

Ape Says No

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[In the key scene in Rise of the Planet of the Apes] Caesar, the chemically enhanced super smart chimp, faces off against Dodge, a daddy's boy who runs a "sanctuary" and frequently partakes in torturing the animals. Dodge is about to put Caesar down with his taser when something indelible happens -- Caesar catches his hand in a grip, meets eyes with Felton, and speaks clear English - - specifically, the word "No!" He's seemed so firmly ape-like before that the development of Caesar's larynx is a genuinely chilling moment, and as ridiculous as it might seem on paper, you're virtually there shouting 'No' with him. ... This is his moment, triumphant and chilling - the beginning of a revolution.¹

In the run-up to the Seventh Berlin Biennale in Spring 2012 the curator, artist Artur Zmijewski, asked eighty 'cultural producers' to respond to ten questions confronting the uncomfortable role contemporary art and culture has in the social politics of Berlin. The provocations and 43 responses were printed and web-published in the 'P/Act for Art' edition of the Berlin Biennale Zeitung in September 2011.² The questions have two underlying concerns:³

¹ <http://blogs.indiewire.com/theplaylist/from-bloody-murders-to-bridesmaid-speeches-the-25-best-movie-moments-of-2011>

² www.berlinbiennale.de/blog/en/7th-biennale/pact-for-art

³ In full, the questions are: '1. Should art consciously participate in current debates and serve as a critical voice in social respectably to generate democratic processes within society? 2. How should the situation be assessed in which almost the entire budget of existing art institutions is spent on infrastructure, with no money left for new experimental approaches, programming, new productions, or acquisitions? 3. What are possible alternative sources of cultural funds and how can they be realized in order to generate reliable and independent funding for cultural and artistic production? 4. How should topic-specific funding and funding connected to a particular federal state—which is made available based on the need for political representation—be dealt with? 5. What responsibility does the commercial sector within the art system have with regard to competition among artists? Does the non-commercial part of the system contribute to it "innocently" and how? 6. Should commercial galleries co-finance new »non profit« art production and exhibitions? 7. What is the responsibility of artists towards the city and society in which they live? 8. Why don't the politicians responsible work together with art and cultural professionals, and why are there not any advisory committees for this field? 9. Have artists lost their trust in art institutions? Why do they so often feel manipulated? 10. How is it possible to involve international cultural producers based in Berlin in the debate about culture in Berlin and resolve existing

1. how the social milieu and interests of contemporary art aid a process of gentrification, a euphemism for the removal of the poor from urban centers in favour of the rich (or what be more directly called wealth cleansing);
2. The mobilization of contemporary art by the city's mayor to promote Berlin as a major hub for cultural production through the based in berlin exhibition⁴ while at the same time undermining the very conditions for the production and exhibition of such art: cheap rent, free spaces, state support, and so on.

The two issues are of course connected because agents in contemporary culture production are for the most part urbanized and relatively poor (economics) and pave the way for gentrification (culture), while state appropriation of cultural production looks to promote gentrification in order to increase the city's tax base. especially important for a city as chronically in deficit as Berlin is.

For all the local and immediate urgency of the socio-cultural problems of Berlin's fate addressed in 'P/Act for Art', the contributors also expose a less pressing structural issue of art and institutionalization at the core of the claims and conditions for the real political or critical effect Zmijewski wishes for the Biennale and art more generally:

I believe that the art community should stop being an acquiescent object of manipulation, become an active subject, and return to politics, which consists in executing our rights and opportunities for development.⁵

This 'execution of rights' is tied to 'the trust of the artists in art institutions', which is 'in fact built on the only acceptable model of cooperation: the total freedom of the artist in a field designated by the institution'. We'll return later to this starting assumption of the 'total freedom of the artist' as a 'right'; more immediately instructive is that P/Act for Art presents a pretty good survey of how a critically attuned cultural producers deal with a proximate institutionalization. They range from firm avowals of autonomy – including art setting up its own independent institutions (seen in the current fervour for the independent art school) - to positing art as a subsidized and proto-legislated social practice. The following paragraphs demonstrate how these responses capture well a kind of common sense of contemporary art as a critical and even political undertaking in both its artistic and sociological aspects. But it will also be seen that these prevalent assumptions in fact proscribe contemporary art making any effective political intervention precisely because of the very institutional negation that, in common with radical human rights theory, they take to be

language problems?' [www.berlinbiennale.de/blog/en/publications/pact-for-art-berlin-biennale-newspaper-15801].

⁴ www.basedinberlin.com/en/

⁵ www.berlinbiennale.de/blog/en/comments/artur-zmijewski-2-15158.

the condition for art's politicality qua critique. That is, contemporary art is intrinsically inadequate to the political claims it declares and takes itself to be (explicitly as politics or implicitly as critique). And it is inadequate precisely insofar as it internally negates institutionalization with the kind of strident exclamations of the 'total freedom of the artist' or, more usually, soft claims made for art's indeterminacy – its freedom in interpretation. This is not to decry negation as a condition for political transformation: Caesar the No-saying ape in Rise of the Planet of the Apes demonstrates another condition and method – another paradigm - of negation by which art can in principle and fact gain political traction. Doing so however requires the disposal of contemporary art.

To return then to 'P/Act for Art': the collated responses can be loosely categorized under the following 7.5 headings of increasing ease in art's relation to its institutionalization (presented here with a representative sample for each category):

1. The uncapturable

Godard: 'Culture is the norm, art the exception'; 'the art scene', whose agenda is presently largely set by curators, museum directors, emirs and mayors, collectors, gallerists and auction houses, and which includes academia's proliferating Art, Visual Studies and Visual Cultures departments and Curatorial Studies programs and centers as well as thousands upon thousands of famous and not so famous so-called artists, is at best a subculture, therefore only exceptionally affined to the exceptional tasks of artists. (Jalal Toufic)⁶

2. You Need Us More Than We Need You

For years, art has been exploited almost only to improve image and reduced to a questionable economic factor instead of being accepted in accordance with its particular nature as a necessity that is uncontrollable, subjective, and follows non-functional criteria, and as a component of our lives. [...] Since it is precisely these uncontrollable and unpredictable ideas that are indeed literally an existential component of our society, it

⁶ Other representatives include: 'Contemporary art bears something within it that eludes standardizations and the positing of absolutes, it contradicts the assertion of a harmonic whole as a social concept' (Florian Wüst); 'The person who demands cultural policy is always a culture functionary. Politics has to completely stay out of art. [...] Art does not allow itself to be exploited by absolutely anything and can never be allow itself to be put to any other service other than art (dictatorship of art). [...] Art is always the most total loyalty to ART' (Jonathan Meese).

should be a voluntary commitment for every nonartist to allow and make it easier for artists to create their work— without any ifs or buts! (Leonie Bauman)⁷

3. Cultural producers themselves know what is best

What is necessary is support for art that is not oriented toward exploitation, visitor numbers, and reviews in the press, but that instead emphasizes the artistic and curatorial production of knowledge, which is immanent in art's complex forms of action. (Joerg Franzbecker)⁸

⁷ Also, 'it is not the city, the state, or the federation that should be thanked [for shaping the identity of Berlin as an international art city], but rather the many individuals who created this situation in the first place with their time and engagement, without always giving priority to personal or economic added value. Through doing so, they have fulfilled a social contract far better than many of the decision-makers who are now attempting to benefit from it' (Esther Schipper). 'I would like to see art that creates utopias and models that are so strong that they can stand for themselves as a result of their validity, and that they bring everyone, whether politicians, curators, or other observers to think and act. If conformism in art were to be superseded by idealism and an unflinching will to transform our social and political structures—that would be a desirable first step' (Ela Kagel). 'Culture is a primary level of self-perception in society. Our political aspirations as actors responsible for the common good are based on this emancipatory quality, which involves understanding social processes, upheavals, and options for action early on and in a complex manner' (Arno Brandlhuber & Alexander Koch). 'If the institution of art is not constantly called into question, no cultural policy can reorient the institutions. The joint search for objectified political sentiments, in municipal and state cultural policy as well as in the institutions of "political art", needs first and foremost not trust in the institutions but rather a shared mistrust of art as an institution' (Johannes Paul Raether). 'What should ... be at the fore are not primarily analyses from within the field of art but rather questions that build on them of the possibilities of other forms of subjectification and anti-hegemonic articulations in light of a neoliberal dominance' (Sønke Gau).

⁸ Also, 'Berlin is in need of institutions with the financial resources to encourage in-depth development of such initiatives, without compressing them into sluggish conventions' (Adrian Lomüller). 'If artists take themselves and their chances of developing and communicating an awareness-raising of another kind, it then seems only logical to combine and interweave artistic production with further options for action: from involvement in political processes to the creation of self-organized structures' (Florian Wüst). 'I ... also find th[e] hypothesis [that "Culture is not made

4. It's vexed

although 'trust' may be a wonderful thing in interpersonal relationships, the relationship between individuals and institutions should instead be better considered politically and thus as conflict. (Tom Holert)

4.5 No thanks

an initiative to ... collect statements from berlin based artists ... functions like a survey about what artists want [...] in order to sell the sell out of berlin's cultural life more successfully. For this reason I will not comment on the questions raised by the berlin biennale or make statements on what artists want or not want. (Natasha Sadr Haghighian)

5. More statism we can control please

In order to maintain and develop [good infrastructural conditions in the most varied areas of production], artists need the support of cultural institutions and associations, and, of course, of cultural politicians. Cooperation is called for, but not the service of artists to institutions or the service of art to politics. (Ute Weiss Leder)⁹

in ministries of culture"] confirmed by my experiences in Istanbul. There, contemporary culture is not promoted by the administration. It flourishes nevertheless' (Rene Block). 'Despite all openness to discussion, I initially await absolutely nothing here from politics. First and foremost, it is the art scene itself that has to take a more active role' (Ela Kagel). 'if cultural policy lacks the expertise or means to properly represent our interests and our social self-understanding, the political legitimacy of such policy with regard to content has to be rejected. If it has gambled away its representative role, this role reverts back to cultural producers' (Arno Brandhuber & Alexander Koch).

⁹ Also, 'the [local government cultural authority] should draft a position paper on future funding in cooperation with an advisory panel. In it, targeted additional support measures with a long-term impact and international appeal should be specified (e.g. financing of individual outstanding exhibitions of contemporary art with sums that go beyond the funding provided by the Capital Culture Fund; support structures for project spaces and artists' projects that guarantee work over a funding period of one to a maximum of three years; an increase in catalogue funding; preservation of studio buildings and safeguarding of the studio program; an increase in the funding for the acquisition of art that is created in Berlin; a funding framework for innovative intercultural projects and exchange projects with Eastern Europe)' (Gabriele Knapstein).

6. Protect us

The critical competence of art is questioned now by populists everywhere, in many local dialects. Art is the last refuge of free speech, which must be carefully guarded and preserved above all. (Janos Sugar)¹⁰

7. Smug condescension

Art should do what it wants to do, get involved or not. (Monica Bonvicini)

Responding to the statement: 'In our opinion, it is necessary to formulate a new covenant between artists living in Berlin, local art institutions, and the (cultural) politicians responsible in order to facilitate a next step toward a productive solution', Bonvicini adds:

Really? Wonderful, then do it.

Also in this category, Thoman Köhler remarks:

The current discussion gets on my nerves a bit. It would be good if the art institutions that already exist had a bigger budget available to them.

the question of whether artists are manipulated by institutions is of little benefit here.¹¹

These categories are admittedly bit tendentious in that they hold only partially, as they must since they are not absolutely distinct nor exclusive from one another, and since one statement readily appears under several categories simultaneously. They are also not consistent with one another, some being even antagonistic to others in their proposals (Smug Condescension Vs. Protect Us).

¹⁰ See too 'If the admired and much talked about special cultural atmosphere of Berlin should be retained and even further developed, then we do not need merely lip service but rather clear political agendas' (Leoni Bauman), and 'Art is one of the few spaces for experiments, critique, production of knowledge, education, aesthetic experience, and freedom of expression at the same time. And this space has to be defended' (Zdravka Bajovic).

¹¹ Köhler continues: 'The work of the public institutions of the city is motivated by content and is principled. It is well understood that one represents one's viewpoint and also acts for the benefit of artists'. For NICOLE HACKERT 'Conversations among artists—call it discourse—take place in bars and clubs that they discover for themselves—mostly places where the drinks are affordable. Berlin has offered these possibilities and freedoms in the last decades not least as a result of affordable rents and available studio space. [...] Any attempt to artificially cement or institutionalize these special conditions now would be accompanied in my opinion by a loss of art (art that rocks and remains)'.

But they are nonetheless instructive in giving shape to the specific politics of contemporary art's urban condition and consequences as articulated by various invested agents. What is however telling and leads to a general characterization of contemporary art's prevalent traits is that these categories are also non-exclusive in that they share common assumptions. This commonality underlying the putative difference in positions the survey evokes is evidenced in Ellen Blumenstein's statement.¹² Art, says Blumenstein,

is a space of possibility that can open up our perception and experience to something beyond everyday politics or currently fashionable trends [the category 'You Need Us More Than We Need You'].

In order for art to be able to exist, it requires a protected space that is free of given political, economic, or other constraints [i.e., 'Protect Us']. Such constraints should, if at all, be negotiated by the art works themselves and not be dictated by the general conditions that surround it [It's vexed].

The task of all actors in the field of art is to create the conditions necessary and/or to provide such space and safeguard it ['More Statism We Can Control']. With regard to the responsibility of politics, art institutions, academies, critics, curators, viewers, and also artists here, a specific form is suitable in each case ['Cultural Producers Know What Is Best']. Yet in every case, it is distinguished by structuring the constraints one faces in such a way that this opening that art embodies remains free of them ['The Uncapturable']. Each one of us has to take this responsibility and take the necessary measures to it.

Art alone does the rest.

Put schematically, the 'opening that art embodies' is its critical virtue, which is its freedom from existing socio-cultural realities: art's assumed excess, surplus to policy, regulation, administration, command, etc. from which we all can learn and on which basis the artist has 'total freedom'. However it may be come to be institutionalized or 'protected', such institutions must respect this critical virtue if they are not to do a disservice to contemporary art – and therefore themselves as contributing to the social good.

¹² Blumenstein's statement is not one amongst others in that she took a lead role in co-ordinating the letter of protest from Berlin's 'free scene' (independent spaces) against the Mayor's 'achievement show' that became 'based in berlin'. This protest generated not only the debate picked up by 'P/Act for Art' but also the artists' activist group Haben und Brauchen (To Have and To Need): www.habenundbrauchen.de/en/.

The effort to establish an institution for contemporary art that would be just to its critical virtue falls under the 'It's vexed' category, as Johannes Paul Raether says in other terms:

The joint search for objectified political sentiments, in municipal and state cultural policy as well as in the institutions of 'political art', needs first and foremost not trust in the institutions but rather a shared mistrust of art as an institution.

Put this way, contemporary art's critical virtue necessitates its suspicion towards institutions (including its own). This is not only the sociological concern of artists anxious about wealth-cleansing but a characteristic suspicion – the background avant-gardism - of contemporary art as a cultural undertaking with regard to norms, histories, conventions, and so on. It is not just what contemporary art assumes but also what it does, its common sense.

What is the logic of institutions and critical virtue at this level of generality, which is that of the broad set of practices, discourse, and positions constituting contemporary art? What is the moral or ethical claim? What form of politics does it set up or adhere to? These questions are hard to take up directly or by examination of particular practices since contemporary art's suspicion of institutionalization includes by necessity the mistrust towards any identification of an ordering logic, which is taken to only misapprehend contemporary art's movement and presentation of difference (or, critique in the service of the uncapturable). Yet the logic of that perennial and constitutive movement, of art's critical virtue, can be identified through its similarity to the proposed (anti-) relation between law, legal institutions, and rights in radical human rights theory. Taking this juridically-organized argument to be in the first instance only analogical to the institutional politics of contemporary art, it will soon be seen that contemporary art's basic assumptions of its own critical virtue are intimately tied to those of radical human rights.

Following his deconstructive genealogy of modern human rights in The End of Rights, Costas Douzinas presents the radicality of human rights in the following words:

When the American civil rights activists asserted their rights to equality, when torture victims all over the world claim the right to be free in their integrity, when gays and lesbians in homophobic countries proclaim the dignity of their identity or, when an abandoned lover demands his 'right to love', they are acting strictly within the human rights tradition, even though no such legal rights currently exist or are likely to be accepted. [It is the tradition of] proclaim[ing] and this bring[ing] into being new types of entitlement and forms of existence against received wisdom and law. The absence of

legislative approval, often the legislator's opposition to the new claims, is their structural characteristic.¹³

Human rights claim justice precisely because (not just 'even though') the claimed rights do not exist in given legislation or institutional recognition. Such exteriority is their radicality. The similarity with contemporary art's critical virtue is that it too shares the 'structural characteristic' of radically constituted human rights: contemporary art claims critical virtue no less because it is external to and disoblige the limitations of the institutions and categories in/against which it is nonetheless manifest ('Art does the rest', 'total freedom of the artist').

What is important for human rights in this theory is that it remain outside of any positive determination or given code; that it is not captured by law, nor turned into a category of it. To incorporate human rights into any such legislation, to positivise them, reverses human rights into institutionalized identities, whereas it is precisely the rupturing of such identities beyond the terms of given law and institutional support that are given legitimacy by human rights:

To the extent that [human rights] become positivised legal discourse and join law's calculation, thematization and synchronization, they share the quest for subjecting society to a unique and dominant logic.... But at the same time, they are the promise of a justice always still to come: they are the figure of the negative and the indeterminate in the persons and the state. [...] The justice of human rights therefore does not offer a definition and description of the just society or a prescription of its conditions of existence. (368)

With Douzinas, rights must then be clearly distinguished from legal frameworks:

we must resist th[e] equalization of rights (the building blocks of every positivism) and human rights, [since the latter] are the promise of a future and critique of all positive law and system of rights. (374)

Human rights prescribe nothing and give no positive sense of what justice might definitively be. Belonging to anybody and everybody at any time - as justice must if it is to be justice -, lying beyond the definition of all institutions, human rights are the inherent civic virtue of rights rather than their legislative codification and limitation as law.

What does this inherent civic virtue of rights amount to? How is it manifest? Douzinas gives two main characteristics:

- (i) it avows indeterminacy and openness over calculation, identity, closure, etc. –
indefinition rather than the prescription of a 'unique and dominant logic';

¹³ The End of Rights, Oxford: Hart, 2000, p.344. Page numbers will be presented in the main text.

- (ii) it is negative to the powers of given institutions and categorization.

And these are no less the claims of contemporary art's civic virtue, what is now expected of and assumed by contemporary art as a critical undertaking.

The relation between contemporary art's critical virtue and radical human rights theory is then more than analogical. Minimally, they are alike; maximally, contemporary art's critical virtue is only a particular instance of the inherent civic virtue of human rights. This order of predication since contemporary art's criticality relies upon its right to critique, the legitimacy of which is, precisely, not institutionally organized or legislated but granted moral prerogative precisely because it lies beyond any such institutional prescription. It is assumed as a right – that of the 'total freedom of the artist' or, with Blumenthal, the condition for the negotiations undertaken by art against its constraints. Put the other way, and to summarize: the politics and moral claims of contemporary art are based on human rights that are radically negative with regard to institutional codes and prescriptions, rights that are affirmed and enacted through the demands for justice of what must be indeterminate with regard to those positive codes, other to them.¹⁴ That is, and as the contributions to 'P/Act for Art' all symptomatically attest, contemporary art's critical virtue

¹⁴ More modestly but also more likely, it may just be that the formulations of contemporary art's critical virtue and of radical human rights in Douzinas's account share the same post-structuralist conventions. Recent critical theories popular in contemporary art advocating such extra-institutionality as condition for art's civic virtue include: creativity, dissension (Ranciere), singularity, machinism (Deleuze-Guattari), the multitude (for recent communism), eventhood (Badiou), art (aesthetics), etc. But even if the commonality of contemporary art and radical human rights is only a discursive-ideological effect, it nonetheless remains the case that both have institutional and real consequences that are not merely theoretical, not least in advocating for what should be taken or validated as politically or artistically virtuous (which is not at all to say effective). The latter are the primary concern here (their critique implying no less the critique of the theoretical-ideological presumptions). Equally, for quotidian sociological-institutional self-legitimization, the problem of how to account for contemporary art's inherent exteriority to institutions when it is palpably highly-instituted is taken care of by contemporary art's colloquial discourse immunizing art in a protected pocket inside such institutions, often by insisting on some claim of artistic, aesthetic or sentimental virtue supposedly distinct in kind from these sociological misfortunes. The pious visit to the artist's studio or intimate conversation with her or him, or the latter's widely declared disregard or disavowal of their institutionalization (qua marketization, say), is often wheeled out to attest to the integrity or 'truth' of the institutions' interest in the art despite its very institutionality. The power effects of the institution are then able to be either left out of consideration or, worse yet, warranted by such manoeuvres and legitimisations, operating all the more effectively for that reason. The same operational stratification of contemporary art's critical virtue within and for its institutions is orchestrated in its commercial organization through the formal distinction between primary (dealer) and secondary (auction) markets.

manifests the affirmative negation of institutionalization required by the civic virtue of rights. (It's claim then is not finally the 'total freedom of the artist' but justice.)

In more direct form: This affirmative negation of institutions is contemporary art's civic virtue. Not only that: it is the condition and horizon - the sustained assumption - of contemporary art, its common sense. And its political, artistic and intellectual limitation. That limitation and its consequences for the very claims that contemporary art makes as to its own particular as much as general political ambitions come into relief by comparing the logic and site of its civic virtue with the No-saying Ape in Rise of the Planet of the Apes. Caveat: there are many valid reasons to dismiss Rise. Under its appeal for tolerance it is certainly proto-racist and conservative in its appeal to the American 'ordinary' (its narrative condition being that every creature is best left in its natural place, the family is taken to be a proto-natural unit, social institutions are exploitative denaturings (science) or incarcerating, or both); it is highly unconvincing in its blatant disregard for the most basic Health and Safety requirements; it stars James Franco who you realize is as banal an actor as he is an artist or writer, etc. With all of this in mind, the No-saying ape nonetheless teaches us an important lesson about another politics of institutionalization than that of the affirmative negation of institutions.

It does not seem so: certainly, Caesar says NO against his incarceration in the ape sanctuary and its cruelties, negating (his) institutionalization for want of justice. It is a reactive NO against the oppressive, limiting, disciplinary, exploitative, paternalistic, sadistic site of his incarceration, against which he rails with the most effective possible refusal by the eruption of language from within his volcanic ape roar of protest, this primitive English word emanating from deep within the animal growl of indignation against his immediate beating as against the general depredation of the apes' subjugation in the sanctuary. To that extent, Caesar's NO is a negation, articulating an indignation fracturing all the codes and places. It seems to be the NO of civic virtue common to radical human rights and contemporary art.

Yet this NO-saying is not that of an intrinsic civic virtue external to institutional coding. Exactly the contrary: if Caesar's utterance is more powerful than any of his actions, if everything that has been and all their logics stop at this moment simply because he speaks of his own accord, completely changing the history of the world as he does so, he can only say NO at all because he has been institutionalized more than any other ape. He is born, genetically modified, into the experimental science lab; adopted into a family (without women) as a test-subject for radical medication to cure Alzheimers; intelligence enhanced through drug intervention; incarcerated again in an ape sanctuary, and so on. In sum, Caesar's NO is a NO made by his being an institutional animal. There could be no world-historical revolution, no radical transformation of order and place, without the institutionalization that constitutes his NO. Without it, his protest

would be like that of the other complaining, livid or resigned apes: wordless, ape-like, overpowered.

Caeser's NO does not then assume his freedom (and it is not clear that he is even claiming freedom or justice when he says NO) but his institutionalization. His refusal of his place as much as that of all apes, the inauguration of a new voice on this Earth, his breaking the primary uniqueness of Aristotle's human qua speaking or political animal, is constituted by his institutionalization – as both cause for indignation and its new formulation. Contrary then to the anti- or contra-institutionality of the affirmative negation of critical and civil virtue (autonomy), Caeser bellows an institutionally constituted No that articulates and enacts indignation against institutional depredation. In this case, it is a No against not only the immediate situation of the ape-sanctuary but also the human exploitation of apes in general, an allegory for exploitations of all kinds ranging from the civil rights movement (the explicit reference for the Planet of the Apes series in the 1960s-70s) to the current ecological and capitalist crises. This transformative, insurrectionary No of refusal, refutation, protest, complaint, outrage is a direct, active negation enabled by institutionalization, which is thereby affirmed by the new identification and articulation of indignation. It is a negative affirmation of institutions.

Attached to and assuming the intrinsic civic virtue of its criticality, contemporary art is not adequate to such negation and the (anti-)power of institutions. Avowedly so: precisely its claim to critical virtue prevents contemporary art from building negatively affirmative institutions adequate to the causes for indignation. The effects located here are twofold: (i) It is a pressing artistic problem since contemporary art is now mostly a mock-radical but in fact polite vessel for the circulation of critical virtue, blocking in the process more powerful because more transformational negations. (ii) It is a sociological problem for contemporary art since its social and artistic operations are for the most part highly exploitative and strongly power-hierarchical (be they informally so), against which indignation is an all-too-reasonable response.

To be clear: it is not that art cannot come to such a negative institutionality but, as P/Act for Art amply demonstrates, that contemporary art cannot because of its assumption and attachment to its own critical virtue. If, then, there is to be an art adequate to the insurrectionary outrage and indignations of perceived injustices, that can enact something substantial in relation to them by producing new transformational NOs against injustices, what is needed is another art than contemporary art, an art other than that of civic virtue.

What this other art might be and how to get to it are political questions. Political in both senses: it is a matter of what art's politics can be, and also of what art is validated, wanted, expected to be and to do. These are problems of art's institutionality, of what its institutions present and produce. Even accepting that contemporary art has to be dispensed with – and there are plenty of

motivated reasons to not do so - the working out of these tasks and the struggle to dispell contemporary art will take at least a cultural generation. Yet two initial characteristics of this art other than contemporary art can be identified from the argument so far: (i) a good and immediately salient object of indignation is contemporary art itself, its tendentious assumption of critical virtue and anti-institutionality in both its artistic and sociological aspects; and (ii) the negative affirmation of institutions, the constitution of the indignant NO, is an institutional task. And it is perhaps what they must do if causes of indignation are to be understood, identified and their negation to be expressed perhaps for the first time and to insurrectionary effect.

Comparison with the field and practice of human rights is again instructive for grasping what the latter task amounts to since its advocates precisely identify and act institutionally on causes of indignation. If the comparison holds then two further sub-claims instructive to the prospect of an art negatively affirming institutions have to be noted: first, that with regard to human rights the institutional task is not instantiated by the mere assertion of radical human rights, the claim of an universally intrinsic civic virtue such as Douzinas advocates, but of institutionalized, legally coded human rights, a strenuous task undertaken by judicial activists. Second, the constitution of collective indignation and its transformative articulation is something that the political Right have done far better than the Left in recent years. The argument above outlines the reasons for that success and contemporary art's necessary inadequacy in the face of it.