

Art on Trial: The Performativity of Guilt

A Crime Against Art, 2007

Director: Hila Peleg, Madrid/Berlin

100 mins, digital video

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HILA PELEG'S FILM, *A Crime Against Art*, documents a mock courtroom trial starring a charmingly motley assortment of art community collaborators at the 2007 ARCO Art Fair in Madrid. Much less the fact of the film itself being a commemorative necessity which comfortably frames the performative act for a broader audience, *A Crime Against Art*, the *trial*, playfully enlists and ejects conventional art theory and practice by maintaining this certain performative fluidity inside and outside of art discourse. In the spirit of Baudrillard's simulacra of truth,¹ Peleg's offering is also reminiscent of Stalin's Great Terror show trials² or André Breton's mock trials of the 1920s and 30s which indicted those opposed to the DADA philosophy of "offense against the security of the spirit" (see Warholstars website), or for that matter, the mock democracy of the HUAC trials of 1950s McCarthyism.³

Claire Bishop suggests the intersubjective space of the social (over the subjective formal) is now itself the art medium, which, citing Grant H. Kester, also "counters our reduction to the pseudo-communities of consumer culture, our senses dulled by spectacle and repetition" (as quoted in Bishop 2006, 179). While opening spaces for more socially infused art, activism, and any number of collaborative hybrids, performativity also hinges upon the finer balance between what Kester distinguishes as the authentic work of art, and the inauthentic which is a "theatrical work that becomes self-conscious and begins to stage or dramatize the process" (of denying the presence of witnesses to its own relative struggle against past art) (Kester 2004, 56). The convulsion of this context actually reflects performativity's greatest asset to art making and meaning: the potential for agency.

A Crime Against Art depicts your conventional TV courtroom drama, with four cameras, a judge, witnesses, experts, two prosecutors, defense and of course the accused (looking suitably sheepish and curiously defiant). The film begins just moments before the introductory words of Judge Jan Verwoert, the Berlin art historian and critic. The cast of characters is in fact tremendously international and intellectual, with assorted accents, oeuvres and nameplates adding a fitting dimensionality of global authority. The two accused, artist Anton Vidokle and curator, critic and writer Tirdad Zolghadr, stand before the court as self-accused,⁴ yet stubbornly unwilling to assume blame for anything the feisty prosecution, comprised of curator Chus Martinez and writer Vasif Kortun, attempt to incriminate them for. As this wittily unidentified critique seeks substantiation, the confusion of just exactly whom guilt should be laid upon feeds into broader contexts of the artist's role, the role of art and the space of critical discourses.

An introductory scrolling text situates us within the implied argument, "*The question of guilt no longer applies to the individual artist, but to the spaces of art, both real and imaginary, and the appropriation by an emerging new bourgeoisie (the rise of social democracy whom the accused may or may not represent) who have taken art hostage.*" Vidokle and Zolghadr then, as individuals, cannot assume responsibility for the guilt of the art spaces for which they wish to be implicated...or is that vindicated?

Yet the possibility of agency indicates a transition from authoritative and institutional art constructs of the modernist era, to the postmodern spaces and traces of the dematerialized and decentred. Judith Butler deploys performative action as something of a necessary answer to subject formation in the face of authority. Using Althusser's doctrine of interpellation, she states:

interpellation is a way of "staging the call," where the call, as staged, becomes deliteralized in the course of its exposition. The call itself is also figured as a demand to align oneself with the law, a turning around (to face the law, to find a face for the law?), and an entrance into the language of self-ascription—"Here I am"—through the appropriation of *guilt* (1995, 6). (my emphasis)

In essence, Butler suggests it is this acceptance of guilt imposed by authority in the course of subject naming, which allows the formation of identity to be enacted, "taking place, perhaps, in a strange sort of 'middle-voice' that is determined both by the law and the addressee, but by neither unilaterally or exhaustively" (7). This middle voice can be considered the facilitating collaborative artist of Maria Lind's *The Collaborative Turn*, who is both "inscribed by and frustrated by the art markets" at the same time (2007, 15). Enter the members of the defense team in our mock trial, each of whom embody this condition to a T.

Bearing in mind the position of Butler in particular, *A Crime Against Art* becomes a "deliteralized" embodiment of this "staging the call." This document of a mocking collaborative performance delves into "the morals of participation in the contemporary art field which blurs the lines of script and character with its real performers and their possibly actual beliefs,"⁵ calling into question both the subject role of the artist and the "renegotiation of critical agency" with respect to the "oversaturation of art fairs and markets by the new bourgeoisie" (Peleg 2007). What is it about the mock trial format that makes for such an effective choice of performative contestation?

Like Kester, Judge Verwoert questions the theatricality of the trial's performative space as potentially "delimiting an ideological potential for redemption" of guilt, that is, once it can be determined exactly who is guilty and of what the guilt names. Kester may well agree that theatricality may upset the critical distance required between art (as a "surrogate being") and the viewer (56). The trial prosecution cites several areas of potential blame in this regard, such as: co-opting of the new bourgeoisie by "capitalizing on the erotics of exchange," a romantic desire to be guilty and a dream to be redeemed, mythical thinking that some essential truth (and justice) lives in art to be heralded, and finally, Vidokle and Zolghadr are accused of shrinking the spaces of art (and therefore the capacity for its critique). But Kester further cites Adrian Piper's more transformative approach to her performative practice, in that the conventional view of the fixed status of subject is in fact undermined "as the identity of the subject changes through its encounters with difference" (76).

If art can be disembodied could this mean that the embodiment of imagination is at risk? Expert witness Anselm Franke testifies that art traditionally has provided spaces for agency and therefore imagination, yet imagination has not been fully separated from ethics in the context of the global western art market. Martinez too, raises the morality card at several points in the trial to the chagrin of Vidokle who challenges she is romanticizing the argument, and in effect, guilty of her own charge! Butler offers an intriguing supporting statement, insofar as "this readiness to accept guilt to gain a purchase on identity is linked to a highly religious scenario of a nominating

call that comes from God and that constitutes the subject through appealing to a need for the law" (8). For Franke agency marks the capacity to *accept* guilt, and to blame the self and thus make redemptive acts, such as this performative trial. Vidokle in fact seeks to "deheroify" art discourse, and to implicate this space of the performative trial, for both its tactic of mockery and its simulation of (western) democratic justice, or what Butler names the "divine performative" (9).

Here we can mark a clear intersection Tony Perucci's discussion of market fundamentalism and the fear of "moral deviation" or the sin of interruption of capital flow of performative practices that typically work outside of or in direct antagonism to consumer culture (2008, 318). Reverend Billy Talen uses performativity as an activist strategy and therefore keeps his discourse outside of the judgments of aesthetics or taste while using spectacle to address them. Using performativity in the realm of politics, as a strategy of disruption or rupture as Perucci describes (323), Talen promotes his cause as an over-the-top pseudo-Evangelical activist, who implicates the very new bourgeois (neo-liberal top downers like the Starbucks Corporation) that Vidokle may (or may not) also be assimilating. Guilt is bestowed upon capitalist exploiters in the act of assuming its satire in spectacle. The Reverend Billy Talen stood on *actual* trial for his Starbucks protest of alleged child labour abuses, which became the ultimate opportunity to extend his activist performance from spectacle into the living danger of criminal charges. It is ironic that Talen's Judge restricted the Reverend's performative art activism within the courtroom, by using the authority of everyday performative courtroom ritual (Perucci 2008, 322). Butler states that, "if submission is what brings the subject into being, then the narrative that seeks to tell the story of that submission can proceed only through exploiting grammar for its fictional effects" (10), hence Talen's exorcism of the cash register in an attempt to discourage consumers from supporting the Starbucks brand.

Mockery, agency and guilt constantly interplay in *A Crime Against Art*. In this pretend trial, as with Reverend Billy's protest and subsequent real trial, several tactics of parody and satire are employed. Particularly striking are the scrolling intermission texts fading in and out and flashing across the screen, the big-and-official name plaques everyone moves around the courtroom, and the cans of Red Bull at the ready for performers (who presumably stayed up all night buried in law books preparing for the case). Performative acts are clearly not just for artists anymore, and include and can be fully comprised by art audiences—curators, critics, theorists, dealers, administrators and onlookers—who implicate art identity just as effectively as artists. If art just *is*, as was the high formalist notion of modernism, what could be left to talk about and who gets to talk about it? But if performativity, more disassociated from physical media, promotes ethics over aesthetics and (art) community over artist, then the audience assumes authorial and authoritative roles in its manifestation, and even just bearing witness is elevated. For Bishop, "participation rehumanizes, or at least de-alienates society rendered numb and fragmented by the repressive instrumentality of capitalism" (180). And Vidokle orchestrates an otherwise disparate group of intellectuals expecting run-of-the-mill art fair panels into a social community within this performative act.

Bishop's notion of locational identity as intersubjective, maintained through performance, intersects with that of Baudrillard's simulacrae, well embodied by Reverend Billy's Stop Shopping revivalists and Evangelical hyperreality. Similarly, the mock courtroom setting becomes a "rhetoric of protest in late capitalism," where "parody becomes one of many social codes—codes that are as available to the capitalist as they are to the artist—and, as such "finds itself without vocation" (Harold 2004, 191). While the living space of the phony court remains irrelevant to the reality of the mock trial, the performative space of this mocking remains a vital forum, or stage,

for the possibility of art. Within the acting out of this space a “theatrical defeatism takes place” which “capitalizes on the processes of implication” (Peleg 2007) conducted by each of the prosecutors, defense and Judge. The performative power is in the articulation of this defeat, or guilt, where agency is in fact needed to name, to blame, and to redeem.

Bishop cites the critical dangers of performance activism, warning that ethics of collaboration and how it is undertaken become major reciprocal targets of scrutiny by consumer power (180). The more modernist binaries of good vs. bad, guilt vs. innocence, are now performed outside of moral judgments. Yet modernist notions are pitted against performativity of the postmodern space. Peggy Phelan perhaps puts it best, in relation to the context of *A Crime Against Art*, when she discusses mimicry as a performative method:

Mimicry...is the fundamental performance of our cultural moment. At the heart of this mimicry is the anxiety (what I call my paranoia) produced because one fears that the match will not hold, and that “the thing itself” (you, me, love, art) will disappear before we can reproduce it. Insofar as performance theory is in sync with this moment, it needs to acknowledge both the allure of mimicry and the terror its inadequacies necessarily produce. Again, the supplement repeats itself (1993, 186).

Again, the “supplement” repeats itself further into simulation and farther away from its authenticity in history. Maria Lind, expert witness to our mock trial, suggests that the agenda of the art world is shifting from institution to art fairs, and that the context of artists and the entertainment industry is a sensitive one. The “terror of (performance theory’s) inadequacies,” its acting as a fuel in the shift of art from the institutional authority that shunned it, thus reproduces guilt in the vulnerability of knowing a “law is broken prior to any possibility of having access to it” (Butler 1995, 7). But Bishop also warns against “self-marginalization to the point of inadvertently reinforcing art’s autonomy, thereby preventing any productive rapprochement between art and life” (183).

In the trial’s final moments of testimony and verdict, and key to Butler’s initial points, the Judge giddily poses that there can be no art without redemption, that the act of judgment in fact closes the potential for discourse. While Vidokle and Zolghadr are found guilty of “setting up the trial and making it productive,” the theatricality of the mock trial event in fact, by its fluid and transformative nature, prevents any hard and fast ruling that an actual trial could achieve. The Judge declares, in this space of free critique that the accused are *not* guilty, ultimately, because they have fulfilled this redemptive promise to some extent by leaving it to the prosecution and the court to determine the values of guilt before attempting to assign guilt. The question still remains however, in light of this lack of self-prescribed guilt, whether performativity requires justification or purpose to be truly effective as an art strategy. While it definitely entitles agency as an activist format in Reverend Billy Talen’s case, as he continues to fight the great fight for the voiceless or exploited of consumer culture, performative practice, like any art strategy, is at risk of the trappings of popularity and eventual institutionalization. The strength of performative practice however, is its implication of the audience in the conditions of its discourse. Performative art, by its naming, is guilty of conspiring with the audience in order to facilitate its very identity.

Judge Verwoert suggests this guilt is enmeshed in the contemporary art discourse as the intangibility of concepts increasingly outvalue the physical arts. The artist is no longer charged with the necessitation of material value but of an incorporeal trust. Performativity enforces a conspiratorial

notion, as the trial participants, each arguing their contexts and engaging in non-art roles, ironically call a named (professional) artist, Setareh Shahbazi, to the stand. Shahbazi awkwardly admits her personal displacement in the context of this discourse and the artist becomes the least expert testimony of this entire trial. Surreally silly, yet delivering the most important testimony it would seem, she fully embodies this divorce of art from discourse, the irrelevancy of agency without discourse, and therefore, art's ultimate innocence. Returning to Doyle's middle voice, the traditional artist as represented by Shahbazi (who is art market dependent), may be innocent but she is still confined by her own definition as "working with her hands." She too performs an untriable crime.

Vidokle and Zolghadr work with their personas (whether premeditatedly or not is irrelevant), moving their practice fluidly between markets and discourse, using one to playfully subjugate and to accuse ("call out") the other. Yet without this desire for any authorial conclusion, what is it that their respective performative practices achieve here? We, as the engaged audience, are after all guilty by association, aware of our own semi-passive inadequacies by way of witnessing this mock trial and we still desire answers that feel more decided than the closing giggle fits of presiding Judge Verwoert. But then this is the enduring charm of *A Crime Against Art* and its predecessors in the great mocking debate. To be just is to be impartial, which is impossible for each of the trial's participants who have assorted professional stakes in the art community. To be just is also to conform to some authoritative construct, which goes against the postmodern ethos to rupture established notions and practices of art. In *A Crime Against Art* then, to seek a performative justice is oxymoronic, ridiculous and for this an invaluable exercise for the discourse.

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Notes

1. "Simulation is no longer that of a territory, a referential being, or a substance. It is the generation by models of a real without origin or reality: a hyperreal" (Baudrillard 1993, 1).
2. "Historians of these purges tend to treat the spectacular nature of the show trials exclusively as proof of their coercive illegitimacy and to ignore the tie of these legal melodramas to avant-garde theatricality of the previous decade" (Cassiday 1998, 640).
3. "Invested with the power of the state, legitimacy and resonance was given to even the wildest pronouncements of HUAC members" (Schrecker 2002, 26).
4. This trial was organized by Vidokle, who felt a need to address the oversaturation of art fairs in Europe and wanted a radical form of accusation while still allowing for an informal sort of think tank with audience participation.
5. Press release, New Vision Award, Copenhagen International Documentary Film Festival, 2007.

References

- A Crime Against Art*, dir. Hila Peleg, 2007. Bureau des Vidéos, France.
- Baudrillard, Jean. 1993. The Precession of Simulacra. *A Post Modern Reader*, eds. Joseph P. Natoli and Linda Hutcheon. Albany, NY: SUNY Press.
- Bishop, Claire. 2006. The Social Turn: Collaboration and its Discontents. *ArtForum* (February): 178–183.
- Butler, Judith. 1995. Conscience Doth Make Subjects of Us All. *Yale French Studies, Depositions: Althusser, Balibar, Macherey, and the Labor of Reading*, 88: 6–26.
- Cassiday, Julie A. 1998. Columns and Jupiter Lights: Theatrical and Cinematic Modeling of Soviet Show Trials in the 1920. *Slavic and East European Journal* 42 (4): 640–660.
- Curating Degree Zero, Chus Martinez biography.
http://www.curatingdegreezero.org/c_martinez/c_martinez.html

- . Tirdad Zolghadr biography.
http://www.curatingdegreezero.org/t_zolghadr/t_zolghadr.html
- Frieze Foundation. Jan Verwoert biography.
http://www.friezefoundation.org/biography/profile/jan_verwoert/
- Harold, Christine. 2004. Pranking Rhetoric: Culture Jamming as Media Activism. *Critical Studies in Media Communication* 21 (3): 189–211.
- Kester, Grant H. 2004. Duration, Performativity and Critique. *Conversation Pieces: Community + Communication in Modern Art*. 50–81. Berkeley: University of California Press.
- Vasif Kortun blog, <http://vasif-kortun-eng.blogspot.com/>
- Lind, Maria. 2007. The Collaborative Turn. *Taking the Matter into Common Hands: On Contemporary Art and Collaborative Practices*, ed. Johanna Billing, Maria Lind, and Lars Nilsson. London: Black Dog Publishing.
- New Museum as Hub Museum. Anton Vidokle biography.
<http://www.museumashub.org/artists/anton-vidokle?artwork=48>
- Phelan, Peggy. 1993. The Ontology of Performance: Representation without Reproduction. *Unmarked: The Politics of Performance*. 146–163. London: Routledge.
- Perucci, Tony. 2008. Guilty as Sin: The Trial of Reverend Billy and the Exorcism of the Sacred Cash Register. *Text and Performance Quarterly* 28 (3): 315–329.
- Setareh Shahbazi website, <http://www.sfeir-semmler.de/sites/shahbazi/00-shahbazi-artist.htm>
- Schrecker, Ellen. 2002. *The Age of McCarthyism: A Brief History with Documents*, 2nd edition. New York: Palgrave Macmillan.
- Warholstars, <http://www.warholstars.org/abstractexpressionism/artists/andrebreton/andrebreton.html>