

GINGER NOLAN —

The Subject of the Land: Some Imbricated “Properties” of Earth and Mind

A REVIEW OF ANDRO LINKLATER, “OWNING THE EARTH: THE TRANSFORMING HISTORY OF LAND OWNERSHIP” (BLOOMSBURY, 2003) AND ZAHA HADID ARCHITECTS, GALAXY SOHO, BEIJING (2009–12)

Citation: Ginger Nolan “The Subject of the Land: Some Imbricated “Properties” of Earth and Mind” in *The Avery Review*, no. 1 (September 2014), <http://averyreview.com/issues/1/the-subject-of-the-land>.

I recall an anecdote relayed to me a decade ago by an architect who championed computational methods of design and construction. He had been commissioned to do a small installation for an exhibition in Beijing. The sensuously curving form he planned to contribute—a hybrid between an egg and a grotto, which we could call an “eggrotto”—was to be digitally fabricated from plywood sections. The eggrotto had been originally designed for a fashion showroom in Europe, where it was to be entirely machine-fabricated. In Beijing, however, the curator decided that the cost of machine-milling the eggrotto was so prohibitive that it would make more sense to have carpenters use hand tools to laboriously draw and cut out each of its many idiosyncratic pieces: a technological work of art in the age of its manual reproducibility.

The resulting object was an admirable realization of the initial design, but the professor was aggrieved by the *process* of its construction. The cause of his annoyance, I suspect, was that he had envisioned the eggrotto springing directly and fully formed from his brain and CAD files, as if it was solely the work of intellectual labor (except for the negligible—because they are magical—assistance of machine production). Why else would it matter whether his original eggrotto had been copied by machine or by hand? The usual justification given for machine production is its cheapness relative to its human counterpart. In this case, however, the growing sophistication of machine technologies in tandem with the concomitant degradation of manual labor had rendered the former more precious than the latter. The architect’s interest in adhering to non-human forms of production owed not to questions of cost but to a conception of labor in relation to the intellectual work of design.

I was reminded of the eggrotto anecdote because of a more recent architectural event in China, namely the putative “piracy” in Chongqing of the Galaxy SOHO building that Zaha Hadid had designed to be built in Beijing for China’s largest real estate firm, SOHO China Limited. Hadid’s

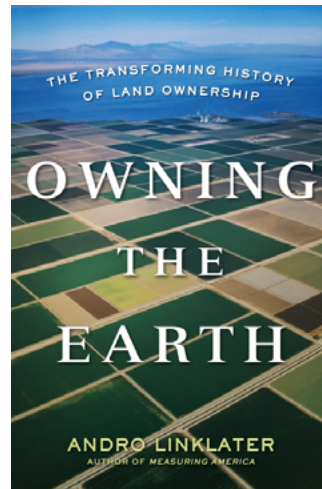


Zaha Hadid's Galaxy SOHO in Beijing, as seen from a neighboring *hutong*. Photograph by Hufton+Crow.

firm took a fairly complacent stance about the alleged forgery, knowing full well that imitation is the greatest form of flattery. More to the point, perhaps, one could think that the architect—interested in establishing her work as a kind of intellectual labor—was not concerned with manual reproductions or “piracy,” because (as with the eggrotto) her “property” does not consist of the design’s material instantiation so much as its circulation via texts and images. SOHO China, on the other hand, was up in arms about the alleged copy. It seems that the nature of the thing stolen—the intellectual property inhering to the design—was differently constituted for the client than for the architects who had labored on it. Which raises the question: What is the value of design, such that its intellectual labor can be expropriated from a client through the act of manual reproduction? What exactly is stolen? In this case, the value of design for SOHO China certainly had some relation to the remarkable value of land (formerly one of Beijing’s increasingly threatened *hutongs*) on which it was built.

In his recent and posthumously published book, *Owning the Earth: The Transforming History of Land Ownership*, Andro Linklater makes the compelling claim that the modern invention of private property is connected to the more or less contemporaneous invention of intellectual property, having been drawn from effectively the same reasoning. The broader claim of the book is that a nation’s political institutions and political culture are shaped decisively by its particular forms of land tenure. To demonstrate this, Linklater offers a comparative history spanning several continents (its largest portions are devoted to England, Russia, the United States, and China) over the course of the past four centuries. The book is vastly informative—Linklater deftly synthesizes a dazzling breadth of historical research—and sufficiently nuanced in its comparisons, weighing the relative justice and injustice inherent to various ideas of land tenure (including, to name few: feudalism, slave plantations, private ownership small and large, and Maoism).

My concern here, however, is not with the entirety of the book but with a few ambitious theses that Linklater proposes, and that call for a much more detailed examination than he was able to offer within such a comprehensive history. Beyond the twinned genesis of landed and intellectual property that Linklater describes, he also contends that there is a more general



Andro Linklater, *Owning the Earth: The Transforming History of Land Ownership*.

relationship between forms of human subjectivity and forms of land tenure. What he actually means by “subjectivity” goes largely unexplained, but the book clearly suggests that subjectivity is comprised of a person’s political rights and economic status as attested to by legal codes and incomes. A more subtle conception of subjectivity—one that takes into account discourse, aesthetics, and *de facto* rather than *de jure* rights and privileges—would point toward further connections between land and intellectual property that Linklater has largely missed.

The need for a greater attention to *de facto* rights is exposed rather glaringly when Linklater briefly alludes to the disjuncture between female Americans’ and black Americans’ rights to private property and their actual political influence—a fact that cannot be explained therefore by *de jure* rights to land or capital. Important work has been done on some of these constructed imbalances (such as the redlining practices common to the cities and suburbs of the mid- and late-twentieth-century United States), but Linklater’s work is a reminder of what extensive research remains to be done.

Reciprocally, his own arguments could be refined through greater consideration of the extra-legal means through which land is deemed appropriable or unappropriable by certain groups. To date, accounts of land ownership fail to provide a formula of land value that explains how it can fluctuate according to the skin tone of the person owning it. If Thomas Jefferson’s Land Survey (as the simplistic narrative goes) rendered land abstract and thereby similarly abstract in value, how does one account for the racial biases of land ownership? The very process of surveying the land and rendering it “abstract” simultaneously registers it as part of a certain epistemic framework. That framework—distinct from the legal rights and income averages that, for Linklater, seem to comprise subjectivity—has everything to do with more profound and subtle constructions of human subjectivity, ones linked to the gender, class, and racial apartheid that have long been tied to forms of land tenure.

Linklater insists that forms of land tenure have a causal priority in relation to human subjectivity, not the other way around. He repeatedly holds up the small-hold independent farmer as the model of democratic subjectivity, citing the prevalence of small, privately owned farms in Japan,

Taiwan, and Korea as an explanation for those countries' postwar prosperity and democratic institutions. But given that these farm owners comprise a minute proportion of those nations' populations, his claim seems too simplistic. One might also point to the fact that urban black Americans enjoyed greater prosperity and social status than their agrarian counterparts in the early decades of the twentieth century. Finally, the brief lifespan of small- to medium-sized farms in all of the nations once boasting a prevalence of them (most notably, the nineteenth-century northeastern United States but also, more recently, in Japan, Taiwan, and Korea) raises more difficult questions about the actual relationship between freehold agriculture and economic egalitarianism. For starters: If the freehold farm supports economic egalitarianism and stability, why is it subject to such rapid conglomeration and demise?

One of the more remarkable aspects of nineteenth-century agricultural towns in the northeastern United States and Canada was that formal schooling was comparatively accessible to most denizens. And yet, the value of that education derived in some measure from an implicit social hierarchy in which bourgeois forms of economic production were still considered superior to agrarian ones. A growing population mandated that a farm be subdivided to support subsequent generations (thereby impoverishing the latter relative to their forebears) or that subsequent generations turn toward other forms of employment—or in other words, the very success of the family homestead foretold its own imminent decline, its replacement by professional ventures, or, when professional positions could not be obtained, by proletarian ones. The subjectivity that Linklater deemed inherent to the prosperous American homestead (education and democratic participation) was always marked in advance by its tendencies toward urbanization, and thus toward forms of proletarian and bourgeois production. Rather than proving a sustainable model, the American freehold farm is by its nature ephemeral, a transitional mechanism for converting an agricultural immigrant class into members of the urban classes over the course of a few generations. The United States provides a clear example of this mechanism, but global history also repeatedly proves the double bind of the prosperous estate or farm, whereby productivity leads to a population growth that cannot be supported at the same level of prosperity, except where agricultural improvements increase the productivity of the land in due proportion.

Linklater situates the correspondence between intellectual and landed property in the early decades of the agricultural and industrial revolutions in England, although he only alludes to some of the features that characterize this correspondence (in a chapter provocatively titled "Land Becomes Mind"). First, and somewhat unsurprisingly, most of the people applying for patents could do so by virtue of the leisure time and surplus income accorded them by their landed property. Second, and more vaguely explained, a similar logic of entitlement, or indeed "enclosure," undergirded the legal rights that applied to both private land ownership and intellectual labor. Last, the demonstration of "improvement," which justified the private ownership of land, was also implicit to legal arguments defending rights to intellectual property. [1] These keen insights into the relationships between landed and intellectual property require greater exploration than Linklater

[1] Furthermore, Linklater's description of Jethro Tull's seed drill seems to suggest that inventions that improved the land's productivity (although Tull did not patent his) helped support the legal claim that agricultural improvement depended on a form of intellectual labor that was proprietary in nature.

can provide in a short chapter, and such an explanation would help flesh out the ghost of “subjectivity” that haunts his book. [2]

Land did not only serve as material capital contributing to the landed gentry’s scientific, economic, and political pursuits. Rather, European landownership was associated with an epistemic modality that entitled landlords to reconstitute the knowledge and the labor of others as their own. Evidence of this peculiar logic would need to be sought less in legal codes than in the literatures of the colonial and post-colonial periods and—perhaps more so—in the aesthetics of landownership as realized in landscape and architectural forms. In these latter, whether exemplified by the plantations of the West Indies and southern United States, or by the English picturesque garden, or by postwar suburbias—we witness attempts to reconcile the contradictions of ownership premised on expropriation. Repeatedly, these architectures claim an imperial genealogy while also performing an adaptation of native technique. The imbrication of rights to landed and intellectual property, then, appears through an aesthetics of incorporation whereby techniques pertaining to one society or class are subsumed, albeit *differently*, within the techniques of another and are manifested symbolically through architectural ways of marking the land. “Improvement”—literally, the production of profit—is thus allied with a privileged epistemic mode of adaptation—incorporation, demonstrated through aesthetics and used to justify systematic expropriation of land and labor.

Linklater writes that the impetus for *Owning the Earth* came from an inquiry into the causes of the 2008 financial crisis. Despite the book’s implicit rebuff of Marxism—insofar as present-day cultures are ascribed to types of land tenure rather than to industrial forms of production—its glance at the financial crisis owes an unspoken debt to the Marxian geographer David Harvey’s analyses of how the accumulation of capital is reinvested in urban growth. In his penultimate chapter, Linklater contends that recent financial events have roots in a kind of unholy alliance between China’s and the United States’s respective forms of land tenure. The U.S. financial bubble, floating on subprime home mortgages, was largely underwritten by China’s procurement of vast quantities of U.S. debt, which in turn formed a major conduit for China’s accumulation of capital (derived largely from the “public” expropriation of former peasant communes, in Linklater’s telling). Where architectural history might draw on—and hopefully contribute to—this description of the entanglements of capitalist and ex-communist land-based finance is in a simple comparison of architectural production pertinent to the growth of capital in each of these nations (and taking place on that very land).

We could begin by taking two paradigmatic examples: the subprime single-family home in the United States and China’s new skyscrapers. In the case of the former, we witness how forms of subjectivity are inscribed in the ways that class difference attempts to mask itself through uniformity—a uniformity belied only by differences in scale (the mansion mimics the architecture of the humble cottage, while the humble cottage mimics the architecture of the mansion). The right to excessive material property in the United States is demonstrated by the elite’s pretense of equality with the poor—or at least a supposed parity of opportunity—as seen in the

[2] A certain omission in Linklater’s analysis might provide a clue as to how class subjectivity was constituted in relation to land, namely the enormous transposition of agricultural knowledge from the Americas (especially from Mesoamerica) to Europe in the sixteenth and seventeenth centuries, without which the European agricultural and industrial revolutions may not have been thinkable, or at least may have looked somewhat different. The importation of Native American agricultural science, concomitant with Native American genocide, was justified by a complex discourse in which race, religion, nationality, education, and class (to name the most obvious) conferred the rights to expropriation by virtue of certain putative intellectual tendencies.

architectural affectation of agrarian roots that one sees in these houses. In China, on the other hand, the contradiction between the persistence of the Communist Party and the party's absolute repudiation of Maoist principles is expressed architecturally through forcible repression. Just as the state turns a blind eye to the conditions of the Chinese peasant, the architecture of the metropolis presents itself as part of an utterly different logic than that of the nation's agricultural contingent.

It is no coincidence that the cities with the greatest disparity between wealth and political rights—particularly in the People's Republic of China and the Arabian Peninsula—have been the most eager consumers of computationally generated design. As attested by the tale of the eggrotto, computational design is intended to efface any mark of debt to manual labor, proclaiming itself as solely the intellectual product of the architect's imagination. Hence the equanimity expressed by Hadid's office concerning the alleged Chongqing piracy. The brute instantiation of the architectural design in material form is not the business of the architect who deals strictly in images and computational script. This distinction gave rise to Hadid's recent glib dismissal of the many South Asian workers who have died building stadiums for the upcoming World Cup in Qatar, describing their travails as beyond the purview of architectural concern. [3]

For Galaxy SOHO's developers, the building's vanguardist conceit is surely inflected by the age-old rationale that rights to land ownership must be demonstrated through land improvement. As the country's largest real estate firm, SOHO China has allocated a pittance of its earnings to educational efforts in rural China, in a tacit acknowledgment of its incalculable debt to the peasantry. Apropos of such incalculability, the projected rent values of the Galaxy SOHO complex cannot be explained by any empirically demonstrable improvement to the land, much less by square footage. No degree of improvement could be equivalent to the quantity of capital inhering to that piece of real estate—its value deriving instead from a complex world financial system to which, as Linklater argues, the peasantry must contribute its own productivity. The real estate's colossal value, then, must be justified by recourse to another incalculable value, intellectual labor itself, which in this case resides in the form of the original design, and not its copies.

But while the Chongqing iteration of the Beijing building should have no *real* effect on the latter's rent values, it does threaten the ideological justification of those rent values. Not that any such justification is, in fact, required—the mystical quality of the building would distract its witnesses from the truth that the consent of the governed is in this case irrelevant, because of the value hierarchy inscribed in manual versus intellectual labor (and the subsequent lack of rights accruing to the subaltern classes). The question is not the legality of the vast profits its owners can reap from land value—rather, the building is a demonstration of the subjectivities that constitute class apartheid. Such subjectivities extend far beyond the legal codes and income demographics that Linklater's analysis relies on. They are subtly encoded in aesthetic practices and discourse, and aesthetics form a necessary complement to the legality of private ownership, whether of land or of mind.

The shifting curves of the Galaxy SOHO complex stand as a

[3] Hadid only fanned fires of outrage surrounding her remarks with a recent lawsuit against Martin Filler and the *New York Review of Books*. Filler had alleged that Hadid's words referenced the deaths of a thousand workers on her Al-Wakrah Stadium, while in fact construction had not yet begun when she callously claimed, "it is not my duty as an architect to look at it [worker deaths]." If Filler's connection was incorrect, Hadid's sentiment remains, and the debate has since taken the form of a question: shouldn't labor conditions be the duty of the architect? See: James Riach, "Zaha Hadid defends Qatar World Cup role following migrant worker deaths," *The Guardian*, February 25, 2014 (<http://www.theguardian.com/world/2014/feb/25/zaha-hadid-qatar-world-cup-migrant-worker-deaths>).

repudiation of the value of manual labor only insofar as they eschew traditional techniques of construction. These curves promulgate the myth that architects' construction drawings—and not the construction workers themselves—hold all the secret knowledge on which the building's materialization depends. But do they? In response to the Chongqing copy, Hadid's firm alluded to the possibility that "digital files" had been somehow stolen from their office, but what they don't mention is that these files need not have been actual construction drawings but may instead have simply been computer-rendered perspectives used to sell the design to clients. One of the paradoxes that lurks within computationally generated architectural design is that what appears idiosyncratic to the architect's mind might nonetheless be copied by any office that comes across a stray perspective sketch, because the "content" is nothing but plastic form. Twentieth-century anti-formalists, such as the architects associated with Team Ten, intuited this fact—that privileging a structuralist logic or a process of creativity over formal qualities renders the claim to intellectual property more plausible.

To return to an earlier question: What formula of land value can possibly account for that value's fluctuation according to the skin tone of the person who owns or rents it? An adequate answer would need to take into account not only the familiar sets of discriminatory policies but also—especially as the most overtly racist policies have been outlawed—a vaster terrain of cultural constructions. In this respect, Linklater's work opens the door onto important avenues of inquiry that have not yet been adequately dealt with by architectural historians. Architectural history's additions to foundations laid in *Owning the Earth* might include the ways in which the architectural production (or symbolic demonstration) of land value, with its attendant practices of design, replication, and construction, point to more insidious—because they are more subtle—formulations of subjectivity that bespeak and assist the longevity of apartheids.