

**WE ARE ALL TOO SENSITIVE WHEN IT COMES TO AWARDS! —  
CAI GUOQIANG AND THE COPYRIGHT INFRINGEMENT PROBLEMS  
SURROUNDING *VENICE'S RENT COLLECTION COURTYARD* (2001)**

By Zhu Qi

1.

In June of 1999, Cai Guo-Qiang, a Chinese artist living in America, won one of the international awards at the 48th Venice Biennale. After receiving this international recognition, a dream of many Asian artists, his work ran into trouble, and became a hot topic in cultural news.

The prototype of Cai Guo-Qiang's award-winning work, *Venice's Rent Collection Courtyard*, was a large sculpture done in the 1960s by a collective of artists in Sichuan, called the *Rent Collection Courtyard (Shouzuyuan)*. Now, the Sichuan Fine Arts Institute along with some of the individual artists who worked on the original project feel that Cai Guo-Qiang carried out the performance of re-creating the sculpture without their permission, thus infringing on their copyright. They conducted press conferences throughout China, providing the press with materials and declarations that they would bring suit against Cai Guo-Qiang. Some of the major media outlets in Beijing also reported on the story.

The *Rent Collection Courtyard* was made in 1965 (the year before the Chinese Cultural Revolution began). As part of its political and cultural propaganda, the Sichuan government made up the story of the oppression of Sichuan peasants by a powerful landlord, and they also organized a group of Sichuan sculptors and artists to make a series of realist pieces of sculpture to depict the story. The main content of the piece was the various violent methods used by the landlord to collect rent from poor farmers. The goal was to demonstrate that a socialist system was much better than a capitalist system of organization in rural villages. Upon completion, the series of figurative sculptures received the recognition of the central government in Beijing and traveled all over China and even to Cuba, Albania, and other socialist countries. The *Rent Collection Courtyard* quickly became famous throughout China.

The arguments surrounding the copyright infringement case focused mainly on the issue of whether Cai Guo-Qiang had violated the rights of the artists or borrowed their work in order to perform a postmodern work of art. Cai Guo-Qiang and some critics believe that he created a performance piece that revealed the process of "making the *Rent Collection Courtyard* sculpture." Cai Guo-Qiang himself believes that the act of reproducing the 1965 *Rent Collection Courtyard* at the Venice Biennale was a Conceptual performance piece that used a canonical work of art as the background and main material. He is interested in using canonical art as topic for discussing art and turning a prototype into another form of art.

Harald Szeemann, the chief curator of the 48th Venice Biennale, also believes that Cai Guo-Qiang's piece was not a copyright infringement. He believes that Cai Guo-Qiang's work was not a copy of the *Rent Collection Courtyard* but rather provided a new explanation of the value of sculpture as an art form; and it did not generate any commercial profit. He also believes that the issue of artists' rights in modern art is an open question, as in the use of sections of films or videotapes. If Cai Guo-Qiang's work is a copyright infringement, then so are the works of Andy Warhol and many other artists.

Regardless, many Chinese copyright law experts persisted in the opinion that Cai Guo-Qiang's work was not a piece of postmodern art, but rather a copyright infringement. They believe that he neither completed the process of copying the work nor did

the work himself, but commissioned other people to copy the work in the five days preceding the Venice Biennale. When he was announced the winner of the top award at the opening ceremony, the team stopped work on the project of copying the piece before it was finished.

Here, the arguments and differences of opinion surrounding *Venice's Rent Collection Courtyard* in the art world were not limited to legal copyright matters. When many artists and critics discussed Cai Guo-Qiang's copyright infringement problems, they also criticized him and other artists living in the West in terms of the relationship between contemporary Chinese art and the culture of Western postcolonialism.

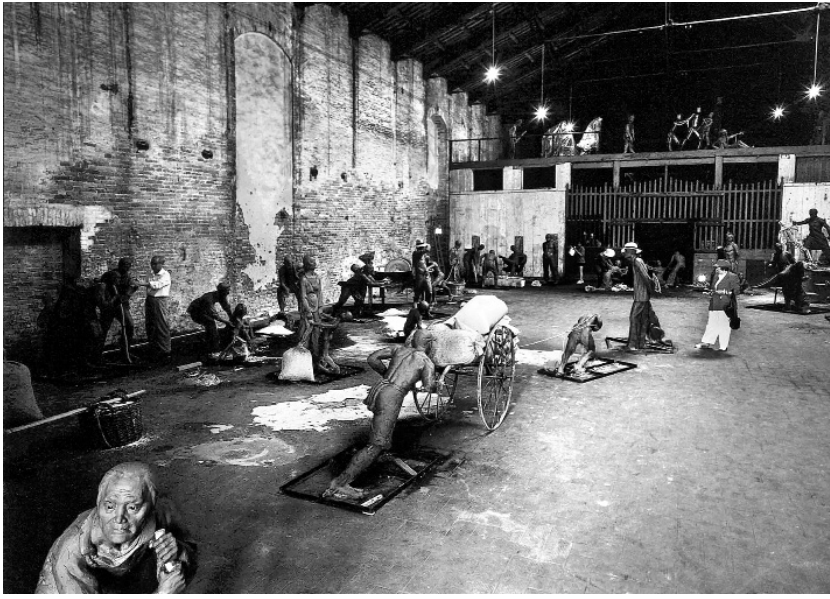
In fact, maybe the Chinese art world was more concerned with Szeemann's personal obsession with the *Rent Collection Courtyard*, as well as the link between this obsession and Cai Guo-Qiang's motivation for doing the piece. Perhaps the contemporary international art world is not familiar with this story: in 1972 the young Harald Szeemann tried to go through the German embassy to bring the *Rent Collection Courtyard* to West Germany for an exhibition, but at that time the Chinese government refused the request. The Chinese art world suspects that Cai Guo-Qiang was trying to make use of Szeemann's special feelings for the *Rent Collection Courtyard* to win a prize, or perhaps that Szeemann wanted to play the "China card" at the Venice Biennale and hinted to Cai Guo-Qiang that he stage *Venice's Rent Collection Courtyard*, in order to use hype about Chinese culture and politics to attract media attention to the 48th Biennale.

Some Chinese critics and artists used harsher language, calling Cai Guo-Qiang a "banana (yellow on the outside, white on the inside) and a green card (somebody with a Western passport) artist." They say that Cai Guo-Qiang and other Chinese artists living in the West use Chinese political and traditional images to pander to Western political ideology and Western fascination with the East in order to gain entrance to international art exhibitions held in the West.

The Chinese art world, led by the Sichuan Fine Arts Institute, was determined to fight the case to the end. They organized a research conference that criticized Chinese artists living under postcolonial backgrounds for losing their identity, pursuing personal fame and profit without considering the image of Chinese contemporary art. Although Cai Guo-Qiang wanted to limit discussion to matters of art and law, and to keep the arguments separate from anti-Western sentiment, without bringing in a political angle or inciting nationalist emotions, the issues he didn't want to see arise had already come to the forefront. It seems copyright infringement only provided an outlet for larger issues. The Western interest throughout the 1990s in Chinese artists who used Chinese political and traditional materials in their artwork had angered many domestic Chinese artists. In this tangle of emotions, the question of whether or not the copyright issue could be resolved was actually immaterial. So long as Asia does not have its own authoritative, international biennials, the criticism levied against Cai Guo-Qiang will not prevent younger Chinese artists from exhibiting in the West. In essence, the turmoil over Cai Guo-Qiang's work allowed a purging of pent-up emotions surrounding the rejection of Western postcolonial culture in the Chinese art world.

2.

Just as Cai Guo-Qiang executed a very intelligent performance on the international art stage, he also has a balanced view with regard to political matters. He has expressed the opinion that the *Rent Collection Courtyard* is one of the most important works of the People's Republic of China, and he distributed pamphlets in Venice that give an



Cai Guo-Qiang. *Venice's Rent Collection Courtyard*. June 1999. 108 life-sized sculptures created on site by Long Xu Li and nine guest artisan-sculptors (60 tons of clay, wire-and-wood armatures), other props and tools for sculpture, four spinning night lamps, facsimiles and photocopies of documents and photographs related to *Rent Collection Courtyard* (dated 1965). Realized at Deposito Polveri, Arsenale, Venice. Commissioned by the 48th Venice Biennale. Artwork not extant

explanation about the original artists and the historical background of the piece. He said that he "had to print a pamphlet to publicize this canonical work, mainly to fill in the gaps in the knowledge of this important socialist work in the Western world."<sup>1</sup>

The pamphlet used pictures and text to introduce the creative process of the original work, as well as the events surrounding the production and display of the work by the original artists. In addition to objectively looking back on the political changes that kept influencing the content of the work, leading to the production of many copies and modifications in each version, it especially emphasized that the original artists "used ready-made materials" to create a "site-specific" work — concepts that coincidentally overlap with some of the most avant-garde trends in Western contemporary art.<sup>2</sup>

Cai Guo-Qiang strongly maintains that he was not creating a sculpture, but was performing the "making of a sculpture," so that his work is a piece of Conceptual art using the form and methods of the original piece. He has stated:

People's evaluations of my *Venice's Rent Collection Courtyard* were not based on the content and achievement of this work as a sculpture (actually, it cannot even be compared with the original). Rather, they started from a point beyond the material substance of the actual sculpture — from a performative and conceptual level. In addition to the experiments with artistic form, I was actually consciously trying to use the exhibition of *Venice's Rent Collection Courtyard* in this last biennale of the century to call attention to socialist art that has been quickly forgotten in contemporary culture, and to remind people of the relationship between art and politics and special artistic features of this art.<sup>3</sup>

Many important Western critics have interpreted and evaluated Cai Guo-Qiang's work. For example, the biennale's artistic committee praised the work for its power

and originality. According to the committee, the work achieved perfect balance with the space around it. Through reconceiving an actual sculpture and playing with the element of time, the artist calls into question art's formal history, its functionality, and the epic tradition of art.

Kim Levin, president of the International Association of Art Critics, wrote in the June 29, 1999, *Village Voice*:

Cai Guo-Qiang's enormous installation of gray clay laborers, coolies, bosses, cronies, and stick-figure armatures enacting melodramatic scenes of exploitation may be the most over-the-top and misinterpreted work of all. Contrary to appearances, *Venice's Rent Collection Courtyard* isn't a bizarre reversion to socialist realism by an artist better known for staging explosive events. It's a conceptual work, a deliberately unfinished process-oriented replication of the 100 figures in an infamous work of Maoist propaganda art made in Sichuan during the Cultural Revolution.<sup>4</sup>

David Elliott (head of the International Association of Art Museum Curators, and director of the Modern Art Museum in Stockholm) wrote in the 1999 summer issue of *Artforum*:

Cai Guo-Qiang's *Venice's Rent Collection Courtyard* shows a confrontation of history within the scope of the individual and the collective. The work is a recreation of the realist sculpture of life-size figures, dramatically representing the landlord's greed and oppression of workers and peasants, created by a small group of workers, which included some of the original creators. The work is not an exact replica, yet nor is it drastically different; it uses the shift in time and space to bring out some of the differences between ideology and feeling, art and politics, and past and present.<sup>5</sup>

Jan Hoet (artistic director of the 1992 Documenta exhibition and the director of the Contemporary Art Museum in Ghent, Belgium) has said that Cai Guo-Qiang uses an extremely academic style, transforming the creative process into a kind of performance art, making a very interesting bridge between the dialogues of Eastern and Western art.<sup>6</sup>

After reading these comments made by people who have had strict Western critical training, one feels as though what has been said is very profound, yet at the same time it feels as if they've said nothing at all. Putting aside the questions of politics and art and simply addressing the evaluation of Conceptual art, these scholarly descriptions — such as "the work has achieved perfect balance with the space around it"; "a deliberately unfinished process-oriented replication"; "making a very interesting bridge between the dialogues of Eastern and Western art"; and "it uses the shift in time and space to bring out some of the differences between ideology and feeling, art and politics, and past and present" — feel pale and oversimplified. Maybe this type of description is adequate for evaluating Eastern conceptual art. As to the significance of culture studies, a statement by the curator of the 1989 Centre Georges Pompidou's *Magiciens de la terre* exhibition holds true ten years later: "When facing the 'Other,' how can one see it if not from the angle of exoticism? Accepting the 'Other' is a form of 'sharing exoticism.'"<sup>7</sup>

But the hollow evaluations of Western art critics who use lofty concepts but stay distanced from the actual lived experience of another culture remains uncon-



Cai Guo-Qiang. *Bringing to Venice What Marco Polo Forgot*. 1995. Installation incorporating wooden fishing boat from Quanzhou, Chinese herbs, earthen jars, ginseng beverages, bamboo ladles and porcelain cups, ginseng (100 kg), handcart, and other works by the artist presented as components: *Acupuncture for Venice* (1995), *Water, Wood, Gold, Fire, Earth* (1995). Dimensions variable; boat: 23' x 31'2" x 5'11" (700 x 950 x 180 cm). Commissioned by the 46th Venice Biennale; installation view there. Collection the Museo Navale di Venezia (fishing boat); private collections (other components)

vincing to native artists who are living and experiencing Chinese culture. For example, Szeemann's reference to some Chinese artists as "representatives of a new generation of Chinese post-Cold War artists" is, if not drivel, then at least far too casual a statement. He said in an interview on the Biennale in *Artforum* that there is a kind of political art in China that he really likes. Think about it: living *there*, experiencing the unique historical period of life under Mao Zedong and then Deng Xiaoping — this fascinates him. He thus planned to exhibit a great amount of Chinese art in the Biennale.

In the eyes of some Chinese critics, if Chinese artists don't incorporate images of Mao Zedong or subversive youth into their artistic vision, they will never be selected by Western curators or collectors, because Westerners' knowledge of China is often limited to the politics of Mao Zedong and Deng Xiaoping. However, in the second half of the 1990s in China, this kind of artistic creative content was commonly considered the weakest. Recently a mocking expression has been in vogue among Chinese art circles: as long as the Chinese art world thinks an artist is weak-minded, then he will definitely be selected by Western curators to attend a biennial.

Of course, Cai Guo-Qiang and other overseas Chinese artists, as well as the mainland artists who were selected from hundreds of others, are not weak artists. Cai Guo-Qiang is a representative of his group. From his 1977 fireworks performance *The Dragon Arrives*, to his 1995 *Bringing to Venice What Marco Polo Forgot* (which showed a Quanzhou sailboat in Venice), to the wooden tower entitled *The East* at the Tokyo Museum of Contemporary Art, to his *Borrowing Your Enemy's Arrows* at P.S. 1 in 1999, and to his *Venice's Rent Collection Courtyard*, Cai Guo-Qiang's performances have been the works of a master player, who specifically uses Eastern symbolism and stories to play hide-and-seek with Westerners who are superficially interested in Eastern topics but do not really understand them. Huang Yong Ping and others have, like Cai

Guo-Qiang, shipped Chinese medicine to the West to play symbolic games with Westerners.

Cai Guo-Qiang's success does not lie merely in the fact that Westerners want to play the China card. The problem is that, when considering artists from the Third World who want to play games, Western critics don't pay heed to whether or not they are, like Kandinsky, making a contribution to the concept of art itself. They not only don't care, they even elevate these artistic games or artistic tactics to the level of a kind of scholastic conceptual and theoretical presentation. The core of the problem lies in the question: why do Westerners do this?

### 3.

Examining the attacks on Cai Guo-Qiang by critics and scholars in Chinese theoretical circles, the language of their statements seems too nationalistic, too emotional, and even too Cultural Revolutionary. They have a hard time matching the trained, sophisticated language of Cai Guo-Qiang and Western critics. Actually, in political art, next to the former Soviet Union, China has the richest visual resources and the greatest potential for deep critical insight. But this hasn't been the case so far; not only have the research materials surrounding the *Rent Collection Courtyard* gone unorganized for the past ten years, it has not yet even become the topic of a master's or doctoral dissertation. The research on politics and art in China lacks a critical foundation and method similar to that of Marxism in the West.

In terms of understanding political art, the Chinese art world has reason to ridicule Western curators for their superficial knowledge of Mao Zedong and socialism, and even of political sentiment. Cai Guo-Qiang was exactly right when he said that the creators of the *Rent Collection Courtyard* were working out of political fantasy and passion, and that this can lead us to contemplate many questions about the intrinsic qualities of art. We can also reflect upon where our creative passion lies today. We can say that today's passion lies in the commercial market.

Cai Guo-Qiang said that his project did not have any commercial aims. The Guggenheim in Spain, and some Swiss and American collectors, have all mentioned to him that they would like to have the work, but Cai Guo-Qiang refused them on the grounds that his work does not lie in the material presence of the sculptures. According to him:

There are already many pieces of work in Western postmodern art that use the canonical works of others to make a conceptual work. Of course they are more interested in the fundamental significance of "non-creativity" and "copy." I am more interested in using a canonical work that everybody knows about for a topic of discussion, and moreover in the transmutation of the form of a kind of work.<sup>8</sup>

But who can deny the financial backing behind *Venice's Rent Collection Courtyard*? It came from the Canada- and Hong Kong-based Annie Wong Foundation, which sponsored the artist's travel and communications, living expenses, and salary. Under the support of biennale chairman Paolo Baratta (who has also been head of the Italian Ministries of Foreign Trade, Industry, and the Environment), the Biennale also made an unprecedented contribution of forty tons of high-quality clay, other materials, and the assistance of a group of welders and current students of an art institute, and was also responsible for the living quarters of the artist.<sup>9</sup>

Without doubt, this city symbolizing the production of capital is also the center of the crazed passion for contemporary biennials. Arguments over the *Rent Collection*

*Courtyard* began with copyright, with even the people who incited criticism believing copyright is the only reliable standard and that art itself does not have singular or determinative standards.

In fact, Cai Guo-Qiang was put in a very strange position. While the Chinese art world criticizes him for pandering to Westerners, the Western art world says his works, like *Borrowing Your Enemy's Arrows* are "anti-Western" and "nationalistic." Regardless, today, games can still become art, and as Duchamp demonstrated at the beginning of the century, the more you revolt against art, the more you represent the possibilities of the avant-garde. Contemporary critical language always confirms a phenomenon after the fact. In the 1990s, Duchamp's games with art and non-art have been emptied of their critical power, and so now it is time for Easterners and Westerners to play games. As a young Shanghai artist has said, the more he paints to ridicule Western art critics, the more he gets invited to Western biennials or receives requests to collect his work. At the end of the 1990s, this is a kind of scholastic method: the move against art history is the new topic for study in art history.

But who is really the fool in this game? This is an argument for postcolonialism to deal with. After viewing Ang Lee's *Crouching Tiger, Hidden Dragon*, Chinese people say that Americans are the fools, giving an Oscar to this third-rate martial arts movie. But Americans say, this is the first time we've seen a person flying about like this; this is actually the first Chinese martial arts film we have ever seen; this is a movie with feminist implications; this movie intoxicates people, so let's just give it the award. But if Cai Guo-Qiang and Ang Lee didn't win awards, nobody would be interested in evaluating their work.

This is contemporary culture against the backdrop of global capitalism; and against this background, we are all too sensitive when it comes to awards!

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#### Notes

- 1, 2, 3, 4, 5, 6, 7, 8. Quoted from Cai Guo-Qiang, "Guanyu Weinisi Shouzuyuan," [Concerning *Venice's Rent Collection Courtyard*] *Jinri xianfeng (Avant-Garde Today)*, no. 9, 2000. [The quotes or paraphrased statements from English-language sources appeared in this article in Chinese translation. In an attempt to preserve how Zhu Qi read these quotes in Chinese, they have been retranslated back into English from the Chinese. — Ed.]
6. *Xinchao meishu (New Wave Art)*, Taipei, July 29, 1999.
7. *Magiciens de la terre (Magicians of the Earth)* was an exhibition organized by the Centre Georges Pompidou, Paris, France, May 18–August 19, 1989. Curated by Jean-Hubert Martin, it was a large-scale exhibition which explored contemporary art in the world. The principle idea was to put Western art at the same level with art of all other countries. This exhibition included three Chinese artists.
9. Quoted from Cai Guo-Qiang, "Guanyu Weinisi Shouzuyuan."

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