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## Conclusion

This thesis proposes that the knowledge economy must be analysed in relation to its use of particular *creative concepts*. This thesis has shown that such concepts are located within particular historical and cultural contexts. In this respect, attention has been concentrated on the use of concepts derived from *aesthetics*. Important here, has been the need to demonstrate the importance of such creative concepts to intellectual property law, and the special centrality of intellectual property to the knowledge economy. This enquiry has situated intellectual property within a nexus of factors, which include *aesthetic* and *cultural* concepts, as well as the more usual concerns of business economics, the regulation of markets, and the broader requirements of social organisation. In this, it has been necessary to recuperate aspects of the history of intellectual property that have long been overlooked or misunderstood.

The examination of privileges granted with respect to *images* in 15<sup>th</sup> and 16<sup>th</sup> century Venice, has been important to the recognition that the concepts of ‘originality’ and ‘invention’, used in modern intellectual property law, are cognates of the ancient art of rhetoric. Situating the study of intellectual property and rhetoric in the context of visual culture has permitted an analysis previously unavailable in literary-centred studies or copyright. Image making, was already an important ‘industry’ in the 15<sup>th</sup> and 16<sup>th</sup> centuries. Its position within the social nexus of the guilds has therefore permitted an examination of the transition from medieval forms of social and industrial organisation to more modern forms of intellectual property. Staying with the context of visual culture in the examination of the 1960s permitted an analysis of the shift from, material to conceptual production, which characterised the moment of *aesthetic dematerialisation*. As has been shown, such a bifurcation was contingent on the specific social and legal position of *art* with respect to *intellectual property*.

The attempt to liberate *aesthetic* relationships from *economic* determinations<sup>1</sup> provided a new set of creative theories, which later proved useful in reconceptualising

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<sup>1</sup> Such as the tendency to view the author as *producer*, the viewer as *consumer*, and the art work as a *commodity*-object that functions (and is functioned by) such subject spaces.

broader economic relationships. Of particular importance in this respect, was the challenge dematerialisation posed to the rhetorical model of creative labour and composition, that had hitherto characterised creative production, and which was, and still is, in use in intellectual property law. The new model of creative production, the semiotic/network, could be interpreted in two ways. The 'strong' interpretation, suggested the delegitimisation of creative concepts drawn from rhetoric. In contrast, the 'weak' view centred on the desubjectivising narratives that stemmed from the attack on the rhetorical model. Where the 'strong' interpretation was threatening to intellectual property, the 'weak' interpretation was useful in attempts to manage the law. Establishing the ascendancy of the latter later therefore was central to the development of the concept of the knowledge economy.

The shift from 'object' to 'idea' that was indicative of aesthetic dematerialisation was paralleled by a later phase of '*economic dematerialisation*'. The latter resulted from technological and material changes, which gripped the economies of developed states from the 1970s onwards. While aesthetic dematerialisation obviously did not cause economic dematerialisation, it nevertheless provided creative *models* that were later developed in the context of the new economy. The rise of the semiotic/network in the economic sphere was not without irony. For the leftish radicals of the 1960s it constituted a more 'egalitarian' approach to creative production than had older subject-centred models of authorship. However, in the era of the new economy, the semiotic/network no longer offers an *escape* from commodified relationships, but rather a means by which managers can gain control over the fruits of creative labour.

It is this context then, that the move to the knowledge economy has been approached as a theoretical and ideological project. Insofar as such a project requires advocacy, it continues the 'traditional' notion of politics as an 'art'. However, theories of the knowledge economy push 'creative' and aesthetic components far beyond the 'traditional' uses, moving from simple presentation of policy, towards the constitution of policy. In expanding the remit of creative theory, theories of the knowledge have drawn together a 'complex' of creative concepts. On one hand, this results from the

need to maximise the production of ‘creativity’ essential to an intellectual property-based economy – for which both rhetorical and semiotic/network models of creativity are necessary. On the other hand, the theoretical creation of such an economy is itself an aestheticising project.

The creative concepts in play within the creative ‘complex’ are heterogeneous but can be given specific historical and cultural identifications – some are pre-modern (e.g. rhetoric); some are Romantic (e.g. the early phase of Schumpeter’s thinking, and elements of Leadbeater’s writing); some are Modernist/avant gardist (e.g. Schumpeter latter work, and elements of Leadbeater’s writing); others are post modern (e.g. all semiotic and networked approaches). Taken together the ‘complex’ impels an ideal economic subject that is creative, but ideally *creative destructive*. The ‘complex’ does not operate in isolation but in conjunction with a multitude of other economic, political and material factors, which may include: technological and material factors; theoretical and political arguments, responses and judgements; legal measures; the beliefs, traditions and knowledge structures of particular agents, etc. The interplay between the creative ‘complex’ and such factors is in principle multidirectional, however the direction of particular exchanges can be mapped. On a more general level, it can be said that the detailed interactions between the creative ‘complex’ and other factors are presented in aestheticising terms. However, in theories of the knowledge economy, such complex social interactions are reduced to creative metaphors, such as that of the ‘recipe’. Similarly, the concept of ‘creativity’ is presented as a category of social and political judgement – its absence is the index of failure, its general application the panacea for all ills.

The cultural loading built into theories of the knowledge economy is readable at the points where theory turns into policy. The knowledge economy’s redeployment of Schumpeter’s concept of creative destruction has undermined its modernist universality and lent it a specific cultural, and geographic, identity. The effect of the reformulation is to render the economic divisions created by knowledge economies as

cultural divisions. International agreements such as TRIPs can and must therefore be subjected to cultural analysis.

By way of conclusion then, it can be said that aesthetic theory has had effects on the conceptualisation of the knowledge economy. Ironically, however, while such theory has been greatly aided by some developments in creative theory that developed from aesthetic dematerialisation, it has found itself in conflict others. In the era of knowledge economies, cultural challenges to the legitimacy of intellectual property have been taken very seriously. A defining conflict of the knowledge economy lies within creative theory, specifically with respect to the identity of the semiotic/network. Ensuring the ascendancy of the 'weak' interpretation is central, since a 'strong' interpretation threatens to delegitimize the rhetorical concepts used in intellectual property law. The battle to control its definition was central to the case of *Rogers v Koons*. The case was crucial in establishing the general ascendancy of the 'weak' interpretation vital to the operation of the knowledge economy. The attempt to direct culture towards particular political ends has an immediate history stretching back to 1947 and the case suggests that powerful economic and political actors outside of the art world had a vested interest in ensuring the ascendancy of a particular view of creative theory conducive to the management of the economy.

Though a legal settlement has been reached with respect to the identity of the semiotic/network, it remains open to challenge. Insofar as the knowledge economy is a cultural construction, it will be vulnerable to culturally informed analysis and criticism. The creative hegemony it necessitates, like all hegemonies, is reductive and therefore invites challenge. In this sense, the criticism that was levelled at Modernist Avant Gardism is pertinent to the knowledge economy. In the 1970s, post Modernist critics drew attention to the yawning chasm between creative ideology and creative fact. The protestation of originality, invention and innovation often operates, as the signifier of a particular *identity*. In her caustic analysis of Modernist art, Rosalind Krauss pointed to a seemingly limitless numbers of artists who 'discovered' the form of the grid, and posited the shape of the painting's support and the warp and weft of

the canvas beneath the paint, as an ‘innovation’ that signified their Modernity. The incantation towards ‘radical innovation’ always runs the risk of proliferating a claim to a particular style, rather than encouraging ‘innovation’ itself. For the Modernist avant gardes, ‘radical innovation’ was demonstrably easier to achieve on the pages of manifestos, than in the studio. The textbooks of the new economy run the risk of striking a similar relationship with the firm. The difference between the production of creative rhetoric and creative production is often marked.