

Any Rules However, Were Made to be Broken:

Questions of Aesthetics and Ethics in Contemporary Public Art Practice

Public art, as a movement, as a genre, as a category of contemporary art practice, is currently undergoing a period of re-investigation. What can it mean to make 'public' art? And is that the same as making 'art' public?

As the practice of public art addresses the terms of its engagement with both audiences and with the wider field of art itself, the internalised balance that it frames – that tentative, delicate equilibrium between ethics and aesthetics – remains a state of tension. I hope here to wobble the surface of this balance somehow, and to ask perhaps how it is weighted.

An indication of this state of semi-symbiotic fluidity may be found in the difficulty of satisfactorily defining any of these three terms – public art, ethics, aesthetics, – in isolation from the other two. To start with, any attempt to define public art as a practice runs the same risk of instantaneous historiography and redundancy as the attempt to define art itself. As a system of interrogation, art constantly redefines (and often negates) itself in the constantly advancing moment of the *avant-garde*; in public art no less than in gallery practice. As the US theorist Grant Kester reminds us in *Conversation Pieces* (2004):

“For Lyotard, as for Greenberg, art is caught in an eternal treadmill of (formal) innovation and assimilation. Moreover, to the extent that an appropriative consciousness feeds on difference, the avant-garde work of art ends up supplying this very tendency (embodied in the discourse of art history), with its initial frisson of resistance and its eventual consumption as reified style.”

However, whereas Kester's text suggests a certain Sisyphean fatalism to this process, this cusp of *avant-gardism* can also be understood in more heroic terms. To strive constantly toward reinvigoration through reappraisal is to refuse to accept any truth as universally acknowledged. After all, in Thierry de Duve's terms “the *avant-garde* sets the

direction where history will follow.”¹ The *avant-garde* may be conceived as the moment at which a previously un-thought, never before articulated position is made palpable. This moment is has the potential to be an uncomfortable one for both artist and viewer as the ‘initial frisson of resistance’ that Kester allows has historically often taken the form of vitriolic or even violent rejection. Rather than necessarily always being an intention of *avant-garde* practice however, in practice this rejection often results from the very newness of the freshly attained position and the negation of that which was previously received. Often the lack of a language appropriate to describe the newly conceived, coupled with this implicit undermining of a generally assumed position, engenders discomfort on the part of viewers or peers, even triggering the defensive mechanism of attack. In his text ‘Art Was A Proper Name’², De Duve suggests the figure of a ‘historian of the *avant-garde*’ who sees:

*“...a philosophy of history for which there is no definition of art except the historical process through which art negates itself and comes to terms with its own negation... It never constitutes itself a patrimony but projects the heritage of the past into the future in order to contradict it. When you call this process art, you mean that we, humans, don’t need to agree about what art is. On the contrary, we need to struggle for what art should be. Some fight for one conception of art, others for another; yet we all stake a claim to what art ought to be for all of us. When you identify art with avant-garde art and with the avant-garde exclusively, you imply that **conflict and contradiction are the very fabric of art.**”* [emphasis mine]

It is clear then, that first and foremost public art must be understood as a kind of art, but that art itself is impossible to define either **a) inclusively** (eg. Art *is* the making of images, objects, conversations, sounds, juxtapositions, smells, or ideas) or **b) exclusively** (eg. Art is *not* commerce, science, music, politics, literature, fashion, philosophy, war, or advertising). Such definitions are problematic because new practices presently unimagined may involve:

- a) Something not included in the current conception of what art is, or
- b) Something that is included in the current conception of what art is not

¹ De Duve, Thierry, Art Was A Proper Name, in *Kant After Duchamp*, October Books, 1997.

² *ibid*

unless we accept the internal/external definition (fought over by Joseph Kosuth et al in the 1970s conceptualist debate) that art is what is art and art is not what is not art. What then, makes public art distinct from other branches of art? The most banal definition is that public art refers to all art that is not contextualised by an art gallery. The very fact that this is perhaps the most facile of definitions in functional terms renders it flexible enough to encompass a wide variety of practice. It also suggests something of the spectrum that public art covers, from the very public to the hardly public at all; from the self-directed gesture of the artist-interventionist, to privately commissioned 'broaches on the bosom of architecture'³, to art as activism, to large-scale publicly funded socially engaged projects, and to everything else in between. In loosely accepting the definition that 'public art is all art that is not contextualised by a gallery', we can move on to question a perceived balance between the notions of the ethical and the aesthetic⁴ within that practice.

The spectrum of public-ness indicated by the definition above becomes crucial when interrogating the place of the ethical or the aesthetic within public art practice and discourse. To consider the implications of the presence of an ethical sphere first, we must *a priori* have a working understanding of what we might mean by the term 'ethical'. Ethics might firstly be summarised as a system of how persons ought to act, although this superficial deliniation is not by itself sufficient to shed light on a relationship to the production and distribution of art. Certain branches of philosophy on the other hand, have for decades been unpicking the more sophisticated implications of ethics, and it so it may be germane to borrow some of their terms.

Many philosophers distinguish two views *of* the subject of ethics and two views *within* the subject of ethics. Broadly, in views *of* ethics, *deontologists* such as Kant and Pritchard prioritise duty over value; while *teleologists* have a more utilitarian out-look, seeing duties in terms of their end result of producing or distributing value. This distinction is reflected in the two groups into which questions of ethics might be distinguished, and which become relevant in plotting a relationship between public art and an ethical sphere. These two groups are *philosophical ethics* (pertaining to

³ As eloquently suggested by lecturer and educator Tanya Eccleston.

⁴ This definition also has implications for the many 'off-site' projects now commissioned by galleries, suggesting that 'off-site' work is only truly public art if it is not visually or conceptually contextualised by the gallery that has commissioned it in any way - through signage, logos, interpretive strategies, etc. - even if the work is not sited within the gallery as such.

conceptual questions that may incorporate other branches of philosophy) and *normative ethics* (pertaining to actual moral issues either arising or hypothecated).⁵

‘Does public art have an ethical duty?’ is a deontological question of the normative ethical sphere. An initial teleological question raised by philosophical ethics is whether, for a public artwork to *be* a public artwork, it must have an ethical dimension.

This distinction between the normative and the philosophical clarifies the deontological / teleological separation that must be made between the notions of duty and value as applied to art. In the question of philosophical ethics above, the artwork’s teleological value may be understood as either its value *as art* (i.e. is the artwork a good work of art or not) or alternatively, its value *as an action irrespective of art content* (i.e. is the artwork a good thing regardless of whether it is good art or not). The normative question in contrast hinges rather more on the process rather than the product: by drawing the focus to the deontological issue of duty, the question replaces the notion of results with the notion of intention.

To tackle the question posited by the structure of philosophical ethics, it is clear that the pivot is essentially a point of definition. For the purposes of this short text, I will restrict the conversation to discuss the value of art *as art*.⁶

“Conflict and contradiction are the very fabric of [some] art.”⁷

If this statement is accurate, then it follows that some public artworks must contain qualities that may engender or provoke such conflict, in order that the field of art as a whole can advance through the presence of its *avant-garde*. Rather than an ethical dimension being a necessary (if not sufficient) component of an ‘art condition’⁸, we may therefore suggest that it is legitimate for some public artwork to explicitly challenge accepted ethics. The inference here however, is that most artworks *are* undertaken with regard to an ethical framework to inform decision-making, as the *avant-garde* only exists as a condition imposed on some works due to their particular relationship to the

⁵ This is a hurried overview of a vast and complex field of inquiry. My hope is merely to sketch in some navigational markers that may help to orientate the discussion.

⁶ It is evidently true that many artworks also have a broader social value. However, to categorise them as artworks, we must first agree on the conditions of their status as art. The artwork’s impact in other spheres is an outcome of the artwork’s existence; if the impetus for the artwork’s generation is an intention to produce art, then this is the primary aspect that must be qualified.

⁷ The insertion is mine, intended to reflect de Duve’s qualifier that this statement is true only when art is identified with an *avant-garde*.

⁸ See Kosuth, Joseph, *Art After Philosophy*,

broader context of the field. If *avant-gardism* incites a rejection of the ethical, we may assume that for the majority of contemporaneous practices the ethical is seen as a pre-requisite, to a greater or lesser degree.

We may conclude therefore that in these terms, for a public artwork to be a public artwork it is *not* necessary for it to possess an ethical conception, but that many public artworks *are* nevertheless developed with regard for ethical principles. Acknowledging that many (though not all) artists do practice within an ethical framework, we may seek clarity in the case of any individual work, by asking:

1. What are the criteria (and perimeters) of the artwork's ethical framework?
and
2. How, when, and by whom have the criteria of the ethical framework been identified?

Because ethics as a notion exists in relation to principles of morality, ethics can never be a universal code. In discussing the ethics of an individual artwork however, those ethical principles must be contextualised by the recognition that 'ethics' cannot be embedded in any object, image, or gesture. Ethics, as a series of priorities that inform actions, can only ever be attached to behaviour and intention and, as such, are the preserve of the artist rather than the artwork. It is the intention to torture rather than the object of the thumbscrew that is *ethically* abhorrent. Questioning the ethical dimension of a public artwork must then be undertaken in relation to understanding the artist's intentions, in addition to the evaluating the end impact of the work. There cannot be a valid presumption of artists' personal ethical compasses, as the ethical compass of any group cannot be generalised.

At the core of this suggestion is that it is necessary to shift ethical responsibility away from the artwork and towards the artist who may *or may not* choose to accept that responsibility. This move exchanges the abstract notions of 'ethics' and 'art' as two immense quandaries, for a more concretely imagined example that raises ethical issues – the realm in fact, of the normative rather than the philosophical.

The normative question previously identified focuses on public art's ethical duty. In the light of the above, this can now be amended to ask whether artists who produce public work have an ethical duty. It might be answered as the following:

- Are the artists who produce public work human beings?
- Yes.

- Do human beings have an ethical duty towards other human beings?
- Yes, I believe they do.
- Do human beings always fulfil their ethical duties towards other human beings?
- No, they don't.
- Do artists who produce public work always fulfil their ethical duties towards other human beings?
- No. Sometimes they try to do so and fail. Sometimes they do not try to do so.

The artist may feel that their ethical duty towards fellow humans is at times outweighed by other factors including but not limited to: the artist's duty to art; their self preservation; their commitment to a career; their lack of resources; their anger at a particular situation; etc etc. It should also be remembered that for most individuals ethics is not an absolute: there are times when we bend the rules legitimately. Some things are, after all, more unethical than others: the unethical act ranges from being 'a bit cheeky' to being 'abhorrent', with a gulf in between. Artists, like other individuals, weigh up the responsibility of acting ethically with the costs, and make decisions accordingly. Art is perpetrated by individuals, and as such will always be subject to the vagaries of individual conscience and bias.

We have already suggested that 'ethics' are often perceived as hanging in an internalised tension of equilibrium, balanced by the notion of aesthetics. However, the idea of aesthetics as applied to art is also a fraught collection of terminologies that should not be used without consideration. In everyday contemporary discourse, the term 'aesthetics' is used to denote a particular visual quality, often that of the visually pleasing or beautiful. This has not always been the case however, and if we return to theorist Grant Kester we find a definition of what he terms the *dialogical aesthetic*, which seems to in some way harmonise a discussion of the ethical within fine art practice with the notion of aesthetic inquiry.

"This [the dialogical aesthetic] involves an investigation of the emergence of the aesthetic in early modern philosophy. In a range of Enlightenment-era writings, aesthetic experience is associated with a potentially utopian capacity for exchange and communication. This capacity is established, however, through a philosophical system that makes problematic claims for its transcendental authority. To resolve this impasse I draw upon the work of Jurgen Habermas, who has developed a model of human interaction that retains the emancipatory power of aesthetic dialogue without recourse to a

universalizing philosophical framework... Dialogical practices require a transition from a model of art criticism based on the perception of physical objects to an evaluation based on what Habermas terms 'discourse ethics'."

This return to an enlightenment-era definition of aesthetics seems particularly significant as contemporary public art practices increasingly utilise the non-physical, non-visual tools of gesture and facilitation⁹. No longer representing the *avant-garde* of public practice, these non-object based works have become increasingly accepted by the mainstream and rightly lauded for their success in integrating the art intention with a broader ethical impact on the social sphere. Kester's dialogical aesthetic becomes an important way to discuss these practices and to frame them within a meaningful critical discourse. As a definition, however, the dialogical within aesthetic language must be seen alongside the visual in order to discuss a multiplicity of practices using a multiplicity of tools. The visual (as distinct from the beautiful) undeniably retains a place within discussion of the field of fine art so long as it is not the only aspect of a work that is discussed.

Seen in this light, the balance between the ethical and the aesthetic (both in dialogical and visual terms) is clearly more at tension in the practices of some artists than in others. We may even feel that the pressure of that tension ought to be intensified by the position of the work in that spectrum of public-ness, with the most publicly intentioned work having the greatest responsibility to ethical soundness along with the greatest responsibility for aesthetic resolution¹⁰. This feeling should perhaps lead us to the conclusion of this text, framing as it does the artist's sometimes opposing obligations within the context of the production of new work. Art, as a process of inquiry, can never consolidate these fundamental questions into a single comprehensive answer because to do so would render art practice obsolete. The development of new work and the continuation of the field of fine art practice rely on the continuing negation of what is assumed, an incitement that does not exclude the weighty questions of what is right and what is wrong. Art will always challenge, surprising itself as much as anybody else, until the previously unthinkable becomes the mainstream. The friction between ethics and aesthetics is therefore necessary. This complex and at times uneven relationship

⁹ a plethora of artists now use these methodologies, from Suzanne Lacy to *Sans façon*.

¹⁰ Which artwork is the most public? That's a whole other question, but I think intended audience must come into it, and likewise aspects such as funding or commissioning: public funding may imply a public obligation, as may public commissioning for example. Any rules however, are always made to be broken.

raises complex and at times uncomfortable questions, which we must continue to pursue but never to assume.

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