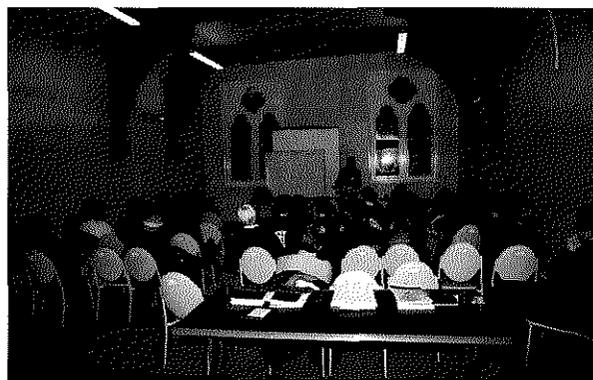


# PRAXIS, ARTLAW, CRIME SHOW; THE ART OF POLITICS AND THE POLITICS OF ART

Recent debates between Marxist, feminist and 'postmodernist' art critics and theorists have centred upon differing conceptions of the relationship between politics, theory and art. Within the context of such debates the art projects organised by the South Island Arts Projects organisation (S.I.A.P.) can be seen as attempts to negotiate a complex of issues relating to the place of art within society. At a time when critics and theorists seem to announce either the end of history, truth and art or the return to history and politics, S.I.A.P. projects such as **Public Practices** and **Praxis** addressed such timely issues as the politics of artistic practice and the possibility of significant social commentary and critique. While considering such issues critics all too frequently cast the debate in terms of diametrically opposed positions. Typically art is either seen as an end in itself that should not be reduced to politics or, alternatively, it is seen as a means to a political end. In light of these sorts of issues and in view of the history of past S.I.A.P. projects, it is interesting to consider both **ArtLaw**, which was the last event organised by S.I.A.P. before it was transformed into **The Physics Room**, and **Crime Show**, the first exhibition held in **The Physics Room**. Like the earlier projects, **ArtLaw** and **Crime Show** addressed issues concerning the relationship of art to authority. Framed in this manner, my discussion of the way in which both events invoke questions concerning



**Artlaw Seminar: South Island Art Projects Christchurch**

authority, politics and artistic practice expands into a consideration of the legal, political and institutional judgement of art in relation to the possibility of critique. Considering **ArtLaw**, **Crime Show** and past S.I.A.P. projects in this manner not only allows a problematization of radical or critical art in relation to the framing strategies of the law and the art institution, but also suggests problems with more general modernist framing strategies employed by Marxist and neoMarxist art critics and theorists. In relation to such framing strategies the very idea of 'radical' art seems paradoxical in so far as it implies both the following and the breaking of rules. In fact, this apparently paradoxical relationship between 'radicalism' and 'art' corresponds to a similar paradox between radicalness and the law and politics in general.

On the 6th of July, the two-day **ArtLaw** seminar began and the **Crime Show** exhibition opened in **The Physics Room**. Speakers at **ArtLaw** included Kathryn Paterson (NZ Chief Censor), Joan Ropiha from Te Puni Kokiri and Julie Robb from the Arts Law Centre of Australia, while the **Crime Show** exhibition included the works of artists such as L. Budd and Andrew Drummond. Both events framed art in terms of legality: the discussions at **ArtLaw** considered "legal issues for visual artists"<sup>1</sup>, while **Crime Show** exhibited artworks that 'transgressed' the law in some way. Bringing 'art' and 'the law' together in

this way, these two events demonstrated how these apparently separate and distinct disciplines or activities interconnect. In different but complementary ways, both events described the relationship between artistic practice and the law as artistic practice in terms of the law. Articulating the relationship in this way, **ArtLaw** and **Crime Show** emphasised the authority vested in judgement. This, of course, suggests a way in which the art-law relationship can be cast in terms of power; the law classifies and controls art practice. In as far as the

judgement of 'the law' resembles the judgement of the art institution, the role or position of critical art practice seems clear (at least with regards to these institutions): the law judges and controls, while critical art practice challenges or questions this authority. This characterisation of critical art practice as opposed to the law may even describe the differing perspectives on authority found between **ArtLaw** and **Crime Show**. Many of the speakers at **ArtLaw**, for example, characterised art and art practice in a manner that emphasised the very economic and legal aspects of art that a number of the works in **Crime Show** engaged with. Despite the many common themes between the two events and the fact that many of the discussions at **ArtLaw** explored controversial aspects of the law, in my opinion, **ArtLaw** was most notable for the lack of critical discussion concerning the authority of the law. For even though it was a practical seminar that aimed at providing answers rather than posing questions, I had expected discussions concerning censorship, copyright and the protection of intellectual and cultural property to dwell, at least briefly, upon the question of the authority of the law.

In contrast to **ArtLaw**, the works in **Crime Show** addressed the question of authority directly and without faithfulness to the law. Furthermore, **Crime Show** could not be reduced or restricted to the

1. From the **ArtLaw** information pamphlet.

vocabulary of **ArtLaw**. The artworks were not so much examples of the 'unlawful' art discussed in **ArtLaw** as much as they were evidence of a far more critical and destabilising kind. To be fair on the works in **Crime Show** and not judge them in advance, one had to suspend judgement and allow prior judgements to be judged.

Thus, **Crime Show** allowed authority to be questioned insofar as it encouraged a consideration of the law's classifications. However, the claim that the law was wrong, unjustified or unfair in its judgements presupposes another law, principle, or rule of judgement; a superior law or a 'law of laws'. This again raises the question of the foundation or basis of authority. According to Jacques Derrida, "the origin of authority, the foundation or ground, the position of the law can't by definition rest on anything but themselves, they are themselves a violence without ground."<sup>2</sup> In other words, a judgement is only ever justified in terms of a law or rule that must already be accepted. One can only judge the works in **Crime Show**, therefore, if one accepts the authority of a law or principle of judgement. But by keeping the question of authority open one may deny the finality and determinacy that 'the law' always requires; one can allow that a judgement may always be judged again. The relevance and significance of **Crime Show** and **ArtLaw** is thus greatly extended by their timeliness insofar as their concerns connected, directly or indirectly, with recent discussions about the relationship between art, art institutions and funding bodies<sup>3</sup>, what is considered 'appropriate art'<sup>4</sup> and what art is 'unlawful'<sup>5</sup>. The works in **Crime Show** drew attention to the institutions that measure and classify art and that in a different context may have, or have already, judged the works in the show to be 'inappropriate', 'unlawful' or not even art. Indeed, in this context the question "what is art?" is not only a metaphysical question,

but is also a moral, political and legal question relating to authority. Widening the discussion in this way highlights the fact that art, as a discourse, has its own politics and is political, and as **ArtLaw** and **Crime Show** suggest, it is a discourse that is contested and challenged. In fact, in a time when art is often considered to be of little significance or power, the works in **Crime Show** could be seen to demonstrate art's ability to be assertive and challenging.

Framed in the language of the law, both **ArtLaw** and **Crime Show** testified to an ever increasing tendency to characterise art as a social, political and economic practice. Depending on your view of art, this description of the economic and political aspects of art could suggest that art is either located within these systems or, more radically, that art is itself necessarily economic and political. The former suggestion, in its most positive form, suggests that art can be indifferent, supportive or challenging to any particular economic or political system because art, ideally, enjoys relative autonomy; artists choose to make art political. In contrast, the latter description, in its most negative form, suggests that art has been appropriated by bourgeois ideology and, at worst, only takes institutionally approved forms. According to the former position, even if 'art' (categorically speaking) is itself institutionally sanctioned, artists may still challenge institutional definitions and therefore the institution itself. This might also suggest, by extension, that art may challenge other institutions that govern society.

However, for such a challenge to be possible one must assume that art is able to be produced in a manner or space that is not already ideologically determined; art may already be complicit with bourgeois interests. Following this line of argument, it is not merely the content or subject matter of art that is political, but also the form or practice of

art itself. Thus, in the case of **Crime Show** the question of art's ability to challenge authority relates not only to the content of the show, but also the 'manner' or 'space' in which the works were delivered, performed or exhibited. Considering the works in this context involves situating them historically and politically in relation to wider social and cultural practices; the gallery itself becomes part of the politics.

The question of the separateness, or alternatively the blurring of the boundaries of 'art' and the 'political' comes into question, not only in cases where art is considered within the jurisdiction of politics, but also within the wider picture of ideology, if, as many have suggested, artistic practice is itself ideological. As I have already suggested, with the case of **Crime Show** the question is not so much about how politics intervenes or includes the gallery space within its scope or even about some representation or depiction of politics within the works themselves. Rather, figuring art within ideology in this way suggests that art is itself an ideological act; art cannot be non-ideological. In order to answer the question of whether or not artworks like those in **Crime Show** are able to challenge authority in any radical way one must first consider the ways in which art is already authorised. In other words one must ask "what is it that makes art 'art'?" To answer that 'art' is merely what the institution says it is poses obvious problems as far as critical art practice is concerned. According to this position, any autonomy that art may enjoy is dependent upon the separation of art from other activities or practices. According to the institutional theory of art, this separation has already been made. This may seem obvious; the social space that art creates or is created in is secured by certain socially, culturally or historically sanctioned practices. However, theorists such as Jacques Derrida have complicated this description

2. Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority'" from *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell, Michel Rosenfeld, David Gray Carlson. Routledge: New York 1992. p.14

3. See Jane Gregg's article "Creating New Zealand" Output No.18 Autumn 1996, Ted Nannes's article "Public Art, Community Art and Creative New Zealand Funding" South Island Arts Projects Magazine No. 17 November 1995.

4. See, for example, the article "Arts policy angers Mayor" The Press 13th August 1996.

5. See any of the numerous articles about the Robert Mapplethorpe exhibition in Wellington this year.

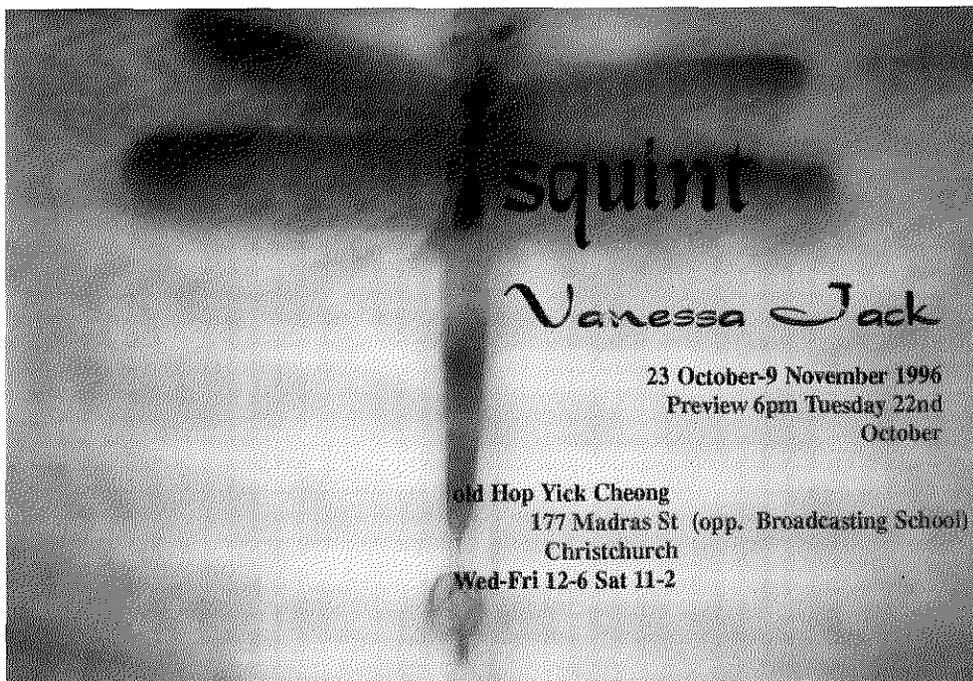
of art's relationship to the institution by suggesting that, not only is 'art' dependent upon the creation of such a social or cultural space, but also that such a space can neither be considered exterior nor interior to the work<sup>6</sup>. It is the context or the conventions and techniques that enframe the artwork and make the art work. However, because these conventions or techniques are what define the line that separates the inside (art) from the outside (world), inside and outside become thoroughly confused. So the production of art already implies the following of procedure, but the relationship of these rules to art cannot be unproblematically described as one strictly between art (inside) and the institution (outside), as Derrida illustrates: "(i)n order to think art in general one thus accredits a series of oppositions (meaning/form, inside/outside, content/container, signified/signifier, represented/representer, etc) which precisely structure the traditional interpretation of works of art."<sup>7</sup> These structures that frame the work and make it art are both necessary to art but cannot be contained within its frame. Art itself can never be art by itself, and yet, to suggest that art is determined by an external force is to risk making art indistinguishable from theory (ie. the rules).

If we follow this argument to its logical extreme we will find that, just as 'the law' has categorised artworks like those found in **Crime Show**, so too art, categorically speaking, meets its own classifications; it has already been named, it follows the rules. Of course this is just to acknowledge that 'art' is what the art institutions say it is. But this also suggests two interesting things. Firstly, this suggests that for art to be truly radical with respect to the institution it must endanger its status as art. This is not such a controversial point, often art that is politically motivated raises questions about what art is. But secondly, this suggests that any radical potential

6. Jacques Derrida, *The Truth in Painting* translated by Geoff Bennington and Ian McLeod, University of Chicago Press: Chicago and London 1987.

7. Derrida, *The Truth in Painting* p.22





that institutionally sanctioned art may have had is reconciled or undermined; it is framed within the institution. Framed in this way art becomes merely art: fabricated, composed, fictional and subjective. Artist references to the world 'outside' the frame are thus severely circumscribed; framed as 'artistic' references they are merely representations, allegory or depiction.

An obvious example of this can be found with the institutionalisation of the avant garde, where the *avant garde's* radical impulse and its attempts to debunk the transcendental pretensions of the art object have become standards by which modern artworks are judged. But perhaps the most threatening suggestion to the possibility of radicalness is not the institutionalisation of that type of art, but rather the suggestion that the whole idea of the radicalness of art is itself paradoxical. The idea of radical art that moves on or transgresses the art institution or ideology in general can be connected with certain modernist conceptions of historical

progress and utopian fantasies concerning the movement of art and society towards some ideal state. 'Radical art' anticipates the future, it anticipates change. This reveals the paradox: the very idea of radicalism seems to deny the possibility of art; if it is art it is accepted and therefore not radical. The terms radical and art can never refer to the same object at the same time; one anticipates the other. There can be no critical theory of art that does not, in some way, question the determination of the borders that define art. But to move beyond or reject these borders is to make art impossible; art cannot 'unframe' itself.

The question of the way in which art is 'framed' is especially relevant to public art. For example, the works in the **Praxis** public art project, placed within the ambiguous space designated 'public', addressed the very question of the place of art within society. The show brought into question the very notion of the 'public' as both the audience which the show addressed and the 'space' in which the show took

place. A number of works in the show, for example, explored the fictionality of the 'public'. This, at the very least, opens the idea of public to contestation and critique. However, the extent to which works in **Praxis** were able to do this was complicated by the way that they, as artworks, already assumed a certain type of public.

Ideally '**Praxis**' allowed the viewers to consider their relationship to the 'works' as it complicated the space of both 'art' and the 'public'. Like '**Crime Show**', '**Praxis**' contextualized art in a manner that allowed viewers to judge judgement, to consider the basis of the authority upon which such judgements are made and to consider the terms by which funding bodies, city councils and art institutions evaluate and name art. Viewed in this way, the terms 'art', 'the law', 'the public', 'community', 'country' and 'culture' are thoroughly problematized. The unity of such terms is based solely upon the repression of difference and discontinuity; once one considers the basis or 'reality' of such terms (which public?, whose law? whose art? which and whose culture?) the designation of such terms becomes less empirical and increasingly political. Viewed in this context, the works in **Crime Show** or **Praxis** are limited by the context in which they are presented. Even the works in **Praxis** that appeared 'unclothed' or de-contextualized within the urban environment found that the recognisably artistic components of the work compromised their ability to be received critically. Once the works are recognised as art, the frame reduces any politics the works may have had to subject matter or art politics. But some of the works in **Praxis** did not merely accept the frame. Indeed, in many ways the **Praxis** project problematized the frame; it 'framed' its frame. Rather than assume or defend traditional conceptions of 'the public' or 'art', many of the works in **Praxis** sought to 'open' up such categories and terms to question and critique. This will be of no surprise to those who claim that politics is not something that can be considered external to art. The fact that the project was named

opposite page: Janene Knox in collaboration with The NZ Prostitutes Collective '**Hoardings**'

**Praxis** seems to suggest that the artwork produced within this project would at least problematize the relationship between theory and practice. From a Marxist perspective, this suggests a way in which art might be radical. Marxists and neoMarxists such as Walter Benjamin, Theodor Adorno, Frederic Jameson and Terry Eagleton, for example, have suggested that art is framed by politics<sup>8</sup>. This suggestion, against romantic conceptions of art as autonomous or transcendent, politicises aesthetics by 'revealing' the complicit relationship between modern art and bourgeois ideology. By historicising aesthetics, Marxists are able to debunk theories that suggest that art is some timeless enduring entity that stands outside of history and claim instead that art is itself historical and political; art is framed historically. Following this line of argument, critical artists would resist the appropriative attempts of bourgeois culture and they would align their practice with the interests of the proletariat. Conceived in this way, critical art is a means to a political end.<sup>9</sup>

More recently, however, this way of conceptualising art's place within society has itself been problematized by a number of theoretical positions subsumed, sometimes inappropriately, under the name of 'postmodernism'. While Marxists have demanded that art be understood in relation to the historical and social conditions of its own possibility, postmodernists have argued that such conceptualisations of art are themselves dependent upon the assumed stability and unity of notions of art, politics and history. Despite the fact that Marxists recognise how judgements of art are themselves political and despite the constant demand that one must "(a)lways historicize"<sup>10</sup> Marxism is unable to fulfil its own demands; it cannot fully

account for its own historical and political conditions, it cannot explain its own relation to authority. In fact, it isn't clear that Marxism is distinguishable from the institutions it seeks to politicise. It seems, therefore, that the apparent clarity of Marxist descriptions of the relationship between art and politics is dependent upon the way it is framed in terms of certain assumptions about objectivity or the truth of history. Just how this 'truth' of history can be situated in relation to ideology is something that the Marxist is unable to specify. Ironically Marxism itself can be historicised, framed in terms of certain modernist conceptions of history and truth. Furthermore, by considering art to be a means to a political end, Marxism reduces art to politics, but in rejecting the set of rules that govern bourgeois art practice, Marxism is unable to show that any alternate rules it may offer may be better. In fact, it becomes clear that any means might be justified in terms of the political ends. In fact, the historical closure that Marxism requires to make a determination can, in a sense, prevent the possibility of critique. If history is final then history cannot be judged.

Of course these problems are not just specific to Marxism, the inability to specify the nature of relationship between ideology and critique is itself a dilemma characteristic of the 'postmodern'. This dilemma also relates to the paradox of critical art described by Jean-François Lyotard in his essay "Answering the Question: What is Postmodernism?"<sup>11</sup>. According to Lyotard postmodern critical art must be "understood according to the paradox of the future (post) anterior (modo)."<sup>12</sup> According to this paradox art cannot be both radical and art at the same time. As I have already suggested, if art is radical it is not

'art', and even if this is judged art at a later date the radicalness and the status 'art' belong to distinct moments- they cannot coexist together. Thus according to Lyotard, the goal of critical art is to magnify this paradox of the way art is framed and to resist being reduced to knowledge- ie. an institutional definition. Postmodernism is, therefore, not a historical category, the period coming after the modern or some radical break from it, but rather the critical moment of modernism; to be 'postmodern' is to be both linked to the past but never completely "of the past". This suggests that critical art cannot be already known and not knowing what art is means not knowing the rules, as David Carroll suggests in his book *Paraesthetics*, "experimental art, is never satisfied with knowledge that it cannot help but project; it is obliged to look constantly for alternative approaches to art, for different ways of categorising art, and new rules for playing a constantly changing game."<sup>13</sup> Rather than being simply for or against the 'frame' like the Marxist or the aesthetician, this position suggests that the frame can only be resisted if it is first accepted. Similarly, for Derrida, a theory of art can be considered critical only if it "works the frame, makes it work, lets it work, makes work for the frame."<sup>14</sup> To work the frame is to thus make work for theory and art, to attempt to force openings in each and to transform each other- without, however, determining either by the other. 'Working the frame' is thus Derrida's strategy for breaking with the sterile alternative that both aestheticians and historical- philosophical systems have forced on the question of art. In a similar way, David Carroll suggests that "(i)f a critical strategy is to maintain the indeterminacy of art, it cannot itself be determined by exterior forces and theories; it must

8. For an overview of these positions see Terry Eagleton's *The Ideology of the Aesthetic* Basil Blackwell: Oxford 1990.

9. See, for example, Walter Benjamin's essay "The Author as Producer" in *Art After Modernism: Rethinking Representation* edited by Brian Wallis. *The Museum of Contemporary Art: New York* 1984 or *Aesthetics and Politics: Debates between Bloch, Lukács, Brecht, Benjamin, Adorno* edited by Ronald Taylor, Verso: London 1980.

10. Frederic Jameson, *The Political Unconscious: Narrative as Socially Symbolic Act* London: Methuen 1981 p.9

11. Jean-François Lyotard, "Answering the Question: What is Postmodernism?" translated by Régis Durand included as an appendix to *The Postmodern Condition* trans. Geoff Bennington and Brian Massumi. Minneapolis: University of Minnesota Press 1984

12. Jean-François Lyotard, "Answering the Question: What is Postmodernism?" p.88

13. David Carroll, *Paraesthetics: Foucault, Lyotard, Derrida* Methuen: New York 1987 p.156

14. Derrida p.16

15. David Carroll, *Paraesthetics* p.157

attempt to ensure its own indeterminacy- at least to a point."<sup>15</sup>

To be a critical artist one must neither reject the 'frame' imposed upon it by art institutions or naively assume it. In fact, for artists to challenge authority they must consider the way in which art is determined by authority. But, of course, if one accepts the institutional theory of art, it is difficult, if not impossible, to make a distinction between art and the rules of art without already presupposing a certain relationship between art and the institution. This has significant implications: art cannot be critical unless it can be distinguished from the rules determined by the institution. But for it to be critical it must also break the rules, and thus, not be art. This may cause no alarm to Marxist theorists and critics who are quite happy to conflate art with politics and economy. But for postmodernists, this suggests a paradox with the ways in which we tend to think about radical art. Rather than accept this, however, postmodernists such as Lyotard claim that the task of the critical artist is to expose and aggravate this paradox, to try and open the determining forces that frame art to question and thus, ideally, attempt to maintain a certain indeterminacy of art.

Although many of the works in **Crime Show** or **Praxis** may not have even considered these issues, it is certainly useful to consider the way they have been conceptualised by critics in relation to the place of art within society and the idea of 'radical art'. The failure or success of the works, for example, was often measured in terms of their inability to function either artistically or politically because the politics compromised the art or the art compromised the politics. It is interesting, therefore, to consider the way in which the art was already political and the politics already 'art politics'. Furthermore, this suggests ways in which some works, particularly those in **Praxis**, subverted the contexts they were placed in by not being properly 'artistic' or simply 'political'.

# The Arts Law Centre of Australia

based on a lecture given at the ArtLaw Seminar in July this year.

The Arts Law Centre of Australia is the national community legal centre for the arts in Australia. It has a very wide brief: to give legal and accounting advice and referral services to individuals and organisations in all sectors of the arts on all issues which affect their professional lives, nationwide.

The Arts Law Centre was the brainchild of Shane Simpson, an Auckland boy whose name may be familiar to some of you as the author of "The Visual Artist and the Law", still the best legal resource for practitioners, unfortunately now out of print - but on the shelves of the most discerning tertiary institution and public libraries.

Genius though he unquestionably is, Simpson did not invent the idea of a non-profit community legal centre for the arts community. He had seen a version of it in London, in the form of Arts Law

Services, which was established in 1978 with the support of the Arts Council of Great Britain. But, à la Thatcher, Arts Law Services had its funding cut after three years. Two years later, it collapsed.

There is a cautionary lesson to be learned here: it is a fatal mistake to contemplate that a community legal centre can ever be self funding. Every couple of years, the Australia Council commissions David Throsby, Professor of Economics at Macquarie University in Sydney, to conduct a survey of artists' income across Australia. The most recent study, "But What Do You Do For A Living?", published in December 1994, revealed that the average income of artists earned across all sectors from arts work in 1992-93 was \$18,000; that 50% of artists earned less than \$10,000 from all of their arts-related work; and that there was a universal downward trend in artists' real incomes across all art forms since the period of the previous survey.

The first President of the Arts Law Centre of Australia was Justice Michael Kirby, then a judge of the NSW Court of Appeal and a prominent human rights advocate - now a High Court Judge and member of the International Court of Justice - one of those rare beings who can hold judicial office of the highest status in the land and maintain an outspoken (some mealy mouthed conservatives would even say "radical") role as an advocate on controversial issues.

In his address at the tenth anniversary of the Centre, Justice Kirby was so bold and fond to refer to Shane as "a flamboyant descendent of Barnham and Bailey" and noted his achievements as the first Director: "Not only was he a good promoter of the Centre's free national legal service to the arts community of Australia; he wrote very well regarded texts on legal principles as they affect artists; he expanded the legal help of the Centre to taxation and accounting assistance; and he also