

# HOW CAN CO- OWNERSHIP AND *ARTELS* BE PRACTICED IN THE ARTS? A CONVERSATION WITH KATYA EV AND AGENCY

Lotte Bode

As the Museum of Contemporary Art Antwerp (M HKA) is driven by the ambition to rethink the museum as a complex of relationships and to reimagine collecting as a process of mutual collaboration in line with the spirit of *The Constituent Museum*,<sup>1</sup> researcher Lotte Bode of M HKA engages in conversation with artist Katya Ev and the association Agency, two parties who radically rethink the notion of ownership, authorship and the collective in different ways. Since M HKA integrated Katya Ev's performance *Augenmusik* into the collection, the museum has developed a strong relationship with her, and currently she is developing new work that will be co-owned by a group of creators. Agency has collected thirty years of research surrounding the topic of intellectual property, and is preparing to found a cooperative that could manage their depot. As Katya Ev and Agency's founder, Kobe Matthys, meet each other for the first time, they find out that their practices intertwine and enhance each other in multiple ways.

**LOTTE BODE:** Katya, a few years ago your performance *Augenmusik* (2016) was integrated into the collection of M HKA.<sup>2</sup> Because the work is site-specific, linked to a certain political and social context, and connected to different or what you call "derivative" art works, the archiving of the work presented a huge challenge for you as an artist as well as for me and my colleagues from M HKA's collections department. This became a motivation for you to rethink the question of ownership in your upcoming work. Can you explain how?

**KATYA EV:** The performance *Augenmusik* is a site- and context-specific performance that took place in the streets of Paris after the Bataclan attacks in 2015, which were followed by the declaration of a nationwide "state of emergency" in France that lasted for eight months. The performance invoked the controversies of

Katya Ev and  
Kobe Matthys,  
Brussels,  
2022.  
Photography  
courtesy of  
Lotte Bode



the security state, opposing it to individual agency by the use of a strong symbolic signifier of the state power, namely flashing police lights. Bach's polyphonic composition *Die Kunst der Fuge* was playing simultaneously with the police lights and became audible only when all the lights came together. *Augenmusik* was a collective, unsanctioned action that took over the whole city. The multi-layered piece engaged music, urban mapping, and negotiating with police and governmental authorities.<sup>3</sup>

As the context-specific character of the work is linked to the political situation and the geographical particularities of the place, each reactivation is an open process that I see as a collaboration between the artist and the hosting institution. Eventually, performers, political stakeholders, experts, and so on can be involved as well. The process calls for the collective weaving of a new narrative and rethinking mutual engagements and care.

The trajectory you, Lotte, and I effectuated together with M HKA revealed how distinct the process of creating a live piece is from developing different forms of sustainability. It allowed us to realize how demanding it is to translate liveness into language, in the form of a score or instructions, or into an archive, in terms of labour, resources, and engagement and conceptual vision, both from the artist and the institution. We also recognized the importance of this translation for transmitting of an original context-specific performance to a secondary audience. This experience indeed paved the way for me to develop my upcoming performance, *Lactating Bodies*, which includes questions from the early stage of its conception, as a conceptual part of the work. I envision these in collaboration with TWIID, a legal sounding board in the arts.

**LB:** In *Lactating bodies* you reflect on how the artwork can be co-owned and co-authored by all creators involved. This group of



Katya Ev,  
*Augenmusik*,  
Paris, 2016.  
Photography  
courtesy  
of Mathilde  
Geldhof



Katya Ev, *Augenmusik*, Paris, 2016.  
Photography courtesy of Alex Martinelli

co-creators consists of you, lactating mothers, dramaturges with legal backgrounds, other artists, and so on. How will this co-ownership develop?

**KE:** The project of *Lactating bodies* developed from my artistic research on economic, legal, and social relations around breast-feeding. Conceived as a participatory performative setup devoted to the physicality, aesthetics, and performativity of lactation, it brings together questions about remunerated labour, body labour, and invisibility.

The conceptual idea of the performance expanded through collective reflection that took place in the framework of the yearlong trajectory *Emptor* by Jubilee.<sup>4</sup> We foresee a residency with five lactating mothers, scenographers, dramaturges, and a performer, in which we will experiment together and create the scenography, dramaturgy, and *modus operandi* of the performance. The collision of perspectives between cross-disciplinary professionals and the persons who are the primary focus deepens and reveals hidden complexities in relation to the monetary value of the body labour involved in breast-pumping, and to co-ownership questions of donated milk and co-authorship of the performance. In a discussion group we held at a collective reflection moment organised by Jubilee, mothers even claimed the milk was the child's property. So, the way in which the ownership of this body liquid is questioned can go really far.

**KOBE MATTHYS:** It is an interesting thought to also include the nonhuman agencies as part of this entanglement. For example, bacteria make a big part of the mother's milk. The intestinal microbiome in the gut of the child is mostly depending on these bacteria.

**KE:** Yes, with the discussion we opened a Pandora's box!

**KM:** That may be why Agency ended up with 2000 boxes! We have dealt with all kinds of questions on co-ownership. From an ecological point of view, everything exists in entanglements, which are always reciprocal. The “Creatio ex nihilo” doctrine behind authorship law is based on the premise that an artist can create something “out of the nothingness”. But this is an extractivist, colonial, modern point of view. Legal researcher Sarah Vanuxem (2018 and 2020) has found many traces that non-modern notions of property are based on ecology. Some of us might recognize this in old notions: for example, when we say “the properties of a plant”, we refer to the ecological characteristics of that plant. Only since the introduction modern law has the notion of property become associated with questions of ownership. In this modern law of property, only humans can be “subjects” and own “objects” labelled as nonhuman. There is a cosmology that divides nature from culture. This is a very Western European, colonial construct that plays a significant role in the current craziness of world capitalism.

**LB:** Kobe, could you explain how Agency, the association you initiated in 1992, works and how it addresses the questions you just raised?

**KM:** It's important to situate Agency's practice in the political struggles around the time it was founded. In 1994, the World Trade Organisation implemented the same trade rules in most nation-states around the world, implying that the enclosures of modern property laws were set as default. This has been the new condition in which artists, too, have been operating since the 1990s. Before that, if an artist wanted to claim authorship for something, the person in question had to register some sort of deposit or archive. In the past, if an artist did not care to reg-



Katya Ev, *Lactating Bodies* at 'Assembly of Practice' organised by Emptor by Jubilee, BUDA, Kortrijk, 2022

ister, then intellectual property would simply not be applied. From a legal point of view, today, the simple act of creation is considered the equivalent of a registration. The logic according to which authorship exists by default forces artists who intend to walk different paths to fabricate alternative juridical constructs in line with those paths. Artists have no choice but to become legally involved if they want to embark on different adventures. A very known example of such an effort is the open-source General Public License (GPL).

**LB: Agency creates “assemblies”, gatherings that combine performances and exhibitions and depart from the research you conduct on specific cases. Could you elaborate on this?**

**KM:** Agency invokes the ecology of practices through being present with material things.<sup>5</sup> Our trajectory started in improvisational performance and participatory practices. Because such practices are not fixed but ongoing, the modern framework of the intellectual property regime directly endangers the mode of existence inherent to them. As soon as these practices are subjected to that system, they lose their meaning and are forced to transform. If constraints inherent to practices are rewritten externally from this practice imposed by law, this kills the ecological mode of existence of a practice. Aside from improvisational practices, many other practices suffer from this problem, which brings about a worldwide potential extinction of many practices. Philosopher of science Vandana Shiva (1993) has called this the introduction of “the monocultures of the mind”. How can we prevent more practices from disappearing? Agency creates alliances with human and nonhuman practices that offer resistance in different ways.<sup>6</sup>

Practices are singular, and we don’t attempt to find a “one-fits-all solution”, as the Copyleft movement attempted

to do. That movement defended the general principle that nothing should be enclosed, that everything should be available and open. For computer software programmers, who initiated the movement, this idea might make sense, because their code work is based on existing modular algorithmic programming loops based on machine instructions, but the same application of Copyleft could disturb, for example, the ecology of an illusionist’s practice. If a magician shares their tricks with everyone, the audience loses their interest. Practices are always situated parts of modes of existence.

**KE:** What you are formulating very clearly are considerations I was intuitively arriving at as we went through the acquisition process of *Augenmusik*. Improvisation is important in *Augenmusik*, which raises the concern that it doesn’t make sense for artworks of this kind to be transferred in a classical way. They require caring to make the work develop and live further. This calls for *taking care* of the work rather than *having* it, because *having* the work doesn’t bring about any interesting consequences.

**KM:** Exactly, I think it is comparable with intending to “collect” yoga. Is that important? Yoga is all about a living practice that keeps on transforming many bodies every day.

**LB: Agency was recently approached by the Flemish Community about purchasing an assembly for their collection. You have heard about the questions Katya dealt with regarding the acquisition of *Augenmusik*. Hearing those questions helped you reflect on the problems that accompany the practice of collecting art. What agreements did you make with the Flemish Community regarding the acquisition of this assembly?**



Agency, Assembly, KIOSK, Gent, 2018.  
Photography courtesy of Rachel Gruijters

**KM:** How can we imagine collections differently? How can collection policy support the actual facilities that practitioners have already developed for practice, instead of centralising everything in one general depot? We share some of these problems with the collection process of *Augenmusik*. On the one hand, there is the problem that our assemblies are ongoing and thus variable. The Flemish Community would like to obtain a kind of fixed road map for their collection, but our adventures of collective assemblies cannot be defined in advance. We can physically transfer a kind of “manual”, but essentially it implies that if someone desires to invoke an assembly via Agency’s practice, it should be done with the collaboration of the Agency association and follow the modes of existing inherent to its situated practice.

On the other hand, there is the problem of the activations and the related costs. Agency proposes something comparable to a prepaid card system that is used by telecom providers. The Flemish Community owns a prepaid card and this budget allows citizens to access Agency’s research and activate an assembly.

**KE:** How did you write this manual? At a certain point you will have to transfer a version of that text to the Flemish Community. Will you modify the manual with each performance?

**KM:** We wrote a document that collects traces of various past experiences creating these gatherings with different artistic and/or nonartistic practices. The text is not a series of fixed instructions, but rather deals with the constraints one faces in collaborating with Agency.

**KE:** This agreement could apply to the question of how *Augenmusik* could develop. The work can only be understood by accumulation, by the act of doing, and by keeping all options open to add other ways of adapting the work. What if the association would no longer exist?

**KM:** The future of Agency is hard to predict. If the association stops existing, the practice may or may not disappear. For example, Brazilian dialogue theatre maker Augusto Boal developed a practice in the 1950s called *The Theatre of the Oppressed* and wrote a book about it (1974). After his death, other people continued to experiment independently with these kinds of practices. There are very different branches of this practice in various situated environments. Even Boal had himself already adapted his practice when he was a refugee in France. Although *The Theatre of the Oppressed* was initiated by an individual, there are today many associations that keep this practice alive.

**LB:** My question may be indebted to the modern interpretation of authorship, but what about the integrity of the artist?

**KM:** We are more concerned about the practices' modes of existence being under attack by enclosures than the artist's integrity. It is a gift to entangle yourself with a practice, since it makes you experience something transformative, which is what matters in the end. If a practice is no longer generative, it will probably no longer be practiced.

**LB:** Your work with Agency over the past thirty years has led you to develop an extensive depot of research, which is the basis for Agency's past assemblies, exhibitions, and publications. You are currently preparing the foundation of a cooperative society to manage this collec-



The Practicothèque under construction, Brussels, 2022.  
Photography courtesy of Lotte Bode

**tion of boxes. Before we talk about the cooperative, could you tell us how the depot has taken shape?**

**KM:** We are building alliances with other practices. That is why we ended up building what we call a “praticothèque”. Just like there is a *herbothèque* with herbs or a *bibliothèque* with books, we have a praticothèque with practices. The boxes contain traces of practices and the ways in which practitioners defend ecologies or these practices’ modes of existence, which mostly happens when there is a problem or controversy. The praticothèque is Agency’s depot for research, composed in cooperation with other researchers.

**LB: In the past thirty years, you never sold any of the boxes to collections. By founding a cooperative society, you are able to share the research with other practitioners or researchers. Where did the idea originate to found a cooperative that could manage Agency’s praticothèque?**

**KM:** It is matter of mutual aid. Have you read *Mutual aid* by the Russian anarchist Pyotr Kropotkin (1902)? According to Kropotkin, most human entanglements are based in cooperation. In the Middle Ages, Russian peasant cooperatives, or “artels”, were a way of organising collective life. In his research, Kropotkin analyzed how people pursued mutuality and were motivated to do this *in spite of* anything else. People think: “we can no longer stand to stand a side, there is nothing worse than doing nothing.” By this Kropotkin means that motivation is not specifically based on heroism, love, or family, but on various kinds of kinship. There is a solidarity that concerns the community at large, rather than, for example, the need to protect only one’s own family. Evolutionary biologist Stephen Jay Gould (1988) confirms that nonhumans have similar motivations for

living in cooperation. The biological term “symbiosis” refers to how nonhumans live together like this.

**KE:** In contemporary Russian, an *artel* is a voluntary association of people for joint work or other collective activities, often with a common income and shared responsibility. The word “artel” either has an Eastern origin attributed to the Slavic verb *roti-sya*, which means “to promise” or “to swear” and refers to a mutual guarantee that comes from the noun *rota*, which means “oath”. Or, it boasts a Western origin, from the Italian *artiere*, “craftsman”.

**KM:** That’s very interesting.

**KE:** Initially, *artels* emerged on the basis of community, kinship, and national ties. With time, especially with the development of a market economy, these ties expanded. From what I could research, *artels* have existed from the fourteenth century, and they were initially established as hunting and fishing *artels*. Afterwards, they spread among masons, carpenters, blacksmiths, and so on. In the east, in Siberia and the Urals, there were also *artels* for gold mining and salt production. At the end of the nineteenth century and before the October Revolution, there were even industrial and creative *artels* of the intelligentsia. Since early 1920s, Soviets applied the term *artel* to various production cooperatives. In agriculture, the notion of agricultural *artel* coincided with the term *kolkhoz* (collective farm), which is a very different type of collective organisation and is far removed from the original notion of *artel*. In the 1970s and 80s, the term *artel* was only allowed for gold, mining, and as an alternative to *kolkhoz*. In contemporary Russian, an *artel* sounds like a relic of antiquity that does not refer to any commonly existing phenomena.





Kobe Matthys and Katya Ev in front of the practicothèque under construction, Brussels, 2022.  
Photography courtesy of Lotte Bode

**KM:** The premodern notion of artel is interesting. The Agency association is itself an artel, and so is the foundation of the cooperative that will own the practicothèque. The artels we construct are what is possible within the very limited current juridical system of the Belgian territory. By setting up a cooperative aside from the already existing association, which is a NGO, new forms of mutuality can grow.

**LB:** Under Belgian law, a cooperative is a legal construction, which aims to meet a specific need of the co-operators. It pursues not the greatest possible profit, but a common goal that should benefit the shareholders themselves, a goal they want to achieve by cooperating with partners. A cooperative has its own legal personality and has at least three founders who must contribute “something”, but there is no minimum capital. Shareholders can enter or exit the cooperative without too many formalities.<sup>7</sup> What involvement is required from the co-operators of the cooperative you are founding?

**KM:** There are two different types of co-operators. On the one hand, there are the founding co-operators who can bring things into the depot. They have more say in the long run and their role is to guard the goal of this cooperative. Next to that, there is a kind of membership that is comparable to a library membership, which grants access but requires less involvement. The two kinds of co-operators have a different fare. In a cooperative, you can have multiple practices making use of the same facilities, as long as they respect a common agreement, which can be formulated in the goal of the cooperative.

**LB:** Katya, what can institutions offer in the story of co-creation and co-ownership according to you?

**KE:** The relation to property strongly defines the economy of visual arts that functions by the same principle as the larger economy, namely, by private property. Notions such as co-ownership and co-authorship are central to shift from an economy to an ecology of artistic practices.<sup>8</sup> From the logic of one sovereign self, we move towards an ecosystem that can be defined as having “interdependent cycles of resources and energy”.<sup>9</sup>

*Lactating Bodies* can be seen as a poetic gesture of commoning intimate body labour. How can the performativity of lactation belong to an art institution, a space historically weighted with patriarchal narratives and representations of the female body? And what role and responsibilities can art institutions take on in co-creating new societal ecologies via contemporary participatory performative practices? By including lactating people in the process of creation, I can give them the opportunity to determine for themselves the conditions in which they will appear. An institution can create a nest for such a process, engaging with the creation from the early stages and becoming a caregiver for the artwork (and the artistic team) and, later, also for the mothers participating in the performance. This would reverse ingrained roles (mothers, as caregivers, would become care-receivers), shifting towards a fairer social reality. “Care” involves more than assisting the presentation of the performance, expanding to include notions of hospitality, protecting the sensitivities of all parties, creating a thoughtful legal frame, reframing lactation as labour, and protecting the sustainability of the performance and its liveness.

In Russian we have a saying that goes something like: “Don’t bring your own teapot to a foreign monastery.” It means you should not come to foreign territory with your own set of rules. When I collaborate, I aim to create a process that includes the institution in this ecology from the work’s very conception. It interests me to work with constraints and to get to know the

limitations of institutional frameworks on all levels, be it labour budgets, architectural space, and so on. To weave something interesting from that makes the work itself context-specific and reflects on the conditions in which it exists. In this scenario, the institution would be actively involved in the creation, and becomes a caretaker of a practice and the way it can evolve through time.

**LB:** Thank you very much, Katya Ev and Kobe Matthys.

#### ENDNOTES

- 1 The Constituent Museum. *Constellations of Knowledge, Politics and Mediation*. 2018. An ePUB published by Valiz, Amsterdam ([www.valiz.nl](http://www.valiz.nl)) and L’Internationale Online ([www.internationaleonline.org](http://www.internationaleonline.org))
- 2 The work is part of the Flemish Community Collection, a public collection deposited primarily at public institutions. Through this arrangement, the collection is made physically accessible and visible.
- 3 More information about the performance *Augenmusik* can be found [here](#).
- 4 Jubilee is a platform for artistic research based in Brussels. In May 2022, Jubilee organised a collective reflection together with BUDA on the relationship between the artist and artwork, with the practice of Katya Ev and Clémentine Vaultier at its core, titled “Assembly of Practice: whose artwork?” *Emptor* is a collective research project that focuses on the question of how to practice “property” for a sustainable visual arts field, in which both Katya Ev and Agency are involved. As Jubilee did not receive renewed subsidies from the Flemish Community, the organisation will cease to exist from 2023 onwards.
- 5 Kobe Matthys has spoken more about the notion of an “ecology of practices” in an interview in *L’Art même* (Matthys 2022), stating: “Agency organises assemblies around the operational consequences of the modern

apparatus of property rights for an “ecology of practices”, a notion derived from [Félix] Guattari’s book *Les Trois Écologies* (ed. Galilée, 2008). For him, ecology refers not only to the environment, but also to social relations and mental health. (...) The concept of ecology of practices prevents the reduction of one practice to another. Each practice is singular and made possible by a milieu, an environment or a mode of existence.” (Author’s translation)

- 6 The so-called “monkey selfie” is an example of such nonhuman practices. When in 2011 photographer David Slater went to Tangkoko National Park in Indonesia to photograph crested macaques, the monkey named Naruto managed to take some autoportraits with Slater’s camera. Slater published some of those photographs but was later sued for violating copyright law by People for the Ethical Treatment of Animals (PETA) together with primatologist Antje Engelhardt. For more on the relation between nonhumans and the concept of intellectual property, see again Matthys’ interview in *L’Art même* (2022).
- 7 See “Cooperatieve venootschap,” accessed on 13 October 2022, <https://www.liantis.be/nl/zelfstandig-worden/ondernemingsvorm-kiezen/cooperatieve-venootschap>
- 8 Here, Katya cites the project description of Emptor: ‘An artistic research on the ecology of artistic practice’, viewed 13 October 2022, [https://jubilee-art.org/?rd\\_project=emptor&lang=en](https://jubilee-art.org/?rd_project=emptor&lang=en).
- 9 This is a reference to ruangrupa’s notion of “ekosistem” (2022)

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