliament in response to a series of complaints about the economic hardships created by printing piracy. This act, also known as the Statute of Anne, was the first copyright legislation, and it became law in April of 1710. The act was entitled "An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of Such Copies, During the Times Therein Mentioned," and it established a fourteen-year period of protection, which could be renewed for a second fourteen years, along with a twenty-one-year period of protection for books that were already in print in 1710.

Even though its protection for copy owners was in many ways similar to that established by the Stationers' Company under the previous Printing Act, the 1710 copyright act is significant in several respects. First, by replacing the lapsed royal licensing acts with the legal concept of copyright, Parliament created a degree of separation between control over content and control based on economic interests. Printers could still be prosecuted for printing sedition, but they were not required to obtain a royal license prior to publication. Also significant is the act's nascent recognition of authorship. Before 1710, control over publishing in England was defined solely in relation to the printers; the preamble to the Statute of Anne, however, refers to the rights of both authors and their assignees—booksellers, printers, or other persons who have purchased or acquired the rights over copies—and it is presented as an act "for the Encouragement of learned Men to compose and write useful Books."

In this respect, one can think about the Statute of Anne in relation to the development of what Michel Foucault has termed the "author-function." For the use of the author's name as a means of classification was connected, according to Foucault, to attempts to control discourse: "Speeches and books were assigned real authors, other than mythical or important religious figures, only when the author became subject to punishment and to the extent that his discourse was considered transgressive."[8] Furthermore, Foucault connects the transgressive in literature to "the moment when a system of ownership and strict copyright rules were established (toward the end of the eighteenth and beginning of the nineteenth century)."[9]

7. John Feather, *A History of British Publishing* (London: Routledge, 1988), p. 62.
8. Michel Foucault, "What Is an Author?" in *Language, Counter-Memory, Practice,* trans. Donald F. Bouchard and Sherry Simon (Ithaca: Cornell University Press, 1977), p. 124.
9. Ibid., pp. 124–25. For a discussion of the history of French copyright law that relates it to the concept of the author-function, see Molly Nesbit, "What Was an Author?" *Yale French Studies* 73 (1987), pp. 229–57.

One can see a similar trajectory in the English movement from licensing acts designed primarily with the goal of prepublication censorship to copyright legislation focused around the idea of books as property. Recognition for authors, however, developed only gradually. Despite its apparent acknowledgment of authors, the Statute of Anne was, according to John Feather, "a booksellers' act not an authors' act."[10] In the immediate aftermath of the passage of the 1710 act, the practices of printing remained substantially the same: "'Literary property' was what a publisher obtained from an author: it was a publisher's right not an author's right."[11]

But just what kind of property was "literary property"? If other forms of property were perpetual, why should copyright be subject to a legally defined time limit? These questions were being asked with an increasing sense of urgency by 1731, which is when the twenty-one-year term of protection granted by the Statute of Anne to books already published expired, and they remained significant as the twenty-eight-year copyrights also started to expire in 1738.[12] Because of the threat this termination in protection posed to their long-held economic interests, English publishers tried, without success, to get Parliament to pass an act that would extend the duration of their copyrights. The London printers were particularly eager to strengthen copyright protection because of increased competition from outside sources. During the eighteenth century, Ireland and Scotland had also developed printing industries—industries that served provincial markets and specialized in reprinting books originally published in London. The books they reprinted after their copyrights under the Statute of Anne had expired were treated as piracies by the London printers, so legal recognition of the concept of perpetual copyright would have presented a far more serious threat to those industries by giving support to the practices of the London printers. Attempts by English publishers to bring action against such reprints in Scottish courts were, however, unsuccessful, in part because the Scottish legal system was based on Roman law, which did not recognize intangible property. The London printers nonetheless persisted in their attempts to retain perpetual monopolies over valuable literary properties. Other actions were pursued in the English courts, and in 1766, the King's Bench, in *Millar v. Taylor*, held that copyrights, like other forms of property, had a perpetual existence. This victory for copy holders proved, however, to be temporary, for in 1774, in *Becket v. Donaldson*, the House of Lords found definitively

10. Although the preamble to the act refers to authors, Feather describes how "a series of references to authors' rights in the first draft of the bill was removed in committee, almost certainly under pressure from the trade." Feather, *A History of British Publishing*, pp. 75–76.
11. Feather, "Authors, Publishers and Politicians," p. 379.
12. Among the valuable works whose copyright expired in the 1730s were *Pilgrim's Progress, The Spectator, The Tatler,* and Burnet's *History of His Own Times.* Feather, *A History of British Publishing*, p. 77.

against the concept of perpetual copyright, holding that these rights could be fixed by statute.[13]

The role of the author also continued to change in the wake of the Statute of Anne and the subsequent litigation. While the shortening of copyright protection might, from a twentieth-century perspective, seem like a blow to the interests of authors, the effect during the eighteenth century was very different. Unlike late-twentieth-century authors, who are often in a position to retain control over and therefore to benefit from their copyright interests, only a few eighteenth-century authors retained control over the copyright in their work. Perpetual copyright was therefore mainly in the interest of publishers, whereas the limit on copyright terms proved to be somewhat of a boon for authors. For once publishers became ensured of losing control over valuable copyrights after twenty-eight years, they were forced to seek out new works to print and to publicize those works when they appeared.[14]

Over the course of the nineteenth century, authors continued to assume an increasingly important position under English copyright law. The British Copyright Act of 1814 extended the term of copyright to twenty-eight years or the author's lifetime (whichever was longer), establishing an important connection, even if an author chose to sell his or her copyright, between the author and the copyright. In 1842 this protection was further strengthened when it was extended to forty-two years or the lifetime of the author plus seven years, whichever was longer.[15]

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In the United States, the establishment of copyright protection also had its inception in economic interests. In 1783, the Connecticut legislature passed a copyright law at the urging of Noah Webster, who wanted to prevent appropriation of his spelling book, and this precedent was followed by twelve of the thirteen original colonies.[16] In response to this patchwork of different laws, the delegates to the Philadelphia convention established the basis for federal copyright legislation in Article 1 of the Constitution, which held that "Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respec-

13. These cases, however, provided the basis for what is known as common-law copyright: in contrast to the statutory limit on copyright for published works, unpublished works could receive perpetual copyright protection under common law as long as they remained unpublished. See Feather, "Authors, Publishers and Politicians." But see also Howard B. Abrams, "The Historic Foundation of American Copyright Law: Exploding the Myth of Common Law Copyright," *Wayne Law Review* 29 (Spring 1983), pp. 1120ff.

14. Feather, *A History of British Publishing,* pp. 116–25.

15. Ibid., pp. 169–71.

16. John Tebbel, *A History of Book Publishing in the United States, Vol. I* (New York: R. R. Bowker, 1972), p. 138.

tive Writings and Discoveries." This power was exercised in 1790 when the first Congress enacted a copyright statute modeled very closely after the Statute of Anne.[17]

With this act, the United States provided itself with domestic copyright legislation before most European countries. This first copyright law was, however, very self-serving with respect to American economic interests, in that it provided protection only for American books published by American publishers. In the area of international copyright law, the United States was much slower than many of the European countries. Since the United States did not enact an international copyright law until 1891, American publishers were free for an entire century to pirate British and other foreign books at will. And it is certainly no accident that it was only when the balance of literary trade between the United States and England had begun to shift in favor of greater American production that Congress passed international copyright legislation.[18]

Congress also enacted major copyright legislation in 1909, but it was only with the copyright revisions of 1976 that the copyright term was changed to one based not on publication but on the life of the author: after the legislation took effect in January 1978, the copyright term became the life of the author plus fifty years.[19] Since the 1976 revisions, therefore, the date included with the copyright notice cannot be relied upon to give an indication of whether the work is protected; instead, someone interested in finding out if a work is under copyright must investigate the status of the author that produced it. This different relationship to the author was much slower in coming than in England, where copyright protection was linked to the life of the author as early as 1814. The impetus for this belated change came from a desire to bring United States copyright laws into greater harmony with the standards of the Berne Convention in anticipation of eventual United States participation. And this goal, too, was motivated by economic pressures: although the Berne Convention—an international copyright agreement—was first established among a number of European countries in 1886, the United States resisted participating in the agreement until 1988, at which point Congress responded to concerns by American companies that their economic interests in recording, film, and video

17. The 1790 legislation established copyright terms of fourteen years, with a renewal term also of fourteen years. As suggested by the title, "An Act for the encouragement of learning, by securing copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned," the purpose of the legislation had more to do with protecting the discoveries of inventors than the writings of authors. In 1831 the initial term was extended to twenty-eight years, with a renewal period of fourteen. See Tebbel, *History of Book Publishing, Vol. I,* p. 141.

18. For a general survey of developments in eighteenth- and nineteenth-century American copyright laws, see Tebbel, *History of Book Publishing, Vol. I,* pp. 141 and 558–61, and *Vol. II* (1975), pp. 634–44.

19. The exception to this is works made for hire, for which the copyright lasts either seventy-five years from publication or one hundred years from creation.

exports were not being sufficiently well protected by the alternate agreement, the International Copyright Convention.[20]

Fair Use (and the Copyrighting of History)

The legal foundation for American copyright law lies in the Constitution, which declares the lofty aim of wanting "to promote the progress of science and useful arts." The use of copyright protection as the means by which to promote this progress also privatizes, to a degree, the means by which this public good will be effected. Rather than providing a direct government subsidy for creative work, legal protection for intellectual property rights facilitates activities that will ultimately benefit the public by allowing authors to profit from their creations within the private sector marketplace. Yet it is also clear that a too-rigid conception of copyrights as property rights will tend to stifle rather than promote the creation of what the law defines as "intellectual property." For this reason, the American courts developed the concept of fair use.

Fair use is an exception that allows for the use, in certain circumstances, of material that is protected by copyright. This exception is necessary because an absolute grant of property rights in intellectual property would circumscribe many types of creative work, given the degree to which authors and inventors have always incorporated approaches or materials from their predecessors in their new works. There is, however, a delicate balance in fair use between economic protection provided to the owner of intellectual property and the need to quote or otherwise build upon intellectual property in order to engage in further work.

Until the 1976 copyright law revisions, fair use was developed under common law as a "judicially created exception to the rights of the copyright owner."[21] In other words, it was defined via court cases and judgments rather than in the copyright statutes. An early definition of fair use can be found in a case decided in 1841. In *Folsom v. Marsh*, Justice Story argued that an assessment of fair use should take into account "the nature and objects of the selections made, the quantity and value of the materials used, and the degree in which

20. The Berne Convention is also significant for its recognition of moral rights—broadly speaking, the right of an author to claim authorship in a work and to object to its distortion or mutilation—in section 6*bis*. In the United States, however, the Berne Convention Implementation Act, which became law in 1989, contained language specifically canceling out the moral rights section. Although the legislative history of the Berne Convention Implementation Act argues that equivalent protection already existed in American law, it was only after the passage of the Visual Artists Rights Act, which became law in 1991, that a limited form of moral rights protection found explicit recognition in the context of the copyright code—a recognition that came almost two full centuries after the first recognition of moral rights in France under the law of 1793.

21. T. Barton Carter et al., *The First Amendment and the Fourth Estate: The Law of Mass Media* (Westbury, N.Y.: The Foundation Press, 1991), p. 291.

the use may prejudice the sale, or diminish the profits, or supersede the objects, of the original work."[22] This definition was clearly influential when, in the 1976 revisions, fair use was given a statutory definition in section 107 of the copyright code:

> Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies of phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work.

This statutory definition of fair use clearly provides only a very general set of guidelines. Yet because the specific considerations in each fair use case are so different, it would be virtually impossible from a practical standpoint to anticipate specifically, within the copyright code itself, the many sets of issues and circumstances raised by individual copyright infringement cases. It is therefore up to the judge presiding over a particular case to weigh and give relative priority to these four fair use factors. Within the case-law arena, several well-publicized decisions in the last few years have established certain priorities with respect to fair use, particularly in relation to the use of unpublished works.

In *Harper & Row Publishers, Inc. v. Nation Enterprises*, Harper & Row, as the publisher of former president Gerald Ford's autobiography, sued after the *Nation* printed a 2,250-word article that contained both paraphrases and quotes drawn from the unpublished manuscript of *A Time to Heal*. Because of the *Nation* scoop, *Time* magazine canceled its option with Harper & Row to print prepublication excerpts and did not pay the second installment of Harper & Row's fee. Although the *Nation* justified its article as news reporting, and though the piece only included approximately 300 words from a 200,000-word manuscript, the Supreme Court ultimately found against the *Nation* because of the unpublished status of the manuscript, because it found that the *Nation* had taken the heart of the book, because the *Nation* stood to profit from its scoop, because the manuscript obtained by the *Nation* had been purloined, and, in

22. Quoted in Pierre N. Leval, "Toward a Fair Use Standard," *Harvard Law Review* 103 (March 1990), p. 1105.

particular, because of the fourth factor, the effect on the market, which in this case was easy to document. In fact, Justice O'Connor's Supreme Court opinion refers to this fourth factor as "undoubtedly the single most important element of fair use."

In two other key cases, Second Circuit decisions have had much more disturbing implications for the writing of historical works. Both *Salinger v. Random House, Inc.* and *New Era Publications International v. Henry Holt & Co.* concerned the use of quotes from unpublished letters or diaries in the context of a biography—in the first, Ian Hamilton's *J. D. Salinger: A Writing Life*, and in the second, Russell Miller's *Bare-Faced Messiah: The True Story of L. Ron Hubbard*. In both cases the Second Circuit ruled that the expressive content of previously unpublished material could not be quoted.[23] Though a recent Second Circuit decision concerning a biography of Richard Wright by Margaret Walker has slightly relaxed the strictures against quoting unpublished sources, these decisions concerning fair use remain a serious problem for those who wish to make use of unpublished primary source material in the context of their historical research.[24]

Part of the reason for confusion around issues of fair use is that the circumstances of the cases already tried have varied radically, leading to different emphases on the four fair use factors. But the questions that surround fair use also point up some of the underlying contradictions in the goals and motivation for copyright laws. Copyright, as it is defined both in the Constitution and by subsequent Supreme Court decisions, is not, according to United States District Court Judge Pierre Leval, "an inevitable, divine, or natural right that confers on authors the absolute ownership of their creations. It is designed rather to stimulate activity and progress in the arts for the intellectual enrichment of the public." Seen in this light, Leval argues, "Fair use should be perceived not as a disorderly basket of exceptions to the rules of copyright, nor as a departure from the principles governing that body of law, but rather as a rational, integral part of copyright, whose observance is necessary to achieve the objectives of that law."[25]

The problem also extends beyond a question of inconsistencies in the decisions that have been reached, for there are many types of cases that have not been tried at all. With respect to the visual arts, for example, the third fair use factor, "the amount and substantiality of the portion used," might seem to

23. See chapter 6, "Copyright and Trademark," in *The First Amendment and the Fourth Estate*, especially pp. 292–313, for summaries of these cases and for a general discussion of copyright law as it applies to publishing.

24. Pierre Leval, the District Court Judge who gave initial consideration to both *Salinger* and *New Era*, argues that copyright law should not be used to protect privacy rights in unpublished writings; these should instead be protected by privacy statutes. See Leval, "Toward a Fair Use Standard," p. 1119.

25. Ibid., p. 1107.

suggest that it would not be fair use to reproduce a photograph of an entire work of art, even in the context of a critical or historical article. Attorney Leon Friedman, a noted expert in First Amendment and copyright law, argues, however, that the use of visual works in a critical or scholarly context is just the sort of use that the fair use exception would protect. As a general guideline, he suggests, authors and publishers would be covered by fair use for the reproduction of images that are seriously discussed in the text of a work. It is when a reproduction begins to act as a substitute for a print of the image that the fair use exception would no longer apply.[26] Although the precise point at which a reproduction begins to act as a substitute for the original image would have to be decided on a case-by-case basis, fair use should, according to this argument, provide important protection for those critics and historians whose arguments are focused around the analysis of specific images or objects. This type of scholarly use is a use clearly designed to benefit the public, and it is therefore consistent with the broader goals of copyright law.[27] If this type of use were excluded from fair use protection, the result would be the privileging of property rights to a degree that could foster censorship. For if the copyright holders on images—whether works of art, advertising, or other forms of media-based imagery—are allowed absolute control over the context in which they are reproduced, they will also be granted a form of veto power over criticism by being able to withhold the object of interpretation.

From Author-Function to Brand Loyalty

In "The Work of Art in the Age of Mechanical Reproduction," Walter Benjamin speaks, among other things, of the way in which film effaces the aura of the stage actor by withdrawing the actor's presence from his or her audience and by forcing the audience to identify with the ever-changing position of the movie camera.[28] But in a displacement that is similar in some ways to the way in which exhibition value has supplanted cult value for the work of art, "film responds to the shriveling of the aura with an artificial build-up of the 'personality' outside the studio. The cult of the movie star, fostered by the money of the film industry, preserves not the unique aura of the person but the 'spell of the personality,' the phony spell of a commodity."[29]

26. Leon Friedman, conversation with the author, December 28, 1991.
27. It is important, here, to distinguish between published and unpublished works. Although the definition of publication is a bit more complicated for works of visual art, the same level of protection afforded to unpublished texts would presumably also apply to unpublished works of art. For a discussion of the nature of publication for works of art, see Franklin Feldman et al., *Art Law, Vol. I* (Boston: Little, Brown, and Co., 1986), pp. 115–18.
28. Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction," in *Illuminations*, trans. Harry Zohn (New York: Schocken Books, 1969), pp. 228–29.
29. Ibid., p. 231.

Now, in the late twentieth century, it has become commonplace to describe ours as a society of the image—a society in which the promoters of the visual seem to be outspending champions of the verbal in the great communications marketplace. More importantly, the images that surround us are, in large part, linked to the promotion of commodities, or they are themselves a form of commodity. The movie star is a kind of image in that he or she does not become a star simply because of acting skill; rather, the star is marketed as a package. There is even a body of law that has developed around the commodification of celebrity. A celebrity's likeness has a value that can be diluted if it is used to promote products without authorization from the celebrity—who has the right to profit from the use of his or her image. Hence we have regulations against the use of celebrity impersonators to promote products—regulations that are similar to those designed to prevent confusion among different products or commodities by barring the appropriation by one manufacturer of the appearance—or packaging—used by another manufacturer to promote a product line.

A key component in the domination of the image in late-twentieth-century society can be found in the development of advertising. For advertising as we know it is a relatively recent phenomenon: the modern approach to advertising—advertising as persuasion rather than as announcement—is linked to changes in production, transportation, and communication that began to develop in the latter part of the nineteenth century. According to Daniel Pope, "The larger shift which precipitated the remarkable transition in American advertising in the late nineteenth and early twentieth centuries was the development of national markets for the branded, standardized products of large-scale manufacturers."[30] Before the Civil War, most manufactured products were purchased on a generic basis, and usually in a state that required further labor on the part of the purchaser (e.g., flour rather than bread; fabric rather than finished clothing). Soap was one of the first products to be marketed to consumers on the basis of characteristics attributed to a specific brand name. This type of brand differentiation, now so familiar to the late-twentieth-century consumer, became necessary with the rise of large-scale manufacturing, which meant that high fixed costs needed to be offset by consistent demand for particular products.[31] The creation of brand loyalty among consumers that is central to this system also entails a tremendous up-front investment in the form of advertising. And as products began to be bought on the basis of brand recognition rather than as generic substances, corporations began to depend more and more on laws that would enable them to protect the public perception or image that they had developed around their products from appropriation

30. Daniel Pope, *The Making of Modern Advertising* (New York: Basic Books, 1983), p. 5.
31. See chapters 1 and 2 in Pope, *The Making of Modern Advertising*.

by other producers. The body of law that enables producers to protect their investment in a brand name or other identifying mark is known as trademark law.

The groundwork for trademark law, as for copyright law, can be found in earlier forms of production. Identifying marks were used by guilds to identify the origin of goods, and early English and American common law regarding trademarks was mainly concerned with preventing one manufacturer from "palming off" goods as those of another.[32] Like copyrights and patents (which provide for control over an invention), trademarks are broadly (and, some would argue, inaccurately) categorized as a form of intellectual property. The constitutional logic for copyright and patent laws—the promotion of innovation through a system that allows an author or producer to exploit his or her expression or invention—is present, though to a much lesser degree, in trademark law, which "serves to both protect the public from confusion as well as protect the trademark owner from losing his market."[33] Although the intent of trademark law, as stated in the Lanham Act (the revision of trademark law enacted in 1946), to prevent "the deceptive and misleading use of marks in . . . commerce" would clearly provide a public benefit, the emphasis is much more on protecting the commercial rights of trademark owners. In this respect, the underpinnings of trademark law are different from those governing copyrights and patents, for whereas copyrights and patents were anticipated and furnished with an elevated purpose by the framers of the Constitution, trademark law has had to develop under the rubric of the Constitution's interstate commerce clause.[34]

Trademarked names and images have assumed an increasingly prominent place in twentieth-century society, and their importance is directly related to their commercial value; the concept of the trademark and the reign of the image are inseparable, and their link is the advertisement. And trademark images are everywhere. If you watch a Sunday-afternoon football game on television, for example, you see the scores updated on the Hertz Ten-Minute Ticker, the game analyzed on the NFL Today Docker's Half-Time Report and the Old Spice NFL Live Postgame Report, and highlights consisting of Alcoa Fantastic Finishes, the Canon Camcorder Replay of the Game, and the Dr. Pepper Game of the Month.[35] But if you choose to spend your time at a museum

32. For a concise summary of the origins of trademark law, see Arthur R. Miller and Michael H. Davis, *Intellectual Property: Patents, Trademarks, and Copyright* (St. Paul, Minn.: West Publishing Co., 1990), especially pp. 146–55.

33. Ibid., p. 151.

34. The first trademark laws, enacted by Congress in 1870 and 1876, were declared unconstitutional by the Supreme Court in 1879 on the grounds that these were state matters over which the Constitution did not grant Congress regulatory power. Subsequent federal statutes passed in 1881, 1905, and 1946, based on the Constitution's interstate commerce clause, therefore concern only the interstate use of trademarks. Ibid., pp. 148–49.

35. These examples all come from the December 15, 1991, NBC and CBS telecasts.

instead, you are equally unlikely to be able to avoid the ever-present logos of such corporate sponsors as AT&T and IBM. Everything, it seems, has a label. Unless you reside in the elite world of personal tailoring, the initials on your pocket will not be your own; instead, they will be the initials of the designer, and their function is to signal your status within the hierarchy of consumption: off-brand or no-brand merchandise is to be avoided at all costs. Even the term that we use to describe ourselves has changed: whereas the word "consume" once carried mainly negative connotations, "consumer" is now dangerously close to overwhelming "individual" as the term most frequently applied to members of twentieth-century society.[36]

As techniques of mass production and technical reproduction have become increasingly pervasive, a whole network of limitations and regulations has followed apace. Now, late in the twentieth century, most forms of expression presented to the public are surrounded by a fabric of limitations and regulations concerning their use. Trademarks are not the only type of symbol used to market products; images protected by copyright law have also become closely identified with and therefore valuable to their corporate owners. Because these images—Disney cartoon characters, for example—represent such a heavy investment of marketing capital, and because those that achieve a high level of familiarity are tremendously valuable, there is every incentive for corporations to try to control all forms of media response. Those images that are most familiar will also be those most heavily marketed and therefore most carefully protected. And the younger a person is, the greater the degree to which he or she will have been brought up in a context permeated with this type of imagery. So even though we are all now being trained from an early age to recognize and identify with mass-market imagery, the corporations to whom those images belong have every incentive to try to control the use to which we might be tempted to put those images, leading to a paradoxical situation in which children brought up to recognize and even duplicate mass-market imagery are likely to be prevented from using that imagery as adults.

Mass Production and Originality

Twentieth-century art has, of course, responded to its social context with strategies that both react to and incorporate the imagery and the methods of reproduction characteristic of mass production. But the creation of copies and the use of methods of reproduction were hardly new to twentieth-century art. Copying played a key role in academic training and in the work of an artist such as Ingres, where, as Rosalind Krauss has argued, his life-long repetition

36. For a discussion of this shift in meaning, see Stuart and Elizabeth Ewen, *Channels of Desire: Mass Images and the Shaping of American Consciousness* (New York: McGraw-Hill, 1982), p. 51.

and recycling of themes, compositions, and single figures puts into question the very notion of the original.[37] And throughout the history of art, one can trace a series of shifts that occur in response to changes in both the style and the underlying technologies of art. For example, J. M. Montias argues that Dutch landscape artists of the seventeenth century developed styles that, among other things, would allow for much greater speed of execution than their Mannerist predecessors. Without the inherent limit on production intrinsic to the earlier style, he argues, landscape and still-life paintings were produced in sufficient volume that prices for these genres began to tumble.[38] Once inherent limits on the volume of production are overcome, therefore, others must be established if the work is to remain valuable. Michel Melot makes a related point in discussing artistic techniques. In the context of discussing limits on quantity, he argues that artists have often taken up the reproductive techniques used in the creation of limited-edition series after they had been abandoned by industry—lithography being one key example.[39] In such cases, the association of the techniques with mass production would be somewhat mitigated by the fact that artists only took up the techniques after their industrial associations had begun to fall away.

Another way of coming at the question of the relationship between artistic technique and inherent limits on production is to consider changes in the nature and creation of artistic forgeries. Mark Jones, in *Fake? The Art of Deception*, describes the nineteenth century as the "great age of faking." The rise of forgery in the nineteenth century had to do with the rise of a mania for collecting that was not at first equaled by precision in authentication—either stylistic or scientific. This age of forgery came to an end in the 1930s, Jones argues, because, for one thing, "a new taste for ornament-free design was eliminating whole areas of craftsmanship."[40] This change in taste, together with a "parallel decline of copying as a discipline for aspirant artists and of a whole range of traditional crafts has greatly reduced the talent available for faking antiques and works of art."[41]

One can see the effect of changes in style and training reflected in inherent limits in the realm of forgery: many types of art produced in the nineteenth century and before would demand a degree of traditional training and skill less likely to be found in the would-be forger of the twentieth century. Forgery has also been dealt a blow by the increasingly precise science of authentification and

37. Rosalind Krauss, "Originality as Repetition: Introduction," *October* 37 (Summer 1986), pp. 35–40.
38. J. M. Montias, "On Art and Economic Reasoning," *Art in America* 76 (July 1988), pp. 23–27.
39. Michel Melot, "La notion d'originalité et son importance dans la définition des objets d'art," in *Sociologie de l'art,* ed. Raymonde Moulin (Paris: La Documentation Française, 1986), p. 193.
40. Mark Jones, ed., *Fake? The Art of Deception* (Berkeley: University of California Press, 1990), p. 162.
41. Ibid., p. 235.

the simultaneous emphasis on academic training in the art of connoisseurship. These parallel developments are both connected to a practical conception of authenticity that has come to dominate the way in which art is valued. This emphasis on the "authentic," and therefore rare, has clearly developed in reaction to the unlimited potential of certain types of mechanical reproduction; yet it has also been applied backward to the art of the past in ways never before contemplated by the wealthy "users" of works of art.

As the definition of authenticity has undergone an adjustment over the course of the last century, so, too, has the nature of the fake changed in response to the new conditions of production. According to Jones, "The twentieth century is . . . the great age not of the art fake, but of the commercial counterfeit. . . . the fakes most characteristic of the late twentieth century are those that promise the instant status conferred by a famous name or the corrupt profit to be gained by substituting an inferior product for the real thing."[42] One can see a response to this change in environment in a variety of avant-garde strategies, in particular collage and the readymade, which respond to both the techniques of mass production (the idea of the factory, for example) and the materials and products disseminated in their wake.

These avant-garde strategies, however, posed more of a challenge to established artistic and cultural traditions than to legal limitations on production and reproduction. In connection to Duchamp, for example, Molly Nesbit's article on the relationship of his work to French school training in mechanical drawing is instructive.[43] While it was certainly a challenge to traditional art for Duchamp to incorporate imagery based on those mechanical drawings into his work, from a legal standpoint this strategy would have more in common with Ingres's use of received artistic imagery than with certain late-twentieth-century appropriations of popular-culture imagery. In the case of both Ingres and Duchamp, the artists were borrowing from what was understood to be a shared vocabulary—a vocabulary that, depending on one's training, one was expected to master. That the vocabulary Duchamp adapted was one taken from industry rather than art violated traditional notions of art, but it did not infringe on established copyrights or patents. In the readymades as well, it is no apparent violation of legal strictures—then or now—to display a factory-produced item such as a bicycle wheel or a urinal. Limits on the display of a readymade or a collage would be more likely to become an issue if the original materials were themselves subject to moral rights protection—a form of protection only recently recognized in United States law.[44]

Legal problems more often arise in the intersection of technologies of

42. Ibid., p. 236.
43. Molly Nesbit, "Ready-Made Originals: The Duchamp Model," *October* 37 (Summer 1986), pp. 53–75.
44. Section 106(5) of the United States copyright code grants to copyright owners the exclusive right, "in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pic-

reproduction. As long as artists work according to techniques that produce a unique work of art or even, to a lesser degree, that employ outmoded methods of reproduction (for example, bronze casting or certain of the printmaking processes), then they are likely to be able to avoid coming to blows with the owner of the copyright for images depicted within their works.[45] But when artists use techniques that are similar to the reproductive techniques employed in the mass media, then the owners of copyrighted imagery are much more likely to feel that their interests are threatened by the artistic appropriation. And to the extent that twentieth-century artists have used these techniques to raise questions about the distinction between art and mass culture, the owners of the mass-market imagery will be able to find a close resemblance between their copyrighted property and the work of art in which it has been incorporated.

Of course the context for contemporary art has changed as well: both Peter Bürger and Andreas Huyssen have pointed out how the early-twentieth-century avant-garde movements (what Bürger calls the historical avant-garde) did not have the same relationship to an institutional context that one finds in the later neo-avant-garde strategies that have been grouped under the term postmodernism.[46] One of these institutional contexts is that of the art world—

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torial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly." However, section 109(a) states that, "Notwithstanding the provisions of section 106(5), the owner of a particular copy lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to display that copy publicly, either directly or by the projection of no more than one image at a time, to viewers present at the place where the copy is located." This would seem to suggest that the display of a single copyrighted image—e.g., an image torn from a newspaper and used in the context of a collage—would generally not violate the copyright owner's exclusive rights. However, if an artist incorporates the work of another artist into his or her collage, then he or she runs the risk of violating the moral rights protection afforded by the copyright code since the passage of the Visual Artists Rights Act—but only if the work that is incorporated is a unique work or part of a numbered edition of two hundred or less, and only if it was created or sold after June 1991, the effective date for the Visual Artists Rights Act. (For a discussion of the Visual Artists Rights Act, see Martha Buskirk, "Moral Rights: First Step or False Start?" *Art in America* 79 [July 1991], pp. 37–45.)

45. This is, however, not true in all cases, as two more examples of Disney legal action demonstrate. As Cox describes one incident, "A Soviet refugee, artist Mihail Chemiaskin, invites the chairman of The Walt Disney Co. to a Beverly Hills gallery to see his homage to the United States: a painting of Mickey Mouse handing a Campbell's soup can to a Russian. Disney lawyers, decrying copyright infringement, apply enough pressure to get the painting taken off display, and plans to make a print of it dropped." And, in another instance, "City fathers of White River, Ontario, want a statue to mark the 1914 birthplace of their most famous son, a bear cub named 'Winnipeg' that went to the London Zoo and is said to have inspired A. A. Milne to write the Winnie the Pooh books. Disney's missive to the city attorney declares the statue would violate 'contractual commitments and present and future plans for this character'" (Cox, "Don't Mess with the Mouse," pp. 1, 26).

46. See Peter Bürger, *Theory of the Avant-Garde,* trans. Michael Shaw (Minneapolis: University of Minnesota Press, 1984) and Andreas Huyssen, *After the Great Divide: Modernism, Mass Culture, Postmodernism* (Bloomington: Indiana University Press, 1986).

the complex of museums, galleries, and publications that has greatly expanded in the latter part of the twentieth century. Another institutional context, however, would have to be the now highly developed series of statutes and decisions that form a legal network that envelops the use of imagery of many types.

Postmodernism in the Eyes of the Law

The issues surrounding copying have become increasingly complex as artists have used reproductive techniques to incorporate mass-media and related images into their work. And here one can see a dividing line between two artists who responded early on to popular-culture imagery: Jasper Johns and Robert Rauschenberg. While Johns used recognizable symbols and trademarks in a number of his works from the 1950s, most of these were too generalized to fall under copyright protection (the targets, for example, or the maps).[47] And even the Savarin Coffee and the Ballantine Ale sculptures were recognizably made by hand, thereby avoiding the potential for confusion that forms the basis for action against trademark infringement. However, a print based on collage techniques involving the mechanical transfer of copyrighted imagery raises different issues. Rauschenberg, though often paired with Johns by historians, would pose different problems for lawyers in his use of photomechanical techniques to transfer a variety of already-reproduced images into his works. And it was in relation to one of these works that one finds an early example of the legal problems related to appropriation.

Rauschenberg was sued by Morton Beebe for the use of Beebe's photograph of a diver in his 1974 print *Pull* after Beebe became aware of Rauschenberg's use of his photograph when he saw the print reproduced in *Time* magazine. Beebe's suit asked for $10,000 in damages, attorney's fees, court costs, and the profits from the sale of *Pull*. As has been typical, however, the case was settled out of court—for a much smaller amount and a promise that, when reproduced, the print would be accompanied by the statement that "the image of the Diver in *Pull* is after a photograph by Morton Beebe."[48]

Andy Warhol has also been sued by photographers. In one case, the suit concerned his use of a photograph by Patricia Caulfield as the basis for his 1964 series of paintings entitled *Flowers*. In this instance, Caulfield discovered the use when she saw a poster of Warhol's painting in the window of a bookstore on Broadway. This case, too, was settled out of court, with Warhol agreeing to give

47. Although specific maps can be copyrighted, the generic map of the United States cannot be because, although one can copyright the manner in which a set of facts is arranged or compiled, one cannot copyright the facts themselves.

48. The agreement, reached in September 1980, also provided Beebe with $3,000 and a copy of *Pull*. See Gay Morris, "When Artists Use Photographs: Is it Fair Use, Legitimate Transformation or Rip-Off?" *Artnews* 80 (January 1981), pp. 103–4.

Caulfield and her attorney either two copies of the *Flowers* paintings or $6,000, and also to give Caulfield a royalty for future use of the image.[49] Since these and other similar cases were settled out of court, however, they did not establish a legal precedent concerning whether the fair use exception would justify strategies of artistic appropriation.

Another lawsuit concerning appropriation also demonstrates the degree to which copyright arguments about images can get caught up in a progression of simulacra. In this example, collaborative graphic artists Cockrill and Hughes sued David Salle for his adaptation of elements of their drawing of Lee Harvey Oswald being shot by Jack Ruby—a drawing that had, in turn, been based on the well-known news photograph of the same subject. The basis for the suit was the fact that the drawing differed from the photograph in a number of ways (some of which Salle repeated), and it is possible to copyright those aspects of a derivative work that are the author's unique expression. This case, too, was settled out of court, precluding the establishment of a legal precedent concerning the degree to which a work of art based on appropriation can itself be protected from further appropriation.[50]

One exception to the tendency to settle out of court, however, is the case brought by Art Rogers against Jeff Koons concerning Koons's use of a greeting-card photograph taken by Rogers as the model for his *String of Puppies* sculpture. In preparation for his 1988 "Banality Show" at Sonnabend Gallery, Koons took the photograph of a California couple holding a group of eight puppies, which he had purchased in a gift shop, to a studio in Italy to be fabricated in an edition of three painted wood sculptures. Rogers brought suit against Koons for copyright infringement in 1989 after a friend of Rogers drew his attention to a reproduction of Koons's sculpture pictured on the front page of the Calendar section of the *Los Angeles Times*. The case was decided against Koons in the New York District Court, which granted partial summary judgment to Rogers—ordering Koons to turn over to Rogers the only unsold copy of *String of Puppies* (Koons's artist's proof, which could also potentially be sold at a later date), but reserving determination of damages for a further date. The case is currently on appeal in the Court of Appeals for the Second Circuit, which heard the arguments in the appeal on October 3, 1991. (The decision by the judges had not yet been released at the time this article went to press. Among the

49. Thus, in 1970, when Warhol made a series of 250 print portfolios based on the image, Caulfield received eight and her attorney received four of the portfolios. Ibid., p. 105.

50. See John Carlin, "Culture Vultures: Artistic Appropriation and Intellectual Property Law," *Columbia—VLA Journal of Law and the Arts,* vol. 13, no. 1 (1988), pp. 132–33, for a discussion of the case. According to Carlin, "Salle and his dealer, Leo Castelli, settled out of court, each paying Cockrill and Hughes $1,000, a small fraction of the painting's market value at the time. Salle likely settled to avoid the expense and negative publicity of a public trial. Perhaps Cockrill and Hughes settled for so little because their chances of winning outright were dubious."

many possibilities, the judges could either affirm or deny all or parts of the lower court ruling, or they could even send the case back to the lower courts for rehearing.)

This case raises a number of important and troubling questions about the legal status of artistic appropriation, and it may set an important precedent with respect to the appropriation of images in works of art. Although the appeals court decision is still pending, certain key issues are already apparent. One troubling aspect of Judge Haight's 1990 District Court decision is the way in which he draws the analogy he makes between Koons's work and the precedents he cites from the realm of mass production. He counters arguments concerning the change of medium with an example of manufactured dolls that were based on a copyrighted book of cartoons. Similarly, Haight placed the sculpture on the "commercial nature" side of the equation of the first factor in fair use, regardless of the fact that the courts have found in favor of fair use even in cases involving books published by commercial publishing houses.[51] The commercial nature finding was also made on the basis of an analogy between Koons's work and a commercial motion picture that was based on a copyrighted story.

The fact that the lower court found no difference between a limited-edition sculpture and a mass-produced figurine has disturbing implications for various forms of postmodern art. The decision is particularly troubling given the way in which strategies of appropriation have often performed a critical function (a function that some even ascribe to Koons's enterprise). John Koegel, Koons's lawyer, emphasizes this critical function in the appeals court brief: "Koons is part of a tradition of artists who incorporate mass-produced or commonplace objects in their work so as to criticize those objects as symbols of the deterioration of modern culture."[52] Koons himself, however, has contributed to the arguments made against him both through his persona as an art entre-

51. In the case involving the *Nation,* the Supreme Court stated, "The crux of the profit/nonprofit distinction is not whether the sole motive of the use is monetary gain but whether the user stands to profit from exploitation of the copyrighted material without paying the customary price" (*Harper & Row Publishers, Inc., v. Nation Enterprises* [1985]). Michael Chagares also points out that an earlier decision in a case involving a parody, *Loew's Inc. v. Columbia Broadcasting System,* has been widely criticized by both commentators and the courts for related reasons. This suit involved a made-for-television movie by Jack Benny that was a parody of the film *Gaslight.* The court found that because the defendant stood to make money from the parody, the purpose of the parody was *only* commercial gain. According to Chagares, the decision "realistically rendered the fair use defense inapplicable to parodies" (Michael A. Chagares, "Parody or Piracy: The Protective Scope of the Fair Use Defense to Copyright Infringement Actions Regarding Parodies," *Columbia—VLA Journal of Law and the Arts,* vol. 12, no. 2 [1988], p. 237). Parody and appropriation are different, however, for in parody, the parodist is only allowed to take enough to conjure up the original; in appropriation, on the other hand, the criticism is more subtle and the amount taken tends to be greater.

52. Brief for the Defendants-Appellants, Jeff Koons and Sonnabend Gallery, Inc., United States Court of Appeals for the Second Circuit (91-7396), p. 36.

Transformative Reinterpretation or Total Rip-Off?

Lawyers for the artist Jeff Koons say his sculpture "String of Puppies," above, is a "transformative reinterpretation" and a "social critique." But Art Rogers, whose photograph the sculpture was based on, at top, said he felt "totally ripped off" and is suing for copyright infringement. Page B2.

From the front page of the Metro Section of the New York Times, *September 19, 1991.*

preneur and self-promoter and through his very success: it is only because reproductions of his works were disseminated through mass-media channels that Rogers became aware of Koons's act of appropriation.

The case involving *String of Puppies* also highlights another sort of problem: the collision of two types of authors. According to the legal definition, Art Rogers is very much an author, even though he licensed his photograph to be marketed in ways that tend to veil the connection to a specific oeuvre. Koons used the photograph because, to him, it represented generic kitsch, and it is certainly the same qualities read straight—the cuteness and familial warmth of the image—that would have attracted less cynical purchasers of the card. In focusing on the way in which strategies of appropriation perform a subtle criticism, Koons's appeals court brief seems to suggest the establishment of a hierarchy among different types of authors:

> The District Court failed to appreciate that fine art often comments subtly. The dark implications of the District Court's holding is that only the most crude and unsophisticated criticism will be privileged under the fair use doctrine. . . . Unlike the typical copyright infringement case which involves a creative artist attempting to prevent the mass commercial exploitation of his original work, this case concerns the extent to which a mass distributor of a rather mundane photographic note card can prevent a highly regarded artist from creating a limited edition, original, provocative and critical work of art.[53]

The problem with setting up a hierarchy among different types of authors is that the copyright laws, which are set up to allow authors to exploit their works, are very democratic in their definition of who is an author.[54] Is it therefore reasonable to ask the courts to differentiate between two types of authors (i.e., those who retain the category of author as defined by various segments of twentieth-century theory and criticism and those who do not)? Should fine artists be exempt from limitations on copying set up by laws designed to allow creators to exploit intellectual property—laws that fine artists are also able to use to their advantage?

53. Ibid., pp. 3–4.

54. That copyright protection does not depend on the artistic merit of the work in question was established in an often-cited case involving circus posters. In his Supreme Court opinion, Oliver Wendell Holmes discussed the danger of rendering legal judgments on the basis of aesthetic criteria: "It would be a dangerous undertaking for persons trained only to the law to constitute themselves final judges of the worth of pictorial illustrations, outside of the narrowest and most obvious limits. At the one extreme some works of genius would be sure to miss appreciation. Their very novelty would make them repulsive until the public had learned the new language in which their author spoke. . . . At the other end, copyright would be denied to pictures which appealed to a public less educated than the judge. Yet if they command the interest of any public, they have a commercial value—it would be bold to say that they have not an aesthetic and educational value—and the taste of any public is not to be treated with contempt" (*Bleistein v. Donaldson Lithographing Co.* [1903]).

And this is not the only case to be brought against Koons. A second one seems, however, to raise a somewhat different set of issues. In a case that is currently on hold in the New York District Court waiting for the decision on *String of Puppies* from the Court of Appeals for the Second Circuit, motions for summary judgment have been filed by United Features Syndicate and by Koons concerning Koons's sculpture *Wild Boy and Puppy*. Here, however, rather than using a specific photograph as a model, Koons adapted the copyrighted cartoon character of Odie from the Garfield comics. Although it remains to be seen how the court will respond to the second case, some commentators have attempted to draw a distinction between using a less-well-known image taken from the world of popular culture and a cartoon character that has become part of a shared cultural vocabulary.[55] The counter argument, however, is to ask why the more successful author should be penalized by having his or her creation subject to appropriation simply because it has become successful or well known.[56]

And furthermore, why, if Koons's goal in making *String of Puppies* was the creation of a work of generic kitsch, did he have to make what amounts to a "word for word" quotation of this particular photograph; why could he not have gone further in the combination of elements taken from different sources, since an exact replication of this particular photo—an individual example of a larger genre—would not be necessary in order to convey the idea?[57] It might seem easier to defend the necessity of quoting well-known figures exactly in order to convey one's meaning. On the other hand, though, even when the original is less well known, it is alarming to contemplate the possibility of living in a world surrounded by images that are off-limits for any sort of artistic use. Koons is far from the only artist to respond to the images which pervade our environment; and despite a well-publicized lack of enthusiasm for Jeff Koons's work on the part of editors of this journal,[58] it would be hard to frame an

55. In his article on artistic appropriation, Carlin makes a case for the importance of this type of distinction, arguing that one should assess "the degree to which the image is part of a shared cultural vocabulary, or generally identifiable as the work of the original creator or owner. This clearly would allow virtually all popular imagery, like cartoon characters, to be appropriated in a limited artistic context" (Carlin, "Culture Vultures," p. 139).

56. Leval makes this argument in the context of a discussion of the publication of stills from Zapruder's film of the Kennedy assassination. See Leval, "Toward a Fair Use Standard," pp. 1131–32.

57. He did make a number of changes: the color of the figures (in contrast to the photograph, which was in black and white), the flowers in the hair of the figures, and the noses on the puppies (which were based on the nose of a cartoon character). These changes were, however, not sufficient to convince Judge Haight that the photograph and the sculpture were not substantially similar.

58. Yve-Alain Bois, quoted in the context of a September 19, 1991, *New York Times* article, characterized Koons's work as "totally trivial and a pure product of the market . . . I think he's a kind of commercial artist." And Rosalind Krauss, quoted at the end of another major article on Koons that appeared in the *New York Times* on October 27, 1991, stated that "Koons . . . is not exploiting the media for avant-garde purposes. He's in cahoots with the media. He has no message. It's self-advertisement, and I find that repulsive."

argument whereby one could justify Warhol's use of found photographs in works like *Flowers* or *Red Race Riot* (where the photographs are even reproduced according to photographic-type processes) while at the same time withholding support for Koons's appropriation of the greeting-card photograph that he used as the model for *String of Puppies*.[59]

In the Galleries/Out in the World

One of the arguments made in Koons's defense briefs is that he is part of a tradition that involves the use of incorporated imagery—a tradition well-established by both Pop art and certain later movements. But this "everybody does it" argument has so far not carried the day in the legal arena. And just why is it that an artist would expect to be exempt from the copyright limitations that govern other types of image reproduction? Perhaps a partial answer can be found in the structure of the art world itself. Lawyers and others from the world of business often marvel at the degree to which the art world still functions on the basis of unwritten understandings and agreements. And in this respect there is an echo of the structure of the Stationers' Company. Though the art world does not depend for its existence on a royal charter or other enabling instrument, it does function to a large degree on the basis of generally understood but not legally codified rules that must be observed by those who wish to play the game.

There are indirect traces of both copyright and trademark principles in certain conventions that have developed within this nexus. These can be seen, for example, in the power granted to the artist to define a variety of objects and phenomena as art and to authorize the creation of the works that are to be displayed under his or her name. Although aspects of this practice overlap with specific legal protection for copyrights and trademarks, some elements extend beyond the bounds of the purely legal. One of these conventions concerns the way in which the name of the artist attaches to the work of art, and to a particular style, at the time that the work enters into the art world's institutional network. Within that system, the value of the individual work of art is dependent on the name of the artist connected with it; and though the importance of the artist's name is based on the quality associated with his or her previous work, once the artist's name becomes a label given to an oeuvre it can acquire an increasingly abstract value unto itself. Similarly, as traditional

59. It is clearly also important to distinguish between artistic appropriation and more traditional forms of parody, for there the amount that can be taken is limited. As Chagares points out in relation to *Disney v. Air Pirates, Inc.*, "An important factor in its holding was that because the public was familiar with the original characters, less than what was taken *needed* to be taken to conjure up the original. In justifying its decision, the court noted that no parodist had the right to appropriate the amount necessary of the 'best parody,' but instead relied strictly on the 'recall or conjure up' test" (Chagares, "Parody or Piracy," p. 241).

notions of artistic skill are replaced by artistic styles based on a more conceptual working method, the successful artist establishes his or her sole right to a particular style or method—a "trademark" style—and others who attempt to use the same means are dismissed as mere imitators.

Within this network, new rules are continually evolving in the intersection of the system of connoisseurship developed in relation to old masters and the very different issues inherent to more contemporary works. These include the opening up of a single slot for each different type of practice (the implied trademark), and a variety of limits designed to ensure rarity and, where applicable, uniqueness (the limited edition, as well as various custom-based restrictions with respect to the fabrication of works and the re-creation of ephemeral installations). These rules, whether explicit or implied, are a reflection of the degree to which the environment surrounding the display and criticism of art has become institutionalized.

It is also this institutional network that allows works based on appropriated popular-culture imagery to be defined as art. In relation to works by Koons and others that appropriate mass-market imagery, it is important to ask what conditions were necessary, and how the conditions were established, to enable these works to be understood as art. Though this is not the same snidely amused question that one finds in the mass-media response to contemporary art, there is a relationship. If the answer is not self-evident to the world at large, then it is important to look to the art world—the institutional network of galleries, museums, performances, publications, symposiums—in order to locate the enabling framework. For it is by separating a particular set of images out from the realm of unlimited mass production and approaching them according to art-world conventions that the institutions of the art world define these works as art—even as the works themselves raise questions about such categories.

It is perhaps by counter-example that one can demonstrate the degree to which the art world constitutes its own form of subculture via this institutional frame. This situation is reflected in the fact that, while a tremendously large number of the works produced during the last three or more decades have employed strategies of appropriation, only a very few have provoked legal action. The vast majority of works circulated within the art world (exhibited, or even pictured in the context of art-world books and periodicals) are not likely to attract this type of notice. Based on the descriptions of the various legal actions that have been brought, it appears that it is mainly when artists have become media figures themselves—when they have gained sufficient stature or notoriety to have their works reproduced in venues that cater to a broader audience—that they may run into problems. And this must, in part, be because only then do those who might have a legal interest in the appropriated images even become aware of the artist's work.

Other issues also come to the fore in relation to artists who achieve sufficient stature or notoriety within the art world nexus that they begin to receive

mass-media attention. There is something of a paradox in the process whereby an artist can become a celebrity on the basis of the use of copyrighted images and mass media–derived strategies while at the same time claiming exemption from the legal limits inherent in their original conditions of production. Warhol's work is largely understood as a critique of the media environment from which he derived both his images and his strategies, and a number of critics have tried to place Koons in that same tradition. But subtle or implied criticism is something that advertisers and others in the mass media are capable of overlooking. This tendency is demonstrated by the number of advertising endorsements Warhol was asked to do,[60] and, if one extends the argument to Koons, it is also clear in the number of column inches that have been devoted to Koons's media-grabbing antics.

Similarly, artists who incorporate mass-media imagery may be prevented from exploiting their own works of art in the mass market. These artists may very well be prevented from turning around and licensing that work for mass reproduction on T-shirts, tote bags, or the like, because the artist would then be competing with a potential market for products licensed by the original trademark or copyright holder, and also because, it could be argued, the artist would be profiting from the investment of the owner in promoting the original image (which is known in the legal context as a "free ride"). Thus there are various limits on how crassly commercial an artist can become while still attempting to claim a form of artistic license for his or her appropriations.

The postmodern use of appropriated imagery has been related to the avant-garde strategy of attempting to break down the distinction between art and life. This collapsing of categories, however, is held in check by the neo–avant-garde's situation within the institutional network of the art world. But the boundary between art and life—if life in the late twentieth century is understood in connection to the world of mass-produced images—is also being questioned from another direction. Even as works of art that use popular-culture imagery raise questions about the nature of art by substituting reproducibility for uniqueness, appropriation for originality, one can find the mirror reversal of this situation in a different world of collecting: the current nostalgia for old mass-market images and objects. At the same time that artists have imported techniques of mass production and reproduction into their works in ways that question traditional notions of uniqueness and authenticity, another whole body of collectors has developed around mass-culture memorabilia, a field where time and an original emphasis on expendability have combined to produce conditions of rarity not inherent in the original mode of production for these objects. The expanding mania for collecting anything and everything must

60. For a discussion of Warhol's relationship to advertising, see David James, "The Unsecret Life: A Warhol Advertisement," *October* 56 (Spring 1991), pp. 21–41.

reflect the important role played by mass-market images and products in shaping people's lives and identities. And this form of collecting, to the extent that it mimics some of the conventions that have developed around the collecting of fine art, also carries with it the potential to blur distinctions between postmodern art and the image world on which it is based. The potential for overlap between nostalgia for the materials of yesteryear's mass production and the appreciation of works of art that play off of that body of artifacts is nowhere so well demonstrated as in the auction of the Warhol collection that took place several years ago.[61]

The fact that mass-produced objects and images can evoke this degree of nostalgia and interest is indicative of a broader change in the role they play in late-twentieth-century society. In an early and often-cited case, Supreme Court Justice Oliver Wendell Holmes addressed the issue of artistic copying, stating that "Others are free to copy the original. They are not free to copy the copy. . . . The copy is the personal reaction of an individual upon nature."[62] The world of the visual has, however, undergone a revolution since the turn of the century when Holmes made this statement. Even if we have not yet entered fully into the world of virtual reality described in science fiction, we are certainly living in a world of the already-encoded, a world in which images have supplanted nature as the primary point of reference and identification for our increasingly urban society. A crucial difference between the use of mass-media images and "nature" as a referent for artists is that the already-encoded is also likely to be the already-commodified. And as long as these images are also valuable commodities, attempts to use or criticize them will continue to come into conflict with attempts to control their use.

61. This overlap is also apparent in the context of a recent *Newsweek* article that discusses the way in which the major auction houses are compensating for the soft market for art with auctions of "collectibles." The article subhead read: "As the art market sinks, the big auction houses look for profits in offbeat areas like old golf balls and stuffed fish" (though in the body of the article the author did indicate that this type of business still accounts for a relatively small percentage of auction-house sales). Carol Hall, "Anything Goes," *Newsweek*, December 16, 1991, pp. 72B–72D.
62. *Bleistein v. Donaldson Lithographing Co.* (1903).

Galleria Umberto I. 1887–91. Entrance opposite the Teatro San Carlo.

Streetwalking Around Plato's Cave

GIULIANA BRUNO

Film in the Cityscape: A Topoanalysis

> *[In Naples] building and action interpenetrate in the courtyards, arcades, and stairways . . . to become a theater of the new. . . . This is how architecture, the most binding part of the communal rhythm, comes into being here, . . . [in] the baroque opening of a heightened public sphere. . . .*
>
> *What distinguishes Naples from other large cities is [that] . . . each private attitude or act is permeated by streams of communal life.*
>
> —Walter Benjamin

In March 1896, at the Salone Margherita, in Naples, cinema entered the world of spectacle. This world was concentrated around an arcade, the Galleria Umberto I, a *passage* that faced the Teatro San Carlo opera house, the Royal Palace, and the sea.[1] A local newspaper reported the following about one of the early screenings at the theater in the arcade:

> This evening the Salone Margherita will reopen with a completely new program. The Cinématographe Lumière, the most grandiose novelty of this century, will be shown. Then will follow: the Benedetti family, top Icarus-style acrobats coming from Berlin; Vargas Bisaccia, the incredible shrinking couple returning from their Russian, Spanish, and German engagements; the eccentric French star Bloquelle;

1. This essay is adapted from my book *Streetwalking on a Ruined Map: Cultural Theory and the City Films of Elvira Notari* (Princeton: Princeton University Press, forthcoming 1992).

Street life in Elvira Notari's A Piedigrotta. *1920.*

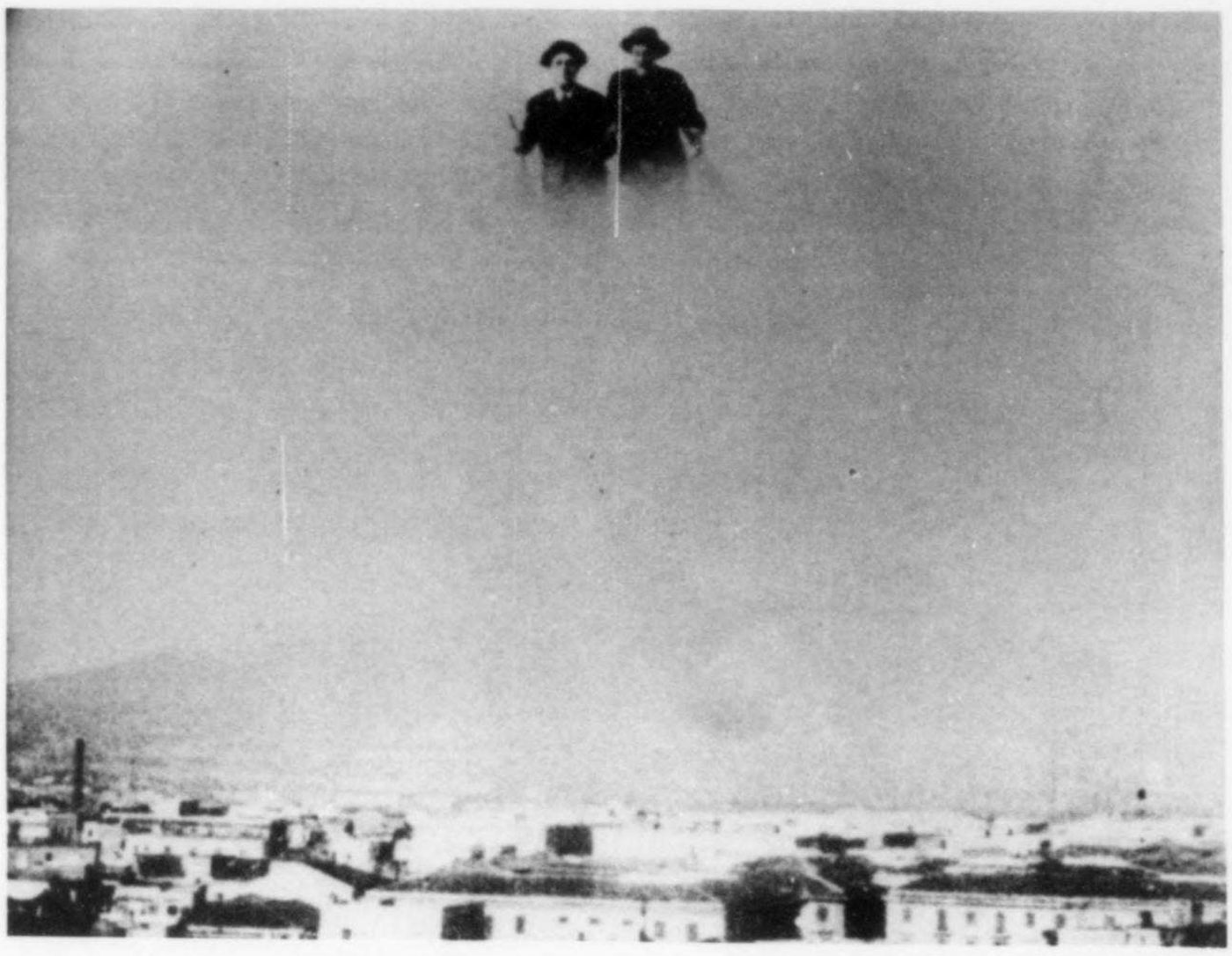
the German singer Milford; Herman the snake man; Belvalle the music-hall singer—in other words, a great spectacle.[2]

From the very beginning, Naples's arcade was a prominent film center. As the home of over twenty film magazines and of a lively film production, the city was in the vanguard of the silent film art's development. Naples established its own style of filmmaking; predating stylistic features of neorealism, filmmaking in Naples pioneered a realistic representation opposed to the aesthetic of "super-spectacles" then dominant in Italy. Neapolitan cinema, rooted in local cultural traditions, was of the street.

A major force within this cinema was Elvira Notari (1875–1946), Italy's first and most prolific woman filmmaker. Her name and work, excised from historical memory, are today unknown. As head of her own production company, named Dora Film after her daughter, Notari made sixty feature films and over one hundred documentaries and shorts between 1906 and 1930. Her films were shown in America, most particularly in New York City theaters, providing an imaginary voyage of return for Italian-American immigrants, who went so far as to sponsor some of Notari's films. Her production, suppressed by the fascist censorship, ended with the advent of sound.

Elvira Notari shot women's stories on location in the *vicoli* (alleyways) of Naples. Her (public) women's melodramas issued from the body of urban

2. *Il Corriere di Napoli*, Naples, April 4, 1896.



Elvira Notari. Duie Paravise (Two Heavens). *1928.*

popular culture. These films, inscriptions of urban transit and panoramic vision, used documentary sequences of street culture and city views. Their narratives reproduced the metropolitan topography and the cityscape. Notari's melodrama of the street represented "*il ventre di Napoli*,"[3] the "belly" of a metropolis, her *meter-polis*—her mother-city, as the word's Greek root suggests.

This popular cinema, primarily shown at a theater in the arcade, was sustained by a passion for the urban travelogue. The Neapolitan film magazine *L'arte muta* remarked in 1916 that the audience of the arcade's cinema expressed a demand for the panoramic and expected it to be satisfied by the films it saw there. The success of any given film was predicated upon the fulfillment of the panoramic desire. Notari's popular urban cinema succeeded in providing such pleasure:

> A moving drama where passion blossoms, red as the color of blood, is produced by *Dora Film*, the young Neapolitan production house, whose serious artistic intents are well known. The film was screened at Cinema Vittoria, the movie house of the Galleria Umberto I. The expectation of the public attending this theater has been completely fulfilled: the suggestive drama develops against the enchanting panorama of the city of Naples.[4]

3. The commonly used expression "*il ventre di Napoli*" derives from a book by the female novelist and journalist Matilde Serao, a contemporary of Notari. See Matilde Serao, *Il ventre di Napoli*, Naples, 1884.
4. *L'arte muta*, Naples, vol. 1, no. 1, June 15, 1916.

It was, then, the urban matrix of a (plebeian) metropolis that enabled Elvira Notari's cinema, its circulation and reception in the arcade's theater. The Neapolitan arcade, the allegorical emblem of modernity, facilitated the revitalization of an urban popular culture. Naples had traditionally offered the spectacle of movement. Its intermingling of architectural styles created "a baroque opening of a heightened public sphere"; its fusion of dwelling and motion within "a theater of the new" provided a fertile ground for the development of cinema. As film was implanted in the cityscape, the cityscape was implanted within film.

To trace the steps of this implantation of cinema in the cityscape, one best proceeds by "streetwalking" through a topoanalysis. In mapping this microhistorical configuration of events, I wish to explore the terrain of the cinematic apparatus, thereby expanding the range of its theorization and offering a reading of film pleasure effects that is conceived as complementary to a psychoanalytic understanding of the subject. Despite their differences, most psychoanalytic theories (in particular the early Lacanian ones) have tended to view cinema as deriving its main impact from the viewer's identification with the camera's gaze.[5] Through a sort of vision of dominance, along this theoretical path, the spectator has become a motionless subject, enraptured in a state of solitary reverie. Chained in Plato's Cave, the spectator/prisoner is fixed in place,

5. For the antecedents of the ongoing discourse on the cinematic apparatus, see Christian Metz, *The Imaginary Signifier* (Bloomington: Indiana University Press, 1981); and Jean-Louis Baudry, "The Apparatus: Metapsychological Approaches to the Impression of Reality in the Cinema," in Philip Rosen, ed., *Narrative, Apparatus, Ideology* (New York: Columbia University Press, 1986).

Anonymous photographer. A Veduta *of Naples. c. 1890.*

his/her gaze unable to really wander. Pleasures other than that of mastery have been obscured; consequently, the diversified dimensions of cinematic desire have been excised. There are modes of pleasure in going to the cinema that precede, traverse, and follow the scopophilia of film-viewing to which most theories of the apparatus have cathected. Unable to account for a collective, nomadic, and historical dimension of reception, they have reached an impasse. I wish to reclaim these pleasures and pursue a theorization of spectatorship opened to motion, to the public sphere, and to historicity.[6] The spectatorial fascination with cinema—a kinetic "affair"—exceeds the fantasmatic scene of Plato's cave.

Film at the Arcade

> *A stranger upon his arrival in so large and celebrated a city as Naples generally makes the public spectacles his first pursuit.*
>
> *Neapolitans go to see, not to hear, an opera. It is the custom to light the stage only, which renders their spectacles frightfully dark.*
>
> —Samuel Sharp, *Letters from Italy, 1765–66*

The implantation of cinema in the arcade was a product of Naples's metropolitan fabric. An ancient city (founded by the Greeks in the ninth century B.C.), Naples was, for centuries, the capital of a kingdom that extended throughout the southern part of Italy, a position that made it, in the seventeenth century, under Spanish domination, the second-largest city in Europe after Paris and an important artistic center, particularly notable for its baroque painting and architecture. In the eighteenth century, Naples was renowned for its artistic and musical life; it was still the largest Italian city and the fourth-largest city in Europe after London, Paris, and Istanbul. Intense urbanization brought with it

6. Current work on spectatorship in the United States shows a growing concern for a theorization of history, a concern that is increasingly directed to silent cinema. The ideas presented here are further developed in my *Streetwalking on a Ruined Map*. As it regards the interaction of historicity and public in modernity, see also, among others, Miriam Hansen, *Babel and Babylon: Spectatorship in American Silent Film* (Cambridge: Harvard University Press, 1991); Hansen, "Early Silent Cinema: Whose Public Sphere?" *New German Critique* 29 (Winter 1983), pp. 147–84; Patrice Petro, *Joyless Streets: Women and Melodramatic Representation in Weimar Germany* (Princeton: Princeton University Press, 1989); Tom Gunning, "The Book that Refuses to Be Read: Images of the City in Early Cinema," unpublished paper (Society for Cinema Studies Conference, University of Iowa, Iowa City, April 1989); and Judith Mayne, *Private Novels, Public Films* (Athens: The University of Georgia Press, 1988).

a great disparity between the city's infrastructures, its potential, and an increasing population. During this period, Naples developed its characteristic "persona," so aptly defined by Pier Paolo Pasolini as that of a "plebeian metropolis":[7] extremes of wealth and poverty, a rich intellectual life and illiteracy, the coexistence of high and popular culture. On the eve of cinema's advent, the 1861 unification of Italy transformed the ancient capital into a regional metropolis, fully participatory in nineteenth-century culture. Naples housed the first Italian railway line (the Napoli-Portici), and it played a prominent role in the rise of the motion-picture industry. Cinema found a home in the city's arcade.

Film programs became an everyday attraction in the theater Salone Margherita of Naples's main arcade, the Galleria Umberto I, from 1896 to 1898. Next to the theater, at the very entrance of the arcade, there were open-air film screenings. Films were projected onto a very large screen and were visible from the street. These public filmic events were sponsored by the arcade's department store. At the same time, in the Galleria, the first movie theater was opened by an Italian-Jewish businessman, Mario Recanati. For the newly formed arcade audience, he conceived an entrance to the cinematic imaginary derived from American dream machinery: Recanati's lobby was a Neapolitan interpretation of Broadway-like devices.[8]

In the early days of Neapolitan cinema, the Galleria Umberto I served not only as the center of film exhibition but also as the main location for the film business. All cinematographic activities were at first concentrated around the Galleria Umberto I. Neapolitan cinema was produced within the arcade's network of transactions: as a commercial, artistic, and social center, the arcade became a catalyst for ventures in film production and trade.

Elvira Notari's cinema was deeply involved in these developments, as her films were regularly screened at the Cinema Vittoria, in the Galleria Umberto I, as well as at the Cinema Monte Maiella, located in the Galleria Principe di Napoli, Naples's other, if lesser, arcade. According to a magazine of the time:

> Mrs. Elvira Notari shows in Naples the strong impact that the new cinematographic art may have on the people. Mrs. Notari has been writing great dramas, vibrating with emotions, aimed at elevating the

7. Pier Paolo Pasolini, *Lettere luterane* (Turin: Einaudi, 1976). See in particular p. 17.

8. Outdoor film screenings were taking place, at the time, also in Paris and New York, mostly for publicity purposes.

On film exhibition in Naples, see Vittorio Paliotti and Enzo Grano, *Napoli nel cinema* (Napoli: Azienda Autonoma Cura Soggiorno e Turismo, 1969); Aldo Bernardini, *Cinema muto italiano*, 3 vols. (Bari: Laterza, 1980–82), in particular vol. 1, chapters 2, 3, 5, and vol. 2, chapters 2 and 4; Vittorio Martinelli, "Sotto il sole di Napoli," in *Cinema e film*, vol. 1, eds. Gian Piero Brunetta and Davide Turconi (Rome; Armando Curcio Editore, 1987); Claudio Rubino, "Cinematografo a Napoli: Appunti sulle origini, 1896–1899," *Immagine,* vol. 2, no. 2 (June–September 1982), pp. 21–24; and S. Pappalardi, "I primi cinema napoletani," *Cinema*, Rome, no. 66, March 25, 1939. Bernardini's data are most accurate.

> popular soul and showing its inner virtues. The Cinema Vittoria is always overflowing with the public for many evenings, a public which exits moved and in a better frame of mind.[9]

Dora Film screenings at the Vittoria, which could accommodate 360 people, usually lasted for a period of one or two weeks, and drew, on the average, an audience of fifty thousand people. Even the publicity material for United States distribution emphasizes the fact that films were successfully shown at the arcade. The most notable of these arcade screenings was that of *A legge* (The law, 1921), or *O festino e a legge* (The feast and the law), a "Bakhtinian" film, whose story was suspended between "the feast and the law," desire and punishment, deviance and rules. Due to popular demand, *A legge* was screened continuously for over a month at the Vittoria, from 10 A.M. to late at night in both sections of the movie theater. About six thousand people saw this film in Naples's arcade every day.

Cinema's implantation in the arcade is illuminated by Benedetto Croce's two-volume history of Neapolitan theater.[10] A contemporary of Elvira Notari, Croce lived in Naples all his life. His theater history was published in 1891, a few years before the entrance of cinema into the world of spectacle. Croce's study was conceived as a response to traditional literary and philosophical scholarship, which demonstrated no interest in spectacle. Writing a history of theater not simply reduced to a history of plays, Croce mapped out the city's theatrical geography. His account discussed as well the difficulties traditionally encountered by women in theater, who, like the prostitutes, were forced to live outside the city limits, in accordance with eighteenth-century laws. "Almost all women associated with the theater and spectacles were affected by those laws. . . . They were not considered honest as their profession carried with it the hard necessity of dealing with many men, musicians, poets, and lovers of music."[11]

Exploring the sites of spectacle, Croce shows that popular spectacles and temporary theaters were set right in the area of the Teatro San Carlo, the oldest Italian opera house, from the time of its construction in 1737. This area, located in the vicinity of the harbor, was a site where, traditionally, popular spectacles and high forms of theater and music were juxtaposed. It was here, between 1887 and 1890, that the Galleria Umberto I was built and cinema was soon implanted.

The dedication of the Galleria Umberto I took place on November 10, 1892, with an exhibition of artistically ambitious industrial products. The arcade

9. Giuseppe Fossataro, *La frusta*, November 30, 1920.
10. Benedetto Croce, *I teatri di Napoli*, 2 vols. (Napoli: Giannini, 1891).
11. Ibid, vol. 2, pp. 310–12. The subject of women in the theater and the laws, promulgated in 1734, 1737, and 1739, referred to, are discussed by Croce, in particular in vol. 2, pp. 306–23.

Giorgio Sommer. Galleria Umberto I. *c. 1895.*

immediately "became *the* social center of the city as it was the privileged meeting point of journalists and writers and housed commercial activities as well as theaters, *cafés chantant*, clubs, etc."[12] Naples's arcade was a modern covered forum:

> The Galleria Umberto I . . . is the largest public space in the entire city. It is gigantic in its dimensions, is protected from both rain and sun, and is cooled by the sea wind which blows through it. . . . The entrances are perpendicular to the lines of the street. One strolls unsuspectingly along Via Roma. A chance glance to the left, and the eye is overcome by the sudden revelation of the existence of this huge, hidden space. The passer-by does not have to be of a special religion or have a ticket to enter. The arcade belongs to everyone. It is the monumental expression of this most characteristic achievement of the nineteenth century, the public sphere.[13]

12. Cesare De Seta, *Le città nella storia d'Italia: Napoli* (Bari: Laterza, 1987), p. 276.
13. Johann Friedrich Geist, *Arcades: The History of a Building Type* (Cambridge: MIT Press, 1983), pp. 428–37.

The Galleria extended the function of the *piazza* (forum), the Italian urban site of meeting and *passeggiata* (promenade), social events, and transitory activities. It represented the coalescence and transformation of this public life, typically and traditionally set in the urban *piazza*, into modern terms. Cinema, housed in the arcade, was thus grounded in a locus of spectacle and circulation of people and goods, in the metropolitan site of diverse social configurations—from those of a social elite and the intelligentsia to that of the underworld. A Neapolitan journalist, protesting in 1902 against the presence of the underworld in the elegant arcade, wrote:

> The arcade has become the attraction of beggars, pimps, street urchins, idlers. . . . It should not be allowed that a beautiful and elegant meeting place, such as our arcade, continue to be the refuge of the filthiest derelicts of our Neapolitan life. Those people must be pushed back into the darkness where they belong.[14]

It was the darkness of the movie theater that welcomed them, and the arcade became a terrain for the reproduction of the city's popular culture.

Genealogical Travelogue: Cinema, Arcades, and Trains

In John Horne Burns's novel *The Gallery* (1947), the Galleria Umberto I is the geographical center of action. The site is described as resembling the

14. *Il pungolo*, Naples, October 14–15, 1902, p. 5.

Salvatore Fergola. Arrival of the First Train at the Station Granatello-Portici. *1839.*

railway: "The Galleria Umberto I in Naples is a large arcade, a cross between the hall of a train and the nave of a church. . . . Everyone in Naples went to the Galleria. . . . The arcade . . . was secretive . . . ; it seemed like being inside a Baroque Underground station."[15]

Investigation of the sites of exhibition in Naples establishes that another area of the city that favored the rise and concentration of cinematographic activities was indeed the neighborhood of the railway terminal. In 1899, Menotti Cattaneo began public screenings there. Other theaters were soon opened; among them was Sala Eglé of Roberto Troncone, who was, as well, the founder of one of the first Neapolitan production houses.[16]

The railway was a major place for the circulation of Neapolitan film culture. *La Cinefono*, a local film magazine, continually advertised the magazine's sale at the train station's bookstore and regularly listed the bookstores and newsstands of the area. A typical advertisement, charting the route of the film magazine itself, ran as follows: "Our magazine is for sale at the bookstore of the train station and in all the most important newsstands in Naples, in Italy's major cities and in Tripoli."[17]

In the January 29, 1908, issue of the film magazine *La lanterna*, a curious item appeared. Entitled "Even Cinema on the Train," it discussed the possibility of film screenings on trains. Thus the notion of cinema on trains preceded that of film on airplanes. The idea was to have "*vagoni-cinema*," cinema-cars, just like the "*vagoni-ristorante*," the restaurant-cars on trains. The oral nature of pleasure in cinema was acknowledged in this imaginary assimilation to eating.[18] Literalizing the assimilation, this Neapolitan utopia suggests that the absorption of images is also an absorption of the subject in the image—an oral urge, positioned on the threshold of interior/exterior, figured as a movement of swallowing/swallowed, eating/being eaten. Oral pleasure and the pleasure of the mobilized gaze were thus to be joined in the form of a cinematic apparatus traveling on a train.

Neapolitan film exhibition and production of this early period, as it was concentrated around the arcade and developing around the train station, leads one to consider the geography of cinema's genealogy and the historicity of the cinematic apparatus. The arcade represented the nineteenth-century transition of architecture into urban itineraries.[19] A structure built of iron and glass, it

15. John Horne Burns, *The Gallery*, 1947, quoted in Geist, *Arcades*, p. 432.
16. By 1906, there were at least seven steady movie houses in the area of Naples's train station; one had opened at the Galleria Principe di Napoli, and film exhibition had spread from the Galleria Umberto I to the surrounding neighborhood, where fifteen theaters were reported to be functioning. By the teens, the number of theaters in the Galleria Umberto I had gone up to six.
17. *La cinefono*, February 1917.
18. That filmic desire is rooted in orality is suggested by Jean-Louis Baudry, only tentatively, in a footnote to his essay "The Apparatus," pp. 317–18.
19. For a treatment of the arcade in this framework, see, among others, Siegfried Giedion, *Space, Time and Architecture* (Cambridge: Harvard University Press, 1962).

opened up the urban space and exploded the division interior/exterior in favor of a fluid light space. The arcade was not an isolated phenomenon. Iron was the "structural" mark of railroad stations, bridges, and exhibition halls. All were sites of transit, signifiers of a new notion of space and mobility, signs of an industrial era which generated the "motion picture." The genesis of cinema in Naples took place within this new perceptual geography, in the urban site of transit, between interior and exterior. Located in the arcade and around the railway, the seventh art of motion pictures, which was to become the medium of "unconscious optics,"[20] found in the cityscape its appropriate home. In Gaston Bachelard's phrase, "the unconscious is housed."[21]

Around Plato's Cave: Urban Wandering and Spectatorial Flânerie

Naples's arcade, completed just a few years before cinema's implantation there, became the home of wanderers, the host for those whose daily activity was to gather, stroll, or look around. It welcomed the *flâneur*, described nostalgically by Walter Benjamin, who witnessed his replacement by the more modern "man of the crowd":

> The *flâneur* goes botanizing on the asphalt. But . . . strolling could hardly have assumed the importance it did without the arcades. . . . "An arcade is a city, even a world in miniature." It is in this world that the *flâneur* is at home; he provides the favorite sojourn of the strollers and the smokers, the stamping ground of all sorts of little *métiers*, with its chronicler and its philosopher. . . . The street becomes a dwelling for the *flâneur*; he is as much at home among the facades of houses as a citizen in his four walls.[22]

Edoardo Notari, Elvira's son, an actor in all his mother's films, coined a Benjaminian expression, *ombrello de pirucchi*, which in Neapolitan dialect means "umbrella for idlers," to define the Neapolitan arcade, and called attention to the Galleria's function in the genesis and implantation of film activities. According to him, *strascinafacende* (a Neapolitan name for *flâneurs*) inhabited the arcade, strolled and gathered under its umbrella, and, following the contemplative trail of urban wandering, would be attracted to the cinema. *Strascinafacende* would cruise the cafés around the arcade, talking of pictures, eventually ending up at the Cinema Vittoria for a movie. Neapolitan idlers also discussed and even got involved in aspects of film production, developed ideas for films, provided the new *métier* with its chroniclers and philosophers.[23]

20. Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction," in *Illuminations*, ed. and intro. Hannah Arendt (New York: Shocken Books, 1969), pp. 235–37.
21. Gaston Bachelard, *The Poetics of Space* (Boston: Beacon Press, 1969), p. 10.
22. Walter Benjamin, "The *Flâneur*," in *Charles Baudelaire: A Lyric Poet in the Era of High Capitalism* (London: Verso, 1983), pp. 36–37.
23. See Martinelli, "Sotto il sole di Napoli," p. 369; Martinelli, "Due o tre cose che so di Gustavo,"

The overall deployment of our Neapolitan microhistory suggests that arcades and cinemas are to be understood as forms of optical consumption by a mobile collectivity.[24] Topoi of modernity, they share a fantasmatic dimension in their function of site/sight. Cinema, a space of the gaze, is to be placed within a discourse of circulation and the desire therein inscribed.

In defining the nomadic dimension of cinematic fascination, one first returns to Roland Barthes's notes upon going to the cinema. Barthes suggests that,

> One goes to the movies as a response to idleness, leisure, free time. . . . Vacancy, inoccupation, lethargy; it is not in front of the film that one dreams—it is without knowing it, even before one becomes a spectator. . . . The darkness of the theater is prefigured by the "twilight *rêverie*" . . . which precedes it and leads the subject from street to street, from poster to poster, finally burying oneself into a dim, anonymous, indifferent cube. . . . The "noir" of the cinema . . . is also the color of a diffused eroticism; by its human condensation, by its absence of *mondanité*, . . . by the relaxation of postures, . . . the movie house (ordinary model) is a site of availability, and it is the availability, the inoccupation of bodies . . . which best defines modern eroticism—. . . that of the big city.[25]

Idleness, leisure, and the inoccupation of bodies describe the "cinema situation." A step in the erratic trail that takes one from street to street, cinema inhabits *flânerie*. And, grounded in seeing, the idler's way of loitering reminds us of the film spectator's:

> To the idler who strolls the streets, things appear divorced from the history of their production, and their fortuitous juxtaposition suggests mysterious and mystical connections. Time becomes "a dream web where the most ancient occurrences are attached to those of today." Meanings are read on the surface of things: "The phantasmagoria of the *flâneur*: reading profession, origins and character from faces."[26]

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in Guido Barlozzetti, Stefania Parigi, Angela Prudenzi, and Claver Salizzato, eds., *Modi di produzione del cinema italiano: la Titanus* (Di Giacomo Editore, 1986); and Edoardo Notari's interview, in Annabella Miscuglio and Rony Daopoulo, eds., in collaboration with Judita Hribar, *Kinomata* (Bari: Dedalo, 1980).

24. Though not necessarily in direct connection, the arcade and the cinema are discussed in similar terms by Benjamin, who very early recognized the importance of cinema in the cultural modification of space and perception, and also recognized the importance of the arcade along the same lines, in his fragmentary and unfinished book, *Das Passagen-Werk* (See vol. 5 of Benjamin, *Gesammelte Schriften*, ed. Rolf Tiedemann [Frankfurt am Main: Suhrkamp Verlag, 1982]).

25. Roland Barthes, "Leaving the Movie Theater," in *The Rustle of Language* (New York: Hill and Wang, 1986), pp. 345–46. (The translation of the quotation has been slightly modified according to the original French.)

26. Susan Buck-Morss, *The Dialectics of Seeing: Walter Benjamin and the Arcades Project* (Cambridge:

As perceptual modes, *flânerie* and cinema share the montage of images, the spatiotemporal juxtaposition, the obscuring of the mode of production, and the "physiognomic" impact—the spectatorial reading of bodily signs. The "dream web" of film reception, with its geographical implantation, embodies *flânerie*'s mode of watching and its public dimension.

The genealogy of spectatorship reveals it as grafted upon the terrain of public "leisure pleasure," in Italy termed "*dolce far niente*"—an urban erotics where "the joy of watching is triumphant."[27] A revealing passage in Baudelaire's writings foreshadows in the *flâneur*'s joy the genesis of the film spectator:

> For the perfect *flâneur*, for the passionate spectator, it is an immense joy to set up house in the heart of the multitude, amid the ebb and flow of movement, in the midst of the fugitive and the infinite. To be away from home and yet to feel oneself everywhere at home; to see the world, to be at the center of the world, and yet to remain hidden from the world—such are a few of the slightest pleasures of those independent, passionate, impartial natures. . . . The spectator is a *prince* who everywhere rejoices in his incognito. . . . [He] enters into the crowd as if it were an immense reservoir of electrical energy. Or we might liken him to a mirror as vast as the crowd itself; or to a kaleidoscope gifted with consciousness, responding to each one of the movements and reproducing the multiplicity of life and the flickering grace of all the elements of life. He is an "I" with an insatiable appetite for the "non-I," at every instant rendering and explaining it in pictures more living than life itself, which is always unstable and fugitive.[28]

As if recognizing "the site of traces left by the future," Baudelaire describes here a *flâneur*-to-be, the film spectator. The *flâneur* is someone who sets up house amid the multitude, as a spectator at home within the theater's crowd. Like the *flâneur*, the film spectator sees without being seen, rejoicing in his incognito: seeing the world, at the center of the world, he is, nonetheless, hidden from it. Baudelaire's pictures are more living than life itself, fugitive and unattainable like the filmic text; his metaphor of the kaleidoscope, his scenario of

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MIT Press, 1989), p. 106. Several reincarnations of this figure have been suggested, including the urban writer as *flâneur*, proposed by Benjamin himself. Adorno pointed to radio listening as a kind of aural *flânerie*. Though Buck-Morss herself sees television as a modern extension of *flânerie*, the very way in which she describes the *flâneur* suggests that, although overlooked, a parallel with cinema is appropriate, on the basis of the public nature of the space where watching takes place, and the dynamics of the exchange *interieur/exterieur* therein embodied.

27. Benjamin mentions that "in the *flâneur* the joy of watching is triumphant" in his *Charles Baudelaire*, p. 69.

28. Charles Baudelaire, "The Painter of Modern Life," in *The Painter of Modern Life and Other Essays* (New York: Garland, 1978), pp. 9–10.

the mirror—the "I" with an insatiable appetite for the "non-I"—akin to the Lacanian mirror-stage, are paradigms often invoked to describe the effects of the cinematic apparatus. The perfect *flâneur* is the passionate spectator, Baudelaire states. The wandering urban spectator, historically eclipsed by the life of the big modern city, is transformed, reinvented, and reinscribed in the figure of the film spectator. The modern *flâneur* is the film spectator. The perfect *flâneur* is the passionate film spectator.

Undergoing historical changes, *flânerie* "travels." And, along the way, the terms of a relation between interior/exterior shift as, in its various configurations, the street turns into an interior, and the latter, in turn, becomes a street,[29] ending in the film spectatorial reincarnation. Cinema's spatiovisuality physically enforces this dynamic, as well as issuing fantasmatic shifts between inside and outside. Founded on the physical/emotional experience of both intimacy and collectivity, film spectatorship dwells on the borders of interior/exterior. It offers "an imaginary private sphere from the vantage point of public space."[30] As a tactile appropriation of space, in a site of public architecture, film reception is related once more to the perception and reception of arcades and their cafés, to railway terminals and their arriving trains.

Streetwalker

In his study of travel in the nineteenth century, Wolfgang Schivelbusch, who first formulated the relation between train and cinema, showed that these new technologies profoundly affect perception: as they condense time and space, they introduce a "panoramic vision."[31] The railway effect, similarly generated by the glass architecture of the arcades, is also produced by that other "light-space"—film. This new visuality, grounded in a panoramic gaze, heir of the panorama painting and the diorama, results in a new geography.

A voyage is produced by an apparatus of vision, as the spectator travels through and along sites, in a perceptual machine ensemble. In a movie theater, as in a train, one is alone with others, and one travels in time and space, viewing panoramically from a still-sitting position through a framed image in motion. Hence the train can be seen as "the mechanical double for the cinematic apparatus. . . . The very term "tracking shot" is a compelling index of the permeation of filmmaking practice by the language of the railroad."[32]

29. Benjamin, "The *Flâneur*," in particular p. 54.
30. Mayne, *Private Novels, Public Films*, p. 81.
31. Wolfgang Schivelbusch, *The Railway Journey: Trains and Travel in the Nineteenth Century* (New York: Urizen Books, 1979). Schivelbusch derives the notion of "panoramic" perception from Dolf Sternberger, who developed it in his discussion of panorama painting. See Dolf Sternberger, "Panorama of the 19th Century," *October* 4 (Fall 1977), pp. 3–20.
32. Lynne Kirby, "Male Hysteria and Early Cinema," *Camera Obscura* 17 (May 1988), p. 113. On the relation between the train and the cinema, see also Charles Musser, "The Travel Genre in

Elvira Notari. 'Nfama (Infamous Woman). *1924.*

Contributing to a growing theoretical interest in train and film, Mary Ann Doane has argued that, given these two machines of vision, a despatialization of subjectivity occurs, and this in turn has sexualized Schivelbusch's panoramic perception, which had linked the cinema not only with the railroad, but also with the department store. Speaking of the "consumption" of cinema, she states: "If the film frame is a kind of display window and spectatorship consequently a form of window-shopping, the intimate association of looking and buying does indeed suggest that the prototype of the spectator-consumer is female."[33]

Here is a point of departure for the articulation of the public "panoramic" dimension of nineteenth-century technologies and inquiry into issues of gender. For it is here that we confront a central question about space and desire: Is the mobile gaze male? In the literature of modernity, the most significant female

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1903–4: Moving Toward Fictional Narrative," *Iris,* vol. 2, no. 1 (1984), pp. 47–60; Mary Ann Doane, "'. . . when the direction of the force acting on the body is changed': The Moving Image," *Wide Angle,* vol. 7, nos. 1–2 (1985), pp. 42–58; Kirby, "Romances of the Rail in Early Cinema," unpublished paper, Society of Cinema Studies Conference, Montreal, May 1987; Kirby, *The Railroad and The Cinema, 1895–1929: Institutions, Aesthetics and Gender,* Ph.D. dissertation, University of California, Los Angeles, 1989; and Annette Michelson, "Track Records, Trains of Events: The Limits of Cinematic Representation," in *Junction and Journey: Trains and Film* (New York: The Museum of Modern Art, exhibition catalogue, 1991).

33. Doane, *The Desire to Desire* (Bloomington: Indiana University Press, 1987), p. 27.

figure inhabiting the arcade is the whore.[34] Still today, we find prostitution identified as the female version of *flânerie*: a male loiterer is a *flâneur*; a female is a "streetwalker." The Italian term for prostitute is "*passeggiatrice*." And the Neapolitan "*peripatetica*" is equally indicative of the "impossibility" of female *flânerie*, an impossibility semiotically established,[35] for the adjective "peripatetic," when indicating a woman, is not the attribute of a Greek philosopher, but the mark of prostitution. Woman cannot wander. The figure of the *flâneur* is traditionally male. A female equivalent was made impossible by a division of sexual realms that restricted female mobility and confined woman into the space of the private. As a result, the "peripatetic" gaze of the *flâneur* is a position that a woman has had to struggle to acquire, and to liberate from its connotations of social ostracism and danger. It is not by chance that one of the first acts of Italian feminism was for women to "streetwalk" together through the city at night.

Cinema plays an important role in this process. The "institution" of cinema (that is, the act of going to the movies and its viewing space) historically legitimized for the female subject the denied possibility of public pleasure in leisure time. Cinema provided a form of access to public space, an occasion to socialize and get out of the house. Going to the cinema triggered a liberation of the woman's gaze, enabling her to renegotiate, on a new terrain of intersubjectivity, the configuration of private/public. Moreover, the cinema situation made it possible for the female to experience a form of *flânerie*, as film, triggered by a desire of loitering, offered the joy of watching while traveling. The female spectator could thus enter the world of the *flâneur* and derive its pleasures through filmic motions. We may see film spectatorship as providing access to an erotics denied the female subject; she could enjoy the pleasures of darkness and (urban) wandering. Mobilizing the gaze—the "panoramic" feature of cinematic langauge—implied the appropriation of territories and the freedom of "streetwalking." Textually and contextually, literally and figuratively, historically and fantasmatically, the female subject's encounter with the cinema constructs a new geography, gives license to venturing. In its embodiment of fantasy, female spectatorship maps out the spaces of the gaze as sites to traverse and to trespass.

Female spectatorship triggers, and participates in, women's conquest of the sphere of spatial mobility as pleasure. The full expansion of woman's

34. See Buck-Morss, "The *Flâneur*, The Sandwichman and the Whore: The Politics of Loitering," *New German Critique* 39 (Fall 1986), pp. 99–140; and Janet Wolff, "The Invisible *Flâneuse*: Women and the Literature of Modernity," *Theory, Culture & Society*, vol. 2, no. 3 (1985), pp. 37–46. The literature of modernity produced by male authors, in general, fails to acknowledge women's experience of modernity.

35. Alongside the Italian examples (including "*battere il marciapiede*" for "streetwalking"), the French "*faire le trottoir*" and "*péripatéticienne*," and similar expressions in other languages, such as, for example, German and Spanish, also indicate the impossibility of female *flânerie*.

territorial horizons is, however, a journey in slow motion. Female spectatorship itself involves a long, reluctant process of historical affirmation of female *flânerie*. In Italy, it was not until the 1950s that going to the cinema gained definitive acceptance as a group activity for women unaccompanied by men. Attendance undisturbed at a movie theater by a woman alone is still not always assured.[36] The female *flâneur*, suspected of selling rather than buying pleasure, is implicated as "streetwalker" within the sphere of the commodity. Female spectatorship originates in a shift from privatization toward urban circulation and public leisure that is closely related to consumption,[37] understood as both selling (one's body), "streetwalking," and buying. Urban wandering was historically legitimized for the female in the form of shopping trips. Given the analogy between film-viewing and window-shopping, the question of *flânerie* takes us, as Anne Friedberg has claimed, all the way to its contemporary incarnation in the modern mall and its inscription in mall-cinema, where we may encounter a "*flâneuse du ma(l)l.*"[38] The female *flâneur* thus wanders across history, establishing her identity and desire in a space of consumption (of images).

The Neapolitan implantation of a cinema analogous to "the display window," in the arcade, the site of "window-shopping," points to the overlapping terrains of urban and spectatorial modes that provide, for the female subject, a way to pleasure. Through access to cinema, a female sense of the space of desire comes into play, and travels. "Mapping" this terrain of fantasy means wandering toward a female desire of our own, for "what is experientially female is the association of desire with a space."[39] It means one more step toward acquiring the right to be, positively, an (urban) *voyeuse*, a "*flâneuse*," a streetwalker—in other words, a female spectator.

At issue is the practice of *trans*gressive spaces. In this respect, the model of panoramic, mobilized perception, transposed from the glass architecture of the arcade and the railway to the cinema, offers yet another possibility of

36. For an historical account of women's access to and attendance at the cinema in Italy, see Giovanna Grignaffini, "Female Identity and Italian Cinema of the 1950s," in Giuliana Bruno and Maria Nadotti, eds., *Off Screen: Women and Film in Italy* (London and New York: Routledge, 1988); Piera Detassis, "Una sala vissuta pericolosamente," *Ciak* (April 1989), pp. 65–68; and Giampiero Brunetta, *Buio in sala* (Venice: Marsilio, 1989).

37. See, among others, Rosalind H. Williams, *Dream Worlds: Mass Consumption in Late Nineteenth Century France* (Berkeley: University of California Press, 1982); Kathy Peiss, *Cheap Amusements: Working Women and Leisure in Turn-of-the-Century New York* (Philadelphia: Temple University Press, 1986); Judith Mayne, "Immigrants and Spectators," *Wide Angle*, vol. 5, no. 2 (1982), pp. 32–40; and Hansen, *Babel and Babylon*. For further research work on the subject, see Lynn Spigel and Denise Mann, "Women and Consumer Culture, A Selective Bibliography," *Quarterly Review of Film and Video*, vol. 11, no. 1 (1989), pp. 85–106.

38. Anne Friedberg, "Les *Flâneurs* du Mal(l): Cinema and the Postmodern Condition," *PMLA*, vol. 106, no. 3 (May 1991), pp. 419–31.

39. Jessica Benjamin, "A Desire of One's Own: Psychoanalytic Feminism and Intersubjective Space," in Teresa de Lauretis, ed., *Feminist Studies/Critical Studies* (Bloomington: Indiana University Press, 1986), p. 97.

theorizing female spectatorship in terms of spatial desire. As Lynne Kirby suggests, the railway and the cinema are a "motor force of desire bringing together different social-sexual types in a public space of forced juxtaposition, a space of substitution and deception in general."[40] As deterritorialized spaces, trains, cinemas, and, we may add, arcades traverse and break up the formerly closed notion of the milieu. In these sites of pervasive eroticism "consumed" by the collectivity, individuals from different backgrounds, classes, venues, and genders are transgressively put in close "touch," share a temporary intimacy, in fleeting encounters. Triggering desire, the loci of modernity alter the dichotomy of private/public, for despite providing for social events, they also house various private behavioral modes.

An article, entitled "The Cinema's Public," published in 1908 in the Italian film magazine *Rivista fono-cinematografica*, points to its sociosexual dynamics and clarifies the historical situation relative to modes of access to the cinema for women at the time of Elvira Notari. It was mostly women, as well as workers and marginals, who were subject of, and subjected to, the shocking change of modernity—mobility:

> New discoveries create new environments. . . . Just as tearing down certain old sections of town to make boulevards creates new ways of cohabiting and abolishes traditional habits . . . the cinema has created new habits. . . .
>
> The public of the movie theater is composed mostly of workers, women, and young people . . . social classes that are entering society with new attitudes and mores. . . . One finds the worker and the elegant lady sitting close to each other, the spoiled bourgeois kid next to the old man, the social classes mixed together.
>
> A little democracy is entering into our mores. Rather it is the new habit, the new invention, which is triggering the democratic spirit. The same . . . was true for the public of the streetcar.
>
> When it is already dark, there comes a group of dressmakers. . . . The passers-by look, and someone lured by all that flesh decides to spend twenty cents to find himself in the middle of it, in the dark, for a good half-hour. . . .
>
> Erotic adventures occur. Can you see that young lady, accompanied by her maid, who . . . suggests they enter for a moment just to rest a little? A young man . . . will find a way to sit next to her in the movie theater, and in the darkness the two of them, who pretended not to know each other, will touch hands and maybe exchange long and passionate letters. It is so easy in the dark! . . .

40. Kirby, "Romances of the Rail," p. 3.

> There is also a public of idlers, one which attends the movie theater by chance or casually. Who has not had this experience, after wandering around the city, or in between errands, of entering a movie theater? . . . The movie theater lures you . . . ends up persuading you, and you enter. . . .
>
> As for streetwalkers . . . a sample is always at the movies.[41]

This description approaches the terms of our "mobile" apparatus. An Italian film produced in 1913 by Cines confirms this view. *Tragedia al cinematografo* comically narrates a tragedy at the movie theater. A woman leaves the house to go to the movies. Her jealous husband, suspecting that she is meeting her lover, follows her. Parading a gun, he is about to enter the theater. But a movie clerk attempts to save the woman by warning the spectators that an enraged husband is coming into the movie house to unmask his wife's infidelity. At the announcement, the entire audience gets up and escapes.

Cinema is a response to (popular) leisure time. A place of urban relaxation, a catalyst for the loitering of passers-by, a stop on the idler's *passeggiata*, the movie theater is a site of pervasive eroticism, a space of darkness where sociosexual mores might be transgressed. Women gain access to the public sphere and/as the erotic sphere. Dressmakers, servants, streetwalkers, as well as upper-class ladies accompanied by maids, may inhabit this public space, mix together, and plunge into erotic journeys of the gaze.

The implantation of cinema in the cityscape, the constitution of spectatorship, gave the female subject access to the dream-*rêverie* of *flânerie* and to the erotic exchange that, within the space of public sites, takes place.

41. "Il pubblico del cinematografo," *Rivista fono-cinematografica* no. 11, February 1908, reprinted in Mostra Internazionale del Nuovo Cinema, eds., *Tra una film e l'altra. materiali sul cinema italiano 1907–1920* (Venezia: Marsilio, 1980), pp. 43–45.

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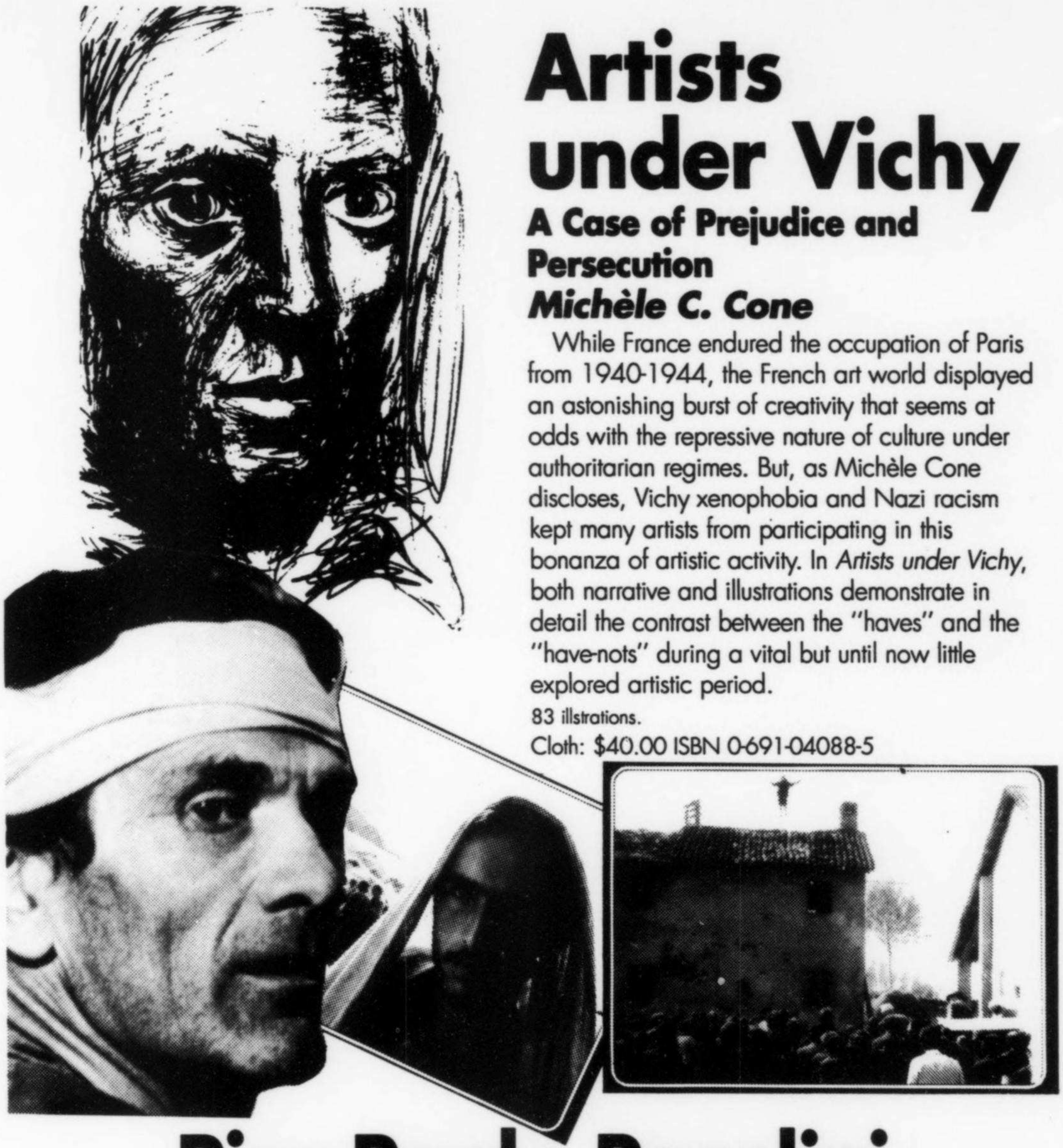

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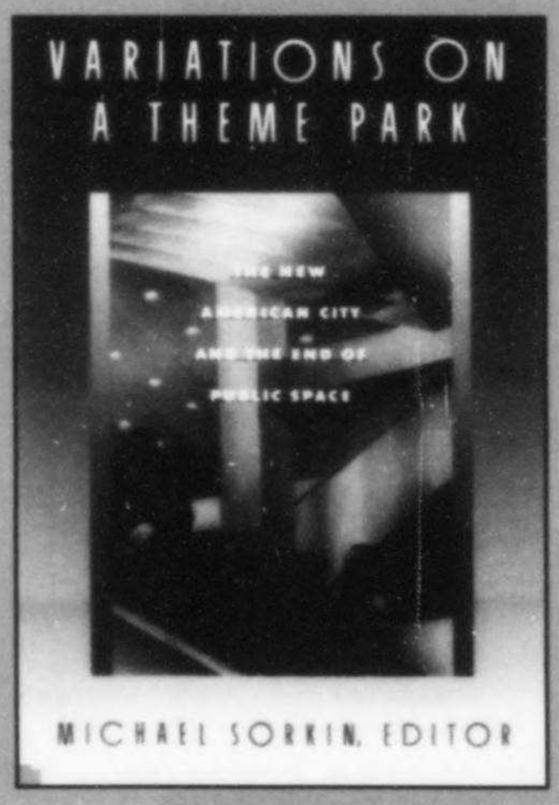

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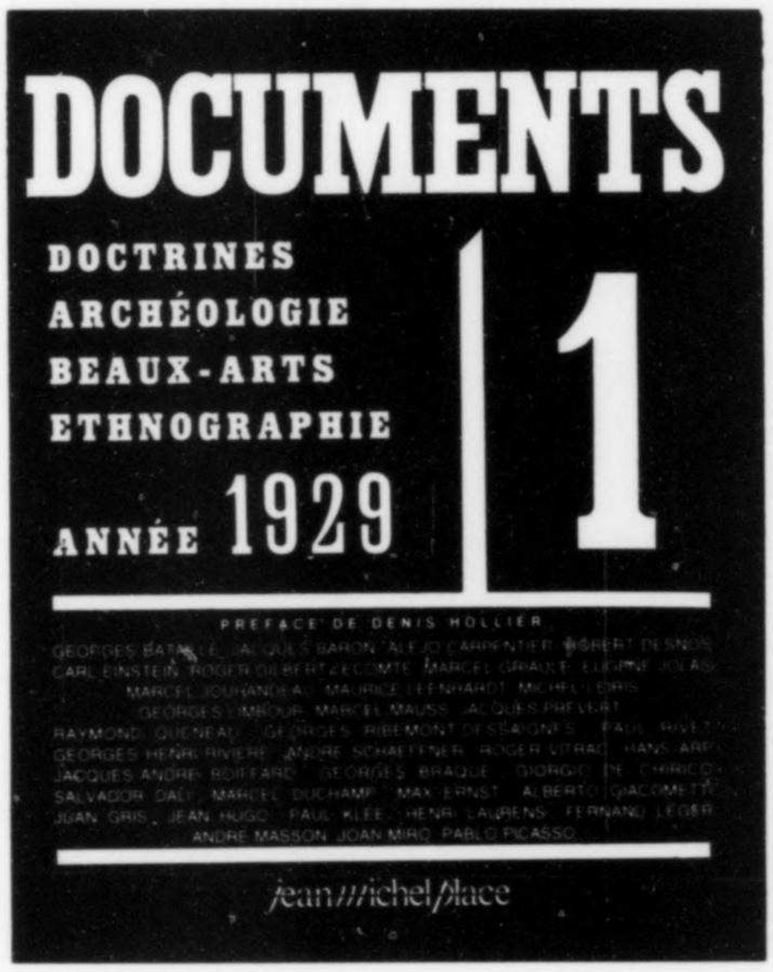

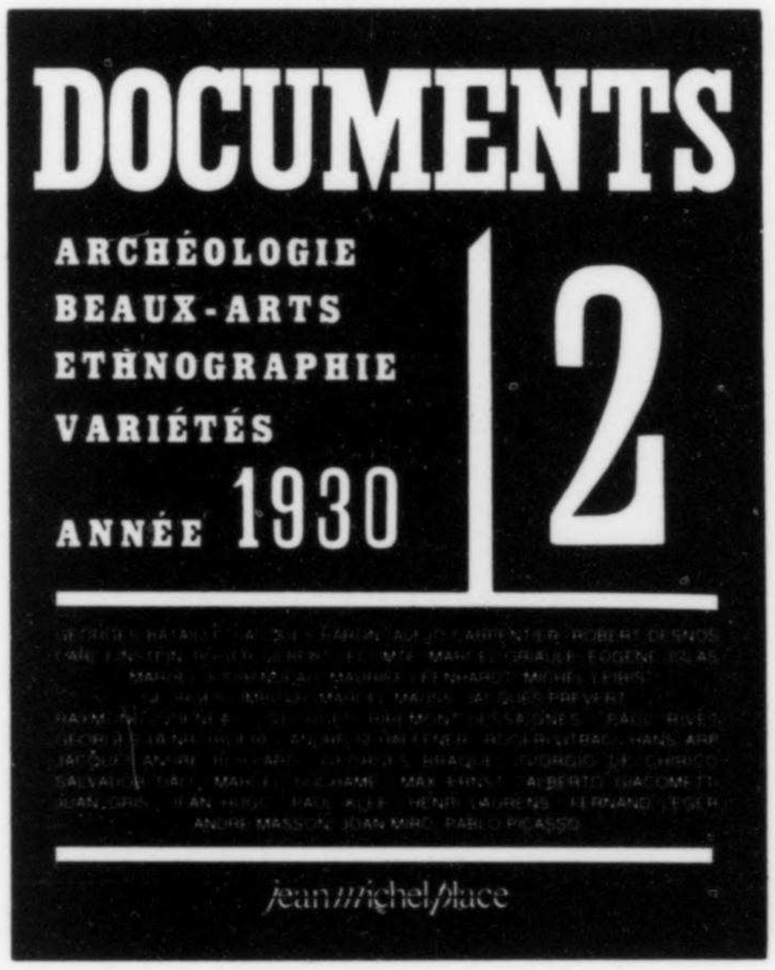

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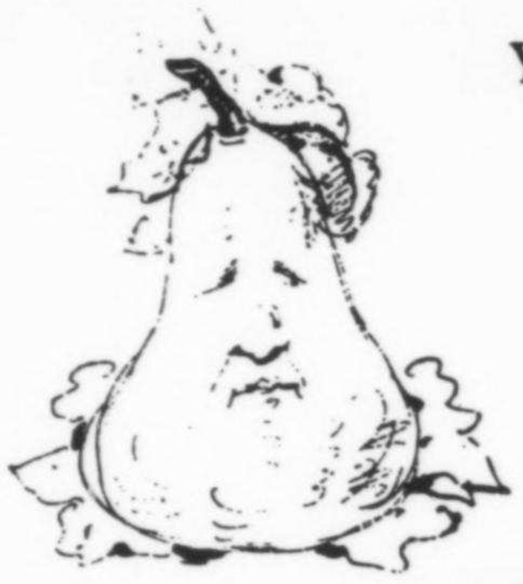

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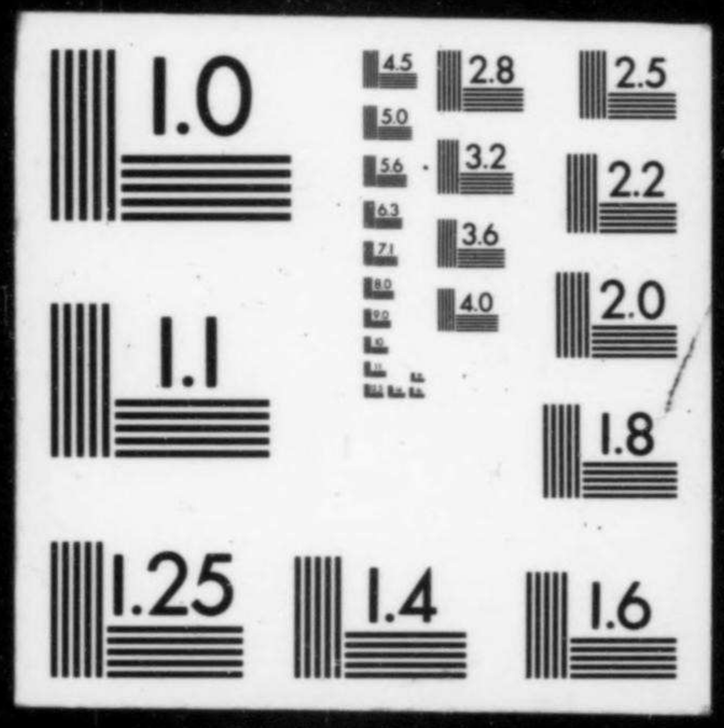
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