AMBIENT INFORMATION SYSTEMS
Manifest

Der Fehler fängt schon an, wenn einer sich anschickt Keilrahmen und Leinwand zu kaufen.

MANIFESTO
The mistake begins with the intention to buy stretcher and canvas.

Joseph Beuys 1.11.1985
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Ambient Information Systems (AIS) came into being as an intermedia hub and website, www.ambientTV.NET, in 1999, emerging out of founding artist-activist Manu Luksch’s interest in extending the medium of film using the Internet. Under her co-directorship with Mukul Patel, it has since developed into a crucible for wider critical, interdisciplinary practice that takes numerous forms – the devising of tools, the creation of frameworks, the instigation of processes.

Interrogating the socio-and eco-political transformations of the late 20th and early 21st centuries, this practice bridges art and activism, and recalls aspects of the 1910s-20s avant-garde and 1960s-70s conceptual and systems art. Several works take as medium and object, regimens and technologies of data accumulation and manipulation, including the disciplining of data by the mycelial security industry.
Although these projects grow on an electronic substrate, the interest in regulation extends beyond the digital domain to, for example, the legal status of the image and the language of instruction. Mirroring its objects, AIS persists as a distributed network while also maintaining a node, ambient.space, as studio, workshop, event space, and artist residency in Hackney, East London.

This volume elucidates the work of Manu Luksch, Mukul Patel and collaborators through contextualising essays, artists’ writings, documents of projects and curatorial practice, interviews, blogs, recipes, and speculative texts. Each of the 1,500 copies of this edition is uniquely modified by a censor’s hand before entering circulation. The act of censorship distributes one of the texts across the individual copies; the obfuscation can be overcome through collective effort.

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View from ambient.space,
summer 2008
Photo: Anthony Pearson
1/INTERSTICES
HALBOFFENE QUELLEN UND LESEVERWEISE

„Alles zu sagen, ist das Geheimnis der Langeweile“
— Voltaire

LOCAL MOVEMENTS:
WHAT DOES TECHNO-DEMOCRACY SOUND LIKE?
17 ATTEMPTS AND ONE POINT

Fahim Amir
2007

Translated by Nicholas Grindell

SEMI-DISCLOSED SOURCES
AND REFERENCES

The secret of being boring is that of telling all. – Voltaire

The first part of the title, which I owe to my friend and partner-in-crime Nadine Jessen, originally referred to the bar/gallery Schnapsloch. Logically: intellectual property is cultural theft and references are a matter of honour. I like ‘local movements’ as much as I like ‘solidarity is the tenderness of the peoples’ and an alternative title for this text was ‘The trick is to breathe’. In formal terms, I have been inspired by Donna Haraway, Deleuze & Guattari, as well as René Pollesch.


Does a ‘threshold’ separate or connect spaces, is the hinge part of the door or part of the frame, which way does the door swing, who is swung out? The precarious liminal regime of today’s techno-bio power is one of the plateaus over which Ambient Information Systems makes waves, stirring up borderlands of the medium and and settling down in the pores. ‘Illegitimate’ mixtures turn the camera lens into the ear, the result being sounds that can quite literally get under your skin. From this distortion-laden level, they romp back to the dendrological branch of the Enlightenment, the dirty child-granny we can’t do without. Remember: anything can be a weapon, it just depends how you hold it.

As a theme running through most of his work, Giorgio Agamben has reflected richly on the ‘threshold’, a grey zone where this Italian student of Heidegger with his labour movement roots is quite at home. Reading helps, at least sometimes.

Concerning the meaning of ‘hinges/hinging’, see many texts by Jacques Derrida, e.g. *Spectres of Marx*.

Critiques of Enlightenment constitute their own cosmos, with entrances to the labyrinth of our selves offered by the classic *Dialectic of Enlightenment* (Max Horkheimer & Theodor W. Adorno) as well as by Lorraine Code (What Can She Know?). Note also that Foucault referred to his work as ‘critique of dirty reason’. The sheer number of questions put forward in this field suggests that the contradiction lies not in the concept but in the world – not in the ahistorical sense, but as a concrete phenomenon of modernity and capitalism. In the words of the rapper Sido: ‘Scheiß auf die ewigen Fragen, vor dem Richter stehen und nichts sagen’ (‘Fuck the never-ending questions, stand in the dock and say nothing’), from the album *Ich*, on Aggro Berlin (2006).
Zum strategischen Machtbegriff des französischen Philosophen Michel Foucault, siehe beispielsweise Eine Kritik der politischen Vernunft (Thomas Lemke), zur Diskussion um Kontrollgesellschaft den Primärtext Postscriptum zur Kontrollgesellschaft (Gilles Deleuze).

[2] Strategischer Machtbegriff hin, Kontrollgesellschaft her, jedenfalls gilt: Vereinzelung und Re-Artikulation sind zentrale Elemente moderner Herrschaft. Allem Kulturalismus zum Trotz: It’s the economy, stupid! Aber wann wäre die schon alleine gekommen?
Whatever you think of the strategic concept of power or the society of control, the fact remains that individualization and rearticulation are central elements of modern power. So much for culturalism: It’s the economy, stupid! But when did the economy ever come on its own?

For an introduction into the strategic concept of power by French philosopher Michel Foucault, see for example Thomas Lemke’s Eine Kritik der politischen Vernunft (Critique of Political Reason); on the discussion of societies of control, see the primary text Postscript on the Societies of Control (Gilles Deleuze). Foucault tried to show that modernity was also about the production of subjects in certain institutions of normative discipline (school, military, factory); Deleuze argued that in our time we never leave these institutions because they become part of a general pattern, e.g. instead of finishing school at a certain age, we are confronted nowadays with the concept of ‘lifelong learning’.
The asynchronous development of social formations conflicts with the globally simultaneous deployment of new technologies, collapsing the urban theory of the Chicago School. Cyberabad (Hyderabad, India) and KL (Kuala Lumpur, Malaysia) rank ahead of the industrial nuclei of the Ruhr Valley; the same has long since applied to Detroit, and the whole of Ukraine for quite a while, too.


The idea of isolation/atomization (‘individual’, ‘homme-en-soi’, etc.) plus recombination (nation, ‘race’, etc.) as an important modern practice in the exercise of power can be found in the works of the Franco-Greek theorist Nicos Poulantzas (e.g. Classes in Contemporary Capitalism). Poulantzas was an important influence on the formation of the Regulation School in economic theory centred on Michel Aglietta, to whom we own the term ‘post-Fordism’, a concept that counts as a guarantor of ‘critical’ positions and which attempts to grasp the changes of the past 30–40 years.

The term info-biotech (or bio-infocom) capitalism is used to refer to the result of increased flows of capital in the fields of ‘life’ and ‘communication’ that has taken place since the worldwide fall in profit rates since the mid-70s. The ‘highest’ manifestation of this is considered to be the life sciences and life industries, whose institutions are courted by ministers and city officials the world over.

Computer + biotechnology = ? The condition of post-Fordism under which we are supposedly living is far more controversial than it appears at first glance – there are now at least four different schools with partly conflicting premises and conclusions.


On altered conceptualizations of labour in recent debates, see the highly influential (and in my view largely misleading) work Empire (Michael Hardt & Toni Negri); and on the role of affective work in modern business see the far more worthwhile The Managed Heart (Arlie R. Hochschild). Smiling is work.
Wenn mit Althusser gefordert werden kann, dass Parolen so lang sein sollen, dass sie in eine „hohle Hand“ passen, dann genügt ein Manifest der mikropolitischen Tätigkeit dieser Bedingung: alles andere außer sich zur Performance werden zu lassen.
If, with Althusser, one demands that slogans should be short enough to fit into a ‘hollow hand’, then a manifesto of micro-political activity satisfies this requirement: turn everything except yourself into a performance.


Zur langen, intensiven und m.E. völlig fruchtblosen Diskussion zwischen „Philosophie der Befreiung“ in Gestalt ihres profiliertesten Vertreters Enrique Dussel und Diskursethik vom Schlage eines Karl-Otto Apel siehe beispielweise Diskurs und Befreiung (Hans Schelkshorn) oder The Underside of Modernity (Eduardo Mendieta).

When the snake and the mole have calmed down, what comes next is not discursive harmony in the style of the Frankfurt School, but the political litmus test: Which side of the barricade are you standing on?

While the mole is a Foucauldian image for the functioning of power in the 19th century (the alternative being class struggle), according to Deleuze, the way power works is now better described using the image of the snake (effect: everything is very complicated).

On the long, intense, and – in my opinion – totally fruitless discussion between liberation theology in the form of its highest-profile proponent Enrique Dussel and discourse ethics from the likes of Karl-Otto Apel, see for example Diskurs und Befreiung (Hans Schelkshorn) or The Underside of Modernity (Eduardo Mendieta).
Know your enemy 0: löscht Gesichter aus, füllt Banken mit Dir und Deinen Daten.
[7] Know Your Enemy 0: Deletes faces and fills banks with you and your data.
Die Haussmanisierung wird ins Binäre übersetzt und zwei Ziffern rasen um die Welt. Um ein Bild aus der „Feder“ der russischen Revolution zu leihen: unsere Situation ist wie eine Kugel auf der Spitze einer Pyramide, sie kann nur in zwei Richtungen fallen,

Napoléon III. hatte Georges-Eugène Haussmann, wir stehen vor dem global suburb, siehe zu ersterem z.B. Die Neuerschaffung von Paris (David Jordan), zu letzterem z.B. die Arbeiten von ambientTV.NET.

Zur bolschewistischen Feder, siehe die bislang unübertroffene Trotzki-Biographie von Pierre Broué, zu den Existenzbedingungen von mehr als 12% der Menschheit siehe Planet of Slums (Mike Davis).
Haussmanization is translated into binary terms and two digits race round the world. To borrow an image from the pen of the Russian revolution: our situation is like a ball balanced on the top of a pyramid, it can only go in one of two directions.

a) the way of the monster, technologically power-bloated, co-opted for exploitation – whether or not we can make our peace with repression, every eighth person on earth lives in a slum, the others will be shifted back and forth between the tittytainment enclosure and the export subsidy zone.

b) the technical establishment of the best of all possible worlds continues – since Hegel, the bourgeoisie has been attempting to declare the end of history, Francis Fukuyama being the most recent toad to croak in the sickly-sweet moat that rims the roundtables of the obese. The narrative of the end of narratives is uploaded, the performance remains faulted and unconvincing. Objection: a pyramid has more than two sides.

Napoleon III had Georges-Eugène Haussmann, we face the global suburb: on the former, see, for example, Transforming Paris (David Jordan), on the latter, for example, the work of ambientTV.NET.

On the Bolshevist pen, see the unsurpassed Trotsky biography by Pierre Broué; on the living conditions of more than 12% of humanity, see Planet of Slums (Mike Davis).
[9] POPOMO: Ambiguity is part of the concrete; in the realm of purposes and formal logic things doubtless look tidier; here too, first impressions are deceptive. Post-postmodernism is not a second coming, but an unbroken co-opting machine that manages to present itself as capable of functioning. This means pitfalls, dead ends, halls of mirrors - but also fields for self-empowerment and spheres for intervention where existential issues can be negotiated and fought for. A slogan by striking American women from the last century indicates one path: ‘We want bread, but we want roses too!’
The term ‘material semiotics’ is used by Donna Haraway for information or meaning that refers to the body; in the analysis of the theory of Bruno Latour, it refers to the observation that the technological means through which data is obtained is a co-producer of meaning, but like the cyborg (a nephew of the arms race, intended as a weapon), it can be used as an emancipatory metaphor as well. Haraway forcefully criticised the technophobia of the early feminist movement and tried to show that no technology is inherently good or bad, but opens and closes certain possibilities of use and interaction.
Als theoretisch versierten und empirisch reichen Einstieg in die Diskussion um Gegen-Moderne, Oralität, Widerstand, Karneval und Wien, siehe Die Anarchie der Vorstadt (Maderthaner/Musner).

As a theoretically well-founded and empirically rich introduction to the discussion of anti-modernity, orality, resistance, carnival and Vienna, see *Die Anarchie der Vorstadt* (Maderthaner/Musner).

[11] Traditionally speaking, orality is a legacy from the peripheries of the modern world, writing an instrument of the metropolises at its centre. Just as Josephinism (Enlightenment imposed from above with exploitative intent) triggered emancipatory effects, so the same occurs today under real-existing capitalism.
Das Beispiel mit dem Stealth-Bomber ist dem Vorwort von The Algebra of Revolution (John Rees) entnommen, stimmige Orthodox-Dialektik mit Niveau.

[12] Dialectics on a level with Michael Moore’s baseball cap: a stealth bomber is worth three times its weight in gold, and half of all the engineers and natural scientists in the USA work directly or indirectly for military research. Compare this scale of operations, for example, with global expenditure on alphabetisation campaigns or easily curable diseases that are still fatal in many parts of the world, or with global expenditure on bleaching products for skin and hair.
I heard about the cinematic dramaturgy of NASA countdowns during work on DiskursDisko 2 Das Problem der Handlungsreisenden by Ralo Mayer and Philipp Haupt; on this and beyond, see also Perform or Else (John McKenzie).

[13] Walls have ears; the ‘World on a Wire’ is a model world, and the title of Rainer Werner Fassbinder’s film of the novel Simulacron-3; a film which in turn was pillaged for The Matrix. Some gems do not even need polishing. The famous countdown of the space shuttle launches, celebrated in the global media, was invented by Fritz Lang for a science fiction film and then adopted by NASA for dramaturgical reasons. But if reality imitates art, this does not prove Baudrillard right, for there is a difference between the ‘VW Golf Generation’ and Golfkrieg (Gulf War): the painful significance of the realization that not everything shrinks in the eye of the beholder, nor in the light operator’s spot.
[14] Stalin & Co. do not have a monopoly on Soviet dishes. A circle of friends demonstrates the meaning of the bearded revolution: now heads will roll because others want a share of the pie. The king’s head is still on his shoulders, perhaps because he has more than one? Hack again: Would Tatlin have campaigned for a democratisation of sound, of movement, of knowledge and knowledge production? If you want to divest civil servants of their farcical stages, you have to democratize listening too. This is still a far cry from Socialism. And so is 500 TV channels accessible to all.

The ‘circle of friends’ is the German hip hop group Freundeskreis, their song ‘Revolution der Bärte’ offers a vision of what revolution could mean today.
[15] Know your enemy 1: Lenin meinte bekanntlich, er lese „lieber einen klugen Bürgerlichen als einen schlechten Marxisten.“ Was bedeutet dies für den taktischen und strategischen Einsatz von Medien, Technologien und Identitätsangeboten?
[15] Know Your Enemy 1: of Lenin it is known that he would ‘rather read a clever bourgeois than a bad Marxist.’ What does this mean for the tactical and strategic deployment of media, technologies and potential identities?
[16] Even if merely reacting could be called uncreative, the same certainly cannot always be said of the form this reaction takes. A mental score for open-ended thinking can be described using the Japanese word ‘jutsu’, meaning art or trick. Jujutsu is the art of ceding to an opponent’s force, to divert it into an abyss. And in any case, the ships we build are heterotopic. There need not be a contradiction between the securing of our psychic and physical existence in the here and now, and what emancipation could actually mean, nor is there any need for a minimax program of supposed ‘mediation’ (Hegel) or ‘condensation’ (Freud). Nonetheless, they are different – although they manifestly come together in situations of strategic relevance, and in structural terms they are linked in any case.

The problem starts with the separation itself.

The term ‘minimax’ was used to describe the early tendency of the German Social Democrats to concentrate in daily activism on the ‘minimal program’ of reformism and neglect the ‘maximum program’ of revolution. (It means something rather different as a criterion in decision theory.)
Some things simply remain beautiful, without getting dull or being subjected to the rigours of the fun industry treatment, without sloping down the slippery surface of commodity aesthetics or being exploited by repugnant spectacle-mongers: pictures and situations, theatre beyond drama, play with reality beyond integration, landscapes with and without depth (better than Manet?), successful participation and cocreation instead of consumerism, the power of euphoria and of noise – distortion reveals perspectives. And anyway: is it finally time to upgrade structural psychoanalysis and transfer one of its famous prophets from his French stroll in the woods to an Internet café in Kabul so that he might even be adopted by World of Warcraft users? Objection: Is this even possible, and what for?
First attempt: Happiness is a Bit that laughs on the screen.
“We swim in a materialised flux of data – or more precisely, since this data is already interpreted and pre-digested, we drown in (dis)information. Before ‘intelligence’ reports can be analysed, a war has already been prosecuted on the other side of the Earth. Yet the individual’s sphere of action is ever more circumscribed. The vote, and consumer politics, are strictly limited instruments.”
We swim in a materialised flux of data – or more precisely, since this data is already interpreted and pre-digested, we drown in (dis)information. Before 'intelligence' reports can be analysed, a war has already been prosecuted on the other side of the Earth. Yet the individual's sphere of action is ever more circumscribed. The vote, and consumer politics, are strictly limited instruments.
“The most promising forum for open communication is not the town square or the café or the newspaper column – it is networked digital space. Those who inhabit this space should understand its potential, and how far this is from being achieved. Technologies of hygiene and control that restrict access, curtail expression, and intrude on privacy are being implemented by states and corporations, while public discourse lags far behind.”
An encounter between two avatars in Second Life, the multiuser online environment of Linden Research, Inc.
http://secondlife.com/corporate/tos.php
“We embrace data networks as creative medium, not in celebration of a technological idea of progress, but to demystify the technology of daily life – to render it visible, and to encourage productive use rather than consumption, so that we may responsibly exploit the substantial power that is within our grasp.”
Engineers lay cables that will provide communication at 'next generation' speeds to domestic users.
Broadband Talks aims to focus on new artistic possibilities arising from high bandwidth Internet connections and digital TV with interactive, Net-like features. ‘Broadband’ also describes the bandwidth of the talks themselves, which will bring together people from diverse practices: time-based media- and Net-artists, filmmakers and television producers, game developers, researchers and theorists.

**Historical Background**

Throughout the second half of the 1990s, ‘broadband Internet’ was promised as being ‘just around the corner’ by the media industry and communications technology companies. Another key term that was always closely connected to the promotion of broadband at this time was ‘media convergence’. Through the merging of traditional formats such as film and television with digital technology and telecommunications, new and hitherto unimaginable forms of cultural production were to arise.

But in 2001, broadband is still ‘just around the corner’, and little has been seen of the promised new forms of ‘interactive content’. ‘Interactivity’, as delivered by the industry, is merely another word for ‘multiple choice’. Digital TV consumers can now watch movies ‘on demand’ – programmes are streamed to individual paying viewers when they request them, and not according to a fixed schedule. Another add-on to traditional TV is the ‘pay’ or ‘order’ button. While watching a commercial or ‘infomercial’, viewers can simply push buttons on their enhanced remote control units to order the product. It is doubtful whether this kind of interactive TV, with its limited choice, will find enough customers willing to pay high prices for little added value; it is already clear that such formats offer next to nothing in terms of new artistic possibilities.

There have, however, been parallel developments where real artistic progress has been made: experiments with new forms of cultural production and dissemination, notably on the ‘narrowband’ (low bandwidth via dial-up) Internet, in CD-ROM and game development; in file sharing systems such as Napster;
and in digital video production and live video mixing (VJing). The examples below illustrate some of the ways in which the Internet has enabled true innovation with far-reaching consequences for arts practice and theoretical discourse. The primary question for Broadband Talks is: how will such works develop in a future environment where broadband networks are as widespread as narrowband Internet is today?

**Examples Of Innovative Work**

**NONLINEAR NARRATION**

A pioneering work of Net art, Olia Lialina’s *My boyfriend came back from the war*, makes explicit the construction of film as a sequence of frames by dismantling linearity and offering all the frames at once in a web movie that can be navigated spatially. Shu Lea Cheang’s *Brandon* (the first work of Net art to be acquired by the Guggenheim Museum for its permanent collection) uses the same principle in combination with:

a) collective authorship – other artists are invited to contribute their versions of the story, and

b) collective decision making – social prejudice and the ethics of legal systems are tested in an online courtroom.

**COLLABORATIVE CONTENT FILTERING**

One of the most widely used services of the Internet is email. Many of its derivatives, including mailing lists such as nettime, online communities such as slashdot, and discussion forums employ forms of ‘collective content filtering’. While ‘collective intelligence’ (after the French philosopher Pierre Levy) should not be predicated of the Internet as a whole, in smaller, more focussed communities, high-speed dissemination of content (usually mainly text) combined with network effects accelerates discourse in a novel manner.

**CONTEXT SYSTEMS**

These are typically ‘art servers’. Dedicated to hosting artists’ projects and home pages, they have made visible the strength of new digital art scenes by offering easy access to a wide variety of work and points of possible contact and collaboration. Examples of art servers include Public Netbase (Vienna), The Thing (New York), Backspace (London), and the decentralized ORANG (Open Radio Archive Network Group in Berlin, Karlsruhe, Riga, and London), which specializes in audio and video.
PEER-TO-PEER (P2P) NETWORKS

Like context systems but without the almighty ‘server’, in P2P networks content is distributed across different users’ hard disks and accessible to all. Napster and similar networks have opened up a new paradigm of file sharing, but are accused by the content-owning industries of facilitating piracy. Napster itself appears to be doomed, but P2P systems will certainly survive legal attacks by music labels and Hollywood.

Scenarios

Broadband might still be ‘just around the corner’, but that future is no fiction. We can safely assume that many individuals and institutions will have access to broadband networks within five years. How will nonlinear narration, collaborative content filtering, context systems and P2P networks translate into a broadband environment, where high-quality video can be streamed (transmitted live) as easily as emails can be sent today? At present, downloading a short music track from a P2P network over a dial-up connection is painfully slow. Broadband P2P networks will enable globally dispersed artists to connect studios and mix video streams live – something that has already been done with audio on the Xchange network. The market success of reality TV (such as Endemol’s Big Brother) demonstrates the attraction of ‘real-time real life’. But this could be explored far more radically on the Internet. Broadband could support not just nonlinear narration, as formulated above, but real-time, multichannel, geographically distributed, nonlinear narration. Collaborative content filtering could supersede, or at least augment, traditional art curatorship. And as public TV corporations across Europe begin to move archives online, creating mainstream media context systems, socio-political and cultural programmes might at last become available for everyone, everywhere.

Traditional arts institutions will need to redefine their roles within such a decentralised cultural environment. There is resistance from the conservative elite, which fears that new media will be destructive of authorship and the concept of the artistic ‘original’. But, if one finds those concepts vulnerable at all, then one must recall that their deaths were announced long ago. Regardless, new media demands that new ways of assuring quality, new ways of constituting meaning, and new ways of remunerating artists will have to emerge.

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Screenshots from websites:

1. Backspace
2. Xchange network
Video posed a challenge to the sites of art production in society, to the forms and channels of delivery, and to the passivity of reception built into them. Not only a systemic but also a utopian critique was implicit in video’s early use, for the effort was not to enter the system but to transform every aspect of it and – legacy of the revolutionary avant-garde project – to redefine the system out of existence by merging art with social life and making audience and producer interchangeable.”

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Martha Rosler ‘Video: Shedding the Utopian Moment’ in Block 11 (Winter 1985-6)
FOUR LAYERS OF FREEDOM

For my talk at the 2003 Open Cultures conference in Vienna, I developed a communication model of network freedom. It is a layered model. At the bottom is the layer of network freedom – the freedom to build networks on a physical and material level. Many things affect this freedom. One is the availability of technology, another that of free spectrum. We should lobby regulatory authorities to make more free spectrum available.

On the next level there is the freedom of access. Access is also defined multiply. Price is a factor; another is technical skills; a very important one is availability – large portions of rural populations have no chance of getting broadband Internet because of their location. The telcos run up huge profits by selling us short. For example, today only 3% of laid optical fibre is actually used. If the market were really free, then so would bandwidth be – there is no scarcity of resource. Clearly, there is something wrong with the way the market operates.

Free Networks strongly fulfil the requirements of these two basic layers (physical/material and access). But they can also play an important role at higher levels. The third layer is the freedom to communicate – to communicate what I want with whom I want, free of the restrictions of gatekeepers and the surveillance ambitions of governments. We should be able to use whatever network protocols are out there, to invent our own protocols. Essentially the expression of freedom of speech in network-based communications, this freedom is under threat from many sides – the war against terror, the war on file-sharing and the many other wars our societies are waging against themselves.

The fourth layer is the layer of media freedom – the freedom to use these networks not only for individual communication but also as collective means of exercising our right to freedom of speech. Media freedom has been delegated to television moguls and state broadcasting corporations. Large segments of society are not represented. The Net promised to improve this situation, but we have witnessed serious regression in the last few years. The promises of an open networked society are still worthwhile, but will not be delivered by Bertelsmann, Murdoch or Berlusconi.
It is becoming increasingly evident that artists whose work interrogates the media, in particular the Internet, need to be extremely vigilant of the legislative and judicial landscape in which they operate.

As growing numbers of users of the Internet increasingly exploit its salient feature (the combination of digital media and data transport networks), so the legal questions that have come to the fore in public consciousness and in the courtroom are those surrounding the issue of Intellectual Property Rights (IPR). Much new media legislation attempts to restrict file sharing and enforce copyright; to this, artists have responded directly, through fora such as Kingdom of Piracy[1] and Illegal Art[2]. Initiatives such as the Creative Commons[3] and the Electronic Frontier Foundation[4] offer alternative visions of the rights conferred by ownership (and indeed, alternative conceptions of ‘ownership’). It is hoped that such engagement will help to strike a better balance between the nurturing of cultural practices such as sampling, quotation, and exchange, and the protection of rights of commercial exploitation.

The cases selected here engage in a different manner with the law: they are examples of critical artworks that have triggered legal repercussions for reasons other than IPR infringement. Let us (generously) regard legislation as a benign attempt to codify norms. Let us also characterise critical art as a discursive form that stops short of outright political dissent. Much critical art interrogates (as a minimum) particular social or legal codes. Conflict is inevitable. How, practically, is the critical artist to engage in dialogue with an interlocutor who possesses overwhelming economic power or a monopoly on legitimate coercive force? This is as pressing a question for independent and state-funded arts-support agencies as it is for artists. And it is a matter of significant import for those state-funded arts agencies that may be restricted, by their constitution or by prudence, in their support of work that might attract legal redress. Our experience suggests that arts agencies might increasingly have to consider the provision of legal support to artists, in addition to the other means of support that they currently offer.
As civil liberties are curtailed and private space becomes ever more circumscribed, so more artists are deliberately employing judicial procedures in order to comment on the law. The realisation of such works often calls for substantial legal resources. At ambientTV.NET, we began to experiment with such an approach in 2002 during the production of Faceless, a feature-length movie that exploits, as its main production principle, the legal status of surveillance camera images under the terms of the UK Data Protection Act.

The example cases have been chosen to illustrate instances where a corporation or state has acted in what we regard as an unreasonable manner against an artist or group of artists; such action not only affects the particular persons involved, but also threatens the creative freedom of all those who engage in the public discourse that is the foundation of a vital and balanced society.

etoy.com vs eToys, Inc. (domain name vs trademark)

In January 2000, the artist group operating under the name etoy.com[5] (winners of the Golden Nica award at Ars Electronica for Digital Hijack, 1996) emerged victorious from a legal dispute with California-based online toy retailer eToys, Inc. To prevent potential customers from mistakenly arriving at the artists’ website, eToys, Inc. attempted to prevent eto.com from using that domain name. When eToys’ attempt to claim or buy the domain name in question failed, eToys filed a trademark infringement lawsuit and achieved a temporary injunction to block the domain name. eto.com countersued, and when the Internet community expressed overwhelming support for the artists, eToys aimed for settlement.

For many, this conflict symbolized the pitting of strength between a Goliath – the force of money in a hyped dot.com era, and a David – the force of the utopian imagination (or what was left of it) that heralded our move into cyberspace.

Critical Art Ensemble/Steve Kurtz vs the FBI (biotech art vs The USA PATRIOT Act)

The mere possession of a laboratory, innocuous bacterial cultures that are certified safe for school use, and associated literature led to the arrest (under the USA PATRIOT Act
2001) of key Critical Art Ensemble[6] member and SUNY Buffalo art professor Dr. Steven Kurtz by federal agents on the suspicion that he was a ‘bioterrorist’. Artists, scientists, institutions and the wider public immediately gathered forces to condemn the arrest and also what appears to be a policy of intimidation and infringement of freedom of research and artistic expression.

The Critical Art Ensemble (CAE), based in the USA, has become internationally acclaimed over the last two decades for its interdisciplinary work across art and science. CAE’s public stagings of scientific procedures, especially in the field of biotechnology, has helped to demystify issues such as genetic modification (GM) and biowarfare and opened up the public debate. In 2004, the CAE was investigating the history of US involvement in germ warfare; it was for this work that Kurtz had established his laboratory at home.

Unable to make the charge of bioterrorism stick, officials downgraded the charge to one of mail and wire fraud (a catch-all), which also affects Dr. Robert Ferrell, Professor of Genetics at the University of Pittsburgh, who is alleged to have ordered and shipped the sample bacteria to Kurtz. A threat of a 20-year jail term still hangs over Kurtz and Ferrell[7].

Knowbotic Research vs LogicWorks
(port scanning vs Acceptable Use Policy)

In 2001, Logicworks, the internet service provider of the New Museum in New York, pulled the plug on the museum’s connectivity. The museum was then hosting the installation Minds of Concern by artist duo Knowbotic Research[8].

The installation employed port scanning to lay open and question the vulnerability of non-profit sites, which, in the artists’ view, constitute the public domain online. Minds of Concern uses the software Public Domain Scanner, which explains how to prevent crackers from exploiting security holes found in the public domain and displays the risk level of each problem found – a commonly used process in corporate networks.

As a result of being thrown offline by the pre-emptive action of Logicworks under an Acceptable Use Policy, the project appears to have realised its aim of visualising the vulnerability of non-profit organisations in an entirely unanticipated way.
Although the incident did not lead to court action, it remains pertinent. Curator Steve Dietz: ‘The fact that Minds of Concern is potentially undermined by the legal system in the form of a standard or “shrinkwrap” license the New Museum has with its ISP is not insignificant. It is precisely a legal bug and the strategy by which so much of the public domain in the US, at least, escapes Constitutional and other legal protections by entering into contractual agreements that void and/or supersede these supposed rights.’

**Indymedia vs the FBI (freedom of speech vs Mutual Legal Assistance Treaty)**

In early November 2004, following a subpoena by the FBI, the London-based branch of US ISP Rackspace handed over server hardware owned by Indymedia UK[9]. The hardware hosted sites by 20 international independent media centres, which went offline as a consequence. Indymedia’s queries regarding the reasons behind and legitimacy of the actions of the FBI, which has no jurisdiction in the UK, were stonewalled. The action was deemed an ongoing criminal terrorism investigation, and hence classified.

Indymedia assumes that the action might be related to photos of Swiss undercover agents published on the French Indymedia website, but is also concerned about email correspondence between journalists and lawyers concerning violent behaviour of Italian police during the G8 meeting in Genoa.

Indymedia is an independent newsgathering collective that relies strongly on open publishing systems online to provide first-hand information about political events. The seizure of Indymedia server hardware and data is a relevant incident to the self-understanding of all ‘art servers’[10] as non-for-profit, independent nodes that facilitate artists and activists.

**Uermorgen vs the FBI (artistic critique of election process vs illegal vote trading)**

During the run-up to US general elections in 2000, the Swiss–Austrian artists ubermorgen.com[11] launched an online project, [V]ote-Auction, which commented on the practice of democracy in the corporate age by suggesting and enabling the trading of votes to ‘bring capitalism and democracy
closer together’. The reaction: ‘Several US States (Missouri, Wisconsin, Chicago, Arizona, Nevada, California, Massachusetts, New York) issued temporary restraining orders or injunctions for alleged illegal vote trading. This led to the shutdown of two domains (voteauction.com and vote-auction.com). Federal Attorney Janet Reno, the FBI and the NSA were investigating the case to ensure the integrity of the voting process on November 7th, 2000.’

## Stubnitz Kunst-Raum-Schiff vs Deutsche Bank (arts funding/cultural capital vs investment for profit)

In November 2004, after almost a decade of drawn-out legal processes, one of the cases surrounding the initiation of the legendary *Stubnitz Art-Space-Ship* reached a crucial phase. A court decided that one of the founder artists owed a substantial sum of money to the Deutsche Bank/Government of Mecklenburg-Pomerania (MV). The funds in question were released by the government and spent on the launch art-tour of MS Stubnitz. Two further cases are pending. What had happened?

In the early 1990s, a group of artists planned and realized the conversion of a 240-foot deep sea fishing vessel, MS Stubnitz, into a mobile media lab and event space. Networking, interdisciplinary work between art, science and technology, and the facilitation of cultural exchange were at the conceptual heart of the project. *Stubnitz Art-Space-Ship* was designed to connect cities and people in East and West as it journeyed. Equipped with a satellite dish for Internet connection, fax and phone, and with modern studio facilities and workshops for audio, video, and design, *Stubnitz* tapped into the emerging networks of electronic culture and offered a unique platform for cultural exchange soon after the fall of the Iron Curtain.

MS Stubnitz is based in Rostock (in former East Germany), the commercial capital of an area of high unemployment, disenchantment, severe social problems and a strong neo-right-wing movement. The vessel acts as an important cultural venue in an area with few other places for young people.

After many years of preparation work, the project leadership found itself under severe pressure to raise more funds to prevent the project from collapsing just before the inaugural
journey to St. Petersburg and other ports (Baltic Tour 1994). The local government, a funder of the project, took steps to arrange a bank loan backed by a government surety. At the very last moment the four project initiators were asked to give a personal surety (DM 100,000 or approximately EUR 50,000 each) to back that of the MV government. What should have been a legal formality was to turn into a financial boomerang. After the Baltic Tour, when sponsorship deals failed to materialise, and the legal organisation behind Stubnitz filed for bankruptcy, the MV government paid back the loan to Deutsche Bank. Deutsche Bank then began to pursue the four initiators for their personal sureties of DM 100,000, seemingly acting on behalf of the MV government.

Today, MS Stubnitz still operates as cultural platform based in Rostock. Whenever she sails to neighbouring cities, the Prime Minister of Mecklenburg-Pommerania acts as if the ship were under his patronage. But this very same government continues to pursue the initiating artists for their personal sureties.

SPECIES OF SPACES

Intensive, wide-ranging, interdisciplinary seminar (24 h) that elicits questions about conceptions of space by tracing a route through recent developments in technology, politics, and art; PLUS 8 h lab introducing some works of sound art and dance that deal with space in an exemplary manner. Assessment: by participation and assignment.

Invitations, propositions, provocations:
- With the rise of digital networks emerge new kinds of spaces and new ways of regulating space
- Virtual/cyberspace and real space are radically different/fundamentally the same
- The information revolution has been of greatest service to the consumer/citizen/state/corporation
- Once upon a time, there was a desire to network electronically, driven by a libertarian/humanist/techno-utopian/social democratic commitment; now it is a commercial compulsion
- Digital networks offer unprecedented opportunities for hierarchical control/grass-roots self-organisation
- Once only ceilings were glass, now walls are too
- Communication networks have shrunk the globe to the size of a village; the network of dependencies once confined to a village have expanded to span the globe
- More information is better than less; less is more.
- Free flows – of what? borders – for whom?

0. space
dimensionality: Abbot's Flatland, fractal space

_SPACE_ / SPACE_ (after Perec)
outer space/inner space (psychic/mental/spiritual/oceanic)
out of space/out of disk space
public space/private space/personal space
contested/collective/individual space
luggage space
discrete space/continuous space
digital space/networked space/media space
acoustic space
control space
space for criticism/space for dissent?
Assignment:

Choose a space and map the variation of one or more attributes of the space, or of its contents or inhabitants.

You may interpret ‘space’ in any way you choose. The space may be imaginary. It may be immaterial. The attributes may likewise be imaginary or immaterial.

Your work may be presented in any form, in any medium (SMS, poetry, charcoal, clay, dance, theatre, telephone bill, manifesto...), but you may not attempt to communicate it telepathically (despite illustrious precursors). In any case you should aim to illuminate the concept of, or a particular conception of, space.

Accuracy, exhaustiveness, legibility, and other properties of traditional maps may (or may not) be desirable in your work. Preliminary studies & experiments are acceptable. Process-based and conceptual (in LeWitt’s sense of not requiring execution) works are acceptable. Collaborations are acceptable. Sources must be cited. Works that displays clarity, elegance, insight, imagination, adventurousness, or wit are strongly preferred.

Works not in English needs an English abstract.

1.1 salient differences of digital
- encoded (encrypted) signal
- distinguish signal from noise
- possibility of perfect copies
- no deterioration of data over time
- cheap and fast
- can be radically transformed easily
- networkable

1.2 virtual/real space
MMOGs (massively multiplayer online games)
- America’s Army recruiting game/’Enduring Freedom’ cockpit cams
- intervention in America’s Army (deLappe: dead-in-iraq)
- ‘Chinese gamer sentenced for stabbing man who borrowed virtual sword and sold it’.
- property development in virtual worlds; gold farming (gamers employed by players with more money than time)
- market instruments: derivatives, options on options, weather futures more real than virtual swords and villas?

1.3 first & second digital divides
first digital divide: of access
- failure of Simputer; Negroponte’s $100 One Laptop Per Child
- mesh networking, Motoman in Laotian villages
second digital divide: producers vs. consumers
- Internet replaces TV -> a new generation of TV watchers
- hackers and crackers (Chaos Computer Club)

1.4 DRM and IP
promise of digital to consumer: better, faster, cheaper; reality: encoding enables more restrictions than analog
- DRM: digital rights/restrictions management over and above technical measures and copyright (no time limit so what when copyright expires?)
- DMCA (US Digital Millennium Copyright Act) – in Iraq!
- deCSS (distributed as haiku, prime number etc.)
- DVD region coding (nothing to do with piracy)
- EURION (anti-forgery device for currency, Photoshop identifies images as currency)
- big brother (some laser printers serialise every page)
- Perry Hoberman – MS Word dialog boxes (should be virus)
- remix culture
- British Phonographic Industry 1980s: ‘home taping is killing music’ (home taping is skill in music!)
- ‘copywritten so don’t copy me’ (Missy Elliot, 2000s), favourite of ‘mash-up’ artists
- DJ culture (1970s Jamaica: King Tubby, NYC: Kool Herc); turntablism: Kid Koala and Christian Marclay (and Moholy-Nagy)
- John Perry Barlow, ‘Selling wine without bottles on the global net’; open content licensing: Lawrence Liang
- FLOSS (Free/Libre & Open Source)
- vulnerability of monocultures (analogy from nature)
- WTO TRIPS and software patents
- patentability of genes/EST expressed sequence tags
- biospace, biopiracy: neem, basmati; terminator seeds; Monsanto tactics: spread & sue
- corporate theft from the public domain

2.1 21st century cities
disappearance of public space (like that of common land)
- LA: freeway billboards only space for public service ads
- Ina Zwerger attempting interviews in Canary Wharf
- San Francisco’s POPOS (privately owned public open spaces)
- Frank Lloyd Wright house (in Pereg) & gated communities
commercialisation/licensing of space
- shopping mall (sounds/smells, eye tracking)
- Koolhaas: shopping as last remaining form of public activity
- Pereg’s ‘Life in an Airport’ & Mehran Karimi Nasseri (at Paris CDG 8/8/88 till 8/06, when hospitalized for unspecified ailment
- ‘legalised busking’ on the Tube (sponsored spots)
- disappearance of street vendors (Beijing, Ahmedabad)
- responses: PARK(ing) project; flashmobs; Circle Line parties

2.2. control-space
new technologies of political control
USA PATRIOT act, other anti-terrorism laws
- fastest growing industries: security and surveillance
- Echelon: public communications spying network
- TIPS US Terrorism Information & Prevention System: spying on neighbours, the Citizen Corps (in UK: Community Wardens)
- UK: London’s ring of steel, congestion charge, TfL: ‘guilty until proven innocent’, ‘safe beneath the watchful eyes’
- ASBOs, social hygiene
- Calvino (‘A King Listens’), Bentham’s panopticon
- sonic weapons (Vivaldi on UK rail platforms to repel youth/ LRAD for riot control/repelling pirates)
- tasers & other ‘non-lethal weapons’
- video surveillance at demos subverted with remote controls

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Stencil art by Banksy, Brick Lane, London c. 2003
Photo: Mukul Patel
2.3. pervasive location-based information: wireless/GSM, GPS/GLONASS/Galileo, RFID, LF tagging
- GPS is military (selective availability/jamming)
most pervasive location sensitive sensor is mobile phone: 3G phones have (half a) GPS chip
- mobilephonebug.co.uk; vehicle tracker systems; mapamobile: ‘always know where your loved ones are’
- itemised lists of billing, calls (Ghodra riot cases)
- industry/government – can remotely switch on phones
RFID tagging
- ‘open prisons’; Zara; Doncaster school; Barcelona club implants RFID for VIPs; medical tagging
- LF tagging of billboards (Arbitron PPM Houston?)
mapping
- psychogeography, Dutch anti-CCTV map, ambient.locative
- Google maps; gpsdrawing.com; Border Xing; Peter Fend

2.4. borderlands and war
- first indication of boundary: who’s billing your mobile
- Berlin: Haecke & Liebeskind’s works using earth
- walls (US, India, Palestine); Banksy in Palestine
- extraordinary rendition; Guantanamo
- Ariel Sharon 1973: networks/nodes not linear fortifications
- Hamas burning architectural models
- IDF moving through walls
- Fukuyama’s premature ‘end of history’
- energy, water, weather security (peace is suppressed war)
- fear and consumption (9/11); protect future consumers

3.1 radical aspects of 20th century art
development of photography precipitates crisis; end of the idea of the ‘creative genius’
- Duchamp’s objet trouvé interrogates position of artists vis-à-vis gallery; LHOOG & Fountain; Moholy-Nagy uses communication/industrial technologies (Telephone Painting 1922, Light-Space Modulator)
late 50s-early 70s: aesthetic & political upheavals; the dematerialisation of art object; art moves out of gallery
- Rauschenberg’s Erased De Kooning; Baldessari’s commissioned paintings; Manzoni’s Base of the World; Chris Burden; Yves Klein declares his art invisible; 1960: Brown declares all shoe shops in Amsterdam constitute an exhibition; Christo’s 1962 ‘Iron Curtain’ barricade of Paris street is machine that makes art (ensuing traffic jam); 1967: Long’s A line made by walking; 1972: Fred Forrest buys space in Le Monde, invites readers to fill
- conceptual art: Le Witt, execution a perfunctionary affair
- Bochner, Asher (how neutral is the gallery?)
- Haecke's Guggenheim rejection (how neutral is the gallery?)
- real life/space is medium: Haecke, Matta-Clark, Earthworks

3.2 1990s/2000s tactical use of media carries lineage of 60s/70s systems art
- 'media art' encompasses diverse practices: analog video art to procedural software
- some media art interrogates/engages with telecommunications media (not just uses it as a medium)
- telecommunications art is culmination of process of dematerialization of the art object pursued by conceptual/systems artists
- Makrolab (Marko Peljhan's science-art hybrid project)
new media art->tactical media->subversion->culturejamming

3.3 art/activism/culture jamming
- mediaspace and conglomeration
- UK: Reclaiming of mediaspace associated with DIY movement, reclaiming of streets/public spaces (road protests)
  - theyrule.org
- independent media infrastructure
- billboard hacking, the bubble project (NYC); Barbie Liberation Organisation
- shopdropping/moneydropping (Hoffmann revisited); space hijackers
- Yesmen (Bhopal)
- Empire North (Jakob Boeskov)
- ubermorgen’s [V]ote Auction
- Critical Art Ensemble

4.1 three exemplary approaches to body/space
- Shobana Jeyasingh: external form imposed on body
- William Forsythe, sculpting/avoiding geometrical figures
- Russell Maliphant: extrapolating from body’s internal structure/movement (base in yoga/martial arts)

4.2 sound in space (lab)
- performances of Steve Reich: Pendulum Music, Alvin Lucier: I am Sitting in a Room
- introducing multichannel sound installation with Max/MSP

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Still from video interview with Israel Defense Forces Commander, as presented by Eyal Weizman at the Pervasive and Locative Arts Network (PLAN), ICA, London, February 2005

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