INSTITUTIONAL CRITIQUE

A Philosophical Investigation of Its Conditions and Possibilities

by

Vlad Victor Morariu

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Illustrations included in the Appendix

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Vlad Morariu

ABSTRACT

'Institutional critique' is a term that refers to a range of diverse artistic practices and discourses that emerged at the end of the 1960s and that continue in the present. In spite of their differences, they all share a concern with the institutional conditioning of artists and artworks. Various historicizations of institutional critique (Alberro and Stimson, 2009; Raunig and Ray, 2009; Welchman, 2006) concur that one could distinguish two 'phases': artists of the 1960s and 1970s allegedly investigated the possibilities of an escape towards an 'outside' of the art institution, whereas those of the 1990s analysed the ways in which the artistic subject reproduced the structures of the art institution.

Since the beginning of the 2000s various artists and authors have revisited the histories and legacies of institutional critique. This growing interest was triggered by the perceived intensification of a process that began at the end of the 1960s; it refers to the recuperation and neutralization of artistic types of critique by what Boltanski and Chiapello (2005) have called the 'new spirit' of capitalism. In this context, the Austrian philosopher Gerald Raunig and the members of the European Institute for Progressive Cultural Policies have proposed the hypothesis that 'a new phase' of institutional critique was to emerge. However, this proposition was based less on empirical evidence, than on a 'political and theoretical necessity to be found in the logic of institutional critique' (Raunig, 2009, 3).

This thesis is a response to this set of circumstances. By asking 'what are the conditions and possibilities of institutional critique?' it investigates the categories of institutional critique's logic. My main argument is that a 'phase change' of institutional critique could and should be understood through the apparatus of Derridean deconstruction. This

implies a criticism of the idea that one needs to escape the art institution in order to respond to urgencies stemming from the social, economic, and political realms (Truth Is Concrete Platform, 2012). At the same time, I will also refute the idea that institutional critique is trapped in the art institution (Fraser, 2009a). Institutional critique works on the remainder and 'rest' that necessarily escapes the instituting will and intention of defining and describing in an exhaustive manner the 'whatness' of what (art) is (Boltanski, 2011). I show that between critique and the art institution there is an irreducible relation of symbiosis and cohabitation, and that the deconstructive logic of institutional critique allows it to be both partner and adversary, at the same time, of the art institution.

KEYWORDS

art institution; artwork; co-optation/recuperation of artistic critique; deconstruction (of the art institution); inside/outside (of the art institution); institutional critique; institutional frames/*parergon*; instituting speech acts/declarations; justice/law; partner and adversary of the art institution; the 'whatness' of what art is

INTRODUCTION

This thesis is a response to the recent range of discourses and positions concerning the possibility of a 'phase change' in institutional critique. By institutional critique I understand an artistic concern with the institutional conditioning of artists and artworks, that emerged at the end of the 1960s and that continues in the present. The historical canon of institutional critique has established 'two waves': a first generation of artists of the 1960s and the 1970s (Hans Haacke, Robert Smithson, Daniel Buren, Marcel Broodthaers) supposedly articulated tactics and strategies for migrating to an outside of the art institution, whereas artists of the 1990s (Andrea Fraser, Fred Wilson, Renée Green) have focused on the manner in which the subjectivity of the artist embodied and reproduced the structures of the art institution. In the mid-2000s the Austrian philosopher Gerald Raunig, one of the initiators of the European Institute for Progressive Cultural Policies and of the web journals *transform* and *republicart*, proposed the hypothesis that 'a new phase' of institutional critique was to emerge; nevertheless, this proposition was based less on empirical evidence, than on a 'political and theoretical necessity to be found in the logic of institutional critique' (Raunig, 2009, 3).

      The following chapters will investigate precisely the dimensions of this 'logic' of institutional critique. The question that guides this research is: 'what are the conditions and possibilities of institutional critique?' I will argue that the logic of institutional critique, from which its conditions and possibilities unfold, could be understood by employing the apparatus of deconstruction. In contradistinction to a binary and oppositional logic of critique of the type *either/or* (e.g. institutional critique is set up either inside the art institution or outside of the art institution)*,* I will show that the logic of institutional critique is of the type *neither/nor* or *both/and* (e.g.

institutional critique is mounted neither inside of the art institution nor outside of it, or both inside of the art institution and outside of it).

Institutional Critique and the Capitalist Recuperation of Artistic Critique

In this thesis I argue that the recent interest in institutional critique is justified by the intensification of a process that began at the end of the 1960s, amounting to the recuperation and neutralization of artistic types of critique by what Boltanski and Chiapello (2005) have called the 'new spirit' of capitalism. Boris Buden contends that one still talks about institutional critique in the field of art because it is believed that art has the ability to 'criticize the world and life beyond its own realm and even, by doing that, to change both' (Buden, 2009, 33). In other words, the articulation of a 'new phase' of institutional critique should preclude the idea that the capitalist recuperation of art is total and exhaustive. The question is, however, how to accomplish this precisely when, in the present age of apparent economic scarcity, art institutions are pressed to engage in partnerships with corporate and private capital?

In order to approach the complexities of this situation allow me to bring into the discussion the following example. In 2003 *Mute* magazine invited activist and theorist Brian Holmes to write a statement explaining his participation in the *Geography and the Politics of Mobility* exhibition, curated by artist Ursula Biemann at the art space of the Generali Foundation in Vienna (Holmes, 2008a). Generali Foundation is one of the four major corporate art collections in Vienna, alongside *Kontakt* – the Collection of Erste Bank, *EVN* and *Verbund* collections (Seidl and Morariu, 2013, 105). As the editors of *Mute* wrote, Generali had made itself a reputation for supporting critical exhibitions, artists such as Marcel Broodthaers, Maria Eichhorn, Valie Export, Andrea Fraser, Hans Haacke,

and Martha Rosler being part of their collection. The exhibition aimed at investigating 'the transformative quality of locations at a time when subjects are no longer bound to one particular place' (Biemann, 2003); it consequently analysed issues related to new formations of power (state and corporate), globalized labour relations, gender, ethnicity, and migration.

The reason that the editors of *Mute* gave for inviting Holmes pertained to the fact that the exhibition made its object of critique 'the capitalist system and the types of political relations it brings into being'. This seemed surprising 'for a cultural institution whose sole patron is one of the largest insurance companies in the world' (Holmes, 2008a, 95–96). For the editors of *Mute,* what needed to be addressed was the issue of co-optation, and Holmes was invited 'to discuss his rationale for taking part, and to elaborate on his statement that a policy of straight-talking is the only genuinely disruptive move' (Holmes, 2008a, 96).

In his response, the theorist acknowledged this almost contradictory situation: a person who theorizes anti-capitalism, he is invited and paid by a life-insurance company. 'At whatever distance you place the operations of a foundation from the financial holding behind it, the connection through the proper name is complete' (Holmes, 2008a, 97). In other words, the Generali foundation cannot be divorced from the Insurance Company Generali, the institutional entity that provides its funds. This implies that the Generali foundation functions in the symbolic – ethical, and ideological – frames that the Generali Insurance Company provides. Generali is, of course, enmeshed in the logic of deterritorialized corporate capitalism. Since it is a life insurance company, the object of its business is rather death (Holmes, 2008a, 96): it makes a series of bets regarding the death dates of those who 'invest' with it. It is, finally, a major player in 'financial speculation, whose results are a deadly imbalance of over – and underdevelopment, acceleration and decay, glut and starvation.' (Holmes,

2008a, 96). As part of the global corporate culture, it has an immense force and capacity to organize meaning and representation. It could be said, therefore, that whatever the proper name Generali refers to, it gains reputation, prestige, and social and cultural distinction by constructing a reputed art collection that includes instances of critical and political art.

These institutional entities are 'unbearable', writes Holmes: Generali, for example, 'has picked institutional critique as their brand of hypocritical theory' (Holmes, 2008a, 97). And indeed, Holmes recommends a policy of truth, revisiting to a certain extent what Michel Foucault theorised some thirty years ago as *parrhesia:* 'a verbal activity in which a speaker expresses his personal relationship to truth, and risks his life because he recognizes truth-telling as a duty to improve or help other people (as well as himself)' (Foucault, 2001a, 19–20). For Holmes, then, a policy of straight-talking implies the process of making visible the connections between the proper name and the nature of the bearer. Part of his response to the concrete case of the *Geography and the Politics of Mobility* exhibition was a text titled *Liar's Poker*, that proposed a game of poker between artists and public, and whose stake is the telling of truth. There Holmes states that

> when people talk about politics in an artistic frame, they're lying. Indeed, the lies they tell are often painfully obvious, and worse is the moment when you realize that some will go forever unchallenged and take on, not the semblance of truth, but the reliability of convention (Holmes, 2008b, 81).

In other words, in the frames of the (corporate) contemporary art institution, lying appears as unavoidable. Or, otherwise said, the frames of the art institution prevent critical-political statements of art having any meaning for a project of criticizing 'the world and life beyond its own realm

and even, by doing that, to change both' (Buden, 2009, 33). Yet Holmes also makes an interesting point: only when lying goes unchallenged does hypocrisy take the form of a 'semblance of truth'. A policy of truth telling, then, implies that one should question the very conditions and possibilities, and therefore, the institutional frames, that makes lying in the art institution unavoidable.

The Contradictory Position of the Institutional Critic

The example I provided above describes a contradictory situation in which the politicised statements of art seem to be voided by the nature of the frames of the art institution. In this thesis I will argue that this state of contradiction structures the contemporary fields of art and culture. It describes situations in which the neoliberal 'spirit' of capitalism increases its reserves by extracting value from material and symbolic gestures of its critics; situations in which the possibility of reclaiming ideals of democratic participation in culture, justice and fairness presupposes armistices and compromises with those very entities and powers that one aims to criticize. Inner-conflicts, hypocrisy, *délire de toucher*, and co-optation appear to structure the very reality of our contemporary culture. But this is, in a way, old news. As Alexander Alberro writes, the artistic practices that in the late 1960s and 1970s were described as institutional critique 'juxtaposed in a number of ways the immanent normative (ideal) self-understanding of the art institution with the (material) actuality of the social relations that currently formed it' (Alberro, 2009, 3). However, whereas institutional critique practices of the 1960s and the 1970s emphasized 'the need for a resolution of the tension or contradiction (Alberro, 2009, 3), this thesis claims that such a resolution of tension or contradiction is impossible in the age of the corporate art institution.

Brian Holmes contended that 'it's just too late in the day to hang around gnawing the bones of institutional critique' (Holmes, 2008a, 98), implying that the artistic concern known as institutional critique failed in its attempts to change the structures of the art institution. This thesis attempts to counter pessimistic positions such as that of Holmes. It reconstructs the contradictory position of the artist/critic in the institution of art as a situation that Jacques Derrida would call a 'pharmakon' (Derrida, 2004, 67-186), implying that art frames are both negative and positive, both cure and poison. I am interested in situations in which for each institutional backdrop there corresponds an institutional opportunity. To employ the example used above, I investigate the conditions and possibilities of exhibitions such as *Geography and the Politics of Mobility*. They are precisely those situations that test the limits of the claims of institutional critique. In this context, I believe that the charge of co-optation is too easily addressed since, in the name of an alleged purity of a place for institutional critique untouched by global capitalism, it prevents us from looking at what really happens within the art institution. It diagnoses, dismisses and dispenses the institutional situation too quickly. Far from inviting only destructive effects, I will show that this state of contradiction has its own opportunities which critical art needs to acknowledge and make use of.

In other words, I argue that the state of contradiction in which institutional critique finds itself is unsolvable in a dialectical synthesis; it rather takes place within a logic of the type *neither/nor* or *both/and.* From this perspective, I will claim that art reaches its political potential once it is articulated, at the same time, as an institutional critique; and that institutional critique is neither inside of the art institution, nor outside of it, or both inside and outside of the art institution, constructing on the remainder which necessarily escapes the institutional exhaustive determination of – to borrow Luc Boltanski's term (2011) - the 'whatness' of

what art is and does. This implies that I will advocate a concept of institutional critique in which difference is reinscribed. Each and every time when institutional critique occurs, it will be both singular and different: there is no theory, no recipe and no organon that institutional critique should follow.

Research Question and Structure of the Thesis

This thesis asks: what are the conditions and possibilities of institutional critique? The answer that I will provide aims to unfold the categories of a logic of institutional critique capable of challenging situations of institutional contradiction that, in my understanding, are effects of the processes of recuperation and neutralization of the 'new spirit' of capitalism (Boltanski and Chiapello, 2005). Essentially, my argument is that the apparatus of deconstruction provides us with the tools with which one can articulate such a logic.

In the first chapter I observe the recent resurgence of interest regarding the manner in which practitioners of the art field have received, acknowledged and transformed the legacies of institutional critique. I propose that this interest should be understood as a reaction to the intensification of processes of recuperation and instrumentalization of artistic critique by what Boltanski and Chiapello describe as the 'new spirit' of capitalism (Boltanski and Chiapello, 2005). This recent interest refers to a range of attempts that try to overcome the dilemma of artistic critique, of choosing between either restoring old critical paradigms or adopting self-defeatist positions. They have been inspired by arguments drawn from poststructuralist and postoperaist philosophies, though they pay little attention to the possibilities offered by deconstruction. Against this background, I will show that one can identify already, even in what has been coined as the two waves of institutional critique, elements that

amount to a deconstructive logic.

Chapters two and three proceed to a conceptual analysis of the logic of instituting and the logic of critique. In chapter two I propose, following Searle (2010; 1995), Derrida (2002; 1988a; 1988b), and Boltanski (2011), that institutions are primarily semantic and deontic entities and that they are founded on an irreducible violence, the violence of an intention and will of defining and describing the 'whatness' of what is as if that is all that there is. I show, at the same time, that this exhaustive determination of the meaning of what is instituted is impossible, and that critique constructs precisely on the remainder and rest that necessarily escapes institutional laws and rules. Chapter three argues that we need to move away from the binary logic of the modern concept of critique of the type *either/or* and adopt a logic of the type *neither/nor* or *both/and* that would be able to grasp singularity and difference. Despite the singularity and multiplicity of its iterations, there is an identity of critique that I recognise in what Foucault calls 'the critical attitude' (Foucault, 1997), an attitude of being both partner and adversary of the powers that be. As a consequence of the analyses from the second and the third chapters, I propose that between institutions (and I include here the art institution) and critique there is an irreducible relation of cohabitation and symbiosis.

Chapter four investigates the topology of an institutional critique that operates with a logic of the type *neither/nor* or *both/and.* I argue that institutional critique *is and ought to be* neither inside nor outside, or both inside and outside, at the same time, of the art institution. I show that this positioning allows institutional critique to articulate a critical attitude, of being both partner and adversary, at the same time, of the institutional powers that be.

In chapter five I explain why it is necessary that institutional critique remains inside the art institution, but also, in a sense, outside of it. This necessity stems from the *parergonal* nature of the frame: on the one hand,

frames appear to have the negative function of cutting off the meaning of what is contained within them. But at the same time, they do have the positive utility of augmenting, enhancing and contributing to the performative effect of whatever appears within them. I claim that the topology of institutional critique allows it to employ the *parergonal* nature of the frame: institutional critique will operate before and beyond frames, but precisely on the frame and with the frame *framing*, as it were, *the frames that frame it.*

Finally, in chapter six, I explain that the logic of institutional critique, a logic of the type *neither/nor* or *both/and*, is to be understood as pertaining to the categories of deconstruction. What particularly interests me in this chapter is to show that institutional critique as a deconstruction does have a political scope; part of the argument is to show in which sense institutional critique as a deconstruction is an 'invention of the other' and makes 'justice'. At the same time, I discuss the possible ways in which it challenges the situation of institutional contradiction that I emphasized in this introduction, the fact that institutional critique is always-already co-opted. Given the argument of the entire thesis, I will show that co-optation represents the positive condition of an institutional critique that inserts itself and subverts the layers of art institutions.

Methodological Delimitations

The structure of this thesis and the articulation of the themes of this research have been extensively influenced by Jacques Derrida's texts. I chose to talk about the violence of instituting speech acts and about the cohabitation and symbiosis of the art institution and of critique; I discuss the limitations of the binary concept of critique, and I investigate the positioning of institutional critique in relation to the inside/outside of the art institution and its use of the *parergonal* nature of the frame. Finally, I ask in

what sense institutional critique is inventive, affirmative, and to what extent it produces or is itself a form of justice. I believe that, by developing these themes, I advance a theoretical construct which is capable of showing that the logic of institutional critique is deconstructive and that, in the present, social, economic and cultural circumstances of the contemporary art institution, institutional critique could be carried further only if it is a deconstruction.

Inevitably, these methodological choices imply that some possible themes of discussion will be left aside. First, this thesis is not a historicization of institutional critique, in the sense that it is less interested in distinguishing the shifts in the artistic styles and mediums of expression of whatever passes as institutional critique in the canon of art history. One particular consequence is that I have decided to postpone for a later study a sustained investigation of the connections between the historical avant-gardes and institutional critique and a revaluation of Peter Bürger's *Theory of the Avant-Garde* (1984) which, Andrea Fraser tells us (Fraser, 2009a, 410), had an important influence on what has been canonized as the second generation of institutional critics.

Second, the range of practices and discourses that I will refer to belong to the cultural, political, economic and social geographies of the modern, Western, late capitalist societies. Even more specifically, it will become evident to the reader that much of the analyses of this thesis are influenced by my direct engagement with various European art institutions or projects. Thus I already accept as valid a possible criticism made from the perspective of post-colonial theory: my thesis inherits the limits of a Western type of institutional critique, which remains a 'privilege' of artists working in the relatively abundant economies of Europe and the United States. In my previous practice within the collective ArtLeaks, to which I will refer in chapter one, I have met, in fact, expressions of institutional critique stemming from spaces of the former Socialist Block, South-East

Asia and Latin America. But lacking a direct experience and an expertise of these contexts, I have decided to focus on a much narrower context.

Third, I acknowledge the significant and productive concatenation between gender and feminist discourses and themes, and the practice of institutional critique in the work of artists like Martha Rosler, Adrian Piper, or Andrea Fraser, or artist groups like the Guerrilla Girls or, more recent, Pussy Riot. Without diminishing its impact, I considered the theme of feminism to be of a far greater complexity to be treated only in the limited space of a chapter. This thesis rather describes the general conditions and possibilities of a critique that occurs within the art institution. This logic amounts, I argue, to a deconstruction; given that the intersection between deconstruction and feminism made possible the ground-breaking work of authors such as Hélène Cixous and Luce Irigaray, here I can only indicate a possible development of this research, which should offer the deserved attention to the connections between institutional critique as a deconstruction and feminism.

Contribution to Knowledge

During my research I have encountered various attempts to reconceptualize the categories of institutional critique, particularly by borrowing themes from the poststructuralist philosophies of Deleuze and Guattari and Foucault, or the postoperaist theory of Negri. I refer to them in the first chapter of this thesis. To my knowledge, however, little attention has been paid to the manner in which deconstruction is helpful in thinking through the 'phase change' of institutional critique. Therefore, I regard this thesis' contribution to knowledge as two fold. First, this thesis fills in a gap. It provides a different conceptual toolbox, akin to the categories of deconstruction, which is able to decipher the dimensions of the 'political and theoretical necessity to be found in the logic of institutional critique'

(Raunig, 2009, 3) grounding the hypothesis of its 'new phase'. I believe that this toolbox amounts to a coherent and consistent articulation: if my argument is correct, these investigations have the potential of becoming the base of further research that would tackle precisely those concerns which, for reasons that I have already announced, have been consciously left out. Second, the aim of this thesis is to counteract pessimistic claims that emphasize the total recuperation and neutralization of institutional critique. I show that the recuperation and instrumentalization of institutional critique is not and cannot be total. But the included analyses will not let themselves be seduced by uncritical optimism. The current processes of the corporatization and privatization of art institutions do, indeed, provide some of the most difficult conditions in which the critical potential of an art that wants to bear meaning outside of its realm should be fulfilled. However, my argument is that institutional critique as a deconstruction has no end and cannot end. If anything, the reader should take this investigation as a modest contribution to a differential understanding of not only what institutional critique has been, is, or could be, but also, most importantly, of what it has done, does, and could do.

Chapter I:
Institutional Critique: the State of the Art

Introduction

My aim in this chapter is to offer an account of the circumstances that have determined the direction of my research. In this thesis I explore the conditions and possibilities of institutional critique, and the context in which my investigation unfolds has been significantly shaped by the growing interest and the vast amount of literature on the topic of institutional critique's legacies and heritage. Let's take a few examples: the Vienna-based *European Institute for Progressive Cultural Policies* has been publishing, ever since 2000, on its web journal *platform,* dossiers focussing on topics such as critique, protest and resistance, progressive institutions, instituent practices and institutional critique. John C. Welchman edited the proceedings of a symposium that took place at the Los Angeles County Museum of Art in a book titled *Institutional Critique and After* (Welchman, 2006). And in 2009 art historians Alexander Alberro and Blake Stimson edited what appears to be perhaps the most comprehensive compendium of artists' interviews, manifestos and texts on the topic of institutional critique (Alberro and Stimson, 2009). Last but not least, one should not forget to mention the activity of groups such as ArtLeaks, W.A.G.E, and Arts and Labour[1] that have openly acknowledged their political contiguity with art projects of institutional critique.

This list is, of course, not exhaustive. To be sure, throughout this thesis I will have the occasion to refer to other contributions to what has become an on-going public debate about the conditions of institutional critique. Rather, what interests me is to ask, instead, what makes this

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[1] See: <http://art-leaks.org/>; <http://ragpickers.tumblr.com/>; <http://artsandlabor.org/>. I will discuss some of these initiatives in section three of this chapter.

particular historical moment so singular, so unique, that many practitioners, from philosophers to art critics, to artists and curators return to the legacies and heritage of institutional critique? This is the question which guides the narrative of this chapter.

The answer that I will propose takes into account, on the one hand, the social-historical background, particularly the conditions of art's production, distribution and consumption, against which the new discourses of institutional critique develop; on the other hand it takes into account the current stage of development of critical paradigms for art practice and theory. I want to propose, then, that we can understand this development by locating two inter-related phenomena. The first one refers to the intensification of a process that began in the 1960s, and that amounts to the corporatization of art and culture. What seems to me to be offering the most compelling explanation of these transformations is Luc Boltanski's and Eve Chiapello's widely read theses of the *New Spirit of Capitalism* (2005; initially published in French in 1999). In this book the authors propose that capitalism and criticism have historically developed in a relation of productive symbiosis. Significantly, however, what emerges for the first time in history, in the post-1968 economic and social environment, is the capitalist recuperation of what the authors designate as the demands of 'artistic critique': namely, the demands for liberation, autonomy and authenticity. The first section of this chapter explains the layers of this thesis and proposes that an essential feature that characterizes the history of institutional critique is precisely the intensification of the corporatization and privatization of the arts.

In section two I follow this thread by showing that the corporatization of the arts has indeed marked positions taken, among others, by Martha Rosler, Hans Haacke, and Mel Ramsden. But I want to argue, at the same time, that we can identify a particular historical moment towards the end of the 1990s, when practitioners of the art field became

conscious that the former 'dialectical' approaches addressing the corporatization of the arts are inadequate. I consider Benjamin H.D. Buchloh's critical reflections in the pages of *Artforum* (Buchloh, 1997) as the symbolic shift to a new way of conceptualizing critical resistance.

In section three I explore what I describe as the second phenomenon, which legitimises the present historical moment of requestioning the possibilities of institutional critique. It refers to a perceived need to reevaluate art's critical claims and possibilities for effective criticism and social engagement. I discuss this necessity, which is both theoretical and practical, in relation to the concerns of redefining institutional critique, both through the philosophical labour of conceptual analysis and through the efforts of rewriting its historical canon.

I conclude the chapter by admitting my theoretical indebtedness to those positions that attempt to rethink institutional critique through the tools offered by poststructuralist and postoperaist philosophies. At the same time, I announce my contribution to the debate, by proposing a return to the categories of what Jacques Derrida calls 'deconstruction': my claim is that deconstruction is able to provide the tools through which we can reinvent a political practice of institutional critique.

1. The Post-1968 'Spirit' of Capitalism

In their *New Spirit of Capitalism* (2005) Boltanski and Chiapello propose that inherent in every form of capitalism, by which they understand the imperative to unlimited accumulation of capital through formally 'peaceful' means (Boltanski and Chiapello, 2005, 4) is a certain 'spirit'. The term 'spirit' designates an ideology that justifies engagement within the capitalist order (Boltanski and Chiapello, 2005, 8), a set of beliefs that help to justify

it and 'to sustain the forms of action and predispositions compatible with it' (Boltanski and Chiapello, 2005, 10). Part of this 'spirit' is an orientation towards the common good, from which it derives reasons of commitment (Boltanski and Chiapello, 2005, 27). But essentially, capitalism is characterized by a fundamental incapacity of generating norms for common conduct exclusively out of its own resources. As a result the two authors explain that the development of capitalism follows a particular dynamic which incorporates its critical adversary: capitalism 'needs its enemies, people whom it outrages and who are opposed to it, to find the moral supports it lacks and to incorporate mechanisms of justice whose relevance it would otherwise have no reason to acknowledge' (Boltanski and Chiapello, 2005, 27). It follows that capitalism has an intimate relationship with critique; that critique, indeed, becomes the engine of its development and transformation[2].

The two authors suggest that at the very base of this dynamic is the sense of indignation that capitalism necessarily produces. Indignation is 'a bad experience prompting to protest […] an emotional, almost sentimental reaction' (Boltanski and Chiapello, 2005, 36); it is the very point from where critique takes off. But critique is feeble if it remains at this primary, emotional level; there is a secondary level, reflexive, theoretical and argumentative, that 'makes it possible to sustain ideological struggle, but assumes a supply of concepts and schemas making it possible to connect the historical situations people intend to criticize with values that can be universalized' (Boltanski and Chiapello, 2005, 36). The articulation of indignation at a reflexive level triggers four types of critical elaborations that address the capitalist system: (1) a rejection of inauthenticity; (2) a pursuit for liberation; (3) a response to the suffering of the oppressed and (4) a refusal of egoism and opportunism. Boltanski and Chiapello argue

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[2] To anticipate, in chapter two I will argue that this logic rests on an irreducible cohabitation and symbiosis between institutions and critique.

that the work of criticism has been unable to provide a holistic framework that would accommodate all these demands. On the contrary, they argue that the first two have found expression in the artistic and bohemian milieux of the nineteenth century in what they identify as 'artistic critique'. The last two have been inspired by socialists and Marxists and articulated as 'social critique', mainly by labour movements.

The main thesis of the *New Spirit of Capitalism* is that, as a consequence of the social turmoil of 1968, capitalism has entered into a new, decentralized phase, that one can label 'connexionist' or 'network-based'. The events of 1968 produced, perhaps for the first time in history, an alliance of the two types of critique (Boltanski and Chiapello, 2005, 169-172). Looking at the case of the French social-historical context (between 1968 and 1995), the two authors claim that in the first instance the response of the capitalist order was to interpret this unique event exclusively as social critique and, consequently, to offer significant concessions to social demands, amounting to improvement of pay and working conditions (Boltanski and Chiapello, 2005, 177). But this did not bring protest to a halt and did not reinstate the control over work behaviour. Consequently, from amongst the 'innovative fractions of the employer class' (Boltanski and Chiapello, 2005, 177) stemmed a new strategy, that of interpreting the crisis of 1968 in terms of artistic critique (Boltanski and Chiapello, 2005, 177-178). To put it in the terms of the two authors, 'autonomy was exchanged for security, opening the way for a new spirit of capitalism extolling the virtues of mobility and adaptability, whereas the previous spirit was unquestionably more concerned with security than with liberty' (Boltanski and Chiapello, 2005, 199). This tendency would develop throughout the 1970s, 1980s, and early 1990s. The post-1968 spirit of capitalism, then, refers to a 'translation' of the social and economic environment in the terms offered by artistic critique: that is, capitalism responded by incorporating the values of creativity,

flexibility, autonomy and self-development and accommodating them in a new regime of labour. This triggered the flexibilization of relations of production and of the types of work, the disappearance of the distinction between work time and leisure time, the decentralization of industrial relations, new forms of management and self-management, the fragmentation of the wage-earning class and the discrediting of frameworks of class struggle. As a direct consequence, one witnessed the decline of the leftist parties and demobilization of trade unions, the reduction of social protection and security, and the dismantling of the welfare state (Boltanski and Chiapello, 2005, ch. 4 & ch. 5)

Following these series of appropriations, Boltanski and Chiapello contend that from the end of the 1960s the power of critique has been weakened, both as social critique and as artistic critique (Boltanski and Chiapello, 2005, 324-327). Social critique received its last major blow at the end of the 1980s when the 'communist' world disappeared. Capitalism found itself, as it were, on its own while social critique has engaged itself in a process of finding new sources of legitimation. On the practical level, it delegated its 'wish to act, prompted by indignation in the face of poverty, on to a charitable or humanitarian position' (Boltanski and Chiapello, 2005, 325); on the theoretical level, it abandoned all macro-historical and macro-sociological approaches, and retreated into 'a micro-analysis of actions or judgements *en situation*, often interpreted as indicating "the end of critique"' (Boltanski and Chiapello, 2005, 325). As for artistic critique, its success triggered a process of recuperation of its subversive potential by a new generation of managers familiar with the 'spirit of 1968' (Boltanski and Chiapello, 2005, 326). The response to the demand for autonomy presupposed the replacement of factory supervision with self-control and with the responsabilization of the worker in relation to customers. The demand for creativity triggered a shift in the nature of economy, which has gradually relied on services and cultural production. The exploitation of

imagination, innovation and inventiveness is most visible in what is now known as the 'cultural industries'. Here alliances, that perhaps would have been inconceivable decades ago, would emerge. As a result, the dividing lines between 'intellectuals and businessmen and production, between artists and bourgeois' have become blurred (Boltanski and Chiapello, 2005, 326). The pursuit of authenticity has been transformed in the preoccupation of articulating an 'authentic lifestyle' whose guiding principle is the consumption of commodity goods: in this sense, the reduction of production costs made available, for larger sections of the population, the products of the fashion, leisure, and service industries, and even those of the luxury industry. Finally, the demand of liberation did indeed produce, in the first instance, a lifting of prohibitions. But soon after, this also led to the opening up of new markets. The 'sexual revolution' and its consequence, the development of a market for sex-related goods, are the best examples illustrating this fact.

The 1990s and, I argue, the 2000s saw, indeed, a resurgence of social critique in response to new forms of economic injustice, insecurity, exploitation and exclusion (Boltanski and Chiapello, 2005, 346). New social movements have emerged: appropriating the metaphor of the network, they host people with divergent opinions that are brought together by a common struggle against exclusion. Often former trade-union members and political activists are providing the 'oppositional know-how' that in this case amounts to a distrust in former forms of organization (the party, the trade union, etc.), often emphasizing face-to-face action instead of political representation and delegation, structural horizontality instead of hierarchical verticality, heterogeneity and pluralism instead of political homogeneity. The two authors see these movements as possible embryos for a common struggle at the level of the legislative mechanisms that would limit the relations of force and abuse pertaining to a network-based capitalist world (Boltanski and Chiapello, 2005, 372-400).

Referring to artistic critique, however, the two authors suggest that the forms of capitalism that have developed in the last thirty years, while incorporating and subordinating it to profit-making, have indeed anchored the demands of liberation and authenticity in people's everyday experience (Boltanski and Chiapello, 2005, 421). But at the same time, this process did not take place without a certain ideological reframing that, as I have shown already, pertains to new types of social alienation, the commodification of difference, and the transformation of the demand for liberation and authenticity in the incentive of commodity consumption. In other words: the connexionist capitalist world did indeed respond to the artistic pursuit of liberation and authenticity, but at the same time it initiated a new cycle of recuperation which placed large numbers of people in anxiety-inducing situations. Relative to the year 1999 when the *New Spirit of Capitalism* was published in French, artistic critique still offered a sad image. On the one hand the solution at hand was to return to a type of criticism proper to nineteenth century modernism, which would include the denunciation of bourgeois morality, censorship and the repressive cultural institutions (Boltanski and Chiapello, 2005, 467). But this would fail to take into account the displacements of current forms of capitalism. On the other hand, artistic criticism acknowledges capitalism's ability to recuperate everything and anything, idealizes a long-gone past, and embraces nihilism. But again, this hardly contributes to advancing the work of tackling the sources of indignation that capitalism produces.

What I have done in this section is to explain, following Boltanski and Chiapello, the historical passage that led to the recuperation of artistic critique within a 'new spirit' of capitalism. If it is true that artistic critique is caught in the dilemma of either returning to old types of criticism or embrace nihilism, than my argument is that the current attempts to rediscuss the heritage of institutional critique represent an effort to displace the two horns of this dilemma. This is what, in my understanding,

characterizes the particular historical moment which sees the resurgence of an interest in the possibilities of institutional critique. In the next sections my aim is to show how the transformations triggered by the 'new spirit' of capitalism have been mirrored in the critical-artistic discourse, with a particular focus on the process of arts' corporatization and privatization (section two). Then, in section three I want to explore how recent interventions of what could be described as institutional critique respond to these developments.

2. The Corporate Life of the Arts

In this subchapter I want to refer to the manner in which various practitioners of the art field have reflected upon the recuperation of artistic critique within the 'new spirit' of capitalism. I particularly focus on how processes referring to the corporatization and privatization of the arts have been perceived. As much as one can discern a constant concern in relation to these processes – I highlight positions taken by Mel Ramsden, Hans Haacke and Martha Rosler - my understanding is that the end of the 1990s represents a key moment of acknowledgement of the dilemma in which artistic critique is caught. Benjamin Buchloh's intervention in the pages of *Artforum* (1997), in which he 'declares' the demise of critical art, is in this sense exemplary. I suggest that this acknowledgement is what has directly triggered the resurgence of the discourses of institutional critique in the 2000s.

2.1. Sponsoring Freedom

In 1990, in response to the commission that the Berlin City Council offered to Mercedes Benz to redesign the no-man's land of Potsdamer Platz,

Hans Haacke installed the Mercedes Benz star on top of two watch towers. Potsdamer Platz has a troubled history: bombed and nearly erased by Allies during the Second World War, it functioned as a buffer zone and 'death strip' of the Berlin Wall from 1961 onwards. The reconstruction of the square symbolized the reunification of the city and the closing of a painful historical circle. Haacke's installation reminded of the Mercedes star installed on top of Europa Center in West Berlin. At the same time, by placing the star within a perimeter delimited by large square window panes, the work indicated a visual connection with the windows of the Palasthotel (Palace Hotel) that the German Democratic Republic had reserved for its foreign guests. The installation was entitled *Freiheit wird jetzt einfach gesponsored* (Freedom is now simply sponsored). This is a direct acknowledgement, in my opinion, of what Boltanski and Chiapello have described as the capitalist recuperation of the demand for liberation. It reacts to the rushed manner in which the new reunited Germany repressed the remembrance of its recent past and especially of communism, by the redecoration of the historical landmark of Potsdamer Platz. At the same time, the work points, in a simple and direct manner, to the means through which the motivation of being free, that lead to the fall of the Berlin Wall, was being recuperated in symbolic reappropriations and commodified by corporate sponsorship.

Haacke has been often described as the champion of anti-corporate art. Many of his interventions have targeted multinational companies and corporations, such as Mobil, Philips, Mercedes, Deutsche Bank, Saatchi & Saatchi PLC, etc. But Haacke was also paying attention to the manner in which a new managerial class had taken key positions in institutional structures during the 1970s and early 1980s. In his *Museums, Managers of Consciousness* he described what he calls 'a new breed' of art managers, trained by prestigious business schools, that 'are convinced that art can and should be managed like the production and marketing of

other goods' (Haacke, 2009, 277). Their discourse was structured by the vocabulary of business and even 'the intricacies of labour relations and the ways in which interpersonal issues might affect the organization are part of their curriculum' (Haacke, 2009, 277). The emergence of a new managerial class that Haacke talks about is, of course, part of the larger phenomenon pertaining to the transformations of the 'new spirit of capitalism'. Haacke explained that there is a major difference between the manner in which art institutions had been organized in the past and their current business-oriented reorganization. In the past, he writes, art directors and curators did not see themselves as managers and to some extent they kept alive the belief that art retains a certain autonomy. This conception of art was of course 'mystical', ideological, and therefore, problematic. But essentially there was a common assumption that art has to be kept apart from business. The new setting that Haacke was contemporary with blurred these borders: and Haacke expected that 'the lack of delusions and aspirations among the new art administrators will have a noticeable impact on the state of the industry' (Haacke, 2009, 277).

Haacke was not alone in paying attention to the transformations occurring in the art field as a result of post-1968 capitalist transformations. As early as 1975 Mel Ramsden from Art & Language would begin his much celebrated *On Practice* by observing that the New York art of the 1970s had become a function of the art market system that operates a 'massive controlling factor in the way we now vector human relations' (Ramsden, 2009, 170). The art of the 1970s, in other words, was celebrating a model of individual 'freedom'. On the one hand, explains Ramsden, this presupposed the 'insular and boring spectacle of fads, intoxications, diversions, infatuations, and even the odd pseudo-revolution, all under the platitudinous guise of massive evidence of "creativity" and "artistic freedom"' (Ramsden, 2009, 171). On the other hand, this was accompanied by an increase and diversification in the ranks of institutional

bureaucrats that administer these 'manifestations of freedom' and instrumentalize them as function of market relations. Artists were slowly being commodified, in 'a mode of existence in which what counts is the demand for what the market defines as your talents, in which all relationships have their monetary value, and it is their monetary value that matters' (Ramsden, 2009, 171).

Martha Rosler would summarize these developments in 1997 in a text in which she responded, together with other writers, to *Art Bulletin*'s theme 'Money, Power and the History of Art' (Rosler, 1997). In the 1970s, writes Rosler, corporations based in the most powerful economies, such as those of Germany, the U.S. and Japan, have infused previously unprecedented amounts of capital in the art market; they were looking for 'superb symbolic goods' (Rosler, 1997, 22) that only art was able to provide. Already in the 1980s the art world functioned much more as a marketing system. As the role of art critics decreased, that of art dealers became more prominent. Rosler observed that younger artists paid little interest in the 'noncommodifiable nonobject-centered art that was vital since the 1960s' (Rosler, 1997, 22). On the contrary, this generation of artists were following a small-producer paradigm with self-marketing as 'the model of liberation from galleries' (Rosler, 1997, 22). At the same time, the gallery world had progressively started to mirror 'designer clothing boutiques' (Rosler, 1997, 22). This refers, I suggest, to what Boltanski and Chiapello described as the commodification of authenticity in a process that exploits the intersection points of art, fashion and lifestyle. Rosler claimed that this tendency persisted throughout the 1990s. For the last decade of the former century it could be said, then, that

> the art world […] is dominated by but is not identical with the art
> market. The art world, clearly, is directly related to other capital

markets […] the art world is just a little corner of the speculative markets – albeit a highly specialized one (Rosler, 1997, 21).

My argument is that Haacke's, Ramsden's and Rosler's positions mirror the displacements of what Boltanski and Chiapello described as the transformations triggered by a 'new spirit of capitalism'. Furthermore, I want to show that the end of the 1990s do represent, indeed, a turning point: they configure a historical moment in which practitioners of the art field recognize the dilemma in which artistic critique had been caught, the dilemma of choosing between an outdated critique and nihilism. In the next subsection I will approach what in my reading becomes the symbolic expression of this critical point. I will discuss a short though extremely interesting intervention dating from 1997 in the pages of *Artforum International* and authored by Benjamin H. D. Buchloh. This text, to put it in Yves-Alain Bois' introductory words, marks a 'striking farewell' to a certain manner of conducting criticism, leaving open the question of what follows after. What follows after, I suggest, is a decade that goes back to the legacies of institutional critique.

2.2. Farewell to Criticism?

Part of the editorial team of the *October* journal, Buchloh is an art theoretician and critic who contributed significantly to the academic establishment of institutional critique. His illuminating analyses of the work of Hans Haacke, Martha Rosler, Marcel Broodthaers and Daniel Buren, among others, have deeply influenced the generation of institutional critics of the 1990s. Particularly his *Conceptual Art 1962-1969: From the Aesthetic of Administration to the Critique of Institutions* (Buchloh, 1999; initially written in 1990) represented a landmark in the theoretical debates on institutional critique. Not only because this was one of the most well

documented historicizations of conceptual art, which he described as 'the most consequential assault on the status of the object of spatial and perceptual experience: its visuality, its commodity status, and its form of distribution' (Buchloh, 1999, 515); but also because with the same stroke he discerned a latent tendency within conceptual art that progressively recognized that

> materials and procedures, surfaces and textures, locations and placement are not only sculptural or painterly matter to be dealt with in terms of a phenomenology of visual and cognitive experience or in terms of a structural analysis of the sign […] but that they are always already inscribed within the conventions of language and thereby within institutional power and ideological and economic investment (Buchloh, 1999, 528)[3].

This is one of the earliest and most influential attempts to give a theoretical form to what later became known as institutional critique. Given Buchloh's place in its genealogy, it therefore becomes symbolically significant to turn to his small text from 1997.

Buchloh's *Critical Reflections* were part of a series in which *Artforum* invites critics and theorists to articulate the role and responsibilities of criticism today. This text surprises the reader with, as already noticed, a 'striking farewell'. It begins with a paraphrase of Marx: just like a social class tends to mistake its own end with the end of the world and of history, 'when art critics reach the end of their historical line, they tend to mistake the failure of their prognostic identifications or lack of comprehension of present practices for the end of art' (Buchloh, 1997). Throughout the last four decades, Buchloh has accustomed his readers

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[3] The fifth chapter of this thesis will investigate how things such as materials and procedures, surfaces and textures, locations and placement have become the preferred objects of institutional critique.

with his scholarly, well-informed, argumentative, and convincing style of writing. What we find in the pages of *Artforum* is, however, something of a different sort. Perhaps this is because *Artforum* is not *October*; the former is closer to what Adorno and Horkheimer called 'culture industry' than the latter. Or perhaps because what he includes here is the result of a self-reflexive process, as Buchloh does indeed point to himself as making the same mistake. This is, to be sure, a 'striking farewell'. But what is interesting is that what one says farewell to has not yet come into existence. What we read is Buchloh

> declaring from the vantage point of a critic who has been engaged with a relatively limited set of artistic positions and practices that what has come into sight as a distinct possibility is, if not the end of art, then the end of these historically determined definitions of artistic practice and with them, the end of their protagonists and institutions (Buchloh, 1997, 69).

We read, therefore, a declaration, a speech act, whose performance attempts to do what it says it does, that is, bringing into existence the demise of a limited set of artistic positions and practices that the author has been engaged with. This declaration is 'enhanced' by a certain performative force that appeals to Buchloh's authority: from 'the vantage point' in which this authority has been accrued, the author declares that he is one of those critics that 'have reached the end of their historical line'. And how exactly are we to describe this time that ends? First, it is defined by artistic practices establishing 'a model of critical resistance and radical negativity'; second, it refers to the artists that 'had perceived themselves as inextricably linked to yet indisputably opposed to the culture industry'; and third, it amounts to institutions that 'had taken seriously their historically defined functions of providing a critical space of exemption, if

not opposition, within the bourgeois public sphere' (Buchloh, 1997, 69). All these, *declares* Buchloh, have come to an end.

It would be interesting to examine this particular constellation of artists, practices and institutions that had come to an end. For Buchloh is not arguing that the artistic positions and practices that he had engaged with presupposed desertion or abandonment of the art institution. On the contrary, the practices of 'critical resistance' and 'radical negativity' presupposed a certain collaboration and a certain dissent, deployed at the same time, in relation with the art institution. To simplify a rather complicated, difficult, and troubled relationship: artists were opposed though linked with the culture industry, whereas institutions provided a space in which artists have mounted their criticism, though not without refraining from exercising, at times, the force to censor, repress or shut off critical voices. There was, Buchloh would say, a common interest and a troublesome collaboration in the preservation of what he would call 'the bourgeois public sphere'. But all this has ended.

What are Buchloh's arguments? His reasons, I want to suggest, pertain to what Boltanski and Chiapello have described as the progressive recuperation of artistic critique by the 'new spirit' of capitalism. To begin with, Buchloh invited the reader to browse through the pages of *Artforum*, in order to discover that 'the sphere of social production traditionally called "avant-garde art" and the one called, since 1947, the "culture industry" have performed a successful merger' (Buchloh, 1997, 69)[4]. The merger

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[4] The term 'culture industry' has been coined by Adorno and Horkheimer in their *Dialectics of Enlightenment* (1947); it refers to the products of 'film, radio, and magazines' (today one could add to the list) whose effect is that it 'infects everything with sameness. […] Even the aesthetic manifestations of political opposites proclaim the same inflexible rhythm' (Horkheimer and Adorno, 2002, 94). The term 'culture industry' comports an essential reference to the marketability of culture; it maps the manner in which culture is shaped by the sphere of commodity production. Adorno and Horkheimer suggested that the public is addressed solely as consumer for which 'there is nothing left to classify, since the classification has already been preempted by the schematism of production' (Horkheimer and Adorno, 2002, 98). The alliance between entertainment and culture industry eventually seals the control over consumers (Horkheimer and Adorno, 2002, 108). In what amounts to the concept of art, the two authors propose that the only possible mode of existence for art in the bourgeois society was through claiming its separate sphere of autonomy (Horkheimer and

between culture industry and the avant-garde designates a process in which the sphere of commodity production has recuperated critical art. His *declaration* suggests that the extent of this recuperation is total.

One mechanism that supported this concatenation is the fashion industry. Fashion could be seen from two perspectives: as a tool to construct a 'mirage of subjectivity' through products provided by an industry that designs identity substitutes; at the same time, fashion can be seen as a tool of subversion, used against dominant rules of taste and convention (Buchloh, 1997, 69). Whereas the avant-garde flirted with both meanings, its significant difference from today's fashion industry has been 'its radical aesthetic, social and political character' (Buchloh, 1997, 69). Its practice had a public and collective dimension that would 'separate the aesthetic subject from private interests as much as from individual privilege in its rehearsal of imaginary models of a collectively accessible experience of real autonomy and self-determination' (Buchloh, 1997, 69). What Buchloh observes is the disappearance of the public character of critical art practice; or better said, that the public dimension of its practice is increasingly regulated and controlled by the private sphere of corporate power.

He supported this observation with three examples. The first one refers to Dan Flavin's acceptance of the submission of his fluorescent sculptures to corporations 'that spectacularize Minimalism to generate the new distinction of the consumption of austerity' (Buchloh, 1997, 69); this is the same Dan Flavin whose sculptures Buchloh was seeing as posing a

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Adorno, 2002, 127). Culture industry, however, operates a fundamental shift in the commodity character of art, since art 'dutifully admits to being a commodity, abjures its autonomy, and proudly takes its place among consumer goods' (Horkheimer and Adorno, 2002, 127). Using the Marxist distinction between use value and exchange value, the two authors suggested that in the culture industry, art's use value (the enjoyment of art for itself) is transformed in exchange value (art's possibility to be exchanged with other commodities): 'For consumers the use value of art, its essence, is a fetish, and the fetish – the social valuation which they mistake for the merit of works of art – becomes its only use value, the only quality they enjoy' (Horkheimer and Adorno, 2002, 127).

resistance to corporate culture. The second example relates to the first Biennial of Florence, where the curators achieved a seamless fusion of 'Acconci and Alaia, of Goncharova and Gucci, of avant-garde and fashion industry as indivisible and ultimately continuous fields of human enterprise' (Buchloh, 1997, 69, 102). The third example refers to Philip Johnson, 'the Leni Riefenstahl of corporate architecture' (Buchloh, 1997, 102), and his *Time Sculpture* that was installed at Lincoln Center (New York City). The installation was supported by the Movado Watch Corporation whose logo appeared on the sculpture; Buchloh's bedazzlement refers to the fact that there was no protest from architects, artists or critics that would signalize the conflict of interest between public sculpture and corporate-endorsement contracts.

Summing up, Buchloh contended that 'corporations perceive the reduction of aesthetic experience to a fashion correlative (on the part of its authors and spectators alike) as a confirmation of the success of their own incessant agenda' (Buchloh, 1997, 102). The increasingly crushing fusion between fashion and artistic production tends to erase the latter's public and political character. Corporate sponsors, therefore, will oppose precisely those practices 'that require from their spectators and readers standards and commitment, and that are inevitably oppositional in their political implications' (Buchloh, 1997, 102). But in this process, the art institutions themselves tend to perform like corporations, and the Guggenheim is perhaps the most notorious example of an art institution that becomes the site of an 'advanced spectacle culture'.

However, in a strange turn of the narrative thread, Buchloh does mention, towards the end of his text, a series of artists such as Raymond Pettibon, Allan Sekula and James Coleman, whose practices part ways with the alliance between fashion industry and the avant-garde. He added the example of an intervention of an anonymous group of Berlin artists that carved out an ear from a billboard representation of Philip Johnson;

conjuring terrorist actions of the 1960s, they later sent a video of the ear to TV stations and requested release from the building in exchange for the ear. The practices of all these artists described, in Buchloh's opinion, a renewed interest for the rearticulation of the public and political character of cultural production. Therefore, 'were it not for figures like these, it would be even easier to envisage […] the end of our notions of a relatively autonomous, public avant-garde culture altogether and move on to the immediacy of the Internet' (Buchloh, 1997, 102).

In my understanding, Buchloh's text is one of clearest examples of the dilemma in which artistic critique is caught. For what Buchloh does is to *acknowledge*, on the one hand, the impossible move towards a former critical model of 'dialectical negation' whose demise he in fact *declares*. On the other hand, he refuses, as well, the positions of critical nihilism, given that the work of Sekula, Pettibon and Coleman keeps alive the idea of constructing spaces of self-determination and critical engagement. That there is a need, both theoretical and practical, to move beyond this dilemma is expressed by his *acceptance* of publishing in the pages of *Artforum:* for as the author writes, *Artforum* as well operates the merger between culture industry and the avant-garde. Here, in these pages, Buchloh *declares* that the culture industry has recuperated the critical stance of the avant-garde, that it has neutralized and erased its public and political character. He *declares,* altogether, his own end: his presence in this magazine signifies his definite recuperation. But with the same stroke he delays and defers the performance of this speech act. For what other reason is there to mention Pettibon, Sekula and Coleman, other than break one's own promise of delivering the end of a historical period? The end is, as it were, spectral. It is about to come but it is not here yet. And with this stroke Buchloh deconstructs his own position: placing himself within the heart of the culture industry, grafting onto processes of total recuperation, he delays and postpones them. The symbolic significance of

this deferral amounts to the articulation of an open space of possibilities: and my argument is that this space has been occupied, in the last decade, by efforts of rearticulating institutional critique.

3. The Re-evaluation of Institutional Critique's Tools and Potential

In this section I want to review different arguments concerning institutional critique that have been launched in public debate in the 2000s. I suggest that their occurrence refers to the theoretical and practical necessity of re-evaluating and rearticulating the tools and logic of critique in response to the recuperation of artistic criticism by the 'new spirit' of capitalism. Boltanski and Chiapello suggested that 'if we are to see a revival of the artistic critique, it will be on the basis not only of an "intellectual" analysis of the phenomena associated with capitalism's current state, but of its conjunction with suffering' (Boltanski and Chiapello, 2005, 420). This subchapter is designed in such a way as to show that we are in fact witnessing a conjunction between indignation that results from suffering and intellectual analysis. I begin, therefore, by analysing the labour of three collectives for which the legacies of institutional critique are decisive. I move afterwards towards the side of intellectual analysis and explore what I perceive as a process of redefining institutional critique's possibilities. I conclude by determining the position of my own research within this realm of possibilities.

3.1. The Sense of Suffering in the Art World

As a result of the financial crash that started at the end of 2008 culture, the arts, and education have been subject to dramatic budget cuts. In the U.K. in October 2010 more than one hundred artists and art workers, including

nineteen Turner Prize winners, signed a public letter to Jeremy Hunt, head of the Department for Culture, Media and Sport (DCMS) in response to policies of funds-slashing. Their appeal argued that the cuts will have a damaging impact on smaller-scale art institutions, where

> many of us had our first inspiring encounters with art [...] Radical cuts to the arts would force hundreds of them to close or drastically curtail their programmes. This will undermine not only the present health of our cultural life, but its future development, and will help ensure that one of our country's greatest success stories is brought to a crashing and abrupt end (Abdu'Allah, F. et. al., 2010, webpage).

This argument was confirmed two years later when *The Guardian* website published an interactive map with information about the types of cultural institutions and the changes triggered by the reduction in cultural spending in most of the European countries (Rice-Oxley, Torpey, and Clarke, 2012, webpage). Smaller museums, galleries, and theatres were closed in countries that suffered from severe economic recession, such as Spain, Italy, and the U.K. Staffing was reduced in cultural institutions in, among others, Germany, Belgium, France, Italy, Slovenia, and Austria. In most of the European countries, museums, galleries, publicly funded cultural projects and scholarships, and theatre, ballet and opera houses were subject to budget cuts.

Claire Bishop points out correctly that 'axing funding to these institutions inevitably sends the message that such museums are dispensable, and that only commercially viable museums can continue to operate' (Bishop, 2011, webpage). She argues that the rationale behind these cultural policies is grounded on a market-based logic. Lacking public funding, cultural institutions are encouraged to secure private and corporate funding. Bishop suggests that

> private funding hinders creativity and risk-taking, and promotes a blockbuster mentality that serves the patrons first and culture second; […] some productions are fatally unattractive to sponsors; […] experimental projects rarely receive support, while private sponsorship encourages self-censorship and the triumph of market imperatives (Bishop, 2011, webpage).

In this chapter I have already made the suggestion that the corporate occupation of the field of art and culture and their transformation according to the principles of a market-based logic are phenomena referring to the 'new spirit' of capitalism's recuperation of artistic critique. From a certain point of view, therefore, the situation in which the arts and culture find themselves in the post-2008 financial crisis could be described as the outcome of an accelerated process of recuperation and a market-driven polarization: flagship institutions which are attractive to sponsors will be able to survive the crisis, whereas smaller galleries, theatres, museums, and cultural projects, situated perhaps in less visible urban areas and communities, will be shut down (Bishop, 2011, webpage). It will be helpful, therefore, to refer to a number of initiatives that emerged after 2009 that respond to these transformations.

I believe that a growing number of practices such as those of ArtLeaks (http://art-leaks.org), the Precarious Workers Brigade/PWB (http://precariousworkersbrigade.tumblr.com), and Working Artists and the Greater Economy/W.A.G.E. (http://www.wageforwork.com) could be described as resulting from indignation triggered by the current precarious living and working conditions. Part of this credo comes from my own two-year long engagement with ArtLeaks, a collective platform initiated by an international group of artists, curators, and academics that publishes cases of abuse, repression, threatening, intimidation, and censorship

taking place in cultural institutions. Within ArtLeaks I had the occasion to communicate and collaborate with some of those who have submitted and published such cases. I believe that the *leakers*' stories express a sense of indignation and revolt in relation to degrading experiences that they had in institutions of art. If anything, the list of cases published on the ArtLeaks website shows that labour conditions even in institutions that benefit from corporate sponsorship have worsened: unpaid internships, unpaid artists, or projects cancelled because of their open criticism against these conditions are often reported. In a certain sense, ArtLeaks's discourse is based precisely on the belief that indignation is capable of fuelling a sustained collective act of resistance. ArtLeaks' existence is grounded on the idea that the act of making public such cases will articulate a general index of repression, whose general patterns would be identifiable in various contexts across the globe.

Working Artists and the Greater Economy (W.A.G.E.) is an artist-activist group based in New York. It focuses on regulating the payment of artist fees and attempts to establish sustainable models for best practices between cultural producers and cultural institutions. W.A.G.E.'s work specifically draws attention to the present economic inequalities within the art realm; the collective demands 'an end of refusal to pay fees for the work we're asked to provide: preparation, installation, presentation, consultation, exhibition, and reproduction' (W.A.G.E., website). Interestingly, W.A.G.E. refutes the distinction between symbolic capital and economic capital, and asks for 'the remuneration of cultural value in capital value' (W.A.G.E., website). One of their main tools is the *W.A.G.E. Certification*, a program that publicly recognizes organizations that voluntarily adhere to a best practices model and demonstrate a history of, and commitment to, paying fees to cultural workers. The terrain on which W.A.G.E. articulates its efforts has been in fact prepared by a series of studies by economists that highlight the injustices of art's economy. Hans

Abbing for example observes that the arts constitute a mirage for youngsters, the vast majority of whom ends up with earning little to nothing (Abbing, 2002). His explanation is that the economy of the arts is 'exceptional' in the sense that it does not function according to a supply-demand paradigm. The main factor responsible for this situation is a certain 'mythology': people understand art as a 'sacred' transcendent, even 'holy' realm, and the artist as selfless and not carrying about money, suffering but dedicating herself/himself entirely to her/his art. Abbing draws a grim picture in which, from an economic standpoint, the arts are structured by chronic poverty: artists earn between 30% and 100% less than in other professional fields (Abbing, 2002, chapter 5). This picture is completed by what Gregorry Sholette has described as the dark matter of the art world (Sholette, 2011). Just like in physics the dark matter of the universe, though invisible, represents 96% of its mass and is responsible for keeping the universe away 'from flying apart', the '*creative dark matter* also makes up the bulk of the artistic activity produced in our post-industrial society' (Sholette, 2011, 1). It is composed of the 'makeshift, amateur, informal, unofficial, autonomous, activist, non-institutional, self-organized practices – all work made and circulated in the shadows of the formal art world' (Sholette, 2011, 1). Unseen by those who have the power and tools for the 'management and interpretation of culture – the critics, art historians, collectors, dealers, museums, curators, and arts administrators' one finds in the dark matter of the art world all those sweatshops of culture and all those cultural producers which, despite uninviting prospects, hope that one day they may become visible.

The work of W.A.G.E., which is made possible by such studies such as Abbing's and Sholette's, should be connected with that of the U.K. based Precarious Workers Brigade (P.W.B.), a collective that defines itself as a group of 'precarious workers in culture and education' calling out 'in solidarity with all those struggling to make a living in this climate of

instability and enforced austerity' (About P.W.B., webpage). The group claims that its reason to exist 'is not to defend what was, but to demand, create and reclaim' (About P.W.B.: webpage). What they demand is equal pay, the remuneration of any type of labour, free education, the cancellation of debt, democracy and accountability from institutions, and shared ownership of space, ideas and resources. There are several working groups within the P.W.B. and one of their focus points has been, for years, labour conditions in the arts, and particularly the situation of unpaid internships. One of the results of the collaboration between the Precarious Workers Brigade and the London-based Carrot Workers Collective is a counter-internship guide: it describes unpaid internships as 'an empty promise extending well beyond student life, whose primary aim is to teach us to bow down, to know our place, and to be happy with less' (C.W.C and P.W.B., 2009, 57). The guide calls out for solidarity from all those who are exploited by forms of unpaid labour and advocates the invention of new ways to work and learn: it advocates the experiments that have been going on in the last years, from the occupation of universities and former libraries, to the sit-ins, teach-ins, and forms of free schools. (C.W.C. and P.W.B, 2009, 60).

Though based in different cities and different continents, the work of these three collectives share a common struggle against a phenomenon with global implications, the accelerated process of art's and culture's corporatization and privatization. They often collaborate with each other, and Internet offers an adequate medium for their message to reach broader audiences. In my understanding, they exemplify a certain critical conscience of the suffering triggered by the exploitative structures of the art world. In this context, I want to suggest that the resurgence of institutional critique – ArtLeaks often refers to its actions as institutional critique – represents a direct answer to this phenomenon. At the same time, what I noticed by participating in some of the internal discussions of

these groups (mainly ArtLeaks and P.W.B.) is that there is a constant need to reinvent paradigms of critical practice precisely at a moment when one acknowledges the recuperation and co-optation of artistic critique. In the next section I want to show that this practical need is conjoined by a theoretical need to rethink the possibilities of critique. Within this theoretical need I place the labour of redefining institutional critique and rethinking its possibilities. It is where I position, at the same time, my own research.

3.2. The Conceptual Analysis of Institutional Critique's Tools

The work of collectives such as ArtLeaks, P.W.B. and W.A.G.E. has to be thought in conjunction with theoretical developments of reconceptualising the conditions and possibilities of institutional critique. I would like to describe this effort by using a paraphrase. In the introduction to his unfinished manuscript of *Hegel's Philosophy of Right* Marx famously proposed that 'the weapon of criticism cannot, of course, supplant the criticism of the weapon' (Marx, 2000, 77). What I want to suggest is that the recent interest in institutional critique, from the point of view of a conceptual-intellectual analysis, articulates precisely this: a critique of the weapon of criticism. In chapter three I will discuss in length about the genealogies and meanings of the concept of critique. For our purposes here, I will retain the initial sense of critique as judgement that separates, discerns, and discriminates. What this judgement operates upon is the very ways in which we have received the heritage and legacies of institutional critique.

But things are not as easy as they seem. To begin with, it is not really clear whether institutional critique even exists. Andrea Fraser asks in 2006 what *is* institutional critique? (Fraser, in Welchman, 2006, 305-309), whereas three years later Blake Stimson would ask in his introduction to

Institutional Critique. An Anthology of Artists Writings what *was* institutional critique? (Stimson, 2009, 20-43). Stimson's question should be referred to the frames and structures of the book that he edits, and whose fourth section includes what Stimson and Alberro coined as *Exit Strategies.* It could be said, therefore, that although Stimson's question is formulated in the past tense, there is a certain dimension akin to the present and future of institutional critique that haunts it permanently. I have already encountered this temporal disjuncture between past, present and future, between something that has ended and something that refuses to end, in Buchloh's short intervention in the pages of *Artforum.*

Again, it is not entirely clear whether institutional critique is a movement in its own right, as John C. Welchman suggests in the Introduction to *Institutional Critique and After* (Welchman, 2006, 11); a conceptual art practice that becomes conscious of its institutional framing (Buchloh, 1999); a relation between a method (critique) and an object (the art institution) (Sheikh, 2009); a methodology of critically reflexive site-specificity (Fraser, 2006, 305); or even, as Dave Beech seems to suggest, the proper name that political art should receive, that is, an art that not only represents political topics, but also questions its own frames of production (Beech, 2013, webpage). Some clarity is needed and it would be perhaps instructive to look at the semantic genealogy of the concept. This is a task that the next section tries to accomplish.

3.2.1. What Does the Term 'Institutional Critique' Refer to?

Alexander Alberro tells us that the word occurred, for the first time, in print, in Mel Ramsden's *On Practice* (1975/2009). But Ramsden's use of the word is somewhat ironic; he seems to refer to an established practice that does not succeed in properly addressing specific problems within institutions, a practice that produces generalizations and slogans, and

even possesses the unwanted consequence of affirming that which is supposed to be criticized (Ramsden, 2009, 176). His own argument in favour of a community type of practice that 'does not embody a commodity mode of existence' (Ramsden, 2009, 176) seems to be at odds with what was called 'institutional critique'.

In a text published in 2005, Andrea Fraser, perhaps unaware of Ramsden's text, contemplated the possibility that she was 'the first person to put the term in print' (Fraser, 2009a, 410). She refers to a text that she had written in 1985 (*In and Out of Place*) about Louise Lawler. At a certain point, this text suggests that although there is a tradition of engaging the 'institutional determination and acculturation of art' determined by the practice of the historical avant-garde (particularly Dada, Surrealism, and the Soviet avant-garde), Lawler's work has more in common with that of Hans Haacke, Daniel Buren, Michael Asher and Marcel Broodthaers (Fraser, 2009b, 293). And although one talks about very diverse practices, they all shared the fact that they were 'engaged in institutional critique'. But there is no essentialist definition of institutional critique; Fraser would rather proceed by enlisting practices, 'ranging from Asher's and Buren's situational constructions (or deconstructions) of architectural frameworks in galleries and museums, to Broodthaers's directorship of a fictional museum, to Haacke's documentation of high art's corporate affiliations' (Fraser, 2009b, 293). One should add, of course, Lawler's practice as well which, unlike the mentioned artists that 'situate institutional power in a centralized building (such as a museum) or a powerful elite which can be named, [she] located it instead in a systematized set of presentational procedures which name, situate, centralize' (Fraser, 2009b, 294). By 'presentational procedures' Fraser referred to Lawler's practice of working with things such as captions, proper names, invitations, documentary

photos, catalogues, etc.[5]

One should place Fraser's text from 1985 in a historical context in which institutional frameworks progressively came under the scrutiny of art scholars. Whereas none of the artists whom are said to have fathered institutional critique had used the term before, the writings of Benjamin H.D. Buchloh, Douglas Crimp and Peter Bürger, for example were already abundant in terms like 'the institution of art', 'institutionalized language', 'institutional frameworks', 'institutional exhibition topic', etc. (Fraser, 2009a, 410). But more importantly, I believe that the art practice of institutional critique cannot be divorced from a series of contemporary analyses stemming from the fields of philosophy, linguistics and the history of ideas, which could be read, as well, as 'institutional critiques'. I am referring, of course, among others to Michel Foucault's analyses of the prison and of the mad house (Foucault, 1979; Foucault, 2001b) or Gilles Deleuze's and Félix Guattari's analyses of the psychiatric institution (Deleuze and Guattari, 1983). To this one should add Eileen Cooper-Greenhill's and Tony Bennett's Foucault-inspired analyses of the museum (Hooper-Greenhill, 1992; Bennett 1995); but also Pierre Bourdieu's sociology of art (Bourdieu, 1996). What I am suggesting is that critical concerns regarding the conditions of art practice within the art institution benefited from the circulation of a series of concepts, concerns and even 'institutional critiques' among related and, at times, overlapping fields of knowledge production.

With this point of view in mind, let us return to Fraser's definition of 'institutional critique' that she provides in 2006. She describes it as a methodology of critically reflexive site-specificity (Fraser, 2006, 305). As

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[5] I take Fraser's description of Lawler's practice as an indication of the fact that by the 1980s the concept of the art institution was already undergoing a process of transformation: the art institution is not only the physical space of the museum, art gallery and the project space, but gradually encapsulates things such as those that Fraser called 'a seemingly plethora of supplements' (Fraser, 2009b, 294).

such, she distinguished it from site-specific practices that 'deal primarily with the physical, formal, and architectural aspects of places and spaces (Fraser, 2006, 306); institutional critique engages sites as 'social sites, structured sets of relations that are fundamentally social relations […] a site is a social field of those relations' (Fraser, 2006, 306)[6]. Fraser, then, suggests that institutional critique installs itself in the dynamics of domination and struggle inherent in the field in which it operates. But it installs itself critically-reflexively, which means that, on the one hand it acknowledges the critic's imbrication in the relations of power within that field and, on the other hand, that her/his aim is to 'problematize and change' the set of relations and hierarchical structures, the material and symbolic violence therein (Fraser, 2006, 306)[7]. Fraser stresses that institutional critique is conscious of its own position: she distinguishes it from practices that merely represent the structures and hierarchies of the field, or those that aim to create 'new spaces for excluded or subaltern positions' (Fraser, 2006, 306). Another important aspect of this definition is that institutional critique does not limit itself to being 'art about art'. Unlike critics that have interpreted her position as a 'governmentality of failure' partly stemming from 'Bourdieu's deterministic analysis of the closure of the socio-professional fields' (Holmes, 2009, 58), I believe that Fraser also points out that an artistic site is not entirely shaped by the visible relations

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[6] Fraser has admitted her indebtedness to Pierre Bourdieu's sociology, from which she adopted the notion of 'field'. In his *On Television,* Bourdieu defined the field as 'a structured social space, a field of forces, a force field. It contains people who dominate and others who are dominated' (Bourdieu, 1999, 40). Domination and force are, of course, concepts that refer to the register of power relations. Consequently, Bourdieu proposes that an essential characteristic of the field is the constant struggle within. 'In a field', writes Bourdieu, 'agents and institutions constantly struggle, according to the regularities and the rules constitutive of this space of play (and, in given conjunctures, over those rules themselves), with various degrees of strength and therefore diverse probabilities of success, to appropriate the specific products at stake in the game.' (Bourdieu and Wacquant, 1992, 102).

[7] In chapter three I will suggest that the logical framework in which we can understand this positioning amounts to what Foucault described as the 'critical attitude', an attitude of being both partner and adversary, at the same time, of the powers that be (Foucault, 1997).

within an artistic field, but relates closely to invisible relations established with neighbouring fields as well. Therefore, the relations that institutional critiques analyse refer both to 'encroachment and instrumentalization (e.g., corporate sponsorship)' and to the 'homologies of structure and interest (e.g., the corporatization of museums, galleries, and even studios)' (Fraser, 2006, 306).

I believe that this complex definition provides us with a representation of the manifold dimensions of the concept of 'institutional critique'. It particularly facilitates the manner in which I will conduct a conceptual analysis of the term in the second and third chapters. The difference between my position and Fraser's is that I consider less important Bourdieu's critical sociology and particularly the concept of field, and I rather follow Luc Boltanski's pragmatic sociology of critique and Jacques Derrida's analysis of speech acts which, in conjunction, highlight the irreducible symbiosis between institution and critique. In this subsection I offered a preliminary investigation of existing definitions of institutional critique. In the next section I want to consider how its canonization influenced its meaning, reception and understanding. I will particularly pay attention to the manner in which different writers discern between several 'waves' of institutional critique.

3.2.2. The Metaphor of 'Waves'

Part of institutional critique's reconceptualization presupposes an examination of how art history recorded its complexity. But this triggers a certain paradox. It refers to the fact that, as Stefan Nowotny writes, 'canonization itself belongs to the specifically institutional practices that institutional critique refers to – and indeed *critically* refers to' (Nowotny, 2009, 21). Canonization is, in other words, not neutral: it involves a demonstration of force through which the art institution recuperates its

critical adversary. Arguably, canonizations trigger simplifications and desaturations of complex developments. Nowotny paid attention precisely to the effects of institutional critique's canonization through various historicizations, self-historicizations and examinations of topicality 'which, instead of examining it, regularly become entangled in the self-referentiality specific to the art field, and specifically examining it as institutional practice' (Nowotny, 2009, 21). Thus he correctly criticizes attempts that fix institutional art practices 'to art as the form of its ends' (Nowotny, 2009, 22) and identifies one such flagrant case in Isabelle Graw's attempt to extend the canon of institutional critique to painting. Instead of targeting 'art' and 'currents', it would be desirable 'not to fall back behind the institutional critique of historical political analyses of modern art and exhibition institutions – or "art" as an institutional field' (Nowotny, 2009, 25). The canon of institutional critique that I will refer to discerns two 'waves' of institutional critique. My approach recognizes the paradox of canonization; at the same time, my argument is that one cannot engage herself/himself in the process of reshaping institutional critique unless its canon is revisited and submitted to the labour of de-canonization.

The establishment of this canon was not, of course, free from debate and controversies. But as Raunig and Ray write, 'the canonization of these practices proceeds on a terrain that is quite orderly, operates by clear rules and borders, and is characterized by a certain amount of depoliticization and self-reference' (Raunig and Ray, 2009, xv). What do these 'waves' amount to? Artists like Hans Haacke, Daniel Buren, Robert Smithson, and Marcel Broodthaers are said to belong to the first wave (1960s-1970s); they 'investigated the conditions of the museum and art field, aiming to oppose, subvert or break out of rigid institutional frameworks' (Raunig and Ray, 2009, xiv – xv). The second wave (1980s-1990s) refers to the practices of artists like Andrea Fraser, Renée Green,

and Fred Wilson; 'to the economic and political discourse of their predecessors, the practices of this 'second generation' added a growing awareness of the forms of subjectivity and the modes of its formation' (Raunig and Ray, 2009, xiv – xv). Attempts to enlarge this canon have been offered by curator Maria Lind who considers three more waves. A third change refers to the emergence of dialogism as an artistic practice in which artists (Bik van der Pol and Apollonia Šušteršič) would propose 'changes which sometimes operated with the institution, at other times against it but always dialogically and avoiding condemnation' (Lind, 2012, 26). The fourth phase would be represented by artists such as Marion von Osten and Carey Young, who have formulated a critique of the 'whole 'institution of art', the apparatus itself, not least its economic side', 'again from a position inside' (Lind, 2012, 26). Finally, she identifies as the fifth phase the propositions advanced by the exponents of the European Institute for Progressive Cultural Policies, which I will mention in the next section. To anticipate, their approach envisages 'a 'non-dialectical' concept of resistance and critique, one seeking above all to establish a different conceptualization of contradiction, negation, and reaction' (Raunig and Ray, 2009, xvi).

The canon of institutional critique's 'two waves' is, however, the most prevalent. Several writers have added further elements to their historicization, and one of the most interesting accounts is provided by Hito Steyerl (Steyerl, 2009, 486-492). She proposed that the first wave was shaped by a model of democratic participation in the nation-state and within a Fordist type of economy which subsidized the art institution; in other words, the demands of institutional critics in the first wave regarded the democratic participation in the art institution of excluded social, cultural, and ethnic minorities. These demands were based on theories of the public sphere and consequently interpreted the cultural institution as a potential public sphere. The most successful artistic strategies were those

that were rather reformist than radical; but their effect was that they were integrated in the art institution (Steyerl, 2009, 488). The second wave, however, was challenged by what Steyerl describes as a 'right wing form of bourgeois institutional criticism' (Steyerl, 2009, 488) that subverted the concept of the public sphere. This induced the idea that the cultural institution has to be aware of its economic function and, as such, that it has to be subjected to the laws of the market. Another transformation took place at the level of representation. If the first wave of institutional critique functioned in a political and social environment that gave credit to the idea of material representation (e.g. of a sexual or racial minority in national parliaments) the second wave had to work within a framework for which the idea of symbolic representation appeared as sufficient. In other words, the process that shows its effects even today is that of a 'cultural or symbolic integration of critique into the institution or rather on the surface of the institution without any material consequences within the institution itself' (Steyerl, 2009, 489). Interestingly, Steyerl suggests that criticism of the institution always produces an ambivalent political subject. The bourgeois political subject critical of the absolutist order, for example, was ambivalent because it was advocating the free use of reason, but at the same time restricting its application to those instances that would subvert the political order. In relation to institutional critique, Steyerl suggests that the critique of institutions from the first wave created a political subject that performed criticism whilst being integrated in the institution. In the second wave, the critique of representation created a subject that was integrated in representation, or what she calls 'an overall spectacle of difference' (Steyerl, 2009, 490). In fact, one of the implications of the analysis that I will conduct in the next two chapters is that what Steyerl describes as the ambivalent subject of institutional critique is a consequence of the fundamental relation of cohabitation and symbiosis between institution and critique; in chapter six I will argue that what Jacques Derrida called

'deconstruction' provides the tools to understand and work around this undecidable ambivalence.

As the reader may have already noticed, the concept of the (bourgeois) public sphere is central in the canonization of institutional critique. In the second section of this chapter I have already indicated the significance of this concept in Benjamin Buchloh's arguments that conducted to his *declaration* that a certain practice of 'critical resistance' and 'radical negativity' has ended. The concept of a necessary connection between institutional critique and the public sphere survives, however, in various other historicizations. In his introductory text to the anthology of texts written by institutional critics (2009), Alexander Alberro proposes that what has been known as institutional critique's first wave revised the radical promise of the European Enlightenment by confronting the institution of art 'with the claim that it was not sufficiently committed to, let alone realizing or fulfilling, the pursuit of publicness that had brought it into being in the first place' (Alberro, 2009, 3). He implies that these artists' gesture of negation was based on a dialectical logic whose aim was 'to intervene critically in the standing order of things, with an expectation that these interventions would produce actual change in the relations of power and lead to genuine reconciliation' (Alberro, 2009, 3). 'Genuine reconciliation' refers to, of course, a dialectical moment of synthesis and institutional critique would articulate, then, this very moment of dialectical reconciliation. A similar thesis is to be found in Blake Stimson's text, the co-editor of the same anthology of texts. Stimson describes the social upheaval of 1968 as the *'tendance Groucho [Marx]'*: it points to a general distrust in any form of institutionality, and a denunciation of the comedy of institutional belonging. This is to be contrasted to *'tendance Karl [*Marx*]'* that essentially retains norms of institutionality (Stimson, 2009, 25). Stimson associates institutional critique with the second tendency, which found inspiration in the

great historical figures of the bourgeoisie – the various allegories of liberty and equality, the citizen, the parliament, the museum and the public sphere – and, later, from the great historical figures of socialism – the labourer, the factory, the soviet, the party, the international, the masses (Stimson, 2009, 31).

Alberro and Stimson, of course, quote a long list of artistic positions that would sustain their account. But as I try to show throughout this thesis, particularly in the fourth and fifth chapter, many art projects of institutional critique seem to do something else than holding accountable the art institution for living up to its modernist promises, or attempt to articulate in a synthesis the relation between institution and critique. Dave Beech pointed out the fact that, although Alberro's argument is 'philosophically satisfying', like Blake Stimson's 'somewhat Adornian version of the same argument' (Beech, 2013, webpage), their accounts are difficult to confirm empirically: many institutional critics don't seem to fit in this description. 'Michael Asher, for instance, does not move walls and other things with any specific social group in mind. And [Graciela] Carnevale's *Lock Up Action* used the gallery as a stand-in for the invisible constraints, discomfort and anxiety of everyday life' (Beech, 2013, webpage).

To this I want to add another aspect. I already discussed, in Buchloh's case, how important the concept of dialectics is, just like it seems to be important for Alberro and Stimson. What I tried to suggest in section two is that Buchloh's own acceptance of publishing in the pages of *Artforum* refers to a logic of being, at the same time, partner and adversary of the *Artforum* institution; partner inasmuch as he publishes in its pages, adversary inasmuch as he recognizes *Artforum* as being responsible for the demise of types of critical practice that he had previously supported.

Buchloh's performance of his speech act, however, seems to depart from dialectics. It reveals an ambivalent positioning which remains undecidable and unresolvable in a synthesis. And I want to suggest that this is the proper place to start thinking about the possibilities we have at hand for re-conceptualizing institutional critique. What I want to do next is to refer to those positions that take institutional critique's canon into account only in order to reshape its tasks and aims. I locate my own research within this specific space of reflection.

3.2.3. The Present of Institutional Critique

After I have reviewed, in the previous sections, attempts of circumscribing the definition and canons of institutional critique, I concluded with the observation that various positions are sympathetic with the idea of a connection between institutional critique and the articulation of a public sphere. I expressed doubts that such a connection is generalizable to all the artists engaged in institutional critique and further arguments will be provided in the following chapters. But I want to observe how this idea triggers propositions for a 'third phase' of institutional critique that are paradoxically built on the recuperation of the values of modernism.

Take the example of cultural sociologist Pascal Gielen who recently proposed that the function of institutions, including the institution of art, has traditionally been that of mediating between the real world and an 'imagined' fictional reality: change and innovation occur within this process of institutional mediation (Gielen, 2013, 12-13). In relation to institutional critique he suggests that a common feature of both waves of institutional critique was a 'dissatisfaction with claustrophobia' (Gielen, 2013, 14). Taken from the register of anxiety disorders, claustrophobia is, to be sure, a strong term. It refers to the fear of being in closed or small spaces, and more generally, to the uncomfortable feeling of being in a situation that

limits or restricts the freedom of thought and action. Gielen follows Brian Holmes' account of institutional critique which contended, especially referring to Andrea Fraser, that institutional critique has ended in a 'governmentality of failure': the mere contemplation of 'his or her own psychic prison, with a few aesthetic luxuries in compensation' (Holmes, 2009, 58)[8].

Again, it is arguable whether institutional enclosure is a feature that could be generalized to the entire range of practices of what one calls institutional critique. But Gielen's position is significant not because he repeats the canon of institutional critique, but because he makes the interesting proposition that one of the effects of institutional critique was that it eroded institutional boundaries, making it impossible for the institution to provide a space in which criticism could be exercised. What happened is that 'with its call for more democracy and less hierarchy, institutional critique has in the meantime opened the door to a flat world in the art world' (Gielen, 2013, 15-16). By breaking institutional frames and boundaries, institutional critique has 'flattened' the structures of the art institution by inviting 'other value regimes that have eroded not only its hierarchy but also its own dignity' (Gielen, 2013a, 16). What is at stake, Gielen implies, is the very existence of the imaginary realm from which change and innovation occurs. This is why 'if there were to be a third wave of institutional critique nowadays, it could only succeed by making the time-honoured values of art institution its ally' (Gielen, 2013, 15). This amounts to institutional critique reinstating that 'modern truth of art', and namely, the maintaining of the distinction between reality and imagination; it should, at the same time, make the art institution its ally, an art institution that has to become 'a value regime and keeper of an imagined ideal' (Gielen, 2013, 29). In order to do this, institutional critique should 'imagine

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[8] In chapter four I will analyse in more detail Holmes' allegations against Fraser.

its own values according to its own logic – so, no longer via the imagination demanded by auditors and other accreditors or the mass media' (Gielen, 2013, 30).

It is interesting to ask what exactly the 'dignity' of the institution of art is when in fact, as I will show in chapter two, any institution is haunted by an irreducible violence? How can one describe the logic of institutional critique that would keep itself apart from the mechanisms of network-based 'late capitalism'? (Gielen, 2013, 21). What we are offered instead is the suggestion that we should go back to the values of modernism, with the provision that we need to pay more attention to the dangers of imagination and utopian thinking. But Gielen says nothing about how one could, in this manoeuvre, avoid reinstating the hierarchies and violence that triggered responses of institutional critique. In other words: how are we to avoid new regimes of domination and repression, precisely when, Gielen tells us, the art institution will no longer lure its audience through market strategies in which it asks what it wants, but 'will start to tell its audience, in the public domain, what it *should* want, if that audience wants to preserve its imaginative powers'? (Gielen, 2013, 30) Implicit in Gielen's position is a negative evaluation of the institutional 'flatness' which he partly identifies with 'mobility and networking', and 'artistic internationalism and connexionism' (Gielen, 2013, 21). What I want to suggest is that the risk of inviting new hierarchical regimes of power to which the critic will be asked to submit is constitutive to such a manoeuvre. Taking this aspect into account, my own research situates itself close to those positions that praise the virtues of critical flatness and horizontality against institutional verticality.

My investigation is, to put it differently, sympathetic with the efforts of the European Institute for Progressive Cultural Policies to articulate a 'third phase' of institutional critique that, against canonization and historicization, expand critical reflection by incorporating elements of the

'horizontalist' philosophies of French poststructuralism (Gilles Deleuze and Felix Guattari, Michel Foucault), and Italian postoperaism (Antonio Negri) among others. The virtue of this move is that, by concatenating art and recent philosophical thinking, it pushes the debate towards a reconceptualization of what one understands by art practice, art institution, resistance, and critique. These authors, in other words, attempt to articulate a '"non-dialectical" concept of resistance and critique, one seeking above all to establish a different conceptualization of contradiction, negation, and reaction' (Raunig and Ray, 2009, xvi). This research was motivated, in fact, by one of Gerald Raunig's texts in which he suggests that the thesis referring to a new phase of institutional critique is 'based less on empirical evidence than on a political and theoretical necessity to be found in the logic of institutional critique itself' (Raunig, 2009, 3). This thesis asks precisely what does this logic of institutional critique amount to?

The European Institute for Progressive Cultural Policies has advanced a conceptual apparatus to think through this phase change. It is articulated by such concepts as 'instituent practices' and 'monster institutions'. 'Instituent practices' is a concept that refers to strategies and processes that 'take their bearings from traditions of institutional critique, even as in other respects they go beyond anything recognizable in the movement now canonized as part of art history' (Raunig and Ray, 2009, xv). The concept is derived from Antonio Negri's concept of 'constituent power' and refers to a permanent process of constitution; therefore, instituent practices imply permanent processes of instituting and of linking instituting events. Permanent instituting attempts to avoid institutional enclosure and marks 'the site of a productive tension between a new articulation of critique and the attempt to arrive at a notion of "instituting" after traditional understandings of institutions have begun to break down and mutate' (Raunig and Ray, 2009, xvii). The concept aims at exceeding

the strategy of merely opposing the institution: 'it does not oppose the institution, but it does flee from institutionalization and structuration' (Raunig and Ray, 2009, xvii).

Instituent practices draw much inspiration from the figures of flight, nomadism, desertion, withdrawal, exodus and treason, which have been theoretically developed by Deleuze, Guattari, Butler, Negri, and Virno. Raunig and Ray suggest that the process of concatenating different instituting moments among themselves but also of forming alliances with various social movements leads to what they call 'monster institutions': forms of floating, temporary institutionality that insert themselves within the structural fibre of societal petrified institutions (Raunig and Ray, 2009, xvii). In Raunig's and Ray's account, the Spanish Universidad Nómada is one such example (Universidad Nómada, 2009, 237-246).

My own work assumes its theoretical indebtedness to that of the European Institute for Progressive Cultural Policies; but it argues that the latter is incomplete. What strikes me is that, whereas drawing massively on the heritage of French poststructuralism, it ignored completely an author whose theoretical apparatus could have contributed significantly to the analyses of the conditions and possibilities of institutional critique. I am referring here at the fact that both the dossiers published on the *transform* and *republicart* web journals and the texts that Raunig and Ray included in *Art and Contemporary Practice. Reinventing Institutional Critique* (2009) have virtually no recognition of Jacques Derrida's work. I believe that this is a consequence of a still prevalent aversion against Derrida's theoretical apparatus, which is often reduced to a philosophy of political non-involvement[9]. On the contrary, in this thesis I try to demonstrate that we can think through concepts such as 'undecidability', 'supplementary, impure logic', and 'deconstruction' among others, not only the canon of

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[9] In chapter six I refute this prevalent view of Derrida's work.

institutional critique, but also its future conditions and possibilities.

4. Conclusions

This chapter began with the observation that in the last decade one can observe a constant preoccupation that addresses the manner in which the legacies of institutional critique have been received, acknowledged and transformed. I have suggested that a strong reason for this concern is linked to the profound social, economic, political and cultural transformations that the Western capitalist societies have gone through in the post-1968 time frame. These shifts, which I identified with what Boltanski and Chiapello call the 'new spirit' of capitalism, are responsible both for the recuperation and instrumentalization of artistic critique, and for the corporatization and privatization of the art institution. Much of the historical positions of institutional critique mirror these developments in the social tissue. In this sense, we have observed a certain melancholia among various writers, a certain longing for a public space that institutional critique allegedly helped to defend in its initial phase, but which has melted down under the pressures of neoliberal ideology. Alexander Alberro and Pascal Gielen are exponents of this position. But instead of attempting to reinvent an institutional critique that argues for the reinstitution of a lost public space (structured hierarchically and vertically) this thesis is sympathetic with positions that praise the virtues of horizontality, and whose arguments are inspired by poststructuralist and postoperaist philosophies. In this sense, I referred to the apparatus articulated by the initiators of the European Institute for Progressive Cultural Policies.

Against this background, I suggested that we can identify already, even in what has been coined as the two waves of institutional critique,

elements that amount to a deconstructive logic, a logic of accommodating undecidability. The contribution of this thesis amounts to a return to Jacques Derrida and to the apparatus of deconstruction, which I argue is capable of furnishing the tools through which one can rethink institutional critique. This argument is unfolded in the next chapters of this work. Chapters two and three proceed to a conceptual analysis of the logic of instituting and of the logic of critique, whereas chapter four and five discuss the possibility of a non-topology of institutional critique which is both inside and outside, both 'before and beyond', at the same time, of institutional frames. Institutional critique amounts, I suggest, to a logic of deconstruction, whose concept and its political substance I develop in chapter six.

Chapter II:
The Critique of Institutional Reason

Introduction

In the previous chapter I explained, following Boltanski and Chiapello, that the 'new spirit' of capitalism generated processes that led to the recuperation of artistic critique. I proposed that the latter faces the dilemma of either resuscitating old critical paradigms that seem unable to respond to actual transformations of capitalism, or embracing a nihilistic and self-defeating position. I argued that the recent interest in institutional critique represents an attempt to overcome this dilemma and I stated my indebtedness to those authors who develop paradigms of institutional critique based on poststructuralist and postoperaist theories. My own approach proposes to re-evaluate the potential offered by the theoretical apparatus of deconstruction. But before I explain how concepts such as 'undecidability' and 'supplementary logic' could help us in re-articulating the tools of institutional critique, I will analyse what constitutes the logic of instituting and criticizing. This is the task of the second and third chapters of this work.

The second chapter, then, proposes an analysis that responds to the question: what is the logic of institution making? I begin to answer this question by exploring, in the first section, the apparatus of what I call the 'pure' logic of institution making, by which I understand John Searle's singular theory of institutionality, which he has been developing since the mid-1990s. There are two important reasons to proceed in this manner. The first one relates to the fact that I found references to Searle's theory in the recent literature on institutional critique. For example, John C. Welchman's *Institutional Critique and After* (Welchman, 2006) begins with

a text written by Searle that includes a summary of his theory. I also found references to Searle in texts written by curator Maria Lind (Lind, 2011, 26), who is part of a generation of curators responsible for what has been known as 'new institutionalism'[1]. What I observed in the first place is that although Searle's efforts have been widely acknowledged – his theory is unique because it is one of the few that stresses the primarily semantic aspect of institutions – little has been done for developing its consequences for what amounts to the possibilities of institutional critique. At the same time (and here is the second reason for referring to Searle) his theory interests me not only for what it distinguishes in relation to the logic of instituting, but also for what it leaves out and excludes. I called his theory 'pure' because it offers a 'pure', 'transcendental' theory of institutional reasoning based on clear-cut distinctions between the constative and the performative aspects of language, on an account of intentionality capable of determining exhaustively its context, and on a concept of free will that emerges out of social interactions. The second section of this chapter proposes a critique whose findings offer a necessary supplement to his theory. It is a critique insofar as I show, by referring to two of Jacques Derrida's analyses of speech acts, that Searle's distinctions are only relative; moreover, there are structural reasons why they cannot work but in an 'impure', mixed and undecidable manner. This is to say that I am not throwing Searle's account overboard: I am supplementing it with an investigation that exposes a fundamental violence (both immaterial, conceptual, and material, physical) that haunts the logic of instituting. If institutions were capable of determining exhaustively the unity of meaning in the contexts of their emergence, this violence would remain invisible. But precisely because there is a remainder which, I

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[1] Möntmann defines 'new institutionalism' as 'institutions that have internalized the institutional critique that was formulated by artists in the 1970s and 1990s and developed an auto-critique that is put forward by curators in the first place' (Möntmann, 2009, 155).

argue, has to do with the iterability of the sign, with the fact that institutions cannot determine in a total and exhaustive manner the meaning of what is and what ought to be, critique becomes necessary. In other words, I will argue that the semantic dimension of institutions functions according to a logic of iteration which entails that the relation of institution and critique pertains to a mutual and necessary cohabitation. This takes us back to Luc Boltanski's and Eve Chiapello's thesis that I invoked in the first chapter, of the interdependence between an institutionally-based 'spirit' of capitalism and critique. And indeed, in the third section of this chapter I develop the idea of the necessary symbiosis between them by referring to Luc Boltanski's latest reflections on critique. Particularly important in this section will be to stress the fact that this necessary relationship is triggered by the existence of two 'hermeneutical contradictions' in institutions. The first one refers to the bodiless existence of an institution and its possibilities of expression, through the bodies of its representatives. The second one refers precisely to an institution's semantic function, that of fixing reference, of saying the 'whatness' of what is as if that is all there is, as if there is no remainder and no rest. Critique develops, then, by taking hold of what is excluded within these contradictions. The findings of this chapter are essential for the economy of the thesis: particularly chapters four and five, in which I show that institutional critique presupposes the mastering of contradictions (inside/outside, work/frame) without solving them in a dialectical synthesis. I will conclude by iterating the findings of this chapter and applying them to what I call 'the institution of art'.

1. A 'Pure' Logic of Instituting

What precisely do we refer to when we use the term 'institution'? We learn from the Oxford English Dictionary that the term 'institution' has Latin provenance, that the verb 'instituere' refers to the actions of setting up, establishing, founding, appointing, ordaining, initiating, arranging, and ordering something. But in everyday language we are also referring to institutions as to something being introduced or brought into use; as to something ordained, something that shall be in a certain way, arranged, or put in a peculiar form, set in operation, initiated or started. The same source mentions that to institute also means to establish something or someone in an office, charge or position, or to appoint: therefore that something is granted, or represented as having a certain status. Finally, to institute is to ground or establish in principle; to train, educate and instruct. (OED online, 'Institute, v.', 2013, webpage).

With all these semantic possibilities at hand, perhaps at least this could be said with certainty: institutions refer to people, and it is people that 'institute', set up, establish found, appoint, initiate, etc. But by refining this thought we encounter more complicated issues. It is indeed people that institute, but people need to gather themselves in more or less structured groups in order to institute collectively; they might also need to share the sense of common aims, purposes and values, and the mechanisms through which they can be attained. I will refer in this section to John Searle, because his approach is among the few interested in asking how is all this possible? Or, what are the conditions for the possibility of humans making institutions? This is, to be sure, a transcendental question, and Searle's project is, indeed, that of offering necessary and sufficient conditions for instituting processes. I call his theory 'pure' precisely because of its transcendental dimension, because of its intention of determining exhaustively the context in which humans

are successful in having something like institutions. In this section, therefore, I will explore what I described as the 'pure' conditions of institution making, only to prepare the ground of the second and third sections, in which I show that the logic of instituting is not pure, and that this alleged purity hides a fundamental violence that conditions and triggers the existence of something like critique.

1.1. Collective Intentionality, the Imposition of Status Functions and Speech Acts

Searle's theory has the merit of insisting that in order to answer the question about the possibility of instituting one needs an account of how language works, a theory of locution, of speech acts and of intentionality. But why is language crucial? Why couldn't we just begin from the mere observation of the empirical self-evidence of institutions, from a description of how they work, and then abstract a theory of institutions? For Searle language is more than a system of well-formed sentences: it is a system of symbols, or otherwise said, a system of representations. (Searle, 2006; Searle, 1995). One cannot explore, therefore, institutions, before one acknowledges that institutions are representations of something as something else. That we are capable of such representations is only made possible by the fact that humans master a fundamental apparatus that makes representation possible. This is what we call language: because we have a language we are capable of representing, and because we represent something as something else we have institutions. Once we understand this, suggests Searle, then it will become obvious that the necessary conditions (what he calls 'theoretical primitives') for instituting amount to the fact that language expresses a certain intentionality, that through language we assign status functions, and that a part of the language has the particularly interesting property of doing what it says it

does while saying it.

The first primitive relates to the *intentionality of the mind,* the mind's property of having a direction or orientation towards an object: 'that feature of the mind by which it is directed at, or about, or of, or concerns, objects and states of affairs in the world' (Searle, 2006, 6). We could further break down intentional states into their components: the type of intentional state and its content. Believing, desiring and promising are intentional states. The content is usually of a propositional nature, although it need not be so necessarily (Searle, 2010, 27). Searle suggests that there is a structural parallelism between intentional states and language. Just like there is a distinction between types of intentional states and their content, so in language we can discern between types of speech acts and their propositional content (Searle, 2010, 28). The analogy goes further: both intentional states and speech acts have 'directions of fit' - a concept that describes the conditions of possibility of an intentional state or a speech act to 'fit or accurately represent the world' (Searle 2010, 28). In other words: there must be a series of conditions satisfied if the intentional state (e.g. I believe that 's') or a speech act (e.g. I declare you husband and wife!) is to be satisfied. Searle calls them conditions of satisfaction.

Intentional states do not function as isolated units. Searle explains that they are connected with other beliefs, desires, and intentions, some of which we are not always presently conscious of. I cannot, for example, cross the border between France and England unless I believe that I have the proper documents to do so (a passport, a visa, etc.) or, in extreme cases, unless I believe that I am a good swimmer, that I have enough physical strength to sustain my crossing of the Channel, that I have the ability of avoiding the Coast Guards, etc. But besides this network of beliefs, Searle suggests that one needs what he calls a background of presuppositions or things we take for granted, and which he defines as the 'abilities, capacities, dispositions, ways of doing things and general know-

how that enable us to carry out our intentions and apply our intentional states generally' (Searle, 2010, 31).

I have already suggested that in order for something like institutions to exist one needs to account for the cooperation between individuals that share common aims, purposes and values, and the mechanisms to achieve it. Searle advances the concept of *collective intentionality,* through which he understands that we not only 'engage in cooperative behaviour, but (...) share intentional states such as beliefs, desires and intentions' (Searle, 1995, 23). The American author insisted throughout his writings that collective intentionality is not reducible to individual intentionality. In 2010 he argued that 'cooperation implies the existence of common knowledge or common belief, but the common knowledge or belief, together with individual intentions to achieve a common goal is not by itself sufficient for cooperation' (Searle, 2010, 49). He thus implies that collective intentionality is a primitive, irreducible phenomenal state of the mind (Searle, 1995, 24). You need to have cooperation in order to have institutions, and cooperation is explainable through collective intentionality. It could be said, then, that the work of collective intentionality determines social facts, with institutional facts as their subset.

The second theoretical primitive refers to the fact that through language we are capable of representing something as something else. Thus, we often *assign functions* to different sorts of entities (Searle, 1995, 13-23). This refers to the human capacity to impose functions on entities, whereas those entities don't have the respective functions intrinsically, but only in virtue of the fact that we *assign functions* (Searle, 2006, 7). Functions are not 'discovered': they exist only because they are represented as such. In other words, 'functions are always intentionality-relative' (Searle, 2010, 59). For example, I don't experience the object in front of me as a collection of molecules, or as a piece of wood, but as a chair which serves a particular function, in this case, it serves as an object

one can sit on. Or, to introduce in the discussion the case of collective intentionality, it could be imagined that a group of people *collectively assigned* to something like the river Rhine the function of bordering France and Germany, whereas the river Rhine does not have intrinsically the function of bordering anything.

A particular type of imposition of functions is what the American philosopher calls the *assignment of status.* Searle describes *status functions* as the 'glue that holds society together' (Searle, 2006, 9). In this case, an object or person to whom the function is assigned cannot perform the function just in virtue of its physical structure (like, for example, a piece of wood with a particular shape becomes a chair to sit on) but rather performs the function 'only in virtue of the fact that there is a collective assignment of a certain *status*, and the object or person performs its function only in virtue of collective acceptance by the community that the object or person has the requisite status' (Searle, 2006, 7).

In *The Construction of Social Reality* (1995) Searle explained that the assignment of status takes the general form *X counts as Y in context C.* The X term identifies certain features of an object or person or state of affairs, and the Y term assigns a special status to that person, object, or state of affairs. In his latest work, however, Searle seems to abandon this argument, by implying that this distinction has only a local significance. In 2010 he argues that what is essential in the act of 'counting' something as something else is that we do so through the speech act of a *Declaration*:

> 'when we count pieces of paper of a particular sort as twenty-dollar bills we are making them twenty-dollar bills by Declaration. The Declaration makes something the case by *counting it as*, that is, by declaring it to be, the case' (Searle, 2010, 101).

Mentioning *declarative speech acts* has the role of introducing us to the third theoretical primitive: it refers to those features of language – declarative speech acts – which enable the creation of status function. A declaration is a type of speech act which 'creates the very state of affairs that it represents' (Searle, 1995, 34). Searle suggests that, in fact, and with the exception of language itself, 'all of institutional reality, and therefore, in a sense, all of human civilisation, is created by speech acts that have the same logical form as Declarations' (Searle, 2010, 12-13). In the case of such speech acts, the state of affairs represented in the propositional content is brought into existence by the 'successful' performance of the speech act. 'Successful' refers, in this case, to the conditions that satisfy the speech act's direction of fit, the idea that something (an intentional state, a speech act) can represent a state of affairs 'accurately'.

I want to insist on the notion of an 'accurate representation' of states of affairs because it will determine the critique that I will construct in the second section of this chapter. I want to suggest that the idea that one could determine a performative speech act's conditions of success has to be understood in the context of J. L. Austin's attempts to distinguish those cases in which performative speech acts succeed from those in which 'something goes wrong' (Austin, 1962, 14). Both Austin and Searle argued that a declaration does not work simply by uttering words like 'I pronounce you husband and wife!'; there are other conditions which need to be fulfilled in order for this sentence to bring about a state of affairs. Otherwise declaring war, baptising, christening, etc. are prone to failure. Austin called the doctrine of the 'things that can be and go wrong on the occasion of such utterances, the doctrine of Infelicities' (Austin, 1962, 14). One particularly interesting example of infelicities stems from the distinction between what Austin identifies as 'normal' and 'parasitic' uses of language. His examples of 'parasitic' language belong to the register of the arts – he mentions the actors on stage, or the occurrence of speech acts

in poems – or to the register of internal discourse (soliloquy). Austin suggested that in such cases performative utterances become 'in a peculiar way hollow or void' and that language is not used 'seriously' (Austin, 1962, 22). Throughout his investigations, Searle also distinguished between 'serious' utterances and cases such as dramatic performances, teaching a language, reciting poems, and practising pronunciation; he also differentiated 'literal' from metaphorical or sarcastic uses of language (Searle, 1969, 57, f.1). In *Speech Acts*, for example, he identified three conditions for success in the case of an order: a preparatory condition that refers to the fact that the 'speaker should be in a position of authority over the hearer'; a sincerity condition which refers to the fact that 'the speaker wants the ordered act done'; and the essential condition that refers to 'the fact that the speaker intends the utterance as an attempt to get the hearer to do the act' (Searle, 1969, 64). Coming back to his theory of institution making, I want to suggest that what he identifies as the 'accurateness' of the direction of fit has to be understood as the intention of determining exhaustively (successfully) the context of a speech act's performance. In section two I will show that this is impossible and this fact will ground my critique against his 'pure' theory of institutional reason.

I explained that subsequent to the idea of a speech act's direction of fit, or conditions of success, is the thought that one can determine exhaustively the context in which a speech act emerges and, thus, its total meaning. It would be impossible, otherwise, to distinguish conditions of success from those cases in which speech acts fail. Searle implies that in order for speech acts to be successful, it is necessary to recognize the primary role of intention and intentionality. Searle argues that not only do we utter certain words in speech acts, but we also intend to do what we mean in the words we utter. In other words, Searle contends that the conditions of success are determined by the presence of a self-conscious

intention, which commits the speaker/writer to the fulfilment of what she/he says. Declaring war or baptising a ship triggers a deontology, a system of obligations, duties, and rights that bind the speaker/writer to what she/he speaks of:

> You cannot explain what a statement, or a promise, is without explaining that a statement commits the maker of the statement to its truth and the promise commits the maker of the promise to carrying it out. […] By committing myself to the conditions of satisfaction of the belief (in making a statement), I am telling him that this is how the world is; by telling him about the conditions of satisfaction of my intention (in making a promise), I am telling him what I am actually going to do (Searle, 2010, 84).

Speech acts are thus binding in the sense that the performance of a speech act creates a state of affairs that triggers the coming into existence of a series of rights, duties, and obligations. This is to say that, in Searle's view, when a group is in the situation of employing an instituting speech act, its success is dependent on the intention of committing oneself to the 'conditions of success'. The result of this type of commitment is that powers are assigned (Searle, 2010, 102). For Searle, power is a rather concrete concept that refers to a matrix of 'deontic properties' like rights, duties, obligations, authorizations, permissions, empowerments, requirements, and certifications (Searle, 2006, 10). In section two, however, I will show that this deontic commitment can never be fully realized; and that, precisely when it comes to instituting, what remains outside of the control of a collective instituting intention and therefore, outside of its matrix of power generates the possibility of critique.

Until now I have explained what, in Searle's view, are the three necessary components of institution-making: collective intentionality and what appears to be the over-determining intention of a speech act, the

assignment of status functions, and a language capable of declarative speech acts. In the case of the latter, Searle has proposed that the fundamental operator of the logic of instituting has the form 'We make it the case by Declaration that the Y status function exists in context C' (Searle, 2010, 98). All these are necessary conditions for institution making; but by themselves they are not sufficient to have something like institutions. In the next subsection I will discuss the fourth element that 'completes' his project: it amounts to the necessary existence of free will and of desire independent reasons for action.

1.2. Free Will and Desire-Independent Reasons for Action

In his latest book Searle distinguishes his project from previous accounts (such as contract theorists) which, he claims, presuppose institutions in order to explore questions like: how is government possible? Or how is it possible to distinguish just from unjust institutions? Searle states that his investigation is only interested in the logic of institution making; therefore, he is rather interested in questions like 'granted that institutions have a certain logical structure, why should they have that and not some other structure?' (Searle, 2010, 134). This project, which at the beginning of this section I described as 'transcendental', seeks to identify the formal structure of a philosophical problem, that of instituting; there is no surprise, then, if Searle constructs his account of institutional reality as if he deals with an 'engineering problem', (his own words), as if one had the task of designing a society 'working from scratch' (Searle, 2010, 133).

I take it that this is the reason why Searle describes institution making as a community's exercise of public reasoning, rationality, and free will. From the perspective of a theory of institutionality articulated as if it pertained to an 'engineering problem', the condition of a universally shared rationality appears for him as unproblematic: 'human institutional reality

locks into human rationality. This is what gives it its constitutive power. This is how it creates human society, and this is how it distinguishes humans from many, perhaps all, other animals' (Searle, 2010, 128).

In the previous section I explained how deontic properties and, ultimately, power, come into existence, through the intentional commitment to the fulfilment of speech acts. But Searle adds that freedom is a necessary condition if something like deontic properties are to emerge; that we can choose between following or disobeying obligations and duties refers to the fact that we ultimately possess free will. In the absence of freedom, humans would be rule-following beings (like robots), in which case deontic powers would make no sense: we would not be able to recognize them (Searle, 2010, 137-139). It is in this sense that Searle introduces a distinction that reminds us of Kant's discrimination between acting out of duty and acting out of inclination (Kant, 2012). Searle too distinguishes between desire-dependent and desire-independent reasons for action.

For Kant to act out of duty is to follow the laws of practical reason, that are universal and necessary, true for all rational beings precisely because they are rational. They are laws which free will gives to itself. Acting out of inclination (out of habit or desire) is not free, insofar as it is determined by something else (exterior objects). Searle's transcendental project presupposes that the set of deontic powers that we construct – rights, duties, obligations, etc., and by consequence, status functions and the entire institutional reality, cannot be explained by the fact that we only follow our natural inclinations and desires. When we create status functions, we 'give up' the fulfilment of some of our individual desires for something that serves better the common aims and purposes of a community. It could be said that with status functions we also invent, accept, recognize and get motivated by desire-independent reasons for action (Searle, 2010, 127-128). To declare war, to construct the institution

of property, etc. cannot survive and function as institutions in a society of free agents unless they provide such desire-independent reasons for action (Searle, 2010, 139).

The purpose of institutions, therefore, is to enable possibilities and facilitate behaviour that would not be possible otherwise. They enhance the powers that humans possess. In Searle's account, institutions seem to behave as a sort of rational arbiter that provides agents with desire-independent reasons for action. Moreover, they also have a protective role, for if inclinations are all that agents have, then in the absence of institutions the strongest inclination will always prevail (Searle, 2010, 140). In other words, institutions provide reasons for not cheating 'and for not doing something [an agent] wants to do, as well for doing something even when he does not feel like doing it then and there' (Searle, 2010, 141). This is, of course, subject to collective recognition, for which reason institutions have to constantly take care that they provide desire-independent reasons for acting. Corrupt institutions, for instance, in which individual inclinations prevail, signalize a contradiction between the aims of the institution and its actual doings. In this case, because they have free will, agents may stop recognizing these institutions and follow their individual agenda.

To sum up what has been explored until now: John Searle's project distinguishes a series of necessary and sufficient conditions that assure the 'success' of the act of instituting. They refer to the intention and intentionality of the mind, to the assignment of status functions in declarative speech acts, and to the exercise of free will and universal rationality in social interactions. I want to observe, however, how little has Searle to say about the role of contradiction, disputes, and critique. Indeed, he is interested in what 'works' in this 'engineering's project' and ignores the 'holes', 'gaps' and, let's say it, 'infelicities' which, I will argue, structurally determine this logic and make it 'impure'. Consequently, in the

next section I want to turn the problem upside down, and proceed precisely from observing how contradiction works in the logic of instituting. I will show that essential to the logic of instituting is an irreducible violence which haunts institutions permanently. The point that I try to make is that if Searle's theory offers us a good explanation of how humans constructs institutional reality and how they ultimately endorse it with a pacifying role, it needs to be supplemented with an account that shows that institutions are, at the same time, entities structured by an irreducible violence. Ultimately, I will contend, this is the place from which critique emerges.

2. The Impurity of Institutional Reason

Until now I have explained that Searle's project is that of identifying 'what is needed' to have something like an institution. And I think that he is, indeed, correct, particularly because he stresses the importance of the performativity of language in the logic of instituting. As I maintain in this thesis, if we want to reconceptualize the possibilities of critique in relation to institutions, we need to acknowledge and properly understand the significance of their semantic dimension. What I want to show in this section, however, is that the formal type of instituting logic that Searle advocates could only function in a mixed and impure manner. And I will, indeed, argue that this impurity of the logic of instituting is not accidental and marginal, but constitutive and structural to the fact that we have something like institutions. The argument is roughly this: to institute something is to credit the will or intention of an instituting community with the power of determining exhaustively the meaning of what is being instituted in the performance of a speech act. Searle's theoretical corpus is a good start for understanding how this is possible. What his theory fails to

acknowledge, however, is that the exhaustive determination of the meaning of what is instituted is impossible; that the conditions of 'success' are in fact only relative; and that this has to do with the nature of language, and particularly with what I will uncover as the fundamental iterability of the sign. Precisely because a total determination of meaning is impossible, that is, precisely because the success of the performative effect could only be relative to particular circumstances, the instituting act necessarily functions in an impure manner and is constantly haunted by the possibility of failure. Sometimes this amounts to the blurring of the lines between the performative and the constative; other times it invents a collective intentionality which did not exist prior to the performance of the speech act; and finally, at other times, it also invokes fictional chains of legitimation which hide the fact that the act of instituting and the temporal permanence of an institution have a fundamental arbitrary and violent character.

What I want to suggest, therefore, is that the logic of instituting rests on an undecidable tension and contradiction between the totalising intention of unequivocally controlling, through the performance of the speech act, what Boltanski calls the 'whatness' of what is (what an institution says that there is in the performance of its speech act) and the structural necessity that this totalisation is impossible: in other words, that there is always something that escapes the totalisation of the act of instituting. And precisely in this remainder I will locate the possibility of critique. In this section I first want to locate the expression of this contradiction in the founding act of a Constitution; I do this in order to show that we have reasons to doubt whether Searle's pure logic of instituting functions in the way he thinks it functions. Secondly, I want to tackle this contradiction directly and explain why its existence is not accidental or marginal, but underdetermines every act of instituting.

2.1. Fabulous Foundations

Let us take into consideration the coming into existence of something like a state. As Searle observed, in order for a state to come into existence, it needs a collective act of instituting, and this takes place through a declaration that 'performs' a state's coming into existence. The declaration in question is what we call a 'Constitution'. Jacques de Ville observed that Constitutions are usually viewed as a 'written document through which the people as sovereign and as the originating source of political power (pouvoir constituant) determine the way in which they will govern themselves' (de Ville, 2008, 3). In other words, and to use Searle's terminology, a constitution is a written declaration in which a community assigns, through collective intentionality, a range of status functions that modulate how the community functions. De Ville observes that the language of a constitution is usually taken for granted, as a mere medium to express 'consciously, intentionally or purposively' certain natural or self-evident ideas, such as the sovereignty of a people or a nation, the existence of a state, the protection of human or fundamental rights, the granting and (mutual) limitation of a variety of powers (pouvoirs constitués), and a certain idea of justice (de Ville, 2008, 4). Now, all these bodiless entities are supposed to regularize and control what is possible and what is not possible to do within the realm of a state. But if we analyse how exactly these entities come into existence, we would observe that the pure performativity of the constitution is impossible: that it often mixes that which (already) *is* with that which *ought* to be; that a collective will and intention may not pre-exist the act of constitution, but is constituted, as it were, in the very act of declaration; and that, finally, this impure mode of coming into existence is necessary in order to legitimize the fundamental violent and arbitrary character of instituting.

Let us insist on Jacques Derrida's analysis: his question is who

exactly signs the declarative act of the independence that founds the new state of the U.S.A.? (Derrida, 2002a, 47) The question is important, contends Derrida, precisely because whoever signs the Constitution is supposed to engage herself/himself, in a way which brings about, or accomplishes what the Constitution says it accomplishes in the performance of a declarative speech act. In other words: although an institution is supposed to be independent of the empirical individuals that trigger its coming into existence 'it turns out, precisely by reason of the structure of instituting language, that the founding act of an institution [...] must maintain within itself the signature' (Derrida, 2002a, 47-48).

So who signs the Declaration? We could start with Thomas Jefferson, who drafts the Declaration. But Derrida observes that though he writes it, he does not sign it, since he is a mere representative of the representatives that delegated him to write what they wanted to say. So Jefferson is not the person responsible for the Declaration: one should look, therefore, at those who have the right to revise, correct, and ratify the draft. But these representatives of the 'United States in General Congress assembled' are not the signers either. In fact, notes Derrida, they do sign it, but in principle they sign for themselves as well as for others that have delegated them the authority and power to sign: the signer by right is the 'good' people of the Colonies. But observe that the 'people' do not exist yet: 'they do not exist as an entity, the entity does *not* exist *before* this declaration, not *as such*. If it gives birth to itself, as free and independent subject, as possible signer, this can hold only in the act of the signature' (Derrida, 2002a, 49). We are entitled to ask, therefore, whom do the representatives in the congress really represent? Instead of the people, one finds a radical absence, and Derrida is correct to conclude that 'the signature invents the signer' (Derrida, 2002a, 49). But this is not the whole story; because in the enacting clause of the Constitution, besides the signature of the people who constitute themselves in the act of signing,

there are many counter-signatures that arrive to legitimize the people's act of signing. The people of America sign in 'the name of the laws of nature and in the name of God' (Derrida, 2002a, 51). In other words, this fundamental act founds itself on natural and spiritual laws.

Derrida describes this mechanism of the Declaration as 'fabulous', in the sense that from the onset it is enacting 'a fable' (Derrida, 2002a, 50). And it could be added that this is as fabulous as Searle's example in which corporations seem to come into existence out of nothing, as if their foundational speech acts have by themselves all the power to ground the new institution (Searle, 2010, 97-99). But this is to say that it will be in vain to look for the legitimate foundational grounds of an institution. They are invented and therefore arbitrary. The Declaration rests on 'a hypocrisy indispensable to a political-military-economic, etc. "coup de force"' (Derrida, 2002a, 52). The hypocrisy is to put God, a fiction, as the ultimate ground of legitimation. God is, says Derrida, 'the best proper name' that could sign a Declaration, because there is no further ground besides God. Because there is no ground and no rationale for the foundational act, the act of institution making is an act of violence. This is the reason why Derrida describes the Declaration as a 'coup de force', or as a stroke of writing: 'the "coup de force" makes right, founds right or law, gives right, *brings the law to the light of day, gives both birth and day to the law*' (Derrida, 2002a, 50).

Let us now focus on a second aspect. When he turns to the 'good people' of the United States to discover the possible ground of the Declaration, Derrida observes what could be described as a vicious circle. For the people delegate representatives to sign the Declaration, and thus they appear to have the power and authority to delegate; but at the same time it appears that they receive the power, authority and ability to sign only through the intervention of their representatives, that is, only when they sign the act of the Declaration. The Declaration, therefore, founds the

power and authority of the people with which they delegate representatives to sign the Declaration (Derrida, 2002a, 49-50). This viciousness is to be found again in the relation with the colonial country (Derrida, 2002a, 50), in the sense that the cutting of 'paternal or maternal' ties triggers the ambiguity between the already accomplished fact and the act of accomplishing it. Derrida describes this viciousness as unsolvable and ultimately, undecidable:

> one cannot decide [...] whether independence is stated or produced by this utterance. Is it that the good people have already freed themselves in fact and are only stating the fact of this emancipation in [*par*] the Declaration? Or is it rather that they free themselves at the instant of and by [*par*] the signature of this Declaration? (Derrida, 2002a, 49).

The obscurity in question amounts to the impossibility of deciding between the constative and the performative dimensions of the Declaration. For if it is true that the 'people' are independent already, they would not require a Declaration of Independence. And if it were not true that they are independent already, what grounds would they have to declare themselves as independent? The fundamental instability between the constative and the performative is to be found in the enacting clause of the Declaration: we [a long chain of representatives up to God] 'solemnly *publish* and *declare*, that these united Colonies are and of right ought to be *free and independent states*' (Derrida, 2002a, 51). 'Are and ought to be', writes Derrida, conjoins two discursive modalities, the constation and the prescription, the fact and the right (Derrida, 2002a, 51-52). But the impossibility to draw a clear-cut distinction between the constative and the performative aspect of this document is not marginal or accidental: it is essential to the performative effect of the Declaration. This ambiguity is

'*required* to produce the sought-after effect' (Derrida, 2002a, 49).

How does this stand out in relation to the pure logic of institution making? I want to suggest that Derrida's small essay places doubts on whether Searle's logic of instituting functions in the way he thinks it functions. It shows precisely that the blurring of distinctions between the performative and the constative, between what is and what ought to be, is necessary if the performative of a Declaration is to occur. And this happens because every instituting act presupposes an irreducible violence that the act itself tries to mask. In the next section I want to explain why this is not an accidental feature – that is, proper to only a determinate context like that of the Declaration of Independence of the Unites States of America, but a necessary condition if something like institutions is to occur. What I will show is that this undecidability between the performative and the constative, between an already constituted community and a community that constitutes itself through the act of the Declaration, derives from a fundamental aspect of language: namely, that performative speech acts are always haunted by the possibility of their failure, that they, in the last instance, are unable to determine exhaustively the meaning of what they say, and that what they bring into existence is always troubled by the possibility of its unmaking. This possibility is not accidental, but structural.

2.2. Iterability of the Sign

The main problem with Searle's view, I want to suggest, is that his pure theory of instituting does not take into account that the possibility of failure is inscribed in the very logic of instituting. This is connected to a fundamental property of language, an essential building block of institutions. This property refers to the fact that no intention and intentionality present in the speech act can control in an exhaustive manner an institution's domain of reference; or, to put it in other words,

that institutions cannnot determine, once and for all, the 'whatness' of what is. In the following paragraphs I will explain why this is so.

I will focus on Derrida's *Signature, Event, Context* that gave birth to a famous exchange with John Searle in the 1970s. In this text, Derrida challenges the traditional meaning of the concept of 'communication' as a medium in which an exhaustively determinable 'content' is displaced, transported, or propagated. This view is modelled by oral communication: the speaker and the hearer are both present in the act of communication, and their presence is supposed to assure that the act of communication records the intentions of the speaker and that it has no role in the articulation of the meaning of what is being communicated. Interior to this view, Derrida shows, is the presupposition that writing is a mere extension or supplement of locutory communication; it does, indeed, extend the domain of oral communication, it is indeed technically more adequate to transport meaning, but writing is always in a subordinate position. This means that if the aims of oral communication are to record the speaker's intentions which is assured by her/his presence, and if writing is only an advanced means to record spoken sentences, then writing as well will have to be defined as a homogenous space of presence which records the speaker-writer's intentions. According to this model, the unity of meaning is not affected by writing. The fact that the sender or the receiver of writing may be absent does not constitute a problem according to this theory, because their absence is interpreted as a delayed or modified presence or, in other words, as *representation* (Derrida, 1988a, 5). In this view, it could be said that writing is for absent people, and its purpose is to represent the ideas of one person to another.

But Derrida asks what exactly does this absence presuppose? What he essentially observes is that the absence of writing is not a delayed presence, because it may survive the death of both the sender and the receiver. Therefore, in order to understand how writing functions,

its structural possibility, one has to presuppose the radical absence of any sender or receiver. In this extreme case, writing must not cease its function; it must still be readable and understandable. In other words, in order for writing to be what it is, it has to function in the absence of any determinate empirical subject. What assures this feature is the essential characteristic that the written sign is *iterable*. As Derrida writes in his response to John Searle,

> the structure of iteration [...] implies both identity and difference. Iteration in its 'purest' form – and it is always impure – contains in itself the discrepancy of a difference that constitutes it as iteration. The iterability of an element divides its own identity a priori, even without taking into account the fact that this identity can only determine or delimit itself through differential relations to other elements and that it hence bears the mark of this difference (Derrida, 1988b, 54).

Iterability is repetition; but it is repetition that incorporates difference. The identity of a sign is granted by repetition: there is no sign that is not repeated and recognized, in each instance, as a sign. But every instance of the repeated sign presupposes both the identity of the sign (as it is the same sign) and the difference of that particular repetition (iteration). So from this point of view, there is no 'first-time' of the sign, as it is already structured by repetition: this is what Derrida means when he says that the iterability of an element divides its own identity a-priori. Because there is no 'first-time' of the sign, the notion of a sign's origin becomes problematic: there is no origin of the sign as the sign is a-priori structured by an irreducible difference.

Derrida proposed that 'a writing that is not structurally readable-iterable beyond the death of the addressee would not be writing' (Derrida, 1988a, 7). This has two consequences. The first one is that if writing

operates in the radical absence of any empirical subject, then there could be no private writing or secret code. Writing is structurally public. The second consequence is that written communication can no longer be seen as a homogenous space of continued presence, but as a space in which the iterable sign operates a radical rupture. To write, explains Derrida, 'is to produce a mark that will constitute a sort of machine which is productive in turn, and which my future disappearance will not, in principle, hinder in its functioning, offering things and itself to be read and to be rewritten' (Derrida, 1988a, 8). This cut-off of writing represents a radical rupture with 'all absolute responsibility and consciousness as the ultimate authority' (Derrida, 1988a, 8), a break from the concept of 'communication as communication of consciousnesses or of presences and as linguistical or semantic transport of the desire to mean what one says' (Derrida, 1988a, 8), but also a disengagement from any possible context defined as the 'collectivity of presences organizing the moment of its inscription' (Derrida, 1988a, 9). In other words, intention and intentionality, either individual or collective, are part of what is being communicated, but they are incapable of controlling exhaustively its meaning. The sign has a rupturing force, which enables it to detach itself, to separate, and 'space' itself from any contextual chain in which it occurs. Finally, this is what grants the sign the possibility of grafting itself onto new contexts.

Derrida's next move is to show that the arguments that were applied to the *graphemes* (basic units of writing) are equally valid for *phonic signs*. Derrida explains that 'through empirical variation of tone, voice, etc., possibly of a certain accent, for example, we must be able to recognize the identity, roughly speaking, of a signifying form' (Derrida, 1988a, 10). In other words, just like the case of the elements of writing, elements of oral speech must as well be iterable. The same element of speech could be used in different contexts and have different *referents*, different *signifieds*, and even record different *intentions* (Derrida, 1988a, 10). Every possible

mark has a graphematic structure, presupposing 'the nonpresent *remainder* [restance] of a differential mark cut off from its putative "production" or origin' (Derrida, 1988a, 10). This implies that speech functions, it is intelligible, even if the speaker and the hearer use the same word to refer to different things or even if the referent is absent. It functions even in the absence of a determinable signified – such is the case of highly abstract mathematical notation. And finally, something that has no meaning from the point of view of what Searle calls 'the intentionality of conscience' - something like the word 'abracadabra' - can have meaning once it grafts itself in a certain context, like in the sentence 'The magician said "abracadrabra" and pulled a rabbit out of his hat'. Derrida notes that this possibility of citing–iterating what from the point of view of the intentionality is meaningless, and which can break with every given context and generate an infinity of new contexts, has the following consequence: 'there are only contexts without any centre or absolute anchorage' (Derrida, 1988a, 12). In other words, there is no privileged context that would function as an 'anchorage' for other contexts in determining the meaning of a sign.

Applied to the pure logic of instituting, this shows that no collective intentionality could ever be the last authority to control the domain of reference of what is instituted; as I suggested, however, Searle's theory seeks to distinguish conditions of success for performative speech acts, which presupposes that one is able to exhaustively determine the contextual conditions in which the performance is successful. I suggested that by doing this, Searle is following Austin. In *Signature, Event, Context* Derrida criticized Austin precisely because he had not taken into consideration the graphematic nature of the sign (Derrida, 1988a, 13). Austin's analyses require the value of a context that is exhaustively determined (Derrida, 1988a, 14). Precisely on these grounds does the doctrine of infelicities emerge. In order for the performance of a speech act

to be successful one needs to be able to determine the total context of success. One of the most important elements of a totally determinable context is consciousness, or 'the conscious presence of the intention of the speaking subject in the totality of his speech act' (Derrida, 1988a, 14). A conscious presence would mean that the intention of the speaker controls the exhaustive determination of the context of speech, and hence of the meaning of what is said. This would presuppose that there would be no residue 'either in the definition of the requisite conventions, or in the internal and linguistic context, or in the grammatical form, or in the semantic determination of the words employed' that would escape 'the horizon of the unity of meaning' (Derrida, 1988a, 14).

I have already explained why for Derrida the notion of a context exhaustively determined, or of a privileged context in which a sign emerges and which acts as an 'anchorage' to other possible occurrences of the sign, is impossible. In which case, Derrida argues, Austin and his attempts to define necessary conditions of success for performative speech acts, is wrong. And not only is he wrong, but by holding that intention controls the meaning of what is said, Austin remains a representative of the doctrine of communication as transmission of cognitive content, which Derrida showed as masking philosophical presuppositions. If this is true, than Austin's and Searle are wrong to maintain that the success of a performative speech act is explainable by the fact that they enact 'datable singular events in particular historical contexts' (Searle, 1988, 27). Derrida shows that the success of a performative speech act is not accountable by a totally determinable context; on the contrary, if it succeeds, a performance has to

repeat a 'coded' or iterable utterance, or in other words, […] the formula I pronounce in order to open a meeting, launch a ship or a

> marriage [should be] identifiable as *conforming* with an iterable
> model, [...or] as a 'citation' (Derrida, 1988a, 17).

In his reply to *Signature, Event, Context*, Searle mistakenly holds Derrida responsible for the claim that written discourse presupposes 'a break with the author's intentions in particular or with intentionality in general' (Searle 1988, 26); he proposed that 'to the extent that the author says what he means the text is the expression of his intentions' (Searle, 1988, 26). Derrida never claimed that intention is absent from the determination of the context of the speech act or that his view implies that the factor of iterability marks a break with intentionality in general. He only holds the view that intention and intentionality are part of the context in which the mark occurs, but they are never fully actualized. What *Signature, Event, Context* questions is

> not intention or intentionality, but their *telos*, which orients and
> organizes the movement and the possibility of a fulfilment, realization,
> and *actualization* in a plenitude that would be *present* to and identical
> with itself (Derrida 1988b, 56).

In other words, Derrida does not exclude that there are effects of consciousness, or of speech, that there is no performative effect of presence (Derrida, 1988a, 19). What he claims is that these effects do not manage to exclude what they cannot control, the polysemy and dissemination of language, and what Derrida famously calls 'différance', 'the irreducible absence of intention or attendance to the performative utterance' (Derrida, 1988a, 18-19). Or, to explain it differently, Derrida questions the aims, purposes and 'intentions' of intentionality, of determining, securing and controlling the meaning of what is said in an absolute fulfilment and actualization. If it were to be realised, conscious

intention would have to be totally present and immediately transparent to itself and to others as a 'determining centre [foyer] of context' (Derrida 1988a, 18); but for reasons shown above, this 'anchorage' is impossible.

Derrida shows that, because all signs have a graphematic structure, which implies that they function as signs only because they are iterable, the possibility of risk, infelicity or failure is not accidental, but necessary and internal to the structure of speech acts. This possibility is structural both for performative and constative speech acts; at the same time, this distinction itself would need to be revisited. For this reason I explained, in the case of the Declaration of Independence of the U.S.A., that once we grasp the performative dimension of the speech act of declaration the constative emerges, as it were, unannounced. The cohabitation between the constative and the performative is necessary: it shows that their logic is impure. This implies that it is impossible to say at a definite time that the speech act has been a success, because it will always be possible for it to fail.

What I did in the first two sections of this chapter was to 'graft' Derrida's analysis of speech acts onto Searle's theory of instituting. I did so in order to show that the 'pure' theory of institution making could function only in an 'impure' way, in a manner which shows that the distinctions that Searle proposes have in fact blurred demarcations. Associating Derrida to Searle does not amount to contending that instituting speech acts don't succeed in performing what they say they perform; on the contrary, most of the times they do and institutions do come into existence. My argument is, however, that their coming into existence has to take into account another factor: precisely power, the imposition of will, of intention and intentionality whose aims are to determine reference and control in an exhaustive manner the meaning of what is instituted, a 'tyranny' of intention that violently imposes its will in the act of instituting. If my argument is correct, then there are a number of

interesting consequences that follow:

(1) Because there is a remainder of the sign whose meaning a speech act cannot exhaustively determine and, therefore, because there is a remainder which always escapes the performative act of instituting, what Searle takes as the 'peaceful' and free cooperation of individuals in institution-making has always a *violent underside*. This is the violence of imposing an arbitrary intention and will, the exercising of an arbitrary force to bring into existence what one says already *exists* (constative) and *ought to exist* (performative) in the performance of a speech act.

(2) For this reason institutions are structured by a fundamental undecidability. They amount to both 'positive' and 'negative' effects: positive inasmuch as they enrich our existence and negative inasmuch as they transform an arbitrary will and intention into general rule and law. On the one hand they are, as Searle lets us understand, arbiters among different individual desires and interests, and enhance our powers by providing desire independent reasons for action. But on the other hand and at the same time, the achievement of such a feat presupposes a fundamental violence of imposing an arbitrary will and intention, of assuring and controlling the meaning of an institution's domain of reference against all difference of interpretation, a violence that necessarily excludes that which it cannot control. And difference of interpretation is not only *conceivable, but also structurally possible*. This is to say that the act of instituting is always marked by the possibility of failure, or of infelicities. It follows that in order to maintain their temporal permanence, institutions always *need to 're-institute' themselves:* this implies redetermining and respecifying the meaning of what they bring into existence through the performance of speech acts.

(3) One way to prevent failure is to safeguard their domain of reference by appealing to forms of coercion: governmentality and the existence of the police are consequences of an institution's violent

character. To 'police' something is to 'to maintain order; to clean, administer, to organize or regulate; to control or keep in order; to guard or protect with or as with a police force' (OED online, 'police, v.', 2013, webpage). The police force assures that the instituting speech act that becomes law is obeyed. We will not expand here on the proposition that already what we call 'the spirit of the law' indicates that something escapes the totalisation of the 'letter of the law'; and that the more totalitarian a political regime is, the more police it needs to make sure that the 'letter of the law' is obeyed. The police protect, guard, and administer what an institution says that there is, as if that is all that there is, without rest and remainder. It safeguards, in other words, the unity of meaning articulated in a speech act by the arbitrary imposition of will and intention. But because the nature of the sign makes it impossible to exhaustively control its meaning, the police force cannot prevent that there is a remainder and rest that escapes.

(4) If the nature of the sign is, as Derrida puts it, divided a-priori, if the sign is always identity and difference in all its possible iterations, then this triggers the following consequence: *all 'recuperation' of the sign by an arbitrary instituting will and intention is never total and exhaustive.* My suggestion is that *the remainder, the rest, the difference which escapes the totalisation of the speech act becomes critical: it always haunts speech acts, law, and institutions with the possibility of their 'unmaking'.* If critique is to occur, it does so by taking into account precisely what escapes the total actualization of intention in a given context.

In an unexpected turn of the narrative thread, then, it could be said that between the logic of instituting and critique there is an intimate connection. What I want to do next is to explain how this relation is possible.

3. The Intimacy between Institution and Critique

To be sure, the statement that, between an institution and critique there is an irreducible relation, is only the general form of a thesis whose particular application I have already investigated in the first chapter. Now we can understand why there is a symbiosis between the 'spirit' of capitalism and critique; as ideology that justifies action, the 'spirit' of capitalism necessarily grounds itself on an institutional order that enacts and protects by law (which, I showed, blends the constative and the performative), its domain of reference, the relations of production, distribution and consumption that one calls 'capitalist'. I suggested, in the previous chapter, that the relation between the 'new spirit' of capitalism and artistic critique led to the latter's recuperation. What has been said in this chapter allows me to establish that this recuperation is not total. In this section I want to investigate how the relation between institution and critique appears in the account of the theorist whose thesis I followed in the first chapter when I explicated that the recent interest in institutional critique represents a response to the recuperation of artistic critique by the new 'spirit' of capitalism.

In a book that he published in 2011, Luc Boltanski also looks at the logic of instituting, from the perspective of pragmatic sociology[2]. Boltanski observes that social activity is not and cannot be constantly critical; he asks, therefore, how is it possible that critique nevertheless exists?

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[2] Luc Boltanski is in fact one of the main representatives of pragmatic sociology, that often takes the name of 'sociology of critique'. It could be said that the latter has emerged as an offshoot of critical sociology, whose most important figure was Pierre Bourdieu. Pragmatic sociology rejects the thesis that social order is preserved through illusion or self delusion; 'the actions of persons are understood neither as a realization of possibilities within certain structures, nor as an expression of the execution of a pre-determined program, as is the case in the foundation of a disposition term such as the habitus' (Wuggenig, 2008, webpage). Pragmatic sociology, therefore, defends the idea that 'common people' or 'actors' are capable of practising critique, through disagreements and disputes, and that their critique is integral to the social order. For a comparison of the two schools of sociology see also Bénatouïl (1999).

Pragmatic sociology discovers a fundamental uncertainty that threatens social arrangements and exposes that what we call 'reality' is in fact a fragile social construction. Uncertainty is most visible in situations of dispute and disagreement which are always 'both semantic and deontic' in kind (Boltanski, 2011, 56). But at the same time, pragmatic sociology often places too much confidence in the ability of actors to reduce this uncertainty and to restore ties of sociality and meaning. The expression of this overconfidence is to be identified in the excessive significance attributed to the concept of common sense. By common sense one should understand a notion of social agreement that allegedly emerges through social interaction

> either because the participants share the same experience of meanings, or because they have the same recourse to reason, or because they are immersed in the same linguistic universe, or finally because their imaginative capacities are structured by the same resources (Boltanski 2011, 54–55).

Without characterising him as a pragmatic sociologist, it could be inferred that Searle's pure logic of instituting is marked by what Boltanski describes as the 'presupposition of common sense' and the 'absolutism of agreement' (Boltanski, 2011, 56). The French sociologist explains that because we give too much credit to this idea we are not able to see how something like critique in fact comes into being. A strong argument stands out against the concept of implicit agreement. It refers to the fact that each human being has a body with different types of experiences, from individual desires, likes, dislikes and interests to its particular location in time and space and placement in social arrangements. In other words, each individual has *a point of view*, a perspective, and nothing gives him

or her the authority and power to say to others the 'whatness' of what is (Boltanski, 2011, 59).

Boltanski advocates a pluralist framework[3] which makes it possible to account for 'both agreement and dispute, acquiescence and critique, and above all the often very rapid shifts that can be observed between these two alternatives' (Boltanski, 2011, 56). The object of disputes – which reveal the unease and uncertainty of social arrangements – concerns '*the whatness of what is* and, inextricably, what matters, what has value, what it is right to respect and look at twice' (Boltanski, 2011, 56). Boltanski argues that we cannot understand disputes and, ultimately, critique, if analysis takes into account only the coordinate of 'reality'. In fact, the sociological tradition that stresses the *social construction of reality*, defined as that which 'tends to coincide with what appears to hang together, in a sense by its own strength – that is, with order' (Boltanski, 2011, 57), suggests that its arbitrary character emerges against a background into which it cannot be absorbed. Boltanski calls this background 'the world' and defines it, in a Wittgensteinian manner, as 'everything that is the case' (Boltanski, 2011, 57). The category of 'the world' has nothing transcendent about it; the world exists on the same plane of immanence as 'reality'. Whereas 'reality' is oriented towards permanence and the preservation of order (Boltanski, 2011, 58), the 'world' is subject to constant changes that are far from being exclusively 'social' in kind and that at times even fail to attain the register of speech. The permanent connection between reality and world makes it the case that reality is only relatively stable.

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[3] Boltanski admits that he has been much influenced by the work of Friedrich Nietzsche and Max Weber. He openly rejects the hypothesis of '"collective intentionality" treated as a "primitive phenomenon"' in the manner of John Searle who, Boltanski reminds us, argues that the concept has a biological foundation (Boltanski, 2011, 57; Searle, 1995, 24).

I want to propose that we can understand this distinction by analogy with our previous discussion facilitated by Derrida, on speech acts and their incapacity to determine exhaustively the total meaning of what they bring into existence. I want to suggest that the differential between 'reality' and 'world' pertains to the differential between the relay of instituting speech acts that bring into existence the institutional order of reality and that which always escapes the exhaustive determination of meaning and which haunts these arrangements with the possibility of infelicity, of failure and, ultimately, with the possibility of dissolution. Boltanski contends that 'arrangements, which constitute and organize *reality*, are fragile because critique can always draw events from the *world* that contradict their logic and furnish ingredients for unmasking their "arbitrary" or "hypocritical" character, or for "deconstructing" them – something that paves the way for making arrangements of a new kind' (Boltanski, 2011, 59).

I mentioned already that critique is rather the exception than the norm of social activity. Indeed, in a pragmatic register human beings most often ignore or tolerate differences of interpretation concerning what is happening, and collective action is oriented towards a task to be done (Boltanski, 2011, 61). These practical moments that appear as if all action could converge allow actors 'not to linger unduly over not only *their contradictions,* but also the contradictions between reality and the world' (Boltanski, 2011, 65). However, there is a threshold of tolerance that, once crossed, invites an increased activity of reflecting over what is happening and, therefore, triggers the competition of different points of view. In this register that Boltanski calls 'metapragmatic' people ask themselves 'what is going on?' 'how to characterize what is happening?' 'what value does this have?' 'why is this significant?' 'how is this relevant?' (Boltanski, 2011, 71-72); what is questioned, therefore, are the conditions of possibility of action. Consequently, various descriptions and qualifications of the 'whatness' of what is enter into competition. It involves a comparison

between the description and evaluation (that is, the ascription of value and deontic properties) of how the situation *is* (the token situation) and a description and evaluation of how it *ought* to be (the type situation)[4]. The metapragmatic register, therefore, involves looking at states of affairs from the point of view of their symbolic dimension.

Now, because all difference of interpretation is irreducible, it follows that nobody has the authority and power to impose a description of the 'whatness' of what is. The only conceivable solution is therefore to delegate the task of saying the 'whatness' of what is to a *bodiless being* (Boltanski, 2011, 75). If this third entity had a body, it would have no authority of being the last instance saying or confirming the 'whatness' of what is. This bodiless entity is obviously, the institution.

> An institution is a bodiless being to which is delegated the task of stating the whatness of what is. It is therefore first of all in its *semantic* functions that the institution must be considered (Boltanski, 2011, 75).

The whole argument, so far, was that institutions must be considered, first of all, in their semantic dimension, and that something pertaining to their semantics, and namely, the iterability of the sign, makes it the case that the relation between institutions and critique is irreducible. Institutions sort out what needs to be respected from what cannot be; their main task is to establish types that are available to qualify states of affairs when uncertainty arises. Thus, it could be said that institutions are granted with the task of *fixing reference.* But fixing reference does not amount only to what in Searle's vocabulary would be the imposition of status functions: it also implies the labour of defining the properties of things, thus assuring

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[4] Let us remember, in Derrida's analysis of the Constitution of the U.S.A., this is the distinction between fact and right; there is an undecidability between what is already fact and what ought to be established as fact, by right.

their identity and allowing them circulation in the social economy (Boltanski, 2011, 77). Like Derrida, Boltanski acknowledges that the logic of instituting and the labour of fixing reference and defining properties implied an arbitrary violence. And he makes a similar argument to the one developed in this chapter, when I tackled the logic of speech acts: 'Following Austin, one will then latch on to the performative character of institutional acts which, by means of declarative sentences, *create reality*, but while stressing the link between illocutionary force and the force, of a quite different order, supplied by the availability of policing instruments and, as a result, the *arbitrary* character of constitutive acts' (Boltanski, 2011, 78).

Boltanski maintains that there are two sorts of problems that institutions encounter and that exhibits their fragility. The first one amounts to the arbitrariness of their ultimate foundation, which I have already investigated in the previous section, when I discussed the case of the Declaration of Independence of the U.S.A. The second one regards two types of contradiction that Boltanski describes as 'hermeneutical'. The first one could be formulated as following: because they are bodiless entities, institutions cannot express themselves unless they delegate this task to representatives or spokespersons; the latter are situated corporeal beings with their own perspective, interests and desires, and therefore, one will never know with certainty whether institutional statements express the will of the incorporeal being of the institution or the subjective will of the corporeal beings which act as its representatives. People *do know* that institutions are fictional entities, that they are ultimately made of people with individual interests and desires, and that nothing authorizes them to ascertain the 'whatness' of what is. But at the same time people nevertheless place their trust in institutions, because not delegating the task of stating the 'whatness' of what is entails the risk of never achieving a closure of the exchange of points of view.

This difficulty is in fact a product of a deeper 'hermeneutical' contradiction, which regards the relationship between language and its actualization in situations of enunciation. Boltanski puts it like this: institutions behave as if

> [their] semantic function [...] genuinely had the power wholly to cover the field of experience and, as a result, abolish the multiplicity of points of view in favour of a single perspective that would end up saturating the field of significations. But this presupposes that the diversity of concrete situations could be surmounted, in such a way as to dissolve them all into a continuous, seamless situational web (Boltanski, 2011, 87).

This contradiction refers to the impossibility of an institution's semantic function to determine exhaustively the meaning of what it institutes, the reference, definition and description of the 'whatness' of what is as if that is all that there is. And I want to suggest that this confirms the findings of the second section of this chapter, related to the insurmountable irreducibility of iteration and to the differential that escapes the act of instituting. It is essential for institutions, explains Boltanski, that they present themselves in the place of the 'whole of reality' because only in this way can they defend it 'against the forces which aim to relativize it – that is, challenge it' (Boltanski, 2011, 91). This is performed through specific operations of language that use 'vocabulary and syntax in *formulas* that are correctly called *stereotyped [...]* because they operate as if it was possible to stabilize reference once and for all, whatever the context in which the words are used' (Boltanski, 2011, 92). An institution's bodiless being can exist in the world of bodies only if it operates a reduction of the differential between the 'world' and 'reality': it assures its presence only by operating a series of adjustments in a context which is permanently changing.

But, as I suggested already, institutional domination is not total: there is always something that escapes them. In fact, the distinction between 'world' and 'reality' is already made from a critical optic. Its possibility is granted by the fact that 'the slightest gap, even the most contingent, is the equivalent of a critique' (Boltanski, 2011, 88). This is to reveal that the connection between institution and critique is logically necessary: otherwise, a reality in which what the institution says what there is, is all that there is, is a reality 'offering no purchase to *interpretation'* (Boltanski, 2011, 92). A reality entirely stabilized by institutional semantics would be impossible because it would simply restrict the possibilities of the very logic with which language works. In such a reality, the conformity of conduct would be total. And in fact, that something like critique exists is assured by the fact that 'the power institutional language is invested with cannot itself be manifested without also betraying the violence that inhabits it' (Boltanski, 2011, 93).

We have seen, in the second section, that the invention of a chain of fictive authorizations has the role of denying and hiding this violence. Precisely because their semantic function is not able to secure, by itself, conformity of conduct, institutions will rely on constrains and physical violence. This is why there is, I suggested already, something like governmentality and police. Their task is to assure 'a horizon of pacification without residues' by depriving the *malcontents*, through an action on bodies, of speech, or […] by obstructing their efforts to coordinate themselves' (Boltanski, 2011, 95).

If critique is to appear, therefore, it appears precisely at the point that articulates the differential between the institutional determination of the 'whatness' of what is and that which escapes it. In other words, critique appears by grasping an institution's 'hermeneutical contradictions' and by working on what appears as institutions' fundamental violence. But I am aware of the risks involved when making such a statement, because

critique is not disingenuous: critique also has a purchase on 'reality' and employs language in contesting and stating the 'whatness' of what is. Critique itself cannot escape functioning in a logic of violence: 'denunciation of injustice is accompanied by rhetorical means geared to a *rise towards generality*, in such a way that the accuser can base her act, including in her own eyes, on defence of the common good – as if she were herself the spokesperson for a potential institution – and not on that of specific interests' (Boltanski, 2011, 97). This implies a fundamental conclusion: just as institutions not only state the 'whatness' of what is but permanently reconfirm it by 'reinstituting' themselves, in the same manner critique has to reconfirm itself, refusing to allow its own transformation in that which it criticizes, an instance of an imposition of will, of saying the 'whatness' of what is as if that is all that there is. In other words, critique, if it is to remain critique, has to doubt itself constantly, defending itself from itself, from the totalising effects of its operations. Critique needs to remain self-critical.

4. Conclusions

The general question that this chapter attempted to respond is: what is the logic of instituting? Following John Searle, Jacques Derrida and Luc Boltanski, I proposed that institutions come into existence because we have the possibility of representing something as something else, and this possibility is provided by language, particularly by speech acts. John Searle has been developing a unique theory of instituting, which I described as 'pure' and transcendental because it seeks necessary and sufficient conditions for instituting: he finds these in the theoretical primitives of collective intentionality, the imposition of status functions,

performative speech acts and free will. In section two I demonstrated, following Jacques Derrida's analyses of speech acts and of the concept of 'communication', that the logic of instituting functions, in fact, in a mixed and 'impure' manner. The borders between the constative and the performative are blurred, and what we discovered as a chain of legitimations that are grounded, ultimately, on fictions, exposes a fundamental violence that every act of instituting enacts. It could not be otherwise, since the intention invested in every act of instituting attempts to determine in an exhaustive and total manner, through the labour of definition and description, the 'whatness' of what it brings into existence, as if that is all that there is. But because the logic of the sign is fundamentally a logic of iteration, there is always something that escapes the totalising determination of meaning within the instituting speech act. I enhanced my argument in section three by describing this undecidable and unsolvable tension as the 'hermeneutical contradiction' that haunts all institutions. But by paying close attention to this contradiction I discovered something else: that it is part of the conditions that makes it possible for something like critique to appear.

If my argument is sound, then it will be applicable to different types of institutions; particularly, it will be applicable to what one calls the 'institution of art'. This is to say that, essentially, the institution of art's role is that of fixing reference, stabilizing interpretation, and granting constant properties – and it does this in relation to that which we call 'art'. If we accept this idea then the art institution could be described as *the bodiless entity that states the 'whatness' of what art is.* This implies that there is a relation of logical dependence between the 'institution of art' and 'art'. To prevent a foreseeable argument, allow me to say that the emphasis of this description does not fall on the 'is' of art, but on the 'whatness' of art. If the analysis of this chapter stands, then we will understand that we search in vain for the originary foundation of the 'art institution'; likewise, we would

understand that the problem whether the concept of 'art' preceded the 'art institution' or whether it was the other way around, is in fact an impossible problem. This is confirmed by the founding acts of something like the nineteenth century art institution (Siegel, 2008): if we look precisely at how the project of civilizing the working class was merged within the debates that concluded in the emergence of the nineteenth century museums, debates that concerned such issues like 'national culture', 'cultural heritage', and what is 'valuable' to keep, preserve, and collect, then it becomes clear that 'art' is not a ready-made concept that the art institution consecrates, but that 'art' and the 'art institution' emerge hand-in-hand, within an instituting process which often blends the constative and the performative, the 'is' with the 'ought to be' of art. If anything, the nineteenth century art institution exhibits the violence, both symbolic and material, both semantic and deontic, of imposing a collective will and intention: perhaps the intention and the will of a ruling class and of a certain concept of art and of the public sphere. And this, I want to suggest, is what has been shown already by Tony Bennett's analysis of the generalization of Bentham's panopticon in the exhibitionary complex of the World Fair and its adoption in the museum, where everybody watches and is being watched, disciplines and is being disciplined (Bennett, 1995); or by Carol Duncan's study of the museum as ceremonial sites in which visitors themselves perform rituals that allegedly serve a civilizing and emancipatory transformation of the subject (Duncan, 1995).

To say that the art institution is the bodiless entity that states the 'whatness' of what art is, is simply to say that whatever art is, its concept will be always determined by the art institution. But note, this does not imply that whatever the art institution says that art is or ought to be, is *all* that art is or ought to be. In other words, this does not repeat the thesis of the institutional theory of art that argues that art is what an historical art context or an 'art world' sanction as art (see Dickie 1974; Dickie 1984;

Danto, 1964; Danto, 1981)[5]. In this chapter I explained that the logic of instituting amounts to the will and intention to determine exhaustively the meaning of what is instituted, the reference and description of the 'whatness' of what is as if that is all that there is. But at the same time, I showed that precisely because the sign is irreducibly iterable, the total or exhaustive determination of its meaning is never possible. Something always escapes the act of instituting: and this is equally valid for the meaning of the sign 'art'. Because there is always something that escapes the intention of determining in an exhaustive manner the meaning of 'art', art is not reducible to only what the art institution says, declares, and does what it says it does in relation to art. If critique starts precisely where difference emerges, where something escapes and evades a totalising intention, then we will be entitled to say that whatever art is, the 'whatness' of what art is, is a matter of debate, controversy, and dispute. If the art institution fulfilled its totalising intention, of specifying the unity of meaning of what art is, in other words, if there would be no doubt, no questioning, and no contesting, then art would simply disappear, or transform itself into something unrecognisable. Ultimately, this implies that critique is internal to the meaning of the concept of art.

This chapter found that there is a necessary relation between institution and critique. Particularly for our interests, this implies that there is a necessary relation, a necessary cohabitation and symbiosis between the art institution and institutional critique. If this is true, then it could be said that both the art institution and institutional critique have a purchase on the 'whatness' of what art is, on *what art is and ought to be*, on *what art does and ought to do*. If this argument is valid, and if indeed there is a relation of cohabitation and symbiosis between institution and critique, then it will be necessary to ask, in the next chapter, how does critique

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[5] I will further elaborate this idea in chapter five.

function, and in what logic, if this relation is indeed irreducible?

Chapter III:
Critique: from Separation to Undecidability

Introduction

In the first chapter of this thesis I advanced the proposition that artistic critique is confronted with the dilemma of either going back to old critical paradigms that don't seem to be adequate to respond to current transformations of capitalism, or adopt a nihilistic and self-defeating position. The recent interest in institutional critique represents an effort to avoid the two horns of this dilemma. In the second chapter I proceeded to an investigation of the logic of instituting. I proposed to look at institutions as semantic and deontic entities, and I argued that structural to all institutions, including the institution of art, is a violence which is both symbolic and material, the violence of an arbitrary will and intention of defining and describing the 'whatness' of what institutions bring into existence as if that is all that there is. I explained, however, that this totalising act that invents rule and law is never entirely fulfilled; something always escapes and evades it, a differential 'rest' stemming from the fundamental iterability of the sign. This implies that the logic of instituting is structured by 'hermeneutical contradictions' the grasping of which triggers the occurrence of critique. I proposed that between institutions and critique there is a necessary relation of symbiosis and cohabitation.

My suggestion is that any future articulation of the conditions and possibilities of institutional critique will have to take into account this fundamental relation between institution and critique. But I want to emphasize that we cannot understand this necessary relationship if we

employ precisely those old paradigms of critique that only reproduce the dilemma which artistic critique faces. In this chapter I will argue that these old paradigms refer to the modern concept of critique that was based on a binary logic of exclusion and repression. I suggest that if we want to understand the concept of the necessary relation between institution and critique, then we need to articulate a logic that allows and acknowledges singularity and difference. In other words: instead of limiting itself to the possibilities given by a binary logic of the type *either/or* (e.g. institutional critique places itself either inside the art institution or outside of it), which, I argue, constitutes an essential part of the modern concept of critique, institutional critique operates with a differential type of logic of the type *neither/nor* or *both/and* (e.g. institutional critique is located neither in the institution nor outside of it; or both in the institution and outside of the institution).

In this chapter therefore I explore the rationale that allows us to arrive at this logic; I also attempt to explain precisely what this logic presupposes. In section one I consider the religious context in which the concept of critique was articulated as a just conscience able to operate self-differentiation, distinction and separation. In the second section I show that this meaning of critique survived in the Enlightenment, though stripped of its religious connotations. I will refer to the manner in which the concept of critique was articulated in modernity: in Kant's epistemology, as the inquiry of the limits of knowledge and of the legitimate uses of reason; in Marx's politico-economic theory, as the 'critique of everything existing' which describes an act of courage, of conducting criticism to its last limits, in abeyance of all that might impede its exercise; and in the Frankfurt School's critical theory, that develops an immanent concept of critique. The narrative of these two sections explains that the modern concept of critique is following a binary logic of the type *either/or*; in my understanding, the Frankfurt school has recognized that this logic

fundamentally operates with exclusions of difference, and that the catastrophes of the twentieth century are to be understood as a consequence of the Enlightenment's failure to acknowledge *otherness.* On this conclusion I base my approach in section three, which explicates the distrust directed against grand narratives that legitimized the binary concept of criticism. This is also the place where I will argue for the necessity of a new type of logic that takes into consideration singularity and difference. I show that this logic is of the type *neither/nor* or *both/and*, and I locate the identity of this new type of critique in what Michel Foucault calls 'the critical attitude' (Foucault, 1997): being both partner and adversary, at the same time, of the powers that be. In my understanding, this description responds to what I revealed in chapter two as the necessary relation of cohabitation and symbiosis between institution and critique.

1. Critique: How to Read the Bible

What does it mean to offer a critique? The term *critique* comes from the classical Greek, where one finds it either in the form of the adjective *kritikos* or as the verb *krinein*: the critical indicated the actions of separating, distinguishing, choosing among alternatives, deciding, judging, or incriminating. In the modern English it also has the sense of fault-finding. The word has a vast array of applications: from epistemology (to decide what is true and what is false), to ethics (to distinguish the good from the bad), to jurisdiction (to judge, to asses) and even to medical use, as in the crisis of a body's physiology, a critical point of an illness, that leads either to a restoration of health or to death. The most notorious 'critical' image is, undoubtedly, a religious one: I am referring to the

announcement of the Judgement Day, the peak of a crisis which is organized as a trial (Mathew, 25:31) of every single being (Romans, 14:10), where God is portrayed as the highest possible authority who has the power to distinguish the good from the bad, the true prophets from the false prophets, and who judges and decides who is to receive eternal life and who is to be thrown into the fires of Hell (see also Koselleck, 2006, 359–360). The *Book of Revelations*, in particular chapters nineteen and twenty, has inspired much of the Christian iconography depicting the end of the world.

I would like to insist on this religious register of distinguishing and justice: for it is often emphasized that the 'art of critique' was developed in close connection to what has come down to us as exegesis or hermeneutics (see for example Gürses, 2006, webpage; Foucault, 1997, 42–45). Indeed, *kritike techne* (Greek version) or *ars critica* (Latin Version) referred to a manner of dealing with the problems raised by the readings of the Holy Scriptures. In the third century A.D. Origen proposed that 'just as a human being is said to be made up of body, soul, and spirit, so also is sacred Scripture, which has been granted by God's gracious dispensation for man's salvation' (in Szondi, 1995, 9). This analogy between body and Scripture would initiate a centuries long tradition of a threefold textual reading of the Scripture, according to the somatic meaning (historical-grammatical), the psychic meaning (moral) and the pneumatic (allegorical – symbolic) (Szondi, 1995, 10). St. Augustine would later add a fourth level of exegesis: the anagogical (mystical).

Gürses proposes that the meaning of critique as crisis or what he calls the 'agonistic' facet of critique (Gürses, 2006, webpage), emerges during the Reformation, when Martin Luther will reject the thesis that one needs the guidance of the fathers of the Church in order to read the Scriptures: it is here that Gürses locates an insurrectionist aspect of critique. It should be noted that what is at stake in Luther's scriptural

principle, *sola scriptura* – which proposed that the Bible should be read and understood by the simple layman as well as the clergy – is the struggle against the principle of tradition established by the Holy Fathers of the Christian Church. Wriedt suggests that Luther's *reformation discovery* was a hermeneutical insight that he gained from reading St. Paul's commentary on justification and particularly the analysis of the term 'justice of God'. But with this discovery came along the necessity of a 'new method' for grasping the meaning of the Holy Scriptures. 'This is all about a new or, as Luther would say, different way of reading Scripture through the gospel, which remains uninfluenced by human influence or, to put it in modern words, free from pre-understanding and anticipated results being read into the text.' (Wriedt, 2003, 91). Thus, the meaning of the Scriptures is to be found in the Scriptures alone, independent of any human guidance. Luther's criticism is consequently directed against the authority of tradition, whose unwritten norms implied that the Holy Fathers of the Church were the only legitimate source of a proper, 'truthful' reading and exegesis. This, as I explained, had a centuries-old tradition related to the doctrine of the four interpretations of the Scriptures.

Both Foucault (1997) and Gürses (2006) show that traces of this agonistic aspect of critique, articulated in the religious sphere, will survive in the secularist world of the Enlightenment. Critique, understood as the turning point of a crisis, has two important realms of application. The first one could be called epistemological. It refers to a radical questioning of what knowledge is (in this case, knowledge of the Scriptures), and invites the reader to explore beyond received ideas and paths of interpretation. It is the aspect that, taken out of a religious context, will survive in Immanuel Kant's project of the *Critiques*. The second one could be called ethical-political. The 'protest' of the reformed churches targeted what they perceived as false doctrines and ecclesiastical malpractice; the corrupted figure of the Pope and his authority to absolve sin; and the activity of

selling indulgences. Wriedt observes that 'He (Luther) lays emphasis on the free, absolute sovereignty of God and his merciful acts of grace toward creatures full of sin and separated from him' (Wriedt, 2003, 90). The power to absolve, then, belongs to God alone, and men can attain salvation only through their faith in Jesus Christ. Luther's critique is, therefore, an institutional critique, inasmuch as it addresses the corruption and decadence in the institution of the Church. Luther did not want the destruction of the Catholic Church 'but rather its basic Christian renewal. Yet Luther hit the vital nerve of current church practices. Erasmus commented on this writing with the laconic remark that the break with Rome could hardly be healed any more' (Beutel, 2003, 10). Erasmus's comment certainly points to an irreparable break, which is twofold: first it refers to an earth-shattering effect upon the meaning of Christian faith; second, it refers to a break in the norms and rules of ecclesiastic practice, in that during the *Reformation* critique exhibits its ethical and political relevance. This break would soon be translated in religious and civil warfare, which later culminated in the Thirty Years War (1618-1648). The relation between the epistemological and the ethical-political sense of critique will survive, though not always in an overt manner, in much of the social and political upheavals of the eighteenth and nineteenth centuries, a time of revolutions and of an acute sense of crisis.

2. The Modern Concept of Critique

The question of how to read the Holy Scriptures led, towards the beginning of the seventeenth century, to a certain radicalization of thought. Its epitome was reached in the writings of Martin Luther, whose solution for the moral-religious crisis of the Catholic Church was the return to the

simplicity of the Christian Gospel. Either that or remain in the scope of the Pope's power, which Luther saw as the personification of the Anti-Christ.

The modern concept of critique was articulated in the period of what is known as the Enlightenment, when many of the concept's religious connotations were translated in various philosophies of history (Koselleck makes this point both in Koselleck, 1988; and in Koselleck, 2006). It retains, however, something of the previous historical formations dominated by religious strife: the sense of a just conscience able to operate self-differentiation and separation. This is what the first chapter of Adorno's and Horkheimer's *Dialectic of Enlightenment* (2002) suggests, by focusing on the processes following which the human subject is progressively installed as master of the world. Significantly, what this part of the book shows is that the Enlightened conscience is binary and operates in the register of the *either/or*. In the Enlightenment, reason is set against irrationality and myth, and science is developed in order to combat superstition; the acquisition of knowledge leads towards a disenchanted world that has no place for animist nature; classificatory systems and the power of calculation are enhanced in order to reduce difference to the same. This is a time when man discovers laws of nature which take the place of magic; a time which prizes mathematics, abstract quantities and the laws of equivalence of commodity value over quality. Finally, the human subject of the Enlightenment appears as world dominator: power will define human relationships, a notion of power that rests on the changing economic relations expressed through the division of labour. The dawning of new social and economic structures held the promise of granting cohesion on the social whole (Adorno and Horkheimer, 2002, 16).

I want to insist on this idea of a binary structure of Enlightened thinking, accompanied by the suggestion that it is supported by an economic and social basis, which carries with itself the ferment of political change. This is, to put it simply, the context that informs the articulation of

the concept of critique. It is also the theme of Reinhart Koselleck's widely read *Critique and Crisis* (Koselleck, 1988). Here the author contended that 'criticism [...] is the basis of the dualistic world-view that marked that era. The mutual polarization of all eighteenth-century concepts is given meaning and inner cohesion by the critical function inherent in all dualisms as, conversely, the political criticism could be based only on an historical reality in which morality and politics were separated' (Koselleck, 1988, 103). Koselleck's intention was to explain the Utopian ideas of the twentieth century by looking at their origins in the eighteenth century (Koselleck, 1988, 1); consequently, his book focuses on the time from the end of the Thirty Years' War (1618-1648) to the French Revolution of 1789. His main thesis states that during this period, a new social-economic class, the bourgeoisie, progressively masters innovative means of production that puts it in the position to challenge (critique) the socio-economic status of the old aristocracy. The latter remained faithful to the Absolutist state because it supported its social and economic position. What is particularly interesting in this process is the fact that the bourgeois subject claims the absolute right to utter the moral verdict which condemns the old world; it conceals, at the same time, the political significance of her/his act by translating it in the practice of the philosophy of history. As a critical technique, proposing a philosophy of history in the Enlightenment is an act of refusal of the current world, but at the same time postpones political intervention in view of a better world to come. 'Concealing this concealment was the historical function of the Utopian philosophy of history. It was responsible for the further intensification of the crisis because it made evident that the decision yet to come would take the form of a moral judgement' (Koselleck, 1988, 174).

To put it in other words, the bourgeois thinkers abstain from the open criticism of the Absolutist order. They would rather invoke categories of reason, morality, nature, etc. in the name of which they perform the

criticism of the current world, but essentially perceive their critique as non-political. In Koselleck's understanding, this non-political form of engagement remains, nevertheless, deeply political (Koselleck, 1988, 147). It led to the schism between State and society, and between politics and ethics, which eventually triggered a state of crisis and revolutionary political dissolution: 'the critical process of Enlightenment conjured up the crisis in the same measure in which the political significance of that crisis remained hidden from it' (Koselleck, 1988, 9). Perhaps amongst the few sincere thinkers of the Enlightenment, Rousseau nevertheless wrote that 'Nous approchons de l'état de crise et du siècle des revolutions' (We are approaching the state of crisis and the century of revolutions) (Koselleck, 1988, 159). Acknowledging the dualistic worldview of the Enlightenment, Koselleck offers us the following definition of criticism:

> [it] is the art of judging; its function calls for testing a given circumstance for its validity or truth, its rightness or beauty, so as to arrive at a judgement based on the insight won, a judgement that extends to persons as well. In the course of criticism, the true is separated from the false, the genuine from the spurious, the beautiful from the ugly, right from wrong (Koselleck, 1988, 103-104).

What I have established until now is that there is a certain contiguity and intensification of two critical tendencies from the religious *Reformation* to the *French Revolution.* One of them praises the use of reason which has its own laws and norms, and becomes master of the world in a process that expels everything that cannot be known. The other constructs a field of moral opposition and dissent against earthly powers having as ally a rapidly shifting economic base. Enlightenment thinkers articulated these two tendencies as separate realms; the task of connecting them on the field of politics was delayed and delegated to the philosophy of history that

predicted a world to come. My argument is that this relation between epistemology, ethics and politics structures the development of the binary concept of critique throughout modernity. In the next subsections I want to explore how this relation unfolds in what I take to be three paradigmatic moments or 'venues' of modern critique: the philosophies of Immanuel Kant, Karl Marx, and the Frankfurt School.

2.1. Venues of Critique: Immanuel Kant

The epistemological meaning of critique derives from Kant's analyses of the categories of 'pure reason'. But what I want to do in this subsection is to show that the German philosopher's transcendental project illustrates precisely the argument which has been advanced above, that the meeting between reason and ethics in the field of politics is delayed and deferred; Kant's rational subject is the bourgeois subject, who masters the tools of critique but who, at the same time, fails to see that these are lethal weapons that throw the political order into a state of crisis.

Critique for Kant is the tool that establishes the conditions and possibilities of knowledge, meaning, at the same time, the limits of knowledge, what can be safely known and the border beyond which the reason falls into antinomies. Although the basic themes are there from the first edition of his *Critique of Pure Reason,* Kant's notion of *critique* undergoes a certain refinement, which is visible when comparing the Prefaces of the 1781 and 1787 editions. Kant's declared aim is to submit to re-examination the legitimate use of reason in what constitutes the realm of metaphysics. Indeed, what he finds here is 'a battlefield of endless controversies' (Kant, 1998, AVIII, 99): dogmatism (the rationalist metaphysics of Leibniz, Wolff and Baumgarten), scepticism (Hume's criticism of the metaphysics of causality), empiricism (Locke) and the worst of all, 'indifferentism' had not been able to save reason from falling into

contradictions and obscurantism. But Kant sees his age as an epoch in which the power of judgement has ripened enough to be able to examine itself (Kant, 1998, AXII, 101). It is here where Kant articulates the first meaning of critique: *critique as a tribunal, as a court of justice that examines the arguments of all the concerned metaphysical parties and draws an agreement*. A court of justice, therefore, 'by which reason may secure its rightful claims while dismissing all its groundless pretensions, and this not by mere decrees but according to its own eternal and unchangeable laws; and this court is none other than the critique of pure reason itself' (Kant, 1998, AXII, 101).

Perhaps in relation to what critique used to be for centuries, an appendix of hermeneutics and exegesis, Kant explains that by critique he does not understand a literary critique, a critique of 'books and systems', but a critique of the faculty of reason in general 'in respect of all the cognitions after which reason might strive independently of all experience, and hence the decision about the possibility or impossibility of a metaphysics in general' (Kant, 1998, AXII, 101). Pursuing the question 'what and how much can understanding and reason cognize free of all experience' (Kant, 1998, AXVII, 103), Kant is preoccupied with the requirement that his investigation should take a scientific form (Kant, 1998, AXV, 102 – AXX, 104). Therefore, it eliminates everything that is a matter of hypothesis and opinion, and proceeds from certainty to certainty; it has discursive (logical) clarity and attempts to be a complete and comprehensive endeavour. Kant, indeed, hopes to have reworked metaphysics enough to have given it the structure of a science: 'it is nothing but the inventory of all we possess through pure reason, ordered systematically. Nothing here can escape us, because what reason brings forth entirely out of itself cannot be hidden, but is brought to light by reason itself as soon as reason's common principle has been discovered' (Kant, 1998, AXX, 104).

The scientificity of metaphysics is a theme that emerges in the second preface, which begins with an overview of the history of logic, mathematics and physics. The order of exposition is also the order of the sciences' degree of completeness. Through its clearly delimited boundaries, so that it can take no step backwards or forwards without damaging it, logic is the most complete of all. But it is so because in logic reason has to do only with itself, unlike mathematics and physics. But what is particularly interesting, for both of these, is that they could not have walked 'the secure path of science' without a certain revolution: Thales in mathematics and Bacon, Galileo, Toricelli and Stahl understood that 'reason has insight only into what it itself produces according to its own design' (Kant, 1998, BXIII, 109), therefore, that reason has an active role in constituting its objects. Metaphysics, though older than logic, mathematics and physics, has not been able to follow the secure path of science. Building on the model of the sciences, Kant asks whether what metaphysics needs is not a certain revolution of its own. Indeed, an entire *Copernican revolution* – the second meaning of critique – may be needed: for just as Copernicus proposed that one needs to change the model when explaining celestial motion, assuming that the observer revolves while the stars were left at rest, so Kant would propose that the problems of metaphysics become easier if we assume that objects must conform to our cognition: 'If intuition has to conform to the constitution of the objects, then I do not see how we can know anything of them *a priori;* but if the object (as an object of the senses) conforms to the constitution of our faculty of intuition, then I can very well represent this possibility to myself' (Kant, 1998, BXVI-XVII, 110). The ground of critique is, then, *a radical break, an inversion of received models of viewing and thinking about the world.*

Kant proceeds to show that the critique of pure reason with its outcome – that of specifying the limits of pure reason – does not have only a negative utility. It also has a positive utility:

> when we become aware that the principles with which speculative reason ventures beyond its boundaries do not in fact result in extending our use of reason, but rather, if one considers them more closely, inevitably result in narrowing it by threatening to extend the boundaries of sensibility, to which these principles really belong, beyond everything, and so even to dislodge the use of pure (practical) reason (Kant, 1998, BXXIV-BXXV, 114).

The positive utility of critique, then, is that it adds to the articulation, on secure foundations, of the realm of the ethical (practical reason). But when attempting to shape the bridge between scientific and ethical-political forms of thought, Kant explains this double sidedness of critique using a strange analogy. And perhaps a third meaning of critique can be identified here: *critique as policing.* Kant explains that 'to deny that this service of criticism is of any positive utility would be as much as to say that police are of no positive utility because their chief business is to put a stop to the violence that citizens have to fear from other citizens, so that each can carry on his own affairs in peace and safety' (Kant, 1998, BXXV, 115). The theme of critique as police will return in the last section of this chapter, when I will comment on Michel Foucault's answers to the question 'What is Critique?' To anticipate, let us just observe how this modifies our perception of critique: the latter is not only the exercise of reason that frees itself from any guidance, but enacts a certain violence upon the object of its inquiry.

I have established, until now, what are the three meanings of critique in the Kantian project: critique as tribunal, critique as a revolution of our ways of viewing and thinking about the world, and critique as 'policing' the correct uses of reason. The tools that critique offers, then, assures the consistency with which reason will submit everything to examination. It is true that religion 'through its holiness' and legislation

'through its majesty' seek to evade its inquiry. 'But in this way they excite a just suspicion against themselves, and cannot lay claim to that unfeigned respect that reason grants only to that which has been able to withstand its free and public examination' (Kant, 1998, AXI, 100–101).

But what exactly is it that 'has been able to withstand [reason's] free and public examination?' I want to suggest that a particular reading of the last line of this Kantian fragment will give us an idea about how ambiguous and unresolved remains, for Kant, the relation between epistemology, ethics, and politics[1]. I want to connect, thus, Kant's exploration of the categories of pure reason with his small essay that addresses the question *Was Ist Aufklärung?* (*What is Enlightenment?*), which he published in 1784 in the newspaper *Berlinische Monatsschrift*. As we have already observed, analysing the extent to which reason can be safely used has ethical consequences: the critique of pure reason will unfold principles that will be equally valid for practical reason (ethics). But Kant is particularly blind to the fact that once this critical pursuit is initiated, it would be difficult not to transform itself into political subversion and dissolution of the political order.

Kant answers that Enlightenment is 'man's release from his self-incurred tutelage. Tutelage is man's inability to make use of his understanding without direction from another. Self-incurred is this tutelage when its cause lies not in lack of reason but in lack of resolution and courage to use it without direction from another' (Kant, 1997, 29). The German philosopher argues that if each one of us has the ability to use reason, then the capacity to reason freely, without instruction or guidance, is not inherent in every human being. He points, therefore, to a certain pedagogy of understanding, structured by a hierarchical relation of power. On the contrary, he implies, freedom necessitates an act of courage; even

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[1] A similar argument is made by Foucault (1997, 47-49).

more, it needs a decision to untie the relationship of tutelage, and I assume that it is only through criticism (resolution) and self-criticism (of one's voluntary submission to a certain relation of power-knowledge) that one arrives at this decision. Enlightenment is then the exercise of freedom, 'the freedom to make public one's use of reason at every point' (Kant, 1997, 29). But how to solve this self-imposed task of freeing oneself and the fact that one needs to perform one's public duties as well? (e.g. serve the in the military, pay taxes, and even follow the Church). At this moment, Kant declares that he hears only one prince in the world saying 'Argue as much as you will and about what you will, but obey!' (Kant, 1997, 29). He was referring, of course, to Frederick II of Prussia. Kant would solve this dilemma by explaining that the public use of reason must always be free, whereas its private use may be restricted, without any loss to the progress of Enlightenment. But Kant here operates a strange choice of words:

> By the public use of one's reason I understand the use which a person makes of it as a scholar before the reading public. Private use I call that which one may make of it in a particular civil post or office which is entrusted to him (Kant, 1997, 31).

In other words, public criticism may be used in such a way and as long as it doesn't intervene in the daily affairs and structures of political power. This will allow Kant to formulate a concept of freedom apparently remote from any political application. For Kant, freedom is freedom from the causality of natural laws, and is governed by its own set of (rational) rules: it stems from the will's capacity to give laws to itself. Therefore, the subject's autonomy is not contradictory to obeying the sovereign. It is thus no surprise that in politics the subject ends up by necessarily obeying the law of the ruler (with the provision that the latter needs, as well, to follow the principles of reason), whereas the pursuit of freedom remains an

entirely individual affair.

I explained, in this subsection, what meaning critique had for Kant. Critique as tribunal, as Copernican revolution and as police are part of the binary structure of Enlightened reasoning which separates that which it can and that which it cannot know. I also suggested that particularly Kant's project exposes what Koselleck describes as the hypocrisy of the bourgeois subject, which fails to acknowledge the political implications of critique, the fact that, once the powers of critique have been summoned, it became impossible to place limits on its dissolving effect of the political order. In the next subsection I want to investigate how Karl Marx articulates the intersection between epistemology, ethics and politics.

2.2. Venues of Critique: Karl Marx

If for Kant critique presupposed reason taking itself as the object of analysis, in order to reveal and separate its legitimate from its illegitimate uses, it could be said that with Karl Marx the political significance of critique is acknowledged and assumed. Critique's role in Marx's work is to direct reason's weapons towards the socio-economic and political reality, with the aim of revealing forms of exploitation and domination and the manner in which social-economic forces shape thought.

Critique and criticism were the words of the day during the period of Marx's philosophical education which passed through Hegel, Feuerbach, and the French socialists. Although the theme of criticism unifies Marx's youthful texts and his mature writings, (see the Introduction of Marx, 1978, XXIX) and although Marx wrote several 'critiques', few of them take critique itself as object of analysis with the clarity and concision of the September 1844 Letter to Arnold Ruge, later known under the title *For a Ruthless Criticism of Everything Existing*. This was an open letter published in the *Deutsch-Franzosische Jahrbücher* which Marx and Ruge

were editing at the time.

Marx's text begins by offering a diagnosis of the political climate of the time: repression, 'anarchy of the spirit', stupidity and political obedience characterize Germany, a situation which had become unbearable for independent minds. In this context, Marx launched a question that would later become symptomatic of the Marxian tradition: what is to be done? (Marx, 1978, 13) However, Marx would claim that it is not his intention to design the future and provide ready-made solutions: he rather emphasises that what needs to be done is precisely 'a ruthless criticism of everything existing, ruthless in two senses: the criticism must not be afraid of its own conclusions, nor of conflict with the powers that be' (Marx, 1978, 13). Perhaps this was a reaction against the half-baked criticism that the bourgeoisie had performed during the Enlightenment. The criticism of the bourgeoisie caused the downfall of the aristocracy; but the bourgeoisie itself hypocritically refused to pursue the exercise of criticism to its last conclusions. The manner in which Marx articulates his 'ruthless criticism' already seems to announce the concatenation between what would emerge as a scientific method, the method of the critique of economy (its epitome would be reached in *Capital*, and included a reading of the classic economists, putting one next to another, in order to show their contradictions (Althusser, 2009)) and a political instrument of liberation, legitimizing the opposition against the powers that be. If anything, Marxian criticism is anti-dogmatic and takes into consideration two aspects: the reality of the social existence of the human being (what Marx calls the socialist principle) and the 'theoretical existence of men', which implied that religion, science, and all ideation of the human being needed to submit to criticism (Marx, 1978, 13).

By dogmatism Marx understood every ready-made project that is offered as an alternative to an existing social or theoretical reality. On the contrary, what the critic needs to do is 'start out by taking any form of

theoretical and practical consciousness and develop from the unique forms of existing reality the true reality as its norm and final goal' (Marx, 1978, 14). In other words, if a new society is to unfold, its principles should be grounded in the practice of solving the contradictions and struggles of the actual reality one lives in. There are two domains, at least in Germany of the nineteenth century, where these struggles are visible: the political state and religion. For Marx, the critique of politics and religion is a way of identifying and connecting criticism with real struggles. 'Then we shall confront the world not as doctrinaires with a new principle: "Here is the truth, bow down before it!" We develop new principles to the world out of its own principles' (Marx, 1978, 14).

The ultimate goal of criticism is, writes Marx (Marx, 1978, 15), the reform of consciousness. A process of reform, therefore, which would help release consciousness from the traps it fell into. However, criticism does not reform consciousness by facing it with the prospects of a better world; it rather provides the tools with which consciousness becomes aware of its own practical and theoretical condition. The reform of consciousness, then, would be performed 'not through dogmas, but through analysing the mystical consciousness, the consciousness which is unclear to itself, whether it appears in religious or political form' (Marx, 1978, 15). Critique, then, discerns and separates 'true reality' from the reality mystified by politics and religion. It functions as well in the binary structure of Enlightenment's thought, in the logic of e*ither/or.* Critique is demystification, the revelation of a truth that has only been hidden: 'it is not a matter of drawing a great dividing line between past and future, but of carrying out the thoughts of the past [...] mankind begins no new work, but consciously accomplishes its old work' (Marx, 1978, 15).

If critique is to deliver the truth about mankind's existence, then it can do so only by clarifying to itself the meaning of its struggles and desires. Significantly, Marx designates this as the task of what he will call

critical philosophy. The theme will re-emerge a century later, in the program of the Frankfurt School, under the heading of critical theory.

2.3. Venues of Critique: beyond Kantianism and Marxism (The Frankfurt School)

With the notion of *critical theory*, the Frankfurt School attempted to take both Kantianism and Marxism one step further. What critical theory is emerges in Max Horkheimer's much celebrated text *Traditional and Critical Theory* (Horkheimer, 1972a)*.* As he explains in the shorter 1937 *Postscript* (Horkheimer, 1972b), the difference between traditional theory and critical theory pertains to the difference between two ways of knowing: one is based on Descartes's *Discourse on Method*, the other one is based on Marx's critique of political economy (Horkheimer, 1972b, 244). They are distinguished by the manner in which they situate themselves in the particular historical reality from which they emerge. Horkheimer suggest that the former is employed by the specialized sciences and generates questions which acquire an a-temporal dimension, in that they are disengaged from the experience of the present day society. As a result, their findings are regarded as external to the manner in which these sciences are instrumentalized and put to use by modern industrial societies. Critical theory, on the contrary, has as a goal 'man's emancipation from slavery' (Horkheimer, 1972b, 246): they take as their objects men as producers of their own life and historical reality.

Traditional theory is connected to the natural sciences, for which 'theory' is a corpus of propositions about a subject, the majority of which derive from a set of 'given' primary assumptions (Horkheimer, 1972a, 188). This corpus is supposed to map empirical facts. With a structure based on formal logic, and using procedures of induction and deduction, they manifest a tendency of being articulated as mathematical systems of

symbols (Horkheimer, 1972a, 190). This formalism is borrowed by the 'sciences of man', particularly by sociology. But they show their alienation from real socio-historical processes as soon as the data they gather is manipulated so as to correspond to a set of hypotheses that the researcher formulates at the inception of her/his research: this process is driven by the demands of industry (Horkheimer, 1972a, 196). Methodologies of traditional theory are inseparably linked with the advances in modern technology (Horkheimer, 1972a, 194) that manipulate nature and society. But this is hidden by the fact that traditional theory does not question the division of labour and the particular mode of production in the capitalist society (Horkheimer, 1972a, 197); for the bourgeois scientist, what Horkheimer perhaps ironically calls 'the savant', the facts of this world are simply given and must be accepted. Therefore, traditional theory complies with its designated place and connects to other activities of society in only a small degree. Furthermore, the bourgeois scientist seems to be blind that her/his activity of constructing hypothesis responds to a certain logic of demand and offer, which ultimately refer to the money-making machine of capitalism (Horkheimer, 1972a, 206).

In a Marxian vein, Horkheimer would contend that 'what is needed is a radical reconsideration, not of the scientist alone but of the knowing individual as such' (Horkheimer, 1972a, 199). To begin with, critical theory that provides the tools of this radical change of perspective tries to pull out itself from the complicity with theory's oppression. It does not stop at considering individual cases of abuse, but regards them as patterns of how the social structure is organized (Horkheimer, 1972a, 207). Again, echoing Marx's concept of critique, Horkheimer adds that critical theory does not have a project of its own which is established beforehand: on the contrary, 'it is suspicious of the very categories of better, useful, appropriate, productive, and valuable, as these are understood in the present order, and refuses to take them as nonscientific presuppositions

about which one can do nothing' (Horkheimer, 1972a, 207). In other words, the critical attitude is distrustful of everything that takes the appearance of common-sense rules and norms of conduct. The principle that constitutes the guiding thread of critical theory is that the world is a product of the activity of a society as a whole. This has a twofold dimension: that facts have a social-historical character, on the one hand, and that the perceiving individual has also her/his own historicity, on the other (Horkheimer, 1972a, 200): 'the perceived fact is therefore co-determined by human ideas and concepts, even before its conscious theoretical elaboration by the knowing individual' (Horkheimer, 1972a, 201). This proposition challenges Kant's way of deferring critique's political consequences: if Kant highlights the primacy of the agency of human reason in establishing what appears as fact, Horkheimer argues that there is a mutual interdependence between social-historical reality and subjectivity. For the project of criticism, this implies that critique could be performed only from within the system it criticizes: it is what one would call an immanent critique (Berendzen, 2013, webpage); opposed to traditional theory, immanent critique assumes the contiguity of the researching subject with the object of her/his research.

But this implies, at the same time, surpassing the Cartesian (binary) distinction between thought and being (Horkheimer, 1972a, 233) that traditional theory still holds to. Indeed, critical theory promises to be the dialectical synthesis of theory and practice. But this dialectical process is not carried out without tension and contradiction: on the one hand, critical theory acknowledges the prevailing interpretation of facts, and its categories (work, value, productivity, etc.). But at the same time, this recognition is critical, insofar as it questions how these categories can be altered and society emancipated (Horkheimer, 1972a, 208). Operating with a concept of 'a man as in conflict with himself', critical theory condemns both the illusory autonomy and freedom of the bourgeois ego and the

fascist view of an individual as the expression of an already constituted society.

The subject of critical thinking, then, is constituted by the conflicts and contradictions that stem out of the relations among individuals, between individuals and social classes, and, finally, between individuals and social totality and nature (Horkheimer, 1972a, 211). It could be said that the abstract reason of traditional theory becomes critical reason when it acknowledges and assumes social struggle and emancipation. Echoing Marx's principles of a theory developing 'from the unique forms of existing reality the true reality as its norm and final goal', here is the place where the real function of the critical theorist emerges. Their task is to understand the meaning of the suffering of the oppressed and create 'a dynamic unity with the oppressed class, so that his presentation of societal contradictions is not merely an expression of the concrete historical situation but also a force within it to stimulate change' (Horkheimer, 1972a, 215).

Horkheimer is less optimistic than Marx about the oppressed classes' ability to perceive and understand their own situation. If for Marx the concern of articulating the idea of a 'reasonable organization of society that will meet the needs of the whole community' (Horkheimer, 1972a, 213) emerges with necessity from amidst the ranks of the proletariat, Horkheimer suggests that 'the situation of the proletariat is, in this society, no guarantee of correct knowledge'. The proletariat might experience injustice and oppression; yet this awareness is prevented from becoming a social force by the differentiation of social structure and class interests. Therefore, if the critical theorist only expresses the feelings and ideas of one class (be that of the proletariat) she/he is no different than the traditional theorist; the task of the theorist is to elaborate on the significance of injustice and oppression, and give a hand to the oppressed in acquiring critical consciousness. In this process, the critical theorist might even have to oppose views coming from amongst the proletariat

(Horkheimer 1972a, 221). It could be said that the task of the critical theorist is the elaboration of a 'true reality' corresponding to a society without injustice (Horkheimer, 1972a, 221). This critical elaboration of truth implies 'the unfolding of a single existential judgement' (Horkheimer, 1972a, 227) by which Horkheimer means the grasping of 'the internal and external tensions of the modern era' (Horkheimer, 1972a, 227). The activity of the critical theoretician, then, becomes the epitome of truth:

> This truth becomes clearly evident in the person of the theoretician; he exercises an aggressive critique not only against the conscious defenders of the status quo but also against distracting, conformist, or utopian tendencies within his own household (Horkheimer, 1972a, 216).

One can observe already a tension in Horkheimer's elaboration of the concept of truth. On the one hand, one could identify in his text the dualism between 'existing reality' and 'true reality' and it seems that Horkheimer remains in the binary logic of *either/or.* But at the same time, Horkheimer emphasizes that the critical theorist does not come with pre-formatted truths; on the contrary, and in a manner which, I suggest, already announces the Foucauldian concept of a 'regime of truth', truth is a matter of the production of critical analysis. This is to say that critical theory already marks a passageway from the logic of *either/or* to the logic of *neither/nor* or *both/and* that becomes possible with the dissolution of grand narratives. I will explain this phenomenon in the next section. Horkheimer maintains that the critical theorist is not the depository of an absolute truth. On the contrary, truth is the result of processes of criticism and self-criticism that are shaped by the development of social arrangements.

When Horkheimer criticizes the formalistic concept of the mind, he would clarify that 'according to this concept there is only one truth, and the positive attributes of honesty, internal consistency, reasonableness, and striving for peace, freedom and happiness may not be attributed in the same sense to any other theory and practice' (Horkheimer, 1972a, 222). But every theory of society contains political motivations behind it, and therefore even the theory of the formalistic mind has its own political motivations. It seems that there is a certain conflict of truths, in which case 'the truth of these must be decided not in supposedly neutral reflection but in personal thought and action, in concrete historical activity' (Horkheimer, 1972a, 222).

This implies that truth is not eternally given, but it is articulated as the result of one's own socio-historical experience, critical consciousness and struggle for emancipation. At the same time, truth does not have a class-origin: Horkheimer would explain that in the eighteenth century truth was on the side of the economically developed bourgeoisie. Later, however, 'under the conditions of later capitalism and the impotence of the workers before the authoritarian state's apparatus of oppression, truth has sought refuge among small groups of admirable men' (Horkheimer, 1972a, 237-238). Truth then has a certain relationship with critique and emancipation, in all its economic, social and political aspects. But at the same time, truth is a reflexive relation, since it must be exercised even in one's own 'household'.

In this section, I analysed the three paradigms that, I argue, have shaped the modern concept of critique. I was particularly interested in the type of logic that they exhibit, which I suggested to be structured by a binary operator of the type *either/or*. I also paid close attention to the manner in which this logic incorporates a political content, and I suggested that whereas Kant defers the political consequences of critique, Marx's project articulates the intersection between epistemology, ethics and

politics. At the same time, I identified in Horkheimer's account of critical theory a certain tension that regards the binary concept of critique. I suggested that critical theory represents a passageway to a type of logic that takes into account the singularity and difference of critique's iterations. In the next section I will develop an explanation of what exactly this logic amounts to.

3. To Offer a Critique in the Present

What I have done in this chapter, until now, is to explain that those 'old critical paradigms' refer to a certain binary concept of critique, which functions in the logic of *either/or.* Because there is an intimate connection between the 'spirit' of capitalism and critique and a close relation of symbiosis and cohabitation between institutions and critique, a different logic of critique is required, which is able to grasp the differential that escapes from processes of institutionalization. In other words, I am trying to articulate a concept of critique that is able to take into account singularity and difference. In this section I want to explore the dimensions of this logic. First, I want to explain why it is the case that the binary concept of critique is not able to respond properly to current social, economical and political displacements, and I will refer to critique's loss of foundations and the death of grand narratives. Then, I will refer to the poststructuralist philosophies of Foucault and Derrida that, I suggest, provide the theoretical elements that will help me shape the type of logic of critique that I am looking for.

3.1. The Loss of Common Norms

In his history of critical thought, Eagleton (1984) argues that the very conditions of production that led to the victory of the bourgeoisie against the aristocracy were also responsible for the dissolution of the public sphere that it had initially created. Public sphere is a term that Eagleton borrows from Jürgen Habermas (1989), and refers to

> a realm of social institutions – clubs, journals, coffee houses, periodicals – in which private individuals assemble for the free equal interchange of reasonable discourse, thus welding themselves into a relatively cohesive body whose deliberations may assume the form of a powerful political force (Eagleton 1984, 9).

It could also be said that the process of criticism, which the bourgeoisie endorsed against the old aristocracy, was like a child that turned, in the nineteenth century, against its parents (Eagleton, 1984, 21). To begin with, it would soon be revealed that the bourgeois public sphere was not structured by free, equal and reasonable exchange, since it excluded large segments of society: it was based on symbolic mutual recognition, which remained class based and ideological. The Industrial Revolution therefore triggered not only bourgeoisie's victory over Absolutism, but also the coming into existence of an industrial proletariat that will soon question the ideological foundations of this sphere. At the same time, market pressures sealed the fate of criticism's commodification: the competing political forces whose voices are to be heard in the epoch's newspapers and pamphlets subdued it. One consequence is criticism's fragmentation into critical disciplines such as art criticism and hermeneutics; another is its enclosure in the spaces of universities, where it becomes an issue of merely academic concern. In other words, there is a tendency of the

nineteenth century, still visible today, which relates to the fact that criticism has less and less social relevance.

The gap between morality and politics, which Koselleck argued to be structural to the Enlightenment, grew wider. Critique progressively lost contact with moral issues; instead, art and literature would supplant ethical thinking with romanticism's support, loudly contesting the ravaging forces of capitalism. In this process, artists appropriated the idea of an autonomous space for art. But this idea would itself in turn be questioned, towards the turn of the twentieth century, even from within the art field itself. Artists of the avant-garde would declare their political allegiance to what some authors called the proletarian public sphere (see for example Negt and Kluge, 1993). But what this general dissolution of an allegedly homogenous public sphere amounts to, above all, is the disappearance of all 'common-sense' rules and criteria for critical assessment.

A proper place to understand this development is the field of art criticism. Art criticism is a discipline that emerged at the end of the eighteenth and beginning of the nineteenth centuries. As an external observer of the art world, the art critic claimed for herself/himself the autonomous jurisdiction of criticizing the art on display in the century's salons. Her/his judgements were stated in the name of a public possessing a reasonable education and understanding of what good taste and aesthetic 'common sense' meant. Criticism was supposed to be professed from a distance that assured the lack of bias, interest and corruption. But it is with the avant-garde of the early twentieth century that the autonomy of the art critic is exposed as a matter of self-delusion: the art critic's claim of objective judgement proved to be an ideological mask in fact representing the interests of certain social classes. Boris Groys argued that the category of art criticism was suspended once the avant-garde brought forth its contempt for any actual, contemporary, notion of the public. Refusing to address an actual public, the avant-garde summoned a new

humanity, a possible humanity, for its reception. In other words, the function of an external observer that judges the work of art was, as it were, overtaken by the artwork itself that directs judgements and condemnations towards the public. 'In place of the critic in the name of society arose social critique in the name of art: the artwork doesn't form the object of judgement but is instead taken as the point of departure for a critique aimed at society and the world' (Groys, 2008, 62–63). There is a mutation that takes place, from a society represented by the art critic who speaks in its name and judges whether an artwork follows common-sense norms, to an art which speaks not in the name of the public, but somewhat against it. Interior to this was a questioning of the social and cultural background of this public, whose representative the art critic claimed to be. Essentially, Groys points out that the avant-garde subverts the art critic's role, not by taking her/his place, but by contesting both her/his place and the public in the name of whom she/he speaks. It could be said, therefore, that the art critic remained without the object of her/his activity.

James Elkins observes a similar delegitimation of the art critic. He explains that art critics of the early nineteenth century were taken seriously by contemporaneous philosophers and writers (Elkins 2003, 7) and that before the first half of the twentieth century 'it was more common for critics to think on large scales, comparing their judgements on different occasions, or considering the difference between their positions and those of other critics' (Elkins 2003, 10). By comparison, art criticism today is in a worldwide crisis (Elkins 2003, 2): 'it is flourishing, but invisibly, out of sight of contemporary intellectual debates. It's ignored and yet has the market behind it' (Elkins 2003, 2). This observation is interesting, since it points to the manner in which, in our age, the commodification of criticism has been conducted to its extremes. The capitalist contradiction of art criticism refers to this: although there is a huge machine behind it which swallows significant economic resources – think of all the paper and ink used to print

catalogues, guiding tours, leaflets of virtually all the exhibitions in this world, and also of the hundreds, perhaps more, critical art journals out there on the market – art criticism has little relevance. This fact could not be alien to the tendency that 'in the last three or four decades, critics have begun to avoid judgements altogether, preferring to describe or evoke the art rather than say what they think of it' (Elkins 2003, 12).

I want to suggest that we can relate the phenomena described by Groys and Elkins to the dissolution of a presumably neutral public space of equal, free, and rational discussion and debate. Authors like Boris Buden doubt that it has ever existed (Buden and Morariu, 2007), events like the Yugoslavian war demonstrating that culture, education, and political upbringing shape subjectivity beyond levels of consciousness, up to the point where rational and equal discussion are not even much helpful in preventing humanitarian catastrophes. In this context, it would be interesting to ponder on the deeper significances of both the *Dialectic of Enlightenment* and of *Critique and Crisis.*

Adorno's and Horkheimer's work suggests the essential fact that the Enlightenment functions according to a fundamental logic of exclusion. On the one hand reason maps previously uncharted territories, establishing the limits of what can be known; but on the other hand it downgrades and represses the unknown to the status of the inessential, irrational, marginal and unworthy of consideration. What the two authors convincingly argue is that what the Enlightenment expels nevertheless remains embedded in the structure of reason: 'the myths which fell victim to the enlightenment were themselves its product' (Horkheimer and Adorno, 2002, 5). The dialectic of Enlightenment follows a certain logic of violent repression, wherein the repressed haunts like a ghost, returning at times: the moment one celebrates reason's power, superstition returns through the back door. In other words, Enlightenment and rationality have themselves a mythical structure. Thus, the apparently innocent path of enlightened reasoning is,

on the contrary, dominated by the negativity of fear:

> Humans believe themselves free of fear when there is no longer anything unknown. This has determined the path of demythologization, of enlightenment, which equates the living with the nonliving as myth had equated the nonliving with the living. Enlightenment is mythical fear radicalised (Horkheimer and Adorno, 2002, 11).

The pattern of this fear-driven behaviour is readable in all those apparatuses of domination: domination of nature, but also domination of the human being by the human being (Horkheimer and Adorno, 2002, xvii). If the source of fear is the very existence of an outside, then there must be no outside: the flip coin of the myth of progress is the domination of the outside, where the other is enslaved, exploited and exterminated. The two authors explain that enlightened thinking is intimately connected with a pursuit for freedom in society (Horkheimer and Adorno, 2002, xvi). But this triggered, at the same time, a loss of freedom: the epitome of the Enlightenment's self-destruction was reached in the 'nationalist paranoia' (Horkheimer and Adorno, 2002, xvi), the Nazi death camps, but also the emergence of cultural industry.

From an alternative perspective, Koselleck's book (Koselleck, 1988) refers as well to Enlightenment's fundamental failure. Both his book's subtitle, *Enlightenment and the Pathogenesis of Modern Society* and its *Introduction* indicate that his work attempts to construct a genealogy of the present. The said pathogenesis refers to the fact that the modern world was unable to solve the cleavage between ethics and politics, and that it was not capable of acknowledging and translating into concrete political practice the critical conscience of crisis. Instead, it took refuge, at times hypocritically, into utopian philosophies of history that inevitably had to

compete against each other. In the *Preface* to the English Edition, Koselleck explained that his study attempted to examine the historical preconditions of German National Socialism, whose 'loss of reality and Utopian self-exaltation had resulted in hitherto unprecedented crimes' (Koselleck, 1988, 1). Another significant contextual element was the Cold War and its Utopian roots which, writes Koselleck, prevented U.S.A. and the U.S.S.R. from recognizing each other as opponents: 'instead they blocked one another and thereby destroyed the opportunity for a peace which each superpower self-confidently proclaimed to be capable of establishing single-handedly' (Koselleck, 1988, 1).

The reason why the binary concept of criticism, therefore, is not adequate to respond to current social arrangements is that it functions according to a logic which expels and destroys that which it promises to emancipate and liberate. I believe that Adorno, Horkheimer and Koselleck point precisely to the fundamental failure of enlightened critique, and to its incapacity of conceptualizing difference. Instrumentalized in repressive ideologies, or in hypocritical ideological battles, critique's grounds have been deligitimized.

3.2. A Critique that Acknowledges Singularity and Difference

But how will the delegitimation of the binary concept of critique conduct to a new type of conceptualization? We could observe, from the outset, that the necessity of this new critique triggered, to paraphrase Kant, its own Copernican revolution of the ways in which we see and understand the world. It was about this revolution of parallax that Michel Foucault spoke in his 1976 lectures at the College de France, when he described 'what has been happening for some time now (the last ten-fifteen years)'. He pointed out to his students the

> immense and proliferating criticizability of things, institutions, practices, and discourses; a sort of general feeling that the ground was crumbling beneath our feet, especially in places where it seemed most familiar, most solid, and closest [nearest] to us, to our bodies, to our everyday gestures (Foucault, 2003, 6).

This statement was describing an age in which everything submitted to the process of criticism; but criticism itself was put under scrutiny, and perhaps this was part of the reason why the 'ground was crumbling beneath our feet'. To understand what happened 'before' and 'after' one could turn to Foucault's *Preface* to Deleuze's and Guattari's *Anti-Oedipus.* Here Foucault explained that in the immediate aftermath of the Second World War there was a 'certain way of thinking correctly, a certain style of political discourse, a certain ethics of the intellectual' (Foucault, 2000, xi), all of which were intimately connected with Marxist terminology, with Marxism in general (and, for the matter, Freudianism). They were 'correct' in the sense that any 'serious' analysis of society in general could not do without them. But then came 'five brief, impassioned, jubilant, enigmatic years' (1965-1970). Enigmatic because, writes Foucault, the Anti-Vietnam movement triggered a major blow against all powers, that no one seems to have expected. But in parallel, 'inside our walls' another phenomenon was unfolding: 'an amalgam of revolutionary and antirepressive politics; a war fought on two fronts: against social exploitation and psychic repression; a surge of libido modulated by the class struggle' (Foucault, 2000, xi). The momentous difference that these passionate years brought forth, with their sexual revolution, anti-war rhetoric, and student revolts, amounted to 'a movement toward political struggles that no longer conformed to the model that Marxist tradition had prescribed; toward an experience and a technology of desire that were no longer Freudian' (Foucault, 2000, xii). In other words – and this was what essentially *Anti-Oedipus* was doing – all

of a sudden there were the resources and the will to articulate new forms of social and political struggle which exceeded old categories of critical thought. The old categories appeared, as it were, anachronistic, unable to respond to the decade's transformations. Therefore, when Foucault spoke to the *College* in 1976, he noticed a shift in the scope and the manner in which the concept of critique was articulated, from a critique performed in the name of grand utopian narratives, to a critique that pays attention to the singularity and difference of the situation in which it is applied. Furthermore, Foucault contended that older critical instruments needed a radical update, for they had even reached that point where they proved to be obstacles in the way of contesting power: facing the 'astonishing efficacy of discontinuous, particular, and local critiques', by which I understand the singularity of each of critique's iterations in different contexts, it has also been revealed 'what might be called the inhibiting effect specific to totalitarian theories, or at least – what I mean is – all-encompassing and global theories' (Foucault, 2003, 6). However, it is not as if Marxism and such theories can't provide tools that can be used at the local level. They still can, but only provided that 'the theoretical unity of their discourse is, so to speak, suspended, or at least cut up, ripped up, torn to shreds, turned inside out, displaced, caricatured, dramatized, theatricalized, and so on' (Foucault, 2003, 6). In other words: a deconstruction of Marxism's[2] and Freudianism's theoretical unity.

I suggest that Foucault's considerations need to be understood from within the perspectives of critical theory. I see them as the necessary continuation – perhaps as a critique pursued to its last consequences – of the obvious pessimism concerning the role of the proletariat that Horkheimer formulated in *Traditional and Critical Theory* and also of Adorno's and Horkheimer's assessment of the failure of Enlightenment in

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[2] In chapter six I examine in detail the relation between deconstruction and Marxism.

the death camps of Auschwitz. The manifest closeness of Foucault's and the Frankfurt School's discourses refers to the fact that they both remain in the realm of an immanent type of critique. Foucault and his generation – what has been later known as poststructuralism – only refine the already existing tendency of distrusting grand narratives and what I explained to be the binary concept of critique. Foucault's is an immanent critique, nevertheless informed by theory, but which tackles the singularity and difference of the situation in which it emerges. Theory, in his view, should resemble 'a sort of autonomous and noncentralized theoretical production, or in other words a theoretical production that does not need a visa from some common regime to establish its validity' (Foucault, 2003, 6).

But assuming and accepting a critical inquiry that takes hold of singularity and difference, presupposes a series of changes, at the same time, in what amounts to the position of the critic in the field of her/his investigation. If the dual and binary world-view of the modern concept of critique determines that the critic's position is 'outside' of its object of inquiry, a concept of critique that is able to grasp singularity and difference generates a transformation of position. One finds a clear expression of this shift in Irit Rogoff's (2008) concept of criticality. Rogoff begins by observing not only the practical impossibility of formulating criticism as a completely separate realm from the object criticized, but also our participation in, and active transformation of it: 'we now recognize not just our own imbrication in the object or the cultural moment, but also the performative nature of any action or stance we might be taking in relation to it' (Rogoff, 2008, 97). The term 'performative' should be understood in the context of our discussion about speech acts in the previous chapter. This is to say that every act of criticism modifies the object of criticism, in a single act of knowledge production. Rogoff suggests that within a period of a couple of decades we have moved 'from criticism to critique to criticality' (Rogoff, 2008, 99).

Rogoff associates criticism with an activity of finding fault, and critique with an inquiry of the assumptions on which something appears as having a convincing logic. Historically, however, criticism and critique are two terms that have been used indiscriminately, and my use of the two terms in this thesis makes no distinction. But even if this distinction is open to debate, I think that what is new in Rogoff's suggestion is the very concept of criticality that, as a matter of novelty, is articulated in the absence of any commonly shared norms and foundations. Criticality, then, has an uncertain ground that 'while building on critique, wants nevertheless to inhabit culture in a relation other than one of critical analysis; other than one of illuminating flaws, locating elisions, allocating blames' (Rogoff, 2008, 99-100). So instead of refusing culture, criticality operates virally, 'inhabiting' culture, installing itself in its nodal points, and transforming its genetic codes. I think that criticality is the momentous development of what Foucault described as 'happening for some time now': a critique of existing theoretical frameworks, a certain undoing of old structures of thought while building on new ones:

> Criticality [...] is precisely in the operations of recognizing the limitations of one's thought, for one does not learn something new until one unlearns something old, otherwise one is simply adding information rather than rethinking a structure (Rogoff, 2008, 99).

But it is not as if the notion of criticality gets rid, in one movement, of all that we learned from Kant and Marx. Criticality is still in pursuit of the limits of one's knowledge, still questions the limitations of knowledge or the authority that legitimizes knowledge, and still speaks from the position of the dispossessed. However, in comparison to criticism and critique, it operates a series of core transformations. First, the historical specificity of the object of study comes only second after the historical specificity of the

he/she/they doing the studying (Rogoff, 2008, 101). This shift informs a concept of culture that, losing all ground and fixity of position, is based on negotiation and translation of the singularities of the social, economic, politic and cultural backgrounds involved. Second, what has been given up is the very notion of a methodology, or, to put it in other terms, of a certain manner of approaching the object of study, which rested on the 'the certainty of an approach, of a problematic, of a set of analytical frames which we can use to tackle whatever issue of problematic we are preoccupied with' (Rogoff, 2008, 102). Third – and this refers again to the clarity and completeness that critique used to provide (remember Kant and his self-assessment of the methodology of the *Critique of Pure Reason*) - Rogoff suggests that the notion of a clearly demarcated subject of research is a thing of the past: we are in a phase when it is very difficult to suppress doubts of what a work is 'really' about (Rogoff, 2008, 102). Here she speaks from her experience as a PhD supervisor. But significantly, Rogoff doesn't see this as a shortcoming of criticality, and suggests that it is perhaps better if, rather than asking about the meanings that a subject of work uncovers, one asks about what the work produces 'of what effects it has in the world' (Rogoff, 2008, 104).

What motivates this shift is the growing importance of the question 'what comes after critique?' Finding similar concerns in Conceptual Art, Rogoff argues in favour of a performative 'cultural making' that goes beyond critical analysis towards the 'possible imagining of an alternative formulation, an actual signification of that "disrupted-through-analysis" cultural phenomenon' (Rogoff 2008, 104). Significantly – at least for the conceptual affinities it has with the present research on institutional critique – Rogoff argues that what remains essential in the processes of criticality is a certain concern for 'unfitting' ourselves, for making ourselves unfit in the structures and disciplines wherein we carry out our critical enterprise and which might eventually capture us (Rogoff, 2008, 105). She

speaks as a pioneer in what is known as the discipline of visual culture; from this position she observes the rapid institutionalization and canonization of the discipline's subject. Unfitting is, as she explains, not far from a certain understanding of Derrida's concept of deconstruction. It seems to me that it refers to a certain mobility of thought and action, a certain moving back and forth over a field's boundaries, and a certain disposition of 'undoing' old hierarchies and framing new zones of knowledge production. The fourth and the fifth chapters of this thesis move precisely in this direction: they show that institutional critique, with its subversion of topological binaries (inside-outside), its continuous de-framing and re-framing, and, most importantly, with its preoccupation with what comes after critique, operate with a critical logic that amounts to deconstruction.

But then, what is to offer a critique in the present? I believe that the concept of critique that we use in the present articulates itself at the crossing point of certain critical genealogies. Until now I talked about the Kantian and Marxian paradigms of critique, about their synthesis in the work of the Frankfurt School, and about the shift from master (critical) narratives towards a concept of critique that recognizes singularity and difference, and that 'inhabits' in a certain way the structures that it criticizes. But we see ourselves facing the following problem: how can we have a theory of critique – thus something that is possible only if we are capable of grasping the 'identity', the 'general patterns' of critique – if critique unravels itself to be possible only as taking hold of difference and singularity? In other words, what do these patterns of critique amount to if critique is in each instance singular and differential? My aim in the next subsection is to provide an answer to this question.

3.3. The Undecidability of Critique: Towards Deconstruction

I would begin to answer this question by introducing some of Michel Foucault's remarks from his 1978 lecture entitled *What Is Critique?* (Foucault, 1997). Foucault proposes here that there is a unity in critique, in spite of the fact that 'by its very nature, by its function, I was going to say, by its profession, it seems to be condemned to dispersion, dependency and pure heteronomy' (Foucault, 1997, 42). This identity of critique that survives its heterogenous iterations is the very fact that critique is a function, a relation to something other than itself:

> it is an instrument, a means for a future or a truth that it will not know nor happen to be, it oversees a domain it would want to police and is unable to regulate. All this means that it is a function which is subordinated in relation to what philosophy, science, politics, ethics, law, literature, etc. positively constitute (Foucault, 1997, 42).

There are two important aspects that emerge from this statement. The first one refers to critique's relation to truth; the other one to critique's ambiguous relationship with its object of inquiry. Describing what amounts to critique's relation to truth, Foucault has convincingly argued throughout his work that truth is not something that awaits discovery, or something hidden that needs to be revealed, but rather something which is produced through various kinds of technologies which serve the dynamic of power. Truth is not 'the reward of free spirits, the child of protracted solitude, nor the privilege of those who have succeeded in liberating themselves. [...] [It] is produced only by virtue of multiple forms of constraint. And it induces regular effects of power' (Foucault 1984, 72–73). This is the reason why Foucault talks about 'regimes of truth' rather than about truth in itself. A regime of truth generates discourses about truth, the frames that allow one

to discern between truth and falsity, it produces the authority that sanctions something as true and the place of that authority in society:

> Each society has its regime of truth, its 'general politics' of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true (Foucault, 1984, 73).

Therefore, critique is intimately connected to truth, in the sense that critique contributes to the articulation of truth. But if truth is the product of a regime of truth, and critique participates in the production of truth, then it could be said that critique is also part of a regime of truth[3]. This implies that, on the one hand, critique is relative to a certain regime of truth; and, on the other hand, that it co-participates in the production of truth. In other words, critique must be both inside and outside, or neither inside, nor outside of a regime of truth, as well as being specific and differential in each of its iterations. Its participation in the production of truth refers to the manner in which it negotiates its relation of subordination and dependency on its object: more precisely, how it will accept or contest the regimes of truth that the fields of philosophy, science, politics, ethics, law and literature articulate. This is to say that critique doesn't have a truth of its own, not in a particular regime of truth, nor a 'universal' truth across various regimes of truth. Critique contributes to the overall production of truth in a regime of truth. It also enacts a certain power effect that plays a certain part in the overall production of power in a regime of truth-power.

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[3] If the job of an institution is to construct a certain regime of truth about the 'whatness' of what is, then arguing via Foucault, that critique is produced in a regime of truth is none other than arguing that between institutions and critique there is a necessary relation of symbiosis and cohabitation.

But precisely because of this co-participation in the production of a truth, that it does not know beforehand, but only produces, as it were, 'as it goes along', critique has an ambiguous, one can even say a bastard relationship with its object. On the one hand critique, through its conceptual essence, exercises a certain violence upon its object: and I already referred this fact at the end of the second chapter, when I proposed that critique could fall prey to the lure of saying the 'whatness' of what is as if that is all that there is. In other words, critique could reproduce the violence of the logic of that which it criticizes. Foucault tells us that it 'polices' its object, that it wants to 'regulate' its object. And from this point of view critique is a foe, an adversary, a contestant. It wants to use a force that Foucault does not shy away from comparing it to the repressive force of police. But at the same time it discovers that it is unable to do so, precisely because it is always in a relation of precarious subordination: critique is dependent on what its object positively constitutes and institutes. It could be said, then, that critique is both violent and docile, both repressive and repressed, both collaborator and dissident. And I want to suggest that there is no way to decide between these alternatives, in a logic of the type *either/or,* and no way to unite them in a dialectical synthesis. In other words, the logic of such a critique is 'undecidable' in the sense that its value is both produced and destroyed by its relations to its other. To anticipate a theme that I will develop properly in the sixth chapter of this work, I will limit myself here to iterating what Derrida understands through this concept:

> unities of simulacrum, false 'verbal' properties (nominal or semantic) that can no longer be included in philosophical (binary) opposition, but which however, inhabit philosophical opposition, resisting and disorganising it, *without* ever constituting a third term, without ever

leaving room for a solution in the form of speculative dialectics (Derrida, 1982, 43).

The logic of critique that I advocate, and that, in chapter six, I will associate with Derrida's project of deconstruction, allows critique to inhabit its object in a manner that keeps intact an undecidable relationship of both adversity and collaboration, a logic of the type *neither/nor* or *both/and* which is not and could not be decided in a dialectical synthesis.

To connect Derrida and Foucault on matters of critique might seem a little daring, if not blasphemy, given that on numerous public occasions they have indeed given expression to their intellectual incompatibility. But I believe that we do find grounds in Foucault's text to legitimate such a reading. Foucault attempts to locate something akin to critique that installs itself between 'the high Kantian enterprise and the little polemical activities that are called critique' (Foucault, 1997, 42), something that the French philosopher describes as 'the critical attitude'. The origins of this attitude date back to a period to which I referred in the first section of this chapter, the fifteenth and sixteenth centuries dominated by the protestant contestation of the Catholic Church's tradition of reading the Scriptures. The 'singular and quite foreign to ancient culture' idea (Foucault, 1997, 43) that the Church proposed was that the path to salvation couldn't be walked by the believer alone, but only in conjunction with a certain guidance, a certain wilful relation of obedience to a representative of the Church. In other words, the Church developed an art of governing men which was enacting, at the same time, a certain regime of truth:

truth understood as dogma, truth also to the degree where this orientation implies a special and individualizing knowledge of individuals; and finally, in that this direction is deployed like a reflective technique comprising general rules, particular knowledge,

precepts, methods of examination, confessions, interviews, etc. (Foucault, 1997, 43).

This art of governing men was developed in a context which preceded the Reformation and which sees an explosion of the arts of governmentality (the art of pedagogy, the art of politics, the art of economics) and of an entire series of institutions for governing in Western Europe. Foucault suggests that 'how to govern?' became one of the fundamental questions of the time (Foucault, 1997, 44). But this regime of truth whose essence is the refinement of an art of governing men did not go unchallenged; the French author argues that it cannot be dissociated from another type of question: 'how not to be governed?' Foucault does not suggest, however, that the critical impulse was dominated by an anarchical thrust. The critical question was not 'how not to be governed at all', but rather 'how not to be governed *like that,* by that, in the name of those principles, with such and such an objective in mind and by means of such procedures, not like that, not for that, not by them' (Foucault, 1997, 44). The emphasis falls on the syntagm 'like that', which attempts to avoid a conceptual dualism and opens what Gerald Raunig calls 'a space of instituent practices' or, with his own words, 'a permanent process of instituting' (Raunig, 2009, 4). From this point of view, Luther's *Reformation* can be seen as an instituent practice.

Inherent to this critical attitude are three anchoring points that virtually transform themselves into definitions of critique. I have discussed the first point when I approached *Reformation's* relationship to the Catholic Church. In this case, Foucault explains that not to be governed like that presupposed 'a certain way of refusing, challenging, limiting ecclesiastical rule [and] returning to the Scriptures, seeking out what was authentic in them, what was really written in the Scriptures' (Foucault, 1997, 45). One could call the second point 'the legal issue': it concerns what appears as

law. Not to be governed like that means, in this case, 'not to accept these laws because they are unjust because […] they hide a fundamental illegitimacy' (Foucault, 1997, 46). Finally, the third definition of critique refers to not accepting something as true, 'what an authority tells you is true, […] but rather accepting it only if one considers valid the reasons for doing so' (Foucault, 1997, 46). I understand the 'the legal issue' and critique's questioning of truth precisely in the light of what has been said in chapter two; there is an intention invested in the instituting act and, therefore, in law and in 'true' descriptions and definitions that accompany law, an intention to determine exhaustively the 'whatness' of what is as if that is all that there is. But the total actualization of intention in the act of instituting is necessarily impossible. Not to be governed like that means, then, precisely the grasping of the differential that escapes the act of instituting. Critique, in this sense, exposes the limits of the power of instituting and of the power of 'law' and 'truth'.

The identity of critique, then, despite its multiple iterations, refers to the critical attitude: Foucault argued that it contains something 'akin to virtue' (Foucault, 1997, 43). It refers to the inauguration 'of both a moral and political attitude' (Foucault, 1997, 45) and Judith Butler comments that this has to do with 'objecting to that imposition of power, to its costs, to the way in which it is administered, to those who do that administering' (Butler, 2002, 218). The virtue, then, of the critical attitude is that it is able to face the arts of governing

> as both partner and adversary [...] as an act of defiance, as a challenge, as a way of limiting these arts of governing and sizing them up, transforming them, of finding a way to escape from them or, in any case, a way to displace them, with a basic distrust, but also and by the same token, as a line of development of the arts of governing (Foucault, 1997, 44-45).

In this single quotation one already finds a consistent number of themes on the margins of which deconstruction (and here I refer mainly to the writings of Jacques Derrida) has commented: the idea of something which exists as 'supplement' and 'compensation', the transformation of limits, the concept of escaping, the idea of re-framing a context wherein one fails to find familiarity and, finally, the idea of an intimate collaboration with the very structures that one criticizes up to the point where both become unrecognizable. In the fourth and fifth chapter I will show that these themes belong to the practice of institutional critique, and I will particularly concentrate on the oppositions between inside/outside and work/frame. As the narrative thread progresses, the last chapter will properly articulate this quite singular meeting between institutional critique and deconstruction.

4. Conclusions

The thesis of this chapter is that there is a need to reconceptualize what we understand by critique if we are to avoid the dilemma with which the 'new spirit' of capitalism challenges artistic critique. Consequently, I explained that we need to move away from the binary logic of critique of the type *either/or* and adopt a logic of the type *neither/nor* or *both/and* that would be able to grasp singularity and difference. It is the very logic with which critique can challenge institutional totalisation. In chapter two I explained, following Derrida, that the iterability of a sign 'divides its own identity a priori', that a sign retains both a sameness and a difference in its multiple iterations. If this is true, then we can explain now what is identity and what is difference in the meaning of the sign 'critique'. I argued, following Foucault, that despite its 'dispersion and pure heteronomy' the identity of critique rests on the critical attitude, an attitude of being both partner and adversary of the powers that be. And essentially, I argued, this

attitude is connected to the logic I have been after, a logic of the type *neither/nor* or *both/and* that finds no resolution in a dialectical synthesis. If this is the identity of critique, then what is different about it is that every time that it will occur, in all of its iterations, it does not appeal to ready-made 'critical recipes', but has to start anew, each and every time, the labour of critique. In the next two chapters I will seek to explain how this logic applies to two pairs of antinomies that have emerged in the discourse of institutional critique: the opposition between the inside and the outside of the art institution, and the opposition between artwork and institutional frame.

Chapter IV:
The Topology of Institutional Critique: neither Outside nor Inside or both Outside and Inside

Introduction

In the previous three chapters I explained that the labour of re-conceptualizing the conditions and possibilities of institutional critique will have to question institutional critique's own logic. Asking what this logic amounts to, in the second and third chapters I proposed an analysis of the logic of instituting and of critique. I argued that we need to move away from the binary logic of critique of the type *either/or* and built on the necessary failure of the totalising act of instituting, which invents rule and law. The fundamental iterability of the sign assures that a differential 'rest' always escapes and evades the total institutional determination of meaning. By following Foucault, I explained that the identity of critique resides in the critical attitude, which is a relation to something other than itself (the institution); and I suggested that the logic able to grasp the 'hermeneutical contradiction' between what is recuperated in the act of instituting and what escapes it presupposes a relation of being, at the same time, partner and adversary of the powers that be. Therefore: if something like critique is to come into existence, it does so through a logic of the type *either/or* or *both/and*; this implies that between institution and critique, and, I added, between the art institution and institutional critique, there is a necessary relation of symbiosis and cohabitation.

In addition to what has been shown until now allow me to observe further that the ways in which the canon of institutional critique has been established are based, in great measure, on the binary concept of critique. The first wave of institutional critique is said to have attempted to escape

to an outside of the art institution, whereas the second wave realized that it has been trapped in the inside of the institution all along. It appears, thus, that institutional critique's alternatives belong to *either* an outside *or* an inside of the art institution. In this chapter I argue that, on the contrary, this binary topology of critique does not apply to institutional critique. How is, then, a topology of institutional critique possible, if institutional critique will acknowledge the fundamental relation of symbiosis and cohabitation between institution and critique? I want to show that, from the point of view of a binary topology of critique, what institutional critique inhabits is a non-space: institutional critique *is and ought to be* neither inside nor outside, or both inside and outside, at the same time, of the institution.

I will develop my argument by proceeding from what I have perceived as a recent tendency in the art field: it praises the virtues of an outside of the art institution[1], and suggests that this is the only place where critical art can engage with the 'urgencies' of society, a possibility otherwise refused if art remains in its institutional 'ghetto'. I analyse the circumstances of this tendency in the first section of this chapter. In the second section I will show that, parallel to this suggestion, there are arguments proposing that it is impossible for art to engage the urgencies of the social reality *as art* outside of the art institution. Here I will particularly focus on Andrea Fraser's text, *From the Critique of Institutions to an Institution of Critique*, which argues that the institution of art is embodied in our perceptions and habits, and that there is no way to escape to an outside without carrying the structures of the art field with us. In the third section I will develop my main argument: institutional critique is and ought to be thought as a non-place which is *neither inside, nor outside, or both inside and outside* of the art institution. Moreover, I will argue that if critical and political art's reasons to escape the art institution

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[1] I understand the term 'art institution' in the sense in which I defined it in chapter two, and namely as the bodiless being that states the 'whatness' of what art is.

refer to the fact that its meanings are neutralized by the same forces which generate the urgencies of the social-economical fields, then the only way in which art can have an effect outside of the art institution is to occupy this non-place and become, at the same time, an institutional critique. In other words, the potential of critical and political art, of responding to urgencies deriving from the social and economic reality, is fulfilled only when they articulate themselves, at the same time, as an institutional critique.

1. The Seductiveness of the Outside

In this section I want to show that the idea of an outside of the art institution, towards which a socially and politically engaged art should escape, still seduces many of the practitioners of the art field. I would begin by recounting the twisted effect that Benjamin Buchloh sought with his *declaration* that a certain set of critical artistic practices and positions, exhibiting a 'model of critical resistance and radical negativity' had come to an end. I proposed that Buchloh's text, in fact, amounts to a deconstruction of its own *declaration*; that it described a certain end which is about to come, but is not there yet. And that it is precisely this space of a gap between what is and what is about to come that institutional critique has occupied during the 2000s. But at the end of this decade we identify another set of similar declarations disseminated in the art realm, as if the gap has shortened and, indeed, what was about to come has already arrived. This time, however, these declarations surprisingly come from supporters of what was to replace what Buchloh declared as finished: a depoliticised and disengaged art in search of pure aesthetics and a secure place on the art market.

In October 2012 an article in *The Guardian* announced that

American critic and author David Hickey was walking away from the art world, which he described as 'calcified, self-reverential and a hostage to rich collectors who have no respect for what they are doing: "Art editors and critics – people like me – have become a courtier class. All we do is wander around the palace and advise very rich people. It's not worth my time."' (Helmore and Gallagher, 2012, webpage). Julian Stallabrass observed, however, that Hickey, once a dealer, was one of the main supporters of a 'cheery, market-friendly prettiness in art' and that he had always been critical of the 'dreary run of grim and grimy politicised art found in public spaces and on the biennial scene' (Stallabrass, 2012, webpage). Stallabrass explained that Hickey's statement should be compared with Charles Saatchi's from 2011, in which he denounced 'the hideousness of the art world'. Saatchi contended that being an art buyer these days 'is comprehensively and indisputably vulgar […] even a self-serving narcissistic show-off like me finds this new art world too toe-curling for comfort' (Saatchi, 2011, webpage). The 'new art world' refers, in this case, to the 'Eurotrashy, Hedge-fundy, Hamptonites; [to the] trendy oligarchs and oiligarchs; [and to] art dealers with masturbatory levels of self-regard' (Saatchi, 2011, webpage). Stallabrass proposes that such statements amount to a failure of 'seeing oneself as others see you': for Saatchi was indeed one of the main characters responsible for how the art world looks today, precisely the art world he doesn't like any more. Hans Haacke made a range of works in the 1980s focusing precisely on how Saatchi's position in the Boards of Trustees of the Tate and Whitechapel Gallery allowed him to establish the public agenda of these institutions, and ultimately manipulate the market value of artists that he collected. Haacke's *Taking Stock* (1983-1984) and *The Saatchi Collection (Simulations)* (1987) had also suggested that one should not divorce Saatchi's promotion of a certain artistic discourse from the fact that his advertising companies created the image of the Conservative Party and of

the apartheid regime of South Africa (see Bois et. al., 1984).

I have brought in the discussion of these statements in order to suggest that there seems to be a growing agreement among the art world's actors – and, essentially, this time coming not only from those who have supported models of 'critical resistance and radical negativity' - that it has become unbearable how the art market has transformed the conditions and possibilities of art making. It is not a surprise, then, that the acknowledgement of this condition has revived an old idea, that one should move outside of the art institution and establishment where artists could respond to social, economic, and political urgencies. This idea is 'old' in the sense that, for example, back in the 1970s artists like Robert Smithson (Smithson, 2009) or Daniel Buren (Buren, 2009b) were describing the art institution as a prison, asylum, and jail. Smithson commented that the art institution enacts a cultural confinement that places restrictive limits on the subversive meaning of art, and suggested that 'a work of art when placed in a gallery loses its charge, and becomes a portable object or surface disengaged from the outside world' (Smithson, 2009, 280). He argued in favour of a 'dialectics that seeks a world outside of cultural confinement […] an art that takes into account the direct effect of the elements as they exist from day to day apart from representation' (Smithson, 2009, 281).

Returning to the present day, BBC's arts editor Will Gomperz commented on Hickey's refusal, and compared the current arrangements of the art realm to the Paris salon of the nineteenth century 'where bureaucrats and conservatives combined to stifle the field of work'. Impressionism, explains Gomperz, broke the system and created modern art and a new way of looking at things. If the analogy is to hold, 'we need artists to work outside the establishment and start looking at the world in a different way – to start challenging preconceptions instead of reinforcing them' (Will Gomperz, BBC's arts editor, in Helmore and Gallagher 2012,

webpage)**.**

The idea of an outside of the art institution animated the discussions during the much awaited 24h/7 days *Truth is Concrete* marathon camp that took place in the Austrian city of Graz in September 2012. During a staged discussion between artist Michelangelo Pistoletto and the curator Charles Esche, one of the protagonists of New Institutionalism, Esche explained that the notion of an exodus, or of an escape or passage from the art world to some place other than itself still seems to be a 'pertinent metaphor', in the sense that it appeals to many practitioners in the art field (Esche, in Esche and Pistoletto, 2012, webpage, min. 0:42 – 0:52)[2]. The panel's title in which Esche was placed by the organizers was itself suggestive: 'Leaving the Ghetto of Art'. One needs to ask, however, whether the term 'ghetto' should be understood as a metaphor or whether some level of concreteness could be attributed to it? And if it is a metaphor, what reasons are there to actually employ such figures of speech suggesting a realm that is excluded in some way, closed and opaque from the rest of society, for describing the set of symbolic practices that we call art? The iteration of the term 'ghetto' in this context cannot avoid the historical relation to racial and ethnic oppression and exclusion, in which minorities ('blacks', Jews, 'gipsies') were deprived of civic rights, excluded from public spaces, and physically enclosed in designated areas, apart from the majority. That is to say that the presupposition behind this set of discussions is that the art realm could be described as an excluded space, deprived of political power, or of the potential to transform the social realities outside of itself. But does art inherit the lack of perspective that characterizes a ghetto? Is escaping from the field of art the only possibility at hand? As if trying to adjust himself to this thought, Esche

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[2] Esche himself does not seem to support this position, as for him 'the field of art has been a tool, an apparatus, in which to try and construct meaning that can have an impact outside of itself (Esche in Esche and Pistoletto, 2012, min. 1:18 – 1:45, webpage).

continued: 'Escape is maybe too much, but certainly the idea that art is somehow insufficient for the current urgencies or that art can be a means to deal with other issues or to become visible in other spaces seems to be very much part of the discussions in this camp over the last week' (Esche, in Esche and Pistoletto, 2012, webpage, min 0.52 – 1:14).

The reduction of 'art's capacity to speak outside of itself' is connected, to be sure, to the 'new spirit' of capitalism's effect upon artistic critique. What seems to motivate the questioning of art's possibility of 'leaving its ghetto' is the intensity of this recuperation: one reads a certain concern that the recuperation is total, exhaustive, and final. However, when in the first chapter I discussed Benjamin Buchloh's case, I tried to suggest that similar circumstances determined his *declaration*. And, at the same time, I have tried to suggest that one can identify throughout the time line of institutional critique artistic positions that have expressed similar concerns.

Martha Rosler, for example, wrote self-reflectively back in the 1990s about the often-contradictory relationship that the politically conscious artist has with the art world. She explained that she 'was making photomontages that I didn't call "art" though I didn't doubt they were, and I had no intention of placing them in the art world – that was the point. Instead, I wanted them to be agitational arguments meant to persuade' (Rosler, 1999, 487). It seems to me that implicit in this statement is the idea that art does have, indeed, an agency capable of triggering new ways of seeing and challenging a reality outside of its field, but that the art world and the art institution act by suspending this potential. If the art world and art institutions neutralize the 'agitational' and 'persuasive' character of her pieces, then one gains something by placing them outside of their confines. But, at the same time, I read a certain tension in what amounts to the topology of 'something' (not art, but still art) being persuasive. For Rosler does say that she was convinced that her pieces were art: and it

does seem like art needed to disguise itself in its non-artistic other in order to retain its capacity to transform the ways in which we perceive the social and economic realms. It could be said, then, that the crucial question behind the discourse of art's escape towards the outside of the art institution is precisely this: does art have a transformative effect upon social reality and if yes, how is this possible? Will art transform the ways in which we perceive the world from within or from without the art institution? What I am trying to argue in this chapter is that institutional critique articulates a space in-between, a space which from the point of view of a binary topology of critique is a non-space: it is neither inside, nor outside of the art institution, or both inside and outside, at the same time, of the art institution.

The organizers of the *Truth Is Concrete* camp marathon seem to be inclined to adopt the second option – that one needs to escape to an outside – since the purpose of this event was that of investigating if and how it is possible for art to get out of its 'ghetto'. For, the organizers explained, 'art, theory and practice seem to be constantly lagging behind reality [and] art is seen more and more as a mere leftist hobby rather than a foundation of humanity' (Truth Is Concrete Platform, 2012, webpage). What is needed is precisely an 'art that not only represents and documents, but that engages in specific political and social situations – and for an activism that not only acts for the sake of acting but searches for intelligent, creative means of self-empowerment: artistic strategies and tactics in politics, political strategies and tactics in art' (Truth Is Concrete Platform, 2012, webpage). In other words, what is explored is the possibility of art's concatenation with activism outside of the art institution, but in a manner which retains the identity of both: art is to remain art, though enriched with activist tactics, and activism is to remain activism though enriched with artistic strategies.

However, what appears to me as symptomatic of this sort of

position is that it grounds itself upon an implicit presupposition: the argument for art's escape to its outside is based on the belief that the inside of the art institution has no value if art is to fulfil its transformative potential, because the forces responsible for the urgencies in social reality[3] are the same forces which shape the ways in which the art institution looks today. Art is, therefore, lagging behind reality from two points of view. First because it is unable to respond directly to the urgencies of social reality, since it exists only in the institutional form; secondly, even if institutionalization hadn't been problematic, the fact that the art institution is currently shaped, to put it in the vocabulary we have been using so far, by the will and intention of the exact same forces that generate social and economic inequality, political injustice, and environmental disasters, necessarily neutralizes art's critical potential.

What I showed in this section is that the idea that artists need to escape to an outside of the art institution, in order to be able to respond to urgencies stemming from the social, economic, and political realms, has retained a certain seductiveness which motivated something like the *Truth Is Concrete* marathon camp. This event attempted to gather a large range of artistic and activist positions and articulate a dialogue between them. Parallel to this idea there is another argument that implies that the outside of the art institution is unreachable, and that an art with political and critical scope has to acknowledge its ready institutionalization. The main proponent of this argument is Andrea Fraser, and in the next section I want to analyse its implications.

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[3] At the beginning of their statement, the organizers offer a list of 'urgencies' in relation to which art seems to be 'lagging behind'. Among them one finds: the uprisings in the Arabic world; the persecution of artists (Pussy Riot and Ai Wei Wei); the nuclear disaster in Japan; the appearance (and disappearance?) of the Occupy movement all over the world; the rise of the right wing in many countries (Truth is Concrete Platform, 2012, webpage).

2. The Institution of Art Is Inside of Us

In this chapter, the question that I try to answer is: how is a topology of institutional critique possible, if institutional critique will acknowledge the fundamental relation of symbiosis and cohabitation between institution and critique? What I analysed until now are the circumstances that made it possible for many practitioners in the art field to be seduced by one alternative provided by the binary topology of critique, the alternative of an outside of the art institution. What I want to do in this section is to analyse the other alternative, that which proposes that there is no escape from the inside of the art institution, because the art institution is 'within us'. In this sense, I will focus on Andrea Fraser's controversial *From the Critique of Institutions to an Institution of Critique* (Fraser, 2009a) that seems to hold this position.

The opening three paragraphs of *From the Critique of Institutions to an Institution of Critique* (Fraser, 2009a, 408–417) have the role of introducing what the author perceives as a certain prevailing conception of institutional critique. This practice, it is said, has been institutionalized and lost its critical potential. First of all, it has been recuperated by the categories of art history. Second, it is common nowadays to see former institutional critics exhibiting in institutions that once excluded them. Last but not least, we even witness how, at times, institutional critique joins forces with the art market. The plethora of arguments against institutional critique also includes the perceived corporatization of the museum and the aggressive advance of the art market. For many, explains Fraser, institutional critique appears as losing pace with the social transformations of the present time; it also appears as a thing of the past, proper to a certain period in which artists' beliefs genuinely expressed an anti-establishment attitude. In the present era of the corporate museum and of art hedge funds, 'one finds a certain nostalgia for institutional critique as a

now anachronistic artefact of an era before the corporate mega museum and the 24/7 global art market, a time when artists could still conceivably take up a critical position against or outside the institution' (Fraser, 2009a, 409).

I want to insist on a term that Fraser uses to describe the laments for the loss of an outside, totally overtaken, the argument goes, by the 'all-encompassing apparatus of cultural reification' of museums and the art market (Fraser, 2009a, 409). The respective term is 'nostalgia': the argument against institutional critique amounts to a nostalgia for the allegedly former privileged spaces of institutional critique. These spaces, it should be said, referred to a certain outside of the art institution. In the economy of the text, this description is more than of marginal interest: 'nostalgia' literally means pain, sickness, distress (Gr. *algia*), a longing for a journey back home (Gr. *Nostos*). This word describes a passage, a crossing towards the place where one feels, presumably, 'at home'. Nostalgia, as 'homesickness', refers to a longing for the possibility of taking this journey, a longing, to put it differently, for the possibility of escaping towards an outside. This implies that in the art institution, the critical artist finds herself/himself, as it were, in exile; she feels not at ease, because her 'natural and proper' environment is somewhere else, a purely conceived 'outside'. Section one of this chapter showed that what Fraser describes as the nostalgia for the outside is, indeed, commonly spread among practitioners of the art field.

Fraser's list of counter-arguments against institutional critique seems to me to refer to a certain politics of 'clean hands' towards art institutions and the art system. Proponents of a pure 'outside' are not only nostalgic, but they also appear to regret that there is no option for disengaging the art institution and moving towards an outside that would offer ethical integrity. A double binding is at play here, between the wish to keep one's hands clean and the actual state of affairs in which one

constantly has them tainted. Bearing in mind Fraser's Freudian influences (see Fraser and Alberro, 2005) I wonder whether what Fraser is pointing at here is precisely what in psychoanalysis was called *dèlire de toucher*? In *Totem and Taboo* (1999) Freud highlighted the ambivalent attitude towards a given object, which the subject wants to touch, as a result of a primitive instinct in the psychic life, but at the same time, refrains to do so because of an existing external (social) prohibition. This ambivalence is at the origin of *taboos*, in the sense that the object of desire that social prohibitions interdict becomes taboo. It also generates what is known as obsessive-compulsive behaviour. So what I am indicating here is the possibility that the art institution has become taboo, for at least a part of the art world that sees itself as critical and aiming to reach a certain outside from where it could respond to social urgencies. The lament for an escape towards a pure outside could be read as obsessive behaviour which, nevertheless, infinitely postpones the reaching of the outside. What Fraser essentially shows in this text is that the nostalgic longing for an outside is infinite deferral and postponement precisely because one cannot make the journey back home without carrying with oneself the structures of the inside. Read like this, I think that Fraser's argument is entirely correct.

But what are her grounds? Fraser's response begins with an exercise in linguistic archaeology. She first highlights a certain ambiguity between the constative and the performative side of institutional critique's self-instituting speech acts. For she observes that the referent of the term 'institutional critique' might have been created together with the concept's emergence, although for many it seemed that something like institutional critique, a historical canon, had already existed before the term came into existence. This ambiguity between the *is* and the *ought to be* of institutional critique became obvious in the manner in which the students of Benjamin Buchloh, Craig Owens, or Martha Rosler explored the work of artists like Hans Haacke, Michael Asher, Daniel Buren and Marcel

Broodthaers. This younger generation of artists was using the term 'institutional critique' as shorthand for 'the critique of institutions' (Fraser, 2009a, 410); and it might be the case that the acts of instituting and the institutionalization and canonization of institutional critique began precisely with this *post-factum* ambiguity between what was already and what ought have been, between fact and prescription. Moreover, Fraser proposes that it might have been her who used the term 'institutional critique' for the first time, in a text in which she discussed Louise Lawler's practices. Fraser declares that she finds herself, as well,

> enmeshed in the contradictions and complicities, ambitions and ambivalence that institutional critique is often accused of, caught between the self-flattering possibility that I was the first person to put this term in print and the critically shameful prospect of having played a role in the reduction of certain radical practices to a pithy catchphrase, packaged for co-optation (Fraser, 2009a, 410).

In chapter two I explained the role of this ambiguity between the constative and the performative dimensions of speech acts in the act of instituting. It grounds the violence of saying the 'whatness' of what is as if that is all that there is. And I read Fraser's 'shamefulness' as a confession that she has contributed to enacting a violence, the violence of institutional critique's canonization and institutionalization; that she has contributed, therefore, to the exhaustive determination of the meaning of institutional critique, from which many of the allegations and accusations against it stem today. If my reading is correct, it could be proposed that, beyond this institutionalization and canonization, we still might not know what institutional critique is. In other words, something might have escaped this exhaustive determination of its meaning and my suggestion is that Fraser's further arguments are, in

fact, an exploration of this rest and remainder[4].

Her strategy, in this sense, is to observe how restrictively the terms 'institution' and 'critique' have been used: whereas the term 'institution' most likely referred to established and organized sites for the presentation of art, the meaning of 'critique' spans between reformist approaches and more radical, oppositional ones. 'In either case, "art" and "artist" generally figure as antagonistically opposed to an "institution" that incorporates, co-opts, commodifies, and otherwise misappropriates once-radical – and uninstitutionalized – practices' (Fraser, 2009a, 411). Fraser's proposal is to look at these concepts differently, in order to show that this antagonism is untenable. First, she proposes that the writings and work of artists such as Haacke, Buren, Asher and Broodthaers contradict the idea that art opposes the institution, or that radical art has ever existed or could ever exist 'outside' of the art institution. On the contrary, these artists' interventions were reflecting on the conditions of the possibility of artistic practice, and they at times have acknowledged that they have consciously supported the establishment. At the same time, and looking at the work of Hans Haacke, for example, she proposes that the concept of the institution that institutional critics worked with is much larger than that of the art institution as a site for the presentation of art.

Fraser emphasises one of Michael Asher's works, which I will in fact be approaching as well, in the fifth chapter of this thesis. Fraser proposes that Asher's *Caravan* project exhibited at Skulptur Projekte Münster (1977) shows that the institutionalization of art is complete, that it does not depend on the physical frame of an institution, but on its conceptual frames which are, as it were, always present. Asher's project presupposed that a commonplace caravan would be placed in each of the Mondays

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[4] It should be said that this is the argument which motivates the present research, which also seeks a certain remainder and rest of what has been defined as 'institutional critique'.

during the triennial in a different part of the city. Besides a notice at the site of the main museum that informed the art audience where the caravan could be found, the object itself did not possess any other 'artistic' distinctive sign. Asher, explains Fraser, took Duchamp one step further, because he made it clear that it is not authorship (signature) or the physical architecture of a museum which make something art, but the very fact that it is conceptualized as art: certain discourses and practices recognize it as art, sanction it as art and consume it as art. In other words, the institution of art is not something external to the work of art 'but the irreducible condition of its existence as art […] what is announced and perceived as art is always already institutionalized, simply because it exists within the perception of participants in the field of art as art, a perception not necessarily aesthetic, but fundamentally social in its determination' (Fraser, 2009a, 413).

That art is art because it exists in the socially determined perception of the participants in the art field is a statement that draws much from Bourdieu's critical sociology. It resonates with Bourdieu's concept of habitus, which the French sociologist defined as

> systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles which generate and organize practices and representations that can be objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them (Bourdieu, 1990, 53).

This is the reason why Fraser contends that art is not only 'institutionalized' but also 'internalized' and 'embodied in people'. In a sense, it could be said that, indeed, 'we are the institution'. Consequently, if the outside of the art institution exists, it is not a 'fixed' place, with

'substantive characteristics': the outside is simply what is not considered by artistic discourses and practices.

> And what we do outside the field, to the extent that it remains outside, can have no effect within it. So if there is no outside for us, it is not because the institution is perfectly closed, or exists as an apparatus in a 'totally administered society,' or has grown all-encompassing in size and scope. It is because the institution is inside of us, and we can't get outside of ourselves (Fraser, 2009a, 414).

In other words, we cannot operate outside of the art institution as artists, curators, and critics except by extending the boundaries of the art institution to the outside. From this point of view, institutional critique has been always institutionalized. Institutionalization, co-optation, voluntary participation are, therefore, false problems, or not a problems *per se*, since they are part of the conditions of the possibility of art itself and, consequently, of institutional critique as an artistic practice. Seen from the perspective that I offered in the second and third chapters, about the necessary relationship between institution and critique, this is a correct observation.

At this moment, I would like to remind the reader that in chapter two I reached the conclusion that the art institution is the irreducible condition of the existence of art. But at the same time, I emphasized that we should not understand this implication in the manner that the institutional theory of art does. For the other irreducible condition, I argued, is the very existence of something that escapes the logic of instituting, something which, perceived from the perspective of an institution's total determination of meaning, is outside of the institution. In the next section I will show, however, that the remainder and rest are neither inside, nor outside; it is outside of the institution as long as it is excluded and repressed, but

always already inside, in a way, 'illegitimately', as it is part of the meaning of the sign upon which institutionalization builds. And I have argued that it is essential to maintain that there is a sense in which we can say that there is an outside, because critique can work only on the differential between inside and outside. I want to argue that precisely this necessary second and irreducible condition, that of a critique which is always already inside-outside, seems to be missing from Fraser's account. And this is perhaps why Brian Holmes refers to Fraser's text as internalizing a 'governmentality of failure' and as defending what 'becomes little more than a masochistic variation on the self-serving "institutional theory of art" promoted by Arthur Danto, George Dickie and their followers (a theory of mutual and circular recognition among members of an object-oriented milieu, misleadingly called a "world")' (Holmes, 2009, 59)[5].

I think that the relationship between Fraser's text and the institutional theory of art remains ambiguous. I would be inclined to respond negatively to this issue, for two reasons. The first one relates to the fact that Fraser gives credit to strategies of artists like Hans Haacke who, in her opinion, understood the interplay between the inside and the outside of the art field. Haacke, writes Fraser, engaged the art institution 'as a network of social and economic relationships, making visible the complicities among the apparently opposed spheres of art, the state, and corporations. In section three of this chapter I will refer to one of Haacke's projects as precisely exemplifying a certain being of institutional critique both inside and outside, or neither inside, nor outside, of the art institution. Describing Haacke as one of the figures that evokes the characterizations of the institutional critic 'as a heroic challenger, speaking truth to power', Fraser shows that 'anyone familiar with his work should recognize that, far from trying to tear down the museum, Haacke's project has been an

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[5] I will have more to say about the institutional theory of art and particularly about Arthur Danto in chapter five.

attempt to defend the institution of art from instrumentalization by political and economic interests' (Fraser, 2009a, 415). Therefore, like Haacke, Fraser is of the opinion that what happens inside of the institution has effects outside of it; and indeed, the inside of the art institution is affected by its outside. The art world is part of the 'real world' and the art market boom, as effect of neoliberal policies, illustrates at best this thesis.

The second reason for responding negatively to the allegation that Fraser advocates a version of the institutional theory of art is the fact that, in this text, Fraser does explain that the distinction between art and real life as wholly separate realms serves an ideology which separates the social and economic interests and relations from artistic, intellectual and political interests. Through this separation one reproduces the mythologies that make art attractive and that, in return, reinforce social and economic distinctions. In this context, it is interesting to observe how Fraser describes the function of what I called *délire de toucher*. When discussions about the outside of the art institution emerge, their function is to avoid the responsibility of our own complicities, compromises and self-censorship. And by avoiding them, we only reproduce the conditions of their existence. The question is not, therefore, how to escape to the outside, or how to be against the institution. The most important question is: since we internalize, embody and perform institutions, what kind of institution we are? This implies asking ourselves 'what kinds of values we institutionalize, what forms of practice we reward, and what kinds of rewards we aspire to ' (Fraser, 2009a, 416).

However, what in my opinion precludes a complete rejection of Holmes' description is the manner in which Fraser concludes her text. She contends that institutional critique constructs on the institutionalization of the avant-garde's failure of integrating art in the praxis of life. Aware of it, institutional critique rather defends the institution of art against itself, against its critical claims and against its legitimizing discourses, 'against its

self-representation as a site of resistance and contestation, and against its mythologies of radicality and symbolic revolution' (Fraser, 2009a, 417). But by doing this, institutional critique, writes Fraser, becomes what she describes as an 'institution of critique' (Fraser, 2009a, 417). Given the manner in which I described the relations between the instituting logic and the logic of critique, something like an 'institution of critique' appears as a contradiction in terms. Or, it could be said, it appears as critique's failure of warding itself against itself, against its own totalizing speech acts, of saying the 'whatness' of what is as if that is all that there is. Critique is critique precisely when it fails to become an institution, be that an institution of critique. Moreover, if institutional critique is an 'institution of critique' within the art institution, isn't this precisely reproducing a binary concept of critique that Fraser seemed to get away from when she brought in the discussion the cases of Asher and Haacke? What would be the purpose of an 'institution of critique' other than determining, in an exhaustive manner, the meaning of (institutional) critique and the limits of its application?

Fraser, therefore, correctly dismisses the arguments that advocate the necessity of an escape towards an outside of the art institution as romantic and hypocritical; their effect is that they reinforce those hierarchies that push art practitioners towards an outside, in the first place. But I think that, at the same time, Fraser's text problematically restores a binary concept of critique when she describes institutional critique as an 'institution of critique'. An institution of critique is precisely the total and exhaustive determination of the 'whatness' of what critique is and this runs contrary to a concept of critique that constructs on what escapes the logic of instituting. If my suggestion is correct, then perhaps there is a certain sense in which it could be said that Holmes is correct when he contends that Fraser's text is only a version of the institutional theory of art. Because ultimately I think that the concept of an 'institution of critique' describes

precisely the total and exhaustive recuperation of critique by the institution of art. My aim in the next section is to investigate the possibility that there might be a certain position, which is neither inside nor outside, or both inside and outside of the art institution, which would allow the institutional critic to perform his/her critique.

3. Institutional Critique's Non-Space

In the previous sections I proposed that precisely the paradigm of a binary type of critique allows us to conceive only two possibilities for art's transformative potential: either art (critical and political) would be mounted outside of the art institution, but then risking becoming invisible and unrecognised as art; or inside of the art institution, however risking total recuperation and neutralization. I want to suggest, in this sense, that many simplifications of institutional critique's history rest on the same type of binary logic. In the first chapter I mentioned the case of cultural sociologist Pascal Gielen that described the two waves of institutional critique as pertaining to a 'dissatisfaction with claustrophobia' (Gielen, 2013, 14). Gielen particularly follows Brian Holmes' historicization of institutional critique offered in his *Extradisciplinary Investigations* (2009). Holmes explains that the first wave of institutional critique had been articulated as a reaction to the realization that 'everything about this specialised aesthetic space is a trap, that it has been instituted as a form of enclosure' (Holmes, 2009, 55); essentially its goal was of 'breaking out' (Holmes, 2009, 55), in the hope that this would articulate a praxis with transformative aims for the institutional confines one attempted to break out from and, as a result, of art's and art institution's potential to reach out the world. The second generation, however, 'added a subjectivizing turn

[…] which allowed [artists] to recast external power hierarchies as ambivalences within the self' (Holmes, 2009, 57). In other words, artists of the second generation of institutional critics realized that what they were doing as artists and as art was already reproducing the institutional hierarchies that they tried to analyse; this implies that they had been 'institutionalized' all along. This is in fact Andrea Fraser's contention (2009), whom Holmes criticizes for having mingled Bourdieu's 'deterministic analysis of the closure of socio-professional fields' with 'a deep confusion of Weber's iron cage and Foucault's desire "to get free of oneself"'. The result was the internalization of a 'governmentality of failure, where the subject can do no more than contemplate his or her own psychic prison, with a few aesthetic luxuries in compensation' (Holmes, 2009, 59).

What I want to propose is that we should think instead at the possibility of a space for art and critique which, if viewed from the perspective of a binary topology of critique, appears, in fact, as a non-place. It is a place where art with a critical scope is *both inside and outside of the art institution*, or *neither inside, nor outside of the art institution*; it is a place where art is *both partner and adversary and at the same time of the art institution*. Moreover, in this section I want to argue that an art capable of responding to urgencies which stem from the outside of the art field would be able to do so if – and only if – it occupies this non-place and if and only if, consequently, it becomes an institutional critique. In other words, art will respond critically to the urgencies coming from outside of the art institution and thus, have a transformative effect on the ways in which we see and perceive the world, if and only if it will mount, through the same act and at the same time, a critique of the institution which hosts it. If critical and political art are to respond critically and politically to the urgencies of social reality, they have to be, at the same time, a critique of the institution that frames them.

How is this possible? First of all, I want to suggest that the art institution has never been the 'ghetto' or 'aesthetic trap and enclosure' that it is often associated with. We could observe that a certain 'outside' of the art institution has always broken the confines of the art institution or, to put this differently, that the 'outside' has always been constitutive of the inside of the art institution. This is the sense in which I observed, towards the end of the second chapter, that the concepts of art and art institution are constitutive of each other, and that it will be in vain to search for their foundations, since we will only find violence, both symbolic and material, both semantic and deontic, of imposing a collective will and intention of defining and describing in an exhaustive manner the 'whatness' of what art is. Only because the outside of the art institution constitutes its inside is the art institution an instrument of educating the proletariat in the nineteenth century. And only because the outside inhabits the inside is the prison model of the panopticon developed in the exhibitionary complex that, as a technique of governmentality, normalises behaviour in the art institution.

In this sense, in his dialogue with Pierre Bourdieu, Hans Haacke asks a fundamental question: 'What interests would corporations have in sponsoring an inaccessible enclave?' (Bourdieu and Haacke, 1995, 98) That is to say that if the art institution had been a closed, impermeable fortress which does not communicate to the world, there would be no sense in which capitalist processes should exert their power of recuperating the subversive potential of art. And I take it that this fundamental structuration of the inside by the outside is one of issues that emerge with clarity from Andrea Fraser's piece *Museum Highlights* (1989).

Here Fraser takes the identity of Jane Castleton, a guide of the Philadelphia Museum of Art and a stereotypical 'figure of identification for a primarily white, middle-class audience' (Fraser, 1991, 107, f.4). But the tour that she offers proceeds to producing ruptures in the institutional

signifying chains, by 'unmatching' words that should belong to the institutional discourse of a tour guide and their designated referents. Augustin Pajou's *The Four Seasons: Autumn as Bacchus* (1770-90), for example, is accompanied by an excerpt from a 1910 report on the Degenerate and Feeble Minded Women. A discourse about 'scale and complexity, abundance and grace, free from time and change' is uttered when she addresses a guard's stool in the corner of the gallery, or indicating towards the men's room. The aim of this strategy, I suggest, is to unmask the fundamental openness and permeability of the art institution, an openness of being inhabited by an outside structured by economic inequalities, gendered exploitation, and social injustice that the art institution necessarily reproduces.

If the art institution has never been a ghetto, in the sense that it is already structured by the forces which generated social contradictions outside of its confines and, thus, if it has been always open to the inhabitation of its outside, what consequences does this argument have for the thesis that between the art institution and critique there is a necessary relation of symbiosis and cohabitation? In the previous three chapters I showed that what Robert Smithson calls 'cultural confinement' (Smithson, 2009), which I identify with the instituting will and intention to determine exhaustively the 'whatness' of what art is, is, in fact, never fulfilled; that due to the fundamental iterability of the sign and of its meaning something always escapes the instituting act of determining meaning in a total and exhaustive manner. At the same time, I showed that the art institution is inhabited by its outside, in the sense that whatever the art institution defines and describes as the 'whatness of what' art is, this 'whatness' is already inhabited by a force which, from a certain point of view, seems alien to it.

From the point of view of an instituting intention and will of determining the 'whatness' of what art is as if that is all that there is, the

'whatness' of what art is, is indeed all that there is; therefore, what escapes the totalising act of instituting will be excluded as marginal, inferior and insignificant. Critique, which builds precisely on this remainder, will appear from the institution's point of view as accidental, exterior and marginal. One of the clearest illustrations of this fact stems from former Guggenheim director Thomas Messer's explanation for cancelling Hans Haacke's participation in a museum exhibition from 1971. Haacke's two works *Shapolsky et al. Manhattan Real Estate Holdings, A Real-Time Social System as of May 1, 1971* and *Alex DiLorenzo Manhattan Real Estate Holdings, A Real-Time Social System as of May 1, 1971* explored precisely how the meaning of what Haacke understood as the 'system' of art is open to the pervasion of financial interests that influence and control museum policies. Messer argued that precisely because Haacke's work tried to force 'art boundaries', it was aesthetically weak; the contradiction between art's neutrality and Haacke's pursuit of aims that lie 'beyond art' transferred itself 'onto the museum environment and beyond it, into society at large'; therefore, explains Messer, 'the choice was between the acceptance of or rejection of an alien substance that had entered the art museum organism' (Haacke, 1975, 138). What we see in this confrontation is precisely what I have tried to suggest in the previous chapters: a 'hermeneutical contradiction' between what the art institution says that art is – in this case, Messer implies, art's intrinsic nature is to be an end in itself and socially disengaged (Haacke, 1975, 138) – and the remainder that escapes institutionalization, the fact that art can precisely respond and engage with social issues. The cancellation of Haacke's work is in fact an institution's rejection of critique as marginal, accidental and external, as an alien substance that has somehow fraudulently entered the museum organism. But now I can add to what has been said in the previous chapters between the necessary relation between institution and critique: since the differential that escapes the act of instituting is part of the

meaning of what is instituted, in a bastard and 'illegitimate' manner – that is, from the point of view of the institution's laws – critique is already inscribed within the 'inside' of the institution.

Haacke's critique had been possible because it was part of the possibilities of what *art is and ought to be.* Therefore, the instituted 'whatness' of what art is, is in fact only provisionally closed off: and, in a certain way, it could be said that institutional frames are both closed and open, both to the pervasiveness of those forces that trigger the social and economic urgencies that art is called to respond, and to the work of critique. In chapter five I will argue that this is so because frames are ruled by a certain *parergonal* logic, which is also of the type *neither/nor*, or *both /and.* What art is and what art does appear, therefore, as a matter of confrontation and struggle between various forces that inhabit the art institution. Haacke's critique appears not only as a critique of the institution of art: it appears as a critique of the art institution which is already inhabited by its outside. Ultimately, Haacke's critique is an institutional critique articulated from a non-place, neither outside nor inside of the art institution, or both inside and outside of the art institution. It is a critique that reaches an outside that already inhabits the inside of the art institution.

These thoughts conduct us to the following proposition: if the art institution is shaped by the will and intention of the same forces that generate the urgencies of the social field, and if whatever art is, it is constituted in the field of struggle between critique and the institution of art, then art will be capable of responding critically to those urgencies if it becomes, at the same time, an institutional critique, therefore, an art which questions its conditions and possibilities. *Critical-political art is not critical and political unless it is, at the same time, an institutional critique.*

This is what I significantly understand when Hans Haacke explains to Pierre Bourdieu that 'if artists step out of the art context [...] they operate

simultaneously in two different social arenas. Our categories of classification then get scrambled' (Bourdieu and Haacke, 1995, 97–98). This 'scrambling' of classification categories occurs only when we think in the logic of the *either/or.* But, I want to suggest, this is a productive 'scrambling' if viewed from the perspective of a logic of the type *neither/nor* or *both/and.* This categorial 'scrambling' is the condition which allows artists to operate simultaneously in two different social arenas, inside and outside, at the same time, of the art institution, or neither inside, nor outside of the art institution.

Haacke is a prime example of how an artist is capable of occupying different social arenas at the same time. His piece *And You Were Victorious After All* (1988) was a public monument that he mounted in the second largest city of Austria, Graz, once celebrated as the 'City of People's Insurrection' during the *Anschluss*. Haacke recreated a red Nazi column built with the occasion of Austria's annexation by Hitler's Germany, to which the artist added a list of the locals who had fought against the Nazis and died. The work operates, to be sure, a short-circuiting of meaning: it concatenates Nazi imagery and symbols and the list of those killed by the Nazis, and associates the title (in German) *Und Ihr Habt Doch Gesiegt* with the Nazi salute *Sieg Heil!* (Hail to Victory!). The work was fire-bombed and irreparably destroyed by a group of neo-Nazis one week before it was due to be taken down. In his conversation with Bourdieu, Haacke expressed his conviction that most people on the streets of Graz did not respond to the column in terms of art, but understood it as a political statement: and as a political statement it triggered the political reaction of the fire-bombing. The piece 'in itself', suggests Haacke, was perceived only as art by members of the local art world. In this context, he seems to be at odds with what he describes as the recent phenomenon of the ghettoization of art:

Attempts to break out have been made by Tatlin, Heartfield, and others. Rodchenko thought of advertising as a way to fuse art and social action. These efforts are now part of art history. Museums, galleries, and private collections attach symbolic value (and of course, also economic value) to certain objects, and they provide a refuge, protection, and even a platform to speak from. But for some time now there has been a sense of malaise. I ask myself, however, whether this unease is not based on a romantic notion of the contemporary world and a profound misunderstanding of the role the assumed ghetto plays in today's practice. The terms 'platform' and 'ghetto' are contradictory (Bourdieu and Haacke, 1995, 97–98).

I have already written about this 'sense of malaise' in the first section, when I mentioned the participants of the Graz Marathon Camp from 2012 who lamented the fact that art always seems to 'lag' behind the set of urgencies stemming from 'reality'. But I think that Haacke's statement is correct in highlighting an interesting fact. It does show, for example, that the discourse of the ghettoization of the arts relies on a romantic presupposition, which implies that the art institution completely encloses and neutralizes art. Most importantly, it shows that the art institution is inhabited not only by the outside of capitalism and corporations: it is already inhabited by what appears as the outside of critique, an outside which, I argue, has always been part of its inside. This is why the art institution is a platform and offers protection. Something like *And You Were Victorious After All* could not have been possible if it did not articulate itself as 'art' – in this particular case, if it did not articulate itself under the category of 'public monument' and therefore, be framed by the art institution.

This is to say that art institutions are spaces of struggle and negotiation where, writes Haacke, conflicting ideological currents clash.

'The art world, contrary to what is generally assumed, is not a world apart. What happens there is an expression of the world at large and has repercussions outside of its confines' (Bourdieu and Haacke 1995, 99).

Allow me to add a more recent example that illustrates what has been argued until now. Liberate Tate is a collective that was formed in 2010 during a workshop on art and activism commissioned by Tate. It is composed of artists, activists, writers and other types of cultural workers and came into existence when the Tate curators tried to censor an intervention of the participants in response to Tate being sponsored by British Petroleum (BP). The intervention itself was unplanned and its idea arose during the workshop. Afterwards, the group decided to continue doing actions as Liberate Tate (see Hickey, 2013). In 2012, during Damien Hirst's blockbuster show at Tate Modern, over one hundred of Liberate Tate members and affiliates forced the two entrances and, with all the opposition of the museum guardians, introduced parts of a 16.5 metre, one and a half tonne wind turbine blade that they reassembled in the Turbine Hall. The blade, a beautiful ready-made object, was offered as an *art piece* and as a *donation* to the nation, 'given for the benefit of the public, under the provisions of the *Museums and Galleries Act* from 1992, the legal act from which Tate's mission is drawn (Liberate Tate, *The Gift*, July 2012, webpage).

A film realized by VICE UK follows the journey of the wind turbine blade from a Welsh valley to London, documenting, at the same time, the laborious preparations and the impressive mobilization of forces undertaken for this guerrilla performance. In this seven minutes documentary, Tim Ratcliffe, former Greenpeace activist and coordinator of *The Gift,* answers the question 'Why putting this object in the Turbine Hall?' Ratcliffe explains that the intention is to allow the Tate to have a 'little thinking about their relationship with BP' (VICE United Kingdom, Liberate Tate's *The Gift*, webpage, min. 1:12). Most significantly, Rattclife

reflects that for many years he had been involved in protest movements and that they are 'very valid places for placards, marches etc., but only as long as they satisfied my want to communicate what I am thinking through holding a placard up' (VICE United Kingdom, Liberate Tate's *The Gift*, webpage, min. 1:22). In other words, the placing of the wind turbine blade *as art* and as a gift to the nation, under the provisions of a law that regulates the activity of the Tate, has a different potential and effect than protesting and marching. One thing is to protest in front of the BP headquarters for the environmental disasters they are responsible for, another thing is to offer an artwork to an art institution reminding it that its twenty years long sponsorship agreement with BP is contrary to its ethics policies. These policies state that sponsorship would not be accepted if it 'harms Tate's relationship with other benefactors, partners, visitors or stakeholders; creates unacceptable conflicts of interest; materially damages the reputation of Tate; or, detrimentally affect the ability of Tate to fulfil its mission' (The Tate, 2012, webpage). In other words, *The Gift* arriving from the outside of the Tate as a commonplace wind turbine blade, but violently forcing its entrance in the Tate *as an artwork*, points to Tate's hermeneutical contradiction which was already there. *The Gift*, then, is both outside and inside of the Tate, or neither inside nor outside; at the same time it is both adversary of the Tate and partner of the Tate.

A petition letter signed by more than one thousand people and addressed to Sir Nicholas Serota, director of the Tate, and to the Tate Trustees, explained that the artwork was created 'using an icon of renewable energy with an express wish for Tate to stop its relationship with BP so the public gallery's reputation cannot be used to improve the oil company's terrible image following the Gulf of Mexico disaster' (Liberate Tate, *The Gift*, July 2012, webpage). It seems to me that there are two essential elements in this guerrilla performance which merit closer attention. The first one is that it presses Tate Modern to consider *The Gift*

as art; the other one is that Tate Modern should consider *The Gift as art* in the framework of a law (a declaration, a speech act) that says what Tate *is* and *ought to be*. Section seven of this law determines that:

> (I) In any case where (a) a work of art is given for the benefit of the public or the nation, and (b) the donor has made no provision as to the person responsible for its care, it shall, subject to subsection (2) below, vest in such of the bodies for the time being specified in Schedule 5 to this Act as the Lord President of the Council may direct[6]. (2) If the body in whom a gift by will would, apart from this subsection, vest under this section determine that the work of art is not fit to be part of their collection, it shall unless otherwise disposed of by the testator become part of his residuary estate (HMSO, 1992, 9).

In other words, when a work of art is offered to an art institution and as donation to the nation, the institution will consider it to be included in its permanent collection, unless the work of art is determined as 'unfit'. Liberate Tate has played, as it were, by the rules of the institution and offered *The Gift as art* and *as donation* to be included in the permanent collection. The communiqué that Liberate Tate issued advised that the Tate should consider this work judiciously. And it also offered an interpretation of The Gift *as artwork*, whose occurrence, I understand, is to reinforce the idea that the wind turbine should be considered as art and not as a common place object:

> The journey of *The Gift* bears witness to an epic of cooperation and points to a time beyond fossil fuels. Resting on the floor of your

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[6] Schedule five regulates transfers to and from certain collections, and establishes the Board of Trustees of the Tate Gallery, among other art institutions' corporate bodies, as both transferor and transferee.

museum, it might resemble the bones of a leviathan monster washed up from the salty depths, a suitable metaphor for the deep arctic drilling that BP is profiting from now that the ice is melting. But it is not animal, nor is it dead, it is a living relic from a future that is aching to become the present. It is part of a magic machine, a tool of transformation, a grateful giant. (Liberate Tate, Communiqué #3, 2012, webpage).

Nicholas Serota, director of the Tate, responded to Liberate Tate in September 2012 and communicated the Board's decision, supported by the recommendation of the Collections Group, that the offer of *The Gift* is declined. The letter argued that the refusal is due to the 'line with the current strategy, commitments and priorities for the Collection and the size of the object in relation to existing pressures on collection care' (Liberate Tate, Tate Board Response to Liberate Tate's *The Gift*, 2012 webpage). However, the Board offered that 'supporting material comprising performance documentation and related images, be accepted into Tate's archive as a record of the action at Tate Modern' (Liberate Tate, Tate Board Response to Liberate Tate's *The Gift*, 2012, webpage). In a response to this letter, Liberate Tate asked whether Lord Browne, once chief executive of BP and now chair of the Boards of Trustees, had any involvement in the decision. It also commented that the decision of the Tate is self-contradictory, since *The Gift* responds to Tate's commitment of finding 'appropriate and imaginative ways to reflect the responses and commitment of artists [that] engage with environmental issues in their work and have chosen to be vocal in public debate' (Liberate Tate, *Reply to Tate about the Board decision on 19 September*, 2012, webpage). Doubting whether the Tate has a Size Strategy that would impede the acceptance of *The Gift* in the collection because it is 'big art', Liberate Tate also observed an essential fact: precisely how Serota and the Board of Trustee's

response recuperates *The Gift* not as art, but as an 'action' whose documentation would be allowed in Tate's archive.

There are two issues at stake here. The first one refers precisely to *The Gift*'s status as art; and if it is not art, asks Liberate Tate, 'how does Liberate Tate's latest piece deviate from current formal definitions of art?' (Liberate Tate, *Reply to Tate about the Board decision on 19 September*, 2012, webpage). The point is not that *The Gift* deviates from any current definition of art, because in fact it doesn't. The point is that *The Gift* deviates from what the art institution of the Tate defines and describes as the 'whatness' of what art is as if that is all that there is. However, more importantly – and this is the second issue which is at stake here – this exchange shows a certain productive 'scrambling' of categories; because in the last instance, whether *The Gift* is art or not is less important than the fact that by insisting that it is art, it inhabits and occupies the field of struggle over the 'whatness' of art is, not only in the sense of what art *is and ought to be*, but also in the sense of what *art does and ought to do.* For what is essential in this story is the fact that from a certain outside of the Tate, which is already inside of the Tate, *The Gift* addresses critically and politically the social urgency of BP's environmental disaster in the same manner in which it addresses, critically and politically, the art institution of the Tate.

This is to say that art is capable of responding to urgencies stemming from the outside of the art field if and only if it is able to articulate itself as a critique of the art institution which is always already inhabited, shaped and structured by its outside. Therefore, in order to answer our initial question, of the possibilities of a topology of institutional critique, I will say that it is by necessity neither inside nor outside of the art institution, or both inside and outside of the art institution. This undecidability is, in other words, constitutive of the performative effect of what institutional critique *does and ought to do.*

4. Conclusions

The argument of this chapter was that the binary topology of critique that, I suggested, is constitutive of the canon of institutional critique, does not apply to the concept of institutional critique that I have advocated so far. That is, an institutional critique which constructs on the fundamental relation of cohabitation between institution and critique and which aims to be, at the same time, both partner and adversary of the institutional powers that be. Institutional critique does not and will not fall prey to the seductiveness of a certain outside of the art institution; but neither will it let itself articulate an 'institution of critique' within the institution of art, because it is only then that the possibility of a remainder, which escapes the logic of instituting, is closed off. Therefore, from the point of view of a binary topology of critique, institutional critique appears as limitless, since what it inhabits is a non-space: *inside and outside are not limits for institutional critique because institutional critique is and ought to be neither inside nor outside, or both inside and outside, and at the same time, of the institution*. But my argument also showed something else: that if critical and political art's reasons to escape the art institution pertain to the fact that its meanings are neutralized by the same forces responsible for the urgencies stemming from social reality, and if escaping to the outside proves to be an impossible option, then the only way in which critical art can have an effect outside of the art institution is to inhabit this non-place and become, at the same time, an institutional critique. In other words, the potential of critical-political art, of responding to urgencies stemming from the social and economic reality, is fulfilled only when critical and political art become, at the same time, an institutional critique.

There is another issue which came out from the discussion in this chapter: in the cases of Haacke and Liberate Tate I have observed a certain productive 'scrambling' of categories that is, at the same time, a

scrambling of the frames in which we perceive something as art, as a political gesture, as a critique of society, or as institutional critique. This implies that in works such as Haacke's and Liberate Tate's, whether something is perceived as art is less important than what that something is able to do. In other words, 'art' becomes a tactical term employed in strategies of tackling issues stemming from the outside of the art field. Indeed, I believe that institutional critique functions in a logic of framing and reframing, and that the ultimate effect that it attains is that it frames the frames that frame it. In the next chapter I will address precisely the logic of this fact.

Chapter V:
Framing the Frames of Art

Introduction

In the previous chapter I discussed the possibilities of a topology of institutional critique: given that the logic of institutional critique is of the type *neither/nor or both/and*, what space does institutional critique inhabit in relation to the art institution? I have shown that the binary topology of critique does not apply to the concept of institutional critique that I have advocated so far. *Inside* and *outside* are not limits for institutional critique: institutional critique *is and ought to be* neither inside nor outside, or both inside and outside, and at the same time, of the institution. This is the place where it can articulate a critical attitude, of being both partner and adversary, at the same time, of the powers that be; a critical attitude that works on what escapes the total and exhaustive determination of meaning within the logic of instituting. At the same time I explained that critical and political art are not critical and political unless they articulate, at the same time, an institutional critique of the institutional frames that host them. In other words, the potential of critical-political art, of responding to urgencies stemming from the social and economic reality, is fulfilled only when critical and political art become, at the same time, an institutional critique.

The presupposition which grounds both the idea that the outside is still a viable option for critical and political art and, likewise, the idea that we have been always trapped within the art institution, is that art frames only have the negative function of dislocating whatever appears within them from social and economic reality. What I want to demonstrate in this chapter is that it is necessary that institutional critique remains inside the art institution (but also, in a sense, outside of it). This necessity, I will

argue, stems from a fundamental undecidable nature of the frame: on the one hand they do have, indeed, the negative utility of excluding and repressing whatever appears as critical to the 'whatness' of what is instituted within them. But at the same time they have the positive utility of augmenting, contributing and increasing the performative effect of whatever appears within them. My argument is the following: if institutional critique does indeed manage to secure a place for itself inside the art institution, but also outside of it, as other to the institutional 'whatness' of what art is, then the frames of the art institution will be both limiting and liberatory, and institutional critique will employ the positive utility of the frame. Institutional critique will use the frames of the art institution in order to augment and enhance the performative effect of that which it says and does. What it says and does is to work precisely on that which escapes the institutional totalisation of the 'whatness' of what art is. This is the reason why I suggested in the previous chapter that institutional critique operates a productive 'scrambling' of categories, and 'art' becomes rather a tactical term that allows institutional critique to inhabit the field of struggle that the art institution comprises.

In order to show this, I will first refute the institutional theory of art which, in my understanding, represents the theory that recognizes and reinforces the idea that the 'whatness' of what art is, is determined exhaustively by what the art institution says that art is. The institutional theory of art is the expression of the intention and will of exhaustively determining the 'whatness' of what art is as if that is all that art is. To refute this theory is to demonstrate that the frames encasing the institutional 'whatness' of what art is are in fact open to the coming of a certain other from without. In the first section I will show that there is a certain 'shallowness' of the theory, which Arthur Danto recognizes, tries and fails to overcome. The shallowness of this theory refers precisely to the fact that it works in a logic of the type *either/or* and consequently, it fails to map

those cases of artworks which are able to occupy several social arenas at the same time. Precisely the failure to consider those cases of institutional critique and their critical topology (*neither inside nor outside,* or *both inside and outside*) is what makes the institutional theory of art insufficient to determine in an exhaustive manner the 'whatness' of what art is. I will concatenate the findings of the first two sections with what in sections three and four I will present as the *parergonal* logic of the frame. In section three I will argue that institutional critique does indeed operate within a different logic than that of the institutional theory of art. There is a certain sense in which the work of institutional critique is both art and non-art, or neither art nor non-art; but essential to the strategies of institutional critics is that it is not 'art' *per se*, but the frame which becomes the object of their focus. I have already explained why: institutional critique seizes the positivity of the frame, the fact that to articulate a critical project from within the art institution can have a different and, perhaps, more significant effect than articulating it from outside of it. In section four, I explain why frames have an undecidable nature. If the frames of the art institution are insufficient to determine, in an exhaustive manner, the 'whatness' of what art is, in other words, if they can be described as open to the intervention of the outside other, and if, at the same time, inherent to them there is a certain positivity of augmenting the performative effect of the work of art, there is a reason for institutional critique to remain within the institutional framework, but also, in a way, outside of it. Institutional critique operates, as it were, before and beyond the frame, but precisely on the frame and with the frame.

1. On the Institutional Theory of Art

From a certain point of view, it could be said that the institutional theory of art (Danto, 1964, 1981; Dickie, 1974, 1984) is precisely the theory that says that the 'whatness' of what art is, is exhaustively determined by what the art institution says that art is. This is how I translate, in the vocabulary I have used so far, Danto's famous statement from 1964, in which he argues that 'to see something as art requires something the eye cannot decry – an atmosphere of artistic theory, a knowledge of the history of art: an art world' (Danto, 1964, 580). Andrea Fraser's argument that the art institution is already embodied in our perceptions, as members of the art world, has a certain resonance with this theory: the 'art world', which presupposes a certain knowledge of art history and theory, appears to be the ultimate authority and foundation which grants something the status of art. Therefore, if the institutional theory of art says that the 'whatness' of what art is, is exhaustively determined by the instituting acts of the members of the 'art world', then this theory appears in fact as the expression and reinforcement of the arbitrary violence which grounds an instituting intention's exhaustive determination of the meaning of what art is. Danto is particularly an interesting case, because he seems to be aware that this is the consequence of a theory that he had fathered when he wrote *The Artworld* (1964). The project of the *Transfiguration of the Commonplace* (1981) represents, in fact, an attempt to delimit himself from the conventionalism and relativism implied in this theory. His strategy will be that of restoring a dualist metaphysics of art, within which he will argue that art necessarily has a series of essential properties that delimit itself from commonplace objects. In this section my intention is to analyse the tension that Danto's project of the *Transfiguration* introduces within the institutional theory of art. I believe that Danto's argument against the institutional theory is correct, but his solution is wrong: in other words, both

the institutional theory of art and Danto's metaphysics of art from the *Transfiguration* fail to take into account the fact that what appears as the 'outside' realm of the 'mere real' object already always structures the 'whatness' of what art is; and if this is so, this outside partly constitutes the meaning of art. In sections two and three I will show that this is precisely what is at stake in institutional critique's transformation of 'art' into a tactical term.

Halfway through the first chapter of his *Transfiguration of the Commonplace*, which glosses the allegedly essential ontological difference between artworks and 'mere things', Arthur C. Danto deploys a lengthy argument against the idea that the difference in question amounts to the *psychic distan*ce we place art works at. With its origins in Immanuel Kant's *Critique of Judgment*, the concept of psychic distance presupposes a contemplative attitude and a sort of aesthetic reverence towards a class of given (and mainly aesthetic) objects; it contrasts with the 'practical attitude', whose corresponding incentive would be to 'act' and 'do' something in regard to what one perceives or experiences. Danto's rejection of this concept partly relies on ethical grounds: there are cases – for example, the destruction of life in a bomb attack – in which it is 'inhuman' to adopt an aesthetic attitude and see the bombing as a 'mystical chrysanthemum' (Danto, 1981, 21). For parallel reasons, it is 'almost immoral' to make art in response to a situation in which one should rather act or do something. Danto contends that there is some degree of truth in the concept of 'psychic distance' because admittedly, at the extreme, one could see the whole world and life as a spectacle or some sort of theatre piece. But this is 'at odds' with the fact that art often had useful roles, for example, 'didactic, edificational, purgative' roles: otherwise said, art has had a social, cultural and economic function. Thus, what this distinction does is to generalize for the whole concept of art a 'degree of detachment available only in special periods of art history'. At this point

Danto apprehends George Dickie's take on the argument[1]. Dickie argued that it is not because of a mysterious attitude that we do not intervene in actions that we see on the stage, but because we know how to look at a play: we master the conventions of the theatre. 'For knowing that it is taking place *in* a theatre is enough to assure us that "it is not really happening"' (Danto, 1981, 22)[2].

I am not here interested in the polemic against the concept of psychic distance *per se:* the argument itself intervenes in a larger discussion about the theory of mimetic art, which Danto eventually shows is incapable of mapping cases of pairs of identical entities out of which only one is 'uplifted' to the status of art. But it is precisely within this context that a rather conspicuous appearance intervenes in the middle of the argument, an analogy that is taken for granted and which, I want to suggest, contains a presupposition upon which the institutional theory of art is based. Danto (and Dickie) take the analogy for granted which means that it does not derive logically from the concept of 'psychic distance' [*Art like a theatre play* – this is the analogy in question]. Therefore, art is like a theatre play not because of an alleged attitude of aesthetic contemplation, proper to the theatre, and which art reproduces; on the contrary, something like psychic difference comes into existence because one masters certain conventions which allow us to understand that what passes as art *does not happen for real*. The conventions of the theatre are

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[1] In his *Art and the Aesthetic. An Institutional Analysis* (1974, ch. 4), George Dickie dedicates an entire chapter to the theory of 'psychical distance', whose main proponent is Edward Bullough. He considers it as a version of the aesthetic-attitude theory of art, which 'can be summed up as the view that any object can become an aesthetic object if only aesthetic perception is turned on it' (Dickie, 1974, 57).

[2] Danto does not provide a complete reference, but I take it that he refers to Dickie's seventh chapter of his *Art and the Aesthetic. An Institutional Analysis* (1974), titled 'Aesthetic Object: An Institutional Analysis', especially pages 173-181. Dickie offers here an account of the 'conventions and practices involved in the presentation and appreciation of the aesthetic objects of art' (Dickie, 1974, 173). This account begins with a discussion of traditional theatre, 'which because of its complexity offers a great variety of distinct items for discussion and because of its formality offers many explicit cues' (Dickie, 1974, 173).

already embedded in our perception, and therefore, we know in what cases we are supposed to take a psychic distance, as opposed to the cases in which we should act or do something.

Danto has, indeed, used examples from theatre ever since the early years of *The Artworld* (1964). For example, he often appeals to Shakespeare's *Hamlet* to suggest that theatre plays the cognitive role of a mirror revealing a self that cannot be itself perceived 'in reality' – that Claudius committed the crimes, that Hamlet knows them, and Claudius knows that Hamlet knows but cannot *do* anything about it, since what is on stage is theatre and not real life. The same can be said about Dickie. For example, in the first chapter of his *Art and the Aesthetic. An Institutional Analysis* (1974), in which he presents his version of the institutional theory of art, and precisely in the paragraph in which he asks whether the social institution that Danto calls the 'artworld' exists, Dickie appeals to the case of theatre and writes that both actors and audience have traditionally prescribed roles, and that 'what the author, management, and players present is art, and it is art because it is presented within the theatre-world framework' (Dickie, 1974, 30).

I will focus, however, only on what Danto has to say about the connection between art and theatre. Art is like theatre, therefore, but not because an attitude of contemplation is common to both, or because in both cases we place something at a psychic distance, but rather because they both amount to matters of convention from which something like a psychic distance derives. It should be said that, in the economy of Danto's argument, that art and theatre share something constitutes, to be sure, a presupposition. If the analogy is to hold, then the difference between the 'mere real' thing and the art work is similar to the difference between something happening for real and the same 'event' taking place in the perimeter of the theatre.

But the analogy between art and theatre does not withstand by itself. It is reinforced by a second analogy. Danto tells us that

> the conventional perimeters of the theatre serve, then, a function whose analogue might be that of quotation marks, where these serve to dislocate whatever is contained within them from ordinary conversational discourse, neutralizing the contents with regard to the attitudes that would be appropriate to the same sentence were it asserted, for example, rather than merely mentioned (Danto, 1981, 23).

The reader may remember here that in chapter two I explained that Austin develops a similar argument. He distinguished between 'natural' and 'parasitic' uses of language, the speech acts of an actor on the stage belonging to the latter category. Austin commented that, in such cases, performative utterances become 'in a peculiar way hollow or void' and that language is not used 'seriously' (Austin, 1962, 22). Something goes wrong in the case of the speech act uttered on a stage; the very fact that it is uttered on the stage constitutes an 'infelicity'; in other words, the conditions of success of the respective speech act are not met, and therefore, the state of affairs that the speech act 'says' that it brings into existence in fact does not come into existence. Or, if we want to present the matters differently, the same speech act uttered in 'real life' has different conditions of success than if uttered on the stage. Danto appears to be on the same track: on the stage (and, by analogy, in art), sentences are mentioned and not asserted; and it is presupposed that the hearer already masters the conventions which allow her/him to discern that what she/he hears on the stage has different condition of success than what she/he hears 'in real life'.

So let us understand what Danto is actually saying here. He correctly observes, to begin with, that a certain iteration takes place in art's

case. A sign that we call a 'mere real' thing is iterated in a context that acts analogously to quotation marks; in other words, the frames of that context dislocate and neutralize something like the 'primary' meaning and attitude that sign elicits in the hearer-reader. There are cases when the existence of these 'quotation marks' has to be made very clear. In street theatre, for example, it needs to be obvious that we are dealing with actors playing roles and not with real people doing real things; hence the use of masks, special costumes, make up, characteristic intention, and the like. 'In realistic plays, realistic costumes enhance the artistic illusion, but in street plays they would confuse attitudes on the part of spectators, who are uncertain whether they are witnesses or audiences' (Danto, 1981, 24). What gets scrambled in these cases are precisely the 'conditions of success'; if one uses realistic costumes, then street theatre risks being taken as real action; it thus risks failure precisely as a theatre piece. Likewise, Danto thinks that similar devices are to be found throughout the domain of art:

> picture frames or display cases, like stages, are sufficient to inform the person privy to the conventions they imply, that he is not to respond to what they mark off as though it were real; and artists will exploit them to just that end and violate them only when it is their intention to cause illusions or to create a sense of continuity between art and life, as in the case of the painting of the entombment of Saint Petrinella by Guercino, where the lower edge of the painting is coincident with the actual edge of the tomb of Saint Petrinella herself, above which the painting was originally displayed (Danto, 1981, 23).

Let it be said that precisely this idea that institutional frames are sufficient to inform an audience that it is not to respond 'to what they mark off as though it were real' grounds the argument that art needs to escape to an outside of the art institution, in order to be able to respond to urgencies

stemming from the social and economic reality. But allow me to ask precisely in what sense can it be said that frames can ever be sufficient to inform an audience that it is to respond differently to whatever is contained within them? I ask this question from the following perspective. Danto does recognize those cases in which frames fail or could fail to inform an audience that it is dealing with 'art' and not 'real life': one such case was street theatre, in which frames *need* to be made obvious. Another case, and indeed, more important, is that of artists which 'exploit and violate' frames in order to 'cause illusions or to create a sense of continuity between art and life'. It seems to me, however, that Danto rejects these cases as marginal and insignificant, and as accidents which are unable to shatter the unity and the interiority of the institutional 'whatness' of what art is. And I say this precisely because he describes these cases as pertaining to 'artistic illusion'. In other words, even if frames fail to inform an audience that it is to respond differently to whatever is contained within them, this is still to be understood under the category of art, as artistic illusion, and not as a 'real situation'. Or, to put it differently, the failure of art institution's conventions should itself be a convention of the art institution. This is to say that if it can be shown that this failure does not amount only to an artistic illusion, but to a condition of possibility for the existence of art, as art, this triggers the conclusion that institutional frames are not sufficient in themselves to define and describe in an exhaustive manner the 'whatness' of what art is: in other words, a certain outside of art will have to be acknowledged and recognized, an outside that always already inhabits the inside of art. This is what I will show in the second section of this chapter.

At the moment, however, let us expand on what I announced in the opening sentences of this section. Twenty years earlier, when he wrote *The Artworld* Danto explained that 'what in the end makes the difference between a Brillo box and a work of art consisting of a Brillo Box is a certain theory of art. It is the theory that takes it up into the world of art, and keeps

it from collapsing into the real object which it is' (Danto, 1964, 581). In other words, it is the arbitrary conventions of the institution of art, of which art theory is a part, which uplifts something to the status of art. But note that the project of the *Transfiguration*, as Danto confesses in the 'Preface', tries to avoid precisely the conventionalist and relativist consequences of *The Artworld*. Danto, in other words, believes that there is something else pertaining to art, which is not reducible to the arbitrary will and intention of the experts of the art world that determine in an exhaustive manner the 'whatness' of what art is. The institutional theory, says Danto, is quite alien to anything he believes in; and therefore, the *Transfiguration*, 'in classical oedipal fashion, must do battle with my offspring, for I do not believe that the philosophy of art should yield herself to him I am said to have fathered' (Danto, 1981, viii). So what will Danto say about the conventionalism of the institutional theory? He acknowledges that there is some truth in the conventionalist definition: 'this suggests the natural next answer, that the difference between art and reality is just a matter of those conventions, and that whatever convention allows to be an artwork is an artwork. There is an element of truth in this theory, but at the same time it seems to be shallow' (Danto, 1981, 31). But in what way is this shallow? Is this shallow, in the sense that the conventionalist definition of art is superficial? Or is it shallow for some other reason? Here is Danto's explanation:

> the predicate 'is a work of art' [...] is an honorific predicate. And honours do indeed seem very much to be matters of convention. But there are honours which are earned, and the question is what entitles something to this honour: is there not something which must first be present before the honour relevantly descends? And what about defeating conditions? Are there not at least some facts such that, if we knew those facts, the object of which they were true would be

disqualified as an artwork no matter what anyone says? (Danto, 1981, 31)

Let us ponder upon the meanings of this statement. For it does say that something 'earns' the honorific predicate 'is an artwork' if and only if there is something which offers itself to the structure of honour-granting. In other words, a structure of legitimation underdetermines the process of something being uplifted to the status of art; and if there is legitimation, then there must be legitimate foundations that ground, in the last instance, this structure. Danto's position, as I understand it, is that these foundations are partly to be found in the artwork itself. This is why in the *Transfiguration* Danto argues that an artwork has to have a series of unique properties such as a theme or a subject, a certain point of view made visible by the style of the artwork, and a manner of expressing an artwork's point of view by means of a rhetorical ellipsis which engages an audience that is supposed to fill in what is missing. But by themselves, these are not sufficient conditions; because Danto says that these conditions must be first satisfied in order for the 'honour to relevantly descend' (Danto, 1981, 31). This implies that in the last instance, the agency belongs to that from which 'the honour relevantly descends' – to conventions. In other words, Danto tries to avoid the conventionalism of the institutional theory of art by turning towards a metaphysics of the artwork; but this metaphysics of art, nevertheless, ultimately fails back in conventionalism. Danto is correct to observe that the conventionalism of the institutional theory of art is 'shallow'; he is only wrong to assume that this shallowness has something to do with the fact that art has a number of intrinsic properties that the conventionalist theory of art fails to take into account. What I want to suggest is that the shallowness in question rather refers to the fact that this theory fails to recognize that those cases of failure are border cases which exhibit a certain irruption of the outside

within the inside of the 'whatness' of what art is. What those cases demonstrate, I argue, is that the 'whatness' of what art is, is not entirely a matter of institutional determination; what art is and ought to be and what art does and ought to do is a matter of struggle and contestation which already presupposes the intervention of an other from the outside. This is the perspective from which I will analyse, in the next section, Michael Asher's *Caravan*; my purpose is to show that institutional critique operates with this necessary and essential failure of the institutional theory of art.

2. Work and Frame: Lack and Cohabitation

The institutional theory of art proposes that the 'whatness' of what art is, is exhaustively determined by the instituting acts of the members of the 'art world'; in my understanding, this theory appears as the expression and reinforcement of the arbitrary violence which grounds an instituting intention's exhaustive determination of the meaning of what art is. What I have articulated until now as the logic of institutional critique runs contrary to this perspective and I will prove this contention by referring to an art piece that could well be one of Danto's examples of pairs of indiscernible objects.

During the Skulptur Projekte Münster 1977, Michael Asher placed a caravan in different spaces in the city, 'in places where it might have appeared to be slightly out of context, and in locations where it would have been unlikely to appear altogether' (Asher, 1983, 166)[3]. The social spaces

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[3] In fact, Michael Asher recreated his *Caravan* project for every edition of Skulptur Projekte Münster, which takes place every ten years: in 1977, 1987, 1997 and 2007 (Skulptur Projekte Münster Information, 2007, webpage). In 2007 Jan Verwoert commented for the Frieze Magazine: 'You can imagine how, compared to the residential architecture of its surroundings, this mobile home looked not just slightly out of place, but also increasingly out of time in '87 and '97' (Verwoert, 2007, webpage).

in question, says Asher, were precisely those that 'public sculpture refuses or neglects to address, or those that it wants to conceal (Asher, 1983, 170).

The *Caravan* has a certain familiarity to the reader accustomed to the institutional theory of art. Even more, it seems that as an example, it will reinforce this theory: for this is not a case of an industrial object that the artist takes into a gallery, nor a gallery piece which has an exact counterpart in reality, but rather the very same industrial object which is, at the same time, art and non-art, an industrial object which acquires, as it were, two orders of visibility. But things are not as quite as simple as this. Because, if seen in the city, for example, this rather low-profile trailer, of West-German production, not too large to dominate its surroundings, had nothing to announce what sort of object it was. Yet it had enough to announce a certain lack: it appeared 'unlikely to be there', 'slightly out of context'. In other words, not even the status of what Danto would call a 'mere real' thing would be assured. The immediate question that we can ask is whether there is a frame-anchorage which this caravan would fit 'within'?

Is it the context of the art world? Not really, indeed, as the *Caravan*, as an art object lacks something as well. It is true that a simple note placed in the main venue of the event comes to supplement this loss, announcing a schedule of the trailer's moving around various locations. But then, this object, allegedly a piece of public sculpture, exhibits some peculiar qualities that make it resistant to being submitted to the category of public sculpture. It doesn't have, for example, a pedestal on which it should stand. Asher wrote, for example, that the *Caravan* 'used the temporal and contextual body of an exhibition of outdoor sculpture as its materially specific and temporally limited pedestal' (Asher, 1983, 170). But then, is the city the proper context of this object? Again, not really, since even in the context of the city it appears to be 'out of context'. To put it

differently, there was no reason for the *Caravan* to be where it was. Remember how Andrea Fraser describes this work:

> Asher demonstrated that the institutionalization of art *as art* depends not on its location in the physical frame of an institution, but in conceptual and perceptual frames […] Art is art when it exists for discourses and practices that recognize it as art, value and evaluate it as art, and consume it as art, whether as object, gesture, representation, or only idea. The institution of art is not something external to any work of art but the irreducible condition of its existence as art (Fraser, 2009a, 413).

And indeed, at a first glance, this seems to be what Asher plays with here, a sort of stripped down version of the institutional theory of art, in that the label which was placed at the main venue of Skulptur Projekte would be enough to frame the object as art. Or, put differently, that what this work shows is that it is art because those who visited the museum and read the label understood that the *Caravan* should be perceived as art. In a certain way the *Caravan* does suggest this; but what seems to me interesting about this particular work is the fact that any frame that would come to fill in the lack within the work is not enough to exhaustively determine its meaning. Fraser, for example, misses the detail that the presence of the label runs contrary to the absence of the pedestal. This is to say that the frames of the label and the museum are not sufficient, by themselves, to exhaustively determine the meaning of the *Caravan*. And to extend this reflection on the *Caravan* being 'out of context' within the city landscape, it could be safely inferred that whatever category is used to interpret the presence of the object, it will not be enough to determine its meaning. The *Caravan* could be recuperated and captured, by being submitted to the category of everyday object, or to the category of art object; but at the very moment when it is recuperated as this or that, it escapes recuperation,

since it shows that it *is and ought to be* different as well. It seems to me, thus, that what the *Caravan* does is hailing, luring a certain frame, therefore, calling for a certain interpretation and perception; but by luring them in order to fill in a work's lack, it betrays them, pressing them into acknowledging their insufficiency. With a twisted effect, I think that what the *Caravan* does is *frame the frames that come to frame the work.* And it does this by essentially showing that in the moment of recuperation there is something that escapes it. If frames of art encode its perception, it shows that it is also something other than art; and if the frames of the 'everyday object' frame it, it shows that it might be something quite different as well: it oscillates between being (slightly) in and out of a certain context. *Slightly* out of the urban context, but also *slightly* out of art historical categories as well. The work, indeed, responded to the context of the exhibition and the category 'public sculpture', to the history of the ready-made object and to the abstraction processes that the art objects are submitted to. But the logic of this response is to employ the lack and, as it were, reverse it. The trailer, for example, calls forth the urban context, but only to the extent that it is out of place – out of the place in areas undergoing gentrification where it is placed. Or, it calls forth the art institution, but only to show that it is less than a public sculpture since there is no pedestal, and no explanation associated with it; the work is less of a ready-made since it is placed outside of the traditional museum; and finally it is less than an abstract aesthetic object, since it is reintegrated in the context of the city. This is to say that it is not only that the *Caravan* appears as an example of the institutional theory of art, but also that in my understanding it deconstructs this theory, just like it deconstructs every convention and every theory that would place it in a certain category.

What the *Caravan* does, as *neither art nor non-art*, or *both art and non-art*, is that it articulates a certain movement on the frame, inside and outside of the frame, a systematic organization of a lack, which renders

the categorial purity and (art historical) puritanism futile: 'Being neither pure sculpture, nor pure architecture, both levels of discourse constantly interacted with one another within the exhibition context of sculpture/architecture' (Asher, 1983, 171). The object, Asher tells us, borrows from the categories of both architecture and sculpture. As a piece of architecture, the Caravan is 'a functionalized, human-scale shell suitable for dwelling' (Asher, 1983, 171); as sculpture, it is 'a three-dimensional voluminous container, to be seen in the round, attached to the ground by its own mass' (Asher, 1983, 171). The intention of this 'scrambling of categories' is to 'cross-reference, superimpose, or place its separate institutionalized discourses upon one another' (Asher, 1983, 171). In other words, Asher is articulating for this work precisely what I have been arguing in the previous chapter, a non-space, neither inside nor outside, or both inside and outside, of the art institution. The *Caravan* employs a logic of collaboration and dissent with frames. It constructs, as it were, its own context and its own frames, but these are both inside and outside of every possible context and out of every possible frame.

It is as if this piece works with a sort of negative theology (not-enough readymade, not enough sculpture, not enough architecture): but it essentially does this, Asher says, 'in the manner of an allegorical statement': 'As a concrete object the trailer could have been seen as a sculptural, architectural hybrid. In the exhibition context, however, its declarative method negated, in the manner of an allegorical statement, the validity of both discourses – sculpture and architecture' (Asher, 1983, 171).

The logic here, I have suggested again and again, is of the type *neither/nor* or *both/and.* The space of the work is not that of a negative, transcendental criticism 'outside' the art institution, but something neither 'inside' nor 'outside'. It is on the line (before and beyond) of the frame from where allegory proceeds:

> a double negation, this work required that reified high-cultural notions (public sculpture) be reintegrated into the basic, underlying social practice (architecture), and that the reification within social practice be confronted with the perspective of high art individuation. [...] Therefore, the work questioned the historical legitimation of contemporary sculpture which pretends to be disconnected from social practice, as it also questioned the legitimization of architecture which, by assembling past stylistic conventions, attempts to recuperate its failure as social practice (Asher, 1983, 171).

A work like Asher's points precisely to the fact that institutional critique operates a certain 'opening' of the concept of art, in the sense that what art is and ought to be becomes less important than what art does and ought to do, in a way critical to what conventions say that art is or should do. If it is correct that critique and institutional critique seize precisely this moment of a failure of what is instituted as 'art', then what institutional critique does or can do is in fact integral to whatever the concept of 'art' covers. Is Asher's *Caravan* a case of the institutional theory of art? What has been said until now implies that this theory would need to look for supplements, in order to map something like the *Caravan*. Its conventions, in other words, would not be sufficient to inform one that the *Caravan* is a work of art, because the *Caravan* itself betrays them. The moment when one would take the *Caravan* as an artwork, one is offered enough reasons to interpret the *Caravan* as something different as well. What is lacking in the institutional theory of art is the possibility that there is always a remainder that escapes whatever the art institution says is art. In the next section my argument will be that institutional critique works precisely on this remainder, that its work opens the institutional 'whatness' of what art is to the inhabitancy of the other. By inviting the other, institutional critique shows that institutional frames are insufficient to determine, by themselves, the 'whatness' of what art is; institutional critique operates

therefore, on the frame, on the border, and with frames and borders.

3. The Work Is the Frame

What I have done until now is to show the limitations of the institutional theory of art. Moreover, I suggested that institutional critique installs itself precisely where the institutional theory of art fails, and it does so within a process that transforms the concept of art into a tactical term. This implies that institutional critique refers to a process in which the work articulates new arrangements of frames. This strategy operates in the logic of *neither/nor* or *both/and*: in chapter six I will describe this as a deconstructive process, by which the work frames the frames that frame it. Essential to this process is not only the fact that what appear as institutional arrangements of frames are de-structured and destroyed; but that there is also a construction at play, an invention concerning a certain reframing. This construction allows the opening of 'art' to a certain other, which comes from the outside, but which is already always inside. The reconstruction of institutional critique, then, refers to the implication of something that is excluded from the 'whatness' of what art is.

Unsurprisingly, the most recent anthology of artistic statements and texts written on institutional critique (Alberro and Stimson, 2009) begins with a section entitled 'Framing'. This collection shows us two things. The first is a progression from the concrete to the abstract. It is not only picture frames, pedestals and the like that artists consider as frames: they rather pay attention to economic and social conditions of art making, to institutional ideologies, and to the intricate connections between art and society. This is to suggest a general point that I have highlighted both in the second chapter and the fourth chapter when I unpacked Andrea

Fraser's text: the art institution is more than the physical spaces of the museum and the gallery, it is rather what holds together a concatenation of concrete (picture frames, pedestals, architectural disposition of spaces, price, titles, labels, leaflets) and symbolic (social, economic, political, cultural-ideological conditions, art history categories and discourses) frames. Frames are the materials an institution is made of. The second point to observe is the increasing interest of artists in frames. John C. Welchman argues that, in the 1970s the interest of the artists shifted from the frame as a literal object or limit to what he calls the meta-frame or second frame of the institutional context (Welchman, 1996, 213). But here there is something peculiar happening. Michael Asher is only one among a series of artists and artist groups that realize a shift in their artistic practice, a shift which presupposes a constant struggle to, as it were, frame the frame. My suggestion is that this relates to a strategy of institutional critique that adopts a logic of the type *neither/nor* or *both/and*, a logic to be understood through the categories of deconstruction rather than through the categories of negative criticism.

The moment is well documented in art history and some explanations are particularly significant in order to comprehend what happened within this shift. To begin with, Craig Owens observed that the effect of art history's canonization of the ready-made amounted to the fact that it has become somewhat 'customary' to attribute to Duchamp 'the recognition of the importance of the frame in constituting the work of art' (Owens, 1994a, 127). But against some interpretations that placed, for example, Marcel Broodthaers's *Musée d'art modern. Départment des Aigles* (1968-1971) in the tradition of the avant-garde, Owens argues that *Musée d'art modern* rather exhibits a shift from work to frame. The art project was first created in the artist's house but possessed neither a permanent building nor a collection. These appear rather as pretext for an investigation 'of the apparatus the artist is threaded through' with the

intention of refusing 'to supply the existing productive apparatus without attempting to change it' (Owens, 1994a, 127). Essentially, however, this investigation appears as the work itself. There is a disengagement from the Duchampian legacy which, Benjamin H.D. Buchloh suggested, presupposed an aestheticization of the readymade, accompanied by a repression of the memory of the labour invested in its production, of its exchange value and of its sign value imposed on its consumption (Buchloh, 2003, 227-228). The difference between the avant-garde and what later was called 'institutional critique' clearly stems from one of Haacke's statements:

> 'I did think of signing the rain, the ocean, the fog, etc. [...] But then I hesitated and wondered if isolation, presentation at one given limited area, an estrangement from the normal is indispensable. It is a very difficult question. It finally boils down to a definition of art and I don't know what this "Art" is.' (Haacke, quoted in Buchloh, 2003, 221)

This is precisely the point: to tie everything down to a definition of art, to show that this or that can also be accepted as art, is precisely what Haacke's practice is not looking for. We may note that whereas the institutional theory of art also inscribes itself within Duchamp's legacy, in the sense that the *Urinal* is the prime example of a 'mere real' thing uplifted to the status of art object, artists like Haacke progressively shift their attention onto frames. These artists don't have a particular answer to the question 'what is art?'; what their work does, nevertheless, is to articulate themselves as an outside which is already inside within the institutional 'whatness' of what art is. This 'whatness' of art implies particular arrangements of frames, and institutional critique works by de-structuring these arrangements and reconstructing precisely on what escapes the institutional (exhaustive) determination of the 'whatness' of

what art is.

I believe that it is in this sense that, at the beginning of the 1980s, Fredric Jameson acknowledged the 'volatilization' of the art object[4] and the emphasis placed on 'the inner-worldly decorative fragments of a different kind of postmodernism' (Jameson, 1986, 41–42). In other words, these 'decorative fragments' become the artwork. Haacke's *Manet-Project '74*, for example, consists precisely in a collection of 'decorative fragments' – the personal history of the owners of Manet's *Bunch of Asparagus* (1880), up to Hermann Josef Abs, former member of the board of directors of the Deutsche Bank during Germany's Nazi era and, at the time, member of the acquisition committee of the Wallraf Richarts Museum in Cologne (see Haacke, 1975, 69-93). Haacke's work, in this case, is a collection of frames, a frame of frames, which was eventually censored by Museum Ludwig where it was supposed to be displayed. Jameson commented that 'What survives the "work" is not its materials or components, but rather something very different, its *presuppositions, its conditions of possibility'* (Jameson, 1986, 41–42).

It could be said, then, that if what survives the artwork are its conditions of possibility, the artwork is precisely those conditions and possibilities, those frames. But I want to suggest that this meta-framing has a different sort of effect: the work of institutional critique re-arranges frames, re-articulates them in a certain space that in the previous chapter I designated as both inside and outside, at the same time, of the art institution. This re-arrangement of frames is within and without the arrangement of art institution's frames.

Haacke published in the mid-1970s a book whose title was *Framing and Being Framed* (1975). During the same period, Daniel Buren realized

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[4] The 'volatilization' of the art object corresponds, perhaps, to what Lucy R. Lippard and John Chandler called 'the dematerialization of art' (1968/1999, 46-51).

an installation at the John Weber Gallery in New York (1973), which was entitled *Within and Beyond Frame.* The French artist hung striped banners on a line that went across the gallery and outside of the window across West Broadway. At the same time, at the beginning of the 1970s, Buren wrote a series of texts in which he analysed precisely how different types of frames place their mark on artworks. In *The Function of the Studio* (2009a, published initially in 1971) he argues that the studio is the first frame and limit of an artwork, both from architectural and ideological points of view. He shows that, in fact, the shape of the studio influences what ultimately ends up in the art institution display:

> Thus the first frame, the studio, proves to be a filter which allows the artist to select his work screened from public view, and curators and dealers to select in turn that work to be seen by others. Thus the studio is a place of multiple activities: production, storage, and finally, if all goes well, distribution. It is a kind of commercial depot (Buren, 2009a, 112).

Buren suggested that when the work is taken out from the studio to the exhibition place the work is removed from 'its own reality'; what is lost is precisely the relationship between artist, artwork, and the context of its emergence. The exhibition space will function, thus, as a second type of frame:

> the place where we see it influences the work even more than the place in which it was made and from which it has been cast out. Thus when the work is in place, it does not take place (for the public), while it takes place (for the public) only when not in place, this is, in the museum (Buren, 2009a, 113).

The reason for his aversion to the museum as an exhibition place was stated one year earlier in his *The Function of the Museum* (Buren, 2009b, published initially in 1970). The museum has a triple role, wrote Buren: it is the aesthetic 'frame and effective support upon which the work is inscribed/composed'; it is an economic agent as it 'gives sales value to what it exhibits'; and it has an ideological, 'mystical' role as it promotes to the status of art whatever it exhibits 'thus diverting in advance any attempt to question the foundations of art without taking into consideration the place from which the question is put' (Buren, 2009b, 102). But more importantly 'it does this all the more easily since *everything that the Museum shows is only considered and produced in view of being set in it'* (Buren, 2009b, 103). The other function of the museum is that of collecting, which enhances its aesthetic role as it simplifies labelling, grouping work in historical schools, and the work of comparing, which is often (as in the case of group shows) economically motivated. Finally, and depending on the function of collecting, the museum is a refuge:

> The museum is an asylum. The work set in it is sheltered from the weather and all sorts of dangers, and most of all protected from any kind of questioning. The museum selects, collects and protects. All works of art are made in order to be selected, collected, and protected (*among other things from other works which are, for whatever reasons, excluded from the Museum*) (Buren, 2009b, 105).

Although formulated more than four decades ago, I believe that Buren's reflections bear a striking validity precisely in the current context of the corporatization and privatization of the field of art and culture and their transformation according to the principles of a market-based logic. In the previous chapter I discussed the intricacies of the connections between the Tate – Britain's flagship art institution – and British Petroleum; in this

context, Liberate Tate's intervention could be interpreted as a charge against the ideological, aesthetic and, ultimately, economic shield that the Tate provides for BP. At the same time, one could approach further phenomena of the globalized art world and investigate the ideological, aesthetic and economic functions of blockbuster art shows or contemporary art biennials. In this sense, a convincing study of what he calls 'the politics of biennialization' and of the connections between Germany's global political hegemony, mainstream culture, and the three editions of documenta X, XI, and XII are to be found in Oliver Marchart's *Hegemonie im Kunstfeld. Die documenta-Ausstellungen dX, D11, d12 und die Politik der Biennalisierung* (2008). In the same vein, and to anticipate, in chapter six I will investigate economic, aesthetic and ideological aspects of the ways in which the contemporary art fair is organized nowadays.

Daniel Buren believed that if a work does not examine the influence of the exhibition framework upon itself, it falls in the illusion of self-sufficiency, or idealism (comparable to a false artistic autonomy or art for art's sake). This is the sense in which, in the previous chapter I suggested that an artwork is critical and political only if it challenges the frames that frame it. Buren's stripped canvases and banners, which he exhibited in the 1970s and the 1980s, are in some way similar to Asher's *Caravan*; they speak of a certain iteration of the same sign within differential contexts. And in this sense it could be said that *Within and Beyond Frame* are the expression of this fundamental property of the sign; that within the frame, in the gallery, a striped canvas appears as something different than what it is beyond the frame, across West Broadway. But the line is not fractured in the manner in which the institutional theory of art would want us to believe; the work of art is not self-sufficient or autonomous. The continuity of the line of striped banners across differential frames suggests that the meaning of what appears beyond them already constitutes the meaning of what appears inside the frames of the gallery. This is to say that there is

always something that escapes the institutional determination of the 'whatness' of what art is. If anything, something that comes from beyond the frames will always be there to contest and challenge whatever the art institution says that art is. Buren's *Within and Beyond Frame* is precisely that: both within and beyond the frame. Whatever meaning the gallery, the museum, the art festival or the contemporary art fair gives to it, as art, it always has to be supplemented, by what comes – in this case, by invitation of the artist – from the outside of their frames.

In this section I explained in what sense can it be said that institutional critique operates both a destruction and a reconstruction of frames, in that it frames the frames that frame it. But this implies that there is something in the nature of the frame that allows it to be worked from within and without, destructured and reconstructed in new arrangements. A certain permeability of the frame that runs contrary to the suggestion that they exhaustively enclose whatever appears within them. How is this possible?

4. The *Parergonal* Logic of the Frame

In the fourth chapter of his *Transfiguration of the Commonplace* (1981), Arthur Danto recounts the story of a sculpture at Columbia University's Arden House Conference Centre, a statue of a cat in bronze. It was placed at the head of a stairway that led into a common room at a lower level. What was particular about this statue is that it had been chained to the railing. Presumably, it was chained because it had some value, comments Danto. However, the situation is open to the suggestion that

it is not a chained sculpture of a cat but a sculpture of a chained cat, one end of which is wittily attached to a piece of reality (a chain from art to reality is what we have been looking for). Of course what we take to be a bit of reality can in fact be part of the work, which is now a sculpture of a cat-chained-to-an-iron-railing, though the moment we allow it to be a part of the work, where does or can the work end? It becomes a kind of metaphysical sandpit, swallowing the universe down into itself. In any case, suppose we have just cat-cum-chain. The question is what is to be subtracted, if anything? (Danto, 1981, 102).

The problem that Danto poses here concerns the difficulty of taking a decision: it also points out that it is all decision – there is no natural, discoverable point, no anchorage at which the contextualisation/framing can be said to stop. What are we supposed to interpret in the case of this particular artwork? Are we dealing with a representation of a cat (in bronze) or are we dealing with a representation of a chained cat? The metaphysical 'sandpit' opens its cave even wider since, in the extreme, we might have to deal with a cat-chained-to-railings-attached-to-university walls, and it seems that, by decision, the whole of reality could receive artistic signature. In the absence of supplementary aids – titles, explanatory notices, an artistic statement, etc. - how does one know what to subtract as art? Several paragraphs later, he introduces the case of Richard Serra's *Corner-Piece* (described as 'lead plate and lead wrapped around steel core') and subsequently asks whether the corner is part of the work or not (must one provide a corner when one buys the work?). He also refers to the case of some of Tintoretto's works in which the coarse canvas is so visible that one could ask whether one should subtract it in order to concentrate on *The Miracle of Loaves and Fishes*, and Danto describes the problem as parallel to the that of the Cartesian distinction between mind and body.

This is in fact the problem with Danto's theory: decisively influenced by the Catholic story of Christ's originary transfiguration, Danto's project remains trapped in the realm of a dualist metaphysics. Compare this with Haacke's statement, that I mentioned in the previous section: 'I did think of signing the rain, the ocean, the fog, etc. [...] But then I hesitated and wondered if isolation, presentation at one given limited area, an estrangement from the normal is indispensable' (Haacke, quoted in Buchloh, 2003, 221). Or, add to that *monochrom* founder, Johannes Grenzfurthner's following statement[5]:

> many of those interested in what we did called us artists. Over the time we learned that calling what we do 'art' has some benefits. First of all because you can get money, as there is art funding for weird stuff that nobody can define; second it's good to call it art because sometimes it protects you from getting arrested. 'Art' is a tactical term. It could happen as well that in some contexts it is the worst thing you can do, because nobody takes 'art' seriously any more. (Grenzfurthner and Morariu, 2013, 76)

And indeed, it does seem that what some practices of institutional critique amount to, is to make the question of subtraction *dispensable.* The stake here is not how to solve old binaries (inside/outside, art/non-art): if there is anything in institutional critique strategies which can be discerned with clarity, it is a particular surpassing of binaries, and a sustained and continuous movement around the frame, here and there, before and beyond it. But is there something peculiar to frames that allows this

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[5] *monochrom,* whose founding member Grenzfurthener is, is an Austrian tactical media group that was invited by curator Zdenka Badovinac to represent Austria at the Sao Paolo Biennial in 2002. In response to the political climate in Austria, whose politics of the time took a turn towards the far right, *monochrom* hacked the invitation by passing it further to the fictive former communist party member and 'rogue' conceptual artist Georg Paul Thomann. The latter, in the end, did not even care to show up in the exhibition, as he was too busy 'watching porn in his hotel room': he distributed the task of mounting the exhibition to a team of technicians (actually the members of *monochrom*).

movement?

One needs to examine the logic according to which frames operate in order to answer this question. In an attempt to decipher one of Derrida's few texts dedicated to art, *The Truth in Painting*, Craig Owens concluded that the frame, that which situates itself at the margins of the *ergon* (work), the *parergon*, is 'added to the representation [but] it is never part of it. Its existence is marginal; it marks the limit between the intrinsic and the extrinsic. Still the *parergon*, like the supplement, may compensate for a lack within the work' (Owens, 1994b, 33–34). In section two I offered Michael Asher's example of the *Caravan*, and I explained that this is a clear case in which it seems that the work exhibits a lack, that it hails, as it were, its frames. I suggested that the American artist consciously employs this logic of lack that invites frames and, if anything, his strategy is to play on the possibilities of the lack. I propose that the logic of the *Caravan* could be described as *parergonal*: allow me to clarify, in the next paragraphs, what I mean by this.

Jacques Derrida explained that what constitutes frames as frames, as *parerga*

> is not simply their exteriority as a surplus, it is the internal structural link which rivets them to the lack in the interior of the *ergon*. And this lack would be constitutive of the very unity of the *ergon*. Without this lack, the *ergon* would have no need of a *parergon*' (Derrida, 1987, 59–60).

In other words, the relationship between work and frame is one of both familiarity and estrangement, or neither familiarity, nor estrangement. It is familiar inasmuch there is an intimate connection between a work and its frames; and indeed, there can be no work without frames. At the same time, however, it is estranged inasmuch as frames remain exterior to the

work; they are never part of the work, they simply mark a work's limits. Derrida derives the concept of the *parergon* from Kant's *Critique of the Faculty of Judgement.* In a particular place in this text, Kant is preoccupied with a problem similar to Danto's: what precisely is that which separates the inside and the outside of the art object? The climax of the tension between the inside and the outside emerges with clarity when Kant takes into consideration the function of colours, shades, decoration and ornamentation – what passes as the *parerga* of art objects (see Kant, 2000, §14, and particularly 5:226, pp. 110-111). Kant thinks that though not proper to the beautiful object as such, *parerga* make it more clearly, definitely, and completely intuitable, and 'besides stimulate the representation by their charm, as they excite and sustain the attention directed to the object itself' (Derrida, 1987, 53)[6]. To this one could add picture frames, clothes on statues and palace colonnades. The *parerga* enhance 'the delight of taste', but do so only *by means of their form*. There is nothing in terms of substance that they contribute and, moreover, they might even take away from 'genuine beauty'. So it could be said that frames do indeed have a negative function, in that they delimit whatever they frame. But at the same time, they have a positive function, in that they make the art object more attractive. Derrida would say of the *parergon* that it

> comes against, beside, and in addition to the *ergon*, the work done [*fait*], the fact [*le fait*], the work, but it does not fall to one side, it

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[6] In the English version of *Truth in Painting* the longer passages from Kant are quoted from the *Critique of Aesthetic Judgement* translated by James Creed Meredith (Oxford: Clarendon Press, 1911). In Paul Guyer's more recent version, the fragment reads: 'The charm of colours or of the agreeable tones of instruments can be added, but drawing in the former and composition in the latter constitute the proper object of the pure judgment of taste; and that the purity of colours as well as of tones as well as their multiplicity and their contrast seem to contribute to beauty does not mean that they as it were supply a supplement of the same rank to the satisfaction in the form because they are agreeable by themselves, but rather they do so because they merely make the latter more precisely, more determinately, and more completely intuitable, and also enliven the representation through their charm, thereby awakening and sustaining attention to the object itself.' (Kant, 2000, 5:226, 110).

touches and cooperates within the operation, from a certain outside. Neither simply outside nor simply inside. Like an accessory that one is obliged to welcome on the border, on board [*au bord, à bord*]. It is first of all the on (the) bo(a)rd(er). [*Il est d'abord l'à-bord*] (Derrida, 1987, 54).

Note not only the place of the *parergon*, which I have already described as inside and outside, at the same time, of the work, but also a certain sense of *coercion*: that the frame is 'an accessory that one is obliged to welcome on the border, on board'. But why obliged? From where is this sense of coercion and compulsion that the frame derives? From where is this force, a certain force of imposing itself, arising especially since frames intervene *only* by means of their form and thus, since there is no content and no substance that they put into play? This is not only an accidental slip of language in Derrida's discourse. Because further down he writes that 'the parergon inscribes something which comes as an extra, *exterior* to the proper field (…) but whose transcendent exteriority comes to play, abut onto, brush against, rub, press against the limit itself and intervene in the inside only to the extent that the inside is lacking' (Derrida, 1987, 56). Thus, one speaks about points of pressure, about friction, and about a certain conflictual asynchronism between the *parergon* and the *ergon*; but one also notices, we should not forget, that precisely because they come to supplement a lack in the work, frames increase the performative effect that a work has.

This is essential, because it refers to a certain undecidability of the frame, a certain 'being both': both healing and poisoning, both constitutive and destructive. Thus, a double functioning of the *parergon*: 'it de-limits what it (de)limits; it liberates what it secures' (Barzilai et al., 1990, 11). And here is what the criticality of the *parergon* amounts to: 'It creaks and cracks, breaks down and dislocates even as it cooperates in the

production of the product, overflows it and is deduc(t)ed from it. It never lets itself be simply exposed' (Derrida, 1987, 75).

What I am getting at is precisely this: institutional critique *consciously* operates with this double functioning of the *parergon*, with this undecidable relationship of both familiarity and estrangement, or neither familiarity nor estrangement between work and frame. In its transformation of art into a tactical term, in its articulation of the artwork as the collection of its conditions and possibilities, and thus, of its frames, institutional critique grasps this fundamental undecidability of the frame. And this is the reason why, despite their negative function of delimiting what they enclose, institutional critique does not leave the art institution. Because, as much as they delimit, frames also emphasize, enhance, augment, and add to the effect that an artwork has. Essentially, this is the reason why Liberate Tate's *The Gift* takes place in the art institution of the Tate and not in front of the BP headquarters. And this is the reason why Asher's *Caravan* works with a certain scrambling of frames and categories. In both examples, it is essential that they be framed as artworks. But at the same time, in both examples, it is essential that they show that framing is insufficient, and necessarily open to the intervention of an outside other, the other of critique. It is necessary, therefore, that institutional critique works within and without, inside and outside, at the same time, of the frame; but just as much, it is necessary that institutional critique operates with frames, with possibilities that frames themselves offer. What institutional critique ultimately does is to 'annex the frame, examine it relentlessly, make it work in new and different ways' (Barzilai et al, 1990, 11).

5. Conclusions

In this chapter I explained why it is necessary that institutional critique remains inside the art institution (but also, in a sense, outside of it). I started by explaining that the institutional theory of art is incorrect, in the sense that the frames of the art institution are incapable of determining in an exhaustive manner the 'whatness' of what art is. This is to say that frames are somewhat porous, and allow the intervention of the other from the outside. This is precisely what the work of institutional critique does: it permeates the frames of the art institution, and occupies a space which is neither inside, nor outside of the art institution, essentially in order to allow the intervention of the outside other in the struggle for the 'whatness' of what art is. The effect of this struggle is that, at times, art is transformed beyond recognition; it becomes a tactical term. At the same time, institutional critique comprehends the essentially undecidable nature of the frame: on the one hand, frames do appear to have a negative function, and it is the consideration of this function that grounds the idea that art should escape its institutional frames, to an outside where it would be able to respond to social, political and economic urgencies. But at the same time, they do have the positive utility of augmenting, increasing and contributing to the performative effect of whatever appears within them. Institutional critique works with the positive utility of the frame: from a certain outside of the frame it destructures and disorganizes the frame, reworks and reorganizes the frame; but it is doing so essentially from the inside of the frame, letting itself be framed by the frame and framing the frame, because frames add something that the work in itself lacks.

Therefore, this chapter showed that if the frames of the art institution are open to the intervention of the outside other, and if, at the same time, they do have a positive function of augmenting the performative effect of the work of art, there is a reason for institutional

critique to remain within the institution, but also, at the same time, outside of it; it operates, as it were, before and beyond the frame, but precisely on the frame and with the frame.

My suggestion is that this takes place within a logic that – the word has been haunting this entire thesis – amounts to the structures of *a deconstruction.* Institutional critique *is* and *ought to be a deconstruction.* It *understands* and *ought to understand* the fact that, as Derrida puts it

> no 'theory', no 'practice', no 'theoretical practice' can intervene effectively [...] if it does not weigh up and bear on the frame, which is the decisive structure of what is at stake, at the invisible limit to (between) the interiority of meaning (…) *and* (to) all the empiricisms of the extrinsic which, incapable of either seeing or reading, miss the question completely (Derrida, 1987, 61).

Essentially, however, institutional critique as a deconstruction refuses the old binary structures of criticism. And, in a manner that I already explained in the previous chapters, it interferes, inhabits material institutions, as an outsider but already inside, as beyond but already before the frame. 'Deconstruction must neither reframe nor dream of the pure and simple absence of the frame. These two apparently contradictory gestures are the very ones – and they are systematically indissociable – of *what* is here deconstructed' (Derrida, 1987, 73). In the next chapter my aim is to explain and develop the connection that has constantly accompanied the argument of this thesis, the association between institutional critique and deconstruction. This is the place where I will show that institutional critique can be nothing else but a deconstruction.

Chapter VI:
Deconstruction and the Possibilities of Institutional Critique

Introduction

This research was conceived as an attempt to respond to a particular hypothesis that motivated part of the recent range of discourses concerning a 'new phase' of institutional critique. Gerald Raunig proposed that a new phase will emerge; but essentially, this hypothesis was based less on empirical evidence, than on a 'political and theoretical necessity to be found in the logic of institutional critique' (Raunig, 2009, 3). This thesis asks what is this internal logic of institutional critique?

A certain concept haunted my attempts to offer an answer to this question and I have conceived this chapter as the place where I will unfold its connections with institutional critique. What I argue is that the internal logic of institutional critique, its topology and its relationship with institutional frames amounts to what Jacques Derrida called 'deconstruction'. My main concern, in the first section, is to explain why the apparatus of deconstruction has not been taken into account by recent discourses on institutional critique. The allegation against deconstruction is that it is politically powerless and I will show that deconstruction refers to a radically political practice though, as the reader will understand, I will use the term 'radical' in a particular manner. In the second and third sections I will develop the idea that institutional critique as a deconstruction is a political practice, and I will particularly approach two questions. The first one asks how institutional critique invites and 'invents' the outside-other of critique within the art institution; the second one asks in what sense we

can say that institutional critique as a deconstruction makes justice and does justice. Finally, in the fourth section, I will respond to one of the most significant allegations against institutional critique, the fact that it has been co-opted and rendered as politically ineffective. My approach will positivize co-optation, and I will claim that institutional critique as a deconstruction starts precisely from the moment of co-optation. Co-optation is, in other words, a positive condition of an institutional critique that operates displacements and architectonic shifts within the material and symbolic layers of the art institution.

1. **The Politics of Deconstruction**

My argument in this chapter is that if there is a concept that describes the practices of institutional critique, a concept that maps, as it were, its internal logic, the concept of deconstruction serves us best. Nothing is further away, however, from the concept of deconstruction, than the presentation of institutional critique in terms of waves, or stages. Stepping outside of the institution or the acknowledgement of one's intricate and inescapable involvement in the institution – to describe the two waves of institutional critique in a brief manner – appear as necessary 'critical' moments of deconstruction; but deconstruction does not end here. There is a non-dialectical going beyond of deconstruction, beyond analysis, critique, and method. Institutional critique as a deconstruction is the dismantling of what appears as rock solid foundation and certainty, for there is nothing that grounds them besides an arbitrary violence, the violence of an intention and will to determine exhaustively the 'whatness' of what is as if that is all that there is. This is the violence that founds institutions; but it is also the violence of a critique that 'polices' its object,

that wants to 'regulate' its object. Institutional critique as deconstruction refers to a certain state of undecidability, of choosing between mutually exclusive pairs of opposites: institutional critique as a deconstruction is not *either* partner *or* adversary of the art institution, it is *both* partner and adversary, or *neither* partner *nor* adversary of the art institution. But if institutional critique dissolves all that takes the aspect of certainty, the certainty of a foundation, rule, norm and law, and if it even runs contrary to the foundation and law that critique gives to itself, if it works with the aporetic of an undecidability, if its logic is of the type *neither/nor* or *both/and*, does this mean that it has little relevance in advancing a political project which, in a certain manner, relies precisely on foundations, law, rules and norms? In this section, therefore, I want to answer to the following question: how is institutional critique as a deconstruction politically relevant, precisely when deconstruction seems to dissolve the foundations of any possible politics?

1.1. The Political Consistency of Deconstruction

Let us begin by noticing a certain observation that Derrida made at the beginning of his lecture that was later published as the first part of *Force of Law. The Mystical Foundations of Authority* (Derrida, 2002b). Derrida indicated here a productive use of deconstruction in response to problems articulated at the junction point between literature, philosophy, law and the institutional infrastructure of politics, economics, and the social. He suggested that they correspond

> to the most radical programs of a deconstruction that would like, in order to be consistent with itself, not to remain enclosed in purely speculative, theoretical, academic discourses but […] to aspire to something more consequential, to *change* things and to intervene in

an efficient and responsible (though always, of course, in a mediated way), not only in the profession but in what one calls the city, the polis, and more generally the world (Derrida, 2002b, 236).

It seems to me that this statement emphasizes two essential aspects. First, it acknowledges a temptation of some deconstructions, of remaining a purely speculative, academic discourse, in fascination with its own protocols, but with little to say about what happens beyond the exercise of deconstruction. It points to a certain forgetfulness, a certain self-infatuation, as when one loses oneself in the work of deconstruction, forgetting that there is a beyond, which amounts to intervening at the level of rules, laws and institutions. If this is true, and Derrida seems to acknowledge that this is the case, then we could understand why deconstruction is not the first choice as a tool, as an apparatus, for those re-conceptualizing the conditions and possibilities of institutional critique. Boris Buden explained that the reason why we problematize the conditions and possibilities of institutional critique is that 'we still believe that art is intrinsically equipped with the power of criticism, [with] the ability to criticize the world and life beyond its own realm, and even, by doing that, to change both' (Buden, 2009, 33). Deconstruction *seems* to preclude the possibility that criticism should have any power, since deconstruction undermines the foundations of criticism as well. But note that in the above fragment, Derrida says that at the juncture between literature, philosophy, law and the institutional infrastructure of politics, economics, and the social there is a certain productive use of a deconstruction that remains 'consistent' with itself. And in fact, the consistency of deconstruction is necessary, if deconstruction is to remain deconstruction: against the prevalent charge that deconstruction melts everything away, the imperative of deconstruction's 'consistency' is not itself – can it be? – deconstructed.

This refers to the second aspect emphasized in the above quoted statement: Derrida points to a definite responsibility of deconstruction. Deconstruction's self-consistency, which means nothing other than the fact that the work of deconstruction needs to be carried further, to get out of the walls of academia, to challenge the structures, rules, and norms of 'the polis, the city, the world', this self-consistency is something of the order of deconstruction's political responsibility. In this sense, we should observe that the terms 'city', 'polis' and 'world' do not emerge accidentally here: I take them as directly referring back to the Greek origin of the term 'politics' and perhaps to that prime Aristotelian treatise on politics (Aristotle 2010; Miller 2012). Politics, thus, as that which concerns 'the polis', that which accounts for the tasks that the politician or statesman, the law-maker and law-giver, therefore the 'giver' of rules and norms needs to institute with the aim of assuring the happiness of all citizens. I consider this statement as a distinctive and straightforward recognition of the fact that deconstruction's procedures are ultimately directed towards political engagement.

It is not by accident, again, that this declaration occurred in a lecture which aimed at clarifying the connections between law, as a normative *organon*, a calculable chain of legitimate prescriptions, rules, and norms, and justice as the sphere of absolute autonomy of decision: for what is more internal to politics than the manner in which laws are enforced and justice is made? If politics is about the foundations of law and justice, then deconstruction is political since it asks about the possibilities of law and justice.

This certain insistence that deconstruction is, ultimately, a matter of political engagement, is in fact increasingly present in Derrida's late texts. Indeed, the French author never missed an occasion to exhibit his belief that there is more to a deconstruction than academic speculation or a

literary interpretative technique. The lines above have a certain resonance with Marx's 11th thesis concerning Feuerbach: 'The philosophers have only interpreted the world, in various ways; the point is to change it' (Marx, 1998, 569-575). Deconstruction, as well, seems to have been used to interpret the world, in various ways; but it appears that deconstruction's virtues have been believed as amounting *only* to interpreting the world. The point, however, is 'to *change* things and to intervene in an efficient and responsible way' (Derrida, 2002b, 236). Without this getting out there, in the world, and precisely in the world of politics, there might not be any deconstruction at all, but only, perhaps, the simulation, the formal repetition[1] of a deconstruction. This already announces the topic that will be discussed next: the fact that, as Derrida himself admitted several times, there has always been a deficit in understanding, or trivialization, of the tasks and aims of deconstruction. I invoke them in order to point to a certain misuse of the term 'deconstruction', which, I believe, reduces deconstruction to a certain mannerism, formalism, technique, or method. Deconstruction is far from that; indeed, what deconstruction does, precisely by being self-consistent, is to summon a certain kind of radicalism, which Derrida takes no precautions to affirm. To test deconstruction at the intersection point between philosophy, literature, law, and against any institutional field is an exercise that belongs, Derrida tells it, 'to the most radical programs of a deconstruction' (Derrida, 2002b, 236). A relation between deconstruction and radicality, then, whose meaning is even more important to decipher, since it is by becoming radical that deconstruction achieves its aim, that of installing itself within the structures of 'the polis, the city, and the world'. And what kind of strange, alien, unknown radicality is that since, Derrida explains, it comes 'always, of course, in a mediated way'? (Derrida, 2002b, 236)

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[1] N.B. repetition and not iteration, according to the distinction that I made in chapter two.

This 'of course' is what troubles us most, since it arrives contrary to all expectations: radicality is supposed to deliver access to the 'root' of things, describing a passage to the origin and foundations of states of affairs. A certain political practice, for example, would assume that this passage depicts the straight line between two points, the direct and unmediated passage, without detours: the detours of a rhetoric of negotiation, for example, or of granting some credit to the opponent, or even the detour of conviviality, generosity, and friendship. This is perhaps a radicality which summons a certain manner of judging, separating and discerning[2] clear cut ideas, pure origins and foundations, simply present to themselves; this is, therefore, the radicality of granting full access to an ontological solidity with no residue of doubt. But there is no description in the concept of 'radicality' of how this passage should be run through. Deconstruction is indeed radical, inasmuch as it works on the 'root' of things and states of affairs, that is, the 'root' of foundations, origins, chains of legitimation, and their effects on political, economic, and social structures. But deconstruction is essentially foreign to any direct access and straight line: it employs rather detours and delays as it discovers the impure, the repressed, the forgotten, the left behind, the arbitrary and the violence of the instituting and instituted law. It could be said that the work of deconstruction operates precisely on each and every 'radical' statement claiming to grasp the truth, and the simple presence of foundations and origins. Therefore, it cannot come into being except by invoking mediation; confronting all expectations, deconstruction becomes, as it were, radically radical, since it proceeds to showing that only by recuperating and revaluing that which is excluded, deleted, and repressed, one has access to the root of things.

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[2] This, we saw in the second and third chapters, essentially refers to the protocols of a binary concept of critique.

What has been said until now is that any deconstruction, in order to remain consistent with itself, will have to look outside of itself, to 'the polis, the city, and the world', to precisely what I have indicated as the world of politics. Deconstruction is political, and moreover, it is radically radical, since it operates precisely upon structures built on 'pure' foundations and laws. But there is another sense in which deconstruction is radically political, the sense in which Derrida says that deconstruction has always been guided by a certain 'spirit of Marx'. The next subsection is dedicated to an analysis of the relationship between deconstruction and Marxism.

1.2. A Certain Marxism of Deconstruction

Specters of Marx (Derrida, 2006), the work which announces the close connection between deconstruction and Marxism, is perhaps the text which has elicited the largest amount of disbelief, irony and criticism against Derrida; and, to be sure, its negative reception contributed in a great measure to the misunderstanding of deconstruction's political ambitions. Published in French in the aftermath of the declared end of the Cold War (1993) and at a time when Francis Fukuyama's thesis of the end of history had achieved momentum (Fukuyama, 2006), Derrida's intervention aimed at responding to those who had waited for a long time for an explanation about deconstruction's relationship with political engagement and, specifically, with the heritage of Marxism. For many, however, this book meant just another reason for disappointment.

Derrida did, indeed, articulate and sign a *declaration*: *Specters of Marx* was, first of all, a keynote address, the performance of a certain contract signed in front of an audience, perhaps between Derrida and Marx, or between deconstruction and Marxism. It was an oath delivering an allegiance to a 'certain spirit of Marx', symbolically significant since the signature postdates another *declaration,* the declaration of Marx's and

Marxism's defeat against the neoliberal ideology. Nevertheless, though this was an official recognition of affiliation, the academic community received it with disbelief, in a somewhat ironic and incredulous manner, as for many this contract still seemed too playful and ambiguous.

Terry Eagleton (Eagleton, 2008, 83) noticed that the performance of this contract had been awaited ever since the publication of *Positions* (1981). The interview with Jean-Louis Houdebine and Guy Scarpetta, both declared Marxists, announced it. But Derrida, somewhat surprisingly, stated in *Specters* that this contract had taken effect from the beginning: deconstruction had always been the fertile ground of a certain 'radicalization' which amounted to the '*the tradition* of a certain Marxism, [...] a certain *spirit of Marxism*' (Derrida, 2006, 115–116). It could be said, therefore, that it was a certain spirit of Marx and of Marxism that guided deconstruction's sense of radicalization, a certain spirit of Marx that pressed towards the radical deconstruction of 'the very thing it radicalizes' (Derrida, 2006, 115–116). But this obviously clashed with other Marxisms and other senses of radicalism, perhaps a Marxism that would claim to reach the very foundation of things without the work of mediation: for Derrida's spirit of Marx 'is not the only one and it is not just any one of the Marxist spirits, of course' (Derrida, 2006, 115–116).

Derrida had never hidden the fact that he rejected all that came out of the *de facto* Marxism of any communism: the Soviet Union, the Party, the Socialist Bloc, or the Communist International (Derrida, 2006, 15; 85–86). Perhaps because these other spirits of Marx had registered themselves in the same binary logic of negation and exclusion (dialectical, oppositional) as the objects of their criticism: the radicality of positing the Party or the Communist International as ontological foundations did indeed rely on a logic of exclusion and repression of the other, on an originary violence whose effects have been disastrous. His private experience of being arrested and imprisoned by the Czechoslovak authorities in 1981,

while he was supporting the cause of the Jan Hus association whose aim was to help Czech and Slovak intellectuals (Powell, 2006, 151) contributed to his aversion.

His contract, therefore, with Marx, officiated in the public ceremony of a conference intervention, has never been countersigned wholeheartedly. Derrida's allegiance is sworn rather to a certain 'spirit of Marxism', thus rather to one of Marx's specters, which Derrida says that still needs to come: the contract would rather deliver the promise of a messianic time to come, no less aporetic since what is to come would be the time in which one liberates oneself from all dogmatism and, indeed, all messianism. A spirit of Marx, then, which for Derrida brings back the central themes of deconstruction: aporia, a never-ending critical questioning (the foundations of critique have to be put under scrutiny as well) and, above all, the ambiguity between the constative and the performative, between what is and what ought to be, the fact and the prescription that, with the force of a speech act, inaugurates, initiates, institutes, does what it says it does:

> Now, if there is a spirit of Marxism which I will never be ready to renounce, it is not only the critical idea or the questioning stance (a consistent deconstruction must insist on them even as it also learns that this is not the last or first word). It is even more a certain emancipatory and messianic affirmation, a certain experience of the promise that one can try to liberate from any dogmatics and even from any metaphysico-religious determination, from any messianism (Derrida, 2006, 111–112).

The political in Derrida's statement is the political of a speech act that affirms and promises, at the same time, bringing into existence what seems to have already legitimated the promise, the messianism of a time without messianism: 'And a promise must promise to be kept, that is, not

to remain "spiritual" or "abstract", but to produce events, new effective forms of action, practice, organization, and so forth' (Derrida, 2006, 111–112).

Delivered in front of an audience that claimed a Marxist inheritance, this sense of political, a political-to-come, a ghostly political that lacks full presence to itself, has remained hierarchically subordinated to the grand narrative of an oppositional politics. The responses to Derrida's gesture of affiliation have been, indeed, numerous; many have been published in a book which itself followed the protocols of a symposium dedicated to Derrida's *Specters* and significantly entitled *Ghostly Demarcations.*

Tom Lewis observed that there were two basic positions, represented by Aijaz Ahmad's *Reconciling Derrida: 'Specters of Marx' and Deconstructive Politics* and Fredric Jameson's *Marx's Purloined Letter* (both published in the same volume). Whereas Jameson's position still attempted to discern what is valuable for the Marxist tradition – the one that Derrida took distance from - Ahmad's position rejects the political significance of the *Specters*, accusing Derrida of not properly understanding the heritage of Marxism and the significance of its application to political practice. What Ahmad sanctions drastically is precisely Derrida's Benjamin-influenced messianism, which he labels as 'ambiguous' (Ahmad, 2008, 102–106). In his view, there is no politics without coordination, party, country and class belonging. In the same register, and perhaps raising the question of deconstruction's pertinence as a political tactic, Terry Eagleton rhetorically asked 'where was Jacques Derrida when we needed him, in the long dark night of Reagan-Thatcher?' (Eagleton, 2008, 83). But Ahmad's dismissal is particularly interesting because it resurrects a common charge against deconstruction, the fact that deconstruction allegedly amounts only to a literary practice of interpretation:

> Deconstruction has always been primarily a textual hermeneutic; in its political declarations it has always involved, to my understanding, not just extravagance but also too much methodological individualism, too voluntaristic a notion of social relations and of the politics that inevitably ensues from those relations. It is odd that in affirming his association with Marxism – or as he puts it, 'a certain spirit of Marxism' – Derrida yields none of these grounds, restates them in fact with great firmness, introducing now a tone of religious suffering at odds with deconstruction's own virtually euphoric self-affirmation of the past (Ahmad, 2008, 107–108).

A statement such as Ahmad's constitutes in fact the prevalent opinion about the virtues of deconstruction. And what I want to do in the next section is to show that this rejection of the political significance of Jacques Derrida's project is a commonplace in the field of art and culture. This denial of deconstruction's political significance, in my understanding, constitutes the ground for which its apparatus has not been taken into consideration by recent attempts of re-articulating institutional critique.

1.3. Misconceptions of Deconstruction

To be sure, Derrida was not unfamiliar with the allegation that deconstruction is reducible to a textual strategy. 'The idea that deconstruction should confine itself to the analysis of the discursive text – I know that the idea is widespread – is really either a gross misunderstanding or a political strategy designed to limit deconstruction to matters of language' (Derrida, 1993, 15). Nevertheless, it has become a commonplace to claim that deconstruction's effect is limited to the field of literary hermeneutics. George Yúdice, for example, in his otherwise exemplary *The Expediency of Culture* (2003), writes that the fundamental

problem of deconstructive analyses is that 'they work quite well for texts but seem powerless before the operations of the institutions that exert regulatory force over texts' (Yúdice, 2003, 58–59). Yúdice's book is inspired by Judith Butler's analyses of the performativity of speech acts; he, nevertheless, comments that though Butler held the belief that power can be turned against itself in order to produce alternative modalities of power, that contestation can be articulated beyond a 'pure opposition', this remains a matter 'yet to be elucidated at the level of institutions and their effects (legislative and juridical systems, welfare reform, affirmative action programs, military and foreign policy)' (Yúdice, 2003, 58–59). Allow me to restate my argument: institutional critique operates and ought to operate with the logic of deconstruction, and, as such, it is a prime example of how a deconstructive practice intervenes in the systems and structures of the art institution.

However, it has to be admitted that deconstruction itself might responsible for its own rejection. Derrida indeed insisted that deconstruction needs to be 'consistent' with itself, implying that there are deconstructions that fail at this task, thus failing the test of a certain responsibility that I described as political. To begin with, much of deconstruction's dismissal relates to how one of its versions was appropriated by what is known as the Yale School of literary critics (Paul de Man, Geoffrey Hartmann), which had little interest in political analysis. Second, particular statements taken out of context did not work in Derrida's advantage – I refer to maybe deconstruction's most famous slogan 'there is nothing outside of the text/there is no outside-text [*il n'y a pas de hors-texte*]' (Derrida, 1998, 158). Pulled out of its context but always still in a (another) context, it contributed to deconstruction's stigmatization as a form of idealism, seemingly implying that Derrida has always maintained that reality is language, and that there is nothing outside of language.

To this we should add the fact that more than often art journals and artist statements contribute to the proliferation of a certain misunderstanding and, perhaps, a certain trivialization of what deconstruction is. A simple bibliographic search, through magazines and journals like *Artforum*, *Flash Art*, and the like, reveals that the concept is often associated with artistic strategies of, for example, physically dismantling and recomposing received structures, spaces, styles, statements, and representations, that often tends to abbreviate new formalisms. Whereas these tactics and strategies might be understood as deconstructive, artists and authors which describe them as such hardly pursue further their political consequences, or ask how these 'strategies' aim, if they do aim at all, at tackling issues which concern, 'the polis, the city, the world'.

Art theorist Graham Coulter-Smith even argues in his *Deconstructing Installation Art* (2006) that what he identifies as the 'playfulness' of deconstruction in art has rather served the art institution. Coulter-Smith describes by the term 'deconstructive art' a third, yet unnamed, artistic discourse, which has coexisted, throughout the twentieth century, alongside expressionism and abstraction. He believes that the main characteristics of this third discourse have been already theoretically articulated by Peter Bürger in his *Theory of the Avant-Garde (1984).* They refer to the deconstruction of the traditional concept of the precious work of art via the use of poor materials and found objects; to the desire to integrate art with everyday life that implies a critical stance towards the elitism of institutionalised art; and to the creation of fragmented ('nonorganic') texts via strategies such as montage that encourage the reader to engage in the creative process (Coulter-Smith, 2006, webpage). Therefore, deconstructive art maps

the 'transgressive' aesthetics of Duchamp, Dada and Surrrealism; this

was its first generation. It evolved further in the second half of the twentieth century via the mosaic of elaborations evident in art of the 1960s, such as: Nouveau Réalisme, Fluxus, Pop Art, Minimal Art, Arte Povera, Land Art, Performance Art, and Conceptual Art. The third generation of deconstructive art emerged in the late 1970s and 1980s with the postmodern appropriation movement (e.g. Cindy Sherman, Barbara Kruger, David Salle, Hans Haacke, Victor Burgin, and Imants Tillers). Elements of all three generations of deconstructive art are evident in its most recent manifestation in the form of contemporary installation art—which in view of its movement status might also be termed 'installationism' (Coulter-Smith, 2006, webpage).

If deconstruction, as I understand it, is a practice of inhabiting institutional structures of 'the polis, the city, and the world', then we have to consider that only some of the artists who Coulter-Smith counts would be deconstructive artists: precisely those artists that have articulated an institutional critique. Coulter-Smith's concept of deconstruction is based on Roland Barthes' *The Death of the Author* (1967) and rather means, as he puts it, a decomposition and recomposition of 'cultural material'; and a dialectical 'interface between intellect (reason) and creative processes' (Coulter-Smith, 2006, webpage). This conception differs from what I have been emphasising in this thesis as deconstruction, and which refers to a particular logic that disengages itself from working with the categories of a binary logic of the type *either/or*. Deconstruction employs a logic of the type *neither/nor* or *both/and:* this logic has nothing of dialectics, in the sense that there is not resolution in a dialectical synthesis, be that a synthesis of reason and creativity. From a Derridean perspective, the concepts of 'reason' and 'creativity' also appear as problematic. Derrida's numerous deconstructive returns to the 'age of reason' (his texts on Kant, but also his take on the genealogy of modern representation) and, especially, his late reflections on a certain 'madness' of decision (Derrida,

1996, 65; Derrida, 2002a, 255) that 'understanding, common sense, and reason cannot seize [*begreifen*]*,* conceive, understand, or mediate [...] neither can they negate or deny it, implicate it in the work of negation, make it work' (Derrida, 1996, 65), place a doubt on the ready availability of such a concept. Similarly, Coulter-Smith does not sufficiently explicate the relation between deconstruction and 'creativity', a necessary explication, I believe, since a certain notion of 'creativity' prevails in the current ideology of the creative cultural industries.

In Coulter-Smith's argument, deconstructive art seems to refer to anything artistic with critical intent. In the fourth chapter, however, I argued that the critical and political potential of art is not fulfilled unless the work of art is, at the same time, an institutional critique, and, I can add now, a deconstruction of the context in which the work is placed. I argued that this is possible only if we are able to grasp a certain logic of being both inside and outside of the art institution, or neither inside, nor outside of it. Only a deconstructive logic and a non-binary topology of critique would allow us to reach the 'polis, the city, and the world'.

Coulter-Smith, however, makes the interesting claim that whereas deconstructive art was rather marginal in the first half of the twentieth century, it has become the dominant artistic discourse towards the end of it. The celebration of its hegemony erased its transgressive character (the sublation of art into life) and deconstructive art or, rather, its inheritor that Coulter-Smith identifies in installation art, became accepted in art institutions. He suggests that the concept of 'transgression' was replaced with that of 'play', indicating an artistic engagement in a game of sorts with the art institution. Artists are 'intimately interwoven into the institutional fabric of the art gallery/museum. Most installation artists play with that fabric rather than trying to genuinely critique it' (Coulter-Smith, 2006, webpage). The outcome is that transgression has been civilized, naturalized, and captured by the art institution. My claim, however, is that

this phenomenon does not characterize the deconstructive possibilities of art, which is necessarily an institutional critique, but rather a type of art which has formalized and trivialized deconstruction. If my hypothesis is correct, if there is a necessary and intimate relation of symbiosis and cohabitation between institution and critique, it appears that artists cannot but be 'interwoven' in the institutional fabric of the gallery and museum. In the last section of this chapter I will argue that the fact that artists are enmeshed in the fabric of the institution, integrated and co-opted, constitutes an opportunity rather than a problem. For deconstructive art, which for me is always institutional, always political, and always aiming at challenging and changing nodal points in the art institution, the problems start when it is transformed into a mere style, mannerism or formalism.

1.4. Deconstruction is *neither/nor* or *both/and*

What I have done, until now, in this chapter, is to emphasize the sense in which it could be said that deconstruction is and ought to be political: I hope to have cleared the terrain of a number of misunderstandings, allegations and suspicions that target deconstruction's political potential. I have tried to suggest that, if anything, deconstruction cannot but be radical and political. The transformation of deconstruction in a formalism, style or a formal set of rules to be followed runs contrary to the nature of deconstruction. At the same time, throughout this thesis I have shown that deconstruction essentially employs a logic of inhabiting a space, both inside and outside of the borders and frames of the art institution. It remains now to ask precisely what deconstruction is and ought to be.

When asked about the best translation into Japanese of the term deconstruction (Derrida, 1988c), Derrida acknowledged his inability to provide an answer in positive terms. To be sure, deconstruction is not a critique, an analysis, a method, an act or an operation (Derrida, 1988c, 4).

It rather 'takes place, it is an event that does not await the deliberation, consciousness, or organization of a subject, or even of *modernity. It deconstructs it-self. It can be deconstructed'* (Derrida, 1988c, 4). Why, then, does deconstruction not await modernity? Because modernity instituted a paradigm of rationality that presupposes a master-subject, a pure consciousness present to itself: it amounts to organization, to planning, to deliberation and calculation. Deconstruction is the other of this paradigm: it emphasizes, for example, the absence that is constitutive of presence, and the chance that it is impossible to capture in any type of calculation, any type of law, or any chain of legitimation. Deconstruction is about *the other*, *the repressed*, *the outside* of any pre-established rules and laws, of any canon of procedures, method or methodology. To be sure, it cannot but begin with calculation, and for that matter, it starts with critique, analysis, and method; but it does so only in order to 'deconstruct it-self', in order to suspend even the privileged point from where critique, analysis and method would be conducted. It means that every time one follows a method for analysis and critique one needs to question their own presuppositions, their own conditions of possibility.

It could be said, therefore, that deconstruction takes place everywhere: 'it takes place where there is something and is not therefore limited to meaning or to the text in the current and bookish sense of the word' (Derrida, 1988c, 4). One notices, again, the insistence on deconstruction's social and political implications. Derrida continues: 'we still have to think through what is happening in our world, in modernity, at the time when deconstruction is becoming a motif, with its word, its privileged themes, its mobile strategy, etc.' (Derrida, 1988c, 4). Perhaps one finds the guiding thread conducting the rationale of this thesis in the last quoted sentence: to claim that deconstruction is the logic proper to institutional critique is to claim that deconstruction's 'themes, its mobile strategy' are able to graft themselves on the re-conceptualizations of

institutional critique that would empower it and enable it to respond to its current provocations.

I would not advance much further if I did not first reflect on a certain architectural dimension of deconstruction. Describing his encounter with Bernard Tschumi's work, Derrida admitted that there is a close connection between deconstruction and architecture, since deconstruction is about destabilizing the structural principles of anything that relates to systems, architectonics, structures, foundations, and constructions (Derrida, 1997, 313). Destabilization touches on critique and analysis: indeed, they may be part of a deconstructive protocol, but nevertheless, deconstruction 'carries its jolt beyond semantic analysis, critique of discourses and ideologies, concepts or texts, in the traditional sense of the term' (Derrida, 1997, 313). Towards where? Perhaps towards where one begins to see how deconstruction differs from destruction. Deconstruction does indeed dissolve everything that appears as self-evident and pure; but essentially it does not stop there. It is not only about destabilization, dismantling, and negative destructuration. On the contrary,

> deconstructions would be feeble if they were negative, if they did not construct, and above all, if they did not first measure themselves against institutions in their solidity, at the place of their greatest resistance: political structures, levers of economic decision, the material and phantasmatic apparatuses which connect state, civil society, capital, bureaucracy, cultural power and architectural education—a remarkably sensitive relay; but in addition, those which join the arts, from the fine arts to martial arts, science and technology, the old and the new (Derrida, 1997, 313).

One may talk, therefore, about a certain positivity of deconstruction: deconstruction is also about construction, about positing, about configuring, about articulating and instituting. And my claim is that

institutional critique is precisely a deconstruction that 'measures' itself against institutional points of solidity. But before I dig further into this insight, let us observe that Derrida says 'not deconstruction itself, since there never was such a thing'. This sentence needs to be connected to the apparently insignificant fact that Derrida speaks of 'deconstructions' and not deconstruction. How can we understand this? There might be two ways of answering this question. First, by recalling that there is a never ending deferring of deconstruction, a certain postponement for a time-to-come. One, as it were, attempts at deconstructing, but as soon as one thinks that one deconstructs, one grasps something of a different order: deconstruction involves undecidability, but it is also decision. And a decision always implies that a set of rules, a certain procedure, and, indeed, certain rules and laws are brought into existence. And thus deconstruction is impossible; as soon as it starts, it becomes something other. If it were possible, it would not be deconstruction any more (Derrida, 2007, 15). This insight implies a fundamental fact: there is no end to deconstruction – and, to apply this to our theme – there is no end to institutional critique. Institutional critique as a deconstruction needs to assure itself that it never stops. Because to stop means to reach certainty and there can be no certainty which is not questioned and deconstructed.

This relates to the second answer to the question: in the letter sent to his 'Japanese friend' Derrida claimed that deconstruction deconstructs itself. But how can deconstruction deconstruct itself unless deconstruction ends being deconstruction, that is, unless it passes onto a different regime, the regime of a type of deconstructible object? Deconstruction deconstructs itself, it needs to deconstruct itself, once it initiates, invents, proposes, constructs, once it is instituting a new set of rules, laws and procedural sequences. And here I will quote Derrida at length, from a live exchange precisely on the subject of the visual arts – or what the interviewers described as spatial arts:

> Deconstruction does not consist simply of dissociating or disarticulating or destroying, but of affirming a certain 'being together', a certain *maintenant* (now); construction is possible only to the extent that the foundations themselves have been deconstructed. Affirmation, decision, invention, the coming about of the *constructum* is not possible unless the philosophy of architecture, the history of architecture, the foundations themselves have been questioned. If the foundations are assured, there is no construction; neither is there any invention. Invention assumes an undecidability; it assumes that at a given moment there is nothing. We found on the basis of nonfoundation. Thus deconstruction is the condition of construction, of true invention, of a real affirmation that holds something together, that constructs (Derrida, 1994, 27).

Deconstruction implies, therefore, both dissociation, disarticulation, and destruction, but also construction, affirmation, invention. And this 'both' is of the order of *neither/nor* or *both/and*. In his attempt to explain the significance of the Derridean deconstruction for a Marxist perspective, Fredric Jameson wrote that deconstruction is about the 'tracking down and identifying, denouncing, of just such resources, of just such nostalgias for some "originary simplicity", for the unmixed in all its forms' (Jameson, 2008, 45). It is, to put it in different words, a manifest disbelief and doubt against all assurance, precisely against the assurance of foundations. But what comes after the dissolution of everything unmixed, of every assured foundation, of every self-evident norm and law? First, the space of a non-foundation, which, for Derrida, is the space that allows the essential experience of undecidability. Second, a certain responsibility not to dwell on undecidability, the responsibility and the care of pursuing the deconstructive project further, to take a decision which is always a speech act that constructs its referent, its state of affairs, its chains of legitimation,

its rules, rituals, laws, and institutions.

What I want to do in the next two sections is to ask precisely what does it mean to develop the political consequences of institutional critique as a deconstructive strategy in relation to the art institution? I want to offer an answer to this question by taking into account two levels of analysis on which institutional critique as a deconstruction could be carried out. The first one regards the relation between institutional critique as a deconstruction and the possibility of construction and invention that is always invention of the other. The other one regards the relationship between institutional critique as a deconstruction and the possibility of justice.

2. Institutional Critique as Invention of the Other

Throughout this thesis, and particularly in chapters two and three, I argued and explained that the logic of instituting rests on an arbitrary violence, the violence of an intention and will of defining and determining in an exhaustive manner the 'whatness' of what is, as if that is all that there is. This logic is binary, in the sense that it excludes that which does not submit to the definition and description of the 'whatness' of what is. Given the iterability of the sign, there is always a rest, a remainder that escapes the totalisation of the instituting act. I argued that, in a binary logic, that which escapes is always outside of the institution. But I hope to have shown that, in fact, there is a sense in which it could be said that what is outside of the institution is always already inside, constituting and structuring the inside; and that institutional critique operates precisely in the space of this inside-outside which, from the point of view of a binary topology of critique, is a non space. Institutional critique is both inside and

outside, or neither inside, nor outside of the art institution. It constructs precisely upon that which escapes the totalising act of instituting.

If this is true, then institutional critique operates precisely by inviting that which, from an institutional point of view, appears as the entirely other; but this other is always already part of the instituted same. This implies that institutional critique as a deconstruction posits its own constructions, institutes its own effects, rules and laws. In a certain sense, which I will explain immediately, institutional critique as a deconstruction 'invents' the other.

In *Psyche: Inventions of the Other*, after affirming again deconstruction's resilience in not settling for methodical procedures, Derrida wrote that

> deconstruction is inventive or it is nothing at all; […] its writing is not only performative, it produces rules – other conventions – for new performativities and never installs itself in the theoretical assurance of a simple opposition between performative and constative. Its process [démarche] involves an affirmation, this latter being linked to the coming—the *venire*—in event, advent, invention (Derrida, 2007, 23).

The positivity of deconstruction is the positivity of the act of instituting, constituting, producing and finally, inventing – indeed inventing new institutions, rituals, and state of affairs. But invention should be understood here as a certain 'to-come' (*in-venire*). It refers to the open invitation that institutional critique, from within the institution of art, addresses to the other coming from the outside: the invention of the other of institutional critique as a deconstruction is the invitation addressed to an outside to come and inhabit the inside of the art institution. This is why invention, as *in-venire*, presupposes a somewhat subversive character as it 'always presupposes some illegality, the breaking of an implicit contract; it inserts a

disorder into the peaceful ordering of things, it disregards the proprieties' (Derrida, 2007, 1). Each invention is iteration, it involves the coming of the other, of difference. By letting difference inhabit the same, invention does subvert an existing order; but by taking place inside, it reconfirms, at the same time, the given order. And this is, essentially, the aporetic condition of invention. Invention subverts an institutional condition, but it confirms it, at the same time, since no invention can be an invention in the absence of an institutional apparatus:

> If at first we might think that invention calls all status back into question, we also see that there could be no invention without status. To invent is to produce iterability and the machine for reproduction and simulation, in an indefinite number of copies, utilizable outside the place of invention, available to multiple subjects in various contexts' (Derrida, 2007, 34).

This is why, if institutional critique is invention of the other, it must constantly invent and reinvent the other; for if it comes to an end, it would simply be entirely recuperated by what appears as the same.

If invention is iterability, and if iterability presupposes the a-priori dividing of the sign into a 'same' and an 'other, then invention, as well, is split a-priori between what Derrida would call invention of the same and invention of the other (Derrida, 2007, 39). The invention of the same is to be identified in the governmental policies of modern science and culture, in the pressure to invent the new, according to the order of the calculable, in which chance is mastered and controlled. The invention of the same might also refer to the invention of artistic styles or genres according to a certain formula or recipe to be followed. But I claimed that institutional critique refers precisely to an invention of the other, 'the one that allows the coming of a still unanticipated alterity, and for which no horizon of

expectation as yet seems ready, in place, available' (Derrida, 2007, 39). In my understanding, the invention of the other is the coming of critique as alterity, as that which escapes the total and exhaustive determination of the 'whatness' of what is. Remember how Thomas Messer argued that Haacke's project needed to be expelled from the art institution: Haacke had brought in an alien body in the organism of the institution. And Liberate Tate introduced into the institution something which had enough familiarity to be recognized as art, but also something radically different. In both cases, therefore, we talk about an invention of the other, as that which is subversive, that which abides by the rules whilst subverting them at the same time, subverting rules by shifting their onus, a certain opening in the rules themselves which allows the outside other to come in, insert itself, occupy the structures and the rules, virally feeding from them, and modifying them.

Gerald Raunig, who as I already announced, proposed the thesis of a new phase of institutional critique that is based less on factual evidence, but on institutional critique's 'internal logic', has edited in collaboration with Gene Ray a volume that collected the Institute of Progressive Cultural Policies' dossiers on themes concerning institutional critique. The book is significantly entitled *Art and Critical Practice: Reinventing Institutional Critique* (2009). The new phase of institutional critique borrows from the paradigms of critique advanced by Foucault, Deleuze and Guattari, and Negri; but it is surprising, however, that none of the authors included in this book reflected on the possibilities offered by deconstruction, precisely the possibilities of reinventing institutional critique. In this section, I explained that institutional critique, as a deconstruction, is invention of the other. If institutional critique needs to be reinvented, therefore, if a certain other of institutional critique needs to be called in, then this means that institutional critique has passed in the order of the same, in the order of the institutional recipe, of codes, rules and laws to be followed. The

reinvention of institutional critique is the iteration of institutional critique as an invention of the other, that

> works at not letting itself be enclosed or dominated by this economy of the same in its totality, which guarantees both the irrefutable power and the closure of the classical concept of invention, its politics, its technoscience, its institutions (Derrida, 2007, 46).

Institutional critique as a deconstruction is, therefore, an invention of the other; it constructs upon what it invites and allows to come in the art institution, that which escapes the laws of the institution, the outside that is expelled and excluded. And by doing this, by inventing the other, institutional critique is inventing 'the polis, the city, and the world'. This is the political responsibility of institutional critique. But there is another responsibility that needs to be addressed: if institutional critique works on institutional foundations and laws, in what sense can it be said that it makes justice?

3. Institutional Critique and the Possibility of Justice

When, in chapter two, I analysed the 'impure' logic of instituting, I argued that in the absence of any legitimate foundation, all institutions are based on an irreducible arbitrary violence that, by declaration and, therefore, by law, defines and describes the 'whatness' of what is as if that is all that there is. In chapter four and five I referred to Liberate Tate's *The Gift* and to Michael Asher's *Caravan* as examples of institutional critique that constructs on precisely what escapes institutional laws, rules, norms, and the conventions that make something 'art'. My argument is that institutional critique is an invention of that which escapes the institutional 'whatness' of

what is, in the sense that it calls for and invites the repressed other of critique to inhabit the inside of the institution. If the invention of the other is institutional critique's response to the arbitrariness of institutional law and convention, then it could be said that institutional critique deconstructs law. But does the deconstruction of law already address the problematic of making justice?

In *Force of Law* (2002b) Derrida draws a distinction between justice and law, differentiating the two according to their relation to the order of a calculable chain of legitimizing rules:

> Law is not justice. Law is the element of calculation, and it is just that there be law, but justice is incalculable, it demands that one calculate with the incalculable; and aporetic experiences are the experiences, as improbable as they are necessary, of Justice, that is to say of moments in which the decision between just and unjust is never insured by a rule (Derrida, 2002b, 244).

Derrida is arguing that, whereas law presupposes a canon of instituted rules, justice is unbound by any social, economic, political, and ideological law and, therefore, power. For a just decision is a free decision. If law has a foundation, grounded on an irreducible arbitrary violence, then justice must have no foundation and no canon, law, or recipe to follow. A just decision cannot be taken according to a pre-existing law, because all law is instituting violence. Justice, in order to be justice, is precisely that which cannot be violent. Therefore what we see everywhere is instituted and instituting law and not justice; and precisely because it is instituted, law is deconstructible, in the sense that one can proceed from law to law, from rule to rule, up to the point where one discovers foundations instituted, with an instituting violence, on nothing but themselves.

So what does it mean that justice has no foundation? First, it means that there is no universal justice, but only justice that is multiple and singular. Second, it appears that justice rather belongs to a time-to-come that, in fact, never comes: the idea of justice as a justice-to-come is that which makes possible the deconstruction of law. The aim of making justice is what triggers the deconstruction of law, which is a dismantling of the arbitrary and violent character of law's foundational acts. Deconstruction aims at making law just, but as soon as it takes a just decision, it reinscribes itself in the order of the speech act, law, and rule. This is the sense in which I observed above that deconstruction must not only address institutional structures and law, but also needs to address its own constructions. Deconstruction needs to deconstruct itself in order to safeguard itself from becoming law. From a certain point of view, it could be said that deconstruction is one of justice's names. 'Justice in itself, if such a thing exist, outside or beyond law, is not deconstructible. No more than deconstruction itself, if such a thing exists. Deconstruction is justice' (Derrida, 2002b, 243).

What does this mean for a project of institutional critique that is a deconstruction? First, we should say that institutional critique *does not and cannot demand justice from the institution and from the law*, because no law does justice; law always encodes the arbitrary violence on which the institution is grounded. Consequently no institution and no art institution is just or can be just. They may belong to the order of the legal, in the sense that they are instituted according to law, but they are not just. But can it be said that institutional critique as a deconstruction is just? One cannot say that either because the intimate relation of cohabitation and symbiosis between institution and critique implies that as soon as institutional critique invents the other, it inscribes it already in the order of the institution, of law, rule, and norm. What can be safely said is that institutional critique aims at making justice, and wants to make justice. But it needs to pay attention to

the fact that in the name of justice it can, as well, invest an intention and will of exhaustively determining the 'whatness' of what is as if that is all that there is. Foucault tells us that critique wants to police and regulate its object; and Boltanski comments that critique as well can be made by implying totalisations of meaning which indicates, in these cases, that critique ends being critique.

Institutional critique, to be sure, faces an aporia of justice. It is the same undecidability that a judge faces: on the one hand, she/he has to make justice according to the law; on the other hand, a just decision has to be a free decision, which implies that it must not follow any set of rules or laws. The aporia in question, therefore, relates to a fundamental undecidability of the decision, an undecidability which points to the fact that the just decision must not only suspend law, or destroy it but also follow a rule and reconfirm it, at the same time, as if this is, in each and every case, a new reinstituting of the law, 'a reinstituting act of interpretation, as if, at the limit, the law [*loi*] did not exist previously - as if the judge himself invented it in each case' (Derrida, 2002b, 251). Thus, each just decision is, in a way, a fresh and new decision:

> In short, for a decision to be just and responsible, it must [*il faut*], in its proper moment, if there is one, be both regulated and without regulation, it must preserve the law [*loi*] and also destroy or suspend it enough to have [*pour devoir*] to reinvent it in each case, rejustify it, reinvent it at least in the reaffirmation and the new and free confirmation of its principle (Derrida, 2002b, 251).

It can be said that there is no justice without a just decision; in fact, there is a necessity, a duty, and a political responsibility to take the just decision, to pass, as it were, the test of the undecidable. Unless one

experiences the undecidable, one does not take a free decision and, for the matter, undecidability is the inseparable, the ghost, the supplement of every act of justice: a decision that would not go 'through the test and ordeal of the undecidable would not be a free decision; it would only be the programmable application or the continuous unfolding of a calculable process. It might perhaps be legal; it would not be just' (Derrida, 2002b, 252). To take a just decision, therefore, amounts to an experience of the aporetic: a decision implies that something will come into effect, and something comes into effect only if there are rules and norms of how to come into effect: 'once the test and ordeal of the undecidable has passed [...], the decision has again followed a rule, a given, invented or reinvented, and reaffirmed rule: it is no longer presently just, fully just' (Derrida, 2002b, 253). This is the sense in which it could be said that justice is only a possibility that is deferred, postponed, belonging to a future-to-come. This is also the reason why deconstruction has no end; and it could be said that an institutional critique as a deconstruction must have no end, for as soon as it takes a decision, it is already captured by institutional law, rule and norm.

I think that something of the order of the undecidable and of the just decision is at play in Hans Haacke's following statement:

> I do not want to practice agitation which appeals or accuses. I am satisfied if I can provoke a consciousness of a general context and mutual dependence by *facts* alone. Facts are probably stronger and often less comfortable than even the best intended opinions. (Hans Haacke, quoted in Buchloh, 2003, 240, f. 13)

For what else is Haacke saying here than that he is avoiding precisely a critique that replaces the institutional exhaustive determination

of the 'whatness' of what is with another kind of exhaustive determination of the 'whatness' of what is? Haacke's institutional critique is a deconstruction that makes justice, takes the just decision by inventing and inviting the other of the fact, which from the point of view of the art institution is outside of it, but which from the point of view of critique is already inside.

Institutional critique is making justice, but it has no certainty that it will ever reach justice, not for itself and not for all. Justice is of the order of a to-come; but its proximity assures that institutional critique, if it is to remain an institutional critique and a deconstruction, does not end and, indeed, must not end. The possibility that there should be justice keeps institutional critique going on, assuring that with each recuperation and co-optation it will invent an other of the institution, which comes from the outside to the inside, though in a way it was always already inside. It is, in other words, the possibility of justice that puts institutional critique in the position of uncovering and constructing upon institutional hermeneutic contradictions.

4. Co-optation and the Possibility of Institutional Critique

Throughout this chapter I argued that institutional critique is a deconstruction with a definite political dimension, its object being constituted by the structures, rules and norms of the political, economic, and social institutions. In the previous section I analysed in what sense can it be said that institutional critique's destructions and constructions are addressing the possibility of justice: I proposed that institutional critique is making justice, though it is never certain that it reaches justice. For as soon as it takes a just decision and reinvents the other, it is already

caught, recuperated, and co-opted by the institution.

If this is true, then it remains as a task for the last section of this chapter to analyse precisely what institutional critique has been accused of: that institutional critique has been entirely co-opted by the art institution and that co-optation makes institutional critique politically ineffective. My argument, however, will not speak against co-optation: in the light of the fact that there is a necessary relation of cohabitation and symbiosis between institutions and critique, that institutional critique is neither inside nor outside of the art institution and that it works on institutional frames, I want to show, in this section that it is, in fact, co-optation which offers to institutional critique the most fertile terrain to conduct its strategies and operations.

Allow me to introduce the following example. During the 2011 edition of the Vienna Art Fair one could see on the main façade of the hosting building a slogan which read 'Kunst is MehrWERT'. This is a pun, a play of words, indicating at least two ways of understanding this sentence. The German noun 'Wert' simply means 'value', whereas the attribute 'mehr' means 'more'. Given the graphical difference (MehrWERT), 'mehr' may function either as an adjective, or as part of a composite noun. As an adjective, the sentence would be translatable as 'Art is more value'. It could be interpreted as pointing to, perhaps, all those positions which stress that art is a value in itself or, precisely to the point, that art has more value for us than other mundane things. Art, and here I will introduce a connection with the old meanings of the term 'value', is worth our highest esteem: there is nothing worthier than art. The art fair, therefore, legitimises itself as an event which gathers some of the most interesting and valuable artists and art works around the globe.

But when 'mehr' is part of the composite noun 'Mehrwert', the sentence would be translatable as 'Art is surplus value'. MehrWERT refers, to a fundamental concept, which Marx defined as a measure of excess, as

a supplement of 'commodity value over its cost price, i.e., in the excess of the total sum of labour contained in the commodity over the sum of labour that is actually paid for' (Marx, 1981, 133). Together with what Marx described as the rate of surplus value, these two concepts constitute the 'invisible essences to be investigated' (Marx, 1981, 134) of the rate of profit, and hence, of the accumulation of capital. Our sentence could be interpreted, therefore, as implying that art incorporates a value as commodity, it is commodity, but it is also the excess of a commodity value, a surplus value upon which the accumulation of capital rests.

But what exactly does this sentence achieve? I think that, first of all, it points to a certain ambiguity, between a constative and a performative, between the fact and the prescription. On the one hand, it describes a state of affairs, that art is more value/surplus value. On the other hand, there is, to be sure, a certain performativity involved, a prescription of what art ought to be, and namely more value/surplus value. Second, there is an undecidability involved here, at the level of the 'whatness' of what art is. For the art fair does indeed host art, and art is to be consumed in itself, for itself. In other words, this is the new paradigm of the art fair which progressively replaces the museum, the gallery, and the art festival. Its frames and borders secure the purity of art, for as long as art is a value in itself; but at the same time, they are already tainted, impure, porous, as long as art is also surplus value, the base of capitalist profit.

This speech act, therefore, works on the undecidability of pure/impure, and part of its effect is assured by the fact that it mixes the constative and the performative. This sentence describes as much as it prescribes; and it organizes a certain citationality of the sign, quoting and grafting the arguments of those for whom art is a value in itself, and perhaps a reference to Karl Marx, both carrying with themselves something of the previous contexts in which they have occurred, but also organizing a certain difference. We are in an aporia: we don't know, we

can't decide whether art has value in itself because it has surplus value. Or, the other way around: whether art has surplus value because it has value in itself.

The actual shape of the art fair is the epitome of what I have been describing, starting with the first chapter, as the new 'spirit' of capitalism that has recuperated artistic critique. It is interesting, from this point of view, to ask who signs this slogan? In this case, the authority is there, it signs with its own name; on the lower side of the same façade, an added sentence illuminated the first one: The MehrWERT program is sponsored by Erste Bank.

The Vienna Art Fair focuses specifically on contemporary art coming from Central and Eastern Europe, and the Austrian Erste Bank happens to be one of the most important banks in central and Eastern Europe. After 1990 the Erste Group bought many state-owned banks from the former socialist countries where they invested massive amounts of capital. These privatizations and their credit practices have always been regarded with suspicion, at least by leftist critics. Banking groups such as Erste were considered directly responsible for the post-2008 financial crash and its social effects. Erste's case is particularly interesting because since 2002 the Erste Group has supported the *tranzit art* network which has offices in Vienna, Bratislava, Prague, Budapest and Bucharest, Cluj and Iași. They sponsor conferences, art prizes, and art fairs such as the one in Vienna; they invest large amounts of money in social programs, and offer bursaries to artists, curators and theoreticians. They also support the translation of critical art studies and histories written in the East. Erste also owns the most important collection of conceptual-political art made in Eastern Europe after 1960.

I want to suggest that this state of undecidability, which amounts to the fact that what appears as critical is already co-opted, is paradigmatically structuring the artistic and cultural fields today. Co-

optation has usually negative connotations, as it refers to processes of recuperation, absorption, assimilation, taking over, appropriation, and 'selling out'. But I want to suggest that the ground of these negative connotations is articulated by a certain idea that recuperation, assimilation and appropriation are exhaustive and total. In this thesis, however, I argued that the institutional, exhaustive determination of the 'whatness' of what is as if that is all that there is, is indeed, never fulfilled. If co-optation and recuperation were total, then there would be no reason to talk about disagreement, dispute, and critique. Given that what appears as critical is already-always co-opted, I wonder whether we could find a positive function in this state of affairs. In other words, I suggest that we should, perhaps, look at processes of co-optation from a different angle. As the etymology of the term shows, co-optation involves an act of courtesy and generosity: it means to elect or to choose as a colleague or member of one's tribe (OED online, 'Co-Opt, v.', 2013, webpage). It is thus a hailing and an open invitation to join a group, an invitation addressed to the other. The other, in this case, is the other of institutional critique. But in the second section of this chapter I argued that institutional critique itself operates by inviting and inventing a certain other, from the outside of the institution. Institutional critique as a deconstruction recognizes the other, and makes the other visible. This invention of the other, upon which critique constructs, is the just decision that institutional critique takes and should take. And it is in this sense that institutional critique places itself both inside of the art institution and outside of it, or neither inside, nor outside of the art institution.

But in co-optation there is a certain dynamics of power that we cannot overlook: that is, the generosity of inviting the other of institutional critique occurs because it is affordable. Power can afford to be generous. It affords to recognize that which had previously been unrecognized and invisible; and, in a certain critical manner, the co-opting power judges,

discerns, and delimits that which now seems to be worthy of inclusion. But what does 'worthy of inclusion' actually mean? We doubt that, for example, that which would be less worthy, or unworthy, that which has no value and cannot be valuable, would be equally considered. But less worthy and unworthy are institutional determinations. We are still, therefore, on a terrain inhabited by a logic of violence. Nevertheless, let us not forget those cases in which institutional critique is not co-opted, that is, invited in the institution, but utterly repressed, censored, and crushed. In other words, the invitation does come from the side that has a certain force, the force of the law that makes rules; and, indeed, institutional critique, if it accepts the invitation, will operate according to the law. But the invitation is also a certain opening to the other of institutional critique. And there is a certain precariousness of the invitation; it is essentially an act open to the future, open to contingency, to the possible and to chance. We do not know what happens in the meeting between the art institution and institutional critique. Perhaps the latter fails to be a consistent deconstruction, and ends by being part of the institutional totalisation of meaning. But it might be the case, as well, that this meeting will make visible those institutional hermeneutic contradictions and that violence on which the institution grounds itself. And perhaps the operations of institutional critique inside the institution but also outside of the institution will trigger new cycles of reinstituting acts.

The recognition is, to be sure, two-fold. It is a *co-optation:* two parties opt to be together. And it should be said that power recognizes in the same measure in which it is recognized. One can take, of course, the decision, pertaining to a negative criticism, of not recognizing power, not joining in, suspending the 'co[m]' of the 'co-optare'. But one could decide, at the same time, to recognize the possibilities of co-optation. If anything, the work of Asher, Haacke, Fraser and Liberate Tate testifies that for every frame that represses there is a frame that liberates. For every letter of the

law there is a spirit of the law. And for every sign that is enclosed, encircled, bordered, there is a remainder and a rest that escapes. But for a symbolic practice that calls itself critical and political and which is, at the same time, an institutional critique that speaks to 'the polis, the city and the world', institutional co-optation is its positive condition.

5. Conclusions

The argument of this chapter claimed that institutional critique's logic, topology and relationship with frames amounts to the apparatus of deconstruction. I have explained why the accusations against deconstruction as politically ineffective are misguided; I suggested that institutional critique as a deconstruction refers to a radically political practice that invites and invents the repressed other in the institution of art, and that, through this act, seeks justice and makes justice. And finally, I have responded to the allegation that co-optation renders institutional critique as politically ineffective, by turning the argument upside down, and showing that, in fact, co-optation is a positive condition of an institutional critique that operates displacements and architectonic shifts within the material and symbolic layers of the art institution. Allow me to end by connecting what I have argued to be the positive side of co-optation with the essentially affirmative and constructive dimension of deconstruction, which Jacques Derrida argued for, on so many occasions. I also want to connect them with this essential observation: that negative demands, critical of an existing order, would not be able to push a certain emancipatory-critical project ahead without articulating themselves, at the same time, as instances that reconstruct specific arenas of social reality. In this sense, institutional critique is *co-opting* to be inside of the institution

granted that it is, at the same time, outside of it. It is only in the institution, which is one of the fundamental conditions of its existence, that institutional critique invents the other and makes justice. It is both collaborative and dissident, both partner and adversary of the institutional power. To the extent that the invention of the other is, I have shown, subversive, shifting the architectonics and the logic of what is already there, institutional critique will accept the open invitation of joining in, while, at the same time, it will work to shift the laws, rules and protocols of the power that invites it, co-opts it, recuperates it. It seems to me that institutional critique is precisely that: a political-artistic practice that accepts the invitation of the art institution, deconstructing it by breaking the necessary character of institutional laws and interfering with representations that take the shape of rules and norms. It essentially has an affirmative character, a certain instituting, constituting, and inventing of its own, no less problematic, however, since these can turn themselves into that which institutional critique deconstructs. This implies that institutional critique operates both on the frames of the institution but also on its own frames and structures. Approaching the frames of art, the context of its deployment, its arbitrary ways of arranging structures, and its subjectifying techniques, the work of institutional critique – or better, institutional deconstruction – can never end.

CONCLUSIONS

This research has been conceived as a response to a hypothesis that Gerald Raunig and the European Institute for Progressive Cultural Policies launched in the public space nearly a decade ago. The hypothesis proposed that some of the conditions and possibilities of a 'phase change' of institutional critique had been met, though they did not refer to a novel transformation of the artistic practices of institutional critique. On the contrary, the hypothesis was launched as a reaction to the historicization and to certain self-defeating statements about the historical synchronicity of institutional critique. It was less based on empirical evidence, and more on a 'political and theoretical necessity to be found in the logic of institutional critique' (Raunig, 2009, 3). Attempting to respond to the question 'what are the conditions and possibilities of institutional critique?' this thesis has articulated the categories of its logic. I argued that this logic is of the type *neither/nor* or *both/and*, and that it amounts to the apparatus of deconstruction*.*

I explained that the recent debates on the conditions and possibilities of institutional critique aim at responding to the recuperation and neutralization of artistic types of critique by the 'new spirit' of capitalism. In relation to them, my own approach proposed to re-evaluate the potential offered by the apparatus of deconstruction. This allowed me to show that structural to all institutions, including the institution of art, is a violence that is both symbolic and material, the violence of an arbitrary will and intention of defining and describing the 'whatness' of what institutions bring into existence as if that is all that there is. It also allowed me to show that this totalising act which invents rule and law is never entirely fulfilled; something always escapes and evades it, a differential 'rest' that critique grasps and works upon. If institutional critique is a deconstruction, then it does not limit itself to the possibilities offered by a binary logic of critique of

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the type *either/or:* it operates with a differential type of logic of the type *neither/nor* or *both/and.* This implies that institutional critique will be singular and different in each of its iterations. But it retains, at the same time, a certain identity, which pertains to the critical attitude, an attitude of being both partner and adversary of the powers that be.

If institutional critique is a deconstruction, then it occupies a non-space, neither inside nor outside of the art institution, or both inside and outside of the art institution. In relation to institutional frames of art, it employs what I described as a *parergonal* logic, a logic that acknowledges not only the negative function of frames - closing off that which appears within them - but also their positive utility, of making possible and contributing to the performative effect of the work of art.

Institutional critique as deconstruction is a political project that interferes with and inhabits material institutions, inviting and inventing the repressed other into the institution of art, seeking justice and making justice. I showed that the potential of critical and political art is fulfilled only if they charge their institutional conditioning or if, in other words, they articulate themselves, at the same time, as an institutional critique. And finally, institutional critique as deconstruction is able to grasp the positive dimensions of co-optation and operate displacements and architectonic shifts from within the art institution but also and always-already from without the art institution. To all that has been said I would like to add some further concluding comments. I will introduce them through an example that, this time, stems from my own practice and experience.

At the end of 2012 I benefited from a two months residency in Vienna that was offered by Erste Foundation and the tranzit.org network. The Erste Foundation is the major shareholder in the Erste Bank; the Foundation practically owns the Bank. In chapter six I explained that Erste has been very active in the process of the privatization of banks in the former socialist countries. At the same time, Erste Bank is the sponsor of

the Vienna Art fair, and also contributes to the Kontakt Collection of the Erste Foundation. Kontakt is the most significant collection of post-1950s conceptual art from Eastern Europe.

During the time of my stay there, I sought to meet and discuss with as many people as possible from those in charge within different departments of the Foundation. My meetings were often yet another reason to confirm to myself that it is indeed the case that a certain undecidability, pertaining to a state of contradiction, of something being both positive and negative, at the same time, without the possibility of choosing for only one term of the pair of opposites, does structure the field of art and culture today. I also have to confess that I placed myself in an ambiguous position as well. On the one hand I resided in Romania for enough time to be aware of the discussions and controversies regarding Erste's presence there. On the other hand, I was a guest of the institution and as such, I received all the hospitality, recognition, friendliness, and necessary support that I could have wished for.

One of the things I did was to interview Walter Seidl, the curator of the Kontakt Collection (Seidl and Morariu, 2013; included in the appendix). What I particularly wanted to obtain from this discussion was a clarification about the institutional relationships between the art collection, the bank, and the foundation; but also about how the art experts working for the collection perceive their position in relation to the bank. Walter confirmed that Erste is fully aware of the hegemonic position that it has in Central and Eastern Europe; that their intervention, including the sponsoring of the Vienna Art Fair, has significantly modified Eastern Europe's art market; and that indeed there is not much space left for independent initiatives, given that the art field, at least in Central and Eastern Europe, is dominated by corporate initiatives such as Erste and Generali[1]. At the same time, the experts that the Collection employs regard this as an

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[1] I talked about the Generali Foundation and its collection in the Introduction.

inevitable price, which is compensated by the fact that valuable art is saved, especially since the institutional infrastructure of the former socialist countries is very weak, if not non-existent.

The interview with Walter Seidl represented, first of all, a spoken exchange, a negotiation that continued even after transcribing the dialogue in writing. Secondly, I regarded this exchange as an occasion to investigate, tackle, and engage institutional frames, which were, at that point, embodied in a certain representative, the person who 'takes care' of the collection (the curator). Indeed, many of my questions aimed at bringing imbalances, inconsistencies, paradoxes and contradictions to the surface. An inconsistency, for example, in the fact that the collection's annual budget is constructed with all the Bank's subsidiaries in the former socialist countries contributing a fraction of their yearly profits: the clients-citizens would see little of this art because the collection does not have a permanent site of display and functions by loaning art works for particular exhibitions or projects (Seidl and Morariu, 2013, 99). An imbalance, again, in the fact that Erste is 're-writing Eastern Europe's art history' (Seidl and Morariu, 2013, 102) from a position of force, which is not alien to the mechanisms of the art market. A counter-balancing *coup* articulated by public museums, academies and research institutes and free from market pressures belongs only to a time-to-come. Finally, the current instrumentalization of collected art is itself paradoxical. For even if the social and political conditions in Eastern European countries differed from one another, artists such as Stano Filko, Ion Grigorescu, Julius Koller, or Mladen Stilinović shared the fact that they occupied marginal critical positions in the orbit of socialist state power. Paradoxically, within this 're-writing of history', critique deserts its marginal position and comes to the forefront with the large support of capital and the market.

These contradictions would constitute solid grounds for arguments denouncing critical art's co-optation and recuperation. But allow me to

observe, at the same time, the manner in which this process of relocating critique deconstructs itself. For once the market prides itself for administering critique, it realizes that it brought forth a wandering spirit, a ghostly-critique: what is left when something is cut from a certain context? And, more to the point, what sort of possibilities will this ghost offer? There is no anchorage-context and, if anything, this thesis has argued that institutional critique has to start precisely from these paradoxes and contradictions, giving credit to these undecidable, wandering spirits, these ghosts of critique. Institutional critique should not be nostalgic, nor should it be defeatist and pessimist when acknowledging its recuperation. On the contrary, it should operate precisely on the foundations of its own co-optation.

I have argued, institutional critique should do so, seeking justice and making justice, knowing that it never reaches justice. But this means to invite a problem that, from a certain point of view, is foreign to the nature of the present study, which essentially remains a philosophical investigation of the logic of institutional critique. I will define the respective issue as institutional critique's ethical problem. The question remains: if art reaches its critical and political potential only if it articulates itself, at the same time, as a critique of its institutional conditions and possibilities; and if this institutional critique is a deconstruction that recognizes its co-optation but works, at the same time, to subvert it, what ethical choices will the critical artist have at hand? What is the ethics of an institutional critique as a deconstruction that assumes the undecidable nature of the art field that, I believe, the case of the Kontakt collection illustrates so well? And, finally, what is the ethical standpoint of an institutional critique that positions itself both within the frames of the art institution, but also outside of them as well? I see this range of questions as structuring a possible development of what has been said in this thesis. In other words, I see the

ethical problem of institutional critique as the most fertile ground on which these analyses could be carried further.

In the concrete case of my participation in the *tranzit* residency the ethical dilemma amounted to the question of how to challenge Erste's foundations, laws, and rationale, given that I have received respect, friendliness and kindness from the representatives of the institution? My presence there was definitely a conscious and self-aware decision; I opted to be co-opted. Then came the moment when the interview with Seidl was published back in Romania. I do not know how many people read the interview published in *Idea art + society* (Seidl and Morariu, 2013, 98-105). I also do not know whether the perceived constative-performative force with which Kontakt is describing and defining what art and the history of art in Eastern Europe is and ought to be, will generate indignation on the part of the reader. Finally, I am not sure whether indignation will lead to something else, perhaps to criticism. But if the findings of this thesis are correct, then it is a matter of certainty that art and art history are and ought to be a terrain of debate, contestation and struggle, and not a field that is exhaustively determined by the intention and will of a corporate institution. This amounts to stating that the work of institutional critique as a deconstruction should continue. It implies that it should work in partnership with the canon of institutional critique, for there is much to learn from there: precisely what did not work out, what did not succeed, what was defeated. We would also learn that there is no way in which one could say that institutional critique has been successful, or can ever be successful, just like we cannot say that institutional critique has ever made justice. The reason being simply that institutional critique does not function in a logic that allows the exhaustive determination of the context in which institutional critique should be successful; at the same time, it refers to the fact that justice still belongs to a time to come: justice is in the making.

To be sure, what can be said is that a certain institutional critique as a deconstruction claims a momentous victory here or there. But it is momentous also in the sense that it is recuperated in an instant. If this is so, and if all that has been said in this thesis is correct, then institutional critique as a deconstruction can never stop: it has no specific or once-and-for-all aim. In other words, institutional critique as a deconstruction has no end and it ought not to have an end.

APPENDIX

HISTORY, ART AND MONEY: ON CONSTRUCTING A CORPORATE ART COLLECTION IN CENTRAL AND EASTERN EUROPE

A discussion* between Walter Seidl** and Vlad Morariu

Fig 1. Vlad Morariu, *Kunst ist MehrWERT, billboard at the entrance of the Vienna Fairground, VIENNAFAIR, 2011. Credits: Vlad Morariu*

*This interview was first published in *IDEA arts + society*, Issue 42, 2013, 98-105. It is part of the follow-up of the dossier on contemporary art and capital from *IDEA arts + society*, Issue 41, 2012.

It is republished here with the consent of Walter Seidl and of the editors of IDEA arts + society. All images are courtesy of Kontakt: The Art Collection

of Erste Group and Erste Foundation. Except Roman Ondák's *Letter* (Project for Utopia Station, 50th Biennial Venice, 2003), and Sanja Iveković's *Triangle*, (Photo 3 of 4), all images were included in the original version of the interview.

The discussion was made possible through the institutional and financial support of the *Artists-in-Residence programme* of *tranzit* and *Erste Foundation.* Within this program, I benefited from a two months residency (November-December 2012) at the MuseumsQuartier in Vienna, Austria.

** Walter Seidl works as curator, writer, and artist and is based in Vienna, Austria. Since 2004, he has been curator of *Kontakt. The art collection of Erste Group and Erste Foundation*, which focuses on conceptual art tendencies in the region of former Eastern Europe. Seidl has curated numerous exhibitions throughout Europe, North America, Japan, South Africa and Hong Kong. His writings include various catalogue essays for artist monographs, exhibition reviews and criticism. Since 2011, he has been adjunct professor for curatorial studies at Webster University, Vienna.

V.M. Walter, when did you join the team of the Kontakt collection?

W.S. I came in 2004, right at the beginning, when Erste Bank decided to have a new collection policy focusing on Central and Eastern Europe. Before that, the bank had purchased different works over more than a century, but there hadn't been any collection policy.

V.M. By policy you mean a rationale for collecting?
W.S. Yes, works had been bought, but not on a permanent basis. There was no concept or schedule in terms of constructing a collection:

sometimes people from different departments bought works for offices, but there was no structural content behind it. In 2000 Erste Bank started to purchase banks from Eastern European countries, first Česká spořitelna and Slovenská sporiteľňa, and then continued advancing to the SouthEast. That was also a time when the theme of sponsoring culture emerged – today you would call it corporate social responsibility – and since Erste Bank made most of its money in Central and Eastern Europe, the thought was to reinvest part of it in these countries and reflect this in a cultural program.

V.M. Erste Foundation, however, has social programs as well...

W.S. Yes, but at the beginning, before Erste Foundation came into existence, it was the sponsoring department of the bank which had started this specific approach to culture. Back then it was the CEO, Andreas Treichl and the head of sponsoring, Boris Marte, who noticed that Erste Bank was growing into a huge bank group and that an adequate cultural policy was needed.

V.M. You mean, the CEO of the Bank? I ask this because I found it quite disconcerting to navigate in Erste Group's institutional strata. For example, I was surprised to find out that Erste Foundation partly owns Erste Group – meaning that it has over twenty percent of its shares – and not the bank owning the foundation.

W.S. Yes, Erste Foundation is the main shareholder of Erste Group and is obliged to invest its dividends into the common good. This goes back to

Fig 2. Július Koller, Contact, human-being-nature-objects-materials (Anti-Happening), 1969. Courtesy: Kontakt: The Art Collection of Erste Group and Erste Foundation

the beginnings of the bank in the early nineteenth century, when it started as a social business, an association savings bank. The foundation is the legal successor of this association. But the art collection is not part of Erste Foundation, it is an independent association. Institutionally we are associated with the Foundation, but legally not part of it. Again a similar twist: the foundation is a member of our association. Christine Böhler, who is director of the programme Culture of Erste Foundation, is also chairwoman of the board of the collection, now officially called *Kontakt: The Art Collection of Erste Group and Erste Foundation.* The collection itself works with membership fees from the subsidiary banks as well as Erste Foundation, which means that Erste Group in Austria gives a certain annual amount of money, and so do Česká spořitelna, Slovenská sporiteľňa; Erste Bank Hungary and Croatia or BCR in Romania and, of course, the Erste Foundation. From all these different members of the

association Kontakt we construct an annual budget with which the collection operates.

V.M. You are saying that there's money coming from all these countries, including Romania, and flowing into the budget.

W.S. Yes, BCR pays an annual fee to the collection as well. We thought that we would build something which is taken care of Vienna, as we work from here, but which is a collection for all, at the same time.

V.M. You mentioned that art had been purchased even before 2004, what kind of art are we talking about?

W.S. Initial purchases followed the trend of the late 1980s and beginning of the 1990s, a tendency to buy American Minimalism, works by Sol LeWitt, Donald Judd, and others. But this lasted only for four years, and this policy was related to the CEO of the time, as there were ties to galleries and to what they were selling. During the term of the next CEO (we are still talking about the 1990s), nothing really had been bought. Then finally Mr. Treichl came at the end of the decade, and as he initiated the Eastern European development of the group, he proposed to do something in the arts as well, thinking that each international bank has its art collection. Just look at other big corporate art collections such as that of Deutsche Bank for instance.

V.M. Then, one can say that there is also a sense of a struggle for prestige, in comparison to other banks?

W.S. Not really a struggle, I would say. Because what we thought of doing was quite unique. Boris Marte, head of sponsoring back then, came up

with the idea of focusing on the East, in the cultural sector as well. At that time I was working as a freelance consultant for the bank, and developed the concept of the collection together with Rainer Fuchs, chief curator at MUMOK Vienna, and also with Vít Havránek from Prague and Vladimír Beskid from Bratislava.

Fig 3. Mladen Stilinović, Untitled, from the series Red-Pink, 1978. Courtesy: Kontakt: The Art Collection of Erste Group and Erste Foundation.

The bank asked about our ideas and we automatically proposed a concept focusing on Central and Eastern Europe. However, unlike what many other banks were doing, we decided to focus not only on current art production. For example, if you look at how Deutsche Bank operates, they go to art fairs and buy something that they like; but there is no historical structure or strict thematic concept in many corporate art collections. In other words, it varies in degree, and I can say that because the Kontakt Art Collection is also member of an association of corporate art collections

based in Paris (IACCCA). There are a great number of corporate art collections, some focusing on photography, for example, or specializing on a certain medium, but it is very rare that you have a collection with such a strict focus. Another element was the attempt to articulate a historical dimension within the collection, and we decided to collect art made at the end of the 1950s and beginning of 1960s, the period with all the major changes in art: the emergence of public art, of performance art, the attention paid to gender issues, etc. We asked ourselves what could we find in Central-Eastern Europe that is in line with what was going on internationally – the feminist movement, activism, political art – and thus decided to focus on the very conceptual side of art and mirror its developments in the region.

V.M. In the case of Romania, the history of recent art, that of the last fifty years, hasn't been written yet, and for various reasons. But thus it seems that what Erste Group and Erste Foundation are doing, through buying, collecting, and supporting all sorts of investigations and discourses, is to write history: you are producing the history of Eastern European art.

W.S. We agreed that it is important that the collection contributes to the rewriting and redefinition of the European canon of art history, because if you look at most of the art historical books – take as an example *Art since 1900. Modernism, Antimodernism, Postmodernism* edited by Rosalind Krauss, Hal Foster, Yve-Alain Bois and Benjamin H. D. Buchloh (2004) - you hardly find anything about Eastern Europe. Things have changed over the last five years maybe, especially with *documenta 12* (2007), which had about twenty artists from Eastern Europe. Subsequently, the last Istanbul Biennial included Geta Brătescu. Or take Ion Grigorescu as an example as well; Kathrin Rhomberg has been working with him for many years. Examples could continue just to show that all of a sudden people started

to be interested. Slowly these artists are getting household names within the canon of art, but this has taken quite some time. At least when we started in 2004/2005 and visited Ion Grigorescu in Bucharest and selected some works, nobody knew him inside the mainstream art historical canon.

V.M. So then, would you say that your approach is comparative?

W.S. This is what we're trying to do, to see what kind of political actions or art performances, practices, artists, these countries had. The interesting part is that although there was this common thing called socialism, artists were not necessarily so much in contact with each other, and more or less looking towards the West. It depended a lot on the different socialist climates, for example Yugoslavia was a bit more easy-going with Tito.

V.M. I remember talking with Mladen Stilinović some years ago about the reasonable access to what was going on in Western Europe at the time.

W.S. Yes, people could travel; there were special relations to West Germany, for instance. Take also the case of Graz, Austria, where Sanja Iveković had her first exhibition outside of Yugoslavia, in 1971. Austria has always been in contact with artists from neighbouring countries, but I think it also depended on the country. From Czechoslovakia, for example, in the 1970s it was nearly impossible to get out, whereas in Poland it was easier, people having strong connections with France (this is Edward Krasiński's case). And comparisons can go on. I suggest that you hardly could say 'this or that is Eastern European art', we are rather trying to discern a certain conceptual practice, and here's where you could find parallels in all these countries, but also differences.

Fig 4. Sanja Iveković, Triangle, (Photo 2 of 4), 1979. Courtesy: Kontakt: The Art Collection of Erste Group and Erste Foundation.

V.M. Then this thesis of aligning what was happening in Western Europe with what was happening in Eastern Europe, do you think it still holds?

W.S. Context-wise or conceptually speaking, there were certain similarities. But then the realization of certain art practices was rather marginal, as nobody in these countries in the 1970s cared about the conservation of the work done, for example. We are mainly talking about ephemera pieces, sometimes backed up by photographs. There were no professional sites, galleries or presentation spaces, museums of contemporary art – the only one was in Belgrade, which opened in 1965.

Fig. 5. Sanja Iveković, Triangle, (Photo 3 of 4), 1979. Courtesy: Kontakt: The Art Collection of Erste Group and Erste Foundation.

So along with this problem of the similarities, one has to introduce the question of representation. You had the official socialist realism on the one hand, and on the other hand, so called radical art practices were officially forbidden. All these phenomena like after art, apartment art, private meetings of those on the radical art scene point to the question of representation, as there were no exhibition spaces. Not that there was a hidden agenda, but I think that the way in which production went along hand in hand with the non-existence of representation sites is what constitutes the specific difference. Nevertheless, conceptually speaking you could find similarities. We are talking sometimes about anti-reactions – take Július Koller's example and his anti-happenings, as a reaction to the West. Ion Grigorescu's chamber studies films and actions were, of course, close to similar experiments that were going on in the West, but in this

case the political environment creates a difference. All these artists were reacting within a communist or socialist system in a manner that was unfamiliar in the West. If you look at Stilinović's work dealing with the history of Yugoslavia, it always includes a reflection on the threshold between East and West. He was well aware of what was going on and he reacted to the Westernised culture coming into Yugoslavia in the '70s. Each country has a different history and a different system to react to.

V.M. In this process of forging, exploring and writing art history, are you collaborating with research institutes, or academies, or universities? This is one of the problems in Eastern Europe, I think. You have Piotr Piotrowski [whose *In the Shadow of Yalta* (2009) was, by the way, translated into English with the financial support of the Erste Foundation], on the one hand, proposing a non-hierarchial, pluralistic, 'horizontal' way of writing art history, but then, on the other hand, when you insist and ask further what all these presuppose, and you arrive at the question of resources for research, we're stuck in a dead end...

W.S. This is something we also wanted to engage in, in a more intense publication series. But if you look at the programs of Erste Foundation you will see that they do a lot of work in connection with institutions, in conferences, symposiums, etc. My job at the collection is more or less concerned with buying and restoring works and making sure we have loans and exhibitions. Until now it's been the foundation which mostly took care of collaborations with universities or researchers, making plans for books or publications or, for instance, initiating and organizing the Igor Zabel Award for Culture and Theory. This combines our work for whatever is needed on a structural level. Erste Foundation takes care of collaborations, funding, and also the Pattern Lectures series.

V.M. What is the amount of works in the collection?

W.S. We have about 90 artists at the moment, and about 1000 individual pieces.
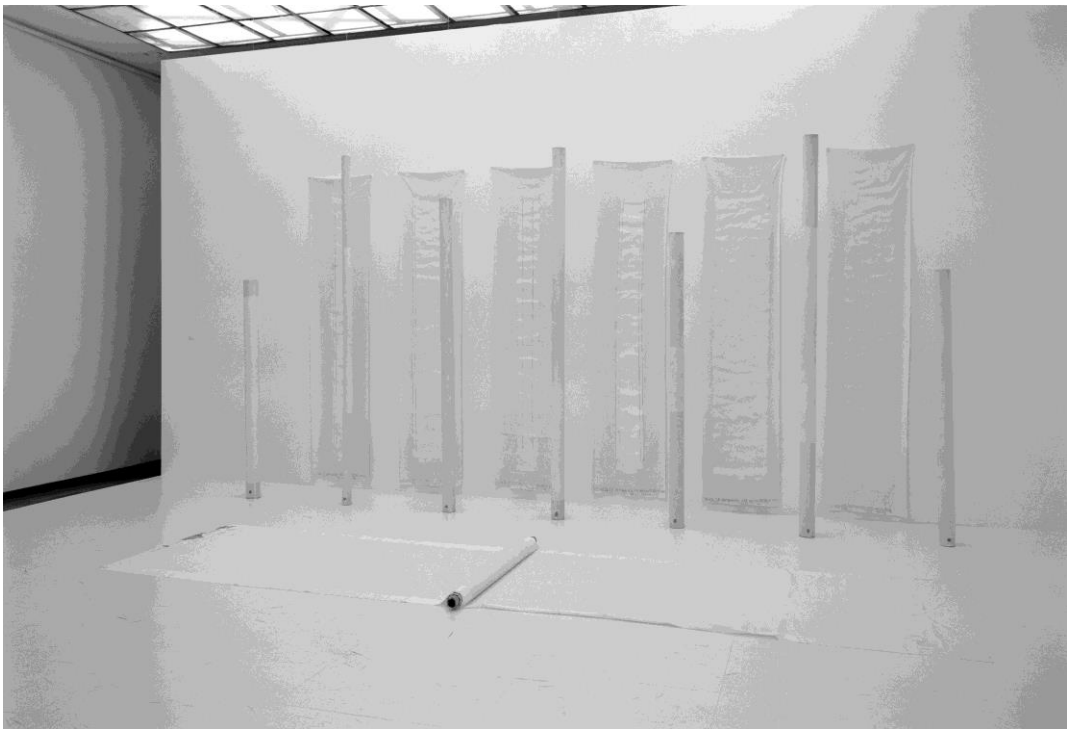
6. Stano Filko, White Space in a White Space, exhibition view, Museum of Contemporary Art, Belgrade, 1973 to present. Courtesy: Kontakt: The Art Collection of Erste Group and Erste Foundation.

V.M. And you have a budget to purchase new works each year?

W.S. Yes.

V.M. I guess you won't tell me how big the budget is…

W.S. Not really, because it varies from year to year, depending on the performance of the bank. In times of crisis, you get less. But more or less, it always stays within the same parameters.

V.M. Where do you buy the works from? Do you buy them at art fairs, from galleries or directly from the studios?

W.S. It depends on how they are available. At the beginning we mostly bought from artists directly because they didn't have a gallery representation. But in the meantime – throughout the past eight years of the existence of the collection – a lot of artists got a gallery representation, and we usually talk to the artists about how they want to sell the work: if they want to sell it directly to us or if we need to buy it from a certain gallery. It also depends how well established these artists are. For example, in Sanja Iveković's case, we bought from her directly but also from galleries. In Roman Ondák's case, we only deal with galleries. It also depends on the kind of contract artists have.

V.M. I was active in Romania within the association that organized the Periferic Biennial, and I would say that the scene nowadays is very much different than what it used to be eight-nine years ago. Currently there is a wave of commercial galleries, some of them relatively successful and in expansion, others smaller, but still fairly active. This reconfigured a scene that used to rely more or less on public funds. How do you think that your policy influences this scenery? What would you say about the case of the Kontakt Art Collection, buying works from Eastern European artists and thereby influencing the market?

W.S. It definitely raises the prices and I can say that we created market value. At the beginning we hardly bought from galleries, as artists were not represented. Nevertheless, we wanted to pay a decent amount of money to the artists – so it wasn't the case that we paid just a little because no one bought this art anyway. Now you can clearly see that the prices are growing and the galleries are also active. For example, at the beginning

we bought Ion Grigorescu's work directly from him, and then later through Andreiana Mihail Gallery. The same with Geta Brătescu and Marian Ivan Gallery. It depends a lot on what is available, and where. At the beginning we bought nearly 80% directly from the artists and 20% from galleries, now it is almost the opposite. Not quite the same scale, but the proportions have changed in any case.

V.M. When you buy new work, who takes the decision of what is supposed to be bought?

W.S. The decision is taken by a jury, we have an art advisory committee; we meet twice a year and decide together, each of us proposes works, and then we decide together what fits in the structure of the collection.

V.M. Are its members related to the foundation?

W.S. Not really, the advisory board of the collection currently consists of Silvia Eiblmayr (art historian and curator, commissioner of the Austrian contribution to the 53rd Venice Biennale), Georg Schöllhammer (editor of Springerin, Hefte für Gegenwartskunst and documenta XII publications), Jiří Ševcik (curator, professor at the Academy of Fine Arts, Prague), Branka Stipančić (art historian and curator, Zagreb) and Adam Szymzyck (director, Kunsthalle Basel).

V.M. You practically don't have a space to exhibit, though the collection is impressively large. Is this intentional?

Roman Ondák
Páričkova 9
821 08 Bratislava
Slovakia

MINISTERSTVO KULTÚRY SR

| Org. útvar: | | Došlo: 12. 3. 2003 |
| Číslo: 373/ | Prfl: | Skart. zn.: |

2003-1

Ministry of Culture
Nám. SNP 33
813 31 Bratislava
Slovakia

Dear Minister,

could you support my intention to establish a Virtual Museum of Contemporary Art?
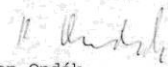
Yours sincerely,

Roman Ondák

Fig.7. Roman Ondák, Letter (Project for Utopia Station, 50th Biennial Venice, 2003), 2003. Courtesy: Kontakt: The Art Collection of Erste Group and Erste Foundation.

W.S. Right from the beginning we thought that though money flows from the regional banks, we don't want to centralize everything in Vienna. We equally wish to exhibit works in the region, in different contexts. That's what we did in 2007 in Belgrade: after ten-fifteen years of an intense history after the breaking of the Yugoslavian federation and amongst all these nationalist tendencies, we brought together art works from the whole of former Yugoslavia. We constantly have loans, as we decided that our collection should be more like a research collection, and works should be available as loans for exhibitions. We loaned a series of Jiří Kovanda's works to the last São Paulo Biennial, while Sanja Iveković's works travel constantly, she has just opened a show at the South London Gallery and Calvert 22 in London. There are a lot of international curators who try to research certain artists and who contact us, asking for loans for different exhibitions. At the moment we have about ten-twenty works travelling all around the globe, and it is something quite interesting to be part of international exhibitions: in 2012 there was the São Paulo Biennial, the Triennial that Okwui Enwezor curated at the Palais de Tokyo in Paris, and examples could go on.

V.M. Do you imagine having a building, at some point, which would house the collection?

W.S. We have been talking about it, but we still need to discuss this through.

V.M. I know that Generali Foundation has a similar collection, or with similar interests. When you have these sort of big players on the market, what is your relation to each other? Are you in a competition?

W.S. Yes and no. Generali Foundation started much earlier, in the late 1980s, and has a similar approach to conceptual tendencies, but began focusing on Western Europe and the Americas. Later they bought some Eastern European artists as well, but by that time Kontakt had already come into existence, so we were a little ahead of them. When we started there was no competition apart from the fact that both Generali Foundation and us were oriented towards conceptual art practices. Now, of course, some artists that we have in the collection are also part of the Generali Foundation's collection, they collect Koller or Iveković, for example. But this is something that fits into their collection's concept as well.

V.M. I happened to be here in Vienna in 2011, during the Vienna art fair – a particular edition, I recall, as a lot of familiar faces from the Eastern European art scene were present. I remember as well the entrance of the fairground and the image of Erste Group's slogan with its funny spelling 'Kunst ist MehrWERT' (Art is Surplus Value/More Value). Erste Group is sponsoring the fair every year, right?

W.S. Yes, Erste Group has been the main sponsor since the art fair opened at the current location (Vienna Messe), and the idea was that East European galleries get some money to pay the fees for the booth.

V.M. In this way Erste Group is sponsoring their participation.

W.S. Yes, the idea was to sponsor the stand fees for galleries from Eastern Europe. Every year about sixteen galleries are supported by Erste Group.

V.M. Is this, then, contradictory? I mean, what reason would there be for a private enterprise to sponsor other private enterprises?

W.S. We see it as a help for those galleries that wouldn't come here because it would be too expensive for them, with all the travelling and the fees involved. Most gallerists in Eastern Europe have to think twice about participating in an art fair. At the same time, it is also difficult to bring big collectors to Vienna, thinking that you have a lot of important art fairs in Europe. Why would you, as a collector, be interested in coming to Vienna? We thought that sponsoring all these galleries from Eastern Europe would add in attractiveness, as big international collectors might then decide to come to Vienna because there is a special focus on Eastern Europe. Since I am in the board of IACCCA, the association of corporate art collections based in Paris, we invited their curators over to Vienna in 2012. Thus, twenty people from all over Europe connected with collections came here, people who in other circumstances would have ignored us, because Basel, London, Paris or Brussels are the easier option.

V.M. Has the art fair itself become a space where you understand what is happening in Eastern Europe, in what amounts to new trends and tendencies?

W.S. At least this should be the goal, but then it depends a lot on collectors, on what they buy.

V.M. Last round of questions: how did you personally start to work in the corporate sector? You said you were freelance before.

W.S. I worked freelance before, and I just happened to curate a couple of exhibitions in which I included artists from Eastern Europe.

Fig 8. Ion Grigorescu, Electoral Meeting (The walkie-talkie, before the building of the Central Committee of the Party), 1975. Courtesy: Kontakt: The Art Collection of Erste Group and Erste Foundation.

V.M. This was back in the 1990s.

W.S. Yes. When the bank contacted Rainer Fuchs from MUMOK to come with a new concept for the collection, he also recommended that I join as a young curator working on Eastern Europe. The bank decided to build the collection, and asked me to curate it – all of a sudden I was working for a bank, something I would have never imagined before. It happened by accident in a way.

V.M. So having experienced both worlds, what is your take on the progressive corporatization of art and culture?

W.S. I think that this is a process one needs to acknowledge and get accustomed to…

V.M. In Austria like in any other place…

W.S. In Austria the first large scale corporate collection was Generali's, in the late 1980s. The model was invented as they went along, and soon the EVN collection appeared. Erste Group started at the same time as the Verbund collection, the latter having an interest mostly in American conceptual art. And it is interesting that you have these four major corporate collections, Generali, EVN, Kontakt and Verbund, in Vienna, which is quite a large number for a small country like this.

V.M. Certainly, which means that there is a lot of money here!

W.S. It's also because these corporations are located here…

V.M. If the forefront is taken, then, by corporate collections and their relations with commercial galleries, what space and what visibility is left for critical approaches and for marginal phenomena of the art world?

W.S. This is THE question. Because on the one hand you have the leftist criticism, against the dominant role of banks in society; but then, on the other hand, the banks are buying radical or formerly marginalized artistic positions and try to offer an understanding for something that has previously been invisible, making it visible. This is the good thing about it – in all these four cases of collections, there are people from the art world who decide what has to be integrated in the collection and not the CEO sitting in the board, at least not in a way that would determine what should be purchased. There are always people coming from the art realm, doing

research about what they are proposing; and this serves the corporations as well, as normally the rationale is 'let's take someone from the art world who we trust and who bring expertise, and can work for us, and do a good job'. That's quite an open way of structuring things, I think.

V.M. What about the art scene in Vienna, it seems to be very much institutionalized, with a vast array of galleries, museums and collections on display; do you have contacts with the non-institutionalized?

W.S. Of course, as a curator who has been working in off-spaces before, I know everyone; but this is more of a personal issue than an institutional relation. As a representative of the bank's collection, the story is different.

V.M. The traditional critique is that once you get critical art in a collection you tame it and neutralize it. Do you think that this is the case or not?

W.S. I don't think so… If we talk about how the thousands of employees of the bank understand the collection, there is still a lot to be done education-wise, that's for sure. The interesting point is that not only Kontakt but also Verbund's and Generali's collections are more visible in an artistic context than in the context of the corporation. And the other positive aspect is that these collections buy art that is not so easily bought by other collectors.

V.M. Walter, thanks a lot for the time and the discussion!

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