

## **ILLEGAL AMERICA**

**by Jeanette Ingberman and Papo Colo, 1982**

**New York City**

The manipulation of illegality as a discourse in art is a demonstration of the intellectual capacity of the artist to deal with rules, the introduction of an anarchistic idea within the democratic structure. It is a symbolic threat to established values which translates into a desperate action of creativity, the exchange of an accepted truth with the invented truth of the artist.

The use of illegality is a commitment of the artist to deal with reality, often at dangerous risk. By consciously breaking the law, either with the intention to make something dissident, to challenge its constitutionality (as in the flag cases), or to provoke amazement (as in the obscenity/pornography cases), the artist exposes himself/herself to a vulnerable position outside the confines of the art world. These works act as evidence of the artist's subversive role, documents of illegal poetics as commentaries on the system.

The mental discourse in these works lies between visual poetry and social and moral philosophy. The images are direct declarations by individuals that confront certain questions of the real and the unreal, the moral and the immoral. It is the particular vision of an idea that expressed as a criminal protest becomes an aesthetic cultural value.

The comprehension or acceptance of this kind of work is dependent on the political consciousness of the viewer, or at least on the capacity of the viewer to be receptive to the information. The legality or illegality of this art is often determined by the people who judge them, a measure of the morality of the society at a given time. This is to say, that a work that could infuriate the public enough to take action against the artist, might be totally overlooked ten years later, although the actual law remains the same. The context or geographical location in which a work of art is shown as distinguished from the particular image it embodies may itself be the basis of a lawsuit.

By the same token, it is not only the audience that has sometimes protected these works, but the art world itself has proved to be a shelter for illegality. Works in this exhibition that were done in the early 70's were legitimized by being exhibited at the time in respectable galleries. This had the effect of shielding the work from anyone except those who would encounter it within the physical space of the gallery, within a sanctioned 'art' area, and centered the issue around not if it were illegal but rather around if it were art. Because these works seemed very real, having to do with actions that could be experienced in daily life, they seemed more fantastic, more fictional, and it was difficult for the viewer to understand it as art. More than provoking a dynamic, these works produced shock and notoriety for both the artist and the gallery.

In revealing these irregular and unusual expressions in art, this exhibition will attempt to clarify the pointlessness or effectiveness of these statements within a society that allows the breaking of rules. The intervention of the law or the media demonstrates how power rejects or tolerates the notion of illegality in art. Most illegal art actions by artists are never prosecuted. Usually, out of convenience, (and because it is not seen as a threat) there will be no response by society or the law, and this pseudo acceptance of the work, by not taking any action to suppress it, has the

effect of neutralizing it, making it banal and thereby ineffective.

When an illegal action is translated into the language of the law or the media (i.e. TV, newspapers, etc.) it loses interpretation, a substantial essence of what the artist is trying to say. In giving only part of the truth, they are accommodating the masses, who then take it more as a curiosity than a serious action. It is usually exaggerated to make it seem like more than it is, in order to make it less than it is. These works, or rather the attitude towards these works, confirm for the public the idea of the artist as criminal, artist as crazy person, or worse, artist as child who only needs to be scolded for naughty behavior. In this way, the law and the media manipulate these dissidents by giving them a treatment of childish tolerance.

Illegal acts in art are a metaphor for terrorism. Risk is an essential aspect of this kind of manifestation. These actions convert themselves into danger for the artist and sometimes for the viewer as well. The works in the show have their basis in aggression, not only physical but intellectual. We don't usually conceive of an intellectual taking physical action-- to steal, falsify, make threats-- in order to crystallize his/her intentions. The essential element here is a consequence of his/her knowledge and the aesthetic is fabricated based on those experiences-- a product of the forbidden side of a cultural expression.

The element of risk is a continuous tension that attempts against the facts of life to the point between truth and lies, to the values that collapse, to the intention of the poetic to transform reality into a symbol. In this way, the exhibition is also about literature in action, obscene innocence, utilitarian politics, transmuting the illegal and the legal relationship into the extraordinary stage of performance.

Art, like justice or morality, has no concrete definition; it is abstract. That is why there is such confusion when the expanded boundaries of art come in conflict with the law (which in actuality is also an abstraction). The system is accustomed to judge by certain methods, within certain definitions and patterns. To say that something is illegal is not a strong basis for illegal defense. Most art cases that do go to court are argued on the basis of intent: that the artist had no real intentions to do harm, is a good citizen. This is very disappointing to some artists who naively believe that art transcends the law and are totally unprepared for any consequences that might follow. The action has more meaning when the artist is willing to accept responsibility for working in this way and not hide behind definitions of the work as art. To allow art to exist outside the law would eliminate the power of the work. Illegalities in art should not enjoy more privileges than those same illegalities in life. In the end, the artist gives us only a metaphors of the illegality of life which for some is a determining factor of survival.

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