

Evaluation of the Commenting Procedure for the Central Recommendations of the Organizational Development

Prof. Dr. Joanna Ozga, Mira Bickert

Kassel, 2/5/2024

Summary:

The commenting process took place online between 12/21/2023 and 01/31/2024. During this period, 363 visits to the survey website were registered. Of these, 107 people started the survey, of whom 48 successfully completed the survey. This translates as a 45% response rate. In addition, four detailed comments were taken into account which were submitted directly to the Management during this period.

The comments on the Recommendations drawn up by METRUM primarily contain rather vague approval and very detailed additional or exclusive criticism.

The subordination of artistic logic to non-art-related criteria of politics, the public, or the economy is the central point of criticism and is associated with a threat to artistic freedom and the reputation of documenta as an international and independent art exhibition with great relevance in the contemporary art field. In this context, the Recommendations on the aim of achieving diversity in the Finding Committee and the introduction of Codes of Conduct drew particular criticism. Furthermore, concerns were voiced about the influence of the Supervisory Board and Management on the artistic and curatorial process and criticism was raised about installing a permanent representative of the Scientific Advisory Board ("Wissenschaftlicher Beirat"), elected by the federal government, on the Supervisory Board.

1. Table: Response Categories

Category	Number of Responses (to Recommendation 1)	Number of Responses (to Recommendation 2)	Number of Responses (to Recommendation 3)	Number of Responses (to Recommendation 4)	Number of Responses (to Recommendation 5)
Test	3	3	2	2	2
Approval	6	6	3	7	6
Approval with Reservations	8	4	3	0	0
Criticism	9	8	8	4	7
Other (just Questions, Suggestions)	1	2	2	1	3
Total	27	23	18	14	18

Notes

The quantities in the Table correspond to the number of comments made regarding the respective points in the online survey. In individual cases, comments on certain points actually related to other ones. These were assigned to their appropriate topic blocks for the Evaluation below so as to avoid confusion.

The quantities detailed here are not intended to suggest any quantitative ratios which might in any way be considered representative of the view of the general population or certain groups.

In addition to the comments in the online survey, four detailed written statements were included in the content analysis. In two cases, attribution of the comments to specific points was not made by respondents themselves but as an attempt in this Evaluation, thus their attribution is unclear.

2. Evaluation of Content

2.1 Retention of the Finding Committee with Adjustments

The first Recommendation drew either slight approval, basic approval with reserved criticism, or unadulterated and detailed criticism.

Approving comments primarily address the focus on diversity, welcoming the representation of diverse perspectives – also via “soft quotas” – and emphasizing the social responsibility of documenta and its public legitimacy in connection with this. In individual cases, even clearer provisions on requirements relating to the competence and political stance of the Finding Committee are called for.

Despite rejecting the idea of influencing the content, balanced comments concede the relevance of diversity in the Finding Committee with regard to the communicability of documenta, especially in dealing with politics and the media.

Commentators voicing approval with reservations, as well as those making unadulteratedly critical contributions, predominantly express concerns that the measures harbor the risk of non-art-related logics penetrating the artistic concept. In this regard, the appointment of the Finding Committee by the Management, the role of the Supervisory Board as a monitoring body, and the mandatory inclusion of diversity are cited as key factors.

From some commentators’ perspective, the selection of the Finding Committee by the Management and its appointment by the Supervisory Board as a supervisory body jeopardizes the independence and integrity of the Finding Committee and, prioritizing the political logic of PR considerations as well as economic considerations of the Management, and/or corporate consulting perspectives of METRUM represents a threat or restriction of artistic freedom. Fears are repeatedly voiced that, in the event of conflict, the selection of curators, artists, and stances places diversity considerations above questions of artistic value or curatorial competence and that this “censorship” jeopardizes the ability to connect with artistic developments and thus the reputation of documenta.

In particular, the perceived bolstering of the Management over the Artistic Direction is repeatedly criticized here. Placing the right to propose candidates for the Finding Committee solely with the Management is criticized here from various perspectives: While one commentator criticizes the proposed nomination procedure as a non-transparent selection according to unnamed criteria compared to the previous selection by experts from the art world saying this is precariously distancing itself from artistic logic, other commentators call for greater consideration of the Supervisory Board and Shareholders’ Assembly with a view to documenta’s social responsibility, which is not seen here as an obstacle to artistic-curatorial development. In this context, one commentator warns against unthinkingly equating the independence of the work of the Finding Committee with the independence of its appointment, which they say has always taken place in coordination with the Supervisory Board and the Shareholders’ Assembly; the role of the Management is thought to be overestimated in the Report.

In more succinctly formulated criticism along similar lines, the idea of “quota-based composition” of the Finding Committee is rejected as a politically motivated, non-art-related criterion. In this context, the focus on the representation of the Global South at documenta 15 is also criticized. In retrospect, this is partly seen as the cause of documenta 15 being regarded as anti-Semitic as a result of a lack of political reflexivity; the political goals of diversity and non-discrimination are thus seen as divergent or even contradictory in individual cases.

2.2 Development of Two Codes of Conduct for documenta und Museum Fridericianum gGmbH and the Artistic Direction

Reactions to the proposed Codes of Conduct also tend to be slightly approving or also/exclusively quite categorically critical. The assessments here appear to depend on how the relationship between art and other areas of society is perceived.

Commentators justify their approval above all by stating the relevance of a balance between social responsibility, for example to prevent discrimination in general or anti-Semitism, in particular, and artistic freedom. The Codes of Conduct are not seen as self-censorship and a restriction of artistic freedom – in some cases with explicit reference to the implied possibility of the Management distancing itself from exhibition content without influencing the artistic process itself. For one commentator, the Codes of Conduct do not go far enough; here making the suggestion that the Finding Committee should also be required to draw up a Code of Conduct.

Although balanced comments see potential for conflict between art and politics or the media, they either associate the Codes of Conduct with the hope that the exhibition design itself can be kept free of non-art-related considerations after detailed clarification of political issues; or they limit their approval to the Recommendations on dealing with politics and the media at the level of communication or to organizational and management aspects as opposed to actual influence on artistic and curatorial decisions. Alternative proposals to ensure the avoidance of discrimination on the one hand and artistic freedom on the other are either not to define the Codes of Conduct too broadly or to replace them with a written commitment by the curators to Germany's Constitution (without specifications in the sense of Codes of Conduct) or to understand them merely as an internal orientation aid instead of a public declaration of commitment.

In the criticism voiced, the relationship between artistic freedom and public or political discourse is usually seen as inherently conflictual and the idea of balancing both claims as "influence" without "restriction" is consequently described as illusory. Here, too, criticism is largely voiced regarding the perceived conflicts between the inner logic of art and the non-art-related relevances of politics, public discourse, and the Management of documenta gGmbH, which are seen as compromising the art's inner logic and thus threatening the social and artistic diversity as well as the reputation of documenta.

It is repeatedly and emphatically emphasized that transgressions of artistic freedom due to violations of the German Constitution can only be decided by the courts and that documenta, with the Codes of Conduct, is subjecting itself to self-censorship through much more narrowly defined private and corporate law regulations and thus also presuming to anticipate corresponding judicial demarcations according to its own interpretations or judgments of the press, politics, or public opinion. This is sometimes seen as a "Staatsräson" (or "reason of state") and an undermining of the judiciary from a democratic perspective. In this context, repeated reference is made to the legal assessment of former Constitutional Court Justice Papier (2023), who used legal analyses to prove that the artistic works at documenta 15, which were considered anti-Semitic, fell within the realm of artistic freedom. In this context, one commentator calls for an investigation into state and economic influences on documenta with regard to the restriction of artistic freedom.

In particular, the formulation "The special feature of the documenta exhibition is that the topic of the Code of Conduct should – quite deliberately – extend a little into the curatorial-artistic sphere." is repeatedly quoted here in critical terms. It is thought the option provided in the Recommendations for the Management to contextualize the art from a distance without intervening in exhibition content allows the Management "to potentially pose a threat" to the Artistic Direction and is therefore by no means suitable for guaranteeing the independence of the Artistic Direction.

Furthermore, other commentators see the Codes of Conduct, and in particular the corresponding definitions of anti-Semitism, as a perception going beyond human rights and as a German-centric particularity, which contradicts the international orientation of documenta. It is felt that the openness

to perspectives and codes of other cultures and social forms is thus undermined and Germany's historical context is set as the ethical standard. In individual cases, the danger of preferential treatment of certain groups perceived as particularly "worthy of protection" over other discriminated groups is also noted, which, they feel, contradicts the principle of equality (Art. 3 of Germany's Constitution) and thus indirectly the principle of human dignity.

On an artistic-aesthetic level, it is felt the Codes of Conduct also restrict the diversity of current and, in particular, potential contemporary artistic stances by limiting them to "aesthetics shaped by ideology". Along this line of argumentation, one individual commentator explains in detail that with curating, as a lengthy process of continuous reflection of differing perspectives and modification of exhibition decisions with an open outcome until the end, any commitment to a Code of Conduct would therefore only be conceivable with far-reaching restrictions in terms of impact or social acceptance to the detriment of artistic logic and value and should therefore be rejected.

Furthermore, criticism was voiced that the proposal, especially in the context of its character as a "public pledge", incorrectly assumes a lack of reflection on attitudes towards basic laws/human dignity on the part of curators, which could have a deterrent effect on potential future participants as a moralizing public withdrawal of trust.

In addition, the usefulness of Codes of Conduct in preventing political controversies/scandals is questioned on the basis of examples of the failure of such attempts in the private sector. Another commentator acknowledges the benefits of Codes of Conduct for commercial enterprises, but doubts their applicability in the art context, which, in contrast to the logic of politics and business, is not interested in avoiding or leveling out conflicts, but rather in focusing on and reflecting conflicts and contradictions. It is noted that anti-Semitism is not combated by banning images, but through reflective dialogue in the context of public debates on controversial artistic works and that excluding such artistic stances is therefore also not politically expedient.

Here, too, one commentator criticizes the lack of clarity when using the English term "Code of Conduct" and calls for translations into German.

2.3 Optimization of the Supervisory Board and Establishment of a Scientific Advisory Board

This proposal is primarily met with slight approval or general undifferentiated approval with detailed reserved criticism, or met with clear extensive criticism, which is usually accompanied by concrete alternative proposals.

In particular, extending the Supervisory Board, otherwise perceived as a political body, to include a member of the Scientific Advisory Board and the Recommendations on dealing with education as a central component of the curatorial concept are viewed positively.

The majority of critical comments, on the other hand, see the Scientific Advisory Board as a "political representation" of the federal government and thus as an amplification of political voices over art-specific ones on the Supervisory Board.

The following is criticized in detail:

1. The dominance of the federal government compared to the Shareholders (City of Kassel and State of Hesse) on the Supervisory Board, which disempowers both the Shareholders' Assembly and the rest of the Supervisory Board. It is felt this could risk the Shareholders no longer being identified with documenta. It is argued that federal participation is in any case secured by the expertise of the "Federal Cultural Foundation" (Bundeskulturstiftung). In order to maintain the independence of the Shareholders and the Supervisory Board, an alternative proposal is to grant the federal government a passive presence on the Supervisory Board without granting it any powers, or the Scientific Advisory Board being elected by the Supervisory Board instead of being proposed by politicians or by a

separate scientific advisory body. Supplementing the Scientific Advisory Board with a member of the respective Finding Committee in this case conferred with the additional role of giving curatorial advice would also be conceivable. Furthermore, it is demanded that election of Supervisory Board members (with the exception of the Lord Mayor) should continue to be linked to the election of the Shareholders.

2. (Partly related to this): The permanence of a fixed Scientific Advisory Board constitutes a cumbersome and therefore inhibiting element that contradicts the temporal and flexible character of documenta. This is associated with the risk of the Advisory Board influencing the composition of the Finding Committee via the Management entrusted with its selection. As an alternative, it is proposed that Scientific Advisory Board members be, flexibly and independently, brought in from the respective disciplines (such as sociology, law or finance) according to the varying requirements.

3. The restriction of curatorial work and ultimately artistic freedom associated with an obligation to coordinate between the Artistic Direction and the Scientific Advisory Board. On the one hand, it is argued that there is no need for scientific expertise in artistic and curatorial work and, on the other, that this would send a signal of a withdrawal of trust from those originally entrusted with these tasks (i.e. the Finding Committee and curators). In this context, the installation of a permanent Scientific Advisory Board is also to be understood as a symbolic act against artistic freedom in favor of political interests, in the eyes of commentators who feel that the federal government's interest in artistic freedom is much less pronounced compared to that of Shareholders. With reference to the situation at universities and in public broadcasting, the disproportionality of political perspectives compared to cultural perspectives in the envisaged structure is pointed out here. In order to maintain or promote art-related interests and diversity of perspectives in the [Scientific Advisory] Board ("Wissenschaftlicher Beirat"), it is proposed that the expertise be strengthened by including three former curators of documenta and three members of the Finding Committee on the Supervisory Board, while the division of tasks laid down in the original Shareholder Agreement remains in place; in the case of such an approach, the retention of the Codes of Conduct is considered less problematic in individual cases, as the dominance of artistic logic in positions of power can thus be ensured.

4. The downsizing of the Supervisory Board is criticized as a loss of diversity of perspectives due to high workload and high social responsibility. Commentators feel this downsizing should instead take place gradually (initially with nine members).

In a divergent focus, individual commentators state that resignation of the entire documenta 15 Supervisory Board would, in retrospect, have been appropriate following the accusation of anti-Semitism.

2.4 Clarification of the Tasks of Management and Artistic Direction

The proposal is either met with full approval or solely with criticism. Approving comments appreciate the clear division of tasks and responsibilities for balancing social responsibility and artistic freedom as well as in relation to the organization in general and personnel policy and risk management, in particular. The fact that the Management can distance itself from artistic content without interfering with the artistic content itself is highlighted in a positive light, as is the possibility of taking rapid countermeasures in the event of anticipated problems thanks to the clear allocation of responsibilities. One commentator considers artistic freedom to be overrated and the possibility of censorship in the context of displaying works alongside legal bodies and the press to also be legitimate for the Management.

Critical comments see the proposals as disempowering the Shareholders' Assembly vis-à-vis the Management and instead advocate bolstering the Shareholders' Assembly vis-à-vis the Management, which would make such a regulation superfluous. An alternative proposal, rather than appointing a member from the Shareholders' Assembly to the Supervisory Board, is to clearly separate the

responsibilities of the Supervisory Board and the Shareholders' Assembly. Other commentators consider this balancing as a classic task of the Management to be unnecessary (but not harmful) or see potential for conflict that could have a particular impact on the area of education, an area located between the Management and the Artistic Direction without reflecting the contradictory demands, which is now, respondents feel, clearly being driven into further conflictual dependencies by a third – now profit-oriented – superior. Alternatively, it is suggested that a larger, independent Head of Education be established, for example in cooperation with the documenta Institute.

Questions are asked about the role of the Supervisory Board and the rules of procedure in the event of a conflict between Management and Artistic Direction: Questions like: How to deal with the documenta archiv, the documenta Institute and the Fridericianum, which are largely left out of the Report; How the tasks are shared between their artistic and scientific directions and how resources are bundled in press/communication and education; How the role of education in the Fridericianum and in documenta is separated or combined, and whether it is involved in the development of documenta early enough and in an appropriate manner.

In a divergent focus, individual criticism was voiced from a labor law perspective about the basis of the press spokesperson's contract of work as an employment option selected by the Artistic Direction.

In more general comments, the incompatibility of the concept with artistic freedom is again emphasized. One particularly critical commentary here draws a comparison with what they perceive as censorship on the part of documenta und Museum Fridericianum gGmbH and the ban on "degenerate art" during the Nazi era.

2.5 Introduction of a Management Board

The introduction of a Management Board is sometimes commented on with brief approval – without restrictions or justifications – or with more detailed criticism. The criticisms are quite specific in each case and differ greatly in their focus.

One favorable commentator adds the suggestion that the functionality of the new regulations should be evaluated after some time; another commentator recommends the development of a more comprehensive risk management system involving all employees.

Critical voices condemn the increasing bureaucratization and growing number of committees, which hampers the organization's flexibility (something key to documenta) with regard to adapting to the respective artistic and curatorial concepts. In this context, passing information to the members of the Management Board, as prescribed by the Supervisory Board, is perceived as superfluous, as it is felt this is also a normal task of the Management or leadership roles below the Management.

Unclear definitions of various terms and different individual roles and responsibilities are also criticized: For instance, the role of education and Artistic Direction in relation to political attitudes, particularly in relation to how this is imparted to staff, is questioned. The position of "Head of" in the periods between exhibitions is also not clearly formulated in general terms and in its relationship to Artistic Directions and the education department. With regard to the documenta Institute and the documenta archiv and their relationship to the documenta exhibition, definitions, and responsibilities are unclear. Likewise, the area of Evaluation and vision development and the role of the Management in this field are neglected. It is felt the lack of communication between the levels is not afforded sufficient attention; a generally accessible protocol is recommended here. With regard to the suggestion of "town hall meetings", the importance of data protection rules was stressed.

3. Conclusion

Overall, there is quite superficial agreement on all points, while additional or exclusive criticism is explained and justified in detail.

Those detailed comments submitted outside of the comments function were also all critical in nature.

The focus on diversity in the Finding Committee is primarily viewed as controversial. Supporters see this as a legitimate measure to guarantee freedom from discrimination and thus fulfill the social responsibility of art. Critics see the goal of diversity and the artistic logic or guarantee of artistic freedom as a tense relationship – one that should be resolved by prioritizing art in the case of doubt so as not to jeopardize the reputation of documenta. Here the goal of diversity is associated less with social responsibility than with mere “PR” in the sense of bowing to anticipated public opinion or views peddled in the media. Concrete threats to artistic freedom are seen in the influence of the Supervisory Board and Management on the selection of the Finding Committee, that allow economic and political relevance to seep in as non-art-related factors; as well as in the introduction of a “quota-based selection”, which prioritizes diversity considerations over art’s inherent quality and variance considerations.

With regard to the question of the Codes of Conduct, opinions also differ as to whether the relationship between artistic logic and political, public, and economic interests is seen as reconcilable or inherently conflictual, so that a balance would be tantamount to compromising the art function of documenta.

Critics fear here a subjugation of art to non-art-related criteria and a criminalization of art and its protagonists, accompanied by a development whereby documenta moves away from its reputation as a liberal world art exhibition towards a tame example of “state-endorsed art”. On an aesthetic-artistic level, this goes hand in hand with a narrow focus on an “aesthetics shaped by ideology”; on an ethical level, it replaces international openness for diverse perspectives with the historical context of Germany as a benchmark, and dialogue and public debate with censorship, and abandons any potential for provocation and thus for initiating public debates on controversial topics. Specifically, the recommendation to draw up Codes of Conduct is seen as a contradiction to the open process of curatorial and artistic exhibition development as well as a public signal of withdrawal of trust from the Artistic Direction, which could deter potential curators and artists from participating in future. Supporters specifically appreciate the possibility of a distancing contextualization by the Management, while critics see this as a “potential threat” and reject the idea of “influence” without “restricting” the artistic process as illusory.

Deliberating comments suggest that the Codes of Conduct should focus less specifically on certain aspects and should instead be limited to organizational or management aspects or aspects relating to communication with the media/public.

On the role of the Supervisory Board and the Scientific Advisory Board, supporters and critics are largely in agreement with regard to the primacy of artistic freedom. The idea of a permanent Scientific Advisory Board is approved if it is seen as an expert addition to a political body; however, it is generally perceived as being close to the federal government and rejected due to fears of a disproportionate dominance of political representatives compared to art-related perspectives on the [Scientific Advisory] Board (“Wissenschaftlicher Beirat”).

Various concrete alternative proposals are put forward: On the one hand, measures are proposed to limit the power of political representatives (e.g. by granting the Scientific Advisory Board less competence through a merely passive presence on the Supervisory Board; self-determined internal election of the Scientific Advisory Board instead of appointment by the federal government; flexible appointment of variable Scientific Advisory Board members depending on the required expertise instead of permanent implementation) and [on the other hand] proposals made to strengthen art-related perspectives (more artistic or curatorial perspectives by increasing the number of corresponding representatives on the Supervisory Board; bringing in a member of the Finding Committee as an additional Scientific Advisory Board member). Further problems relate to the loss of

diversity of perspectives on the Board as a result of slimming down the Supervisory Board and the problem of the loss of trust in curators associated with the obligation to coordinate between the Artistic Direction and the Scientific Advisory Board, which restricts the work of curators.

The clear definition of responsibilities between Artistic Direction and Management polarizes opinion. Commentators agree unreservedly or express only detailed criticism. The clear allocation of responsibilities is supported, justified by its suitability for balancing social responsibility and artistic freedom or in the context of a greater appreciation of social responsibility. Opposing opinions doubt the possibility of such a balance and see the proposals as a disempowerment of the Shareholders' Assembly in favor of the Management. Criticism is also leveled at where education between the conflicting demands of the Artistic Direction and the Management should take place. The Recommendations appear unclear with regard to the relationship between the documenta exhibition, the Fridericianum, the documenta Institute and the documenta archiv – likewise with regard to the form of involvement and independence of the education functions of the Fridericianum and documenta and the distribution of roles and concrete responsibilities as well as the role of the Supervisory Board and Rules of Procedure in conflicts between Artistic Direction and Management.

The comments on the concept of the Management Board are also either entirely positive or entirely negative. Those in favor also welcome the clear responsibilities here, while critics either see this as a “bureaucratization” that inhibits flexibility and does not correspond to the temporal structure of documenta; or, on the contrary, continue to identify ambiguities in various places. These concern the responsibilities and powers of the Management functions as well as those between the Management and the education department or between the documenta exhibition, the Fridericianum, the documenta Institute and the documenta archiv.