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The Law in Our Hands

by Joan Kee

They are images that, once seen, can never be unseen. Three large black-and-white photographs from 1995 show Ai Weiwei dropping a Han dynasty vase allegedly costing thousands of U.S. dollars. Known collectively as *Dropping a Han Dynasty Urn*, the photographs have been cited as evidence of a willful iconoclasm, despite their having been made under far more prosaic circumstances (according to one account, Ai was simply attempting to test the speed of his new camera.) But Ai was far too ambitious to settle for mere provocation, even when the outrage was justified as a form of cultural critique or subversion. His aims, I think, were much higher. The studied, almost ceremonious manner with which he dropped the precious urn was also a well-timed jab at the very regimes of property to which artworks are simultaneously bound and exempt.

To my mind, *Dropping a Han Dynasty Urn* invites speculation over the convoluted history of an artwork's legal status. Until comparatively recently, ownership of a work was practically absolute—at least in the U.S., and especially in New York. Think, for instance, of Isamu Noguchi's 1974 sculpture *Shinto*, mercilessly dismembered by its owner, the Bank of Tokyo, in 1980 on the slimmest of pretexts. The slow introduction of moral rights legislation, such as the Visual Artists Rights Act of 1990, decreased incidents of such cavalier destruction. Yet U.S. law—still notoriously hostile to conceptions of moral rights—favored owners over creators, as proved by the 2014 demolition of the murals comprising 5Pointz: The Institute of Higher Burnin.' In letting the vase drop, Ai took to a logical extreme the belief that owners may do with their property as they see fit. And here I wonder whether the outrage over the drop was fueled by a nagging recognition of the elitism inherent in being able to buy something scarce for the sole ostensible purpose of turning it into irredeemable waste.

How Ai documented the drop was crucial. I suspect that the outrage might have been less vociferous if Ai showed his drop in real time or as a set of multiple tiny stills clustered together in a dense, illegible huddle. The size and number of photographs slow down the rate of action, making the act of destruction seem larger and perhaps more devastating. Their generous proportions magnify his outstretched arms and fingers so that there is no mistake about intention. Ai is to blame for the vase's destruction. That the final photograph shows the urn in infinitesimal shards with Ai making no attempt to clean up the debris may strike some as particularly galling. But that is the point. Amidst the protests to the drop heard around the international art world, little was said about just how inseparable the artwork (or artifact) was from conceptions of property generally, whether the owner was a private individual, the state, or the general public.

In many respects, Ai is both anticipating and looking back on what might happen in a world to which all things must be perpetually subject to some form of ownership. Remember that Ai's drop took place in 1994, seven years after the legalization of private ownership of real property in the People's Republic of China (albeit subject to a flurry of restrictions). Government interest in investment—itsself an admission that even national and political distinctions must sometimes yield to an expanding extra-national network of capital—was partly to thank. Or blame. Then among a burgeoning coterie of artists whose works were marketed and sold under the brand of “contemporary Chinese art,” Ai too was keenly aware of how his works were subject to legal regimes that potentially saw his work as so much property to be bought and sold without his consent. *Dropping a Han Dynasty Urn* took place only a year after he returned to Beijing from New York, whose legislatures and courts often saw art through the prism of the commercial art market and its interests.

The images that stay with us the longest are those of Ai's hands. They look like those of a magician plucking an object out of thin air with the left palm facing sideways and the right palm parallel to the ground below. The last photograph shows Ai seemingly in the midst of raising both palms in a gesture of surrender. But to what? To the arbitrariness of working and living in systems where the status of the artwork remains suspended between competing views of private and public property? Or to a supra-system of circulation willing to recognize art only when it is claimed as property? This Ai seemed to have anticipated in how he chose to present his drop; the elegant triptych of rectangular black-and-white photographs so clearly telegraph an intention to recast the destruction as a specifically artistic gesture belonging to him. That his instincts were correct were amply borne out by the more recent outcry over subsequent artists' destruction of Ai's earlier manipulation of ancient artifacts. What was once deplored as criminal mutilation is now defended as valuable property. In Ai's hands, the law is reimagined through its own malleability. That, he suggests, is both the risk and opportunity presented by the law.

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