

Art Chasing Liability: Digital Sharecropping and Conscientious Law-Breaking

Monica Lee Steinberg, PhD

Postdoctoral Fellow in the Society of Fellows in the Humanities

The University of Hong Kong

<https://hku-hk.academia.edu/MonicaSteinberg>

Abstract

While confrontations between creative practice and regulatory statutes are nothing new, recent internet-based projects have situated conscientious law-breaking—for example, violating copyright, trademark law, and a social media site’s contractual “Terms of Service”—as a principal component of the work itself.

Art Chasing Liability

Projects initiated by artists and artist-groups such as Richard Prince, Constant Dullaart, Paolo Cirio and Alessandro Ludovico, 0100101110101101.ORG (Eva & Franco Mattes), Les Liens Invisibles (Clemente Pestelli and Gionatan Quintini), and several others are generally discussed alongside terms such as hacktivism, parafiction, appropriation, and new media. Here, however, I propose a discussion of a select group of works from the last two decades through the lens of conscientious law-breaking—which is conceived as avoiding complicity with a specific law or practice deemed to be unfair, while simultaneously expressing a basic fidelity to the law itself. [1] For example, in 2011 Cirio and Ludovico scraped publicly available user data (photos, names, nationalities) from Facebook to realize the fake dating website, *Face to Facebook – Hacking Monopolism Trilogy*. [2] The artists violated the site’s user agreement in order to call attention to the exploitation of user data; consequently, Facebook sent the artists several cease and desist letters. In 2014 Dullaart initiated *High Retention, Slow Delivery*, which involved the purchase of 2.5 million Instagram

bots which were deployed to follow artists’ accounts—thus boosting the public profiles of lesser-known artists while intentionally violating the terms of service of a platform which, itself, fosters an attention economy. [3]

The artists under discussion welcome the legal consequences of their actions, such that cease and desist letters and temporary bans from Facebook, Twitter, and Instagram are an expected and sought-after consequence of the work—such legal liabilities have even become a signpost for a project’s effectiveness and consequentiality. By violating the rules governing the every-day digital platforms shaping human interaction, artists are calling attention to not only the questionable practices of such online networking sites, but also to the inability of contemporary legal frameworks to adequately distinguish between artistic interventions and criminal acts. Of course, the intersection of art and civil disobedience trails a long legacy, and whether or how the works I discuss engage in ongoing dialogues surrounding politics, law, and warranted mitigation remains an open question. Here, however, I am primarily interested in mapping a connection between experiments in conscientious law-breaking and the linking of such practices to shifts in the legal playing field. Despite its many precedents, an aesthetics of legal liability interests me because it is so powerfully appropriate to our present moment—which is to say, powerfully troubling.

References

1. Kimberley Brownlee, *Conscience and Conviction: The Case for Civil Disobedience* (Oxford: Oxford University Press, 2012), 22.
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3. Dan Duray, "New Project Boosts Instagram Followers for Art World Accounts," *ArtNews* (30 September 2014), accessed August 25, 2018, <http://www.artnews.com/2014/09/30/new-dis-project-boosts-instagram-followers-for-art-world-accounts-2/>.

Biographies

Monica Lee Steinberg earned a PhD in the History of Art from The Graduate Center of the City University of New York; she is presently a 2018-2021 Postdoctoral Fellow in the Society of Fellows in the Humanities at The University of Hong Kong. Steinberg's scholarship focuses on art and politics after 1945, with special attention to the intersection of art and fictional identities, and art and law. Steinberg's writing has appeared (or is forthcoming in) journals such as *American Art*, *Archives of American Art*, and *Oxford Art Journal*; exhibition catalogues such as *Love Me, Love Me Not: Contemporary Art from Azerbaijan and its Neighbours* and *The Abstract Impulse: Fifty Years of Abstraction at the National Academy, 1956-2006*; and an edited volume, *Humor, Globalization, and Culture-Specificity in Modern and Contemporary Art*.