

## **Aesthetic Disobedience**

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### **1. Introduction: Why “Aesthetic Disobedience”?**

In this paper I explore a concept of artistic transgression that I call *aesthetic disobedience*. By using the term “aesthetic disobedience,” I mean to draw a parallel with the political concept of *civil disobedience*. Acts of civil disobedience break some law in order publicly to draw attention to, and recommend the reform of, a conflict between the commitments of the legal system and some shared commitments of a community. Acts of aesthetic disobedience do the same in the artworld: they break an entrenched artworld norm in order publicly to draw attention to, and recommend the reform of, a conflict between artworld commitments and some shared commitments of a community. I argue that considering artistic transgressions under the concept of aesthetic disobedience highlights features of modern artworld practices that are often overlooked. Most significantly, it draws attention to the ways in which a wide variety of citizens of the artworld, including not just artists and performers but also members of the audience, can deliberately participate in the transformation of the rules and boundaries of the artworld itself.

It is almost axiomatic that breaking rules is an important engine of creativity and innovation in the modern artworld. To describe the beginnings of great art movements by pointing to transformative moments where the rules were fruitfully broken is a commonplace. Violations of the rules of harmony and resolution in tonal music by, for example, Wagner, Debussy, and Schoenberg; or the violations of established rules of perspective and representation by Manet, Cézanne, and Kandinsky have been at the center of how the history of European art

has been told since the 19<sup>th</sup> century. The use of political terms to describe transgressive elements of the artworld is also nothing new. One of the most common political terms, “revolution” and its cognates, is used to describe art movements, works, individual artists, or formal innovations. Uses of “revolution” range from the straightforwardly political (Andre Breton’s and Diego Rivera’s *Manifesto for an Independent and Revolutionary Art*, or Richard Wagner’s *Art and Revolution*) to a mixture of political and artistic descriptions (the uses of “revolutionary” that were deliberately linked to “musical Bolshevism” that upset Arnold Schoenberg, for example) to the rather ordinary art-historical descriptions of, say, E. H. Gombrich who routinely uses “revolutionary” to describe stylistic and formal innovations across historical periods.<sup>1</sup> In contemporary usage, the term is so common as to have taken on the air of cliché. A quote attributed to Paul Gauguin, “In art one is either a plagiarist or a revolutionary”<sup>2</sup> (usually edited to the pithier, “Art is either plagiarism or revolution”), is a slogan printed on a T-shirt.

It is worth remembering that, in political philosophy, “revolution” is reserved for movements that aim to overturn the existing legal order and replace it with an entirely new one.<sup>3</sup> The application of the distinction between revolution and other forms of dissidence in practice proves to be tricky and, as we will see below, is often contested. Nevertheless, there is a clear difference, and it is important to maintain the distinction. If we take the standard for revolution at all seriously—that is, if we take it that revolution replaces a normative order with another one—then it is rarely the case that the aims of artists really are revolutionary. Schoenberg and Stravinsky, in distancing their music from “revolution,” were at pains to argue just this (Schoenberg replacing “revolution” with the non-political and less radical “evolution,” for example).<sup>4</sup> Moreover, it seems to me that the term is insufficiently sensitive to capture the distinctive character of a number of rule-breaking artistic practices.

“Aesthetic disobedience” better sheds light on much of what is interesting in certain transgressive actions in artistic practices. It does this in part because it does not so easily lose touch with the political correlate, “civil disobedience,” that motivates it and gives it sense. Retaining a connection to the structure of civil disobedience reveals an often overlooked characteristic of some of the most interesting acts of artistic transgression: the public and deliberative backdrop against which they occur and which they aim to shape. In Section 2, I set out the characteristics of civil disobedience. Roughly, an act of civil disobedience is a public communicative act that breaks a law in order to draw attention to and reform perceived conflicts between law and other shared normative commitments. In Section 3, I begin to illustrate the parallel characteristics of the concept of aesthetic disobedience with an example: Peter Handke’s *Sprechstück* (“speak-in”), *Publikumsbeschimpfung* (translated as *Offending the Audience*). Again roughly, an act of aesthetic disobedience is characterized as a public communicative act that breaks an artworld norm in order to draw attention to and to reform perceived conflicts between an entrenched norm of the artworld and other, broadly speaking, aesthetic commitments.<sup>5</sup> The important question of who can engage in acts of aesthetic disobedience is addressed in Section 4. I argue that aesthetic disobedience is not limited to artists and performers. Rather, audiences are also capable of acts aimed at reforming entrenched norms of the artworld. This is a shift from the usual uses of “revolutionary” that focus almost exclusively on transgressive acts of artists. In light of the diverse possibilities for participation suggested in Section 4, Section 5 raises the question of what should count as an artworld norm that could be the target of aesthetic disobedience. Looking to a limit case testing the boundary between aesthetic disobedience and revolution, I show that Tania Bruguera’s participatory artwork *Immigrant Movement International* targets norms distinguishing the artworld from ordinary social and political

practice. This shows that what norms might count as candidates for aesthetic disobedience must ultimately remain open.

## **2. Civil Disobedience**

Civil disobedience is familiar from political and legal philosophy.<sup>6</sup> John Rawls's influential definition states that an act of civil disobedience is a "public, nonviolent, conscientious yet political act contrary to law usually one with the aim of bringing about a change in the law or policies of the government... intended to address the public's sense of justice... within the limits of fidelity to law."<sup>7</sup> Every one of these characteristics has been criticized in various ways. Rawls's conception of "public" includes notification of the authorities in advance of the disobedient action, along with acceptance of punishment for violating the law, for example. This would rule out, say, Pussy Riot's performance of a "punk prayer" in Moscow's Cathedral of Christ, or intersection blocking since these actions depend on sudden interruption and would be prevented by the authorities were advance notice given. The "non-violence" requirement is also stickier than Rawls makes it out to be. Not only is the definition of violence notoriously difficult to specify but violence might be seen as appropriate in the face of particularly abhorrent laws. Finally, it is not clear what, exactly, "within the limits of fidelity to law" means.<sup>8</sup> While any discussion of the details of civil disobedience rightly becomes tangled in a web of complication, we can usefully give a broad-stroke sketch of its core features to establish a working definition. Acts of civil disobedience break some law in order publicly to draw attention to, and recommend the reform of, a conflict between the commitments of the legal system and some shared commitments of a community. This account calls attention to five central characteristics of acts of civil disobedience:

- CD1.** The acts violate the law
- CD2.** Civil disobedients accept the risk of legal punishment for their actions<sup>9</sup>
- CD3.** The acts are performed publicly—they are communicative
- CD4.** The acts aim to draw attention to a conflict, or a set of conflicts, between normative and legal commitments or authority
- CD5.** They aim to promote a change within the legal system.

I take these to be necessary conditions of civil disobedience that distinguish it from ordinary protest (which need not break any laws), from ordinary law-breakings (which need neither to happen in public, to draw attention to any deeper normative commitments, nor to be aimed at promoting change), and from revolutionary acts (which aim to overthrow a particular institutionalization of norms altogether rather than promoting specific changes within the law). In classic cases of civil disobedience from the civil rights movement in the United States, particular laws were broken to call attention to the way that laws violated a deeper shared commitment of right or wrong. This shared commitment could be a morality, a conception of rights, liberty, fairness, justice, equality, and so on.

CD3's publicity requirement is broader and different in kind than Rawls's publicity requirement—it simply aims to situate civil disobedience within the context of political deliberation. Laws are broken in order to communicate to other citizens reasons to change the law. The communication of reasons in a public sphere is not simply a one-way affair. Civil disobedients, in presenting reasons in a public and deliberative context, open themselves to countervailing reasons offered by their fellow citizens. In short, while civil disobedience is extraordinary in that it violates laws, is contestatory, and is confrontational; a democratic ethos of deliberation and communication forms part of its foundation.<sup>10</sup> This very general account of the connection of the publicity requirement with deliberation should be enough to motivate the

arguments that follow. I leave the precise structure of deliberation vague in the hope of avoiding controversies within and between various accounts of deliberative and radical democracy, and what counts as violence or the “the limits of fidelity to law.”

So far so good on civil disobedience, I hope. But why *aesthetic disobedience*? Before continuing to think abstractly about the parallel between the concepts of civil disobedience and aesthetic disobedience, I would like to set out the first of several examples that will both help motivate the need for a concept of aesthetic disobedience and put us in better position to start sketching some of its key characteristics.

### **3. Aesthetic Disobedience: Peter Handke’s *Offending the Audience***

In *Offending the Audience (Publikumbeschimpfung)*,<sup>11</sup> a work for theater by Peter Handke, the performers speak directly to the audience, about the audience, about what the performers are doing, and about theater in general. The performers claim that there will be no play, that the audience is the subject of the work, that the audience members are the objects of attention. Handke calls the work a *Sprechstück*, which has been translated into English as “speak-in”, echoing “sit-in”, to capture their quality of performative protest. The speak-in culminates with a series of critical assessments of the audience juxtaposing cliché evaluations with blunt insults. “You were the right ones. You were breathtaking. You did not disappoint our wildest hopes. You were born actors. Play-acting was in your blood, you butchers, you buggers, you bullshitters, you bullies, you rabbits, you fuck-offs, you farts.”<sup>12</sup>

Handke’s description of his aim resonates with the characteristics of civil disobedience where, rather than laws, the target of disobedience are artistic and aesthetic norms of the theater.

The idea was to have the spectators in the orchestra thrown back upon themselves. What mattered to me was making them feel like going to the theatre more, making them see all plays more consciously and with a different consciousness. My theatrical plan is to have the audience always look upon my play as a means of testing other plays. I first intended to write an essay, a pamphlet, against the theatre, but then I realized that a paperback isn't an effective way to publish an anti-theatre statement. And so the outcome was, paradoxically, doing something onstage against the stage, using the theatre to protest against the theatre of the moment-I don't mean theatre as such, the Absolute, I mean theatre as a historical phenomenon, as it is to this day.<sup>13</sup>

Note that, while *Publikumsbeschimpfung* is a work of “anti-theatre,” it is not a revolutionary work that either breaks all norms of the theater or recommends throwing out all norms of the theater. Handke’s stage directions insist, “The usual theatre atmosphere should prevail... The concept of what is sartorially inappropriate should be strictly applied.”<sup>14</sup> The norms of decorum, uniformity, silence, passivity and (in Handke’s eyes) apathy were to be made vivid before being challenged. The work aims to bring the audience to think and act differently about the theater, to get the audience to think and act critically about their role in the theater.

A transformation of theater practice demanded an extraordinary, practical, and theatrical intervention. Only public performative engagement with, and violation of, the norms of theater would sufficiently illustrate the problem and deliberately engage the theater-going public. At the 1966 German premiere in Frankfurt, the audience took the call to act critically in the theater quite seriously. They clapped, talked back to the performers, heckled, laughed and booed. During the performance on the second night, several audience members responded directly to the dialogue that was accusing them of being apathetic. While calling out and arguing with the actors, the (scripted) dialogue continued, “Standing, you would be more effective hecklers.”<sup>15</sup> The hecklers not only stood, but eventually walked onto the stage to join the performers and disrupted the performance. When suggestions from the actors and from Claus Peymann, the director, that they leave, were ignored, Peymann actually pushed them off the stage. The

exchange draws attention to the norms of the theater that the performers of *Publikumbeschimpfung* still clearly took to be in force and actually helped physically to enforce. In the first place, the actors stuck very closely to the written text, responding to hecklers with lines from the script in such a way that made it seem spontaneous. In the second place, the director enforced the rule that the participation of audience members is not to include their physically interfering with the performers on stage. So, *Publikumbeschimpfung* publicly breaks the norms of the theater while drawing attention to the conflict between those entrenched, institutionalized norms and broader shared commitments of the participants of theatrical practice in order to promote a change in practice.

We are now in a position to sketch an account of the characteristics of aesthetic disobedience that runs parallel to the sketch of civil disobedience from above:

- AD1.** Acts of aesthetic disobedience violate a deeply entrenched artworld norm, or a set of norms.
- AD2.** Aesthetic disobedients accept the risk of sanction for their actions.
- AD3.** Acts of aesthetic disobedience are performed publicly—they are communicative
- AD4.** Acts of aesthetic disobedience aim to draw attention to a conflict between normative commitments and entrenched norms of the artworld.
- AD5.** Acts of aesthetic disobedience aim to promote a change within the entrenched norms artworld.

Note first that while nothing in these necessary conditions for aesthetic disobedience entails a particular conception of art, they have a deep, and I think salutary, effect on historical and institutional theories by adding a deliberative dimension to the norms structuring artworlds. In particular, aesthetic disobedience calls attention to the ways in which moments of institutional transformation, along with the conferral of institutional authority can be, and often are reflective and deliberative. Where the institutional theory of art often assumes the existence and enforcement of a particular set of norms, and assumes that structures of authority are in place to



sanction innovation, taking the possibility of aesthetic disobedience seriously reveals the possibility of a more active and contestatory role open to citizens of the artworld.<sup>16</sup>

These characteristics also distinguish acts of aesthetic disobedience from ordinary artistic innovation. For example, while Béla Bartók called for a number of innovative sounds to be drawn from stringed instruments (say, the “Bartók pizzicato” where the plucked string is snapped back onto the fingerboard so the tone is accompanied by a cracking sound), he did not violate the norms of string playing—making innovative sounds and timbres is part of the stock and trade of composers. The reader can easily multiply examples in all of the arts. At the other end of a spectrum of rule breaking, these characteristics also distinguish acts of aesthetic disobedience from revolutionary acts that do not promote change *within* entrenched artworld norms but, rather, aim to overthrow the artworld and replace it with another. As I mentioned above, distinguishing cases of revolution from cases of aesthetic disobedience is tricky, just as it is in the political realm.<sup>17</sup> Cage’s *4’33”* can be fruitfully understood as a revolutionary work. Whether it itself counts as music, it aims to completely restructure the way we understand, experience, perform, and compose music. The fact that it is a revolutionary violation of norms might play some part in an explanation of why there is a debate over its status as music.

One question that immediately arises concerns the nature of AD1’s “deeply entrenched artworld norm” that is being broken in cases of aesthetic disobedience. In the case of civil disobedience, breaking a law is a fairly straightforward matter. Laws, especially in modern bureaucratic states, are relatively clearly (though not perfectly clearly) codified and institutionalized in a way that artworld norms are not. This is not a fatal worry, however. It is not part of the *concept* of law that laws be perfectly clearly codified or written down—unwritten elements of the common law are no less law for not being formally codified, for example. So

acts of civil disobedience do not depend on the ease of the identification of law. Still, one might rightly note that, whatever difficulty attends the identification, the norms of the artworld are not identified in the same way that laws are. The laws of the state are identified with reference to the authoritative sources of those laws.<sup>18</sup> The sources of artworld norms are more varied and their authority is less formal than the sources of law and the sanctions for violating artworld norms are not nearly as weighty as the sanctions possible for violating the law. Nevertheless, there are clear cases of norms that have the entrenched status of law, and whose violation provoke relatively clear and significant reactions from various authorities in the artworld (critics, art institutions, academies, and other artists, for example). Examples of violations of formal artistic norms might include Schoenberg's and Stravinsky's breaking of the norms of tonality or Duchamp's or Warhol's breaking the norms of the kind of object that can count as a work of art. A widespread network of practices and institutions contribute to the entrenchment of the norms and their sanctions, which are risked by artists and meted out by critics, gallerists, museum directors, granting agencies, and a variety of educational institutions. This leads us a question that might arise with regard to AD2: what sanctions do aesthetic disobedients risk facing when they violate an entrenched norm? The sanctions for violating formal norms range from widespread negative critical reviews, denial of reviews altogether, or the loss or denial of exhibition or performance opportunities. In some cases, sanctions for violations of artworld norms can be every bit as weighty as the violation of laws. One need only think of the treatment of avant-garde art in totalitarian regimes in the middle of the 20<sup>th</sup> century to have a number of particularly vivid examples.

At this point, one might worry that *any* violation of a norm counts as aesthetic disobedience. For example, one might wonder whether I am just pointing to what Kendall

Walton would call contra-standard properties that “have a tendency to disqualify a work from a category in which we nevertheless perceive it.”<sup>19</sup> Works exhibiting contra-standard properties are the bread and butter of artistic innovation and capture a far broader spectrum of artistic innovation than aesthetic disobedience does. What is the difference? It may well be that all artistic acts of aesthetic disobedience produce works with contra-standard properties. But, as we will see shortly, not all acts of aesthetic disobedience are artistic acts. But even among artistic acts, there is no requirement that works exhibiting contra-standard properties either aim to draw attention to a conflict between normative commitments and entrenched norms of the artworld (AD4) or that they promote a change *within* artworld norms (AD5). Works exhibiting contra-standard properties might simply break the rules without any aim to reform or call attention to the structure of artworld norms themselves. Even if they do aim to reform or call attention to norms (as Walton says they often do), they may do so either in an aesthetically disobedient or in a revolutionary manner.

Even if one were to grant everything I have argued so far and admit that such deeply entrenched formal norms parallel to laws are possible, one might still think that they are a thing of the past in the contemporary anything-goes artworld. Aesthetic disobedience might do nothing more than open an explanatory space for philosophers, critics and historians as they talk about certain artistic acts and works that occurred before the end of art, to borrow a phrase from Danto.<sup>20</sup> I would respond that the concept of aesthetic disobedience is of more than mere historical interest. The reason for this, while first appearing to be quite simple, has far-reaching ramifications: not every norm relevant to the creative movement of the artworld is a formal norm. Street art can serve as a clear example of what I am after here. The transgression that one might think central to street art is not its violation of formal norms of visual art, but the violation

of the norms of where, how, by whom, and for whom art is displayed. Nick Riggle argues that something is street art if and only if “its material use of the street is internal to its meaning.”<sup>21</sup> As a result, “Street art is deeply antithetical to the artworld. That is, for each part of the artworld, street art resists to some appreciable extent playing a role in it,”<sup>22</sup> insofar as its material use of the street prevents attempts to bring it into galleries and museums as well as attempts to make it marketable and sellable. The norms broken here are not formal norms of visual artworks but a variety of institutional norms of the artworld governing the dissemination, display, and even ownership of artworks.

When institutional norms are included among the possible targets of aesthetically disobedient acts, the realm of disobedient action is opened to a much wider constituency than we had initially been considering. Typically, when we speak of revolutionaries in art we speak of artists and performers. Broadening our focus, as I think we should, beyond breaking the formal norms of an art form opens the possibility of disobedience to a wider field of artworld participants. The Handke stage-stormers mentioned above show us one important possibility: acts of aesthetic disobedience committed by the audience.

#### **4. Aesthetically Disobedient Audiences**

There are a number of well-known examples of audience disruption and protest in musical performance—the audience’s reaction to the 1861 Parisian premiere of Wagner’s *Tannhäuser* caused it to be pulled after only three performances and the raucous premiere of Stravinsky’s *Rite of Spring* is notorious. I would like to focus on a more recent example. Since 1938, as a response to the atrocities committed by the Nazis, there had been an unofficial ban on

the live performance of Wagner in Israel. In 1984, Zubin Mehta attempted to perform the prelude from *Tristan und Isolde* as an encore at an Israel Philharmonic Orchestra concert. Before performing the encore, Mehta turned to the audience and suggested that those for whom the music was disturbing could leave. There were boos and several people did leave. The ones that remained continued to boo, but ultimately fell silent as the music rose in volume. The second night, however, there was a more concerted protest. The boos were more unrelenting and Mehta was forced to stop the performance. Several versions of the story have a survivor climbing on stage and touching Mehta's arm to stop him.<sup>23</sup>

The audience members violated two powerful norms that govern the space of classical music concerts. The first is the norm of silence in the concert hall during the performance. By vocally expressing their displeasure about what was being performed, the audience communicated their condemnation of Mehta's choice of encore. Moreover, there was no mistaking *what* they were objecting to—it was the choice to perform a work by Wagner in Israel. During the first performance, the disobedients submitted to the authority of Mehta's continued performance of the work, aided by the sheer power of the sounding work itself. In the second performance, this authority was defied and the performance was stopped. What was at stake were deep competing commitments within music. On the one hand, Mehta, along with Daniel Barenboim years later,<sup>24</sup> clearly believed that Wagner's music *itself* did not embody the values that the Nazi's used it to support. If he thought it did, he would doubtless refuse to perform Wagner. This commitment to a kind of formal purity or autonomy of music still runs deep in contemporary "classical" musical practice—so deep that Barenboim later referred to it explicitly in his arguments in support of performing Wagner.<sup>25</sup> To interrupt a performance for moral and political reasons is to make a statement about the relationship between those commitments and

the commitment to music's purity. It either calls this purity into question altogether, or it allows it to have some pro-tanto value that is defeasible by countervailing moral and political values.

One need not focus exclusively on political examples, however. Even mundane acts of booing, noisemaking, tomato or turnip throwing, when sufficiently disruptive and aimed at a sufficiently entrenched norm, could count as aesthetic disobedience. For example, in the 2000/2001 season at La Scala, Salvatore Licitra played Manrico in *Il Traviatore*. In two places in the well-known 3rd act cabaletta, "Di quella pira," tenors traditionally interpolate high C's for the written G's below high C in a bravado show of virtuosity. In deference to the score, and against the operatic performance tradition, Ricardo Muti instructed Licitra to follow the score.<sup>26</sup> The decision was vigorously catcalled and booed when Licitra sang the less impressive, but actually specified G's. Here again the authority of the conductor and performer is challenged, along with the very strong commitment to obeying the score. The audience was committed to the countervailing commitment to virtuosic display in La Scala. These instances of audience-led aesthetic disobedience publicly and communicatively broke prominent norms of the European musical artworld. They shed critical light on a conflict between normative commitments of the musical public, and it called for a change within the institutionalization those commitments.

An objection might be raised here that an audience's disobedience in these cases does not amount to *aesthetic* disobedience since, unlike the acts of artists, the audience's acts are not themselves aesthetic, or do not produce relevantly aesthetic results. I do not think this is the case, as long as we have a sufficiently nuanced characterization of the act and of performances. The stage-stormers' intervention during the performance of *Publikumsbeschimpfung* is, I think, a clear case that supports my view. The audience members claimed the mantle of performer, taking the argument of the script very seriously. They performed their understanding of the conclusion

of the speak-in: they, too, could be authoritative speakers in the space of the theater. In standing and arguing, and then climbing onto stage, they restructured the space of aesthetic appreciation while drawing attention to and criticizing aspects of that very space.<sup>27</sup> In a similar way the noisy and vocal intervention during the performance of instrumental music dramatically reshapes the structure of the performance event. Even if the music continues during the booing (as it did in the case of Mehta's first performance of the Prelude of *Tristan*, or in the three 1861 Paris performances of *Tannhäuser* before its cancellation), it is continuing *in the face of* or *in spite of* the boos. The boos come to mark the performance and, depending on the effectiveness of the protest, they can come to mark the work and to shape its future performances.<sup>28</sup> More important, though, acts of aesthetic disobedience led by audiences, as we see in the case of attempts to perform Wagner in Israel or an even more recent case of the cancellation of Burkhard Kosminski's Nazi-themed *Tannhäuser* in Düsseldorf, can have a deep impact on artistic practice.<sup>29</sup>

The aesthetic nature of audience-led disobedience is more vivid in cases in the visual arts where the marks left on the work by protest are often literal. In 2001, Jake and Dinos Chapman bought a rare complete set of prints from Goya's famous and influential *Disasters of War* series. The artists "rectified" the prints by painting puppies and clown faces over the faces of the victims of war and titled their series 2003 *Insult to Injury*.<sup>30</sup> The defacing of a revered work was condemned by a number critics as nothing but artistically shallow, *merely* shocking violation, desecration, and vandalism. Upon learning about what the Chapmans had done, but before seeing the works, the art critic Jonathan Jones thought the project was "nasty, insane, deviant."<sup>31</sup> The artists claimed that the paintings were not vandalism, and were not simply aimed to shock. Rather they meant to "kick the underbelly" of what they took to be Goya's portrayal of

Enlightenment struggle with irrationality. “Because he has a predilection for violence under the aegis of a moral framework. There’s so much pleasure in his work.”<sup>32</sup> In the context of the onset of the Iraq war, the critique of the violence of moralizing has a broader political significance. More important for my purposes here, though, the Chapmans aimed to highlight and lampoon what they take to be the easy, unreflective, and uncritical humanistic moralizing of contemporary museum patrons, audiences, and critics. After Jonathan Jones actually saw the rectified prints, he “fell into [the artists’] trap” and deemed them “nasty, psychotic and value free; not so much a travesty of Goya as an extension of his despair.”<sup>33</sup> In working both with and against Goya, the Chapmans are at the same time aesthetically disobedient audience and artist.

Distinguishing between acts of aesthetic disobedience and acts of mere vandalism is not always easy in practice, as the dispute between critics of *Insult to Injury* shows. On the one hand, there are clear cases of mere vandalism. For example, the security guard who drew a heart and wrote “Reggie + Crystal, I Love you Tushee Love Buns” on Roy Lichtenstein’s *Curtains* merely vandalized the painting—neither AD4 nor AD5 is satisfied. On the other hand, there are cases that are unproblematically identified as acts of aesthetic disobedience but that are perhaps *unjustified*. If we take an act to be unjustified, it might tempt us to label an act of aesthetic disobedience as *mere* vandalism. But this would be a mistake. For example, in February, 2014 at an exhibition of Ai Weiwei’s work at the Pérez Art Museum in Miami, Florida. The exhibition included several 2000 year old Han Dynasty vases that Weiwei had dipped in paint. The vases were accompanied by the famous photo triptych of Weiwei dropping and smashing a similar vase. Florida artist Maximo Caminero, to protest what he saw as the museum’s failure to support local artists while spending enormous sums on international exhibitions, performed a vase smashing of his own using Weiwei’s work. He picked up and dropped one of the painted vases to



mimic Weiwei's actions depicted in the triptych.<sup>34</sup> Weiwei, the museum, and much of the artworld have condemned the act as mere vandalism, though I take it to be a clear, if perhaps incompetent and unjustified, act of aesthetic disobedience. The question of whether or not an act is justified is distinct from its categorization as aesthetically disobedient. Since it is part of the nature of aesthetically disobedient acts that they violate a deeply held norm and this violation evokes shock and condemnation, it should come as no surprise that the acts are characterized by their opponents as merely transgressive, merely disruptive, merely shocking, or mere vandalism. Nevertheless, even though categorizing individual cases is bound in practice to be contested and to be tangled with the distinct questions of an act's justification, the public commitment to reforming artistic practice—AD3-AD5 taken together—should be sufficient to distinguish vandalism from aesthetic disobedience.

In this section we have seen that, while artists often provide us with the clearest cases of aesthetic disobedience when they break deeply held formal norms with the aim of reforming artworld practices, audiences can also engage in acts of aesthetic disobedience. This broadly deliberative and participatory core of aesthetic disobedience draws our attention to the ways that audiences shape our aesthetic and artistic practices in much the same manner as artists do. Whereas the agents of revolution are generally taken to be artists and perhaps artworks, aesthetic disobedience countenances, and even foregrounds, the participation of a broader cross-section of the citizens of the artworld. What distinguishes these audience-led acts of aesthetic disobedience from mere disruption or mere vandalism, which they can closely resemble, is the public commitment to reforming artworld practice.

When participation in aesthetic disobedience is opened to such a wide variety of actors the question arises, what counts as an artworld norm that an aesthetic disobedient might target?

So far, we have seen that formal norms of artworks and genres might be targeted, along with any number of norms of presentation and reception within a particular artistic practice. Rather than attempting to canvass or categorize all types of artworld norms that might be contested, I will consider what I take to be a limit case of a work that calls the very boundaries of the artworld itself into question. A case of aesthetic disobedience on the border with revolution, the example will ultimately show that the question of which norms might be appropriate targets for aesthetic disobedience must not only remain open, but inevitably remains a matter of contestation.

## **5. The Limits of Aesthetic Disobedience: Tania Bruguera's *Immigrant Movement***

### ***International***

Tania Bruguera has worked with Creative Time and the Queens Museum of Art in New York on a long-term work of public art entitled *Immigrant Movement International (IMI)*. *IMI*'s website describes the work as follows: "...[*IMI*] took on the form of a community center, paying respect to the tradition and victories of U.S. civic movements. [*IMI*] is an art project implementing the concept of Useful Art, in which artists actively implement the merger of art into society's urgent social, political, and scientific issues."<sup>35</sup> The artwork "*took the form of a community center*" that provides workshops giving legal advice, cooking and urban gardening advice, health classes from a variety of cultures, English through Art History workshops, music, art and dance classes for both children and adults. *IMI* produces occasional "performances" that mostly advocate "progressive immigration reform," and look very much like, in fact they are often indiscernible from, political demonstrations. Finally, the members of *IMI* have recently drafted a "Migrant Manifesto" that has been published online.<sup>36</sup>

What artworld norms are challenged here? The answer lies in the most frequently raised question about *IMI*. Tom Finkelpearl, the director of the Queens Museum, has said that the predictable question, “Why does *IMI* qualify as *art*?” is frequently raised to him by donors, board members, critics, newspaper reporters, and even by participants in the work itself.<sup>37</sup> What really distinguishes *IMI* from a community center? One might reach for an institutional answer: it is a work because Bruguera, Creative Time, and the Queens Museum say it is. As much as Bruguera is committed to moving within and using the institutional authority of the artworld to achieve her own ends, she does not simply assume that this authority is what constitutes her art as art. Instead, she advocates for a view that art and artist’s obligations, *as artists*, reach beyond the boundaries of the artworld as they are institutionalized by museums, galleries, and funding agencies. In her “Introduction to Useful Art,” Bruguera makes the following suggestive claim:

All art is useful, yes, but the usefulness we are talking about is the immersion of art directly into society with all our resources. It has been too long since we have made the gesture of the French Revolution the epitome of the democratization of art... We need to focus on the quality of the exchange between art and its audience.<sup>38</sup>

Bruguera’s goal, then, is to highlight the sources of the norms of the artworld, drawing them closer to the audience in a gesture toward democratization of artistic practices. The “quality of exchange” to be focused on draws on the activity and creativity of the audience, bringing them into the creative act of art-making. *IMI* is an exemplary work of Useful Art, and shows why Useful Art is often included under the broader category of Participatory Art.<sup>39</sup> Being directly immersed in society means that the aims of participatory works depend on what the participants do as co-creators of the works. These aims often call into question the artworld authority that allowed them to be pursued in the first place. In Bruguera’s *IMI*, the particular structure of the institutional authority of the artworld is made to serve works of Useful Art, which themselves

contest the particular institutionalization of the authority of the artworld. It is no wonder, then, that the central question concerning *IMI* is whether it counts as art. At its very heart, the work challenges what it is to be a work of art along with the obligations and responsibilities that accompany that designation.<sup>40</sup>

Is *IMI*, therefore, simply a *revolutionary* gesture that aims to abolish the boundary between art and non-art? I think not. Bruguera's work achieves many of its ends because it claims for itself the mantle of art and through the very questioning of why it counts as art. The institutionally maintained boundaries of the artworld are retained, taken advantage of, and valued, even as the particular shape of the institutionalization is criticized. Had Bruguera advocated or performed an erasure of the boundaries between artworld and the social and political worlds, hers would be an act of aesthetic or artistic revolution. Aesthetic disobedience, by contrast, pairs the defense of broad artworld commitments with criticism of their specific institutionalization.

So while it does not seem to me that Bruguera's work amounts to a revolutionary gesture, others might disagree. That there might be disagreement about radical cases, especially at or near the moment of disobedience, should not be surprising. This is more than a mere fog-of-war epistemic worry, though. It points to what I take to be interesting about aesthetic disobedience. Namely, it shows that aesthetic disobedience, as a *deliberative* gesture, involves moving citizens of the artworld to see that they share certain normative commitments that are being violated. An aesthetically disobedient act draws attention to a conflict in normative commitments that the citizens of the artworld may not have noticed, and about which they may need convincing. It is perfectly natural, then, for an aesthetically disobedient act to look like many things to different citizens of the artworld especially in the midst of deliberation over what is, in its essence, a

contested topic. Where structuring norms of an artworld are questioned, as in *IMI*, it might be a matter of reasonable dispute whether it is a case of revolution or aesthetic disobedience.

We are now in a position to answer more fully the question asked at the end of the previous section, “What qualifies as an artworld norm that an act of aesthetic disobedience might target?” On the one hand, works of aesthetic disobedience like Bruguera’s draw on and performatively affirm at least some of the established authority of artworld practices. On the other hand, part of the point of aesthetic disobedience, and Bruguera’s work is an example of this, can be to call into question the shape of the boundaries of the artworld. This can range from straightforward cases of formal innovation and violation in which artists like Stravinsky and Schoenberg trafficked; it can include a variety of disruptive audience interventions; or, in extreme cases like Bruguera’s, the targeted norm might involve the distinction between artworld and the contemporary social-political world. In practice, this makes it difficult to distinguish sharply between acts of aesthetic disobedience and aesthetic revolution. Since some of the very boundaries of an artworld might be called into question, we need to leave open a characterization of the norms that might be targeted by acts of aesthetic disobedience.<sup>41</sup>

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<sup>1</sup> Breton, Andre, “Manifesto for an Independent and Revolutionary Art,” in *What is Surrealism: Selected Writings*, ed. Rosemont, Franklin (New York: Pathfinder Press, 1979); Wagner, Richard, “Art and Revolution,” *Richard Wagner’s Prose Works Vol. 1: The Art-Work of the Future, etc.*, ed. Ashton Ellis, William (London: Kegan Paul, Trench, Trübner 1892); selections indicating Schoenberg’s reluctance to identify his music with “revolution” can be found in Auner, John Henry, *A Schoenberg Reader* (New Haven: Yale University Press 2003), Ch. 4; Gombrich, E.H. *The Story of Art*, 16<sup>th</sup> Edition (New York: Phaedon Press 1995). For a brief history of political language in art criticism, see Francis Haskell’s “Art and the Language of Politics,” *Journal of European Studies*, 4.3 September 1, 1974, pp. 215-232 (many thanks to Ivan Gaskell for pointing me to this article).

<sup>2</sup> Attributed to Gauguin by James Huneker in *The Pathos of Distance: A Book of a Thousand and One Moments*, (New York: Charles Scribner’s Sons 1913), p 128.

<sup>3</sup> See Hannah Arendt’s classic work *On Revolution*, pp. 34-35, and Chapters by Bedau, Rawls, Morreal, and Smart in *Civil Disobedience in Focus*, Hugo A. Bedau (ed.), (London: Routledge, 1991).

<sup>4</sup> Stravinsky, *The Poetics of Music in the Form of Six Lessons* (Cambridge, MA: Harvard University Press 1947), p. 9; Schoenberg op cit. p. 165.

<sup>5</sup> While I don’t carefully distinguish between *aesthetic* and *artistic* commitments, for the purposes of this paper I take the former as a broader term that includes the latter as a subset. Nothing in this paper turns on this.

<sup>6</sup> See: Rawls, *Theory of Justice* (Cambridge: Harvard University Press, 1971) and *Political Liberalism*, Second Edition, (New York: Columbia University Press, 1996); Raz, *The Authority of Law* (Oxford: Clarendon Press 1979) and *Ethics in the Public Domain* (Oxford: OUP 1994); Greenawalt, *Conflicts in Law and Morality* (Oxford:

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Clarendon Press 1987); Brownlee, *Conscience and Conviction: The Case for Civil Disobedience* (Oxford: OUP 2012); Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press 1977) and *Law's Empire* (Cambridge: Harvard 1986); Markovits, "Democratic Disobedience," *Yale Law Journal*, 114: 1897-1952;

<sup>7</sup> Rawls, *Theory of Justice*, p. 364-67.

<sup>8</sup> See, Smart, Brian, 'Defining Civil Disobedience,' and Morreall, John, 'The Justifiability of Violent Civil Disobedience,' in Bedau op cit. For a succinct critical account of Rawls, see Robin Celikates, "Civil Disobedience and the Practice of Civil Freedom," in David Owen (ed.), *Global Citizenship: James Tully in Dialogue* (London: Bloomsbury Press 2014), Ch. 6.

<sup>9</sup> I borrow the language of "risk" from Brownlee's "non-evasion condition" in Brownlee, 2012, p. 37ff.

<sup>10</sup> See Brownlee, "The Communicative Aspects of Civil Disobedience and Lawful Punishment," *Criminal Law and Philosophy*, 1 (2), 2007: 179-192 and *Conscience and Conviction*, pp. 29-47; and Smith *Civil Disobedience and Deliberative Democracy*, (New York: Routledge 2013).

<sup>11</sup> Handke, Peter. *Kaspar and Other Plays*. Translated by Michael Roloff. New York: Farrar, Straus and Giroux, 1969. Thanks to Morgan Koerner for suggesting this example.

<sup>12</sup> *Kaspar and other Plays.*, p. 31

<sup>13</sup> Joseph, Artur and Handke, Peter. "Nauseated by Language: From an Interview with Peter Handke." *The Drama Review* 15, no. 1 (Autumn, 1970): p. 58.

<sup>14</sup> *Kaspar and Other Plays*, p. 5.

<sup>15</sup> *Kaspar and Other Plays*, p. 19

<sup>16</sup> Thanks to an Anonymous Referee 2 for encouraging me to show more clearly the connection of aesthetic disobedience to institutional theories. Graham McFee's use of T. J. Diffey's term "The Republic of Art" in his institutional account comes closest to the sort of reflective deliberation about artworld norms I am pointing to here. McFee, *Artistic Judgement: A Framework for Philosophical Aesthetics* (London: Springer 2011), Chapter 6; Diffey "The Republic of Art," *British Journal of Aesthetics*, Vol. 9, No 2. (1969) pp. 145-156.

<sup>17</sup> See Celikates, "Civil Disobedience and the Practice of Civil Freedom," op cit.

<sup>18</sup> I borrow the legal positivist terms of Joseph Raz here, but there is no need to commit to any particular view of the nature of those sources, their independence from or entanglement with moral norms and so on. See *The Authority of Law*, (Oxford: Clarendon Press 1979), pp. 48ff.

<sup>19</sup> Kendall Walton, "Categories of Art," *The Philosophical Review*, Vol. 79, No. 3 (July 1970), p. 352. Again, I thank Anonymous Referee 2 for pushing me on this point.

<sup>20</sup> Arthur Danto, "The End of Art," *The Philosophical Disenfranchisement of Art*, (New York: Columbia University Press 1986, pp. 81-116; and *After the End of Art*, (Princeton: Princeton University Press 1997). Danto, of course, borrows the phrase from Hegel.

<sup>21</sup> Riggie, Nicholas Alden, "Street Art," *Journal of Aesthetics and Art Criticism*, Vol. 68, No. 3. (Summer, 2010), p. 246.

<sup>22</sup> Ibid, p. 248.

<sup>23</sup> Mehta's account does not include this. See his interview with Dorit Gabai / Ma'ariv 29th July 2005, <http://www.zubinmehta.net/44.0.html> accessed January 11, 2013.

<sup>24</sup> See my, "Musical Formalism and Political Performance," *Contemporary Aesthetics*, Volume 7 (2009).

<sup>25</sup> Barenboim, David, and Edward W. Said. *Parallels and Paradoxes*. New York: Pantheon Books, 2002.

<sup>26</sup> See Diana Burgwyn's, "Why opera audiences boo," in *Broad Street Review* 12/24/2006,

[http://www.broadstreetreview.com/index.php/main/article/Why\\_opera\\_audiences\\_boo](http://www.broadstreetreview.com/index.php/main/article/Why_opera_audiences_boo) accessed January 14, 2013.

<sup>27</sup> This argument partially resonates with Jacques Rancière's account of politics and aesthetics. But while Rancière seems to argue that *any* aesthetic gesture sensuously restructures what we take for granted such that all aesthetic acts are acts of "dissensus," my claim is much narrower. Maintaining a distinction not only between aesthetics and politics, as Rancière does, but also between disobedient and ordinary aesthetic gestures in art is explanatorily helpful. See Rancière's *Dissensus: On Politics and Aesthetics*, (New York: Continuum Press 2010), and *The Politics of Aesthetics*, (London: Bloomsbury Academic 2004).

<sup>28</sup> See my "Critical Performances," *teorema*, Volume XXXI/3, (Autumn, 2012), pp. 89-104.

<sup>29</sup> "Wagner Controversy: Opera Cancels Holocaust Staging of Tannhäuser," *Spiegel Online International*, May 9, 2013, <http://www.spiegel.de/international/zeitgeist/wagner-opera-cancelled-due-to-holocaust-staging-of-tannhaeuser-a-898937.html>

<sup>30</sup> Jonathan Jones, "Look What We Did," *The Guardian* March 30, 2003.

<sup>31</sup> Ibid.

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Caminero had no idea what the vase really was. "Local Artist Apologizes for Smashing Priceless Vase at Ai Weiwei Exhibit at Pérez Art Museum Miami," *Miami Herald*, Feb. 19, 2014, <http://www.miamiherald.com/2014/02/18/3943647/local-artist-apologizes-for-smashing.html>.

<sup>35</sup> <http://immigrant-movement.us/wordpress/about/> accessed on January 14, 2013

<sup>36</sup> Ibid.

<sup>37</sup> Relayed by Tom Finkelppearl in discussion at the American Society for Aesthetics annual meeting in 2012.

<sup>38</sup> Bruguera, "Introduction to Useful Art," <http://www.taniabruquera.com/cms/528-0-Introduction+on+Useful+Art.htm>, accessed January 14, 2013

<sup>39</sup> For recent examples of participatory art see Nato Thompson's *Living as Form* (Cambridge: MIT, 2012); Claire Bishop's *Artificial Hells: Participatory Art and the Politics of Spectatorship* (NY: Verso, 2012); Pablo Helguera's *Education for Socially Engaged Art* (NY, Jorge Pinto Books 2011); and Grant Kester's *The One and the Many: Contemporary Collaborative Art in a Global Context* (Durham: Duke University Press, 2011).

<sup>40</sup> This is compatible with non-institutional conceptions of art. A claim within the artworld that something is a work of art, even though it hasn't been acknowledged as such by artworld institutions, is a claim that artworld institutions have misapplied the concept of art (whatever that is). Any shift in our institutionally sanctioned conception of art might then be understood in terms of discovery (Bruguera helped us to discover that our *conception* of art was overly constrained because the *concept* of art in fact includes works like *IMI*). This might involve a more radical and interesting shift for institutional or historical theories where I take it the very concept of art is challenged when the particular institutionalization is challenged.

<sup>41</sup> I would like to thank the members of the Aesthetics Work Group at the College of Charleston, the participants of the Ästhetischer Ungehorsam conference at the Internationales Forschungszentrum Kulturwissenschaften in Vienna, Christine Abbt, Hanne Appelqvist, Jennifer Bestman, Kimberly Brownlee, John Brunero, Kathleen Eamon, Tom Finkelppearl, Lydia Goehr, Gregg Horowitz, Michael Kelly, Morgan Koerner, Bernadette Meyler and the participants of the Law and Humanities Colloquium at Cornell Law School, Brian Soucek, Robert Talisse and Tyler Zimmer. Finally, the anonymous referees (particularly Anonymous Referee 2) for this Journal provided very generous and helpful comments.