



Ethical leadership in culture in Asia & Europe: Where do we stand?

Bhanuj KAPPAL

“Behind every work of art lies an uncommitted crime” — Theodor Adorno

The ethics of art and cultural production has been a topic of debate between philosophers, theologians, patrons and artists for centuries. In pre-modern societies, when much of art production was funded by and catered to theology or the aristocracy, these debates largely focused on issues of obscenity, blasphemy, censorship and the inherent social value of art itself. But with the advent of modern, industrial society – and the secularisation and democratisation of art-making and consumption that came with it – the conversation around the ethics of art and culture has expanded greatly to grapple with a number of questions, such as the role art plays in creating social, cultural and political values, its influence on the way people think and behave, its relationship with power and ideology, and the push and pull between public morality and the notion of the creative freedom to question and transgress such norms.

The rise of mass culture has made these questions even more urgent, as the lines between politics, culture and the market have become increasingly blurred. Since its inception in the 1940s, the field of critical theory has engaged with these concerns, revealing the profound ways in which culture shapes our society and politics, and is in turn shaped by it. Today, the issue of ethics in cultural production are not just the preserve of intellectuals and the academics. In the age of information and social media, such debates are part of the daily public discourse of a diverse array of people and groups, whether it's cultural theorists at a conference, fandoms congregating on online forums, or people discussing the latest Netflix show on Twitter. Our cultural output is increasingly being analysed and critiqued through social, political and economic lenses in an attempt to address historical inequality, in terms of class, gender, ethnicity or community.

Take for example the current issues - discussed in further detail in the case studies section - around oil and gas firm BP's funding of several arts institutions and initiatives in the UK, including the Royal Shakespeare Company and until recently the Tate Modern. These have led to vigorous debate on whether the high ideals of cultural institutions are compromised by the organisations that fund them, and where the balance between ethical values and economic reality lie. Some defenders of such institutions have decry that a noble, independent cultural institution is being dragged into ideological and political battles. But the stakeholders in the arts and cultural world can no longer pretend that art exists apart from its contemporary society, or operates by different rules. The culture industry must negotiate the same dilemmas as any other field of human endeavour. And pragmatism dictates that leaders in this sphere engage with these dilemmas proactively and diligently, because a failure to do so will mean we are caught on the back foot when these battles reach our doorstep, as plenty in the British art world were.



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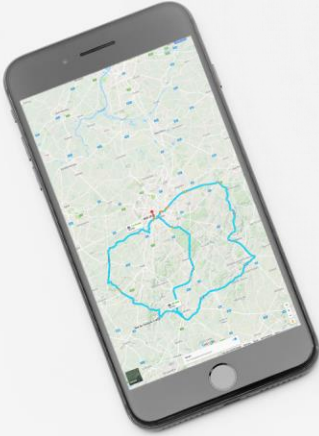


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“ The illicit trade in cultural artefacts of questionable provenance leads us to a number of major ethical questions. What sort of responsibility does an institution, or an individual have to return such items, if they were acquired in good faith?”

It is essential for cultural producers and leaders to engage with these critiques and find a way to navigate through these constantly evolving ethical debates and dilemmas. In the following section, we will look at six case studies that illustrate some of the key ethical challenges facing cultural production today, and analyse the methods used by artists, organisations and other stakeholders to respond to them. social norms, behavioural patterns, or group pressure.

Case Study #1: Contested claims on the ownership of cultural heritage

From the Koh Ker temple complex in North Cambodia, 9 statues were stolen by an organised looting network with links to the international black market¹. Between 2013-2015, 6 out of these 9 statues were finally returned to Cambodia after a sustained effort by the Cambodian government, with assistance from the United Nations Educational, Scientific and Cultural Organisation (UNESCO)². The first 2 statues were the Pandava Brothers (also known as the Kneeling Attendants), that had been standing at the doorways of the New York Metropolitan Museum of Art's Southeast Asian galleries since 1994.³ Other statues were returned from the Museum of Art of Cleveland and the Norton Simon Museum in Pasadena, California⁴. The museums made the decision to return the statues after the Cambodian government provided incontrovertible proof that they were stolen. However, not all such requests for the restitution of stolen cultural heritage go so smoothly. Indeed, one of the 6 pieces here was only returned after a two-year legal battle with auction house Sotheby's, which had initially put the statue up for sale⁵.

The illicit trade in cultural artefacts of questionable provenance leads us to a number of major ethical questions. What sort of responsibility does an institution, or an individual have to return such items, if they were acquired in good faith? How much due diligence is required from museums and auction houses before they buy a cultural artefact from a region undergoing conflict? Are these buyers, even if well-intentioned, somehow complicit by virtue of the demand they create for such cultural goods? Or are they, as some argue, involved in the expensive and difficult task of preserving cultural heritage that would otherwise be irreparably damaged or destroyed? The question of who owns an item of cultural, religious or social significance, and what makes such ownership legitimate, is the subject of contentious debate in the arts and academic circles.

Some museums, curators and governments have adopted a proactive approach to resolving these conundrums, taking the initiative to ensure that they are not complicit in any acts of cultural theft, and making amends where such cases have already happened. One example is the 2017 repatriation by Norway of an illegally purchased Buddha statue to its country of origin, Myanmar. Norwegian customs identified and prevented the illegal import of the cultural artefact in 2011, and engaged experts who spent years trying to identify the statue and its country of origin. Unlike in the previous case, it was the government of Norway that initiated the procedure for the return⁶. In other instances, museums have loaned back legally obtained objects to museums in their countries of origin, in order to enable people to access important parts of their own cultural history.

The counter viewpoint is that claims of restitution are driven by politics, and that culture is not circumscribed by modern historical borders or nation-state identities. They argue that cultural works are part of a global cultural heritage and that well-equipped museums are best placed to protect that heritage. But protect it for whom? If the vast majority of Cambodian citizens, for example, will never have access to their important cultural and historical artefacts, then does this count as safekeeping? And can cultural heritage ever really be divorced from the reality of everyday politics, when culture is one of the basic foundations of our political identities?

¹ [United States vs Sotheby's, United States District Court, Southern District of New York, 23 March 2013](#)

² ["Return of six of the nine statues stolen from Cambodia", UNESCO, accessed 23 September 2018](#)

³ Tom Mashberg and Ralph Blumenthal, ["The Met Will Return a Pair of Statues to Cambodia", New York Times, May 3, 2013.](#)

⁴ ["Return of six of the nine statues stolen from Cambodia", UNESCO](#)

⁵ [United States vs Sotheby's, United States District Court, Southern District of New York](#)

⁶ ["Norway returns Buddha Statue to Protect Myanmar's National Cultural Heritage", UNESCO, 7 July 2017](#)



Case Study #2: Culture and the State

Jallikattu is a traditional bull-taming spectacle that is practiced in the South Indian state of Tamil Nadu as a part of celebrations for *Pongal*, a four-day harvest festival held every January. Dating back to the Tamil classical period (400-100 BC)⁷, the practice even finds mention in the ancient Tamil *Sangam* literature. Bulls, specially reared and trained for the sport, are brought from across the state to participate in the event, where they are released into a crowd of people. As the bull attempts to escape, people try to grab and hold onto the bull's hump in an attempt to get it to stop. In some variations, the participants have to remove red flags from the bull's horns. This is often a bloody sport, participant deaths are a regular occurrence, and injuries to both participants and spectators are a given⁸. The bulls aren't immune to injuries either. Despite what many see as the inherent cruelty of the practice, it had continued uninterrupted for at least three decades, and was at the centre of its own informal economy⁹. However, after the death of a 14 year old boy in the audience in 2004, *Jallikattu* has been at the centre of a protracted legal battle that pitted animal rights activists against villagers and cultural traditionalists. After a series of bans and subsequent reversals, the Indian Supreme Court banned the practice in January 2016 on grounds of cruelty to animals. In response, there were widespread protests across the state, which eventually lead to the practice being exempted from the Prevention of Cruelty to Animals Act of the Indian Penal Code.

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What initially seemed like a simple case of the state intervening to prevent animal cruelty turned into a complex balancing act between the state's responsibility to protect citizens and prevent animal cruelty on one hand, and the community's right to preserve its cultural traditions and practices. This was further complicated by the historical background of conflict over language between various Hindi-speaking Central governments over the years, and non-Hindi speaking states in South India. Thus, the attempts to ban *Jallikattu* were perceived by many Tamilians as another act of cultural hegemony from the Centre.

This example illustrates the potential pitfalls and ethical challenges when the State tries to intervene in cases related to cultural heritage. When can the State step in to stop or alter a cultural practice that is integral to a community's traditions or identity? How should the State intervene without encroaching on the rights and freedoms of a community? How does the State navigate the multiple frameworks within which a particular action can be interpreted? Does the State have a legal or moral imperative to discourage practices that might be seen as regressive, or to incentivise the adoption of progressive practices?

There are also other arenas in which State intervention in the area of culture can be ethically problematic. These range from discussions about the mechanisms by which the State decides which art forms and cultural practices to subsidise and support, to debates over State protectionism of local craft producers. In recent years, there have also been examples of certain countries restricting the import of cultural products from economic competitors or discouraging collaboration with individuals or groups from such countries. In an increasingly globalised world, are such actions defensible, or even practicable? To what extent should states be allowed to set the terms of cultural exchange and interactions with citizens of other nations? The balancing of idealism and realpolitik when cultural production intersects with economic and political considerations will be a key challenge for future leaders in the cultural space.

Case Study #3: The ethics of corporate sponsorship

In recent months, there has been a lot of controversy around BP¹⁰'s funding of the Royal Shakespeare Company (RSC) in the UK. This June, activist theatre group *BP or Not BP* staged an unauthorised “*Fossil Free Mischief Festival*” to coincide with the RSC's own *Mischief Festival*, in an attempt to pressure the RSC to stop accepting funding from the oil and gas company, which has been accused of collaborating with

⁷ Francois Gautier, *A Western Journalist on India: The Ferengi's Columns* (Har-Anand Publications, 2001), 159

⁸ Daniel Grushkin, “Bringing in the New Year by wrestling bulls”, *New York Times*, March 22, 2007

⁹ V Shoba, “*Jallikattu: A Red Rag To A Bull*”, *Open Magazine*, 26 January 2018

¹⁰ BP is a multinational oil and gas company headquartered in the United Kingdom



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repressive governments as well as contributing to environmental damage and climate change¹¹. This isn't the first time that an arts institution has been the subject of criticism for links to BP. Both the Tate Modern museum and the Edinburgh International Festival have ended their long-standing funding relationship with BP in the face of public outrage and activism. The main point of contention seems to be that BP is one of the biggest historic and contemporary emitters of carbon dioxide in the world, making it a major contributor to climate change.

The question of how to ethically fund artistic and cultural production as well as the institutions that are associated with it, is one that we have grappled with for centuries. Earlier, patronage for the arts came via the elite, whether it was the monarchy, aristocracy or religious orders. Today, that role is fulfilled by the state as well as private individuals and corporations. Throughout, artists have had to figure out how to balance their creative endeavours with the interests and demands of their patrons. However, in today's media-saturated environment where PR and spin are omniscient, these concerns take on even more importance. It is essential to keep in mind that sponsorship is not the same as patronage. It is, in effect, a business relationship where corporations trade capital for advertising, credibility and social legitimacy. So even if institutional autonomy is maintained - and this is not a given, with there being many examples of self-censorship out of concern over losing a sponsor - there are still ethical considerations when it comes to accepting funding from corporations.

As state funding for museums and art initiatives contracts, arts institutions find themselves walking a tightrope between the moral high ground and the funding needed to continue their operations. Does accepting money from industries deemed morally problematic - oil, tobacco, arms - compromise the ethics and values of an arts institution, even if it comes with no strings attached? How do individual artists or employees associated with such institutions register their dissent with such an institution? Some activists would argue that even sponsorship from relatively benign industries can conflict with the values of an institution or an artist. Does it weaken the impact of an exhibition of works related to worker rights, if the institution is funded by a company that has exploitative labour practices? Should we criticise a literary festival that champions freedom of expression, if its sponsor is known to use the court of law to try and block negative news coverage of its activities? Are such compromises inevitable in a capitalist economy, or can we find more ethical models of funding for the arts, at least on a smaller scale?

Case Study #4: #MeToo: Sexual harassment in the workplace

Starting off as a viral hashtag in the wake of the multiple allegations of sexual assault and rape against movie mogul Harvey Weinstein, #MeToo rapidly evolved into a global movement that exposed the massive scale of sexual harassment in public and private spaces across the world. The hashtag, started by actress Alyssa Milano, saw millions of victims of sexual assault share their experiences online, highlighting the widespread occurrence of sexual violence, and the lack of effective mechanisms to address the problem.

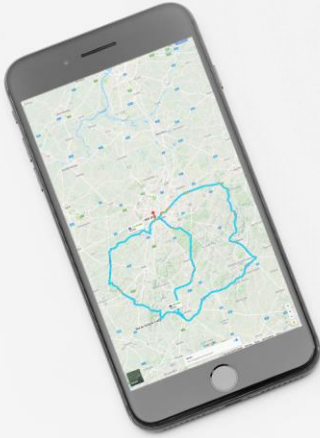
In December 2017, Jaishri Abichandani, Brooklyn-based artist, along with 30 others staged a “feminist participatory public performance” outside the Met Breuer building in New York, which was hosting a retrospective of Indian photographer Raghubir Singh. Abichandani claimed that Singh had sexually abused her in the 1990s¹². The performance got media attention and sympathy in New York, but ironically, the reaction from the Indian art world was muted, at best. Other artists, such as Indonesian artist Arahmaiani and Indian artist Rekha Rodwitiya, have also spoken about the prevalence of harassment and sexism in the cultural industries¹³.

In many countries, a culture of silence and the precarious professional existence of many involved in the industry serves to make them even more vulnerable to harassment in the workplace. Working as freelancers or in small independent

¹¹ Isabella Smith, “Protest Performance Pressures Royal Shakespeare Company To End BP Sponsorship”, Hyperallergic, 18 June, 2018

¹² Hrag Vartanian, “Artist Alleges Raghubir Singh Assaulted Her, Stages #MeToo Performance at His Retrospective”, 4 December 2017

¹³ Editors, “Women Artists Speak Out: Rekha Rodwitiya, Arahmaiani, Miwa Yanagi, Mithu sen, Kunié sugiura”, ArtAsiaPacific, accessed 22 September 2018



“Working as freelancers or in small independent teams, artists, filmmakers, musicians, writers and performers often have no access to institutional mechanisms to prevent or address harassment.

The dependence on a limited number of patrons and organisations for work opportunities leaves those working in such fields more vulnerable to sexual violence.”

teams, artists, filmmakers, musicians, writers and performers often have no access to institutional mechanisms to prevent or address harassment. The dependence on a limited number of patrons and organisations for work opportunities leaves those working in such fields more vulnerable to sexual violence. This power disparity between perpetrator and victim - along with judicial systems that are often ill-equipped to handle such cases - also forces the victim to stay silent, as speaking up could mean exclusion from future opportunities. How can we address these structural problems within the cultural industries without overreaching legislation that would make it even more financially and logistically difficult for small, independent arts organisations to function? If social censure or community pressure works in the favour of the perpetrator rather than the victim, as it often does, how do we invert the equation, so to speak? As individuals, how do we weigh up the personal costs of speaking out with the moral and ethical obligations to do so? And if we remain silent, does that make us complicit in an environment that allows and enables sexual violence?

There have been multiple responses to the problem. Advocacy for anti-harassment laws and mandatory sexual harassment committees in companies and organisations is one that has seen success, especially when accompanied by legal support services for victims. However, given the magnitude of sexual harassment taking place, many believe that this process is too slow and prone to be subverted. The #MeToo movement also involved many victims publicly naming those who assaulted them, and there exist many private and public lists of alleged offenders, especially within the media and academic industry. This public ‘naming and shaming’ tactic has drawn both admirers and critics, with the latter pointing to the lack of publicly available evidence and comparing the tactic to “*Kangaroo courts*”¹⁴. However, it is unlikely that this cat can be put back into the bag, so it is necessary to think through the ethical implications of such tactics. The “burden of proof” on the victim must be considered in conjunction with the intimate nature of such details, as well as the long history of victims being smeared and attacked when they speak up against powerful perpetrators. The possibility of malicious accusations is a real one, but so is the common use of underhanded tactics to undermine truthful testimony. How do we, as individuals and as a community, navigate these ethical conundrums when the standards and laws that define them are still taking shape? Can we justify social censure and boycott action against the accused in the absence of a legal conviction? On the other hand, what are the moral costs of not responding to such allegations?

Case study #5: The persistence of poverty porn

In 2011, Italian photographer Alessio Mamo shot images of poor villagers in India as part of a project called *Dreaming Food*. The staged photos depicted the villagers covering their eyes as they stand in front of extravagant spreads of food, including champagne flutes, a bowl of fruit and a roast chicken. The project, which aimed to shock international audiences into rethinking the amount of food wasted in their homes, was exhibited at the Delhi Photo Festival in 2013 without incident¹⁵. This July, Mamo was invited to be a weeklong guest administrator for the instagram account of the prestigious World Press Photo Foundation. During that week, he posted five images from the project on the account, bringing the project to public attention once again. This time, however, his work was met with outrage and condemnation.

Critics accused Mamo of being insensitive to the realities of his subjects and of taking away their agency. If the intention was to highlight food wastage in the West, they said, why is Mamo using poor Indians as props? This criticism does not exist in a vacuum. There has been a tradition of - often well meaning - people creating media that depicts conditions of poverty and deprivation in an exploitative manner. This is usually done in order to generate sympathy and ostensibly help the people being documented. But “*poverty porn*” is characterised by a penchant for the shocking over the empathetic, for its lack of consideration for informed consent and the agency of its subjects, and for its erasure of the complex realities of the lives and societies it (mis)represents. Often, the only person who benefits from such

¹⁴ Nivedita Menon, “Statement by feminists on Facebook campaign to “Name and Shame”, Kafilat, 24 October 2017

¹⁵ Alessia Mamo, “My statement on *Dreaming Food*”, Medium, 24 July 2018



“What distinguishes an exploitative frame from an empathetic one? And how do influential institutions make decisions on which depictions of poverty and violence meet the acceptable parameters to be displayed, and which do not?”

projects is their creator, who goes on to win awards or get jobs on the strength of their work, while nothing changes for the project's subjects.

Mamo has stated that the subjects in his particular work volunteered for the images, and that he was won no awards or earned any money for the project. But does that influence our decision on whether the project counts as “poverty porn”? Do good intentions erase the negative impact of such images - invasion of privacy, the stereotyping of a country or society? And while the villagers may have volunteered to pose for the images, did they understand that these images would be seen by millions of people all across the world? Or does the implication that they may not have given truly informed consent in itself undermine their agency?

These questions are further complicated by the inherent subjectivity of whether a particular image is sensitive or exploitative. While certain cases are clear-cut, most are debatable, and whether someone considers them “poverty porn” can have more to do with the perspective of the viewer than with the image itself. In such cases, what are the “rules” of how to portray not just poverty, but also war, illness and death? What distinguishes an exploitative frame from an empathetic one? And how do influential institutions make decisions on which depictions of poverty and violence meet the acceptable parameters to be displayed, and which do not?

Case study #6: Appropriation or exchange?

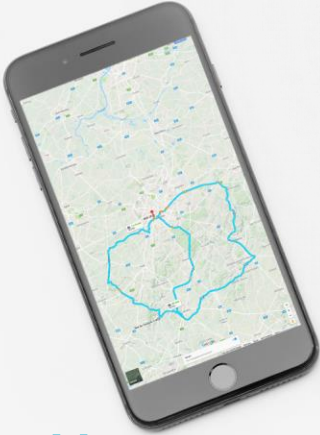
‘Yves Saint Laurent: *Dreams of the Orient*’ is an ongoing exhibition at the Musée Yves Saint Laurent, Paris, that explores the iconic fashion designer's long held fascination with ancient cultures, especially India, China and Japan. Like many of his contemporaries in the fashion world, YSL sought inspiration from the Far East, designing collections that took elements of traditional attire and re-contextualised them for a European audience. At the exhibition, more than 50 couture designs - their “oriental” inspirations obvious - are on display, placed alongside cultural artefacts from Imperial China, Mughal India and Japan. The designer had never visited these countries before he started designing these collections in the 1970s and 1980s but his extensive research and attention to detail is evident in the late couturier's work. The exhibition has been met with considerable applause, but it does raise certain important ethical questions about where the line between inspiration and appropriation lies. YSL's knowledge of these cultures was deep, but does that alone give him a license to take traditional pieces of art and iconography and adapt them for foreign consumers of haute couture?

At the same time, can we really hold up work done in the 1970s and 1980s to the ethical standards of today? Maybe, maybe not. But the museum's unwillingness to engage with these problematic aspects when putting together an exhibition in 2018 does show that the fashion world has still not seriously engaged with such ethical conundrums. It is not the only one. How do we acknowledge and recognise traditional and historical sources of inspiration in creative enterprises? Is there a mechanism for monetary compensation of the indigenous producers of traditional culture when their work is appropriated and sold to foreign audiences at much higher prices than they will ever earn? Is this globalisation in action, or is it an unrecognised form of copyright violation?

As we move forward, it is imperative that we keep such ethical concerns in mind. As we debate the ethics of appropriation and (mis)appropriation of traditional and culturally significant practices and markers from our own cultures, we must be wary of replicating the same exploitative relationship with other communities.

Conclusion

Each of the case studies above unpacks some key ethical questions and dilemmas that cultural producers and cultural leaders will have to face in the coming years. With rapid globalisation, greater connectivity between regions and geopolitical changes, new power structures will emerge and the question of cultural appropriation will surface more frequently. We will need to understand how to navigate these issues while balancing competing perspectives and ideas on fairness, rights of ownership and freedom of creative expression.



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Similarly, the subjects of our journalism, photography and documentaries can no longer be treated as passive subjects for our gaze and camera lens. We must find ways to ensure that our attempts to document and represent vulnerable and disadvantaged populations do not cross the line into crass sensationalism or well-meaning, but equally damaging 'poverty porn'.

As the #MeToo movement has made clear, the existence of gender discrimination and sexual harassment within the cultural industries, often enabled by structural factors and the community's silence, can no longer be brushed under the carpet. How do we implement the lessons of #MeToo in a way that address the magnitude of the problem without causing collateral damage or subverting the due process of law?

Finally, we must also reflect on the role that the State and corporations play in the production, dissemination and preservation of the arts and cultural industries. Both states and corporations have their own priorities and their own compulsions, which may not necessarily align with the ideals and values of the cultural institutions and practitioners. But both are also essential to the cultural industries. Where does the line between cooperation and co-optation lie?

These are only some of the major ethical dilemmas that we will have to deal with as we move ahead. The solutions will almost certainly be subjective, with each issue and each situation coming with its own context and nuance that must be understood and navigated. The solutions may even be elusive. That is why it is important that those in leadership positions are aware of the possible conundrums, and are able to approach them from numerous perspectives in good faith. Ethical minefields will always be hard to navigate, but nobody wants to be the one running through a minefield blindfolded.

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#ASEFYLS3

Leadership entails determining a position, charting a course, and heading towards a destination. It means navigating around various obstacles - concrete ones like road blocks or soft ones like different views - and sailing through weather conditions as harsh as moral dilemmas. But are the manners of and tools for leading equally important as the end goal? And what are the elements - facts, beliefs, values, practical issues - that influence decisions in navigating towards a certain direction?

The classic and modern tools such as the compass and the mobile phone in the ASEFYLS3 design show that every leadership must come with its own acceptable and effective measures. However, one has to be constantly alert and sensitive towards possible internal and external forces that might meddle, manipulate, and mislead one's decision making process. Only then is the leader a true navigator, able to develop a sense of direction informed by self-awareness and societal needs, and thereby standing up for her/his chosen course.

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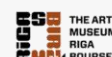


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