PUBLICITY OF THE POLITICAL

Fig. 1. Back of opinion creating devices. (Vigo, 2009)

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21 3. PUBLIC POLITICS AS IDEA (ART AS A CRITERION OF EXCELLENCE)

JUAN LUIS MORAZA

ART	(principles) LEGITIMATION beliefs, narratives	(processes) INSTITUTIONALIZATION empowerment practices
instituting bestows	symbolic/historical democratic/participatory productive/creative heritage (1)	INSTITUTING PRACTICES art as cultural resource (in the context of cultural politics)(2)
institutable acquires	arts field (3)	sphere of the arts (operation of the art system) MEDIATION CULTURAL POLICIES (4)

What is and what could be the role of art in public policy? What is and what could be the role of public policy in art? On what terms is the institutional reciprocity between art and public policy based? These questions are articulated in the following content framework, developed around four core areas:

I. How art functions (2) as an instituting practice (as a resource in the context of cultural policies), based on (1) certain narratives and belief systems.
II. How art (4) is institutionalized (mediation, cultural policies, and arts sector agents) based on (3) certain legitimating principles (narratives, categories, interpretations).
III. What narratives, belief systems, and myths become established as the cultural principles (1) by which art legitimizes itself as such (3).
IV. What empowerment practices institute art as such (4) within society, and conversely, how art functions as (2) an instituting practice with regard to the political-social sphere.

It seemed to us that this logic of institutional reciprocity could lead to what would probably be an insightful discussion with the potential to address two problematic situations: the situation of art and the situation of society. Hence we articulated the relationship between art and public policy in these terms.

So it is not an encounter about cultural policy but about the relationship between certain cultural policies—which are often reduced to a specific instance of social policy—and the notion of "public policy."

"Public policy" is a controversial expression. Although it is more common to talk of social policy or cultural policy, "public policy" is actually an incisive term in that it addresses the very definition of political space and the very definition of public space. I see "public policy" as an innocently radical concept, which is probably taking over the role that had been filled by social policy in contemporary society, by which I basically mean a social administration or management system… either as a legitimating agency or as the beneficiary of heritage administration, financial service management, etc. From this perspective, social policy is essentially targeted at society, leaving politics as such out of the public sphere and replacing it with a particular social class of managers, organized into political corporations or parties. Meanwhile, the term "cultural policy" usually refers to an idea of culture that is not concerned with anthropology but rather with the so-called cultural sector.

To talk about "public policy" is to expose the limited nature of social and cultural political expressions. The notion of "public policy" is polemic in itself: it is no coincidence that the words "politics" and "policy" are related to *polemos*, or dispute.

The aporia of "public policy" essentially raises a twofold question: What can be done with the intractable? And, how can the singular be linked to the social? The first inquires into the conditions that could underpin the coexistence of conf icting interests and the forms of dealing with the inescapable link with the most intolerable aspects that lurk within human nature and are expressed in it. The second question refers to the subjective composition of society, because the complexity inherent to human behavior and human consciousness means that social ties are inevitably problematic, more dependent on social psychology than on ideology.

This twofold question—What can be done with the intractable? And, how can the singular be linked to the social?—goes to the heart of the issue of civility, according to which the political and the public are responsibilities rather than conditions…

Would it not be easier
in that case for the government
to dissolve the people
and elect another?
(Bertolt Brecht, "The Solution," 1953)

1. THE CREATIVE REPTILE (IMPUBLIC IMPOLITICS)

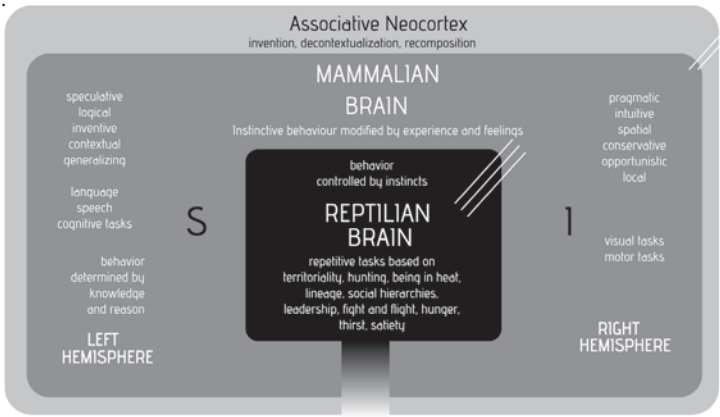
Human beings do not just live in society, they produce society in order to live.[1]

From the perspective of ideas on the psychosocial foundation that underpins society, civility is a voluntary, self-interested renunciation of power:

Social justice means that we deny ourselves many things so that others may have to do without them as well, or, what is the same thing, may not be able to ask for them.[2]

Civility is treating others as though they were strangers and forging a social bond upon that distance. The city is that human settlement in which strangers are most likely to meet.[3]

Culture and civility spring from a "contract" by which we give up part of our unlimited, irrational animality in exchange for communal living and understanding. There is a substratum of wildness underlying the symbolic and rational forms around which humans organize sociality. Social logic supplements the principles of nonhuman communities, it does not get rid of them. From the earliest living being up until *homo sapiens sapiens*, evolution has repeatedly added new elements to existing forms, rather than replacing them altogether. The neurologist Paul McLean has pointed out that the human brain today is in fact a compendium of cerebral mechanisms that we owe to different stages of evolution. According to his theory of the triune brain, first we have a reptilian brain, the oldest and most primitive of the three, which takes up the central part of the human brain and controls perception and behavior linked to aggressiveness, territoriality, sexuality, etc.; this brain is surrounded by a mammalian brain, which is the largest and which controls perceptions and behavior linked to affectivity, kinship, memory, etc.; and then there is a final layer, the associative neocortex, which is particularly active in humans and specializes in divergent associations in the surrounding environment as well as invention and creativity. This triune structure leads to specializations that are centralized and decentralized at the same time. Some theorists argue that many of the most deeply entrenched personal and social conf icts stem from the internal disjointedness of this simultaneously centralized and decentralized triune brain, which is the product of overly abrupt evolution.

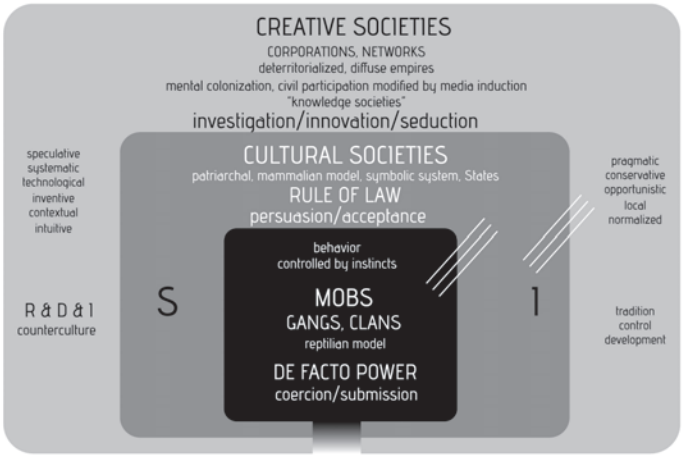


Articulated brain modules from different evolutional stages

Even the most powerful new brain mechanism will not invalidate preexisting ones, which continue to carry out specialized but autonomous functions through subroutines that automate certain processes, permitting higher-level tasks but also fueling processes that are independent of decisions made at a later time. This two-level operation accounts for psychological complexities, for the insurmountable chasms of the unconscious, the limits of the will, etc. But it can also account for the evolution of forms of sociality. Is it possible for individuals who are inescapably complex, wild, and uncivilized to set up civilized societies? Given the functional complexities of these individuals, won't these societies inevitably be complex, wild, and uncivilized? Could we be up against the limit of the possibilities of the political? How are reptilian, mammalian, and creative social ties created?

The modern notion of progress suggests an evolutionary process that favors symbolic systems over instincts, instituting practices over the exercise of power, and principles of legitimacy over de facto interests. But from subsistence clans to ethnic tribes, from feudal empires to nation-states, from corporate States to value communities, the principles of property and of class, the notions of homeland, of identity, and so on, vary. And the variations are based on different combinations or patterns of those triune decentralities.

1. Maurice Godelier, *The Mental and the Material: Thought, Economy and Society* (1984), trans. Martin Thom (London: Verso Books, 1996), p. 1.
2. Sigmund Freud, *Group Psychology and the Analysis of the Ego* (1921), trans. James Strachey (London: Hogarth, 1949), p.88.
3. Richard Sennett, *The Fall of Public Man* (New York: Knopf, 1977), p. 264.



Just as the evolution of the brain did not do away with the persistence and coexistence of these three functions inherited from different evolutionary stages, cultural evolution is not progressive either, given that it is made up of individuals withy varying proportions of these evolutionary potentials. This means that all cultures have something of the horde, of empire, and of participation.

Each cultural form of social organization is based on a specific combination of this triune mechanism. At the same time, each cultural form of organization stimulates particular perceptions and forms of behavior that are correspondingly affected to a lesser or greater degree by the active principles of the three functions.

It would be unwise to address the question of politics and the public sphere without acknowledging this triune complexity, this reptilian persistence. We can assume that the neocortex, which allows us to be as creative as children (innocent and perverse, with no prejudices, no ethics), does not completely rule over the mammalian part of our brains, which is linked to memory, the affects, symbolic structure, and sharing; and that it does not completely rule over the reptilian part of our brains either. All possible ratios of give and take among these evolutionary functions can occur, and coexist. And the different combinations express the whole range of characterological possibilities that are expressed in the form of social organization.

It is not hard to imagine an individual in whom reptilian functions prevail over mammalian functions and over the associative neocortex: the power of memory, affectivity, and the ability to make intersubjective associations, along with unprejudiced ultra-creativity, would be at the service of the reptile's cold aggressiveness and territoriality. The result would be a reasonably accurate identikit portrait of advanced capitalism. The creative reptile is a clear expression of a type of society that has clearly not been able to subdue the core otherness that organizes our behavior.

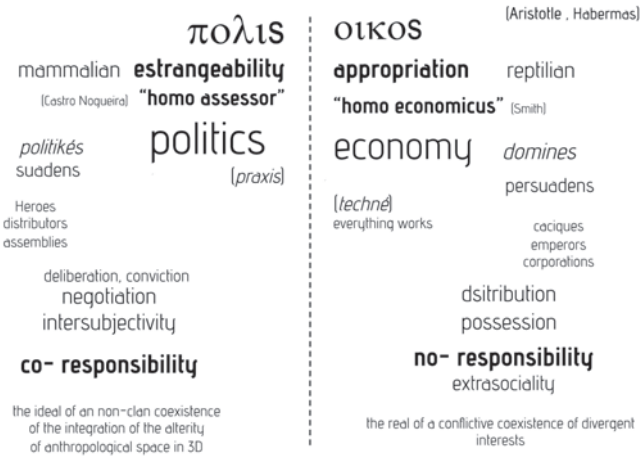
The enduring presence of this primitive core in our psychological behavior has inspired many of the historical ref ections on the political and public spheres by thinkers from fields such as philosophy and the social sciences. There is a classic attempt to define the differences and connections between the concepts of the political and the economic, linked to another key difference between the concepts of the private and the public. But in strict categorical terms, "the political" can only refer to societies that are participatory, in the sense that their agents are acknowledged as constituting them.

Philosophers from Aristotle to Jürgen Habermas and Hannah Arendt have suggested that our social forms are closely tied to this civility, which has to do with dealing with the strange, and with the capacity to negotiate and to consider the strangeness of the intractable in a relatively collaborative way. From this point of view, the cooperative tendency arising from the intersubjective associations of *homo advisor* has been much more crucial than competitive struggle.

But the more reptilian tendency towards appropriation that characterizes so-called *homo economicus* has more to do with a social history of different forms of distribution and ownership than with a social history of forms of negotiation and intersubjectivity.

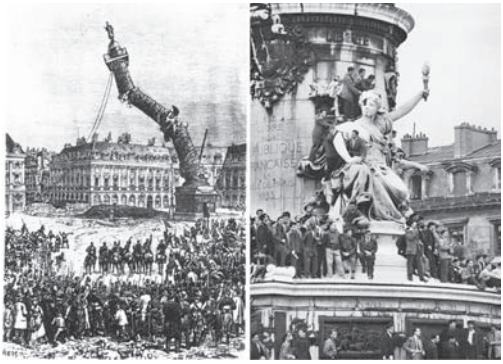
The intermittent, growing history of politics and of politicians associated with distributing-heroes and with assemblies based on the logic of co-responsibility runs parallel to another history, one of *domines*, of a series of men—oligarchs, chiefs, emperors, corporations—who are connected to a relatively extra-social part of society, a part of society that can attain a certain power and a certain hegemony over another, and as such is not strongly bound to co-responsibility.

These two histories coexist in a more or less disconnected way. On one hand, the real of a coexistence that



is always conf ictive, given that our brain is also the brain of a violent and aggressive crocodile who thinks only of pleasure and possession; and on the other, the political and public—authentically political, authentically public—of the relations of non-clan communal living associated to the coordinated integration of the other, of alterity.

This ongoing history of the interaction between the *polis* and the *oikos*[4] gives rise to a series of dynamic relationships between principles of legitimation and instituting processes that we can summarize in a series of "laws."



Figs. 2 and 3. The Vendôme Column has been erected and knocked down several times throughout its history, in line with institutionalising (monumental) and de-institutionalising tendencies (negative monumentality). The empty pedestal is a sign of an ephemeral moment between one institutionalised power and another. The fall of the Vendôme Column, Paris 1871; D. Vierge, engraving by F. Méaulle, 1874 (left), and demonstrators occupying a monument in Paris, May 68 (right).

4. "An *oikos* is the ancient Greek equivalent of a household, house, or family. An *oikos* was the basic unit of society in most Greek city-states, and included the head of the *oikos*, his immediate family, and slaves living together in one domestic setting." Wikipedia contributors, "Oikos," *Wikipedia, The Free Encyclopedia*, http://en.wikipedia.org/w/index.php?title=Oikos&oldid=642829289 (accessed February 6, 2015).

1. Law of Instituting Transgression or Foundational Violence

Foundational (victorious) **violence** (V) **legitimizes principles that then become key. Conversely, the incontestable nature of these principles legitimizes as inevitable the means necessary to institute them.**

$$f\ V \diamond f\ (leg)$$

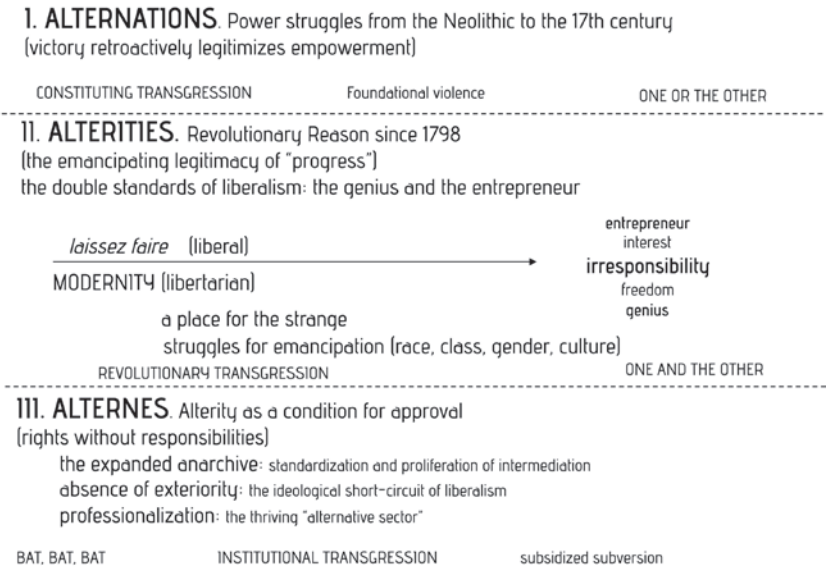
means ends

In accordance with this law, if destitutive violence prevails it becomes foundational, thus legitimizing the principles that uphold the new institution. And conversely, the incontestable nature of those now legitimizing principles legitimates as inevitable the means that must be used to achieve this institution. This suggests instituent practices of a destitutive nature: there is foundational violence—the violence that René Girard wrote so much about—in all instituting logic.

In these developments of the relationship between the *polis* and the *oikos* we can define three ages of the relation between the political and the public:

a) Alternations

Firstly, a whole series of societies have based their public policy on alternations of power. From the Neolithic and probably until the eighteenth century, power struggles were practices in which one power was deposed so that another institution could be put in its place: a destituting transgression is also a constituting transgression, and the struggle entails a choice: one or the other. This



is in line with a thoroughly reptilian territorial logic of alternations, in which victory retroactively legitimates empowerment.

b) Alterities

Social uprisings, which have been a fixture in history, introduced a new logic of legitimation from the French Revolution onward, when the people first came on the scene as a subject of the political in institutional terms, backed by a grand ideological construct that would come to dominate modern experience. This development went hand in hand with the symbolic institution of a new form of legitimation founded on the logic of alterity, which involved public policy based on the coexistence of diversity and thus on a certain appreciation of singularity and particularities. This is the libertarian impulse that offers a legitimate place to the strange, which came to include the struggles for racial, class, gender, and cultural emancipation that have played out in the modern world.

This modern logic of alterities includes the progression from technology (*techné*) to art (*ars*): art, in its anthropological sense, refers to cultural systems that express instituted social significations, with institutional contexts of imperial propaganda, funerary iconography, religious worship, etc. The singularities in the specific ways in which these symbolic functions were carried out resulted in the large or small differences in style, as surplus or agencies in the symbolic and functional programs that they formed part of. These agencies and surpluses were acknowledged and appreciated as expressions of difference and alterity when unanimous societies gradually gave way to participatory societies. This very modern acknowledgment led to the emergence of art as a specific disciplinary field, one that differed from the generic nature of art in the anthropological sense. This is why "art," as opposed to "techne"—and the artist, as opposed to the artisan—, does not just present its singularity but also its political and public nature, as compared to its iconographic production as part of a system of propaganda or representation in its artisan past…

As art became art, and as art became modern, increasing importance was placed on the subjectual production that gives voice to the singular as opposed to the common; on alterity as opposed to the institution. The emergence of art, in the early days of the Renaissance, coincided with this blossoming of singularity, opening up a new social space for the radical discussion and instituting of the creative, active personality of a citizen who is actively involved in his own constitution.

Nonetheless, this logic of alterities—which is the true political logic and which, probably for the first time, established the centrality of the public in the logic of the hegemony—has two sides:

a. Liberalism, which sprang from the radical cultural change that we are probably still in the midst of, involves a struggle for all the rights to freedom of opinion, freedom of thought, etc., in other words, a

struggle for that which is authentically political and authentically public. In the words of Adam Smith, the idea was to achieve "the greatest good for the greatest number of people," while simultaneously working towards attaining personal freedom and freedom of thought, movement, education, and religion, along with the freedom to elect governments.

b. But at the same time, liberalism emerged as an effort to minimize the political sphere so as to promote economic, political, military, and technological growth. To once again evoke Adam Smith, the idea was to use all possible means to free the owners of the means of production from all social obligations.

The two sides of liberalism show the rift between the *polis* and the *oikos*, between political libertarianism and economic liberalism.

This double-sided nature of liberalism reinforced the paradox of modernity, which was based on a new—political and public—instituting logic that stemmed from the value placed on the singularities—freedom, equality, and fraternity—and, at the same time, it was also based on an impolitic and impublic logic of minimizing the private responsibility of powerful individuals in order to enable an increase of wealth that would subsequently—always subsequently—be redistributed. Administrative constraints and legal obstacles were to yield to the private initiatives that would ensure the progress of the nation. This is the prototypical account of the origins of *laissez-faire*.

In the link between principles of legitimation and institutionalization processes, the notion of publicity turned out to be key in this double-sided liberalism. Somewhere between the principle of freedom of expression or opinion and the unequal power of inf uence, Immanuel Kant defined the "transcendental principle of publicity" as a key element of the public-political, insofar as nothing authentically political or public can be legitimate unless it is open to be published or made public. Publicity would thus be the space of accountability in the political sphere, the space of transparency where that which is public becomes fundamentally clear.

> *By the public sphere we mean a realm of our social life in which something approaching public opinion can be formed… Citizens behave as a public body when they confer in an unrestricted manner—that is, with the guarantee of freedom to express and publish their opinions—about matters of general interest. In a large public body this kind of communication requires specific means for transmitting education and influencing those who receive it. Today newspapers and magazines, radio and television, are the media of the public sphere.*[5]

This notion of publicity belongs to the political fantasy of modernity, which has little in common with the idea of publicity or advertising as a system of inducement, of shaping opinion. Nonetheless, these two notions of publicity precisely match the two sides of liberalism. Particularly, given that as soon as universal suffrage appeared so too did the idea of social space as a battlefield to be conquered. It is about winning over public opinion so as to acquire suf cient legitimacy for becoming instituted in a political space.

The rise of the modern logic of freedom of expression runs parallel to the persistence of the classical logic of asymmetries of inf uence, because although all citizens may be equal before the law, they do not all have the same power to modify or produce public opinion. The shaping of public opinion—and thus true governance—will remain in the hands of administrators who are able to control the means of opinion production. In the same fashion that, as noted by Karl Marx, surplus value equals non-remunerated labor and a profit not returned to workers—and which instead goes to those who own or control the means of production—, the creation of public opinion similarly guarantees a surplus value of legitimacy to those who manage the means of opinion production.

The practice of advertising, in all spheres, profoundly contradicts Kant's transcendental principle of publicity. Given that the right to freedom of expression is one-sided—it simply means that one can publicly express their opinion in a free market of ideas—and that not everybody has the same access to the means of opinion production, freedom of expression is not equal for everyone. Moreover, one man's freedom of expression is another man's lack of freedom of impression. Liberalism takes reptilian territoriality to the extreme in the conquest of psycho-perceptual space.

This is the emotional and perceptual colonialism that has been implicit in the development of modern culture from the French Revolution onward. As a means of colonization of psycho-perceptual space, publicity not only induces our personal and social choices but also condi-

5. Jürgen Habermas, Frank Lennox and Sara Lennox, "The Public Sphere: An Encyclopedia Article" (1964), *New German Critique*, no. 3 (Autumn 1974), p. 49.

Figs. 4 and 5. The hyper-real publicity ideal, or the body as monument. The reciprocity between the representative power of publicity and its internalisation in personal imagery: Advertising inscriptions in the Puerta del Sol (left), and voluntary scarification and tattoos, as the internalisation of corporate emblems and cultural meanings (right).

tions our ways of feeling and thinking, and our criteria of what is true, good, and beautiful. And even though it lies at the very heart of the principles of legitimation and processes of legitimacy, this psycho-perceptual construction of the public sphere is too often overlooked. This territorial struggle goes profoundly against the development of the public sphere. Only a regime of "freedom of impression" would make it possible to set limits for freedom of expression that takes into account the asymmetry of inf uence arising from ownership of the means of opinion production.

> *We don't sell a product, we sell a style of life. I think we have created a movement.*[6]
>
> (Renzo Rosso, owner of Diesel Jeans)

This colonization paves the way for the internalization of social significations and their principles of legitimacy. The way we use technology and form social ties, our ways of loving and of suffering, etc. are culturally induced through these opinion-making processes, in both the private and the public spheres of the political.

Public and private enterprise, the political and the economic spheres, use the same strategies to conquer the space of publicity. And in both cases, they are also the strategies that have been used by all kinds of hegemonic powers outside of participatory societies, not just the same mechanisms but also the same structural means. The same types of publicity mechanisms are used interchangeably by politicians and businessmen, leaving the field wide open. And the conquest has been so great that the enormous amounts spent on publicity have deprived us of our perceptual space. We are forced to contemplate freedoms of expression that are basically only exercised by those who have the power to access the means of opinion production, who behave like sophisticated strategists in the conquest of psycho-perceptual space—both public urban space and domestic space—using all communication and information media, from television to smartphones… Occupying the streets, which was once a principle of transgression and of popular legitimacy, is now a strategy for the colonization of the psyche.

Kant's transcendental principle of publicity, which is at the very heart of the legitimacy of the public-political realm, is thus considerably reduced by the practice of real publicity and its inducement mechanisms. On one hand there is civil publicity, on the other there is incivil publicity. And this forking ultimately endangers the quality of public opinion.

Incivility consists of an actual denial of social co-responsibility, irrespective of whether it is carried out by a multinational corporation or a hooligan. It always has to do with the abuse of public space—with or without an excuse to justify it—and as such it is a political abuse. The extensive and intensive nature of opinion-shaping technologies nationalize the interests of advertisers in a privatized State.

Against this backdrop, the will of citizens is not expressed in public opinion, insofar as public opinion is unable to generate itself. Habermas put it very clearly: "The 'quality' of public opinion, insofar as it is measured by the procedural properties of its process of generation, is an empirical variable."[7]

LA RAZÓN 43 SOC
MIÉRCOLES, 14 - V - 2003

TRIBUNALES

Un estudio revela que los delincuentes guapos son juzgados de forma más benévola

Reuters
Oslo

Los criminales bien parecidos tienen más probabilidades de ser juzgados de forma más ligera incluso cuando el jurado sólo cuenta con una descripción por escrito de su físico, según revela un estudio de la Universidad de Oslo. Los 500 estudiantes que participaron en la investigación demostraron que cuando los crímenes responden a la autoría de un hombre o mujer calificados de «guapos», se emiten castigos mucho más suaves que cuando se omite dicha palabra. Todos los estudiantes que participaron en la elaboración del estudio recibieron informes de delitos que iban desde robos hasta violaciones y asesinatos, pero sólo la mitad iban acompañados de descripciones por escrito del aspecto del acusado.

El estudio reveló la existencia de una tendencia a favorecer a los delincuentes bien parecidos que cometen delitos de menor gravedad, como el robo, contrabando o fraude. Como media, los estudiantes les impusieron castigos un 20 por ciento más leves.

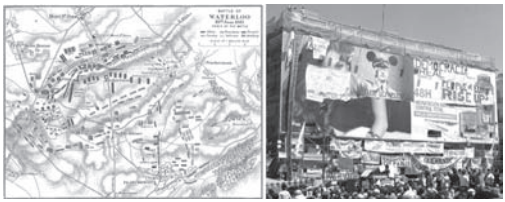
«Ya sabíamos que el atractivo afecta a las sentencias, pero este estudio constata que una simple palabra (guapo o guapa) tiene un efecto» aseguró Per Schioldorg, profesor de psicología de la Universidad de Oslo. «Se añade una simple palabra y se activa el estereotipo de la belleza», dijo a la vez que aseguró que se trata del primer estudio que demuestra la relación entre la apariencia y las sentencias, usando material escrito en lugar de fotografías.

Para crímenes más serios como asesinatos o violaciones, los estudiantes apreciaron sentencias hasta un 10 por ciento más ligeras.

Fig. 6. The relationship between beauty and Justice demonstrates the persistence of the equivalence of religious origin between logic, ethics and anaesthetics: According to studies, a corporal beauty adjusted to the norms of the time, favours a good judicial sentence, and vice versa. (University of Oslo, 2003)

6. Quoted in Naomi Klein, *No Logo: Taking Aim at the Brand Bullies* (Toronto: Knopf Canada, 2000), pp. 23–24.

7. Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, Mass.: MIT Press, 1996), p. 362.



Figs. 7 and 8. The city as a battlefield: Strategic map of the Battle of Waterloo (left); and the Puerta del Sol as a place for negotiation and struggle for the conquest of the perceptive territory, among large corporate advertisements and the social expressions during 15M rising (right).

11. Law of Inverse Proportion between Publicity and Legitimacy

This excursus reveals another law, by which **the intensity of publicity (π) is inversely proportional to the intensity of legitimacy (leg).** The weaker the legitimacy, the greater the publicity efforts required to reinforce it. Plentiful and sophisticated publicity is thus a sign of a crisis of legitimacy.

The history of art can be seen through the lens of political and public contexts in relation to legitimacy throughout history. The sociology of art shows that where there are strong systems that have been fully instituted—either through coercive means or through belief systems—and that have secured legitimacy in their own

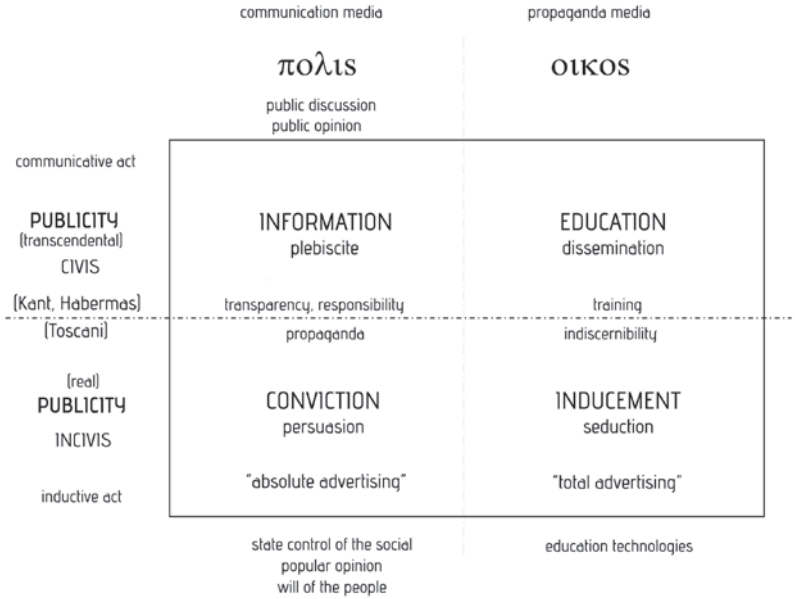
$$\square(\pi) \equiv \frac{1}{\square(\text{leg})}$$

hegemonic, incontestable place, there tend to be rather classic aesthetics, whereas "baroque" aesthetic strategies usually go hand in hand with a crisis of legitimacy of systems and organizations. This dynamic can be traced all the way through the history of styles.

For centuries, the Pharaoh in ancient Egypt was a hieratic figure that gazed into infinity. But when the Pharaonic system weakened in the midst of social, cultural, and economic unrest, the crisis of legitimacy was expressed in a new imperial dramatization: the emperor opened his eyes and looked down toward the citizens.

This condescending sophistication and ductility, open to the sensibility of the citizenry, is repeated in different ways every time an organizational system suffers a crisis of legitimacy and needs to offset its loss of credibility and citizen hostility, reconstructing the indisputable nature of the principles that legitimize hegemony…

In this history of interaction between the *polis* and the *oikos*, between politics and economy, between co-



responsible intersubjectivity and non-responsible extrasociality, and between institutional aesthetics and instituting aesthetics, the history of public policies has gone through different kinds of empires, different kinds of instituting processes, and different kinds of legitimation principles: coercive empires tend to use rather simplified aesthetics; persuasive empires prefer aesthetics based on beliefs and symbolic systems; seductive empires tend toward aesthetics that appeal directly to the unconscious inducement of the will.

empire	legitimation	aesthetic
COERCIVE	dissuasive	schematic, symbolic, monumental
PERSUASIVE	ostensory	iconic, naturalist-abstract
SEDUCTIVE	Submerged	diffuse, indicative, indeterminate, "total art"

*María Luisa Fernández, *Laberints* (1996), University of Basque Country, UPV/EHU.

The waning of the powerful early Christian theocratic system led to more implicative aesthetic strategies, as can be seen in the transition from Gothic to Renaissance. The reformist crisis unleashed by the bourgeois humanism of the Renaissance and the logic of states resulted in so-called Baroque classicism; the crisis caused by the internal contradictions of the Enlightenment project of classicism led to Romanticism; the crisis that toppled the dreams of progress of the modern project, linked to democratic states and to hopes for political reciprocity, resulted in implicative, participatory aesthetic strategies, and in the revival of the dream of a "total art" seamlessly merged into life.

III. Law of Institutional Legitimation, or Law of Reciprocity

The law of publicity goes hand in hand with the law of reciprocity in institutional legitimacy: **in any relationship between instituting processes and principles of legitimation, an institution legitimizes that which legitimizes it as an institution. Conversely, a legitimating principle legitimizes as an institution that which legitimizes it as a legitimating principle.** Where legitimation principles are those extralegal figures that can internalize or "commune" the institutional.

Historically, from the Egyptian obelisk—the resting place of Ra—with its apex touching the sun, to the monuments of the nineteenth century, legitimacy f owed from the top down. Various incontestable, transcendent, elevated principles or agencies f owed down in a kind of cascade of legitimation: from god to the emperor, from the emperor to his ministers, from the ministers to the subjects… In the iconography of the so-called scenes of submission in classical cultures, an emperor was shown kneeling before a god or a superior being who legitimized him as emperor. This staging implied a game of identification in which the submissive attitude of the emperor in regard to the superior being was the attitude that the subject was expected to adopt in regard to the emperor.

INSTITUTIONAL AESTHETICS	INSTITUENT AESTHETICS
the instituted as aesthetics	the instituent as aesthetics
solidly instituted powers	moments of crisis of legitimacy
CLASSICAL	BAROQUE
canon	total art
Egypt (8th C. BC) hieratic style	The Pharaoh looking at the citizens
(polis) GREEK CLASSICISM	HELLENISM (4th C. BC)
(early Christian theocracy) ROMANESQUE	GOTHIC (early Christian theocracy)
(bourgeois humanism) RENAISSANCE	BAROQUE (reformist crisis)
(enlightenment project) CLASSICISM	ROMANTICISM (liberal counter-discourse)
(modern project) MODERNISM	POSTMODERNITY
formalist aesthetics	anti-formalist aesthetics
	"indiscernibility between art and life"

In keeping with the law of inverse proportion between legitimation and publicity, the Baroque period gave us highly sophisticated means for staging this downward-f owing legitimacy, including monuments. One of the most illustrious of these is the Chair of Saint Peter created by Bernini in Rome: f owing from the top down, there is a gradual unfolding of a device in which the mystic light of God pierces the back wall of the basilica through a window that represents the Holy Spirit in the form of a white dove; it shines down upon the statue of the Chair of Saint Peter, which appears to f oat in space on garlands of ribbon swaying in the wind that in turn lightly rest on the bodies of the four great medieval theologians who legitimated the absolute power of the Catholic Church and its evangelizing role; these four figures stand on four pedestals that finally touch the base. The descending legitimacy that is suggested in this monument actually conceals the real process of legitimation: in fact, it was the institutional power of the Church, represented by the pedestals, which turned four obscure theologians into important figures; it was the theologians who generated a narrative in which the Chair of Saint Peter became the cornerstone of the power of the church, and transformed the story of the trinity into its mystic foundations…

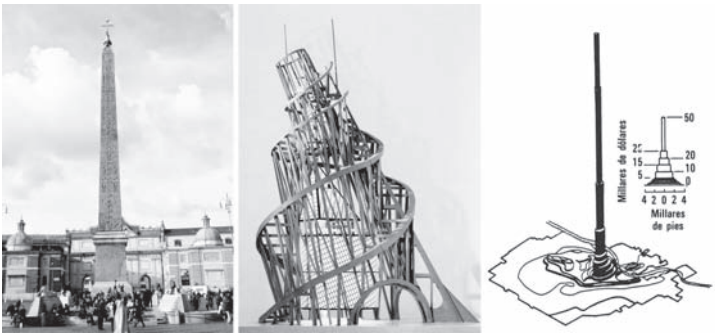
From the French Revolution onward, postrevolutionary de facto powers were fully aware that this type of top-down legitimacy could not remain in place, because it stirred up revolutionary urges that had to be duly minimized by the revolutionary "new order." Rococo art would not work, and neither would classical monumental aesthetics, as these were the publicity modes linked to this downward-f owing, condescending legitimacy. It was necessary to establish new strategies for the staging of legitimacy, preferably ones in which legitimacy f owed upward: from the legitimacy of citizens to their representatives, and from citizen representatives to constituent principles.

Figs. 9 and 10. The ornament is a symptom of the structural conf ict between the cultural contract and the implacable and real nature of the subject. Romanesque capitals depict everything that the building is denying in terms of structural and theological hygiene - world, Devil and the f esh. This ornamental function is a fundamental ingredient of the internalisation of cultural meanings. The preliminary spaces of the capital or of the happening, ooze what Freud called "the malaise in culture": Romanesque capital (left), and photograph of Aktion (1965), by Rudolf Schwarzglover.

In the monumentality of the nineteenth century we see that monuments became full of stairs so that citizens could virtually ascend. This upward legitimacy that f ows from the people to their representatives is key to understanding not just the monumental art of the nineteenth century but also all modern art, including the first, second, and third avant-gardes, because this ascending legitimacy also implies citizen participation, which the new publicity strategies were to testify to from the start.

Publicity operates according to the logic of simplification (the message must be clear and, if possible, reduced to a symbol, an icon, a formula, a single image…). It is based on delimiting the target of inducement, on exaggerating content (in order to be effective, it must highlight the differences between the different fronts involved and it must be clearly biased, tendentious, and tendential; it must exploit the causes of discontent with the former order or style; and it must arouse desires, aspirations, and expectations so as to associate the fulfillment of these—or the promise of fulfillment—with the new style or order. And to this end, it must create points of reference, with real effects), and on saturation (repetition is necessary but it should be a kind of repetition that is not monotonous, that adapts and varies; the variability of sameness is an excellent method of propagandistic implementation). All of this is also aimed at possession linked to the omnipotence, omnipresence, and omniscience of images and texts. The massive scale of the conquest of public space, of the creation of public opinion, gradually increased the quantity and quality of publicity functions. The speed and extent of the increasing sophistication of forms of psycho-perceptual colonization matched the growing distrust of a society educated in the emancipatory principles of modernity. As the spectator becomes more critical, publicity becomes more intelligent, subtle, and seductive.

> *Each group in our society has its weaknesses and deep-seated emotional needs. If Ad Alley can uncover these psychological problems in the course of its lengthy interviews with citizens and then devise 30-second television spots that make it seem as if ordinary 30-seconds spots that make it seem as if ordinary, everyday products are part of the soothing solution, grateful and relieved consumers will purchase the advertised goods. Agencies can make big*



Figs. 11, 12 and 13. The monumental logic in the open space has been presided over by the rhetoric of heights and positions, repeatedly and irrespective of cultural and time differences: Flaminio, one of the many Egyptian obelisks with which Popes "punctuated" the city (left); diagram of the proportional index of the value of the land in the Topeka area, by D. Knos (centre), the configuration of which coincides with the generic structure of the monument tradition, from the Neolithic obelisk to the Monument raised to the 3rd International (1920) of Tatlin (right), and from the Trajan column to the corporate skyscraper.

profits by isolating and identifying each population segment's vulnerabilities, transforming run-of-the-mill items into magic panaceas, and then targeting their newly designed therapeutic sales pitches at the right cluster of people.[8]

If we consider that the function of publicity as a construction of the political implies exploring political subjectivity, there is something sinister about the slogan that Spanish department store El Corte Inglés has used in several campaigns since 1993: "We specialize in you." It makes sense that Henri Lefebvre should have warned that publicity takes the place of what was previously philosophy, morality, religion, aesthetics…

Advertising deals in open sores.… Fear. Greed. Anger. Hostility. You name the dwarfs and we play on every on. We play on all the emotions and on all the problems.[9]

I like to think of advertising as something big, something splendid, something which goes deep down into an institutions and gets hold of the soul of it… Institutions have souls, just as men and nations have souls.[10]

Publicity aspires to an absolute inductive effect that would eventually end up removing the very need for publicity to exist as a specific medium. And the recent history of the space and function of publicity appears to be taking us in this direction. This "total publicity" is no longer even recognizable as publicity, or it instrumentalizes the most easily identifiable media and social concerns so that they operate as agents of publicity. As a result, public space, and thus political space, is totally saturated.

IV. Law of the Publicity of the Political, or Law of Ornamental Induction

The intensity of publicity (π) is inversely proportional to the level of legitimacy (leg); where the intensity of publicity (π) is an ornamental-monumental scale, defined as attesting to the structural conflict.

$$f(\pi) \equiv \frac{1}{f(\text{leg})}$$

The publicity function becomes richer and more complex as public opinion loses faith in the principles of legitimation. As such, opinion-shaping technologies become psychosocial technologies of the first order, and a privileged vantage point for thinking about and questioning public space.

In 1974, Stanford Research Institute (SRI) was commissioned to carry out social research and contribute to global development by means of market intensification, of both products and ideas, as part of a project called "Values & Lifestyles." Their study soon found that public space was undergoing significant change, particularly because advertising was increasingly falling into disrepute. The study ended up categorizing citizens under four types of public opinion: need-driven, outer-directed, inner-directed, and combined outer- and inner-directed.

The researchers determined that the *need-drivens* don't count because they lack purchasing power, although they do have decision-making power as voters; as such, although they may not be important to corporate advertisers, they are to political publicity.

8. William Meyers, *The Image-Makers: Power and Persuasion on Madison Avenue* (New York: Times Books, 1984), p. 6.
9. Jerry Della Femina, publicist, 1981, quoted in ibid., p. 7.
10. Bruce Barton, publicist, 1923, quoted in Klein, *No Logo*, p. 7.

The integrated *outer- and inner-directeds* were described as people who believe in the system and are conservative and well-established in terms of social status, hierarchies, etc. They would be the target audience for advertising campaigns for products symbolically linked to status and to established social values.

Fig. 14 and 15. The city as an "urbogram" of power: Diagram that represents a hierarchically organised social structure (left) and the 20 tallest buildings in the world (right).

The *outer-directeds* had less power and lower social status than the previous group, but envy or the desire for self-improvement led them to identify with them and their values and to attempt to emulate them by consuming signifiers linked to those values, even if they were of lower quality. Most of the advertising from the start of the post-Fordist era up until that point had been targeted at them.

The researchers quickly realized that one of the reasons for the collapse of the markets was a widespread dissatisfaction, which had to do with the loss of legitimacy of economic development. They identified the incipient emergence of a new social class that was to take center stage in the decades that followed: they called them *inner-directed* or "societally conscious," because they felt more committed to social causes than to established values, to their emotional lives than to professional status. This group basically consisted of young people who were equipped against the inductive effects of publicity and propaganda. The researchers immediately realized the importance that this new emerging class would take on in the future. The major conclusion that the study provided its client was a technically justified recommendation to work toward devising advertising specifically targeted at this group.

Entrepreneurs, corporations, and governments became increasingly aware of the need to understand the imaginary and symbolic universe of this societally conscious class in order to capitalize on their dreams and instrumentalize their power, channeling it toward the institution of the hegemony of advanced capital. And art was obviously not immune to these processes, either as an agent of the avant-garde or as a space for political-social experimentation around the construction of public space.

The history of the great publicists of the seventies is also the history of the intensive development of total advertising, which goes hand in hand with attempts to capitalize on social consciousness. Oliviero Toscani formulated a fierce critique of advertising, accusing it of being in collusion with enormous financial waste, of being socially useless and insincere, of being guilty of segregation and racism, of crimes against civil peace, against language and against creativity, and of deliberate pillage. But his fierce and lucid criticism turned out to be simply a preamble that would justify a different system, expressly targeted at the new class of societally conscious consumers: absolute advertising. Under this new publicity regime, factories, companies, and corporations are no longer just manufacturers of objects or even ideas but nongovernmental organizations that from the people, for the people, and with the people manufacture the political: tell me where there is a conf ict and I will tell you where to dig so that the news itself will work as advertising, because corporations function as political patrons of bottom-up social construction. The information on the empowerment strategies used by the big corporations and organizations that Naomi Klein compiled and analyzed in her acclaimed books *No Logo* and *The Shock Doctrine*[11] is eye-opening in this sense.

The letter that Toscani sent to Subcomandante Marcos to try and convince him to allow himself to be photographed for an advertising campaign speaks volumes about the radical turnaround in the logic of alterity and about the perversion of bottom-up legitimacy:

> *Dear Subcomandante Marcos, we are writing to you because we know that communication can become a form of struggle: we request the opportunity to photograph you with the men, women, and children of your group. We would like to make them heard and show the whole world the goodness in the faces*

11. Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Picador, 2007).

of those who fight in the name of a great idea. We believe that an ideal makes the eyes shine and illuminates the faces of those struggling to make it happen. We do not believe in the myths of beauty propagated by consumerism.[12]

Public life has become full of life spies, "trend scouts" whose mission is to detect any glimmer of singularity that can be exploited and turned into a fad and placed at the service of the publicity function; and also of "life hackers" who introduce trends as hidden persuaders, turning everyday life and public space into a theme park, a huge publicity campaign, a massive industry of experiences. Life itself, sponsored…

A democratic system of education … is one of the surest ways of creating and greatly extending markets for goods of all kinds and especially those goods in which fashion may play a part.[13]

There are already ads on benches in national parks as well as on library cards in public libraries, and in December 1998 NASA announced plans to solicit ads on its space stations. Pepsi's ongoing threat to project its logo onto the moon's surface hasn't yet materialized, but Mattel did paint an entire street in Salford, England, 'a shriekingly bright bubblegum hue' of pink—houses, porches, trees, road, sidewalk, dogs and cars were all accessories in the televised celebrations of Barbie Pink Month… That we live a sponsored life is now a truism and it's a pretty safe bet that as spending on advertising continues to rise, we roaches will be treated to even more of these ingenious gimmicks, making it ever more difficult and more seemingly pointless to muster even an ounce of outrage.[14]

We are, in short, dealing with an impublic impolitics, based on the principle of absolute advertising, according to which even the most transgressive and spontaneous gesture can immediately be co-opted into the inductive mechanism in real time. Wherever there is a social conf ict, a personal or inter-subjective problem, or a glimmer of singularity or spontaneity, it will instantly be exploited in real time, appropriated by and in the space of publicity, the space of the impolitical, impublic.

Any legitimate cause, such as the expanding hole in the ozone layer or other environmental concerns, can become part of a political campaign, because another of the prototypical conditions of our social space is the schizophrenic relationship between words and actions, so that a word is all it takes to cover up an action. This means that Jean Nouvel, for example, can continue to talk about how important context is to him as an architect, even after having designed the extension of Museo Reina Sofía in Madrid. An action is automatically minimized by a discourse, even if the discourse contradicts the action. Simply formulating a discourse is enough to wipe the action from memory, like magic. The distortion of significations and the irrevocable split between actions and discourses are the consequences of the alteration of the logic of alterity and of upward-f owing legitimacy in a new era.

2. THE THIRD AGE OF THE POLITICAL

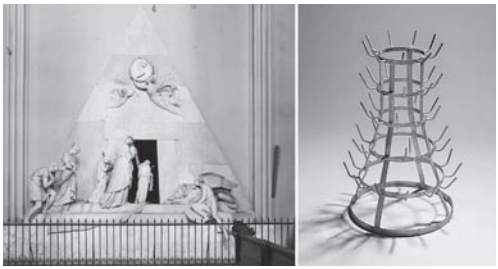
c) Alterne

As the logic of alterity becomes gradually distorted in the impolitical side of liberalism, a third age of the public is beginning to emerge. This new age, which follows the age of alternations and the age of alterities, could be described as a logic of *alterne*. In Spanish, *alterne* refers to superficial, uncommitted relations, to interactions without strong bonds, and even to relationships that are open to being exploited…

Under the logic of *alterne* in the third age of the public, alterity no longer testifies to singularity but becomes a requisite for approval; it ceases to be a space of intersubjective production and becomes a requisite that turns approval into a mechanism. The logic of *alterne* is also the logic of rights without responsibilities. Given that the political and the public are not states but responsibilities, the age of *alterne* entails a closing of the political.

The side of liberalism that is associated with reducing the political ends up distorting the libertarian side of liberalism that is linked to greater freedom and well-being for all citizens, leading to a pre-modern regression that confirms the power of the owners. With the capitalization of freedom, politics becomes a resource management system and citizens become financing and legitimation units. The extreme development of this liberal logic creates a symbolic space of rights without responsibilities, which leads to the closure of the very notion of Law and prevents thinking around the public-political sphere.

12. Letter sent by Oliviero Toscani in 1995, on behalf of the multinational corporation Benetton, while planning one of its campaigns; cited in Luis Camnitzer, *Didáctica de la liberación. Arte conceptualista latinoamericano* (Murcia: Cendeac, 2009), p. 322.
13. James Rorty, *Our Master's Voice* (New York: H. Wolff, 1934), cited in Naomi Klein, *No Logo*, p. 87.
14. Klein, *No Logo*, op., cit, p. 9.



Figs. 16 and 17. Funerary monument for the Archduchess Maria Cristina (1798-1805), by Antonio Canova (left), in which anonymous figures are prefigured in the intermediate space between representation and reality, at the level of the pedestal. These monumental ingredients, at the intermediate level of the pedestal, will define functionally the art of the 20th century. The definition of the ready-made (Escurrebotellas, by Duchamp; 1914) can be found in the texts of the sculptor Hildebrand, with reference to Canova.

The logic of *alterne* stems from the symbolic erosion of the logic of alterity, of its fulfillment in its most perverse forms.

Marshall McLuhan said that all artifacts, tangible and intangible, are extensions of our bodies, while the anthropologist Edward T. Hall used the term "extension transference" to refer to how second-generation, more modern extensions deactivate first-generation extensions, which would come to have performative or symbolic rather than legal functions. The gradual deactivation of extensions can turn them into monumental functions of legitimation of the new extensions that have taken their place.

We see a clear example of this in parliamentary monarchies, which do not have monarchs with executive or legislative powers—like Louis XIV, for example—but monarchs that are more like living monuments, more in the tradition of Piero Manzoni than of Philip II. The king in a parliamentary monarchy is a monument with symbolic functions rather than monarchic functions, because it is assumed that decision-making functions are no longer in the king's head but in parliaments. If we understand how "extension transference" and symbolic erosion work, we will also understand why it is that we can easily think—more so all the time—that parliaments are increasingly becoming part of this process of symbolic transference, or of symbolic erosion, because they are no longer the places where things are decided. As such, they are closer to the tradition of the artistic happening than to universal suffrage; they belong to a space of symbolic legitimacy, because decisions are made in extra-parliamentary proceedings.

The State has become an administrative management system: on the one hand a middle layer between the legitimacy that symbolically stems from the people and as such has to do with public politics, and on the other the pressure of de facto powers that the State must serve because their power is greater than legitimacy, greater than the public institution. This means that the State becomes a publicly funded, publicly legitimized company, completely distorting the terms by which our representatives are at our service. It turns them into the employees of a public company that pays us and to which we owe the loyalty and trust that is due to those who hire us. At the same time, the State acts like a subcontractor, hired in part by the public and in part by the private sphere. As Naomi Klein says, "a more accurate term for a system that erases the boundaries between Big Government and Big Business is not liberal, conservative or capitalist but corporatist."[15] We are in fact looking at a servant State rather than service State.

Public politics thus becomes a chimera that legitimates impolitical and impublic forms of administrative management. The profit wars turn the economy into an absolute *eco-anomy*. The nationalization of debt and the privatization of profit suit the interests of the functional divide between public responsibilities (and expenditure) and private rights (and profits). It is a dynamic that expropriates the public and the political, deliberately confusing democratic rights with the right to generate wealth and to establish capital and shifting the political towards the economic.

While the etymology of "economy" refers to household management, with the house being the planet, the Greeks also had the word *anomos*, which was the opposite of management or distribution, and referred to miserly non-sharing. The logic of today's economy would appear to be more like an *eco-anomy*: a non-sharing, non-distribution system that is very similar to the surplus-value chain that Marx clearly showed. This is increasingly so as wealth becomes concentrated in an ever-smaller number of hands, which is what the logic of surplus value tends toward.

If politics is the continuation of the *eco-anomic* by other means, and the public sphere is a continuation of the private sphere by other means, then society is retreating into pre-modern, feudal states. Public administrations persuade us that restricting the freedom of private enterprise contributes to public bankruptcy… Even disorder, disaster, chaos, crises, wars, and political conf icts of all types are excellent instruments for the growth of the logic of surplus value.

15. Klein, *The Shock Doctrine*, p. 18.

A State of this kind, at the service of *econ-anomy*, can no longer be representative. This means that in the twenty-first century it will be up to us to rethink public policy from the perspective of a new logic, which can no longer be the logic of alterity. But as its legitimacy is at stake in representation, the State has to put a great deal of energy into representing itself, into becoming representative and acquiring legitimacy at any price. Public authorities are impotent and squander most of their efforts on conquering public legitimacy, conquering public opinion, and covering the symbolic economy of suffrage.

Crises also result in profits for corporations, losses for states, and a gradual increase in expenditure on publicity, both political propaganda and commercial advertising. Public space thus becomes a battlefield of colonial conquest, while the public or the social sphere comes to be seen as a supplier of financing for the company, both the public company and the private company.

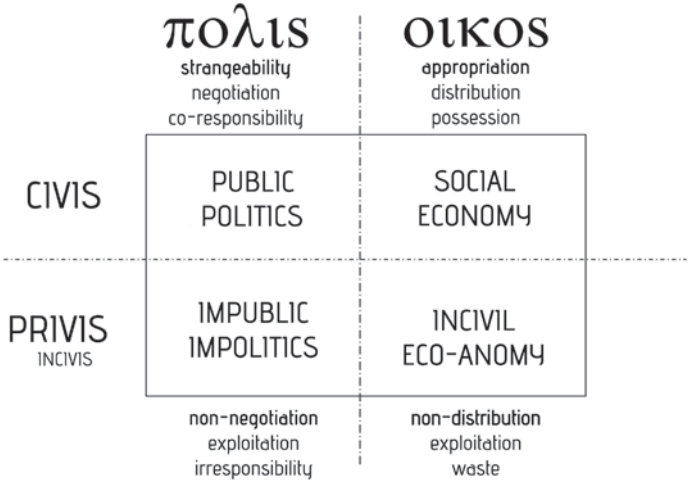
In the third age of the political, public politics are impublic impolitics. The logic of non-distribution and non-negotiation is an incivil logic. In the third age of the political, incivility is institutional but is also anti-institutional in the private and public spheres. The logic of rights without responsibility means that impublic impolitics belongs to the order of domination and also to the order of rebellion. The arm of the law does not reach those who are above the law or those who are below it.

1. From Crisis to Kitsch

The space of publicity in the third age of the political is a territory of conquest. It is the space in which the politically impossible can become politically inevitable. The space of the induced suspension of distrust, the space of fiction.

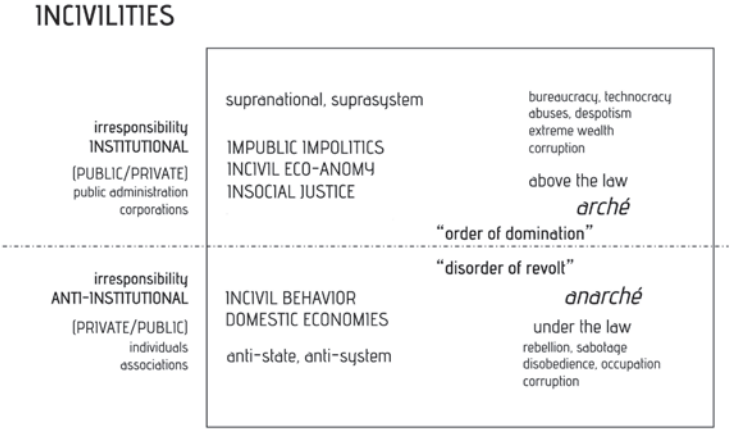
Political publicity and the politics of publicity enable us to understand the relationship between ethics and aesthetics. Political aesthetics reveal the latent underlying layers that fuel visible ideologies: they represent what ideology conceals from itself. Although philosophical and political traditions have always argued the opposite, aesthetics is the deepest substratum of ethics. Aesthetics is not the innocuous and merely formal surface of ethical significations or the outward appearance of actions. Aesthetics reveals the invisible depths that inspire and support the significations. It is the ethical witness to ethics.

The third age of the political does not only lead to "diffuse aestheticization" but also to ethical diffusion. The rise of insignificance in "advanced" societies coincides with the apotheosis of significations and signicities, with the "crisis of criticism,"[16] with subsidized dissidence as fashion (the flow of the relative and marketable) and as academia (the deposit of the stabilization of the absolute). The relative becomes absolute, the open



16. Cornelius Castoriadis, *The Rising Tide of Insignificancy (The Big Sleep)* (1994), trans. Anon. (New York: Not Bored!, 2003), 130, available on the Internet at www.notbored.org/RTI.pdf.

is imposed as closure, and all diversity and singularity is drained of life and turned into identifiable, codified, reproducible phenomena. It is the hyperrealization of the modern tradition, as well as the implementation of a kitsch culture. The radical questioning of social significations has not led to a critical or self-critical society but to an apotheosis of skeptical naivety and absolutist relativism, to a crisis of crisis. We have gone from crisis (*krísis*) to *kitsch*.



We can identify three elements of the kitsch of the third age of the political: (1) the suspension of any crisis of representation (realisms), (2) the institutionalization of transgression (academies), and (3) the falsification of the value system (corruptions).

Kitsch does not mean bad taste. The small group of important thinkers who addressed the question of kitsch—Hermann Broch, Abraham Moles, Gillo Dorf es, Clement Greenberg, Tomas Kulka—describe it as a falsification of the value system. Just as Rococo art was of no use to postrevolutionary powers in the nineteenth century, modern art is no longer useful to the de facto powers of advanced capitalism, although it is still useful to their academization. The category "kitsch" allows us to connect political kitsch with the modern art academy, an essential step if we are to understand how art can contribute to the notion of public politics today.

Gillo Dorf es writes that "perhaps politics is always kitsch. Which would prove that there can be no agreement between politics and art. But it may be better to say that 'bad politics' is kitsch."[17] By "bad politics" Dorf es probably meant impolitics, which is why he used Nazi aesthetics and the ethics of fascism to illustrate kitsch, as did Moles and Broch.

Modern art—what has come to be recognized as art in modernity—is connected to the political in that it values the singular in relation to the common as ascending legitimacy, from citizens to governments. The aesthetics of discontinuity that are characteristic of modernity are structurally political and subjectually public.

But it is dif cult to define the relationship or disconnection between aesthetic qualification and ethical determination. Even the strongly hegemonic de facto powers in classical antiquity did not produce what we call kitsch, in the sense of bad art. Either that or we have become accustomed to certain forms of art that were once considered kitsch, and neo-classically reinterpreted them as great art. According to Dorf es,

> *For centuries, great religions, philosophical currents, and politics of the past have inspired so-called "good art."… Nowadays, whenever art has to bow down to politics, or generally speaking, some sort of ideology, even a religious one, it immediately becomes kitsch?*[18]

Figs. 18 and 19. Invasive advertising by the company Sisley, covering the Bridge of Sighs in Venice. And conceptual advertising that points to spaces, objects and everyday situations by means of posters that evoke the ones used by museums to identify artworks and their fact sheets, made by Britart.com for the agency Mother in 2000 in London (right).

17. Gillo Dorf es, *Kitsch: The World of Bad Taste* (New York: Universe Books, 1969), p. 113.

18. Ibid.

Fig. 20. Advertising can adopt formulas of denunciation and undertaking, although its function is to increase the profitability of the corporation. Representation of the growth of the hole in the ozone layer in the windows of the Marunouchi building, known as the Empire State of Tokyo. As propaganda of the newspaper Manichi (Hakuhodo agency, 2004).

Or as Clement Greenberg writes:

> *Where today a political regime establishes an official cultural policy, it is for the sake of demagogy. If kitsch is the official tendency of culture in Germany, Italy, and Russia, it is not because their respective governments are controlled by philistines but because kitsch is the culture of the masses in these countries, as it is everywhere else.*[19]

And there is in fact a devaluation of expectations, a degradation of experience, in both political kitsch and aesthetic kitsch. From "man as the measure of all things" (Protagoras), to "the small man as the measure of all things" (Abraham Moles), from "beauty as the promise of happiness" (Stendhal), to "kitsch as the recipe for happiness" (Moles), there has been a lowering of the commitment to experiential richness and complexity, both at the individual and interpersonal or social levels.

Both aesthetically and ethically, Tomas Kulka argues, kitsch does not develop the possibilities of a composition, it does not expand expressive potential, it does not recreate singular traits, it does not interpret, it does not innovate. It works with stereotypes. Kitsch usually represents objects in the simplest and most obvious ways;

19. Clement Greenberg, "Avant-Garde and Kitsch", *Partisan Review* 6 (Fall 1939), pp. 34–49.

Fig. 21 and 22. Aesthetic strategies are shared by political propaganda (throughout its ideological spectre) and commercial or corporate propaganda. The advertising function is a reactionary instrument irrespective of the cause that justifies it. Political campaign advertising poster, Vigo, 2010 (left), and in Libya, 2006 (right). Photograph by Leticia Rdgz. De la Fuente).

it represents what is commonly accepted as beautiful or emotional, what is easily recognizable and interpretable, and it does not significantly enrich our mental associations in relation to it.

We can thus consider that kitsch lowers expectations and reduces aesthetic, political, and public commitments. This debasement reduces experience to purely functional terms, and it also characterizes the ways in which the publicity function establishes the notion of reality.

11. Realisms and Irresponsibilities

Through its aesthetic strategies, publicity induces public opinion to inf uence the ways in which it feels, thinks, and speaks. Reality corresponds to the series of realist systems that we accept as true or effective. Realism is not defined by the relationship between a sign and its semantic correspondence to its supposed referent but by the pragmatic connection between a user and a system of representation. In other words, realism has to do with the natural ease with which an individual uses a form of representation and constructs the effects of truth, and thus with the denial of any crisis of representation, with the suspension of distrust.

Through modern art we have grown accustomed to the idea of art as a system of representation in crisis, as a way of approaching truth that is beyond prejudices and conventions, beyond given or inherited notions of reality. To question means to go beyond appearances, to challenge this crisis of representation, and to step away from the arbitrary, questionable, and thus negotiable nature of the construction of reality. Reality means entering into a space of realism in which kitsch has made itself at home, where everything is taken for granted and nothing is in jeopardy. As the institutional success of the transgressive avant-garde began to create a whole repertoire of crises of representations—suf ciently recognizable so as to be adopted and combined—, of localized and

accepted transgressions, the very possibility of a crisis of representation came to an end. This ending announced a profoundly realist state.

The double-sided nature of liberal modernity can be seen in two seemingly antagonistic figures that have in common a certain ethics of social irresponsibility: the liberal entrepreneur and the romantic genius. In their intersections, these two figures have presided over the history of the West during the past two centuries. Neither of the two wish to be accountable to the law, on the basis of a social privilege dependent on the subsequent contribution of wealth—material or symbolic—that will supposedly eventually be distributed to society. The irresponsibility of the entrepreneur and the transgression of the genius share this basic moratorium. The romantic genius considers any system to be an obstacle to truth, and, as such, believes that no restriction or prejudice should hinder his unilateral, absolute exercise of expression.

This coincidence of functions can explain the fate of art in capitalism and the paradoxes of the public and political situation of art in contemporary societies. It can explain the institutional and corporate success of artistic avant-gardes, the processes of the academization of modern transgression, and the transition to kitsch.

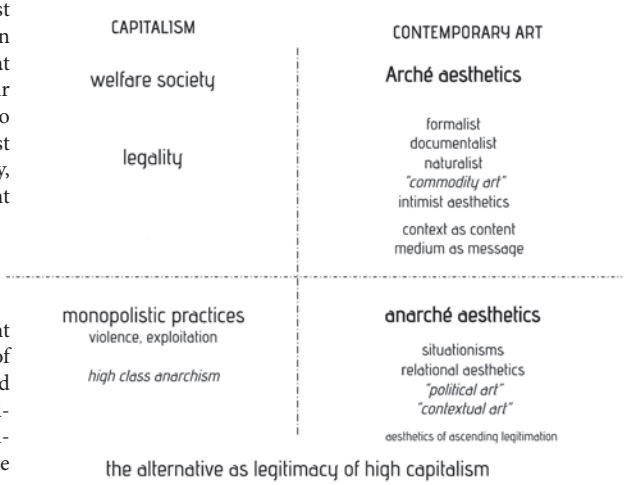
Contemporary aesthetics, both inside and outside of art, are in tune with the immaterial and nomadic f ow of financial capital; they are in tune with the bottom-up legitimacy that de facto powers use to establish themselves in the political sphere, to turn the political into the impolitical. And as with liberalism, there are also two sides to contemporary art. One side is related to aesthetics of order—formalist, documentalist, and naturalist aesthetics of different kinds—that can ref ect on their own media and their own contexts, and that end up turning the context into the content of their works, media into messages, etc. But there is also another side, because these aesthetics of capitalist publicity also encompass the aesthetics of anarchy, the aesthetics of the counter-principle, destituent aesthetics.

III. Alternative Academies

As such, art practices that explicitly present themselves as transgressive come to form part of a fully institutionalized modern tradition. And although they rhetorically argue against this tradition, they do not hesitate to profit from and plunder its symbolic and economic surplus values. The

use of aesthetics of ascending legitimacy has a dubious political and public status in a society in which these aesthetics are now only the outward remains and instruments of legitimation.

A couple of examples illustrate this clearly. A photograph of the barricades in the streets of Paris during May 1968 shows that when a system does not allow certain things to exist they can suddenly explode. But a barricade can end up being reduced to revolutionary rhetoric, as part of an aesthetic of public-political legitimation. And this is when we see a dynamic that clearly fits into the cultural logic of impublic impolitics. And in spite of the dubious ethical status of this rhetorical distortion, the well-established and institutionalized modern legitimacy of "transgressive" art allows this gesture



to be interpreted in a positive light as the denunciation of a corrupt system. This can be seen as an example of political kitsch immersed in processes of academization of modernity.

The question of public policies can promote ref ection on the short-circuiting of the modern tradition, subjected to processes of academization.

Institutionalization turns all attempts at transgression, inquiry, and defiance into approved elements that are open to imitation, development, and financial exploitation. This shows how the free, transgressive, aesthetic movements that have contributed so much cultural and political richness to modern society may now be turning into obstacles, because they lack the commitment to the public sphere that art still needs in its construction and deconstruction of the meaning of reality. The perversion of modernity turns the political and public commitments of modern art into exemptions from commitment.

As such, with hindsight, in each modern gesture we will be able to see the seeds that favored a specific academic modality. The epistemological ruptures and analytical efforts will have broken up the integral nature of artistic experience into its constituent elements.

The emphasis on certain aspects has gone hand in hand with a lack of attention to others. As the singularity of a particular style "specializes" its focus on certain aspects, it necessarily neglects all other aspects. The result has been forms of art that develop some aspects to the limit and neglect the integrating nature that art has acquired in the course of history. The stronger the declaration of the irrefutability of the self-expressive truth of expressionism, the greater the exemption from symbolic commitment—which is linked to communicability and to involvement—and from formal commitments, given that no particular arrangement or mastery of artistic media is necessary. The greater the emphasis on structural values, the smaller the contextual commitments. The greater the emphasis on conceptualization, the greater the exemption from material, morphological, and structural commitments, and even from conceptual commitments, given that all tension with the real disappears. This ultimately favors works of art that are easily predictable, not very ingenious, and conceptually poor. The stronger the declaration of the incontestability of transgressive art, the greater the exemption from heritage commitments. The greater the importance given to creativity, the less the balance of risks. The more incontestable the modern principles of equality and everyday life, the lower the commitment to estrangement, singularity, and excellence. The stronger the declaration of the value of contextual art in contextual and relational aesthetics, the more its agents are exempt from artistic and social commitments, given that commitments come to be seen as an easily identifiable set of signifiers, society comes to be seen as a stage, and citizens come to be seen as actors of their own expectations, so that the focus of interest moves toward the plane of mediation, discourse, and recording. The greater the value placed on potentiality, the lower the exigencies of production, and the lower the commitments to configuration, materiality, organization, and, in short, the exigencies of artistic excellence.

Figs. 23 and 24. When a dissident movement does not find a channel of expression in culturally standardised forms, it explodes in the form of riots, as can be seen in the barricades of Paris in May 68 (left); but transgressive resources may also become a rhetoric applied to functions or uses that are fully assimilated in standardised culture, as the trim barricade in the work "Obstruction of a road with a container, Mexico FD, 1998), by Santiago Sierra (right).

With hindsight we can reinterpret all of the artistic movements in modernity from the perspective of their institutionalization, which entails the denial of a certain type of commitment for art, structural and material commitments that are erased in the academy of conceptual art—or in conceptual art transformed into academy. Heritage commitment, in the sense that the Romantics had, becomes a kind of documentalist indisciplinarity. Social commitment, which does not apply even to the art that is supposedly most committed, linked to the academization of the contextual, becomes content.

In art, this academization of modernity, by which the logic of alterity becomes a logic of *alterne*, is also a return to *techné*—it is the *neotechné* of an applied art, transformed into a device for impolitical, impublic legitimation; an art that supplies, promotes, and exemplifies heritage expenditure without any commitment to heritage; an art that functions perfectly, even in its most anti-heritage forms, as a mechanism for the institution of incivility.

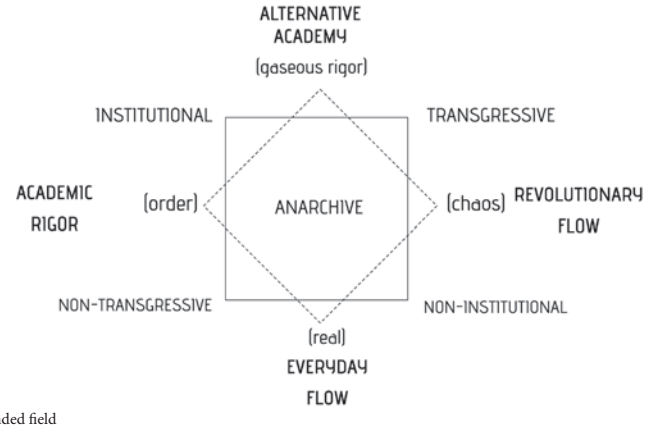


Fig. The academy in the expanded field

3. PUBLIC POLITICS AS IDEA (ART AS A CRITERION OF EXCELLENCE)

> *Art is what we do, culture is what is done to us.*[20]
> (Carl Andre)

Discussion around public policy is essential if we are to find a way out of the perverse ideological short-circuit that is affecting art. Only self-critical reflection will give art the legitimacy it needs to reposition itself in twenty-first-century societies. To this end, art must be seen as a responsibility, not a right. It would be pointless to repeat the forms of modern experience that have already been academized or distorted, without realizing that by doing so we prevent art from fulfilling its potential political and public functions.

If art is to develop in regard to public policy in the twenty-first century, it will have to recognize itself in a threefold responsibility:

I. A commitment to PERSONAL CREATION. *Development of singularity and social interaction*. By affirming subjectivity, the cognitive development of art simultaneously questions, revitalizes, and enriches social significations—a responsibility for **personal creation** that is intersubjective insofar as it is personal. I am not suggesting that art should be a merely subjective matter, but that intersubjective creation and production inherently involves others, and as such it is a true construction of the meaning of reality, and a space of intersubjective negotiation.

II. A commitment to CIVIC EDUCATION. *Aesthetic education for the political practice of opinion.* Citizens in the information society should receive an aesthetic education that prepares them to assimilate and critically engage with the flows of images and symbols that are produced by the media industry and that form a complex and powerful "visual culture." In this sense, aesthetic and visual education can provide the perceptual, conceptual, and affective resources that are essential for personal, critical development.

III. A commitment to HERITAGE CREATION. In a triple sense:

Transmission of cultural and symbolic memory. Works of art are singular condensations that comprise a legacy of human knowledge, ways of feeling and thinking, techniques and aspirations.

Representation of value. The heritage value of art exceeds its exchange value, insofar as it provides a definition of value that is inclusive of the whole range of culturally valued information, for all societies, at all times.

Value creation implies that art fulfills its commitment to the transmission of cultural and symbolic memory, but also to the production of memory, given that memory is created at each moment. And just as the past is not what it was—given that it is transformed at the same time as it is reinterpreted—, transmission is not just transference or just memory, document, or monument. Transmission is also creation, heritage creation. Artists are basically creators of heritage; they produce value within a complex value chain.

Under this threefold commitment, I would like to finish by evoking Gandhi's response on being asked what he thought about Western civilization. To recontextualize his reply, if you ask me what I think about public policy, I would say: "I think it would be a good idea…"

20. Carl Andre, in *Artists Talks, 1969–1977*, ed. Peggy Gale (Nova Scotia: Press of the Nova Scotia College of Art and Design, 2004), p. 23.

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