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**THE PARADOXES OF DEMOCRACY: POSTWAR AMERICAN ART
AND U.S. FOREIGN POLICY**

JONATHAN LAHEY DRONSFIELD*

I.

Unless our point of departure be that democracy as it is practiced in and promoted by the United States of America is itself already an import, which of course is something we cannot exclude, then the question being raised in this journal, namely whether democracy “translates” across borders, presupposes that democracy begins, as democracy, this side of the border, that is in the United States. In which case, ought not the question more properly to be Does American democracy translate across America’s borders; can democracy as it is promoted by the United States cross its borders in a translatable form? Is American democracy translatable into an exportable form?

It is the contention of this paper that when America seeks to export democracy, there is a return, a return of democracy, which can be seen as a return on democracy, a return of democracy such that it shows something about the democracy from where it comes, about the practices of politics in the *demos* of the United States, which would not otherwise be visible. If this is so, then democracy as it begins in the U.S., the democracy that is exported by the U.S. for translation to, in and into other sovereign states, is not something ‘in itself’; it is essentially and from the start yet to arrive in the very place whence it comes. This is not to say that democracy in the United States is somehow completed only when it is exported and translated across its borders, but that it is not the democracy it is until it has been thus translated. Even then, once translated, it cannot be said to have fully arrived, because this process, of the return of democracy as a return on democracy, is something that can never, in principle, come to an end. It is in this sense we can say that democracy is perfectible. It is to say, in short, that there is no origin to democracy, no ‘original’ democracy to be translated. Democracy is always already in translation, and the concept bears witness to that experience of translation.

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What must also be considered is that sending democracy as a translation across borders is at the same time to bring the border into question, not just the geographical or geo-political borders of democracy, but the border of the concept of democracy. If something about or of democracy returns (back) across the border in the manner outlined above, then the border of the concept of democracy has been displaced, and the process by which democracy is translated is one of displacement. Let us examine these hypotheses through the case of culture, what we might call the culture of democracy, specifically an art exhibition sent across the borders of the United States, to the external borders of democracy in Europe and Latin America shortly after the Second World War.

II.

In October 1946 the first touring art exhibition to be sponsored, organized, and funded directly by the U.S. State Department opened at the Metropolitan Museum of Art, New York City.¹ It was a group of modern American paintings gathered to be sent to Latin America and Eastern Europe. The title – *Advancing American Art* – implies that its being of American art is doubly genitival, an exhibition which advances American art, and an exhibition of advanced American art. We will see that the title at once reveals and covers over a tension internal to the exhibition that would prove fatal.

Advancing American Art was put together in response to foreign governments requesting examples of modern American art, and entreaties from U.S. diplomatic agencies that America show itself to be not just technologically and economically advanced, but culturally so as well.² This emerged out of a disquiet at the conservatism of ‘representative’ touring exhibitions and exchange programs hitherto, responsibility for which at the time fell to the National Gallery of Art and its Inter-American Office.³ The exhibition was also unusual, indeed unique, for the fact that its works were not borrowed from lenders, but purchased by the State Department, for financial and practical reasons, because the exhibition was projected to tour for five years.⁴ The job of selecting which works would be purchased and exhibited fell

1. Margaret Lynne Ausfeld, *Circus Girl Arrested: A History of the Advancing American Art Collection, 1946-1948*, in *ADVANCING AMERICAN ART: POLITICS AND AESTHETICS IN THE STATE DEPARTMENT EXHIBITION, 1946-1948*, at 11, 11–14 (Montgomery Museum of Fine Arts ed., 1984).

2. Milton C. Cummings, *Cultural Diplomacy and the United States Government: A Survey*, *AMERICANS FOR THE ARTS* 5 (June 26, 2009), <http://www.americansforthearts.org/sites/default/files/MCCpaper.pdf>.

3. Ausfeld, *supra* note 1, at 11, 14, 27.

4. See Dennis Harper, *Advancing American Art: Leroy Davidson's "Blind Date with Destiny,"* in *ART INTERRUPTED: ADVANCING AMERICAN ART AND THE POLITICS OF CULTURAL DIPLOMACY* 8, 11 (2012).

to Joseph Leroy Davidson, former Assistant Director of The Walker Art Center, and then Art Specialist and director of international art programs for the newly established Office of Information and Cultural Affairs (OIC).⁵ Davidson's task, in which he sought the advice of heads of prestigious art institutions, was to stage a series of exhibitions that would establish that artists in the U.S. enjoyed creative freedom.

Advancing American Art consisted of seventy-nine oils and seventy-three works in other paint media.⁶ The focus was on modern art, primarily abstraction, expressionism, and figurative expressionism. But there was very little formalism, "Davidson ... overwhelmingly stressed paintings in which emotional or associative subject matter was expressed in abstract language, and he deemphasized works that explored purely formal ... concerns."⁷

According to Davidson himself, the exhibition's diverse influences included American folk art and cultures from Africa and the near and far East, as well as the expected European schools.⁸ Absent were the more mainstream and realist American Scene and Regionalist painters. With a single exception, all the artists were living, and comprised both emerging artists and well-established names. Artists selected by the American Federation of Arts (AFA) for a forthcoming touring exhibition drawn from recent acquisitions by the Whitney and the Metropolitan museums were included, as were artists being shown concurrently in New York commercial galleries.

Following its brief installation at the Metropolitan Museum of Art, the exhibition split into two international touring shows. Thirty of the oil paintings were sent to Havana and Port-au-Prince, whilst forty-nine oils and around half the works in other paint media went to the Musée d'Art Moderne in Paris for the inaugural General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in November 1946.⁹ From Paris, the oil paintings progressed to Prague in March 1947, the first stop on a tour of Czechoslovakia that took in Brno and Bratislava.

III.

The Metropolitan show of *Advancing American Art* was critically well received, but popularly derided and politically condemned. The popular and

5. *Id.* at 8–9.

6. *Id.* at 9.

7. Virginia M. Mecklenburg, *Advancing American Art: A Controversy of Style*, in *ADVANCING AMERICAN ART: POLITICS AND AESTHETICS IN THE STATE DEPARTMENT EXHIBITION, 1946-1948*, *supra* note 1, at 35, 52.

8. Mark Andrew White, *One World: Advancing American Art, Modernism, and International Diplomacy*, in *ART INTERRUPTED: ADVANCING AMERICAN ART AND THE POLITICS OF CULTURAL DIPLOMACY*, *supra* note 4, at 30, 31–32.

9. MICHAEL L. KRENN, *FALL-OUT SHELTERS FOR THE HUMAN SPIRIT: AMERICAN ART AND THE COLD WAR* 33 (2005).

political came together in the charge most frequently leveled at the exhibition according to Virginia Mecklenburg, author of a catalogue essay for a 1984 re-staging of it: namely that it “failed to embody American democratic values.”¹⁰ Yet this is precisely the basis upon which it was promoted by the State Department. In the words of William Benton, Assistant Secretary of State for Public Affairs, “Only in a democracy where the full development of the individual is not only permitted but fostered could such an exhibition be assembled.”¹¹

The same claim regarding democracy is made by Mecklenburg in her catalogue essay. Davidson’s selections, she says, intimate that “the work of American artists and the culture it reflected embodied the ultimate democratic values – independence, concern for one’s fellow man, and absolute freedom to express individual as well as national concerns.”¹²

Critics at the time agreed that the exhibition was primarily an expression of the freedom of the individual. Thus Ralph Pearson, in *Art Digest*, argued of the exhibition that it was of “the age of the individual in art.”¹³ And, Hugo Weisgall, in his introduction to the 1947 Prague catalogue, claimed, “As the idea of America has subordinated the concept of racial origins, so the growing international fabric of culture has subordinated nationality in art to the [poetics of the] individual.”¹⁴

In Paris, the exhibition was also met with critical praise,¹⁵ and requests were made through diplomatic circles for the works to be shown in Poland and Hungary.¹⁶ The State Department commented that the show had “corrected” the widely held view in France that “American art lacked progressive force.”¹⁷

In Prague, the Czechoslovak government funded the printing of brochures in Czechoslovakian, the President and his wife prolonged a courtesy visit into a gallery tour, and Jan Masaryk, Foreign Minister in the Czechoslovak government, opened the exhibition. It was reported to Secretary of State George C. Marshall that President Beneš “welcomed the program as evidence of U.S. interest in closer cooperation with Europe.”¹⁸ The Prague show was well received in the extreme, and drew unprecedented numbers of visitors.

10. Mecklenberg, *supra* note 7, at 41.

11. KRENN, *supra* note 9, at 27.

12. Mecklenberg, *supra* note 7, at 57.

13. GREG BARNHISEL, COLD WAR MODERNISTS: ART, LITERATURE, AND AMERICAN CULTURAL DIPLOMACY 60 (2015).

14. HUGO WEISGALL, ADVANCING AMERICAN ART *12 (1947); BARNHISEL, *supra* note 13, at 269 n.12 (pointing out that these sentences appear in Alfred Frankfurter, *American Art Abroad: The State Department’s Collection*, ART NEWS, October 1946).

15. Ausfeld, *supra* note 1, at 17.

16. KRENN, *supra* note 9, at 33–34.

17. BARNHISEL, *supra* note 13, at 60.

18. Ausfeld, *supra* note 1, at 17.

At the time that *Advancing American Art* showed there, Czechoslovakia was not part of the Soviet bloc. An exhibition of Soviet art, *Pictures of USSR National Artists*, was “brought hurriedly from Vienna” according to the U.S. Embassy in Prague, yet compared unfavorably with the American exhibition.¹⁹ According to Margaret Lynne Ausfeld’s history of *Advancing American Art*, the Czech newspaper *Lidova Demokracie* commented, “The [Soviet] exhibition is above all an event of political significance the exhibited works are more remarkable for their physical size than for artistic value.”²⁰

IV.

However, in the same month *Advancing American Art* moved to Paris, the American Artists Professional League (AAPL) made an official complaint about the exhibition to then Secretary of State James F. Byrnes, on the grounds that it was, “strongly marked with the radicalism of the new trends of European art. This is not indigenous to our soil.”²¹

At the same time, a counter reaction against *Advancing American Art* was taking place in the popular press. The various media outlets of William Randolph Hearst, a Republican and avowedly anti-communist, conducted a campaign against *Advancing American Art*, placing full-page articles decrying State Department support, and deriding modern art in general and *Advancing American Art* in particular.²² As the exhibition moved to Prague, and the Republican Party made sweeping gains in mid-term elections, Republican senators spoke out about the exhibition. Senator George A. Dondero went so far as to say that “all modern art is communistic”²³; that “Leger and Duchamp are now in the United States to aid in the destruction of standards and our traditions”;²⁴ that American museums have been “infiltrated by a cultural fifth column”;²⁵ and that modern art was “communism under the guise of cultural

19. KRENN, *supra* note 9, at 35.

20. Ausfeld, *supra* note 1, at 17.

21. Ausfeld, *supra* note 1, at 17; BARNHISEL, *supra* note 13, at 61; KRENN, *supra* note 9, at 36.

22. Ausfeld, *supra* note 1, at 19. Reproduction of these notices can be found in *ADVANCING AMERICAN ART: POLITICS AND AESTHETICS IN THE STATE DEPARTMENT EXHIBITION, 1946-1948*. Ausfeld, *supra* note 1, at 18, 21, 22.

23. FRANCES STONOR SAUNDERS: *THE CULTURAL COLD WAR; THE CIA AND THE WORLD OF ARTS AND LETTERS* 253 (The New Press 2000) (1999).

24. BARNHISEL, *supra* note 13, at 62.

25. KRENN, *supra* note 9, at 98–99. One wonders what the artist Karl Zerbe thought of this. After all, he had heard it all before: *Kulturbolschewismus!* Zerbe had a painting, *Clown and Ass*, included in *Advancing American Art*. *ADVANCING AMERICAN ART: POLITICS AND AESTHETICS IN THE STATE DEPARTMENT EXHIBITION*, *supra* note 1, at 82. He also had his work *Herbstgarten* (1929) shown in the *Degenerate Art [Entartete Kunst]* Exhibition in Munich in 1937. *Karl Zerbe*, WEIMAR (Jun. 26, 2010), <http://weimarart.blogspot.com/2010/06/karl-zerbe.html>. First it was taken from the National-Galerie in Berlin and confiscated by the Nazis, and immediately after its

freedom.”²⁶ Dondero would go on to receive a ‘gold medal’ from the AAPL in 1957 “for his congressional exposure of Communism in art.”²⁷

Such was the scorn and disapprobation with which *Advancing American Art* was met in Congress and in the popular press that in May 1947 a decision was taken by Secretary of State Marshall to close the exhibition down, curtailing its tour. On 5 May Congress voted to cut off funds for the arts program.²⁸ In turn, demonstrations took place in the U.S. protesting the forced closure of *Advancing American Art*, and leading cultural institutions rejected the premises of the argument for shutting down the show.²⁹ To no avail; on 11 June Secretary Marshall officially ordered that the works in *Advancing American Art* be returned to the U.S. The ‘art specialist’ position in the State Department held by Davidson, the exhibition’s curator, was abolished. In late 1947 it was ordered that the works of art be sold off, and in the meantime stored.

That same year, 1947, would see the setting up of the Central Intelligence Agency (CIA), including the Propaganda Assets Inventory, and the National Security Council (NSC) which, in a series of secret directives, stressed the need to counteract “Soviet-inspired activities” with “covert psychological operations.”³⁰ In January 1948, a major bill, the Smith–Mundt Act, was enacted with the objective of funding overseas cultural activities, knowledge exchange, and “interchange of developments in the field of education, the arts, and sciences.”³¹ However, the emphasis was on doing so “to the maximum extent practicable” through *private* agencies, “including existing American press, publishing, radio, motion picture, and other agencies, through contractual arrangements or otherwise.”³²

In February 1948, less than one year after the opening of *Advancing American Art* in Prague, the Czech *coup d'état* took place, in which the Soviet-backed Communist Party assumed control of the country; and a few days after that, in March 1948, Jan Masaryk, the Foreign Minister who had welcomed

showing in *Degenerate Art* it was destroyed, by which time Zerbe had already fled Nazi Germany for the United States. WEIMAR, *supra*.

26. KRENN, *supra* note 9, at 99.

27. SAUNDERS, *supra* note 23, at 453 n.1.

28. CAROLINE LEVINE, PROVOKING DEMOCRACY: WHY WE NEED THE ARTS 88 (2007).

29. BARNHISEL, *supra* note 13, at 64–65.

30. Memorandum from the Exec. Sec’y to the Members of the Nat’l Sec. Council (Dec. 9, 1947), <https://www.fas.org/irp/offdocs/nsc-hst/nsc-4.htm>; SAUNDERS, *supra* note 23, at 39.

31. U.S. Information and Educational Exchange (Smith-Mundt) Act of 1948, 22 U.S.C. § 1431(2) (2012) (repealed 1961).

32. 22 U.S.C. § 1437.

Advancing American Art to Prague, was found dead under suspicious circumstances, and later declared to have been unlawfully killed.³³

In May 1948, 117 paintings from *Advancing American Art* were once again placed on show in New York City, this time at the Whitney Museum for American Art, as a prelude to their disposal by auction through the War Assets Administration. In June 1948, all the works from the *Advancing American Art* exhibition were auctioned off, very many at a massive discount on their market worth.³⁴

V.

Advancing American Art arrived in Eastern Europe, at the eastern-most borders of democracy, at a most propitious but fragile and precarious moment, the all-too brief chance and risk of democracy between war and cold war peace. For a while it increased the chances of democracy in a country which would, a little under a year, later embrace and be embraced by the external borders of state communism, resulting in what Étienne Balibar, in his paper on the ‘export’ of communism by Europe (and the “very idea of Europe” directly depends on the place of communism in the history of political thought for Balibar), calls, “the institution of impassable borders ... a society of closure

33. ADVANCING AMERICAN ART: POLITICS AND AESTHETICS IN THE STATE DEPARTMENT EXHIBITION, 1946-1948, *supra* note 1, at 86; Pavla Horáková, *Anniversary of Communist Takeover in February 1948*, RADIO PRAHA (Feb. 26, 2002), <http://www.radio.cz/en/section/curraffrs/anniversary-of-communist-takeover-in-february-1948>; Rob Cameron, *Police Close Case on 1948 Death of Jan Masaryk - Murder, not Suicide*, RADIO PRAHA (Jan. 1, 2004), <http://www.radio.cz/en/section/curraffrs/police-close-case-on-1948-death-of-jan-masaryk-murder-not-suicide>.

34. ADVANCING AMERICAN ART: POLITICS AND AESTHETICS IN THE STATE DEPARTMENT EXHIBITION, 1946-1948, *supra* note 1, at 89. Shortly after these events, an even greater entwinement of U.S. foreign policy and private patronage of the arts ensued. In 1950 the CIA’s International Organizations Division (IOD) of its Office of Policy Coordination was set up under Tom Braden, who was executive secretary of the Museum of Modern Art (MoMA) in New York in 1949. *See generally* SAUNDERS, *supra* note 23, at 95, 97. Also in 1950, the Congress for Cultural Freedom (CCF) was established, covertly funded by secret CIA funds through the Farfield Foundation; the CCF contracted MoMA to organize and curate CCF-sponsored exhibitions. *See generally* SAUNDERS, *supra* note 23, at 81–82, 86, 88, 134–38. At the time, Nelson Rockefeller was president of MoMA. SAUNDERS, *supra* note 23, at 257. Ten years earlier, Rockefeller was appointed by President Roosevelt to the new position of Coordinator of Inter-American Affairs (CIAA) in the Office of the Coordinator of Inter-American Affairs (OCIAA). SAUNDERS, *supra* note 23, at 260. William Paley, president of CBS broadcasting and a founding father of the CIA, and Julius Fleischmann, president of the CIA’s Farfield Foundation, both sat on the board of MoMA’s International Program. *See generally* SAUNDERS, *supra* note 23, at 262–63, 273. John Hay Whitney, who had served in the CIA’s wartime predecessor, the Office of Strategic Services (OSS), succeeded Rockefeller as chairman of MoMA. SAUNDERS, *supra* note 23, at 261. For a comprehensive history of this time, *see generally* HIDDEN HANDS: A DIFFERENT HISTORY OF MODERNISM (Fulmar Television & Film, 1995).

and fetishism of boundaries, a society of border guards.”³⁵(Whereas Europe “is no longer able to exist as a closed unity,” says Balibar, precisely because it has exported communism).

Consider for a moment how and why *Advancing American Art* arrived at that border. It was delivered first to, and sent on from, the inaugural General Conference of UNESCO in Paris in 1946. Set up immediately after the Second World War, UNESCO was before anything else, committed to the importance of culture in establishing and promoting peace.³⁶ It was a successor to the International Committee on Intellectual Cooperation – a laudable body which was comprised of philosophers and scientists, as well as great artists.³⁷ It understood its purpose to be to open up those countries which had become, or had been until recently, anti-democratic to the culture of those countries which were democratic; or in other words to open up such countries to the culture of democracy.³⁸ As was affirmed at the time by Julian Huxley, UNESCO’s first Director-General, the culture of democracy is premised on the equality of the individual with the state.³⁹ The export and translation of the culture of democracy was a fundamental aim of UNESCO from its inception. At its first

35. ÉTIENNE BALIBAR, *WE THE PEOPLE OF EUROPE: REFLECTIONS ON TRANSNATIONAL CITIZENSHIP* 87–88 (James Swenson trans., Princeton University Press 2004) (2001).

36. *Introducing UNESCO*, UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION, <http://en.unesco.org/about-us/introducing-unesco> (last visited Mar. 7, 2016).

37. *International Committee on Intellectual Cooperation*, UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION, <http://atom.archives.unesco.org/international-committee-on-intellectual-cooperation> (last updated May 11, 2011).

38. *Democracy*, UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION, <http://www.unesco.org/new/en/social-and-human-sciences/themes/democracy/> (last visited Mar. 7, 2016). It is often assumed, not least by UNESCO itself, that UNESCO is founded on democratic principles. For instance, in a text detailing UNESCO’s purpose and philosophy, a document placing great emphasis on its commitment to the “democratic principle of the dignity of men,” Julian Huxley, the first Director-General, states that “by its Constitution UNESCO is committed” to democratic principles. JULIAN HUXLEY, *UNESCO: ITS PURPOSE AND ITS PHILOSOPHY* 16 (1946). However, UNESCO’s Constitution does not state this explicitly. Democratic principles are not cited as being those upon which UNESCO is founded. UNESCO’s Constitution states that it was set up in response to a war “made possible” by the *denial* of these principles. *Constitution of the United Nations Educational, Scientific and Cultural Organization*, in *UNESCO, BASIC TEXTS* 5 (2014) (highlighting the only mention of democracy, and its principles, in the UNESCO Constitution) (“The Governments of the States Parties to this Constitution on behalf of their peoples declare: . . . That the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races.”).

39. HUXLEY, *supra* note 38, at 7 (“Nor, with its stress on democracy and the principles of human dignity, equality and mutual respect, can it adopt the view that the State is a higher or more important end than the individual . . .”).

Executive Board meeting in Paris in November 1946, among a handful of non-technical and administrative matters discussed was this:

Item 8, (c), Ex-enemy countries

The Board requested the Director-General to present a report at the next session on the opening-up of ex-enemy countries to the educational and cultural influences of democratic countries.⁴⁰

Advancing American Art advanced modern American art, the exhibition was of advanced American art. The exhibition arrived in Eastern Europe, specifically those countries bordering the Soviet Union, at the border of democracy, bearing conferral of full democratic legitimacy by UNESCO, with the aim of opening up a state, or rather preventing its closure, through the culture of democracy. It was a gesture of democratic solidarity towards a country in which democracy had only recently been re-established, and which was perceived by the U.S. to be particularly susceptible to communism. Yet the exhibition was closed down because it was 'seen' to be anti-democratic by the populace in whose name it was sent, and who had for the most part, of course, not *seen* the art at all, but had read about it from or heard it caricatured by representatives, unelected as well as elected, of the democratic process: newspapers and senators. A year later it could be said that Czechoslovakia, with the Czech coup by the communist party and the adoption of state communism, had taken its first step on the road toward becoming for the U.S. an "enemy" country.

VI.

On the one hand, then, *Advancing American Art* was lauded by the state for its being an expression of the democratic ideal of freedom, and on the other it was castigated by the state for being anti-democratic. An artist could practice the virtues of individual freedom, and at the same time be attacked for being subversive of it. The paintings were critically praised abroad for being advanced aesthetically, but because they were advanced abroad as American they were attacked at 'home' for being advanced in the aesthetic sense. What makes possible these seemingly paradoxical interpretations of one and the same artistic practice? It is something about democracy, and brings us to the question we seek to unfold here: in what way can it be said that democracy translates across borders.

Following the shutting down of *Advancing American Art*, the protests against the notion that modernist art was 'anti-democratic' intensified. A statement jointly-authored by officials at the Museum of Modern Art, the Whitney Museum of American Art, and Boston's Institute of Contemporary Arts in 1950 states, "We reject the assumption that art which is aesthetically an

40. UNESCO Res. 8(c), 1st Sess., (Nov. 26–Dec. 10, 1946).

innovation must somehow be socially or politically subversive, and therefore un-American.”⁴¹

Robert Goldwater, editor of the AFA’s *Magazine of Art*, argued that “modern art is in [no] way subversive of democracy but [is] rather an expression of its freedom, and we believe that the Communists’ objection to it supports our position.”⁴²

These arguments proved to be influential in how the state came to alter the understanding of its role in relation to art and the way in which art embodied the freedom of the individual and, therefore, carried out a certain kind of work for the state in translating democracy.⁴³ In an interview given in 1994 articulating this change, and referring to the events after the closing down of *Advancing American Art*, through to the success of the *American National Exhibition* in Moscow in 1959, Tom Braden, who headed up the CIA’s first covert operations division in 1950, explained why the U.S. government felt it important to promote U.S. culture as an expression of individual freedom:

We wanted to unite all the people who were artists, who were writers, who were musicians, and all the people who follow those people, to demonstrate that the West and the United States was devoted to freedom of expression and to intellectual achievement, without any rigid barriers as to *what you must write* and *what you must say* and *what you must do* and *what you must paint* [Braden’s emphasis], which was what was going on in the Soviet Union.⁴⁴

Braden’s political sympathies were on the Democratic left. In order to promote freedom of individual expression, he was obliged to resist the likes of Senator Dondero on the Republican right. Not by debate in the chamber, but rather by undermining the popular mandate and the power of the populist vote, in short detaching *kratos* from the *demos* with which Dondero was able to seek to enforce his beliefs. Or in other words, a non-elected civil servant, through the use of illicit power, subverted the democratic process by which politician

41. BARNHISEL, *supra* note 13, at 65.

42. BARNHISEL, *supra* note 13, at 65.

43. BARNHISEL, *supra* note 13, at 66. Two touring exhibitions in the late 1950s proved to be pivotally important in establishing American abstract expressionist art at the forefront of artistic practice, at a time when a good many abstract expressionist artists were avowedly on the left: in 1958 *New American Painting* at the Tate Gallery, London; and in 1959 the *American National Exhibition* in Moscow. BARNHISEL, *supra* note 13, at 86. *New American Painting* was ostensibly sponsored by Julius Fleischmann as a private individual, but in fact Fleischmann was president of Farfield Foundation, a secret conduit of CIA funds. BARNHISEL, *supra* note 13, at 155. The 1959 exhibition was the first to be organized by the Embassy of the United States in Moscow, but could only go ahead after President Eisenhower intervened to overrule the House Committee on Un-American Activities (HUAC), when it alleged that more than half the artists featured had been involved in Communist organizations. BARNHISEL, *supra* note 13, at 87.

44. SAUNDERS, *supra* note 23, at 98.

Dondero found himself in a position to attempt to censor artists and incriminate them for their supposed political views.

Frances Stonor Saunders, who carried out the interview in which Braden makes his remarks, calls this the “sublime paradox of American strategy in the cultural Cold War,” and puts it very well when she avers that, “in order to promote an acceptance of art produced in (and vaunted as the expression of) democracy, the democratic process itself had to be circumvented.”⁴⁵ Or as Caroline Levine puts it, “the greatest obstacle to the making of an art that could glorify democracy was democracy itself.”⁴⁶

The paradox is perfectly well understood by Braden: “In order to encourage openness, we had to be secret.” If the CIA’s operations had been open and not secret, overt and not covert, then in a democratic society they would have been open to scrutiny and to testing by the vote. Braden was only too aware that to subject those operations to such a test would have meant that they would never have been allowed to be carried out. Referring to the attacks of Dondero that we have outlined above, Braden states:

He [Dondero] put up a heck of a fight about painting, and he made it very difficult to get Congress to go along with some of the things we wanted to do – send art abroad, send symphonies abroad, publish magazines abroad, whatever. That’s one of the reasons why it had to be done covertly; it had to be covert because it would have been turned down if it had been put to a vote in a democracy. In order to encourage openness we had to be secret.⁴⁷

However, what we are talking about here is more than the “paradox of American strategy” (Saunders), or a “diplomatic strategy . . . deliberately paradoxical” (Levine). Adumbrated here is the very *paradox of democracy*: the necessity of using anti-democratic powers to protect democracy from what democracy makes possible: anti-democratic powers. It is what Jacques Derrida calls “the *double bind* of threat and chance” intrinsic to the idea of democracy.⁴⁸ The double bind is not just the chance of a transformation for the better, but the fragility of a threat of the very worst. Democracy is constantly open to a threat against it which it itself makes possible.

VII.

If it is granted that freedom of the individual is an irreducible principle of democracy, if it is, and that freedom is the right of a citizen of a democratic country, and surely the U.S. is exemplary in this respect – then what Senator Dondero was calling for is a curtailing of that right, in the name of democracy.

45. See SAUNDERS, *supra* note 23, at 257.

46. LEVINE, *supra* note 28, at 89.

47. See SAUNDERS, *supra* note 23, at 257.

48. JACQUES DERRIDA, *ROGUES: TWO ESSAYS ON REASON* 82 (Pascale-Anne Brault & Michael Naas trans., Stanford University Press 2005) (2003).

Dondero and his ilk saw the communistic threat to be such that it would end democracy; and in order to forestall that threat they sought to deny citizens their democratic rights by invoking a 'power of the people'. Braden, no less committed to the value of freedom of the individual, saw populism to be a threat to democracy, and in order to forestall that threat and minimize it he used state power to undercut the democratic process. The conjunction of these two underminings of democracy is no less than the play of power that is intrinsic to the force of democracy. The force of democracy is such that no one power will overcome it. This is not to say that the force of democracy is something which it possesses and which it can utilize to put a stop to the powers that would undermine it. It is to say that the force of democracy emerges in the differential play and conflict of these powers.

On his side, Dondero had what he would call the popular vote, the voice of the people, with which to curtail the rights of certain individuals, call them artists – and there is something tautologous about the idea that an individual may be a certain individual – in favor of the people [*demos*]. Braden aggregated to his side the state and its power [*kratos*]. With this power, he set a limit to the sovereignty of the people. We might say that this is a border internal to democracy, a forever contested border, a basic conflict at the heart of working democracy: popular sovereignty against the liberty of the individual. The state protects the latter whilst answering to the former. However, 'answering' is not the same as 'conceding'. That either 'the people' or 'the state' must become anti-democratic in order to protect democracy against the other is a constitutive paradox of democracy.

The play and conflict of these powers is constant and irreducible in a democratic society, and is forever shifting according to the specificity of the situation. We might say that politics is the negotiation of the play where, if the field of play is level, that is democratic, the 'least worse' is favored. In the case we have been following, the least worse would be what? It would be the keeping open of a possibility of democracy, where the possibility is either something better than we have currently, where the better cannot be prefigured; or it is better than what is feared, and where the feared is all too easily prefigured to the extent that it is over-determined, and the better becomes the present state of affairs. Non-democracies are closed off from the former possibility, for what cannot be prefigured is other than what there is. It is to the other that non-democracies are closed. Anti-democracies are orientated to the same, to homogeneity, to the calculable, to the 'better we know.' A present state of affairs remaining closed off from the promise of something better is a stasis becoming the worse. In order to give the better a chance, a risk must be taken, a risk of opening up the present to what it does not know.

Braden wagered on the side of art, and on the power of art to work open a space in which the better might be given a chance. Art is a keeping open of the

world in terms of its possibilities. Braden's position affirms sending the 'advanced,' Dondero's the 'popular'. Both reveal an understanding of equality. Braden's presupposes equality, Dondero's aims for it. Braden's is committed to the view that sending 'advanced' art to other cultures, especially non-democratic ones, is proof that the U.S. presumes those cultures to be America's equals.⁴⁹ Dondero is committed to the view that the only culture that can be shared equally is popular culture. Braden welcomed the opening up of debate, something which is only possible through the provocation of art, Dondero its closing down, by supposing that debate can only be won by experts and elites. Both sees the other's position as a threat to democracy, and both will go as far as invoking anti-democratic measures in order to 'protect' and 'preserve' democracy from that threat.

In a fundamental sense, then, democracy calls for the anti-democratic gesture. If we agree with Derrida, when he says of democracy that it is "the only system, the only constitutional paradigm, in which, in principle, one has or assumes the right to criticize everything publicly,"⁵⁰ then democracy itself must be included in that which can be put into question: the idea of democracy, its concept, its history, and its name. Including the idea of the constitutional paradigm and the absolute authority of the law.

It is as if democracy is not democracy until it has opened itself to the possibility of its own negation, in favor of a transformation into another democracy, what Derrida calls a "democracy to come."⁵¹ This is what Derrida means by 'the double bind' of the threat to democracy being the chance for democracy, "its chance and its fragility."⁵²

VIII.

The power of democracy is also its weakness. The power of the people can lead to a weakening and even negation of democracy. The example of *Advancing American Art* would suggest that art is strong enough to weaken democracy. Dondero was clearly convinced that art is powerful enough to disorder society to the extent that society's 'democratic values' are lost, forgotten or even destroyed. And in benefitting from the democratic process to gain a popular mandate he would put a stop to such art. Or in other words, he

49. Compare the reception of 'avant-garde' music in the U.S. government-sponsored programs toured to Eastern Europe, Africa, and the Middle East in the 1960s: "State Department officials thought it wise to send only popular music but also Chamber music to Africa because 'it would prove to them that we consider them our cultural equals.'" Danielle Fosler-Lussier, *American Cultural Diplomacy and the Mediation of Avant-Garde Music*, in *SOUND COMMITMENTS: AVANT-GARDE MUSIC AND THE SIXTIES* 232, 241 (Robert Adlington ed., 2009).

50. See DERRIDA, *supra* note 48, at 87.

51. DERRIDA, *supra* note 48, at 82.

52. DERRIDA, *supra* note 48, at 87.

would put a stop to freedom of speech, freedom of the individual, the plurality of voices, the voicing of the unpopular, and the discomfiting demands of the articulate minority. In short, he would have no respect for democracy, for the condition of what makes his power, not his own power but the power of democratic office, possible.

What is it that the state in the guise of its Donderos *sees* in the art of *Advancing American Art* when it calls for a ban on it? It sees representational space disfigured. However, the paintings in *Advancing American Art* de-figure representation, they displace the figure from representation. The de-figuring of representation opens up a space into which the one denied a place in representation can project herself, or in which she sees her own invisibility or in which her visibility is not being recognized. State power sees a defective or non-functioning public sphere, either because of the displacement of the figure within it, or because the representational definition of that sphere, in terms of the complimentary aesthetic values of harmony, balance, and proportion governing how to understand the space representing it, has been breached.

When one hears talk of ‘values’ being represented in painting what does one *see*? Practices of morality, desired outcomes of freedom, achievements of the individual, the working of the collective – all of which, separately and together, must fit the frame of representation. Even in their disagreement these values must fit into that space; indeed without representation, without a space unified by the proper place of the figure as such, there could not be disagreement between them. Because it is on the body of the figure that their difference is measured. De-figuring that body reveals the powers acting on it, and the forces of which it is capable in resisting those powers. Should that space be shown to be dis-unified or incoherent, should that space be distorted by the presence of a figure that does not fit, then those values are unable properly to be represented, they have lost their allotted place in the order of the world. It is not about this or that political content, it is not whether what is represented is popular or advanced, it is about the condition of representation as such, the condition of possibility of there being content at all.

Democracy too needs representational space. After all, it is the space of the election of representatives of the people. In de-figuring that space, art can de-figure democracy. To this extent Dondero is right. However, art can also assist democracy in the chance given by the threat that it, democracy, makes possible. Art can both put democracy into question, and provide a glimpse of the democracy possible through the transformative effect of responding to that threat. Art can withdraw something from democracy’s representationalism. It can grant a space necessary in order not to be simply closed in by democracy. In order to pose questions about democracy something must be withdrawn from it. Democracy is the most open political paradigm, but in order for it to be the most open it must wager on a withdrawal from it from within itself. Something of its openness must be withdrawn and opened elsewhere. Art

withdraws from democracy just such a space allowing us to question democracy. That space of art is itself democratic. Its democraticness is not co-extensive with the democracy it is drawn from, but it is inseparable from it.

IX.

Let us for a moment consider a practice of aesthetics which has a bearing on the present discussion inasmuch as it reveals another understanding of art by the state: the communist state. Beginning in the 1960s, in response to the increased repression of their citizens exercised by the regimes of Warsaw Pact countries, the aesthetic became the field in which, in communist Eastern and Central Europe, a democratic individualism was most visible. Despite this, governmental authorities tolerated it and, to an extent, even encouraged it. It has been termed “resistance through aesthetics,”⁵³ and can be situated between an act of resistance to the state through an individualistic political practice of aesthetic living, and a concession to the state in its lack of explicit address to the political in aesthetic works.⁵⁴

Letitia Guran characterizes it as a means by which to “survive and/or resist communism by cultivating cultural and aesthetic values as a *modus vivendi*,” which she names “*aesthetics* ... [an] “ethics of culture, which in some of these cultures became an ethics of existence.”⁵⁵ Martin Mircea argues that this aesthetics became “an implicit pan-aestheticism... tacitly installed over culture as a whole,” “supra-ordinary” because it did not face any resistance, despite, and one might say in virtue of, “annexing the intellectual debate as a whole.”⁵⁶ To give an account of its ambiguity under the rule of Ceaușescu in Communist Romania:

53. See generally Sorin Antohi, *Commuting to Castalia: Noica's 'School,' Culture and Power in Communist Romania*, in GABRIEL LIICEANU, *THE PĂLTINIȘ DIARY: A PAIDEIC MODEL IN HUMANIST CULTURE*, vii–xxiv (James Christian Brown trans., Central European University Press 2000) (1983). Resistance through aesthetics is developed through the theory of ‘resistance through culture’ put forward by Constantin Noica and the ‘Păltiniș School’ he founded during Communism under the rule of Ceaușescu. *Id.* However, it should be noted that subsequent revelations contained in his *Securitate* files raise questions regarding Noica’s resistance. See the secret police files on Noica published in CONSTANTIN NOICA IN ARHIVA SECURITĂȚII (Dura Mezdrea, ed., Bucharest: Humanitas 2009). See generally LIICEANU, *supra*, at xxv–xxii.

54. See generally Irina Culic, *The Strategies of Intellectuals: Romania under Communist Rule in Comparative Perspective*, in *INTELLECTUALS AND POLITICS IN CENTRAL EUROPE* 43, 53–59 (András Bozóki ed., 1999) (including additional explanation of resistance through aesthetics and referring the reader to the analysis by Katherine Verdery, *Compromis i rezistellii. Cultura romana sub Ceauescu* [Compromise and resistance: Romanian culture under Ceauescu] (Bucharest: Humanitas, 1994)).

55. Letitia Guran, *Aesthetics: A Modus Vivendi in Eastern Europe?*, in *IN MARX’S SHADOW: KNOWLEDGE, POWER, AND INTELLECTUALS IN EASTERN EUROPE AND RUSSIA* 53, 53, 55 (Costica Bradatan & Serguei Alex Oushakine eds., 2010).

56. *Id.* at 66.

The aesthetic canon functioned as a relative counter-ideological power, as a tolerated, controlled alternative, and, in any case, as a replacement of the total freedom of expression ... This aesthetic survived mainly due to its ambiguous status with respect to the guidelines of the Party, due to the writers' compliance with the rules of the game, and, moreover, due to the protection coming directly from the people of the Party. This ambiguous status was the source of a certain social prestige of the aesthetic, which the communist system tried to use in its own interest, while also controlling it.⁵⁷

The argument for “aesthetics” being an act of resistance, in this case, rests on the claim that it creates a hidden space of dialogue within systems of repression, immunized from them by a willing suspension of overt political action. Its theorists, Constantin Noica and Gabriel Liiceanu – the ‘Păltiniș School’ – contend that its veracity lies not in the difference it might make in any present system of repression, for instance by taking part in ongoing historical events, but in its participation in something which exceeds that system, namely the history of culture.⁵⁸ It is as if suspension from political action understood in terms of exercising democratic rights grants entry into a democracy to come in which works produced in yet kept from the present moment are only then accorded their rightful place. It is as if the aesthetic of the Păltiniș School reserves the right *not* to say anything in the present moment as a way of saying something addressed to a people to come made free by this un-free inheritance. Can we grant that this not-saying is rather a saying under the condition of the impossibility of saying anything freely? Can the condition of the impossibility of free speech become the condition of possibility of another kind of aesthetic space?

On the one hand, the suspension of the political is impossible where the political has been voided by the state. On the other, if suspension of the political can be achieved in the field of art displaced onto the everyday, then the aesthetic becomes an appropriation not of the space of politics, but of the act of its negation. The negation is then lived out positively in terms of an apolitical and politically powerless discourse among individuals made free by their separation from the political. To critique it as a “symptom of a less than heroic mentality,” as Guran does, is to presuppose that political resistance is otherwise possible in a field of action in which the space of politics as such has been negated.⁵⁹ The Păltiniș gesture reinstates an apolitical aesthetic as a symptom of a world in which the political has been voided. If the participants in this aesthetic field acted under the condition of the privation of the political,

57. *Id.* at 59.

58. *Id.* at 67.

59. *Id.* at 69.

could they nonetheless be said to have reinstated democracy through the freedom with which they acted?⁶⁰

If the state could tolerate such aesthetics of living, it is because it understood the politics of art representationally, that is in terms of explicit political content. Under the condition of the rule of representation, a form of art in the guise of an apolitical everyday could not possibly be seen to be either political, or an act of resistance. It would be perceived by the state in the same way that the state sees every other expression of its people, as *demos* lacking *kratos*, without power. But for artists or thinkers to enact democracy under the condition of the privation of power, as a democratic individualism, is a practice displacing the internal border of democracy, the border between *demos* and *kratos*, in a manner which is invisible to the communist state, because the state configures public space as nothing but publicly visible, and immediately representable in its completeness. Thus is the same presupposition shared by Dondero and his enemies.

X.

Another way of thinking the paradox of democracy is given us by Jacques Rancière, and it is one that is both consonant and dissonant with Derrida's. For Rancière, in his recent book *Dissensus*, the institution of democracy appears to answer the question of what it is that grounds the power of rule, but the answer it provides is that there is no ground at all.⁶¹ Democracy is not a form of government, it is a political supplement. It is the political which is supplementary to any particular form that a group of people qualified to govern might take, that which is superadded to whatever would qualify any one group of persons to govern. However, in being so added it at once both legitimizes and de-legitimizes any one set of people. For what is added is the will of the people. And government by the people for the people will lead to the disruption of the principles and procedures of whatever qualifies persons to govern. The will of the people will always be in excess of any political activity in one of two ways – self-governance is utopian, and individual desire is anarchic. Good governance will always require the reduction of this double excess of the will. Rancière summarizes this double bind of the democratic paradox thus, “Democracy as a form of government is threatened by democracy as a form of social and political life and so the former must repress the latter.”⁶²

60. In private correspondence about the present essay, Guran argues that the resistance of the Păltiniș School was “more than an act of personal salvation,” in that it sought to preserve democratic values.

61. JACQUES RANCIÈRE, *DISSENSUS: ON POLITICS AND AESTHETICS* 50 (Steven Corcoran ed. & trans., 2010).

62. *Id.* at 47.

Democracy is, in fact, neither of these for Rancière. Rather, democracy is the “institution of politics as such.”⁶³ It is the supplement which makes power political, the inner difference that both legitimizes and de-legitimizes state institutions and practices of ruling.⁶⁴

The power of the people founds any rule, and at the same time withdraws its foundations. Democracy then is always vanishing, and forever in need of being retrieved.

We can see then that both Derrida’s and Rancière’s accounts of democracy construe democracy as a paradox, where democracy is something like both the condition of possibility and impossibility of politics, where democracy both calls for and defers the rule of law. The difference between them is this: for Derrida, to be democratic means to act in the recognition that we never live in a (sufficiently) democratic society.⁶⁵ Rancière’s worry would be that this translates into an ethical task rather than a political one.

This helps us understand the problem we are faced with, above, when considering the “resistance through aesthetics” of the Păltiniș School; rather than a political resistance, their actions could be seen to reduce to an ethical choice, a private action measured against a transcendental horizon, at the expense of a visible action “here,” “now”; or a confusion of the political with the social, where there is nothing future at stake beyond a concern merely with the one’s immediate desires. The counter-argument to that would contend that the democratic individualism of retreating from the political sphere is invisible only to the authorities for whom representational space is the sole field of visibility; and that the gesture of such withdrawal keeps from the state something about its regime that enables the artist to democratize a space within it in order that it be put into question.

Both Rancière and Derrida would agree on this aspect of the logic of democracy: that it consists in displacing the borders of the political, both the borders of its practice, and the borders of the concept. The practice of democracy is the putting into question where the borders of democracy lie, in the name of someone or something – a minority in the throes of articulating itself to democracy – calling for its democratic rights, demanding the power [*kratos*] to participate in the people [*demos*] when it has no basis upon which to ground that demand or power to do so, beyond the force of democracy; or in the name of someone or something – an artist resisting the power of democracy, whether that be the power of the people or the power of the state – proposing another possibility of *kratos* in which a hitherto unseen *demos* becomes felt.

63. *Id.* at 50.

64. *Id.* at 53–54.

65. JACQUES DERRIDA, PAPER MACHINE 140 (Rachel Bowlby trans., Stanford University Press 2005) (2001).

If Rancière is right and democracy is the name for politics, then that name means movement across borders, for there would be no politics without confrontation at the borders of the self and its freedom, without the encounter of the sovereignty of a people with the rights of an individual. Those borders take place *in* democracy, and this is the supplement that the aesthetic is for democracy, for it is with the practice of art that spaces otherwise invisible within democracy can be visibilised and opened up as possibilities for those who have yet to come to democracy. By visibilised I mean bring about a space other than representational space. Art assists us in understanding that the contestation over the meaning of the word democracy – which contestation takes place as the putting into practice of that meaning in such a way that it stands as a challenge to the fixity of the borders of democracy – is endless, and the meaning arrived endlessly perfectible, and never final.

Art is always at odds with democracy, with any present democratic system, not just because it calls for the perfecting of whatever form of democracy prevails – democracy *itself* does this, it is its force – but because it is the outside of democracy in democracy, calling for the breaking through of the borders of democracy, precisely in the manner politicians have always stumbled upon. What politicians find intolerable about art is not its strength to effect change in any political system, but its weakness, its uselessness with respect to the exigency of political action. The force of art is precisely the showing that weakness is strength, that the weak become strong in the equality of democracy, because its powerlessness can resist strength. What art can do in its democratic spaces is perform how the weak can attain strength from possibilities hitherto denied them, for instance the possibility of gaining that which they anyway have: equality.

When the AAPL sought to censor art “not indigenous to our soil,”⁶⁶ they wanted to root power to soil, or presumed that power is so rooted, to the soil of *America*, and to make of that soil the ground of art and of what art makes possible – and impossible. As if democracy can be territorialized, the other side of the question we are rehearsing here, whether and if so how democracy can be translated, or carried (or spoken [*phrasis*]), over the border to somewhere other than here, other than from where one begins or from where one speaks. My answer to this is that there would not be democracy ‘here’ had it not already translated ‘there’; or, to put it another way, there is no democracy here until it has been returned by the other by whom it has been translated, whether that ‘other’ be on the other side of a geographical or geo-political border, or the other side of a border of democracy internal to democracy.⁶⁷

66. Ausfeld, *supra* note 1, at 17; BARNHISEL, *supra* note 13, at 61; KRENN, *supra* note 9, at 36.

67. Is this to say that there is no democracy in the U.S. unless and until it has been translated elsewhere – say, for instance, in Iraq? In a specific sense yes it is to say this. There was the

attempt to enforce democracy in Iraq, in what one might say was the name of democracy, but in at least arguably an anti-democratic way. But democracy enforced is not the same thing as the force of democracy. The force of democracy will emerge as a consequence of the play between the powers marshaled in the attempt to enforce democracy in Iraq, and the power expressed in the violent and powerful reactions against it and the ways in which certain parties and interests attempted to take advantage of the openings created by the invasion, no less by political opposition to it in the 'democratic west' than by religious resistance to it in the region. America will not have been the democracy that it is until it responds to itself, until the debate about its actions and the critical discussion of its reasons or other motivations has ensued: whether it was the right thing to invade Iraq or not, how it could have been done differently, in what way democracy could have been better served if more thought had been given to what happens after the success or otherwise of the invasion, and so on. Or in other words, not until it has engaged in democratic response to the question of whether it was democratic. America's on-going perfectibility as a democracy is contingent on whether and if so how that debate is conducted.