



Construction

- 1: First, fold each sheet in half along the vertical axis.
- 2: Using a craft knife or scalpel, cut a horizontal slot along the centre dotted line of the first sheet. (pages 1/2/13/14)
- 3: Then cut along the dotted lines on all the other sheets. Make sure to cut to the very edges of the paper.
- 4: Stack the folded sheets in ascending order with the even numbers at the top. Curl the bottom half of the second page (pages 3/4/23/24).
- 5: Thread the curled page through the centre slot of the first page. Repeat this process with the third (pages 5/6/21/22), fourth (pages 7/8/19/20), fifth (pages 9/10/17/18) and sixth sheet (pages 11/12/15/16) with the even pages in ascending order.
- 6: When all the pages have been threaded through, check the pagination. Finally, fold the booklets in half along the horizontal axis.

DIFFUSION eBook format conceived & developed by ProboScis, a non profit organisation which researches, develops and facilitates creative innovation. An alternative to prevailing formats for ebooks and electronic publishing, ProboScis welcomes the free adoption and use of DIFFUSION by any third party without licence or royalty.



www.proboScis.org.uk | www.diffusion.org.uk

clear demonstrations of insistence on the necessity for the open referencing of sources represents one of several standards by which it is possible to objectively establish that projects initiated by arts-science practitioners and organisations are in fact sometimes not even arts-science projects at all.

During his recent lecture at the Royal Institution²⁰ the chemist Carl Djerassi expressed a wish to puncture the assumption (apparently made by a former Turner Prize winner) that arts-science interactions are in any way enriched by the stimulus of mutual misunderstanding between these fields. Djerassi's statement should be a timely reminder of the level of integrity that history (if not expediency) demands. My ultimate (and admittedly somewhat idealistic) hope is that the situation may yet arise where artists not only learn from interactions with scientists, but where artists begin to actively reciprocate by making practical, direct contributions to scientific thought. The intention of an earlier paper entitled 'Rorschach Audio'²¹ was to do just that – but not only to support a hypothesis about psychoacoustics, but also to propagandise against pseudo-scientific thought, to promote interest in the understanding of scientific methodology, to illustrate connections between the arts and sciences, and to show that science should not be confused with the use of technology (a message of which many arts-science practitioners would be advised to take note). It is hoped that some of the arguments put forward in 'Rorschach Audio' might prove as valuable to some members of the art-world as it is assumed they would be obvious to some members of the scientific community (readers are referred in particular to that paper's discussion of E.H. Gombrich and Karl Popper). To give just one example of how important these themes can be to broader contexts, controversies relating to the ethics of medical experimentation illustrate the importance of focussing attention on the understanding of scientific methodology, as well as focussing critical

between one who is an 'inventor' but who is not necessarily by extension also a 'scientist', likewise scientific 'good practice' is governed by a convention which is not only integral to research practice, but which in fact *defines* some aspects of science itself. The convention in question is the requirement for the open, accurate attribution of the sources from which the ideas, data and arguments used in research are drawn¹⁴. The 'body of developing, uncertain and incomplete ideas'¹⁸ that science represents relies (in the short-term) for its validity and (in the long-term) for its survival on the publication of references which constitute the research equivalent of what accountability refers to as a 'paper trail'. The Oxford English Dictionary defines plagiarism as being 'to take and use as one's own the thoughts, writings, inventions etc. of another person', Collins English Dictionary defines plagiarism as being 'to appropriate *ideas*, passages etc from another work or author'. Academic regulations in force in what is arguably the most famous and influential art college in the world state that 'plagiarism is defined as stealing another person's words and *ideas* and using them as though they were your own'¹⁹ (in all these cases the emphasis is mine), so there should be no confusion among the relevant institutions as to whether definitions of artistic plagiarism extend to cover the authorship of artistic *concepts* (as well as covering the forms in which those ideas happened to have been expressed). In science accurate referencing is the mechanism by which the evolution of concepts can be traced, from which research and experiments can be reconstructed, and from which results can therefore be reproduced (although it should be stressed that reproducing results is not the same thing as authorship). Just as the ability to reproduce results represents an important test for scientific validity, anything less than

THE CASE OF AUTHORS,
DESIGNERS, ENGRAVERS,
ETCHERS, FILM MAKERS,
MUSICIANS,
PHOTOGRAPHERS,
SCIENTISTS, SCULPTORS,
CONCEPTUAL AND SOUND
ARTISTS &c

JOE BANKS 2002, AFTER
WILLIAM HOGARTH 1734



ARTS COUNCIL OF ENGLAND

THE CASE OF AUTHORS, DESIGNERS, ENGRAVERS, ETCHERS, FILM MAKERS, MUSICIANS, PHOTOGRAPHERS, SCIENTISTS, SCULPTORS, CONCEPTUAL AND SOUND ARTISTS & JOE BANKS 2002, after William Hogarth 1734

Copyright © 2002 Joe Banks/ The Arts Council of England
First published by The Arts Council of England in 2002
ISBN 0-7287-0899-X
Free

British Library Cataloguing-in-publication data: a catalogue record for this publication is available at the British Library.

This publication is one of a series of essays commissioned by the Collaborative Arts Unit from leading, UK-based researchers and writers, which contribute different perspectives and views to the issues raised by the Collaboration and Ownership in the Digital Economy conference, providing both a background and resources and a location for the other titles in the series are available in downloadable form as diffusion eBooks from <http://proposits.org.uk/diffusion/>

If you require copies of this publication in large print, audiotape or any other format – including translation – please contact the Information Department on 020 7973 6453.

The Arts Council of England is committed to being open and accessible. We welcome all comments on our work. Please send these to Wendy Andrews, Executive Director of Communications.

This publication is designed to be freely available to download and print out. Under no circumstances should any version of this publication, whether print or electronic, be sold by any third party without prior permission in writing from the publisher.

14 Great Peter St
London SW1P 3NQ
T 020 7333 0100
F 020 7973 6590
Minicom 020 7973 6564
www.artscouncil.org.uk

DIFFUSION Print design by:
Nima Falatoni
(www.NiMoDesign.co.uk)
Paul Farrington (www.tonne.org.uk)
www.diffusion.org.uk

'We live in an age when debate is too often sidelined in deference to consensus; when the cutting edge of academia seems blunted; when politics is more about style than content. Those who believe in the importance of intellect need to find a new arena for critical thinking and the space for a robust exchange of views.'

Claire Fox, director, Institute of Ideas
RSA Journal, volume 2, number 4, 2000

PART 1

A few readers of this article may already be aware of its author's interest in the career of the painter, engraver and satyr William Hogarth (1697-1764), and particularly in Hogarth's concept of what he referred to as the Serpentine Line. However, Hogarth's life is not only fascinating because of the depth of his knowledge of aesthetics and psychology¹, because he produced great art, and because his work (particularly his satires) ultimately proved more important than much art produced by contemporaries who considered him to be their inferior. He and I both live in and frequent the same parts of London. It's also fascinating to me because he and I both 'apprenticed' in design and reprographics, subsequently applying many of the skills we learned in the context of the print industry. The 'Monsters of Heraldry' that the young Hogarth served his apprenticeship working into silver plate are not so far removed from their latter-day digital equivalents – the modern corporate iconography whose design and implementation provided this author with a training in the mechanics, economics and psychology of pictorial representation, and a vocational staple-diet for many years. Hogarth's story also appeals because his practical experience of

As pretty much everybody knows, Hogarth's professional modus-operandi was to produce paintings which were then republished as relatively cheap (therefore accessible) black and white line illustrations, mass-produced from copper printing plates, and self-published. The process by which those plates were engraved is directly equivalent to the modern science of digital image compression, or, psychologically encoding² in the sense that this term is used by Jim Taylor. Hogarth's ability to establish new audiences among the burgeoning middle class helped liberate him (and subsequent generations of

Hogarth's example will be used to help develop a thesis which seems today to be as antithetical to the prevailing consensus in the arts as Hogarth's art was to fashionable taste in his time, but no less relevant. This author makes no apology for being with many of his contemporaries think, nor for the autobiographical aspects and (speaking as a practicing artist) open self-interest that have motivated this piece. If, as a result of writing this article, its author can disabuse readers of any of the popular myths about art and intellectual property currently in circulation, and in doing so contribute anything to a latterday equivalent of what one commentator described as Hogarth's 'grim campaign against fashionable taste' then writing it will have been worthwhile. What I hope to demonstrate here is that despite the essence many of the problems that he faced are as familiar, and the solutions he devised are as relevant today as they have ever been.

working with what at that time was pretty much the cutting-edge of print production technology enabled him to address and solve practical problems about the status of art in the age of mechanical reproduction³ 200 years before that phrase was even coined⁴.

20. Carl Djerassi, Dennis Rosen Memorial Lecture, Royal Institution, 30 June 2000
21. Joe Banks, 'Rorschach Audio' in 'Leonardo Music Journal' volume 11, MIT Press Journals 2002, and earlier versions
22. Andrew Hodges, 'Alan Turing', Vintage, 1983, page 154
23. Stiff Little Fingers 'Suspect Device', Rough Trade, 1979
24. W.I.B. Beveridge 'The Art of Scientific Investigation', Heinemann, 1950, page 140
25. Albrecht Fösling 'Albert Einstein', Viking, 1997, page 22

- References
1. William Hogarth 'The Analysis of Beauty', 1753
 2. By Walter Benjamin, in 1935 or 1936
 3. E.H. Gombrich 'The Story of Art' Phaidon, 1972
 4. Jim Taylor 'DVD Demystified' McGrawHill, 1998
 5. Sean Shesgreen (editor) 'Engravings by Hogarth' Dover, 1973
 6. See for instance A.M. Wilcox, M.G. Stade and P.A. Ramsdale 'Command, Control and Communications' Brassby's Battlefield Weapons and Technology Series, 1983, G. Barry, J. Bronowski, J. Fisher and J. Hakey (editors) 'Communication and Language' MacDonald, 1985, Walter R. Fuchs 'Computers, Information Theory and Cybernetics' Rupert Hart-Davis, 1971, and E.H. Gombrich 'Art and Illusion' Phaidon, 1960
 7. Readers are invited to compare discussions of information theory in 'Art and Illusion', op. cit., with ideas explored in McLuhan's 'Understanding Media', Sphere 1967, which doesn't even have an index
 8. Jenny Uglow 'Hogarth - A Life and a World' Faber and Faber, 1997
 9. David Bindman 'Hogarth' Thames and Hudson, 1998
 10. The original paintings can be seen in Sir John Soane's Museum, London
 11. Jenny Uglow, op. cit.
 12. Edward Samuel's 'The Illustrated Story of Copyright' St. Martin's Press, 2000
 13. David Bainbridge 'Intellectual Property' Financial Times / Pitman, 1999
 14. Which can be seen today in Tate Britain
 15. David Bindman 'Hogarth and His Times' University of California Press, 1997
 16. For instance see 'Disinformation's 1997' 'Antiprory' 'collaborators' for ideas about film documentation about musical tributes to the 'lost' village of Imber on Salisbury Plain
 17. For instance see 'General Notes on the Preparation of Scientific Papers', Royal Society, 1974
 18. David Sang, 'New Scientist', July 1993
 19. Royal College of Art Regulations and Handbook 00-01.

arts practitioners) from the culture of deference that patronage generally imposes on artists. This freedom was directly reflected in the political content that his work expressed, with results that were often explosive.

Although Hogarth made great strides to prove his ability to equal, even surpass his 'betters' in terms of both more traditional pictorial subjects (history painting, portraiture etc) and theoretical debate, his core business satisfied a demand for social satire that stemmed from his enthusiasm for depicting narratives that resonated with his audiences' own lives, depicting the environment he shared with his peers with honesty, humour and intelligence⁵. However there is little evidence to suggest that the highly engaged positions he took on contemporary social issues reflected what one might think of as a pejoratively moralistic or sanctimonious mind-set. Indeed it was and still is its saucy humour and sometimes graphic violence that provided his work with so much of its appeal. The contrast between his work and later, more stereotypically Victorian styles of morality could hardly be more marked. It is more convincing to argue (as it often has been) that Hogarth's sensitivity to moral issues was a reflex conditioned by experiences during his formative years, specifically by his father Richard's struggles in 'Grub Street' and stint in the Fleet debtors' prison, and thereafter fed by genuine concerns about other forms of suffering that he observed in his environment. It is consistent with this interpretation that when Hogarth found *himself* to be the victim of mistreatment, his instinctive sensitivity to injustice made it impossible for him not to respond accordingly.

A lesson for 21st century artists is that Hogarth's work was characterised by the passionate nature of his desire to communicate. Speaking today, even in an age of proliferated information technology, few artists seem to have much

These phenomena are consistent with the hypothesis that growth in the

in that respect), but those who have had the foresight to admit it. work has just as little or indeed no content (because they are hardly unique also the least interesting) of today's artists are not so much those whose them. The most celebrated (and in all respects other than the *sociological*, Varieties' of produce with less and less, or ultimately with even nothing in free, meat with added water, 'light' shampoos etc – the proverbial '57 course, is to dilute content – low alcohol, low sugar, low caffeine, sodium consumer markets that are already effectively saturated. One answer, of address the problem of how to keep on introducing commodities into strategies adopted in the broader marketplace, strategies designed to and popular culture, modern low content high art is entirely consistent with Rather than representing a refuge from the presumed vulgarity of commerce

instance, the ideas of his contemporary Marshall McLuhan⁷. seems (to date) to have had less influence on arts practice than, for medium is *not* the message that the legacy of Shannon's rigorous thought to which a specific 'channel' (or artwork) succeeds, or indeed *fails*, to communicate. It will come as no surprise to those who believe that the these signals to mathematical analyses, and therefore to measure the extent by Claude Shannon⁸ is that it is possible to objectively quantify the content memory. An important lesson of information theory (the science pioneered technological and theoretical advances that have taken place in living all forms of human communication, at worst by outright cynicism. The study of they really need to put across. Much recent art is characterised by at best

sophistication and availability of information technology is not necessarily matched by parallel growth in the sophistication and availability of information. Although it is not yet possible to codify this axiom into a precise mathematical formula, in this author's opinion there is what amounts to (for argument's sake) a (more or less) fixed mass of information circulating in society at any one time. Fluctuations in the availability of communications channels influence both the reliability and concentration of relative content. That is to say that increases in the availability, speed and bandwidth of channels do not so much affect the overall sum mass of information available in a system as much as they affect the relative *quality* of much of that data. In less formal terminology debate about the dumbing-down of the arts and media is hardly unique to the present discussion. This phenomenon has sociological ramifications, and here we have a paradox, because while the popular perception is that digital information does not degrade, the reality is that (for instance) when employers pay input staff minimum wage, the inevitable result is that poorly motivated employees input badly managed and often inaccurate data, which can now be 'faultlessly' distributed worldwide. Even accepting that "to err..." still is, obviously, "...human", personal experience repeatedly confirms that we do not live in a culture that attaches too much importance to the issue of respecting the *integrity* of communicated information. The memetic effects of these values on arts culture are as self-evident as they are on (for instance) fashionable graphic design.

Likewise, despite the content, complexity and polemical nature of much of William Hogarth's art, it is possible to argue that some of his work (notably not his social satires) in one sense also had reduced content, albeit at least on the surface and for rather different reasons. This is because his more conventional portraits transmitted other messages in addition to those most

intellectual property rights are the last (and sometimes only) line of defence that artists have against their own exploitation by (what are stereotypically referred to as) 'global corporate interests'. To put it bluntly, without these rights artists will be eaten alive by interests that can, do and will continue to regard the only purpose of artistic innovation as being to provide *themselves* with novel PR strategies and free blueprints for the research and development of cultural commodities. While I would not either pretend to be naive about the statistical possibility of ever conceiving a truly original idea, or claim that even my own art evolves *ex-nihilo* ('nothing comes from nothing' – Joshua Reynolds) what I can honestly claim to be is an artist who has pursued a policy of conspicuous (and enthusiastically) credited sources, since well before it became apparent that this policy would become politically expedient. A general perception within significant sections of the arts community seems to be that (in theory) relaxed attitudes to intellectual property are a mechanism by which irrelevant creative renegeades appropriate the imagery of mass-produced, mass-marketed, subversive reinterpretations. In practice my experience of such attitudes has been that they also provide a mechanism by which better-known artists justify and profit from making uncredited use of ideas devised by their peers, selling these ideas on to cultural institutions that are often bankrolled by multinational corporations and by the state. The final irony of this discourse is that the core idea it seeks to promote is, unlike others, one that I really *do* want other artists and arts organisations to reproduce.

obviously reflected by their painted surfaces – the messages that their author was as a mainstream genre specialists, and that domestic artists could surpass those (foreign) artists whose work the art establishment then spread. Both of these themes were central issues in Hogarth's propaganda campaign. 'The Pool of Bethesda' at Bart's Hospital and Hogarth's portrait of Thomas Coram are fine examples of Hogarthian political; although while what is generally thought of as being Hogarth's satirical genre work satirised *society*, Jenny Uglow argues that the Coram portrait was also effectively a satire, because it parodied an artistic style traditionally 'reserved for royal, noble or heroic subjects' – a gesture that in context was no less provocative. Given (in the terminology of information theory) the 'redundancy' of re-hashed, familiar depictions of Biblical and classical iconography (artistic concepts that were then so commonplace as to be in what would now be referred to as the public domain), the equivalent much the moral of whatever parable they might have happened to have been depicting, as much as their authors' need to demonstrate willingness to fall-in behind conventional taste. One certainly have to look too hard within today's art scene to find modern day equivalents of artists who (as David Bindman says of Hogarth's contemporary Giles Hussey) 'said all the right things, but never actually completed a serious work of art'. Referring back to the previous paragraph, we will see that the ability of new technology was concerned with.

Having described some aspects of the social, political and technological context within which Hogarth was artistically active, we now approach the punchline of the first section of this article. The 'mistreatment' referred to

make light of the scandals (insulting the intelligence of the general public, price-fixing, artistic plagiarism etc) which bring itself into disrepute are not so surprising in this context? It is important to argue a case for a culture of increased honesty in contemporary art, not least because plagiarised art constitutes hard evidence by which the public can and do judge modern artists to be as dishonest as they are often (not always fairly) perceived to be talentless. The benefits of regarding such artists as short-term publicity assets need to be weighed against the long-term costs of contemporary art being widely regarded as a standing joke.

Intellectual property rights also need to be considered in the context of changes that are presently taking place in our shared political and social environment. The increasing tendency for forward-thinking enterprises to 'warehouse' surplus intellectual property can perhaps be considered as of equivalent anthropological importance to the historical evolution of hunter-gatherer into agricultural economies, and may yet produce effects which are as profound in their long-term consequences. Sensible debate about the exploitation of individuals' own intellectual property has to be balanced against debate about the exploitation of individuals by those who have the power to control intellectual property. In terms of global economic change I would argue that, contrary to what is often assumed, clarifying and *strengthening* intellectual property rights in an increasingly uncertain environment can and does assist (rather than undermine) weaker interests in the act of self-defence against the actions of the strong.

The irony is that fashionable debate about the presumed irrelevance of intellectual property rights ultimately undermines the interests of those same artists who tend to promote those ideas in the first place, because

earlier was the abuse meted-out to Hogarth by the engravers, printers and print-sellers who felt entitled to make money by pirating his ideas. It was not just a question of the obvious moral affront presented by artistic charlatanism. The fact that copyists undercut the price of his own product deprived Hogarth not only of the revenue earned by *their* exploitation of his work, but also made it harder for him to sell *his* copies of his own work. Interpreting Hogarth's situation in the light of modern experience, it is tempting to speculate whether the print-sellers might have argued that Hogarth should have been grateful for the privilege of providing them with free product, because the 'exposure' would have been 'good' for him? In fact (then as is usually the case now) the quality of the copied art was often so poor that it threatened his artistic reputation as well as damaging his ability to make a living.

Hogarth responded to this injustice just as passionately as he reacted to any other. Although he had already solicited advance orders, he temporarily suspended publication of the print version of the now legendary 'Rake's Progress'¹⁰ in order to prevent rip-off merchants from getting access to his designs. He published an open letter to members of Parliament on 'The Case of Designers, Engravers, Etchers etc' to argue against the actions of the pirates, defending the right of artists to enjoy the fruits of their own labour. Jenny Uglow comments that his pamphlet 'storms off the page'¹¹, and it can be reasonably argued that this precursor to modern manifestoes (of Futurism, Auto-destructive art etc) has ultimately had an influence that far exceeds that of any its recent equivalents. Hogarth argued that visual artists should be offered the same degree of legal protection that had been enjoyed by journalists and writers since 1709¹². The barrister David Bainbridge states that Jonathan Swift's 'Gulliver's Travels' had been subject to piracy, and

With specific reference to the quotation that opens this paper, as regards arts policy my belief is that the primary reason that consensus appears to exist at all is because people with the broad ideological platform and practices of the arts mainstream are not often encouraged to participate in the 'debate'. The (un)willingness of arts institutions to protect the work of the artists they rely on (to, for instance, deliver 'new audiences') assumes an added political dimension in the context of meaningful debate about inclusion and arts 'access'. Audience development policies seem to be designed to retroactively accountability on a self-perpetuating consensus within a culture that can realistically be accused of defining itself in terms of those whom it is normally perceived to exclude. At the time of writing, contemporary art seems to be the only sector within the UK cultural economy in which the issues of whether or not to even offer workable equivalents of a legally-enforceable minimum wage are widely regarded as being a matter of personal choice (even by institutions that are substantially or wholly supported by the state), so perhaps attempts by the arts mainstream to

even such positive aspects of alternative culture, not only means that the arts mainstream lays itself open to being tricked into supporting rip-offs of existing 'undervalued' art, but also means that arts-science initiatives preach to the converted more than they explore such common-ground as does exist between such different cultural worlds. The anarchistic nature of much discussion about the hypothetical 'two' cultures highlights the necessity for risking debate in unfamiliar territories – for instance, the fact that Bad Religion, the punk band fronted by the paleontologist Greg Gaffin, have a far more interesting track record on this specific front than do some mainstream arts organisations (and readers are asked to remember exactly where they read that comment first!).

There seem to be significant comparisons to be made between Hogarth's belief that individuals have a right to control the uses to which the products of their own creativity are put, and to the most basic (and most sensible) tenets of left wing thought. Indeed, for much of his career, as a self-publisher Hogarth not only controlled the means of his work's own production. In arguing that artists should enjoy exclusive rights to their own work even after that work had become another purchaser's rightful property (and even when the reprographists had been sub-contracted to to another engraver) he effectively demonstrated that ownership rests not in the individual painting or reproduction, but in the underlying artistic *concept*. Act thereby enhanced the dignity of the work itself, giving the multiple print a similar status to that of the single painting...; with the effect that fine prints could retain their *integrity*... (my emphasis) and no longer be debased by poor copies.

Since Bainbridge suggests that Swift himself may have had a hand in drafting the original statute¹³, it is interesting to see a volume of Swift's writing depicted in Hogarth's self-portrait, the 'Portrait of the Painter and his Pug'¹⁴. Hogarth then assembled an alliance of lawyers and engravers (including several former rivals) to lobby Parliament to institute 'An Act for the Encouragement of the Arts of Designing, Engraving, Etching &c.' (my emphasis) which entered statute in 1735¹⁵.

In terms of modern debate about the relationship between life and art both the open letter and Hogarth's Act (as it is still known in legal literature) are clearly works of art in their own right. At the final analysis they stand among this great artist's least well-known, least understood, but most enduring.

be accused of fully culpable plagiarism. Hence the core issue of intellectual property in the arts might not be so much one of absolute ownership (in the strictest sense of the word) as much as a common-sense requirement for simple *honesty*. While it must be admitted that excellent material has been produced by the very best of the overt literary, visual arts and musical plagiarists, it is also important to remember that plagiaristic working methods inevitably appeal as much to the very worst artists as well. It is ironic that all that is required for plagiarists to become researchers is for them to admit where they steal ideas and information *from*, in addition to having already advertised the fact that they steal. Openly crediting sources would confer integrity on the work of such artists, but in doing risk the appeal of their being perceived as risk-taking, daring or in any sense 'alternative'. These choices raise obvious questions about whether the artists who face them are more interested in style or in content.

Having said this it also needs to be acknowledged that respecting the productivity of an instinct for questioning received wisdom can be as important to scientific innovation as it is central to the culture of punk rock. Lyrics like 'don't believe them... don't believe us... question everything you're told'²³ express sentiments that are virtually identical to ideas found in the writing of the Cambridge pathologist Ian Beveridge, who discussed the inquisitiveness and tenacity of those who 'question everything they are told and frequently rebel against the conventional'²⁴. Albert Einstein spoke of his 'mistrust of any kind of authority'²⁵. Similar sentiments were expressed by Einstein's colleague Leo Szilard, and can be productively contrasted with the working methods of scientists who evidently *did* trust authority (like for instance Trofim Lysenko). The ability of arts infrastructure to create its own semi-formal micro-community, combined with its sponsors' naivety about

most avant-garde and important creative achievements. The status of this (and subsequent) Acts as legislation should not be used to divert attention away from the fact that what intellectual property laws seek to embody is not a repressive instinct, but nothing less than a straightforward, common-sense, self-evident (in the sense that this term was used by Benjamin Franklin), and essentially liberating ethical principle, without whose active recognition art as we know it could not exist. The single most important point to remember is that this principle is valid *irrespective* of whether or not it happens to be reflected in formal law. In the context of the current state of rapid technological evolution, one should not forget to consider the present and future ramifications of the fact that it is only because of Hogarth's enlightened, pioneering self-interest, and his foresight, tenacity and pugnacity, that it is possible for artforms like painting, drawing, photography and film-making to even exist as viable professions.

While a great deal of alternative culture's hostility to intellectual property rights is often as naive as it is ultimately counterproductive, it is worth noting that *open* plagiarists presenters like myself with a paradox. Open plagiarism is in one sense a contradiction in terms, equivalent to what Wittgenstein apparently thought of as the Liar's Paradox²². In the context of this debate the paradox suggests that those who steal openly cannot really

A major impetus for my own interest in art-science dialogues stems from a euphemistically complex relationship with much of so-called 'alternative' culture – particularly an acute sensitivity to that culture's shortcomings. Mainstream society enacts the realisation and suppression of countercultural ideas with predictable and often laudable regularity – absorbing the most genuinely constructive results of social experimentation, dispensing with the most mindless aspects of radicalism's antisocial pose, and leaving others to fight over the detritus of its most ridiculous ideas. The tendency of alternative culture (in its postmodern, terminal phase) to promote ideas that are realistically more than those typically supported by the mainstream is evidenced in its willingness to abandon the generally liberal, humanist values that its forebears once pioneered, in favour of belief systems that are idiotic, irrational and anti-scientific (to the extent that fashionable belief systems are often only really of anthropological interest – occultism, for instance).

attention on the (positive or negative) value of specific experimental *results*. This is because, for instance, in the context of debate about animal rights, tests of validity but ultimately false hypotheses are often seized upon by critics of medical research as 'evidence' of the alleged uselessness or failed experiments that (despite their failure) still contribute to the overall progress of socially beneficial scientific work.

The ideas discussed in the preceding section of this article will hopefully go some way to encouraging readers to reconsider the most positive, liberating aspects of how we define and respond to intellectual property. This article is not intended to be interpreted as a call for the absolutely dogmatic and puritanical implementation of strict rules (but will no doubt be interpreted as such by those who dislike what I say). In my own work I have (for instance) chosen to waive entitlement to joint authorship rights far more often than I have chosen to fight-back against those who seem to have reproduced my ideas¹⁶. Flexibility is often necessary, but so is some understanding of basic moral rights. This argument extends from the premise that, for instance, constructing a radical critique of the underlying spirit of copyright would be about as sensible as constructing a radical critique of forms of restrictive prohibition such as those embodied by drink-driving legislation or traffic lights. A parallel theme that deserves serious consideration is, of course, the relevance of these same issues to the specific context of art-science practice. My contention is that relevant, workable, and indeed essential models of 'good practice' in the arts already exist as the everyday working practices of scientific research. It is my opinion that artists who profess serious interest in the creative potential of interactions between their activities and science have no less than a *duty* to be aware of, to respect, and to actively reciprocate those models of 'good practice' which are regarded as obligatory within the scientific community. Interest in engagement with scientific *methodology* marks a point of departure from artistic precedents which regard the sciences primarily as a source of visual novelty. Just as it is for instance possible to make an objective distinction