

Group Terms, DSC, spring 2010.

Artistic Immunity

Slovenian art theorist Aldo Milohnić addressed the notion of artistic immunity in the chapter of the same title in his book Teorije sodobnega gledališča in performansa (Theories of Contemporary Theatre and Performance)¹, in the block “Strateški dispozitivi: umetnost in vladavina prava” (Strategic dispositives: art and the rule of law), examining on several recent examples from the Slovenian artistic scene the concept of (legal) autonomy of art in a neo-liberal capitalist social order.²

The term artistic immunity was conceived with a combined terminology pertaining to art and law (legal theory and practice) wherein persons assuming specific social functions are permitted to claim exemption from certain legal norms. Legal immunity can not be granted to an individual but exclusively to the function assumed by this individual. Accordingly, there is diplomatic, presidential or witness immunity. Artistic immunity is, therefore, a term addressing the exceptionality of artist’s position, as a social subject according to specific legal grounds of art as (an autonomous) social practice – beside the guaranteed freedom of thought and expression applying to all citizens.

The notion of artistic immunity becomes significant for contextual and interventionist art, because the actions acknowledged and legitimized as artistic by the institutions of the Artworld are occasionally exempted from legal persecution. As an example we noted the project Crni peristil (Black Peristyle) by Igor Grubić (<http://www.pp-yu-art.net/node/25>), where certificates from the Croatian Association of Artists and Directorate for Cultural Heritage Protection in fact

1// Aldo Milohnić, Teorija sodobnega gledališča in performansa, Maska, Ljubljana: 2009
2// Ana Vujanović, “Beleške na marginama interdisciplinarnih teorija savremenog teatra i performansa” <http://www.tkh-generator.net/sr/openedsources/aldo-milohnic-teorije-savremenog-teatra-i-performansa>.



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protected the artist from legal consequences initiated by the police Anti-terrorism and War Crime Department.³ However, this marriage of art and terrorism in the times of ‘crises’ often leads to ‘suspension’ of artistic immunity (along with restriction of other civil rights and freedoms – e.g. after the 9/11 attack on the WTC in 2001). Thus, for instance, Steve Kurtz from the Critical Art Ensemble was accused for bioterrorism and released without charge after four years.⁴

3// Suzana Marjanić, conversation with Igor Grubić, ‘Aktivizmom protiv crne mrlje na duši’, Zarez br. 219, 29.11.2007, <http://www.zarez.hr/219/kazaliste3.html>
4// More on this legal case at: <http://www.caedefensefund.org/overview.html>



publication



in process

