

Suppression through Subterfuge: The Inhibition of Offensive Art Based on Hostile Audience Response

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On 17 June 2011, the Cultural Center of the Philippines (CCP) opened “KULÓ,” an exhibit which gathered pieces from 32 artists. Included in the exhibit was Mideo M. Cruz’s art installation, *Poleteismo* (Polytheism). The artwork, which juxtaposed religious images with objects that included replicas of the male genitalia, sparked outrage among politicians, religious groups, and the general public. This outrage led to both the closure of the exhibit and the opening of discourse on freedom of expression and visual art.

Despite the Constitutional mandate to advocate culture and art, the government’s attitude towards artistic creation may still be characterized as a posture of suspicion both towards the value of the art and the sensibility of defending it. *Poleteismo*’s sudden closing showed the ingrained tendency to inhibit offensive art in the presence of hostility. The Philippine legal system has laws on prior restraint and subsequent punishment, but there exists no law which prohibits or allows institutional interference in closing down exhibits or art works such as what happened when the CCP Board of Trustees “summarily” closed *Poleteismo*.

The Author posits that this legal void, if not addressed, may allow for occasions to censor art through subterfuge. According to the Author, this issue is particularly important in visual and installation art because they are primarily shown through exhibition and display.

With this, the Note examines the feasibility of adopting the heckler’s veto framework developed by American jurisprudence, and scrutinizes its compatibility with International Law and current Philippine jurisprudence on freedom of expression and speech. After a thorough analysis, the Author contends that the freedom of expression does not allow the application of the heckler’s veto on visual and installation art. To permit such veto will be a violation of the right. The Author then concludes the Note with a model legislation that will protect the exhibition of visual art in public fora.