

**FORMER WEST:
ART AND THE CONTEMPORARY
AFTER 1989**

Edited by Maria Hlavajova and Simon Sheikh

BAK, basis voor actuele kunst, Utrecht
The MIT Press, Cambridge, MA and London, England

The New Rules of Algorithmic Institutions

Stefano Harney

"Sorry, there's nothing I can do. Those are the rules." There was a time when a bureaucrat said this to you and you thought, "bullshit, I bet you could help me with one phone call, with one signature, or just by handing me the correct form." Perhaps that bureaucrat facing you worked for the ministry of education, for the tax office, or for the city council. You may have been seeking permission, looking for an exception, or trying to get information. Your fear, as you approached the counter, was: "This guy is not going to help me." He's not going to explain, and probably doesn't care. He could, if he wanted to, but he just doesn't give a shit, or he doesn't like your face, or you've somehow already pissed him off, or he's just having a bad day.

Today, however, when we hear "sorry, I can't help you, those are the rules," we often experience the uncanny feeling that the bureaucrat with whom we are pleading is as helpless as we are. We may still hope this official can help us with a mere keystroke, but increasingly we suspect that we are hearing a disheartening new truth. These words tend to come to us these days over the phone when we call our insurance company, or across the desk when we talk to a bank officer, or to our inbox when we've written to our human resources department. Today's bureaucracy is corporate, and our world is, to twist a phrase by

Theodor Adorno, privately administered. And this administration not only *runs on* the proliferation of algorithms and enterprise planning tools, but, we might fear, is in fact *run by* such tools. Forty years ago we may have been dealing with fickle Western welfare state bureaucrats, or administrators of socialist republics, or new governments in postcolonial states. This was the administered world Adorno bemoaned. But we were certainly dealing with humans for whom bureaucracy was a government job, sometimes a good one. These humans had bosses, and behind all this bureaucracy was some idea, however attenuated, of the welfare state, or socialism, or national development.

One used to shout, "I pay your salary" at the final moment of defeat in a confrontation with such bureaucratic power. But this cry of defeat was also an appeal beyond that bureaucracy to this or that political party and to some kind of abstract governance, of which the offending bureaucrat was merely a servant. Of course, this was a moment of defeat precisely because this abstract governance was often nothing more than its workers hailed by its citizens, and its citizens hailed by its workers. But it revealed our cherished belief that a public bureaucracy might also need to seek legitimacy in the people, as much as our experience showed us otherwise.

Today, such appeals have not disappeared so much as they have been reversed. The contemporary image of the public bureaucrat is an armed one, an FBI agent, or other national equivalents, and the appeal is not so much one made to them, as made to you. This armed bureaucrat is more concerned that your actions line up with the ideology he represents than with listening to appeals from you about how he should line up. Disturbingly, today's public bureaucrat occupies a more sinister place than the stubborn clerk behind the desk ever did. Today, it is the armed bureaucrat who is planted most firmly in our imagination, or, perhaps better to say, in our nightmares. Certainly this is so in the Americas, from the mass disappearances of students in Mexico, to the murder of black children on the streets of the United States and Brazil, to the assassination of land activists in Guatemala. In the daily lives of many so-called citizens, it is these bureaucratic assassins, and not the airbrushed CSI agents, who are the faces of the public bureaucracy working for the only remaining official ideology, a "good business climate."

Next to this new model of the armed public bureaucrat, the private bureaucrats of this good business climate may seem like mild figures, but we nonetheless feel a kind of impunity in insurance agents, credit assessors, or national test administrators. Privately administered services seem disconnected even from an imagined political legitimacy. Indeed, privatization claims something higher than mere political legitimacy. It claims moral, or even evolutionary legitimacy. Privatization has been proposed as the solution to both the corruption and the arbitrary power said to congenitally afflict government bureaucracies. The idea is that a government service is just like a business and that a competitive

market in government services would improve quality, because only high quality would survive the competition. If we can get past the bizarre idea that providing a free lunch to children in schools is the same as providing mobile phone plans, we still face the problem that real businesses strive to eliminate competition precisely to create monopolies and rid themselves of markets. Even then, we would have to ignore the inability of privatization ideologues to recognize the difference between a simile and a metaphor. Services might benefit from competition as if there were a market, but that is completely different from sticking government services in the actual market. Free lunches are free because kids can't afford them, and those are facts on the ground that cannot be changed by a good business plan. But given that privatization also has presented itself as the apotheosis of services as businesses, the facts do not seem to matter.

Now, there are some who will say this new privately administered world means a responsive bureaucracy emphasizing customer service and competing for the chance to serve us. They will say that any remaining defects will be sorted out by better management systems. And they will say that whatever these defects, this privately administered world serves the public interest better than the publicly administered bureaucracies ever did. But, of course, this last claim depends on the idea that what is good for us is markets. Only then do agents of the market appear to be more obviously in the public interest. Because, in the end, private administrators administer not for publics, but for markets; indeed, they administer with the aim of replacing publics with markets, and then measure themselves by this success alone. Of course, for most of us, such potential political analysis degenerates in the face of our daily bureaucratic experiences of the actually existing private bureaucracy, as we continue to wait on hold, get transferred to another department, and referred yet again to the Frequently Asked Questions section.

Indeed, our experience as customers in this privately administered world is a series of self-serve airline kiosks, complete with airline agents who have to push the buttons for us. An algorithm created those kiosks, and it awaits other algorithms that will create us as customers who can actually figure out how to use them. We are caught between two algorithms in that line at the airport, one working on workers, and one working on customers, one retraining workers, one training us, one eliminating work, one putting us to work in the shells of the old staff. This combination of consumption and production articulated by the algorithm is where the privately administered world moves from the absurd to the sinister. It has been made for efficiency, for productivity, for a good business climate, which, algorithmically speaking, can always get better. The private bureaucrat is just there to input us into the algorithm, or to spit us out of one.

Private bureaucrats work not just on behalf of existing markets, but in order to create ever-new ones through privatization. Algorithms

never rest. They evolve to create more intense and extensive markets. And lest we forget, contrary to the ideologues of privatization, producing markets means producing more forms of monopoly over more aspects of the production of life, or to put it in more traditional critical language, the expansion and intensification of social production for private gain. Privatization uses the algorithm to generate monopoly power in a world where some are said to be in need of market discipline, incentives, or entrepreneurship, and others are ready to give it to them.

Or, to put this another way, most of us have only ourselves and each other to privatize. Our encounter with the institutions of this privately administered world is today precisely an exercise in the privatization of all we have left: ourselves. And worse, it is a felt compulsion to privatize any person or thing refusing improvement, resisting the algorithm. It is not so much that privatized bureaucracy has been improved to serve us as it is that we must be improved to serve it. Just like the armed clerks of today's public bureaucracies who demand we improve our vigilance, our resilience, our obedience, and our compliance, these institutions of the privately administered world demand the continuous improvement of our productivity precisely in administering privatization. And privatizing ourselves means being subjected to an algorithm that will always demand more improvement, and always ensure the fruits of our labor become someone else's property, someone else's monopoly. But despite this gloomy forecast, what is interesting about this development is both the latent power and the apparent powerlessness that accompany the privately administered world. The powerlessness appears first and more vividly. Like the private bureaucrat to whom we appeal, we feel no agency; every day, we must compete all over again, account for ourselves all over again, for the job we are in, for the benefits we receive, for the grant we have been given. We know the private bureaucrat is in the same position. She too is powerless to challenge the algorithm. On the other hand, our power comes not from being the ones who operate the algorithm, but from being its raw material. It has nothing to privatize without us and nothing if it privatizes all of us. By now the careers of these algorithmic institutions tread a familiar and common path, whether they are museums, universities, hospitals, military forces, or childcare centers. First they privatize themselves and then everything and everybody around them. But the curious effect of all this is that many of us become the private bureaucrats—we administer this privatization. We're the ones who say "sorry, I can't help you," and we mean it.

Imagine a museum of contemporary art in a European capital, perhaps a city that is undergoing an uneasy transition from its heritage as a classical bureaucratic polity to an economy driven by a new logistical capitalism. This new logistical capitalism emphasizes services, tourism, transport, finance, health industries, and culture. "Access plus speed" is the formula of logistics, and logistical capitalism, powered by algorithms

and their metrics, presses only these imperatives. With metrics, no one cares what you have achieved. They only want to compare it against what more you could—and will—achieve. For instance, both residents and visitors must have more access than whatever they have now, whenever and wherever they want it, whether to banking to shop hours to medical clinics to taxis. At the same time, shops and clinics collect big data, and the residents and visitors demanding access have access demanded of them. It seems like everyone in the city is beginning to participate in this privately administered world of access and speed, handheld devices at the ready. Culture, too, must be accessible and quickly available, and, in turn, audiences must be accessed through participation, outreach, and education. The city starts an all-night art festival, throwing open the doors of its museums, galleries, theaters, and palaces, including our museum of contemporary art, housed in a fine eighteenth-century building granted and refurbished by the state in the 1990s. The city believes its all-night art event is about presenting a more civilized and lively life. But the event is also a welcome party for logistical capitalism.

And logistical capitalism is not optional. Those who fail to grant access at speed begin to look like obstacles to others. Soon we hear that the museum of contemporary art needs new leadership, leadership for an era of disruptive innovation. A new leader arrives, a former heritage minister from an Australian regional government. A new head curator also arrives, courtesy of a high-profile international search company. The curator is back in his home city after several years away in Manchester running the modern art museum there. The new leadership team sets about making the museum more algorithmic.

The leadership team hires consultants from KPMG, who are recommended to them by the international search company that facilitated their hiring. The consultants recommend an enterprise planning system, covering payroll and finance, human resources, purchasing, and maintenance and supply. Enterprise planning systems are based on algorithms. These algorithms calculate organizational efficiencies, and they automate management decisions. KPMG promises savings from efficiencies, and from phasing out decision-makers whose decisions are now made algorithmically; a whole layer of lower managers, who were once ordering supplies, calculating vacation time, or overseeing repairs, begin to vanish. Moreover, by calculating efficiencies, it soon becomes clear groundskeepers, janitors, and security guards have insufficient job spans and overlapping duties. They can be rationalized. The janitor can lock up. The security guard can also open up in the morning.

By now, some of the assistant curators are raising concerns about a favorite groundskeeper, who is being pushed into early retirement against his will. In response to this discontent, KPMG recommends an executive leadership course for the new head of the museum and her chief curator. The leadership course stresses empathy as the key leadership ingredient for an era of disruptive change. The management

team subsequently begins weekly news blasts to all employees by e-mail. Featured prominently in the news blast is a high-definition photograph of the new head of the museum above a weekly column regularly expressing empathy. Next comes the café and restaurant. Here, KPMG tells the museum they must focus on core competencies as an organization, and they ask the management team to list what they regard as core skills at an away day. No one lists restaurateur. KPMG seizes on this. It's time to outsource the café and restaurant to those for whom the restaurant business is a core competency. This will mean a good deal of change in the café and many familiar faces may not make the transition. It will be helpful, therefore, to create some buzz about a celebrity chef who is interested in opening on the premises, and KPMG knows people who have contacts in the food and beverage industry.

It becomes clear to all who still work at the museum that they are being measured and evaluated in a new way, accessed in a new way, with new speed, not just by audiences and publics, but by management. New job coaching and mentoring schemes are set up and employees are asked to create a series of goals and objectives for themselves over the coming fiscal year. These will be revisited. The leadership is being encouraged to "create buzz." The new head of the museum gives interviews about exciting times at the museum, and the head curator attracts Siemens corporate funds for a major new exhibit on neglected conceptual women artists from Eastern Europe. The café reopens serving Peet's Coffee from Berkeley, California. It advertises longer hours. One curator whispers to another, "this coffee *is* better."

The disruptive innovation at the museum of modern art is so successful by the second year that even a 40 percent cut in funding from the regional government does not put the museum in the red. But the funding cut does begin the conversation about long-term institutional sustainability in the new fiscal reality. An algorithmic modeling of land values in the center of the city is introduced at a meeting of the leadership team on this new fiscal reality. Values have sky-rocketed since the city's business-friendly new mayor decided to spur investment in housing by introducing market rates for some renters and making Airbnb rentals legal. The museum building is a rapidly appreciating asset according to the model, and is now an asset against which any bank would be happy to lend. In fact, with a new addition, a model of leveraging the land and building presents itself as a solution to the short-term fiscal reality. Selling the back of the current museum garden, together with debt financing against the original museum building, could in fact fund the new education and outreach wing of the museum.

The new education and outreach wing, including a members' private rooftop lounge, will also attract corporate funding and gifts from private donors, with consultants hired to shape a culture of giving—consultants recommended by KPMG. The celebrity chef caters a fundraising dinner for invited guests to kick off the campaign.

Education and outreach are identified as priorities—over, for instance, more gallery space—because the museum is also rethinking audiences. No longer can we assume that there is an audience out there for every contemporary exhibit. These audiences must be created. Through outreach, we gather new levels of information about potential audiences, and through education, we assemble these audiences. Obviously we will have to hire a social media specialist for these purposes, recommended by the fundraising consultants.

This museum is an invention, but such are the pressures of logistical capitalism today that I know anyone associated with a museum anywhere recognizes almost everything I have said, or will shortly. I could have told this story, with some variations, for hospitals, or schools, or universities. Algorithmic institutions fit a pattern, the pattern of logistical capitalism, access at speed—to our labor, to our mood, to our future. These institutions may be nominally public, but they are privately administered in every way, including the levels of leadership and ownership. Banks, investors, and donors effectively own these institutions, and leaders work only nominally for the state. They work for the owners.

But, now, let us consider the potentials opened by this dire situation. I want to do so by way of the work of an artist rebelling from within the algorithm, in the belly of logistical capitalism as it manifests itself in us as private administrators of our world. The artist is Jack Tan, a Londoner born in Singapore. In 2015, Tan produced a show at the Institute of Contemporary Arts at LASALLE College of the Arts in Singapore, entitled *How to Do Things With Rules*. His show enacts the privately administered world, and slows logistical capitalism down until it becomes playable and pliable. But, first, we should take note of an exhibition and residency by Tan that preceded the LASALLE exhibit. *Closure* was a series of activities in residency and a show created by Tan in 2012 to mark the winding down of the General Social Care Council, itself the evolution of the Central Council for Education and Training in Social Work founded in 1970. With the dissolution of this Council, there would no longer be any specialist regulator of social workers in Britain. The Council was criticized for failures in regulation, and eliminated in the name of efficiency and fiscal restraint. Another public bureaucracy “sunsetted.” Shortly after this closure, the government announced it was going to marketize and privatize child protection as part of a wider move toward privately administered social care. Around the same time, perhaps not coincidentally, social workers in Greece and Spain began to emerge as leaders in the struggle against austerity, privatization, and public indebtedness. Britain too has a radical tradition in social work, from anti-racist and feminist social workers in the 1970s to the Social Work Action Network today operating in Britain and Ireland and active in solidarity actions with migrants. Tan allows these political stakes to form the backdrop of his work in *Closure*.

Tan created a series of *kudurru* to mark the actual closure of the Council. Kudurru are stones that were used in Babylonia to mark boundaries of granted land. The original stones were kept in temples, and copies placed on the boundaries of the land itself. The stones were engraved with the contract granting the land from the king to his landowners, and also included engravings of the gods that protected the contract and who would curse those who broke it, as well as other illustrations. One set of two kudurru created by Tan is entitled *Travel Reimbursement Forms* (2012). These are ceramics that resemble melting desserts, with text from the actual forms scratched into their surface. Another set of short, rounded pillars, ceramic and acrylic, each in a different bright color, is called *Committee* (2012). They stand around as if waiting for a meeting to start. One column is slightly tilted at the top, suggesting a meeting gone on too long. The viewer is tempted to consider these objects from the perspective of a contract, especially given that Tan himself was a practicing human rights lawyer before turning to art. Certainly, it is possible to think of the stones as trying to prevent or at least mark a broken wage contract, and perhaps even mark a change in the social contract emblematic of a privately administered world. But just as Tan is more than his legal background, I think these objects are about more than contracts, even if one hopes the curse of a broken contract in these stones does indeed reach the conspirators who profit from privatization of publicly generated wealth.

It might be more interesting to look at them in terms of time and space, the time of walking from one ceramic to another, and the space thereby demarcated and named. The publicly administered world has been one of boundaries, marked by the high counter, the glass wicket, the closed office door. And not just of space, but also of time, of opening hours, waiting times, processing schedules. As much as these boundaries have frustrated us, Tan's work suggests that they also have protected us, or, more precisely, have given us something to protect. Time and space were divided into public and private. Public space was the space of work for the bureaucrat, and work had its clock. Private space was the place work was not supposed to go, and private time was just that. Even private space at work was protected. I remember the way post office clerks in downtown Manhattan had their booths covered in family photos, pictures of Malcolm X and Dr. Martin Luther King Jr., and union posters. This was work space, but it was private in the sense that it represented interests different from work. I should add, however, that this protection, as a defensive effort, was always limited, as those postal clerks knew. And, ultimately, it could not protect us from what was to come. The private, as we know, was in fact full of the work of social reproduction, and the public was not for everyone. Protecting the time and space of the public and private was already a rearguard action, given how much of our world was already privatized. But Tan's work helps us to see why the stakes of public bureaucracy have been so high: not

because of what was protected, but of what the protection feared, a world where administration and work knew no boundaries of time or space. When I returned to that Manhattan post office after the 11 September 2001 attack on the World Trade Center, all the pictures and posters were removed, and clerks sat in sterile booths. Any interest other than work had been expunged. *Closure* has marked this fear, but also the vindication of this fear.

On the other hand, *How to Do Things With Rules* is an equally resistant show, though rather than confronting a fear, it takes full advantage of our new position as administrators of a privatized world, raising the question of whether it is really a good idea to give us these responsibilities, loosed from the divisions of time and space. Scholars from Franco Berardi to Peter Fleming have illustrated in recent years a world where work and life appear coextensive in both time and space. There has been a strange collapse in the division of relative surplus labor and absolute surplus labor according to these scholars, as if work-time and work-place have dissolved as boundaries. Black radical and Italian autonomist feminists have long pointed to this social factory, and they have also noted how, as the walls of work have come down, new barbed wire fences, lined with armed bureaucrats, rise, and new zones within such fences reach through the social factory. In this privately administered world, with public muscle to back it up, we might imagine Tan's new work would stress the futility of our own administrative acts, and the power of algorithmic measures that perpetuate these acts.

Instead, Tan creates something remarkable: a workshop of rules. This "workshop" manages to retain both senses of the word, a place where something is made, and a place made to make something. And in this simple yet profound move, Tan gives us a way to sense ourselves as both makers of rules and conveners of those rules. In a more philosophical language, the seriality of following a rule made elsewhere in time and space, though nonetheless by human labor, gives way to a view of the practico-inert as an immediately present collective performance. This is no more evident than in Tan's 2015 work, *Karaoke Court*. Performed first in Singapore at the show *How To Do Things With Rules*, and subsequently in London, Tan explains the event this way:

Karaoke Court is a work that explores karaoke singing as a platform for resolving disputes. The work is a revival of the spirit of Central Arctic Eskimo Song Duels, where litigants presented their grievances to the entire Inuit community for judgment in the form of humorous and satirical song. Participants are invited to resolve their disputes by singing karaoke in front of an audience who will decide who wins. The processes and decision of the Karaoke Court are made legally binding via the participants' signing of an Arbitration Contract.

I was part of the audience for this performance in Singapore, in which the audience was also the jury as, informally, audiences often are in karaoke bars in Singapore. Small claims courts are a popular venue of privatization. Property and family disputes are *worked out* through the law, and they are *worked on* by those who attend, and those who watch. Private interests predominate. There is no appeal to the nation here, or even in many cases to the abstraction of justice. Karaoke is another matter. Singers make grand appeals to emotion, to abstract ideals, and to something beyond themselves. The jury responds, displacing the judge who enforces privatization. Tan also wanted to show Singaporeans they could be part of a process of governance in a nation that tends to offer citizens spectator status at best on governmental matters. But by staging it against our global privately administered world, the work asks not whether Singaporeans could participate more in governance, but whether participation is any longer the right term, if it ever was. In a world where everyone makes the rules, and no one does, governance may not exist much longer.

Tan also gave life-coaching sessions in the gallery, by appointment, to artists and aspiring artists. Calling it *Art School Surgery*, Tan told me that he was soon fully booked, and that “clients” took the experience very seriously. This raises the question: What does it mean to take such therapy seriously, knowing that it has been set up as art? As with the performance artist Valentina Desideri’s *Political Therapy*—a form of “fake” therapy that often evokes highly serious and emotional conversations about politics between the artist and the client—*Art School Surgery* is not a case of clients forgetting themselves or being seduced into an act of art. Instead, the clients sense that therapy itself, what one might call the rules of well-being in the name of improvement, is being workshopped. The algorithm proposes itself as the only true maker of rules. This workshop on coaching, that is also a workshop of coaching, suspends the algorithm, and gives us a chance to ask what we might be able to do with rules.

Becoming part of Tan’s court, being coached by him, or holding a meeting at his conference table—complete with ping-pong balls for making decisions—we begin to realize we have convened ourselves, assembled to discuss the rules of assembly. We have started the meeting to make the rules, not with the rules. Very quickly we realize the condition of this privately administered world, and it takes us back to the leadership team of the museum for contemporary art. In the privately administered world, there are still people in charge, but there is no longer anyone in authority. Institutions no longer have rules based on the reason of their institutions, however maddening or partial those rules might have been. The rules now are algorithmic, and the algorithm is set only to privatization, to the accumulation of bodies and things for surplus profit and monopoly. What is a leader to say in such situations? Indeed, what is she to do except express empathy yet again? Armed bureaucrats

continue to run amok haranguing and shooting people from Ferguson, Missouri to Rio de Janeiro. But though they are said to take the law into their own hands, the opposite is the case. They are produced by the algorithms of policing, like the notorious "broken windows" algorithm made famous in New York. These algorithms, and not any higher leadership, make the deadly rules behind a good business environment. Rules have been emptied by these algorithms. What Jack Tan lets us do is to step in where this leadership used to be. The rest is up to us.