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Desktop Editing Office: 51ST B.P. Hasdeu, Cluj-Napoca, Romania, Phone + 40 264-40.53.52

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DOSSIER: Policy and Politics of the Arts

Articles

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Issuee Coordinator: Dan Eugen RAȚIU

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DOSSIER:
Policy and Politics of the Arts

Introduction

The arts always were and still remain a key object or target both for public policy and politics, as well as an important subject-matter for the philosophical reflection. This dossier gathers the contributions of some members of the Group for Analysis of Cultural Practices and Policies (GAPPC): Dan Eugen Rațiu, Ștefan Sebastian Maftei, Dan Octavian Breaz, and Mara Rațiu, within the project PNII–IDEI code 2469/2008 *Culture and creativity in the age of globalization: A study on the interactions between the cultural policy and artistic creativity*, supported by CNCS-UEFISCDI, and an American collaborator, Constance DeVereaux, present at the Babes-Bolyai University within the Fulbright Senior Specialist Program (May-June 2011). The investigations focus on topics such as the definitions of art, the social function or value of art, the role of artists in the social change, the relationships between artistic critique and creativity, aesthetic and politic utopias, avant-garde's ethos and Socialist Realism's ideology, artistic practices and art institutions. As discussed in this dossier, conceptions and practices of art are closely linked to epistemological, ontological and political views, and controversies arising in connection with art may be seen as fundamental challenges to individual, group and societal conceptions of (social) reality and existence within that reality, of ideas (and ideals) of self and others.

The first article, "Is Art a Fruit or a Vegetable? On Developing a Practice-Based Definition of Art" by Constance DeVereaux, explores the issue of the definitions of art, philosophical and practical, arguing that both are needed and possible. She sets the tone for this dossier by showing that modern art deeply challenged societal norms in a way that caused serious questioning about what could be known and how we understand ourselves as individuals and as members of a larger society. Individual philosophical views, or those held by a society, are likely to have a great impact, therefore, on arts policy and management practices. In this way, concern for the "purely philosophical" becomes important for arts management and policy. Yet a philosophical definition does little to resolve practical issues of the sort that arts policy and arts management must deal with. The author ponders the necessity for a practical definition of art for their purpose, drawing attention to the fact that in these areas of activity where art figures centrally, the absence of a definition may have

consequences for effective policy and management strategies. With the case of the United States and several of its federal agencies as concrete examples, DeVereaux explores what a practice-based definition of art would look like and what advantages it might bring for the practical purposes of policy and management. She concludes that an effective and just arts policy should be based on a definition of art that strives for theoretical neutrality. In other words, practice-based definitions should avoid the pitfalls of both essentialist and anti-essentialist views. At the same time, an open conception is needed in order to accommodate inevitable changes in society, in technology, and in human beings themselves without the need to reformulate the existing definition.

In the second article, "Artistic Critique and Creativity: How Do Artists Play in the Social Change?", Dan Eugen Rațiu starts form the convergences and discords between arts policy and certain artistic practices which both deem art as a mere instrument but form different standpoints. While the artistic mainstream conceives and practices art as a tool of criticizing capitalism aiming – in its radical version – to subvert it, a pragmatically-oriented arts policy targets at the economic and social benefits provided by artistic activities thus sustaining the capitalist order. The author questions the social role of the artists focusing on the interactions between artistic critique and social change in the context of "the new spirit of capitalism" (Boltanski and Chiapello) and the "imperative to creativity" (Florida). After tracing how the idea of the social utility of art and the "new spirit of capitalism" have shaped the relationship between the artistic critique and the dynamic of capitalism – which are no longer in opposition to each other but require each other –, he evaluates the role that artists have/can play in the social change through their creativity, from the vantage point of the "production of subjectivity". Ratiu concludes that neither artists' presumed capacity of producing wealth and social cohesion or eliminating social inequalities, nor their capacity to subvert capitalism, can avoid a utopian instrumentalization of art, and that the social role of the art/artists should be related instead to the cardinal values of the artistic competence. He also draws attention to the fact that although the artists can contribute to re-develop a particular sense of "otherness" and to opening up new possibilities – either for the quality of emotional life, the creative lifestyle, or for the other worlds of production –, artistic creativity by its very nature plays as a "rules-breaking process", questioning and challenging existing norms and practices, and its model of excellence could not be generalized to the entire social body without costs in terms of insecurity and instability.

The third article, "*Gesamtkunstwerk* and the Limits of Aesthetic Utopia in Walter Benjamin's *Arcade Project*" by Ștefan Sebastian Maftei, focuses on the issue of *Gesamtkunstwerk,* the total-work-of-art, interpreted with reference to Walter Benjamin's considerations on the history and philosophy of history, architecture, and the modern city. The author highlights the importance of this term to the development of aesthetics,

especially in the context of the critical reception of Wagner's works by the left-wing German intelligentsia. While Adorno criticizes the modern "premature" attempts at fusing art with technology at the end of the 19th century, assessing the political and aesthetic "totalitarianism" that lay hidden behind *Gesamtkunstwerk*, Benjamin addressed several crucial issues of modern aesthetics: the possibility of fusing technology and art in a new type of artwork, the political and social relevance of aesthetic utopias, the possibility or impossibility of "aesthetic" reconciliation between man and nature, the aesthetic "legitimacy" or the "illegitimacy" of the *Gesamtkunstwerk* to modern critical aesthetic discourse. The article concludes that *Gesamtkunstwerk* is conceived by Benjamin as an attempt to isolate the critical social and aesthetic value of artworks into an aestheticizing dream that surreptitiously strives to appease the social uneasiness of its stultified audience.

The fourth article, "From the 'Total Art' Ideal to the 'Ideal' of the Totalitarian Art. Politicizations and Aesthetic Dilemmas of the Romanian Fine Arts Avant-garde during the Socialist Realism", by Dan Octavian Breaz, presents the case of the Romanian fine arts avant-garde during the years 1945-1964 dominated by the ideology of Socialist Realism, proposing a re-evaluation of its various politicizations and aesthetic avatars. The author points out some of its aesthetic dilemmas, mainly the tension between the avant-garde ideal of a "total art" (i.e. synthesis) and the new constraints imposed by the totalitarian art "ideal", i.e. the "art for all" desiderata, specific to the Socialist Realism ideology. He argues that while the objectives of the former were firstly aesthetical and secondly ideological, despite the left wing political convictions it had so often displayed, the objectives of the latter were on the contrary mainly ideological and only secondly aesthetical. This apparent coincidence of the social and aesthetic projects has led, on the one hand, to the transformation of the "tutelary" avant-garde in a "dependent" avant-garde, on the other hand being at the origin of the Socialist Realism as an antinomic synthesis of all avant-gardes. Breaz concludes that this way the Socialist Realism in Romania can also be interpreted as a redirection of most aesthetic principles and of the creation methods of the historical avant-garde from themselves and from the avant-garde itself, while completely taking over the "reshaping of the social corpus" desiderata.

In the final article, "Romanian Contemporary Visual Arts World after 1989: Tensions and Fragmentation", Mara Rațiu presents the case of the contemporary visual arts world in post-communist Romania, focusing on the reconfiguration of the institutional system after 1989 and its impact on the artistic practices, as well as its reception among art professionals. She firstly observes that more than twenty years after the fall of the Communist regime, this visual arts world is still a highly tense and fragmented one, comparing to other Central-Eastern European contemporary visual arts worlds.

Through analyzing the Romanian contemporary visual arts institutions and practices of the 1990s – the UAP and the art education system, the new institutions for funding, exhibiting, mediating and documenting, the exhibition practices –, as well as their reception among art professionals, and then comparing them with the Hungarian visual arts world, the author reveals a series of specific features of the local contemporary art world that determined a particular type of evolution, different from other foreign contemporary art worlds. Accordingly, the author identifies two sets of factors generating this state of the Romanian contemporary visual art world. On the one hand, structural causes – the institutional shifts generated by the transition from a totalitarian regime to a democratic one –, and on the other hand, specific social and professional mentalities, such as the *étatique* mentality among artists, and the lack of commonly shared conventions and of willing to cooperate among the art world's actors, in Becker's terms.

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Note: Authors are individually responsible for the content of their articles, and for citations and references.

Dan Eugen RAȚIU

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IS ART A FRUIT OR A VEGETABLE? ON DEVELOPING A PRACTICE-BASED DEFINITION OF ART

CONSTANCE DEVEREAUX*

ABSTRACT. Formulating an adequate definition of 'art' has been one enterprise of philosophy that has plagued all those who attempt it. Yet, the project of defining the term has many merits, especially when it comes to definitions for the purpose of arts policy and arts management. In these areas of activity where art figures centrally, the absence of a definition may have consequences for effective policy and management strategies. This article ponders the necessity for a practical definition by posing the question: is art a fruit or a vegetable? This allusion to a question that might be posed about the garden tomato, draws attention to the fact that while (for tomatoes) there is only one correct scientific answer, the practical answer depends on our own purposes; whether we are talking about tomatoes or art. With the case of the United States and several of its federal agencies as concrete examples, this article explores what a practice-based definition of art would look like and what advantages it might bring for the practical purposes of policy and management.

Keywords: art, arts management, arts policy, philosophical definition, practice-based definition

So many of the questions that define us as a culture have been raised through and by the art of recent decades, that without coming to terms with our art, we can scarcely understand ourselves.[1]

Introduction

The challenges posed by defining the term 'art' merit far less critical attention among serious thinkers today than in earlier eras. This is not because any submitted answer has been accepted. Rather, in the absence of a suitable response, we have stopped asking the question, or we have stopped asking it in the same way. Some thinkers may believe that the effort to find a link between diverse examples of art may veil a desire for continuity of values and culture, something we have surely

* *Department of Comparative Cultural Studies, Northern Arizona University, Flagstaff, AZ 86001; Fulbright Senior Specialist (May-June 2011), Department of Philosophy, Babes-Bolyai University, Cluj-Napoca, Romania. Email: cdevux@gmail.com.*

[1] Arthur Danto qtd. in Cynthia Freeland, *But is it Art?* Oxford University Press, 2001, front matter.

stretched to breaking in the present era, if it is even desirable or possible. The problem of art, as a result, no longer arises simply as a desire to define an ever-ephemeral idea, but presents itself in a variety of ways, many of which, on the surface, seem to have nothing to do with the definition of art, and much to do with matters of management and policy.

The most pressing problems of art that present themselves in the 21st century (at least those that get attention) concern issues such as cost, economic impact (i.e. tax-revenues, the creation of jobs, increases in tourism, the development of an arts industry), positive or negative effects on particular sectors of the public – most particularly children – the disadvantaged, or people described as 'at-risk', issues of diversity, inclusion, and geographic representation. These are policy and management (empirical) issues more so than philosophical ones, and in resolving them, the definition of art does not seem to be central. On closer inspection, however, one could argue that many arts policy and management problems, at root, are simply the same problem in a new cast, if only because to create and implement a policy on the arts, or to manage the arts, one surely has to know the thing to which it applies, though the same is true in less superficial ways as well.

It is the nature of problems that they do not go away for want of being solved. Rather, they crop up, again and again, oftentimes in new forms, demanding resolution, or if none is forthcoming, becoming instead the flashpoint for controversy and dissent. For many people, developing a theory of art as a beginning point for policy or management raises the specter of ideology; fears of an official definition of art in line with the Right or the Left is precisely why many policy definitions are enumerative. A list of categories: film, painting, sculpture, dance, *et cetera,* generates far less controversy than theories attempting to describe art's essence. Defining art, however, need not be ideological, but it is typically more than just practical. It is an enterprise in theory that is embedded – also of necessity – in the actions and choices practitioners make in arts and cultural management or policy – even if they are wholly unaware of the way they are conjoined.

This article asks: is art a fruit or a vegetable? Can we develop a practice-based definition of art? The title alludes to the garden tomato about which the same question may be asked. The answer, of course, determines how we cook it, serve it, and savor it. Considered one way it appears rather typically and mundanely on a vegetable platter or in vegetable soup. In some culinary traditions, however, tomatoes are a fruit, served as sugared candies, perhaps, or as an ingredient in fruit salads. How we serve the tomato does not change the essential fact that a tomato is a fruit (by virtue of its development from the ovary of the plant flower and the presence, in the fruit, of the seeds of the plant). To say that a tomato is really a fruit and not a vegetable, however, is immaterial to what we do with it as food since we are at liberty to follow our taste. How we consider a tomato at any particular moment has a great deal to with how we want to use it. Similarly, when it comes to art, what we take it to be has a lot to do with what we are doing with it and for what purposes.

Does it really matter, then, for us to pursue a definition of art, or shall we content ourselves, in the case of management and policy, with the actions and behaviors of practitioners for clues to the operations of the field? Can practice tell us all we need to know, as investigators, regarding the hows and whys of management and policy? The position taken here is that it matters acutely and that definitions of art are both needed and possible. Definitions of art must take into account how art is treated and understood. Managing art processes and production may be different than defining art for policy. In this, art is not very different from tomatoes or from any other object or concept that we are trying to define.

As a preface to considering the proposition that definitions are needed, some historical context is required. Only recently have arts policy and arts management begun to make the transition from emerging fields to emerged. While reliance on surface utility, in both practice and training, remain strong there is increasing evidence of deeper exploration, by researchers and scholars into the conceptual underpinnings of the field. Conceptual inquiry, nevertheless, remains rare while policy continues to fumble over central questions of value, and management of the arts continues to rely, for direction, on methods and practices borrowed from other fields. Traditional theories, formulated to address traditional concerns of art production and exhibition, however, may not be appropriate or adequate for the purposes of management and policy. The difficulties we encounter in policy and management stem from the ill fit of theories for these purposes. What is needed is a new way to conceptualize these issues in order to rethink the relationship between definition and practice.

This article uses the United States as an instructive case. It provides a high profile example in the matter of the National Endowment for the Arts (NEA) set against the landscape of the mid to late 20th century controversies in arts sectors. While these issues may appear, in the 21st century to have little relevance to the present practice of art, they continue to exert influence due to the many changes in arts policy and management that took place as a result. The case of the NEA is contrasted with another US agency, the Customs Commission, which implements its own policies, including those that require identification of objects as art. Notably, this latter agency has done so with far less public scrutiny (or awareness) and considerably less controversy than the NEA. A comparison of the two agencies serves to illuminate the issues presented here. While the examples focus on arts policy, in particular, applications for arts management are also discussed.

What is Art? Practical and Theoretical Motivations

Theories and definitions of art seem inherently controversial and that is what makes the notion of a theory or definition of art as a pre-requisite to policy and management a strange (and, perhaps, unwelcome) notion. B.R. Tilghman posits two types of motivation for defining art: the practical and the theoretical, or philosophical.[2]

[2] B. R. Tilghman, *But is it Art? The Value of Art and the Temptation of Theory,* Basil Blackwell, 1984.

A practical motivation is the desire to distinguish works of art from things that are not, and to establish principles for interpretation and evaluation. A theoretical motivation is "the philosopher's… desire to tidy up the various compartments of the world in general and human activity in particular and to exhibit them in their relations to one another".[3] A practical motivation suggests the desire for specificity in identifying things called art, while a theoretical motivation suggests the desire to explore the contexts in which art connects to other things and the principles that underlie these connections. Arts policy and arts management are motivated in both of these directions; there is the need – for practical purposes – to identify art as a specific kind of activity and a specific kind of thing. Arts managers do not manage the production of shoes or automobiles and arts policy does not concern itself with these things (unless the shoes and automobiles are, in some manner, objects of art). Clarity about the kind of thing one produces or manages is a minimum requirement. In addition to a concern with art objects and performances, arts policy and management are also concerned with arts as a human activity, for example, how the activity of art connects to other human endeavors, how it fosters enrichment, fulfillment, creation of identity, and how art is meaningful to individual and communal life. An important point is that each of these motivations: the practical and the theoretical, leads to different expectations in what a definition will provide.

The practical problem for implementation in giving preference to a particular definition is just one of the possible impacts demonstrating why the project of defining concepts poses such problems for arts policy and management. In general, arts policies do not go very far in providing a fully functional definition and it is not clear how individual arts organizations have arrived at theirs.[4]

Ideas about art, of course, are influenced by a multiplicity of factors. Conceptions of art change over time as conceptions of other areas of life change as well. As one commentator notes:

> No philosopher will deny that a history of varying conceptions of art can be told, and that this story may be illuminating and interesting; but many insist that this does not solve the philosophical question about the nature of art. When the story is told, there is still a question left (a "purely philosophical question").[5]

The remaining philosophical question is: what is art? But if it is purely philosophical it has practical implications, of necessity, when it comes to management and policy. That is because, at the end of the day, one must implement policy, or manage a process, based on a definition.

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[3] *Ibid*, p. 2.

[4] David B. Pankratz and Valerie B. Morris (eds.), *The Future of the Arts: Public Policy and Arts Research,* Praeger Publishers, 1990.

[5] Preben Mortenson, *Art in the Social Order: The Making of the Modern Conception of Art,* State University of New York Press, 1997, p. 4.

Philosophical positions have beginning points. Understanding the roots of policy and management preferences, values, and principles is essential, especially when we contemplate making changes in policy or management practices. All policy and management choices imply choosing one thing over another. To the extent that those choices are ones I would make – individually – as well, I will tend to agree with the policy and management decisions of governments or organizations that affect me. In other words, my epistemological and ontological, as well as other philosophical positions are upheld. The tenacity of policy positions can be well understood, therefore, if we see them as tied to their epistemological, ontological, logical, political, aesthetic, and even definitional roots. In the early years of the NEA there was a decided preference for "innovation" in awarding grants to artists and organizations. This preference had its roots in modernist aesthetics as well as in an underlying philosophical movement, beginning in the 16th century and typically associated with such philosophers as René Descartes, or later thinkers like Immanuel Kant. Modern philosophy is characterized by a rejection of both the methods and the epistemological findings of the past in favor of new methodologies and findings. The NEA was created, in part, to support progress and advancement in the arts, in an era that encouraged innovation rather than mere preservation of art forms.[6]

Epistemological and ontological questions arise in the context of arts management and policy because they arise in the context of arts. Ontology, here, is considered in its limited application relating to identity, including self-identity. It raises questions about how we see ourselves in a social or political context; the groups we identify with, and how we want to be seen by ourselves and others. These issues are tied to other philosophical areas – our use of logic and judgment in deciding important matters; the political views we hold; our taste and preferences in artistic expression, such as what we accept as art (or as Art); and how we understand terminology, or the connotations we attach to important terms. Views about the arts may be particularly contentious because they have the potential to challenge epistemological frameworks and our dearly held notions of self. One's preferences in art, music, and architecture, for example, are grounded in one's ideas about knowledge and truth, out of which one forms ideas (and ideals) of self; who I am, what I value, how I see myself fitting into society. Challenging a person's ideas about art, therefore, may be tantamount to challenging deeply held philosophical beliefs about what a person knows and who she believes herself to be. Individual philosophical views, or those held by a society, are likely to have a great impact, therefore, on policy positions, and on resulting policies, on arts management practices, and training. In this way, concern for the "purely philosophical" becomes important for management and policy.

[6] *National Foundation on the Arts and the Humanities Act of 1965,* US Publ. L. 89-209 (hereinafter cited as PL 89-209).

In the 1960s, in the United States, the mainstream conception of art was still rooted in the classical tradition. Fine Art, of the kind most Americans were exposed to, followed standard, recognizable forms. Likewise, by the 1980s, when political controversies regarding the arts were getting under way in the US, not much had changed, except for a backlash by many non arts elites in key leadership roles, e.g., lawmakers, church and educational leaders, and other political leaders, against what they considered to be the fraud of modern and contemporary art.

The later transition from a modern to a postmodern worldview meant that "our stable context for framing the world has gone awry".[7] In earlier times we felt secure that an objective definition of art was possible, notwithstanding disagreements about that definition. If in the modern world we toyed with the idea that art could be many things to many people, many modern philosophers concluded, ultimately, that it was only through some fault of perception, lack of education, or refinement of those attempting to solve the problem, "what is art?" that made it seem so.

Modern art, by its nature, stretched, in a number of ways, the boundaries of what was previously accepted as art. In very broad terms, it emphasized expression of the individual artist over the concern for technical accomplishments that predominated in the classical tradition. Prior to the advent of modernism, the concerns of artists tended to be emulation of the accomplishments of the past. In music, for example, composers followed the rules laid down by J. S. Bach and Franz Joseph Haydn in what is known as the 'common practice period', which set conventions for established forms using functional harmony and regular rhythms. The same principle guided other art forms as well. In contrast, modernism, in all the arts, was a conscious break with the past. Among other developments, this resulted in less emphasis on realistic representation, and more emphasis on things like expression or abstract and conceptual forms that were more difficult to understand as art.

> In order to move forward and clear the way to new modes of expression some artists found it necessary to ridicule and destroy the concepts and practices of the past. Others optimistically forged ahead embracing the new freedoms of expression: to command attention and clear the way artists may intend to delight or irritate, to arouse or denounce, to exhort or castigate, to surprise or excite, to soothe or shock. They may be trying deliberately to achieve disorder rather than order, chaos rather than cosmos. The act of creating sometimes replaces the importance of the object created. Painters may plan their pictures as visual socks in the eye; composers may intend their music as assault and battery on the ear…[8]

[7] Gene H. Blocker, Jennifer M. Jeffers, *Contextualizing Aesthetics: From Plato to Lyotard*, Wadsworth, 1999, p. 2.

[8] William Fleming, *Arts and Ideas,* Holt, Rinehart, and Winston, 1991, p. 583.

In 1989, at the height of the art controversies in the United States, conservative columnist Patrick Buchanan criticized the "debris that passes for modern art,"[9] referring to all contemporary art that did not fit with his particular ideas about art. His remark may be taken as typical of those who rejected modern and contemporary forms. It should not surprise that those who acquired their understanding of art during the period when modern art was still regarded as something less than Fine (or true) Art, exhibited strong reactions against these developments in art production, or in arts policies, that largely favored new, innovative forms.

If it is correct that conceptions of art are closely linked to epistemological and ontological views, controversies arising in connection with art may be seen as fundamental challenges to an individual's conceptions of reality and existence within that reality. If objects around me; tree, book, desk, door, art, turn out to be something else altogether (if I am mistaken when I identify them), then I must question my understanding of reality. The philosophical thus enters the psychological. Likewise, if you were to point to a rock and insist it is a tree, I must question your understanding of reality or my own. If you point to an object and insist it is art and I do not recognize it as such, the problem is quite the same.

While the example may seem extreme, it is quite plausible that these philosophical issues operate upon us in the way that ethical, logical, or other philosophical issues have influences without our overt awareness. We can sense a logical error, for example, even when we can't pinpoint it. And occasions for us to question our hold on reality are plentiful rather than rare. Challenges to beliefs, perspectives, and claims to knowledge or truth, are indeed challenges at the root of our very selves so it is no surprise that questioning one's claims about art are of the same fundamental nature.

On a less fundamental level, however, differences in conceptions of art continue to influence arts policy and management practice. One way to understand these issues is to examine how particular definitions of art serve particular interests. If a particular conception favors the interest of citizens over artists, artists over citizens, or either over the state, then it is easy to see how definition matters in the scope of management and policy. In order to understand why there is no easy solution to the problems of definition, however, it is important to look more closely at how art theories intersect with arts policy and arts management.

The role of theory and its problems

According to many past theorists, the main concern of theory in art is the determination of art's essential nature, which can be formulated into a definition. "Each of the great theories of art converges on the attempt to state the defining properties of art".[10] Unlike a simple definition, a theory provides a framework for understanding

[9] Patrick Buchanan, "Pursued by Baying Yahoos," *Washington Times,* August 2, 1989.
[10] Morris Weitz, "Interpretation and Evaluation of Aesthetics," *Journal of Aesthetics and Art Criticism,* 12 (1), 1957.

observed phenomena. Built around a set of organizing principles, it not only purports to provide an explanation (much like a definition) of what a thing is, but also to place it within an explanatory context that reveals its underlying features (i.e. what implications there are in considering it in one way or another) and to provide a means for clarifying and organizing observations of the phenomena.

An imitation theory of art suggests that art is an imitation of human life, or of nature. A formalist theory of art focuses on the form or design of an object, insisting that appreciation of an object, as art, is solely through its form as recognized by the disinterested viewer. An expressionistic theory of art is concerned with the psychological realm of inner experience as a criterion for deciding what constitutes art. In the latter case art is not an object, but a creation in the mind of the artist.

Each of these theories purports not only to define what art is but also to put it into a context that reveals the nature of art, or the characteristic or set of characteristics that serve as the common thread by which art objects can be identified, but also understood. Regarding arts policy, it has been suggested that whether explicit or not, a theory of art is necessarily embedded in decisions about how art should be supported and how it is selected for support. One key theory that has been associated with the NEA and American arts policy is noted above: the notion that art must be innovative, or something that uses or develops new modes of expression, or techniques. In fact, this view of art has played a central role in the development of American arts policy and its many controversies. For a time, innovation was regarded by dominant art circles as an important criterion for identifying works of art.

> The essence of art is 'novelty.' Likewise should views on art be novel. [And, t]he only system favourable to art is permanent revolution.[11]

Another key principle is that art should contribute to the betterment of mankind as a matter of policy: a conception of art that seems to favor citizens and the state over the interests of the artist who may feel that such lofty goals are unachievable and outside of the scope of his particular artistic aims. The enabling document of the NEA upholds the notion, for example, that a "high civilization" must "give full value and support" to the arts. More recently, art theories that see "the artist as deeply implicated in society"[12] and artworks as objects "that exemplify a society's culture" seem to dominate American arts policy.[13]

An alternate framing of the perennial question – what counts toward something's being art? – suggests a totality of criteria, rather than a list of discrete characteristics, that contribute to identifying a thing as art. These might include how the object is used, how it is talked about, or who made it, as being relevant considerations. Consider art historian Morris Weitz's proposition for a list of

[11] Jean Dubuffet qtd. in Wladyslaw Tartarkiewicz, *A History of Six Ideas,* 1980, p. 264.
[12] P.L. 89-209.
[13] Barnet, p. 180.

recognition criteria to categorize something as art based on the way the word is used within a particular culture, e.g., American, or Western culture, African culture, Native American culture.[14] This is practical because while it recognizes that many objects seem to share the same characteristics, it explains why some will be identified as art and others not. For example, couples dancing in a club to the music of a disc jockey for their own enjoyment are not generally said to be performing art, while couples dancing a choreographed ballet, especially if performed in front of an audience, are. Ritual masks used in a traditional ceremony in Benin might not be called art until they are hung on display in a gallery in Chelsea. The difference is a consequence of how the activities are thought of and spoken about, how they are presented (think of tomatoes) and not anything inherent to the activities or objects.

The recognition that the meaning of art is the way the term is used has led some theorists to suggest that in cultures where 'art' is a meaningful term, determining whether an object is art is quite unproblematic "for most practical purposes".[15] Usually we have no difficulty in determining whether a given object is an artwork because, in most cases, it will obviously fall within or outside of the class of objects that are, loosely speaking, 'like' the standard examples.[16]

Nevertheless, if art is recognizable for "most practical purposes," it seems to cover only simple acts of identification or categorization: this is a pencil, this is a shoe, this is art. As long as the things we call art do not deviate from what we are already familiar with, there is no problem. But, when the term applies to things that do deviate from the norm, especially as art becomes increasingly outré or extreme in the view of the general public, it not only becomes difficult to classify these objects, or to say what has guided the process of classification, it may also make it difficult to justify policy and management decisions.

A reluctance to define the term may indicate many things: a reluctance to include dubious, controversial, or extreme examples within the category 'art,' to include ethnic art as eligible for public funding, an attempt to preserve the notion of art within the comfortable confines of the standard example, or many other reasons. These reasons may have to do with politics and policy but may also have to do with how concepts of art may reinforce or challenge deeply entrenched notions of knowledge and identity. It is these latter that may be at the heart of policy controversies.

The Need to Define Art

In order to further illustrate the value of a theory of art to practical considerations of policy and management, it's useful to look at two very concrete applications of theory to policy. One example, already introduced above, is the case of the NEA and its establishment and operations as a federal agency. The other example is that

[14] Weitz, 1957.
[15] Margaret P. Battin, et al*., Puzzles About Art: An Aesthetics Casebook,* Bedford St. Martin's, 1989, p. 3.
[16] *Ibid*.

of another federal agency, the US Customs Commission, which is sometimes called upon to make decisions about whether or not a particular object falls into the category 'art.' The operating definitions of art for both these agencies are laid out below:

> National Endowment for the Arts: The term 'the arts' includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, and exhibition of such major art forms.[17]

US Customs Commission: The Customs Commission exempts certain goods from assessment of a duty tax; art is one of these types of goods. Of note is that the definition is exclusive rather than inclusive. Goods exempt from duty include:

> Paintings, drawings and pastels, executed entirely by hand […] and other hand-painted or hand-decorated manufactured articles; collages and similar decorative plaques; all the foregoing framed or not framed […] original engravings, prints and lithographs, framed or not framed, [...] original sculptures and statuary, in any material.[18]

For the purposes of exempting an object from duty tax, it must be decorative rather than utilitarian and must be created by a professional artist. While it may be tempting to subject these two lists to critique, this article is far more concerned with how these definitions, as provided, operate within the present context.

The work of Tilghman remains instructive. He offers a set of questions for understanding the process:

- In what circumstances do we find ourselves called upon to identify something as a work of art?
- In what circumstances do we have doubts about whether something is a work of art, doubts that a philosophical definition could allay?
- When are we called upon to assess the value of a work of art and is this something that requires rules or principles derived from a definition?[19]

In the case of the first question, two such circumstances are relevant to the present purpose. One is the necessity to define art as a means of identifying a set of values or developing an interpretive paradigm. This corresponds to many of the theoretical motivations discussed above. They involve the relationship between art and cultural or societal values, for example, the recognition that art has an epistemological, social, ontological, even an ethical dimension and the ways that definitions of art impact how we think about these areas of human endeavor. These issues, as shown

[17] PL 89-209.
[18] *Harmonized Tariff Schedule of the United States,* United States Customs Commission, 2003.
[19] Tilghman, 1984.

above, are particularly problematic for arts policy because there is the added problem of controversy arising out of implementation, notably in the case of the NEA, but not in the case of the Customs Commission. The problem here is that the underlying values ascribed to definitions of art are seen, in the first case, as serving the interests of one group over another. Since grants might be awarded for innovative works, artists working in more traditional forms would be disadvantaged in this case. An emphasis on art as something to elevate mankind, or art as a social good, appeals to the interests of the state as does the view of art as serving a concrete function, such as education or a means to address specific social problems. The latter serves the interests of citizens as well. These extra-definitional values, however, are mere overlays to the relatively neutral wording of the NEA definition. While these values may act as motivations for particular definitions, other than the one included in the NEA definition, they are in no way necessary as interpretations arising from that definition. Of itself, an enumerative definition serves no special interest other than to include a wide range of activities as cases of art.

The need to identify something as a work of art also arises on occasions when society makes laws, rules, or regulations. Creation of the NEA was such an occasion as are laws governing how the arts should be treated by US customs law. Application of these rules by those assigned to make such judgments requires the ability to differentiate between art and non art. Specific laws and rules may do this arbitrarily, or may emphasize certain characteristics over others in the process of defining. Tilghman's first question is an important one because the circumstances in which such a need arises has an impact and may alter the answers to other questions, such as: what is art?

In the case of the NEA, its legislation is specifically designed to address the arts, so it naturally entails a circumstance in which identification is necessary. The framers of the legislation, familiar, no doubt, with the many philosophical problems that might arise in defining art, opted for an enumerative definition listing the many subcategories of things that would be included. In this way, anything designated as a painting, a sculpture, sound recording, craft, or any of the other categories listed are understood as art and recognized as such by NEA policy. The definition therefore avoids many of the problems associated with other definitions that try to describe or delimit particular characteristics of objects that make them identifiable as art or that try to assign particular values to those characteristics. In addition, the NEA definition is intentionally open enough to accommodate the future. The 'arts' includes the many things on the list, but "is not limited"[20] to them alone. The potentially all-encompassing list may still present a problem in that it does not specify how things may be added to the list, or what things would definitely never qualify (if any). Nevertheless, since it is object-oriented rather than theory-directed, it makes implementation a practical matter where identification of art is simply a case of consulting the definition.

[20] PL 89-209.

Importantly, there is no evaluative component other than simple categorization in deciding if an object is a work of art, though evaluation enters at the stage of determining if an object merits a grant or subsidy. This obviates the need to agonize over implications of theoretical positions, or at least *a priori* considerations that often serve to prevent progress towards policy formulation or implementation. In comparison, the case of the Customs Commission demonstrates, very clearly, that conflicts about theory, knowledge, and identity are not inevitable when dealing with the arts. For this agency, conflicts are decided upon the most literal interpretation of the law. In this way, values questions are separated from issues of whether an object or activity is covered by the policy.

As noted above, the Customs Commission has opted for a more closed concept and the purpose of including or excluding an object from the class 'art' is merely in order to know when to impose a tariff. There are economic consequences of one decision over another, and decisions may be challenged. But the Customs Commission has not met with the kind of virulent objections raised in the context of the NEA. While the decision to include an item as art under tariff law involves judgment, it does not involve evaluations of merit, i.e. good or bad. In other words, it calls only for descriptive judgment, not evaluative. Further, identification of an item as art or not art does not eliminate it from jurisdiction of the relevant laws. The only difference is that if it is a case of art it will not have a tariff imposed while things outside of the category 'art' will be assessed with a duty tax.

In contrast, the effect of defining something as non art in the case of the NEA is to eliminate it from the jurisdiction of the agency's policies. In other words, the object is ineligible for funding or other types of support. More importantly, however, the act of granting to one artist and not another based on the merits of their work has the unintended consequence – in some people's views – of defining the work of the one as art and the other as not art. Further, rejecting an object as art, in this case, has sometimes raised issues of free speech, elitism, and cronyism whereas in the case of customs law, it has not. There may also be important consequences for the artist whose work is not considered art. In the case of customs duties, the consequences are financial for the owner of the object but do not involve a judgment about the group status of the owner or the artist.

In sum, in order to implement policy, one must specify the thing to which the policy applies. Abstract paintings and figurative paintings, photographs of any subject, the non-music of John Cage, the performance art of Karen Finley, all of these fall into the categories enumerated in the NEA definition. The question becomes not whether they are art, but, once designated, are they eligible for funding or, in the case of management, how one goes about planning a performance or marketing an exhibition? These are implementation issues, however, and not definitional problems. Additional criteria are set when it comes to implementation; it falls outside of simply deciding whether an object is or is not art. Doubts about quality should not affect questions about the definition of art, but rather whether the object in question merits the recognition and support of funding or presentation to a public.

In order to sort through the differences between implementation and definition in practice, the next section looks at how disagreements concerning these issues might arise. In this case, instead of issues of doubt about the classification of objects, problems are more likely to arise where different parties have different views regarding the applicability of formulated definitions or about the definitions themselves. In the case of the US Customs Commission significant disagreements about the implementation of policy concerning the arts have been of two kinds. One concerns whether an item should be included within the given definition (and is therefore duty exempt). The other is whether the definition must be amended to include things not already on the list. To resolve these issues, however, the owner of the object may appeal the decision in court. The case of *Brancusi v. United States*[21] is a good example. Early US Custom law did not recognize abstract art as art – only representational art qualified. In all other cases a tariff was imposed. In 1928, the artist Constantin Brâncuşi successfully challenged the decision to impose an import tax on his sculpture *Bird in Flight.* Previously, the Customs Commission only allowed sculpture that represented natural objects in their true proportions. While the Court allowed, in the case of Brâncuşi, that abstract sculpture could be considered art for the purposes of exempting it from duty taxes, the ruling also relied on the fact that Brancusi's sculpture was purely ornamental and was created by a professional artist. It therefore fulfilled other requirements of Customs Commission policy.

In the above case the artistic nature of the object was not in dispute and the decision of the Court did not, in truth, declare that an object was not art. It only judged whether it met with the criteria for exempting it from duty. In this case the object's lack of utility weighted more in the decision than the object's aesthetic qualities. What is also important to note is that in a case of doubt, customs officials and the Court refer to statute and precedent for guidance. A decision to impose duty excludes the object from the definition of art for the purposes of customs law but does not impose any requirement beyond the customs arena to regard an object in any particular way.

In stark contrast, the presumption in the case of the NEA is that policy actions define art, not only for the purposes of policy and its functions, but for society as a whole. This presumption has hurt the case for policies dealing in particular with arts funding. Controversial issues tend to arise in the implementation of policy more so than in definition for purposes of policy, which is far less contentious. For the NEA controversy arises because in implementing the policy some individuals are advantaged and others are disadvantaged. Regarding the need to accommodate new forms, both the Customs Commission and the NEA have changed their definitions of art to accommodate society's changing conceptions.

In sum, a philosophical definition does little to resolve practical issues of the sort that arts policy or customs law must deal with. This is true particularly in the case of the Customs Commission, but in order to facilitate the implementation

[21] *Brancusi v. United States*, 54 Treas. Dec. 428 (Cust. Ct. 1928).

of NEA-type arts policy, practical means for sorting out disputes is what is needed. This is not to say that philosophical issues are unimportant or that policy should ignore them completely, however, it has been shown that they will impede the implementation process and therefore implementation must be separated from the process of formal definition.

Tiglhman's final question asks: When are we called upon to assess the value of a work of art and is this something that requires rules or principles derived from a definition? The question of value may be understood in a variety of ways so it is important to delimit the concept. The Customs Commission acknowledges the value of art works in general in allowing for duty free entry into the United States. This provision was specifically adopted in order to encourage the availability of artistic goods in the United States for the enjoyment and education of its citizens.

In the case of particular works of art, value may also refer to monetary value, or the merit of an object as a work of art (is it good art or bad art?). The first meaning of the term is relevant only in the case that an object is assessed customs duty. The amount of the duty imposed is a percentage of the object's worth. But if a duty is imposed it is because the object is not art in the definition of the Customs Commission. In the second meaning, an object's merit as good or bad art is not relevant since it is outside of the purview of customs officials to make such determinations. Their only concern is to apply the statutes in such a way that duties and exemptions are appropriately assessed. The notion of value in either case does not apply and a definition has no effect in erasing the doubts noted above.

In the case of the NEA, monetary value of a work of art is also generally not a concern for policy. For purposes of identifying a work of art, evaluation in terms of good and bad should also not enter in. However, history shows that it does and it has been an additional problem with which the NEA has had to contend. Weitz, among others, differentiates between the descriptive use of "art" and the evaluative. He notes,

> For many, especially theorists, "This is a work of art" does more than describe; it also praises. Its conditions of utterances, therefore, include certain preferred properties or characteristics of art… Consider a typical example of this evaluative use, the view according to which to say of something that it is a work of art is to imply that it is a successful harmonization of elements… What is at stake here is that "Art" is construed as an evaluative term which is either identified with its criterion or justified in terms of it.[22]

Weitz further points out that the elucidation of the descriptive use of art does not cause the difficulties that elucidation of the evaluative use does. Further, the procedure of enumerating criteria for recognizing members of a class of objects (as art) very often, and deceptively, transforms into criteria for evaluating putative members of the class. This presents a significant problem for arts policy because

[22] Weitz, 1978.

conflation of descriptive and evaluative uses of the term is quite common. It poses a problem, as Weitz notes, because when the term 'art' is used evaluatively, it is used in such a way "that [a person] refuses to call anything a work of art unless it embodies [that person's] criterion of excellence." In such a use, the utterance, "This is a work of art and not (aesthetically) good" makes no sense because only those objects which are aesthetically good would fall into the category art. In practical terms, Weitz notes, deciding that something is art, and deciding that something is praiseworthy as art, are clearly two different notions. The Aristotelian notion that they are the same entails a logical error if applied in the way that Weitz opposes above. Specifically, if the term 'art' includes the predicate 'good,' it entails something like the statement 'all art is good art' as well as 'all good art is art'. The logical error becomes clear when the propositions are compared to another set that is similarly constructed, i.e. all American women are American citizens (where American means 'one who is a citizen'). Concluding, however that 'all American citizens are American women' is clearly incorrect. The logical error in the case of art, however, is all too frequently made. An equation that adds together the NEA, the availability of grant money, and a good dose of logical error therefore, seems to raise inevitable controversy about our conceptions of art.

Can we resolve the doubts?

In the case of the NEA, theoretical issues have dominated definitional concerns. In particular, these concerns have centered around issues of knowledge and identity and how definitions of art serve to reinforce and challenge individual, group and societal conceptions. This article shows, for example, that modern art deeply challenged societal norms in a way that caused serious questioning about what could be known and how we understand ourselves as individuals and as members of a larger society. Tilghman's model asked if a theoretical definition of art could resolve doubts. It was shown that theoretical definitions do not aid in the case of arts policy, and in fact may impede policy implementation. Instead, practical definitions tied to the specific goals of the policy agency better serve these policy aims.

A final difference must be addressed concerning the differences between the US Customs Commission and the NEA, though it is outside the consideration of definitions of art: that is the difference between the Commission as a regulatory agency and the NEA as a distributive agency and what that entails in terms of public expectations and perceptions. In addition to the issues thus far addressed in this article, any investigation of the problems of arts policy must look to factors such as bureaucratic organization or other non-definitional factors for further clues to understanding potential problems in the policy process.

As noted above, the US Customs Commission is a regulatory agency. It sets and enforces rules. Such agencies serve to restrict the behavior of citizens within their jurisdictions. In the case of the Customs Commission, this includes those who

wish to import goods to the United States. Most Americans have little contact with the US Customs Commission even if they travel outside of the country. The normal traveler may return to the United States with goods purchased abroad and avoid duties if the value of the goods is less than the maximum allowed. Their contact with the agency and its agents is minimal. Those more likely to be affected by tariff regulations are large scale importers and those who purchase artworks abroad that exceed the maximum value. The number of citizens affected by the regulations concerning artworks is relatively small. In addition, the regulations have little, to no influence on trends in the artworld. Instead, influences operate in the other direction, as shown above, where evolving conceptions of art may alter interpretations of existing custom law. In contrast to NEA legislation, where the arts are broadly defined, US Customs law is more limiting in what it considers art. US tariff law focuses on specific characteristics of objects and, traditionally, has sought to be limiting in the range of items that can be classified as art.

In contrast, the NEA is a distributive agency. It generates benefits rather than restrictions. It distributes grant money to a limited number of organizations and individuals. Number and size of grants depend on the NEA's budget but are always, necessarily, limited, which means that potential grantees compete for limited funds. In addition, NEA grants confer other kinds of benefits, such as the honor associated with being a grant recipient. Moreover, since many artists and arts organizations have limited sources of income, failure to receive an NEA grant may result in the demise of an organization or the decision of an artist to pursue other employment. In addition to the above benefits to artists and organizations, the NEA was designed to distribute benefits, in the form of services, to the general public. These benefits include art education, increased availability and access, and some assurance that artistic productions receiving NEA funds will meet the criteria of excellence. Ideally, these many goals were to be accomplished by the single function of awarding grants. The competition for limited funds, therefore, is certainly a factor in arts policy controversies that may then be framed in terms of challenges to defining particular things as art. Reformulation of policy or definitions of art, as well as a thorough understanding of the philosophical issues detailed here will not eliminate these problems. Nevertheless, a more thorough understanding of the sources of controversy may aid policy practitioners in making and articulating policy choices in a way that may minimize the number and intensity of disputes.

The solution is not a better or more expansive definition, but to acknowledge that in the presence of such factors barriers to effective policy may emerge. Even in the face of such barriers and controversies, however, arts policy and arts management still require a definition of art. Awareness of the above issues is a first step toward eliminating these barriers. At the same time, an effective and just arts policy should be based on a definition of art that strives for theoretical neutrality. In other words, practice-based definitions should avoid the pitfalls of both essentialist and anti-essentialist views.

Useful criteria for evaluating a definition of art for the purposes of arts policy or management are provided below. An effective definition should:

- provide a specific and unambiguous (as possible) articulation of objects and/or activities covered by the policy or management area;
- allow easy identification of covered objects/activities for policy or management implementers;
- allow for amendments and additions without the need to reformulate the definition;
- provide a means for excluding objects/activities that are not to be considered art;
- separate definition of the arts from specific policy actions (e.g. grant making).

Drawing on these criteria, the next section provides recommendations for developing a practice-based definition.

A practice-based definition of art

Briefly stated, an appropriate definition of the arts must be open-ended enough to accommodate trends and developments in cultural forms, media, and techniques. History has shown that conceptions of art and methods of art production, even within more conservative traditions, change over time. As noted above, artworks that once challenged are now accepted as part of the mainstream. Even if it is true, as noted by one cynical observer, that "America's need for a broad consensus leads to cultural practices that produce art as an opiate for the masses"[23] or that tend to support "innocuous art"[24] it is impossible to predict what future categories, genres, or specific works will fulfill these or any other policy goals. The merits of the existing NEA definition, as written in its enabling legislation, is that it remains neutral concerning the evaluative merits of any category over another, simply stating that all of the categories of arts activities included in the list, and any others that may occur, may be covered by its policies. It goes a long way towards satisfying the first three conditions stated above. Objects and activities can be easily identified because the listed categories are both specific and largely unambiguous within the initial stages of identification. No special expertise is required to identify a thing as a photography, painting, sound recording, or motion picture. It is true that ambiguities and doubts may sometimes arise (as they sometimes do in the case of US Customs Commission) but these occasions are likely to be rare. In other words, the possibility of occasional doubt does not detract from the overall merits of the definition. In addition, the NEA's is an open definition of art that allows for easy inclusion of new cultural forms. The statement, "includes, but is not limited to," covers the possibility of future additions to

[23] Paul J. DiMaggio, *Nonprofit Enterprise in the Arts: Studies in Mission and Constraint,* Oxford University Press, 2003.
[24] *Ibid*.

the listed categories. As noted above, an open conception is needed in order to accommodate inevitable changes in society, in technology, and in human beings themselves without the need to reformulate the existing definition.

While the existing NEA definition satisfies three of the five criteria listed above, however, it does not allow for easy and unambiguous exclusion of objects and activities. This is a problem because clearly a definition must exclude some things in order to be useful enough for purposes of policy formulation and implementation as well as management planning.

Conclusion

Sempiternal and fundamental, the issue of how to define the arts raises a host of complexities: ontological, and epistemological, aesthetical, social, political, and even practical. This article has reviewed some of the relevant history and underlying logic of these complexities in order to understand the problems created by attempts to define the arts. It has shown that the problems posed by definition for the formulation and implementation of arts policy and management are not a consequence of definition, but rather the consequence of a host of other problems that regard underlying philosophical matters: epistemological and ontological in particular, where the inclusion or exclusion of particular objects and activities, as art, are often understood as challenges to notions of individual and group identity and conceptions of knowledge. Often these issues influence public conceptions of art that then shape policy and its goals, affect management decisions, and the criteria and methods for resolving conflicts.[25] A practical, rather than a theoretical definition of art, therefore, is best for policy and management although there are many reasons, cited above, that suggest that any definition, no matter how seemingly neutral, may invite theoretical disputes. A practice-based definition of art may forever be plagued by competing theoretical positions, so this aspect of arts policy cannot, and should not, be ignored. The danger is particularly acute in the case of policy. If unchecked, this tendency may continue to derail the prospects for any just and effective policy in the arts. However such problems may be mitigated if policy framers and implementers make clear distinctions between practical definitions of art and those theoretical positions that are extra-definitional.

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ARTISTIC CRITIQUE AND CREATIVITY: HOW DO ARTISTS PLAY IN THE SOCIAL CHANGE?

DAN EUGEN RAȚIU*

ABSTRACT. This article analyses the social role of the artists focusing on the interactions between artistic critique and social change in the context of "the new spirit of capitalism" and the "imperative to creativity". Nowadays the main rationales of a pragmatically-oriented public support for the arts are the economic and social benefits provided by artistic activities. Meanwhile it is a commonplace of the artistic mainstream to conceive and practice art as a tool of critique aiming to subvert capitalism. Is it possible to conciliate these divergent standpoints but which both deem art as a mere instrument and to prevent them falling back into the modern utopianism? Can we consider the social function of art without subjecting it to a strict calculation in terms of efficiency and control or, on the contrary, to blend into a social-and-political critique that borders on the radical utopianism? By answering these questions, the article aims to clarify the relationship between the artistic critique and the dynamic of capitalism, and to evaluate the role that artists have/could play in the social change.

Keywords: arts and politics, artistic critique, artistic creativity, social critique, social change.

Introduction

This article[1] addresses the issue of the role of artists in the social change, within a democratic regime and in the context of recent transformation in the social and economic realms. This role is thus seen as related to democracy and the post-industrial society that is the demand of justice or democratic equity – the conciliation of the fact and value of inequality with the value and political principle of equality –, and the "imperative to creativity" arisen since the "creativity turn" in the new economy. Within this context creativity is seen as a source of competitive advantage in the post-industrial economy, and since the major transformations in the philosophy of cultural policy in the 1990s towards a neo-liberal discourse and model the major rationale of the public support for the arts is related to the economic

* *Department of Philosophy, Babes-Bolyai University, 1 M. Kogălniceanu str., 400084 Cluj-Napoca, Romania. Email: dan.ratiu@ubbcluj.ro.*

[1] The article is a revised and augmented version of the article published in Mihaela Pop, Dan Eugen Rațiu (ed.), *Estetica și artele astăzi,* București, Editura Universității București, 2010, pp. 167-186.

benefits provided by artistic activities, such as sustainable economic development and urban regeneration. This reasoning as the other main justification for supporting the arts, the social one (based on their capacity to provide social cohesion and inclusiveness), that it has come to complement according to the pragmatic logic of cultural policy, are both oriented toward sustaining a social-economical-political *status quo*, the capitalist order.

Meanwhile, it is a commonplace of the contemporary art theory to assign to artists a critical role in both artistic and political matters, and of the artistic mainstream itself to conceive artistic activity and to practice art as a (political) tool of criticizing capitalism, aiming – in its radical version – to render capitalism in crisis and thus subverting it. "The conscious politicisation of art often comes about in response to the realisation that art is, in some sense, always already politicised", as suggested by Will Bradley in his introduction to a critical reader on the relationships between art and social change[2]. Within this framework, one should ask whether it is possible to conciliate these divergent standpoints but which both deem art as a mere instrument and to prevent them falling back into the modern utopianism. Is there another way to legitimately derive the social role of the artists apart from their presumed capacities of producing wealth and social cohesion or, on the contrary, to subvert capitalism?

This article aims to clarify the relationships established between the artistic critique and the recent dynamic of capitalism, and to evaluate the role that artists have and could play in the social change. I will try to accomplish these objectives by using the "model of change" proposed by the French sociologists Luc Boltanski and Ève Chiapello in their book entitled *Le nouvel esprit du capitalisme* (1999), later translated in English *The New Spirit of Capitalism* (2005). Following the Weberian tradition, they put the ideologies on which capitalism rests at the centre of their analysis, yet without employing the notion of the *spirit of capitalism* in the canonical usages. Their concept of "the spirit of capitalism" designates "the ideology that justifies people's commitment to capitalism, and which renders this commitment attractive", while the concept of "the new spirit of capitalism" is used by them in order to give an account of the ideological changes that have accompanied transformation in capitalism over the last thirty-forty years.[3] Boltanski and Chiapello are mainly apprehending "capitalism" through its logic (the dynamic of capital

[2] Will Bradley, Charles Esche (eds.), *Art and Social Change: A Critical Reader*, London, Tate Publishing, Afterall, 2007, p. 9.

[3] Luc Boltanski, Ève Chiapello, *The New Spirit of Capitalism*, London and New York, Verso, 2005b, pp. 3, 8-11: "The spirit of capitalism is precisely the set of beliefs associated with the capitalist order that helps to justify this order and, by legitimating them, to sustain the forms of action and predisposition compatible with it. These justifications, whether general or practical, local or global, expressed in terms of virtue or justice, support the performance of more or less unpleasant tasks and, more generally, adhesion to a lifestyle conducive to the capitalist order". (p.10)

accumulation) and the organisation of labour (wage-earning) and therefore distinguishing between it and the "market economy": from the various characterizations of capitalism they retain a minimal formula stressing an "imperative to unlimited accumulation of capital by formally pacific means, competition and employment"[4]. Instead I will maintain a larger notion of capitalism: the aforementioned demand of justice or democratic equity (in relation to the question of artists' social role) is rooted in the assumption of the link between capitalism, market economy, and democracy.[5]

My approach is a theoretical one, tackling these issues in terms of specificity and legitimacy, i.e. conforming to a recognized framework of political, juridical and ethical norms, and well reasoned. What I will try to question is not the artistic activity as such conceived as tool of (social-and-political) criticism, but the values or normative standpoints that ground and justify the artistic critique and the different manners of critique, reformist and radical (*exit* strategy). However, this topic of research is also related to a personal experience: that of having lived in a totalitarian regime, the communist one, and then experiencing its fall and the transition to a democratic regime. During the communist rule, disobedient artists have conceived and practiced art as a form of resistance against it – regardless that in Romania the "cultural"-passive type of resistance was more pervasive than in other communist countries, where artists or writers such as Soljenitsyn and Havel have played a key active-role in demystifying the ideology or justifications of the communist regimes and, consequently, in their fall. The question now is what does it occur of the role of artists as agents of social change – and of the critique as "critical resistance" – in a democratic regime? Are then "disobedience" and "exit" the only options to be considered from an artistic point of view?

1. The roles of artists: the critical side versus the pragmatic side

Types and manners of critique

The concept of critique addressed here is employed in the tradition of practical critique whose origin can also be found, according to Foucault, in Kant's work, yet not in the first *Critique* which posed the question of the conditions of possibility of a true knowledge (Kantian transcendental legacy: the analytic of truth), but in his texts on *Aufklärung* or on the Revolution which involve what Foucault calls "an ontology of present reality, an ontology of modernity, an ontology of

[4] *Ibidem,* p. 4. See also Luc Boltanski and Ève Chiapello, "The New Spirit of Capitalism", *International Journal of Politics, Culture and Society*, Vol.18, Issue Nos. 3-4, 2005 b, pp. 162-163.

[5] This "demand of justice" is also different from Boltanski and Chiapello's notion of social "justice" that specifies how capitalist mechanisms are geared towards the common good, being one of the three components in what they term the "spirit of capitalism", along with two other components that involve propositions in terms of "security" and "stimulation". *The New Spirit of Capitalism*, "Preface to English Edition", p. XX.

ourselves", that is a *critique* challenging the present on the basis of the diagnosis of "what we are", and that he elsewhere has defined as a "critical attitude" or "the art of not being governed quite so much".[6] There are diverse and significant analyses of the critical side of the artistic activity, which has positioned itself in opposition to the bourgeois way of life, and was labelled as "artistic critique".[7] In Boltanski and Chiapello's *The New Spirit of Capitalism* we encounter the distinction – which constitutes a leitmotiv of this book – between two types of criticizing capitalism, the *artistic critique* and the *social critique*. Both were constituted in the 19th century but having different ideological (reflexive, theoretical, argumentative) and emotional sources (such as indignation: a bad experience prompting protest).

The social critique was inspired by socialists and, later, by Marxists, and is associated with the history of the working-class movement: it denounces capitalism as source of exploitation, poverty and social inequalities, as well as of opportunism and egoism, demanding instead security, solidarity and equity. It has a modernist side (fight against inequalities) and an anti-modernist side (critique of individualism)[8]. The artistic critique is originated in the intellectual and artistic circles and the invention of a bohemian lifestyle in the nineteenth century Paris, as shown by Jerrold Seigel in his book *Bohemian Paris*: *Culture, Politics and the Boundaries of Bourgeois Life* (1986)[9], who underlines the importance attached to creativity, pleasure, imagination, and innovation. Boltanski and Chiapello observe that the artistic critique also foregrounds the loss of the sense of what is beautiful and valuable, which derives from standardization and generalized commodification, and is based upon a contrast between attachment and stability on the one side (the bourgeoisie), and detachment and mobility on the other side (the intellectuals and artists). This opposition constitutes the core of this critique and its paradigmatic formulation is found in Baudelaire's work, whose model of artist free of all attachments – the *dandy* – made the absence of production (unless it was self-production) and a culture of uncertainty into untranscendable ideals. The artistic critique therefore denounces capitalism like source of disenchantment and inauthenticity, as well as of oppression inasmuch as capitalism would be opposed to freedom, autonomy and creativity of the human beings. Along with the anti-modernist side that denounces disenchantment, the

[6] Michel Foucault, *The Government of Self and Others. Lectures at the Collège de France 1982-1983*, New York, Palgrave Macmillan, 2010, pp. 20-21, 378-379, and "What is critique?" (1978), in J. Schmidt (ed.), *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*, Berkley and Los Angeles, University of California Press, 1996, pp. 382-398.

[7] See Cesar Graña, *Bohemians versus Bourgeois: French Society and the French Man of Letters in the Nineteenth Century*, New York, Basic Books, 1964; Pierre Bourdieu, *Les règles de l'art. Genèse et structure du champ littéraire*, Paris, Seuil, 1992; Ève Chiapello, *Artistes versus managers. Le management culturel face à la critique artistique*, Paris, Métailié, 1998.

[8] L. Boltanski, È. Chiapello, *The New Spirit of Capitalism*, "The historical forms of the critique of capitalism", pp. 36-37. See also Boltanski and Chiapello 2005 b, pp. 175-176.

[9] Translated in French *Paris bohème*: *Culture, politique et les frontières de la vie bourgeoise 1830-1930*, Paris, Gallimard, 1991.

artistic critique also has a modernist side, which develops demands of liberation, autonomy and authenticity.[10]

It is also worthy to add that there are different manners of criticizing capitalism: a critique with a *corrective* purpose, also called "reformist" – whose intent is to correct and improve it in order to make it more just –, and a *radical* critique that has historically proclaimed itself "revolutionary", which envisages to eliminate capitalism and to replace it by another regime.[11] In other words, the critique has two essential strategic options: the "*voice*" strategy, the public protestation, or the "*exit*" strategy, the withdrawal, retreat, as in Albert O. Hirschman's conceptualization in the book entitled *Exit, Voice and Loyalty*, concerning the organisational decline.[12]

Yet this initial distinction between the artistic critique and the social critique should not erase the affinities or similarities that draw together the two forms of critique. A brief historical overview on the topic of the social utility of the art helps us to highlight an important moment, that of the association or blending of the artistic critique and the social critique within the modern utopianism – notably in the case of radical manners of critique oriented toward a vision of total revolution and the creation of a "new man".

Admittedly, the principle of utility of the arts has a long history since it was already formulated by the traditional poetics (Horace for example which poses it inseparably of the principle of pleasure). But it was the modern age that made it to glide from the individual level on the social level and then transferred it towards the political sphere. According to Jeremy Bentham (*The Principles of Morals and Legislation*, 1789), the duty of the artist should be to increase as much as it can, by his productions, the pleasure of the individuals gathered in society or at least to relieve their pains. Eric Michaud notice that the idea of a "deontology" of the artist, who is implicit in Bentham's utilitarianism, was moved towards the political sphere by Claude-Henri de Saint Simon (*L'Organisateur*, 1819) who enthroned the artists (along with entrepreneurs and scientists) in the "avant-garde" of the march towards

[10] L. Boltanski, È. Chiapello, *The New Spirit of Capitalism*, pp. 38-40. See Charles Baudelaire, *The Painter of Modern Life and Other Essays* (1845-1863), London, Phaidon, 1964.

[11] *Ibidem*, pp. 32-33, 42. As Boltanski and Chiapello remark, the impact of the criticism on capitalism operates by means of the effects which it exerts on the central tests of capitalism. The "tests" (*épreuves*), upon which the legitimacy of the social order is based, are more or less standardized procedures, "privileged moments of judgment, appreciation and thus of selection, remuneration, of positive and negative sanction". There is a distinction between two different test modes: tests of strength (*épreuves de force*), and legitimate tests (*épreuves légitimes*). Boltanski and Chiapello 2005 b, p. 171.

[12] Albert O. Hirschman, *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations, and States,* Cambridge, Harvard University Press, 1970. Hirschman elaborates on two essential options in case of organizational decline, being *exit* and *voice*. The basis concept is as follows: members of an organization, whether a business, a nation or any other form of human group, have essentially two possible responses when they perceive that the organization is demonstrating a decrease in quality or benefit to the members: they can *exit* – withdraw from the relationship – or they can *voice* – attempt to repair or improve the relationship through communication of the complaint, grievance or proposal for change.

the setting up of the "paradise on earth". The artist was conceived as priest of humanity and prophet at the same time, able to modify the human conduct in order to fulfil the Utopia[13]. As Pierre-Michel Menger argues, it is not by chance that this displacement was operated by one of the theorists of the social progress. It is precisely in the scheme of systematic progress that one can find the origin of the avant-gardism principle, which constitutes the vector of the politicization of the artistic sphere.[14] This conception of the social power of the arts indeed crystallized in the application of the military concept of "avant-garde" to the arts: it was firstly explicitly used by Désiré Gabriel Laverdant, a disciple remained obscure of Charles Fourrier, in a text of 1845 whose title is "Of the mission of the art and role of the artist". This text constitutes according to Renato Poggioli (1968) the perfect example of a doctrine of art as tool of social action and reformation, and of propaganda and revolutionary campaigning. The fusion of the political and artistic dimensions of the avant-gardism logically follows:

> The insurrection of the Commune in 1871 and its immediate posterity have had a considerable importance [in this fusion]: the work and the action of the naturalists writers, on the one hand, and the symbolic power of Rimbaud's engagement in the Commune, on the other hand, sealed the direct alliance between the political left or extreme left and certain personalities or innovative artistic movements[15]. (Translation is mine.)

The birth of the revolutionary ethos of innovation and rupture, defining the 19th and 20th Centuries avant-garde's movements, reoriented the aims and values of the artistic activity toward critique, negation, political activism, and subversion. A new meaning was attributed to art and its relationships to its own tradition and to the world: the focus shifted from the ontological and aesthetic dimensions of art on its critical-subversive dimension, as the practical function of changing life and society substituted the function of revealing the truth about the world or the hedonist function. All these led to transforming the assessment criteria of the artistic activity: this became to be measured through its capacity to question its own status and by its critical and subversive function. Thus the crisis has become the proper status of art, and "to bring into crisis", "to question", and "to displace" have become the proper tasks of the artist.[16]

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[13] Eric Michaud, « Notes sur la 'déontologie' de l'artiste à l'âge moderne », in: G. Vincent (ed.), *Responsabilités professionnelles et déontologie. Les limites éthiques de l'efficacité*, Paris, L'Harmattan, 2002, pp. 246-248.

[14] Pierre-Michel Menger, « Art, politisation et action publique », *Sociétés & Représentations*, Février 2001, pp. 179.

[15] P.-M. Menger, *op. cit.*, pp. 180-181. Renato Poggioli, *The Theory of the Avant-Garde*, Cambridge Massachusetts, Harvard University Press, 1968, p. 9.

[16] On this topic, see Dan-Eugen Rațiu, *Moartea artei? O cercetare asupra retoricii eschatologice*, Cluj-Napoca, Casa Cărții de Știință (2000), 2004, second edition with an "Abstract" in English, pp. 132-134.

The categories of "engagement", "mission" or "social duty" have imposed themselves in the art world when the artists of the historical avant-gardes, who wanted to act directly on the social reality by means of the art, tried to use the work of art to political ends or replaced it by a work, virtually political, at the border between art and life, as did the movements of German Expressionism and Dada, Futurism, Surrealism (represented par André Breton), Suprematism (incarnated in Malevich) etc., or individuals such as Picasso who embodied the exemplary figure of the "engaged artist". The post-war avant-garde movements such as Fluxus, Conceptual Art, Situationism, Arte Povera, Sociological Art, Institutional Critique, Appropriation Art etc., or artists such as Joseph Beuys and more recently Daniel Buren, Marcel Broodthaers, Hans Haacke, Andrea Fraser etc., not only reflect critically on the concept and social function of art itself and on its own place within galleries and museums, but also use the artistic means, either works or actions, in explicitly political ends.[17] The radical wing of the artistic critique presented itself as a sever contester of the basic values and options of capitalism: a part of the avant-garde artists performed a radical critique of capitalism, aiming at an *exit* from the regime of the capital and at replacing it by a ("brave") new world, and by a "new man".[18]

Thus the artists of the historical and post-war avant-gardes defined themselves not only as a new elite – founded on social utility, according to Saint Simon –, but also as agents of the social and political progress or change. According to Nathalie Heinich, the "compulsion to criticize" is one of the forth movements of the avant-garde's logic, along with the marginalization by aesthetic innovation, the marginalization by political progressivism, and the denegation of this contradiction. This "compulsion to criticize" – the idea that the authentic art could have no other aim than subversive, and no other justifications than moral, political and social– continues to inhabit the discourse on art, investing it with extra-aesthetic values and, in particular, political and subversive, as if would be of its essence to embody the opposition to all forms of power.[19] This representation also implies an idea of art according to

[17] See for instance Pierre Bourdieu, Hans Haacke, *Libre Echange*, Paris, Seuil/les presses du réel, 1994; Joseph Beuys, Volker Harlan, *What is Art? Conversations with Joseph Beuys*, Temple Lodge Publishing, 2004. The widening of the definition of art, according to Beuys' belief in the power of art to dismantle the existing social order and to bring about revolutionary change, is translated into its concept of "social sculpture", in which society as a whole was to be regarded as a total artwork to which each person can contribute creatively.

[18] See for example the catalog of the exhibition *Les années 1930. La fabrique de « l'Homme nouveau »*, sous la direction de Jean Clair, Musée des beaux-arts du Canada, Ottawa / Paris, Gallimard, 2008; and the critical reader *Art and Social Change*, edited by Will Bradley and Charles Esche, notably the manifestos: Situationist International, "Response to a Questionnaire from the Center for Socio-Experimental Art" (1964), pp.125-129, Black Mask, "Art and Revolution" (1967), pp.132-133, Brian Holmes, "The Revenge of the Concept: Artistic Exchanges, Networked Resistance" (2003), pp.350-368, and the commissioned essays: Gerald Raunig, "The Many ANDs of Art and Revolution", pp. 384-394, Lucy Lippard, "Time Capsule", pp. 408-421.

[19] Nathalie Heinich, « Art et compulsion critique », *Noesis*, dossier « Art et politique », no.11, 2007,

which, by its nature even, art could change the world. The model for the artist would be, in this case, that of the politician responsible for *res publica*, the "public affairs", which supposes – as observed by Hans Jonas (1985)[20] – the conviction to know the way of salvation and being able to carry out to it. However, it is legitimate to question the idea of the avant-garde artist supposed to incarnate the progress and the revolution (*i.e*. the salvation), because – as the historical experience proves – the artists are not *a priori* located on the side of the "progress of humanity", and some of them engaged themselves within totalitarian political movements or regimes or were employed and manipulated by them. When the artists literally act/perform within the social sphere and define their work in terms of political utility, art ceases being not only beyond the good and the evil, but also beyond the desirable and the desirable, and questions of responsibility legitimately arise.[21]

The social and economic benefits of the arts

This brief historical overview on the topic of the social utility of the art has clearly shown that the logic of avant-garde invested the arts with a critical-subversive role: the domain of artistic action was identified both with the limitless formal experimentation and the artistic-*cum*-social critique, as the art was situated in an antagonist relationship to its own tradition and to the economical, social and political *status quo*, the capitalist order.

Yet since the "creativity turn" in the new economy, the public policy makers as well as economists, social and urban theorists etc. share a different viewpoint regarding the social role of the arts and artists that we labelled as the "pragmatic" one. Concepts of creativity – *creative economy*, *creative industries*, *creative class*, and *creative city* – have become predominant in the debate about economic development and urban regeneration, while creativity is valued more highly than ever and is cultivated more intensely, as observed by Richard Florida in his famous book about the creative class[22]. *Creation* in the arts is certainly a very ancient topic of reflection in philosophy, as well as a major area of public policy intervention (along with preserving and promoting the cultural heritage) since the rise of the strategy of "cultural democratization" in the late 1950s. Yet following the movements of 1968 this strategy was contested and complemented in the 1970s by that of "cultural democracy", because founded on a narrow and hierarchical definition of culture, based on the

pp. 98-99.

[20] Hans Jonas, *Das Prinzip Verantwortung, 1979*, translated in French *Le Principe responsabilité*: *Une éthique pour la civilisation technologique*, Paris, Gallimard, 1991, p. 190.

[21] On the issue of the responsibility of the artists, see Jean Clair, *La responsabilité de l'artiste. Les avant-gardes entre terreur et raison*, Paris, Gallimard, 1997; Dan-Eugen Rațiu, « L'artiste: immunité ou responsabilité ? Considérations sur l'usage des catégories éthico-juridiques dans le monde de l'art », *Revue francophone d'esthétique*, no. 4, 2007, pp.101-126.

[22] Richard Florida, *The Rise of the Creative Class,* New York, Basic Books, 2002: "Part One: The Creative Age", pp. 21-82.

high arts and solely on creative undertakings of the professional artists, thus presumably limiting the enterprise of democratization. Instead an anthropological, relativistic definition of culture was promoted which extends the concept of art beyond the "fine arts" and recognizes the equal dignity of all forms of creation – by contesting the privileges of elitist high culture and eventually opposing *creation* and *creativity*.[23] Once the process of creation is de-qualified, no longer being an exclusive and rare attribute of the professional artist, creativity is socially generalized as a universal quality, an ontological capacity of the human subject or the "creative class" (Florida 2002), and a new social requirement imposes, the "imperative to creativity"[24]. Following this line of argument, creativity is a source of competitive advantage in the post-industrial economy, the artists and artistic creativity being positioned at the core of this "creative class" and creative processes. Under the pragmatic logic that underlie the cultural policy the impact of the arts is justified and expected in both terms of *social benefits* – such as social cohesion and inclusion, struggle against inequalities and discrimination (which was the main rationale of public support for the arts in the 1970s and 1980s) – and *economic benefits*, such as sustainable economic development, development of cultural tourism, attracting investors, and urban economic revitalization (the main rationale since the 1990s). Beyond the possible social-economic effects expected, these justifications are obviously oriented toward what was called a "corrective" purpose in relationship to capitalism itself.

Two remarks are called for at this point of analysis. The first is that the social impact of the arts – the expected outcomes of public policies supporting the arts – at a macro-social level is open to question and doubted by some philosophical and sociological approaches and evaluations of public policies. On the one hand, it is about the overestimation of the possible social impact of the arts, which can be followed by deception, even in cases when substantial financial resources are allocated to culture. This could lead eventually to the questioning of the public support for culture itself. The case of France is relevant to this issue. Not only philosophers[25] who quibble have been very sceptical towards the capacity of art and culture to fully ensure "social cohesion and inclusion" and to eliminate inequalities, but also researches in the fields of sociology of culture and of cultural policy have contested

[23] Raymonde Moulin, *L'artiste, l'institution et le marché,* Paris, Flammarion, 1997, pp. 90-95.

[24] R. Florida, *The Rise of the Creative Class*, p. 32: "Yet creativity is not the province of a few selected geniuses who can get away with breaking the mold because they possess superhuman talents. It is a capacity inherent to varying degrees in virtually all people." On this topic, see the ESA-ARTS Conference *New Frontiers in Art Sociology: Creativity, Support, Sustainability,* 2007, Lüneburg University, URL: http://www.new-arts-frontiers.eu.

[25] According to the French philosopher Yves Michaud the alleged crisis of contemporary art is in fact a crisis of the representation of art and of its function. The diagnosis he puts is that the current situation is that of "the end of utopia of art", a utopia of communication and of cultural community around the work of art. Y. Michaud, *La crise de l'art contemporain*, Paris, PUF, 1997/2005, pp. 241-244, 253. On the demythization of cultural policy, see Jean-Michel Dijan, *Politique culturelle: La fin d'un mythe*, Paris, Gallimard, 2005.

such strong ideological claims[26]. The romanticist and avant-garde conception of the social power of art is thus questioned. For example, the French sociologist Philippe Urfalino in his book *L'invention de la politique culturelle* (2004) calls into question the very idea of a social causation art–state of society, and its relevance to establish cultural policy:

> It is necessary to admit that the various misadventures of the romanticist aesthetics and all the alternatives of the topic of the social power of arts are bad bases to think the public action in direction of the arts and culture. The idea according to which the state can transform or improve significantly the society by using the arts as a lever is false […] More exactly, it is the idea even of a social causality connecting the arts as causes with a state of the society as effect which is deprived of relevance[27]. (Translation is mine.)

That is why the expectations invested by policy-makers in the social power of art should be properly calibrated, and the effects of the artistic activity should be pursued at the micro-social level rather than at the macro-level or globally.

On the other hand, the pragmatic justification of culture funding in terms of socio-economical benefits involves the risks of generating a bureaucratic vision over the artistic creation and of transforming art in a mere instrument, as public authorities would tend to politically use art for controlling the heterogeneity of practices and behaviours or to confound art with the "cultural animation" and the artists with the "cultural animators", as it tended to happen in Romania when emulating some French cultural policies[28].

2. The current state of the critique of capitalism and the imperative to creativity

The crisis of the critique of capitalism and its necessary redeployment

A second remark regards the two main types of critique of capitalism and opens a new question as for the current state of this critique. As argued by the French sociologists Luc Boltanski and Ève Chiapello in their analysis (1999/2005) of "the new spirit of capitalism", nowadays the real crisis is not that of capitalism but of the critique of capitalism, which is placed in the alternative of being either

[26] François Chazel « Introduction », in: *Pratiques culturelles et politiques de la culture*, Maison des Sciences de l'Homme de l'Aquitaine, 1987, p.13. For recent debates on the results of the cultural policy in France, see A. Krebs, N. Robatel (eds.), *Démocratisation culturelle: L'intervention publique en débat*, Paris, La Documentation française, 2008.

[27] Philippe Urfalino, *L'invention de la politique culturelle*, Paris, Hachette, 2004, p. 394.

[28] On this topic, see Christian Ruby, *L'État esthétique. Essai sur l'instrumentalisation de la culture et des arts*, Paris, Castells, 2000, pp. 5-9, 38-47; Dan Eugen Ratiu, "Cultural Policy and Values: Intrinsic versus Instrumental? The Case of Romania", *The Journal of Arts management, Law and Society*, Vol. 39, No. 1, 2009, pp. 33-34.

ignored (and thus useless) or recuperated. This diagnosis seems surprising at this moment when the global financial crisis stirs up waves of crying (of delight) for capitalism's imminent fall, but become understandable when specifying that it does not refer to the primary level in the expression of any critique – the emotional domain – which can never be silenced, but to the secondary level – the reflexive, theoretical, and argumentative one (i.e. *ideological*) that assumes a supply of concepts and schemes of analysis. Therefore, the critique of capitalism is in crisis, on the one hand, because the ancient "social" type of critique is made inadequate by capitalism's displacements: too much often attached to old schemes of analysis, it leads to methods of defence henceforth inappropriate to the new forms of redeployed capitalism – a new organization in network, a connexionist world organized around short-lived projects. On the other hand, because if relevant, the "artistic" critique – a victim of its own success – has been recuperated and utilized by the new spirit of capitalism to support and legitimize its displacements, at least in its historical formulations which privilege liberation over authenticity.[29] Indeed this "new spirit of capitalism" has recuperated and appropriated many components of the artistic critique amply deployed at the end of the 1960s: the demands or imperatives of liberation, individual autonomy, creativity, self-fulfilment, and authenticity – which now seemed to be widely acknowledged as essential values of modernity. Thus, the artistic critique has, over the last twenty-thirty years, rather played into the hands of capitalism and was an instrument of its ability to last.[30] By example:

> The vehemence of the artistic critique in the same period [end of 1960s], combating all forms of conventions and regarding morality and the respect for the established order an unjustified oppression, likewise created an ideological context that was especially auspicious for all forms of subversion, including those practised by the employers' avant-garde. At a time when the watchword was to reinvent one's existence every day, heads of firms were able to enhance creativity and inventiveness in their organizational mechanisms, and thus emerge as men of progress[31].

Therefore, another crucial question arises: Is it possible to consider the social function/role of art without subjecting it to a strict calculation in terms of efficiency and control or, on the contrary, to either blend artistic critique into a social-and-political critique that borders on the radical utopianism or to offer it to instrumental recuperation? We can reach an answer via a reconsideration of the artistic critique by taking into account the specificity of recent developments of capitalism and the current status of the artists.

[29] L. Boltanski, È. Chiapello, *The New Spirit of Capitalism*, "The historical forms of the critique of capitalism", p. 36, "Conclusion: The force of critique", pp. 499-506.
[30] *Ibidem*, "The test of the artistic critique", pp. 419-420, "Postscript: Sociology *contra* fatalism", p.535.
[31] *Ibidem*, "Conclusion: The force of critique", p. 498.

Two important items of the eight-points axiomatics of "the model of change" proposed by Boltanski and Chiapello in *The New Spirit of Capitalism* regards the central role of the critique as a catalyst for change of the spirit of capitalism and, possibly, of the capitalism itself: "6. The principal operator of creation and transformation of the spirit of capitalism is critique (*voice*)", and "7. In certain conditions, critique can itself be one of the factors of a change in capitalism (and not merely in its spirit)".[32]

What Boltanski and Chiapello call "the new" or "the third spirit of capitalism" is isomorphic with a third form of capitalism, a "globalised capitalism" employing new technologies, which began to manifest itself during the 1980s. This capitalism renounces the Fordist principle of the hierarchical organization of the work to develop instead a new network organization, founded on the initiative of the actors and the relative autonomy of their work, but at the cost of their material and psychological security. It is also related to the increasing and generalization of the new exigencies of the artistic-intellectual professions: singularity, flexibility, adaptability, self-expression, creativity, inventiveness, which became new models of excellence.[33]

Yet there are some paradoxical effects that should be pointed up of the desires or demands of liberation, autonomy and authenticity, which have been formulated by the artistic critique and then incorporated into the new spirit of capitalism and extended to all kinds of employments. According to the two French sociologists, it is notably about the "anxiety" (*inquiétude*) and the "uncertainty" (in a sense that contrasts it with calculable risk) related to the kind of "liberation" associated with the redeployment of capitalism, which affect all relationships linking a person to the world and to others and, closely linking autonomy to job insecurity or precariousness, undoubtedly make "projecting oneself into the future" more difficult (e.g. uncertainty as for the actions to be undertaken, unease associated with the difficulty of identifying the origin of the threat and making plans to control it). Boltanski and Chiapello have also call attention to the fact that the introduction into the capitalist universe of the arts' operating modes has contributed to disrupting the reference-points for ways of evaluating people, actions or things. These operating modes are, in particular, the lack of any distinction between time at work and time outside work, between personal friendship and professional relationships, between work and the person of those who perform it – which, since the 19th century, had constituted typical characteristics of the artistic condition, particularly markers of artist's "authenticity".[34] Therefore the artistic critique, in order to be better equipped to foil the recuperative traps that have hitherto been set for it, should take into account the interdependence of the different dimensions of the demands of liberation and authenticity, as well as capitalism's vocation to merchandise desire – especially the desire for liberation – and hence to recuperate and supervise it.[35]

[32] *Ibidem*, pp. 489-490.
[33] *Ibidem*, "The different historical states of the spirit of capitalism", pp.16-18.
[34] *Ibidem*, "The test of the artistic critique", pp. 422-424.
[35] *Ibidem*, p. 438.

This new situation makes necessary, according to Boltanski and Chiapello, to revive and redeploy the artistic critique, yet without setting up the protest and the revolt into values in themselves, regardless of their relevance and acuity. The French sociologists aim to do this from their position as "critics" and not simply "analysts of critique", in other words from the standpoint not only of a "critical sociology" (which by its scientific aim could be indifferent to the values that actors claim to adhere to), but mainly of a "sociology of the critique", which sought to render its foundations more solid.[36] As they argued convincingly, on the one hand, is necessary to restart on other bases of critique that "must constantly shift and forge new weapons", and "must continually resume its analysis in order to stay as close as possible to the properties that characterize the capitalism of its time":

> Is it enough today to continue, as if nothing had changed, with the critique of the 'bourgeois mentality' and 'bourgeois morality' closely associated with the critique of the capitalism since the mid-nineteenth century, in order to extend the project of emancipation inherent in it? Must we not instead start from different bases – that is to say, ask if the forms of capitalism which have developed over the last thirty last years, while incorporating whole sections of the artistic critique and subordinating it to profit-making, have not emptied the demands of liberation and authenticity of what gave them substance, and anchored them people's everyday experience?[37]

On the other hand, for a more effective critique, Boltanski and Chiapello emphasize the importance of finding new ways to formulate indignation, denunciation and claims on the basis of new forms oppression and commodification, as well as of taking account of the need for a social justice adjusted with the specificity of recent evolutions – the development of a new "connexionist logic" and a "network capitalism", having new modes of functioning, flexible, in network, in which relations and contacts are the new currency to form a world organized around short-lived projects.[38] According to their viewpoint, the themes of the artistic critic are essential and still topical, because it is on the basis of such themes that one can have more chance of mounting effective resistance to the establishment of a world where everything can be transformed into commodity and where people would be constantly tested, subjected to a demand of perpetual change and, by this kind of organized insecurity, deprived of what ensures the permanence of their self. And Boltanski and Chiapello conclude their analysis of the "new spirit of capitalism" by stating that the artistic

[36] *Ibidem*, "Preface to English edition", p. X-XII, XIV. There is to restate that the critique envisaged by Boltanski and Chiapello is a critique of "capitalism" itself, as previously defined – *i.e.* centred on economic mechanisms, forms of work organisation, and profit extraction –, not a critique of "imperialism" such as in some recent redeployments of the critique (p. XVII).

[37] *Ibidem*, "The incompleteness of critique", pp. 39-41, "The test of the artistic critique", pp. 419-420.

[38] *Ibidem*, "The test of the artistic critique. Conclusion: A revival of the artistic critique?", pp. 466-468, "Conclusion: The force of critique - The construction of new mechanisms of justice", p. 519-520.

critique can accomplish this task only if untying the bond which has associated liberation and *mobility*, until now the core of the artistic critique, but which has led to insecurity and precariousness.[39]

This conclusion also implies a position against the radicalism and vast prophetic demands or totalizing designs of the "revolutionary" critique: the "longing for total revolution". In a recent analysis of the fate of the left criticism in current capitalism, Boltanski notices its conflicting or paradoxical state: while the social critique that reappeared in France following 1995 is still anti-capitalist but mainly concerned with democracy, rights, and citizenship, and seems to have abandoned the aspiration to total revolution, this longing becomes displaced from the domain of the production of material goods to that of the reproduction of human beings which invests in questions connected to "biopolitics" (in terms of Foucault). Yet this new form of longing for total revolution, much more radical – because it involves a radical redefinition of anthropology: the separation between primary humanity, "biological", and a second (future) humanity, "elective" – is indifferent to the question of capitalism or is conjugated with it (is no longer anti-capitalist).[40]

Marginality, creativity and democracy

As already mentioned, the social role of the artists is seen here as related to the demand for justice/democratic equity and the "imperative to creativity". Correlatively, we have to address the issue of the relationships between marginality, creativity, and democracy: the artists are they an "elite on the margin" or the exemplary figures of "workers of the future"? Can we democratize the value of creativity? In other words, the question is whether the artistic model (of lifestyle or of creative work) could be generalized, extend to the entire social body, or one could consider it instead as (either complete or partial) "otherness".

One can draw some answers by investigating the status of the artists since the modern age. Such investigation is carried out for instance by Nathalie Heinich in her book *L'élite artiste: Excellence et singularité en régime démocratique* (2005), which largely deals with some related questions: Is the artistic elite a solution for democracy or is it a problem? Can we build a democratic theory of excellence by generalization of the artistic model? Would the artistic singularity offer to our contemporary society, quartered between aristocratism, egalitarianism and meritocracy, a compromise solution to elitism acceptable by democracy?

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[39] *Ibidem*, "Postscript: Sociology *contra* fatalism", pp. 535-536. The target of this observation is the culture of uncertainty and creativity that was promoted by the artistic critique having at its core the opposition between stability and mobility, which emerged in Baudelaire's work and spreads out particularly through Surrealism and, more recently, through Situationism.

[40] Luc Boltanski, "The Present Left and the Longing for Revolution", in D. Birnbaum, I. Graw (eds.), *Under Pressure: Pictures, Subjects and the New Spirit of Capitalism*, Berlin, Sternberg Press, 2008, pp. 64-65, 69-70.

As Nathalie Heinich argues, the new elite appeared after the French Revolution – the artists – is an "elite on the margin", because its collective identity was defined, with the bohemia, by the eccentricity of the non-canonical (*hors normes*). This way, the modern artists have entered the *regime of singularity*, of the "out of the common", in double sense of exceptionality (excellence) and marginality (exclusion). This new socio-artistic regime embodies an axiological revolution – the privileged values are the non-canonical, the innovation, the originality, and the individuality; the exception is the norm while the challenge is the rule –, as well as significant changes both within the real dimension of the material conditions of artistic practice and the imaginary dimension of the representations associated with it. For "singularity" is understood by Heinich not in the weak sense of specificity, but in the strong sense of originality, uniqueness, and incommensurability that transforms deeply the artist's status: since the originality, the innovation, and the irreducibility to canons have become by principle the requisites of artistic quality, as is the case for a century and a half, the creator's uncertainty about its own creative talent, as well as about his chances of being recognized, becomes constitutive of its status – which was not the case in the time when artistic activity was practiced within the previous different regimes, "the regime of craft (*métier*)" and the "regime of profession".[41] Within the new regime, the identity of the artist is doubly paradoxical: marginal and elitist, that is singular and excellent at the same time. The status of the artist since the modern age is thus ambivalent: it joins together various criteria of greatness (*grandeur*), of what is valuable, thus conciliating antagonistic values. Yet it is precisely this junction or conciliation that made its success and power in a democratic society: the mix of *aristocratism* (the excellence is innate), of *democracy* (each one has right to it) and of *meritocracy* (it depends only on the individual talent).[42]

This paradoxical configuration is the result of the superposing of a new form of elitism, the "artistic elitism", to the "democratic elitism" – which is a combination of individual excellence (the merit) and of equalization by conformity (money and norms of all kinds), typical of "the regime of community":

> But this democratic form of the elitism was not enough, probably, to fill all the aspirations, because it has soon doubled itself by the artistic elitism. The latter one shares with the democratic elitism the indexing of greatness to the merit, but replaces the egalitarian conformism with its opposite, namely the imperative to singularity, the individualization of excellence (the talent). Thus the singularity in excellence makes it possible to pay the greatness by marginality, the deprivation of

[41] Nathalie Heinich, *L'élite artiste. Excellence et singularité en régime démocratique*, Paris, Gallimard, 2005, Ch. 5 « La normalisation de l'exception », pp. 101-127, Ch. IX « L'émergence d'une identité collective », pp.174-197. N. Heinich, « Raison et incertitude: Qu'est-ce que la sociologie de l'art (I) », *La Vie des Idées*, 1er juillet 2009. URL: http://www.laviedesidees.fr/Raison-et-incertitude.html. For a general presentation of the three regimes, see N. Heinich, *Être artiste. Les transformations du statut des peintres et des sculpteurs*, Paris, Klincksieck, 1996.

[42] N. Heinich, *L'élite artiste*, Ch. XIV « Une élite en marge », pp. 269-275.

> short-term gratifications (money, power). In other words, the renunciation to the privilege of integration into community is compensated by the statutory privilege granted to exceptionality. The demand for justice is thus, again, doubly satisfied, but in this paradoxical configuration – yet familiar since we are immersed in it over a century and a half – that is the elite on the margin.[43] (Translation is mine.)

It still remains to understand why excellence had to be justified by something different than the merit. A possible explanation is found by Heinich in an irreducible commitment of the moderns to the idea – yet deeply unfair – of a greatness which does not rely on acts but is "given" by birth. And since the Romanticism, the work (*travail*) is not the only one that counts for the artistic excellence, as the individual innate "gift" (*don*) takes the major part.[44] The fact that the artist enjoys this paradoxical status also has its social motivations, as the artist has better responded than the scientific genius to a pervasive "social dream" or a collective "phantasm":

> Since the romanticist generation, the artists have better incarnated both the valorisation of the singular, within the transgressive logic specific to the regime of singularity, and the right to a privilege, generator of a moral and legal impunity supported by the permissive paradox of the institutions, while preserving democratic equity due the fact that their marginality keeps them away of the advantages usually associated to the elite, aristocratic or bourgeois. All occurs as if the artists were nowadays charged to realize, for the community, a phantasm of absolute power, the claim of a space of absolute freedom conceded to some people because of their belonging to a category cumulating birth and merit. Art thus came to represent the improbable conjunction of two incompatible values: the democratic value, under the terms of which anyone has the right to be an artist, and the aristocratic value, under the terms of which any artist is – at least phantasmatically – above the norms and the laws. [45] (Translation is mine.)

Following this argument, Heinich concludes that this paradoxical status of the artists – being an "elite on the margin" – can offer a compromise solution to elitism of a kind acceptable by democracy, and can satisfy the demand for justice or democratic equity, *i.e.* the conciliation of the fact and value of inequality with the value and political principle of equality. Therefore the artistic vocation is a response to the question about how to found inequality in justice, yet with the caution that such a solution does pose some problems, particularly sensitive in the current period – such as the risks to ruin both the conditions of community, the definition of excellence, the limits of the margin, and the notion itself of norm, or such as the victory of the Nietzschean model of the *Übermensch* toward which any society would be supposed to tend.[46]

[43] *Ibidem*, « Conclusion. L'art et le compromis démocratique », p. 348.
[44] *Ibidem*, p. 348-349.
[45] *Ibidem*, p. 350.
[46] *Ibidem*, p. 351.

Hence there is need to explore the role of the artists in relation to the "imperative to creativity", that currently leads to another figure of the artist, not exempt of controversy yet less problematic than the Nietzschean model: the artist as the exemplary "worker of the future". Since the "creative turn" in the new or creative economy, the artists, together with the scientists, seem to be an advanced social group, "the symbolic analysts" (Reich 1991), manipulators of ideas and symbols, in the avant-garde of the transformation of highly qualified professions, or at the hard core of the "creative class" (Florida 2002) that dissolve the classical division between the productive bourgeoisie and the bohemian, also having the special status as key heralds of the "creative city" urban pattern.[47] In a book entitled *Portrait de l'artiste en travailleur. Métamorphoses du capitalisme* (2002), Pierre-Michel Menger also observes that the figure of artistic creativity infiltrates today in many worlds of production, not only by contiguity (as above), but also by exemplarity – the network organization of the creative activities and the communication and working relations between the members of the art worlds providing a model of organization for other spheres –, by inclusion – the world of arts and of entertainment becoming an economically significant sector –, and by metaphorical contamination, as the cardinal values of artistic competence are regularly transported towards other productive worlds.[48]

These productive worlds have in fact internalised some of the historical values of the avant-garde – autonomy, flexibility, non-hierarchical environment, continuous innovation, risk taking –, which are the epitome of artistic work and led to posing the artist as the figure of exemplary "worker of the future". A consequence of this post-industrial or "post-Fordist" condition is the emergence of both new freedoms and new constraints. As already observed, the price for more autonomy and flexibility has been paid with an increase of instability and insecurity. Boltanski also emphasises the coupling of the reference to authenticity to the one to networks – assembled in a new ideological figure, that of the *project*, flexible, transitory – which constitutes the core of a new conception of human excellence or value, in fact compatible or re-conciliated with liberalism.[49] The artistic critique since Baudelaire promoted such culture of uncertainty and creativity, and the contemporary art has contributed to this new value system in its own way. In a debate with Boltanski, Isabelle Graw mentions the example of the Conceptual Art and its emphasis on projects, communication, networking, self-management and the staging of one's personality. What follows from this furthermore is that the distinctions between "work" and "non-work", between work and the person of those who perform it, have become obsolete or disappeared: "Life turns into a succession of projects of

[47] Robert Reich, *The Work of Nations*, 1991; Richard Florida, *The Rise of the Creative Class*, Ch. 4 "The Creative Class", pp. 67-82, 197-200, and *Cities and the Creative Class*, London, New-York, Routledge, 2005.

[48] Pierre-Michel Menger, *Portrait de l'artiste en travailleur. Métamorphoses du capitalisme*, Paris, Seuil et La République des Idées, 2002, p. 7.

[49] L. Boltanski, "The Present Left and the Longing for Revolution", in *op. cit.*, pp. 66-67.

limited duration, and subjects are expected to quickly and flexibly adapt themselves to constantly changing conditions and unexpected developments." Yet, as Graw remarks, one also has to acknowledge the valuable accomplishments made by the emancipatory movements in terms of autonomy and self-realization.[50]

The question of "creation" in relationship with the "work" equally stays at the core of Pierre-Michel Menger's approach. In a recent book, *Le travail créateur. S'accomplir dans l'incertain* (2009), he questions the problem of the "creative work" in order to re-affirm a "positive" conception of work as a vector/condition of individual self-fulfilment.[51] This viewpoint has its importance for redefining the social role of artists through their creativity.

The opposition between "creation" and "work" (*travail*) was mainly build, already with Kant's *Critique of Judgement* (1790), alongside the questions of originality and of utility as external purposiveness. The work is commonly associated with routine, control, and utilitarian purpose, mainly in the context of a thought of calculating individualism, which sees the work as the archetype of the activity accomplished under the aegis of instrumental rationality or maximization under constraint. On the contrary, the artistic creation was and is understood as an activity that is conducted under the rule of originality, though without being devoid of conventions, and whose main concern is to avoid the influence of instrumental purposes and utilitarian functions. Yet, as Menger maintains, one has to admit that artistic creation is a work more than a free expression of inspired spontaneity, because it operates under constraint. Still, it is also clear that "the creative work" (*le travail créatif*) is not a simple toil (*labeur*), and not even a special category of complex, qualified, specialized labour (*travail*). It directly solicits springs such as creativity, and behaviours such as involvement and intrinsic motivation – the taste of the activity itself, without direct and instrumental concern of retribution.[52] Assuming that the works traditionally regarded as fulfilling are characterized by low routine nature of tasks and work situations, and a strong element of risk taking, it is the dimension of uncertainty that helps understanding how work could be analysed as a condition of self-fulfilment. Uncertainty is not only the fuel of the creative work, of innovation, but at the individual level, the uncertainty about the success belongs to the essence of the satisfactions provided by the exercise of artistic activity.[53] From this standpoint,

[50] Isabelle Graw, "Introduction", and "Response to Luc Boltanski", in: D. Birnbaum, I. Graw (eds.), *Under Pressure: Pictures, Subjects and the New Spirit of Capitalism*, Berlin, Sternberg Press, 2008, pp.11-12, pp.77-78.

[51] Pierre-Michel Menger, *Le travail créateur. S'accomplir dans l'incertain*, Paris, Gallimard/Seuil, 2009, « Introduction », pp.12-13.

[52] P.-M. Menger, *Op. cit.,* Ch.2 « Est-il rationnel de travailler pour s'épanouir ? », pp. 101-102, 134-139, P.-M. Menger, « La création comme un travail: Qu'est-ce que la sociologie de l'art (II) », *La Vie des Idées*, 1er juillet 2009, pp.1-2. URL: http://www.laviedesidees.fr/La-creation-comme-un-travail.html.

[53] P.-M. Menger, *Le travail créateur*, pp. 16, 102-103.

Menger shows how to enrich the understanding of work, in order to go from its "negative" characterization as a simple means, a cost, an expense or sacrifice, to a "positive" conception of work as a vector of individual self-fulfilment, and thus to distinguish the activities with low expressive potential, "labour", and the "creative work". The later idea of "work" is related to the expressive model of *praxis* which is going back to Aristotle and was later re-elaborated by Herder and influenced by the romanticist philosophies from the 19th century (Hegel, Schelling) and by Marx, until a double contemporary posterity: the constructivist sociology of Husserlian inspiration (Berger and Luckmann) on the one side, and the critical philosophy of Marxist inspiration, form the School of Frankfurt to Hannah Arendt, on the other side.[54] This distinction was and still is inscribed also in our common language:

> To describe human activity that leads to produce something, the language still has two registers, two vocabularies: that of "travail" [in French], "labour" in English, "Arbeit" in German, "lavoro" in Italian, and that of "l'ouvrage" or "l'œuvre" [in French], "work" in English, "Werk" in German. This dual semantic chain says something essential because it distinguishes between two kinds of work, seen as opposed. On the one hand, the utilitarian work assigned to a goal, to a product, and ending in it; on the other hand, work as achievement, self-expression, *praxis,* which means the way for humanity to realize its essence, not in the passive leisure [*loisir*], but in the movement of the action producing something durable and not readily programmable.[55] (Translation is mine.)

Thus artist/artistic creation are the body/the process where work, self-expression, and lifestyle meet. It is true that "art's undeniable advantage is that artists also keep producing works that exists separately from what they do and what they live".[56] But it is from the vantage point of the "production of subjectivity" that the interactions between artistic creativity and expressive values, on the one side, and the social change, on the other side, become a major issue.

For exploring this issue and its actual significance one should be concerned less with the figure of the *artiste engagé* and more with that figure originating in Baudelaire's *dandy* who made of his body, his behavior, his feelings and passions, his very existence, a "work of art". As observed by Foucault when reflecting on Baudelaire's idea of "modernity", this "is not simply a form of relationship to the present; it is also a mode of relationship that has to be established with oneself". This modernity does not "liberate man in his own being"; it compels him to face the task of producing himself. Moreover, this complex and difficult "elaboration of the self" didn't take place in society itself, or in the body politic, but can only be

[54] *Ibidem*, Ch. 5 « Rationalité et incertitude de la vie d'artiste », pp.199-200.
[55] Pierre-Michel Menger, *Profession artiste. Extension du domaine de la création*, Paris, Textuel, 2005, p. 91.
[56] I. Graw, "Introduction", in *op. cit.*, p.12.

produced in another, a different place, which Baudelaire calls art.[57] The idea that the expression and remaking of the "self" in order to achieve self-realization and self-fulfilment is the axial principle of the modern culture was also formulated by Daniel Bell in *The Cultural Contradictions of Capitalism* (1976), which followed his other seminal book *The Coming of Post-Industrial Society* (1973). In addition, he observed that since the beginning of the 20th century, culture has taken the initiative in promoting change, its hedonistic-narcissistic principle – the idea of pleasure as way of life – being transposed in the sphere of economy that has been geared to meeting these new wants. Thus culture/the arts have had a dissolving power over capitalism, because this way the capitalist system has lost its transcendental (Protestant) ethic, affecting the principle of efficiency of the economic sphere.[58] Bell thus follows a line of thinking that persist in seeing work and life, or the economy and the culture, as separate spheres with distinct principles or value systems, and that is criticizing the bohemian(ism) because of its principle/consequences. On the contrary, Richard Florida admits the possibility of synthesis between the hedonist ethic and the Protestant ethic, between bohemian and bourgeois, or of actually moving beyond these old categories that no longer apply at all. For him, the nowadays "creative people", with creative values, working in creative workplaces, living essentially creative lifestyles, certainly are not Baudelaire, still "they represent a new mainstream setting the norms and pace for much of society".[59]

In this view, the rising of the "creative economy" is not only drawing the spheres of innovation, business/entrepreneurship and culture into one another, in intimate combinations, but is also blending the varied forms of creativity – technological, economic, artistic and cultural –, which according to Florida are deeply interrelated: "Not only do they share a common thought process, they reinforce each other through cross-fertilization and mutual stimulation."[60] Without neglecting the similarities between the creative talents or activities, scientific, entrepreneurial, and artistic, we have to add that there still are some specific differences which should be considered: while scientific creativity is an ability to accelerate an accumulation of knowledge within a given conceptual order or paradigm, artistic creativity is a type of "rules-breaking process" against a given practice or order.[61] This view of the specificity of the artistic creativity is essential to thinking the role of the artists and the manner in which they can play in the social change.

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[57] Michel Foucault, "What is Enlightenment?", in: Paul Rabinow (ed.), *The Foucault Reader*, London, Penguin Books, 1984, pp. 41-42.

[58] Daniel Bell, *The Cultural Contradictions of Capitalism*, New York, Basic Books, 1976, pp. xxiv-xxv, pp. 13, 21-22.

[59] Richard Florida, *The Rise of the Creative Class*, pp. 197, 211.

[60] *Ibidem*, pp. 33, 201.

[61] Danielle Cliche, Ritva Mitchell, and Andreas Wiesand, *Creative Europe. An ERICarts Report*, Bonn: ARCult Media, 2002, pp. 28-29.

Conclusion

To conclude, two remarks may be made on how artists have/can play a social role through artistic creativity and critique. The first is that neither artists' presumed capacity of producing wealth and social cohesion or eliminating social inequalities, nor their capacity to subvert capitalism, can avoid a utopian instrumentalization of art. The lessons to be learned from the analysis of the topic of social utility of the art and of the "new spirit of capitalism" are that there is no "exit" or "way out" of society, the aspiration for the complete "otherness" of social life being a romantic illusion, and that capitalism and its critique are no longer in opposition to each other but require each other. The second remark is that the social function or value of the art and artists should be related instead to the cardinal values of the artistic competence – imagination, play, originality, innovating capacity, even behavioural a-typicality and creative anarchy – that society itself needs. Artists can play as the creative, innovative, imaginative core without which the society itself would be poorer. Yet the model of artistic creativity or excellence could not be generalized to the entire social body without costs in terms of insecurity and instability, although the arts can contribute to re-develop a particular sense of "otherness". Artists can also contribute to opening up new possibilities (as innovation is unpredictable) either for the quality of emotional life, the creative lifestyle, or for the other worlds of production. Yet artistic creativity does not play as a cumulative development, but by its very nature as a "rules-breaking process", questioning and challenging existing norms and practices.

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GESAMTKUNSTWERK AND THE LIMITS OF AESTHETIC UTOPIA IN WALTER BENJAMIN'S "ARCADES PROJECT"

ŞTEFAN-SEBASTIAN MAFTEI[*]

ABSTRACT. This article focuses on Walter Benjamin's considerations on the issue of *Gesamtkunstwerk* (total-work-of-art), interpreted with reference to his unfinished work on the history and philosophy of history, architecture, and the modern city, *Passagen-Werk*. It aims to highlight the importance of this term to the development of aesthetics, especially in the context of the critical reception of Wagner's works by the left-wing German intelligentsia. In assessing the political and aesthetic "totalitarianism" that lay hidden behind *Gesamtkunstwerk*, Adorno criticizes the modern "premature" attempts at fusing art with technology at the end of the 19th century. Benjamikln instead addressed several crucial issues of modern aesthetics: the possibility of fusing technology and art in a new type of artwork, the political and social relevance of aesthetic utopias, the possibility or impossibility of "aesthetic" reconciliation between man and nature, the aesthetic "legitimacy" or the "illegitimacy" of the *Gesamtkunstwerk* to modern critical aesthetic discourse. The epilogue of this article also addresses the contemporary versions of *Gesamtkunstwerk* theory involved in the theorizing of "virtual reality."

Keywords: aesthetic utopia, art, Benjamin W., *Gesamtkunstwerk* (total-work-of-art), technology, virtual reality.

"Immanent totality"

The "immanent totality" is a philosophical concept suggested by Walter Benjamin in his theoretical endeavor towards focusing on a view about experience that should correspond to the reality of the everyday and not to the idealized reflection upon the social, political, and economic relations of the post-1918 Europe. Following the argument of Howard Caygill, we might suggest that the concept of "immanent totality" appears in Benjamin as an answer to the Kantian concept of experience. Benjamin considers that the Kantian explanation of experience, in which objects appear in the uniform space and time of the forms of intuition, so as to be further illuminated by the universality of categories, rejects any possibility of totality. Benjamin's solution,

[*] *Department of Philosophy, Babes-Bolyai University, Cluj-Napoca, str. M. Kogălniceanu, 1, 400084 Cluj-Napoca, Romania. E-mail: stmaftei@yahoo.com.*

according to the analysis of Howard Caygill, resides in the development of an "intensive metaphysics in which space and time are informed by an immanent totality."[1] The implication of the immanent totality in spatio-temporal experience takes place in two, apparently contradictory, ways. Firstly, by stressing complexity, looking to the ways in which immanent totality manifests itself in the "complex patterns and distortions of spatio-temporal experience." Secondly, by dissolving space and time into totality, thus threatening to "collapse the complexity of spatio-temporal patterning into a closed 'redemptive' immanence."[2] This kind of immanence leads directly to a speculative philosophy in which the absolute manifests itself discretely in the patterns and distortions of space-time experience. This dissolving of complexity into an "immanent" Absolute is not present everywhere in Benjamin's writings. But the critical interventions on "voice" in the *On Language as Such and on the Language of Man* (*Über Sprache überhaupt und über die Sprache des Menschen*, 1916), and the episode about the "divine violence" in the *Critique of Violence* (*Zur Kritik der Gewalt*, 1921) or the "pure language" described in the *On the Mimetic Faculty* (*Über das mimetische Vermogen*, 1933) are direct proofs of such type of absolute presence. Generally, Benjamin's criticism will not subscribe to this kind of speculative intervention. It is also true that Benjamin himself will show resistance to his own attempt of transforming the immanent Absolute into a "redemptive idea." In the *Arcades Project*, for example, Benjamin does not envisage a metaphysical structure of experience, but operates through a "pragmatic description of singularities," to use Benjamin's own words,[3] i.e. through a history of institutions, customs, styles etc. Throughout his various attempts to reflect on an explanation of the reality of experience, Benjamin faces a difficult and pervasive question: how to explain "experience" in such a way that should not transform this philosophical reflection into an abstract account of experience as theoretical "totality"? The Hegelian explanation of experience as totality already presented the Absolute as immanent, and his way of reducing everything to a theoretical Absolute is quite appealing to the philosophical mind. Benjamin wanted to present an immanence that should not be transposed into a Hegelian construct. In other words, he wanted to create a new type of reflection for a new type of experience.[4]

The time span from the first remarks on the immanent Absolute in *Life of Students* (*Das Leben der Studenten*, 1915) to the analysis of immanent totality in Benjamin's late writings reveals a slow and lengthy development. A critique, such as that in the *Arcades Project*, would not have been possible without a previous critique of modern everyday experience as emerging before and after the First

[1] Caygill, 1998, p. 6.
[2] Id. ibid., p. 6.
[3] Quoted in: Caygill, 1998, p. 9.
[4] However, this type of reflection is not completely new to modern philosophical thinking. The attempts at creating a way of reflecting the world that went beyond the traditional categories of philosophical discourse were already a part of the philosophical project of the Early German Romanticism. Schlegel, 1991, p. 52: "The poetizing philosopher, the philosophizing poet, is a prophet."

World War. The general idea is that to Benjamin modern experience on the whole builds itself up as being in a state of "crisis." A motto of his early 1915 essay *Life of Students* projects the main task of a modern critic of everyday life: "to point out the crisis that hitherto has lain buried in the nature of things."[5] One of the tasks of this critique was to uncover the "hidden" sense of experience lying beneath the nature of new things. But because things in modern times appear as "distorted, comical and even terrifying,"[6] modern everyday experience emerges as ambivalent, its state of "crisis" revealing its destructive negativity, yet also a constructive affirmation. The 1915 essay expressed the hope that the constructive side of experience will help humanity survive the war. The mission of the critic was ultimately to uncover the "possibilities for freedom" offered by the decline of tradition and the new experience that unfolded as "crisis." The modern humanity was faced with a fateful decision. Moreover, this decision was stressed by the urgency of the political, social, and economic situation.

Almost two decades after, in *Experience and Poverty*, Benjamin will be concerned anew with everyday modern reality as experience, but also with the *bourgeois* concept of "experience," which he will deem as decadent. This, he contended, is because of two main reasons. Firstly, because the modern *bourgeois* concept of "experience" isn't capable of reflecting the conditions of modern everyday life on the whole. Secondly, also because this concept cannot pretend defending the unitary sense of experience (*Erfahrung*) anymore. This suggests the fact that not only reality itself as (objective) experience, but also the modern *experience* of experience is in crisis. Modern reflection is an antiquated tool for reflecting upon or explaining the new order of things. In its place, new ways of dealing with modern reality have emerged after the industrial and technical revolution, but some of these are no more than false "spiritual" compensations, creating pseudo-experiences which are addressed to mass audiences through technical means: pseudo-religions, such as astrology, Christian Science, vegetarianism, spiritism, mysticism, Yoga etc. Benjamin labels these phenomena as a new-age "barbarism." The "poverty of experience," which adds to the objective experience of poverty in modern everyday life, is one of the newest "conquests" of the triumphant industrialized and technicized world of the 1920's.

The modern experience in crisis or, better said, the experience *as* crisis manifests itself in various forms. In his *Experience and Poverty,* Benjamin pictures at least four main forms of modern "crisis:" the "strategic" experience, which is affected by "war," the "economic experience," which is affected by "inflation," the "physical experience," affected by "starvation," and the "ethical" experience, undermined by the oppressors. Benjamin wrote the essay *Experience and Poverty* in 1933, shortly after the NAZI Party took power in Germany. Benjamin shows that what has been commonly understood as "tradition," as what is transmitted as wisdom from a generation to another, was utterly obliterated because of the painful and irredeemable experience of mass war:

[5] Quoted in: Caygill, 1998, p. 32.
[6] Caygill, 1998, p. 32.

> A generation which was still taken to school in a horse-drawn carriage stood under the open sky in a landscape in which nothing was left unchanged but the clouds, and in the middle, in a force field of destructive currents and explosions, the tiny, fragile human body.[7]

Yet, these new ways of representing reality, which have emerged with the revolution in the means of production at the beginning of the 20th century, Benjamin argues, can relate to it in very different ways: either as *descriptions* of what already exists in everyday life, or as *transformations* from within, as ways of excavating the creative structures of modern experience. As Benjamin suggests in his *Experience and Poverty*, *aesthetic experience*, as a modern, non-*bourgeois* way of experiencing experience, can be thought of as a transformative way of dealing with reality itself. Benjamin sometimes sees the transformation of experience in aesthetic experience not as an addition to or as an enrichment to reality as experience but as an awareness of the nowadays poverty of experience. As new, transformative ways of dealing with modern experience, Benjamin cites literature, painting, architecture, and film. In his essay, Benjamin draws attention to the work of artists, such as Paul Klee, Bertolt Brecht, Adolf Loos, Paul Scheerbart, Le Corbusier.

Benjamin contends that the poverty in experiencing reality manifests itself in various types of experience.[8] One version is the above-mentioned "reverse" of poverty, as "oppressive wealth of ideas" represented by "new age" nostalgic revivals such as astrology or vegetarianism. This phenomenon is explained by Benjamin as dissolution of experience (*Erfahrung*) into insignificant everyday available experiences (*Erlebnisse*). Another compensatory type of experiencing is generated by the dream-effect of technology in mass culture, which is best explained by the "Mickey Mouse" effect of cartoons on mass audiences. Here, the reality of technology is surpassed in a dream, which functions as a psychological compensation. Such "dreams" supported by technologies may well appear like the narcotic effects of drugs on exhausted brains:

> Nature and technology, primitiveness and comfort here become completely one, a way of being *[Dasein]* which appears as a relief to the eyes of people who are worn out by the endless complications of everyday life and for whom the meaning of life has disappeared in the vanishing point of an endless perspective of means. It is a way of being which always turns to the simplest and most comfortable way of contenting oneself, in which a car does not weigh more than a straw hat, and in which the fruit on the tree ripens as quickly as the gondola of a hot-air balloon.[9]

Following Nietzsche's famous distinction between active and passive nihilism, one could interpret Benjamin's compensatory versions of experiencing as passive, destructive nihilisms. These experiences intensify the dissolution of our "inheritance"

[7] Quoted in: Caygill, 1998, pp. 30-31.
[8] Caygill, 1998, p. 31.
[9] Caygill, 1998, p. 31.

of humanity by passivity to reality and by nostalgia for the Absolute, however technologically "new" they might appear to the modern audiences. Active nihilism, on the other hand, the one that Benjamin seems to suggest, would be the occasion of establishing new constellations of experience by destroying and at the same time by transforming. The authentic, new, active forms of experiencing would thus *transform* experience, i.e. reality itself. According to Caygill this transformation emerges in various ways.[10] Either as a transformation which takes place inside language, a language that does not exhibit a preexistent reality, but creates a new reality itself. In Benjamin's own words: "not a technical renewal of language, but its mobilization in the service of (…) *transforming* reality, not *describing* it." Or, as a transformation of habitat, with the emergence of glass architecture. Such a transformation of habitat means a destruction of the "aura," of the "sacred" in private and public space. The space of the building is transformed by the transparency, the reproducibility and the efficiency of glass architecture. This kind of architecture, practiced by Loos and Le Corbusier dissolves the inside-outside and the private-public distinctions, replacing them with an aggressive "transparency." The glass object, Benjamin suggests, has no "aura," because glass is "the enemy of mystery and of propriety." As well as language, the new architecture does not *describe* a change, it creates it. It is obvious that these newest types of experiencing, which represent either descriptions, or transformations of reality are generated by the same means of production, present in modern technology and industry.

However, as Caygill contends, in describing these types of experience Benjamin encounters difficult questions. The first relates to whether there is a legitimating criterion that allows a critic to choose between experiences as descriptions and experiences as transforming experiences. Are there really experiences in which everyday life is only a description of a reflection of material conditions and, on the other hand, experiences as transformations "from within?" If this is true, how one can decide which experiences are less or more favorable to transformation and which experiences remain simple reflections of material conditions? In aesthetic terms, this question runs as follows: which kind of art is more favorable to a transforming experience "from within?" Do we have a criterion to decide whether there are some particular artistic oeuvres, styles or forms, which contribute to this effect?

These questions will not be unequivocally answered by Benjamin's texts, as long as the texts themselves suggest a tension between a certain kind of materialistic critique that does put a lot of emphasis on some types of experience that have the effect of transforming material conditions of existence and an aesthetic critique, which relies on aesthetic reflection, which, as reflection,[11] cannot eventually indicate what type of experience is more or less representative of the effects demanded by "passive" or "active" aesthetic nihilism. The attempt to indicate that there is a certain

[10] See Caygill, 1998, p. 32.
[11] For a fine analysis of aesthetic reflection, see: Menke, 2008.

aesthetic object, which contributes to a certain aesthetic experience, is basically an issue, which transgresses the limits of aesthetic experience as it is commonly understood in Kantian aesthetics. Such an indication would undermine the notion of "aesthetic freedom," which is the cornerstone of Kantian aesthetic autonomism. It would also undermine Benjamin's own attempt to invent a critique that frees modern art form the "path dependency" generated by an absolutely materialistic society compromised by reification and alienation.

Gesamtkunstwerk

Up to this point, we have followed Benjamin's philosophical critique of experience. We will now seek to assert the role of benjaminian "experience" in explaining the value of the artwork in the age of industrialization and technology. Analyzing "Gesamtkunstwerk" and its role in Benjamin's understanding of aesthetic experience serves as an excellent example in addressing the crucial question of what does actually constitute an artwork in the highly technologized world of today.

"Gesamtkunstwerk" apparently starts its famous career in the artworld as a Romantic term, coined in the 19th century. The conventional use of the term hints at a unified form of all artistic media.

The history of modern music lists *Gesamtkunstwerk* as a Romantic artistic utopian form of artwork. Yet, the total-work-of-art is commonly seen by musicologists and art historians as just an intermission of artistic media. We know for sure that the career-launcher for *Gesamtkunstwerk* were the writings of the German composer Richard Wagner. However, in the 19th century, the idea of an artwork that would unite several artistic media was the dream of many musicians. The musicologist Wolfgang Dömling seeks to do justice to this rather renowned term, by showing that *Gesamtkunstwerk* is fairly misunderstood in the contemporary artworld. He stresses the difference between the idea of interaction between the arts, which has been quite common to the artworld during ages, and the idea of a "totally unified" artwork, which could only be a utopian idea.[12]

Obviously, the idea of a "poetic music," for example, constantly appears in the works of composers, such as Berlioz or Schumann. Liszt and Debussy have constantly sought for liaisons between music and image or music and color in their music. Dömling shows that Debussy borrows the title *Nocturne* not from Chopin, but from Whistler. Liszt had the idea of putting Dante's most famous work in music, and even more: to depict it into a diorama using painted images made by Buonaventura Genelli.[13] Modern painting shows numerous examples of "musicality" in painting: "composition," "harmony," "rhythm," and "polyphony" are musical terms that appear frequently in the vocabulary of painting. We may speak of a real fashion in

[12] Dömling, 1994, p. 4.
[13] Id. ibid., p. 7.

bringing together music and image or music and color throughout the 19th century. Therefore, Dömling distinguishes between a fairly frequent meaning given to the "total-work-of-art," depicting a characteristic – the interaction of artistic media –, which is common to all the history of the arts, and a rather peculiar, utopian meaning, which had originated in Romanticism, but has been fully theorized and publicized by Wagner and his followers. In its proper sense, as Dömling states, *Gesamtkunstwerk* is not the mere interaction of artistic media, but rather a utopian vision about an artwork or an art form that could unite all the artistic media.[14]

Gesamtkunstwerk is also announced in the writings of Gottfried Semper, architect, and friend of Wagner. They shared the same views on art and politics: the idea of natural verisimilitude, the idea of the natural necessity of all artistic creations, the idea of art made for the "people" (*das Volk*), the ideas of organicism and continuity in art.[15] Semper says that architecture was to him what the *Drama* was to Wagner: "Architecture is the unification of all the branches of creative activity and art towards a great effect and according to a guiding idea (*Kunst zu einer großen Gesamtwirkung und nach einer leitenden Idee*)."[16]

Concerning Wagner, Dömling seeks to dismiss an important confusion regarding the way in which Wagner's musical works were considered. According to the German critic, Wagner's dramas are *not* and cannot even be considered to be *Gesamtkunstwerke* themselves, but only examples of the interaction between music, poetry, and painting. Wagner himself stated that his artworks were not "total-works-of-art," and that the *Gesamtkunstwerk* is not a restoration of Greek drama, but, instead, a "great revolution of humanity."[17] In *Art and Revolution* (1849), he hints at the term *Gesamtkunstwerk* for the first time. *Art and Revolution* is the text that generally presents Wagner's aspirations towards an idealized political freedom. This political emancipation of mankind through the development of a new political "community" (*Gemeinsamkeit*) is depicted as the perfect opportunity for the rising of a new set of conditions for a "communitarian" development of Art, after centuries' long development of individual artistic forces. The *Gesamtkunstwerk* is usually seen by Wagner as an equivalent for the "drama of the future" or the "artwork of the future," and, according to Dömling, it does not represent a "reunification of all the arts" in present times. Dömling struggles to depict *Gesamtkunstwerk* as an aesthetic utopia, as a dream about the future reunification of all the arts under the conditions created by a future egalitarian society, and not as a putting into practice of an aesthetic project.[18]

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[14] Id. ibid., p. 7.
[15] Id. ibid., p. 7.
[16] Gottfried Semper, quoted in Dömling, 1994, p. 7.
[17] Dömling, 1994, p. 6. Richard Wagner, *Art and Revolution* (1849a), Transl. W. A. Ellis.
[18] Dömling, 1994, p. 8. *The New Grove Guide to Wagner and His Operas* (OUP, 2006, pp. 151-152) offers the same explanation for the Wagnerian term *Gesamtkunstwerk*, by showing that the "drama of the future" comprises a „utopian element," which explains why this idea has never been put into practice into Wagner's musical oeuvres.

Nevertheless, Wagner's account in *Art and Revolution*, different from that in *The Artwork of the Future* (1849), is somewhat confusing. At first sight, it is true that Art is depicted in an aestheticizing, 19th century manner, as that which binds "the abyss between the actual life and the idealized existence" and "as the living utterance of a free, self-conscious community." With this, Wagner denounces the art of his contemporaries, which he conflates with modern art in general as being subjected to commerce and political *status quo*: "Behold *Mercury* and his docile handmaid, *Modern Art*!" He also draws a lesson from the art of the Greeks, where Greek drama is idealized, in the German 19th century intellectual fashion of idealizing Hellenism, as a perfect model for the "drama of the future." In this idealized, nostalgic view of the past Art, Nature and Nation are all depicted as uniting into a resplendent artistic achievement - the Greek *Drama*, "the great *Gesamtkunstwerk* of Greece:"

> With the Greeks the perfect work of art, the Drama, was the abstract and epitome of all that was expressible in the Grecian nature. It was the nation itself—in intimate connection with its own history—that stood mirrored in its art-work that communed with itself and, within the span of a few hours, feasted its eyes with its own noblest essence. All division of this enjoyment, all scattering of the forces concentrated on *one* point, all diversion of the elements into separate channels, must have been as hurtful to this *unique* and noble Art-work as the like-formed State itself; and thus it could only mature, but never change its nature.[19]

It is obviously clear that Wagner is not concerned here at all with the historical truth of the Greek drama. In fact, this is the same manner of thinking that Nietzsche will employ a few decades after for his own account on Greek drama from *The Birth of Tragedy*, a text which is occasionally strikingly similar, thematically and stylistically, to the early texts of his musical master, Richard Wagner. Some passages of his *Art and Revolution* do create the impression that the *Gesamtkunstwerk* is only anticipation, an Idea and that the *Gesamtkunstwerk*, the "Drama of the future" is "to be born anew" and not to "reborn" from the ashes of the old Greek drama:

> The perfect Art-work, the great united utterance of a free and lovely public life, the *Drama*, *Tragedy*,—howsoever great the poets who have here and there indited tragedies,—is not yet born again: for reason that it cannot be *re-born*, but must be *born anew*. Only the great *Revolution of Mankind*, whose beginnings erstwhile shattered Grecian Tragedy, can win for us this Art-work. For only this Revolution can bring forth from its hidden depths, in the new beauty of a nobler Universalism, *that* which it once tore from the conservative spirit of a time of beautiful but narrow-meted culture—and tearing it, engulphed. If the Grecian Art-work embraced the spirit of a fair and noble nation, the Art-work of the Future must embrace the spirit of a free mankind, delivered from every shackle of hampering nationality; its racial imprint must be no more than an embellishment, the individual charm of manifold

[19] Wagner, 1849a.

> diversity, and not a cramping barrier. We have thus quite other work to do, than to tinker at the resuscitation of old Greece. Indeed, the foolish restoration of a sham Greek mode of art has been attempted already,—for what will our artists not attempt, to order? But nothing better than an inane patchwork could ever come of it—the offspring of the same juggling endeavor which we find evinced by the whole history of our official civilization, seized as it is with a constant wish to avoid the only lawful endeavor, the striving after Nature.[20]

However, other fragments do hint at a less Romantic, more *materialistic* version of utopia, a social and aesthetic modern phantasm of progress, a progress – needing more than a leap of faith - which is generated by the *machine*, thus fulfilling the allegedly ancient Greek vision of having a society freed from labor and fully conscious of its creative and political powers:

> When the Brotherhood of Man has cast this care for ever from it, and, as the Greeks upon their slaves, has lain it on *machines* (my emphasis),—the artificial slaves of free creative man, whom he has served till now as the Fetish-votary serves the idol his own hands have made,—then will man's whole enfranchised energy proclaim itself as naught but pure *artistic* impulse. Thus shall we regain, in vastly higher measure, the Grecian element of life; what with the Greek was the result of natural development, will be with us the product of ages of endeavor; what was to him a half-unconscious gift will remain with us a conquered knowledge; for what mankind in its wide communion doth truly *know*, can never more be lost to it.[21]

Another dismissal of Wagner's alleged utopianism comes from Wagner himself. Wagner rejected the accusation of being a prophet of another Utopia; he considered himself more of a vitalistic thinker, in a way that he saw art and society as being essentially more intimate to nature than to culture, the later representing just another form of modern decadence. In short, Wagner saw himself more as a philosopher of "life," a materialistic-vitalistic thinker rather than as an idealistic dreamer. We should also not forget that his *Artwork of the Future* contained a dedication to Ludwig Feuerbach, the materialistic philosopher whom Wagner considered as his philosophical mentor. At the end of his *Art and Revolution*, he dismisses his detractors, by claiming that his texts do not prophesize just another utopian version of aesthetics, but that he is instead a true follower of Nature and that his vision about the emancipation of mankind is not just a far-fetched illusion, but a genuine, palpable reality:

> When the learned physician is at the end of his resources, in despair we turn at last to *Nature*. Nature, then, and only Nature, can unravel the skein of this great world-fate. If Culture, starting from the Christian dogma of the worthlessness of human nature, disown humanity: she has created for herself a foe who one day must

[20] Id. ibid.
[21] Id. ibid.

> inevitably destroy her, in so far as she no longer has place for manhood; for this foe is the eternal, and only living Nature. Nature, Human Nature, will proclaim this law to the twin sisters Culture and Civilization: 'So far as I am contained in you, shall ye live and flourish; so far as I am not in you, shall ye rot and die!' (…) Let us glance, then, for a moment at this future state of Man, when he shall have freed himself from his last heresy, the denial of Nature,—that heresy which has taught him hitherto to look upon himself as a mere instrument to an end which lay outside himself. When Mankind knows, at last, that itself is the one and only object of its existence, and that only in the community of all men can this purpose be fulfilled (…) 'Utopia! Utopia!' I hear the mealy-mouthed wise-acres of our modern State-and-Art-barbarianism cry; the so-called practical men, who in the manipulation of their daily practice can help themselves alone with lies and violence, or—if they be sincere and honest—with ignorance at best. 'Beautiful ideal! but, alas! like all ideals, one that can only float before us, beyond the reach of man condemned to imperfection.' Thus sighs the smug adorer of the heavenly kingdom in which—at least as far as himself is concerned—God will make good the inexplicable shortcomings of this earth and its human brood. They live and lie, they sin and suffer, in the loathliest of actual conditions, in the filthy dregs of an artificial, and therefore never realized Utopia; they toil and over-bid each other in every hypocritical art, to maintain the cheat of this Utopia; from which they daily tumble headlong down to the dull, prosaic level of nakedest reality,—the mutilated cripples of the meanest and most frivolous of passions. Yet they cry down the only natural release from their bewitchment, as 'Chimeras' or 'Utopias;' just as the poor sufferers in a madhouse take their insane imaginings for truth, and truth itself for madness.[22]

These conflicting versions of the "Total-work-of-art" will encourage critics to ascribe a darker side to Wagner's term. Left-wing intellectuals, such as Theodor Adorno, do relate *Gesamtkunstwerk* to Wagner's perpetual oscillation between music and politics, as they speculate upon Wagner's xenophobia and upon his aristocratic, elitist political views that motivated some of the ideas present in his musical works. The confusion that surrounded the various uses of the term *Gesamtkunstwerk* in Wagner's theoretical works, however, has been encouraged, to a certain degree, by Wagner himself. Today we are aware about the strong relationship established between the development of the arts at the end of the 19th century and the emergence of a national political consciousness after the unification of Germany in 1871.[23] In fact, as Walter Frisch contends, everything revolves around the particular meaning ascribed to the basic notion of "modernism." Is it obvious that the "modernistic" creed of the 19th century German artists hasn't been constantly in good terms with German nationalism or German politics. German modernism is sometimes, to say the least, an "ambivalent" modernism,[24] if not a puzzling one, a kind of modernism that

[22] Id. ibid.

[23] A comprehensive study about the relationship between German music and the emergence of the "German Spirit" is Walter Frisch's *German Modernism: Music and the Arts* (Frisch, 2005).

[24] Frisch, 2005, p. 8.

envisioned economic and scientific progress as positive, yet, at the same time, fantasizing about the political revival of the idea of the pre-industrial German community bearing the name of *Volk*.

According to Frisch,[25] Wagner has seized the historical moment of the German music idealized as a torch-bearer of the German Spirit. This time, the artist's "modernistic" creed not only interconnected with, but fully embraced a particular aggressive form of nationalism. Seven years after the founding of the German Reich in 1871, Wagner published in *Bayreuther Blätter* two famous articles, *What is German?* and *Modern.* In 1867, he had already published a text under the title *German Art and Politics*. However, these texts are not mere eulogies for the national arts, but genuine expressions of chauvinistic nationalism. In *What is German?* Wagner believed that the German national *Geist* has been suffocated by the emerging capitalism and that the "genuine essence of the German spirit" (*das eigentlich deutsche Wesen*) has been constantly threatened by what he considered as being "modern." The politico-ideological pedigree whereby everything "modern" is seen as "degenerated" is already distinguishable in these 19th century writings. In *German Art and Politics* Wagner saluted the "revival" of the German *Geist* through the intellectual works of Winckelmann, Lessing, Goethe, Schiller, Mozart, Beethoven, yet he deplored the fact that this Spirit has not emerged in the political life also. In opposition to the German *community* stands the French *society,* the Wagnerian correspondent to everything non-German (*undeutsch*). The French civilization is superficial and aristocratic; the German Spirit is born out of the German "people" (*Volk*):

> French Civilization arose without the people, German Art without the princes; the first could arrive at no depth of spirit because it merely laid a garment on the nation, but never thrust into its heart; the second has fallen short of power and patrician finish because it could not reach as yet the court of princes, not yet open the hearts of rulers to the German Spirit.[26]

In *What is German?*, Wagner supports the idea according to which the German *Volk* has been "penetrated" by an "utterly alien element," the Jews. These xenophobic outbursts appear throughout the texts of the 1860's. *Die Meistersinger,* whose libretto was written around that same period, also contains allusions to the idea of pure "Germanness."[27] Texts written in that same period address the relation between Germanness and culture by submitting the goals of art to the main goals of national politics. In *Modern*, a text written in 1878, he discusses modernism as a political doctrine linked to liberalism and Judaism. The connection between Judaism and modernism has always been one of the main clichés of anti-Semitism. Wagner uses the expression "liberal Judaism," which he considers an urban, middle-class phenomenon, opposed to the German *völkisch* class.

[25] Id. ibid., p. 9.
[26] Richard Wagner, *German Arts and Politics*, quoted in Frisch, 2005, p. 10.
[27] Frisch, 2005, p. 11.

In Frisch's view,[28] "modernity" thus appears to Wagner as an "ideological concept" in the manner of Constantin Frantz and Paul de Lagarde, supporters of German racial supremacy. Wagner has been an admirer of both, quoting them constantly in his works.[29]

The German artistic modernism of the wilhelmine period has constantly been shadowed by a powerful political anti-modernistic, conservative movement, which dominated the German cultural world at the end of the 19th century. German modernism and anti-modernism of 1870 to 1900 are highly complex phenomena. Wagner, for example, is a puzzling figure, his musical modernism contrasting heavily to his anti-modernistic political ideology.[30] This is the reason why Wagner's modernism is referred to as an "ambivalent" modernism. In essence, *Gesamtkunstwerk* is the sum of all these contradictions, generated by the conflation of modernism and anti-modernism.

Bayreuth

In his analysis of the Bayreuth phenomenon, Matthew Wilson Smith[31] argues that Bayreuth was the favorite place for Wagner's theater for specific reasons. It was situated in the kingdom of Ludwig the Second, the Bavarian King and the official sponsor of the project. Moreover, the building site was a place allegedly untouched by civilization; it wasn't a large urban centre, such as Berlin or Munich. This indicates Wagner's inclination for a typically "German" site, a symbol of a "Hercynian wild,"[32] in Wagner's own terms, a place which has never been under any foreign rule. The city of Bayreuth was so profoundly German that it could have represented Germanness entirely, according to Wagner's own reflections. Yet, Bayreuth was also populated by numerous Slavs or citizens of Romanic origins, which have been in time assimilated into the German way of life. Wagner saw this as an example of the German spirit of assimilation. On the other hand, Bayreuth was not the "untainted," pure German cultural site either, as Wagner suggested. The city had its own rococo opera house. Nevertheless, Wagner chose the location with the firm belief that his theater-project will stand out as a quasi-religious place of worship, as a temple dedicated to the Muses, as an isolated island for the worshipers of the pure, German Spirit, for the devotees of national culture who were, at the same time, admirers of the works of the great master. In Bayreuth, Wagner tried to fulfill his dream of "reviving" the German medieval spirit by breaking the barriers between the performance and its public, using a *decorum* that should aesthetically transform its spectators from mere modern middle-class viewers into members of the old, early

[28] Cf. Frisch, 2005, p. 13.
[29] The second edition of Wagner's *Opera and Drama* is dedicated to Constantin Franz.
[30] Cf. Dahlhaus, 1970.
[31] Wilson Smith, 2003, pp. 29-31.
[32] Wagner, quoted in: Wilson Smith, 2003, p. 30.

medieval *Volk* highly praised by Wagner's musical oeuvres.[33] Wagner encouraged the massive insertion of landscape paintings into the *decorum* of his opera productions as a "consolation of our impotence, or refuge from our madness,"[34] as an attempt, according to Wilson Smith, to "reconcile humanity and landscape in the approach to the theatre."[35] Through landscape painting, Wagner seeks to restore the lost bond between man and nature. Some of Wagner's dramatic poems were produced with the purpose of being performed within the decorums of the theatre in Bayreuth. The case of *Parsifal* is famous. The poem has been especially created for the Bayreuth settings. In its entirety, the play itself was "a single landscape painting in sight, sound and motion."[36]

The theatre in Bayreuth and the plays performed there created what has been commonly coined as a "phantasmagoria" by the critics of Wagner's works. To his admirers, these performances were "total" representations of an artwork, elaborated in detail and extremely well directed. In the performance of *Parsifal*, Wagner wanted to create the "live" illusion of Gurnemanz and Parsifal's journey to the Holy Grail, by using four dioramas that simulated the hero's walk through the forest. A landscape painting of this kind superseded the effect of Daguerre's dioramas. The spectators present at the first representation of Parsifal were apparently astonished and spoke of a "complete" illusion.[37]

In his study, Wilson Smith[38] shows that a vehement 20th century critic of the "Wagner effect" was the German-Jewish philosopher Theodor W. Adorno. In 1939, at the peak of the NAZI supremacy in Germany, he reopened the famous "case" of Wagner with his *Versuch über Wagner* (*An Essay on Wagner*). The contemporary political allusions of the critique on Wagner were obviously there: by referring to "Wagner," Adorno not only meant Wagner himself, he also meant the cult of Wagner fashioned in the NAZI era, when Wagner's own xenophobic nationalism had become a "patriotic" theme to the NAZI propaganda. Concerning the *Gesamtkunstwerk*, Wagner's followers kept cultivating the confusion which had been initially nourished by Wagner himself. Adorno felt obliged to criticize precisely the "aesthetic" effect Wagner was looking for in his "natural aesthetic creation," to quote Wilson Smith here.[39] As observed by him, Adorno saw two main paradoxes in Wagner's attempt to reconcile man and nature into a grand-scale aesthetic illusion. On the one hand, he contended that Wagner attempted the emotional union between the ideal spectacle and the real spectator by keeping them physically apart through a rigorously designed distance between the stage and the spectator. This way, the real physical distance would have actually generated the "mystical distance" essential to the emotional contact, as

[33] Cf. Wilson Smith, 2003, p. 31.
[34] Richard Wagner, quoted in: Wilson Smith, 2003, p. 31.
[35] Wilson Smith, 2003, p. 31.
[36] Id. ibid., p. 32.
[37] Felix Weingartner, apud: Wilson Smith, 2003, p. 35.
[38] Wilson Smith, 2003, p. 36 sqq.
[39] Wilson Smith, 2003, p. 36.

Wagner's personal notes suggest. On the other hand, Wagner's "illusionistic" effect of *Gesamtkunstwerk* is based on an indispensable *mechanism*, which comprises the production, the work, the technology, and the industry – without which the illusion cannot be completed.[40]

The commentator argues that Adorno observed a so-called "occultation of production" in Wagner, as he named this phenomenon "the formal law governing the works of Wagner."[41] Adorno explains that the occultation technique practiced by Wagner is a sign of the "complicity" of the *Gesamtkunstwerk* to the modern culture, the culture which Wagner has been painfully seeking to condemn. Wagner, in Adorno's view, is proned to hide the orchestra, the "mechanical source" of music precisely because he intended a "total transformation of the auditorium of our neo-European theatre," as he suggested.[42] According to Wilson Smith,[43] Wagner in his *Artwork of the Future* denounced in an anti-modernistic vein the "machine" as a product of "fashion," while the "artistic" was praised as a product of "nature itself." For him, the purpose of the *Gesamtkunstwerk* was man's "absorption" into Nature. However, the "reconciliation" is only possible with the intervention of a *mechanism*. A vicious circle emerges: the "illusion" of nature created by the artwork goes hand in hand with the need for machinery. The stronger the "illusion" of nature, the more powerful the need for the intervention of the machine. Wagner himself observed that, as he tried more and more to hide the illusion, he was forced to multiply the number of images and backgrounds. Finally, Wagner reached the conclusion that the spectator had to be virtually engulfed by images and decorum, so that the theatre, with all its machinery, would become invisible: "after creating the invisible orchestra, I would like to create the invisible theatre."[44]

The "reality" of Bayreuth is essentially anti-utopian, Adorno seems to argue,[45] so that this reality presumptuously seeks to eliminate from the artwork itself, and, accordingly, form the effect of the artwork any negative, undesirable element. This reality suggested by the performance is shaped in such a way that it seeks to hide the reproducible element within the artwork itself, forcing the ascribing to the artwork of an "auratic" status. The Bayreuth-type of realism is theme-oriented towards a "mythical" place, protected by a "mythical" time. It encourages nostalgia, the aura of revived unity between man and nature, at the same time discouraging any attempt to situate the artwork within the present. Thus, comparing Wagner's theatre to the Walt Disney dream-machine or to the "Disney-type realism," as critics do,[46] doesn't seem so far-fetched. The reality of Wagner's performances is as feeble as the reality fashioned by King Ludwig's own masterwork, the Neuschwanstein

[40] Wilson Smith, 2003, p. 35 sqq.
[41] Adorno, 1981, p. 85, also quoted in Wilson Smith, 2003, p. 36.
[42] Wagner, apud Wilson Smith, 2003, p. 37.
[43] Wilson Smith, 2003, pp. 39-41.
[44] Wagner, quoted in: Wilson Smith, 2003, p. 40.
[45] Following Wilson Smith, 2003, pp. 40-41.
[46] See Wilson Smith, 2003, p. 41 sqq.

castle in Bavaria, whose design impersonated the utopian German medieval times. At the beginning of the 20th century, the castle served as a source of inspiration to Disney's "Cinderella" castle. A sample resembling to this fairy-tale castle has been erected at Disneyland.[47]

Gesamtkunstwerk in the *Arcades Project*

The final part of our study focuses on Walter Benjamin's *Passagen-Werk*, analyzing the presence of *Gesamtkunstwerk* in this vast collection of fragments. As a general view, it is well known that the *Arcades* represent Benjamin's most important late work and that the first sketches for the *Arcades* were written around 1927. The general concern of this enormous unfinished *oeuvre* is the theoretical effort of sketching out a somewhat articulate view of modern culture as a whole. Howard Caygill[48] contends that, despite the profound heterogeneity among the fragments themselves, there are several major identifiable topics for this collection of sketches and quotes: the possibility of freedom or repression, possible changes emerging with the development of technology, the ambiguous relation between politics and ritual, the importance of the market in every aspect of modern urban life, the role of art in the wake of the hyper-technological late modernity.

The fragments that survived depict a general history of places and events from 19th century Paris. The way of confronting these texts is not univocal. The text can be read either as an urban "psycho-geography," as understood by the situationists,[49] or as a Surrealist guide of Parisian life, similar to André Breton's *Nadja*.[50] Howard Caygill argues that the *Passagen-Werk* continues Benjamin early searches for a different kind of experience that would overcome the philosophical difficulties that result from Kant's modern epistemological view of "experience."[51] In Caygill's terms,[52] instead of talking about substance or subject, Benjamin prefers discussing in "speculative" terms, such as *transitivity*, that marks the temporal transition, or *porosity*, a term which defines the experiencing of spatial transitivity. These new "categories" are versions of an "immanent critique" related to the study

[47] Wilson Smith, 2003, p. 50.
[48] Caygill, 1998, p. 143.
[49] Cf. Wollen, 2001.
[50] On the influences of Surrealism upon the *Passagen-Werk*, see Cohen, 1993.
[51] Caygill, 1998, p. 147. See also Walter Benjamin, "On the Program of the Coming Philosophy" (1918), pp. 100; 109: "The central task of the coming philosophy will be to take the deepest intimations it draws from our times and our expectation of a great future, and turn them into knowledge by relating them to the Kantian system (...) Indeed it must be said that philosophy in its questionings can never hit upon the unity of existence, but only upon new unities of various conformities to laws, whose integral is ‚existence'. (...) the original and primal concept of knowledge does not reach a concrete totality of experience in this context, any more that it reaches a concept of existence. But there is a unity of experience that can by no means be understood as a sum of experiences, to which the concept of knowledge as teaching [*Lehre*] is immediately related in its continuous development. The object and the content of this teaching, this concrete totality of experience, is religion (....)".
[52] Cf. Caygill, 1996, p. 121.

of urban life. *Transitivity* and *porosity* are also conditions for unexpected, sudden openings, breakthroughs or "passages" between the space of the city and the temporal experience of its inhabitants.

The *Exposé* of 1935, *Paris, Capital of the 19th Century*,[53] is, basically, the summarized version of the big project that survived only in Benjamin's numerous sketches and notes, nowadays collected by the editors of the Benjamin edition under the name *Passagen-Werk*, "The Arcades Project." The real historical Parisian arcades are the main characters of this text. The arcades are depicted as transitory spaces, carrying ambiguous, equivocal meanings, situated, in Benjamin's view, at the crossroads between public and private, inside and outside, passageway and fixed point. In Benjamin's imagination, the arcades, built somewhere around the 1830's, define an indefinable place: they are the perfect breeding grounds for the modern-day *utopias*, anticipations of the future. The "speculative,"[54] superior condition for the arcade is thus being the place that breeds *utopia*. A loss has been attributed to the social and political development of the *bourgeoisie* into a dominating class during the first half of the 19th century. As a consequence, the *arcade* itself developed its early utopian, anticipatory potential into one of many bourgeois achievements, either by becoming a simple public space of commerce or trade or by transforming itself into a private, domestic house, a "reactionary"[55] transformation, if we should quote Benjamin himself. The loss of the initial ambiguity of the construction itself is the process of the turning of utopia, the anticipatory dream, into a "phantasmagoria,"[56] a real, down-to-earth achievement, the 19th century "dream house,"[57] if we should quote Benjamin again:

> Most of the Paris arcades came into being during the decade and a half which followed 1822. The first condition for their emergence was the boom in the textile trade. The *magasins de nouveauté*, the first establishments that kept large stocks of goods on the premises, began to appear. They were the forerunners of the department stores. (…) The arcades were centres of the luxury-goods trade. The manner in which they were fitted out displayed Art in the service of the salesman. Contemporaries never tired of admiring them. For long afterwards they remained a point of attraction for foreigners. An 'Illustrated Paris Guide' said: 'These arcades, a new contrivance of industrial luxury, are glass-covered, marble-floored passages through entire blocks of houses, whose proprietors have joined forces in the venture. On both sides of these passages, which obtain their *light* from above, there are arrayed the most elegant shops, so that such an arcade is a city, indeed a world, in miniature.' The arcades were the setting for the first gas-*lighting*.[58]

[53] Cf. Benjamin, 1968.
[54] Benjamin, 1968, p. 77 sqq.
[55] Benjamin, 1968, p. 79.
[56] Benjamin, 1968, p. 82.
[57] Benjamin, 1999, p. 839.
[58] Benjamin, 1968, pp. 77-78.

In essence, the *arcade* is the epitome of the 19th century city itself. It is the "city indoors,"[59] as explained in the surviving fragments of the *Arcades*. The main characteristic of the arcade is its ambiguous nature, which is neither public, nor private, neither present, nor past, neither actual, nor imaginary. Also, another important aspect is the *light* of the arcades, emphasizing the utopian, ambiguous, anticipatory character of the *lighting* of the 19th century city streets in general. Following Susan Buck-Morss,[60] we should also notice that Benjamin depicts 19th century Paris *on the whole* as an ambiguous place. Firstly, as a *City of Lights*, characterized by the astonishing presence of both imaginary and real technological – optical, mechanical, architectural – innovations on the streets of Paris during the first half of the 19th century. "Light" is here but a metaphor for the *illumination*, a term suggesting the emancipating character of technology and art invented for the use of the urban masses at the beginning of the 19th century. Surely, this bringing together of newly imagined technology and urban mass into a new architectural space generates *utopias*, i.e. perfect opportunities for the future emancipation of social relations through the advent of innovative technology. Social utopias go hand in hand with the technological city. This is why the arcade emerges not only as a bourgeois space, but primarily as a *fourieristical* space, especially designed to bring forward a new form of society. Second, modern Paris is also a *City of Mirrors*, a place where anticipatory technology and art mingle into creating mere "phantasmagorias," theatrical performances oriented not to the emancipatory social goals, but to the transforming of a social "class" into a capitalist "mass" audience, dazzled, entertained and absorbed by the enormous power of technological illusion: the popular spectacle, the "panorama" or the "exhibition." In our times, one would call this popular spectacle the spectacle of "mass-media."[61]

It is therefore not surprising that the presence of *Gesamtkunstwerk* in Benjamin's texts is strongly related to *anti-utopia*, the closure of the anticipative character of artworks or inventions. The *Arcades* discuss *Gesamtkunstwerk* in the context of illustrating the Universal Exhibitions of the 19th century. In a fragment that quotes Siegfried Giedion, the *Gesamtkunstwerk* is explicitly seen as a "premature synthesis" signifying a closure of "the space of existence and of development:"

> Exhibitions. 'All regions and indeed, retrospectively, all times. From farming and mining, from industry and from the machines that were displayed in operation, to raw materials and processed materials, to art and the applied arts. In all these we see a peculiar demand for premature synthesis, of a kind that is characteristic of the 19th century in other areas as well: think of the total work of art. Apart from indubitably utilitarian motives, the century wanted to generate a vision of the human cosmos, as launched in a new movement.' S. Giedion, *Bauen in Frankreich*,

[59] Benjamin, 1999, p. 532.
[60] Buck-Morss, 1989, p. 80.
[61] The entire argument about Paris as an ambivalent place (both utopian and phantasmagorical) appears in Buck-Morss, 1989, pp. 80-81.

> Leipzig & Berlin, 1928, p. 37. But these 'premature syntheses' also bespeak a persistent endeavor to close up the space of existence and of development. To prevent the 'airing-out of the classes'. G [2, 3][62]

In an early version of *Paris, Capital of the 19th Century*, Benjamin considers that Wagner's term *Gesamtkunstwerk* designates the anti-utopia *par excellence*, being the product of bourgeois aesthetic idealism of the 19th century. The main task of Wagner's aestheticism, Benjamin argues, is to separate the artwork from its social reality:

> Art at war with its own commodity character. Its capitulation to the commodity with *l'art pour l'art*. The birth of the *Gesamtkunstwerk* from the spirit of *l'art pour l'art*. Baudelaire's fascination with Wagner.[63]

In *Paris, Capital of the 19th Century*, the text appears as follows:

> Art, which began to have doubts about its function, and ceased to be *inséparable de l'utilité* (Baudelaire), was forced to make novelty its highest value. Its *arbiter novarum rerum* became the snob. He was for art what the dandy was for fashion. Just as in the 17th century allegory became the canon of dialectical imagery, so in the 19th century did *nouveauté*. And the newspapers marched shoulder to shoulder with the *magasins de nouveauté*. The press organized the market of spiritual values, upon which at first a boom developed. The non-conformists rebelled against the surrender of art to the market. They rallied round the banner of *L'art pour l'art*. From this slogan there sprang the conception of the total work of art, which attempted to isolate art against the development of technology. The rites with which it was celebrated were the counterpart of the distractions which glorified the commodity. Both left out of consideration the social being of man. Baudelaire gave way to the delusion of Wagner.[64]

In an earlier version of the *Exposé* of 1935, the idea appears more explicit:

> The art that doubts its task must make novelty into its highest value ... The press organizes the market in spiritual values, in which initially there is a boom. Eugène Sue becomes the first celebrity of the feuilleton. Nonconformists rebel against the commodity character of art. They rally round the banner of *L'art pour l'art.* From this watchword derives the conception of the total-work-of-art, which would seal art off from the further development of technology. The *Gesamtkunstwerk* is a premature synthesis, which bears the seeds of death within it. The solemn rite with which it is celebrated is the pendant to the distractions which surround the apotheosis of the commodity. In their syntheses, both abstract from the social existence of human beings. Baudelaire succumbs to the rage for Wagner.[65]

[62] Benjamin, 1999, p. 175.
[63] Id. ibid., p. 895 (Addenda, "Exposé of 1935," early version).
[64] Benjamin, 1968, p. 86.
[65] Benjamin, 1999, p. 897.

Another place for the *Gesamtkunstwerk* is the "Panorama" [Q] section of the *Arcades*. In the panoramas, Benjamin sees another technical instrument for creating the effect of the total work of art. However, he also speaks about panoramas as an anticipative invention of a future art form: the film.

> It remains to be discovered what is meant when, in the dioramas, the variations in lighting which the passing day brings to a landscape take place in fifteen or thirty minutes. Here is something like a sportive precursor of fast-motion cinematography – a witty, and somewhat malicious, 'dancing' acceleration of time, which, by way of contrast, makes one think of the hopelessness of a mimesis, as Breton evokes it in *Nadja*: the painter who in late afternoon sets up his easel before the Vieux-Port in Marseilles and, in the waning light of day, constantly alters the light-relations in his picture, until it shows only darkness. For Breton, it was 'unfinished' Q [a, 4].[66]

Panoramas, dioramas, nocturnoramas, polyoramas, which their inventors defined as "apparatuses of phantasmagoria"[67] are indeed "dialectical images," as well as potentially phantasmagorical when their anticipative quality is repressed. Benjamin exemplifies the panorama turned political for the *bourgeoisie* in the World Exposition of 1889, the "Panorama Historique" by Stevens and Gervex.[68] When quoting Siegfried Kracauer, he is also presenting Offenbach as seeking the same effect as Wagner, when using nocturnoramas in his operettas.[69] An interesting case in this "museum" of early modern optical illusions is the *Panoptikum*, or the wax museum. It illustrates rather completely the reality-simulation effect of a three-dimensional almost "perfect" (*Gesamt*) optical illusion:

> The wax museum [*Panoptikum*] a manifestation of the total work of art. The universalism of the nineteenth century has its monument in the waxworks. Panopticon: not only does one see everything, but one sees it in all ways.[70]

Nevertheless, the optical apparatuses of illusions that anticipate the age of the film are read also as potentially "dialectical images." Susan Buck-Morss, in her *Dialectics of Seeing* (1989), explains the "dialectical image" as a breakthrough in Benjamin's theory of history. The "dialectical image" is the optical hermeneutist's cipher that sends the (19th century) present into the (20th century) future, through the ambiguous, utopian dream-images of other (future) societies instantiated by the technologically enhanced artworks of the 19th century:

> Dialectical images as 'critical constellations' of past and present are at the center of materialist pedagogy. Short-circuiting the bourgeois historical literary apparatus, they pass down a tradition of discontinuity. If all historical continuity is 'that of the oppressors' this tradition is composed of those 'rough and jagged places' at

[66] Id. ibid., p. 529.
[67] Id. ibid., p. 534.
[68] Id. ibid., p. 536.
[69] Id. ibid., p. 536.
[70] Id. ibid., p. 531.

> which the continuity of tradition breaks down, and the object reveal 'cracks' providing 'a hold for anyone wishing to get beyond these points'. It is the 'tradition of new beginnings' and it corresponds to the understanding that 'the classless society is not the final goal of progress in history', but its so frequently unsuccessful, yet ultimately accomplished interruption'.[71]

In the fragments of the *Arcades*, Benjamin explains this process further. The *Konvolut N* (On the Theory of Knowledge, Theory of Progress) is the text where Benjamin's own version of Marxist historical dialectics unfolds. Buck-Morss[72] maintains that Benjamin is somehow departing itself from the Marxist well-known cliché of establishing a causal connection between economy and culture.[73] Furthermore, he is also attempting to dismiss Marx's theory of historical progress, which he sees as a respectable relic of the Enlightenment thinking.[74] All of a sudden, human history appears no more as a more or less continuous "climbing," shaped analogously to the natural evolution of the species, but as a discontinuous meandering of sudden outbursts of meaningful events. In the wake of the modern Industrial Age, modernity, imbued with technology, suddenly brings to the fore, in the images themselves, the (new) mythical powers of symbols. As Benjamin writes, "Capitalism was a natural phenomenon with which a new dream sleep fell over Europe and with it, a reactivation of mythic powers."[75] The basic fact is that it is the images, and not the texts that reflect the allegorical truths of a whole technologically enhanced era. By recognizing in Marx's vision of a classless society a secularized version of the Messianic Age,[76] Benjamin envisions a materialistic element, the image-medium, as a "pedagogic" ladder, different from writing, of descent into history:

> Pedagogic side of the undertaking: "To educate the image-making medium within us, raising it to a stereoscopic and dimensional seeing into the depths of historical shadows." The words are Rudolf Borchard's in *Epilegomena zu Dante*, vol. 1, Berlin, 1923, 56-57.[77]

The dialectical images themselves are explicitly endowed with political meaning and explained as "telescoping the past through the present" [N 7a, 3]:

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[71] Buck-Morss, 1989, p. 290.

[72] Benjamin's theory of history as explained here appears in: Buck-Morss, 1989, pp. 290-292.

[73] As in *Konvolut N* [1a, 6].

[74] "Overcoming the concept of *progress* and overcoming the concept of *period of decline* are two sides of one and the same thing. N [2, 5]," in: Benjamin, 1999, pp. 460; 473: "The concept of progress must be grounded in the idea of catastrophe. That things are "status quo" *is* the catastrophe. It is not an ever-present possibility but what in each case is given. Thus Strindberg [in *To Damascus*?]: hell is not something that awaits us, but this life here and now. [N 9a, 1]"

[75] K [1a, 8], in: Benjamin, 1999, p. 391. See also N [2 a, 1].

[76] See Benjamin, 1999, p. 456, quote from Marx, letter from Marx to Ruge, September 1843: "The reform of consciousness consists solely in … the awakening of the world from its dream about itself."

[77] Benjamin, 1999, p. 458.

> It is not that what is past casts its light on what is present, or what is present its light on what is past; image is that wherein what has been comes together in a flash with the now to form a constellation. In other words, image is dialectics at a standstill. For while the relation of the present to the past is a purely temporal, continuous one, the relation of what-has-been to the now is dialectical; is not progression but image, suddenly emergent. (…) [N 2a, 3][78]

The fragment of the *1935 Exposé* explains the "dialectical image" in close connection to the technological images he presents as potentially "utopian." There is an allegorical conversion inverted here: these images are real-life snapshots, which imply allegorical characters, and not allegorical characters implying real people or real facts. At the same time, the images reflect the collective political unconscious of the masses. According to Susan Buck-Morss[79], in Benjamin's fusing of Marxist theory of class consciousness and Freud's dream theory, the collective dreams contain repressed images. Identifying these images in the past is part of the optical historian's task of discovering "politically explosive" material into these *Ur*-symbols of modernity:

> But it is precisely the modern which always conjures up prehistory. That happens here through the ambiguity which is peculiar to the social relations and events of this epoch. Ambiguity is the figurative appearance of the dialectic, the law of the dialectic at a standstill. This standstill is Utopia, and the dialectical image therefore a dream-image. The commodity clearly provides such an image: as fetish. The arcades, which are both house and stars, provide such an image. And such an image is provided by the whore, who is seller and commodity in one.[80]

The historian becomes here a "prophet facing backwards," as Friedrich Schlegel, one of Benjamin's early sources, put it in his fragments.[81] Dialectical image is explicitly opposed to the *Gesamtkunstwerk* as the "primal phenomenon of history:"

> The dialectical image is that form of the historical object which satisfies Goethe's requirements for the object of analysis: to exhibit a genuine synthesis. It is the primal phenomenon of history. [N 9 a, 4][82]

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[78] Id. ibid., p. 462. It is also true that this idea of "time" creates a new style of comprehension for the peculiar concept of historical "truth" that is related to it. See *Konvolut N* [3, 1] for Benjamin's own critical discussion of Heidegger's "historicity."

[79] Buck-Morss, 1989, p. 275.

[80] Benjamin, 1968, p. 85. For a developed argument about Benjamin's "dialectical image," see Buck-Morss, 1989, pp. 273-275.

[81] Schlegel, 1991, p. 27: "The historian is a prophet facing backwards. (A, § 80)"

[82] Benjamin, 1999, p. 474.

Epilogue: towards a virtual *Gesamtkunstwerk*

It is thus the phantasmagoric quality of the *Gesamtkunstwerk*, the mixture of machine technology and art gallery, business and pleasure creating a "premature synthesis" that captures its viewers. In Susan Buck-Morss's view, it is the beginning of the "pleasure industry" (*Vergnugungsindustrie*) of the 20th century that is already there in the great *Expositions* of the 19th century. On the other hand, the commodity value of the exhibited object is at the same time overwhelmed by the sheer exhibition value. It is when the public itself that was taught to derive pleasure from the spectacle began to depend on this kind of optical mystique that the mass entertainment business produced. The *Expositions* were the first "folk festivals" of capitalism that created the great *mass* (*Masse*) of consumers. She also relates that this *mass* already began to take shape on the streets of Paris during the construction of the arcades. Soon, the "mass" engulfed the entire society. Of the fifteen million visitors of the 1867 International Exhibition four hundred thousand were French workers that received free tickets to see the "wonders" of the Industrial Age. Foreign workers were housed at the government's expense. The workers were included in the new fetishism of modern industry and technology. Their presence was not as buyers but as simple admirers, admirers taking pleasure from staring at the miraculous exhibition power exerted by the machines they themselves produced. Later, with the emergence of large-scale production of goods the workers themselves began to take part not only in the fetishizing mystique of the mass product, but also in the economic process of buying and consuming.[83]

What about the *Gesamtkunstwerk*? Is it still here, in the interstices of the contemporary entertainment industry? As one author contends,[84] the virtual reality (VR) is the contemporary version of *Gesamtkunstwerk*, whose roots lie in the optical apparatuses of illusion designed in the 19th century for the World Exhibitions, such as the stereoscope, to which Benjamin refers many times in the *Arcades*. With the invention of the stereoscope, technology generated a simulation of a world by rendering it depth and fidelity. The technology of simulation was already being developed in Wagner's technical and artistic achievements. The features of the nowadays virtual reality generated by computer technologies are, in relation to its ancestors from the 19th century, no more than enhanced versions of the same concept of *simulated reality*. According to Michael Heim, in his *Metaphysics of Virtual Reality* (1993),[85] virtual reality (VR) is definable by six fundamental features: *artificiality*, that operates as an accurate *simulation* of reality; *interactionality* between spectator and environment, so that the separation between spectator and actor, fiction and reality is basically annulled; *immersibility* of the environment, which seeks to absorb the viewer into a unified array of sensual media; *telepresence*, the virtual presence of persons involved in the simulation process (such as the remote control of a robot on Mars or the virtual simultaneous collaboration of webpage designers from different

[83] Buck-Morss, 1989, p. 85.
[84] Wilson Smith, 2003, Chapter 4, "Virtual Reality as *Gesamtkunstwerk.*"
[85] Quoted by Wilson Smith, 2003, p. 156 sqq.

continents); *networked communicability*, not through words or body language, but through a *mixture of sight, sound and motion* exchanged by actors in the virtual world.

Following Wilson Smith's description,[86] species, such as the "Cinema of the Future," invented by the Hollywood little-known cinema artist Morton Heilig (a student of philosophy at the University of Chicago) in the 1950's and 1960's (among other inventions of his, the *Experience Theater* of 1955, the *Stereoscopic TV Apparatus for Individual Use* of 1960, *The Sensorama Stimulator* of 1962) are the precursors of nowadays *3D cinema* technologies, which still continue to seek out and push the limit of three-dimensional multimedia effects. These effects were already put into practice by Heilig's 1962's *Sensorama*, such as blowing air or emiting odors. The basic concept under it was to generate a 3D theater that immersed the spectator in a "synthetic accumulation of media."[87] The *3D media gaming* entertainment industry was the next (play)ground for the *Gesamtkunstwerk*. However, these inventions were taken seriously by the entertainment industry only a few decades after they were planned by their utopian inventors. And, of course, the most important element of the informational industry that took part in this revolutionizing of the media from 2D to 3D were the computer technologies, which only developed as a globalizing force after the 1990's. Driven by the computer industry, the internet technology enhanced even further the technological phantasm of living in a *simulated* reality. Soon after the global widespread of the internet, computers began to capture cinema, sound and gaming into a single technological accomplishment: the portable computer.

Wilson Smith[88] also shows that Heilig wrote an essay in 1955, entitled "The Cinema of the Future," which seemed almost like a pastiche of Wagner's own "Artwork of the Future." The same theses about the *simulation* of reality in art were developed further into the 20th century cinema. As Wagner himself, he deplored the unpredictability of man in the realization of the "total" performance and stimulated the involvement of the machine in the process of making or performing a work of art. He separated the arts into "pure" arts and "combined" multi-media arts, such as theatre, ballet, opera, which he saw as more inclined to creativity and more prone to accept the admission of technology into their process of production. The "aesthetic unity" of the work of art would be thus enhanced by the precision and the simulative accuracy of the machine. He sought to capture the reality of human consciousness entirely through his *Gesamtkunstwerk*, a consciousness which he saw as an amalgamation of sense elements ("70% sight, 20% hearing, 5% smell, 4% touch, 1% taste"). In a note of phantasmagoria turned aesthetic, in Benjamin's terms, Heilig wanted to capture the total reality of consciousness by simulating artificial sense materials:

> Open your eyes, listen, smell and feel – sense the world in all its magnificent colors, depth, sounds, odors and textures – this is the cinema of the future! (...) It will eventually learn to create totally new sense materials for each of the senses –

[86] Wilson Smith, 2003, p. 151 sqq.
[87] Wilson Smith, 2003, p. 152.
[88] Morton Heilig, "The Cinema of the Future," *Multimedia*, Packer and Jordan, quoted by Wilson Smith, 2003, p. 155.

> shapes, movements, colors, sounds, smells, and tastes – they have never known before, and arrange them into forms of consciousness never before experienced by man in his contact with the outer world.[89]

Furthermore, as it has been argued[90], Heilig not only aimed at simulating human consciousness, he also wanted to imagine a machine that would simulate human society as well, the interplay of various consciousnesses. With him, the pathway was opened towards the total fusion of, on one hand, technology and human being, on the other hand, of technology and art. Several years later Roy Ascott's "telematic" visions of art took further the kind of interplay of human consciousness and virtual reality prognosticated by Wagner almost a century earlier.

Conclusion

In his explanation of *Gesamtkunstwerk*, Benjamin posits his own answers to major topics[91] that pertain to the fragments of the *Arcades*. Concerning the issue of fusing technology and art in a new type of artwork, Benjamin does not reject it. On the contrary, with illustrations from Scheerbart, Loos, Le Corbusier, he embraces the new architectural impetus of fusing technology with art, of creating architectural utopias that transform the everyday experience of time and space and stir the peoples' wishes towards social and political utopias. Avant-garde film is also one of Benjamin's favorite fields of addressing the ever more urgent need for the "training" of the public's sensorial capacities so as to adequately receive modern-day experiences. He also warns us against the opposite of this fusion of technology and art into utopian artworks with the advent of *Gesamtkunstwerk*, which uses the same mechanisms, but for different purposes – distraction, entertainment purposes, masking bourgeois political purposes. For Adorno, "reconciliation of man and nature" – a theme often suggested by Wagner, the inventor of the *Gesamtkunstwerk* – was an occultation performed by the mechanism inherent to the total-work-of-art. The "aesthetic" myths of the Gesamtkunstwerk stand, as comfortable dreams, at the dawn of the 20th century mass entertainment industry. *Gesamtkunstwerk* is thus conceived by Benjamin as an attempt to isolate the critical social and aesthetic value of artworks into an aestheticizing dream that surreptitiously strives to appease the social uneasiness of its stultified audience.

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[89] Heilig, quoted by Wilson Smith, 2003, p. 155.
[90] Wilson Smith, 2003, p. 155 sqq.
[91] These topics are announced in Caygill, 1998, p. 143, also quoted above.

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FROM THE *TOTAL ART* IDEAL TO THE *IDEAL* OF THE TOTALITARIAN ART. POLITICIZATIONS AND AESTHETIC DILEMMAS OF THE ROMANIAN FINE ARTS AVANT-GARDE DURING THE SOCIALIST REALISM

DAN-OCTAVIAN BREAZ*

ABSTRACT. This article proposes a re-evaluation, from the perspective of art history and theory, of the various politicizations and aesthetic avatars of the Romanian fine arts avant-garde during the years of the Socialist Realism ideology (1945-1964). Therefore, we have pointed out some aesthetic dilemmas of the avant-garde in the Romanian fine arts, capturing the tension of the confrontation between the avant-garde ideal of a *total art* and the new constraints imposed by the totalitarian art *ideal*, respectively between the avant-garde art's ideal of a synthesis and the *art for all* desiderata, specific to the Socialist Realism ideology.

Keywords: Socialist Realism ideology, total art, totalitarian art, tutelary avant-garde, dependent avant-garde

Introduction. The ideological and aesthetic dialectics of the avant-garde and the Socialist Realism

This article aims at a reassessment of the various politicizations and the aesthetical avatars of the Romanian fine arts avant-garde during the years of the Socialist Realism ideology (1945-1964), and starts from the necessity of clarifying the premises and the purposes of this artistic phenomenon. In this respect, we will try to render the tension of the encounter between the avant-garde ideal of the *total art* and the new constraints imposed by the *ideal* of the totalitarian art, respectively between the avant-garde art's ideal of a synthesis and the *art for all* desiderata, specific to the Socialist Realism ideology. Following the lines of some conceptualizations and methodological points of reference from the field of art history, philosophy and sociology of art, we will undertake the re-evaluation of some of the most important aesthetic features of the Romanian avant-garde, starting from a re-questioning of the terms of the argument between "the return to order" and the affirmation of the avant-garde in the 1930s, when the avant-garde itself, afflicted by the anxiety of classicization, could be considered both inevitable and impossible[1].

* *Department of Philosophy, Babes-Bolyai University, 1 M. Kogălniceanu str., 400084 Cluj-Napoca, Romania. Email: danbreaz@yahoo.com.*

[1] Cârneci, M., 2000, p. 40; Vlasiu, I., 2000, pp. 11-17.

This endeavour aims to fill in a double shortage of the historiography concerning the phenomenon of avant-garde painting in Romania, in which we are not only dealing with a scant theorization of the concept of *avant-garde* in the field of fine arts, but also with a scant knowledge and understanding of the aesthetic recurrences of the avant-garde in the Romanian art world, respectively of the role and contribution of some representative Romanian artists – among which, for example, M.H. Maxy and H. Mattis-Teutsch – to the development of this artistic phenomenon during the years of the Romanian Socialist Realism. The acute scarcity of some useful convergence of viewpoints on Socialist Realism research represented one of the main limitations that have determined us to tackle this research on the aesthetic dilemmas and on the politicizations of avant-garde art during the years of Romanian Socialist Realism. The contrastive study of the tense interference between the two controversial, both artistic and ideological paradigms was prompted by the conviction that their analysis in parallel would have the advantage of their reciprocal revaluation and the capacity of calling into question the changes the avant-garde went through under the ideological pressure of the Romanian Socialist Realism.[2]

The present phase of the study of this aesthetic-and-ideological dialectic has determined us to propose a comparative analysis of the Romanian avant-garde and Socialist Realism, perspective which could be labelled as the shift of the avant-garde movement from a *total art*, under a predominantly aesthetic point of view, to a *total art* under a predominantly ideological one. In this respect, we will argue the need of comparatively approaching the coexistence between the historical avant-garde and the Socialist Realism, namely the metamorphoses of the historical avant-garde in Romania during the years of Socialist Realism, due to, on one hand, the emphasis of the aesthetic ideology of the avant-garde on its political implications and, on the other hand, to the political ideology regarding its aesthetical implications. The latter – joined to the ideology of progress and the mythology of the *new man*, of the new Messianism or the utopian belief in an egalitarian creation of a better future for mankind[3], through an art with profound social implications – has lead, as we all know, to the emergence of the Socialist Realism as "an ideological art, a mere illustration, photographic-like, of some imposed dogma."[4] Given the questioning of the historical meeting between the avant-garde and the Socialist Realism, the contrastive approach of the aesthetic avatars and of the politicizations of art specific to this aesthetic and ideological confrontation can also present the advantage of bringing relevant explanations on the implementation of the Socialist Realism in a local artistic environment, reluctant to the radical aspirations of the historical avant-garde.[5]

[2] Cârneci, M., 2000, p. 40.
[3] Kagan, M. S., 1979, pp. 178-183.
[4] Cârneci, M., 2000, p. 22.
[5] Vlasiu, I., 2002, p. 531.

One of the main reasons having determined us to structure our research on the subject of the Socialist Realism from the perspective of its opposition towards the historical avant-garde is the fact that, as M. Cârneci noticed, the Socialist Realism practiced in Romania arose, like in all communist countries, from the fight between "Russian revolutionary artists and propagandists of the Soviet Party." In this dispute over the role of art and its ways of expression, "propagandists win against the initial authentic approach of avant-garde artists and submit it to the ideological prerogatives."[6] Consequently, Cârneci appreciates that in order to understand the Romanian variant of the Socialist Realism, we must first understand its "classical" formula, representing the manifestation of a compromise that used to allow the coexistence of several aesthetic ideas and artistic forms: Marxist aesthetic ideas, a realistic stylistics of the nineteenth century (especially the Russian one, represented by *Peredvizhniki* painters, such as Repin or Surikov), forms of the romantic and heroic literature and forms of mobilizing and agitation art, as they used to be practised before and during the 1917 Revolution, to which were added "subsequent distortions and simplifications due to the dominating party bureaucracy." In conclusion, what was initially implemented in Romania – and in the other occupied countries – could be considered as "idealizing declamatory classicism" (in Fr. Fejtö's terms), characterized by aesthetic dogmatism and ideological inflation throughout which a retrograde and anachronistic aesthetic paradigm was imposed and within which Soviet artists became models to follow compulsorily and the only fully valid ones[7].

We can therefore assume that, if the objectives of the Socialist Realism were mainly ideological and only secondly aesthetical, the objectives of the historical avant-garde were, on the contrary, firstly aesthetical and secondly ideological, despite of the left wing political convictions it has so often displayed. This is the reason why we will highlight the tension between objectives quasi-related at first sight, but fundamentally antagonistic at a closer look. This determined us, as already mentioned, to propose for this research the observation of some significant aspects of the aesthetic avatars and of the politicizations of art, at the aesthetic and ideological crossroad between the historical avant-garde and the Socialist Realism.

Therefore, this investigation is conceived as a recovering approach meant to emphasize, even if only in a sectorial plan, the importance and role of the avant-garde in Romania and within the Central and Eastern European area. At the same time, our attempt of reconsidering the artistic features specific to the Romanian avant-garde – which in our opinion is a *conclusive avant-garde* – will place the Romanian avant-garde between a culture of crisis and a culture of continuity. Therefore, by using the expression "conclusive avant-garde" we try to capture the paradoxical position of the Romanian avant-garde, arising mostly from the fact that, although numerous Romanian painters have found themselves among the initiators or promoters of

[6] Cârneci, M., 2000, pp. 23-24, quoting Groys B., 1990/2007a.
[7] *Ibidem*, 23-24.

important modern artistic movements, respectively of the avant-garde, the complete manifestation of their art in Romania will only take place after 1920, namely after the first wave of the historical avant-garde had already manifested in Europe[8]. Following the dialectics of the artistic constitutive conventions, we will analyze both the peculiarities of the Romanian fine arts avant-garde by relating it to those from the Central and Eastern European area, and the relations that were shaped in Romania between these aesthetic programs (the *tutelary* avant-garde) and the political realm (the *dependent* avant-garde). The analysis of the aesthetic avatars of the avant-garde will examine, therefore, the official and the concealed paths of the avant-garde Romanian artists' ideological disenfranchisement within the artistic program of artistic re-education of the Socialist Realism. The examination of this process will allow us to understand the artistic reasons and consequences which made certain artists such as J. Perahim and M.H. Maxy, in the absence of renewed contacts with the West, to change their orientation and to return during the 1950's and 1960's to the forms of an avant-garde that was already institutionalized in Western Europe and thus "consecrated" by its inclusion in the overall cultural circuit.

Artistic modernization and meanings of art's politicization

Having in view the relative overlapping of the historical, aesthetic and ideological elements that we have already mentioned, both the multi-semantic and the restrictive feature of the term *politicization* are relevant for the analysis of the relationship between the Romanian avant-garde and the ideology of the Socialist Realism.

From a theoretical perspective, J.J. Gleizal (1999) considers that the so-called politicization of art represented a form of "mediation" between the artistic and the social, while E. Forgács (2002), from a historical perspective, notices instead that the confrontations of the First World War have led in a relatively short period of time to the politicization of the intellectual activity and of the cultural activity in general. From an aesthetical perspective, M. Jennings (2004) in his turn refers to the avant-garde artistic strategies which did not only have aesthetical motivations but also political ones, thus identifying more or less obvious echoes of the Marxist philosophy. Implicitly, T. Shapiro (1976) gave a relativist turn to the term of *politicization*, using in this respect notions like *political opinion* or the even more general notion of *social attitude*.

The attention given to the various politicizations and aesthetical dilemmas of the Romanian avant-garde during the years of the Socialist Realism starts from the need both to reopen the discussion on the relationships between aesthetic premises and finalities of the artistic avant-garde, and to clarify and correlate again the ideological premises and finalities specific to the Socialist Realism movement. In

[8] For a general presentation of the peculiarities of the Romanian fine arts avant-garde, by relating to those from the Central and Eastern European scene, see Prut, C., 1982, and especially Grigorescu, D., 2003.

this respect, one could frequently find in the specialized literature either the thesis of a total disjunction between the aesthetical programs of the historical avant-garde and the political program of the communist regimes (Mansbach 1999), or the thesis of a total conjunction between the respective aesthetical programs and the political program of the communist regimes (Groys 2007a). Without being affiliated to any of these two perspectives, we try to analyze these approaches and to choose everything we considered to be valid within them in order to carry on in a personal manner a more balanced thesis, in the line of that proposed by M. Cullerne Bown (1998) who, without excluding the communication between the aesthetic and the political, still favours a chiefly aesthetical and stylistic analysis of the Socialist Realism.

We also consider that the novelty and benefits of this study reside in the need to understand the avant-garde within an exhaustive view upon the phenomenon of modernity itself, born at the Eastern borders of industrial Europe (Mansbach 1999). Yet this understanding is impossible outside an articulated perspective upon the avant-garde painting within the Central and Eastern European area, including Romania, where seemingly in a paradoxical way the aesthetic rationale that led to the emergence of this cultural phenomenon was relatively identical to that which led to its disappearing. Thus, given the fact that the social applicability of the aesthetic programs arisen in the area of Eastern and Balkan modernity (Dadaism, Constructivism, Cubism-Expressionism) proved to be an extremely active feature within the equation culture–ideology–society[9], we believe that certain opinions of some Western authors – among which, for instance, those referring to the possibility, the capacity or the necessity of the "artist-dictator" to become involved in the "reshaping of the social corpus"[10] – should be seriously fined or reconsidered when referred to the Central and Eastern European countries.

This is why we will consider the existence, between the avant-garde's radical ideal of a *total art* and the radical ideology of the *ideal* of a totalitarian art, not only of the so-called *tutelary* avant-garde, but also of what we call a *dependent* avant-garde (understood as politically controlled, directed, employed or engaged art), which generate the entire discussion regarding the consequences of different levels of politicizing the art, both in Romania and in other Central and Eastern European countries. In analyzing this distinction, we use a number of conceptual and methodological updates coming from the fields of sociology of the arts and the art policies. Noticing, in our turn, the preeminence in the inter-wars and in the post-war Romania of the *étatique* model of cultural policy, similar to the French model analyzed by R. Moulin (2003), we cannot but ask what was the true nature of the seduction exerted by the ideology of Socialist Realism upon the Romanian *conclusive* avant-garde, which were the options of the Romanian artists between the "socialization of the creative risk" and the interventionist role of the Party-State. In this argumentative order, Ph. Sers (2003) underlines the unity of thought between the avant-garde

[9] Mansbach, S.A., 1999: 2; Piotrowski, P., 2009.
[10] See Michaud, E., 2003, pp. 15-34.

movements and the insurrectional ideal, observing crucial turns on four battlefields and in four steps: the abstract revolution in painting, the opposition between poetry-literature in verbal creation, the fight of interiority against style in architecture and the more firm intention to oppose the "psychological" or "metaphysic theatre" against the so called "spectacle" or "theatre of life".

The historical avant-garde managed to live on the edge, forcing the coexistence of some specific areas (Connor 1999). These co-existences resulted from and were built on multiple intersections and tensions: aesthetic ruptures (from the great Western art), but also political support (left-wing political orientations ever since the Post-Impressionism period until the political adherence to the totalitarian regimes), a culture of interruptions, but also a certain unity of reflection (Sers 2003); an opening towards society, but also an increasingly authoritative method to manipulate it; an absolute freedom of creation (the *tutelary* avant-garde), but also questionable political commitments (the *dependent* avant-garde).

This dilemmatic frame has the role of establishing a double perspective that questions the Avant-garde itself on two levels: on one hand, from the perspective of a *anti-humanistic* nihilist artistic *de-ontologized* avant-garde, disconnected from the old way of being and from the old artistic foundations (a culture of crisis), and on the other hand, from the perspective of a *re-ontologized* avant-garde, which relies – within a culture of continuity, with unifying aspirations or demands – on a new experience of social communion and taking advantage of the rereading of the concept of truth, which will further justify the argument concerning the paradox of the *humanism* of Romanian avant-garde. Thus, in the analysis of the aesthetic changes of Romanian avant-garde, some key terms of the research could be established (*conclusive* avant-garde, *tutelary* avant-garde, *dependent* avant-garde etc.), not only from a chronological perspective (the beginning of the 3rd decade), from an aesthetic perspective (the "classicist" reference of Romanian avant-garde to all the other artistic movements or to self recurrences) or from the perspective of the means of establishing its programs (in Romania, abroad, and again in Romania), but also from the perspective of its origins coming from certain (*re-ontologized*) areas of avant-garde movements.

In this respect, we notice the importance for the theoretical approach of the artistic avant-garde phenomenon of conceptual delimitations used by W. Benjamin in the third decade of the last century, a theoretical frame which highlights the perspective from which can be approached the aesthetic dilemmas of the fine arts avant-garde in Romania; respectively, the problematic of getting from the ideal of *total art* (Romanian avant-garde being a sui-generis "integralism") to the *ideal* of totalitarian art, in other words, the tension of the encounter between the avant-garde ideal of *total art* and the new constrains of the *ideal* of totalitarian art, between the ideal of synthesis of the avant-garde art and the desideratum of the *art for all*, as an *ideal* of art in the period of the communist extremism. As a result, the *total political project* of the Socialist Realism seemed to motivate the avant-garde artistic project, which, in its turn, had the totalitarian aspiration. Therefore, the

humanist values that were shared by the communist utopia had been very well summed up by Benjamin (2002, 2002a, 2004), even if he identified them in a wider social-democratic context.

Because one of the delimitations most often questioned by the artists of the historical avant-garde was the one between the elitist aesthetic desiderata of the avant-garde and the desideratum of an increased social addressability, which was transformed, together with the Socialist Realism, in the approach of making art accessible to everybody, the research should directs towards exploring the factors that determine art's production and consumption. From a similar perspective, L. Heller (1997) not only observes the effects of the so-called "artistic method" of the Socialist Realism over the artistic creation, but questioned the "artistic method" of the Socialist Realism itself, regarding its possibility of being aesthetically valued and noticing that the notion of Socialist Realism was often used in association with a terminology which had nothing to do with aesthetics. In his approach to clarify this matter, Heller identified the "ideological commitment", the capacity to think in the spirit of the party and the "national/ popular spirit" as central concepts of the Socialist-Realist aesthetics. Therefore, "ideological commitment" presupposed the use of the plastic elements in such a manner that they would participate in emphasizing a dominant idea that would simultaneously represent both the guiding principle and the reason of being of these plastic elements.[11]

This reorientation of the aesthetic principles towards ideological finalities was also pointed out by V. Margolin (1997). In this respect, the social command represented, after Margolin, one of the main tests to which the avant-garde artists were subjected to. Not by accident, the same author appreciated, a change occurred within the Soviet avant-garde, together with the passage from the emphasis that Modernism put on the individual receiver, to the emphasis put on a so-called "simultaneous collective reception."[12] This is why, as P. Bourdieu claimed, we can consider that, if the act of cultural consumption reactivates the specificity of the cultural goods to differentiate each other, then in the case of transition from self-sufficiency of the individual reception to the sufficiency of the collective reception there is a completely opposite process.[13] In other words, while in the case of democratic regimes the reception is differentiating and therefore we can talk about a genuine originality as a consequence of the dissociation from the social equality, when the new norms that were imposed to the artists were implicitly intended to reintegrate the social equality at the level of the collective reception, the differentiating distances that characterized until then the cultural goods seemed instead to be abandoned.

[11] Heller, L., 1997, pp. 51-53.
[12] Margolin, V., 1997, p. 165.
[13] Bourdieu, P., 1979, p. 249.

Nevertheless, it is not less true that the passage from individual reception specific to modernist art, to the so-called "simultaneous collective reception" (Margolin 1997) specific to the principles of the Socialist Realism was anticipated even by the avant-garde artists of the interwar period, which valued the communist ideology, meaning they took over some elements from several of the pre-war movements. As a result, even if the political implications of the Romanian avant-garde painters were rather accidental in origin than the results of some authentic convictions, it is not less true that the aesthetical positions of most of the famous artists from the interwar period, including avant-garde artists, among which M.H. Maxy, J. Perahim or H. Mattis-Teutsch – which saw in the communist ideology a beneficial split of the humanistic and socialist thought of the pre-war thinking trends – have fed the hypothesis of a fundamental ambiguity of the manifested artistic options and of the aesthetic compromise. They were either seduced by the universalist potential of communism or they manifested an unexpected docility towards the new political system. Under these conditions, the thesis proposed by C. Karnoouh (2000) and by B. Groys (2002, 2007) calls into question the Manichaean vision that opposes the state-party, creator of the "new man", to the currents of the avant-garde between the 1920's and the 1930's, subordinated to a "democratic" art. Thus, Groys sees only an aesthetical contradiction between the ideology of the avant-garde in the 1930's and its subsequent artistic recurrences, and the ideology of Socialist Realism, appreciating that their cultural, social and political projects could have been considered as relatively concordant.[14]

Thus, the difficulty of the consecration of the Romanian avant-garde of the fine arts and, subsequently, of the perpetuation of this artistic formula during the Socialist Realism – as politically *dependent*, respectively *engaged* or even *guided* avant-garde – is firstly related to the specific manner in which the process of modernization unfolded in Romania, a sluggish process, in a permanent recovery effort. Significantly, in the moment when the transition from the historical avant-garde (*tutelary*) towards the politically *dependent* avant-garde was made, the recovery effort of the avant-garde manifested through its *connection* to the social realities through the works of M.H. Maxy, J. Perahim or H. Mattis-Teutsch, passed in the stylistic and ideological suborder of the Socialist Realism. The acceptance of the need of *connection* of the historical avant-garde works to the realities of the social and institutional reception from that time entitles us, in agreement with A. Gehlen, to consider them as "inseparable units" between themselves and their own comments.[15] Groys (2007) incidentally explained this artistic dialectic in the terms of understanding the avant-garde as an art which explicitly reflects in itself its own social, historical or political contextualization. At the same time, the artistic comments are not exterior, they represent in their turn an integral part of what makes the avant-garde works of art to be judged as interesting and valuable, both in a referential and in a self-referential way.

[14] Groys, B., *apud* Karnoouh, C., 2000, pp. 82-83.
[15] Gehlen, A., *apud* Groys, B., 2007, pp. 101-102.

These comments are made by transferring the anti-bourgeois and anti-traditional ideologies at the level of an artistic environment with a specific morphology and through the pronounced tendency of the avant-garde works that, through a more complex aesthetical coding, they can take the place of the high classical art, such an appreciated art in the reference system of the bourgeois taste, which was substituted in Romania of the years following the Second World War by the reference system of the Socialist Realism. Consequently, at the limit of the continuities or even of the contaminations between the Romanian historical avant-garde and the Socialist Realism ideology we have not only the sharing of the anti-bourgeois ideology, but also the fight to enter in the circuit of the official art. Besides, what supported the thesis of the disjunction between the historical avant-garde and the Socialist Realism was the elitist sensibility that Groys[16] identified in the rejection of the principle of direct reaction of the spectator towards the artistic creation specific to the avant-garde art, but non-specific to the Socialist Realism, which pursued the manipulation of the spectator exactly by depriving art of the excessively complex aesthetic means, which would obliterate the spectator access to the didactic content of the artwork. However, at the same time, the Socialist Realism and the historical avant-garde shared the evaluative pressure directed upon the artwork and upon its context, which were in permanent demand of aesthetic update or under permanent ideological influence.

On the other hand, the Socialist Realism resembles the historical avant-garde from the point of view of their historical role in what was called and estimated to have represented the interruption of the direction of a continuous development. In this respect, Benjamin was, followed by R. Poggioli, among the first ones to consider that the main effect of the artistic avant-garde battle with everything that had already been founded, established or understood was exactly the interruption of "the sense of continuous development in the arts."[17] During 1920-1924, when the majority of the representatives of the historical avant-garde returned home, they had proposed just the realization of such a caesura within a historical and artistic local development. They would shortly discover, as P. Bürger (1992) and subsequently A. Gibson (2003)[18] noticed, that works of art do not function as independent entities, they belong to an artistic institutional framework which determines what art should be or what art should do.[19] If as self-defined avant-garde artists they did not manage to surpass the functioning of this artistic framework, once the communist regime was established they were given in exchange this opportunity, but from the position of artists subjected by the new political power.

[16] Groys, B., 2007, p. 102.
[17] Benjamin, W., *apud* Gibson, A., 2003, p. 205.
[18] Gibson, A., 2003, p. 206.
[19] Bürger, P., *apud* Rochlitz, R., 1992, pp. 256-257.

"Invented traditions" and artistic "re-education": a new "reading of the Romanian Socialist Realism"

For pointing out the social elements that were manipulated by the representatives of the political power after the instituting of the Communist regime, in order to change the *tutelary* avant-garde into a *dependent* avant-garde, it is helpful to use some concepts formulated by H. S. Becker in his book *Art Worlds* (1982) and by A. Bowness in *The Conditions of Success* (1989) from a sociological perspective, as well as by V.E. Bonnell (1997). Becker's analysis is founded on the concept of "art world", by which he understands the network of cooperation created by people who interact, according to some common conventions that regulate the principles and means of realization of artworks. Becker notices that regularly the art worlds tend to impose certain ideologies referring to the specificity of the profession of artist, within which a certain activity is determined as essential for both the artistic act and the definition of the profession of artist, [20] which leads to the identification of the functioning of a teleological determinism specific to the artistic politics. Relatively similar to the theoretical position previously evoked, Bowness considered not only that "success is conditioned, in an almost deterministic way", but also that "artistic fame is predictable."[21] From this theoretical position, Bowness identified four successive circles of recognition that artists have to face on their path towards general recognition and fame.[22]

The guiding lines of the investigations proposed by Bonnell in *Iconography of Power: Soviet Political Posters under Lenin and Stalin* (1997), can contribute to the opening of new perspectives on understanding the aesthetic avatars and the politicizations of the avant-garde art during the years of the Romanian Socialist Realism. Within her research, Bonnell starts from the premise that in order to transmit the message to the new political power, the Bolsheviks resorted, immediately after having taken the power, to the institution of the so-called *"*invented traditions*"*, a concept that Bonnell[23] takes from E. Hobsbawm and within which the notion of "class" becomes a true central epistemological concept: "Class, rather than nationality, religion, gender, or ethnicity, was to serve as the basis for social and political solidarity."[24] If, according to Bonnell, the first two primordial functions of these "invented traditions" were to legitimize new institutions and new relations of power – consequently, one of the most important ideological concerns was to establish the legitimacy of the State-Party and of the new relations between subordinate and dominant social groups- the third function was to convey, at the social level, those values which, internalized, turned into genuine conventions, able to direct the individuals' social behaviour towards a

[20] Becker, H.S., 1982, pp. IX-XI, 18-22, 30-36.
[21] Bowness, A., 1989, p. 7.
[22] *Ibidem*, pp. 11-16, 21-29, 39-42, 47-50.
[23] Bonnell, V.E., 1997, pp. I, 2-10, 14.
[24] *Ibidem*, p. 2.

guided social cohesion and towards the formation of the consciousness of a new perspective upon the continuity with the past. Bonnell identified invariance, repetition and clarity of the messages transmitted as essential characteristics of the *"*invented traditions*"*, without which the latter would not have succeeded in being efficient: "Not since the French Revolution of 1789 had there been a regime so unequivocally committed to the transformation of human beings through political education."[25] According to the same author, the special attention given to the visual means of political propaganda has much more profound cultural and historical explanations and implications as well. In this respect, we shall mention Bonnell's statement emphasizing the fact that, unlike Byzantium, which expressed its ideology predominantly through words, Russia expressed its ideology mostly through images: "By the 1920, Bolshevik artists had generated distinctive images that incorporated elements from various traditions but were also unmistakably expressive of the Bolshevik ethos."[26]

From this perspective, we can generate a new "reading of the Romanian Socialist Realism", in terms formulated by Cârneci (2000). We consider that the ideology of the Romanian Socialist Realism succeeded in reaching this desideratum even by imposing a program of "communist re-education"[27], in which it turned to the corresponding tools of ideologically manipulating art. A first major form of manipulation was the propaganda and the imposition of the soviet models. A second form of manipulation, equally efficient, was the ban from practicing certain artistic genres that prevailed during the interwar period. Consequently, a third radical form of manipulation consisted in making a new hierarchy of the artistic genres, according to their relevance for the social transformations that had already taken place or which were about to occur. Therefore, the retrograde aesthetic paradigm which would be imposed in Romania, through the ideological program of artistic re-education between 1944-1948, whose last clarifications have been established between 1952-1958, constituted itself, as a manifestation of an "idealizing declamatory classicism", characterized by aesthetic dogmatism and through an ideological inflation which made that in Romania of that time to be practiced one of the most severe forms of artistic control from all the Eastern European countries.[28]

In this new context, artists developed various survival tactics. Being manipulators of a symbolic capital of society, in their quality of intellectuals, artists had to play the part of rendering legitimacy to the community values. Artists were now responsible with the political socialization. In this situation, their role was of ordinary practitioners and re-presenters of some ideological precepts, to whose elaboration they did not participate. In this respect, it has even been accredited the idea that the Romanian artists and intellectuals, similarly to those in Czechoslovakia, would have proven, against the harshness of the Totalitarian dogma, more passive

[25] Bonnell, V.E., 1997, p. 3.
[26] *Ibidem*, p. 7.
[27] Cârneci, M., 2000, pp. 23-24, 30, 39.
[28] *Ibidem*, pp. 23-24, 27.

attitudes, that were more conformist or better hidden than those manifested by Polish or Hungarian artists, as a reaction to the same aesthetic dogmatism and ideological violence.[29] According to the appreciations expressed by the majority of modern analysts, the long historical experience, Orthodox religious education, and the collective memory would have been at the origin of conformism, of the passivity, and of the dissimulation characteristic of the Romanian intellectuals. Naturally, there are exceptions among the artists of international fame that have chosen exile. Among these V. Brauner and M. Iancu[30] who continued abroad their activity of protagonists and animators of the avant-garde.

If it is accepted that fine art of the twentieth century recorded at its beginnings a series of "realisms"[31] and, implicitly, multiple references to this kind of tradition, then it can also be considered that the motivations of accepting the Socialist Realism can however outpass, in complexity, the socio-historical explanations specific to the conjuncture. Resorting to this kind of explanation, the specialized literature has often had the tendency of isolating the Romanian Socialist Realism from the general artistic context and of transforming it in an "unexplainable aesthetical monstrosity."[32] In fact, the Socialist Realism aesthetics was far from being totally new in the era. Thus, during the 1930's, at a European level too there was what was called the tradition of the "Social Realism". The Socialist Realism experience was consequently possible also because of the fact that the local realist tradition was still alive and quite prevailing in Eastern Europe at that time and many of the Romanian artists were thus influenced by the fashion of the "new realism" of the 1930's. Paradoxically, the meeting between the Social Realism and the Socialist one could even produce sometimes some valid aesthetic results, as it happened for instance in the case of Al. Ciucurencu or C. Baba. This "Social Realism" has to be connected to another ideological phenomenon that took place at the beginning of the century, namely that in the countries in which the effects of modernity also led to the distressing financial crises of the first decades, the so-called "democracy for the masses" was conceived in counterpart and its corollary was the "mass culture". Similarly, the movement of the "new classicism" of the 1920's, which preceded the Social Realism from the 1930's, was marked by the financial crisis caused by the First World War.[33]

In the same vein, E. Forgács (2002) emphasized the fact that the events of the First World War generally politicized, in a relatively short period of time, both the intellectual activity and the cultural activity. In this context, Expressionism became in literature and in the visual arts the stylistic instrument for the ideology of the

[29] Cârneci, M., 2000, pp. 28-29.
[30] For a general view on the activity of M. Iancu, as protagonist and animator of the avant-garde, see Şerban, 1996.
[31] Cârneci, M., 2000, pp. 40-42; Vlasiu, 2000, pp. 11-17; Enescu, 2003.
[32] Cârneci, M., 2000, p. 39.
[33] Cârneci, M., 2000, p. 41-42; Vlasiu, 2000, pp. 11-17.

international solidarity and of expressing rebellion against the war: "The term avant-garde was once again infused with its original military and political meaning. The avant-garde groups were engaged in social and political antiwar propaganda, class struggle, and the anticipation of a new, egalitarian post-war reality."[34] Forgács[35] also noted that previous to the establishment of the totalitarian regimes, many artists from the Central-European countries gave up searching for the theoretical consensus which characterized Expressionism from before the First World War, preferring to consider themselves activists stimulated by an increasingly active social conscience and often by political purposes: "The entire activity of each vanguard group was imbued with a variant of the Futurist insistence on an epochal break with the past."[36]

T. Shapiro (1976) mentioned the split that took place during the nineteenth century, as well as during the second half of the twentieth century, among the artistic principles specific to the so-called "series of combative movements" and the traditionalist academic principles. The radical artists included by Shapiro within the "combative movements" had in common the emphasis they put on their superiority of intellectual and spiritual nature compared to the ordinary people, on their independence relative to social conventions, arriving even at excluding themselves from society. However, Shapiro also noted the fact that radical artists of the "combative movements" were sometimes associated not only by their opponents, but also by their supporters, with the left-wing political trends. Moreover, he noted that both the representatives of the traditional movements supporting the academic principles, and the representatives of the radical and militant movements considered themselves as periodically belonging to an avant-garde and, therefore, they would share a prophetic perspective on the history and human destiny, assuming at the same time, the aspect of an "political or artistic leadership".[37] However, Shapiro[38] observed, one question remains legitimate, respectively the one referring to the existence or nonexistence of some real similarities between the artistic avant-gardes and the political avant-gardes, that would be relevant beyond the context of appearances. At the same time, in his opinion, the majority of the avant-garde painters are characterized by their humanist spirit, by cosmopolitism, as well as by the utopian conviction regarding the interdependency between social and artistic liberation:

> With very few exceptions – and I mention all the exceptions I am aware of – avant-garde painters were humanitarians, internationalists, believers – often aggressive ones – in artistic revolution, utopians who hoped that artistic and social liberation could somehow be achieved together and in interdependency.[39]

[34] Forgács, É., 2002, p. 143.
[35] *Ibidem*, pp. 143-144.
[36] *Ibidem*, p. 144.
[37] Shapiro, T., 1976, p. xi.
[38] *Ibidem*, pp. xi-xv.
[39] *Ibidem*, p. xiii.

Not lastly, the representatives of the historical avant-garde would address a future humankind, the only one capable of understanding the revolutionary ways throughout which the Avant-garde artists were capable to express their own time. The ideal of expressing their own time, through a revolutionary artistic language, led to a real aesthetic break from the art of the past, whose consequences among which we identify the difficult reception of the public, have been doubled economically by the effects of the crisis following the First World War. This crisis was followed, from a political point of view, by an increasing nationalism, doubled by the conscience that the project of the first modernity would have been guilty of having been "too" avant-gardist. Along the same line, just before the Second World War, numerous modern or even avant-garde artists (Westerners or Easterners) discovered the "errors of modern art", the need to "engage in the real" and the need to "return to order", a more or less traditional artistic order. Thus, the *total political project* of the Socialist Realism seemed able to impel the avant-garde artistic project, which in its turn aspired to "totality".[40] That "engaged art", promoted by a part of the artistic interwar avant-garde, now had the possibility to slide towards a downright "directed" or "controlled art":

> Engaged art, promoted by a part of the artistic avant-garde between the World Wars leads almost straight towards directed art. So, they could say that the Socialist Realism fulfilled the most utopian dreams of the avant-garde, as it got to organize the whole social life according to unique artistic forms imposed to the entire social corpus.[41]

In this respect, P. Wood[42] noticed that, apart from the fact that the Socialist Realism represented an imposed view of the world, those to which this view was imposed appreciated realism to a certain extent and depreciated the avant-garde to a certain extent too. In other words, the Socialist Realism was founded on the principle according to which the realistic representations are meant to change the data of concrete reality, instead of reflecting them.

Referring to the concept of "proletarian culture", Wood emphasized the fact that it appeared together with the organization called *Proletkult* and that it represented an essential factor of discrimination between the realism specific to avant-garde movements and the realism defined as a representation of the immediate reality. This is why the "figurative" realism gradually shifted further and further from the "modernist" realism. In other words, P. Wood explained, the artistic avant-garde came to be considered as devoid of content, together with imposing the artistic concept according to which the content of an artwork is the same as the subject represented.[43]

[40] Cârneci, M., 2000, pp. 40-42.
[41] *Ibidem*, p. 41.
[42] Wood, P., 1993, pp. 263-265, 268-269.
[43] *Ibidem*, pp. 270-272, 275.

Under these new conditions, the efforts of some of the representatives of the Romanian avant-garde to adapt to the demand of the requirement to equal the content of a creation with its subject, eventually lead to the loss of the avant-garde character of the artworks. On the other hand, the international context of the 1950's was also a period marked by the tensions of the cold war, which separated both the political "concentration camps" and the artistic "fields" specific to the Western and Soviet world. Thus, Cârneci concluded, there were external reasons for which the Socialist Realism had to represent the Eastern European Socialist values, by opposition to the "bourgeois avant-garde" of the capitalist block. Similarly, the Abstract Expressionism promoted as a "state avant-garde" by the United States all over the free world at the end of the 1950's can be seen as an "'imperialist' artistic ideology, widespread in the Western art of the time.[44] Consequently, there were also artists who, in Cârneci's opinion, "saw in the Communist ideology a continuation of the pre-war movements of humanist and socialist thought."[45] They are a group of avant-garde artists who had been either sympathizers or actual illegal members of the Communist Party, starting the end of the 1930's. Painters M.H. Maxy and H. Mattis-Teutsch, graphic artists J. Perahim, A. Jiquidi, H. Hermann, V. Kazar, and the sculptor Vida Geza are the most known representatives of this direction:

> The relationship between avant-garde and communism is an interesting phenomenon [...]. This movement that identifies with absolute nihilism, with the detachment from everything and anything, with the well-known *lachez tout*, as Maurice Nadeau characterizes it, the avant-garde is in a more particular way an anti-bourgeois revolt, an epochal non-conformism. The break imposed by the avant-garde left behind a void which Marxist ideology rushed to fill in. It certainly was nothing more than a kind of parasitism that evolved at the expense of the nihilistic streak of the avant-garde, a reversal of discontinuity pushed to its ultimate consequences. It was a mystification, because the aim of nihilism could not be replaced by a political and social purpose, irrespective of its nature. Nevertheless, many avant-garde artists fell for this compromise with relatively good faith. The term revolution created certain confusion. The continuation of the interior revolt into practical endeavour seemed rather natural."[46]

Strong supporter of some prestigious avant-garde magazines (*Integral*, *Contimporanul*, *Unu*), scenographer, decorator and member of the *Decorative Arts Academy,* lead by himself since 1928, M.H. Maxy was righteously defined as "the most mobile and active representative of the avant-garde at a creative and organisational level, being present in the exhibitions of the *Contimporanul* group*, Grupul de artă nouă (New art group), Grupul plastic (Plastic group)*."[47] However, especially after

[44] Cârneci, M., 2000, p. 42.
[45] *Ibidem*, p. 35.
[46] Grigurcu, Gh., 2004, p. 9.
[47] Cebuc, A., Florea, V., Lăptoiu, N., 2003, p. 115.

1926, the creation of M.H. Maxy gradually starts to be marked by an increasingly pronounced social character. Thus, his painting will prefigure the dramatic changes that art suffered after 1944, through the striking contrast between his previous works and the dogmatic compositions that the communist regime subsequently imposed.

Reappraisals of the concept of progress in art

Having in view some reappraisals of the concept of progress in art, we shall investigate how and why M.H. Maxy, for example, together with other avant-garde artists came to artistically represent completely ideologized views on art. Therefore, we start from the premise that, despite the previous Socialist convictions of the same artists, they have been subjected, after 1944, to the same programme of artistic re-education, through which the totalitarian communist power implemented the process of "correcting the mistakes" of some interwar artists.

The first main changes produced by this repressive programme of "communist re-education" were made visible at the *Official Salon* of painting and sculpture from 1945. This process is extremely obvious not only by comparison with works of the artist from the interwar period, creations that correspond to a totally different aesthetics, but also through comparison with a series of paintings from the strongly ideologized period between 1952 and 1958. Among these, we must mention *Sondă nouă la Moreni ("*New Oil Pump in Moreni"), 1952, and *Interior de uzină la Reşiţa* ("Plant Interior from Resita"), 1958. Just like in the case of L. Macovei's graphic art, within the ideological messages of mass re-education, the artistic identity expressed did not belong so much to the characters, to the human figures represented, but to the ideological intent of implementing within the masses, by manipulating the fiction artistically represented by these characters. The "new humanism" and the "re-humanization" of the art were thus made by manipulating the psychology of the characters, dimension understood as a receptacle of the new social transformations, because the Socialist Realism, beyond the manipulation of the identity of these characters, was rather more interested in identifying them with the new social functions they had to exercise.

However, behind the images, behind the representations made by "employed" artists, a series of masks of a rhetoric of the ideological discourse is gradually made up.[48] In the case of several works made by M.H. Maxy, for instance, "re-humanization of the art" and the "new humanism" are made not only indirectly by manipulating the discourse from behind the images, but also directly by the values of explanation of their titles – *Sondă nouă la Moreni* ("New Oil Pump in Moreni")*, Muncitori din*

[48] For a general view on the ideological dimension of this phrases from the ideologized texts of the time – the "new humanism", "psychological dimension of the new man", the need of a "re-humanization of art", "a more accessible to masses artistic language", eliminating the "subjectivism", the preoccupation for what is "formal" and for the "escapist" tendencies, the need of fixation on the "significant" or the eloquent summing up of a "personality" etc. –, see Popescu, M. *et al.*, 1959; Ionescu, R., 2003; Pelin, M., 2000.

Petrila ("Workers from Petrila") or *Interior de uzină la Reşiţa* ("Plant Interior from Resita"), *Muncitorii repară uneltele ţăranilor* ("Workers Reparating Peasants' Tools") or *Ion Finteşteanu în rolul lui Orgon* ("Ion Finteşteanu playing the part of Orgon") –, which contribute from the discourse's point of view at a faster and more eloquent decoding of the image support.[49] All these "stories" or fictions of the ideological discourse from behind the images demonstrate, in Şuşară's opinion, the way in which M.H. Maxy, or, for example V. Kazar, were temporarily contaminated with the „pseudo-messianic appearance of the early communism"[50], they gave up their aesthetic views and they gradually replaced them with the "Socialist-Realist story", with elements of „the symbolic imagery of early communism", of the "Socialist Realism imagology."[51] This led to the distortion of reality and to "fictionalizing of history" and moreover, to the "fictionalizing of artistic expression and of the world itself" within "the space of a reversed mimesis", as Şuşară calls it.[52] Grigurcu (2000) calls it an "interpretation fraud" generated, as part of the Stalinist-Dejist propaganda, by the need to ensure the legitimacy of Socialist Realism during the *proletkult* years. In fact, following Maria Ana Tupan (2000; 2004), Grigurcu resumes the analysis of the relation between the avant-garde and communism on several occasions[53], still in keeping with the cultural and historical order of the illusion sustained by most representatives of the Romanian avant-garde artists that this would be the way to attain the "re-synchronizing with European modernity."[54]

Following M. Deac[55], who launched the thesis of the fundamental artistic ambiguity of the creation of the most important artists of Romanian avant-garde, among which M.H. Maxy, H. Mattis-Teutsch, S. Pană or J. Perahim, we attempt to make an estimate of the extent at which the artists of the avant-garde subscribed out of conviction to the dogma of the Socialist Realism and to what extent they were constraint to such an ideological "conversion" through the programme of artistic re-education in the middle of the last century. For this purpose we have defined in broad lines the programme of the Socialist Realism, ways of ideological manipulation of the art, causes of the tensions between communist rulers on one hand and artists of the historical avant-garde and intellectuals on the other hand, in terms of another reading of the Socialist Realism ideology, from the perspective of the idea of "re-humanization of art" and of its meaning revealing of the social transformations.

Consequent to our previous analysis, we need to highlight the relative similarity between the avant-garde desideratum of the *total art* and the elements of the *ideal* of the totalitarian art, that the artists of the avant-garde could have considered,

[49] Şuşară, P., 2006.
[50] Şuşară, P., 2006a.
[51] Şuşară, P., 2006a, 2008a.
[52] Şuşară, P., 2002; 2006b; 2008.
[53] Grigurcu, Gh., 2000: 15; 2002: 9; 2004: 9, 15; 2005: 9.
[54] *Ibidem*, 2005: 9.
[55] Deac, M., 2003, p. 44.

at the end of the 1930's, as consonant with the humanistic values meant to replace the liberal values of the pre-war social movements. This consonance was possible because many representatives of the avant-garde thought that their doctrinal principles had in common with the communist ideology the conscience that, alike the revolutionary classes, radical artistic groups too were obliged to interrupt the continuity of history and modify its path in the terms of the "founding violence". As Benjamin says, all violence, as a means, either founds the right or is *de jure* conservative. If it does not raise the claim on both attributes, it thus strips off any validity.[56]

According to some theoretical positions, among which the most important ones related to our topic remain, in our opinion, the contributions proposed by Cârneci (2000), Bonnell (1997) and Julius (2001), the tension between the two different artistic paradigms, meaning the one between the historical avant-garde and the Socialist Realism was solved in two different ways. The first one was a violent elimination of the old artistic principles of certain cultures, as a result of the roles of the State-Party's authoritative exercise within the social reconstruction of the reputation of the artists and of the value of the artworks, meaning through the transformation of the relationships between artists, the State-Party, and the artistic institutions ideologically subordinated to it. The second way was quite the opposite and followed the path of an insidious process of substitution of the fundaments of the respective culture's own value systems with the ones of the Totalitarian ideology dogmatism. In order to illustrate this last case, for instance, A. Julius resorted to numerous and surprising analogies throughout which he presented and argued the reasons of the Socialist Realism's substitution of the main themes from the Christian art. Moreover, Julius appreciated that one of the main objectives of the Socialist Realism propaganda was the promotion of "a rival religion."[57] It is why the author considered that Socialist Realism contributed to the transformation of the Socialist theory in a new form of idolatry:

> Socialist Realism has its place at the terminal point in the long decline of socialism across the last century, as it withered from a theory of political liberation into a spirit-enervating idolatry. Socialism became a theory of Stalin's perfection, Socialist Realism the visual form of this theory.[58]

In this context, the theory of the visual discourse of the Socialist Realism, who particularly emphasized the notion of progress, was definitely not at all accidental, while, according to M. Doorman[59], the significance and applicability of the notion of progress in art represented an essential preoccupation for the majority of the artistic movements from the twentieth century: "During the twentieth century, the question of the significance and applicability of ideas of progress to art was one of

[56] Benjamin, W., 2004, p. 14.
[57] Julius, A., 2001, pp. 21-23.
[58] *Ibidem*, p. 23.
[59] Doorman, M., 2003, pp. 10-11.

the crucial tenets of the avant-garde and, in fact, of all trends and movements (not insignificant words in themselves) in modern art."[60] Doorman will consequently observe that the works that did not fit in the aesthetical categories involving the notion of progress were not considered to be "modern" and were more or less overlooked.[61] Along this progress line, D. Kuspit explained that from the perspective of the logic of decadence, there can only be "advance or decline", the possibility of stagnation or uncertainty being excluded. More precisely, considering that the theoretical discussion that we propose over "the dialectic of decadence", in terms of artistic "advance or decline", has its origins in the modern art, Kuspit defined decadence as a reactivation of a tradition in the process of decline, or as a "compulsive repetition"[62] of some artistic formulas which, meanwhile, are no longer able to stimulate the artistic imagination:

> This is an old modern idea, epitomized in F.T. Marinetti's famous remark that "a race-automobile is more beautiful than the Victory of Samothrace," no doubt because it is of more limited aesthetic means. Judd, Braque, Marinetti and a host of other modern artists oppose and want to repress what they label decadent, as thought that in itself was an advance, or at least a necessary condition for it.[63]

For Kuspit[64], the fact itself of avoiding decadence presupposed making an artistic advance, with the meaning of the concept that has been understood by many modern and contemporary artists, such as G. Braque, P. Mondrian or D. Judd, the latter one remarking in his turn in the works of F. Stella or K. Noland the obvious signs of the respective artistic advance. According to this theory, the artistic advance presupposed the elimination of any unconscious form of "mimetic intent" which could even pass through the most famous and valuable works of the fine art of that time: "Spatial illusion is an inevitable 'compositional effect' in even the most advanced European abstract painting."[65]

Actually, this was also the reason for which we investigated the manner in which artistic creativity of the representatives of the Romanian historical avant-garde from the period of the Socialist Realism related to their own cultural model, from the perspective of "the dialectic of decadence" in modern art[66], when this research of the aesthetic avatars and the politicizations of art at the level of the relationships between the Romanian avant-garde and the ideology of the Socialist Realism starts from the premise that, while the historical avant-garde, as we previously noticed, had an aesthetic whose implications were also ideological, the Socialist Realism, in return, had an ideology whose implications were also aesthetical.

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[60] Doorman, M., 2003, p. 11.
[61] *Ibidem*, p. 11-12.
[62] Kuspit, D., 2000, pp. 22-23.
[63] *Ibidem*, p. 23.
[64] *Ibidem*, pp. 20-21.
[65] *Ibidem*, p. 21.
[66] *Ibidem*, pp. 20-23.

Certainly, according to Becker (1982), the "art worlds" regularly tend to impose certain ideologies referring to the specificity of the profession of artist. Within these ideologies one can identify the functioning of a certain teleological determinism, essential both for the artistic act and for the definition of the profession of artist. Despite the fact that Becker noticed this determinism regarding the art worlds within the democratic societies, we consider, however, that the same determinism also functioned with a much greater rigidity in the framework of the totalitarian political regimes. It is why, in agreement with Cârneci[67], we start from the premise that the Socialist Realism succeeded in imposing a true programme of artistic re-education, having called upon all appropriate tools to ideologically manipulate art. Along the same line we also consider that although it represents a part of the modern art, the Socialist Realism does not share the same view over the dialectic of decadence. However, despite the fact that it starts from the same desideratum of limitation of the aesthetic means, in the Socialist-Realist vision for instance the update or reiteration of a realist stylistics of the nineteenth century, with all its emphasized mimetic implications, represents the avoidance of decadence and the making, in the terms of Kuspit[68], of a so-called "artistic advance". Consequently, it is just the mimetic intention, the resort to tradition and the elimination of any unconscious form of abstraction, in measure to implicitly attract the accusation of formalism, pre-eminently represented the essence of the Socialist-Realist vision over the dialectic of decadence. This is the reason why we consider that the Socialist-Realist model of this complex dialectics is completely opposite to the one whose origins have been identified by Kuspit even in the ethos or in the programmatic expressions of the avant-garde.

Similar aesthetic arguments regarding the progress factors enhancing modern artistic creativity in democratic regimes are to be found with Bowness.[69] By contrast, artistic creativity during the Socialist Realism period was characterized by the conjunction between the increasingly severe ideological directives, vaguer aesthetic precepts and more applied artistic explorations. In fact, we can retrace through this antinomy all the elements that sum up the shift from a competional model of creativity to a directive political model imposed on artistic creativity. On this level, the difference between the avant-garde desideratum of the *total art* and the prerogatives of the *ideal* of the Communist totalitarian art, equally revolutionary, would consist in the fact that, while for "a follower of the historical materialism", as Benjamin observed (2002), time stops in the exact moment in which they write history, instead for the avant-garde artist, according to A. Compagnon (1998), the present represents the outpost from which the future can be determined or changed. Along this line, A. Finkielkraut stated that the art definitions, from the sociological

[67] Cârneci, M., 2000, pp. 23-35, 39-42.
[68] Kuspit, D., 2000, pp. 20-23.
[69] Bowness, A., 1989, pp. 7-9, 16-29, 39-50.

perspective opened mainly by Bourdieu[70], can be reduced to as many challenges of the class struggle, because, by means of certain artistic products resulting from the ideological pressure exercised by the totalitarian thought, these judgements of value become as many rules throughout which the dominant class prescribes and violently imposes visions over the world[71]. Just like for Benjamin, the initial moment of founding any of such judgements of value equals an act of *founding violence*, resulting in denying the individual, contradicting freedom and preserving the power by exacerbation of the repressive force.[72]

Following A. Besançon[73], Cârneci observed that under these conditions the role of the Socialist Realism was one of distorting the tangible reality, of hiding the reality by resorting to the ideological unreality, which existed according to the Party's will and as a symbol for it[74]. One can appreciate that here too occurred the kind of change that was situated by Benjamin between the moments in which the artistic production gives up the criterion of authenticity, its social function being no longer based on the ritual, but on the politics.[75] Considering this re-founding and revalorization of the artistic principles according to the political criteria, respectively from the perspective of the principle of interrupting the historical continuity which is at the origin of the revolutionary ethos, we previously noticed that the artistic avant-garde had in common with the communist ideology the conscience that, alike revolutionary classes, radical artistic groups were also obliged to discontinue the continuum of history and modify its path in the terms of the *founding violence* postulated by Benjamin. This made J. Derrida observe that Benjaminian philosophy operates the distinction between *founding violence* on one hand and the *conservative violence* on the other hand, meaning the one that assures the permanence and the enforceability of law, which makes that all manifestations of this dialectical couple, should it correspond to an "aestheticization of politics" as "totalitarian radicalization" to be reproducible within an aesthetic of the representation[76].

This transformation was also discussed by P. Piotrowski (2009) when he noticed that the specificity of the modernist tradition was interrupted in Romania when with the communist propaganda and with the beginnings of the implementation of the Stalinist cultural model, which also prevented the continuation of the constructivist tradition promoted by magazines such as *Contimporanul ("*The Contemporary*")* or *Integral* and by artists or writers, among which M. Iancu, M.H. Maxy or I. Vinea. This is why, Piotrowski claimed, the Neo-Constructivism did not meet in Romania

[70] Finkielkraut, A., 1998, p. 88: „la définition de l'art est « un enjeu de la lutte entre les classes » (Pierre Bourdieu, *La distinction. Critique sociale du jugement*, Editions de Minuit, 1979, p. 50)".
[71] *Ibidem*, p. 84.
[72] Delpech, T., 2005, p. 26; Finkielkraut, A., 1998, p. 84.
[73] Besançon, A., 1996, pp. 7-15, 339-403.
[74] Cârneci, M., 2000, pp. 26-31, 39-42.
[75] Benjamin, W., 2002a, p.3.
[76] Derrida, 2004, pp. 31-41, 67-95.

the same development as it had during the 1950's and the first half of the 1960's in other Central-Eastern-European countries, such as Poland and Yugoslavia, where the interest for Neo-Constructivism was an expression of the opposition to neo-classicism and Socialist Realism that the communist regimes imposed in this part of Europe.[77]

The theoretical perspective opened by Piotrowski, in as far as dogmatism and cultural control of the 1950's and first half of the 1960's are concerned, which prevented the plenary expression of a Romanian Neo-Constructivism, allows us, as Mansbach (1999) also stated, to correlate this interruption of the development of our modernist tradition from 1944-1954 with the lack of other elements of cultural continuity. Thus, according to Mansbach[78], in Bucharest, unlike other Balkan artistic centers, modern art had not presented itself yet as a development stimulus for the national identity; therefore it could not have served the Socialist-Realist art in identifying artistic precursors capable of legitimating it. From this point of view, Piotrowski's remarks that, unlike in Romania, in other communist countries the tradition of Constructivist Art was never interrupted, is very significant for the artists' relationship with the communist power.[79] According to Piotrowski, this new variant of post-war Constructivism was largely the result of communist *reductivism*, which stripped Constructivism from its rhetorical tradition referring to the rationalization of its social structures, to collectivism and to a new order created with the Revolutionary impetus. Moreover, apparently artists understood that it was useless to claim their right to such rhetoric:

> During the post-war period Constructivism was certainly subject to reductivism. It was largely stripped of its original (1920s) utopian ideology. As a result, the rhetoric of revolution, the new order, collectivism, rationalization of social structures and so forth disappeared from the discourse accompanying the post-war Neo-Constructivism. The communists, who compromised the dream of the Grand Utopia while using its language well into the 1950s and 60s (and occasionally even later), were, of course, largely responsible for that shift. The artists who lived in the East (the situation is rather more complicated in the West) understood perfectly well that such rhetoric functioned as a fig leaf for the totalitarian system of power, which followed the cultural policies outlined in the 1930s by such Stalinist ideologues as A. Zhdanov.[80]

A similar vision on the relationship between avant-garde utopia and the new Totalitarian regimes can also be met in M. Cullerne Bown, who disagreed with the theses proposed by Groys, thus distancing himself from the argument that "aestheticization of politics" by the leaders of the Communist Parties would be a reaction to the

[77] Piotrowski, P., 2009, pp. 115-116, 140-146. In order to support this thesis, he referred to the catalogue of the exhibition *Reductivismus* by L. Hegyi.
[78] Mansbach, S.A., *apud* Piotrowski, P., 2009, p. 115.
[79] Piotrowski, P., 2009, pp. 140-146.
[80] *Ibidem*, pp. 141-142.

"politicization of aesthetics" by the representatives of the avant-garde. Cullerne Bown too emphasized that it was unlikely that the assessment of the political decisions related to their aesthetic consequences actually came from the art of the representatives of the historical avant-garde.[81] Here we also notice that together with the thesis of the aesthetic compromise and the fundamental artistic ambiguity of the artistic options of the most important artists from the Romanian avant-garde, it was frequently invoked that there was a relative similarity between the avant-garde desideratum of the *total art* and elements of the *ideal* of the totalitarian art that artists of the Romanian avant-garde could have considered at the end of the 1930's as consonant with those humanist values meant to replace the liberal values of the pre-war social trends.

Conclusion. Ideological manipulation of the avant-garde's artistic creation principles

Our research started from the premise that the ideological subordination of artistic institutions imposed by the Romanian totalitarian regime and the ideological manipulation of the avant-garde principles of artistic creation through communist propaganda, namely the artistic re-education program outlined by the Socialist Realism have reshaped the coexistence typologies of various aesthetic, philosophical or cultural fields during the period of *proletkult* dogma.

The forcing of the coexistence of these fields in the area of artistic militantism took place in Europe at several levels, as a consequence of multiple intersections, simultaneities, metamorphoses and tensions, comprising aesthetic ruptures (with the great Western art) and also political adhesion (left wing orientations starting in the post-impressionist period and ending with complete attachment to the totalitarian regimes), the manifestation of a culture of the interruptions and at the same time a culture of a certain "unity of thinking" (Sers 2003). Cârneci adds to this series other contrastive pairs, such as: the propensity to open up more toward society and also an authoritative way of manipulating it; the ideal of absolute freedom of creation (the case of *tutelary* avant-garde following the same path with "Western post-war neo-avant-garde", but from "inside the dominating force of totalitarian art") and also the reality of some arguable political engagements (the case of "dependent" avant-garde, as "production of official art" or engaged art, "created in response to the needs of the political party machine."[82] Following these coordinates, Cârneci concludes that, in fact, all the aesthetic developments and all the politicizations of Romanian art between 1945 and 1989 can be questioned "from the angle of the conflict between an ideological model, specific to the communist political domain, forcedly imposed on art from outside, and an aesthetic model belonging to the whole spectrum of European modern art."[83] Consequently, we can

[81] Cullerne Bown, M., 1998, p. xiii.
[82] Cârneci, M., 2000, p. 7.
[83] *Ibidem*, p. 8.

investigate the same aspects all along the next two periods following the *proletkult* dogma from 1944 until 1963, as a consequence of the gradual shift, that took place between 1960-1974, from the cultural model of the Socialist Realism, respectively in the period of "the new direction of national-communism", of "polarization of the cultural field" and of the "alternative between synchronism and protochronism (1974-1980)", and, in the period of the "postmodern configuration", between 1980-1989 and up to the present moment.[84]

In order to gain a larger perspective on the aspects considered, we can include the Socialist Realism period into the evolution from "*proletkult* to postmodernism", an idea proposed by F. Mihăilescu, in his review of the post-war ideology, where he aims at integrating into a larger context the argumentation about the forced coexistence of the above mentioned fields, that is of the aesthetic avatars and of the politicization of art from 1944-1945 and 1960-1963[85]. A. Guță took over the periods suggested by Mihăilescu and came up with the following denominations: "the transition stage (1944-1947)", the stage of pure and hard line dogmatism (1948-1954)", the stage of "slow emancipation (1954-1960)", the "years of unfulfilled hopes (1960-1974)" and, finally, the stage of the "new direction of national-communism", i.e. "the polarization of the cultural field (1974-1980)."[86] In conclusion, Guță notes that

> at the end of his chronological construct, Mihăilescu synthesises the above mentioned periods and, as a result, three main periods are outlined: 1. the interval of the "prevalence of *proletkult* dogma" between 1944 and 1960-1963; 2. the interval of the "alternative between synchronism and protochronism", up to 1980; 3. the interval of the "postmodern configuration, after 1980, until 1989 and up the present moment, as long as this guidance stays active".[87]

Referring to the first stage, Cârneci points out that before the Second World War period many modern or avant-garde artists – westerners or easterners – discovered the "errors of modern art", the need to "keep connected to reality" and the need to "return to order", an artistic order more or less traditional. So, "the total political project" of Socialist Realism seemed able to boost the avant-garde artistic project, which, in its turn, aspired for totality. The "engaged art" promoted by one fraction of the artistic avant-garde between the World Wars had now the opportunity to slide straight towards genuine "directed art".[88]

But when we speak about the period before the second World War, we must notice, in agreement with E. Kessler, the simultaneity of the manifestations of Romanian avant-garde with various representations of conservative modernism which, until the end of the 1920's manifested through a large variety of artistic orientations,

[84] Mihăilescu, F., 2002, pp. 43-48, *apud* Guță, A., 2008, p. 52.
[85] Mihăilescu, F., 2002, pp. 8-17, 43-48.
[86] Guță, A., 2008, p. 51.
[87] *Ibidem*, p. 52.
[88] Cârneci, M., 2000, p. 40-41.

starting with the *new objectivity*, going on to "Byzantinizing traditionalism" and ending with the so-called specific national art.[89] According to Kessler, this simultaneous manifestation of several artistic directions, often contradictory ones, also offered the premise that enables us to explain the ideological subservience of these artistic directions after the instauration of the communist regime:

> Simultaneity, cohabitation and reciprocal hybridization of late avant-garde with early traditionalism represent the significant marks of Romanian art between the World Wars. They are also the background against which their subsequent aesthetic closure can be deciphered, together with their assimilation into the Realist-Socialist propaganda art after 1945.[90]

During 1910-1950, socially inspired art often manifested through a poetic pathos which encompassed, together with left wing social convictions, forms of *sentimentalist socialism* or of *aestheticist anarchism*, and, according to Kessler (2007), the period between the World Wars was characterized by very distinct artistic approaches on industrial urban life development that generated some genuine *urban fantasy and anxiety feelings.* In fact, the transition period from the avant-garde creation until its complete immobility determined by the pressure exerted by the communist politics after 1945 was mentioned in the examples we offered from M.H. Maxy's late works. This transition, preceded by an initial cohabitation, is not singular in the evolution of modern Romanian art. For example, between the World Wars, traditionalism and avant-gardism cohabitated and shaped each other, despite obviously different, or quite opposite artistic views. Indeed, Romanian art between the World Wars witnessed various shifts from different formulas of Impressionism or Symbolism towards Expressionism and Post-Impressionism and these ones, in their turn, were replaced in the 1920's and 1930's by Abstractionism, Constructivism, Traditionalism and Surrealism[91].

After 1947 most of these artistic movements became parts of a surprising unification under the ideological and aesthetic guidance of Socialist Realism. One of the enduring characteristics of Romanian modern art resided in its ability to comprise the possible conflict between such different aesthetic and artistic ideas into visual expressions that were able to obey, in keeping with the practice of the compromise, both the principles of difference and the principles of cohabitation. In other words – and resuming Kessler's thesis (2007) – in the first half of the 20th century there were works of art and artistic careers which proved to have knowledge of the stylistic transfiguration of conflict, and at the same time complied with some forms of general artistic consensus. According to this theoretical perspective, divergent development, hybrid artistic formulae, the practice of stylistic or aesthetic compromise and the

[89] Kessler, E., 2007, p. 115.
[90] *Ibidem*, p. 115.
[91] *Ibidem*, p. 115.

efforts to synchronize art with the cultural changes of the age are characteristics of Romanian modern art from the first half of the 20th century, to which a certain unifying "aestheticism" was added:

> The most important characteristics of the evolution of modern art in Romania in the first half of the 20th century, as pointed out in *The Colours of the Avant-garde*, are the elliptical, contradictory development, hybridization, the practice of the compromise and the strong wish to reflect the cultural and social evolution of the age. Besides these - an external feature that covers all the different movements and tendencies, from Symbolism to Constructivism and from traditionalism to Surrealism – there is aestheticism, the superficial euphoric and flamboyant artistic state which unifies "modernisms" from Romania, irrespective of their rite and of their ideological orientation."[92]

As we mentioned before, there have also been artists who, according to Cârneci, "viewed the communist ideology as a continuation of the humanistic and socialist thinking, specific to the movements before the war."[93] It is a group of avant-garde artists who had been admirers or even members of the Communist Party during its illegality period, at the end of the 1930's. The painters M.H. Maxy and H. Mattis-Teutsch, the graphic artists J. Perahim, A. Jiquidi, H. Hermann, V. Kazar or the sculptor Vida Geza are the best known representatives of this direction. Under the new circumstances, the efforts made by some Romanian avant-garde artists to adapt the content of the work of art to its subject eventually led to the loss of the avant-garde character of their art itself.

According to numerous theoretical standpoints we have mentioned, among which, in this line of thinking, the most important are the contributions of Cârneci (2000), Bonnell (1997) and Julius (2001), the tension between the two artistic paradigms, namely between the historical avant-garde and the Socialist Realism was solved in two different ways: either by the violently removing of the old artistic principles of certain cultures, as a result of the authoritarian role of the State-Party, or by an insidious process of substituting the foundation of the value systems specific to these cultures with those belonging to the dogma of the totalitarian ideology. In the same way, the Socialist Realism replaced the main principles guiding the artistic creation of the avant-garde with their opposites.

In this respect we appreciate, following Cârneci (2000) arguments, that the ideology of the Romanian Socialist Realism was successful, as it imposed an artistic re-education program, where it used appropriate tools for the ideological manipulation of art. One major factor of manipulation was the propaganda and the imposing of Soviet models. Another form of manipulation, equally efficient, was the banning of some artistic genres that were predominant between the World Wars. As a result, the third radical form of manipulation was the elaboration of a new hierarchy of the

[92] Kessler, E., 2007a, p. 6.
[93] Cârneci, M., 2000, p. 35.

artistic genres, according to their relevance for the social changes that had taken place or for the changes that were about to take place. Thus, the retrograde aesthetic paradigm imposed in Romania through the ideological program of artistic re-education in 1944-1948, whose last residues are traceable between 1952 and 1958, was the manifestation of a "declamatory idealizing classicism". It was characterized by aesthetic dogmatism and by ideological inflation which imposed in Romania one of the strictest forms of artistic control from all East European countries of that time.[94]

We also consider that, in spite of the fact that the Socialist Realism is part of modern art, it still doesn't share the avant-garde's view on the dialectics of decadence, nor the same values in as far as the notion of progress in art is concerned. Therefore, we appreciated that the Socialist-Realist model of this complex dialectics is exactly the opposite of the model whose origins were identified by Kuspit (2000), including here the ethos or the programmatic expressions of the avant-garde. By contrast with the progress factors favouring modern artistic creativity in democratic regimes (Bowness 1989), the artistic creativity during the Socialist Realism was characterized by a special conjunction between more and more strict ideological directives, increasingly vague aesthetic precepts and by a more coordinated artistic exploration. As a matter of fact, this antinomy comprised all the factors involved in the transition from a competitional model of creativity towards a political, coordinating model imposed upon artistic creativity.

Synthesizing the guiding lines of our previous argument, we consider that, if this apparent coincidence of the social projects has led – from the *total art* ideal to the totalitarian art *ideal* – to the transformation of the *tutelary* avant-garde in a *dependent* avant-garde, it was also at the origin of the Socialist Realism as an antinomic synthesis of all avant-gardes. It is why the Socialist Realism can also be interpreted as a redirection of most aesthetic principles and of the creation methods of the historical avant-garde from themselves and from the avant-garde itself, while completely taking over the "reshaping of the social corpus" (Michaud 2003) desiderata. Consequently, we can say that instead of the virtual Futurism aesthetically solved in art, at the same time with the paradigm of the Socialist Realism appears the real Futurism which is socially solved within human existence. Within this context, the implicit aesthetics of Cubism itself was followed by the explicit logics of Prolet-Cubism, accompanied by Socialist Realism. As a matter of fact, we witnessed the transition from the hermetical way of rendering concrete reality data, which characterizes Western Cubism, to the explanatory approach to reality which characterizes the Socialist Realism, typical for East-Central Europe.

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[94] Cârneci, M., 2000, pp. 23-24, 27, 28-29, 35-42.

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ROMANIAN CONTEMPORARY VISUAL ARTS WORLD AFTER 1989: TENSION AND FRAGMENTATION

MARA RAȚIU*

ABSTRACT. This paper addresses the issue of the contemporary visual arts world in post-communist Romania, with focus on its institutions. More than twenty years after the fall of the Communist regime, this visual arts world is still a highly tense and fragmented one, comparing to other Central-Eastern European contemporary visual arts worlds. My hypothesis is that this state is rooted in the institutional shifts generated by the transition from a totalitarian regime to a democratic one. Therefore, the reconfiguration of the institutional system of contemporary visual arts after '89 and its impact on the artistic practices, as well as its reception among art professionals, stand out as a crucial object of analysis. The aim is to highlight the structural features of the Romanian contemporary visual arts world that led to the present-day fragmentation, as well as to explain the acute tension that characterizes the relationships among its actors. Additionally, I propose a brief comparison with the Hungarian visual arts world in order to emphasize the specificity of the Romanian one.

Keywords: art world, art institutions, Romania, Hungary, visual arts

Introduction

One of the key-words in describing the contemporary visual arts world after '89 is *controversy*, seen as a symptom of its fragmentary character and of the tense relationships between its actors. There have been and still are a wide variety of controversies. The first major turbulence of this world, leading to a long series of controversies, took place immediately after the fall of the Communist rule, when the revolutionary spirit and hunger for change of the time took over the art professionals as well as art students. Consequently, artists, art professionals and professors who were previously in charge of the principal institutions of the contemporary visual arts world were removed from the top positions of the Romanian Artists' Union (UAP) and art academies all over the country, after long and contentious debates, as well as students' strikes. Although significant institutional improvements were realized – especially in art academies –, this 'purification' process did not meet the expectations

* *Associate Research Assistant, Department of Philosophy, Babes-Bolyai University, 1 M. Kogălniceanu str., 400084 Cluj-Napoca, Romania. Email: ratiumara@yahoo.com.*

of a substantial part of the art community, i.e. multiple recognition mechanisms based on an update of art practices and art education. Thus both the UAP and the art academies remained, for many years, under permanent criticism from the exterior as well as from the interior.[1]

The second controversy, accompanying the reconfiguration of the public art institutions inherited from the former regime, concerned the emergence of private ones offering opportunities of artistic consecration for artists and art practices that were not within the mainstream of the Romanian contemporary visual arts world, e.g. artists working with new media and technologies. It is particularly the case of the Soros Center for Contemporary Art (SCCA) in Bucharest, which, on the background of a lesser and disperse state support for contemporary art, gained momentum at the beginning of the 90's, especially because of its coherent program, as well as its international network and prospects. But, as no other national or international initiative was there to match the generous Soros financial support for contemporary visual arts and accordingly to offer similar opportunities of artistic recognition for the artists whose practice was related to the traditional media – painting, sculpture, and graphic arts –, a consistent part of the artists who were left aside or were not willing to participate in the Center's activities started to highly question or even dismiss the SCCA's policy and projects.

Parallel to the controversies on the new consecration mechanisms associated with SCCA, another major tension of the Romanian contemporary visual arts world regarded – and still does – the artists' prospects to gain access to international institutions / networks of artistic recognition. Relevant in this sense is the 1994 visit to Bucharest of collector and philanthropist Peter Ludwig that was preceded by a real tempest in the art community. The tension generator was, on the one hand, the hope that, following the successful Hungarian model, a new Ludwig museum would be opened in Bucharest while, on the other hand, the stake was the artists' visibility within the two exhibitions organized on the occasion.[2] More recently, the 2006 discussions around a supposedly Guggenheim museum in the framework of the Bucharest Esplanada project had a strong echo among the art professionals[3], rising hope in a belated but most welcome integration in the international contemporary visual arts world. Additionally, the every other year controversy related to the Romanian Pavilion selection process for the Venice Biennale proves that the major stake among the local artists is the possibility of displaying their work within internationally acclaimed institutions, seen as the most effective means of artistic recognition.

[1] See the interviewees' answers to the questionnaire – particularly the answers to question 4 – in the dossier "Chestionar Balkon / Balkon Questionnaire", in *Balkon* Nr. 6, 2001.

[2] Erwin Kessler, *CeARTă*, Bucharest, Nemira, 1997: "Lozul cel mare/The Big Lottery Ticket", pp.130-132.

[3] The Center for Studies and Research in the Cultural Field (CSCDC) within the Ministry of Culture and Religious Affairs has realized two studies on this issue.

However, the strongest controversy within the Romanian contemporary art world was and still is related to the existence of a national institution of display and artistic consecration, i.e. the National Museum of Contemporary Art (MNAC).[4] Although the entire – national as well as international – art community agrees on the importance of such an institution in the economy of the contemporary visual arts world[5], there has been endless debate first regarding the very philosophy of the museum and second concerning its placement within Ceauşescu's palace, now housing the Romanian Parliament. The museum's opening in 2004 activated older and more recent traumas that led to high tension within the more and more fragmented contemporary visual arts world and even to rejections of the institution, while its exhibition program since then has been constantly put under more or less valid criticism.

Behind these major controversies – put aside the controversies associated with the occasional purchases of contemporary art by the Ministry of Culture – an external observer might immediately recognize that the Romanian contemporary visual arts world is still a much traumatized one, while its tension and fragmentation always seem to be connected to or generated by the institutions offering display and consecration opportunities, either old or new. Yet, such a verdict could be easily extended, at a first glance, to all contemporary visual arts worlds of the former Communist countries, as the transition from a centralized and politically controlled institutional system to a pluralistic and democratic one was highly turbulent for all social and professional worlds. However, the acute tension detected in the Romanian contemporary visual arts world actors' testimonies with respect to other individual actors, but principally with respect to institutions, where everything is being played in terms of acceptance or rejection, is not to be found in the neighboring art communities, at least not to this extent.

Consequently, this paper aims at explaining the fragmentation of the Romanian contemporary visual arts world – from here on we use the phrases *contemporary art world* and *contemporary art* – in the first decade after the fall of the Communist regime by highlighting the role played by the art institutions, as well as at explaining the highly tense relationships among its actors. Thus, I investigate, on the one hand, the profile and functions of the art institutions, as well as their impact on the artistic practices. On the other hand, I analyze the way the art institutions were perceived by the individual actors – particularly the artists –, with a special focus on the SCCA for two reasons: the significant role played by this institution in reconfiguring the contemporary art practices in Romania and its function as common denominator for a comparative analysis of the contemporary art worlds of the former Communist countries. Yet, the present paper is limited to a comparison between the Romanian

[4] See the comments recalled by the study "Peisajul de artă contemporană în vederea deschiderii muzeului Guggenheim. Raport al studiului despre galeriile de artă contemporană / The Romanian Contemporary Art Landscape for a Guggenheim Museum. Report on Contemporary Art Galleries" of the CSCDC, 2007. URL: http://culturadata.ro/PDF-uri/15%20Galerii%20arta%20contemporana.pdf.

[5] See the dossier "Questioning MNAC", in *Artelier*, Nr. 7 / 2001, and Claire Bishop's article "Romanian Report" in *E-Cart* Nr.1 / 2003.

and the Hungarian contemporary art worlds. My hypothesis is that, additional to the exogenous factors, i.e. the macro social and economic circumstances, there could be identified endogenous factors that have determined a particular type of evolution of the Romanian contemporary art world, different from the developments of other national worlds from the former Communist countries. The comparison with the Hungarian contemporary art world aims precisely at revealing the specific features of the art community in Romania that led to a fragmented contemporary art world.

The decision to limit the present analysis to the year 2000, whereas the year 2004 – the opening of MNAC – would be an evident chronological choice, is based on several arguments: 1) the majority of history and political science scholars agree that Romania accomplished, around the year 2000, the formal and institutional conditions of a democratic society, while the assumption here is that the institutional reconfiguration processes within the art worlds – including the contemporary art world – closely follow the transformations from the macro-social level; 2) in this sense, the reconfiguration of the institution of the Romanian pavilion at the Venice Biennale by the realization, in 1999, of the first contest of projects could be considered as a milestone for the Romanian contemporary art world; 3) additionally, at the end of the 90's, there occurred a quasi-proliferation of contemporary art institutions, partly benefiting, at start, of the SCCA's financial support, while during the same period of time the Soros Foundation initiated its *sunset strategy*: gradual withdrawal of financial support; 4) last but not least, I consider that the existence, starting with 1994, of the Contemporary Art Department within the Romanian National Museum of Art (MNAR) could function as a substitute for the absence of an autonomous institution.

Theoretical Framework and Methodology

Regarding the theoretical framework that grounds the present analysis, the most suitable approach of art institutions is conjugating the philosophical conceptual analysis with the sociological perspective upon art. While the former is crucial in clarifying the meaning of the conceptual arsenal in use, the latter has the merit, comparing to art history and aesthetics – the traditional discourses on art –, of focusing on the collective and social dimension of the art production and artistic recognition mechanisms, as well as of dismissing the judgments of value. Yet, a particular art sociological discourse is put at work here, i.e. the art worlds' theory of Howard S. Becker (1982), as well as the theory of the international contemporary art system proposed by the French sociologist Raymonde Moulin (1992). Both theoretical perspectives share the advantage of prominently highlighting the intricate relationships and consecutive inter-dependencies that are established within the contemporary art world. From Becker's standpoint the basic unit of an "art world" is an established network of cooperative links among people who, based on specific conventions embodied in common practice, coordinate their activities[6] – e.g. production, distribution,

[6] Howard S. Becker, *Art Worlds*, Berkeley and Los Angeles, University of California Press, 1982, pp.34-35.

consumption and evaluation –, while a complex art world is defined as a set of cooperative networks which, though in competition, coordinate their activities that are necessary to the existence of that particular art.[7] Within this framework, the tension among the Romanian art community could be explained by the absence of commonly shared conventions, while the fragmentation of the contemporary art world is explicable by the cooperative networks' incapacity or refusal of coordinating their activities. Consistent with Moulin's view, the mechanisms of the artistic value homologation process are generated by the interaction of the two poles of the international contemporary art system: on the one hand, the non-profit art institutions, and, on the other hand, the profit oriented art market.[8] From this perspective, the present state of affairs within the Romanian contemporary art world is explainable in terms of unfulfilled institution-building process, that is one or both of its two structural poles are insufficiently developed.

From a methodological point of view, additionally to the conceptual analysis of the existing writings on the topic and to my own participative observations, I make use of the sociological qualitative research method of the semi-structured interview. Because of the scanty literature on the subject or difficult archive access, it was vital to interview the art professionals who highly contributed – and still are – at the construction and / or coordination of Romanian contemporary art institutions after '89. Consequently, I interviewed Călin Dan, director of the SCCA between 1993 and 1995, Mihai Oroveanu, former director of the National Office of Art Documenting and Exhibiting – ONDEA –and present-day director of the MNAC, Irina Cios, director, since 1995, of the SCCA that became the International Center for Contemporary Art (ICCA) in 1997, and Petru Lucaci, the current president of the UAP. All these interviews provided both rich information and coherent explanations and standpoints on the Romanian contemporary art institutional system. Since the aim of this paper is also to investigate the way the art institution-building and reconfiguration processes are perceived by the art professionals, I realized, in addition to those mentioned above, a series of interviews with Cluj-based artists who were around the age of 35 in 1989. They are Radu Solovăstru, Radu Moraru, Alexandru Păsat, and Dorel Găină, all of them being prominent artists as well as art professors of various art disciplines within the University of Art and Design in Cluj (UAD). The result of these interviews is a set of individual narratives on the radical transformations that both the Romanian contemporary art world and its actors went through after '89.

With respect to the decision of interviewing Cluj-based artists in disfavor of artists from Bucharest or from other cities, here follow several justifications. The first argument for such an option is my own familiarity with the Cluj art community which conferred this enterprise more precision and effectiveness in the interviewees' selection as well as in the very realization of the interviews. Secondly, as the Romanian

[7] Pierre-Michel Menger, "Présentation" to the French translation of *Art Worlds*, in Howard S. Becker, *Les mondes de l'art*, Paris, Flammarion, 1988-2006, p.8.
[8] Raymonde Moulin, *Artiste, l'institution et le marché*, Flammarion, Paris, 1992, 1997, p.45.

contemporary art world is still a very centralized one, I find it crucial to extend the investigation beyond the capital city, in order to highlight its diversity and fragmentation. Last, the choice of interviewing artists who were around the age of 35 in 1989 has two reasons: on the one hand, it is related to the former subdivision of the UAP dedicated to young artists – the 35 Atelier –, while, on the other hand, it is related to the fact that this generation of artists was and still is highly instrumental in the art institutional reconfiguration process.

Regarding the option of comparing the Romanian and Hungarian contemporary art worlds, the main motivation for it is the proximity and common history of the two countries. Given the permanent and profuse cultural exchanges between Romania and Hungary, particularly because of the important Hungarian minority in Transylvania, this comparison is the most appropriate for the aim of the present enterprise, i.e. the identification of the specific characteristics of the Romanian contemporary art world. As for building up a valid corpus of information on the Hungarian art scene of the 90's, besides using several writings on the topic, I utilize the results of a series of interviews that I realized with art professionals associated with the major art institutions in Hungary, among whom I mention: László Beke, Edit András and Erzsébet Tatai – senior researchers at the Art History Institute within the Hungarian Academy of Sciences; Miklós Peternák – dean of the Intermedia Faculty within the Fine Arts University in Budapest and director of the C3, previously ACCA – Soros Center for Contemporary Art in Budapest; János Szabaszlai – chief curator of the Contemporary Art Institute in Dunaújváros; Zsolt Petranyi – director of the Műcsarnok (Kunsthalle Budapest), and Judit Angel – curator in the framework of the same institutions; Nikolett Erőss – director and curator of the Trafo Gallery; Gábor Andrási – director of the Kassák Museum and editor in chief of the Műertő art magazine; representatives of the Knoll, Várfok and ACB contemporary art commercial galleries, etc.

The Romanian Contemporary Visual Arts Institutions of the 1990's

In order to avoid the construction of a static and consequently artificial image of the Romanian contemporary art institutions of the 1990s, I proceed to a narrative mapping, able to depict the dynamics of the institution-building and reconfiguration processes. By "contemporary art institutions" I understand the structures – governmental or non-governmental, non-profit or profit-oriented – that accomplish one of the following functions or activities: financing, educating, organizing, distributing, mediating and documenting the contemporary art works and practices.

The UAP and the Art Education System

During the Communist regime, all the institutional functions and activities that characterize an art world, except the art education, were accomplished by the UAP that was financed and politically controlled by the Communist government. Thus, the first factor that determined the dismantling of this very centralized and ideologically

regulated system was, at the dawn of the regime shift, the decision of all artists' unions – among which the UAP – to cut off from the state's political and, consequently, financial patronage and continue their activities in a self-financing administration.

Another major institutional actor of the former regime was the art educational system – high schools and academies. Whereas in every Romanian county – overall, around 40 counties plus the capital city, Bucharest –, before '89, there was at least one high school offering visual arts educational programs for the 10 to 18 age segment, there were just two autonomous visual arts academies, in Bucharest and Cluj, and a visual arts program in Iaşi. All art higher education institutions underwent a severe *numerus clausus* state policy all-through the 1980s that led to a very low access rate both at students and faculty member levels. Conversely, one of the major changes initiated in 1990 was the opening of art academies in terms of recruiting more students, as well as an important number of faculty members who were previously pseudo freelance artists – they were compelled, during the Communist times, to become members of the UAP –, teachers in high schools or employees in various socialist industries.

Thus, the first two years after the Romanian revolution are mainly characterized by the initiation of the reconfiguration process of the Communist art institutions. Those who were formerly in charge of these institutions were removed from the top positions, but, as showed, it was not a smooth process. While a brand new visual arts faculty was established in Timişoara, the other art academies had to face the students' pressure for curriculum change in terms of opening the courses to artistic practices that were marginalized before, like photography and, later on, video.

It is crucial to explain here the complex relationship between the UAP and the art educational system during the 1990s, relationship that is rooted in the Communist times. Before '89, because of a strict unemployment law, an independent – freelance – status was almost untenable for artists. The art education system was the most attractive, given its proximity to the artistic practice and the social and financial advantages of the teaching profession at that moment. Starting with 1990, when the state support for the UAP was cut off, and based both on the inertial social reflexes and on the new conditions on the artistic labor market, artists continued to aim at a second job – mainly a teaching position. The position as prominent UAP member offered an important competitive advantage in order to become a teacher, particularly in the art higher education system. Being a prominent UAP member meant being professionally recognized by one's peers, while the status of the art academy teacher involved an authority position within the UAP, both at local and national level.

The UAP and the art academies kept, all-through the 1990s, a quasi-monopolistic position within the Romanian contemporary art world because of their inherited and intermingling artistic recognition mechanisms – the UAP was providing exhibition spaces and artists' studios, while the art academies were conferring high social and professional status. Additionally, the artists' inherited *étatique* mentality was an instrumental element in maintaining the UAP's former status, i.e. the all-mighty

administrator of contemporary art. However, the fading of the previously generous state financial support as well as the internal conflicts within the UAP – the formerly influential artists vs. those who had been marginalized during the Communist times and who then claimed top positions with the institution –, and the absence of a consistent strategy concomitant to the lack of understanding regarding the functioning of the international contemporary art system led to an institutional void that needed to be filled.

New Contemporary Visual Arts Institutions

As a result, a series of non-profit institutions arose throughout the decade. They were conceived by their initiators as "alternative" structures to the old and "official" system of professional legitimization and artistic value homologation processes.[9] Additionally, the state-funded art museums from all over the country were put under constant pressure by the art community to open towards exhibiting contemporary art as they were previously dedicated to showcasing mainly traditional art. Consequently, more or less formalized contemporary art departments were opened within the Romanian art museums, whereas the most important new structure in this sense was the Contemporary Art Department within the MNAR (1994). The art museums in Arad, Sibiu and Timişoara were also very active in exhibiting contemporary art, but this was mostly due not to the museum policy but to the interest and dedication of few curators working there.[10]

Among the new contemporary art institutions, alternative to those functioning during the former regime, the SCCA (1993) and the Anastasia Foundation (1992) with its exhibition program at Catacomba Gallery – a pilot gallery of the MNAR – are the most notorious. Initiated in connection with the Prolog artist collective, the Catacomba Gallery exhibition program was highly influential in the Bucharest milieu at the beginning of the 90s, exhibiting artists whose practice was characterized by a strong orthodox sensibility.[11] As for the SCCA, it developed a more complex program, structured on three directions: documenting artists and art practices, offering traveling grants for artists and, last but not least, organizing an annual exhibition.

I have already mentioned the controversy that arose around the latter institution. There were a series of factors that contributed to this controversial reception of the SCCA among which the major one was the fact that the Center was initiated by the Soros Foundation. Although the Romanian Communist rule had fallen, its strong nationalistic feature survived the regime shift and therefore all alien structures were regarding with high distrust. Within the contemporary art world, the SCCA was frequently seen as part of a colonization scheme, even though the art community was more than happy to benefit of the Soros financial support.

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[9] See the interviewees' answers to the questionnaire – particularly Alexandru Antik's contribution – in the dossier "Chestionar Balkon / Balkon Questionnaire", in *Balkon* Nr. 6, 2001.

[10] See the chronology in Alexandra Titu, *The Experiment in the Romanian Art after 1960*, Bucharest, Meridiane, 2003.

[11] Cosmin Năsui, "The 90's Visual Arts" II, in *Observatorul Cultural*, Nr. 95-96, 2006-2007.

One of the key issues of the present paper is precisely the one concerning the SCCA's reception within the Romanian contemporary art world. Thus, during the interviews with art professionals that I took in Romania or Hungary, one of the foci was always the Soros' contribution to the art institutions' reconfiguration processes. Given the interviews' results in this sense, it is essential – for one that was not a direct observer of the 90s – to understand the dynamics of the Soros project behind the contemporary art centers opened all-over Eastern-Europe. If the Soros Foundation opened branches in the former Communist countries based on a precise agenda – to support the shifts from a "close" to an "open" society – the Soros contemporary art centers were established somehow *along the process*. This information is crucial for the deconstruction of the SCCA's reception in Romania in terms of colonization. That is the foundation of all these centers – including the one in Bucharest – was an *organic* process, being continuously negotiated and adjusted according to the national contexts. However, all Soros centers shared one common feature, i.e. the orientation towards the so-called *cutting-edge* art practices – new media and technologies –, in short, the orientation towards contemporary art in a typological sense.[12]

Following the path opened by the Anastasia Foundation and the SCCA, the institution-building process intensified in the mid 90s when several art institutions were founded, having various profiles and missions. Thus, the Artexpo Foundation in Bucharest (1994) was established with the goal of creating valid mechanisms of financial support for contemporary art, e.g. attracting sponsorship from the business sector or organizing lucrative activities like book fairs whose profit would be used for supporting contemporary art projects. Meanwhile, a series of artist collectives formalized their activities and founded respective NGOs, like the Etna Foundation in Sfântu Gheorghe (1995) based on the Etna artistic group – the organizer of the "AnnArt" Performance Festival at the St. Ann Lake –, the Meta Foundation in Bucharest initiated by the artistic duo 2META (1995), and, later on, the ArtEast Foundation (1999) of the Târgu Mureş-based ArtEast collective.

If in the first part of the 1990s the capital city Bucharest was by far the most active contemporary art center, in the second part of the decade other major cities became more dynamic in terms of cultural institution-building process. Thus, there were established a series of contemporary art institutions like the Vector Foundation in Iaşi (1997) – the organizer of the "Periferic" Festival – and the Tranzit Foundation in Cluj (1997). While the Vector Foundation was singular in the Iaşi area, in Cluj three other contemporary art institutions appeared at the end of the decade: the Sindan Cultural Center (1999) – a philanthropic initiative of the Sindan Pharmaceutical Company in Finland –, the *Balkon* Magazine (1999) – a cooperative project between the Cluj-based Idea Design&Print Company and the Hungarian *Balkon* Magazine in Budapest –, and the Studio Protokoll exhibition program (2000) under the patronage

[12] For this typological sense of contemporary art, see the answers to Catherine Millet's questionnaire, in Catherine Millet, *L'art contemporain. Histoire et géographie*, Flammarion, Paris, 2006, pp. 8-9.

of the Genezius Society. Meanwhile, in Timişoara, there was established the Format Mailing-List Nettime.ro Foundation (2000), whose goal was to connect the Romanian contemporary art public debate to the European one within the electronic space.

It is important to note here that several significant contemporary art initiatives and projects remained un-institutionalized, either due to their initiators' decision or due to unfavorable legislation. The former situation comprises the "Zona–Europa de Est" Performance Festival in Timişoara, with its first edition in 1993, while the latter comprises structures like the Contemporary Art Archive (CCA), a 1985-initiated project of an artistic duo that, because of an outdated "foundation law" from 1924 – the law was changed after 2000 – failed to formalize its activities[13]. Another category of un-institutionalized contemporary art projects are those run by established institutions but which gained an independent identity, like the GAD photo-gallery (1993) under the patronage of the Artexpo Foundation.

Contemporary Art Exhibition Practices

Exhibiting is one of the major activities within the contemporary art world and though it represents just a collateral interest for the current analysis, a few words have to be said here. At the beginning of the 1990s, once the ideological censorship gone, as well as the strict exhibiting rules within UAP, there appeared a sort of exhibition frenzy within the art community. Along with the inertial UAP salons, there were organized a long series of small-scale exhibitions in the UAP spaces but also in places that were not conceived for exhibiting art, like public institutions' and banks' lobbies. The large majority of artists were eager to present their work to the public and therefore all kinds of aesthetic compromises – in terms of exhibiting quality – were made.

Along with this improvisation-like exhibiting practice, there were also well-organized exhibition programs and projects, like those run by the Anastasia Foundation and its forerunner the Prolog artist collective – e.g. the "Filocalia" exhibition (1990) and the Catacomba Gallery program (1992 – 1997), by the subREAL group – e.g. the "Mozart's Sex" exhibition (1991) –, and then by the SCCA – e.g. the five annual exhibitions (1993 – 1997). While the merit of the Catacomba Gallery exhibition program was its consistence, the SCCA exhibitions, in conjunction with the two performance festivals in Timişoara and St. Ann Lake, had the merit of proposing new types of exhibition practices, that, as mentioned, one would call contemporary in a typological sense.

In the second part of the 1990s, there could be noticed a decrease in contemporary art exhibitions and this was due particularly to less and less financial means, as the state support for the arts diminished considerably and the Soros Foundation initiated

[13] See the project of Lia & Dan Perjovschi in the catalogue of the "Stories about Mistake" exhibition published by Protokoll Studio, Cluj-Napoca, 2000.

its sunset strategy. In spite of this, the Contemporary Art Department within the MNAR organized a series of important solo and group shows like the "Transitionland" exhibition in 2000. Also at the end of the 90s, several young artists' proposals arose under the form of temporary artist collectives. Among such initiatives there were the Rostopasca artist-collective in Bucharest and the Group of the Six in Cluj. However, the strong offensive of the younger generation of artists – in terms of coherent exhibition series – would take place around mid-2000s, in relation with the emergent internationally connected contemporary art market in Romania.

Mediating and Documenting Contemporary Art

As for the public mediation – communication – of contemporary art projects and programs, the 1990s somehow consecrated a disconnection and, consequently, an isolation of the contemporary art world from the other social worlds. The daily newspapers and the television networks did not cover or covered insignificantly the contemporary art events – with the exception of a small number of cultural television shows like "Everything in View" of the main channel of the Romanian National Television (2000). The weekly and monthly magazines – with some exceptions here too, like the case of the *Observatorul cultural*, *Dilema* and *22* magazines – paid little attention to the visual arts by favoring more literature and theater.

Furthermore, even within the contemporary art world it was quite difficult to access information on what was happening in the cities other than one's own and this was due to the absence of a nationally wide art magazine, once the *Arta* magazine – the former specialized monthly issue of UAP – stopped to appear in 1994. Just at the end of the decade there appeared new art magazines like the already mentioned *Balkon* magazine, the *Artelier* magazine (1998) that was edited by ICCA and mostly financed by the Artexpo Foundation and the Sindan Cultural Center, and the *Arta* magazine – the new edition, edited by the UAP (2000), but which would actually stop appearing after a few issues. The *Intermedia* magazine, edited by the Intermedia Lab of the Arad art museum, was issued all-through the 1990s but with scanty distribution.

Nevertheless, the major problem of the 90s Romanian contemporary art world in terms of mediation was the quasi-absence of exhibition catalogues. With the exception of three of the five SCCA annual exhibitions and some of the exhibitions organized by the Contemporary Art Department within the MNAR that benefited of professional catalogues, the large majority of the contemporary art projects had no publications or, in the best case scenario, leaflets or pseudo-catalogues that had an unprofessional appearance. Meanwhile, the activity of documenting contemporary art started to develop in the framework of institutions like the theory departments within the art academies, art history institutes of the Romanian Academy, art museums, the SCCA and the National Office of Art Documenting and Exhibiting (ONDEA).

Financing Contemporary Art

The foreign cultural and diplomatic institutions – the French Institute, the Goethe Institute, the Hungarian Cultural Center, etc. – and their branches in the major cities played an important role both in financing and in showcasing contemporary art.[14] Also, at the end of the 1990s, international foundations and bodies inaugurated funding programs for contemporary art like the Pro-Helvetia Foundation and the European Cultural Fund for Romania. Part of the initiatives of Romanian artists of Hungarian ethnicity was financed by the Hungarian National Cultural Fund.

However, the major institutional actor in the Romanian contemporary art world – as well as in all art worlds – all-through the 1990s was the Ministry of Culture. The UAP, though a considerable actor because of its patrimonial assets – exhibition spaces and studios –, lacked the financial means for sustaining the art production and practices' support activities, particularly the costs associated with distribution, mediation and documentation. While the art academies were financed by the Ministry of Education, the art museums were financed by the Ministry of Culture in conjunction with a wide variety of cultural institutions, from urban history and science museums to rural cultural houses.

Established in December 1989 following a very centralized and bureaucratic scheme, the Ministry of Culture – along with its county directorates – did not limit itself to co-coordinating and financing cultural institutions, programs and projects[15]: it took up the role of a cultural operator, organizing throughout the decade a long series of cultural events with "homage" and "representation" purposes, either at national or international level. Contemporary art exhibitions were usually part of such events, along with theatre, classical music or folkloric ensembles' shows. The ministry also financed independent contemporary art projects, but usually on an arbitrary and, consequently, controversial request basis. After some attempts, in the very early 1990s, of reshaping the inherited cultural policy, this type of anachronistic approach – rooted in the status of propaganda instrument conferred to the visual arts by the Communist ideology – dominated the ministry's activity till the last part of the decade.

Nevertheless, the Ministry of Culture underwent considerable reconfiguration processes that were beneficial for contemporary art. Accordingly, the re-establishing, in 1990, of the National Office of Art Documenting and Exhibiting (ONDEA), was one of the crucial moments of the institution-building process. The ONDEA played the difficult role of intermediating between the Ministry of Culture, the UAP and the new private contemporary art institutions that were founded after '89. The majority of the key contemporary art exhibitions in the 1990s Romania were hosted in the ONDEA exhibition spaces – 3/4 Gallery and Dalles Hall –, whereas the institution

[14] Erwin Kessler, *CeARTă:* "Arta noastră – la alții / Our Art Showed by Others", pp.197-199.
[15] Dan Eugen Rațiu, "The Arts Support System in a Transitional Society: Romania 1990-2006", *The Journal of Arts Management, Law and Society*, Volume 37, No. 3 Fall 2007, p.203.

was the major initiator and organizer of Romanian contemporary art exhibitions abroad. Moreover, the fusion of ONDEA with the contemporary art department of the MNAR led to the foundation, in the early 2000s, of the MNAC. Another important institutional reconfiguration process was the founding in 1997, within the Ministry of Culture, of the Visual Arts Department (DAV) that was instrumental in reconfiguring the Venice Biennale Romanian pavilion selection process in 1999. Yet, the DAV, having the role of coordinating the contemporary art production and practices, was dismantled in the early 2000s, though for the performing arts – theatre, music and dance – specific institutional structures were kept within the ministry. Also, The National Cultural Fund, despite the fact that it was established in 1999, became effective only seven years later.

Furthermore, during all this time there was no significant business sector initiative in the sense of contemporary art market-building process. This is explicable both by the quasi-absence of contemporary art collecting tradition and by the fact that no effective state incentives in this direction existed at the time. Except two commercial galleries established in Timişoara around 1994 – the First and the 28 galleries – that were more of a local philanthropic initiative than international market-based structures, the contemporary art trade in the 1990s Romania was dominated by sporadic and low-scale purchases made by individual collectors from the UAP art-gallery shops or directly from the artists' studios. In the meanwhile and particularly in the second part of the decade, the pre-war art market system started to develop along with the opening of a small number of auction houses. Yet, for the initiation of an internationally connected contemporary art market system in Romania, one would have to wait till the mid-2000s.

Artists' Reception of Contemporary Art Institutions

Once the mapping of the 1990s contemporary art institutions concluded, it is time to investigate the way artists related to the institutional reconfiguration and institution-building processes, based on the results of the interviews with the already mentioned Cluj-based artists. All four narratives share the same diagnosis regarding the state of affairs within the contemporary art world at the regime shift: enthusiasm, on the one hand, and confusion, on the other hand. The enthusiasm was connected to the possibility of traveling abroad and to the opportunities of getting into contact with foreign contemporary art institutions, whereas the confusion was generated by the initiation of the dismantling process of the Communist art institutional system and the values associated with it.

One of the consequences of the dismantling of the UAP and particularly of the 35 Atelier was that the communication and cooperation between the contemporary art centers in Romania diminished dramatically. Therefore, the emergent institutions in Bucharest – like the Anastasia Foundation – were of a secondary interest for the Cluj-based artists who were eager to reconnect to the Western contemporary art

world and mostly ignored what was happening elsewhere in Romania. Individual and more or less conjectural collective strategies were put to work in order to organize exhibitions *abroad*. Abroad meant *going west*, regardless of the type of institution willing to host Romanian contemporary art exhibitions. Very frequently Hungary was the first stop and this was due to the Transylvanian artists' connections with Hungarian fellow artists.

The artists' frenzy of organizing exhibitions abroad had two reasons. Exhibiting abroad was a powerful tool of professional legitimization in Romania as the local artistic recognition mechanisms had been dismantled and it was also a considerable financial source. Given the sympathy at that time of Westerners toward Romania, quite a few Cluj-based artists managed to sell their works within more or less professional contexts, yet at very low prices. However low comparing to the earnings in the Western contemporary art world, these prices were accepted by the Romanian artists, as the escalating inflation deteriorated severely the population incomes back home.

However, with hardly any exception, the "conquest of the West" was no long term success. This was particularly due to the fact that this generation of artists – being in their mid-30s – was considered already too old by Western art dealers and gallery owners who functioned according to different logics of art market competition. Consequently, once the "Western mirage" was gone, the Cluj-based artists re-oriented toward the local recognition mechanisms. As the art higher education system was the most secure choice, the Cluj art academy became the most influential institution in the area. New private institutions were established just at the end of the decade and they were somehow dependent on the academy as their public consisted mainly in art students. The local division of the UAP was still an important actor in the local contemporary art world but its authority was year by year diminished due to lack of funding, as well as to internal conflicts.

With respect to the SCCA, there could be detected a mixture of standpoints that range from rejection or lack of interest to acceptance. While the latter positioning toward SCCA was assumed by artists who were previously associated with a certain direction within the Atelier 35 that was called the *inter-media movement*[16], the lack of interest of the others could be explained by the fact that the Soros Center in Bucharest was remote enough not to have a direct impact on the Cluj art community. Moreover, the greater part of the Cluj-based artists was not interested in the consecration opportunities provided by the Bucharest milieu in general and SCCA in particular as they were aiming mainly at international recognition.

Although secondary, a resentful attitude against SCCA was present in the Cluj art community. And this was due to the fact that SCCA was perceived by part of the Transylvanian artists as a double-invasive structure: as a Jewish-Hungarian

[16] Magda Cârneci, *Artele Plastice în România 1945-1989 / Fine Arts in Romania 1945-1989*, Bucharest, Meridiane, 2000, p.153.

conspiracy by the Romanian ethnic artists and as a cultural colonization by the artists' majority, regardless their ethnicity. If the first reception was based on stereotypes nourished by George Soros' ethnic background, the second concerned the type of artistic practices promoted by the SCCA, e.g. new media and technologies, as well as politically and socially engaged art. This latter reception was embraced by artists who were not willing to give up their traditional media – painting, sculpture, and graphic arts – for the sake of the SCCA's support. Additionally, the political ideology underlying the art practices encouraged by SCCA was completely rejected since all-through the Communist rule artists had struggled to disconnect their practices from the political regime.

The Hungarian Contemporary Art World of the 1990s

The comparison with the Hungarian contemporary art world aims at outlining the specific features of the Romanian one that led to fragmentation and highly tense relationships among its actors. The mapping of the Hungarian contemporary art world of the 1990s that I undertake here is not an exhaustive one, being focused just on the key institutional reconfiguration and institution-building processes.

At the end of the 1990s, the Hungarian contemporary art world comprised a wide range of both old and new institutions like: Ludwig Museum (1991) and Museum of Contemporary Art (1996) – both located at the time within the Hungarian National Gallery in Buda's Castle; Műcsarnok and its satellite institutions, Ernst Museum and Dorottya Gallery – under the patronage of the National Association of Hungarian Artists; Academy of Fine Arts and Academy of Applied Arts in Budapest, as well as the recently founded University of Fine Arts in Pécs (1990); C3 – the former local Soros Center for Contemporary Art (1993); Trafó House of Contemporary Arts (1998); various municipal and not-for-profit spaces, e.g. Liget Gallery, Óbuda Club and Cellar galleries, Bartók 32 Gallery; the Studió Gallery of the Studio of Young Artists Association etc.; several commercial galleries, e.g. Knoll Gallery (1988), Gallery 56 (1990) and Várfok Gallery (1990).[17] Whereas almost all these institutions were concentrated to Budapest, beyond the Hungarian capital there could be found just a few contemporary art institutions, as the Museum in Székesfehérvár, the very dynamic ICA in Dunaújváros and the Picture Gallery of Szombathely.[18]

The major contemporary art financing institution was the National Cultural Fund (1993), associated with the Hungarian Ministry of Education and Culture. Also, the local SCCA was, till 1997, an important funding source, while private sponsors and businesses were highly instrumental in the building of the Museum of Contemporary Art collection.[19] As for the contemporary art trade, the presence of several commercial

[17] Susan Snodgrass,"Report from Bp / In a Free State", in *Art in America*, 10 / 1998.
[18] Agnes Berecz,"The Hungarian Patient: Comments on the Contemporary Hungarian Art of the 90s", in *Artmargins*, no. 2 / 2003.
[19] Susan Snodgrass,"Report from Bp / In a Free State".

galleries since the very beginning of the '90s – particularly the Knoll Gallery, a branch of the Vienna-based Knoll Gallery – meant that, though incipient and facing considerable challenges, a contemporary art market system was put into place, encouraging the emergence of a substantial group of contemporary art Hungarian collectors.

With respect to the exhibiting activity, Budapest was one of the most vibrant Eastern-Europe capitals in the '90s. Besides promoting Hungarian artists, the Museum of Contemporary Art and the Műcsarnok were the hosts of several key surveys of Central-Eastern Europe contemporary art. The SCCA was also an active exhibition organizer and among its major achievements in this sense were the *Polifonia* (1993) and *The Butterfly Effect* (1996) exhibitions. Another major exhibition project of the mid-90s was the *Water Ordeal* (1995) exhibition series, run by the Óbuda Club and Cellar galleries. These exhibitions had the merit of consecrating within the Hungarian contemporary art world the new art discourses and practices like public art, new media and feminist art, respectively. As for the mediation of contemporary art, one should know that almost all contemporary art exhibitions benefited of excellent catalogs that usually comprised highly professional criticism. In the same direction, quite a few art magazines appeared on the scene, though the mainstream media coverage of contemporary art was very low.[20]

Based on the outcomes of the '90s Romanian contemporary art world mapping, as well as on the brief chart of Hungarian contemporary art institutions, a comparison between the two art worlds is now possible. The main difference between the two countries, with respect to contemporary art, is the pace of the institutional reconfiguration and institution-building processes that both worlds went through. While in Hungary institutions like the National Cultural Fund and the Museum of Contemporary Art were already installed in the mid-90s, in Romania one would have to wait one more decade to find similar institutions. One key explanation for this is that, in Hungary, "transition in arts in fact preceded the political and social structural changes".[21] As the last years of the Kádár regime were far less restrictive than Ceauşescu's rule, the Hungarian contemporary art underwent, all-through the 1980s, significant changes, particularly the shift toward market-driven artistic production.[22] Also, the presence of the Soros Foundation in Hungary already since 1985 proved to be highly instrumental in the reconfiguration and institution-building processes within the Hungarian contemporary art world, without generating major controversies as in Romania.

Nevertheless, the most striking difference between the two art worlds concerns the mediation activity. While in Hungary the exhibition catalog and professional criticism was a must, in Romania only very few contemporary art exhibitions benefited

[20] Agnes Berecz,"The Hungarian Patient: Comments on the Contemporary Hungarian Art of the '90s".

[21] Emese Kürti, "Art Historical context of *Gábor Hunya Collection*", in Emese Kürti (ed.), *Bucharest – Budapest Bridge. Contemporary Romanian and Hungarian Arts in the Gábor Hunya Collection*, Budapest, Vince Kiadó, 2009, p.15.

[22] Idem, p.19.

of respective publications. Obviously, the main reason for this was the severe lack of funding that the Romanian art professionals had to deal with. However, there is also another reason for this which, I think, points out one of the weak feature of the Romanian contemporary art world, i.e. the quasi-absence of professional criticism all-through the 1990s generated by the lack of nation-wide art magazines and vice versa. A vicious circle was installed that prevented the emergence of professional contemporary art criticism and regular publications, and this was also due to another factor: the artists' refusal in accepting the art theorist as an equal actor within the contemporary art world. The recognition mechanisms were to be kept among artists, while the art critic's mission was, most of the times, the appraisal of the artists' choice.

Conclusion

The analysis of the 1990s Romanian contemporary art institutions and their reception among artists, as well as the comparison with the Hungarian situation, has revealed a series of specific features of the local contemporary art world that determined a particular type of evolution, different from other national worlds. Accordingly, the fragmentation of the contemporary art world in Romania and the acute tension detected in the relationships among its actors are generated by two sets of factors. On the one hand, there could be identified *structural causes*, while, on the other hand, the highly divided art community could be explain by *specific collective mentalities*.

From a structural point of view, the 1990s Romanian contemporary art world suffers, first of all, of very narrow institutional landscape and the consecutive limited funding sources and artistic recognition mechanisms. With respect to the reformation of the Communist art institutions, the major institutional actor, the UAP, initiated its reconfiguration process immediately after December '89 by rejecting the state patronage. However, the UAP failed in understanding that it should assume a new type of mission, i.e. of a professional syndicate, and continued to aim at an all-mighty position within the contemporary art world. Meanwhile, the art academies were more successful in their reformation process but this was due, on the one hand, to the enthusiasm of the newly recruited teachers and students, while, on the other hand, to a more rigorous structure specific to the higher education system. Nevertheless, conflictual situations were also to be found within the art academies that prevented a more rapid reconfiguration process in terms of new programs and update in pedagogical philosophy.

As for funding sources, the public subsidies – distributed through the Ministry of Culture and the local authorities – decreased year by year, whereas most of them were allocated according to an outdated cultural policy, preventing the updating of contemporary art practices. Meanwhile, the Soros Foundation financial support, as well as its artistic consecration prospects, was oriented – legitimately – toward a

certain part of the art community, involved in art practices associated with new media and technologies that were rather marginal within the Romanian contemporary art world.

Aside from the SCCA, the few newly emerged private institutions, however enthusiastic, were just partly successful in building valid funding and artistic recognition mechanisms, alternative to the ones within public contemporary art institutions, as they were not able to generate a common strategy and valid mechanisms for coordinating their activity. Additionally, the business sector, with its institutions of sponsorship and patronage, on the one hand, and art market, on the other hand, was almost absent all-through the decade. Compared to the international contemporary art system, as defined by Moulin, it becomes obvious that the 1990s Romanian contemporary art world was not a functional one, as the profit-oriented pole was completely missing, whereas the not-for-profit pole was just in an incipient stage.

Yet, the fragmentation of the contemporary art world in Romania and the acute tension detected in the relationships among its actors are just partially explicable by the insufficient institution-building process. In addition to this, another set of factors has prevented the 1990s Romanian contemporary art world from becoming a functional one. They are connected to specific social and professional mentalities. Firstly, one should mention the survival of an *étatique* mentality among artists. With some exceptions, the large majority of the artists thought of themselves as needing assistance, while the post-Communist Romanian governments maintained a paternalistic attitude toward the art community. But as the public support for contemporary art diminished year after year, the artists started to focus exclusively on individual strategies – initially of surviving and then of accessing artistic recognition mechanisms – that led to lack of solidarity and harsh competition within the art community.

Secondly, the highly tense relationships among the art professionals leading to a fragmented contemporary art world are also explicable by the lack of commonly shared conventions, in Becker' sense. The shift from a centralized and univocal system to a democratic and pluralistic one dismantled the former set of conventions, making the cooperation within the Romanian contemporary art world almost impossible. The incapacity of the art community in creating new conventions was generated by the majority of the artists' failure in understanding both the functioning and the characteristics of the international contemporary art world. One of the explanations regarding this lack of understanding is the minor role played by the art theorist – art critic, curator – within the Romanian contemporary art world in conjunction with the absence of nation-wide mediation instruments, e.g. art magazines and exhibition catalogs. The artists' refusal of accepting the art theorist as an equal participant of the contemporary art world is symptomatic for the Romanian artists' mentality: the self-sufficiency of the artists' community and rejection of any kind of intermediation, be it the art theorist – art critic or curator – or the art dealer.

The transition from the totalitarian regime to the democratic one was a highly traumatic process for all social worlds and particularly for the art worlds. At the end of the 1990s, the reformation of the major Communist art institution – the UAP – was still away from completion, in terms of mission and organizational updating. The SCCA, however instrumental in implementing new consecration mechanisms and in contemporary art practices' updating, had a limited impact within the Romanian contemporary art world. In the meantime, the newly established not-for-profit institutions, though dynamic and enthusiastic, failed in building a valid counterpart to the outdated artistic recognition system associated with the UAP. The Ministry of Culture remained the most important institutional actor within the 1990s Romanian contemporary art world, as the profit oriented pole – the art market – was quasi-absent. Consequently, the Romanian contemporary art world continued its institutional reconfiguration and institution-building processes all-through the 2000s. However, a functional contemporary art world is yet to be built.

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HUSSERL AND PROFESSIONAL "VIRTUES". A PHENOMENOLOGICAL APPROACH TO MEDIA ETHICS*

VICTOR POPESCU**

ABSTRACT. The article aims to make a connection between the phenomenology of moral action and professional ethics. Mainly, we try to instil in the research on journalism ethics some of the Husserlian thoughts regarding the ethical ideal of the self-norming and self-improvement of persons - as citizens, parents and, more important, as professionals. The article relies on the phenomenology of "professional calling", in order to solve a particular moral dilemma engendered by some pro-fascist statements uttered in a television interview. Furthermore, it concentrates on the similarities between the Husserlian phenomenology of moral life and the Aristotelian virtue ethics.

Keywords: virtue ethics, moral phenomenology, self-norming, self-improvement, professional calling, media ethics, Husserl, moral dilemma, fascism, freedom of speech.

1. Introduction

"I think I understand Hitler. He's not what you would call a good guy, but I understand much about him and I sympathize with him a little bit", said Lars Von Trier at a press conference in May 2011 during the Cannes Film Festival[1]. Even if he later explained that this was a joke, the Danish director was excluded from the competition and his accreditation withdrawn. Several months before, on the Romanian National Television, a well-known journalist (ranked the second most popular journalist in the country) voiced his sympathy towards the leader of the fascist movement in Romania between the Two World Wars. The leader in question was called "romantic", "honest" and "necessary" for those times – the tone was not a jocular one. The television network offered a public apology, stating however that it had not been able to censor such statements due to the right to freedom of speech. The national deontological forum for audio-visual media ("CNA" - The National Audio-Visual

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** *Researcher at the Romanian Society for Phenomenology / The "Alexandru Dragomir" Institute, Bd. Mihail Kogalniceanu, no 49, ap. 45, Bucharest, Romania, RO-050104. Email address: victor.popescu77@gmail.com. Professional web page: http://www.phenomenology.ro/index.php/victor-popescu.html.*

[1] See Mike Collett-White and Nick Vinocur, "Cannes expels 'shocked' Von Trier for Hitler remarks", *Reuters*, May 19, 2011 (http://www.reuters.com/article/2011/05/19/us-cannes-vontrier-idUSTRE74I2N320110519 - accessed on October 8, 2011).

Council in Romania) gave a warning to the host of the TV show for having allowed for the leader of a totalitarian anti-Semite movement to appear in a positive light. In response to that, a significant group of Romanian intellectuals published a letter where they accused CNA of inequity and of lack of judgement for having given such warning – if CNA condemned a show that promoted fascist values, why had it not given similar warnings to other TV shows that promoted Communist values?[2]

Are freedom of speech and equity concerning public sanctions arguments viable enough to allow a public network to air, with no further thought, an apologia of a former Romanian fascist leader? We will try to give an answer to this question, making use of the instruments of phenomenological ethics. First, we will show in what way the phenomenology of moral life can be of use to professional ethics, while underlining the kinship between the Husserlian ideal of self-norming (self-improvement) and the ideal "of professional excellence" within virtue ethics. Next, we will apply these moral desiderata to the journalistic case mentioned above, attempting to examine what a "virtuous" journalist could have done in order to make an interview that would have served the supreme value of journalism, namely public good.

In the final section of the paper, we will underline the limitations of a phenomenological ethics of professional virtue, showing that a "principlist" approach and a deontological code are absolutely necessary to achieve the ethos of the virtuous professional. Furthermore, we will show that the ethics of the virtuous journalist brings not only extra passion to the process of educating and informing the public, but also an increase in the professional quality of the journalistic process. We will begin by discussing the ethics of Husserl, who did not centre on issues of applied ethics as such, but gave attentive consideration to the relation between norm, profession and moral.

2. "Natural" vs. "normative" attitude: the worker and the engineer

While going about our daily tasks, Husserl maintains, we approach the world in a "naive manner" and it is in the same "naive" ("natural") way that we project our actions. "Naive" does not have a pejorative meaning here, but refers to the way in which one drifts along, assuming a non-reflective relationship with the world, without distancing oneself from things or pondering on them, driven by the basic impulse of carrying out the daily routine.

Let us take the example that Husserl gives concerning the builder's trade. The builder is in no way interested in architectural theories or calculations regarding the durability of materials. He knows that he has to lay the foundation of a house and finish it – this is his main purpose and all his actions are means to this particular

[2] See Alice Lupu, "Scrisoarea celor zece intelectuali în apărarea Eugeniei Vodă" [Ten Intellectuals Signed a Letter in Defense of Eugenia Vodă], *Evenimentul zilei,* December 17, 2010 for the online version (http://www.evz.ro/detalii/stiri/scrisoarea-celor-zece-intelectuali-in-apararea-eugeniei-voda-915974.html - accessed on October 8, 2011). We will discuss at length the moral and deontological judgements concerning that case in section 6 of the present paper.

end. On the next level, the builder is supervised by the civil engineer. The purpose of the engineer, Husserl underlines[3], is not that of building the house brick by brick but that of "helping the builders with advice, instructions and practical rules that rest on scientific and rational foundations." While the construction worker does his job with his mind set on the building which is bound to be ready in a few weeks, the civil engineer pays attention to the rules that have to be followed in order to make a safe, sturdy house, built according to the plans. The worker is guided by a "naive" or "natural" will (attitude), while the engineer takes into account the scientific norms when he looks upon the construction process, which is the "normative" attitude.

The difference between the natural attitude and the normative one can be also encountered in the domain of art. On the one hand, there are the "naive art" creators, who do not strive for sheer beauty and do not regard themselves as "artists"; on the other hand, there are those artists whose purpose is that of creating "beautiful" pieces of art and who are critical towards their own works, wondering whether "the intended values are genuine", if they abide by aesthetic rules[4].

We can look at other professions in a similar manner, for example the politician's profession or that of the scientist. Within all of them, we are bound to find "normative will", which is what guides us towards achieving the principles and the values central to the profession in question (Husserl points out that there can be values such as power or wealth, but also aesthetic or scientific values). My "type of life" (*Lebenstypik*), my "form of life" (*Lebensform*), determines my own future and is meant to bring me happiness and satisfaction[5]. Husserl notes that it is part of the "essence of humanity" to lead a *self-norming life,* in all its particular areas. Whether it concerns our roles as employees or our roles as parents or citizens, our life is regulated by "rational" norms and by positive, self-evident values[6].

3. Self-improvement and the "law of absorption"

The condition of a self-normalising life is not enough to define the specifics of a profession, Husserl shows. From a certain point of view, the artist or the civil engineer can function on a "naive" level as well. Here, we do not talk only about the nonprofessional contexts, where, customarily, these individuals play the non-reflective roles of "family members" or "citizens". They can also act "naively" even within their profession. Often, the painter does not ask himself if the aesthetic values that

[3] Edmund Husserl, *Einleitung in die Ethik. Vorlesungen Sommersemester 1920-1924,* Husserliana - Band XXXVII, Kluwer Academic Publishers, Dordrecht, p. 20.
[4] *Ibidem*, p. 249-250
[5] Henning Peucker, "From Logic to the Person: An Introduction to Edmund Husserl's Ethics", in *The Review of Metaphysics* 62, December 2008, p. 323.
[6] E. Husserl, Husserl, *Einleitung in die Ethik*, pp. 250-251. Husserl notes that "thievery" cannot be called a profession, even if it is guided by a special kind of normativity. This is because its central values are „abnormal" and, obviously, false.

his work is supposed to represent (the equilibrium of planes, the chromatic harmony) are really the most adequate and whether he could try "untried" paths in order to attain beauty. In other words, the artist often succumbs to routine, being unwilling to grow or ask himself further what he might do in order to become a complete artist. Taking one's profession seriously means more than "self-norming", more than following one's routine; it also presupposes the desire to better oneself, an "ethos" of self-improvement, a will to achieve the best possible thing (*Wille zum Besten*) in one's domain. This is not only the case of the artist, but also that of the scientist:

> The scientist is not content only with the truth, but, as he works hard for his science, he strives to achieve the best theoretical system, characterized by the widest availability. In the same manner, the artist not only pursues beauty, but attempts to attain supreme beauty, to accomplish the best possible work of art. In each of these sphere, better is the enemy of good, and "the best" absorbs all the other inferior goods[7].

In conclusion, every profession (*Beruf*) implies two things: (1) a will to abide by the rules of the domain in question, to be consistent with the "job description", but also the unspoken rules imposed by the tradition of the trade[8]; (2) a will to better oneself and to do one's job as well as one can; this "normative will" to do everything at an optimal level often presupposes professional choices between the ordinary path and the exceptional one, between mediocrity and passion (calling). And that choice is founded upon the "axiom" in formal axiology which stipulates that a relatively high value will always be absorbed by the realization of an even higher value"[9].

4. The axiological "sacrifice": the scientist and the mother

To devote oneself to one's profession means sometimes to sacrifice some of the least important interests (values), either personal or professional. An example offered by Husserl is that of the person that wants to become an accomplished scientist and gives up music lessons because of this, although he knows he has a gift that is also worth using. Such individuals choose to "sacrifice" their musical education (their personal interests) in order "to be able to accumulate exceptional scientific knowledge"[10]. Taking this argument further, we can remember scientists (Galilei, Einstein), who preferred to give up some of the "paradigmatic" rules

[7] *Ibidem*, p. 251.
[8] Regarding the traditional character (generated by the community) of the rules of professional activity and for a sketch of a phenomenology of profession, see Husserl, *Die Lebenswelt. Auslegungen der vorgegebenen Welt und ihrer Konstitution. Texte aus dem Nachlass (1916-1937)*, Springer, Dordrecht, 2008, pp. 392-294.
[9] H. Peucker, *op. cit.*, p. 314.
[10] E. Husserl, *Vorlesungen über Ethik und Wertlehre 1908-1914*, Husserliana – Band XXVIII, Kluwer Academic Publishers, Dordrecht, p. 420.

(truths) of physics in order to replace them with new ("revolutionary") hypotheses. All this was done in pursuit of the ultimate goal of physics: the theoretical truth regarding the laws of nature. Thus, self-improvement might also presuppose infringing upon "traditional" rules, seen as common-sense in the professional community.

Another example that Husserl gives refers to the parent's role. This example is worth looking at, since, for Husserl, being involved in parenting is, from a normative point of view, quite similar with the professional calling, as shown by the critic Ullrich Melle[11]. The example below shows how "the law of absorption" leads to the "tragic" infringement upon traditional codes, such as sacrificing values specific to the "profession" of parent. Let us suppose that a mother has to choose between the salvation of her child and that of an exceptional being (a Christ-like figure). As a mother, she is responsible chiefly for her child. "Her duty is to help the child to grow into a man that is both physically and spiritually accomplished", Husserl shows[12]. Apparently, she has no reason to sacrifice her child the child of another. But what happens if the mother knows that the salvation of the other child serves an infinitely higher purpose, such as "the good of the people" or the welfare of mankind? If this other child is meant to lead mankind to a superior level, then the mother can take the responsibility of giving up her own child, according to the following reasoning: "I sacrifice my child (…) on the altar of a value that is so high that it erases the value of my own son"[13]. In this, the mother avoids the eventuality of her own child growing up and reproaching her that she has not sacrificed him and thus caused irreparable damage to all human beings, including himself. If the essential principle of parenting consists of, as Husserl puts it, watching over "the spiritual and physical fulfilment of the child" and if this child grows and lives eternally "unfulfilled", unsatisfied with himself (as he knows his destiny is another), then we understand why the sacrifice of the natural child transforms the mother into an "exceptional" parent. It is true, the mother breaks the custom which makes her responsible for the integrity of her own child, but abides by a superior principle, that of the "fulfilment" of the child as an adult.

This case is, in Husserlian terms, a "tragic" one, but also a "rational" one from an axiological point of view. However, for us, even as a mere thought experiment, it seems "cynical" and "revolting". The excerpt we refer to was written in 1914 and we can imagine that the "solution" to the moral dilemma of sacrificing one's one child for a loftier cause would have been different in the period after the First World War. Then, one of Husserl's sons had already been killed on the front lines, sacrificed on

[11] Even if Husserl "thinks of motherhood as being analogous to a professional calling", the mother is motivated by instinctual love (not only by pure, theoretical love), which gives a more poignant character to her "calling" (See Ullrich Melle, "Edmund Husserl: From Reason to Love", in John J. Drummond and Lester Embree, *Phenomenological Approaches to Moral Philosophy*, Kluwer, Dordrecht, 2002, p. 244).

[12] E. Husserl, *Vorlesungen über Ethik und Wertlehre*, p. 421.

[13] *Ibidem*, p. 422.

the altar of the superior national value of the German state's integrity[14]. Nevertheless, what we need to take into consideration is that a profession is conceived of not only as (1) a set of rules that regulates a certain kind of life, but also as (2) a *calling*, as "dedication" of that life exclusively to the "realization" (*Verwirklichung*) of the values pertaining to that profession. This passion for the profession means that "the subject in question has personal love for and is devoted to the axiological spheres which concern him – whether art or science, or community values"[15]. One's attachment to one's profession, "whole-hearted" love for the ultimate value of one's profession – this is what animates the will the excel, to better oneself as a professional and even sacrifice some of one's least important values for the sake of values and principles central to the profession (aesthetic values, theoretical truth, the good of the community).

5. The "virtues" of professionals. Correctness and excellence

Husserl does not talk about the possibility of an "applied" or "professional" ethics (these conceptualizations did not even exist at that date). Moreover, he views professional calling (*Beruf*) as depending on a "pre-ethical self-regulation"[16], meaning that it does not depend on the "pure" ethics of man as a total Man, as an ideal of the perfect moral person. Nevertheless, we believe that the professional "ethos", recommended by Husserl as (1) self-norming and (2) continual self-improvement, brings us very close to professional ethics, in the version inspired by virtue ethics. This is due to fact that Aristotelian ethics of professional virtues and Husserlian phenomenology of professional normativity are connected to the common ideal of professional self-improvement.

One reply that we might receive would be that contemporary ethics is less concerned with artists or scientists, but with doctors (dedicated to health values) or those in the legal professions (dedicated to the pursuit of justice) and with the relation of these professionals with their clients. Furthermore, the discussions concerning the love for "axiological truth" or the normative will to self-improvement have been replaced with concrete analysis of the virtues particular to each of these professions – for example the doctor must display medical beneficence, truthfulness, trustworthiness, courage, humility and even a "disposition to justice in the provision of his care"[17].

[14] Despite his Jewish origin, Husserl was loyal to Germany. His son Wolfgang was killed and his son Gerhart was wounded while fighting for Germany in the First World War (David Woodruff Smith, *Husserl,* Routledge, London and New York, 2007, p. 25).

[15] E. Husserl, *Aufsätze und Vorträge (1911-1921)*, Husserliana - Band XXVII, Martinus Nijhoff Publishers, Dordrecht, 1987, p. 28.

[16] *Ibidem*.

[17] Justin Oakley and Dean Cocking, *Virtue Ethics and Professional Roles*, Cambridge University Press, Cambridge, 2003, p. 93.

In spite of the differences shown above, the double principle of professional "vocation" is also present in *virtue ethics*. This is what Oakley and Cocking call "the regulative ideal", which includes "both normative dispositions that govern one's actions in accordance with standards of *correctness* and normative dispositions that govern one's behaviour and motivation according to standards of *excellence*"[18]. We encounter the same two normative aspects of a profession: (1) the respect for the rules of that profession, for the correct application of these rules, and also (2) the desire to surpass oneself, to strive for the best possible thing. However, excellence often lies beyond the ordinary rules of one's profession; sometimes it is even against some of these rules. Achieving excellence in a profession is something that cannot be regulated or codified, depending on personal decisions.

Even if they flout some of the professional rules, the "standards of excellence" must abide by the supreme, basic values and principles of that profession. For example, we cannot define (codify) the rules of excellence of jazz player[19], but we know that he can disregard some of the rules of musical art, if the player does that for "the sake of art", in order to create something extraordinary: for example the pianist can strike the keys of his piano with his fists or feet, or he might also want to create disharmony on purpose – such "mistakes" are accepted if the overall musical effect is an "exceptional" one. In the same manner, an "exceptional" lawyer might infringe upon some of the rules of this trade, for example those that require him to respect the will/autonomy of his client. Thus, the lawyer might refuse to keep deferring the trial date on procedural grounds, if he represents a wealthy corporation that has been sued by a person of limited financial means, who does not afford to keep paying for a long time legal counsel. The lawyer is aware that the deferral of the verdict is unjust and, thus, in contradiction with the norm of the science of the law, which implies an expedient solution of the cause[20].

As shown above, for Husserl, "excellence" in a certain profession often presupposes choices and sacrifices motivated by the "axiological reason": the scientist who wants to perfect himself gives up the cultivation of his talent for music, the mother who wants to be an exceptional parent (but also an outstanding member of the community) sacrifices her child in order to save a clearly superior person, who might play the part of a Saviour. In the phenomenological perspective of the "calling", the professional imperative might be the following: "Practice your profession as good as possible, abiding by the highest values and principles!".

In this article, we will attempt to see to what extent we can apply the regulative ideal of professional calling, namely excellence, in order to solve problems particular to the domain of journalism. Relying on the ideal of self-improvement, which implies the law of the "absorption of values", we shall analyze the case of a

[18] *Ibidem*, p. 27.
[19] *Ibidem*.
[20] *Ibidem*, pp. 121 ff.

television interview, where two deontological rules come into play, which are equally important: ensuring freedom of speech and avoiding the dissemination of a xenophobic and anti-Semite attitude. After trying to solve this dilemma, based on an ethics of professional virtues in the phenomenological vein, we will make some general remarks on the possible common areas of Husserlian ethics and the newer, Aristotelian-inspired, trend of virtue ethics.

6. The Roles of the journalist: from "observer" to "public servant"

On November 13, 2010 the show "The Professionals" on the National Television network TVR 1 invited, as an only guest, well-known journalist Ion Cristoiu, founder and editor of many influential papers in the '90, but also the editor of a well-known pop-history magazine (*Historia*). The host of the show was Eugenia Vodă, a journalist who invites as show guests members of the Romanian professional elite (medicine, natural sciences, literature and social sciences). In this interview, Cristoiu talked , among other things, about his abandoned project of a history book on the topic of Corneliu Zelea Codreanu, the leader of the extreme right movement between the Two World Wars, the Iron Guard[21]. In spite of the unanimous opinion expressed by previous historians, who see Codreanu as a fascist extremist and a criminal (in October 1924 Codreanu murdered the Iaşi prefect of police), Cristoiu maintained, that it was a mistake to demonize the fascist leader, who also had his good sides and could be seen as a "romantic" character. We offer an excerpt of the show in question:

> E.V.: I've asked you: was Zelea a fanatic or not? Would you have written the biography of a fanatic?
>
> I.C: But he wasn't a fanatic follower of the Iron Guard's ideas, this is another mistake. He was a fanatic follower of the idea of honour. I think he was a character apart; maybe he was more of a romantic from this point of view (...) he didn't compromise, he was not corrupted[22].

The show caused a series of public media debates, but we will not give an exhaustive list of all the opinions and statements concerning this case. We believe however that we can give the basic profile of ethical dilemma that the TVR journalist faced. On the one hand, the code of ethics require the TV interviewer (A) to censor the pro-Fascist opinions of her guest, at least by "balancing" them by offering other historical opinions. On the other hand, the show format requires (B) the right to freedom of opinion and expression.

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[21] Corneliu Zelea Codreanu is best known to history as "the leader of the Legion of the Archangel Michael, otherwise known as the Iron Guard. This fascist organization fought a bitter battle, punctuated by political murders, against a succession of constitutional governments, and then against a royal dictatorship. In November 1938 the royal government suppressed the Iron Guard, and garrotted Codreanu" (Kevin Passmore, *Fascism. A Short Introduction*, Oxford University Press, Oxford, p. 7).

[22] See excerpts of the monitoring report in the warning given by CNA (National Audiovisual Council of Romania). The warning (in Romanian language) is accessible at the address: http://www.cna.ro/Decizia-nr-1189-din-09-12-2010.html (accessed on October 8, 2011).

Let us see the post-factum objections of the two "sides" involved in the deontological conflict:

CNA (the National Audiovisual Council of Romania) stated that (A), by airing positive opinions regarding a "romantic" fascist, the network did not take into account the Audiovisual Code, which forbids "the apologia of the crimes and abuses of totalitarian regimes as well as that of those who committed such crimes"[23].

In response, Cristoiu underlined that his peculiar apologia wasn't anti-Semite at all: "I spoke only about one side of his personality. Saying that he was not a corrupt politician does not mean that I or the author of the interview agree with his statements about Romanian Jews"[24]. We notice that the justification offered belongs to the realm of sophistics. Idealistic or not, incorruptible or not, Codreanu remains a fanatic criminal and to say that you have a "passion" for him, as a "romantic" (a "fanatic of ideas"), obviously means that you promote not only "a side of his personality", but, implicitly, that you promote the leader of a fascist, anti-Semite movement.

But there is one more objection that Cristoiu raised: (B) the TV host wasn't allowed to censure him, because of his very right to freedom of speech. How do we solve the deontological conflict between freedom of speech and the promotion of a fascist leader? What should the host of the show "The Professionals" have said in order to make her interview with Ion Cristoiu "as good as possible"? In an approach particular to virtue ethics we can, of course, speak about various moral virtues which are defining for the journalist, such as reaching for the truth, individual responsibility, guarding the public sphere etc. But besides the role of "watchdog", a virtuous journalistic practice must contribute to the good of the community. Journalism "must embrace the more morally ambitious goal of helping people flourish as human beings". However, in order "to flourish, people need to know *well* so that they can actually participate in civic life", underlines Sandra L. Borden[25]. The "telos" of exceptional journalism seems to be the "realisation" of public good, objectivity and truth being means just for achieving the welfare of the community. All this imposes a new task for the journalist – the role of "public servant". While we are aware of the conceptual and methodological differences between phenomenology and the ethics of virtue, we will emphasize that there is a strong conceptual kinship between the ethics of the virtuous journalist as "a public servant" and the way in which Husserl conceives the "moral character" of the professional. For him, self-betterment means participating in the maximization of public good, as well as in the moral

[23] We quote the "Decision 1189" a CNA of December 9, 2010, available on page http://www.cna.ro/Decizia-nr-1189-din-09-12-2010.html (page accessed on October 8, 2011).

[24] Silvana Chiujdea and Cristian Delea, "Ion Cristoiu reacționează ironic după sancțiunea CNA pentru subiectul 'Zelea Codreanu'" [Ion Cristoiu responds ironically after CNA warning for the 'Zelea Codreanu' issue], in *Adevărul*, 13 decembrie 2010. Available online at http://www.adevarul.ro/financiar/media/Profesionistii-TVR-CNA-Rectia-Cristoiu_0_388761359.html (accessed on October 8, 2011).

[25] Sandra L. Borden, *Journalism as Practice: MacIntyre, virtue ethics and the press*, Ashgate, Hampshire, 2007, p. 51.

development of other community members. Without strictly referring to professional ethics, Husserl imposes a very high ethical ideal for the virtuous individual. Our individual life is not, strictly, just "our own". It is not a possession, but a piece of the community's life. The awareness of this fact leads to an altruistic ethic effort, to a "social ethics", where "humanity can accede to maximal happiness by means of my own activity (*Arbeit*)"[26]. Further, the ideal of a "perfect world and humanity" also implies an effort to increase our moral culture, to "ethicize humanity" by handing down, from person to person (generation to generation) valuable models and lessons[27]. Virtue thus does not presuppose only self-betterment, but also facilitates the moral growth of other individuals.

Let us come back to the moral dilemma concerning "The Professionals" and let us remember the second criterion for professional ethics: that of the professional calling, of self-betterment. Concretely, in this case, the host of the show should, as an "exceptional" journalist, call into question journalistic routines. It is true that the portrait-interview does not require a second opinion, but, at the same time, one must not forget that the show is aired on a public national television and that, by its very title ("The Professionals"), the journalist seeks to promote persons that can serve at any time as social and moral models[28]. In other words, the show serves "the public good" not only through useful information, but also as spiritual education, since it brings in front of viewers role-models from art, literature, helping professions and, as is the case here, journalism.

In this respect, it is clear that the forming "telos" of the show requires that the admiring comments about Zelea Codreanu should be somewhat toned down or softened. Even if the format of the portrait-interview does not require her to do this, the host of the show "The Professionals" could have taken some measures of correct information concerning Zelea Codreanu. The solutions are diverse and can be put into practice contextually: a clearer countering of the pro-Codreanu statements during the very interview; the censorship of pro-Codreanu statements; placing a disclaimer on screen; or the exceptional hosting, during the same edition, of an smaller interview where a respected historian of the period could have offered a more credible and more complete portrait of Codreanu. Even if the usual format of the show or the basic

[26] Husserl, "Ms F I 24", p. 114, apud Alois Roth, *Edumnd Husserls ethische Untersuchungen,* Martinus Nijhoff, Den Haag, 1960, p. 162.

[27] Husserl, "Ms F I 24", p. 154, apud Roth, *op. cit.*, p. 163.

[28] One should note that Cristoiu is indeed perceived as a professional model, since he is the second most notorious journalist in 2007. A survey made at the request of the network Realitatea TV in 2007, with 6.500 respondents, showed that Ion Cristoiu was ranked second in the top of the most popular Romanian journalists with 18%, see: Raluca Neagu "Mihaela Rădulescu şi Mircea Badea, printre cei mai apreciaţi... jurnalişti români!" [Mihaela Rădulescu and Mircea Badea, among the most popular Romanian journalists!], in *Gândul,* online edition, November 15, 2007. The news article is available online at http://www.gandul.info/media-advertising/mihaela-radulescu-mircea-badea-printre-cei-apreciati-jurnalisti--1039932 (accessed on October 8, 2011).

rule of the portrait-interview are not respected, we believe that, in this exceptional case, the law of "value absorption" allows us to cancel the value of "a single guest" interview. Thus, it would be appropriate to add a second voice (for example a specialist in contemporary history) to finish the incomplete portrait of Codreanu.

We underline that all this does not necessarily enter "the job description", but such things pertain to the journalist's "calling" and to the "telos" of serving the public – which includes helping viewers to make sense of the historical events and of the political statements, in an informed capacity. The "virtuous" journalist should turn from an objective witness of events into the professional that borrows some of the curiosity and critical spirit of the scientist, is willing to correctly contextualize events and, at the same time, is animated by the pleasure of telling a captivating story, as the writer does[29].

7. The limitations of Husserlian media ethics

In the end, we would like to underline (1) some of the possible obstacles for a Husserlian phenomenology of journalistic ethics. Furthermore, we will (2) examine the limitations of a "vocational" approach to professional ethics, which needs to be completed by new deontological principles and (3) we will point out some of the common ideas that connect Husserlian phenomenology to virtue ethics.

1. We have repeatedly underlined that, to our knowledge, there are no Husserlian writings devoted explicitly to journalism and event to applied ethics. One could point out that we did not appeal to other important thinkers of the phenomenological framework who did make, albeit briefly, explicit references to the press. An example in this respect is Heidegger, who sees newspapers as a clear example of "idle talk" (*Gerede*), for "inauthentic" daily conversations, which are silent about the essential events in our life. "In our time it is merely by means of an echo that events acquire their 'greatness' - the echo of the newspaper", Martin Heidegger writes commenting Nietzsche's observations[30]. Here we could highlight some ethical issues. For example, we could think about a critique of the irresponsibility of tabloid media which turns acutely existential events (birth, death) into platitudes or society columns (see the case of the anecdotic report on the death of a star and the subsequent quarrels of his heirs)

2. It could be also argued that the ideal of profession as a calling, as "exceptional" practice is an unrealistic one, no matter what profession we refer to. Certainly, it is easier to talk about a "calling" by giving examples from the domain of scientific research or from art, where passion and freedom of movement are greater

[29] Sandra L. Borden, *op. cit.,* pp. 63-64.

[30] M. Heidegger, *Nietzsche IV: Nihilism,* New York, Harper & Row, 1982, p. 47, apud David Dwan,"Idle Talk: Ontology and Mass Communications in Heidegger", in *New Formations,* 51 (2003), p. 114.

than in other professions. However, it is difficult to speak about an "impassioned" attitude in professions where routine and exhaustion appear much sooner, as in the medical professions where doctors are overworked, in the legal professions, where judges have to read thousands of pages in a single day or in television where the reporter has to travel to many locations in the same day. We could answer that the ethos of professionalization also includes self-care (spiritual and physical integrity), but it is clear that this is does not solve the problem. The passion for one's profession is not enough. It is clear that an ethics of professional virtues needs to be supplemented by deontological principles of organizations, which should refer not only to the obligations of the employee towards the employer and towards the clients/public, but also to the obligations of the employer towards his employees. Virtue ethics does not exclude, but needs deontological principles and rules. For example, referring to the protection of employees, an organizational culture could not do without the Kantian principle of the employee's human dignity, who will never be used as a "means", but also as an end, as supreme value. In the case of journalism, we notice the tendency of "proletarization of journalists" (underpaid, moved from one department to another at the whims of their bosses). Since the "virtues" of the employers are cannot be improved in this case, deontology (and also legal measures) can help for "it increases the protection of journalists, their solidarity, their prestige, their influence – hence their morale, hence their productivity"[31].

3. In section 5, we attempted to bring together two philosophical schools which come from different traditions. Virtue ethics is of Anglo-Saxon descent, while ethical phenomenology has continental roots. On the one hand, there is an analytic approach, centred on rigorous logical arguments and on the other, there is hermeneutic phenomenological approach, based on the descriptions and explanations of tacit meanings. However, we think, beyond the framework differences, there are similarities that cannot be denied between Husserlian ethics and virtue ethics. In his phenomenology of morals, Husserl often emphasizes the "voluntaristic origin of ethical life" and defines the moral act as a reflective act par excellence, as the will to self-determination[32], ideas deeply influenced by Fichte's activist idealism. However, Husserl acknowledges the importance of shaping the "moral" character, namely the fact that our actions and moral decisions do not fade away and leave their mark on a person, engendering a "second nature"[33], creating a certain moral habituations of moral persons. Our moral life evolves based on "the moral mark" left by previous moral decisions and on the further reinforcement of this "mark" by new moral actions[34]. These "habituations",

[31] Claude-Jean Bertrand, *Media Ethics and Accountability Systems*, Transaction Publishers, New Brunswick, 2002, p. 150.

[32] See H. Puecker, *op. cit.*, p. 324.

[33] E. Husserl, *Einleitung in die Ethik,* p. 165. „The entire life of the self, as spiritual life of the moral self, is placed under a strict habitual regulation, which is founded on self-norming and self-creation - these playing the part of original institutions" (E. Husserl, *Einleitung in die Ethik,* p. 164).

[34] *Ibidem*, p. 163.

as shown by John J. Drummond, are similar to Aristotelian "virtues", as dispositional states to react correctly, starting from just reasons[35]. Aristotelian virtues are partly superposed on the habituations of the moral person. Moreover, the ideal of "good character" and of "seeking the good life for man"[36] by "practicing" the virtues and by seeking the ultimate good is present with Husserl, but also with Aristotle (and the representatives of the modern virtue ethics). The conceptual bond between the two philosophers is achieved in the tradition of Austrian philosophy, whose representatives are Franz Brentano and Bernard Bolzano, a theme which is worth developing further[37].

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Coming back to the journalistic ethics and applying the Husserlian principle of moral and professional self-improvement, we would like to underline that the importance of rethinking the journalist's virtues does not amount only to instilling extra passion or dedication in the profession. On an organizational level, the cultivation of professional virtues means, implicitly, increasing the quality of the journalistic process and also the credibility of the institution. Moreover, the self-betterment of the journalist brings with it a solution to the fake dilemma of the audience – "Should we treat a topic of public interest, which might seem too elitist or too serious, or should we deal with a 'lighter' topic, which appeals to a wider audience?" Even if the deontological and professional rules do not forbid the journalist to privilege sensational topics, which are also in bad taste, the ideal of self-improvement imposes a new type of media ethics (Lipovetsky calls it "postmoralistic"), preoccupied with professional qualification and training, with the development of the taste for truth and with the curiosity for the facts[38]. Virtue ethics does not exclude media deontology (as Lipovetsky suggests), but contributes enormously to reinforce norms and especially to increase the quality of the journalistic process, to perfect skills, to professionalize a job threatened by routine, by the proletarization of employees and by the forgetting of its ultimate values.

[35] See John J. Drummond, "Self-Responsability and Eudaimonia", in C. Ierna, Hanne Jacobs and Filip Mattens (eds.), *Philosophy, Phenomenology, Sciences. Essays in Commemoration of Edmund Husserl,* Springer, Dordrecht, 2010, pp. 451-452.

[36] For the way in which this ideal appears in the Aristotelian work, see Alasdair MacIntyre, *After Virtue. A Study of Moral Theory*, University of Notre Dame Press, 2007, pp. 219 ff.

[37] See H. Puecker, *op. cit.*, p. 311.

[38] See Gilles Lipovetsky, *Le crépuscule du devoir: l'éthique indolore des nouveaux temps démocratiques*, Gallimard, Paris, 2000, see Chapter 6.

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SOME CONSIDERATIONS ON METHODOLOGY IN ETHICS: THE DIFFERENT LEVELS OF CRITIQUE IN THE VARIOUS AREAS OF PROFESSIONAL ETHICS*

PATRICK O'SULLIVAN**

ABSTRACT. Beginning from a reminder of the logical properties of ethical discourse the paper first of all compares and (more tellingly) contrasts the three areas of applied ethics that were the subject of the conference: business ethics, journalism ethics and medical ethics. The sharp contrast between the automatic presumption of a high moral commitment from medical practitioners and the presumption of a total absence of moral obligation that we find in certain ultraliberal writers on economics and business is shown to be very revealing even if that ultraliberal position is widely challenged today especially in the aftermath of the financial crisis. The latter part of the article then reflects in methodological vein on the three quite different logical levels at which a normative critique of professional practice may be carried out in each of the three areas (business, journalism and medical) and ends with a plea for the place of metaethics (which we here label as level 3 critique) as a vital contributor to ethical discussion in a multicultural globalised world.

Key words: Metaethics; Ultraliberalism; Business (Ethics); Journalism (Ethics); Medical (Ethics); Moral Philosophy.

Introduction

The philosophical conference held at Cluj in April 2011 was devoted to a wide ranging discussion of the ethical issues which can arise in a variety of different professional areas; business ethics, journalism ethics and medical ethics. The purpose of this paper is to stimulate in the first instance a reflection on the similarities between these areas of applied ethics but more revealingly also to reflect on the differences in the presuppositions of professional ethics and on the perception of practitioners

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** *Department of People Organisations and Society, Grenoble Ecole de Management, 12 Rue Pierre Sémard, 38003 Grenoble, France. Email: patrick.osullivan@grenoble-em.com*

on the role of ethics in each of these areas. From this comparison the paper will move on to distinguish methodologically between three quite different levels at which the critical thinking of applied ethics in these three fields may be carried out; and it is suggested that the methodological insights attained can apply to any area of applied ethics.

Logical prolegomena

The conference was devoted to an examination of applied ethics in three distinct areas of professional ethics:

- Business Ethics,
- Medical Ethics,
- Ethics in Journalism.

While similar and having much in common these three areas also present some very revealing differences.

We will begin by noting the convergence and also the differences between these three areas of professional ethics and their modal logical significance. The latter part of the paper will then be concerned with a methodological reflection on the levels at which the normative critiques in each of these fields may be carried out.

Ethics in general sets out rules for right or *morally good* conduct. Business ethics focuses on rules of good conduct in respect of business practices. Medical ethics focuses on rules of good conduct in respect of the practice of medicine and of course draws its ultimate inspiration from the Hippocratic oath. Ethics in journalism in turn examines rules of good conduct in journalism. While the study of the rules which *actually* appear to guide behaviour (if any) has a place in each of these areas of applied ethics (and is essentially a matter of anthropological or sociological study) a far more interesting subject (and the one which concerns philosophers) is the consideration of what sort of rules/principles *should* or *ought* to guide practitioners in each of these areas. This takes us into the area of normative as opposed to positive discourse.

Normative discourse by virtue of the fact that it examines questions of how the world ought ideally to be necessarily implies taking a critical, an evaluative stance, in relation to actual current practices in the relevant sphere.

Positive v. Normative

Positive discourse states what IS the case and so consists of facts or relationships among ideas. It may be analytical but is not critical of the actual world.

Normative discourse states how the world OUGHT to be and so is a statement of ideals. It is therefore inherently critical of the actual world.

A very basic theorem in modal logic shows that normative conclusions can never be drawn from a set of purely positive premises in an argument.[1] To get a normative conclusion there must be at least one normative premise present at least implicitly in an argument. This leads to a conclusion of immense importance to the study of any field of applied ethics. In order to be able to draw normative conclusions about practical activity, how practitioners ***ought*** to act in certain situations, we cannot just rely on a purely positive description/analysis of the situation. Rather we must recognise that to draw normative conclusions we need to draw on at least some set of normative principles in framing our argument.

What will now be interesting will be to see what these normative premises might be which lie at the foundation of each of our three areas of applied ethics.

The normative basis of three areas of professional ethics

The normative principles can come from a variety of sources not necessarily in conflict with each other and usually quite convergent in the norms they suggest: Everyday or **conventional morality** in a society or culture; **Religion** (which is often the basis of a society's conventionally accepted morality especially where one religion is predominant in a society); and of course the academic discipline which studies normative issues in a systematic rigorous manner, **Moral Philosophy**. In the context of this conference and its proceedings it is interesting to reflect on the normative roots of each of the 3 main fields of applied ethics that have been its subject matter as these present some revealing contrasts.

The Normative Basis in Medicine

Considering Medical Ethics the normative foundation has always been very explicit and essentially simple: the Hippocratic oath[2].

This puts a moral duty to act always in a manner to cure or at least to improve the wellbeing of the patient at the very centre of all of the practices of the medical doctor. It is for example explicit and clear at least as a matter of good and proper medical practice (even if not necessarily always true in actual fact) that the pursuit of the patient's well being should be paramount over any consideration of financial gain, profit or other personal advantage for the practitioner. There may of course be other ethical issues involved in medical ethics such as confidentiality, truth telling and of course the controversial issues about abortion, euthanasia and

[1] The theorem goes back at least to the work of David Hume and was formalised in the work of the 19th century English philosopher G E Moore. Moore called the move from positive premises to normative conclusions the « naturalistic fallacy ». It is true that Moore's treatment differs in certain respects from Humme's but the end result is the same : normative conclusions cannot be derived from purely positive premises. See G E MOORE (1903) « *Principia Ethica* » Cambridge University Press.

[2] An oath still taken by a wide variety of medical students and deriving from an oath first drafted it is said by Hippocrates in ancient Greece (father of Greek medicine). Hippocrates taught medicine on the island of Kos in the 5th century BC.

stem cell research. These controversies may reflect differences in interpretation of empirical evidence but more often than not they reflect differences in fundamental moral norms and so invite us to a careful moral philosophical reflection. My point therefore is that in respect of the foundation of medical ethics and in the discussion of its more tricky specific issues, the moral philosophical foundation of all of these reflections is explicit and accepted. The same we shall now see is not necessarily the case for business or journalism ethics.

Normative Basis in Business

The case of business presents an immediate contrast in that there is nothing remotely like a Hippocratic oath or presumption that business should be conducted in accordance with high moral or professional standards. On the contrary there has been a widely influential strain of thinking which holds that ethics and morality have no place in business.

This is what Crane and Matten dub as the ***oxymoron*** view of business ethics in their eponymous textbook on the subject[3]. In its most usual version this oxymoron view is the argument that in practice as a matter of *positive* fact businesses ignore any kind of ethical considerations in the ruthless pursuit of profit; hence that business ethics is irrelevant. This we could call the "positive oxymoron" argument. However this overlooks the normative character of the subject. Business ethics is *not* primarily a study of how businesses actually behave but rather of how they *ought* ideally to behave; it is a normative discipline. To such a normative business ethics considerations of how businesses actually behave are very largely irrelevant. The fact that large numbers of people or businesses actually behave in a certain (immoral) way is entirely irrelevant to the question of how they ought ideally to behave and not a reason for not studying and recommending what would be better behaviour. Moreover it is just not true as a matter of fact that there are no businesses that care about ethical issues. Some very successful businesses have had right at the heart of their strategy and *modus operandi* some highly moral convictions and values. Examples would be The Body Shop (UK cosmetics firm), Patagonia (mountain clothing and equipment), Cadbury (19° century morally enlightened capitalism) and, one could argue, the whole Fair Trade movement.

A more coherent and influential version of the oxymoron argument which is in sharp contrast to the ethical approach in medicine is what we may call the ***normative*** oxymoron.

This approach argues that what happens in the sphere of business *ought* not to be a matter for moral evaluation in any case. Ethics therefore has no and ought to have no place in the business arena. The normative oxymoron sees business in effect like a great game which is *and ought* to be a complete free-for–all beyond any kind of morals; a kind of competitive war of all against all in which the fittest

[3] CRANE A and MATTEN D (2010) « *Business Ethics* 3rd edition, Oxford University Press

survive. Some of the most extreme proponents of free market capitalism argue that such an unrestrained free-for-all is actually ultimately beneficent to the whole society. This standpoint for which the name *Ultraliberalism* has emerged over the past decade has been defended in various versions and ways over the past two and a half centuries by such thinkers as Adam Smith (although Smith's views on laisser-faire capitalism are more nuanced than some of his popularisers realise); Albert Carr (who outlined the idea of business as ruthless game beyond all morality) and of course Milton Friedman.

Ultraliberalism

Although many ultraliberals would claim Adam Smith as their inspiration[4] in fact his position was much more nuanced than that of contemporary ultraliberals. Certainly Adam Smith argued that if every agent in an economy gets on with pursuing their own narrow self-interests without any regard to the common good (or to social responsibility as we would say today) they would be led "as if by an invisible hand" to promote the common good nonetheless. But Adam Smith also, argued that for the Invisible hand to produce this beneficence there would need to be perfect competition in all markets and a state providing such public infrastructure as roads and harbours etc. Moreover Adam Smith regarded the temptation to monopoly and abuse of dominant position as inherent in capitalism and so he saw a key role for the state in curbing monopoly and in regulating markets on an ongoing basis to ensure that they would be competitive.

Friedman's position[5] which is nicely encapsulated in the title of his influential piece on this subject "the social responsibility of business is to increase profits" has a certain similarity to Smith's Invisible Hand in that it too reaches the conclusion that businesses should get on with maximising profits and not trouble themselves with the common good or wider social responsibilities; but in fact Friedman reaches his conclusion in quite a different manner. Friedman notes that the central legal responsibility of managers in a typical limited company is to act on behalf of shareholders and he then goes on in an ill disguised ideological ploy to equate this legal responsibility of managers with their moral responsibility. It is not for the businesses but for the government to worry about the common good or wider social interests. Friedman seems blithely unaware that questions of legality and morality are distinct (there can be bad laws) and so his position is at least logically flawed if not a pure piece of ideological pleading for shareholder capitalism. Nonetheless Friedman's position has been hugely influential on a whole generation of American dominated strategic management literature not to say on the ideological slant of a whole generation of business schools.

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[4] Adam SMITH (1776): "*An Enquiry into the nature and causes of the Wealth of Nations*", Penguin London reprint 1982.

[5] Milton FRIEDMAN (1970) "The social responsibility of business is to increase profits" in *New York Times Magazine*, 13 September 1970.

Carr[6] too whose position is that business is a game beyond any moral rules has also had a less numerous but enthusiastic following. Both of these thinkers have in effect argued that there ought to be no ethics in business; there is and ought to be no code of professional business ethics akin to that of the medical profession. Carr is very clear about this while Friedman seems slightly to fudge the message by saying that businesses should get on with maximising profits "provided they stay within the rules of the game" which on examination turn out to be the legal framework as set for businesses by the state, in other words once again a narrowly legalistic as opposed to a truly moral formulation of social responsibility. Hence business is and ought to be purely about making money for shareholders and where business managers deviate from the narrow pursuit of profits they not only are stealing shareholders money, they are failing to perform their essential social function. This **ultraliberalism** has had a huge influence throughout the 1990s especially in the UK and US but also in Eastern Europe and in Russia. It has had lesser influence in Western Continental Europe and in other parts of the world and it has of course been seriously shaken by a series of high profile business scandals such as Enron and above all by the financial crisis and collapse of Autumn 2008; and as an ideology it has for long been challenged by the theorists of business ethics.

Critiques of Ultraliberalism

This is not the place to go into the detail of the challenges to ultraliberalism from business ethicists; it will be sufficient to mention the alternative offered by the *stakeholder* approach (E. Freeman); and that the Friedmanite view actually presupposes a highly atomistic view of the position of companies in society in which any sense of their implicit social contract with the community in which they are located and on whose good organisation they rely is entirely missing. All we can say is that there is an emerging consensus at least among theorists and even politicians that 21° century business badly needs to be conducted in accordance with high moral standards; but that business practice lags far behind this consensus still today. Of course there is lots of talk of CSR etc; but unfortunately much of this is window dressing (*greenwashing*). It also has to be said that many managers are still hiding behind the apparently convenient fig leaf offered by Michael Porter[7]: that CSR can be "strategic", that is to say (in Porterspeak) compatible with profit maximising. That may in certain cases be true in a world of increasingly ethically aware consumers and shareholders; but it would be a huge travesty to suggest that all of the key issues for CSR are such that they are never costly or at the expense of at least some profits for a firm.

[6] Albert CARR (1968): "Is Business bluffing ethical?" in *Harvard Business Review*, January 1968

[7] PORTER M and KRAMER M (2006) « Strategy and Society: The Link Between Competitive Advantage and Corporate Social Responsibility" in *Harvard Business Review*, December 2006

Medical v. Business Ethics

Of particular interest in the context of this conference and perhaps more widely today in the context of a widespread disillusionment with business values and motivation in the aftermath of the financial crisis and various business scandals of recent years is the recognition that while in medicine it is presumed by all that there should be a highly ethical approach to medical practice (even if there can be some disagreement about the details), in the field of business there is no such consensus that business should be conducted in accordance with high moral standards or ethical principles. Of course there are many who advocate strongly that business today is badly in need of a moral basis, that a business should be conducted not merely in the interests of the shareholders but of a much wider group of stakeholders[8] or that business must be considered to have a social contract with the society or community in which it is located and that that social contract brings duties to the community as well as rights[9]. But as we have seen the advocates of Ultraliberalism disavow any need for business ethics and so the idea of a professional ethics for business is to this day hotly contested both in practice and in academic circles of reflection on business practices.

The Normative Basis in Journalism Ethics

If the idea of a code of ethics for medicine is almost axiomatic while the idea of such a code for business has to say the least been contested, what of the idea of a code of ethics for journalism? The position could be said to be somewhere in between what we have found for medical and for business ethics. Journalism has not got anything as formal or as ancient as the Hippocratic oath of the medical profession but, in contrast to the field of business, journalists in general take a fairly moral approach to the definition of their functions in relation to society and most subscribe to well known codes of journalism ethics which are supposed to give some quite detailed guidance to how a journalist should behave[10]. In the first place journalists see themselves as playing a crucial moral function in relation to the wider society: their role is to pursue and to reveal the truth about human affairs, thereby promoting transparency in public affairs, itself seen as a basic value. Journalism also sees itself as an essential promoter and vehicle of freedom of speech and thought, in turn seen as a fundamental human right at least since the time of Locke.

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[8] The *locus classicus* of stakeholder theory is of course FREEMAN E (1984). *Strategic Management: A stakeholder approach*. Boston: Pitman

[9] For a fuller discussion of this see O'SULLIVAN P, ESPOSITO M and SMITH M (2012) «*Business Ethics Integrating Ethics Across the Business World»,* Routledge London. See Chapter 2

[10] Examples would be the BBC's detailed code which can be accessed at http://www.bbc.co.uk/guidelines/editorialguidelines/guidelines/ or the International Federation of journalists code which can be accessed at http://www.ifj.org/en/articles/ifj-declaration-of-principles-on-the-conduct-of-journalists

These broad moral goals are then translated into quite specific ethical advice for the daily conduct of journalists. They are of course required to tell the truth and avoid falsehood; to distinguish clearly hard fact from the expression of opinion; to be impartial in their reporting and presentation; and to follow the "no harm" or better "least harm" principle in reporting as far as possible. Recent times have seen the emergence of some new and fairly tricky themes in ethics of journalism. The right of people to privacy from intrusive journalists has become a major issue in some countries for example[11].

Perhaps even more controversial is the issue of media ownership. Media outlets are of course free to express opinions provided that is kept completely distinct from the reporting of facts. Certain media owners if not most are however keen to present their own opinions and may even encourage a partial reporting of facts to suit their opinions. This can be as true of privately owned as of publicly owned media. None of this would be too much of a concern if there was free and open competition among media sources with all opinions getting a reasonably equal hearing or platform. The reality however today is very far from such competition. Over much of the world media outlets remain a public sector monopoly often manipulated in the extreme to suit the political parties in power. In other parts of the world where there is private ownership there has been an equally damaging tendency to private sector monopolies which have tended to hammer a political line in line with the interests of their private owners. The most clearcut example is Rupert Murdoch's media empire followed a close second by Silvio Berlusconi's burlesque empire in Italy. In these cases we are far removed from a journalism which is motivated by the pursuit of truth and the impartial expression of opinions in line with the declared ideals of most ethical codes for journalism. So perhaps we could say that in parallel with the Friedman inspired ascendancy of the oxymoron ultraliberal approach to business ethics of the 1990s and early 2000s codes of journalism ethics have been seriously eroded by the same all conquering forces of financial hybris whereby in reality in so-called democracies today money is power[12]. There is however clear signs that this cynical erosion of journalistic standards is at last under attack. With the rise of television channels such as Al Jazeera and a

[11] Since the first draft of ths paper for the conference in April 2011 a series of events of momentous importance for the definition of the right to privacy in relation to journalism ethics has unfolded in Britain: the mobile phone hacking and police bribery activities of the News of the World, a downmarket British tabloid which was owned and run by Rupert Murdoch's News International and which has had to be closed down as a result of the scandal. Apart from entrenching a widespread cynicism about the news media in the UK and about Murdoch in particular this has actualy turned the question of the moral balance to be struck between right to privacy and right of journalists to investiagte in the public interest into a matter of a current hot and open debate.

[12] My aim is not to make cheap political slogans here but simply to draw attention to the inescapable reality that in a Friedmanite world it is shareholders interests alone that count while in the world of privately owned media at least to have a monopoly and thereby a potentially dominant influence what matters I shaving the financial clout to be able to buy up a sufficient range of media outlets.

realisation of just how patently biassed outfits such as Fox News in the US or the public channels of many autocratic states are, the general public are coming to have a much more mature and cynical view of what is reported which in the long term will probably raise journalistic standards again. The availability of both formal and informal news and especially picture/video clips on the internet is also having a huge effect. Even governments in the freer parts of the world are aware of the degradation of journalistic ethical standards and within the past two years both the Council of Europe[13] and the European Council (summit meeting of EU prime ministers) have issued strongly worded calls to greater ethical standards in journalism including in respect of privacy, impartiality and concentration of ownership. The latter can of course also be challenged under the EU's broad provisions against abuse of dominant positions in any business.

Towards methodology

Thus far I have contrasted what might be called the *degree of acceptability* of each of the areas of professional ethics to the mainstream of practitioners in each of the areas that are the concern of the conference; medicine, journalism and business ethics. This is in many ways a revealing contrast but it has more to do with *ideology* than with *methodology*. I now turn to a strictly methodological consideration and comparison drawing on some work I have already elaborated elsewhere in relation to business ethics[14]. Essentially in reflecting on the methodological characteristics of a wide variety of different types of contribution to business ethics I have been led to the conclusion that it is possible to identify three quite distinct levels at which the critiques of business ethics may be conducted. We will now examine these levels of critique and I will show their application not only to business ethics but also to the fields of medical and journalism ethics.

Central to the whole discussion of course is the conviction that serious ethical discussion in any of these fields is **normative** in character; and so inevitably involves the adoption of a ***critical*** attitude in relation to the actual domain of human affairs under study. To the extent that one takes up a normative position whereby one argues that the world ought ideally to be this or that way one is almost invariably implicitly adopting a critical attitude to the world as it actually is (unless of course it already corresponds perfectly to the ideal outlined). However there are three different levels at which this critique may be carried out depending on how radical or how deeply we want to probe. Moreover the differences in level also correspond to differences in approach to Business Ethics across different cultures as we shall see. For the want of better labels I have called these levels 1, 2 and 3.

[13] Available at https://wcd.coe.int/wcd/ViewDoc.jsp?id=1188517

[14] See O'SULLIVAN P, ESPOSITO M and SMITH M (2012) «*Business Ethics Integrating Ethics Across the Business World*», Routledge London. Chapter s 1 and 2.

Level 1

Level 1 critique

Here what we examine is exclusively the moral responsibility of the *individual* manager, worker or professional within the company or organisation where he is working. Given the individualistic focus it will not be a surprise to find that this level of critique has been very characteristic of American business ethics and indeed to many American authors in this field it is the *sole* concern of business ethics.[15] This level of critique is also clearly present in both medical and journalism ethics each of which pay considerable attention to the moral and ethical aspects of the day to day conduct of a professional in the respective fields. In effect therefore we may expect that professional ethics in any field will in the first place direct its critical attention to outlining norms of conduct for the individual practitioners in the field.

Level 2

Level 2 critique

In the case of business ethics it is also possible to raise critical questions at the level of the company as a whole and to ask what moral responsibilities the company should have in relation to the wider society in which it is located. For multinational companies in particular the relevant community to be considered may be the whole world. In effect Level 2 critique takes us into the realm of criticisms of the role of companies in society and so in effect into a critical appraisal of certain key aspects at least of the prevailing socio-economic system which over most of the western world is based on free market shareholder capitalism. To that extent there is indeed a convergence with the concerns and approach of the Frankfurt school of Critical Social Theory (Habermas, Horkheimer, Adorno etc). Level 2 critique can therefore take us to a much more radical level of reflection in which the whole socio-economic system may need to be called into question. It is no wonder perhaps that proponents of American business ethics who (following Friedman) have displayed an axiomatic faith in the dogma of shareholder capitalism and its beneficence for society have generally fought shy of this level of critique.

Level 2 critique can certainly also be seen and is quite explicit in journalism ethics. There has been open explicit discussion and critique regarding the wider role and moral responsibilities of the media in relation to the wider society in which they are located: one only has to consider the standard defences of freedom of the press which are cast in terms of the importance of transparency in government as a bulwark against abuses of power by politicians etc.

[15] In addition to my own work on this (O'SULLIVANet alii 2012 op.cit. Ch 2) see also CRANE A and MATTEN D (2010) op.cit. Chapter 3

Level 2 critique is perhaps not so much present in medical ethics. The medical practitioner is to a very large extent an independent professional dealing directly with the patients rather than through the mediation of some type of medical organisation. Hence the vast bulk of the critical moral issues of medical ethics are focussed on the ethics of the individual practitioner. That is not to say that there are not also some societal level 2 type issues in medicine such as the question of rights and conditions of access to medical care for all in a society or the much discussed question of morality of the provision of expensive drugs and life-saving therapies developed by private pharmaceutical firms' research to patients in poor countries who simply cannot afford the high prices.

Level 3

Level 3 critique

In the setting of contemporary business in a globalised world where large multinational companies find themselves operating in a wide variety of often very different cultural settings and where less multinational firms will often find themselves at least interacting with firms from far flung places at certain points on their supply chain usually to avail of lower cost supplies of components, it is inevitable that businesses will find themselves faced with perhaps widely divergent ethical viewpoints. The classic example from business ethics classes is production using child labour at some point on the supply chain. Many western multinationals seeking ever lower costs in the Carr-like competitive pursuit of profits have outsourced labour-intensive parts of the production process to various third world states with very cheap labour; and of course a major reason for the labour being so cheap in certain cases is because children of a very young age are being employed at pittance wages. Employment of children of the ages of 8 to12 for up to 10 hours daily at pittance wages (such as is common in the less developed parts of the world) would not only be illegal, it would also be regarded as highly immoral by most comfortable westerners. Just how strong that moral conviction is was discovered by Nike in the 1990s when revelations about their use of child labour in the manufacture of various sports goods appeared and were widely published in the media. Yet in the context and conditions of a family in a less developed country child labour may be seen from a rather different moral perspective as something which is essential to family wellbeing and survival amid grinding poverty; and as preferable to the alternatives for the children and the family[16]. So a business may in effect find itself facing two very different moral perspectives: that of the home country where the firm's headquarters are situated and that of the host country to which some business is outsourced. We have given the example of child labour but in fact it is easy to think of many other examples of

[16] For such a counterview and a general discussion of the issues Nike faced see for example STEPP, W (14 March 2001). "Nike is Right". Mises Institute. http://mises.org/daily/628.

contrasts between home and host country morality which can arise in the conduct of business: the examples of discrimination against women n the workplace or of different views on "corruption" and gift-giving could be mentioned. The point is that when faced with these situations a business or an individual manager who wishes to act in a morally responsible manner faces an inevitable inexorable choice: they will have to decide which of the two moralities to apply; or indeed if there is a third transcendent set of moral principles on which they could base their moral choice.

It is this which defines *Level 3* of critique in Business Ethics. There will for many ethical issues in international business be an inevitable need to stand outside competing moral positions or codes and to make a normative value judgement as to which code to apply; or indeed to find some transcendent code standing outside the home and host country codes which may be applied. This is what has elsewhere been termed as meta-ethics or as the "critical morality of moralities" (by the great English legal philosopher H L A Hart) and it clearly goes beyond the sorts of critique of level 1 and level 2 where some moral principles or ethical code are simply taken as given. At level 3 we are actually making a critical assessment of the moral codes themselves. To develop such a critical morality of moralities clearly we cannot use any simple conventional morality or draw on any one religion since that would be to presuppose the superiority of one moral code over all others before we even begin our critical evaluation. This is precisely the position of the narrow minded bigot. Rather we must turn to moral philosophy to develop metaethics. The aim of moral philosophy in developing this level 3 critique will be to seek for fundamental universal moral principles which could be accepted by rational human beings anywhere in the world precisely in virtue of their rationality and which can therefore serve as the basis of a universal moral code that transcends all particular codes. Such a code will then be a resource on which for example international businesses can draw in the face of the dilemmas that arise from competing codes such as child labour etc.

Moral Relativism: the nemesis of Level 3 critique

Of course moral and cultural relativists will throw up their hands in horror at the suggestion of developing a rationally based universal moral code: how intolerant of diversity they will say! Yet what convincing advice can the moral relativist give to the business or indeed medical practitioners who find themselves in the face of competing moral codes? The economist Friedman whom we have already mentioned earlier writing in another context put the ultimate answer to that question rather well: "About differences in fundamental values men can ultimately only fight"[17]. This assertion has the great virtue of bringing out clearly the ultimate logical terminus of moral relativism: and it is anything but tolerant. In any case to be plausible moral

[17] The quotation comes from the chapter on « The methodology of positiive economics » in FRIEDMAN M «(1953) « *Essays in Positive Economics* » University of Chicago Press.

relativism must draw on a wider epistemological relativism (such as for example Wittgenstein's language game epistemology). Epistemological relativism in all its forms must boil down to the assertion that "there are no absolute truths". Yet if that is itself put forward as an absolute truth it is immediately self-contradictory. If on the other hand it is put forward as simply an opinion, not a universal truth, then let's compare it with the opinion of some other thinker who holds that "there are some absolute truths (attainable by human cognition)". All the upholder of the possibility of absolute truths has to do is to provide *just one* absolute truth and the argument is definitively settled. Well St Augustine and Descartes have provided some famous examples of such absolutes: propositions which are absolutely true simply because the attempt to doubt them or call them into question would involve the thinker in a performative contradiction: *Si fallor, sum* (St Augustine). I am thinking (Descartes). *Cogito, ergo sum* (Descartes). There may be many other absolute truths attainable by human beings (truths of mathematics??) but at this stage what we have shown is just that some such absolute truths are attainable by human cognition through reasoning. I am sufficiently Socratic to appreciate that it is extremely difficult to arrive at absolutes and I have not got a ready made system to offer here and now. Nonetheless I would argue that since the alternative of falling back into moral relativism is ultimately a war of civilisations as Friedman so poignantly reminded us, to search for universal moral values in moral philosophy in particular is not only logically possible, it is important for humanity. This is the ultimate significance and importance of level 3 critique based on moral philosophy. Moreover despite the trendy and supposedly tolerant espousal of a postmodernist moral relativism by many contemporary thinkers who have despaired of finding universal values or who interpret this search as a neoimperialism, in fact there are examples of reasonably successful attempts to define universal human values and moral principles: one thinks of the various Charters of Human Rights (UN, Council of Europe, Lisbon treaty of the EU etc). Moreover some of the great moral philosophies have given us arguably some very powerful universal principles: the Kantian Categorical Imperative, the Greek Golden Mean, the Confucian values of trust and relationship...

The golden mean essentially urges us to live in a manner which balances all aspects of our inherent human nature (Reason, Emotion and base Desires) and in harmony with our natural environment: in short *sustainability*. The Kantian Categorical Imperative is put forward by Kant as a fundamental guiding principle to which any person through rational reflection can subscribe: "*Act only in a manner whereby you could will that all human beings should act in the same manner in the same situation*" or "*Act in such a manner that you treat other human beings always at the same time as ends-in themselves and never merely as means*[18]*"*. Eastern wisdom opens our eyes (in a manner which is manifestly valid for all mankind) to the centrality of relationship in our lives: to the fact that to be fulfilled as human beings we need to interact with and to be in the company of other human beings at every

[18] See KANT I (1997) «*The Moral Law; Groundwork for a Metaphysic of Morals*» Routledge London

turn; and indeed we often need to be able to count on their solidarity. Hence the central importance in Eastern moral thought of the nurturing of relationship and the building of *trust* among human beings.

So in contrast to the pessimism of moral relativism which despairs of ever finding any universal moral values, level 3 critique is not only logically feasible, there may already be a good deal of very valuable universal moral insight available in metaethical moral philosophy if only we open our eyes to it. We have already seen how useful this level 3 critique can be in solving some of the most challenging dilemmas of contemporary international business.

Level 3 critique can also contribute to the professional ethics of journalism and of medicine. In the case of journalism ethics there are for example clearly differences of interpretation of the social responsibilities of the press in different countries and cultures in respect of what to report and in the respect of privacy. To name but one famous debate in journalism and in politics, to what extent should there be free speech for fascists or for terrorists?. My point is not to try to resolve that fascinating and often very revealing moral debate but only to show how the social responsibility of the press to report the truth accurately and to present opinions in a balanced and fair manner can lead to some serious differences of interpretation in different countries which cry out for the establishment of clear and detailed universal norms through a level 3 critique.

In the same manner some of the controversies which divide countries in respect of medical ethics (stem cell research, genetically modified crops, property rights in GMO and medicines) call out for the effort to try to derive some universal guiding moral principles through a level 3 critique. It is true that some of the issues in medical ethics may turn on the interpretation of positive scientific evidence (or the lack of it); but behind the debates about the facts who can deny that there lurk some fundamental moral differences that challenge us to develop a level 3 critique in medical ethics as well.

Conclusion

In this paper we have surveyed the similarities and also the very telling differences between three leading areas of applied professional ethics: business, journalism and medicine. We then went on to examine the methodologically distinct levels at which the critiques of normative ethics can be carried out and I argued that contrary to the prevailing quasi orthodoxy of moral relativism it is possible (and in practical terms extremely useful) at level 3 of critique as distinguished above (Metaethics or Critical Morality of Moralities) to derive a small core of universal moral principles for all mankind and which can serve as the normative basis of ethical critique in the face of difficult cross cultural or international moral dilemmas and controversies.

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BEING HUMAN AND TRUST

MM HEYNS[*], MF HEYNS[**]

ABSTRACT. "Trust" has become the buzzword of our decade, amongst other things, as a reaction to what is perceived as a trust crisis. This perception has a lot to do with a perception of *not-being-in-control* and a *culture of suspicion.* This leads to a yearning for a world where total control is possible and nobody thus needs to trust anybody else. We shall argue that this kind of world is conditioned by the earlier modern reductionist idea of a strong and disengaged self. We approach the nature of trust from a transcendental perspective by looking at some of the salient conditions for trust to exist, namely a lessened emphasis on a strong and disengaged self, our human condition of vulnerability and an inescapable engagement with a normative horizon. We shall argue that these conditions are not only the result of philosophical pondering but also insights that impress themselves in recent empirical research on trust.

Key words: conditions for trust, early / late modern self, engaged / disengaged self, vulnerable / strong self, relational / substantial self

1. Preamble

Tonkens and Swierstra[1] announce in a popular article what sounds like a recurring mantra nowadays: We live in a *low trust* society. Trust, they claim, should therefore become the buzzword of the coming ten years; how to regain trust should be one of the main points on the agenda of governments and businesses. The perception is that politicians are only interested in their own careers and not in the well-being of their constituencies. They are therefore not to be trusted. Businesses are more or less in the same position. The main capitalist assumption is to pursue one's own interest and this will in the end, via the invisible hand of the market, lead to the satisfaction of the general interest. However, people believe this assumption less and less when they look at the big bonuses that managers give themselves while their businesses are failing.

[*] *Potchefstroom Business School, North-West University, Potchefstroom Campus, Potchefstroom, South Africa, email: Marita.Heyns@nwu.ac.za*
[**] *School of Philosophy, North-West University, Potchefstroom Campus, Potchefstroom, South Africa, email: Michael.Heyns@nwu.ac.za*
[1] TONKENS, E & SWIERSTRA, T. ...de opgave van het komende decennium. *Filosofie Magazine*. Jaargang 19(6), 2010, pp. 20-21.

Not everybody, however, is convinced that we experience a trust crisis. Oneill[2], for instance, does not want to talk about a "crisis of trust", because she thinks that the evidence for such a crisis is "pretty mixed". She[3] argues that we still place trust in all kinds of professions and institutions. We drink the water that water companies provide, we eat the food that farmers produce and supermarkets sell, we listen and read the news that newspapers and other media give us and we use the medicine given by the pharmaceutical industry. One can argue that we cannot avoid making use of these products because we have no alternatives. However, we have alternatives – we can drink bottled water or boil it, and we can use alternative medicine. It is simply not reliable evidence to say that we do not trust. Our expressions of mistrust cannot only be words; it must be backed up by action, by "changing the way we live" – which we do not necessarily do.

It is, however, not this easy to dismiss a glooming culture of mistrust. In the early years of the twenty-first century, the business-world was stunned by major breaches of accepted practices of morality by prominent corporations such as Enron, WorldCom, Tyco and Parmalat. These became instances of mistrust and were enhanced with the events of 11 September 2001. This surge of events shortly after the beginning of the new millennium necessitated a reappraisal of trust as a virtue. There was a significant emphasis on a more sobering appreciation of the dangers of misplaced or naive trust in institutions and individuals upon whom our welfare and security ultimately depend. It became inconveniently clear how dangerously thin the security nets under us are[4].

Within the South African context, the notion of a trust-crisis is of even greater importance. The socio-political history created a social environment that is characterised by extreme mistrust between people[5]. Fuhr[6] summarises the situation as follows: "this country has been scarred by an ever widening chasm of mistrust and it is safe to say that anyone that fails to address that mistrust, is destined to remain firmly rooted in the old South Africa; mistrust is probably the single most formidable obstacle in the way of meaningful change."

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[2] ONEILL, O. A question of trust. Cambridge: Cambridge University press. 2010, pp. vii,16-17.

[3] ONEILL, A question of trust, pp. 11-14.

[4] COVEY, S.M.R. The speed of trust: the one thing that changes everything. New York: Simon & Schuster, Inc. 2006, p. 22; KRAMER, R.M. Organizational trust: a reader. New York: Oxford University Press Inc. 2006, pp. 10-11, SIEVERS, B. Fool'd with hope, men favour the deceit. (*In* Westwood, R. & Clegg, S., *eds*. Debating organization: point-counterpoint in organization studies Oxford, UK: Blackwell. 2003, pp. 356-367).

[5] KRAFT, P. , ENGELBRECHT, A.S. & THERON, CC. The influence of transformational and transactional leadership on dyadic trust relationships through perceptions of fairness. *SA journal of industrial psychology*, 30(1), 2004, p. 10; ENGELBRECHT, A.S & CLOETE, B.E. An analysis of a supervisor-subordinate trust relationship. *SA journal of industrial psychology*, 26(1), 2000, p. 24; MARTINS, N. A model for managing trust. *International journal of manpower*, 23(8), 2002, p. 754; STEINMAN, N. & MARTINS, N. *South African teams: study reveals ten reasons for failure. People's Dynamic Development*, 2009, p. 2.

[6] In: BLACKBURN, D.A. Trust in manager-subordinate relationship. Johannesburg: University of Witwatersrand, 1992, p. 4.

Oneill's suspicion about a trust-crisis may be controversial, but it should be noted that she points to an important reason for a perception of crises, namely an experience that we lack control and understanding of the world in which we live[7]. An outstanding trait of our society is "complex institutions and practices whose effects we cannot control or understand". We therefore see ourselves as the victims of "hidden and incomprehensible sources of risk". This, Oneill argues, "is true, but not new". Pre-modern societies were plagued by food shortages and illnesses and therefore also experienced theirs as risk societies. The latter is currently also true of people living in the third world who are inundated with "chronic food scarcity or drought, endemic corruption or lack of security". Tonkens and Swierstra[8] make the same point: An important cause of the current mood of mistrust, they say, is probably that too many people feel themselves locked out and disempowered. A fruitful place for growing mistrust is *angst* and a feeling that *you* are not in control of your life but that *others* are.

Then again, is trust only possible if you are in control of your life? In fact, is trust *überhaupt* possible if your goal is total control? It is therefore significant that Oneill[9] remarks that the polls, which point to a decline in trust, "certainly reveal a mood of suspicion". We may not have decisive evidence for a crisis of trust, she says, but we "have massive evidence of a culture of suspicion". This culture of suspicion may furthermore be evidence of "an unrealistic hankering for a world in which safety and compliance are total, and breaches of trust are totally eliminated".

In this paper, we shall explore this last claim by looking at the image of a strong and disengaged self that became influential in modernity. Positively stated, our aim is to look for the kind of self that trust presupposes. The point we shall elaborate is that the early modern strong and disengaged self had little use for trust. In order to rehabilitate trust, we shall therefore link with contemporary modernism's scepticism about the strong and disengaged self. One of the most important viewpoints of current modernism is that the traditional earlier modern view attributes undue power to the human being that is used in many instances for oppressive purposes and not for the intended emancipation of the human being. This figure furthermore grew in such stature that it is sometimes very difficult to discern it in real flesh-and-blood human beings – the self attained a fictional quality. We shall, however, not try to depart with the self as is sometimes the case with contemporary thinking. Nevertheless, we shall agree that the naïveté and optimism about the idea of an autonomous and substantive self of earlier modernism is forever lost.

This scepticism implies furthermore that trust cannot be seen as a purely individual subjective reaction, as a self-initiated action of a trustor that is only informed by his/her own interests, hopes, insecurities and perspectives. The second idea that

[7] ONEILL, A question of trust, pp. 15-16.
[8] TONKENS & SWIERSTRA, *...de opgave van het komende decennium*, pp. 23-24.
[9] ONEILL, A question of trust, pp. 18-19.

guides our investigation is therefore the notion that the dismissal of a supra-subjective structure will not leave something vital like trust without major deformation – "reality kicks back". It is in this regard important to note that one of the seminal thinkers of our time about trust, Anette Baier[10], remarks that trust is something that attracts almost no attention except when under pressure. Trust did not receive any significant attention in modern moral philosophy, even though moral philosophy is very much interested in cooperation between people. The important point she makes is that we "inhabit a climate of trust as we inhabit an atmosphere and notice it as we notice air, only when it becomes scarce or polluted".

In our attempt to meet this challenge, we shall approach the issue in a transcendental manner. We shall look at some of the salient conditions of being human for the existence of trust. We shall especially try to make sense of the emphasis in recent research that human vulnerability necessitates trust.

2. The modern self – indications of a direction for trust

Modern views of the self developed through three phases. The first is the objectifying self of the seventeenth century Enlightenment, which is still present in current naturalist and scientist positivism. The late eighteenth century Romanticism and their heirs set themselves against this Enlightenment image. For Romanticism, the creative, imaginative and passionate abilities of the human being as well as a "deep" inner self became important. These earlier views endowed the human being with a strong, but disengaged agency. This view emphasised characteristics and abilities that should enable the self to be the origin and creator of his own freedom. In recent developments, the followers of both the Enlightenment and Romanticism started to reject these ideas of a disengaged and strong self and started to embrace the idea of a self defined by her relationships[11].

Western views attributed two very basic characteristics to the human self. It gave a metaphysical locality to an inner substantialised and transcendental self. This locality, in the second place, became the seat of autonomous powers in the form of reflexive and initiating abilities.

Plato was one of the first thinkers to create a "soul" as the locality of human subjectivity and as the locality of unity and self-consciousness. With this view, a fragmented view of human subjectivity was rejected[12]. This unification was, however, only a preamble to the view that dominated Western thinking until deep in modern times, namely a unified inwardness. Augustine took the inward step. His introspection

[10] BAIER, A. Trust and antitrust. Ethics, (1), 1986, pp. 232-234.

[11] TAYLOR, C. Growth, legitimacy and the modern identity. *Praxis international*, 1, 1981, p. 113; TAYLOR, C. *Sources of the self – the making of the modern identity*. Cambridge: Cambridge University. 1989, pp. 495-496; GERGEN, K.J. The saturated self. London: BasicBooks. 1991, pp. 20-230.

[12] TAYLOR, Sources of the self – the making of the modern identity, pp. 118-124.

created a space inside the human being where God is met and recognised as the ground for human existence. However, after modernist secularisation, the latter rationale for the inner space fell away. What were left were inner abilities that belonged only to the individual human being[13].

With this growing inwardness, the outer world and especially other people were increasingly perceived as a threat to the self. The latter was therefore defined in opposition to other isolated selves. The border between the self and the other became untouchable because the self needed to protect itself from invasion from the other[14].

The idea of a strong self, disengaged from God and fellow human beings, also implies a self-disengagement, that is, an intra-alienation from major aspects of the self. Taylor tells the story of a self that was increasingly contracted in only his reason. This contraction became the location of the self in which especially thinking but also feelings and mental abilities were situated. Moderns therefore thought in many instances of their "selves" as something they possess like their arms, legs, hearts and so on[15].

Localisation coincides with a substantialisation of the self; this is to see the self as an unchangeable, impermeable essence, which can be seen as the core of the human being. To this essence the various aspects, abilities and identities of the human being are attached. Essentialism or a search for the thing in itself is part of a larger ontological movement that hallmarked modernism. The idea of twentieth century physics about an atom is a good example of this tendency. In architecture and the arts, this can be seen in the movement to get rid of all decoration. Modern psychology therefore also tried to identify and observe an alleged basic self[16].

This substantialisation of the self led to the salient characteristic, which Taylor calls the *disengaged self* (and in its radicalised rationalist form, the *punctual self*). This is a self (in fact only a reason) that distances itself from anything that is perceived as external, and which can influence the clearness and truthfulness of the inner picture this self has to create for itself by means of its reason. The self therefore has the task to dislocate itself from its own emotions, body and social and physical environment. Only if this distance is created, the self can return to all the externalities to objectify it in order to use it as instruments for the purposes of the essential self[17].

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[13] TAYLOR, C. The moral topography of the self (In Messer, S.B.; Sass, L.A.; Woolfolk, R. L. *reds*. Hermeneutics and psychological theory – interpretive perspectives on personality, psychotherapy and psychopathology. New Brunswick: Rutgers University Press. 1988, pp. 313-314; TAYLOR, Sources of the self – the making of the modern identity, pp. 127-140.

[14] TAYLOR, C. Erring – a postmodern a/theology. Chicago: University of Chicago. 1987, p. 130.

[15] TAYLOR, Sources of the self – the making of the modern identity, pp. 11-112,130-132,139-140,186-188, 389-390.

[16] GERGEN, The saturated self, pp. 32-35,39-40,44; LOPTSON, P. Theories of human nature. Peterborough, Ontario: Broadview. 1995, pp. 19-24; RORTY, R. Contingency, irony, and solidarity. Cambridge: Cambridge University. 1993, pp. 25-26.

[17] TAYLOR, The moral topography of the self, pp. 304-307, TAYLOR, Sources of the self – the making of the modern identity, pp. 144-147.

The ideal is of a core and untouchable rational self who can transcend and even deny all contingent circumstances (body, world, history). This self was recently still maintained in Sartre's, now irrationalist, image of absolute freedom according to which no human behaviour should be influenced from the outside[18].

It can be said that modernists in the Enlightenment tradition emphasise the rational ability of the human being, which they situate in a shallow self. Shallowness does not imply a weak agent – in fact, the rational self is probably the strongest agent in the history of humankind. It is, however, a self of which its agency is concentrated exclusively in rationality; to the extent that this self can be seen as a "punctual" self. This self dislocates him- / herself from the a-rational, which is deemed to represent inhumanity. Emotions, urges, moral sentiments and socially induced identities and competencies are therefore looked at with severe suspicion.

The Romantic model of self-exploration and self-expression is also rooted in the Augustinian model of inwardness. Augustine's image of the inner self saw this inner space as the meeting ground for God and our inner abilities. In the later secularised forms of Romantic self-exploration, God is substituted with the *stream of nature* that should connect itself with inner abilities[19]. It became a recognisable motive in Romanticism to connect the hiatus between reason and the sensory, sensual as well as between human beings. It is nevertheless important to see that this inner connection can only take place inside the self. Self-exploration, in the process, became more than merely to know the inner self, it became self-expression and the emphasis is on an inner creative ability. Autonomy became the necessary partner of the heteronomy of the stream of nature[20]. This paved the way for Romantic perspectives to become increasingly subjective and autonomous in the form of the creative ability of the self. The initial idea of the inner stream of nature to connect to is downgraded to a kind of "good"[21]. Disengagement and a strong self once again made a return in what was supposed to be the Romantic resistance to disengagement.

This substantialisation and disengagement that created the powerful self had a very recognisable effect on our perception and practice of trust. For the earlier modern self, reliance on others, and therefore the need to trust them, was not important. It is even possible to speak of an "obsession with moral relations between minimally trusting, minimally trustworthy adults who are equally powerful". Moderns seemed to think that if we can disengage ourselves from what they label the "degenerate form of absolute and unreciprocated trust in God", our capacity to trust should be used for "the equally degenerate form of formal voluntary and reciprocated trust

[18] DALLMAYR, F.R. Twilight of subjectivity – contributions to a post-individualist theory of politics. Amherst: University of Massachusetts. 1981, pp. 16-19; DERRIDA, J. Margins of philosophy. Chicago: University of Chicago. 1986, p. 119.

[19] TAYLOR, Sources of the self – the making of the modern identity, pp. 177-178, 314-315, 389-390.

[20] TAYLOR, Sources of the self – the making of the modern identity, pp. 368-371, 374-375, 382-386.

[21] TAYLOR, Sources of the self – the making of the modern identity, pp. 340-342, 347-348.

restricted to equals"[22] – this is the so-called contractual trust. The presuppositions of this view were "both an equality of power and a natural separateness from others"[23]. Furthermore, this account of contractual trust excludes those on the periphery of power, "children, servants, indentured wives, and slaves", and functions only as a "device for traders, entrepreneurs, and capitalists"[24].

These ideas resonate in the practice of trust. Recent researchers remark that people who trust easily are seen as well adjusted[25], comfortable with themselves and they generally see the world as a benign place. They are quick to trust because they tend to have faith in human nature[26]. People, who are poorly adjusted, by contrast, tend to be more suspicious of others, see many threats in the world and therefore take longer to get to a position of comfort and trust, regardless of the trustee. They are risk avoiders and need to feel in control before they place their trust in someone[27]. The latter is of course true of the overall spirit of earlier modernism and reflects a self that aspires to live without the act of trusting.

There is, however, a major turn of emphasis in views of the human being in the latter part of the twentieth century. The idea of a strong and disengaged agent is now looked at critically. The destruction of the two World Wars emphasised the immoral and irrational behaviour of a pretended strong and autonomous human being who used its powers to kill and destroy on a scale unknown in the history of humankind.

The earlier self, disengaged from everything other than an objectifying rational ability, was a shallow yet powerful subjectivity. In the twentieth century development, even this shallow subjectivity was eroded. This happened in, for instance, the behaviourism of Skinner who got rid of the idea of an inner self by labelling it the fiction of the *homunculus*. Introspection and self-control can, according to this perspective, not be the work of an autonomous individual. It is rather the product of social construction because the human being should be seen as the product of his

[22] BAIER, Trust and antitrust, p. 252.
[23] BAIER, Trust and antitrust, p. 249.
[24] BAIER, Trust and antitrust, pp. 245-247.
[25] Social behaviourism states that positive enforcements (experiences) can influence an individual to the extent that he/she will develop a generalised expectancy that the words of others – especially authority figures – can be trusted (ROTTER, J.B. A new scale for the measurement of interpersonal trust. (*In* Bachman, R, & Zaheer, A. Landmark papers on trust volume 1. Cheltenham: Edward Elgar Publishing Ltd. 2008, p. 50)
[26] High trust propensity should, however, not be equated with good adjustment in all instances. Colquitt *et al*., for example, point out that while it is obvious to see how high trust propensity may influence the establishment of trust in the early phases of new relationships, the easy acceptance of vulnerability to strangers could easily amount to "blind trust". Similarly, a person with low trust propensity could easily lose out on a relationship where the other person could actually be deserving of trust. (COLQUITT, J.A., LEPINE, J. A. & WESSON, M.J. Organizational behavior: Improving performance and commitment in the workplace. 2nd ed. 2011, p. 220).
[27] HURLEY, R.F. The decision to trust. Harvard business review, 84(9), 2006, p. 55.

environment[28]. This view became the cornerstone of a certain kind of late modernism (postmodernism). Gergen argued that twentieth century transport and communication technology caused the socially saturated self – a self immersed in an abundance of contact with other selves. This contact implied that human beings became exposed to an unknown multitude of opinions, values and lifestyles. According to Gergen, this caused the idea of the core self to disappear for all practical purposes. We are now simply *pastiches*, or copies of each other and an authentic and committed own identity (i.e. an essential or substantial inner self) becomes impossible. Because of this disappearance of the self, the reality of relation will become clearer. In place of the Romantic and Enlightenment disengaged self, a new figure is constructed – that of the relational self[29]. Skinner's behaviourism became full-grown in this late modern thesis.

Not all late modern notions of a relational self are of this radical nature. Lyotard, in his well-known *The Postmodern Condition,* stated that "each of us knows that our self does not amount to much". What remains, according to Lyotard, is the relational self. Each person is situated at "nodal points" of the all-important networks of communication of the twentieth century through which influencing messages flow. Up to this point, Lyotard does not sound much different from Gergen. However, he then adds that nobody is completely powerless with regard to the messages that flow through him. Every message that goes through him influences and shifts him, but it also elicits a counter-reaction from the self. The social networks in which the self is situated are therefore of an "agonistic" character[30]. Lyotard's self is therefore on its way to become extremely shallow and thin but not yet on its way out. With Lyotard's image, we are dealing with something relational more so than with Gergen's, who is left with no self and therefore with no one who can be in a relationship. Gergen remains with someone, albeit someone who is largely socially determined. The rationalist reductionism of earlier modernism is overturned, but only to be substituted with a new reductionism, namely social constructionism.

The early modern disengagement from a-rational aspects of the self, the O/other and from any given structure resulted in a reductionist view of being human, which also impressed itself on ideas about trust. Trust is defined by some only in terms of several interrelated cognitive processes and orientations *inside* the trustor[31]. This view usually implies that trust is built by a rational assessment of the trustee's trustworthiness. However, recent critics notice that an emphasis on the trustor's ability to rationally calculate and evaluate the trustee in order to decide to trust or not, unjustifiably marginalises emotional and social influences on trust

[28] SKINNER, B.F. Beyond freedom and dignity. London: Jonathan Cape. 1972, pp. 190-192, 200-201, 211.
[29] GERGEN, The saturated self, pp. xi, 3, 7, 48-61, 71-73, 139-140, 145-147, 156, 228.
[30] LYOTARD, J-F. The postmodern condition: a report on knowledge. Manchester: Manchester University. 1984, pp. 14-16.
[31] KRAMER, Organizational trust: a reader, p. 3.

decisions[32]. This is a rejection of a rationalist and a movement towards a relationist view of trust. This raises the question whether the latter is not the introduction of the one-sidedness of social constructionism

Baier[33] goes as far as to argue that the trust-relation consists mostly not of intentional and rational decisions. Trusting is "rarely begun by making up one's mind to trust"; it has not a "voluntarist and formalist character". She describes it as follows: "Trust can come with no beginnings, with gradual as well as sudden beginnings, and with various degrees of self-consciousness, voluntariness, and expressness".

The question is whether Baier intends to eliminate the intentional and rational self and reduces the trust-relationship in total to its, admittedly very visible, relational nature and therefore to a social constructionist view.

The agency abilities of the self remain, in our perspective, an important condition for also the human trust-relationship. A purely relationist view will leave out a number of important transcendental conditions for trust and in the process distort our understanding of the trust-relation. We shall argue that the challenge will be to formulate a trustor that does not disengage from any of the essential human functions and abilities and her contingent and structural environment when she performs acts of trust and distrust.

3. Elements of a non-substantialist and non-relationist self that trusts

Relationship

The existence of an innate propensity to trust is believed to be a "product of both nature and nurture" by some researchers[34]. Therefore, despite a movement against the strong self, many do not seem ready to abolish the self and see trust purely through the glasses of social constructionism. Even Baier[35], who is fundamentally sceptical about the strong self, remarks that children instinctively and involuntarily trust until that trust is unambiguously betrayed. She believes that "infants emerge from the womb already equipped with some ur-confidence in what supports them, so that no choice is needed to continue with that attitude, ... Trust between infant and parent, at its best, exhibits such primitive and basic trust". Baier adds that the existence of this innateness as basis is important for new forms of trust to develop and also for our understanding of trust.

[32] KRAMER, Organizational trust: a reader, p. 5.
[33] BAIER, Trust and antitrust, pp. 240-241.
[34] COLQUITT *et al*. Organizational Behavior: Improving Performance and Commitment in the Workplace, p. 220. See also ROTTER (A new scale for the measurement of interpersonal trust, p. 48) who argues that "basic trust" is a core component of a healthy personality structure.
[35] BAIER, Trust and antitrust, pp. 241-247.

The latter view is of course something very different from the belief of some theorists that trust is fundamentally a psychological state or condition of the trustor – a state that is described as disposition-based, cognition-based or affect-based. These traits are seen to have little to do with the person asking for trust, the "trustee"[36]. According to this view, the relational nature of trust can be ignored. However, our perspective on the non-relational aspects of trust should be more sophisticated. To see trust as mainly the result of the rational disposition of the trustor is the result of a reductive, disengaged and over-confident view of the self, characteristic of the earlier modern outlook. It can be recognised that trust propensity makes some contribution to our understanding of why for instance misplaced or naïve trust could develop. However, it also needs to be stated that the propensity of the trustor is in the end insufficient to understand why trust develops, because any "given trustor has varied levels of trust for various trustees"[37]. The point is that if trust propensity receives all and only attention, it reflects a reductionist perspective that is not able to explain the relational element in trust.

Because of a critical stance towards modernism, it is now recognised that the relational nature of the self, which weakens the idea of a strong, substantialised and disengaged self, is an important condition for trust to exist. It is therefore significant that some social researchers also observe that a "necessary condition of trust is interdependence, where the interests of one party cannot be achieved without reliance upon another". They identify familiarity, a positive development of the relationship, mutual understanding, and bonding as crucial to the nature of trust[38]. Baier[39] too makes this point when she says that we need help in creating and looking after the things we most value. The things we typically value include things we alone cannot look after. She mentions things like our own life, health, reputation, our offspring, conversation, theatre, market exchange, political life, and so on. She concludes that the "simple Socratic truth that no person is self-sufficient gets elaborated".

It therefore needs to be stated that it fundamentally belongs to trust and trustworthiness that they are relationship-dependent ways of human existence. The earlier modern idea of a strong and disengaged agent that can trust and be trustworthy independent of other people was a reductionist misinterpretation of the human condition.

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[36] COLQUITT *et al*. Organizational Behavior: Improving Performance and Commitment in the Workplace, pp. 220-221.

[37] MAYER, R.C., DAVIS, J.H. & SCHOORMAN, F.D. An integrative model of organizational trust. *Academy of Management Review,* 20(3), 1995, p. 716.

[38] DIRKS, K.T. & FERRIN, D.L. The role of trust in organizational settings. *Organization science*, 12(4), 2001, p. 4502; NOOTEBOOM, B., BERGER, H. & NOORDERHAVEN, N.G. Effects of trust and governance on relational risk. *Academy of management journal*, 40(2), 1997, p. 314; ROUSSEAU, D.M., SITKIN, S.B., BURT, R.S. & CAMERER, C. Not so different after all: a cross-discipline view of trust. *The academy of management review*, 23(3), 1998, pp. 395, 399.

[39] BAIER, Trust and antitrust, p. 236.

Vulnerability

It is nevertheless very important to note that the nature of the trust-relation assumes an unequal power distribution between trustor and trustee. Modern thinkers concentrated primarily on moral relations between those of equal power. However, normal life also exhibits relations between parent and child, husband and wife, adult and aged parent, slave owner and slave, official and citizen and so on. The point is that we find ourselves in relationships of "shifting and varying power asymmetry and shifting and varying intimacy", which "make up much of our lives"[40].

The relational nature of trust therefore includes vulnerability, some degree of powerlessness and even uncertainty on the side of the self. This emphasis ensues most probably from the late-modern loss of confidence in the strong self who was supposedly able to control independently his environment and relationships. Baier[41] mentions that the earlier modern emphasis on contracts in relationships made it possible "to trust with minimal vulnerability" because contracts "are designed for cooperation between mutually suspicious risk-averse strangers".

It is currently, however, emphasised by researchers that trust is about the trustor's response to a trustee whose actions are not fully predictable and controllable. Trust nevertheless presupposes per definition the expectation by the trustor that the trustee will act in the interest of the trustor. Mayer, Davis and Schoorman[42] formulate trust according to this trend: Trust is "the willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party". Even cognitive-based views emphasise the ability of the trustor to calculate information about the trustee, which causes trust to be seen as "a threshold point ... which can take a number of values suspended between complete distrust (0) and complete trust (1), and which is centred around a mid-point (0,50)"[43].

Uncertainty and vulnerability are seen by many as the core transcendentals of the trustor's situation. They therefore define trust as the willingness to take risk and as a relationship in which a trustor relies on and decides to be vulnerable to a trustee to perform according to specific expectations that are important to the trustor without taking advantage of the trustor's vulnerability[44].

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[40] BAIER, Trust and antitrust, pp. 252-253.

[41] BAIER, Trust and antitrust, p. 251.

[42] MAYER *et al.* An integrative model of organizational trust, p. 712.

[43] GAMBETTA, D. Can we trust trust? (*In* Bachman, R. & Zaheer, A. Landmark papers on trust volume 1. Cheltenham: Edward Elgar Publishing Ltd. 2008, p. 138.

[44] COLQUITT *et al*. Organizational behavior: Improving performance and commitment in the workplace, pp. 121, 135; GAMBETTA, Can we trust trust?, p. 138; MARTINS, A model for managing trust, p. 757; MAYER *et al.* An integrative model of organizational trust, p. *711*; ROBINSON, S.L. Trust and breach of the psychological contract. (*In* Bachman, R. & Zaheer, A. Landmark papers on trust volume 1. Cheltenham: Edward Elgar Publishing Ltd. 2008, p. 462. ROUSSEAU *et al*. Not so different after all: a cross-discipline view of trust. *The academy of management review,* p. 395.

The trust relationship in working organisations is furthermore particularly vulnerable because of the temporal and contingent side thereof. Some researchers[45] therefore approach trust by mainly emphasising its changing nature. The temporary nature of work and the pressure to speedily form work teams and the role of technology in virtual communication force the idea of swift trust[46]. This has serious consequences for the conventional view that maintains that trust starts low and increases as two parties interact[47]. It is now not uncommon to see high initial trust in new face-to-face and virtual work relationships even in the initial phases before members have a chance to interact[48]. These conditions that allow almost no indication of or grip on the trustworthiness of the trustee will only and maybe too severely enhance the vulnerability that is connected to trust.

Normativity

Our vulnerability in the trust relation is also conditioned by the things that we value. A situation of vulnerability will not develop if there is not something that the trustor strongly values and which the trustee can harm[49].

This value-laden nature of the trust situation refers us back to the role of the self in the trust relation because it has an important consequence for our image of the agents of trust. The value-ladenness of trust implies that both the trustor and trustee must be able to choose their behaviour. It is for instance clear that the trustee has the freedom to conform to or ignore the expectations of the trustor and thereby confirm or frustrate the trust of the trustor[50]. The trustor, of course, also has

[45] See ROUSSEAU *et al*. Not so different after all: a cross-discipline view of trust, p. 398; McEVILY, B., PERRONE, V. & ZAHEER, A. Trust as an organizing principle. *Organization science*, 14(1), 2003, p. 91; Mayer *et al*. An integrative model of organizational trust, p. 722.

[46] MEYERSON, D., WEICK, K. & KRAMER, R.M. Swift trust in temporary groups. (*In* Kramer, R.M. Organizational trust: a reader. New York: Oxford University Press Inc. 2006, p. 416.

[47] LEWICKI, R.J. & BUNKER, B.B. Developing and maintaining trust in work relationships. (In Kramer, R. & Tyler, T., eds. Trust in organizations: Frontiers of theory and research. Thousand Oaks, CA: Sage. 1996, p. 114; MAYER *et al*., An integrative model of organizational trust, p. 727.

[48] JARVENPAA, S.L., SHAW, T.R. & STAPLES, D.S. Toward contextualized theories of trust: the role of trust in global virtual teams. Information systems research, 15(3), 2004, p. 1; MEYERSON *et al*., Swift trust in temporary groups, p. 415.

[49] BAIER, (Trust and antitrust, p. 235), points out that we need to take seriously the "goods or things one values or cares about, which can be left or put within the striking power of others". We should particularly consider the reasons for accepting such "closeness of those with power to harm us, and for confidence that they will not use this power". This consideration, she says, will "explicate the vague terms 'good will' and 'ill will'". She (p. 236) argues that to ask about the goods others are in a position to take from one, is to move the focus from the question "whom do you trust?" to the question "what do you trust to them?". This analysis takes "trust to be a three-place predicate (A trusts B with valued thing C)".

[50] KRAMER (Organizational trust: a reader, p. 3) observes that "several organizational researchers argued the usefulness of conceptualizing trust in terms of individuals' choice behaviour when confronting various kinds of trust dilemma situations". Gambetta, for instance, argues that trust implies that trustees have a "degree of freedom to disappoint our expectations". Moreover, for "trust to be relevant" (that is for trust to exist) it must be possible for the trustor to decide to opt out of a relationship of trust with the trustee, there must be a "possibility of exit, betrayal, defection" (GAMBETTA, Can we trust trust?, p. 138).

the freedom to trust or not to trust. The trust situation cannot be of a deterministic nature[51].

This freedom immediately recalls its flipside, namely the responsibility to act in a normative way and show good will towards one another[52]. Trust would imply a contradiction if it assumes capricious freedom. To trust another person means "believing that when offered the chance, he or she is not likely to behave in a way that is damaging to us"[53]. For trust to exist and be relevant, it has to be situated between, on the one hand, the freedom of the trustee to disappoint the trustor, and therefore also the freedom of the trustor to avoid this risky relationship, but, on the other hand, the belief that the relationship is governed by norms that ensure the trustor's interest will be respected by the trustee.

It is therefore important to notice that because the trustee's good will and virtuous behaviour are important to create trust, the particular virtues that the trustee subscribes to are an important condition for trust. In other words, the expectation of a trustor about the trustworthiness of the trustee is an expectation that the trustee will be guided by norms that moulds him into a virtuous person[54]. There should therefore be discerned a horizon of norms valid for the trust relation and the people involved in it[55].

A point of critique made (probably from a neo-positivist perspective) against the normative perspective[56] is that "although the approach has proven enormously useful in terms of clarifying how individuals should form a normative or prescriptive

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[51] The notion of trust implies that "the partner has freedom of choice to take alternative courses of action" and that "predictability in behaviour arises not because of constraints which force the other side to stick to a single possible action" (SAKO, M. Does trust improve business performance? (*In* Kramer, Organizational trust: a reader, p. 268. Gambetta argues that "if people's actions were heavily constrained, the role of trust in governing our decisions would be proportionately smaller, for the more limited people's freedom, the more restricted the field of actions in which we are required to guess *ex ante* the probability of their performing them". He asks, for instance, whether the behaviour of slaves can be trusted, because they do not really have a choice (GAMBETTA, Can we trust trust?, p. 138-9).

[52] BAIER, (Trust and antitrust, p. 234-235), raises the question about the difference between trust and to merely rely on someone. Her answer: "It seems to be reliance on their good will toward one, as distinct from their dependable habits". Trust is to show the confidence that others will not take the opportunity to harm one. Trust can then be described as the "accepted vulnerability to another's possible but not expected ill will (or lack of good will) toward one".

[53] GAMBETTA, Can we trust trust?, p. 219.

[54] Trust is "an expectation among people that stems from 'regular, honest, and cooperative behaviour' and is based on 'commonly shared norms' " (Fukuyama, in MARCHITA, J. The accountable organization: reclaiming integrity, restoring trust. Palo Alto, CA: Davies-Black Publishing. 2004, p. 5.

[55] Sitkin and Roth formulate this impression as two types of expectations, viz. expectation about context-specific tasks and a more general type of expectation about value- congruence (SITKIN, S.B. & ROTH, N.L. Explaining the limited effectiveness of legalistic "remedies" for trust/distrust. *Organization science* 4(3), 1993, pp. 367-392.

[56] In the literature, what we call a normative perspective is referred to as a rational choice perspective. The distinction between a rational calculative view and a normative view is not elaborated yet. This is not a desirable situation, but a distinction will for the sake of the present argument not be done.

standpoint", it is not clear that it gives an adequate descriptive account of "how people actually do make such decisions"[57].

This critique is not seriously damaging to the idea of a normative dimension for trust if one takes a sceptical attitude towards the positivist spirit behind it. The latter betrays a lack of insight into the relationship between prescriptive views and empirical research. It should be clear that to do empirical research into, for instance, the functioning of the state, the normative nature for the state cannot be postponed to a stage after the empirical. The nature of the state is something that cannot be determined on a purely empirical level. It is, for instance, clearly impossible to distinguish between a band of robbers and a just state when investigating dysfunctional cleptocratic states. The mere identification of something (e.g. identify a state as a state) already assumes a prescriptive perspective. For this reason, serious attention to the normative transcendental of the concept of trust cannot be bypassed in an attempt to accumulate empirical evidence[58].

It is argued by many about the working environment that it is especially the trustee's integrity (i.e. to adhere to agreeable principles, to honour contracts and to not portray opportunism), benevolence (i.e. for the trustee to do good to the trustor aside from selfish profit motives, and to behave in a just manner), consistency (between words and actions) and ability (i.e. to live up to professional behaviour as well as to technical and managerial skills) that give the core traits that trustors want to see in the behaviour of a trustee[59].

However, we would claim that the certitudinal aspect of reality springs to mind as the core sphere for trust with ethical, historic-formative and juridic norms, namely benevolence, competence and fairness indicating aspects that will have a conditioning influence on our perceptions of trustworthiness.

This way of identifying a structure for trust that corresponds with a broader structure of reality portrays a more sophisticated plurality than merely a few virtues of the trustee. From our previous critique on the reductionist nature of the rationalist and relationist accounts of trust it also follows that the normative horizon should be as comprehensive as possible.

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[57] KRAMER, Organizational trust: a reader, p. 4. Nooteboom (Effects of trust and governance on relational risk, p. 313) also sees a prescriptive approach as not easy to deal with. Rules ensure trust up to some point, but there is a point where trust cannot be enforced by rules and it becomes an ethical way of living. Contingency is a threat because it is outside rational control. We cannot live without codes, but it is important to see that it often generates dilemmas that it cannot solve (TAYLOR, Erring – a postmodern a/theology, p. 742-3).

[58] KRAMER (Organizational trust: a reader, p. 5), for instance, emphasises that: "Rational choice and relational perspectives on trust projected ... fundamentally different images of trust and tended to push empirical research in quite different directions ... To reconcile these diverse views of trust ... a more useful approach would be to move in the direction of developing a contextualized account that acknowledges the role of both calculative considerations and social inputs in our trust-related judgements and decisions".

[59] BAIER, Trust and antitrust, pp. 238-239; MAYER *et al,* An integrative model of organizational trust, pp. 714, 724; COLQUITT *et al.,* Organizational behavior: Improving performance and commitment in the workplace, p. 221; McSHANE, S.L. & VON GLINOW, M.A. *Organizational behaviour: emerging knowledge and practice for the real world,* 2010, p. 374.

Trust takes, for instance, different forms and therefore assumes different norms in different relationships – from a calculated weighing up of perceived gains and losses to an emotional response based on interpersonal attachment and identification. Market-based exchanges may emphasise calculus more, whereas communal relationships might emphasise identification[60]. Hardin[61] also points out that calculative considerations will probably be the dominant influence within organisational contexts, while relational considerations might be more salient in families.

The trust relation is primarily conditioned by the particular functional norms valid for that particular relationship between the trustor and trustee. The trust relation between family members will be different from the trust relation between employees of a business, simply because the relations between family members are conditioned by family love, while the relations between employees of a business are regulated primarily by norms of an economic nature. It is therefore important to identify the functional nature of a particular trust relation as an important guideline for the prescriptiveness of trust in that particular relation.

It should furthermore be noted that each trust relation portrays in itself a rich variety of norms that mould that relationship. Reductionist versions – practices of trust that do not take into account the variety of aspects of life and their norms that should guide trust relations – only lead to oxymoron structures like trust between thieves. Baier[62] describes such deformed reductionist trust relations when she explains that not everything that flourishes when there is trust between people should be encouraged to thrive. For instance, "conspiracy, as much as justice and fellowship, thrives better in an atmosphere of trust. There are immoral as well as moral trust relationships, and trust busting can be a morally proper goal". At another place, she argues that when "the trust relationship itself is corrupt and perpetuates brutality, tyranny, or injustice, trusting may be silly self-exposure"[63]. Therefore, in this case "disappointing and betraying trust ... may be not merely morally permissible but morally praiseworthy". Stated more positively, one can say that trust as a reflection of the certitudinal aspect of reality cannot be a worthy ideal if it is not supported by norms of an ethical, juridical, emotional and so forth, nature.

4. Conclusion

A good way to conclude our exploration of the effect that images of the self have on our perception of trust, is to look at the practical consequences that can be drawn from the current discussion on trust. Tonkens and Swierstra list what they deem the most important five steps to regain lost trust. We shall argue that these five steps will not make sense or take effect if the view of the human being transcendental

[60] MAYER *et al*., An integrative model of organizational trust, p. 727.
[61] HARDIN, R. *The street-level epistemology of trust. (In* Kramer, R.M. Organizational trust: a reader. New York: Oxford University Press Inc. 2006, p. 6.
[62] BAIER, Trust and antitrust, pp. 231-132.
[63] BAIER, Trust and antitrust, p. 253.

to (behind) the trust crisis is not reformed. In line with our argument above, this transformation should at least assume a rejection of a severely substantialised, rationalised, and disengaged self. The self of the twenty-first century should have an own identity and should portray a realistic degree of agency. However, it should also be sensitive to the relational condition of being human and engaged with aspects other than reason, as well as engaged with given prescriptions for behaviour.

Tonkens and Swierstra[64] argue that the first step to be taken to regain trust is to recognise that trust belongs to a situation of risk and uncertainty. You have to accept that you put your fate in the hands of another person, that you are not totally the sovereign of your own life, and that there are no guarantees. In other words, the ideal of a disengaged and strong self – the self who is able to act autonomously, without the help of others, and totally create him or herself – is not reconcilable with our age that rediscovered the value of the human being as a being-with-others. Moreover, being-with-others is not possible if it is not recognised that the self has a very fundamental certitudinal aspect with trust and trustworthiness in the centre of this function of being human.

The next step, Tonkens and Swierstra say, is to know how we should regain trust in the democratic context within which we find ourselves. They claim that our current lack of trust is partly caused by the process of democratisation[65]. The latter undermined authority and with this also trust – we no longer trust the minister of religion, the politician, the medical doctor, the scientist and so on. Democratisation asked for more transparency and because of the latter, we can now clearly see how they fail – and we therefore do not trust them. However, Tonkens and Swierstra argue, if transparency can help us to have more realistic expectations, we shall regain trust[66]. If we, for instance, know that scientists do not know everything but that they stumble through trial and error forward, we should feel less threatened when they argue among themselves and when they interpret data differently. This is true also for politics: If citizens are more involved and exposed to the political process, the effect should be insight into the margins of policy and what is politically possible. Therefore, when their expectations are more realistic, they will recognise that blind mistrust of managers and politicians is as short-sighted as blind trust. This positive step for repairing trust clearly assumes a re-engagement of citizens with those in power as well as with the circumstances that need to be managed. Moreover, it is a plea for the dismantling of the image of an all-powerful manager and politician to substitute it with a being of flesh and blood. Clearly, an all-powerful and disengaged ruler does not fit into the democratic condition for trust.

[64] TONKENS & SWIERSTRA, ..de opgave van het komende decennium, p. 25.
[65] TONKENS & SWIERSTRA, ..de opgave van het komende decennium, p. 23.
[66] TONKENS & SWIERSTRA, ..de opgave van het komende decennium, p. 25.

A third step to take in regaining trust, says Tonkens and Swierstra[67], is to re-establish the importance of discussion and argument. So-called postmodern democracy implies that everything is mere opinion and that all opinions are more or less on the same level; they are all more or less evenly good or bad. This relativism has the intention to show respect for everybody, but it has the effect that discussion and argument are evaded. The latter has the effect that the other becomes a 'black box', he or she has another opinion but we do not know the reason for this other opinion. However, if we do not know why the other thinks what he or she thinks, how can we trust this person? Only the exchange of arguments, only an open and serious discussion creates trust because you start to see that the other has reasons and not merely opinions.

Once again, re-engagement seems the important ingredient in this condition for regaining trust. Re-engagement in this case implies re-engagement with the other. This should be real engagement, which sometimes includes a willingness to engage also in confrontation. There is even more; engagement in this case clearly also includes engagement with an order that goes beyond human invention. Confrontation and cooperation with the other can only happen if we can move beyond a relativism that merely asks from us to tolerate the other's views of the reality in which we find ourselves. If we want to engage with each other on the basis of a reality that we share, we should be able to appeal to a reality beyond our own creations and perceptions.

Regaining trust also assumes a fourth step, according to Tonkens and Swierstra[68]: We should once again see the use of and start to believe in the idea of public interest and altruism. Managers can only be trusted if they seem to be moved by more than their own interest. Most people want to be part of a larger whole, to contribute to some grand narrative. Once again, the engagement assumed here is engagement of the self with not only other people but also with a meaning that can only be found in something larger than that which is the construction of human being(s).

The fifth step: The relationship between trustor and trustee should be one of closeness and accountability. Distrust is a state of mind that flourishes especially in an atmosphere of *abstracto*. When someone in power is close enough to experience him or her as a being with human frailties, we have a real image of his powers and disempowerment. This also gives a greater willingness to forgive this person if he or she makes less than wise decisions. Accountability is crucial. People tend to distrust if they feel they are dealing with a large institution or power that cannot be held accountable[69]. The ultimate condition for trust between a trustor and a trustee is closeness, a closeness that will eventually allow for engagement in a reality where a common destiny becomes clear.

[67] TONKENS & SWIERSTRA, ..de opgave van het komende decennium, p. 26.
[68] TONKENS & SWIERSTRA, ..de opgave van het komende decennium, p. 26.
[69] TONKENS & SWIERSTRA, ..de opgave van het komende decennium, p. 23.

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ETHICS BY ALL MEANS: THINKING ETHICS THROUGH UNIVERSITY COURSES

MAGDALENA IORGA*

ABSTRACT. After a few decades of obvious interest of companies to assuring ethics courses to their own employees, now we assist to a dramatic diminution as concerns the opportunities in this sense. Therefore, universities must represent a kind of fortress in offering ethics courses. During 1995, over 50% of U.S. corporations have ensured ethics courses to their employees. Although many studies pointed out that the ethics training do not guarantee an ethical conduct of professionals, the world-wide universities have considered professional ethics as part of their curricula. Especially three domains require the ethical conduct as a primordial one, according the research; unfortunately, they are the professional domains that mostly reveal cases of unethical conduct: medicine, business, and education.

Keywords: ethics, unethical conduct, medicine, business ethics, professional ethics

Ethical conduct and social norms

Social norms may sometimes be the cause of reprehensible conduct throughout the degree course years. As the authors of the social learning theory suggest (Michaels & Miethe, 1989), help coming from colleagues or a favourable attitude toward cheating in exams make such misdeeds easier. Some studies show that such type of unethical conduct in college is strongly connected to the existence of a certain "culture of misconduct" flourished within the university campus life. Several research studies quoted by Therese Grijalva[1] have shown that, by simply noticing cheating attempts or other unethical deeds, a particular attitude can be formed, in which "dishonest conduct manifested in university life may be perceived as normal."

An article published in 2002 by Robert Hauptman mentions that, starting with university teachers and ending with freshman students, university-specific ethical issues are extremely diverse. The paper reminds us of an article from *Science News*,

* *Educational Sciences Department, Technical University of Iasi & Center for Health Policy and Ethics, UMF Iasi*

[1] Grijalva Therese C.; Nowell Clifford; Kerkvliet Joe, "Academic Honesty And Online Courses", *College Student Journal*, March, 2006

which made public the percentage of those involved in at least two acts of deviant conduct: 40% of the total number of students and 50% of the academic staff.

Many cases are taken from Biomedicine, as authors explain that research in this field is widely-extended and relatively difficult to follow, while financial benefits are extremely high. "Whatever the reasons, research in Medical Schools results in a disproportionately high number of violations"[2]. It is bloodcurdling that precisely those people who are metaphorically responsible for our lives and who should have flawless morality are the one who betray general trust. We wonder then whether the Hippocratic Oath still represents the bible of the physician-to-be or not.

The most important violations, enumerated according to their frequency within academic practice, are the following: copying, fabrication, plagiarism, peer review, documentation, the use of human subjects (for instance, testing Psychology students, who are already "contaminated"). Hauptman asserts that the most significant aspect is that regarding data manipulation both in paper presentations and in scientific research, as the results are similar for all faculty types. The universally-accepted assessment scale for manuscripts to be published in journals or monographs – *the peer review* – also seems to be subject to ethical doubts.

Training an ethical conduct through the university curricula

Aristotle considered a proper education in moral matters to be essential to human moral evolution. He maintained that a firm predisposition to do the good was necessary in order to reach a positive moral profile and that such an inclination could only be acquired in time.

As already mentioned in earlier paragraphs, university education exerts an essential influence on the perfection of moral reasoning and also on the adoption of an ethical conduct. Apart from the creation of a moral space that provides good examples and offers cultural and moral models, the formation of an ethical conduct can also be done on a structural and formal basis, through the university curricula.

J. Moore[3] also finds that students' ethical formation must be done following two different paths:

a) by using the university curricula and

b) by means of teachers' own ethical standards and through problem solving practice, together with student groups (the use of examples).

This is how the author outlines a university curriculum model, by contrasting the way it is now and the way it should be, in view of a reliable improvement in students' level of moral reasoning.

[2] Hauptman, Robert, "Dishonesty in the Academy", Academe, Nov/Dec 2002

[3] John R Moore, Warren C. Neel, „Ethics and Higher Education for Business", *Survey of Business*; Summer 1988; 24, 1; ABI/INFORM Global, p. 6

The model of Moore&Neel proves that Liberal Arts and Business School students are equally offered ethics education elements in their first years of college, with regard of both personal and professional life. In researchers' opinion, the university curricula pattern should be differentiated according to certain elements from previous education years (as stated in studies by McNeel 1990, Pascarellla 1997), given that Business School students need a more solid introduction to ethics throughout the first years of study than those from Liberal Arts and Education Science.

The finding is based on the fact that all those studies which have followed moral reasoning have highlighted the importance of moral reasoning in daily life but also in the professional career, the certainty that moral reasoning is deeply connected to the academic preparation level and the importance of teachers as role-models able to inspire values and moral principles.

The following question in an ongoing concern for researchers: *How* is a moral education program supposed to be outlined and how should it be presented to students, so that it may have the maximum impact on their moral education? Would it be more efficient to become part of one particular course or to be integrated in the entire curriculum?

The advantages of such a course stand in the possibility of having better trained teachers and the opportunity to offer a deeper and more rigorous education in ethical conduct.

According to the cited authors, the negative parts of the imposition of such a program stand in the fact that such a course might not be perceived as integral to the business education. Another impediment would be the difficulty to find specialized teaching assistants. And above all, there is the question of who should teach such a course (a philosophy or an economics teacher?). A philosophy teacher would have limited experience in linking education principles to the professional realities of the economic field. On the one hand, a business teacher would not normally be prepared in ethics and might come with "wartime ethic stories" (Moore&Needl, 1988) instead of a formal integration of problems connected to the development of moral conduct. On the other hand, it is difficult to establish out of the whole relevant subject area *what exactly* is necessary and efficient to be approached while initiating in business ethics or any other professional field.

International didactic experience in applied ethics has found team teaching or module teaching an appropriate solution to the problem. On the long term, however, PhD programmes for those attending a Business School might be the way to form a group of teachers specialized precisely in this interdisciplinary subject. Thus, teachers would have enough time to prepare in the field of business ethics and to elaborate their own lecture materials, either by an interdisciplinary approach or otherwise.

We must say that experience from prestigious American and European universities has identified both advantages and disadvantages, when it comes to inserting ethic issues in the curricula. An important advantage is that the approaches which require moral reasoning, and which have been included in a series of lectures, have become part of the Business School students' education and will no longer be

considered separately from the business world they are professionally being prepared for. The disadvantage is, once again, teachers' lack of training; in this case, each teacher needs to personally tackle the principles which a moral education is based on.

Some authors interested in business ethics claim that, just as students are required to master the language used in university lectures (while those who do not must attend a preparatory language course, prior to the university lectures), an ethics course should be mandatory prior to business lectures.

Business ethics is regarded as *an ethical activity*. Gandz and Hayes[4] are among those who support the inclusion of business ethics within lectures – oriented both toward the integration of analytical subjects and to their application within specialized ones – and they list a series of reasons for the inclusion of business ethics in the curricula:

- the academic study of of ethics proves beneficial to business in general;
- Business Schools, as socially responsible organizations, must offer training in business ethics both within undergraduate and postgraduate studies for professional development;
- separate courses in business ethics;
- social responsibility or other similar topics are not the best way to teach notions of ethics; a perfect fusion between the ethical conscience, analysis and decision-making abilities is required within all curricular subjects;
- part of the faculty teachers should develop the ability to carry out a basic ethical analysis and they must be deeply motivated to do so;
- didactic material such as case studies, where ethical dilemmas are part of the issue, is what must be adopted and developed to replace the old "vignettes", in which ethical solutions simply derive from business solutions.

J. Gandz and N. Hayes argue that "business students, managers and executive personnel *do* have moral values. The lack can usually be found in the ethical analysis tools which would naturally help them reconcile their moral responsibility with their managerial role and their personal moral duties, as socially integrated individuals"[5].

As previously mentioned, the university represents a socially responsible organization. Consequently, all faculties, including Business or Medical Schools (where the absence of a valuable moral orientation is a lot easier to quantify, due to immediate and hazardous results) have the obligation to contribute to the students' ethical training. Four possible objectives are to be taken into account:

1. to increase awareness of the ethical element of decision-making,
2. to legitimize these ethical elements as an integral part of decision-making,

[4] Jeffrey Gandz,; Nadine Hayes, „Teaching Business Ethics", *Journal of Business Ethics*, Sept. 1988; 7, 9; ABI/INFORM Global, p. 657

[5] Idem, p.659

3. to create a frame for the analysis of the ethical elements of decision making and to help potential or actual managers and executives gain confidence in their utility,

4. to offer students a framework for the application of ethical analysis in daily life: human resource management, sales and other branches of managerial activities.

The following diagram, made by J. Gandz and N. Hayes, shows the relationship between individual moral values and the potential clashes, on the one hand, between individuals and the elements surrounding them, and on the other hand, between organizations and their business environment.

The individual plays two separate roles: first of all, that of a human being, a socially integrated individual, living as part of organizations such as the family, the Church, society as a whole and even as part of the organization he or she belongs to professionally; the second role is that of a manager, acting as a member of a certain company.

Ethical solutions are shaped at a *macro* (business and society), *molar* (inter- and intra-institutional) and *micro* (inter- and intra-personal) level.

Subject-Oriented Comparative Studies

Research on student population from Economics and Business Schools has resulted in very high scores for unethical academic behaviors (Chidley 1997; Lupton, Chapman & Weiss 2000; McCabe & Trevino 1996; Baldwin, Daugherty, Rowly & Schwartz 1996; Dans 1996).

However, we must add that academic activity research has mainly focused on student internships, with research in fields where the highest ethical standards are to be expected: *business, medicine and teaching*.

Further research has focused on the ethical behavior of students who wish to become teachers. There are multiple reasons why this type of research has been carried out more and more frequently in recent years: firstly, the students' main goal is to obtain a certificate or a diploma in their field of interest. Secondly, educational reform has put in the limelight the teachers' behavior and especially their competence level. Therefore, teachers-to-be who manifest cheating tendencies will actually fail to earn the abilities and information necessary for their proper training. Therefore, it is very important that teachers have a high level of professional and personal ethics, as studies have determined teaching to be the profession with the highest moral standards. If students who want to become teachers get involved in unethical activities, these will have the tendency to proliferate. Cummings mentions the fact that pre-university students consider teachers to be ethical role-models, therefore the latter must assume this position.[6]

[6] Cummings, Rhoda; Maddux, D; Cleborne, Harlow, Steve; Dyas, Lynn; „Academic Misconduct in Undergraduate Teacher Education Students and Its Relationship to Their Principal Moral Reasoning", *Journal of Instructional Psychology*, Dec.2002

Sankaran & Bui[7] point out that high scores in the practice of moral behavior have been obtained by Computer Science students. At the same time, low scores have been obtained in marketing-related departments. Computer Science students show high morality standards also because their jobs will most probably include tasks such as protecting computerized information (of the employees, of companies, of contracts etc.), which is why any information leak will most likely bring them great prejudice.

Moreover, even when they come across information strictly related to software development, or to personal and group projects, the same confidentiality obligation is imposed by their employment contracts. Breaking this principle can bring serious professional, personal and financial drawbacks. Finally, we must emphasize that the research carried out on the student population of the Economics and Business Schools has revealed very high scores on unethical academic behaviors (Chidley 1997; Lupton, Chapman & Weiss 2000; McCabe & Trevino 1996; Nowell & Laufer 1997).

The importance of ethical education for Business School students

A lot of studies have shown the importance of providing an ethical education during undergraduate years, and most of them have been carried out in faculties which highly consider this type of education, due to a necessity for high ethical standards starting with internships (the business environment, Medicine, Psychology, social welfare, engineering etc.) and, unquestionably, ending with work within large corporations.

For instance, a study led by Lane (1995) underlined the fact that over 50% of American corporations were offering their employees business ethics courses and trainings, by contrast with the year 1980, when only 7 corporations in the USA admitted to having offered such trainings to their employees (Lane 1995). The same study stressed the fact that "most of those studying Economics declared that they would act unethically if profits and competition within their own organisations were involved, but that they would support and apply ethical principles when it came to the natural environment and society in general."

There are several reasons why ethical training is in such high demand: the consumers' expectations, the need to further involve employees in team work and the desire to improve customer service (Adams, Tashchian & Shore 1991, 241). What is more, in 1994, 90% of the American companies reported having professional ethics codes, while one third of these even had an ethics officer and 20% had an ethics department, in charge of monitoring performance and of providing courses on ethics.

According to the same study, between 1973 and 1986, American colleges and universities reacted positively to the corporations' requirements that they include

[7] Sankaran, Siva, Bui Tung, „Relationship Between Student Characteristics And Ethics: Implications For Educators", *Journal of Instructional Psychology*, Sept, 2003

ethics classes in the academic curricula. American statistics show that, in 1999, two out of three university graduates in the USA had attended courses on ethics. Although some research has shown that these courses have not registered a significant impact on all fields of employment, they do indicate society's preoccupation with these aspects.

No relevant research has been carried out to prove that university graduates who have attended courses on ethics have a morally superior conduct, by contrast with those who have not attended them; however, consistent studies have revealed the fact that, at the level of moral reasoning, there has been a significant impact. We may conclude that a training in ethics influences moral reasoning, but not necessarily moral actions or the practice and application of ethical principles, that is, moral conduct.

As previously mentioned, some authors consider that moral values are already well-formed before the age of 18, whereas family and prior experiences play a significant role. "These academic courses may not have an impact on the ethical conduct" of an adult. Here are some ideas from the authors' article: "in life, there is no strategic time for outlining moral norms and the potential of a moral vision, which would allow for an insertion into the daily decisions and actions of a professional manager"; Business Schools, for instance, must offer an ethical education precisely to counterbalance the ideas inoculated throughout the business courses that the students attend during their undergraduate studies. The same article cites Andrews (1989), who identifies a significant theoretical approach in the ethics courses promoted to students, to the detriment of practical exposure and teacher-student interaction, which is meant to stimulate moral reasoning and underline the possibility of making ethical decisions.

Methods of evaluating students' ethical conduct

Evaluating students' ethical conduct may be carried out by various means, depending on the focus of the research: interviews, questionnaires, tests, enquiries in which five factors have been highlighted. The AMS (Academic Misconduct Survey) questionnaire groups them into:

- factor 1: cheating on tests and assignments (coping answers from another student during the exam)
- factor 2: inappropriate use of resources (writing a research paper for another student)
- factor 3: quasi-misconduct (reading a condensed version of a novel or a play instead of the assigned full-length version)
- factor 4: subtle manipulation (visiting the professor after an exam to bias grading)
- factor 5: bold manipulation (changing a response on an exam after it was returned and then reporting to the instructor that an error was made)

The scale that makes use of these five factors has been validated and the results of the various types of research have situated the values of unethical academic conduct between 50% - 70%.

Study reveals student's reasons in rejecting to take attitude towards unethical behavior. Iorga[8] (2007) identified that it was no temptation to disclose any academic dishonesty among peers. Some causes were revealed:

- the student himself was involved previously in academic dishonesty (plagiarism or other academic mistake) and considers this behavior as a normal one, so if you can do it, why not,
- to identify and to denounce an unethical behavior could have some prejudice for the student who does it in front of his peers,
- the student accepts the situation because recognizes an aggressive attitude of his colleague and could have some revenge next time.

There are other ways of research at the level of ethical conduct and the formation of moral reasoning. Serious research has been based on a combination of video material and short discussion sessions, for the analysis of the viewed material – for example, in engineering ethics (many studies carried out with student-subjects use fictional cases – a video produced in 1989 by the National Institute of Engineering Ethics (NIEE) and Great Projects Film Company).

The two partners collaborated again in 2003, to produce a new film, "Incident at Morales"[9]. The fictional case presented by Michael Loui describes a frequent situation: "A company intends to urgently build a plant for the production of a substance to clear off paint. The company decides to build the plant in Mexico", in order to minimize the costs of environmental control and chemical substance leakage into the environment during the building process. This process requires very high temperature and pressure levels and is to be controlled by computer software. During the design and building of the plant, a series of legal, financial and security issues affect decisions on sensors, valves, pumps and environmental control. The film is 36 minutes long, divided into three segments, with a 12-minute discussion session after the first segment and a 9-minute discussion session after the second one. Using this film during a 90 to 120-minute session serves to identify the ways and factors through which the presentation and discussion of this case may influence the moral reasoning skills of the viewers. The authors mention their reason for choosing this type of research into the possibility of influencing moral reasoning in such a short time span: "We hope that, after viewing the film, participants will realise that ethics is important when making technical decisions and that ethical issues may have technical solutions"[10]. Some tests designed for measuring moral

[8] Iorga, Magdalena, "About Ethics in Academy", *Cultura International Journal of Philosophy of Culture and Axiology*, Editura Fundatiei Axix, Iași, 2007, p. 129.

[9] Loui, Michael C., „Assessment of an Engineering Ethics Video: Incident at Morales", *Journal of Engineering Education,* Jan. 2006, p. 1.

[10] Idem, p. 3.

development are based on L. Kohlberg's reasoning pattern (dilemmas are used in order to identify the stages of moral development, but also as outsets in ethical behavior analyses, within group discussion or role-play activities).

Studying ethics by any means during the academic years must be the most important goal because[11]:

- studying period in which can be included as subjects, young students corresponds to the period in which the level of moral judgment passes to the superior stages of development;
- psychological studies proved that the maturation of the moral judgment accomplished after the psycho-intellectual maturation is finished. The coefficient of intelligence is reached around the age of 18, after that it has a period of plateau and then regress;
- in accord to James Rest theory, the moral development process depends on the period of education time; so, we can conclude that the academic environment has an important influences on young's ethical judgment;
- any faculty or specialization has its specific moral problems and dilemmas. The preparation for the profession gives off a lot of ethical principles according to the professional area (the medical ethics, the business ethics, the educational ethics, etc);
- the use of internet in realizing tasks or homework represents a very powerful stimulus in practicing some academic dishonesty (the coping, the plagiarism), as more as we are aware about the numerous sites with projects, summarizes or paperwork;
- the research realized during the academic period can put into value diverse differences in moral development levels between genders as well as the way in which both sexes are crossing the moral development stages;
- academic environment is a multiple moral models mixture – every teacher is a professional, a moral, a personal model for the students;
- the social environment made by the school colleagues or roommates are also generating and stimulating moral issues;
- there is a lot of variables included in the evaluation of the moral development in young person's: the cultural level, the age, the gender, the family structure and influences, the preoccupations, the parents' educational level, the coefficient of intelligence, the life experience, the motivation for the academic education, the importance and the value of the education, the personal values system, the religious beliefs, the ethnic diversity, the character traits, the locus of control, etc.; all these variables could be analyzed in the evaluation of the ethical or unethical behaviors;
- the age and the personal preoccupations determine situations in which moral dilemmas are developed; the typology of the ethical problems is also important;

[11] Iorga, Magdalena, "Campul universitar si cultura morala. Valori, dileme, coduri etice", Editura Timpul, Iasi, 2011, p. 25.

- the value of the academic achievements is a very important factor in generating academic dishonesty;
- the separation from familial environment, in which the parents were the coordinators and the counselors, determines students to become their own counselors;
- the practical weeks included in the academic curricula tests their competences in valuating and solving ethical problems associated with their profession;
- having ethics course as a discipline could be another stimulus for developing moral judgment; a lot of studies proves that there is a big impact of ethical dilemmas or video problems presentation on students concerns;
- considering the academic education as the most important source of manipulation, it could have a very important influence through the political, social, moral criteria in different historical periods.

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LA DOCTRINE DU CHATIMENT PUBLIC ET LES FONDEMENTS DU DROIT PENAL DANS LE *LEVIATHAN*

FLAVIU-VICTOR CÂMPEAN[*]

ABSTRACT. The Doctrine of Public Punishment and the Foundations of Criminal Law in the *Leviathan.* Modern political philosophy is always guided by a "metaphysical coherentism", proper to its systemic constitution. In this respect, there is a close correlation between the realism specific to secularization, which transgresses scholastic tradition, and human ontology, in its turn liberated from the medieval frames of thought. These two constitute, by means of correspondences and mutual legitimation, what Leo Strauss called „a nuova scienza of man and state". The system of Hobbes' Leviathan is exemplary in this respect, especially regarding one of its most innovative aspects, the doctrine of punishment. Hobbes' theory of criminal law seems, however, to undermine the strictly conventionalist foundation of sovereignty, as well as the absolute legitimacy of the sovereign. Among the difficulties it generates, we emphasize the absence in the state of nature of a right to punish which could later be contractually assigned to the sovereign. On the other hand, the right of life and death over the subjects seems contrary to any regulated institution of public punishment, which would impinge precisely on the absolute nature and unlimited extent of the sovereign power as dominium. Moreover, the principle of proportionality and the deontology of public punishment increase the incompatibility between the two. Starting from the primacy of the public power's effectiveness and efficiency over the principles of conventionalism, we are able to state the hypothesis of the doctrine of punishment's autonomy in the system of the Leviathan. Thus emerges a clear distinction between the right of life and death – which identifies itself with sovereignty as such, as an attribute of its symbolic exceptionality – and the right to punish – pivot of an actual semiology of sovereign power. Although at different levels, the two interact vertically, through a complex dynamics which shapes even the typical modern dialectic between public and private. In this outlook, the doctrine of punishment acquires the importance of vehicle of the sovereignty legitimate in itself. Therefore, the Hobbesian stake of establishing a public criminal law is, precisely by virtue of coherentism, the achievement of a redemptive compromise between ontological psychology and political realism.

Key Words: punishment, criminal law, right of life and death, sovereign power, coherentism.

[*] *Universitaté Babeş-Bolyai, Cluj-Napoca, Depaertement de Philosophie, Str. Mihail Kogălniceanu, nr. 1, 400084, Cluj-Napoca, Roumanie et Université Jean Moulin Lyon 3, Faculté de Philosophie, 15 quai Claude Bernard, 69007 Lyon, France. Email : flaviucampean@gmail.com*

1. Introduction

La nouveauté de toute théorie politique moderne, outre les imbrications cosmologiques et épistémologiques et le mécanisme complexe de la sécularisation qu'elle engendre, est une sorte de « cohérentisme métaphysique »[1] ; cela veut dire que l'enjeu est de bâtir un ensemble systémique autoréférentiel, viable pour lui-même – pas seulement méthodiquement ou à l'égard de l'applicabilité immédiate (dans un pur esprit spinosiste ou cartésien), mais aussi au niveau des correspondances entre le « réalisme » (au sens d'une viabilité organique) qui tend à dominer et à surpasser l'héritage scolastique[2] et l'analyse anthropologique pertinente – elle-même subordonnée à l'ontologie de l'humain. Or l'ontologie de l'humain au début de la modernité se constitue toujours dans un processus de légitimation qui dépasse tout empirisme pur[3]. Cette légitimation (quoiqu'elle soit mécaniciste[4], organique, occasionaliste) est le moteur du cohérentisme ; en consequence elle ne peut être appréhendée qu'en la situant dans la relation entre l'ontologie de l'humain et la viabilité organique du système philosophique. Il n'y a aucune prééminence de l'un par rapport à l'autre quant à la hiérarchie des conditionnements réciproques, mais plutôt un échange, quelquefois ambigu, mais toujours perpétuel: l'ontologie de l'humain se renouvelle par les enchaînements argumentatives qui légitiment une théorie politique et réciproquement. C'est pourquoi la viabilité du système doit s'appuyer sur ce « réalisme », qui n'est jamais le produit d'une méthode empiriste, mais qui représente, en dehors des circonstances historiques particulières, la marque d'une cohérence circulaire qui approche son autre (*i.e.* la psychologie ontologique) dont elle a besoin pour être telle.[5].

Évidemment que le cohérentisme est loin d'être un principe aussi étroit et fondamental qui permettrait d'y réduire toute genèse et tout fonctionnement de la politique moderne. Mais il est sans doute une des lignes fortes de ce que Leo Strauss appelle « a nuova scienza of man and State »[6], qui aboutit avec Kant et Hegel et dont

[1] Plus radical encore que cohérentisme épistémologique en tant que tel, même s'il y a un lien étroit entre les deux.

[2] En particulier, en ce qui concerne les philosophies « anciennes » du droit naturel, assimilables et même « démontables » dans les systèmes de Hobbes, Rousseau, Locke, et, plus tard et jusqu'au bout, par Montesquieu.

[3] D'ailleurs, un empirisme pur ne peut être soutenu ni même chez les philosophes les « plus empiristes » (ceux de l'empirisme anglais) enregistrés dans les perspectives « hyper-historicistes ».

[4] L'unité mécaniciste du système hobbesien et soutenu par David Gautier dans *The Logic of Leviathan*.

[5] Une théorie politique moderne n'est plus, comme dans l'Antiquité, subordonnée à la cosmologie et à l'épistémologie, elle rend son autonomie manifeste précisément par sa cohérence spécifique, à l'intérieur de laquelle le réalisme, voire la viabilité, tire toujours ses ressources de la relation avec l'anthropologie. L'ambiguïté apparente entre le réalisme politique et la psychologie ontologique peut donc être expliquée précisément par le besoin du système de s'auto-fonder d'une manière cohérente en passant par l'ontologie de l'humain et en empruntant sa légitimité. Bien sûr, avec le péril du totalitarisme qui guette incessamment, cette question dépasse une simple analyse de la forme de légitimation politique au début de la modernité.

[6] Leo Strauss, *The Political Philosophy of Hobbes. Its Basis and Its Genesis*, p. 1.

Hobbes peut être considéré plus ou moins le parent. L'autonomie de la « philosophie civile » hobbesienne, liée aux efforts d'y appliquer le mécanicisme et la science galiléenne, tantôt que le contexte favorable (« when the classical and theological tradition was shaken, and a tradition of modern science not yet formed and established »[7]), conduisent Strauss à affirmer que les thèses traditionnelles ont pris une signification entièrement non-traditionnelle dans l'œuvre de Hobbes. En outre, Hobbes lui-même écrit, à plusieurs reprises, que sa philosophie politique a comme sujet l'homme[8], ce qui n'exprime pas du tout une glissade de la politique vers la psychologie, mais la collaboration entre la science politique et la science des passions humaines. Dans ce contexte, on peut dire que la philosophie hobbesienne est un point d'inflexion de la politique moderne, surtout par son réalisme (dans tous les sens, aussi comme méthode que comme principe d'un système viable[9]) et par son appui anthropologique, les deux piliers cachés du *Léviathan* (identifiables dans une certaine mesure aussi dans les *Elements of Law* et dans *De Cive*.).

Pourquoi alors le châtiment? Même si à la première vue, on ne peut pas identifier chez Hobbes une philosophie du châtiment comme plus tard chez Beccaria ou chez Bentham, il y a quand même quelques présuppositions qui illustrent un passage vers les fondements d'un droit pénal qui se tient hors de la perspective purement conventionnaliste – malgré le privilège pénal exclusif du souverain, le mécanisme du châtiment est beaucoup plus difficile à contrôler puisqu'il ne peut être légitimé a priori: il ne s'agit point d'avoir le droit de « châtier » quelqu'un dans l'état de nature (comme chez Locke) et de le céder par le contrat au souverain. D'autre côté, il est très difficile d'envisager la souveraineté comme telle en tant que source du châtiment public sans que ce pouvoir ne tombe dans une violence discrétionnaire qui effacerait toute distinction entre public et privé et même entre le châtiment et « l'acte d'hostilité » – pourquoi Hobbes aurait-il essayé de faire cette différence et de promouvoir une efficience de la coercition publique si on avait fini par une contradiction irréductible entre la souveraineté légitime absolue et une doctrine du châtiment, aussi légitime, qui limite son exercice parce que son mécanisme est lui-même limité[10] à la fois par son fonctionnement et par le droit de résistance inaliénable et

[7] *Idem*, p. 5.

[8] «Moreover, man with his passions and his self-seeking is the particular subject of political philosophy […] According to Hobbes, political philosophy […] is a main component of human knowledge.», Leo Strauss, *op. cit.,* p. 7.

[9] *Supra*, p. 1.

[10] Certes, il y a une distinction nette entre « absolu » et « illimité » chez Bodin par exemple, comme le montre Thomas Berns: « l'acceptation de la <finitude de l'absolu>, politiquement mis en jeu: la puissance absolue du souverain n'est absolue que dans son lien à la puissance ordinaire, dans son acceptation nécessaire de l'ordre ordinaire et ce, sans plus aucune référence nécessaire à l'absolu de Dieu qui l'inspira. » Thomas Berns, *Souveraineté, droit et gouvernamentalité. Lectures du politique moderne à partir de Bodin*, p. 33. Mais dans l'État de Hobbes, la perspective est toute autre: la souveraineté comme marque du Dieu mortel est absolue aussi au sens d'illimitée. Elle n'a pas des limites extérieures même si elle peut s'autolimiter par son mécanisme intrinsèque qui consiste à maintenir la paix civile.

immanent à toute nature humaine?[11] Voici alors le défi: est-ce que le cohérentisme du Léviathan est vraiment menacé par ces difficultés, étant donné l'absence de légitimité *a priori* du droit de punir et aussi la contradiction que le châtiment peut faire parvenir au cœur de l'exercice du pouvoir souverain ? Pour y répondre, on doit premièrement analyser le droit de punir comme attribut essentiel de la souveraineté et ensuite chercher son applicabilité fondée dans la doctrine du châtiment. La double légitimation, comme résultante du pouvoir souverain et comme institution indispensable au fonctionnement de la société civile, se montre tributaire plutôt à la cohérence du système qu'à la doctrine de la souveraineté absolue. Ainsi, le Léviathan peut être considéré à cet égard comme ouvert à la psychologie ontologique beaucoup plus que cela n'a été envisagé par certains commentateurs[12], le scepticisme radical de Hobbes en ce qui concerne le changement de la nature humaine (exposé par Michael Oakeshott[13]) étant peut-être la preuve la plus évidente. C'est sur ce terrain du scepticisme que le réalisme politique doit être continuellement accordé à l'ontologie de l'humain et que la théorie du châtiment apparaît comme un fatum qui déborde le conventionnalisme, mais aussi la psychologie empirique et immédiate[14].

2. Le droit de punir – corollaire de la théorie du châtiment

La fondation du droit pénal sollicite d'emblée toutes les ressources et l'esprit d'innovation de la politique moderne, à partir de Bodin et de Machiavel, de telle manière que son exercice ne se contente plus d'être soutenu par le vieux droit naturel d'un côté et légitimé par la portée du pouvoir illimité d'un « roi-empereur»[15] qui découle de son droit divin, d'un autre. Ainsi, le droit de punir comme droit publique sécularisé doit être thématisé et en même temps justifié par une nouvelle praxis afin qu'il devienne une institution de l'autorité publique, complètement détachée de l'*arcana imperii*.

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[11] Chez Bodin il s'agit plutôt d'un problème de gouvernement que de « souveraineté-fonction », mais Hobbes ne fait pas la différence entre gouvernamentalité et souveraineté.

[12] Pour Martin Bertman la certitude méthodologique de Hobbes s'appuie sur l'immédiateté empirique de la nature humaine. Dans ce contexte-ci on peut situer sa dispute sémantique avec Descartes qui retrace le paradigme platonicien de Cratylos. Ainsi, Hobbes serait inscrit dans la tradition conventionnaliste de Protagoras, un humanisme opposé à celui de Descartes, mais aussi à celui des droits modernes des hommes, fondés sur la certitude naturelle cartésienne. Selon Bertman donc, la psychologie hobbesienne n'est pas du tout métaphysique, dans le sens où il est impossible d'en déduire les normes fondamentales. Martin Bertman, *Semantics and Political Theory in Hobbes*, *passim*. Est-ce qu'une telle interprétation ne réduit toute la psychologie du Léviathan à un *flatus vocis* que Hobbes même dénonce continuellement par la théorie des abus du langage ?

[13] Michael Oakeshott, *Introduction in Thomas Hobbes' Leviathan*, *passim*.

[14] David Johnston dit que la psychologie du Léviathan et de la prémière partie des Elements of Law est une science indépendante des observations empiriques. En outre, malgré le nominalisme principial, il y a ici des postulats universels qui doivent être rapportés plus précisément à l'épistémologie hobbesienne. David Johnston, *The Rethoric of Leviathan*, p. 93.

[15] Évidemment, on doit se situer dans la différence même entre *auctoritas* et *imperium*, mais aussi entre *auctoritas* et *dominium*, si nous ne renonçons pas entièrement à l'historicisme.

Il ne s'agit pas ici de redéfinir le châtiment public en termes des rapports de force, comme dans la perspective foucaldienne à l'égard de Bentham, ni de situer Hobbes simplement dans le passage du *regimen* au *gouvernement*[16], mais de montrer la double originalité de celui-ci dans l'évolution du droit pénal. Premièrement, le droit de punir est subordonné à sa codification : « une violence infligée par le souverain à un sujet n'a de caractère politique que si elle est codifiée dans les signes du droit »[17] ; cela veut dire que le châtiment authentifie le droit pénal comme public et légitime son exercice comme monopole de la violence légitime. Deuxièmement, le droit pénal n'est pas dans le Léviathan un simple avatar du « droit de vie et de mort » sur les sujets, même si Raymond Polin approche les deux, dans une phrase ambigüe, lorsqu'il justifie la coexistence du droit pénal et du droit de résistance: « On a prétendu bien souvent que Hobbes légitimait ainsi le droit de désobéissance. […] C'est un grave contresens. […] parce que le souverain garde le droit et le pouvoir absolus de contraindre chacun de ses sujets à l'obéissance et qu'il conserve sur chacun de ses sujets un droit absolu de vie et de mort. »[18] En effet, le droit de vie et de mort est l'un des motifs forts réassimilés par la pensée politique moderne après l'avoir reçu de la scolastique[19]. Mais dans le Léviathan il est indispensable de distinguer cela du droit pénal: le premier peut être identifié au concept même de la souveraineté, étant institué par le renoncement au droit de « se gouverner soi-même » « *afin qu'elle* [La République] *use de la force et des ressources de tous, comme elle le jugera expédient...* »[20]. Le deuxième est un droit qui – même s'il était le plus important pour la viabilité de l'institution souveraine et malgré le fait qu'il engendrait, selon Polin, les autres droits (dites « annexes »[21]) de celle-ci – découle, parmi les autres, de la souveraineté en tant que telle et qu'on n'a pas donné, « on le lui a laissé [comme droit sur toutes les choses] aussi entier qu'il existe dans l'état de simple nature. »[22]. Mais loin d'être une répression arbitraire, en dépit du potentiel d'une telle dégénérescence du pouvoir souverain, le châtiment devient la marque d'un droit pénal, voire une peine officiellement circonscrite, symétrique à la récompense publique: « Onzièmement, est confié au souverain le pouvoir de récompenser par des richesses ou des honneurs, ou de châtier par un châtiment corporel, pécuniaire ou infamant, tout sujet, selon la loi qu'il a préalablement promulguée »[23]. Reprenons alors ces deux aspects.

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[16] Sur le *regimen* et la tradition du *spaeculum* v. Michel Sennelart, *Les arts de gouvernement*, *passim*.
[17] Yves-Charles Zarka, *Hobbes et la pensée politique moderne*, p. 91.
[18] Raymond Polin, *Hobbes, Dieu et les homes*, p. 122.
[19] Aegidius Romanus a été probablement le premier à forger une doctrine de la monarchie absolue temporelle libérée des chaînes eschatologiques. Néanmoins, au niveau des évolutions historiques, l'Église continue à être l'État par excellence, son autorité de police étant le seul pouvoir de contrainte.
[20] Thomas Hobbes, *Léviathan. Traité de la matière, de la forme et du pouvoir de la république ecclésiastique et civile*, p. 178.
[21] Raymond Polin, *op. cit.* pp. 111-112.
[22] *Léviathan*, p. 332.
[23] *Ibidem*, p. 187.

3. Punir et signifier

Un des enjeux majeurs du Léviathan est de fonder un droit pénal qui ne soit pas contraire au nominalisme. La théorie de l'autorisation et, après coup, la notification et l'authentification qui découle de la sémiologie du pouvoir[24] constitué contribuent donc à légitimer le caractère raisonnable de l'obéissance, mais aussi de la coercition publique. L'argumentation pour l'obéissance conclut avec un argument *per a contrario*: étant donné que le souverain est l'acteur autorisé par chaque individu en vertu de la convention entre eux et que, alors, chaque action du souverain (non pas comme individu, mais comme personne artificielle des citoyens) a comme auteur chaque individu en particulier, ses châtiments aussi ont comme auteurs les hommes châtiés ; mais être auteur de son propre châtiment est contraire dans un double sens, éthique et physique: à la liberté que chacun possède sur son corps et à l'égoïsme généalogique, c'est à dire à l'individualisme éthique dont chaque homme est l'incarnation. Désobéir est en conclusion irraisonnable (voir aussi la réfutation de l'insensé) et sanctionner l'irraisonnable par l'épée de la justice est raisonnable. En ce qui concerne la coercition comme telle, Hobbes déploie un complexe enchaînement en vertu de la théorie du langage. Ainsi, la loi en général étant un acte de parole par excellence – « de celui qui de droit commande aux autres »[25] – elle représente aussi une marque du langage et « l'indication d'un mode de signifier »[26] du souverain: « Si on laisse de côté la loi de nature, il est de l'essence de toutes les autres lois d'être portées à la connaissance [...] soit par la parole, soit par l'écriture, soit par quelque autre acte connu comme émanant de l'autorité souveraine. »[27] Si légiférer veut dire signifier, appliquer la loi est une réitération du signifiant ou une résignification renforcée de la première opération. La loi et le châtiment ne peuvent être raisonnablement corrélatifs que parce qu'ils se légitiment d'une même source de significations et d'un même mode de signifier. Il ne peut pas être autrement sans que la cohérence du système soit rompue et aussi sans que le travail de signifier du pouvoir souverain soit inefficace. Or l'efficience consiste à maintenir le plus longtemps la paix civile, en accord avec la première et la plus importante loi de nature. On peut dire que les efforts du souverain de se tenir toujours à la limite de ses sujets et à son signe de pouvoir rendent compte d'une nécessité intrinsèque au réalisme politique du Léviathan. Le besoin de réitérer le signifiant de son pouvoir à l'occasion d'un jugement et, implicitement, d'une condamnation ne découle pas d'une faiblesse du Léviathan qui ne veut pas se montrer par peur de rébellion (comme les despotes orientales caractérisés par Montesquieu), mais contrairement, de sa fortitude – c'est la sémiologie du pouvoir qui fait possible l'exercice du droit de punir, sans elle, il serait vide, même pure abstraction. Dans le cas du châtiment, c'est la condamnation exigé pour sa valabilité qui « fait signe » aux sujets, alors on peut conclure que le châtiment

[24] Yves-Charles Zarka, *op. cit.,* Deuxième Partie, *Langage et pouvoir*, pp. 65-123.
[25] *Léviathan,* chap. XV, p. 160.
[26] Yves-Charles Zarka, *op. cit.,* p. 147.
[27] *Léviathan*, chap. XXVI, p. 290.

comme sentence efficiente est un signe de second degré – le pouvoir souverain se dédouble toujours au niveau sémiologique –, une condition ineffable du droit pénal, afin qu'il se concrétise par des peines infligés pour injustice à l'égard de l'État[28]: « un mauvais traitement infligé de par l'autorité publique, mais sans qu'il y ait eu antérieurement une condamnation officielle, ne doit pas recevoir le nom de châtiment, [...] car l'action pour laquelle on est châtié doit d'abord avoir été jugée, de par l'autorité publique, constituer une transgression de la loi. »[29]

Néanmoins, le droit pénal, l'expression la plus spectaculaire de la sémiologie du pouvoir dans le Léviathan, ne se résume pas au réalisme politique. Yves-Charles Zarka, en se demandant quelle est la source de la parole qui engendre après Hobbes tout langage et toute création humaine et joue un rôle aussi essentiel dans la constitution de la République[30], remarque une distinction subtile qui appartient à Hobbes même (et qui apparaît explicitement dans les *Elements of Law*): celle entre signe et marque[31]. Elle aurait le but de soutenir le conventionnalisme, en expliquant la parole « génératrice » de toutes les institutions artificielles: « avant même la création et l'usage du langage par lequel les hommes se signifient mutuellement leurs pensées, chaque individu peut, en vertu de la puissance d'arbitraire inhérente à sa nature, utiliser de manière entièrement privée des marques comme aide-mémoire »[32]. « Ainsi font les hommes qui, étant passés près d'un rocher sur la mer, y laissent une marque pour se rappeler leur premier danger et l'éviter. »[33] Est-ce que cette distinction est suffisante pour une logique contractualiste qui serait infaillible? Pas du tout, puisqu'une co-naissance de l'Etat et du langage serait impossible tant factuellement qu'ontologiquement. Pourtant, cette théorie est convaincante en ce qui concerne une généalogie du langage à partir d'une sorte de protolangage antérieur à la communauté civile. Un signe serait une marque au niveau supérieur et une marque serait un signe primitif du point de vue anthropologique et épistémologique, mais en aucun cas il ne peut y avoir un abîme ontologique entre les deux. Ce qui veut dire que toutes les signes ont une généalogie humaine et que le système sémiologique du pouvoir dépasse la perspective conventionnaliste puisque depuis toujours et pour toute l'éternité les hommes utiliseront les marques et ils n'ont pas renoncé à le faire seulement à cause de l'éducation sociale et civile. En conclusion, le postulat de la capacité d'arbitraire de l'homme cesse d'être tributaire à la perspective conventionnaliste, en renvoyant vers un fondement ontologique de l'humain caché dans le praxis du langage et, implicitement, dans celui du pouvoir-signifiant. Peut-être

[28] Pour Hobbes, un crime est toujours à l'égard de l'État, peu importe ses circonstances particulières ou les personnes qui ont été blésées. D'ailleurs, il y a dans le Chapitre XXVII une distinction qui sera maintenue par les droits pénaux et de procédure modernes, entre *tort* (injury) et *dommage* (damage): « …dans presque tous les crimes il y a un tort causé, non seulement à quelques particuliers, mais aussi à la République », Léviathan, p. 330.

[29] *Léviathan*, chap. XXVIII, pp. 332-333.

[30] Selon le célèbre passage du Chap. IV de Léviathan: « sans laquelle il n'y aurait eu parmi les hommes plus de République, de société, de contrat et de paix, que parmi les lions, les ours et les loups. », *Léviathan*, p. 27.

[31] *Apud* Yves-Charles Zarka, *op. cit.*, pp. 51-52.

[32] *Ibidem*, p. 52.

[33] Thomas Hobbes, *Éléments de la loi naturelle et politique*, p. 18.

on pousserait trop loin l'argumentation si on envisageait le châtiment (signe au deuxième degré du pouvoir souverain) comme marque dans le corps des sujets – puisque le châtiment, même dans le cas où il serait aisé, est un signe pour tous les sujets, pour qu'ils puissent se souvenir, dans leurs calculs rationnels futures, les conséquences qu'un crime peut provoquer – mais il est certain que cette capacité de marquer, puis de signaler à différents niveaux, apparaît comme l'intermédiaire entre les algorithmes de l'exercice pénal rigide du souverain et une psychologie ontologique qu'il doit assumer. Cette interprétation apporte une nouvelle lumière sur le mécanisme et le fonctionnement du châtiment et sur les raisons pour lesquelles ceci ne peut être expliqué seulement par recours au concept de souveraineté absolue et fournit une explication initiale à la différence entre « droit de punir » et « droit de vie et de mort ».

4. L'incompatibilité entre châtiment et dominium

Il y a une asymétrie entre les chapitres XVIII et XXVIII du Léviathan à l'égard du « droit de châtier ». Tandis que dans le premier Hobbes semble fonder un double droit de châtier, selon les lois et selon la volonté souveraine lorsqu'il n'y a pas de loi: « ou bien, *s'il n'y a pas eu de loi promulguée, selon ce qu'il jugera le plus* propre à encourager les gens à servir la République ou à les détourner de la desservir. »[34], dans le second il s'agit seulement, comme on l'a vu auparavant, du mécanisme unitaire du pouvoir souverain: il s'auto-légitime par l'institution des lois (*i.e.* signification) et par la condamnation (*i.e.* résignification) qui se fonde sur un jugement publique – liaison référente entre les deux aspects de la sémiologie du pouvoir: « Un châtiment est un mal infligé de par l'autorité publique à celui qui a accompli (ou omis) une action que cette autorité *juge être une transgression de la loi* »[35] (il s'agit bien sûr des lois civiles). Peut-on alors parler de deux types des droits pénaux dans le Léviathan? Une question aussi difficile à solutionner que l'ambiguïté qui porte toujours sur un Hobbes historique v. un Hobbes systémiquement métaphysique.

Dès qu'il résout l'aporie de la conjugaison entre une seule volonté et l'idiosyncrasie des volontés disjonctives par la théorie de l'autorisation, on apprécie que Hobbes se détache complètement du *dominium* pour élaborer une vision pertinente de l'*auctoritas*. En effet, c'est en ceci que consiste l'innovation la plus invoquée du *Léviathan* et l'évolution par rapport aux *E.L.* et à *De Cive*. Mais il reste néanmoins quelque chose d'irréductible à l'autorisation primordiale dans l'image même de la souveraineté comme *summa potestas*. Et ceci est le point où l'étendue du pouvoir souveraine semble osciller entre *dominium* et *auctoritas*, puisque, selon Zarka, « la notion de *dominium* garde une place importante dans le Léviathan et précisément dans le cadre du droit sur les personnes »[36][pas autre que le droit de vie et de mort,

[34] *Léviathan*, p. 187.
[35] *Ibidem*, p. 331.
[36] Yves-Charles Zarka, *op. cit.*, p. 195.

inhérent à la souveraineté et résultant du droit naturel cédé par le contrat] dans le cas des républiques d'acquisition.[37] Or cette domination par la force n'est que symbolique lorsque la guerre est finie (« par le moyen de la guerre il soumet ses ennemis à sa volonté, leur accordant la vie sauvée à cette condition. »[38]) parce que la République d'acquisition a un fonctionnement pareil à la République d'institution – l'assujettissement est l'acte de naissance de cette République, après quoi il n'est plus nécessaire d'utiliser la force (donc, le droit de vie et de mort perd son applicabilité dès que le droit officiel de punir est institué), voire le droit sur les personnes, d'une autre manière que celui légitimement fonctionnel (il peut être certes un intervalle « de grâce » dans lequel les hommes vaincus décideraient soit l'assujettissement, soit leur destruction, mais ceci ne réduit pas le pouvoir du vainqueur): « Une fois la République instituée ou acquise, les promesses procédant de la crainte de la mort ou de la violence ne sont pas des conventions et n'obligent pas, quand la chose promise est contraire aux lois. [...] les droits et les conséquences de la souveraineté sont les mêmes dans les deux cas »[39] et « En somme, les droits et les conséquences des dominations paternelle et despotique sont exactement les mêmes que dans le cas d'un souverain d'institution. »[40] « Le serviteur »[41] d'une République d'acquisition et le sujet *sui generis* ont la même condition, résultante du contrat de la cession des droits (les circonstances particulières du contrat qui peuvent être plus ou moins lourdes pour les sujets dans n'importe quel cas): « S'il refuse et que le maître le tue, le jette dans le fer ou le châtie [vraisemblablement, après l'avoir jugé et condamné dans quelque manière]de toute autre manière, pour sa désobéissance, il est lui même l'auteur de ce traitement. »[42] et « Celui qui tente de déposer le souverain, à la suite de cette tentative, tué ou puni par celui-ci, il est l'auteur de son propre châtiment […] *en vertu de l'institution*… »[43] En outre, l'analogie entre la domination despotique et la domination paternelle exprime la précarité empirique de la première – il est incontestable que dans la société civile, tous les hommes sont premièrement sujets, ils doivent de l'obéissance au souverain, donc l'obéissance aux parents est secondaire, réduite la plupart des fois à une attitude de respect et de crainte révérencieuse.[44]

[37] L'analyse de Zarka est située dans un contexte plus large, en montrant l'émancipation de la souveraineté hobbesienne de toute relation de propriété à partir d'une distinction importante qui appartient à Hugo Grotius, entre l'étendue d'un droit et la manière de le posseder . Y-Ch Zarka, *op. cit*, p. 194.

[38] *Léviathan*, p. 178.

[39] *Ibidem*, pp. 207-208.

[40] *Ibidem*, p. 214.

[41] « Après qu'une telle convention est passée, le vaincu est un *serviteur*, mais non pas avant. En effet le mot serviteur ne désigne pas un captif… », *Ibidem*, pp. 211-212.

[42] *Ibidem*, p. 214.

[43] *Ibidem*, p. 180.

[44] Ici, la réfutation de la *patria potestas* du droit romain classique est radicale. D'ailleurs, dans toutes les trois grandes œuvres, Hobbes affirme que le pouvoir sur les enfants peut appartenir à la mère et n'est pas dû à la génération, mais à la préservation de leur vie grâce aux parents. Mais le refus du royaume patrimonial, d'autre côté, n'y est pas aussi évident, surtout dans les *E.L.* Selon Zarka, le défaut du pouvoir paternel dans le conventionnalisme du Léviathan a été le principal reproche de Filmer. *v.* Yves-Charles Zarka, *op. cit.*, chapitre XI, pp. 253-268.

La domination despotique et paternelle ne corrompent pas l'autorisation conventionnelle, seule source de pouvoir public sur les sujets, elles restent l'expression d'un dominium résiduel et symbolique, d'une espèce de « prestige numineux », on peut dire, de la souveraineté, qui a comme but de susciter un assujettissement plus instinctuel et une pareille crainte de châtiment. Si on revient maintenant au chapitre XVIII on peut appliquer l'hypothèse sur le second aspect du « droit de châtier »: il consisterait dans cette perspective en ce prestige du souverain qui, comme force symbolique (et transcendante) du dominium – pouvoir paternel qui susciterait un meilleur assujettissement: « Il signifie moins une relation de propriété que l'extériorité de la volonté souveraine et du pouvoir de contrainte qui s'impose aux volontés des individus. »[45] Il ne s'agit pas du tout de l'interpréter comme un droit à la violence spontanée, mais de l'appréhender dans le contexte de son appui psychologique, pour retrouver l'oscillation de la doctrine du châtiment – à laquelle il est lié, mais pas subordonné – entre le réalisme du système et une psychologie ontologique qui doivent être accordés. Il ne s'agit non plus d'une dialectique du droit de punir et du droit de vie et de mort comme *dominium*, puisqu'ils sont situés sur des plans différents: l'un est un signe du pouvoir, l'autre un symbole de la force. Or il ne serait guère efficace, et ce serait même contradictoire, de punir spontanément. En premier lieu, une telle violence ne pourrait être codifiée et authentifiée comme légitime et d'autre part elle transcenderait les exigences de publicité, de notification efficiente, qui donnent le caractère officiel. D'où le fait que le droit de vie et de mort comme *dominium*, même si toujours virtuellement applicable, reste improbable dans la majorité des cas et en dehors de tout droit pénal publique. En effet, l'utile politique – l'institution pénale – et l'utile métaphysique – le droit despotique qui écrase les gens, en les obligeant à s'y soumettre, restent tout à fait différents.

5. La déontologie du châtiment

Le *dominium* n'est pas le seul aspect du droit de vie et de mort *lato sensu*. Celui-ci, comme attaché à la souveraineté jusqu'à leur confusion a aussi une facette dynamique, en permettant le dépliement des autres droits indispensables à un exercice efficace du pouvoir. Il permet aussi des exceptions (pas au sens fort de Carl Schmitt, mais cependant lié à une décision indépendante des lois et à une brève suspension de l'ordre civile, puisqu'il fait référence aux lois naturelles), dont celle de la clémence (du chapitre XXX) est la plus intéressante et relevante dans ce contexte-ci: « Mais à l'égard des crimes de faiblesse, [...] la clémence peut souvent trouver à s'exercer sans que cela nuise à la République. Et chaque fois que la clémence trouve à s'exercer dans ces conditions, la loi de nature la requiert. En cas de trouble c'est le châtiment des chefs et des inspirateurs et non pas celui des pauvres gens [...] Se montrer sévère pour le peuple, c'est châtier une ignorance qui est en grande partie

[45] Yves-Charles Zarka, *op. cit.*, p. 195.

imputable au souverain. »[46] Alors, outre les circonstances atténuantes, le mécanisme pénal reste très flexible dans son application grâce au droit de vie et de mort, qui, selon une longue tradition symbolique assimilable dans le réalisme politique de Hobbes, se tient dans l'ambiguïté de son nom. Mais ce qui intéresse ici c'est qu'il peut presque n'importe quand limiter l'exercice du droit pénal dans le contexte d'une « bonne administration » de châtiments[47], institution qui dépend seulement de la volonté souveraine et qui n'a pas de correspondant dans les lois civiles (on remarque d'ailleurs que ni l'étendue, ni la nature du châtiment ne sont obligatoirement prescrites dans les lois[48], comme dans les codifications pénales modernes). On découvre en conséquence une deuxième limitation du droit pénal (au-delà des conditions formelles et sémiologiques), cette fois extrinsèque, même transcendante à celui-ci. Cette « extériorité de la volonté souveraine », pour reprendre la syntagme de Zarka, du « Dieu mortel » peut évidemment fonder une « éthique »[49] (à cause précisément de la séparation radicale entre politique et philosophie morale) de la coercition publique et, tout particulièrement, une déontologie du châtiment: « ...étant donné que le but du châtiment n'est pas de se venger et de décharger sa bille, mais de corriger [...], les châtiments les plus sévères doivent être réservés aux crimes qui sont les plus dangereux pour le bien public »[50] Cela signifie qu'il ne s'agit point d'une institutionnalisation de la crainte, mais d'un calcul rationnel en matière de châtiment (et aussi de récompense), toujours en vertu du désidérata de la sécurité et de la paix civile: « Ainsi se constituent, du fait du Souverain, des biens qui sont communs, un Bien dont on peut dire qu'il est public, qui relève de l'usage de la raison [...] en fonction de ce qui est utile au *Commonwealth*. À ce niveau le Souverain définit des vrais biens. En se référant à la volonté unique du Souverain, les valeurs et les biens politiques acquièrent, par rapport à l'ensemble des citoyens, une universalité... »[51]

Le mouvement est donc double: L'autonomie du mécanisme pénal légitimé par la référence aux lois et par une condamnation – tous les deux signes du privilège de punir et du monopole de la violence légitime – et la régulation verticale de ce mécanisme, lorsqu'il est nécessaire, par une souveraineté qui s'exerce comme droit de vie et de mort dans sa dimension dynamique de force (pas en tant que force

[46] *Léviathan*, p. 372.
[47] *Ibidem*, pp.371-372.
[48] Il y en a des cas, bien sur, mais ce n'est pas une des fonctions fondamentales des lois de prescrire les châtiments – d'ailleurs il s'agit plutôt d'une recommandation que d'une sentence inscrite dans la loi « …si un châtiment est fixé et prescrit dans la loi même, et qu'une fois le crime commis on inflige un châtiment plus sévère, ce qui vient en sus n'est pas un châtiment… », *Ibidem*, p. 333.
[49] Évidemment, en dehors de toute téléologie et de toute morale d'inspiration aristotélicienne.
[50] *Léviathan* , p. 371. Ces considérations sont en fait une reprise presque identique de la septième loi de nature: « *...dans les vengeances, on ne considère pas la grandeur du mal passé, mais la grandeur du bien qui doit s'ensuivre.* Il nous est interdit par là d'infliger un châtiment avec aucun autre dessein que la correction de l'offenseur et l'instruction des autres », chap. XV, p. 153. L'ambiguïté du terme châtiment est donc corrélative à la limitation du droit pénal.
[51] Raymond Polin, *op. cit.*, p. 229.

despotique, mais en tant que force régulatrice): Or la souveraineté est la source unique de la déontologie publique parce que toute éthique classique n'a rien à faire à la politique et à la sphère publique comme telle. En d'autres mots, une théorie politique pure comme celle de Hobbes n'a plus besoin d'une apologie de la propriété privée, comme chez Bodin[52] ; le réalisme politique du Léviathan consiste en effet dans la séparation radicale publique (*i.e.* une « éthique » légitimée dans la fonction souveraine, en accord avec les lois de nature et avec le *salus populi* mais pas identique à celles-ci, puisqu'elle se légitime de par l'autorité publique) – privé (*i.e.* l'étique classique et la philosophie morale aristotélicienne).

Au niveau de la doctrine du châtiment, on peut en tirer deux conséquences fondamentales. La première: le refus de donner quelque pouvoir aux corps politiques intermédiaires (les corps privés sont *eo ipso* sans aucun pouvoir politique) et, corrélativement, l'assujettissement de ces corps au pouvoir souverain de châtier: « Le pouvoir des corps politiques subordonnés est toujours logiquement cerné par le fait de ne pouvoir être un pouvoir souverain. »[53] et « ...si c'est un crime, l'assemblé peut être châtiée, autant qu'elle est susceptible de châtiment, par exemple par la dissolution ou par le retrait de ses lettres patentes. ([...] la peine capitale) ; ou bien [...] par une amende pécuniaire. »[54] Quant au ceci, on peut remarquer que les institutions publiques (ou au moins ce qu'on puisse entendre aujourd'hui par appareil d'État) sont traitées de même façon que les citoyens, dans le contexte d'un rapport vertical d'assujettissement au souverain – elles ne sont pas proprement « publiques » dans le sens où le seul droit public est le droit pénal monopolisé par le souverain. La deuxième, qu'on va aborder plus amplement : une fixation des principes et des règles du châtiment public par rapport à son domaine d'application et sans que le droit pénal devienne discrétionnaire et arbitraire, c'est à dire « non-signifiant », en usurpant la cohérence du système.

6. Le principe de la proportionnalité

La distinction entre châtiment et acte d'hostilité s'appuie sur le double critérium du premier : le caractère public et juste qui rend compte d'un bon ou d'un mauvais exercice du droit pénal: « ...un mauvais traitement infligé de par l'autorité publique, mais sans qu'il y ait eu antérieurement une condamnation officielle [publique] *ne doit pas recevoir le nom de châtiment,* mais celui d'*acte hostile*, car l'action pour laquelle on est châtié doit d'abord avoir été jugée, de par l'autorité publique... »[55] On voit bien que la limitation du droit de punir se joue dans la perspective ambigüe du terme

[52] Selon Bodin, la propriété privée est un *statu quo ante*, irréductible à tout pouvoir public, dans le contexte d'une dialectique, un conditionnement réciproque public-privé.
[53] Thomas Berns, *op. cit.*, p. 176.
[54] *Léviathan*, chap. XXII, p. 240.
[55] *Ibidem*, p. 333.

châtiment (punishment): lorsqu'il s'agit du châtiment comme peine officielle on retrouve le premier sens (*i.e.* le châtiment *stricto senso*, donc public), dont on a parlé ci-dessus quant à la sémiologie du pouvoir et dont Hobbes se préoccupe dans le XXVIIIe chapitre – il n'y a pas de lieu pour dérogation, ni en faveur ni en défaveur du coupable.

Il est remarquable que le concept d' « acte hostile » est utilisé dans plusieurs sens, dont il vaut retenir deux: un mal infligé par l'autorité, sans que toutes le procédures exigées soient respectées (sans condamnation publique, sans égard à la loi et à ce qu'elle prescrit) et un mal infligé sans que le but de l'obéissance, future et présente, soit accompli: « ...tout mal infligé sans aucune intention ou possibilité de disposer le délinquant, ou, par son exemple, d'autres hommes, à obéir aux lois, n'est pas un châtiment »[56] et « ...si le mal infligé est moindre que l'avantage ou la satisfaction qui découlent naturellement du crime commis, [...] c'est le prix, la rançon du crime, plutôt que son châtiment. »[57] Le droit pénal est, une fois en plus, circonscrit comme public par la doctrine du châtiment qui vient compléter, en vertu de ce que Hobbes même thématise dans *Behemoth*[58] comme un principe de proportionnalité, l'autonomie (paradoxale) de celui-ci à l'intérieur de l'homogénéité du pouvoir souverain: « L'excès du mal infligé [...] ne dispose pas les hommes à l'obéissance ; plus fondamentalement encore, il constitue une annulation pure et simple de la notion même de loi civile [...] La nouveauté du principe hobbesien de la proportionnalité des peines mérite d'être soulignée [...] il faut attendre en France l'ordonnance criminelle de 1670 pour voir une première esquisse d'échelle des peines"[59]. Or la double proportionnalité, par rapport à la fin de l'obéissance et par rapport au crime[60] rend compte non pas seulement de l'exemplarité des peines publiques, mais aussi d'une prophylaxie, inédite à l'époque de Hobbes. C'est la raison pour laquelle l'athée ne peut pas être puni tale quale (pour son athéisme *in foro interno*), mais seulement lorsqu'il agit (étant athée *in foro externo*) comme un insensé, contre l'État: « Le seul pêché dont l'athée se rend coupable est un pêché d'imprudence, *peccatum imprudentiae.*[...] il s'agit d'un pêché et non d'un crime [dans le *Léviathan*, contrairement à *De cive*, l'athéisme n'est pas du tout abordé, Hobbes se contente de l'associer, selon la référence biblique, au *dixit* de l'insensé] [...], d'un pêché accomplit par manque de prudence, c'est à dire par ignorance. [...] Il n'y a pas de loi qui puisse interdire et

[56] *Ibidem*, p. 333.
[57] *Ibidem*, p. 333.
[58] « La proportion [*Proportion*] qu'il peut y avoir entre eux, c'est la proportion du mal que fait la doctrine au mal que l'on inflige à celui qui enseigne cette doctrine." *Apud* Dominique Weber, *Hobbes et l'histoire du salut*, p. 64.
[59] Dominique Weber, *op. cit.*, p. 65.
[60] C'est cette proportionnalité par rapport au crime qui détermine Hobbes d'embaucher un bréviaire orientatif des châtiments, aussi qu'une hiérarchie de la gravité des crimes.

punir l'ignorance. »[61] C'est sur ce point que Hobbes semble presque utilitariste, dans le contexte de la nécessité d'obéissance aux lois civiles et d'une dépassement de l'eschatologie chrétienne dominante. Mais ce qui nous intéresse ici est qu'une disproportionnalité (dans le cas de l'athée, il ne peut être puni ni par rapport à la fin d'obéissance, puisqu'il obéit *in foro externo,* ni par rapport à un crime puisqu'il n'y a pas de crime) engendrait l'affaiblissement de la prophylaxie du droit pénal et prédisposerait à une anarchie politique. Même si le roi, de par son autorité divine, garde le droit de réprimer les athées, ce n'est pas en vertu de son droit pénal, mais d'une suspension verticale de ceci, presque symétrique à la clémence. Si le droit pénal se mêlait des affaires privées de tous les sujets (en ce qui concerne leur foi dans ce cas), cela serait pas seulement utopique, mais empêcherait la prophylaxie ponctuelle qu'il doit promouvoir.

7. Conclusion. L'aporie du conventionnalisme

En commençant par une analyse des deux traits essentiels du droit pénal « abstrait » dans le Léviathan, on peut observer la manière dont ils se déploient au cours de la doctrine du châtiment et dont ils construisent un mécanisme non pas infaillible, mais autoréférentiel et autonome, précisément parce qu'il trouve ses limites dans la souveraineté absolue. Pas rarement d'ailleurs, ces « limites » ne sont que des possibilités des corriger sa rigidité, comme dans le cas de la clémence, ce qui veut dire qu'une doctrine du châtiment *lato sensu* déborde le mécanisme figé du droit pénal dans la République, en le liant dans une relation verticale au droit de vie et de mort. Alors, la théorie du châtiment est à la fois identique au droit pénal et extérieure à celui-ci, au sens où elle semble être orientée vers la force symbolique et dynamique de la souveraineté. Mais en dépit de l'ambiguïté du terme châtiment, les deux font partie du même effort de lier le réalisme politique et l'hybris anthropologique dans le système du Léviathan, à l'égard de la paix civile toujours désirable dans un État cohérent.

Dans ce contexte, on peut affirmer que le caractère public du droit pénal, de la sémiologie du pouvoir à la déontologie régulatrice qu'il faut subir et à la prophylaxie politique, déborde les cadres d'un conventionnalisme « orthodoxe » par sa nature même d'instrument et d'institution (autonome à cet égard quoique subordonné du point de vue factuel au pouvoir souverain et étant son signe). En ce sens, Yves-Ch. Zarka trouve la légitimité du droit de punir – qui peut être seulement *a posteriori* – dans son exercice subordonné à une éthique wébérienne de la responsabilité.[62] Mais on

[61] Raymond Polin, *op. cit*., p. 69. Pour une ample analyse, *v.* aussi Dominique Weber, *op. cit.* pp. 64-68.
[62] Yves-Charles Zarka, *op. cit.*, pp. 245-250. Un appel à l'éthique wébérienne ne serait-il contraire à l'esprit purement politique de Hobbes et à la seule « éthique » acceptable, mentionnée auparavant ?

ne doit pas s'efforcer de résoudre l'aporie du conventionnalisme, l'antinomie entre le droit de punir et le droit de résistance[63], autant qu'on essaie premièrement de distinguer le premier du droit de vie et de mort comme instance régulatrice identique à la souveraineté et comme prestige de cette souveraineté même[64] et deuxièmement, d'assumer la séparation radicale entre public et privé (et c'est sur le plan exclusivement privé que le droit de résistance, comme tous les droits inaliénables, reste valable). Le compromis entre les présuppositions anthropologiques et un réalisme politique qui veut les englober reste l'enjeu majeur pour un Hobbes sceptique, même au prix d'un conventionnalisme imparfait.

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[63] « …par là, Hobbes admettait en fait l'existence d'un conflit insoluble entre les droits du gouvernement et les droit naturels de l'individu à sa conservation », Leo Strauss, *Droit naturel et histoire*, p. 177.

[64] Il n'est pas du tout contraire à l'esprit du Léviathan d'accepter que le souverain ne punisse pas lorsqu'il exerce le droit de vie et de mort et inversement. La répression de la rébellion (qui signifie *war renewed*) et un exemple pertinent car « …les châtiments établis par la loi sont destinés aux sujets, non aux ennemis. » *Léviathan*, pp.334-335.

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