

The YBAs were not young artists from just anywhere, they were young British artists, cultural ambassadors, albeit of an unconventional sort, like the Beatles and the Rolling Stones before them, perhaps.

Ruth Adams

'The saatchi generation': Art & advertising in the UK in the late 20th century

'A geração saatchi': Arte & publicidade na Grã Bretanha no final do século XX

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Abstract

This essay examines the work and careers of the 'Young British Artists' – most notably Damien Hirst – and their infamous benefactor. The 'YBAs' came to public attention in the late 20th century with the staging of a landmark exhibition called 'Sensation' at the Royal Academy in London. This exhibition showcased the collection of the most important art patron of his generation, the advertising mogul Charles Saatchi. Fans and critics alike have remarked on the similarity between Saatchi's own commercial work and the art that he collected – both were eye-catching, witty, irreverent and designed to shock. Although the extent and the value of Saatchi's influence on his stable of artists remains open to debate, both can be said to exemplify the culture of late capitalism and the importance and ubiquity of the 'brand'.

Keywords: Art. Brand. Late Capitalism.

Resumo

O artigo examina o trabalho e a carreira de um grupo denominado "Young British Artists", cujo expoente é Damien Hirst e seus infames benfeitores. Esse grupo ganhou notoriedade pública no final do século XX, com a histórica exposição "Sensation", ocorrida na Real Academia de Londres. Essa exposição trouxe a coleção do maior colecionador de arte de sua geração, o magnata da publicidade Charles Saatchi. Fãs e críticos rapidamente começaram a notar similaridades entre as peças publicitárias de Saatchi e as peças de arte que colecionava – ambas prendiam a atenção, eram irreverentes e pensadas para gerar impacto e choque. Embora a extensão e o valor da influência de

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Saatchi em seu estábulo de artistas permaneça aberto ao debate, ambos podem ser usados para exemplificar a cultura do capitalismo tardio e a importância e ubiquidade da “marca”.

Palavras-chave: Arte. Marca. Capitalismo Tardio.

In 1997 a landmark exhibition was staged at the Royal Academy of Art in London. Called *Sensation*, the show included 122 works by 40 young British artists, all from the collection of the advertising mogul Charles Saatchi. It was both ‘an attempt to define a generation [of artists] and to present [the] singular vision [of a collector] in an established public forum.’ (quoted in Hatton & Walker 2000: 187) The show attracted a great deal of publicity and controversy, and a large number of visitors - 300,000 - making *Sensation* the biggest art show of the year. *Sensation* made Charles Saatchi and a number of the exhibiting artists, Damien Hirst and Tracey Emin in particular, very famous. The exhibition was credited with transforming the profile of and audience for contemporary British art, both in the UK and around the world.

The art on show was colourful and spectacular, often funny and surprising, and occasionally deliberately offensive and provocative. It aroused the curiosity of the press and the public, not least because it was being exhibited in the very grand home of artistic tradition in Britain. Don Thompson suggests that *Sensation* was the first show, in Britain at least, ‘to focus on shock art. The work and the promotion surrounding the show had the single purpose of provoking a public response, much like a Saatchi and Saatchi advertising campaign.’ (2008: 96) The curators, Saatchi himself and Norman Rosenthal, exhibitions secretary at Royal Academy, chose works that ‘evoked powerful visual and emotional reactions. (The word “sensation” alludes to both bodily experience and public impact: “it created a sensation, it was sensational”).’ (quoted in Hatton & Walker 2000: 187) Or, to quote art critic Adrian Lewis: ‘The show’s title conceals its organisation of box-office success under a naturalising description of the cultural effect of the avant-garde.’ (quoted in Hatton & Walker 2000: 187) Much of the early controversy around the show related to a portrait by Marcus Harvey of the notorious child murderer Myra Hindley¹, but works by Damien Hirst², Jake and Dinos Chapman³, and Sarah Lucas⁴ also attracted scandalised attention. *Sensation* generated hundreds of column inches in the media, and to some

¹ ‘Myra’ (1995) acrylic on canvas. See, for example, Tamsin Blanchard, ‘Sensation as ink and egg are thrown at Hindley portrait’, *Independent*, 18 September 1997, accessible from <http://www.independent.co.uk/news/arts-sensation-as-ink-and-egg-are-thrown-at-hindley-portrait-1239892.html>

² including ‘A Thousand Years’ (1990) steel, glass, flies, maggots, MDF, insect-ocultor, cow’s head, sugar, water, ‘Away from the Flock’ (1994) steel, glass, lamb, formaldehyde solution, and ‘beautiful, kiss my fucking ass painting’ (1996) gloss household paint on canvas

³ including ‘Ubermensch’ (1995) fibreglass, resin, paint, and ‘Zygotic acceleration, biogenetic, de-sublimated libidinal model (enlarged x 1000) (1995) fibreglass

⁴ including ‘Au Naturel’ (1994) mattress, water bucket, melons, oranges, cucumber, and ‘Sod You Gits’ (1990) photocopy on paper

extent proved the old adage that there is no such thing as bad publicity. It provided everyone involved with a great deal of very useful free advertising.

That the exhibition happened at all was the result of luck and an act of apparent generosity by Charles Saatchi. When Rosenthal took over at the Royal Academy he was keen to update its rather stuffy and old-fashioned image and attract a younger and more fashionable crowd, as well as boost the finances of the Academy, which was then £3 million in debt. He planned to do so by bringing over from Berlin a critically acclaimed show of 20th century art. However, no British sponsor could be found for an exhibition of challenging modern and conceptual work and Rosenthal was obliged to cancel at the last minute. Saatchi came to the rescue, offering not only to lend work from his own collection, but to cover the £2 million installation costs.

Sensation alienated some Academy members and a proportion of its traditional audience, but it succeeded in attracting a different, younger⁵ audience, many of whom had never visited an exhibition of contemporary art before. It succeeded where many more earnest efforts at museum outreach had failed. *Sensation* also boosted the careers of many of the young artists featured and 'stretched the brands' of both Charles Saatchi and the Royal Academy. It made money, not just from ticket sales but from a huge range of clever merchandizing. 'Visitors were also able to buy Sarah Lucas socks decorated with fried eggs, Jake and Dinos Chapman phonecards, and a Mona Hatoum badge showing a fleshy opening.' (Stallabrass 1999: 201) More broadly, *Sensation* tackled the image problem of British art, which until then was seen as rather safe, backward looking and parochial. Simon Ford and Anthony Davies argued that, prior to *Sensation*, 'it just wasn't sexy enough. Art had to get younger, more accessible, more sensational. In short, it had to become more like advertising' (quoted in Hatton & Walker 2000: 191)

Positive assessments of *Sensation* and the scene it claimed to represent drew parallels with London in the 'Swinging Sixties'. Artist Martin Maloney argued that while *Sensation* was 'not the only possible picture of British art in the last decade', and only 'one man's view of how art has changed', it nonetheless 'substantially mapped the contribution of those participants who have added to the diversity of what art is and what it can say.' (Maloney 1997: 34) Other critics, however, were more damning. One claimed that the new art and its public had been 'formed by a TV culture, [and was] content to accept the short rations from sensation which hype advertises' (quoted in Hatton & Walker 2000: 192). Julian Stallabrass argued that the exhibition catalogue, while giving the appearance of serious scholarship, was 'little more than an inflated PR exercise' (1999: 216). Stallabrass called

⁵ According to newspaper reports 48% of visitors were under 35 years old, and 11% went as part of a school visit, despite the fact that one of the rooms was only accessible to visitors over the age of 18 due to its explicit content. See Louise Jury (1997) 'Royal Academy's "Sensation" proves to be a shockingly good crowd-puller', *Independent*, 30 December, accessible from <http://www.independent.co.uk/news/royal-academys-sensation-proves-to-be-a-shockingly-good-crowd-puller-1291068.html>

the work of the Saatchi artists 'High Art Lite', all style and no substance. Charles Saatchi was from one point of view the saviour of contemporary British art, and from another, the destroyer. Whether his influence was for good or ill, it was certainly so powerful that it is now difficult to imagine what the history of British art and the international art scene would have been like without Saatchi.

So let's look a little more closely at Charles Saatchi who, in a five-decade career has been the most talked-about advertising executive of his generation, and the most talked-about art collector. How are these two aspects of his career connected? Certainly a number of critics maintain that his background in 'advertising and marketing helps to explain his behaviour and taste as a collector' (Hatton & Walker 2000: 19). In the fields of both advertising and art it is clear that Charles Saatchi has had a huge impact on the visual culture of Britain (and more widely), and has a keen sense of how the visual can function as both an ideological and social force on voters and consumers. As Rita Hatton and John Walker observe, visual culture 'influences and shapes people's attitudes, feelings, thoughts and habits' (2000: 19). Saatchi is perhaps less a 'hidden persuader' than a hidden in plain sight persuader, and is unusual in the British context as a recognizable personality in both the commercial and artistic spheres.

Saatchi first came to public attention in 1970 when, with his brother Maurice he founded the advertising agency Saatchi and Saatchi. They were credited with a number of iconic and irreverent images and slogans for a variety of public sector, political and industry clients. Amongst the most memorable were 'the pregnant man' for the Family Planning Association, and the campaign they ran for the Conservative Political Party in the late 1970s, which is often accredited with helping Margaret Thatcher gain political power. An artistic sensibility, and a vivid wit and imagination were often evident in Saatchi ads. The pregnant man would not have looked out of place at *Sensation*, while other campaigns were an evident homage to specific artists and techniques. Saatchi's adverts devised for Silk Cut cigarettes in the 1980s both clearly illustrate the name and values of the brand – in a legal context which outlawed a more explicit advocacy – and have obvious precedents in the slashed canvases made by the Argentinian-Italian artist Lucio Fontana during the 1950s. At first sight, billboards seemed to be displaying an example of modern, abstract art; the lack of wording presented viewers with a decoding challenge that provided both visual and intellectual pleasure.

During the 1970s examples of Saatchi and Saatchi advertisements were displayed on the walls of the agency's London offices to inform and impress clients. When Saatchi began to collect art it was a logical extension to add this too, to indicate the prestige and sophisticated tastes of the company. With the guidance of his first wife, Doris, Saatchi originally collected more established art and artists, Minimalism, and established painters such

as Lucien Freud, Leon Kossoff, George Baselitz and Anselm Kiefer. As he became a more influential collector he became feared as well as revered, as his tendency to dump his entire holdings of particular artists onto the market could have a severe negative impact on their prices. In 1985 Saatchi opened a gallery in North London to display his collection. Although perhaps not so unusual in the US, this was patronage and self-publicity on a scale rarely witnessed in the UK. It problematizes claims that he is 'shy', and indeed a number of observers have intimated that his famous elusiveness is due less to social anxiety than a tactic to enhance his mystique, to 'preserve the value of his currency' (Hatton & Walker 2000: 15).

In the early 1990s Saatchi sold his entire collection of work by established artists at the top of the market, making a cool profit. He turned his attention to buying art by new and emerging British artists. It has been suggested that this decision was prompted largely by an expensive divorce and a sharp downturn in his agency's fortunes, but doing this allowed him to become a speculator as well as a collector, and to exercise a far greater influence on this particular part of the art market. We can date the start of Saatchi's involvement with the generation who became known collectively as the 'young British artists' (or YBAs) to 1988 when he visited a now legendary student exhibition called *Freeze*, organised by future art superstar Damien Hirst.⁶ Although Saatchi did not buy anything on that occasion, in 1990 he purchased two of Hirst's medicine cabinet works. Of the sixteen artists who were represented in *Freeze*, all students at Goldsmiths College in London at the time, nine had their work shown in *Sensation*. *Sensation* brought the work of these artists to a far wider cross-section of the public than an exhibition at Saatchi's own, rather niche gallery ever could.

Perhaps unsurprisingly Saatchi came to be thought of as the 'fairy godmother' of British art, who could wave the magic wand of his chequebook and transform impoverished art students into superstar artists overnight. As one of only very few significant collectors of contemporary British art, his influence was hugely disproportionate and could make or break careers. Consequently, it has been claimed that Saatchi's identifiable tastes encouraged a certain type of output from artists. In *High Art Lite* Julian Stallabrass quotes the painter Martin Maloney who suggests:

'If you haven't got a clear product, then it's more difficult.' Of this trend to produce with the advertiser in

⁶ The legend includes, for example, Hirst ensuring Rosenthal's attendance at the exhibition by personally driving him there, and then back to the Royal Academy. A number of critics and commentators have speculated that it is no coincidence that the name of *Frieze* art magazine and its very successful spin off air fairs (founded in 1991 and 2003 respectively) is a homophone of the seminal student exhibition. See, for example, Scott Reyburn, 'Once Subversive, Frieze Opens in a Changing London, 9 October 2015, *The New York Times*, (accessed from http://www.nytimes.com/2015/10/12/arts/international/once-subversive-frieze-opens-in-a-changing-london.html?_r=0) and Emma Beatty, 'MyArtBroker Asks: Frieze, What's it all about?', 12 October 2015, *MyArtBroker*, (accessed from <http://www.myartbroker.com/blog/view/myartbroker-asks-frieze-whats-it-all-about>).

mind, Chris Ofili (who has work in the Saatchi collection) has written:

'A lot of artists are producing what is known as Saatchi art... You know it's Saatchi art because it's one-off shockers. Something designed to attract his attention. And these artists are getting cynical. Some of them with works already in his collection produce half-hearted crap knowing he'll take it off their hands. And he does.' (1999: 200)

David Mabb, currently the course leader of the postgraduate fine art programme at Goldsmiths says that with this 'straight line to the collector – there was no thought of art's critical autonomy any more' (quoted in Luke 2013: 40). However, her insightful review of *Freeze*, art critic Sacha Craddock reflected on whether 'the very nature of art school products has changed to reflect the set-piece one-liner that succeeds in the commercial world' (quoted in Luke 2013: 40), suggesting that the die was cast even before Saatchi became involved. Saatchi liked this work because it appealed to its sensibilities, rather than being targeted at them, although this is not to say that this may not have subsequently been the case.

The 'elective affinity' between Saatchi and the YBAs is perhaps unsurprising when we consider that both have embodied the zeitgeist and the direction of travel of western society and culture in the late 20th and early 21st centuries. Saatchi's careers in both advertising and art reflected the post-industrial shift in emphasis to information, service and creative industries, toward monetarism and consumerism, and an all-pervasive neo-liberal individualism. Martin P Davidson, author of *The Consumerist Manifesto*, a text on advertising, has remarked:

The three biggest things that happened to advertising during the 1980s were its politicisation, its commercialisation and its assumption of the status of an art form. In other words it became more controversial, more lucrative and more pretentious than it had ever been before. And one agency has more to answer for this than any other ... Saatchi & Saatchi ... Their name became the flashpoint between politics, culture, media and the market-place, none of which will ever be the same again.

The story of Charles Saatchi in both advertising and art, besides being a fascinating one in its own right, is instructive because of the light it throws on the history of British politics and society since the 1960s, in particular the shift of power to the Left to the Right, and from the public domain to the private sector which occurred during the 18 years of Tory rule. (quoted in Hatton & Walker 2000: 21-22)

Although mostly not right wing in their political inclinations, the

artists that Saatchi championed were of their time in that they too were entrepreneurial, business-minded and wanted to become rich and famous, and in that sense, argues Mabb, 'they were Thatcher's children' (quoted in Luke 2013: 40).

The most successful by far of all of Saatchi's stable of artists is Damien Hirst. As Don Thompson suggests, Hirst 'is one of a very few artists who can claim to have altered our concept of what art and an art career can be' (2008: 67). Hirst was alleged to be worth one hundred million pounds at the age of forty. If this claim was accurate, it means that he was worth more than Picasso, Andy Warhol, and Salvador Dali combined at the same age – none of whom were shy about measuring their artistic success in monetary terms. Hirst's art is readily recognizable and visually arresting, no doubt; some of it is aesthetically beautiful in a conventional sense, but much of it rather challenges traditional notions of beauty. Controversy continues to rage about Hirst's quality and value as an artist outside of the market; is his art all about the shock value, does it lack longevity? Is he 'a social commentator who offers a profound meditation on death and decay' (Thompson 2008: 77), or merely a showman with a good line in advertising and an overdeveloped sense of the grotesque? Does he command power and high prices because he is good, or because he is a strong brand; are these essentially one and the same thing? *Village Voice* art critic Jerry Saltz wrote of Hirst, and not in a complimentary fashion, that he

is working in the interstice between painting and the name of the painter: Damien Hirst is making Damien Hirsts. The paintings themselves are labels – carriers of the Hirst brand. They're like Prada or Gucci. You pay more but get the buzz of a brand. For between \$250,000 and \$2 million, [you ...] can buy a work that is only a name. (quoted in Thompson 2008: 73)

Like a fashion designer, Hirst has a 'couture' line of one-off originals, and 'diffusion' lines. Fans unable to afford original artworks can buy into the brand with souvenir simulacra. In the gift shop attached to the 2012 retrospective of Hirst's work at Tate Modern in London⁷ visitors could purchase a range of products ranging from limited edition signed prints, scarves and plates for hundreds of pounds, through mugs, books and t-shirts, to packs of picture cards for only a couple of pounds. Many of these products were produced not by Tate but by Hirst's own commercial company, Other Criteria. It is clear 'that Hirst's work and his flair for marketing and branding cannot be ignored. His brand creates publicity, and his art brings in people who would never otherwise view contemporary art.' (Thompson 2008: 77)

⁷ This exhibition formed part of London's Cultural Olympiad, and attracted a record 463,087 visitors (almost 3,000 a day) for a solo show.

Thompson suggests that Hirst's titles are an integral part of his marketing and that much of the meaning of his artworks comes from their titles. A great example of this is Hirst's most iconic and famous artwork, a shark suspended in a tank of formaldehyde. If the shark were just called *Shark*, the viewer might well say, 'Yes, it certainly is a shark,' and move on. Calling it *The Physical Impossibility of Death in the Mind of Someone Living* forces viewers to create a meaning; the title produced as much discussion as the work. This type of witty connection between text and image, a rhetorical figure that McQuarrie and Mick (1996) describes as an 'artful deviation' has become increasingly commonplace in advertising. In commercial (and, indeed, artistic)⁸ contexts its purpose is to arrest the attention and pique the interest of potential consumers, and to

yield what the semiotician Barthes (1985) called a "pleasure of the text" – the reward that comes from processing a clever arrangement of signs. This in turn corresponds to Berlyne's (1971) argument, based on his research in experimental aesthetics, that incongruity (i.e. deviation) can produce a pleasurable degree of arousal. The rewarding character of artful deviation thus suggests that figurative ad language as compared with literal ad language, should produce a more positive attitude toward the ad (McQuarrie & Mick 1996: 427).

In 1997, Hirst and his friends Jonathan Kennedy and Matthew Freud⁹ opened a bar and restaurant called Pharmacy in the affluent and fashionable Notting Hill district of London. Prada designed the staff uniforms and Hirst decorated the walls with medicine cabinet sculptures and butterfly paintings. Although the restaurant attracted an art crowd and celebrity diners such as Hugh Grant, Madonna and Kate Moss, it consistently made a loss and closed in 2003. The business was declared bankrupt. By chance, Sotheby's contemporary art specialist spotted the fittings being removed from the restaurant for storage, and suggested an auction. One hundred and fifty items were offered in the first auction in Sotheby's 259-year history to consist entirely of consigned work by a single living artist. Hirst designed the cover for the catalogue, which itself became a collectors' item. The lots, estimated at £3 million, sold for a £11.1 million. Every lot exceeded the guide price; not just million pound artworks, but even small fixtures and fittings. Six ashtrays, expected to fetch one hundred pounds, sold for £1,600. Two martini glasses, estimated at fifty to seventy pounds, sold for £4,800. A pair of salt and sugar shakers went for £1,920. This was excellent news for Hirst who had negotiated an agreement that allowed him to buy back his art from the bankruptcy receivers for £5,000. As Don Thompson notes, the 'Hirst-branded contents

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⁹ Head of international public relations firm Freud Communications, and great-grandson of psychoanalyst Sigmund Freud.

of Pharmacy, as auctioned art, produced more profit in one evening than the restaurant had made in six years.' (2008: 74)

In 2007 Hirst produced a sculpture entitled 'For the Love of God'.¹⁰ This consists of a platinum cast of an 18th century human skull encrusted with 8,601 flawless diamonds, including a pear-shaped pink diamond located in the forehead that is known as the Skull Star Diamond. Costing fourteen million pounds to produce, the work was placed on its inaugural display in an exhibition, *Beyond belief*, at the White Cube gallery in London with an asking price of fifty million pounds. Hirst claimed that the work was sold on 30 August 2007, at that price, to an anonymous consortium. Given its ostentation and obscene cost, is this work something to be criticized, or a critique in itself? Richard Dorment, art critic of The Daily Telegraph, wrote:

If anyone but Hirst had made this curious object, we would be struck by its vulgarity. It looks like the kind of thing Asprey or Harrods might sell to credulous visitors from the oil states with unlimited amounts of money to spend, little taste, and no knowledge of art. I can imagine it gracing the drawing room of some African dictator or Colombian drug baron.

But not just anyone made it - Hirst did. Knowing this, we look at it in a different way and realise that in the most brutal, direct way possible, For the Love of God questions something about the morality of art and money. (2007)

It also tells us something about Hirst's marketing-savvy as an artist. No other artwork was written about in dozens of publications, a year before it was even created. Fellow YBA Dinos Chapman 'called the skull a work of genius – not the art, the marketing.' (Thompson 2008: 76) Tellingly, when Hirst was asked whether he liked advertising he replied: 'I love it because it admits its own corruption.' (quoted in Hatton & Walker 2000: 46)

As all this makes clear, at least one of the reasons for Hirst's phenomenal success is the strength of his brand. Buying art is a risky business; art's value is never inherent, always relative, so a strong brand gives collectors confidence. As with other branded goods such as food, sportswear, cars and luxury goods, a recognizable brand 'offers risk avoidance and trust' (Thompson 2008: 12), a set of values to buy in to, and an apparent relationship between consumers and commodities. The art world is full of brands; not just individuals like Saatchi and Hirst, and his dealer Jay Jopling, but institutions too. The Museum of Modern Art (MoMA), Guggenheim and Tate are top museum brands. Visitors to these museums can feel confident that they see the 'best' art hung on their walls. They can enjoy the fruits of 'brand stretching' when they buy souvenirs in

¹⁰ The title reputedly originates from exclamations Hirst's mother would make on hearing plans for new works when he was starting out as an artist. As he explains: "She used to say, 'For the love of God, what are you going to do next!'" (Source: <http://www.damienhirst.com/for-the-love-of-god>)

these museums' increasingly copious gift shops. In the digital age it is not even necessary to visit the actual museum. Most big museums now boast an on-line shop, and the growth of specialist online art stores such as Culture Label make it easier than ever to buy a little bit of cultural capital. In an environment where public funding of the arts is increasingly scarce – in Britain, a trend started by Margaret Thatcher's Conservative government that Saatchi helped get elected - this provides museums and galleries with vital sources of income. For shoppers at the other end of the scale, museums like MoMA offer a guarantee of quality. The MoMA brand offers reassurance to buyers and collectors of fine art. A work of art that was once shown at MoMA or was part of the MoMA collection can command a higher price because of this provenance. Prestigious museums benefit from their reputation in a material as well as symbolic sense, as collectors wanting to make a name for themselves as patrons of note will opt to donate work to a blue-chip institution.

As culture becomes an increasingly important element of post-industrial economies, tourism and 'soft power', art can be used to brand and advertise whole nations. Hatton & Walker assert that, 'like advertising, Great Britain PLC was a 'people business' and therefore creativity was more and more in demand.' (2000: 235) The YBAs were not young artists from just anywhere, they were young *British* artists, cultural ambassadors, albeit of an unconventional sort, like the Beatles and the Rolling Stones before them, perhaps. Norman Rosenthal went so far as to claim that London had overtaken New York as the world's art capital: 'For the first time this century, London is where it is at on the art scene, without rival' (quoted in Hatton & Walker 2000: 195). Saatchi and the YBAs helped create an environment, both cultural and economic, in which contemporary art could thrive in London. The rapid growth in the commercial gallery sector, the establishment of the Frieze Art Fair as a key destination and influencer, and the opening of Tate Modern (now the world's most visited modern art museum), all are attributable directly or indirectly to their impact. Today's young British artists and art students might regard Hirst and his contemporaries as old hat, 'dead and gone' and 'absolutely anathema', but 'that perceived golden era' (Luke 2013: 41) continues to attract foreign students to London art colleges, and all benefit from the transformation in attitudes to contemporary art, and the infrastructure that now supports it in the UK.

The evident benefits of his patronage notwithstanding, a number of the YBAs had a problematic relationship with both Saatchi and aspects of his approach to advertising. In the mid to late 1990s both Hirst and Gillian Wearing, who also exhibited in *Sensation*, fell out publicly with Saatchi over issues of copyright and usage. Despite telling art critic Adrian Searle that what he liked about adverts was 'that you can rip anything off' (1994), a year later Hirst and his dealer Jay Jopling threatened the Saatchi Gallery with legal action for using a pastiche of Hirst's work 'Away from the Flock' (1994) to promote an exhibition showcasing 'The Cream of British Design

and Advertising' (Glancey 1995). Similarly, in 1999 Wearing complained that Saatchi's agency had expropriated her video art piece '10-16' (1997) which shows adults lip-synching to the voices of children, to use it as a commercial for Sky Television. She was quoted as saying:

It shocked me, especially with Charles Saatchi owning an edition of my piece. How could an agency do something so unethical? The technique and approach has been directly copied from 10-16. When I contacted M&C Saatchi they said that they were allowed to be inspired by anything they wanted, and that originally they had wanted the commercial to be closer to my work, but their legal department had stopped them. (quoted in Glaister 1999)

This was not the first occasion that Wearing had complained about plagiarism by advertisers. The previous year she had - perhaps with good reason - accused the ad agency BMP DDB of appropriating a photographic work, 'Signs that say what you want them to say and not signs that say what someone else wants you to say' (1992-3), for a Volkswagen car commercial. Wearing was dissuaded from pursuing legal action against the agency after another artist, Mehdi Norowszian, who accused them of stealing the concept of one of his experimental films for a Guinness commercial, was left liable for costs of £200,000.

Although Gillian Wearing may have had a legitimate complaint, she was also perhaps being either naïve or disingenuous. Artists who appropriate the discourses of popular culture and the forms and techniques of television and advertising should perhaps not be too surprised when they are appropriated right back. As M&C Saatchi's Chief Executive, Moray MacLennan observed: 'Lip-synching in advertising is not a unique or original idea. There are other ads on the box that use the technique.' (Glaister 1999) Antecedents for 'Signs that say...' can perhaps be pinned down even more specifically: in the 1960s a film made to accompany Bob Dylan's song 'Subterranean Homesick Blues' introduced just such a technique (appropriated even then, perhaps, from the silent movie) and this was subsequently spoofed in a 1980s television commercial for audio tape. Wearing's work then is the product of a complex interconnected matrix of *all* cultural production, in which there is a constant process of quotation, referral and appropriation; the postmodern sea of signs perhaps. This is a fact that Wearing overlooks, both in her approach to the use of her own work and her attitude to that of others. She complains: 'Years ago ads used to be ground-breaking, but now you have to wonder where they get their ideas.' (Glaister 1999) The answer, of course, is the same place that Wearing gets hers, from this cultural matrix. Wearing's reaction to the appropriation of her work suggests she maintains a belief that there still exists a qualitative distinction between 'high' and 'low' culture. Underlying Wearing's protests is perhaps a feeling

that while the debased, and collectivised products of popular culture are fair game for theft or appropriation, fine art, however magpie in nature it may be, is still the unique work of individuals and should be respected as such.

However, perhaps the key issue here is less who can legitimately claim authorship, than who can wield the most power and money. In 1999 Hirst again threatened legal action when the British Airways subsidiary Go used coloured spots in an advertisement. Coloured spots are not an entirely novel idea, and Hirst's spot paintings are produced by assistants, but he nonetheless claimed ownership of the *concept* of spot paintings. The legal case was good publicity for Hirst; every UK paper reported the case, and in May 2007 at Sotheby's New York, a spot painting sold for \$1.5 million. Less legitimate, either conceptually or ethically, was Hirst's alleged bullying of a teenage graffiti artist called Cartrain who had produced a satirical collage portrait of Hirst including an image of 'For the Love of God'. When the collages were advertised by an online art shop Hirst made a complaint to the Design and Artists Copyright Society and the pictures were withdrawn from sale (Brooker 2009). Hirst has himself been accused a number of times of plagiarism and copyright infringement. In 2000 he agreed to pay 'an undisclosed sum' to avoid threats of legal action from the designer and manufacturer of a toy anatomy model, which Hirst had virtually reproduced (albeit in the form of a 20-foot bronze statue) for his work 'Hymn' (1999). Not least, no doubt, because 'Hymn' was the first of Hirst's works to sell (to Charles Saatchi) for one million pounds, the designer Norman Emms confessed to being disappointed with the size of the 'goodwill payment' (Dyer 2000) he had received. Humbrol Limited, the maker of the Young Scientist Anatomy Set, settled for restrictions on future reproductions and contributions by Hirst to two children's charities in lieu of royalties.¹¹

All this to and fro perhaps points to the increasingly litigious nature of society, but it suggests something too about the increasingly blurred boundaries between art and advertising, and culture and commerce. In the 1950s and '60s the distinctions between fine art and marketing were sufficiently apparent for Pop Art to represent a radical gesture. But in a postmodern era of late capitalism has promotion become the dominant mode of all types of cultural production? In 1980 the British cultural theorist Raymond Williams observed that:

The structural similarity between much advertising and much modern art is not simply copying by the advertisers. It is the result of comparable responses to the contemporary human condition, and the only distinction that matters is

¹¹ Hirst was also accused by John LeKay, an old friend and colleague of stealing ideas for art works, most notably jewel-encrusted skulls, which LeKay claimed he had been making since 1993 (Alberge 2010). Currently Hirst is being sued by Canadian artist and designer Colleen Wolstenholme for allegedly plagiarizing her pill charm bracelets, which she has been making and selling since 1996. Hirst started selling similar bracelets, at ten times the price of Wolstenholme's, on his online 'Other Criteria' shop in 2004. (Neuendorf 2016)

between the clarification achieved by some art and the displacement normal in bad art and most advertising. The skilled magicians, the masters of the masses, must be seen as ultimately involved in the general weakness which they not only exploit but are exploited by. If the meanings and values generally operative in the society give no answers to, no means of negotiating, problems of death, loneliness, frustration, the need for identity and respect, then the magical system must come, mixing its charms and expedients with reality in easily available forms, and binding the weakness to the condition which has created it. Advertising is then no longer merely a way of selling goods, it is a true part of the culture of a confused society.

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