

OFFENSIVE

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But why, in Freud's view, does the amoral require expression? . . . Why can't we behave ourselves instead of expressing ourselves, or behave ourselves by expressing ourselves? Freud's answer is that we live in a continual state of temptation. Even though we love safety and self-preservation, something in us appears to like something else more (the most interesting art is never about safety, but about what threatens safety).

—Adam Phillips¹

“We seek wonder fitfully and with misgiving,” writes Mark Kingwell of contemporary aesthetic experience, but “somehow we still know it when we feel it: the staggered attention, the clearing of thought, and the shock of recognition that a work of art alone makes possible.”² This sort of Bloomsburyesque epiphany fits with Kingwell’s professorship in philosophy at the University of Toronto, just as it does with the *bien-pensant* self-image of the *Harper’s* readership he serves as Contributing Editor, yet this is precisely what is not delivered by Kingwell’s expressed targets: contemporary art and art history with their mutual aversion to “the creation of things simply for their interesting play of beauty, ideas and resonances.”³ This distaste for crafted “things” is at the core of the history of conceptual art, something Kingwell finds especially contemptible, calling it “a winking insult, a condescending piece of self-indulgence dressed up as a radical challenge to a staid old art world where things had to be painted and displayed and maybe even the result of talent.”⁴ Conceptual art has always been available for such attacks and Kingwell’s is not the first—not even the first in *Harper’s*⁵—and indeed it may be such availability that has aroused the perennial interest in conceptual art among art historians and practicing artists. After all, nothing is safer or best-behaved, resounding with self-control and self-preservation, than the strictly non-threatening “clearing of thought” which Kingwell holds onto so dearly. He promises little more than sought-for confirmation and happily met complacency; even the “shock” delivered is one of “recognition”, whereby, presumably, all that is already-known is trotted out for another show.

I do, however, like the notion of conceptual art as “a winking insult” to, if not a “staid”, then an ably-recovered art world which withstood conceptual art’s temptation but can never forget its potential and latent terror. And, since he is reviewing Alexander Alberro’s *Conceptual Art and the Politics of Publicity* (“elegant but uncritical” is the verdict), Kingwell is armed with one of the more sophisticated versions of how conceptual art collapsed, eroded, or elided the distinctions between art and publicity, aesthetics and marketing—though many look to pop and minimal art-marketeting and colour-field criticism for the historical moment when the seemingly inevitable industrialization and institutionalization of avant-garde art and culture took place.⁶ Still, the mark of attacks on conceptual art is never their accuracy or their historical acumen. While it would be too far to suggest that conceptual art was historically ordained, it is not something that can be wished away by espousing that everyone look to the moribund and traditional for solace. In point of fact, attacks on conceptual art are not historical but are moral in character, as authors like Kingwell must unhappily charge conceptual artists with achievements implicitly venal, mercenary, and offensive to proper artistic decorum not to mention the comforts of bourgeois contemplation. “*They put essays on the wall to read!*” “*They did not make the work themselves!*” “*They still had dealers and made a load of cash!*” It is such fun that dander can still be raised over this sort of trivia. Yet there is more. Attacks upon conceptual art reinforce an orthodoxy among some of its aficionados who want to distance themselves from the ignorance of the attackers and do so by rendering its threat anodyne and fashionable or otherwise conventional.⁷ To avoid such I will acknowledge that wonder has a place—say, in the embodied displacements of Richard Serra’s series of “Torqued Spirals” or “Torqued Ellipses” or the technological obsolescence encapsulated in Tacita Dean’s film-projector installations—even while remaining concerned with discerning and describing the perhaps ill-defined, wavering, but most often critical distinctions that current art aware of conceptual art history and practice relies on. Some of those distinctions are historical reflections of what is not now possible because of conceptual art; some are just clever things to do to piss-off recidivist art-lovers; some, however, seem to suggest “something else” that is not wonderful in the least.

Two recent art works, Michael Euyung Oh’s *200 Sex Offenders* and Ron Terada’s *Five Coloured Words in Neon* work to travesty the purported threat of conceptual art by turning to other sorts of threat. They do this in different but related ways. Oh adapts the serial manners and typological protocols of conceptual art and applies those characteristics to material astray from its austere and anti-social reputation. Terada bases his piece on the appearance of certain canonical conceptual art works, but can be seen

to short-circuit the exclusive attempt at self-reference in such work. Both pieces initially appear as if they have met the onus Thomas Crow placed upon any present-day or future conceptual art, that it “document a capacity for significant reference beyond the most proximate institutions of artistic display and consumption.”⁸ Yet, as I hope to show, in addressing threats of significance (or issues of threatening significance), the works circulate in some murky areas and rub shoulders with some pretty questionable characters within and without the institutional frame. One consequence is that the works, to some degree, unravel and disarticulate the mechanisms they refer to and depend on, so that the threats implicated come to appear to be less dangerous and monolithic than the apparatus established to allay them.

The generic allusion to seriality and typology in *200 Sex Offenders* is efficiently presented in its grid of one hundred male and female thumbnail mug-shots, each numbered and printed as small-format photographs. Almost identically framed through a fixed camera position the shots suggest a single source, most probably an official state registry of convicted and released offenders. Oh does not give the source, but, in a caption, he does describe his methodology:

200 mug-shot photographs of convicted sex offenders are ranked from 1 to 100 in each category of male and female, according to the artist's aesthetic judgment.

With this information Oh's precedents become apparent while his divergence from them also becomes pertinent. Besides the “Top 100” ranking, the near-arbitrary numerical parameters continue from examples like Ed Ruscha's *Twentysix Gasoline Stations* or, more exactly, from Andy Warhol's *Thirteen Most Wanted Men*, while Douglas Huebler's *Duration Piece #15*—where a mug-shot “Wanted” poster figures—and the type of serial documentation used in Hans Haacke's *Shapolsky et al. Manhattan Real Estate Holdings, a Real-Time Social System as of May 1, 1971* or Bernd and Hilla Becher's photo-grids are close by. The standardization, the grid's equanimity, is intended to convey a particular rationality, to make the work, in Sol LeWitt's terms, “mentally interesting” but “emotionally dry,”⁹ and the matter most obviously raised by *200 Sex Offenders* is whether this is material a viewer or the artist can and should remain impartial towards. Not to forget that much as LeWitt maintains that the rationality of his work ultimately becomes irrational, so the “emotionally dry” could end up morally trumped for Oh.

A similar claim could be made for Terada's *Five Coloured Words in Neon*, where the regrettably familiar colour-coded “Homeland Security

Advisory System” put in place by George W. Bush in March 2002 is represented in the manner of a Joseph Kosuth neon piece.¹⁰ Terada treats the text as a cultural readymade and, taking Kosuth’s ringing claims to represent “pure” conceptual art with some latitude, *Five Coloured Words in Neon* tautologically reproduces the colour code in the appropriate order—“SEVERE” in red, “HIGH” in orange, “ELEVATED” in yellow, “GUARDED” in blue, and “LOW” in green—all the lettering faithful to Kosuth’s brilliant model. Once that lettering was meant to convey “pure” information “without”—for Kosuth— “going outside the context of art for verification”,¹¹ while today’s contemporaries cannot help but seek, if not verification, then re-assurance that risks have not been ratcheted up, that what is terrible and terrifying has the good grace to happen to somebody else, some place else. (Such is the aim of the system since there is no corresponding “Outland Security Advisory System” for residents of Baghdad or Kandahar or Gaza.) *Five Coloured Words in Neon* is only descriptive and is not affected by changes in the status of the alert—such as occurred just before the piece was first shown last spring—nor, somehow, is it autonomous from the structures, forces, and ideology its language entails and enacts. The sort of thing it most obviously resembles, an ostensible sign, can, under these circumstances, fit many possible definitions, from indicator to explicator to spectacle to a premonition of things to come. It should be considered whether this sign—unlike his other promotional signage—is a protest sign or is simply one of resignation.

Such exposure of the limits of the autonomous and the moral with regards to art is part of the circumstances of the production of *Five Coloured Words in Neon* and *200 Sex Offenders*. Those limits troubled the history of Oh and Terada’s models as well and, here, the importance of Warhol’s *Thirteen Most Wanted Men* to *200 Sex Offenders* is crucial as is Kosuth’s history to *Five Coloured Words in Neon*. *Thirteen Most Wanted Men* was Warhol’s response to a commission for the New York State Pavilion at the 1964 World’s Fair held in Flushing Meadow. Using silkscreen blow-ups of mug-shots of thirteen alleged criminals once wanted by the New York City Police Department, Warhol decorated Phillip Johnson’s building with a twenty-foot-square of front-and-side headshots. Within days, a work crew painted over the mural on orders from World’s Fair officials, supposedly to protect the alleged culprits from libelous association (or, according to Johnson’s memory, due to the predominance of Italian-sounding names among the group).¹² Richard Meyer has convincingly argued that while this censoring can be seen to suppress Warhol’s evidence of the state’s power to stigmatize individuals, it also, decisively, sought to repress or eliminate evidence of the unsettling potential threat of encouraging homoeroticism by

letting Warhol display *his* “most wanted men” on a government-sponsored building in public space. There are two lines to pursue here: on one hand, whereas Warhol chose the alleged “most wanted”—the aristocrats of crime on the lam—Oh has selected convicted offenders, and those offenders were convicted of crimes that the popular view of outlaw life looks upon as the lowest and most vile. On the other, whereas Warhol has no hierarchy for his thirteen, Oh has qualified his 200 by ordering them “according to the artist’s aesthetic judgment,” apparently making their rank discriminating within the category. Again, drawing on Meyer’s research, *Thirteen Most Wanted Men* can be usefully paired with Warhol’s more plainly homoerotic work from 1964, the film *Thirteen Most Beautiful Boys*, and *200 Sex Offenders* could follow suit, being at once a gathering of a lowly category and a raising of that category, through discrimination, to the rank of the aesthetic.

Part of what is threatening about *200 Sex Offenders* is this raising for, outside of Sadean circles, “sex offenders” and “aesthetic judgment” are rarely linked terms and, for some—maybe for many—their pairing here is offensive. Such a conclusion is possible but, for the moment, it is enough to recognize a misalliance and to look at what “sex offenders” and “aesthetic judgment” can be said to mean. Sex offenders at first calls up notions of the violent, predatory actions of men at or beyond the threshold of bestial behaviour. Rapists, pedophiles, sadists, exhibitionists, voyeurs—all the creepy and disgusting perversions that occur outside of “normal”, adult sex. Here, in a classic move, vague categorization of certain acts immediately conjures whole character types and entire social mythologies of danger, racism, and xenophobia. As well, contrary to Oh’s nod to gender equality, the doxa does not recognize women as sex offenders. Nevertheless, legal definitions of sex offender and categories of offence differ according to jurisdiction, so that, in the Criminal Code of the *Consolidated Statutes of Canada*, “Sexual Offences” are gathered together with those involving “Public Morals and Disorderly Conduct” and are explicitly defined with regard to acts involving minors, incest, bestiality, and those “with a mental or physical disability”; in other words, those persons and beings unable to give proper consent.¹³ Most other crimes involving adult sexual conduct are categorized as “sexual assault” and fall under the chapter dealing with “Crimes Against the Person and the Reputation.” In the United Kingdom, a “sexual offence” is “Any crime that involves sexual intercourse or any other sexual act,”¹⁴ including acts between consenting adults, such as prostitution, as well as covering those without consent. In the United States, with its patchwork of state criminal statutes, sexual offences include acts without consent as well as encompassing the ambiguous term “sodomy” between consenting adults, explicitly singling out adult males, as in the

judgment recently struck down by the Supreme Court as unconstitutional in *Lawrence et al. v Texas*.¹⁵

Within the consensual arena, remember that both parties of the act or acts, hooker and john, top and bottom, agent and patient, are liable to face charges, and, of course, recall the horrific history where defense against such offenses was more often than not a process of blaming and trying the victim—a case of “diminished responsibility” whereby the alleged offender was tempted into the deed by the suggestive or lewd behaviour of the victim. Such continuity and variety within a relatively close-knit set of legal traditions demonstrates how laws defining and seeking to control aspects of sexual behaviour are, as Michel Foucault might remind, a regime of power/knowledge that more accurately describes the contours of social anxieties about sexuality rather than any inherently forbidden set of acts (though Freud’s incest taboo is a constant).¹⁶ Note especially the reliance upon consent and its position in the formation as the hallmark of individual freedom and self-determination; as well, note the categories of persons—children, the disabled—who come under control for being understood as being incapable of giving consent or—homosexuals, prostitutes—who live so far beyond the pale of heterosexual monogamy that their consent does not entitle them to participate in unregulated practices or protection under the law. Like the victims, then, *200 Sex Offenders* is constituted by a category of “unfree” persons whom the rest of society needs to control in order to secure protection, and we possess an intricately calibrated system in order to contain and punish whatever activities they come up with, no matter how they are defined. Recall the old-fashioned liberal understanding of sex offenders as persons “lacking sufficient judgment” and recognize that we now rectify that lack with gusto but without consistency or sufficiency.

In contrast, “aesthetic judgment” seems a distant and much less contentious and anxious affair. Yet, while the aesthetic is defined most generally as understanding achieved through feeling and the exercise of discriminating taste, there is another potential misalliance between “feeling” and “judgment”. Feeling is typically thought to be involuntary and, if not uncontrollable, then not explicitly chosen, whereas “judgment” is most commonly thought of as voluntary, controlled through reason and therefore accountable. Kant’s *Critique of Judgment* was devoted to providing a workable way to regard “aesthetic judgment” as a subjective and not cognitive judgment of pleasure or pain but one also disinterested in its object. In fact, it was the very involuntary, disinterested character of aesthetic feeling that Kant made fundamental since he recognized three “different kinds of delight” given over to three different ends:

The *agreeable* is what GRATIFIES a man; the *beautiful* is what simply PLEASES him; the *good* what is ESTEEMED (*approval*), i.e. that on which he sets an object's worth.¹⁷

Following Kant regarding *200 Sex Offenders*, and inquiring into what kind of judgment was required to order the piece, the first and third delights do not apply. As mere representations, the photographs Oh ranked cannot, for Kant, be personally gratifying, and it is more than probable that the category of convicted offender is not what he meant by worthy or esteemed. Representations do not satisfy appetites and the good need not be pleasurable, leaving that which might be experienced as beautiful and pleasing about the images of *200 Sex Offenders*, judged by their representations alone, with disinterest and, after Kant, spurred on by involuntary feelings and the faculty of taste. Michael Oh claims to have done this work, felt those feelings, found an order (and a beauty?) in photographs of a category of person once designated as suffering from disorders, potentially treatable, now popularly considered inhuman and monstrous. It is due to this ascription of inhumanity that the type of registry *200 Sex Offenders* is drawn from owes its existence in the public realm. The photographs are posted on the Web in order to perform tests, not of beauty, but tests about who you live among in order to raise anxieties about what you know about your neighbours and to judge how much you love kids. The willful re-functioning of this resource into a repository for the aesthetic unwittingly bothers when Oh claims to have performed his test of feeling beauty for *200 Sex Offenders*.

The irresolute quality of misalliance in *200 Sex Offenders* is maintained by the seemingly different referents of “sex offenders” and “aesthetic judgment”, yet prized apart and recombined the words “aesthetic” and “sex” taken together suggest a post-Freudian concept of beauty, while “judgment” and “offender” are closely linked to the administration of justice. It might also be remarked that the linking of “sex” to “aesthetics” brings up some Kantian problems of a post-Freudian sort, since the introduction of the unconscious makes it pretty difficult to argue for disinterest because sufficient elements of our psychic make-up are, to some degree, beyond conscious control. Under the sway of the unconscious, our seeking of gratification and pleasure and esteem are all mixed-up, determined by drives beyond our ken, such that the aesthetically pleasing can be desirously gratifying and, for some fetishists, an encounter with the Good or the Bad—which can be good—or even a rendezvous with the beyond good and bad which is the Sublime. Following psychoanalysis, all is potentially available for upturning and even the smallest thing—especially the smallest thing—is of interest.

So, even if it was accepted that *200 Sex Offenders* denoted a disinterested exercise of taste, then the connotation of disinterest might not be acceptable and we arrive at a crucial point: it is actually unimportant whether Oh did the declared work. The social implications of ordering photographs of 200 sex offenders “according to the artist's aesthetic judgment” are such that the work is either impossible or it is a degraded, disgust-filling thing for the artist to have done. Impossible because unlike less-encumbered examples—photos of children or of attractive landscapes or other images conventionally taken to be affecting and aesthetic—the members of the category “sex offenders” are created by legal judgments whose purview is beyond the reach of aesthetic experience and so the ranking is meaningless. Kant's fix for this, as explained by Thierry de Duve, is to presuppose the universal, the *sensus communis*, which amounts to “the supersensible substrate of humanity”—a weird and wonderful notion of pure understanding—where the possibility that anyone's aesthetic judgment can and might be shared by every living person is entertained whenever anyone exercises the faculty of taste.¹⁸ That Oh's judgment—if not exactly disinterested—might be universal, seems to be the only way to see beauty in the “sex offender”. Even so, *sensus communis* is not equivalent to the cognitive reasoning which would shore up a legal judgment so the mild collision of legal and aesthetic judgment can be covered by Kant's proviso that the limits of aesthetic judgment are met with the ridiculous and the disgusting.

200 Sex Offenders could be ridiculous in the same way that a lot of conceptual art is ridiculous. It has the amateurism of Ruscha, the arbitrariness of Huebler, the blankness of Warhol, even the nasty edge of some of the ridiculous pieces of Lee Lozano.¹⁹ The process *200 Sex Offenders* acts-out courts ridicule in the sense of being derisive, outrageous, mocking. Furthermore, Oh's ranking—*pace* the manipulative populism of vigilantes and the “cost-effective” policies of ceasing to offer treatment to sex offenders—could be considered disgusting only if proper respect is due to the legislative classifications, judicial process, and penal system under which convictions were obtained because the acts disgusted. And, of course, given the varieties of sex offences and their definition, are all sex offenders disgusting? Prostitutes? “Sodomites”? Is sex itself disgusting? The last question can take us on another psychoanalytic trek when we recognize that so-called normative sexuality must accommodate sex offenses regularly; otherwise we would all be hysteric or psychotic. Instead we inhabit offending and offended areas in our thoughts, our fantasies, and our deeds, just as those thoughts, fantasies—and some deeds we perform or are performed with our consent and involvement—sometimes have the unmistakable odour of the hysteric or psychotic about them. (Our neuroses we coordinate without trying; they

are us.) As Adam Phillips has it, glossing Leo Bersani's memorable assertion that there "is a big secret about sex: most people don't like it":²⁰

The big secret about sex isn't quite that most people don't like it, it's that most people don't like it because they are with people they aren't really excited by or with people they are too excited by (which is why most relationships end in either boredom or pathological jealousy).²¹

In some ways then, we have to confess that, "when it comes to sexuality, what Freud refers to as 'the recoil of horror' is the sign of desire"²²—and recognize neither the beauty nor a *sensus communis* regarding sex offenders. They are, in the last resort, the proof of the horror that is desire. Which is why we put them "away" and fear their return, for they come too close to home—that place where most commonly and in common-or-garden fashion sex offences take place and take their place in an intolerable "way of life".

Due to this, what finally grates about *200 Sex Offenders* is not the ranking itself, not the offenders, not the offences, but their collocation. By coming together as art-work these factors designate and limn the inadequately understood and inchoate relations between the judicial, the aesthetic, the sexual, and the familial aspects of social and political life. Along with other legal scholars, Mona Lynch attributes the populist disgust with sex offenders to misplaced anxieties amid an intensified emotional character influencing legislative practice around sexuality and children in the U.S.A. (The same almost applies here.²³) Further, Lynch notes how pulling on emotional heartstrings such as children facing predators on the internet as the basis for sex offender registries has been shown to be a product of requirements entailed by enacting "risk-management" penology. Under such penal regimes, non-emotive cost-benefit analysis, not diagnosis or morality, dictates longer sentences, the elimination of treatment regimes, and continual state and vigilante surveillance once parole is granted or following full-term release.²⁴ A similar blanket approach to "risk-management", increased surveillance, and emotionally motivated re-direction of attention toward punitive and near-authoritarian measures is found in the deployment of the "Homeland Security Advisory System" depicted by *Five Coloured Words in Neon*. The mendacious use of language in the "Homeland Security Advisory System" is re-functioned in *Five Coloured Words in Neon*. Taking the code and making it over into a sign means looking to its form rather than simply reading the words; looking to the words and their match to the slightly skewed spectrum colour-scheme does the de-familiarizing work of pointing out the paradoxical crudity of this instrument.

Reading like a forest-fire directive or ultraviolet index, over 18 months only the “ELEVATED” and “HIGH” settings of the “Homeland Security Advisory System” have been advised, and, in all likelihood, the other levels will never be called. The lower, cooler terms and colours—“GUARDED” blue and “LOW” green—are too diminutive, too commonplace, and I for one doubt that proud President Bush or the calculating (and not wholly devoid of sense) minds at work in the U.S. security establishment would want to summon and deal with the mass pandemonium arising from announcing a red “SEVERE” threat or risk. Since one of the aims of the system is incrementally to isolate federal departments and civil service agencies (not the military) from the public, “SEVERE” conditions would be counter-productive since government from behind closed doors would be immobile, ineffective, impotent (just like al Qaeda in caves!). Additionally, the redundancy of the five-speed system with only two effective settings is not incidental but is *designed* in, much as the strange use of terms like “GUARDED” or “ELEVATED” sounds odd and, hence, is too fussy and conspicuous to be accidental. The U.S. government has been using semioticians, professional and academic, for many years, and everyone knows that a system of this sort has to have built-in redundancy.²⁵ By this I mean to point to the semiotics of the system while speculating on its instrumental character. The “Homeland Security Advisory System” is, above all, a means to figure an intangible, to translate the interpreted (secret) data of military information-gathering and the intelligence services into a rudimentary verbal and chromatic hierarchy that has real effects. Images of shoeless passengers and extended queues make emergency conditions sensible and are invaluable as propaganda because the raising of the level from “ELEVATED” to “HIGH” has a disciplining effect of no small proportion. Much as Americans can be predictably made more confident in their government’s ability to handle risk when the colour declines from orange to yellow, so the intensification of anxiety encourages compliance with repressive measures once the up-shift return to orange comes just so close to touching that red line that is never quite met. “SEVERE” is indefinitely delayed, belated, so, just like last time, it can be maintained that the devilry in the terror, when it comes, will be its unexpectedness.

Terada has built a career on an unembarrassed acknowledgment of his belated relation to conceptual art. For him (and he is not alone), conceptual art happened in a legendary but not exactly golden past. Later there was noise about something called neo-conceptualism (note how the change from “conceptual art” to “conceptualism” congeals possibilities; think of that misnomer “photo-conceptualism”), and now there is “art-in-general” which looks like it once had an encounter with conceptual art.²⁶ Terada

works this vein and this history. The knowingness of his reference to Kosuth is part of a strategy both wide and narrow. After all, the neon pieces of Kosuth are not just any old part of the canon of conceptual art. They have the bright glow and flashy colours of an illegitimate marriage of pop to minimal art as well as the unavoidable inertness of neon as an element. Terada's previous neon signs were inert in their self-reference: asked to participate in group exhibitions, his works became the title-words "THESE DAYS" and "PROMISES"—nominated by the curators—flickering, shining, calling out from an implicit datedness and the artist's equally implicit distance from conception, production, anything but promotion. Terada provided, with the least effort, the lowest grade of service-art—advertising the show in the gallery where it was held.

The belatedness of this strategy is striking since there was no selective slackerhood about Kosuth's neons. Formed of capital letters of functional signage in straightforward character—unlike, say, the cursive spiral of Bruce Nauman's *Window or Wall Sign* and unlikely to participate in the "mystic truths" that Nauman seemed to promise to reveal—Kosuth's neon signs were part of the *Proto-investigations*, art works "conceived" in 1965 and later executed once the young artist (only 20 in 1965) was able to feed the market with "early" works. Terada chose a well-known template: there are examples of *Five Words in Red Neon*, *Five Words in Orange Neon*, *Five Words in Yellow Neon*, *Five Words in Blue Neon*, *Five Words in Green Neon*—all the colours in *Five Coloured Words in Neon*—and there is at least one in white as well. The first declared neon I have found illustrated is *Five Five (To Donald Judd)*, dated "1965/69", published in a catalogue for a 1973 Kosuth retrospective (yes, a retrospective, with a five-volume catalogue of 300 pages in total, for a 28-year-old).²⁷ It might be remembered that Benjamin H.D. Buchloh and Kosuth exchanged words about the doubtfulness of the dating of the *Proto-investigations* in the catalogue for *L'art conceptuel, une perspective* and, later, in the pages of *October*.²⁸ That aura of doubt surrounds *Five Coloured Words in Neon*, sullyng the "Homeland Security Advisory System" it appropriates and combines with Kosuth's assertion of "pure", self-referential, tautological conceptual art. With this, the very sort of venal transaction which would perturb Kingwell if he did his research is ascribed to the present questionable conduct of the American government and to the puffed-up manners and self-protective measures assumed by those preparing their place in the history of conceptual art.

Lurking somewhere in the vicinity is another text, one of the first to recognize conceptual art as historical. Locating it in the milieu of the late-1960s, Jeff Wall wrote in "Dan Graham's *Kammerspiel*" of conceptual art as the "melancholy Symbolism" of the "neo-capitalist order". He continued, eloquently:

In presenting its forgotten card-files and print-outs, its 'caskets' of information, conceptualism recapitulates a kind of Mallarméism: social subjects are presented as enigmatic hieroglyphs and given the authority of the crypt. The identification of bureaucracy, publicity and academicism with cryptic utterances expresses an awareness of the participation of universities and bureaucracies in a corporate death-machine, an awareness which of course animated the student antiwar movement.²⁹

The aptness of this quote to *Five Coloured Words in Neon* is almost too precise to be accidental. Wall's necrologue of conceptual art was prescient in its clarity concerning the social ambivalence and political detachment of the art, much as Terada's sign has about it the disaffecting, almost stupefying "authority of the crypt" that has hung around the subject of death and destruction for the past two years. *Five Coloured Words in Neon* takes the embodiment of bureaucracy in the "Homeland Security Advisory System", the nostalgic publicness of neon signage, and the tainted "academicism" of the reference to Kosuth in order to compose an image of the likenesses, continuities, and also the incommensurate influence of each of these components upon the workings of the aggregate "corporate war-machine" as it remains operational. Wall's eloquence clandestinely overstates when it seems to give the impression that conceptual art's "bad faith" compact was with the masterminds of the Vietnam War; yet Terada follows this misprision. *Five Coloured Words in Neon* directs attention to the deadpan, stolid continuation of the administration of death and destruction for fun and profit, but it does so not for the revelation of the duplicitous involvement of art, academe, and advertising in that administration. Such a revelation should not strike anyone as novel. Rather, to me at least, there is a quiet homage here to the withering-away of the energies and the analyses which saw through the cant and linked together the components of the "war-machine", made the linkages public, and went on to make-up the "student antiwar movement", which we might remember was also anti-academic and anti-bureaucratic. *Five Coloured Words in Neon* as indicator stands in for those energies, bearing witness to circumstances where neither students nor art has been effective this time around.

I am uneasy ascribing motives to Terada or to Oh since an unceasing affectless effacement looms large in both artists' sense of belatedness, and also because, like *200 Sex Offenders*, *Five Coloured Words in Neon* is notable for provoking thought in areas supposedly outlying its status as art. As a sign, it points to areas of interest; as a piece by "Ron Terada" it does the now-expected labour of continuing his purloining, waylaying, and malingering in the history of conceptual art. *200 Sex Offenders*, meanwhile,

is but one of several of Oh's ranking projects—the world's national flags, proper names, death-row inmates—but is the only one which, I think, has the potential to generate confusion and tension between regimes of aesthetic and legal judgment. Finally, however, the vacuum produced by these two works—their evacuation of artistic personae in favour of strategy, their willing courtship of the unseemly and degraded—conceals a singular negativity towards the recently touted question of “whether ‘criticality’ is at all possible today”.³⁰ In place of what sounds a little like wishful thinking—it is easier to bemoan a lack of criticality than to engage the crisis—works of the sort Oh and Terada have produced tempt us to undertake to begin to undermine the present state of publicly celebrated, paradoxically complacent, catastrophe. That is their offence.

Notes

- 1 Adam Phillips, "Bored With Sex?," *London Review of Books* 25:5 (March 6, 2003), pages 7-8.
- 2 Mark Kingwell, "Art Will Eat Itself," *Harper's* 307:1839 (August 2003), page 85.
- 3 Kingwell, page 84.
- 4 Kingwell, page 83.
- 5 The egregious essays gathered for Tom Wolfe's *The Painted Word* (New York: Farrar, Straus and Giroux, 1975) originally appeared in *Harper's* in the early 1970s.
- 6 Responses to and explanations for these phenomena have driven the writing of many of the best critics and historians of late-modernist art, Benjamin H.D. Buchloh, Thomas Crow, Hal Foster, Charles Harrison, and Rosalind Krauss, among them.
- 7 As Art & Language noted, the planning and promotion of the touring exhibition "Global Conceptualism" signaled a saddening need to refurbish conceptual art for a "globalized" world. See their "Concept and Experiment in Britain," *Modern Painters* 13:2 (Summer 2000), page 23.
- 8 Thomas Crow, "Unwritten Histories of Conceptual Art: Against Visual Culture," *Modern Art in the Common Culture* (New Haven: Yale University Press, 1996), page 216.
- 9 Sol LeWitt, "Paragraphs on Conceptual Art," *Artforum* V:10 (Summer 1967), page 81.
- 10 See "Homeland Security Presidential Directive-3", March 11, 2002.
<<http://www.whitehouse.gov/news/releases/2002/03/20020312-5.html>>.
- 11 Joseph Kosuth, "Art After Philosophy," *Art After Philosophy and After: Collected Writing, 1966-1990* (Cambridge: MIT Press, 1991), page 21.
- 12 I have relied on the excellent discussion in Richard Meyer, "Most Wanted Men: Homoeroticism and the Secret of Censorship in Early Warhol," *Outlaw Representation* (OUP, 2001), especially pages 128-136.
- 13 *Consolidated Statutes of Canada*, Criminal Code, [R.S. 1985, c. C-46], Part V, Sections 150-161. I follow the order of offences. For help with the legal terms, I am grateful to the skills of Marianna Jasper.
- 14 Elizabeth A. Martin, ed., *A Dictionary of Law* (OUP, 1997).
- 15 See: Supreme Court of the United States, *Lawrence et al. v Texas*, June 26, 2003.
<<http://www.supremecourtus.gov/opinions/02pdf/02-102.pdf>>.
- 16 Michel Foucault, *The History of Sexuality Volume I: An Introduction* (New York: Pantheon, 1978).

- 17 Immanuel Kant, *The Critique of Judgement*, James Creed Meredith, trans. (OUP, 1952), page 49.
- 18 Thierry de Duve, *Kant After Duchamp* (Cambridge: MIT Press, 1996), pages 310-312.
- 19 Regarding the amateur, the arbitrary, and the blank, see: Jeff Wall, "Marks of Indifference," *Reconsidering the Object of Art*, Ann Goldstein and Anne Rorimer, eds. (Cambridge: MIT Press, 1995), pages 247-266. On Lozano, see: Helen Molesworth, "Tune In, Turn On, Drop Out: The Rejection of Lee Lozano," *Art Journal* 61:4 (Winter 2002), pages 64-71.
- 20 Leo Bersani, "Is the Rectum a Grave?," *October* 42 (Winter 1987), page 197.
- 21 Phillips, page 8.
- 22 Phillips, page 8.
- 23 The Summer 2003 media-led "populist" call for public access to the Ontario Sex Offender Registry following the abduction and killing of Holly Jones was muted and fizzled out when the alleged culprit turned out to have no prior arrests and there was no mention of sexual activity being part of the killing. See also the fact sheet from the John Howard Society, *Sex Offender Registries: A Costly Illusion*, July 2001.
<<http://www.johnhoward.on.ca/Library/Fctsheets/16-1.htm>>.
- 24 Mona Lynch, "Pedophiles and Cyber-predators as Contaminating Forces: The Language of Disgust, Pollution, and Boundary Invasions in Federal Debates on Sex Offender Legislation," *Law and Social Inquiry* 27:3 (Summer 2002), pages 529-566.
- 25 An account of an academic semiotician working on a Bechtel Corporation U.S. government contract as a consultant on how to indicate Hazardous Waste, is: Thomas A. Sebeok, "Pandora's Box: How and Why to Communicate 10,000 years into the Future," *On Signs*, Marshall Blonsky, ed. (Oxford: Blackwell, 1985), pages 448-466.
- 26 On "art-in-general," see: *Kant After Duchamp*, especially "Part III: Anything and Everything," pages 281-379.
- 27 Mel Ramsden, et al., Joseph Kosuth I: *Protoinvestigationen & Erste Investigationen (1965; 1966-68)* (Lucerne: Kunstmuseum, 1973), pages 5 and 97. Another neon, *One and Eight - A Description*, can be seen in an installation photograph of Kosuth's solo exhibition at Leo Castelli Gallery in December 1972, reproduced in *After Philosophy and After*, figure 5 following page 198. This seems to be when many of the neon *Proto-investigations* made their appearance.
- 28 Benjamin H.D. Buchloh, "From the Aesthetic of Administration to Institutional Critique (Some Aspects of Conceptual Art 1962-1969)," *L'Art conceptuel: une perspective* (Paris: Musée d'art moderne de la ville de Paris, 1989), pages 41-50. Revised as: "Conceptual Art 1962-1969: From the Aesthetic of Administration to the Critique of Institutions," *October* 55 (Winter 1990), pages 105-143. In 1989, before the exhibition opening at the Musée d'art moderne de la ville de Paris, Kosuth prepared a statement and, Charles Harrison reports, curatorial assistants hand-tipped it into the catalogue in front of Buchloh's essay. See: "Conceptual Art: Myths and Scandals," *Artscribe* 80 (March/April 1990), page 16. When Buchloh printed his revision, Kosuth revised as well, along with his one-time dealer, Seth Siegelaub, and Buchloh reiterated his stance: see "Joseph Kosuth and Seth Siegelaub Reply to Benjamin Buchloh on Conceptual

Art," *October* 57 (Summer 1991), pages 154-157. Following is "Benjamin Buchloh Replies to Joseph Kosuth and Seth Siegelaub," *October* 57 (Summer 1991), pages 158-161.

- 29 Jeff Wall, "Dan Graham's *Kammerspiel*," *Dan Graham* (Perth: Art Gallery of Western Australia, 1985); reprinted as: *Dan Graham's Kammerspiel* (Toronto: Art Metropole, 1991), page 19.
- 30 Tim Griffin, "Left Waiting," *Artforum* XLII:1 (September 2003), page 246.