

Beneficence and contemporary art: when aesthetic judgment meets ethical judgment

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Research Article

ABSTRACT

The National Statement on Ethical Conduct in Human Research (2007) establishes a working set of guidelines for the ethical conduct for research within Australian Universities. One of the primary principles relates to questions of “public good.” The question of public good comes under the principle of beneficence. Beneficence involves an ethical judgment about whether “the likely benefits of the research must justify any risks of harm or discomfort to the participants, to the wider community, or to both.” (National Statement, p. 13). The question of minimizing risk and discomfort becomes a key point of tension when artists become engaged in artistic research and their ‘research’ becomes subject to the guidelines of The National Statement. Driven by the aesthetics of the sublime, the avant-garde impetus demands that art produces discomfort and brings its audience into crisis. For artists this discomfort and crisis is precisely art’s benefit, whilst for an ethics committee such discomfort may be deemed an unacceptable risk. Here-in lies a conflict between the notion of beneficence as defined by the code and those recognized by the artistic community. It raises the question: What is the value of art to a society if it becomes so comfortable that it no longer provokes artistic shock? Through an examination of the work of socially engaged artists Amy Spiers and Catherine Ryan, this essay examines how artists reconfigure the notion of beneficence as a principle that incorporates provocation and discomfort.

Keywords: artistic research, ethics, socially engaged art, beneficence.

Introduction

This paper investigates a conflicting understanding of beneficence—between those views held by contemporary artists and artistic researchers and the principle of beneficence enshrined in *The National Statement on Ethical Conduct in Human Research* (2007), the code of behavior that underpins the ethical conduct of research within Australian Universities. The *National Statement* defines beneficence as the minimization of harm and discomfort to research subjects and participants. Contemporary artists, on the other hand, propose that art's beneficence may necessarily incorporate provocation and discomfort in order to illuminate the important ethical issues of our epoch. This 'conflict' in understanding is not at issue until those artists enter the academy and undertake higher research degrees where they are required to negotiate the ethics process. It raises the question: What are the ethical and aesthetic stakes involved in producing provocative and discomforting art when art becomes research? What are the challenges for artistic researchers working in the academy and what are the issues for the ethics committees that have oversight over artistic research? Through an examination of the artistic performance events *Nothing to See Here (Dispersal)* and *Say Nothing*, artworks involving the artistic researcher Amy Spiers, and by referring to a number of key performance events in the canon of performance and participatory art—Marina Abramovic's *Lips of Thomas* (1975), Vito Acconci's *Claim* (1971), Mike Parr's *Cathartic Action* (1977) and *Malevich* (2002) and Christoph Schlingensiefel's *Please Love Austria* (2001)—this essay addresses the question of ethics and beneficence in art and sets out some of the implications for artistic research in the academy.

In March 2014, two Melbourne artists, Amy Spiers and Catherine Ryan (in collaboration with choreographer and dramaturge Ashley Dyer), staged their work-in-progress *Nothing to See Here (Dispersal)* as part of Melbourne's *Festival of Live Art* (see Figures 1, 2 and 3). The work was a response to the 'Occupy Melbourne' protest, part of the global 'Occupy' movement that occurred during 2011. 'Occupy Melbourne,' like elsewhere, resulted in repression by the police. The protest was brutally broken up and the crowds dispersed, leaving empty barricaded spaces of no entry. "Move along, there's nothing to see" became the mantra that the authorities used to divide and separate the protesters and move along anyone else in the orbit of the occupation.

In two staged performances, Spiers and Ryan adopted the crowd dispersal techniques of the police to choreograph a performative encounter with a regime of power. During the forty five-minute performances, the audience-becoming-performers were variously directed, herded, divided, expelled or corralled into cordoned off spaces, and denied any possibility of free assembly or movement by the uniformed controllers. These controllers were instructed in and employed the techniques of crowd controllers, security guards, ushers and police to "divide and separate" the audience (Spiers 2014, p. 1-2)¹.

The strategy employed by the artists was inspired by Jacques Rancière's analysis of social control, which posits that political order is not merely maintained by political repression, but rather is effected through strategies of controlling visibility (to see is to believe) and

the flow of people in public spaces. As Rancière comments:

Police intervention in public space is less about interpellating demonstrators than it is about dispersing them. [...] The police are above all certitude about what is there, or rather, about what is not there: "Move along, there's nothing to see." The police say there is nothing to see, nothing happening, nothing to be done but to keep moving, circulating; they say that the space of circulating is nothing but the space of circulation. (Rancière 2010, p. 37).

In the case of any social or political rupture, says Gene Flenady, the "visibility of force always effaces itself in the production of invisibility" (Flenady, 2014).

By making visible such forces, Spiers and Ryan aimed to deconstruct and reveal the mechanisms by which political order is maintained in 'public' spaces. The means they chose was not just to produce a performance that illustrated a sense of disease, but rather one that provoked and enacted unease and discomfort in its audience; they invited an audience into a space and then denied them the very right of free assembly. Whilst audience members were allowed to leave voluntarily, the mechanisms of control ensured that the exercise of freedom was a difficult choice to make. Here the politics of aesthetics came face-to-face with questions of ethics.

There is a very critical issue that faces us in thinking about *Nothing to See Here (Dispersal)*. Amy Spiers and Catherine Ryan are artists and this work was created in the context of the artworld. In such a context, artists would agree that the 'true' arena of ethical determination is in the community and thus, according to such a determination, aesthetic and ethical judgments about art are made by art critics, art viewers and the general public (Bolt et al. 2010, p. 10). However, Spiers is also an artistic researcher who is engaged in artistic research. What are the ethical and aesthetic stakes involved when such a performative work of art becomes research?

In Australia, all research, including artistic research, is conducted in accord with *The National Statement on Ethical Conduct in Human Research* (2007) (more commonly referred to as *The National Statement*), which establishes a set of working guidelines for the ethical conduct for research within Australian Universities. It is not meant to provide a prescribed list of do's and don'ts, but rather to set up an ethos or set of principles that underpins the way that researchers who are engaged in research with human subjects approach their research. The preamble to the *National Statement* provides the rationale for codifying a set of ethical principles to oversee the relationship between researchers and the research participants. It cites "the deliberate and appalling violation of human beings" during "the Second World War experiments in detention and concentration camps," as the impetus for the development of a code of conduct for researchers (*National Statement*, p. 3). One of the first principles set out in the preamble is that of trust between participants and a researcher. A second relates to questions of public good:

Research often involves public interaction between people that serves a public



Figure 1. Amy Spiers and Catherine Ryan, *Nothing to See Here (Dispersal)*, 2014. Photo by John Possemato.

good. There is, therefore, a public responsibility for seeing that these interactions are ethically acceptable to the Australian community (National Statement, p. 4).

The question of public good comes under the principle of beneficence. Beneficence involves an ethical judgment about whether “the likely benefits of the research must justify any risks of harm or discomfort to the participants, to the wider community, or to both.” (National Statement, p.13). In the academic context at least, researchers (and this includes artistic researchers) should:

- design the research to minimize the risks of *harm or discomfort* to participants;
- clarify for participants the *potential benefits and risks of the research*; and
- care for the welfare of the participants in the research context (*The National Statement*, p. 13, my emphasis).

Here-in lies a conflict between the notions of beneficence as defined by the code and those recognized by the artistic community. We have seen from our earlier discussion of *Nothing to See Here (Dispersal)* that the question of harm, in the form of discomfort, is a much more complex issue than it first appears. What is the value of art to a society if it doesn't confront the key issues that threaten fundamental human rights? What if art becomes so comfortable that it no longer provokes artistic shock?² Thus the question of minimizing risk and discomfort that is inherent in the notion of beneficence becomes a key point of tension when artists become engaged in artistic research and their research becomes subject to the guidelines of *The National Statement*.

In 2011, Spiers first encountered the complexities of research ethics whilst studying for a Masters of Fine Arts (MFA) at the Victorian College of the Arts, at the University of Melbourne. As the MFA is a research degree, Spiers was required to abide by the rules of conduct in research in the University and gain ethics approval for particular aspects of the research project, since the research design involved human subjects as participants/subjects in the research. She applied for ethics approval for a number of instruction-based and performance works including the work, *Say Nothing*.³ *Say Nothing* is an instructional artwork that was exhibited as part of a public exhibition at the Margaret Lawrence Gallery at the Victorian College of the Arts in 2011. The instructions for the work were set up as a wall text next to a space where the work ‘would happen’ through the duration of the exhibition. The instructions were very simple. In order to become a participant in the work, visitors were asked to:

write their mobile phone number on the gallery wall, with no other identifying personal information. In exchange, they must take a note of the number that was left by the participant before them, and then cross it out with a black marker. Only one phone number should be available on the gallery wall at a time. The participant is then instructed to call the number when convenient, and say nothing. On answering the phone to this silent caller, the receiver is also directed to not exchange any words. Instead both participants are asked to spend a little time on the line together, hanging up when either decides they've had enough.

The aim is to create a private one-on-one experience that is meant to frustrate the participants' desire to connect with one another. There is no documentation of the calls except for the effaced numbers on the gallery wall (Spiers 2011 p. 36-37).

Say Nothing required that the participants “put their trust to the test” (Spiers 2011, p. 36) by allowing a stranger to take their number and follow the instructions. The participants were also to follow the instructions given; ring the number that they had written down and say nothing.

In its response to the ethics application that Spiers submitted for *Say Nothing*, the Victorian College of the Arts (VCA) Human Ethics Advisory Group (HEAG), sent the following response concerning the proposed artwork:

The HEAG has significant concerns about the ... implications for participants in this project.... The ethical principle of beneficence is key here as there could be significant issues should someone take another person's phone number and use it for purposes other than those outlined in the project ... It is extremely difficult to ensure that there will definitely be no harassment of participants by other participants – this is a risk that is difficult to control or manage.⁴

Whilst it is often said that Ethics Committees engage in risk management, ultimately their decisions are guided and underpinned by the fundamental principles of the code, including those of beneficence and trust.⁵ In her assessment of the project, Spiers made the following comments revealing that “trust” was at issue:

Say Nothing strongly evoke an imagined sense of the silent calls, even if the viewer decides not to partake in the experience.... The silence and non-documented nature of the calls suggests something powerfully enigmatic, even to the non-participant. Even the viewers who do not participate are implicated in the provocation of *Say Nothing*, producing an intriguing effect, as the viewer realises they do not possess the trust to become involved (Spiers 2011, p. 38).

For Spiers, the work addressed fundamental questions about human relations of trust and the capacity of an art project to trouble and test such questions.

Spiers' thinking about the capacity of art to ‘trouble and test,’ concurs with a position, strongly held in the arts community, that the speculative and provocative nature of art (and art as research) enables it to become a site of engagement for ethical debate and hence gives art the ability to illuminate the ethical issues of our epoch. For many artists, both those working in the arena of socially engaged art and those driven by the avant-garde impulse, art should maintain its social critical role at the edge in order to test and trouble society's ethical and moral boundaries.⁶ Art acts as a provocation; it operates as the conscience of a society, it produces discomfort and brings its audience into crisis (Bolt et al 2010, p.16). For artists this discomfort and crisis is precisely art's benefit, both to the participants and to the wider community, whilst for an ethics committee such discomfort may be deemed an unacceptable risk. Here, two notions of beneficence collide as aesthetic judgment meets ethical judgment.



Figure 2. Amy Spiers and Catherine Ryan, *Nothing to See Here (Dispersal)*, 2014. Photo by John Possemato.

In the West, despite the critique of modernism and the avante-garde by postmodernism, art remains deeply indebted in its allegiance to the principles of the aesthetics of the sublime and the avant-garde, and in this, its principles are deeply political and emancipatory. Yet, in its avant-garde form, the emancipatory and political claims are not necessarily care-full, since its aim is to produce discomfort and movement in both thought and deed. The idea that art should provoke discomfort and unease has its roots in philosophical discourses around art and aesthetics, most notably in the work of Jacques Rancière, Martin Heidegger, Walter Benjamin and Jean François Lyotard.

In his essay, 'The Origin of the Work of Art' (1935-6) Martin Heidegger introduces the concept of "strife" as a fundamental principle in art. Martin Heidegger's position on aesthetics is complicated by the ethical. He is very critical of the aesthetic framing of art, arguing that aesthetics robs art of its essential and necessary role in understanding our Being.⁷ Heidegger believes that aesthetics reduces art to mere experience and pleasure and, as such, stops us questioning the Being of human beings. In the place of enjoyment or aesthetic experience, Heidegger offers us strife. Strife, Heidegger explains, 'does not happen so that the work should at the same time settle and put an end to strife by an insipid agreement, but so that the strife may remain a strife' (Heidegger 1977, p.175). The word "strife" immediately brings to mind an event where there is a bitter struggle, or violent conflict. However, Heidegger makes it clear that it is not the artist who creates strife, but rather that it is the work of art that creates strife.⁸ Here, Heidegger steers us away from accepting our common-sense understanding of strife as a destructive force, making the point that if we were to equate strife with discord and dispute, we would only ever experience disorder and destruction (Heidegger 1977, p.175). Strife is not wanton destruction. In strife, Heidegger tells us, 'each opponent carries itself beyond itself' (Heidegger 1977, 175). To go beyond oneself, he considers is essential to what it means to be human.⁹ Further, Heidegger maintains that the work of art isn't concerned with resolving strife so that we can 'enjoy' or feel comfortable. Strife is set in motion so that it can remain strife. Applying Heidegger's notion of strife to *Say Nothing* and *Nothing to See Here (Dispersal)*, it could be argued that the strife was not that Spiers and Ryan wanted to promote terror and fear. Rather, their aim was to provide the conditions that enabled the work to enact the nature of trust/distrust and the power of dispersal, in order to reveal the very dynamics of power that operate in the repression of such events as the Occupy movement.

Whilst Heidegger's notion of strife offers an ethical intervention into aesthetics, Lyotard suggests that avant-garde art is driven by the "aesthetics of the sublime" (Lyotard, 1984, p. 40), a concept that is concerned with putting the 'subject' into crisis.¹⁰ In his assessment of the stakes involved in the postmodern sublime, Lyotard claims that the "the avant-garde does not worry about what happens to the "subject"." Rather, its primary concern is: "*Is it happening?*" (Lyotard, 1984, p. 41). Thus Lyotard tells us that:

The arts, with whatever their materials pressed forward by the esthetics of the sublime in a quest for intense effects ... must test their limits through surprising, difficult, shocking combinations. Shock is par excellence, the evidence of (something) happening, rather than nothing at all. It is suspended privation (Lyotard, 1984, p. 40).

In this raw state, or intensification of being, all thought is disarmed. He says that, "(i)n questioning the "*It happens*," avant-garde art abandons ... (any) identifying role in relation to the receiving community" (Lyotard, 1984, p. 41). Thus, the aim of the work of art is not to please its receiving community or bring it "into a process of identification", but rather to provide a shock to the senses (Lyotard, 1984, p. 39). This 'shock', he claims, provides the foundations of the transformative power of art.

The issue of identification and imaginative engagement raises a question that has been taken up by those committed to developing work around research ethics. As philosopher Jeffrey Dean (2013) points out, it is difficult to take seriously the ethical benefits of imaginative engagement with art without acknowledging its potential dangers. So how do we make a judgment call about the question of the value of imaginative engagement, that is, whether there is a greater good for the community emanating from the "shock" of the work of art, or whether this is pure terror. This is a difficult question, but one that harks back to Kant's notion of an imagined community and his belief that in judgments of taste, the individual *ought* to so judge.¹¹

A study entitled 'Human Research Ethics in Practice: Deliberative Strategies, Processes and Perceptions' by Lynn Gillam, Marilyns Guillemin, Annie Bolitho and Doreen Rosenthal, identified "imaginative identification" as a strategy for guiding ethical judgment on such questions (Gillam et al, 2009, p. 7). Imaginative identification involves putting yourself in the shoes of another person; of being able to empathise or imagine what it would be like if you were the one who was subject to a particular situation or practice. How would you feel if this was done to you?¹² However, as we have seen, the aesthetics of sublime deals with the incommensurable; it is beyond imagining. Lyotard tells us that in a sublime encounter the imagination fails, producing a "kind of cleavage with the subject between what can be conceived and what can be imagined" (Lyotard, 1984, p. 40). This is the event where there is the possibility that nothing further may happen. These are the stakes for an artist.

Herein lies the dilemma. In the performative act or the event, where there can be a loss of self/other, aesthetic and ethical judgment is suspended. We cannot imagine what may happen precisely because it is beyond imagination. In this context it is very difficult to ask in advance; should it happen?, since the '*Is it happening?*', will only emerge in the event and not in advance of it.

The impetus to bring an audience into crisis, to deprive them of identification, brings us back to the question of ethics:

- What do we understand by "shock" or, what I have termed elsewhere, "the shock of the new" associated with an engagement with art?¹³
- What responsibility do we have to our audience as subjects in/of art?
- What responsibility do we have to our own personhood?

This was not a question that entertained our avant-garde forbears, but it is one that is particularly pertinent for our new generation of artists who are working with socially

engaged art and artistic research.

Shock is at the core of both the political and emancipatory nature of avant-garde art. Artistic shock can come in many forms and variations. However, it is most often associated with performance art, where an artist confronts the audience and creates an event that tests the boundaries and limits of what it is to be human. This is evident in Marina Abramovic's *Lips of Thomas* (1975), Vito Acconci's *Claim* (1971), Mike Parr's *Cathartic Action* (1977) and *Malevich* (2002), and certain participatory works, such as Christoph Schlingensiefel's *Please Love Austria* (2001).

Marina Abramovic's *Lips of Thomas*, is a work that requires its audience to take action or not. Abramovic first performed *Lips of Thomas* at Krinzinger Gallery in Innsbruck in 1975. Her performance text sets out the order of proceedings:

I slowly eat 1 kilo of honey with a silver spoon.
I slowly drink 1 liter of red wine out of a crystal glass.
I break the glass with my right hand.
I cut a five pointed star on my stomach with a razor blade.
I violently whip myself until I no longer feel any pain.
I lay down on a cross made of ice blocks.
The heat of a suspended space heater pointed at my stomach
Causes the cut star to bleed.
The rest of my body begins to freeze

In a postscript to the performance, Abramovic perfunctorily notes that the performance reached its completion when individuals in the audience could no longer stand it and intervened; "I remain on the ice cross for 30 minutes until the audience interrupts the piece by removing the ice blocks from underneath" (Abramovic 1998: 99)¹⁴.

In her thesis, *Staging of Destruction: Performing Violence in Post Dramatic Theatre* (2007), Brechtje Cornelia Maria Beuker observes that the audience became so distressed and uncomfortable at the self-imposed 'risk to life' in front of them, that some of them could no longer accept their position as passive observers or voyeurs to Abramovic's self destruction. A number of people from the audience arose and removed her from the ice (Beuker 2007, p. 79). While Abramovic's postscript expresses indifference to her removal, Beuker suggests that she "respected her audience members as contributors to a game whose rules were never identifiable" (Beuker 2007, p. 79).

In describing the audience reaction to Abramovic's performance, theatre scholar Erica Fischer-Lichte observes:

This reality was not merely interpreted by the audience but first and foremost experienced. It provoked a wide array of sensations in the spectators, ranging from awe, shock, horror, disgust, nausea, or vertigo, to fascination, curiosity, sympathy, or agony, which stirred them to actions that equally constituted reality (Fischer-Lichte 2008, p. 17).

Here, where the artist adopted performance to test her physical and psychic limits, the audience was taken to the edge and plunged into crisis. Fischer-Lichte argues that the effect of the performance was magnified because in this singular event the audience did not have a point of reference and could not resort to conventional behaviour patterns (Fischer-Lichte 2008, p. 12). As witnesses to this event, observes Fischer-Lichte, the audience is "suspended between the norms and rules of art and everyday life, between aesthetic and ethical imperatives" (Fischer-Lichte 2008, p. 12).¹⁵ The fact that *Lips of Thomas* was an art event and *not* the everyday is critical to the tension between aesthetics and ethics and to the question of whether one should act or not.

The ambivalent reaction of the audience—ranging from "awe, shock, horror, disgust, nausea, or vertigo, to fascination, curiosity, sympathy and agony" recalls the aesthetics of the sublime, where the viewer experiences extreme agitation involving "pleasure mixed with pain, pleasure that comes from pain" (Lyotard 1989, p.40). This indirect or negative pleasure and the fact that certain members of the audience were stirred to action also speaks of the moral dimension in judgements of taste in Kant's sublime—everyone *ought* to so judge.¹⁶ Abramovic's initial performance of *Lips of Thomas* (and also other performances such as *Rhythm 2* (1974), *Rhythm 5* (1974)) created a rupture where she and the audience were faced with the possibility of *her* annihilation—a point where nothing further might happen. Christine Battersby points out that in such an encounter with an event beyond imagining, conflict opens up a gap between our "senses and our understanding, imagination or reason as the mind struggles with the infinite, the apparently formless or indefinite ... shape that confronts it" (Battersby 2007, p. 33). In this space of indeterminacy the 'gap' between the senses and reason and the tension between aesthetical judgment and ethical judgment becomes excruciatingly 'real'.¹⁷

Vito Acconci's performance *Claim* (1971) raises questions of a different order; that of the shock of performative violence and the responsibility facing a 'knowing' audience-becoming-participant. *Claim*, a work staged in the *Avalanche* magazine's studio in New York, involved a confrontation between the audience as participant and the artist. In the performance Acconci was located at the bottom of the stairs in the basement of the studio, blindfolded and equipped with lead pipes and a crow bar. As part of the performance, he had set himself a specific directive: when anyone came down the stairs, he would swing wildly at them with his arsenal. As he waited, he engaged in monotonous and repetitive self talk:

I don't want anybody to come down here with me ... I don't want anybody to come down here with me ... I want to keep anybody out of here... I've got to really mean this ... I'll keep anybody from coming down the stairs ... I'll keep anybody off the stairs ... I don't want anybody with me ... I don't want anybody down here... I want the basement to be mine ... It's mine ... It's mine ... I've got to keep talking ... I've got to really believe this ... I've got to really believe this ... I've got to talk myself into this ... I don't want anyone to come down here ... I want to stay alone here ... The basement is mine ... I've got to really mean this¹⁸

In reflecting on the performance Acconci made the following observations:

So anytime I hear somebody coming down the stairs—And I’m blindfolded. I mentioned that. Anytime I hear somebody, I swing the lead pipe, the crowbar in front of me, as the title of the piece tries to say, claiming the space. So it was an attempt to hypnotize myself. And it kind of worked. By the second hour, I think I was—I’m glad this didn’t happen, but I could have killed somebody (Acconci in interview with Jeff Weinstein, 2012).

Claim (1971) was a three-hour performance, inspired by the events of the Vietnam war. However, what had started out as “an attempt to make performance be an interaction between I and you, between I and another person,” ended up with Acconci admitting that in the delirium of the performance he turned people into abstractions (Acconci, interview with Jeff Weinstein, 2012). In the context of this essay, what is perhaps the most important issue is the question of the responsibility of the audience in their decision to “participate” in Acconci’s performance. The audience members were able to view the artist in the basement via a video screen link-up to a camera in the basement and entered this space ‘at their own risk.’ This forewarning provides a very different context than that of *Lips of Thomas*.

A third kind of artistic shock, is the “shock” that renders its audience speechless, as in the performance work of such artists as Mike Parr’s *Cathartic Action/Social Gestus Number 5* (1977).¹⁹ Mike Parr is an Australian performance artist who pushes his body to the limit through his performances. In 1977 in a performance *Cathartic Action*, Mike Parr took a meat cleaver and chopped off his left arm. As the lifeless arm lay on the table a profound shock registered in the gathered crowd. The fact that many in the audience knew that Parr didn’t have a left arm, didn’t appear to reduce the shocking effect of his performance. In a subsequent performance, *Malevich* (2002), Parr had himself blindfolded and nailed to a wall for three days as a protest against the Australian Government’s imprisonment of refugees in detention centres in the middle of Australia’s inhospitable desert country. During the time of his self-imposed detention, Adam Geczy notes, Parr remained pinned to the wall with gaffer tape over his eyes to deprive him of all sensory stimulation beyond what he could hear and sense (Geczy 2002-3, p. 28). The performance was broadcast over the web.

This raises quite different experiences for both audience and the performer. While Parr was subject to extreme privation and the possibility that the ‘It happens’ will no longer happen, the audience was able to log on and off at will, “making the world immediately adjacent while safely distant” (Gilbert-Rolfe, 1999, p. 6). Geczy summed up the aesthetic stakes when he observed that “when the dynamic force, that presentness, of a performance is mediated via something like a screen, the differences tend to be flattened, the viewer becomes more of a voyeur, protected by distance, and the spectacle becomes more horror-cabinet, or more hysterical...” (Geczy, 2002) There is no agitation—no tension and no relief, just pure spectacle. Through this distancing mechanism, the viewers did not have to ‘face up’ and take responsibility as they did in Abramovic’s *Lips of Thomas* or Parr’s *Cathartic Action/Social Gestus Number 5*.

The performances of Abramovic and Parr were characterised by immediacy and presence,

producing a shock to the senses, that, in different ways plunged their audiences into crisis and asked them to face and “deal” with something outside their everyday experience. While I have suggested that the shock or cleavage produced by extreme performances may be understood in terms of the aesthetics of the sublime, the question of how its effects affect both audience and performer and what actions they take, invokes ethical questions for both. Abramovic is testing her own physical and psychic limits. However, Abramovic is also concerned with identifying and testing the limits of the audience’s relationship with her and with themselves. She is the *event* in which *something* rather than nothing is happening—the audience can act or not.

Fischer-Lichte suggests that this shock provides the foundations of the transformative power of art. In such extreme performance work, the artist is not enacting the ‘as if’ of theatre; s/he is not expressing some inner self nor is s/he is not producing a re-presentation of anything in the world. The artist is working at the threshold of human experience and the performances are actions in themselves that produce effects in the world. This is the performative power of art.²⁰

The “effects” that art may have in the world relate to its paradoxical nature. In her book, *Artificial Hells: Participatory Art and the Politics of Spectatorship*, art historian and theorist Claire Bishop notes that the paradoxical nature of art is that it is both grounded in reality and a suspension of reality (Bishop 2012, p. 279). In this way, as I have noted earlier, art has the capacity to open up and illuminate ethical dimensions in life. Bishop cites the participatory work, Christoph Schlingensiefel’s *Please Love Austria* (2001), as an example of where aesthetic experience opens onto the ethical and asks us to take stock of the stakes involved.

Please Love Austria was a work conceived and produced in response to the election success of the far-right xenophobic nationalist party, the Freiheitliche Partei Österreichs (FPÖ) in Austria. This election success occurred at a time when there was increasing tension and community discontent around the number of ‘foreigners’ seeking asylum in Austria. Schlingensiefel set the scene by relocating a shipping container to the centre of the Vienna and erecting a large banner *Ausländer Raus* (Foreigners Out) on top of it. The shipping container became the temporary ‘home’ for a group of asylum seekers who were relocated from a deportation centre outside of Vienna and they became subject to a *Big Brother* type scenario. Bishop describes this in the following way:

Their activities were broadcast through internet television station webfreetv.com and via this station viewers could vote daily for the ejection of their least favourite refugee. At 8 p.m. every day, for six days, the two most unpopular inhabitants were sent back to the deportation centre ... As the various participants were evicted, Schlingensiefel provided a running commentary (through a megaphone) to the mob below: ‘It is a black man! Once again Austria has evicted a darkie!’ (Bishop 2012, p. 280-282).

Bishop notes that while Schlingensiefel’s provocation was “a critique of xenophobia and its institutions”, it remained ambiguous, being both praised and condemned from both sides of politics (Bishop 2012, p. 282). What was shocking, observes Bishop, was the fact that



Figure 3. Amy Spiers and Catherine Ryan, *Nothing to See Here (Dispersal)*, 2014. Photo by John Possemato.

“Schlingensief’s container caused more public agitation and distress than the presence of a real deportation centre a few miles outside Vienna ... an *artistic* representation of detention has more power to attract dissensus than an *actual* institution of detention” (Bishop 2013, p. 283).

While Schlingensief was the performer for much of the performance and the refugee participants wore an assortment of disguises to prevent their identification, this work (as his previous project *Chance 2000*) does raise questions about the use of participants for Schlingensief’s own ends and his care or care-lessness towards their welfare. What is Schlingensief’s duty of care to his participants? Would it be any different if he was doing artistic research?

Each of the works that I have outlined above operates in a different register and raises complex questions for us to consider. Abramovic and Parr put their own bodies to the test and the audience is challenged to act or not: In Acconci’s *Claim*, the audience became participants knowingly in an act that puts their own safety at risk, whilst *Please Love Austria* raises questions about the use of participants for artistic and political ends. However, what is common to each work is that artistic shock takes us out of our comfort zone. It is not the everyday experience for most ‘art’ audiences, but rather one that audiences and audiences-becoming-participants knowingly place themselves in.

So now I am able to return to *Nothing to See Here (Dispersal)*. Spiers and Ryan are keen for *Nothing to See Here (Dispersal)* to create discomfort, observing that “socially-engaged art *should* reproduce and reflect on social problems, that is, provide a social critique, and avoid simply presenting ameliorative, tangible solutions.”²¹ The danger, that faces *Nothing to See Here (Dispersal)*, however, is that in its capacity to create discomfort it may in fact effect the opposite of what it intends. Through adopting the dynamics of dispersal, the performative nature of the work enacts the power of dispersal. Whilst, in this light, *Dispersal* may be considered to fulfil or exceed the promise of Ranciere’s theoretical proposition, it could also be argued that it troubles and may in fact reinforce the invisibility of our own political capacity, rather than offering tangible alternative positionalities.

However, as Flenady points out, art’s role is not to offer solutions and here it differs from social action. Rather:

The work presents a truth of our situation, a truth which would be undone by the addition of a false solution ... the properly critical artwork ... can stage nothing beyond it (Flenady, 2014).

In other words, through their work, Spiers and Ryan present a situated “truth”;²² the fact that we live in a divided world and there is currently nothing that “tells us what “resistance” should look like ... and what resistance should *feel* like” (Flenady, 2014). All they can offer is the stark operations of political ordering and the deficiency of emancipatory politics as currently conceived and practiced. This is the shock of *Dispersal*. This brings us back to the question that this essay needs to address: What are the

ethical and aesthetic stakes involved in such performative works when art becomes research? Apart from *Say Nothing*, the examples I have presented in this essay are artistic performances that have not occurred under the mantle of ‘artistic research’ and have not had to address the demands of a research ethics committee and gain ethics approval to proceed. However, given the growth in artistic research within the academy, increasingly the questions raised in these performances need to be addressed by artistic researchers, ethics committees and the academy.

Firstly, artistic researchers graduate into the artworld and in that world it is the community and not the ethics committee that will be the arbiter of efficacy and the ethics of the work. Unlike researchers in other fields, artists do not have to undergo ethics review of their projects and hence artists have to take responsibility for the work that enters into the world. There is evidence that artistic research students ‘self-censor’ and avoid doing provocative research during their candidature to avoid having to obtain ethics approval, on the knowledge that when they graduate they won’t be required to do so anymore. This raises critical questions for artists, ethics committees and the academy.²³ If art is to be a site of engagement for ethical debate and, moreover, is well-positioned to illuminate ethical issues relevant to society, both the artistic researcher and ethics committees need the ethical know-how to deal with the strategies that art uses and the issues that may arise.²⁴

Secondly, ethics committees are much more familiar with and understand what constitutes ‘data’ in traditional qualitative and quantitative research methodologies. However, they are often mystified by this question in artistic research. Here I would like to return to the instructional work *Say Nothing*. The University ethics office ruled that the work was not technically research since Spiers “was not retaining any “data”,” and hence was not subject to the ethics process (Spiers 2011, p. 37). However, the photographic documentation of *Say Nothing* persists. Not only does it now form data that can be interrogated and analysed but because the documentation exists, I could still decipher the numbers under the attempted erasures, ring any of them and ‘say nothing’. Similarly, in ‘ephemeral’ performance artworks, such as *Lips of Thomas*, *Cathartic Action/Social Gestus Number 5*, *Please Love Austria* and *Nothing to See Here (Dispersal)*, the video and photographic documentation becomes data for analysis. In other words artistic performances are *both* events with effects *and* data.

Thirdly, discomfort and unease are central to art’s potency and its capacity to move people. Instead of avoiding the issue, artistic researchers and ethics committees need to be open to the possibilities and work together to establish how to deal with potential effects or side-effects of the work. The viewers-becoming-participants in *Claim* entered at their own risk. Yet, there are existing protocols in the arts to mitigate against unexpected and unwarranted shocks, for example, through warnings posted at entrances to exhibitions or theatres, leaflets and flyers distributed at events and, in Australia at least, a national film classification scheme.²⁵ Through these existing protocols, there is sense in which entering a space of a performance or event with such forewarnings constitutes informed consent. Here audiences become responsible for their engagement with artworks.

The question of informed consent and the responsibility of the participant raises one final issue that is important to consider in the broader context of research ethics across all fields; that of the attendant question of risk in research. Harm or the risk of harm can be an unavoidable part of the research process and to judiciously eliminate all risk from research projects, apart from being impossible, would produce a situation where research becomes neutered; inadequate to address the complex issues that face us living in the world. This goes as much for clinical trials in science and medicine as it does for art. Yet there is a difference that has been identified through this article: in clinical trials, the risk or harm is not the purpose of the trial, whilst in certain art performances the risk of harm or discomfort may be one of the aims of the work. Is there any common ground that may help in the ethical review of projects across fields? Though the possible adverse effects experienced in a clinical trial of a new drug are of a different order from the possible harm or discomfort created through an engagement with art, there are similar principles that can be considered in an ethics review and these coalesce around the question and capacity of the participant to give consent: Is consent both informed and meaningful? Have the participants been informed of the possibility of the risks involved in participating in the research and do they have the capacity to make a meaningful and informed decision about consent? Are they able to withdraw consent or exit from the performance “without explanation or prejudice”? (University of Melbourne Consent Form, HREC 090001 Version 1) In performance events such as *Nothing to See Here (Dispersal)*, *Lips of Thomas*, *Cathartic Action/Social Gestus Number 5*, *Please Love Austria* and *Claim* the audiences who participate are ‘informed’ adults who have chosen to engage with the work. Protocols already exist in the artworld that inform prospective audiences/participants of the risks, and the formalisation of protocols, through the ethics process in the academy, is in essence underpinned by very similar principles. Perhaps what makes the audience/participant in the artistic context different from the participant in a clinical trial is that in the face of an ethical issue arising during the event of the performance they may actually have the responsibility to intervene. However, that may be a false dichotomy I am drawing.

I have suggested that, with their allegiance to the aesthetics of the sublime and to notions of dissensus, many artists and artistic researchers hold dear a very different understanding of beneficence to that which is embodied in *The National Statement*, the defining document that underpins the principles of ethical research in Australian Universities. This artistic vision is underpinned by the notion that art’s beneficence lies in its capacity to create trouble and discomfort, rather than minimise discomfort. Thus I have argued that the speculative and provocative nature of art (and art as research) enables it to become a site of engagement for ethical debate with the capacity to illuminate some of the critical ethical issues of our age. The question that this raises is *not* whether it is ethical to create discomfort but whether it is ethical *not to do so*.

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Endnotes:

1. Amy Spiers and Catherine Ryan are critical of much socially engaged art which adopts a consensus model and is often used by authorities to mitigate dissension and paper over social problems. They have adopted a dissensus model whereby socially-engaged art operates as a critique. Spiers comments that 'problems need to be thought (and fought)', unpublished conference paper, pp. 1 – 2.
- 2 In her article, 'On 'Shock': The Artistic Imagination of Benjamin and Brecht,' Mara Polgovsky Ezcurra (2012) proposes that shock is a central concept of modernist aesthetics. She cites Walter Benjamin as a key exponent. *Contemporary Aesthetics*, Vol 10, Retrieved, February 2, 2015, from <http://www.contempaesthetics.org/newvolume/pages/article.php?articleID=659>.
- 3 Instructional artworks are associated with conceptual art, a movement in art that gives precedence to ideas and concepts over visual aesthetics or material concerns. The artworks are constructed by simply following the textual description provided by the artist.

- 4 Email correspondence between the HEAG and Amy Spiers, 26 July, 2011, quoted in Spiers 2011, p. 37.
- 5 The VCA took advice from the University of Melbourne ethics office, which, after due consideration, ruled that the work was not technically "research" since the Spiers 'was not retaining any "data",' and hence the project proceeded as it had been designed (Spiers 2011, p. 37).
- 6 Whilst it could be argued that "relationship" and relationality has replaced "shock" as a key value in socially engaged art, the contemporary critique of consensus and the commitment of many socially engaged artists to Ranciere's theoretical work on dissensus as a political strategy and alternative to consensus, has rekindled an allegiance to the notion of "shock."
- 7 Heidegger's philosophy is concerned with the question: What is the meaning of Being? Being (da Sein) is the 'isness' or essence of being.
- 8 For a fuller explanation of the place of "strife" in art, see chapter 2 'Art, Art Business and the Work of Art' in B. Bolt, *Heidegger Reframed: Interpreting Key Thinkers For the Arts* (2011) I.B.Tauris, London.
- 9 Heidegger contends that fundamental to the Being of human beings is the capacity to go beyond oneself. He argues that the fundamental condition of being human is their "thrownness." In its state of thrownness, Dasein (humans) seizes possibility in its very and every possibility.
- 10 The terms 'aesthetics' and 'esthetics' are interchangeable. Lyotard adopts the American usage, esthetics in his 1984 article, 'The sublime and the avant-garde'.
- 11 See Christine Battersby's *The Sublime, Terror and Human Difference*. London: Routledge, 2007.
- 12 In her presentations on ethics, clinical ethicist Lynn Gillam puts forward a series questions that researchers and ethics committees should ask of a research project when considering whether there are any ethical issues of concern in the research design: Flags: Are there aspects to the research that seem ethically worrying?; Principles: Do you see any threats to autonomy, privacy or any risks of harm?; Imaginative Identification: What would it be like to be a participant in this project?; Does the research have an appropriate ethical orientation towards participants: The researcher values them as people and not guinea pigs?
- 13 See Bolt (2004) 'The Exegesis and the Shock of the New' in Text Special Issue Website Series, Number3 April, Illuminating the Exegesis, <<http://www.textjournal.com.au/speciss/issue3/bolt.htm>>
- 14 Abramovic, Marina, (1998) *Artist Body: Performances 1969-1998*, Milano: Charta, p. 99. See also the documentary and performance text for Lips of Thomas, <<http://curatorsoffice.com/gallery/self/abramovic1.htm>>.
- 15 In her monograph *The Transformative Power of Performance* (2008) Erica Fischer-Lichte works with Marina Abramovic's performance Lips of Thomas (1995) to argue for an aesthetics of the performative.
- 16 In *The Sublime, Terror and Human Difference* (2007) Christine Battersby notes that in Kant's thinking, "everyone" means the paradigm rational man ... (and that) can mean that whole classes of persons can fall outside the imagined community of rational beings who attain pleasure via the transcendence of fear." (Battersby 2007: 33)
- 17 "Real" here refers to the Lacanian psycho-analytic understanding of the "real" which is the pre-symbolic stage of corporeality into which we as humans are born. It is theorised as that psychic realm that cannot not contained in language. The "real" disrupts rationality. See Jacques Lacan (1977) *The Four Fundamental Concepts of Psycho-analysis*, ed J-A Miller, trans A. Sheridan, London: Hogarth Press: 67-78
- 18 See excerpts from Vito Acconci's Claim at: <https://archive.org/details/ubu-acconci_clai>
- 19 Mike Parr's Cathartic Action/Social Gestus Number 5 (1977) was performed at the Sculpture Centre in Sydney, Australia.
- 20 For a discussion on performativity and performativity in art, see Barbara Bolt *Art Beyond Representation: The Performative Power of the Image* (2004) and James Loxley *Performativity* (2007).
- 21 Email conversation with Amy Spiers, 7th July 2014. For Amy Spiers socially-engaged art should offer a critique. In a critique 'problems need to be thought (and fought)'. unpublished conference paper, p.1.

- 22 See Donna Haraway's essay 'Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective,' for a discussion of the notion of 'situated truth'.
- 23 A pilot study into the perception of the ethics process amongst academics in the creative arts at the University of Melbourne in 2009 revealed that research students tended to shift their research to avoid having to negotiate ethics approval. See B. Bolt, R. Vincs, R. Alsop, M. Sierra, and G. Kett, *Research Ethics and the Creative Arts*, 2010, p. 19.
- 24 For a discussion of ethical know-how, see B. Bolt, K. MacNeil and P. Ednie Brown (2014) 'Creative Practice, Research Ethics and the Doctoral Thesis,' *Doctoral Writing in the Creative and Performing Arts: The researcher/practitioner nexus*, UK, Libri, pp. 79 – 97.
- 25 See K. MacNeill and B. Bolt, 'The 'legitimate' limits of arts practice' in *Real Time*, Issue 104, August-September 2011, <http://www.realtimearts.net/article/issue104/10384>.