Design for Next

12-14 April 2017



# **Aesthetic Justice.** Design for a blind-spot culture

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Abstract: This paper presents a conception of aesthetic justice which builds on thoughts of Theodor Adorno and Wolfgang Welsch and attempts to reconcile design's relationships with both aesthetics and ethics. Where legal justice operates on a principle of homogenising equality, aesthetic justice recognises the full heterogeneity of experience and as such cannot tolerate the injustice of treating things which are not alike as if they were. Building on this theoretical conception a project of design for a blind-spot culture is outlined. Design, rather than contributing to societal anaestheticisation of the ethical can instead utilise its aesthetic influence to shine light on dark places, nurturing an atmosphere of sensitivity to differences, exclusions, oppressions and intolerances. Design's potential to act, and fail to act, in such ways is discussed through examples of aesthetic artefacts relating to the 2016 British EU referendum, U.S. presidential election, and the Black Lives Matter movement.

Keywords: Tolerance, Sensitivity, Ethics, Black Lives Matter, Anaesthesia

## 1. Why Aesthetic Justice?

In 1973 the philosopher Monroe Beardsley advanced a notion of aesthetic justice. Beardsley's conception mirrors an economic principle of distributive justice, proposing that each society possesses aesthetic wealth embodied in the artefacts assigned aesthetic value by members of that society. Some segments of society may be aesthetically affluent, while others could be said to be aesthetically deprived. Aesthetic welfare could be sought through a fairer redistribution of aesthetic goods out of the standing reserve of aesthetic wealth. This fairer distribution would amount to aesthetic justice(Beardsley,1973).

Though there is some value in Beardsley's perspective, read through contemporary eyes his delivery and immediate application can appear rather crude. Underlying assumptions of what can rationally be assigned aesthetic value pervade and constrain his conception of aesthetic justice(Beardsley, 1982). For Beardsley aesthetic justice is subservient to the primary serious business of ethical justice(Beardsley, 1973, p.60).

This paper approaches the idea of aesthetic justice from a different angle. Rather than looking for an ethics of justice within the marginal special-interest sub-domain of aesthetics, the case is presented here that all of our conceptions of ethics and politics are in fact aesthetic in nature. The aesthetic realm is not an economy of objects to be distributed. Rather, it is the realm of sensitivity through which all our experience of existence is encountered. Therefore, matters of aesthetics are not just a side-show add-on to the main event of ethics. Ethics, politics, justice, in fact all of our objects of perception and cognition, are aesthetically encountered and mediated. Aesthetic welfare is not merely a first-world-problem to be addressed through the fair distribution of opportunities for art appreciation.

It matters greatly how we produce, deal with and relate to our aesthetic artefacts, because this aesthetic experience has a profound influence on the ways that we live our lives, relate to others, and organise our societies. The inherently personal nature of aesthetic experience can mask the social significance of the aesthetic dimension. Aesthetic experience is not passive. It is not simply something which happens to us. It is less a one-way torrent washing over us, and more a complex social system of feedback loops. We actively shape our aesthetic sensitivities as we filter and refine our experience of the world. This in turn alters our responses to future aesthetic encounters. Aesthetic experience is, in this sense, a process of design. As Anne-Marie Willis cogently puts it in her summary of the idea of ontological designing: "We design our world, while our world acts back on us and designs us" (2006,p.70). In a world in which artificiality has, in Clive Dilnot's words, become the "horizon and medium of our existence" (Dilnot,2008) our experiential ways of perceiving and understanding this designed world must be seen as an integral part of the world-creating system.

How are we designing our aesthetic experience of the world? And how is this world re-designing our aesthetic experience of itself back on us? Are we nurturing a culture in which we are aesthetically sensitive to the realities surrounding us? Or are we designing our own numbness and blindness, our own lacks of aesthetic awareness?(Buwert,2015) This paper proposes a conception of aesthetic justice as a way of connecting these issues of aesthetics, politics and ethics in the context of design, arguing that design has the potential both to encourage and/or discourage aesthetic justice.

## 2. Aesthetics and Ethics

## 2.1 Aesthetic Sensitivity as an Ethical Imperative

In the complete blindness of the absolute lack of sensitivity, ethics cannot be experienced. In a sense this is what Giorgio Agamben(1993,p.44) refers to when suggesting that the only ethical evil is to exist in a state of denial of one's own potentiality. German philosopher of aesthetics Wolfgang Welsch describes how a person existing in a state characterised by such a deficit of sensitivity would most likely assume at all times that they are being and acting well, when in actuality they could be acting in ways which would horrify themselves, were they only in possession of the capacity to be able to perceive it(Welsch,1997,p.27). Welsch's example of intolerant tolerance demonstrates the inadequacy of an exclusively insular personal conception of the ethical. While an individual or group might be able to deceive themselves that their actions are acceptable in line with their internal standards, in genuine encounter with the *other* these internal sufficiencies come to be questioned(Buber,1937/1970;Løgstrup,1971/1997).

It is here that aesthetic sensitivity becomes a necessity for the ethical. Without the capability to sense differences, adherence to the principle of tolerance becomes a meaningless gesture. So in all

ethical matters, without sensitivity to the potentialities inherent within the situation, the ethical itself becomes nothing but an empty shadow of what it proclaims to be.

The specifically *aesthetic* character of this sensitivity towards the ethical realm is significant. In *Undoing Aesthetics*(1997) Wolfgang Welsch attempts to uncover and lay bare some aspects of the operation of the aesthetic in society, and in doing so begins to tease out some of the subtle but deep links and connections between the aesthetic and the ethical.

Welsch(1997,pp.60-64) identifies two fundamentally aesthetic ethical imperatives through which it is possible to begin to identify elements of the ethical actually emerging from within the aesthetic itself. The first of these emergences of the ethical from within the aesthetic he refers to as the *vital imperative*; in which aesthetic sensibility serves the primary ethical goal of the preservation of life.

The second aesthetic imperative which Welsch advances is the *elevatory* imperative: that which *requires* us to rise above raw aisthesis sensation to a higher level of perception in which aesthetic sensibility serves not only the vital functions of survival but of judgement, reflection, communication and pleasure perceived autonomously from vital concerns and often prioritised and privileged over them. This is elevatory in two senses, firstly that such perceiving must take place in a state of reflection "raised above" the immediate pleasure/pain concerns of survival, but secondly, because it is this ability to rise above purely physical vital concerns in which, Welsch suggests (after Aristotle), is found the "anthropological difference" (1997, p.64): that which sets humans apart from those other living creatures and inanimate objects who lack this capacity for higher level reflection.

It is in this sense that Welsch posits aesthetic sensitivity as the ultimate human categorical imperative: if there is something which humans "must" do – because to not do this means to lose something of what it means to be human – it is to maintain our grasp on the capability to rise above the physical. It is through this elevatory aesthet/hic imperative to seek to rise above the raw physical sensuous, that we can begin to recognise connections and linkages between the aesthetic realm and phenomena which we may more easily recognise as ethical.

#### 2.3 Adorno and Welsch: Aesthetic Justice

In *Negative Dialectics* German philosopher and sociologist Theodor Adorno speaks out against the uncritical assumption that equality and justice naturally go hand in hand, positing a distinction between legalistic and aesthetic justice.

"In large measure, the law is the medium in which evil wins out on account of its objectivity and acquires the appearance of good. [...] In law the formal principle of equivalence becomes the norm; everyone is treated alike. An equality in which differences perish secretly serves to promote inequality." (Adorno, 1973, p.309)

Formal equality of all before the eyes of the law would appear to be a rationally desirable condition. What Adorno points out is that where such equality is manufactured among people through the crushing of genuinely existing differences, this cannot properly be called just. Reinforcing this point elsewhere, he writes that politics ought not to

"propound the abstract equality of men even as an idea. Instead they should point to the bad equality today, [...] and conceive the better state as one in which people could be different without fear. To assure the black that he is exactly like the white man, while he obviously is not, is secretly to wrong him still further." (Adorno, 1974/2005,p.103)

A principle of radical equality such as that demanded by modern legal systems can in fact become indiscriminate blanket homogenisation. Under such a system justice belongs to the imagined homogenised average figure but never to the unique, different, heterogeneous individual. The truth is, that while it is absolutely necessary to seek common grounds and patterns in society, in reality there is no universal homogeneity, only heterogeneity, difference and uniquely singular moments, individuals, experiences and artefacts.

Generalising systems of legalistic justice seek, out of good intentions, to avoid unfairly excluding anyone by ensuring that all are treated equally. However, in a fundamental sense by doing so all are treated unjustly as none are recognised fully in their unique singularity and difference. It is only through openness to the recognition of differences that justice can properly emerge. This recognition can only occur aesthetically.

Counterintuitively, precisely because it operates on a fundamental principle of *exclusion*, the aesthetic is inherently open to what Welsch calls "justice to the heterogeneous" (Welsch,1997,p.70). The sensation and perception of something always occurs with reference to that which it is not, the void from which the object is abstracted (Saussure,1986). The aesthetic always relies on the anaesthetic. It never assumes or demands equality but rather relies on difference and exclusion for its foundations. The aesthetic is comfortable with diversity and plurality and conversely cannot stand the injustice of equality, at least in the sense that where equality reigns aesthetic recognition of difference has already been minimised.

This dynamic of aesthetics and anaesthetics goes both ways. Proper aesthetic sensitivity requires a balance and coexistence of the aesthetic and the anaesthetic. Each requires the other. Anaestheticisation can come about through hyper aestheticisation; an overloading and overwhelming of aesthetic sensitivity leading to a distinctly homogeneous numbness. As Welsch points out:

"A basic aesthetic law states that our perception needs not only invigoration and stimulation, but delays, quiet areas and interruptions too. [...] Where everything becomes beautiful, nothing is beautiful anymore; continued excitement leads to indifference; aestheticization breaks into anaestheticization." (Welsch, 1997, p. 25)

Proper aesthetic sensitivity, is by its nature attentive towards that which is different and excluded. While legalistic justice is interested in generalisable blanket principles which can apply to a range of situations, aesthetic justice embraces the plurality of the singular in which each unique situation or individual is dealt with according to their uniqueness and difference. Aesthetic justice is more interested in the exceptions to the rule than the greatest good for the greatest number. Welsch writes:

"In that reflected aesthetic consciousness is sensitized for fundamental differences as a matter of principle it is able to recognize and to respect the peculiarity and irreducibility of forms of life more easily than widespread social consciousness, which denies alterities rather than acknowledging them. Hence an aesthetically sensitized awareness can also become effective within the life-world by illuminating, clarifying and helping out. The readiness is constitutively built in to be critically attentive of borders and exclusions, to see through imperialisms and – being, as a matter of principle allergic to injustice – to intervene wherever excessive domination is found and wherever the rights of the oppressed must be espoused." (Welsch,1997,p.26)

The aesthetic's predisposition towards justice to the heterogeneous allows us to see how it is in fact specifically *aesthetic* sensitivity which best allows us to engage with the ethical. Aesthetic justice is the necessary foundation for authentically ethical justice.

## 3. Towards a Blind-Spot Culture

### 3.1 Designing Anaesthesia



Figure 1. "I Wanna Be Inside EU" poster. 2016. Harry O'Brien/EU-UK.info

Figure 2. "Don't be a Sucker" poster. 2016. SagmeisterWalsh/pinswontsavetheworld.com

What are the implications of an ethical principle of aesthetic justice for design? Aesthetic experience can divert and numb. But equally it can draw attention and return sensation to those areas which have become our blind-spots. Design's interventions in mediating our aesthetic experience can act in both these ways, casting both shadows and light.

From propaganda to protest, graphic design has a long history of political entanglement which continues to the present day(McQuiston,1993;Pater,2016;Poynor,2002). The major political events of 2016 have proved to be no exception, as designers have produced posters, infographics, merchandise etc. for both the U.S. presidential election and the UK's referendum on leafing the EU. However, what has been unusual about these particular events, has been the particularly stark way in which the outcomes of both votes have so harshly illustrated fundamental weaknesses in this contemporary graphic design for politics. It appears that a majority of designers (one poll of UK creatives(Kampfner,2016) found that 96% of those asked were supporting the Remain campaign) found themselves on the losing sides of these debates. For significant numbers of the (generally liberal, typically left-leaning) population of politically engaged designers who had involved

themselves in these causes, the outcomes of both votes represented genuinely shocking illustrations of their own impotence.

Writing for the Eye Magazine blog Marina Willer, partner at Pentagram London, described her emotional state in the aftermath of the Brexit vote: "I felt ashamed and I felt guilty, because I knew that as designers we could have done so much more" (Willer, 2016). Perhaps, however the question designers should be asking is not "how much more" we could be doing, but "are we doing the right kind of things?"

Design's like Harry O'Brien's "I wanna be inside EU" poster(Figure 1) and Sagmeister&Walsh's pins won't save the world project(Figure 2) are examples of a certain typically insular, playful, and often heavily ironic strand of contemporary "political" graphic design which communicates clearly and directly to only the select few who get the joke, have the visual literacy to appreciate the symbolic nuances of the design, and almost certainly are already support the same position as the designer.

The impact of such aesthetic interventions is only the deepening of collective short-sightedness(Becker,2012) and the strengthening of filter bubbles(Pariser,2011) as we speak the language of those like us, and communicate less and less effectively with everyone else. Willer, in her Eye article stumbles on a cutting insight: "Almost everyone I know voted to stay in Europe. But, then again, almost everyone I know lives in London" (Willer,2016) By failing to engage with those who are not like us, operating exclusively within our own circular self-affirming little worlds, are we busily designing our own anaesthesia instead of designing for sensitivity?

By creating alluring aesthetic spectacles, design can distract and divert our attention away from certain ethical issues, leaving us with blind-spots. Or it can more generally overwhelm and numb our aesthetic sensitivity through the non-specific onslaught of hyper-aestheticisation encountered through the sustained sensory overload of everyday life.

However, design can also return sensation by specifically re-directing and re-focussing our attention onto neglected issues. It can create spaces for reflection in which attention and awareness in relation to the exclusions and blind spots we have created for ourselves can be recovered.

Welsch calls this shift in the gear of aesthetic production, away from targeted attention grabbing and towards a more reflective mode, a "blind-spot culture" (1997,p.25). The idea of a blind-spot culture represents the hope that design is not fated to anaesthetise but, as a mediator of aesthetic experience, holds within itself the potential to actively promote aesthetic justice by systematically drawing attention to that which we do not notice. To be clear, a blind-spot culture would not be a culture which celebrated or treasured its blind-spots. Rather, it would be a culture which seeks to expose and illuminate these blind-spots wherever they can be found in order to eliminate them by returning them to consciousness. Elimination by illumination. As ethical blind-spots decrease through the nurturing of aesthetic sensitivity to differences, exclusions, oppressions and intolerances, aesthetic justice increases.

The vital question for design in response to this abstract theoretical promise is: how might design nurture a blind-spot culture in order to promote aesthetic justice in society?

The remainder of this paper discusses three examples of visual communication design (in the broadest sense: a photograph, a billboard and an art installation) connected to issues of racial injustice in America. These examples demonstrate how aesthetic interventions can be used to draw attention to a blind-spot of the highest socio-political significance.

### 3.2 Designing Sensitivity: Black Lives Matter



Figure 3. Protestor Ieshia Evans is detained by law enforcement near the headquarters of the Baton Rouge Police Department in Baton Rouge, Louisiana, U.S. July 9, 2016. Jonathan Bachman/REUTERS

The core foundation of the Black Lives Matter protest movement, is the failure of constitutionally enshrined principles of legal equality to bring about an experienced reality of authentic justice for all within American society. As a piece of photojournalism Jonathan Bachman's photograph of the arrest of leshia Evans at a Black Lives Matter protest in Baton Rouge, Louisiana (Figure 3) simply documents an event which happened on the 9<sup>th</sup> of July 2016. However, the operation of the image as an aesthetically encountered 'designed' visual artefact goes much further than this. The composition and framing of this image, capturing and presenting this moment, in this specific way, becomes more than a presentation of reality. As Clive Dilnot has written of such images "the work is not objective. It is not a 'slice of life' but an active mediation vis-à-vis the 'Real' which it comments upon" (Dilnot, 2010,p.18). Dilnot maintains that such an image is not merely a figural representation, but an active *proposition*. The photographer may not have consciously aspired to anything other than realist documentary. The image, however, takes on an actively critical nature, telling a story and presenting both argument and critique in relation to the represented reality.

The 'proposition' of this image is a simultaneous presentation and questioning of imbalance. Injustice is an abstract concept, experienced by the oppressed, but not 'seen' by those who do not directly feel its impact on their lives. In its visual staging of the conflict between the faceless army of militarised riot police and leshia Evans in her summer dress, standing alone, supported by no one, the image presents a tangible sensory encounter with a symbolic abstract invisible notion.

This image does not merely offer information about a social phenomenon. An aesthetic encounter is an experiential encounter. While an image could never provide the full experience of what it feels like to live under injustice, the aesthetic encounter with an image can provoke the sensitivity to recognise something of the nature of the lived experience of others. In this way, the encounter with

this image as an aesthetic artefact can function to induce sensitivity to an issue which for many is a blind-spot in their understanding of social normality.

### 3.3 Stepping on Raw Nerves: For Freedoms



Figure 4. "Make America Great Again" billboard in Pearl Mississippi November 2016. Hank Williams/For Freedoms

For Freedoms are "the first artist-run super PAC" (For Freedoms, 2016) formed in the run up to the 2016 American presidential election. Aiming to use art to encourage new forms of political discourse, their core activities surrounding the election involved an exhibition in two locations, and a series of billboard advertisements across the nation. One billboard erected in Pearl, Mississippi placed the words of Donald Trump's election campaign slogan "Make America Great Again" over a photograph of the confrontation between state troopers and civil rights activists at the Edmund Pettus Bridge during the Selma to Montgomery marches of 1965 (Figure 4). This juxtaposition of text and image can be read in various ways as either a question or a statement: Make America great again by enforcing racial segregation. Make America great again by standing up for civil rights. When exactly was America great in the first place?

As a visual communication, the image is open-ended. It is not clear exactly what the message of the billboard is, and so the image generates a space of constructive ambiguity which invites reflection and response. For Freedoms co-founder Eric Gottesman explained the group's intentions in an interview:

"Our hope was to spark dialogue about our collective civic responsibility to push for freedom and justice today, as those before us pushed for freedom and justice in their time through peaceful protest and political participation. [...] We hope all who see our billboards think about them, talk about them, protest them, and let us and each other know their feelings. Only this will lead to a greater America." (Vartanian, 2016)

The billboard received a largely hostile reception on local and social media, as some vocally objected to the advert based on their interpretations of the image either as racist, or as unfairly implying racism within the Trump campaign and/or supporters. Within a matter of days the billboard was removed, apparently at the request of local Mayor Brad Rogers (Houston, 2016).

The strong emotional responses to this aesthetic encounter are not surprising. The two elements which make up the image are highly symbolically charged. One group reads the Selma image literally as a representation of racism. To another group, it is a key historical moment which stands as a symbol of the achievements of a long and hard fought journey towards racial equality. This second group fears that Donald Trump's presidency represents a step backwards on this journey and so interprets his slogan with scepticism and fear. To others, however, the Trump slogan is a banner of hope promising the righting of years of economic injustice. Taken as a whole then, in bringing these two elements into relationship with each other, the image dances on the raw nerves of the nation. Increasing sensitivity is not always a pain-free experience.

The billboard was not the first of For Freedoms aesthetic interventions to be censored due to perceived controversy. Between 1920 and 1938 a black banner with bold white lettering stating "A man was lynched yesterday" was hung outside the window of the NAACP's headquarters in New York in response to reported incidences of crimes across the country. Artist Dread Scott's contribution to the For Freedoms exhibition replicates this banner, only responding to the recent protests over police shootings of black men by simply adding the words "by police" (Figure 5). The NAACP were forced to stop hanging their banner in 1938 under threat of losing their lease. In 2016, the Jack Shainman gallery, outside of which Scott's banner was flying as part of the For Freedoms exhibition, was threatened with the same ultimatum and the banner was moved inside.



Figure 5. "A Man Was Lynched by Police Yesterday" banner by Dread Scott hanging outside the Jack Shainman Gallery in Manhattan. Santiago Meija/The New York Times

Scott's banner, like the billboard, touches exposed nerves throughout contemporary American society. Both these artefacts confront the viewer with an aesthetic encounter which disrupts the normality of expected visual experience. They do not fall into the more-or-less neat and predictable visual narratives of social life offered by entertainment and news media. The viewer must respond to their symbolic complexity and lack of resolution. In a sense, these aesthetic artefacts rudely demand the viewer to reflect and respond, and as a side effect of this bring about an increase in awareness of differing viewpoints and experiences.

Visual aesthetic production generally maintains acceptance of the status quo by re-producing images which legitimate 'the way things are'. Each of the three examples discussed above demonstrate the potential of aesthetic production to increase aesthetic justice by drawing attention to overlooked differences embodied in systematically neglected areas of social existence. Such increases in aesthetic justice can be produced by various means: by aesthetically staging conflicts; by presenting ideas in unusual and unexpected permutations; by disrupting normalised modes of representation; by the creation of unresolved cognitive spaces which require resolving through active critical engagement with the issues at hand. Design can do these things. However, our aesthetic production can also suppress aesthetic justice, creating and maintaining blind-spots by failing to increase sensitivity towards difference. The success of a project of design for a blind-spot culture will rely upon finding ways to consciously ensure wherever possible that our aesthetic interventions increase and do not suppress sensitivity to the fully heterogeneous diversity of the social world around us.

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