

**The Battle of Los Angeles Part II:
Graffiti, the Self and the Reappropriation of Semiotic Space
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Corporate Advertising, Bio-Power and Space Reappropriation

Collège de France chair and melancholy surgeon's son Michael Foucault spent much of his late life unveiling the imposition of constructs with regard to the formation of the thinking subject.

In contradistinction to more typical forms of power based on the ever-present risk of death from a sovereign, Foucault explored *bio-power* as an explosion of diverse techniques for achieving the subjugations of bodies and the control of populations.¹ In addition to recognized Foucauldian forms of bio-power such as the prison and the school, I add corporate advertising as a mechanism able to control populations.

External systems such as education, religion and – in the case of this study – the media, can create of kind of hyperreality, which precipitates a decentering ontological uncertainty. A recentered self possesses a meaningful awareness, or a reflective knowledge of its existence as a constructed subject.²

I distinguish the *postmodern subject* from the *postmodern self* in that the former is a political construction while the latter is an ontological one. I use *postmodern* as merely a temporal, rather than philosophical formation.

In postmodernity (or possibly the new Age of Extremism both the East and the West have entered - but that is a nut to be cracked on a different occasion) commercial advertising can act a form of bio-power able construct the postmodern subject by shaping its self-awareness within a framework of corporate and political economic processes.³

This realization is, of course, nothing new. The novelty of this study may lie in the postmodern subject's potential liberation from ontologically destabilizing forms of bio-power that can come from a reappropriation of, for example, commercial advertising. I use the term *reappropriation* as a revision and a reversal of the

¹ Foucault, Michel. *The History of Sexuality: The Will to Knowledge* (New York: Penguin, 1998).

Foucault examines a system of control generally unrecognized or misunderstood by conventional political and social authorities. Foucault calls these systems bio-power, which is best understood as the States prerogative to "let live and make die."

² Self-awareness comprises self-consciousness. In psychology, there is a distinction between self-awareness and self-consciousness, with the later being a subset of the former. Self-consciousness is divided into Private and Public. Private self-consciousness is a tendency towards introspection. Public self-consciousness is an awareness of the self as it is viewed by others.

³ Marshall, James D. "Foucault and Neo-Liberalism" (The Philosophy of Education Society - The University of Auckland, 1995) [text online] accessed 16 September 2010, http://www.ed.uiuc.edu/eps/PES-Yearbook/95_docs/marshall.html.

more familiar term "appropriation," which describes the commodification of sub-cultural styles so they can be mass-marketed for consumptive purposes.

Both graffiti and corporate billboards represent distinct, yet related sign systems. Using a kind of billboard style, graffiti emerged, in part, as a reaction to the imposition of commercial advertising into public space. As such, billboards first appropriated space and then - after the reactive emergence of a recognizable graffiti technique - commercial advertising appropriated street styles in order to commodify urbanity.

It is in response to this process that my study examines reappropriation as a counter-hegemonic repurposing not of a particular sub-cultural style such as graffiti, but rather of public, mostly urban space currently dominated by the semiotic system of commercial advertising.

Purchasing the Self: Advertising, Billboards and Graffiti

In contradistinction to Philip Selznick's notion of *co-optation*, my study is rooted in the revolutionary potential of authentic counterculture that business mimics and mass-produces in order to cash in on a particular demographic and subvert the threat that real counterculture represents.⁴ So, the question is: does graffiti signify a real counterculture?

The birth of graffiti in the U.S. coincided with the outdoor advertising industry's explosive growth, which paralleled the growing baby boomer demographic.⁵ Harvard sociologist Nathan Glazer compared large-lettered subway graffiti to billboards, and Ryerson digital media professor Richard Lachman noted that from its inception, graffiti tended to imitate legitimate advertising techniques.⁶ As such, the debate persists if graffiti subculture was ever truly a medium of dissent; a method to fill public space with a visual signifiers for revolutionary ideas and slogans that the State deems inappropriate.

Regardless of the aesthetic connections between early billboards and graffiti, I contend that broadly defined: graffiti in the U.S. was and is a form of dissent. However, graffiti's "dissent status" is not the core of my study. Rather, I am more interested in the appropriation of both public space and sub-cultural artifacts, which reduces their legitimacy as counter-hegemonic force.

In other words, corporate advertisers have commodified both the public space of the street and street styles in order to mass-market them via television commercials, film product placement, magazine ads and billboards; a process

⁴ Selznick, Philip. *TVA and the Grass Roots: A Study in the Sociology of Formal Organization* (Berkeley: University of California - Berkeley Press, 1949). Co-optation is the tactic of neutralizing or winning over a minority by assimilating them into the established group or culture.

⁵ "U.S. graffiti," rather than "American graffiti," is more appropriate as it delineates the particular evolution of graffiti in the United States from that of Canadian graffiti or graffiti in South American countries.

⁶ Austin, Joe. *Taking the Train: How Graffiti Art Became an Urban Crisis in New York City* (New York: Columbia University Press, 2002).

that has stripped such concepts of their tacit urban meaning. While I examine urban appropriation, this process is not unique to a particular sub-cultural style. For example, anyone can purchase urban, Goth or surf cultural signifiers in stores such as Urban Outfitters, Hot Topic and Hollister respectively.



Commodified Urban: Urban Outfitters (unknown location)
Google Images



Commodified Goth: Hot Topic (Brea, CA)
New York Times Images



Commodified Surf: Hollister (Soho, NYC)
Google Images

With regard to urban appropriation, I fully stipulate that the transformation from subcultural style to commodity is often a dual enterprise. Daniel D'Amico and Walter Block's "A Legal and Economic Analysis of Graffiti" (2007) outlined the goal of many graffiti artists to have their works commercially sold or displayed in galleries. However, I am neither interested in arguing graffiti as a form of dissent nor in who is most responsible for the appropriation process. Rather, this study centers on how the process of urban appropriation can construct the postmodern subject, and how reappropriation of public space can call attention to this construction.

Commercial advertising projects the notion that, for example, one can become urban simply by purchasing urban signifiers without ever leaving the safety of suburban or rural enclaves. In this way - as a form of bio-power - advertising can

generate an ontologically destabilizing hyperreality that has the effect, whether intended or unintended, of keeping populations from interacting. To explain, advertising can condition individuals to believe that they can become "other" - whether it is urban, Goth, surf or any sub-cultural style - through consumption rather than *acting in the world*, or engaging the other. This purchased surrogate, of course, lacks all of the real experiences of acting in the world that one needs for this to be ontologically true.⁷

In postmodernity - via traditional and new media - ubiquitous commercial advertising has the ability to shape self-awareness by convincing individuals to substitute commodified surrogates for real experience. This process can decenter the subject's self-awareness, which is constructed in opposition to a hyperreality that has blurred the reality of an external other. In response to this ontological uncertainty, I reason that recentering the postmodern subject can come from a reappropriation of the digital and physical spaces that provide a spatial dimension to commercial advertising signifying systems.

As such, limiting my discussion to billboards, a reappropriation of public spaces can self-reflexively trigger a kind of evolution in self-awareness. In other words, having seen the matrix of images reappropriated and reflected back, the postmodern subject can become more cognizant of its own construction within the advertising semiotic system that had once formed the limits its understanding.

Advertising as Governmentality

In postmodernity, advertising is fundamental to the regulatory exercise of power over communal life and central in the fight to control individuals via a *corpo-political governmentality* that enforces a particular "code of conduct" in the name of the public good.⁸ *Governmentality* is the "thought" that resides in government, or the operative rationales aimed at shaping the conduct of others.⁹

⁷ In other words, simply consuming commodified urban signifiers has become a kind of surrogate for acting in the world. My study does not pretend to unearth a conspiracy to keep urban and suburban populations separated. Rather, the appropriation of sub-cultural styles by corporate advertisers shapes self-awareness through consuming cultural signifiers inexorably causes a separation between populations. Up until the digital age - although there were exceptions for the aristocracy who could become the other through this consumption surrogate - the less wealthy demos generally had to interact with others in the world in order to evolve a meaningful self-awareness. However, the industrial and technological revolutions have democratized what was once only available to the aristocracy.

⁸ Michel Foucault, "Space, Knowledge and Power" In *The Foucault Reader* (P. Rabinow, ed.). (Harmondsworth: Penguin, 1984), 252. Governmentality that enforces a particular "code of conduct" through political subjectification, governmental self-formation and ethical self-formation.

⁹ T. Osborne, N. Rose, "Governing Cities: Notes on the Spatialization of Virtue" In *Environment and Planning D: Society and Space*, 22 (1999), 209-228. Michel Foucault, *The History of Sexuality: Vol I An Introduction* (London: Penguin, 1981), 139-145. Political subjectification sees individuals as political subjects under regimes of liberal rule. Enforced by police supervision, governmental self-formation relates to the ways in which agencies and authorities shape habits, capacities and desires of subjects towards particular ends. Michel Foucault. *The Care of the Self: The History of Sexuality*. Vol

I use the term *corpo-political* to lay bare the quid pro quo, symbiotic relationship between a U.S. democratic system funded by economically potent, often multi-national corporations. This bond - which exists at the federal, state and local levels - is now so deeply woven into the U.S. social fabric that it has become nearly imperceptible. *Corpo-political* complex broadens a more familiar and specific term, or the military-industrial complex, to include virtually all sectors of private industry.

In a capitalist, consumer driven society at full flower, a *corpo-political* governmentality aims to shape the good consumer citizen through forms of bio-power such as advertising. As I apply it here, governmentality manifests in techniques, procedures and regulations used as specific applications of power to manage conduct and guide behavior suitable to a particular regime.

My previous research focused on the spatial distribution of power with regard to buildings and billboards. In doing so, I sought a deeper understanding of governance and subjugation through the production of a kind of politically pragmatic consumptive "truth."¹⁰ Viewed in this way, the management of populations - while still accomplished through a measure of bodily and legal force - is achieved by controlling the collection of metaphors and messages delivered through commercial advertising, which I continue to limit to buildings and billboards for the purposes of this study.

Investigated as a rationality of government, space is often discussed in terms of control and surveillance. However, advertising can act not only as a *form* of control, but also as a *producer* of political subjects by shaping self-awareness. In order to illuminate this *corpo-political* governmentality, my work examined its visible manifestations, or the spatial manipulations of advertising as a central ingredient in the thought of the State.¹¹

Starting in 2008, I began to investigate commercial advertising space in Los Angeles public space as a portal into the city's governmentality. Besides the convenience of my residence, L.A. (including Orange County) and New York City form the pulsing heart of U.S. advertising industry. To this point, my research has called attention to particular modes of subjectification and self-formation

3 (London: Penguin, 1990). Ethical self-formation concerns the governance of the self by the self as subjects seek to know, decipher, and act on themselves.

¹⁰ Michel Foucault, "Questions of Method" In G Burchell et al. (eds.), 73-86. Osborne, Rose. "Governing Cities," 19. "...the emergence of particular 'regimes of truth' concerning the conduct of conduct, ways of speaking truth, persons authorized to speak truths, ways of enacting truths and the costs of so doing. Of the invention and assemblage of particular apparatuses and devices for exercising power and intervening upon certain problems.

¹¹ Margot Huxley, "Geographies of Governmentality" In Space, Knowledge and Power: Foucault and Geography. J. Crampton, S. Elden (eds.) (Burlington: Ashgate, 2008), 193. Arrangements of spaces signify causal reasonings that posit chains of determinations between "men and things." These logics call for a critical examination with regard to the manipulation of space as elements in *corpo-political* projects of subjectification.

and considered how corpo-political power spatially constructs subjects who behave *as if they were free* within a liberal democratic system of rule.

This study continues to explore the logics contained in the "strategies" of civic authorities that seek to use space for particular ends.¹² However, paving new ground, I also consider how the reappropriation of semiotic space and the metaphors it contains can help liberate the postmodern subject as it becomes more aware of its corpo-political construction.

Governmentality and Punishment: Billboards as Graffiti

In order to better understand a corpo-political governmentality that employs advertising as a form of bio-power, I continue to investigate the city of L.A. where, as of 2010, approximately 36%, or 4,000 of the city's 11,000 billboards are illegal. I define illegal billboards as billboards erected without proper city permits. In many cases, illegal billboards are also *off-site billboards*, or signage that advertises a product or service unrelated to the building to which it is affixed.

With hefty campaign contributions from such private entities as Clear Channel Outdoor, CBS Outdoor and AEG sports marketing, the L.A. City Council's manipulation of public space reflects a corpo-political hegemony. In 2008, a L.A. City Council member (Garcetti) claimed that there was no massive conspiracy of billboard companies "owning" Council members.¹³ However, the recent history of outdoor advertising regulation in L.A. problematizes this claim. Dennis Hathaway, president of L.A.'s Ban Billboard Blight provided the following timeline:

In 2001, the L.A. City Council approved a 20-year "street furniture" contract with Viacom / Decaux to install bus shelters, kiosks, and automated toilets on public property throughout the city. The city would receive \$150 million over the life of the contract. In exchange, the companies could sell commercial advertising in the shelters and other structures.¹⁴

In 2002, the L.A. City Council approved a ban on all new off-site and supergraphic signs, including any modifications to existing signs. The City Council made exceptions for signs erected pursuant to sign districts, specific plans, and approved development agreements.¹⁵ Additionally, the City Council imposed a \$314 annual fee on all off-site signs to fund a special program to inventory, inspect, and determine the legal status of all billboards and other off-site signs in the city. Clear Channel and CBS Outdoor immediately sued the city in federal court to stop the program,

¹² Foucault, Michel. "The Eye of Power." In C. Gordon (ed.) (New York: Pantheon, 1980), 149.

¹³ Pelisek, Christine. "Digital Billboards Become a Bohemian Blasphemy" In L.A. Weekly (Nov. 19, 2008) [text online] accessed 4 July 2010, <http://www.laweekly.com/2008-11-20/news/digital-billboards-become-a-bohemian-blasphemy/>

¹⁴ The contractor is now CBS / Decaux, a joint venture of CBS Outdoor and JC Decaux, the largest billboard company in Europe.

¹⁵ No sign districts existed at the time, but a specific plan governed the Staples Center / L.A. Live area downtown and new off-site and supergraphic signs were allowed there.

claiming that it violated the free speech and equal protection clauses of the constitution. The companies, along with two smaller billboard companies, also sued in L.A. County Superior Court on the same grounds.

In 2003, the 9th Circuit Court of Appeals overturned an injunction granted by a federal district court judge, ruling that the inventory and inspection program did not violate the U.S. Constitution. However, in Superior Court, litigation continued over the amount of the fee imposed on the billboard companies.

In 2004, Metrolights, a small New York company, was cited for installing movie poster-style billboards without obtaining city permits. The company then sued in federal court, raising the claim that the city could not constitutionally ban off-site advertising on private property when it allowed those kinds of ads on public property in the bus shelters and other items of street furniture installed by CBS / Decaux. Additionally, the L.A. City Council approved the first signage supplemental use district in the city, allowing off-site, digital, and supergraphic signs on major commercial streets in the central parts of Hollywood.

In 2006, a federal court judge ruled in favor of Metrolights, and the city appealed to the 9th Circuit. The city approved a settlement of the superior court lawsuit challenging the inventory and inspection program. Approved without public discussion, the settlement allowed Clear Channel, CBS Outdoor, and Regency Outdoor to convert 877 conventional billboards to digital. The settlement exempted these conversions from zoning regulations and environmental review, and grandfathered all illegal billboards erected prior to an undisclosed date.

In 2007, Summit Media, a small L.A. billboard company, Summit Media sued the city in superior court seeking to void the settlement agreement. Clear Channel and CBS Outdoor joined the ensuing litigation in defense of the city and the settlement. Additionally, World Wide Rush sued the city in federal court with regard to the 2002 off-site sign ban on the grounds that the three exceptions gave officials “unfettered discretion” to allow or disallow a company’s signs, and was thus unconstitutional.¹⁶

In 2008, a federal court judge ruled in favor of World Wide Rush, and permanently enjoined the city from enforcing the off-site sign ban against the company’s signs.¹⁷ Additionally, the L.A. City Council approved a 90-day, no-exceptions moratorium on permitting any new off-site signs. It also directed the city planning department to revise the citywide sign ordinance to address the constitutional issues raised in the World Wide Rush decision.

¹⁶ World Wide Rush is largely a supergraphic billboard company.

¹⁷ In the months following this ruling, at least a dozen “copycat” lawsuits were filed in federal court by other companies in the business of putting up supergraphic signs.

In January 2009, the 9th Circuit Court of Appeals overturned the Metrolights decision, ruling that the city could constitutionally ban off-site signs, but allow them in its street furniture on public property. The U.S. Supreme Court did not grant Metrolights' petition for a U.S. Supreme Court review. In March, the City Planning Commission approved a revised sign ordinance that removed all exceptions from the off-site sign ban except for sign districts, but made that provision much more restrictive in terms of what areas could qualify and what signs would be allowed.¹⁸ In August, the city voted to make the moratorium permanent, pending the outcome of its appeal of the 2008 World Wide Rush federal court ruling. In November, a superior court judge ruled in the Summit Media case that the city's 2006 lawsuit settlement with Clear Channel, et al, was invalid because it allowed changes in city ordinances without any hearings or other public process. CBS Outdoor and Clear Channel appealed the decision, but the city declined to join. Hearings are pending before the California appeals court.

In 2010, the 9th Circuit Court of Appeals reversed the district judge's ruling in the World Wide Rush case, saying that the exceptions to the 2002 off-site and supergraphic sign ban did not give officials unconstitutional discretion. In effect, this meant that the 2002 ordinance banning off-site and supergraphic signs with the three exceptions was once again the law of the city.

Since 2001, while the city of L.A. has stood in legal opposition to the billboard industry, such resistance appears weighted against the smaller billboard companies and in favor of the larger ones. To this point, in 2006 and 2007, then City Attorney Rocky Delgadillo - a major recipient of billboard company donations during his campaign - settled lawsuits with three of the largest billboard companies: CBS Outdoor, Clear Channel Outdoor and Regency.¹⁹ Under the favored settlements, the city allowed CBS and Clear Channel to convert as many as 877 print billboards to electronic ones.²⁰ Additionally, the settlements required that Clear Channel Outdoor and CBS Outdoor to each take down only 3 percent, or just 49 of their 1,657 and 1,628 signs, respectively.²¹ In response, Villaraigosa, Garcetti and the other City Hall politicians who received either cash or free campaign ads from the billboard companies were

¹⁸ The L.A. City Council city has not yet acted on the ordinance.

¹⁹ Cathcart, Rebecca. "Billboards Brighten Los Angeles Night, to the Anger of Many" In New York Times (November 6, 2008) [text online] accessed 24 August 2010, <http://www.nytimes.com/2008/11/06/us/06billboard.html>

²⁰ Cathcart, "Billboards Brighten Los Angeles Night, to the Anger of Many" (2008).

²¹ Pelisek, "Digital Billboards Become a Bohemian Blasphemy" (2008). Also, the settlements required the companies to provide City Hall with a list revealing all billboard locations so building and safety inspectors can begin a long delayed inspection effort. The firms also agreed to pay a largely insignificant fee every three years: \$186 per existing traditional (not digital) billboard — a rate curiously knocked down from the hard-fought fee of \$314. For doing all this, the companies got a favor back: the right to "digitally modify" hundreds of traditional billboards.

conspicuously silent with regard to the settlements, which the affected neighborhoods were never able to openly debate.²²

In 2008, the L.A. City Council unanimously approved the settlements outlined a two-page report that detailed the specifics. However, since the settlements came with little legal gusto, only a few of the billboards were removed, few legal fees were paid and the inspection program was largely considered just a facade. There is currently little disagreement that the settlements were a major capitulation to the billboard companies that represent the largest contributors to the City Council members.²³

In reaction to the settlements, several of the smaller billboard companies filed lawsuits against the city of L.A. for granting exemptions to its 2002 billboard ban that favored their larger competitors.²⁴ The smaller players in the industry sought to challenge the city's right to permit new outdoor ads on its property while prohibiting competition from doing the same and claimed that the city has exempted certain individuals from the ban on signage where the city finds it economically advantageous to do so.²⁵

In 2009, the 9th Circuit Court of Appeals ruled against the smaller billboard companies and decided that the city of L.A. has the right to determine where it is appropriate to allow billboards. The court found that the L.A. City Council did not violate the free speech rights of World Wide Rush and Sky Tag when it granted exceptions to its ban on billboards, which makes an advertising company's right to free speech secondary to a municipality's right to regulate. In other words, commercial speech is different from political speech in that the protections are not absolute.²⁶ So, for example, speech that is political or offered

²² Pelisek, "Digital Billboards Become a Bohemian Blasphemy" (2008).

²³ "Legal Wars." (Ban Billboard Blight) [text online] accessed 18 September 2010, http://banbillboardblight.org/?page_id=5374 Settlement: <http://banbillboardblight.org/wp-content/uploads/2010/09/Clear-Channel-v.-City-of-L.A.-Settlement.pdf>. In order to protect this hegemony of public space, the billboard companies have launched a slew of lawsuits that challenged the first amendment constitutionality of the city's 2002 ban on new off-site and supergraphic billboards. For more info with regard to lawsuits, see: http://banbillboardblight.org/?page_id=5374

²⁴ It appears, on the surface, that the lawsuits brought by billboard companies against the city of L.A. offer evidence against a corpo-political complex. However, these lawsuits, and others like them, generally demonstrate that the City Council is not homogenous in its views of public advertising, that it comprises elected officials that must, at times, act in favor of the majority public interest.

²⁵ Christine Pelisek, "LA Business Journal Reports on Billboard Blight" In LA Weekly (Sep. 23, 2008) [text online] accessed 14 May 2010, <http://blogs.laweekly.com/informer/politics/la-business-journal-reports-on/>

²⁶ Pelisek, "LA Business Journal Reports on Billboard Blight" (2008). In February, 2008, the Los Angeles Business Journal reported on two separate lawsuits filed by LA Outdoor and Summit Media. These smaller players in the billboard game sued the city of Los Angeles for granting exemptions to its 2002 billboard ban to what the referred to as "favored" companies. The lawsuits also challenged the city's "unfettered right to erect new outdoor ads on its property while prohibiting competition from doing the same." Specifically, LA Outdoor claimed that: "the city has exempted certain individuals from the ban on signage where the city finds it economically advantageous to do so." Howard Fine, "L.A. to step up enforcement of billboard ban" (Los Angeles) In Los Angeles Business Journal Feb 2, 2009. Lincoln Bandlow, a partner in the Century City office of Kansas City, Mo. based

as protest in the form of street art possesses greater legal footing than that of the advertising companies.

In order to draw a clear connection between billboards (commercial speech) and graffiti (political / artistic speech), it is helpful to briefly describe the history of both sign systems in the U.S. In "Aesthetics of Billboards," David Burnett asserts that the history of billboards in America is characterized by an ongoing struggle between an expanding industry and a resistant public.²⁷ From the perspective of the industry, the President of the Outdoor Advertising Association of America described billboards as "an important business tool" and emphasized that their: "influence reaches the people in every city and town without getting in their way."²⁸

No longer strapped to wooden posts and stuck in the ground, in modern cities such as L.A., today's billboards are erected onto metal structures or affixed to the sides of buildings and advantageously located near traffic arteries so that they are visible from tremendous distances by would-be consumers. As outdoor advertising has evolved, so too have the legal problems it presents. With this in mind, the most germane issue is no longer whether cities may regulate ads in public space, but rather the extent to which civic policy is consistent with the First Amendment.

I have, and still reason that L.A.'s governmentality is the thought of a corporo-political regime that embeds its conceptions of truth in spatial projects of rule. I illuminated this governmentality by juxtaposing the prosecution of graffiti with the lenient treatment of illegal billboards.

Graffiti first appeared in Philadelphia and then New York City in the late 1960s and early 1970s. Commonly understood as images or lettering scratched, scrawled, painted or marked in any manner on property, graffiti is any type of public markings from single written words to complex wall paintings. Graffiti appears early in Western civilization and was a part of both ancient Greek and Roman cultures.²⁹

law firm Lathrop & Gage LLP. In a show of protest against the city for what he saw as unjustly rewarding the owners of his larger competitors, owner of L.A. Outdoor Keith Stephens used legit building inspectors to erect an illegal billboard. Stephens said: "All the city is doing is handing the keys to two companies."

²⁷ Burnett, David. "Judging the Aesthetics of Billboards." In *Journal of Law and Politics*, 171, 174 (2007).

²⁸ Tocker, Phillip. "Standardized Outdoor Advertising: A History, Economics and Self-Regulation." In *Outdoor Advertising: History and Regulation* (New York: OAAA, 1969), 11-56. The Outdoor Advertising Association even argued that billboards "assisted communities . . . in beautifying areas." Id. at 53. "All that [the billboard industry] asks in return," he pleaded, "is to continue to do business where others do business, under the same freedoms and limitations." Id. at 56. These appeals present the latest chapter in "the story of billboards."

²⁹ Keehn, Anne. "Graffiti Writers, Foot Soldiers of Corporate Advertising: Part 1" (Shedding History, Jan. 19, 2010) [text online] accessed 1 September, 2010, <http://sheddinghistory.com/2010/01/graffiti-writers-foot-soldiers-of-corporate-advertising-part-1/>

The graffiti as art or vandalism debate coincided with its first appearance in the U.S. In "The Faith of Graffiti" (1974) Norman Mailer claimed that graffiti: "provokes and demands that an indifferent world recognize the individuality, talent and existence of its creators."³⁰ Conversely, while sociologist Nathan Glazer saw graffiti as "art-as-personal-expression," he argued that it was a crime that assaulted commuters and created a prevailing sense of danger.³¹ Although the debate persists, both sides generally stipulate that graffiti is, at times, a type of counter-hegemonic expressive form.

I have argued that illegal billboards are a form of graffiti according to L.A.'s own municipal codes. I did not make the case that, unlike graffiti, the typical content of billboards is counter-hegemonic, but rather that they are a form of uncontrolled messaging and a form of vandalism. What is more, the city of L.A. employed targeted punishment as a political tactic aimed to act upon the malleable postmodern subject.³² Politics is persuasion and in a consumer-capitalist system, billboards influence individuals to engage in consumption, which remunerates the private interests that, in turn, fund the politicians who permit the unchecked expansion of both legal and illegal advertisements. In this study, I will both review and expand these points.

L.A. City Council's control of space (or lack thereof) is both a form of Machiavellian geopolitics (territorial gain and retention) and a corporate financed control over the complex of "men and things." L.A. municipal code (article 14 sec. 49.84) defines "graffiti" as an act that causes:

Any form of unauthorized inscription, word, figure or design to be marked, etched, scratched, drawn, sprayed, painted or otherwise *affixed* [my emphasis] on any structural component of any building, structure or other facility or upon any other property, regardless of its content or nature and regardless of the nature of the material of that structural component or property.

L.A. treats graffiti as a form of vandalism, which generally falls under the possession of aerosol containers of paint by those under 18 (Penal Code 594.1). Vandalism is often a felony charge depending on the damage and the defendant's history of prior convictions.³³ While law enforcement routinely and rigorously prosecutes traditional graffiti as vandalism, civic and legal authorities have systematically overlooked illegal billboards. It has been, and still is, my contention that if graffiti is vandalism, then so are illegal billboards and treated as such.

³⁰ Mailer, Norman. *The Faith of Graffiti*. (New York, New York: Praeger Publishers, Inc, 1974), 94.

³¹ Glazer, Norman. "On Subway Graffiti in New York." In *The Public Interest*, Vol. 54, Winter (1979), 3-11.

³² Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Harmondsworth: Penguin, 1977), 57.

³³ As of 2008, penalties could include fines that range from \$400 to \$5,000, a 1-year suspension of a driver's license and even incarceration.

As of 2008, according to the language used in L.A. municipal code, illegal billboards qualify as a "figure or design" (regardless of its nature or content) "affixed" (rather than marked, etched, scratched, drawn or painted) on a "structural component of any building, structure, facility or property."

To state this plainly, drawing from L.A.'s own penal codes, I contend that illegal billboards are graffiti and potentially a form of felony vandalism subject to commensurate fines, suspensions, and prison sentences. As a visible support of this claim, similar to traditional forms of graffiti, I put forward that illegal (if not all) billboards are graffiti "pieces" that display a kind of identifying "tagging."

Urban Tag: a stylized version of a subcultural nickname



santa monica, ca (2010)

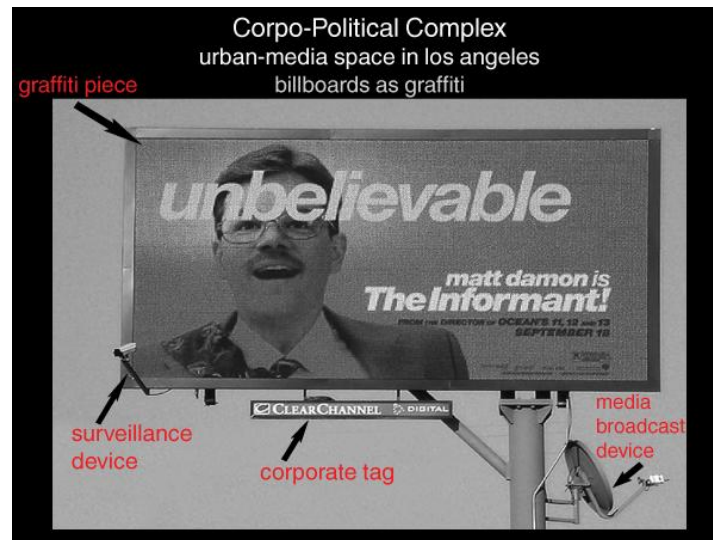
Urban Piece: larger murals or "pieces"



san francisco, ca (2009)

Corporate Graffiti

corporate tag: legible corporate identity
corporate piece: consumer driven advertising



los angeles, ca (2009)

The legal disconnect in the prosecution of graffiti versus illegal billboards manifests in light of the economic dividends offered by commercial billboard advertisement.³⁴ According to the Outdoor Advertising Association of America, in the U.S., all billboard advertisements generated 5.9 Billion in 2009. More specifically, in L.A.:

Standard 14x48 billboard
- \$14,000 / month in revenue

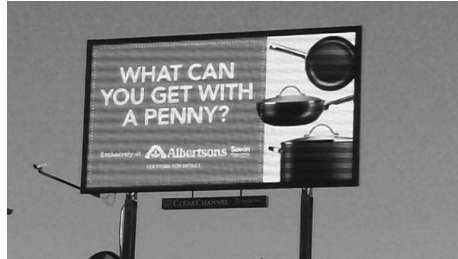


los angeles, ca (2009)

³⁴ Though there are conflicting reports and the exact data has been difficult to verify, the fine for an illegal billboard is around \$100 per day. Pelisek, "Billboards Gone Wild" (2008). Additionally, while the application fee to create legal street art (graffiti, murals, etc.) is \$5000, the municipal fee to erect a billboard is \$186 – lowered from \$314 as a result of litigation on behalf of the billboard companies who, in spite of a 2002 ban on new billboards, collect roughly \$14,000 / month from a single double-sided 14x48-foot billboard; digital billboards earn roughly \$128,000 / month. In total, the major billboard companies collect approximately \$1.34 billion a year in L.A.

Supergraphics (digital)

- up to \$128,000 / month in revenue
- can contain up to 450,000 LED bulbs
- U.S. Green Building Council: yearly carbon consumption of 1 sign = 13 homes
 - seen up to 4 miles away
- allowed by City of L.A. "to be placed on the "canvasses" of existing billboards and thus not subject to basic environmental review or zoning restrictions ³⁵



los angeles, ca (2010)



Supergraphics (size)

- up to \$100,000 / month in revenue ³⁶
- exceed maximum billboard size of 14' x 48'
 - can be up to 11 stories tall
- Digital and Size = 1.34 Billion in L.A. alone in 2009 (LA Weekly Estimation)



los angeles, ca (2009)

While the criminalization of traditional graffiti is nearly ubiquitous in the U.S., in what appears consistent with a corporate sponsored governmentality, the city of L.A. - with a \$7 billion budget that includes the highest city council salaries in the U.S. at \$171,000 in 2009 - has employed just three billboard inspectors (though that number may have recently increased due to public pressure).

In telling contrast to the determined prosecution of graffiti, the permissive treatment of illegal billboards offers evidence of L.A.'s corpo-political complex.³⁷

³⁵ Pelisek, Christine. "Digital Billboards Become a Bohemian Blasphemy" In L.A. Weekly (Nov. 20, 2008).

³⁶ Bartholomew, Dana. "City goes after huge building billboards" (L.A. Daily News, Feb. 23, 2010) [text online] accessed 28 August 2010, http://www.dailynews.com/news/ci_14458773

³⁷ The L.A. city council has proposed new "sign districts" that permit more supergraphics downtown as many of the councils major players have accepted large campaign donations Councilman Richard Alarcon, Tony Cardenas, Eric Garcetti, Wendy Greuel, Janice Hahn, Jose Huizar, Tom LaBonge, Bernard Parks, Jan Perry, Ed Reyes, Bill Rosendahl, Greig Smith, Jack Weiss, Herb Wesson,

Contributions and political influence have been a recurring theme in the City's billboard debate. In 2001, led by Clear Channel Outdoor, the major companies spent \$425,000 on billboards that promoted the successful campaign of Rocky Delgadillo, then a candidate for City Attorney. In 2006, as a potentially quid pro quo maneuver, Delgadillo crafted a legal settlement that allowed Clear Channel to convert up to 420 billboards to more profitable digital versions.

L.A.'s corpo-political complex is not just a relationship between the billboards companies and the City Council, but also between civic power and those companies who pay for billboard ads. AEG - one of the largest sports and entertainment presenters in the world according to their website - contributed nearly \$1.2 million to city candidates and ballot campaigns since 2000, according to City and state records. During the same period, the company persuaded the civic powers to approve new, oversized signs in the City's sports and entertainment district downtown.³⁸

However, due to renewed efforts from the City Attorney's office and grassroots organizations like L.A.'s Ban Billboard Blight headed by Dennis Hathaway, there has recently been a flurry of litigation aimed at actually removing illegal signage. City prosecutors have, as of March 2010, stepped up their efforts and charged four companies with illegally hanging giant billboards at an intersection near the site of the 2010 Oscars.

Additionally, just a few days before these actions, was the highly publicized arrest of a prominent L.A. businessman (Kayvan Setareh) who was jailed on \$1 million bail for installing a supergraphic ad on a Hollywood Blvd. building he owns near the Kodak Theatre.³⁹

Dennis Zine and the mayor have all accepted campaign funds from the industry they have failed to regulate.

³⁸ Zahniser, David. "Billboard-ban lawsuit centers of free speech" (L.A. Times, Jan. 3, 2010) [text online] Accessed Sep. 4, 2010, <http://articles.latimes.com/2010/jan/03/local/la-me-freespeech4-2010jan04>

³⁹ Adelman, Jacob, "2 free on bail, 2 still sought for arrest as LA continues battle against giant billboards" (Associated Press, 2010) [text online] accessed 25 March 2010, <http://www.startribune.com/error/?path=%2Fbusiness&id=86342952>. After he [Setareh] agreed to take down the sign, his bail was reduced to \$100,000, which he paid. Lawyers for the city feared that many other billboard companies were watching the outcome of the suit — and that if World Wide Rush had been successful, they too would have tried to put up hundreds of new signs. "The city attorney is very pleased with Judge Collins' ruling in this World Wide Rush case, and it sends a strong signal to those billboard companies operating in the city of Los Angeles that the city will aggressively defend its billboard laws," said Chief Assistant City Atty. David Michaelson. City goes after huge building billboards. Romero, Dennis. "City Attorney Moves Against 'Supergraphic' Signs" (L.A. Weekly, Feb. 23, 2010) [text online] accessed 14 August 2010, <http://blogs.laweekly.com/informer/city-news/city-attorney-sues-signs/>. Also in 2010, the City Attorney's Office filed a civil suit against 27 companies and principals hoisting the humongous signs, banned by the city in August. Seeking up to \$10 million in damages.



City Hall Insider Sunday, March 7, 2010

Whether for political, ideological, economic or personal reasons I cannot say, but it is clear that current L.A. City Attorney has recognized the illicit nature of illegal billboards and has begun to prosecute them accordingly. However, as far as I know, Trutanich has not charged the billboard companies with vandalism, but rather with illegally hanging billboards. As such, the City Attorney Office has not directed litigation at the source of the illegal billboards, L.A.'s corpo-political complex, but rather at the effect of this relationship.

The Demos Fights Back: Reappropriating the Message

In this paper, I draw attention to the problem of illegal billboards as entree into a deeper discussion of governmentality, bio-power and the construction of the postmodern subject, or the good consumer citizen. What is more, my work is not expressly anti commercial advertising or anti billboard, but rather centers on the reappropriation of public spaces as a form of ontological liberation.

A large and distinct body of research has already examined the aesthetic connection between advertising and street art. Curwen Best's study of Caribbean graffiti finds that writers in Barbados frequently depict corporate logos like the Nike Swoosh, and the Fila "F."⁴⁰ Lachman argues that some graffiti artists compare themselves to advertisers, arguing that they purchase space with their boldness and style rather than money.⁴¹

In postmodernity, corporate advertising is so pervasive that it has become, in the U.S., the de facto public art form and has usurped all other media as the dominant mode of public expression.⁴² So dominant, in fact, that it is a form of "narcotizing dysfunction," which asserts that exposure to mass media creates a numb and passive society.⁴³

⁴⁰ Best, Curwen. "Reading Graffiti in the Caribbean Context." In *The Journal of Popular Culture*, Vol. 36 Issue 4 (2003), 828-852.

⁴¹ Richard, Lachman. "Graffiti as Career and Ideology." In *The American Journal of Sociology*, Vol. 94, No. 2 (1988), 229-250.

⁴² Hall, John R, Neitz, Mary Jo, Battani, Marshall. *Sociology on Culture*. New York: Routledge Publishing, 2003.

⁴³ Lazarsfeld, Paul F., Merton, Robert K. "Mass Communication, Popular Taste and Organized Social Action." In *Media Studies Reader* (New York: New York University Press, 2004), 5-17.

There is a strand in cultural theory that sees advertising as unable to create deep social change because it flattens an individual's ability to interpret complex experiences that lie beyond its vocabulary. In other words, advertising cannot provoke authentic social change because it only reflects an existing culture already skewed toward a capitalist idealization.⁴⁴ The consequence is that graffiti - as a form of advertising that just happens to employ the aesthetics of rebellion - is not counter-hegemonic but rather appropriates the language of rebellion and turns it into a function of consumerism.

Whether or not graffiti is counter-hegemonic is beside the point with regard to the hegemony of commercial advertising. If, as the argument goes, graffiti is like advertising and simply appropriates the language of rebellion, then it is not counter-hegemonic. However, if it is an authentic form of rebellion, then it is counter-hegemonic. What is never questioned in the debate is commercial advertising as a hegemonic force, which, I argue, tends to flatten thinking, or place limitations on self-awareness. This "flattening effect" is a form of bio-power that acts as an extension of a corpo-political governmentality that sees individuals as mere consumers.

In response, I submit that specific forms of reappropriation with regard to public space by both citizens and private artists can call attention to commercial advertising as a type of bio-power. By revealing the narcotizing dysfunction of this particular semiotic system, the thoughtful reappropriation of public space can release the postmodern subject from its ontological haze. Once made aware, the subject is able to see itself more clearly as an economic construction and is then free to respond as he or she sees fit.

Though the major billboards companies' ongoing activities appear somewhat undaunted by legal or public action, there has emerged an underground, grassroots movement that has adopted ingenious ways to reappropriate public space. This movement appears to have its ideological and aesthetic origins in Warhol's political and pop art, the counter-hegemonic work of Banksy and the early days of Shepard Fairey's phenomenological Obey campaign. All three, as a part of their work, have appropriated existing images in order to draw attention to advertising techniques. While similar, I cite examples more specifically directed towards the reappropriation of public spaces, and billboards in particular.

⁴⁴ Hall, John R, Neitz, Mary Jo, Battani, Marshall. *Sociology on Culture*. New York: Routledge Publishing, 2003.

Public Ad Campaign: New York City

Public Ad Campaign

In an effort to expand curatorial responsibilities in urban environments, the Public Ad Campaign, headed by street artist Jordan Seiler, acts on the assumption that public space and the public's interaction with that space is a vital component of a city's health. By visually altering and physically interacting with the public environment, residents become psychologically invested in their community. Through bold acts of civil disobedience, the Public Ad Campaign airs its grievances in the court of public opinion and intends to assist communities regain control of the space they occupy.⁴⁵

In an effort to draw attention to the corpo-political control of urban semiotic space by corporate advertising, the Public Ad Campaign has engaged in a number of creative ways to reappropriate public space. Here are a few:

New York Street Advertising Takeover: In 2009, over 120 illegal billboards throughout the city were white-washed by over a 100 artists, activists, photographers, videographers, lawyers, mothers, fathers, students, teachers, and public citizens. The takeovers were organized as a reaction to the hundreds of billboards that are not registered with the city, and therefore are illegal. The City of New York, much like L.A., has permitted the billboard companies to garner huge profits by cluttering urban space with intrusive ads.⁴⁶ During the two projects that comprised the takeover, nine people were arrested spending a total of 310 hours in jail collectively. The takeovers aimed to show citizens that they can positively affect their environment and create the city they want by directly altering the spaces in which they live.⁴⁷



Toronto Street Advertising Takeover: The first international takeover, the Public Ad Campaign worked with the Pattison Outdoor Core Media Pillars and the DUSPA collective and included 60 artists from around the world in order to remove over 90 street level ads as well as nearly 20 billboards from Toronto's public environment. Along with Seiler, local Toronto street artists PosterChild and Sean Martindale headed the project. Seiler believes that the Toronto project will provide both a model and the confidence to bring this type of large-scale non-violent civil disobedience project to cities abroad in the years to come.⁴⁸

⁴⁵ Public Ad Campaign: "Mission": <http://www.publicadcampaign.com/mission.html>

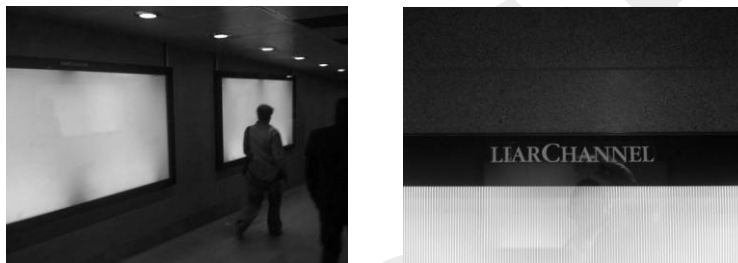
⁴⁶ Dakota, "Volunteers Take On Illegal Billboards, Whitewash 'Em'" In L.A. Times (April 28, 2009).

⁴⁷ Public Ad Campaign: "New York Street Takeover": <http://www.publicadcampaign.com/nysat/>

⁴⁸ Public Ad Campaign: "Toronto Street Advertising Takeover": <http://www.publicadcampaign.com/>



Liar Channel: In 2009, in Copenhagen, Denmark's busiest subway station an anonymous individual was able to unlock the poster housings and remove the commercial advertisements in addition to changing the corporate tag from Clear Channel to Liar Channel.



Sean Woolsey Appropriated Poster Campaign: Photographed in undisclosed U.S. locations in 2009, are three examples of bus stop reappropriation. The bus stop image was described as one of the first posters to: "hit the streets in an ongoing experimental campaign to raise cognitive awareness and, more importantly, to inspire benevolent action that we often forget, oversee, or might be in opposition to our often hedonistic culture."⁴⁹



In each of the examples, those responsible for reappropriating the public space direct their message towards neither consumption nor self-promotion, but rather encourage viewers to think critically about the semiotic system that surrounds them. In these cases, the act of reappropriation endeavors to reveal the ability of public messaging to shape meaningful self-awareness, an act that corporate advertising intends to veil.

Liberating the Postmodern Subject: Reappropriation and Self-Consciousness

The corpo-political complex in L.A. is signified by the disconnect between legal justice and particular urban crimes such as graffiti and illegal billboards. This legal inequity is indicative of a larger social mentality that has broadly connected urbanity with minorities and delinquencies that deserve rigorous prosecution in order to protect the closed family life that exists outside the city.

I have argued that corporate advertising, as a form of bio-power, creates an ontologically destabilizing hyperreality that has the effect, whether intended or unintended, of keeping populations from interacting. In other words, simply consuming appropriated and commodified urban signifiers has become a kind of surrogate for acting *in the world*.

I did not design this study to unearth some deep governmental conspiracy to keep urban and suburban populations separated. Rather, the appropriation of sub-cultural styles such as graffiti by corporate advertisers inevitably causes a separation between populations both comprised of the good consumer citizen.

While graffiti has generally been accepted as a form of urban crime and punished accordingly, L.A.'s tacit acceptance of illegal billboards - a result of specific economic and political advantages - signifies L.A.'s corpo-political governmentality. Although there are individuals and organizations creatively reappropriating public urban space, this legal double standard has left metropolitan centers like L.A. open to a kind of consumerist, economically driven thought of government that aims to shape the malleable postmodern subject.

Based on its manipulation of urban space, L.A.'s governmentality, as manifested in the public space dominated by corporate advertising, creates subjects whose habits and desires are oriented towards consumerist ends. In this way, via a constant bombardment of a consumptive truth, corpo-political regimes control the means by which individuals seek to know, decipher, and act on themselves and others. Acting as if they were free in within a liberal, democratic system of rule, the good consumer citizen is calculatedly and spatially constructed.

It is this media-driven control of space that is on the vanguard of the postmodern world because as Freddie Jameson argued, the postmodern self is decentered and in a state of "hysterical sublime" because the other of Western societies is no longer nature but technology.⁵⁰ It is technology that drives the mass media, which creates a kind of narcotizing hyperreality.

Baudrillard claims that postmodern culture distinguishes neither between reality or unreality, nor between true or false representation. Postmodern culture is no longer conditioned by anything external to itself as it has broken with representation and is (supposedly) free to construct a purely imaginary

⁵⁰ Frederic Jameson, "Postmodernism, or The Cultural Logic of Late Capitalism" (*New Left Review*, 1984), 64.

universe.⁵¹ In other words, the media has so pervaded our everyday life with the ideological myths of late capitalism that reality itself does not exist and we are all trapped in a kind of hyperreality defined as a universe of images.

While this may be too extreme a claim, there is a theoretical truth to the appearance of a powerful Matrix-like illusion created by, among other things, advertising semiotic systems, which makes it difficult for the postmodern subject to find its bearings in a world where the boundaries of hyperreality and reality are hazily defined.

As a corollary of this ontological detention, the notion of the prisoner's emancipation has been an integral part of postmodern theory that sees it as a kind of freedom from an oppressive universal conception, or grand narrative of self and other imposed by Western institutions. In postmodernity, grand narratives – such as the idea of consuming one's way to the American Dream and self-fulfillment – have generally been imposed through the image-factory that is the technological media.

Consequently, the postmodern subject's emancipation does not spring merely from the total elimination of mechanically imposed mythologies, but in a reappropriation of media-driven semiotic systems, which can lead to a the subject's greater level of self-awareness in relation to a technological other that has become more transparent.

Associate priest in the C of E Anthony Thiselton sees the postmodern subject as the victim of competing groups' vested interest for power whose manipulation of mass advertising has contributed to the disintegration of confidence in truth claims.⁵²

American sociologist and keen observer of the recovering drunk, Norman K. Denzin believes that the postmodern subject has lost confidence in its ability to control its own destiny because of a loss of trust in social planning and in universal criteria of rationality.⁵³

Such notions are more easily accessible and possibly better expressed through a literary and filmic narrative such as *Fight Club*, which conveys an emasculated and pessimistic postmodern subject who struggles to find his identity in a world where the mass media imposes a hyperreality through an inundation of images. The novel's anti-hero protagonist pleads for liberation: "Deliver me from Swedish furniture. Deliver me from clever art."⁵⁴ Living in a culture of relentless commodification accelerated by the expanding media manipulation decenters the postmodern subject by disorienting its self-awareness. Canadian philosopher

⁵¹ Jean Baudrillard, *Simulacra et Simulation*. Trans. Paul Foss, Paul Patton, and Phillip Beitchman (New York: Semiotext(e), 1983), 11.

⁵² Thiselton, *Postmodern Self* (1995), 12.

⁵³ Norman K. Denzin, *Images of Postmodern Society* (Thousand Oaks: Sage Publications, 1991), vii.

⁵⁴ Palahniuk, Chuck. *Fight Club* (New York: Henry Holt and Co. 1996).

Charles Taylor sees an identity crisis in terms of a disorientation in moral space in which questions arise about what is good and what is bad and what has meaning and what is trivial.⁵⁵

Often imprisoned in a hyperreality that tends to confuse and invert perceptions, it appears that the postmodern subject may lack a meaningful level of self-awareness because s/he is no longer oriented in moral space, which is to say that its position in relation to an other, an external material reality, has become confused.⁵⁶ In spite of this telos of uncertainty, to recenter the self in the face of the destabilizing forces of technology and a pervasive corpo-political complex, I submit that a democratic reappropriation of corpo-political semiotic systems can self-reflexively make evident the postmodern subject's existence as a kind of construction within consumer culture.⁵⁷

This mode of seeing the world, or a kind of *semiotic spectatorship*, merely offers a transmutation of the decentered and constructed postmodern subject into a recentered self who can effectively transition from passive consumer to active thinker. This kind of ontological evolution comes from an awareness of one's self "in the system," which includes not just billboards, but all forms of media such as television, film and digital and print ads.

Semiotic spectatorship merely provides the postmodern subject the opportunity to travel from a kind of Hegelian bondsman to an understanding consciousness. For, it is ultimately the bondsman's realization of its place in the system that removes the narrow self-identifications and self-interest and enables the subject to attain an enlightening degree of negativity – authentic self-consciousness, or the knowledge of one's corpo-political construction.⁵⁸

However, knowledge is only the first step to liberation.

Just as the philosopher cannot force the prisoner to exit the cave, so too the postmodern subject must engage the culture it once desired to purchase if it is to transcend its former position.

⁵⁵ Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1992), 28.

⁵⁶ Raoul Eshelman, *Performatism, or the End of Postmodernism* (*Anthropoetics* 6, no. 2, 2000 / 2001) [text online] accessed 25 October 2007, <http://www.anthropoetics.ucla.edu/ap0602/perform.htm>. Complicating matters, according to poststructural theory, any attempt to find one's self through a search for meaning is bound to go awry, for every sign promising some sort of primary knowledge is embedded in further contexts whose explication requires the setting of even more signs. Thus, in the very attempt to find itself, the postmodern subject slips and drowns in a flood of ever expanding cross-references. According to poststructuralists, the subject fares no better in its attempts to cling the physical world because form does not remedy the problem of meaning, which is dispersed through objects that create a network of alien signs that thwart every approach to a transcendental signified.

⁵⁷ I limited reappropriation to billboards for the purposes of this study, corpo-political semiotic systems include all forms of media such as television, film and digital and print ads.

⁵⁸ J.N. Findlay, "The Phenomenology of the Spirit: An Analysis of the Text," in *The Phenomenology of the Spirit*, translated by A.V. Miller (Oxford: Oxford University Press, 1977), 521.