

LEARNING THE RULES OF THE GAME

Aliza Shvarts, „Poster“, 2017,
Dokumentation von / document-
ation from „Untitled [Senior
Thesis]“, 2008



Statement by Helaine S. Klasky — Yale University, Spokesperson

New Haven, Conn. — April 17, 2008

Ms. Shvarts is engaged in performance art. Her art project includes visual representations, a press release and other narrative materials. She stated to three senior Yale University officials today, including two deans, that she did not impregnate herself and that she did not induce any miscarriages. The entire project is an art piece, a creative fiction designed to draw attention to the ambiguity surrounding form and function of a woman's body.

She is an artist and has the right to express herself through performance art.

Had these acts been real, they would have violated basic ethical standards and raised serious mental and physical health concerns.

The artist, writer, and educator Coco Fusco has been at the forefront of debates in the United States on the topic of equality for women and students of color in art schools and art institutions. Her work as a professor at American universities has put her in a unique position to provide an institutional account of how discrimination and abuses of power have traveled through the pedagogical context so vital to the education and production of young artists in America.

Based on her decades of experience both as a practicing artist navigating the world of commercial art galleries and as a teacher helping to shape the outlook of newer generations of aspiring artists, Texte zur Kunst invited Professor Fusco to answer some questions related to the recent revelations concerning the exploitation of authority emerging from the art world. What follows is an exchange and debate about how we can think the two spheres – art and rule-breaking – together, if at all.

TEXTE ZUR KUNST: In a text you published on the culture blog *Hyperallergic.com* this past November, you discuss how art schools can provide a unique kind of context for sexual harassment. Unique, in that the existence of a pedagogical hierarchy (mentor/mentee) coupled with an embrace of expressive freedoms can potentially be exploited for sexual favor or outright abuse. With this issue of *Texte zur Kunst*, we are examining how the notion of art (and the culture that supports it) – what with its promises of aesthetic and moral freedoms – bares relation to the abuses of power that have come to light in recent months.

You convincingly claim that these abuses of power are often perpetuated by the way that art schools themselves are structured: a social pool comprising many young, as-yet-unknown students under the tutelage of a group of predominantly older male, often professionally successful professors. Are the mentoring relationships in art programs especially vulnerable to such behavior?

COCO FUSCO: If I can interject here ... it should be clarified that just because an educational milieu is composed of students and teachers, this does not automatically mean that abuse of power will prevail or even be implicit. In my text for *Hyperallergic*, I stated that in general, sexual harassment in the United States occurs most often in contexts in which the perpetrators have more power than the victims. The cases of sexual harassment that have become public involve powerful, well-known men and less powerful, lesser-known younger women at early stages of their careers.

TEXTE ZUR KUNST: Right, it is more than just the institution's structure; one must also take into

account external social factors. Given that an artist's external activities invariably affect how their art is received, students often attend art school to learn not just how to make better art, but also to be socialized – or, as you note, to learn to “behave like artists.” You write:

“[At] top-tier schools, where the ties to the art market are most pronounced, students learn quickly that their professional success is linked to their willingness to play by the rules – including exchanging sex for access to power, money, and important people.”

Essentially, you are describing a meta-protocol that is inherently exploitative though, would you agree?

FUSCO: I would call this a shadow protocol, not a meta-protocol. Top-tier art schools impart both explicit and implicit rules.

TEXTE ZUR KUNST: Yes, a shadow protocol – one defined by its divergence from the rules of normative society. But via the myth of the artist as an exceptional individual, students are also explicitly taught that in order to be granted access to the social milieu capable of registering their work as “valuable” to the market (which in turn tends to validate normative notions of artistic “success”), they must embrace or at least tolerate this shadow protocol, even if it means forfeiting some legal protections in the process. While you may be speaking foremost of the American context, this is also true in the German master-class system, where there continues to be a long-entrenched ideal of the rule-breaking artist. In your view, is there a way to think the “rules” of transgression to which many artistic practices subscribe with the more implicit transgressions of those wielding



Sun Yuan & Peng Yu, „Dogs that Cannot Touch Each Other“, 2003, Videostill / video still

institutional power? If so, what would that look like?

FUSCO: I teach performance art – which is all about rule breaking. I don't use the content of my courses as an excuse to sexualize interactions between professors and students. Neither do any of my female colleagues. But I do know male professors and visiting artists who have demanded that students disrobe for them in class (rather than making it voluntary), or who make overtly sexual comments to students about their artwork.

I do think that the ideal of the rule-breaking artist can contribute to legitimating or tacitly condoning ethically questionable behavior, but this does not always work in favor of the artist. We are supposed to teach students to separate the ethical implications of aesthetic gestures from the formal qualities of what is produced, yet there are many situations in which that separation is subject to intense scrutiny: for example, the controversy over the video “Dogs That Cannot Touch Each Other,” by Sun Yuan and Peng Yu, which was withdrawn from the Guggenheim’s “Art and

China after 1989” exhibition due to public outcry. Another example would be Aliza Shvarts’s art project, produced when she was a student at Yale School of Art in 2008, in which she inseminated herself and then induced abortions; the dean of the school at the time, Robert Storr, publicly spoke out against her. Even Santiago Sierra’s use of laborers paid to engage in meaningless or embarrassing tasks has been the subject of endless controversy, just as Teresa Margolles’s art projects involving human remains have – I give these examples to show that some transgressors do pay a price for their art actions.

In the context of art schools, other factors should be taken into account, which is what I tried to do in my article. There is a difference between making art about having sex and sexual predation. In high-profile art programs, the school’s close proximity to the art market is an active factor, as is the constant presence of art professionals who are not teachers. The power differential between male professors with job security and students with huge debts and anxieties about their potential for success is key. Texte

zur Kunst is too focused on male art stars – they are not the only sex predators. Male professors don't have to be art stars to engage in predatory behavior; it is often enough for an individual to occupy a position of power within the school (e.g., be able to bestow fellowships, introduce students to art dealers, critics, curators, and famous artists, or to write recommendations for residencies and grants). Europeans sometimes forget that art school tuition in the United States, at places like Columbia and RISD, runs between \$50,000 and \$60,000 per year. This does not include living costs. That is the equivalent of the country's median annual income. Students essentially risk their economic futures for a chance at art stardom – unless they are extremely wealthy, and most are not.

The imperative of universities to shield themselves from scandal and litigation is another factor. Add to this a sexist culture that condones the predatory behavior of men, as well as the physical setup of art instruction, particularly at the graduate level, in which the bulk of teaching is one-on-one and carried out behind closed doors without witnesses, and you have conditions that afford the student little recourse should she or he feel an ethical line has been crossed. The absence of witnesses is key because, should a dispute be brought to court, there is rarely concrete evidence, and the predator therefore has the legal advantage of plausible deniability.

TEXTE ZUR KUNST: What might an ethical response to these abuses look like?

FUSCO: I do not believe that hierarchies of power are invisible. In both art schools and the broader art world, it is patently obvious who has more

power. We don't need to mystify things here. The problem is that those holding the power to enforce codes of conduct are often the very ones violating those rules. Whereas the people who might want to speak up risk destroying their professional lives if they do, and therefore they do not.

TEXTE ZUR KUNST: You make an important point, but how can we similarly distinguish what you claim is a clear visibility of hierarchies with the notion of the "shadow protocol" that you identified earlier? In particular, in the case of the art world, we have a situation wherein workplace conduct and artistic freedoms are very frequently considered through the same lens.

FUSCO: I would dispute that workplace conduct and artistic freedoms are considered through the same lens in an American university. As I mentioned before, universities have established codes of conduct that apply to all employees, including art professors, and public universities must adhere to Title IX, which is federal law pertaining to sexual discrimination in educational institutions. If you work in a university you cannot claim not to know the rules. I also would strongly advise against assuming that sexual harassment is rampant across the spectrum of art schools and departments in the United States. I don't think that is the case. The atmosphere I described in my article relates to top-tier art schools in major cities – New York, Chicago, Los Angeles – where there are strong ties to the art market and a high number of art stars and famous arts professionals passing through.

What does happen is that for those in the elite milieu there is an implicit agreement among



male faculty and students that no one will stick to the rules or complain about the failure to do so. Those male professors want to act with impunity so they protect each other. Students who don't play the game will be ostracized.

In a broader sense, however, it is important to keep in mind that an art-world fascination with transgression is hardly a determinant factor in the prevalence of sexual harassment. Don't overblow the importance of a "bad boy" aesthetic. There are millions of women who are subject to sexual harassment outside the art world and art schools, in all kinds of places, from police stations to restaurants to law firms to rectories and beyond.

TEXTE ZUR KUNST: We take your point, but perhaps the "bad boy" aesthetic, as you describe it, is just the worst example of a more general imperative – ideal, maybe – that might be equated with artistic practice: namely, that it be free. That said, we would further ask whether you feel workplace conduct and aesthetics are not fundamentally conflated in other forms of art-world rule breaking, the exchange of economic value, for instance?

FUSCO: We need to think in materialist terms here. The social, political, and economic conditions of the milieu play a far more determinant role than an ideological celebration of rule breaking and eccentricity. Artists operate in a milieu replete with many illegalities that occur with impunity – money laundering, forgery, tax evasion, etc. They conduct business in social contexts where impulse control is not always expected or required. The more money they represent to their dealers, the more likely they are to be protected, just as any financial asset would be guarded. Do not forget that Carl Andre was staunchly supported by his

dealer and his wealthy art buddies when he was on trial for the murder of Ana Mendieta. Famous artists cavort with the rich, who generally act as if they are above the law and have the capacity to use their power to silence their critics.

The educational context is somewhat different than the commercial art world context. As a professor, I have had to sit through lectures on sexual harassment and take online tests to demonstrate that I understand the policy. There is no such equivalent requirement at a biennial, an art fair, or a private gallery. In a university, the main deterrent to airing dirty laundry about sexual harassment is the threat of public scandal and the legal and financial implications of taking action against alleged perpetrators. Universities invariably seek to reach settlements with non-disclosure agreements to avoid tarnishing their reputations. They are keen to protect their public image so that parents are not deterred from spending money on their children's degrees. Private universities face many kinds of litigation threats from angry parents, not just sexual harassment claims. Universities are experts at damage control. If a male faculty or staff member with job security retains his position despite allegations of sexual harassment, it is in part because the related institution seeks to protect its own social and cultural capital, the latter being more valuable to them than money doled out in settlements. And to this one has to add the fact that potential accusers – i.e., younger women – do not always see the offending interactions as abusive. Universities also have guidelines with regard to sexual misconduct among students, but they are seldom consistently enforced.

TEXTE ZUR KUNST: In our September 2017 issue, we spoke to Sarah Schulman about how, in the 1980s,

there was a shift in the way harassment was treated. Marked by a focus on victims and perpetrators, this model, while seeking to protect from crimes that were invisible before, like most forms of intimate partner abuse, encouraged society to address these crimes on an *ad personam* basis, without examining their systemic causes. One could only either be powerless or powerful, innocent or guilty, making it difficult to consciously change the structure to prevent new perpetrators from acting in the future. Such a revelation is complicated by the fact that the very structures we need to address at the same time consist of individual choices, decisions, and actions.

The example we have used around our office is: the forces of capitalism may compel a gallerist to pay his gallery worker a very low salary; it does not, however, require him to slap her ass. So, how to speak about the structural transgression if it is at the same time an individual one?

FUSCO: Art schools are not only populated by eccentric art stars – they are also full of bitter, aging artists whose glory days are in the past or never arrived. In my generation, more than a few of them despise identity politics in general and feminism in particular. Some of those people are male and are happy to find reasons to undermine female colleagues so they can enjoy slavish attention from students. And then once they have engaged in questionable behavior with students, they shield themselves from censure by attacking anyone who tries to bring their indiscretions to light.

There is no guarantee that a person's artistic talent or intelligence will make them a liberal, or a humanist, or a moral individual. You say the forces of capitalism don't force a gallerist to slap

a worker's ass. Ok, but capitalism is not the only force shaping society and people don't need to be forced to act as sexual predators. We live in a sexist universe in which women are constantly degraded and devalued. We live in a global economy in which the vast majority of workers experience extreme precariousness – i.e., no job security. The art world is a highly competitive field that relies heavily on gossip and traffics in the erotic. The art world is also a field in which the most powerful players are rich and do what they want because everyone without money in the art world wants them to stay there. Put all those factors together and you have a work environment in which young women and men are constantly subject to all kinds of exploitation – and they are supposed to accept it; no one likes troublemakers.

TEXTE ZUR KUNST: Well, the art world likes troublemakers, and the guest professors that you discuss at the elite art programs are often the most cherished art-world stars in a particular field. In light of this, maybe you could speak to what appears to be a power differential that is unique to the art school environment, one that we could characterize as the gradient from those who get lauded for troublemaking – for whom the troublemaking is a path to success – to those for whom the threat of speaking up (i.e., troublemaking) is potentially career-threatening.

FUSCO: It's one thing to masturbate in public and cause a scandal that draws an audience. It's quite another to sue a university or provide damning information against an employer. The former makes you famous while the latter makes you a pariah. The libertine artist will continue to get

shows but the employee who creates problems within an institution won't stay there for long. I have a really hard time understanding why this is not obvious to *Texte zur Kunst* after dozens of women have gone on record to explain how their having challenged their abusers caused them to lose jobs and become unemployable.

TEXTE ZUR KUNST: Further to the focus on sexual misconduct this past fall, one imagines that there must be other, non-sexual aspects of this debate regarding the structural abuse of power. To your mind, should the discussion now be broadened beyond questions of sexual coercion?

FUSCO: I don't believe that the current focus necessarily means that other debates have been supplanted. The art world is fickle and people in it get bored easily. My hunch is that many will get sick of talking about this soon, and that those who disapprove will have their power restored. It is unfortunate that the focus has been exclusively on famous people, as if sexual abuse were not rampant beyond the milieu of elites.

TEXTE ZUR KUNST: Yes, the celebrity factor has certainly amplified the power of the #MeToo and #NotSurprised campaigns. In your estimation has there also been a deeper shift this past year? As in, does this wave of intolerance toward the male abuse of power indicate that feminist values have gained newfound acceptance; that we have truly "advanced" as a civic body from the 1980s (and earlier), when such power/gender dynamics were more socially and legally acceptable? Or is that wishful thinking?

FUSCO: Only some of the incidents I wrote about

in my *Hyperallergic* text occurred in the 1980s. My experiences as a professor are recent. The conditions that favor sexual predators are not undermined by feminism – feminism is not that powerful. As I explained in my essay, there are many women who don't even agree that sex between professors and students constitutes harassment. That is not a reference to the 1980s – that is how things are now. For more than 20 years I have contended, as a professor, with younger female art students claiming to disidentify as feminists! I would argue that they misunderstand feminism, seeing as they are often in their early 20s and have not yet experienced gender discrimination. But many also perceive their status as erotic objects/objects of desire as empowering; and/or they find that trashing identity politics gains them favor with professors, critics, and dealers.

In terms of addressing a social "shift," it's important to state that there is no single form of feminism that is shared globally or even nationally. Feminist academics in the humanities and artists are to my mind overly focused on questions of representation and the redefinitions of selfhood and gender identity. Those are hardly the principal preoccupations of feminist activists in the developing world, or feminist politicians in Europe. Second, the vast majority of the world's societies offer little legal protection to women – we still live in a world in which practices such as widow burning, genital mutilation, stoning of women for presumed infidelity, child marriages, and denial of education on the basis of sex are common.

TEXTE ZUR KUNST: Yes, these injustices are horrifying. But what about within the narrower scope of the Euro-American media sphere?

JUDITH BERNSTEIN



Judith Bernstein, „Trump Asteroids“, 2017

FUSCO: Even the United States lacks an Equal Rights Amendment or guarantees of maternity leave. And the statistics on domestic violence in the United States are shocking – 1 in 5 women has been raped in her lifetime, versus only 1 in 71 men. 45% of American women are raped by an intimate partner. The Trump Administration just eliminated the birth control mandate in health care, so employers can deny coverage for contraception. The US government is dominated by Christian Evangelicals who are anti-abortion and advocate extremely conservative views about the role of women; this group has much more power and traction in my country than any feminist or feminist organization. Even in countries where there are laws against sexual harassment, those laws are rarely enforced and cultural mores that undermine the legitimacy of women's accounts of abuse prevail. So am I supposed to believe that a year of women's art shows at MoMA or

a hot new book in gender studies constitutes a serious countervailing force to global oppression of women? I don't. That is a fantasy that only economically privileged white liberals could maintain.

It would be a great mistake to confuse a wave of public shaming of male celebrities with a new age of feminist sensitivity. The recent outcry has been prompted, instead, by America's obsession with celebrities and the corporate strategy of engaging in damage control until the media hoopla subsides – nothing more. As we have this exchange, Trump is still president and none of his accusers have yet been taken seriously. The US' Puritanical roots make it the perfect place for replacing the rule of law with public humiliation of individuals. Since at least the Salem Witch Trials, Americans have been very good at scapegoating people and very bad at acknowledging structural inequities.

So no, I don't think feminist values are more accepted now. The more precarious the economy becomes the more concessions people will make to hold on to any kind of employment they can find, and the more they will feel compelled to endure inequities. The more political conservatives do to undermine unions, collective bargaining agreements, and anti-discrimination laws, the less power women or any other aggrieved group will have to assert their rights. Affluent college students (who make up the majority of art students in the US) live in a bubble in which they define their rights solely in terms of personal freedoms, and can rely on powerful, moneyed parents to protect them. Outside that bubble, women are still punished for speaking out. For more than 20 years, human rights organizations have published studies of systematic sexual harassment of women workers in maquiladoras on the US-Mexico border. The mistreatment includes forcing women to take birth control to prevent pregnancy, denying access to bathroom breaks to pregnant women, sexualized aggression from managers, and denigration of women who file complaints. As many as 70% of maquiladora workers – who assemble our cell phones, televisions, and computers, and sew our jeans – are affected. I don't see any concern expressed about their situation from "feminists" in first world countries, nor does any supposed increase in feminist awareness result in improvement of their work conditions.

We are facing terrible times in the US, politically, and the majority of women in positions of political power are largely conservative. Meanwhile, women are grossly underrepresented at the higher levels of teaching and administration (they are less likely to get tenure, run departments, or

become deans), and only 27% of solo shows at major museums in the United States between 2007–2013 featured women (per *The Art Newspaper*). A recent Artnet study showed that 83.6% of women artists earned less than an \$10,000 a year from their art versus 77% of male artists.¹ So let's not get excited about social media activity. Let's look at what actually happens on the ground.

TEXTE ZUR KUNST: In light of these statistics, could you still conceive of a way to make sure that every art student understands how these secondary factors – skills in flirting with the system rather than the inherent merits of one's work – are *indeed* very often that which governs her level of visibility, her value within the market, and ultimately, her vulnerability to harassment? And does this awareness enable her to have the power to take a stand against it?

FUSCO: I would say, don't be fooled by the power of the public shaming campaign, which is now being manipulated by right-wing groups. Argue for implementation of better policies and push for more consistent enforcement of workplace ethics. Some women won't understand until they are older and less concerned about getting attention from powerful men. Sometimes you have to face injustice yourself to grasp the need for change. I was taught by wonderful feminists in college and wrote my undergraduate and masters theses on feminist topics using feminist theories. I learned a lot. None of that saved me from gender inequities in the workplace, or from sexual harassment.

Note

- 1 <https://news.artnet.com/app/news-upload/2017/11/page-9-top-us-cities.jpg>.