



School of Education, University of Colorado Boulder
Boulder, CO 80309-0249
Telephone: 802-383-0058

NEPC@colorado.edu
<http://nepc.colorado.edu>

HOW TO CREATE AND MAINTAIN CIVIL SOCIETY SPACE

Consultation Submitted to the United Nations High Commissioner for Human Rights

*Alex Molnar and Faith Boninger, University of Colorado Boulder
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For civil society to work well, it needs to be rooted in a public environment that protects the right of citizens to contribute freely and openly. In other words, healthy civil society requires a robust public sphere. Metaphorically, we might think of the public sphere as a “garden” in which many interests grow. Just as gardens require constant attention to help them flourish, so the public sphere in civil society requires constant attention to, for example, make sure that powerful interests don’t constrain, marginalize, or silence contrary or challenging expressions.

Today, the unrestrained global spread of markets based on neoliberal economic assumptions threatens to dramatically reduce the public sphere and thus to distort and constrain civil society by limiting the expression and preservation of non-market values and pursuits.

Commercial activity – specifically advertising – in public spaces has expanded at an exponential rate over the past century. It is ubiquitous in modern Western nations and is spreading around the globe largely without challenge or comment in political discussions and debates. Nevertheless, its impact on civil society is profound.

All advertising, irrespective of the particular product being advertised, contributes to a consistent encompassing message: that happiness and freedom derive from the consumption of

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goods and services in a capitalist marketplace. The underlying message of consumerism as the highest value is “sold” by every advertisement whether or not it successfully promotes the sponsored product.

Advertising affects not only politics. It distorts cultural practices and shapes social norms. Marketing provides instruction about how people should think about their families, friendships, romantic relationships, environment, society, and selves.

Our concern here is how, in the face of the marketing onslaught, to maintain a vital public sphere that provides political, economic, cultural, and social space in which citizens can care about and engage in interests that are non-commercial.

Tending the “garden” that is the public sphere therefore means adopting policies and practices that promote engagement in civil society as a legitimate and important goal and value. Such policies and practices can protect “full freedom of speech” by creating and defending a public sphere in which non-commercial speech, or even non-speech, are protected. Without such policies and practices, the opportunities to see, hear, contemplate, and discuss that people need in order to choose civil society activity as a viable option for themselves are constrained or eliminated.

In her 2014 report to the U.N. General Assembly, *The Impact of Commercial Advertising and Marketing Practices on the Enjoyment of Cultural Rights*, Special Rapporteur in

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the Field of Cultural Rights Farida Shaheed noted the problem presented by unconstrained outdoor advertising.¹ She pointed out that there are a few companies that dominate the worldwide market for outdoor advertising, and they can end up deciding what is displayed in the public space. Their decisions of what to advertise, where to advertise, and whether to insert advertisements into the public space at all are based on these companies’ financial considerations and not on the advertising’s likely benefit or harm to those exposed to it.² By “exhorting people to become mere consumers,” the Special Rapporteur concluded, billboards “ad-

versely affect their sense of citizenship.”³ We see this strongly in the United States, where we live. In the U.S., our political leaders regularly refer to citizens as “consumers” and think of themselves and of political parties as “brands.”

Just as commercial communication has colonized outdoor public space, it is also colonizing schools – which is where, theoretically, children learn how to think. Children are subjected to advertising and marketing in schools in many forms: advertisements and brand placements that appropriate school space, corporate-sponsored activities, programs, and educational materials, incentive programs, digital marketing, and fundraising.

These commercial activities in school threaten the integrity of children’s education. Not only can advertising and marketing efforts in school divert students from their studies and contradict lessons; but, more subtly and significantly, advertising and marketing in school can influence the habits of mind that children develop.

Although the unrestrained growth of consumer culture tends to be assumed to be positive, the city of São Paulo decided otherwise. Its 2006 Clean City law, which required the removal of 15,000 billboards throughout the city, began a valuable experiment in the protection of public space. Opposed by advertisers, the law was supported by the city's elite and the majority of residents. In addition to outlawing billboards, it prohibited outdoor video screens, bus ads, and pamphleteering in public spaces, and limited the size of storefront signage.⁴

By critiquing and curtailing the commercial takeover of public space, the law created new openings for the development of civil society. In an interview, local journalist Vinicius Galveo explained how civic consciousness took form after the law came into effect.⁵ In the "cleaned" city, citizens were shocked to notice shantytowns in many areas – shantytowns that they had never seen before because billboards covered the area. They also saw, for the first time because now they could, illegal immigrants sleeping in their workplaces. According to Galveo, citizens were shocked to uncover these social problems. But now, noticing them, they could begin to address them.

And finally, the enforcement of the Clean City law led to a public debate about the nature of art. Whereas international advertising companies doing business in the city tried to claim that "outdoor media is culture," the public disagreed.⁶ Although "graffiti art" was originally painted over, public discussion led to its subsequent exemption and protection.⁷ Prior to the removal of what São Paulo's mayor, Gilberto Kassab, described as "visual pollution," neither the recognition of social problems nor the public discussion of public art was possible.⁸

The São Paulo Clean City law demonstrates both how unrestrained commercial communication constrains the public sphere and how that constraint may be effectively removed. A parallel policy in schools would ban all advertising and thus create the opportunity for students to see themselves in ways that are obscured when there is commercial activity there. In this way, schools may encourage students to entertain visions of themselves other than as consumers and to contemplate social and cultural values that have no commercial purpose. Banning advertisements in schools and classrooms is one of the policies necessary to protect the civil society of the future by helping to educate citizens capable of valuing and acting in the public sphere.

Notes and References

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