

## Conference Paper

# The Problem Field of Ethico-Cultural Evaluation of Contemporary Art

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**Abstract**

The challenges of contemporary art include its perception by the public and society in general. Modern art has long utilized provocative and deliberately disruptive acts and statements as one of the tools that allow it to produce public reaction. However, today such actions and statements increasingly face explosive responses from offended audiences, especially amongst the more conservative parts of society. Often such reactions do not limit themselves to the expression of public indignation but proceed to courts and demands to officially sanction offensive art. This article contributes to the polemic around offensive art by identifying problems in contemporary practice of art evaluation in Russia and its limitation, and suggesting ethico-cultural evaluation as a comprehensive approach to analyse the art event or work as insulting or morally dangerous. The identification of problems is based on analysis of existing experts' statements on the artworks denounced as offensive. The theoretical framework of the research is provided by regulatory legal acts, critical research on vilification laws and the theory of humanitarian evaluation.

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## 1. Introduction

In the past few decades, due to globalization, an increase in the visual spheres of culture, and a reassessment of aesthetic values within the artistic community, there have increasingly emerged conflicts around provocative films, theatrical productions, exhibitions, and musical works. Most commonly ethnic, religious and political themes become a moral stimulus for a public backlash against artistic works. In Russia, there is a practice of involving experts for the cultural examination of works that may offend the feelings of believers or contain signs of extremism. At the same time, the tendency is that the examination of art objects is carried out, not by cultural experts, art historians or art critics, but by psychologists, religious scholars, and lawyers. This article is devoted to the problem field of cultural evaluation in the sphere of arts and the need for a

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comprehensive ethico-cultural evaluation for the analysis of morally provocative works of art.

## 2. Materials and Methods

### 2.1. The regulations of offensive art due to the Criminal Code

There are several articles of the Criminal Code of the Russian Federation under which criminal cases against art practitioners can be initiated: Article 148 is against “public actions expressing clear disrespect for society and committed in order to insult the religious feelings of believers”; Article 242 fights with illegal distribution of pornographic materials (pornography) or objects of pornographic content and Article 282 with “incitement of hatred or enmity, as well as humiliating the dignity of a person or group of people on the grounds of gender, race, nationality, language, about origin, attitude to religion, as well as belonging to any social group, committed publicly or using the mass media” [1]. In recent years, Russian citizens have often appealed to the European court of Human Rights with complaints about decisions of Russian courts on anti-extremist articles [2]. The main problem of these articles is that their definitions are too vague. For instance, due to 282 Article of the Criminal Code virtually any action can be regarded as an attempt to incite hatred or enmity. Furthermore, it is hard to prove the criminal intent of the artist. This leads to suspicion this article is used to artificially increase statistics of crime-solving [3].

When listed articles are applied to cultural sphere, the artworks themselves are recognized as a source of public danger and supposedly have an influence on a person or society as a whole. For example, a number of music groups are banned on the territory of Russian Federation as a type of “underground musical extremism” [4], which means that linguistic evaluation found in lyrics of their songs calls to overthrow the existing state power, violence, and intolerance towards representatives of non-European races, justification of the murder of Russian top officials. This means that the law suggests that some artworks can promulgate or propagandize morally questionable attitude. In order to identify signs of insult, obscenity or incitement of hatred in the Russian law enforcement system, it is conventional to seek assistance from experts.

## 2.2. Historical context

In 2003 acolytes of the Russian Orthodox Church entered an art exhibition “Beware, Religion!” at Andrei Sakharov Museum in Moscow to destroy a number of the artworks that they called “offensive”. The vandals were not charged on the grounds that the exhibition was offensive. Instead, museum curators and artists were put on trial after allegations of the “incitement of hatred”. The exhibition was featuring such works as an image of Christ on a Coca-Cola logo with the words “This is my blood” and the triptych with three men crucified on a cross, a red star, and a swastika. The investigators declined experts in contemporary art and this has become a common practice ever since. People that did not hide their extremely negative attitude to contemporary art and ultra-Orthodox views were invited to assess the offensiveness of artworks from “Beware, Religion!” [5, p. 60]. In order to reinforce this statement here are some excerpt from the experts’ statements of the comprehensive forensic examination (criminal case No. 4616, carried out from June 4 to November 28, 2003): “A brief and cursory analysis of only a few exhibits of the exhibition “Beware, Religion!” allows us to conclude that its organizers, through the selection of exhibits, deliberately provoked possible spectators to aggressively reject the most important categories, concepts, images of Russian culture, sought to offend national and religious feelings, thereby contributed to the incitement of confessional and national conflicts.”[6] Artists were claimed to be driven by blasphemous intentions and the social functions of artworks were evaluated as “de-Christianizing”. As a result, no less than 30 artists were accused of “de-Christianization”, which in experts’ opinion is the “characteristic of the Western counterculture”[6]. The experts also claimed to use the universal techniques of the analytical schemes developed as part of the research project of the Institute of Socio-Economic Studies of Population of the Russian Academy of Sciences (ISESP RAS) called “Neutralization of communicative influences simulating drug user behaviour”. The far-fetched approach of applying analytical tools of eliciting drug user behaviour to artworks makes the expert statement even more invalid since it has nothing to do with highlighting the evidence of offense in artworks’ content.

The “Beware, Religion!” case plays an important role in the formation of a type of comprehensive cultural evaluation of art that only establish itself as such but in fact, is quite the opposite – an informal guilty verdict based on very specific interpretations. Thus, most of them are in need of evaluation themselves or at least a competitive examination.

### 3. Discussion

The relationship between the aesthetical and ethical characteristics of art as well as the possibility of their harmonious coexistence have been studied by theorists and art practitioners from ancient times to the present day. For the expert examination of morally provocative art, the problem of the relationship between ethics and aesthetics is particularly relevant. Specialists suggest several solutions to the problem of dealing with offensive art. Oboler proposes to test offensiveness or extremist characteristic of art (in his example he uses the infamous cartoon depicting Mohammed in Charlie Hebdo) by questioning whether it was being used symbolically to represent some group based on its ethnicity/race/religion in general and if representation, in general, was being used for vilification since vilification laws should protect the human dignity of individuals, “not ideas, ideologies, or power structures” [7]. Other scholars claim that it is more effective to refocus attention on actual crime because it seems like a perspective to focus particularly on speech and expressions result in more legal controversies [8]. This is why some specialists come to the conclusion that it might be more reasonable to defend individuals and groups (e.g. religious groups) from actual discrimination, not from insult [9, p. 2967] because right now the law is centred on expressions and not actual wrongdoings. The comprehensive analysis of sociological, socio-psychological and artistic means should be based more on common sense than moral over-sensitivity standard.

Contemporary cultural evaluation in the field of art in Russia perceives provocative characteristics of art as a problem that needs to be solved, and not as a text that should be interpreted in all its various contexts. The presence of an ethical aspect in the conflict of art with the audience indicates the applied potential of ethics in cultural studies and the need for interdisciplinary evaluation at the intersection of ethics and cultural studies. Since the subject of ethical evaluation is the situation of intersubjective communication, in which the interests of different individuals collide and to varying degrees correspond with each other [10], the task of ethico-cultural evaluation should be a comprehensive analysis of not only the object of evaluation but also the consequences discourse around it. Today, the cultural evaluation of moral and provocative art does not position itself as ethical, despite the fact that experts often make attempts to substantiate the moral evaluation of the objects under study from the point of view of the moral danger of their semantic elements.

Humanities expert examination is inherently aimed at developing a culture of ethical thinking as a value rationale for decisions and the task of such evaluation is to disclose

all possible choices, identifying value bases and goals, indicating the precedents of decisions [11, p. 5]. Bakshtanovskiy claims that dialogism is the basic mindset of an examination in humanities [11, p. 5], although the ethics of discourse as a search for compromise mutual understanding and “synthesis of universality and particularity of moral values, their stability and relativity” is more relevant for contemporary conflicts around morally provocative art [12, p. 334].

In the article, the ethico-cultural evaluation is understood to mean a study that includes analysis, evaluation, and diagnosis of an art work of or event, taking into account a specific socio-cultural context (federal, regional, national, ethnic characteristics) with an emphasis on the effects of provocative art. Examination of works of art should include the whole range of problems associated with their creation, including their functioning in the system of institutions and cultural organizations [13, p. 10]. Today attorneys pursue litigations against “offensive” or “extremist” paintings, caricatures, music groups, theatrical performances which gives them the same status as hate crimes (crimes on a ground of hatred and intolerance). But the court tends to lack appropriate evaluation regarding the complexity and delicacy of morally controversial art. In cases of immoral art that end up in a court most of the times, moral vision prevails over the judicial and cultural evaluation this is why it is important to adopt ethico-cultural evaluation with regard to vulnerabilities of the art evaluation in general.

Ethico-cultural evaluation should be carried out by taking into account both ethical and aesthetic criteria. One of the key points in the evaluation of morally provocative artworks is to confirm or refute the artistic status of the object (aesthetic alibi: art as a privileged zone in which it is allowed to say something that cannot be said at all [14]) and the lack of consensus on the aesthetic standard in contemporary art becomes a significant problem. For the legal regulation of art on a moral basis, the definition of what art is (with legally required precision) is inevitable. Kearns suggests defining art by its purpose, not the content [15]. But even when the artistic status of work is confirmed, since the evaluation is often carried out by people who are not experts in the field of contemporary art, some of the artistic and pictorial techniques that fit into the framework of the genre can be evaluated as “sordid-vulgar” or “anti-normative” [16]. This leads to the major problem of choosing an expert for cultural evaluation and, in particular, for ethico-cultural evaluation of artistic works.

The ethical aspect in and of itself creates a dilemma in choosing whom to entrust the role of an expert [17, p. 127]. First of all, the expert should not have an autonomous power to regulate social and cultural processes. Secondly, the expert’s tasks do not include the imposition of solutions, she only “informs, consults, advises and gives recommendations

formulated on the basis of an analysis of the facts and an assessment of the existing arguments” [18, p. 24]. Moreover, the expert should consider each artwork as a meta-cultural text [11, p. 274], which speaks of the need to involve experts in Cultural Studies in expert boards, since it is cultural experts who operate with “general and special methods of studying a specific problem” [13, p. 13].

## 4. Conclusion

Whilst carrying out ethico-cultural evaluation it is necessary to take into account the specific historical situation, the moral standards, values of this society generally recognized in a given society and establish the social danger of the object under study. The aim of ethico-cultural evaluation is to elicit some predicted patterns in the multiplicity of moral prospects. One of the most accurate characteristics of ethical problems that are applicable for artistic discourse was made by behavioural psychologists: “Ethical problems arise when the values, goals, and interests of the creators don’t match with those of the people who use the technology” [19, p. 144]. By analogy, the artist’s representation can come into antagonism with a person’s moral universe. Thus, ethico-cultural evaluation should not become a moral court over the artwork or its author, but act as a means of a comprehensive and nontrivial solution of an audience’s conflict with art, based on the results of a comprehensive study of an art work in a specific context and by taking into account the consequences of its interaction with the public.

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