

Chapter 11: Art and Ethics

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11.1 LEARNING OUTCOMES

After completing this chapter, you should be able to:

- Understand why art and ethics are associated
- Identify works of art that were censored due to their failure to meet societal ethics
- Indicate why ethical values change over time by society
- Articulate why some societal groups may consider some works of art controversial
- Identify ethical considerations in the artist's use of others' art work in their own, the materials used in making art, manipulation of an image to alter its meaning or intent, and the artist's moral obligations as an observer
- Identify roles that museums play in the preservation, interpretation, and display of culturally significant objects

11.2 INTRODUCTION

This chapter is concerned with the perception, susceptibility, and ethics of art. It will explore and analyze the moral responsibility of artists and their rights to represent and create without censorship.

Morality and art are connected usually in art that provokes and disturbs. Such art stirs up the artist's or viewer's personal beliefs, values, and morals due to what is depicted. Works that seem to purposely pursue or strongly communicate a message may cause controversies to flair up: controversies over the rights of artistic freedom or over how society evaluates art. That judgment of works created by artists has to do with society's value judgment in a given time in history.

The relationship between the artist and society is intertwined and sometimes at odds as it relates to art and ethics. Neither has to be sacrificed for the other, however, and neither needs to bend to the other in order to create or convey the work's message. Art is subjective: it will be received or interpreted by different people in various ways. What may be unethical to one may be ethical to another. Because art is subjective, it is vulnerable to ethical judgment. It is most vulnerable when society does not have a historical context or understanding of art in order to appreciate a work's content or aesthetics. This lack does not make ethical judgment wrong or irrational; it shows that appreciation of art or styles changes over time and that new or different art or styles can come to be appreciated. The general negative taste of society usually changes with

more exposure. Still, taste remains subjective.

Ethics has been a major consideration of the public and those in religious or political power throughout history. For many artists today, the first and major consideration is not ethics, but the platform from which to create and deliver the message through formal qualities and the medium. Consideration of ethics may be established by the artist but without hindrance of free expression. It is expected that in a work of art an artist's own beliefs, values, and ideology may contrast with societal values. It is the art that speaks and adds quality value to what is communicated. This is what makes the power of free artistic expression so important. The art is judged not by who created the work or the artist's character, but based on the merits of the work itself.

However, through this visual dialogue existing between artist and society, there must be some mutual understanding. Society needs to understand that freedom of expression in the arts encourages greatness while artists need to be mindful of and open to society's disposition. When the public values art as being a positive spiritual and physical addition to society, and the artist creates with ethical intentions, there is a connection between viewer and creator. An artist's depiction of a subject does not mean that the creator approves or disapproves of the subject being presented. The artist's purpose is to express, regardless of how the subject matter may be interpreted. Nevertheless, this freedom in interpretation does not mean that neither the artist nor society holds responsibility for their actions.

Art and ethics, in this respect, demands that artists use their intellectual faculties to create a true expressive representation or convey psychological meaning. This type of art demands a capability on the viewer's part to be moved by many sentiments from the artist. It demands the power of art to penetrate outward appearances, and seize and capture hidden thoughts and interpretations of the momentary or permanent emotions of a situation. While artists are creating, capturing visual images, and interpreting for their viewers, they are also giving them an unerring measure of the artists' own moral or ethical sensibilities.

Ethical dilemmas are not uncommon in the art world and often arise from the perception or interpretation of the artwork's content or message. Provocative themes of spirituality, sexuality, and politics can and may be interpreted in many ways and provoke debates as to their being unethical or without morality. For example, when Dada artist Marcel Duchamp (1887-1968, France) created *Fountain* in 1917, it was censored and rejected by contemporary connoisseurs of the arts and the public. ([Fountain, Marcel Duchamp](#)) A men's urinal turned on its side, Duchamp considered this work to be one of his Readymade, manufactured objects that were turned into or designated by him as art. Today, *Fountain* is one of Duchamp's most famous works and is widely

considered an icon of twentieth-century art.

More recently, *The Holy Virgin Mary* by Chris Ofili (b. 1968, England) shocked viewers when it was included in the 1997-2000 *Sensation* exhibition in London, Berlin, and New York. ([*The Holy Virgin Mary*, Chris Ofili](#)) The image caused considerable outrage from some members of the public across the country, including then-mayor of New York City Rudolph Giuliani. With its collaged images of women's buttocks, glitter-mixed paint, and applied balls of elephant dung, many considered the painting blasphemous. Ofili stated that was not his intention; he wanted to acknowledge both the sacred and secular, even sensual, beauty of the Virgin Mary, and that the dung, in his parents' native country of Nigeria, symbolized fertility and the power of the elephant. Nevertheless, and probably unaware of the artist's meaning, people were outraged.

Traditionally, aesthetics in art has been associated with beauty, enjoyment, and the viewer's visual, intellectual, and emotional captivation. Scandalous art may not be beautiful, but it very well could be enjoyable and hold one captive. The viewer is taken in and is attracted to something that is neither routine nor ordinary. All are considered to be meaningful experiences that are distinctive to Fine Arts. Aesthetic judgment goes hand in hand with ethics. It is part of the decision-making process people use when they view a work of art and decide if it is "good" or "bad." The process of aesthetic judgment is a conceptual model that describes how people decide on the quality of artworks created and, for them individually or societally, makes an ethical decision about a certain work of art.

As we can see, art indubitably has had the power to shock and, as a source of social provocation, art will continue to shock unsuspecting viewers. Audiences will continue to feel scandalized, disturbed, or offended by art that is socially, politically, and religiously challenging. Being considered scandalous or radical, as already observed, does not take away from experiencing or appreciation of the art, nor do such responses speak to the artist's ethics or morality. Art may, however, fail in some eyes to offer an aesthetic experience. Such a failure also depends on the complex relationship between art and the viewer, living in a given moment of time.

11.3 ETHICAL CONSIDERATIONS IN MAKING AND USING ART

11.3.1 Appropriation

Artists have always been inspired by the work of other artists; they have borrowed compositional devices, adopted stylistic elements, and taken up narrative details. In such cases, the artist incorporates these aspects of another's work into their own distinct creative endeavor. **Appropriation**, on the other hand, means taking existing objects or images and, with little or no

change to them, using them in or as one's own artwork. Throughout the twentieth century and to the present day, appropriation of an object or image has come to be considered a legitimate role for art and artists to play. In the new context, the object or image is re-contextualized. This allows the artist to comment on the work's original meaning and bring new meaning to it. The viewer, recognizing the original work, layers additional meanings and associations. Thus, the work becomes different, in large part based on the artist's intent.

Sherrie Levine (b. 1947, USA) has spent her career prompting viewers to ask questions about what changes take place when she reproduces or makes slight alterations to a well-known work of art. For example, in 1981 Levine photographed images created by Walker Evans (1903-1975, USA) that had been reproduced in an exhibition catalogue. ([After Walker Evans: 4, Sherrie Levine](#)) She titled her series *After Walker Evans*, freely acknowledging Evans as the creator of the "original" photographic works. And, she openly stated, the catalogue—containing reproductions of Evans's photographs— was the source for her own "reproductions." Levine created her photographs by photographing the reproduced photographs in the exhibition catalogue; the photographs in the catalogue were reproductions of the photographs in the exhibition.

Visitors to the exhibition who were familiar with Evans's depictions of Alabama sharecropper families struggling to make a living during the Great Depression were being challenged to view Levine's photographs, such as this one of Allie Mae Burroughs titled *After Walker Evans: 4*, independent of their historical, intellectual, and emotional significance. Without those connections, what story did the photograph tell? Did the photograph itself have meaning, or is its message the sum of what meanings the viewer ascribes to it? Levine's work in the 1980s was part of the postmodern art movement that questioned cultural meaning over individual significance: was it possible to consider art in such broad categories any longer, or is there such a thing as one, agreed-upon, universal meaning? She was also questioning notions of "originality," "creativity," and "reproduction." What product can truly be attributed to one individual's thought processes and efforts, with no contribution from a collective of influences? If none exists, then we cannot state something is an original work of art, springing from a single source of creativity, after which all subsequent works are reproductions. One is not more authentic or valuable than the other.

In 1993, Levine was invited by the Philadelphia Museum of Art to be the first artist to participate in *Museum Studies*, a series of contemporary projects: "new works and installations created by artists specifically for the museum." Levine created six translucent white glass "reproductions" of a 1915 marble sculpture by Constantine Brancusi (1876-1957, Romania), titled *Newborn I*. ([Crystal Newborn, Sherrie Levine](#)) She titled her 1993 work *Crystal Newborn*; it is

shown here along with *Black Newborn* of 1994. ([*Crystal Newborn and Black Newborn, Sherrie Levine*](#)) Both works are cast glass, which in the case of *Black Newborn*, has been sandblasted. ([*Black Newborn, Sherrie Levine*](#))

Similar to her 1981 photograph *After Walker Evans: 4*, these works are meant to examine notions about something being an original or, instead, being a reproduction. Just as her earlier photographic reproductions of Evans's work themselves could be reproduced, so also were these glass works part of a series; Levine cast a total of twelve versions from one (original?) mold. In addition, although sculpture such as Brancusi's *Newborn I*, is generally displayed on a pedestal or stand that elevates the work to a comfortable viewing height and separates it from its surroundings, Levine had her work displayed on a grand piano. Doing so changed the setting from a more conventional, expected, but consciously neutral mode of display, the pedestal, to the more nuanced, domesticated, yet sophisticated tone of a polished piano top. She wanted the difference to register in the viewer's mind and influence the viewer's response to the work, including thinking of the contrast: the typical museum display is masculine, that is, part of the male world of wealthy collectors and museum board members. The piano, on the other hand, brings to mind the feminine world of the comforting and comfortable home—it is a sculpture of a newborn, after all. But the cool, smooth, hard surface of Levine's glass, as was the case of Brancusi's marble, does not allow the infant head to descend to the level of maternal sentimentality.

Levine maintains tremendous similarities to the works preceding hers that she appropriates from, but she opens up their accumulated meanings to even more, new ones.

11.3.2 Use of Materials

The materials artists use to create their art throughout history have generally contributed to the value of the work. Using silver or ivory or gems or paint made from a rare mineral or numerous other materials that are costly and difficult to obtain literally raised the monetary value of the work produced. If the artwork was made for a political or religious leader, the cultural value of the work increased because it was associated with and owned by those of high status in society. On the other hand, using materials at odds with social values raises questions in the viewer's mind. For example, ivory was—and still is—a desirable material for carving, but it is illegal to trade in elephant ivory within the United States as African elephants are now an endangered species. Viewers' awareness of and sensitivity to the plant and animal life impacted in the production of art is increasing, and may actually be a factor in the materials an artist chooses to use.

Damien Hirst (b. 1965, England) began his career in the late 1980s associated with the Young British Artists (YBA). Hirst, along with others in the group, was known for his controversial

subjects and approaches in his art. Much of his art from that time to the present has been concerned with spirituality—Hirst was raised Catholic—and with death as an end and a beginning, a boundary and a portal. One of the motifs he has returned to throughout his career is the butterfly. With its transformative life cycle, from egg to caterpillar to chrysalis to adult, the butterfly serves for Hirst as a “universal trigger.” That is, the symbolism associated with the butterfly’s life cycle, linked by the ancient Greeks to the psyche, or soul, by early Christians to resurrection, and by many to this day to innocence and freedom, is so deeply imbedded in human consciousness that it springs to the viewer’s mind automatically. In his art, those associations are the foundation upon which Hirst builds.

Hirst began his experimentations with butterflies in 1991 when he created a dual installation and exhibition, *In and Out of Love (White Paintings and Live Butterflies)* and *In and Out of Love (Butterfly Paintings and Ashtrays)*. Both contained living butterflies that were intended to and did die over the course of the five-week display. ([In and Out of Love](#)) His first solo show, *In and Out of Love*, set the stage for Hirst’s career and reputation as an artist who confronts definitions of art and provokes the viewer to explain how art helps us to grapple with boundaries between and intersections of life and death, reason and faith, hope and despair.

Touching upon his interests in religion and science, including lepidoptery, the study of butterflies, Hirst often makes biblical references in the titles of his artwork, and he mimics aspects of how butterflies have traditionally been displayed in his compositions. He began the *Kaleidoscope* series in 2001, not using entire living or dead butterflies, but using only their wings, symbolizing for him a separation from the unavoidable ugliness and unpleasantness of life—the butterfly’s hairy body—to preserve only the fleeting beauty of the wings and their associations with the swift passing of time. *The Kingdom of the Father* is a later work in the series, dating to 2007. ([Kingdom of the Father, Damien Hirst](#)) The title, compositional elements, and overall shape of the mixed-media work are directly linked to the artist’s absorption with religion: here, as with a number of works in the *Kaleidoscope* series, the work looks like a stained glass window found in the Gothic cathedrals that fascinated Hirst as a child.

Despite the splendid effect of their vivid colors, energized compositions, and iridescent glow, some viewers object to the materials Hirst uses: the beauty and luminosity is derived from thousands of butterflies killed so that their wings could be used in his work. In 2012, the Tate Modern in London mounted a retrospective of Hirst’s art, the first major exhibition in England to review work from his entire career. His 1991 installation, *In and Out of Love*, was recreated as part of the show. ([In and Out of Love](#)) Some critics and animal rights activists lodged complaints about the estimated 9,000 butterflies that died over the course of the twenty-three week event. For

example, a spokesperson for the Royal Society for the Prevention of Cruelty to Animals (RSPCA) stated, “There would be national outcry if the exhibition involved any other animal, such as a dog. Just because it is butterflies, that does not mean they do not deserve to be treated with kindness.” The Tate Modern issued a statement that the butterflies were “sourced from reputable UK butterfly houses.” They also defended their use as integral to Hirst’s art, stating, “the themes of life and death as well as beauty and horror are highlighted, dualities that are prevalent in much of the artist’s work.”

In essence, the museum, along with many other individuals and institutions over the course of Hirst’s career, acknowledged the complaints, but accepted the artist’s actions as an acceptable part of his creative process, and determined his artistic intentions were of greater importance than any issues of morality raised. Simply, the butterflies were the means to a higher end, his artwork.

11.3.3 Digital Manipulation

Digital manipulation of photographs through the use of Adobe Photoshop and other computer software is so commonplace today it generally goes unnoticed or without comment. Digital manipulation is used by amateur and professional photographers alike, and can be a helpful, constructive tool. When photographs are manipulated with the aim of altering factual information, however, an ethical line has been crossed.

In 2006, freelance photographer Adnan Hajj made changes to a photograph, carried by Reuters Group, a news agency, of smoke rising in the midst of buildings in Beirut following an Israeli attack during the Israel-Lebanon conflict. ([The Adnan Hajj photographs controversy revolving around digitally manipulated photographs](#)) A blogger commented that the photograph showed signs of manipulation. Comparing the unaltered photograph on the left to the published image on the right reveals that the smoke is obviously darker; in addition, the spreading smoke at the top of the photograph shows the telltale patterning, known as **cloning**, which indicates a digital effect that has been repeatedly duplicated. Reuters immediately retracted the photograph and issued the statement, “Reuters takes such matters extremely seriously as it is strictly against company editorial policy to alter pictures.”

The ethical premise is that photojournalists are expected to conform to accepted professional standards of conduct. In fact, the National Press Photographers Association has established a Code of Ethics that addresses the issue: “Editing should maintain the integrity of the photographic images’ content and context. Do not manipulate images or add or alter sound in any way that can mislead viewers or misrepresent subjects.” Of importance here is that, as news, these

images must remain factual, and must represent the events and people truthfully and faithfully. When a photograph is manipulated with the intent to deceive the viewer, as was the case with Hajj's enhancement of the damage done by an Israeli strike against the Lebanese, it changes the historical record; it is unethical.

11.3.4 As an Observer

Photojournalists are expected to follow the National Press Photographers Association (NPPA) Code of Ethics not only when it comes to the manipulation of news images, but also in the acquisition of those images. In times of war, political unrest, or natural disasters, for example, they may be in the midst of events that unfold in unexpected and disturbing ways. The photojournalist is an observer whose role is to make a record of the events, but as a fellow human being, should the photographer become involved or offer aid?

In 1993, photojournalist Kevin Carter (1960-1994, South Africa) photographed a starving young girl being watched by a vulture during a time of famine in Sudan. ([Vulture, Kevin Carter](#)) The photograph was sold to *The New York Times* and was featured in that newspaper and numerous others worldwide, generating tremendous concern about the fate of the child and commentary on the ethics of taking the photograph, especially as the scene was described as a toddler having collapsed on her way to a relief station for food. But, guidelines in the NPPA Code of Ethics state: "While photographing subjects do not intentionally contribute to, alter, or seek to alter or influence events." Many felt, however, that in light of the child's condition and helplessness, the photographer had the responsibility to take action.

According to Carter and Joao Silva, a friend and fellow photographer, the situation and Carter's responses were more nuanced than it may appear in the photograph. Carter and Silva arrived by airplane in the village of Ayod with United Nations personnel bringing provisions to the local feeding center. As women and children began gathering at the center, Carter photographed them. The child was a short distance away in the bush, approaching the center with difficulty on her own; as Carter watched, the vulture landed. As recounted later in *Time* magazine:

Careful not to disturb the bird, he positioned himself for the best possible image. He would later say he waited about 20 minutes, hoping the vulture would spread its wings. It did not, and after he took his photographs, he chased the bird away and watched as the little girl resumed her struggle. Afterward he sat under a tree, lit a cigarette, talked to God and cried. "He was depressed afterward," Silva recalls. "He kept saying he wanted to hug his

daughter.”¹

So while Carter did not otherwise aid the child, he did remove a source of immediate danger to her by waving away the vulture. He expressed regret he did not, and felt he could not, further help the girl and the many other victims he saw while on assignments. The unrelenting suffering he witnessed contributed to the depression he was subject to for years. A little more than a year after the photograph of the starving child was published, in April 1994, Carter received the Pulitzer Prize for the controversial image. A week later, Ken Oosterbroek, another friend and fellow photojournalist, was killed during a violent conflict they were photographing in their native South Africa. Haunted by sorrow, regret, atrocities he had witnessed, and the pain he felt, Carter committed suicide three months later.

11.4 CENSORSHIP

The word **censorship** brings up ideas of suppressing explicit, offensive images and written material, perhaps of a sexual or political nature, or accounts of violence. What is considered prurient or sacrilegious or barbarity is not universal, however, so what was acceptable during one era may be banned in the next.

Michelangelo was a sculptor, painter, and architect. He considered his sculptural and architectural works to be of far greater importance than his relatively few painted works. But many know him today as much for the two frescoes, or wall paintings, he completed in the Sistine Chapel in Rome as for the far greater number of marble figures and buildings he created. The chapel is within the Pope's residence in Vatican City, the seat of the Roman Catholic Church, in Rome. The first fresco Michelangelo painted on the 134-foot-long ceiling of the Sistine Chapel, from 1508 to 1512, is a complex series of nine scenes from the Book of Genesis, architectural elements, and figures. It was the first large-scale painting of his career. He returned to paint *The Last Judgment* on the wall behind the altar from 1535 to 1541. (Figure 11.1)

¹ Scott Macleod, "The Life and Death of Kevin Carter," *Time*, 24 June 2001, <http://content.time.com/time/magazine/article/0,9171,165071,00.html>.



Figure 11.1 | *The Last Judgement*

Artist: Michelangelo

Author: User "Wallpaper"

Source: Wikimedia Commons

License: Public Domain

The Catholic Church had changed tremendously in the twenty-four years between when the first work was completed and the second one begun. In 1517, the singular authority of the Catholic Church was called into question when Martin Luther, a German monk, issued a series of complaints against Church practices, especially the selling of indulgences, or pardoning of sins. As opposed to the complex hierarchy of the Church, and an emphasis on its teachings as the only means to salvation, Luther championed personal faith and adherence to the word of the Bible. Although his beliefs were denounced, and Luther was excommunicated from the Church in 1521, the new Protestant faith swept through northern Europe. The Protestant Reformation, as Luther's attempts to revise the doctrines of the Roman Catholic Church were known, was not just a serious threat to the Church's authority, it prompted the wholesale examination and revision of the Church's structure, activities, and methods.

Michelangelo began to paint *The Last Judgment* in 1535. In that time of upheaval and uncertainty, the subject of the faithful rising to their reward at Christ's side in eternity while those who doubt or turn away fall to their eternal damnation could have been intended to reassure those remaining true to the Church. Rather than sticking to a clearly structured and hierarchical

organization of figures, however, Michelangelo broke from tradition to show dynamic groups of moving, gesturing, and emotion-filled angels, saints, blessed, and damned. Although Christ is in the center with His right arm raised, it is not clear if He is caught up in the erratic and chaotic swirl of the figures surrounding Him or confidently directing them according to their fates. The lack of distinction was originally heightened by the uniformity of clothing, or lack thereof, as Michelangelo painted the majority of figures nude, removing signs of earthly status and riches.

When completed, the fresco was hailed as a masterpiece, but in the following decades, it came under sharp criticism. As the Protestant Reformation by Martin Luther and his followers continued to revolutionize religious doctrine and practices throughout Europe, the Catholic Church formed The Council of Trent (1545-1563) in response. The Counter-Reformation remained adamant in condemning the new Protestant faith but did away with many excesses and leniencies that had grown within the Church, including art that served as a distraction from its proper use as a tool of worship. In its findings, The Council of Trent stated that used properly, art instructed the faithful to “order their own lives and manners in imitation of the saints; and may be excited to adore and love God; and to cultivate piety.” Michelangelo’s *Last Judgment* lacked the clarity of message and propriety now demanded in religious art so that, at odds with the Council’s decree, “there be nothing seen that is disorderly, or that is unbecomingly or confusedly arranged, nothing that is profane, nothing indecorous, seeing that holiness becometh the house of God.”

In 1565, two years after the Council’s decree and the year after Michelangelo’s death, Daniele da Volterra (1509-1566, Italy) was commissioned to paint drapery on the nude figures and alter the positions of some that were deemed too indelicate. Some of his modifications, and others carried out in the eighteenth century, were removed when the fresco was cleaned and restored between 1980 and 1994.

11.5 ETHICAL CONSIDERATIONS IN THE COLLECTING AND DISPLAY OF ART

11.5.1 Collecting/Holding

Art is part of the cultural heritage and identity of the society in which it is made. It shares characteristics with work made by other artists such as how figures of authority are depicted or what is considered appropriate subject matter in art. Because art is closely aligned with the history and values of the people in the society it comes from, individuals and governments alike take care to preserve and protect the cultural treasures in their possession. For the same reasons, invaders often loot and confiscate or destroy the works of art and architecture most cherished by those they have conquered to demoralize and subjugate them.

Representatives of the Nazi Party in Germany took art from its rightful owners, both museums and individuals, from 1933 until the end of World War II in 1945. When Adolf Hitler assumed the role of Chancellor of Germany in 1933, he began a campaign to sell or destroy art he did not approve of in the collections of German museums. Much of that art had been produced by artists who were part of twentieth-century art movements such as German Expressionism, Dadaism, Cubism, and Surrealism. Hitler objected to *avant garde*—experimental and innovative—art and to the artists who were part of those groups. By 1937, his agents had amassed nearly 16,000 works, 650 of which were included in the Degenerate Art Exhibition (*Die Ausstellung Entartete Kunst*) held in Munich that year and viewed by more than 2,000,000 people. Hitler condemned the degenerate art as contributing to, if not the cause of, the decay of German culture, and the artists as racially impure, mentally deficient, and morally bereft. Thousands of the works were then destroyed by fire, and thousands more were sold to collectors and museums worldwide.

The funds generated by works sold were earmarked for the purchase of more traditionally acclaimed artists and subjects that were to go into the *Führermuseum*, or Leader's Museum, in Linz, which Hitler intended to be the greatest collection of European art in the world but which was never built. Art for the Leader's Museum was purchased from museums, private owners, and art dealers, often under pressure to sell the work at a steep discount to Hitler's agents or risk arrest. And, the Nazis acquired art by confiscating it from institutions and private owners, many of whom were Jewish. The Nazis purchased and looted work in every country they occupied during World War II. They had amassed 8,500 works intended for the *Führermuseum* by the time Hitler committed suicide in 1945.

They plundered tens of thousands more for the private collections of Hitler and a few of his top commanders, including Hermann Göring, who held approximately 2,000 works of art by the end of the war. Art and other cultural spoils of war (such as books) were stored in numerous locations throughout Germany and Austria, including air raid shelters, estates that had been seized by the Nazis, and salt mines. In the photograph shown here, hundreds of crates holding sculptures and cloth-wrapped paintings are stacked in the Palace Chapel (*Schlosskirche*) in the town of Ellingen, in Bavaria. (Figure 11.2) Standing guard is a United States soldier.



Figure 11.2 | German loot stored at Schlosskirche Ellingen

Author: Department of Defense

Source: Wikimedia Commons

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In 1943, Allied forces created an organization known as Monuments, Fine Arts and Archives (MFAA). At first, the approximately 350 men and women from thirteen countries who were part of the “Monuments Men,” as they became known, worked to prevent damage to historically and culturally significant monuments. As the war was ending, they began locating and documenting art held by the Nazis and then led the effort to return art to the country from which it had been taken. By the time they completed their work in 1951, the Monuments Men had located and returned to their owners 5,000,000 works of art and other culturally significant items, as well as domestic objects of value such as silver, china, and jewelry. As of 1997, approximately 100,000 objects were still missing.

11.5.2 Display

Museums of all types play many roles. In the collections they hold, museums act as keepers of the public trust. The objects or artifacts have value to all, from the casual viewer to the avid scholar, in one or more realm: scientific, educational, cultural, social, historical, political. The objects help preserve our memories and carry them into the future; they also help us to understand the lives, thinking, and actions of others. Through the exhibitions they hold and objects they display, museums promote debate, encourage new ideas, and stimulate our imaginations. The objects in museums communicate with us by appealing to our senses, emotions, intellect, and creativity. That is why we continue to wonder about and ponder on what

we see and experience in museum settings.

When objects are placed within a context in a museum display, it stimulates our ability to make connections and broaden our understanding. For example, if a historical museum presents information about the geography and history of an area as part of a display on canoes and river trading, we have a context in which to appreciate the objects and interpret the practices of the people in that place and time. That was the approach artist Fred Wilson (b. 1954, USA) took when asked to create an exhibition for the Maryland Historical Society (MHS) in 1992. He titled his show “Mining the Museum.” ([Metalwork](#))

The mission of the MHS is to collect, preserve, and study objects related to Maryland history. This is often accomplished through the display of objects in its collection. As the organizer of the exhibition, or guest curator, Wilson was allowed to explore the thousands of artifacts in storage, many of which are seldom if ever displayed. He was seeking to bring to light, so to speak, objects rarely seen, and to present groupings of objects in unexpected ways, sometimes humorous and at other times disturbing. For example, with the label identifying the objects as “Metalwork 1793-1880,” Wilson placed iron slave shackles in the midst of ornately decorated silver tableware. No explanatory text accompanied these things; Wilson wanted viewers to contemplate what they saw and make connections without directions:

By displaying these artifacts side by side, Wilson created an atmosphere of unease and made apparent the link between the two kinds of metal works: The production of the one was made possible by the subjugation enforced by the other. When the audience made this connection, Wilson succeeded in creating awareness of the biases that often underlie historical exhibitions and, further, the way these biases shape the meaning we attach to what we are viewing.

So, in addition to asking viewers to question the meaning of the objects through his mode of display, he also wanted them to think about how history is made or constructed by what we include and omit; what we value, and why; and how we highlight objects and information of value in exhibitions within museum settings.

11.5.3 Property Rights, Copyright, and the First Amendment

Artist Shepard Fairey (b. 1970, USA) designed a poster with a portrait of President Barack Obama above the word “hope” in red, beige, and two tones of blue in 2008. ([Barack Obama “HOPE” poster, Shepard Fairey](#)) Sometimes printed instead with the words “progress” or “change,” the

poster and image quickly became associated with Obama's campaign for presidency and was soon officially adopted as its symbol. After the election, the Smithsonian Institution acquired for the National Portrait Gallery a mixed-media version of the portrait.

It soon came to light, however, that the poster was based on a photograph taken by freelance photographer Mannie Garcia in 2006. The Associated Press (AP) stated they owned rights to the photograph and that Fairey had not obtained permission from AP for its use. The Associated Press claimed they owned the copyright on the photograph, having contracted ownership of the image from its creator, Mannie Garcia. Garcia, on the other hand, stated that according to his contract with AP, he still possessed the copyright. The exclusive legal right to print, publish, or otherwise reproduce a work of art or to authorize others to do so belongs to the artist who created it according to the U.S. Constitution, Article 1 Section 8: "The Congress shall have Power: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." That right, or copyright, remains in place for the artist's lifetime plus seventy years, granting the artist the power to control their work, its use, and its reproduction.

Fairey, through his attorney Anthony Falzone, countered with the statement, "We believe fair use protects Shepard's right to do what he did here." Fair use allows for brief excerpts of copyright material to be used without permission of payment from the copyright holder under certain conditions: commentary and criticism, or parody. The idea behind allowing quotes and summaries of copyright material to be used freely is that what is written will add to public knowledge. Parody is referencing a well-known work clearly, but in a comic way; by its very nature, the original work is recognizable in a parody of it. Unfortunately, Fairey's case was settled out of court, so the question of how his use of Garcia's photograph in his poster was an example of fair use was not answered.

11.6 BEFORE YOU MOVE ON

Key Concepts

Traditionally, art has a history of being judged and censored and more than likely in the future artists will continue to blur many boundaries, sometimes even offending the audience's sensitivities. Offenses may address politics, social injustices, sexuality or nudity, among numerous other subjects and concerns. Contemporary societies, on the other hand, generally do not want to endorse any form of censorship; but, at times due to the sensitive nature of art, it happens. Some contemporary art is expected to make some groups in society uncomfortable. Artists over time

have pushed many boundaries in society and have brought to the surface questions about a society's moral beliefs. Just the questions alone have perhaps expanded the freedom of artistic manifestation. So, works such as Duchamp's *Urinal*, or Ofili's *The Holy Virgin Mary* challenge society's moral beliefs and values by the nature of the art itself. They also shock segments of society by exploring the notion of aesthetic taste. Such works that challenge traditional notion of ethics and aesthetics, in fact, have led some to believe that contemporary art practices are based more on the idea than the object of art.

Nevertheless, artists do make ethical decisions in such areas as the appropriation of others' work, what materials they use in their work and how they use them, the digital manipulation of their work, and what role they play as observers of the events they capture in their art. And, as we have seen, museums and other places in which art is exhibited play distinct roles and have responsibilities in how art is preserved, interpreted, and displayed.

Test Yourself

1. Is there a relationship between art and ethics? Defend your answer explaining why you agree or disagree. Select works not used in this text to clarify your stance. Attach selected works with captions. Add a commentary at the end of your response explaining why you selected the art works and their significance to the topic.
2. Select two ethically controversial works of art from different periods in history. Explain how each work was received at the time it was made, and how changes in societal values have impacted acceptance of the works today.
3. Should certain types of art be censored? Explain your answer and select at least two examples to assist in clarifying your statement. Give an opposing response with justifications and select works to describe and clarify your opinion.
4. Describe one way appropriation has become acceptable in contemporary art.
5. What does it mean when some contemporary artists question what is an "original" work of art, and what is a "reproduction?"
6. What concepts was Damien Hirst exploring in using butterflies in his artwork? What did the butterflies symbolize for Hirst?
7. Why is it important that news photographs not be altered?
8. What was the ethical dilemma photojournalist Kevin Carter faced when he photographed a child during the 1993 famine in Sudan?

9. What acts of censorship did Adolf Hitler and his associates engage in prior to and during World War II?
10. As guardians of culturally significant objects, what obligations do museums have?
11. Describe how claims of “copyright” and “fair use” came into play in relation to Shepard Fairey’s portrait of Barack Obama.

11.7 KEY TERMS

Appropriation: the use of pre-existing objects or images with little or no transformation applied to them.

Censorship: the suppression of art and other forms of communication considered to be objectionable or harmful for moral, political, or religious reasons.

Cloning: the repeated duplication of a digital effect.

Ethical Judgment: an alternative decision between being morally right or morally wrong.

Ethical Values: principles that determine one proper behavior in society.

Formal qualities: the elements and principles of design that make up a work of art.