

London, 06/09/2023

Yassine Bouzrou

Dear Mr. Bouzrou,

Below is my attestation for the trial of the artist Pyotr Pavlensky and his piece *Pornopolitique* (2020).

“Vous savez que je n'ai jamais considéré la littérature et les arts que comme poursuivant un but étranger à la morale, et que la beauté de conception et de style me suffit.” Charles Baudelaire wrote these words to his mother in defense of his volume of poetry, *Les Fleurs du mal*. Two months after its publication on 28 June 1857, 166 years ago today, Baudelaire was successfully prosecuted for an act of offense against public morality and ordered to pay a fine. Several poems containing ruminations on sex, addiction, and violence were censored from the volume, only to be restored in 1949.

Pyotr Pavlensky's artistic practice involves the confrontation of art and power. Following the political philosopher Chantal Mouffe, the modern democratic state is a crystallised form of power, governed by laws, in which divergent interests struggle for dominance. Rather than the aspiration of a universally inclusive consensus as the fruit of rational debate, politics instead consists of the preservation of the conditions in which a plurality of views may co-exist in spite of their conflictual relation. The consensus that underpins law thus always represents an exclusion, that is, the representation of one interest above another. Nonetheless, the theatre of politics, or the democratic public sphere, is where this exclusion must be recognized as such.

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. In this way, Pavlensky creates an interstice in which there is an encounter between art and power. These events are not merely political protest but works of art. Art confronts power and leaves an impression.

Pavlensky's practice, with its numerous readable facets, may readily be situated within the art historical canon in a multiplicity of ways. Specifically, *Pornopolitique* (2020), here under

consideration, is a work of art in which, among other things, the vulgarity of modern politics is juxtaposed with the vulgarity of a certain revered tradition of academic painting. This tradition is the female nude, generally speaking, but more precisely it is the rendering of the naked female body imagined as sexually available for male consumption. *Le bain turc* (1862), by Jean-Auguste-Dominique Ingres, is a limit case of the propriety of this tradition and as such bears all of its characteristics. The painting depicts an assemblage of female nudes within a fantastical erotic, and incidentally Orientalist, setting. The composition of the female nude screen of *Pornopolitique* bears a strong formal similarity to this painting.

The figures in *Le bain turc*, collaged from numerous previous works by Ingres, exist in a peculiar dimension of a purely erotic space in which the illusion of depth is produced by little more than the amassing of more and more naked bodies. The very excess of Ingres' gross assemblage of luxuriating naked women making themselves available to the male gaze overwhelms the viewer; yet, despite its overt eroticism, the work falls just within the accepted convention of the academic nude. Although the painting was privately owned for its first decades, in 1911 it was acquired by the Louvre where it is currently on display.

An interesting complement to this work, which is highly relevant here, is Ingres' *Apothéose de Napoléon Ier* (1853) commissioned by the administration of Napoléon III for the ceiling of the Hôtel de Ville in Paris and destroyed by fire in 1871 during the Commune. A smaller esquisse for this work survives and is on display at the Petit Palais. The work depicts the Emperor, surrounded by angels, driving a chariot up to the heavens to take his place among the gods. Napoléon Ier's nude body, modelled after the ideals of classical antiquity, is the centrepiece of the composition, his genitals only just concealed by the flowing red drapery. This work is also highly erotic, one in which the display of power relies on the visual device of naked masculine virility.

The potency of this image of power is debatable, however. Charles Baudelaire, for one, ridiculed this painting for the absurdity of the supernatural unbridled horses who appear to be made of wood, and for its diminution rather than enhancement of Napoléon Ier's power: "De l'empereur Napoléon j'aurais bien envie de dire que je n'ai point retrouvé en lui cette beauté épique et destinale dont le dotent généralement ses contemporains et ses historiens; qu'il m'est pénible de ne pas voir conserver le caractère extérieur et légendaire des grands hommes, et que le peuple, d'accord avec moi en ceci, ne conçoit guère son héros de prédilection que dans les costumes officiels des cérémonies ou sous cette historique capote gris de fer, qui, n'en déplaît aux amateurs forcenés du style, ne déparerait nullement une apothéose moderne." Who, after all, wants to see the Emperor with no clothes?

*Apothéose de Napoléon Ier* depicts the projection of masculine state power whereas *Le bain turc* depicts the submission to the private power of the male gaze. In *Pornopolitique*, one encounters both visual devices in an allegorical construction: an excess of nudity that exposes the

commodification of female sexuality juxtaposed with the naked masculine virility that all too often underpins the exertion of state power.

In his exhaustive but incomplete study of Paris during the nineteenth century, largely devoted to Baudelaire, the literary critic and philosopher Walter Benjamin mused that “The prostitute does not sell her labor power; her job entails the fiction that she sells her powers of pleasure.” Benjamin sees in this transaction, the fictional sale of pleasure, the hallmark of commodity capitalism. Could the same not be said about the character of much of the political discourse of today, in which the fiction of a salubrious moral order and the projection of social superiority that merely conceals self-interest debases the character of political debate and impedes the discussion of substantive issues? Does this not reduce public discourse from the antagonistic encounter of differing ideas to a mere exchange of attention for cheap and easily consumable images in the spectacle?

Chantal Mouffe has argued that *pluralism*, or the conflict of differing interests and values in the theatre of politics, is essential to liberal democracy. In this respect, Mouffe follows the philosopher John Stuart Mill, who argued in his essay *On Liberty* (1859) that thought and expression must not be suppressed by the dominant group, the so-called “tyranny of the majority.” Mill further argues that the only curbs on individual liberty should be enforced with respect to harm caused to others. If we were to apply this standard to the matter of concern here, it is clear that whatever harm that has resulted from *Pornopolitique* did not originate with Pavlensky. The violation of a vow of monogamy, the imperilment of an individual’s professional aspirations, the feeling of shame, et cetera.

Nonetheless, in liberal democracy a space must be preserved for thought and action that Mill names “*dissentient*” - it is essential to retain this term in English. *Dissentience* originates from the Latin verb *dissentire*: to disagree or to feel differently. *Pornopolitique*, as a work of art, undoubtedly represents an expression of *dissentience*. In many respects, it is not in accord with dominant conventions of propriety yet all the while playing with the fictive boundaries that keep these conventions stable. The question at stake from the point of view of politics 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.”

But, I am not a political or moral philosopher and this is not the argument that I wish to make. Instead, I will attest to the constellation of profanity, dissidence, and utopia within art, and how it pertains to the work in question.

In the original dedication of the first edition of *Les Fleurs du Mal* in 1857, Baudelaire wrote these lines: “Je sais que, dans les régions éthérées de la véritable Poésie, le Mal n’est pas, non plus que le Bien, et que ce misérable dictionnaire de mélancolie et de crime peut légitimer les réactions de la morale, comme le blasphémateur confirme la religion.” This statement, similar to the defence that the poet made to his mother, is relevant on two counts: the first is the assertion that while art itself has

no moral content, it cannot exist but in a moral universe; the second involves the proximity that Baudelaire establishes between blasphemy and religion, in which the former exists in a negative yet delimiting relation to the latter. This is the same relation, a “*determinate negation*,” which, according to Theodor Adorno, binds utopia to concrete reality.

The term *determinate negation* is developed by Georg Wilhelm Friedrich Hegel in his *Science of Logic* (1816). According to Hegel, every concept is enriched by its negation or opposite. Thought is not a sequence of unfounded epiphanies but a progression of ideas that evolve by way of negating yet retaining those that came before. Every given concept at any point in time is “the unity of itself and its opposite.” Blasphemy thus attests to religion even as it negates it. Adorno, however, repurposes Hegel’s notion of *determinate negation* not as a means of the positive development of concepts but as the structure of critique. Baudelaire’s maledictions portend the death of God as much as circumscribe the endurance of the very idea of God. As Ernst Bloch has said in dialogue with Adorno, “The essential function of utopia is a critique of what is present.”

When speaking about utopia and art, it is important to distinguish between the formulation of an image of the utopian ideal and the utopian spirit in itself. The utopian ideal as a concrete image of another order must necessarily always be false, but the utopian impulse within retains an essential purity. It is this utopian impulse that is of concern here, in the case of *Pornopolitique* with its confluence of profanity, dissidence and utopia. The dissident does not advance an alternative programme of governance or proffer an image of a utopian new order. Rather, the dissident occupies the place of the utopian within the determinate negation of the given order.

In contrast to *dissentience*, which in Mills’ terms refers to having a point of view that differs from the majority, *dissidence*, originating from the Latin *dissedere*: to sit apart, is, as I define it here, the refusal of the absolute authority of the concentrated power of the state form. It is not a question of competing ideologies, of 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; it is bound to it in a determinate negation just as utopia is bound to reality.

Nothing is sacred to the dissident. There is thus a natural relationship between dissidence and 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. To swear, as prohibited by the commandment not to take the Lord’s name in vain, is the example par excellence of the work of profanation. It 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. This dichotomy is not to be restricted to the religious sphere alone. As Carl Schmitt observed one hundred years ago, “all significant concepts of the modern theory of the state are secularized theological concepts.” Politicians in positions of authority may adopt the posture of a deity but they are also subject to the profanity of the vulgar.

To reiterate, the place of the utopian within the determinate negation of the given order is occupied by the dissident, and, to this end, dissidence and pluralism are not the same. 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. It is from the position of the underground, where the utopian impulse takes refuge, that one may imagine that something better is possible.

Utopia is the belief in an alterity that has not yet taken form. Dissidence, in the fullness of its profanity, is a utopian gesture, because we must believe that a better life is possible. Society must have hope. It is the artists who do this work for us.

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