

## *Protesting Law with the Law: The Case of Pyotr Pavlensky*

Pyotr Pavlensky is a political artist whose practice involves the confrontation of art and power. Throughout his career, Pavlensky has staged events in which the agents of the law - be it police, prosecutors, or judges - must take a decision on behalf of the state upon his actions. They decide whether it must be excluded from legality. Pavlensky designates these agent of the law as co-creators and recognizes the documents of his criminal proceedings as aesthetic objects. These events are not merely political protest but works of art. The work is thus a collaborative practice *with* the law.

Pavlensky's defines this conceptual art practice as *Subject-Object Art*. It is characterised by a kind of inversion of roles of the powerful subject, the state, and the subordinate object, the artist citizen. Pavlensky contrives circumstances, termed the *event*, in which officials engage in the creative process at the very instant at which they attempt to suppress it. This precise moment in which the forces of the law perform not only a legal function but an aesthetic one is what the artist calls the *turn-around*. Artistic creation thus occurs when the powers that be begin working for art rather than solely for the law—that is, when their actions support the work of art *as* a work of art.

To give a few examples of Subject-Object Art, there is *Fixation* (2013), in which Pavlensky nailed his scrotum to Red Square. The response from the police who were unable to physically move him was to cordon off the area and drape Pavlensky's nude figure with a white blanket, essentially creating a kind of stage for the performance and enhancing the event's extrajudicial aspect, producing a *tableau vivant*.

*Freedom*, a re-enactment of the Maidan uprising in Kyiv of 2014 that forced President Viktor Yanukovich, a Russian sympathizer, to resign. Just days after the riots, Pavlensky staged a scene from the destructive chaos in St Petersburg, burning tyres and making riotous noise, surrounded by Ukrainian flags. During the legal proceedings that followed, a number of interviews took place in which the interrogating officer and Pavlensky discussed extensively the nature of art and its relation to protest and criminality. These discussions were recorded and the transcript, titled *Dialogues on Art*, was adapted for the stage and film numerous times.

And finally, *Threat* (2015), in which Pavlensky set fire to the headquarters of the FSB state security agency. The police and prosecution pulled video stills from the CCTV footage of the event for use in the legal proceedings against the artist and thus played their part as artistic collaborators by using their aesthetic faculties to produce the most striking documentation of the event. From the legal point of view this all may seem like sophistry; but, as conceptual art these works contain a real and original political charge.

This last example, *Threat*, is significant for the discussion today. Its first iteration took place in Russia, almost universally regarded as a bad actor, for which the FSB is like a symbol. In 2017, however, Pavlensky repeated this work under the title of *Lighting* at the Banque de France on the Place de la Bastille in Paris, setting fire to the building and provoking criminal proceedings in which the images that form the material basis for this work were again produced.

Pavlensky had been living in France since he and his then partner were granted political asylum there earlier that year on the basis of persecution by the Russian state and impending

sexual assault charges against them both that they claimed were trumped up. In the French media the response was largely: ‘Why would you do this here in France, a liberal democracy, when we’ve given you and your family sanctuary?’ Some officials even called for the revocation of his asylum. During his time in Russia, Pavlensky was known as a ‘dissident artist’ but this designation suddenly lost currency as he continued his controversial artistic practice outside of its initial context as protest directed against the Russian state. What has thus come to light is that the nature of Pavlensky art practice is protest not against a particular authority but against authority itself, whilst employing the instruments of power that authority wields, in other words, the law.

This brings us to *Pornopolitique* (2020), which involved the appropriation of sexual images produced by a politician of himself without that politician’s consent which Pavlensky then used in constructing a digital work of art, basically a quasi-porn website. This work is known primarily not by its name or even as a work of art, but rather by the scandal that it prompted, *L’Affair Griveaux*, in which Benjamin Griveaux, a close Macron ally and the La République En Marche mayoral candidate for the 2020 Paris Municipal Election, withdrew from the race on the basis of the violation of his privacy which made public his extramarital affair with the student Alexandra Da Taddeo, the recipient of the unsolicited videos who was later to become Pavlensky’s partner and remains so.

Beyond the scandal, the work itself, *Pornopolitique*, was, in the artist’s words: “The world’s first porn website to involve politicians or elected and appointed government officials,” particularly targeted at the hypocritical puritanism of politicians. In its first phase, the piece comprised a website that featured a splash page, a collage of pornographic images of female figures, which the artist described as “embodying different male ideas of sexuality...a male

paradise,” and a further page containing two videos that Griveaux made of himself masturbating sent to Da Taddeo. Griveaux, who had made family values a central platform of his political identity and often appeared with his young family on social media and in the tabloids, was not named directly on the *Pornopolitique* website, but his identity came out when the site went viral. Shortly after, he made a statement to the police and withdrew from the mayoral race in a televised speech decrying this dehumanising invasion of his privacy. For Pavlensky, Griveaux’s voluntary public admission of his appearance on the site was the *turn-around* that validated the concept of the artwork as exposing politicians as pornographic actors.

I say that this was the piece in its first phase, because as always with Pavlensky’s Subject-Object Art, the legal repercussions of his events are considered an integral part of the works themselves. Pavlensky and Da Taddeo stood trial in Paris on 28 June 2023 and await sentencing next month. I was a witness at the hearing.

My first encounter with Pavlensky came via an intermediary who passed on his request for me to write a short text for his exhibition in London in 2022. I agreed. About six months later, Pavlensky again reached out through an intermediary with the request that I provide an attestation for his case and appear as a witness at the trial. I deliberated for a long time about this, but eventually agreed on the basis not of defending Pavlensky as a person but of defending the cause of dissident art. The argument that I advanced thus did not defend the moral character of the artist nor the legality of the work in terms of France’s privacy laws, but rather presented protest as a form of critique and asserted that dissidence must be tolerated.

My contribution consisted of two parts: a written attestation which was translated and certified by the court in advance, and a testimony that I had prepared to give orally in English. One of the foundations of the case against Pavlensky is that his action was not a work of art at all, but revenge porn. It was necessary therefore to establish *Pornopolitique* irrefutably as a work of art. My arguments in both pieces contextualised Pavlensky's work in the art historical canon with reference to two paintings by Jean-Auguste-Dominique Ingres, both of which elucidate how power is expressed on the one hand in the academic tradition of the female nude - the submission to the private power of the male gaze - and on the other hand through the representation of male virility – the projection of masculine state power.

I further presented two additional arguments, one political and the other philosophical.

Following Chantal Mouffe, I argued that *Pornopolitique*, as a work of art, must be protected in the name of *pluralism*. The work is clearly not in accord with dominant conventions of propriety yet it nonetheless plays with the fictive boundaries that keep these conventions stable. The question at stake from the point of view of politics then is what the response to this act should be in a liberal democracy versus that of a totalitarian regime. As Mouffe has stated, “Modern democracy's specificity lies in the recognition and legitimation of conflict and the refusal to suppress it by imposing an authoritarian order.”<sup>1</sup>

From the philosophical point of view, however, I argued that the place for dissidence in society transcends the struggle for dominance that characterises a pluralistic society.

Dissidence, from the Latin *dissedere*: to sit apart, is the refusal of the absolute authority of the concentrated power of the state form. It is not a question of competing ideologies, of

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<sup>1</sup> Chantal Mouffe, “Deliberative Democracy or Agonistic Pluralism?”

advancing one faction's interest above another. It is the refusal of obeisance. Dissidence as such, therefore, does not displace the power that it critiques but negates it.

The form of negation specific to Pavlensky's work, I argued, is profanity. The profane sphere, as opposed to the sacred sphere, is the disenchanting world of the quotidian. Profanity, in turn, is the common use of what the sacred has separated and reserved for the exercise and preservation of power. For example, to swear is prohibited by the commandment not to take the Lord's name in vain, which forbids the use of divine words for a common end. Profanity works not by reconstituting the power of the sacred for another interest or in naming a new god, but in depotentiating that power or making the name of God common by dispersing its mystique.

Pluralism is the conflict of varying interests that is inherent to democracy. The dissident, by contrast, will always exist on the periphery, attempting to bring to common use that which state power reserves for itself with its monopoly on the power of representation. The dissident, while integral to the organization of the polity, will never be integrated into its machinations. For this very reason, the tolerance of dissidence is just as essential for democracy as pluralism.

On the day of the trial, 28 June, I did not have the opportunity to make this argument to the court myself. The trial itself was eventful. Three of Pavlensky's five witnesses were actors who performed excerpts of Molière's *Tartuffe*, effecting a spectacle that prompted outrage in the courtroom. Due to bureaucratic hurdles, Pavlensky was not able to secure a certified translator. My French proficiency was quickly deemed by the judges to be inadequate to stand for cross-examination – rightly so – and that was it for me. However, in an unexpected

turn of events, the presiding judge agreed to read a section of my testimony herself. While I had felt personally deflated, Pavlensky gave me a big thumbs up as I returned from the lectern to my seat. Indeed, in his view, my contribution was a great success. As he described it to me subsequently in an email, in reading my testimony herself, the judge was effectively acting as a defence witness. *A turn-around.*