I don’t want to talk about Damien.

Tracey Emin

With these words Tracey Emin deprived the art world of her estimation of her nearest contemporary and perhaps the most notorious artist associated with the young British art phenomenon. Frustrating her interviewer’s attempt to discuss Damien Hirst is of course entirely Emin’s prerogative; why should she be under any obligation to discuss the work of a rival artist in interview? Given the theme of this book, however, no such discursive dispensation can be entertained. Why Damien Hirst? What exactly is problematic about Hirst’s art? It is time to talk about Damien.

An early installation When Logics Die (1991) provides a useful starting point for identifying the features of the Hirstean aesthetic. High-definition, post-mortem forensic photographs of a suicide victim, a road accident fatality and a head blown out by a point-blank shotgun discharge are mounted on aluminium above a clinical bench strewn with medical paraphernalia and biohazard material. Speaking to Gordon Burn in 1992, the artist explained that what intrigued him about these images was the incongruity they involve: an obscene content yet amenable to disinterested contemplation in the aesthetic mode as a ‘beautiful’ abstract form. ‘I think that’s what the interest is in. Not in actual corpses. I mean, they’re completely delicious, desirable images of completely undesirable, unacceptable things. They’re like cookery books.’ Now remember what he’s talking about here.

Sustained, speculative and clinically detached, Hirst’s preoccupation with the stigmata of decomposition, disease and mortal suffering may be considered to violate instinctive taboos forbidding pleasurable engagement with the spectacle of death. Fascination with autopsy and industrial slaughter, vivisection and
slight blackening and discoloration of the edges with inversion of the tissues.

156 An entry hole of 0.45 inch bullet discharged at a greater range than in 155. The entry hole is smaller and there is no blackening or discoloration of the edges.

Photograph on aluminium and medical equipment
Dimensions variable
© the artist
Courtesy Jay Jopling/White Cube (London)
serial murder – repeated excursions from the abattoir to the pathology lab – is guaranteed to disturb for related reasons. As we are morally threatened by those who take pleasure in decay and death, so we are intimidated by Hirst’s morbid modus operandi. Even the ironic scientific alibi under which the artist presents his prurient curiosities seems cynically perverse in an aesthetic context and may act to serve up a supplementary chill to a long travelogue of transgressions. Yet his work also plays on the deep curiosity that draws us irresistibly to the horror of the morgue and the MO of the serial murderer. There appears to be no other way to perceive the artworks of this cruel and perverse intelligence other than as the obscene objects of pleasurable fascination.

Disturbing: certainly. Yet aestheticised cruelty and morbid curiosity are not necessarily morally problematic. Nevertheless, some works by the 1995 Turner Prize winner can be considered, if not indisputably immoral, certainly more uncontrovertially dubious from an ethical standpoint. Hirst’s on-going series of sculptures that incorporate animals into the pathological context identified above are understood to be problematic, not primarily because they transgress social taboos, but because they can be considered to violate the ethically significant interests of the non-human animals involved in their production. As a result of convincingly argued recent work in the area of applied moral philosophy, it is becoming increasingly unjustifiable to exclude non-human animals from ethical consideration. The work of Peter Singer, Tom Regan and Mark Rowlands, which argues for the extension of our moral horizons to acknowledge the ethical entitlements of other species, in particular, makes it difficult not to consider art practices that use animals in such a cynically instrumental fashion as anything other than morally wrong.

With a chronically reduced capacity to articulate our moral objections, however, Hirst’s obscene yet fascinating objects may result in the inability to register our scepticism in moral terms. This may be because we also view such work, despite its obscenity, with astonishment. Hirst’s work, in other words, renders us speechless. But the question posed in this final chapter is precisely this: is it justifiable to accuse Damien Hirst of moral trespass in his animal works? Does Hirst’s work with non-human animals constitute an ethical violation? Can we enquire if he has harmed, demoralised or otherwise disrespected the animals he ‘ignominiously’ uses to make his work? If he hasn’t harmed ‘his’ animals, do these things matter? As considered in the previous chapters of this book, when transgressive art practices are accepted as art (defended or even identified as art) this is in effect to claim that they ipso facto possess an unqualified aesthetic or cultural value. However, identification as art implicitly and often without argument has the indirect effect of justifying any cultural production, no matter what dubious moral features or ethical difficulties it may involve. This, as considered, also has the effect of defending, by tacit acceptance of its artistic value, the moral value of the same work.
Far from denying that the Hirstean aesthetic is (at the very least) morally problematic, this chapter will argue that, despite its immorality, it is possible to vindicate morally indefensible works of art. Although this position may appear to contravene our objections to the widespread institutional aesthetic defence of ethically problematic art, our position differs substantially from uncritical aesthetic autonomism in its acceptance that the morality of the work of (morally transgressive) art is crucial to its adequate aesthetic evaluation. This position also differs from moralism by accepting that a work of art can be immoral and not necessarily suffer a diminished aesthetic value as a consequence. The ethical vindication of Hirst’s work is conditional upon acceptance of its immorality. In elaborating this argument I draw on recent work undertaken by analytic philosophers of art on the complex and vexed relationship between aesthetic value and moral value. Counter-intuitive though it might now appear, I will conclude that the immorality of Hirst’s work, in the most vivid and unique (but not unprecedented) way, actually contributes positively to its artistic value.

**Obscene Objects of Pleasurable Fascination**

Hirst’s work with animals began in 1991 with what is indubitably his most celebrated work: a fourteen-foot (420 cm) Australian tiger shark (*Galeocerdo cuvier*) suspended in perfect equilibrium in a gigantic aquarium of liquid preservative (5% formaldehyde solution). The *Physical Impossibility of Death in the Mind of Someone Living* (1991) is an extraordinary aesthetic object. Like most of the work discussed in this book, it was exhibited in *Sensation* (1997) and again in the New York show two years later. Two other ‘natural history’ pieces, *A Thousand Years* (1990) and *This Little Piggy Went to Market, This Little Piggy Stayed at Home* (1996) were also exhibited. The shark, however, quickly became the signature-piece of the young British artist phenomenon.

Strictly speaking, for the sake of accuracy, the shark may not have been the very first piece associated with this continuing series: *A Thousand Years* (1990), a double-chambered vitrine with a severed cow’s head, maggots, flies and an electric insect killer, pre-dated it; but the tiger shark was certainly (and arguably remains) the most complete and accomplished instance of Hirst’s ongoing practice of preserving large-scale animals of various species in display tanks of liquid preservative.

Since the shark piece, Hirst has, with a dispassion usually reserved for scientific research, consistently pursued this practice in a single-minded and methodical manner. In *Mother and Child Divided* (1993) two animals, an
adult cow and calf, are displayed in distinctive glass-and-steel tanks (or in Hirst parlance, ‘vitrines’) of formaldehyde solution. For this installation, each animal was sectioned in the sagittal dimension, each half then arranged inside its tank so that the open side of the animal is pressed up against the glass interior (thereby ensuring the clear display of internal organs). Filled with preservative and sealed, the tanks are carefully arranged so that each animal’s separate half matches up with its other half. (A small distance is allowed to remain between the tanks.) To underscore the statement, the mother’s halves
are positioned some little distance away from, and behind, her similarly divided ‘child’.

A whole sheep suspended in a vitrine of formaldehyde and entitled *Away From the Flock* was created for the 1994 group exhibition *Some Went Mad... Some Ran Away*. And for his 1995 exhibition in the New York Gagosian Gallery *No Sense of Absolute Corruption*, two Friesian cattle were sectioned for sequential display in twelve separate tanks. In this work, *Some Comfort Gained*

20. **Damien Hirst, Mother and Child Divided, 1993**
Steel, GRP composites, glass, silicone sealant, cow, calf and formaldehyde solution
2 tanks: 190 x 322.5 x 109 cm / 2 tanks: 102.9 x 168.9 x 62.3 cm
© the artist
Photo: Stephen White
Courtesy Jay Jopling/White Cube (London)
from the *Inherent Lies in Everything*, the sectioned animals are compressed against the transparent interior as before. This time, however, they have each been cross-sectioned vertically into six separate parts. The high, narrow tanks are rearranged so that every alternative tank contains the body-part of a different animal. The two tanked carcases are then interleaved sequentially top-to-tail with each other.

Heads of cattle severed, peeled and preserved in sealed glass containers have also featured prominently in his work. In *Romance in the Age of Uncertainty*, his 2003 show at the White Cube Gallery in London, Hirst allegorised each of Christ’s disciples using (*inter alia*) the heads of cattle. Eyes bound, the head representing Judas is immersed in a black-framed container (all the other container-frames are white). Christ’s container, rather obviously, is empty. This exhibition also featured *Adam and Eve*, a glass container with two heads multiply skewered with broken pieces of mirrored glass.

Hirst’s 2006 show in Mexico, *The Death of God*, featured two excoriated sheep manipulated into distorted anthropomorphic postures, their limbs broken to emulate attitudes of reading and praying. This exhibition also included *In the Name of the Father*: a trio of skinned, drawn-and-quartered sheep with necks broken and heads hanging – arranged in simulation of the crucifixion scene. His 2007 exhibition *Beyond Belief* (at the White Cube Gallery, London) featured a thirteen-foot female tiger shark, bisected and preserved in 7% formaldehyde solution (*Death Explained*, 2007), a black sheep, an upright cow transfixed with several crossbow bolts and manipulated into a grotesque parody of St Sebastian (*Exquisite Pain*, 2007), three lambs manipulated into obscene and tragicomic mimesis of devout supplicants, and a triptych of stripped cruciform sheep arranged in mirror-backed vitrines (*God Alone Knows*, 2007).¹¹

Finally, to end this brief bestiary, Hirst has also worked extensively with insects. One of several prepared environments, the extraordinarily imaginative installation *In and Out of Love* (1991) featured newly hatched butterflies alighting on a series of canvases stretched above flowering plants. Also, his on-going series of entomological, polychromatic ‘paintings’, created by embedding dead tropical butterflies into specially prepared surfaces is offset by a dark sequence of ‘fly paintings’ – black surfaces of seemingly impenetrable density layered over with a crust of innumerable dead flies.

Hirst’s work has attracted significant negative attention from various animal rights organisations. Among those protesting against the 1999 *Sensation* exhibition in the Brooklyn Museum of Art, the animal rights contingent specifically objected to the use of ‘dead and dismembered animals by artist Damien Hirst’.¹² Part of their protest was to display images of animal slaughter that had, ironically, a similar didactic status to the Hirstean aesthetic. Prior to his show at the New York Gagosian Gallery in 1995, animal rights collectives
organised a letter-writing campaign to condemn officially the artist’s ‘cruelty to animals’.13

Oddly, considering that the show featured the severed heads of cattle, the focus of protest at the *Romance in the Age of Uncertainty* exhibition was its billed ‘centrepiece’: a trigonometric plane layered with a complex chromatography of countless butterfly wings. Describing Hirst as a ‘sadist’, the European director of People for the Ethical Treatment of Animals (PETA) commented: ‘One has to wonder if Hirst was the sort of child who would pull the wings off flies for fun. He certainly has become that kind of an adult. Butterfly wings are beautiful on a butterfly but tearing small creatures into bits is not art, it’s sadism.’14 And at an exhibition in Germany, activists challenged a zoologist that Hirst had contracted to breed butterflies and supervise the installation. ‘So they got to him and thought he was the artist, and just said “look this is really cruel, what are you doing to these butterflies?” And he just said, “I’m the butterfly breeder, I’m the guy that he’s got in to do them”.’15

Where the mammals are concerned, things are more difficult and more complex. Hirst excuses himself by claiming that he acquires his specimens from what he refers to as a ‘knacker’s yard’ in Guildford. Although he denies that this is for ethical reasons, he does claim that the animals he uses are already dead and were destined to be destroyed or rendered for pet food. ‘[I get my animals] from a guy, they just get, how does he describe it? He says “the animals that fell down”. But they get all the dead ones and have to chop them up for dog food.’16

On another occasion, when asked to comment on the various and extensive animal rights protests against his work, he replied: ‘I . . . try and cover my ass before they start. I’ll talk to the RSPCA . . . I’ll talk to those kind of people and find out about it first. I will invite them down to look at the butterfly exhibition and say, “Is everything okay?”’ He continued, referring to his work with live fish (*Love Lost* and *Lost Love*, 2000):

> You try and give the animals everything they need so if someone comes up to me and says ‘The fish are unhappy’, I go, ‘Well there is the fish guy talk to him. He says they have never been happier in their lives; they have never been in a bigger tank. They are really happy.’ People don’t like it when there are animals in art. I think that’s the problem using animals for art. It doesn’t matter if they are happy, people just don’t like it. I just really wanted it to be real. It’s just a way of making art real. . . . It is not a representation it is actually a real thing . . .’17

Animal rights protestors, Hirst concludes, often ‘get the facts wrong so they have to go away looking a bit stupid’.18 Originally intending to use a great white shark for *The Physical Impossibility of Death*, he discovered that it had been
registered as a protected species just prior to his initial enquiries so he used
the tiger shark as a substitute: “we had something with the shark, somebody
came in and said: “It’s a great white and it’s a protected species, what are you
doing?” And we said it’s not, it’s a tiger shark. I think they smeared dog shit in
the gallery, or something.”19

Is it possible to establish why such art practice is morally problematic rather
than presuppose, with the animal rights protestors, that it is? Specifically what
kind of philosophically relevant ethical issues are raised by Hirst’s work with
animals? And what precisely makes these issues specifically philosophical and
specifically ethical? Is there any occasion in which it might be warranted or
defensible to use animals for the purposes of art? In the context of recent
applications of ethical rights to non-human animals, it might in fact appear
indisputably unethical to render animals for art and, at least to this extent, make
it appear entirely reasonable to critique Hirst’s work as an ethically significant
contravention of the moral rights of animals.

Non-Human Animals and Ethical Inclusion

In a popular but not uncontroversial book on ethics written in 1998,20 Mary
Warnock expresses the view that the philosophical vindication of animal
rights is incoherent. This is because, she explains, the concept of rights only
applies to civil agents capable of recognising and therefore acknowledging the
significance of the concept of justice associated with claiming or respecting a
right. In other words, the concept of rights applies crucially only to the human
case. Therefore, for Warnock, it makes no sense to speak of rights in relation to
the moral claims that non-human animals may justifiably, or otherwise, make
on us. ‘It is humans’, she remarks, ‘and they alone who can form a civil society
within which the concepts of rights and duties arise.’21 This is reinforced by
the following analysis: “To speak of the rights of animals, then, is necessarily
inappropriate, simply because “animal” here means “animal other than human.”
And to use the language of rights in this context is dangerously to debase the
currency of rights.”22

With this proposition, Warnock articulates an intuitively humanistic
disposition to treat non-human animals as different in some fundamental way
to humans. Such views forget that there exists biogenetic and neurological
evidence of the continuity of human with other animal life. She thereby
expresses what has increasingly come to be seen by moral philosophers as
an unjustifiable anthropocentric prejudice. However, it is not this belief in
itself (unwarranted as it may be) that is ethically objectionable but rather the
corollary implication it is often considered tacitly to entail: that non-human species are therefore excluded from ‘our’ moral consideration.

Has Warnock misconceived the concept of rights as applied to the non-human situation? Neo-utilitarian philosopher Peter Singer has demonstrated that the concept of rights in this context involves expanding the fundamental principle of equality to include the non-human. This should not be taken to entail that cattle have a right to vote, that goats have the right to freedom of speech or whatever. Just as it is senseless to speak of a man’s right to have an abortion, so it is nonsensical to refer to a pig’s right to vote. Since a pig can’t vote, it is meaningless to talk of its right to vote. This is not what is meant by the concept of rights as applied to the non-human situation. Voting (or freedom of speech) is simply not relevant to the animal’s life because it does not count among its interests. The basic idea of rights for non-human animals is the morally fundamental principle of equality, according to which the interests of all sentient life-forms (those capable of expressing an interest) that may be affected by human decisions are given equal consideration.

With the principle of equality as a moral benchmark, the idea of ethical (as opposed to legal) rights comes into view. Ethical rights are possessed by any being that can be said to have interests (capable of communicating specific, if simple, preferences, and is known to possess the capacity to suffer or experience desire and satisfaction). Such rights differ from legal rights (and this is crucial) in that they, according to Tom Regan, ‘belong to all subjects-of-a-life [that is, those who possess sentience: the ability to perceive, experience pain and pleasure, feel emotion] regardless of their colour, nationality, sex, and . . . species’. Thus Mary Warnock’s view can be considered the result of a failure to appreciate the philosophical difference between legal and ethical rights in this sense; the reference to animal rights pertains to ethical as opposed to legal rights and indicates that a member of a non-human species, just like any human, should be protected by the basic right ‘to be treated with respect as an individual with inherent value’. According to Regan, therefore, the function of ethical rights is simply to protect others from harm. Those who possess these rights have a kind of protective moral shield, an invisible “No Trespassing” sign, so to speak, that prohibits others from injuring their bodies, taking their life, or putting them at risk of serious harm, including death.

What is required, according to Singer, is that the principle of equality that constitutes our ethical standard should compel us to the moral consideration of all sentient beings likely to be affected by us. All Singer is proposing here is that the ethically basic principle of the equal consideration of interests be extended to apply ‘to members of other species as well as our own’. Therefore, apart from the xenophobic interest to protect and maintain the privileges of an arbitrarily dominant group, there is no compelling reason not to expand ‘the basic principle of equality’ to include the interests of species other than
human. Drawing comparisons with racism and sexism, Singer shows that there is no justification for excluding members of another species (in the same way as we cannot discriminate against members of another race or gender) from moral consideration just because they are different. As the racist denigrates the entitlements of other races, and the sexist discriminates in favour of the interests of his own gender, so ‘the speciesist allows the interests of his own species to override the greater interests of members of other species.’

For Singer, the problem of moral rights comes into focus with the issue of pain. Following Jeremy Bentham’s celebrated framing of the morality of the problem in terms of whether animals are capable of suffering (and not arbitrary anthropocentric differences like language ability or reasoning), Singer argues that there is convincing evidence that all mammals and most vertebrates share the capacity to experience pain and that this is ethically sufficient evidence to expand moral consideration to include harms perpetrated on other species if these harms involve the infliction of pain. The capacity to suffer pain, therefore, gives us our moral benchmark: inflicting pain on those capable of suffering it is morally wrong. And, for Singer, no defensible reason to exclude non-human animals from morality can, according to this benchmark, be rationally defended. Therefore, the principle of equality ought to be extended and our ethical responsibility expanded to accommodate the interests of other species.

No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering – in so far as rough comparisons can be made – of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account.

On the basis of this analysis, the conclusion seems compelling that non-human animals are deserving of the basic ethical entitlements of respect and moral consideration as accorded by law to members of the human species. If these premises are accepted, disregarding the interests of members of other species in the realisation of the satisfactions of humans should logically appear unjust and therefore judged to be unethical.

Is it plausible, in light of this critical discourse, to defend the art practices of Damien Hirst that involve the damage and display of dead animals? Because it gives legitimacy to his openly discriminatory behaviour, any defence of Hirst’s art practice involving animals (including his own ass-covering defences) would seem, in some way, to reinforce the unjustifiable prejudice against members of non-human species that, as we have seen, Singer et al. term ‘speciesism’. In relation to the exploitations to which non-human animals are routinely subjected in order to satisfy the interests of humans, rendering animals for art may appear one of the most indefensibly trivial. Using animals in such an
instrumental way may seem manifestly unjust because it ‘is not consistent with treating them as beings with inherent worth’ and thus can be considered a serious infringement of the basic moral entitlement that protects sentient others from exploitation. For a defender of the philosophy of rights, according to Gruen, ‘using an animal as a means to an end’ – in this case as an object of display in an art gallery or (as appears to be the case increasingly with Hirst) to attract collectors for reasons of commercial return – ‘is a violation of that being’s right to be treated with respect’. This categorical respect, if we are to continue to regard ourselves as morally responsible beings, represents a minimal ethical demand that the members of other (non-human) species place on us and that it is morally right to respond to.

Of the sometimes gratuitous and cynical exploitation of animals in postmodern art practice, Julius has remarked that this art often ‘fail[s] to respect the dignity of the animals, suitors for our moral concern, but instead treat[s] them instrumentally, as mere things’. But such art practice also fails to respect human dignity ‘because it debase[s] its spectators’. Julius is commenting here on a proposed installation by the Chinese artist Huang Yong Ping, *Le Théâtre du monde*, which would have involved introducing diverse (and incompatible) insect species into a closed environment, but it was cancelled for reasons of cruelty ‘to those species put at risk by having to share an environment with their natural predators’.

Steve Baker reports another disturbing exhibit by Marco Evaristti involving food liquidisers containing goldfish with visitors invited to activate the machines. As a consequence of objections from parties concerned for the welfare of the animals, this work was removed by police during its presentation in a Danish art gallery. In an attempt to monitor the artist’s responsibility to other species as a result of this kind of work, a Minnesota-based art collective established the Justice for Animals Arts Guild (JAAG) in 2000, which proposes to control ‘cruel or degrading’ art practices that involve living animals. The Guild recommends that, as sentient creatures, non-human animals should not be reduced to concepts or used as raw material in the production of art. The artist’s interests should be ethically circumscribed relative to the interests of the animals being reprocessed as art objects.

Of the several further examples of the use of animals in art surveyed in Baker’s book *The Postmodern Animal* (2000), not all of them are negative or harmful. The eco-art of collaborative duo Olly and Suzi, to instance just one example of ethically good art practice involving animals, is committed to the careful artistic documentation of predators in their natural habitats. Their work interestingly includes *Shark Bite* (1997), an extraordinary interface with a great white shark off the coast of South Africa. ‘The fearful proximity this other involves’, Baker comments, ‘could not be further from Damien Hirst’s
detachment from his animal subjects, exemplified in his claim that “you kill things to look at them”.

Yet despite what may appear to be evidence to the contrary, it is anything but definitive that Hirst’s work involves harming the animals he works with. With the exception of his entomological projects (and his work incorporating live fish), his animal work is insistently post-mortem: the animals are dead on arrival in his studios. This would appear to indemnify him from the JAAG ethical provisions (which apply only to living animals) but does it exonerate Hirst of all moral blame? Perhaps not, but it does allow us to confirm that the animals are not subjected to any undue pain by the artist. Except perhaps for the sharks that are hooked (but obviously not by Hirst) in their natural habitats, they do not undergo unnecessary suffering for the sake of the art they end up as. For the utilitarian, pain is bad; and therefore inflicting suffering in the absence of clear benefits that justify this pain is morally wrong. Pain and suffering are in themselves [morally] bad . . . and should be prevented or minimised, irrespective of the race, sex or species of the being that suffers.

It is far from empirically or scientifically established that invertebrates suffer pain as we feel, experience and understand it; can Hirst’s treatment of these creatures plausibly be accused of moral trespass? Hirst claims, as mentioned above, that he acquires his specimens from a reputable entomologist. So, although his work with insects can perhaps be accused of gratuitous destruction and, to the extent that some ethical philosophers have associated destructive behaviour per se with immorality, be condemned as morally wrong, this would be misconceived: however destructive his work, it is also indisputably creative, it cannot be considered unethical according to the utilitarian paradigm.

Although it is disturbing, Hirst’s work cannot be accused of causing any direct harm to, or inflicting any suffering on, the animals involved in its production. If the animals have had ‘happy, stress-free, natural lives’ prior to their being put to a humane, as-painless-as-possible death, the utilitarian, ‘may not object to their use’ even in such an ultimately non-functional or non-beneficial context. Indeed, Singer is committed to endorse this preference-utilitarian view, admitting that he can envisage such circumstances in which farm animals, having had a high quality of life, are humanely killed: ‘I would still prefer not to do that, nor would I want to eat the products of such farms,’ he said in interview (betraying a personal, ‘irrational’ preference), ‘but I wouldn’t campaign against them – such a life would seem a reasonable deal from the animal’s point of view.’ If Hirst cannot be accused of causing any direct suffering, because he does not inflict any harm on the animals he uses, his work cannot, according to this utilitarian framework, be morally impugned.

On the other hand, the only ethical defence of the human behaviour that adversely affects animal welfare is that, despite harms caused, these injuries are excusable relative to the important benefits they deliver. For such a benefit to
count morally it must be so important as to outweigh our ethical responsibility to the animal that suffers or is harmed in the process. The benefits argument states that ‘at least the majority of the most important improvements in human health and longevity are indebted to vivisection.’\textsuperscript{48} The relatively extreme harms suffered by animals subject to experimentation in the name of progress are regrettable but necessary: they are compensated for by the benefits to humanity afforded by the ethical exemptions granted under the alibi of scientific investigation.

Evaluated according to this standard, however, Hirst’s animal works read as insane experiments undertaken without hypotheses or findings.\textsuperscript{49} Rejecting from the outset any benefit that might result, such purposeless investigations assume the aspect of purely malevolent acts undertaken for some inscrutable curiosity or perverse pleasure. ‘I wanted to be stopped,’ Hirst declares, ‘and no one stopped me. I just wanted to find out where the boundaries were. So far I’ve found there aren’t any.’\textsuperscript{50} Is there an ethical problem here?

Incorporating two separate halves of a bisected pig in containers of preservative with one half attached to motorised tracks so that it repeatedly but temporarily reconnects with its other half\textsuperscript{51} for display as art cannot be accommodated to the benefits argument as outlined here. Such an objectionable apparatus may remain significantly outside any calculation of benefits. What benefits accrue from the practice of attaching and embedding hundreds of rare butterflies or houseflies into the surfaces of paintings other than that which may result from perceiving a pretty or mildly interesting picture? Who benefits from these depressingly distasteful and morbid art exhibits? Yet this lack of benefit is \textit{precisely the provocation of this transgressive art}. Who benefits? No one: that is the point. What are the benefits? There are none: that, yet again, is the point, for the moral problem with his work does not lie directly with the artist but rather with the industrial process that preceded his involvement with the animals and the ethical amnesty that facilitates his relatively minimal contributions to it.

\textbf{Attending to the Other of the Animal: Art and the Ethics of Care}

Damien Hirst, anticipating recriminations from animal rights pressure groups, prepares himself accordingly: he ‘covers his ass’. Any protestation, as a result, looks ‘a bit stupid’. But because it functions to expose Hirst’s awareness that his actions are (or may justifiably be understood to be) morally wrong, this paranoid preparedness may be considered to make his animal work even
more problematic. His avoidance of the issue of speciesism by abrogating responsibility for the harm and/or putative pain the animals he acquires may suffer by outwitting utilitarian reasoning and making animal rights protestors appear foolish only serves to increase our moral suspicion. Why? Because it indicates that there is something wrong with the entire system that facilitates this abrogation; it also indicates that there is something wrong with the utilitarian arguments that actually contribute to this moral abrogation. Yet even if certain weaknesses can be identified in the positions of Regan and Singer, these can be associated with the rational framework that these moralists have committed to – as well as their emphasis on universality of judgement and impartial application. The logically rigorous application of their theoretical paradigms often leads to absurd (and indeed, some believe, unethical) inevitabilities. There may be no rational method by which it can definitively be concluded that Hirst’s treatment of animals is objectively unethical. Is there another method?

His treatment of animals remains deliberately cruel and disrespectful; no efforts to justify this from an ethical perspective can effectively counteract this fact because it expresses an officially acceptable yet unethical contempt for the dignity of animals. Is it possible to consider the problem under the aegis of categorical ‘respect’? The relevant moral principle here is the respectful concern to treat the animal always as an end and never as a means. Such an extension of the categorical imperative would involve replacing the concept of ‘person’ in the Kantian ethical semiotic with the more inclusive concept of the ‘sentient’. As it ultimately acknowledges the otherness of the animal, this kind of categorical respect can be (and has been) identified, not uncontroversially, with Levinasian alterity. And it is in this modality that Derrida’s reference to a ‘fundamental compassion’, which completely changes ‘the philosophical problem of the animal,’ should be thematised. Our compassionate response to the ‘victims’ of Hirst’s practice reveals that there is something wrong here but perhaps only to the extent that it insouciantly reflects a widespread but unethical instrumental human attitude – our own attitude – toward the other of the animal.

Although I remain convinced by the impressive ethical defence of animal rights undertaken by Singer, Regan and (most particularly) by Mark Rowlands, there is still, I believe, no application based on exclusively rationalist, consequentialist or right-based natural justice paradigms that can objectively prove that it is morally wrong for one species to live at the expense of another – especially in cases where no harm or pain is caused to the animals in question. Despite our desire to imitate nature, as Nietzsche presciently observed, it ‘does not by any means strive to imitate man’. His conclusion is deeply troubling: ‘None of our aesthetic and moral judgments apply to it.’ Nature, to widespread human horror, remains stubbornly callous, cruel and capricious. Refusing to conform to human ought, it just is.
Depressing as it may be to admit, therefore, Sarah Kent’s assertion that, because nature is not ‘benign’, living morally (as determined by all-too-human concepts) may not even be possible, constitutes a serious difficulty for the extension of ethical responsibility argued for by Singer et al. However, I would challenge Kent’s received Nietzschean postmodernism by countering, against utilitarianism, that it is precisely the so-called ‘marginal cases’ that constitute the significant instances that demand our moral consideration. These marginal cases, far from indicating exceptions to our responsibility, are rather the very instances that stimulate an acute sense of that excessive non-calculable responsibility referred to by Derrida, and that therefore make an ethically relevant demand on us.

Now, in opposition both to utilitarianism’s blind faith in rational calculus and the irrationality of Levinas-inspired non-calculable excess, the ethics of care prioritises the marginal cases, the vulnerable and precisely not those of equal status or privilege. Ethical responsibility is therefore not defined by the ‘principle of equality’ but actually pertains most intensely to the vulnerable, the dispossessed and damaged status, the defenceless and unprotected: in other words, to those very marginal cases whose manifest, asymmetrical, specific alterity makes an urgent moral demand on us. And, in our present social reality, this marginal status includes non-human animals.

It does not follow, however, as Nel Noddings correctly points out, that this makes me ‘obligated to the entire class of animals’. She cogently argues that ‘we cannot preserve animal life in general by refusing to kill and eat animals.’ Choosing to be a vegetarian or a carnivore is, therefore, Noddings suggests, just not an ethical issue: ‘What I must prevent, having made either decision, is pain to consciousness.’ Responsibility to non-human animals becomes an ethical issue when those animals in my care are at risk of suffering through neglect and when my concern for them is the attitude required to prevent this. Yet this does not mean that it is necessary to have a relationship with non-human animals to live morally exemplary lives. ‘Our ethical domain [can nevertheless be] complicated and enriched’ by forming such relationships, Nodding adds. Ultimately, the moral injunction associated with the ethics of care is that ‘to behave uncaringly toward one of its members diminishes it and diminishes us’. For the ethics of care, moral emphasis falls not on equality (or objectivity) but rather on the ethically significant asymmetric difference in status between those endowed with social autonomy and the disenfranchised (or, in Noddings’s terms, the one-caring and the cared-for). The reason why (and this may not, I am aware, constitute a reason in the rationalist sense that Singer would demand) we care for the so-called ‘marginal cases’ is precisely because they are vulnerable, and we recognise that they require our ethical attention. We subjectively empathise with their subjected condition, the recognition of our own potential weakness in them constituting a particularly intense manifestation of...
the inclusive categorical imperative spoken of above. And, despite what Noddings claims, such ethical care should not be confused with sentimentality in its rightful trans-species extension to include non-human animals.

I suggest that it is according to the morally significant empathy associated with the ethics of care (a moral paradigm not restricted by the promotion of reason to absolute arbiter) that we intuitively sense that there remains something morally wrong with Hirst’s practice, even if this intuition ultimately refuses to be reparsed in a rational, objective theorem. The previous chapter highlighted the ethical importance of ‘active sympathy’. Evaluated in the context of Emin’s art practice, we argued that a creative emotional response was necessary for the development of a complex, subtle and engaged ethical attitude. Sympathy, we concluded, is crucial for experiencing the ethos of respect and the concept of responsibility. And I believe that the intuitive experience of moral wrong in relation to Hirst’s work comes about according to this engagement of active sympathy – or ‘fundamental compassion’ that has been, in this context, associated with the caring obligation.

Because it involves the disrespectful deployment and gratuitous manipulation of non-human animals (damaging their post-mortem remains for display as art objects) Hirst’s art, despite standing up impressively to the moralist philosophical arguments presented above, remains morally wrong therefore from the viewpoint of the ethics of care. Should his practices be condemned? Yes: but only to the extent that the instrumental or commercial treatment of animals that disregards ethical considerations should be condemned. According to the active sympathy and ‘fundamental compassion’ we intuitively feel in the presence of a Hirst exhibit, it may be conceded that it can never be ethically warranted or defensible to abuse animals instrumentally for the sake of art. Yet, as a mode of fundamental unconcealment, art reveals this appalling, yet profound reality to us; therefore, as Baker accurately claims, it remains ‘one of the few contemporary forms that can claim properly and respectfully to attend to the other of the animal’. Hirst evokes an emotional response that activates the ‘sympathy’ associated with the ethics of care to provoke our fundamental compassion for the animal-as-other. His work may as a result compel us to feel acute shame, humiliation and guilt for the instrumental and systematic abuse of those that deserve our care.
Exquisite Corpse: Death and the Sublime

Hirst’s work presents considerable complications for the ethical analysis of art. Paradox made vivid, his work is a visual scandal: an unjustifiable and demonstrably unethical practice is metamorphosed through an unprecedented aesthetic intelligence into what is undeniably one of the most fascinating manifestations of contemporary art. How is this achieved? This section argues that the exceptional artistic value of Hirst’s work ultimately involves a transvaluation of its problematic morality. This will involve establishing, however, that his work is of exceptional artistic value despite its associated unethical practices. No easy task.

Yet this can be achieved, I believe, by characterising his art as sublime, in spite (and yet perhaps ultimately because) of its unethical content. I have argued elsewhere that the sublime can be identified in the Hirstean aesthetic – provided this concept is understood as defined by the Irish philosopher Edmund Burke (1729–97) in *A Philosophical Enquiry into the Origin of our Ideas of the Sublime and Beautiful* (1757) and not in the more familiar Kantian version. Application of this hypothesis here will enable us to conclude that the specific immorality associated with Hirst’s practice undergoes a process of transvaluation that ultimately compels a deeper ethical structure to manifest itself in his work.

Anticipating certain undercurrents in postmodern thought by recognising that art, as well as beautiful objects, also includes much dark, pessimistic and even horrific works, Burke’s discussion of the sublime acknowledges, in a way that the Kantian analysis fails to do, the satisfaction of indulging our morbid curiosity. Yet the originality of Burke’s analysis is that it offers an explanation for why certain dark and perverse objects of art can also remain, in exceptional cases, aesthetically compelling. Sometimes, indeed, the darkness and perversity are precisely the aspects responsible for delivering the most intense aesthetic experiences.

Burke argues that because anticipation of pain is more intensely experienced than pleasure, terror is the true source of the most powerful – indeed compulsive – human emotion. ‘Whatever is fitted in any sort to excite the ideas of pain, and danger, that is to say, whatever is in any sort terrible . . . is a source of the sublime; that is, it is productive of the strongest emotion which the mind is capable of feeling.’ Yet terror is experienced as sublime, according to Burke, when its associated anticipation of danger is mediated in such a manner that its harm is rendered innocuous. When it is realised that the threat of real pain or fatality is not immediately harmful and when the danger has been neutralised and can be witnessed from a safe vantage, the visceral shock initially stimulated is rationalised into astonishment: a state of radical amazement that is
experienced, in the idiom of the Enquiry, as ‘delightful’. In particular, however, it is the fear of death, being the most intensely felt and powerful of human emotions, immediately relegating any non-fatal pain innocuous by contrast, that, when successfully yet safely evoked, precipitates the sublime.

Invoking death while keeping it in abeyance, Hirst’s The Physical Impossibility of Death indues the sublime experience by providing us with a safe means of mediating the terror of confrontation with a hostile predator. The attraction–repulsion conflict produced by the appearance of the dark figure motionless in its death-tank is finally reconciled in astonishment. And this completes the sublime experience. ‘Astonishment’, Burke concludes, ‘is the effect of the sublime in its highest degree’. Yet, the aesthetic power of Hirst’s sculpture
can be attributed to the fact that it circumvents any patent picture of human demise. Rather, precisely by virtue of its fundamental refusal, The Physical Impossibility of Death more profoundly evokes a pregnant – and I hesitate to qualify human – fear of death. How does it achieve this?

It can be attributed to the fact that the sculpture concedes death to be absolute zero, the impossible, the ruination of representation. Making something manifest by acknowledging its impossibility, its status as one of those ‘ideas’ that, in the words of Burke, ‘present no distinct image to the mind’, this is the remarkable effect of Hirst’s shark. In the living mind, death is impossible. Yet with this very concession, Hirst gives palpable presence instead to the horribly amorphous, pathogenic, horror of death. This experience may not be pleasurable – but it is, in Burke’s terms, more profound than pleasure.

I’ve always looked at pictures and read stories about sharks. They’ve got this really kind of powerful horror. And then I worked out if I could get a shark into a gallery . . . because I didn’t want to paint one, and I didn’t want to have, like, a really beautiful Cibachrome light box or a photograph. And then I thought, well, if I can get one big enough to frighten you, that you feel you’re in there with it, feel it could eat you, it would work.70

With this statement Hirst acknowledges the true modality of his sculpture. Taking advantage of the fear that he knows the shark has the power to invoke, the abstract horror71 of death is thereby more effectively accessed. ‘The intellect is still engaged, but it is an intellect involved in an anxious body, viscerally conscious.’72 Going for the real thing, Hirst rejects the process of representation. Refusing to depict is hardly disturbing in itself; but precisely because there is no representation here, Hirst’s shark shocks more effectively because it insidiously stimulates the phobia of death (what is not there) by producing a compulsive emotional reaction to what is there.73 The somatic reaction to the external stimulus of the shark is powerful enough to generate an equally powerful, but more subtle, internal cognitive aftershock: the idea of death – precisely what the work itself concedes to be impossible. We are in fact made to feel the anxiety spoken of by Heidegger when confronted with this dark being-towards-death.74

To the extent that the organism remains postponed at the moment of death, Hirst’s shark does more than provoke an intense involuntary visceral reaction to the immediate threat of danger. Rather, because the creature is embalmed in this liminal phase, a deeper, more abstract metaphysical fear is thereby suggested. ‘Through the formalism,’ Hirst comments, ‘you can make people think about things they don’t want to.’75

Less a memento mori, the formal invitation to contemplate mortality, than an intention to produce a profound fear adequate to the fundamental anxiety
of death therefore, Hirst’s shark invokes that emotion that Burke identifies as ‘the king of terrors’.76 Finding the perfect method to induce terror by forcing us to confront an instinctively feared object, the artist stimulates the human phobia of death by accessing the innate fear of a natural predator. Identifying a displacement phobic object onto which thanatophobia can be projected, Hirst reaches down into the *id* and locates ‘people’s worst fears’.77 Contemplating this shark-in-a-vat we are divested of rationality in the way Burke describes, through our visceral anxious encounter with this very powerful avatar of death. From this moment we are inescapably involved: ‘It is almost impossible’, Hirst comments, ‘to avoid mentally inhabiting it.’78

Looking into the darkness of the black mouth spiked with teeth, a darkness merely made more visible by the scientific *clarité* of Hirst’s sculpture, Hirst’s exquisite corpse inspires a terrified awe, evoking that condition of astonishment that Burke associates with the sublime experience. Hirst’s sculpture effectively, if insidiously, evokes the existential anxiety of death (we are brought face-to-face with the horror of ‘nothing’) by providing a phobic object adequate to threaten our sense of self-preservation. Because it achieves this in a safe environment, however (that yet makes it even more disturbing), *The Physical Impossibility of Death* should be considered paradigmatically sublime in the Burkean sense.

Therefore the problematic morality of this work (it involves the destruction of a sentient, but dangerous, highly efficient, exquisite predator) does nothing to undermine its exceptional artistic value. Despite its dubious ethics, Hirst’s shark is one of those exceptional cases of dark yet aesthetically fascinating art spoken of by Burke in the *Enquiry*. A non-reconcilable conflict of aesthetic and moral values remains fundamental to this corrupt yet sublime art. Yet, even characterising this art as sublime cannot ignore or excuse the immorality that remains fundamental to its metaphysical vision.

**Cognitive Immoralism**

Analysis of the work of Damien Hirst has established that a significant aesthetic value may be attributed to a particular artwork that nevertheless manifests an attitude of questionable morality. Such artistic problem cases are discussed in Daniel Jacobson’s important article ‘In Praise of Immoral Art’,79 which demonstrates that it is plausible to reject moralism without commitment to autonomism (or any theory that identifies aesthetic value with form).

Violations enacted by transgressive practices can be understood as subversions of the isolation of art from its allegedly extra-aesthetic features.
One of the most effective methods of achieving this subversion, as argued, is to engage the morality of the audience by stimulating a negative emotional reaction. Confronted with such artistic provocations, it becomes absurd (if not strictly impossible) to attend exclusively to the aesthetic formal properties of a transgressive work of art. To continue dogmatically to be abstract in relation to whatever is ‘fucking up’ the formal structure of such art is to adopt the position of a neurotic censor, in denial of its intrinsic moral content.

However, Jacobson’s defence of immoral art has cautioned us to be circumspect when applying ethical analysis to art that is considered, for whatever reasons, to be immoral. In relation to ethically problematic cases of artistic production, Jacobson claims that moralism is forced into a double bind: in order to account for the artistic quality of certain artworks considered unethical, moralists are compelled either to counterfactually deny that the immoral work has any aesthetic value whatsoever (by eccentrically relinquishing it of artistic status) or to continue to accept that it qualifies as art while remaining distanced from its unethical status. Compelled to assume the disinterested attitude to the immorality of the work, the moralist is forced, paradoxically, to identify the artistic value of ethically problematic art with its formal or putatively ‘aesthetic’ qualities (and thus adopts a position identical with autonomism, the very theory that moralism defines itself against).

Both autonomism and moralism are rejected for proving inadequate in application to the analysis of contemporary transgressive art practices. In this discussion, the specific difficulties associated with both theoretical directions (and with alleged, yet precipitous, ‘solutions’ such as ‘cognitive immoralism’) shall be made evident in application to ethically problematic, yet nevertheless manifestly consummate, art – art that, although highly significant artistically remains morally questionable (if not manifestly unethical), and therefore, like Hirst’s, provokes moral shock with the very gesture with which it engages sublime aesthetic responses. Careful consideration of such art brings to light works that are problematic because they appear (like Hirst’s) to involve an intrinsic conflict of aesthetic and moral values; indeed, such works are judged transgressive principally because they violate the conceptual partition of the aesthetic and the moral.

Although endorsing the anti-autonomist intuition that moral value in certain cases is allied inextricably with aesthetic value, Jacobson remains unconvinced by the more prescriptive tendencies of the Humean moralists. If moral value becomes the standard of evaluation, Jacobson cautions, if, that is, it comes to dominate criteria of aesthetic judgement, then ‘some very great works will have to be condemned’. The problem with moralism is the willingness of its proponents to ‘praise art that is insipid but virtuous, and to condemn the wicked but sublime’. in its obstinate refusal to acknowledge that ‘good art
can express false ideas and evil perspectives’, moralism mistakenly identifies aesthetic value with moral value. Good art can be bad: recognition of the non-contradictory structure of this admission leads to Jacobson’s endorsement of what he calls immoral art. Immoral art? He defines a work of art as immoral if it promotes ‘or is complicitous with, a morally suspect point of view’ (whatever in the context may be considered to be ‘morally suspect’).

Is the work of Damien Hirst immoral in the sense defined by Jacobson? It was concluded above that Hirst’s work with animals is unjustifiable from an ethical perspective. To this extent, it may be taken to manifest a ‘morally suspect’ ethical perspective (at least to those who consider the post-mortem dismemberment and display of non-human animals to be ethically wrong – and whoever doesn’t, fails to appreciate Hirst’s aesthetic). Does this allow us to say that his work is complicit with a morally suspect point of view?

To the extent that Hirst does not mark his animal work with the necessary characteristics of ‘disapprobation or blame’, to the moralist, his work will remain frustratingly ambivalent about the very ethical issues it so vividly engages. It is much easier therefore either to condemn it outright as unethical (moralism) or to aesthetically defend it by denying it has any moral relevance whatsoever (autonomism); both responses are equally inadequate because they fail to appreciate that the moral transgression involved in Hirst’s work is intrinsic to its aesthetic value. I propose that the morality of Hirst’s work – even if it is accepted as unjustifiable – is crucial to whatever aesthetic value it possesses. Yet this intrinsic morality cannot be absolved by direct conversion to aesthetic value. Therefore, it seems unwarranted to assert, according to the moralist perspective, that the aesthetically relevant moral defect, because it is defective, necessarily diminishes the artistic significance of Hirst’s work. On the contrary, the immorality of his work is both aesthetically and ethically structural to it.

Does that which constitutes, in the particular case of Hirst’s work, a properly ‘moral defect’ (the instrumental and therefore unethical use of non-human animals for a relatively trivial human end) contribute ‘positively and ineliminably to its aesthetic value’? Not only does Hirst’s work provide a good example of the kind of exceptional art spoken of by Jacobson that is actually ‘better for its immorality’ but also, highly significantly, it is precisely the manifest immorality of Hirst’s work that fulfils, perhaps circularly, viciously and paradoxically, an ‘important ethical function’. How can this be?

Recent cognitive theoretic followers of Jacobson’s ‘immoralism’ have defended the view that certain works of art ‘which are morally problematic because of the ways in which they are morally defective’ can indeed ‘enhance our understanding’. According to this approach, as one of the few mediums capable of making immoral experience ‘accessible and intelligible’, art is alleged to enrich ethical knowledge – despite its apparent moral transgressions. Works of exceptional art exist that, although being morally ‘defective’,
nevertheless possess an inalienable aesthetic value. In certain special cases, the artistic value of the work appears in fact to be amplified by its immoral nature. Cognitive immoralism exonerates any ethically problematic aspects of transgressive art in the name of knowledge. The epistemic value of the work according to this theory eclipses its moral value by way of its exceptional artistic quality, thereby redeeming the moral value of the work in respect of a broader-spectrum conception of ethical value that – as considered in Chapter 4 in relation to Tracey Emin’s ethically significant fearless speech – transcends specific immoralities for the sake of a meta-ethical truth.

The work of Damien Hirst provides a unique opportunity to explore the cognitive immoralist’s radical approach to the epistemology of values. What requires to be emphasised in this case is that the transgression of specific conventional moralities in the service of a transcendent meta-ethical significance takes place through the sublime artistic effect of the work, an effect that, because it transcends the conflict of aesthetic value and moral value, paradoxically includes and reinforces both.

The Artistic Transvaluation of Morality

Moralism, it seems, is condemned to be moralistic. If an artwork conflicts with one’s own moral convictions, it is likely to be condemned; if not – if it corresponds to those convictions – it is likely to be applauded. Can we therefore, as Jacobson admits, ‘expect no more agreement about immoral art than there is about morality’? Back to square one? Perhaps.

Yet I will conclude that the sublime artistic value of Hirst’s work compels a suspension and ultimate re-evaluation of its negative moral status; but this does not render its immorality irrelevant or redundant. Quite the contrary: this phenomenon is perhaps best characterised by employing a key concept of speculative dialectics, aufheben, a word privileged by Hegel – and developed as Aufhebung in the writings of Derrida – because it carries the double semiotic capacity to mean both cancelled and preserved. (The conventional English translation ‘sublated’ is inadequate to capture the irreducible double modality of the term). I want to be as clear as I can about this: the unethical condition of Hirst’s work is not eliminated but rather aufgehoben, that is, preserved yet simultaneously cancelled in the work. According to the dialectical concept therefore, we could say, more accurately, that the immorality of Hirst’s art is embalmed in the work, because, ultimately, the morality of the work refuses to be extricated from, or sanitised in opposition to, the aesthetic dimension of the work. Absolutely resistant to elimination,
preserved in the work yet nevertheless transmuted by the work, the immoral condition of Hirst’s aesthetic remains suspended, yet raised beyond (‘re-lifted’, in the Derridean96 idiom) the work, into a sublime state. This is not an unprecedented phenomenon.

In a recent analysis of the art-morality paradox that follows Jacobson’s critique, Matthew Kieran97 argues that because moralism has led some critics to counterfactual solecisms it is manifestly ‘false’. He cites Peter Fuller’s animadversion of the work of Francis Bacon as such an error of judgement.98 Fuller argued that the conception of human existence expressed by Bacon necessitates ‘a moral refusal’. Because it is not ethically right for us to accept the uncompromising nihilism manifested in Bacon’s work, the critic concluded that we ought not to praise his work as great art.99 Now clearly, in this instance, Fuller’s ‘moral concerns’, Kieran concludes, ‘are clouding his critical judgment’.100

So, demonstrating the spuriousness of moralism requires the identification of two kinds of artistic phenomena:

1. An instance where aesthetic value is diminished because of a ‘morally admirable character’.101
2. An instance where aesthetic value is ‘enhanced’ because of immorality.

Kieran’s example of work with good moral value and yet poor aesthetic value is instructive. American artist Norman Rockwell’s schmaltzy scenes of mythical Americana, in that they advocate family values, the happy work ethic and other socially admirable virtues may indeed be considered morally good. However, lamentably perhaps, his work is also of pitiably low aesthetic value (even by virtue of its ‘good’ moralistic characteristics). This example demonstrates, according to Kieran, that ‘moral character, appropriate as it may be, [can] count against rather than for its value as art.’102

The work of British artists Olly and Suzi provides a controversial yet more apposite example in the present context. Their project to depict animals in their natural environment, as described at length by Steve Baker,103 is highly sensitive to the ethical issues involved in human interaction with other species. Yet, although respectful of non-human alterity, ethically responsible, ecologically undamaging and zoologically interesting, the resultant art is, relatively speaking, aesthetically anodyne.

Consisting of drawings and impressionistic paintings accomplished en plein air in the presence of the predators, their work – even though it is documented as ‘a performance’ by a photographer ‘who travels with them’ – is, Baker admits, ‘unusually straightforward in the context of contemporary art’.104 Offering their blood-and-paint shark drawing to a great white and photographing the subsequent action, and finally retrieving the resultant scarred and masticated work from the sea for exhibition, while morally inoffensive, does nothing to
increase the aesthetic value of the work. Artistically, the artists’ work remains stubbornly what it is: a badly drawn shark.

Kieran’s example of work with distinguished aesthetic value yet ignoble moral value is also instructive. He considers the work of Francis Bacon as paradigmatic of art in which aesthetic value is enhanced by virtue of what he believes to be its negative moral meaning. The nihilistic vision conveyed in the paintings of Bacon ought to be rejected as unethical, Kieran suggests, because, as ‘a general conception of humanity, it is not only false but morally pernicious’. The British painter’s work articulates an attitude that ‘morally speaking, many of us do not share and none of us should accept’. Yet the ex-moralist Kieran, strangely, finds that, although he cannot bring himself to condone the view of existence integral to Bacon’s aesthetic vision, he equally recognises that his morally questionable attitude does nothing to diminish its considerable artistic value. On the contrary: it seems that the moral status of Bacon’s vision somehow actively contributes to its aesthetic appeal. For the artistic integrity and consistency of this vision – the frankly incredible manner in which this vision has been realised in material form – ensure that Bacon facilitates a response that is entirely commensurate with his nihilism: ‘there is something important about ourselves we can come to recognise in Bacon’s work . . . we can and should respond to Bacon’s work as solicited.’ This recognition brings Kieran to agree with Jacobson’s conclusion that good art can be bad, a conclusion he admits to be completely antithetical to his own earlier held position.

It is perhaps inevitable that certain works of art will offend because they convey attitudes that conflict with conventional morality. Such works of art may strive to bring a moral ethos to depiction that cannot be ethically justified; such works may indeed also be artistically substandard in that their meaning is marred as a consequence of this immorality. However, certain exceptional artists possess the capacity to induce a subjective response that conflicts with our moral beliefs and yet, because such works may simultaneously manifest a degree of artistic value (whatever this value may ultimately consist of), and because both conflictual aspects of the work are recognised by the viewer, this results in our being compelled to suspend customary ethical prejudice. However, is this, as Kieran concludes, ‘because of the potentially insightful rewards engaging with a morally problematic work might bring’?

For Kieran, Bacon’s artistic vision constitutes an axiological paradox where moral value and aesthetic value come into non-reconcilable conflict. Indeed, it even appears to Kieran as if the artist’s work is aesthetically valuable precisely ‘due to its morally defective aspect’. He rationalises the conflict by insisting that the aesthetic value of a work of art consists in the enrichment of experience and thereby the contribution it makes to knowledge and understanding. In other words, because engaging with Bacon’s work can bring us to a novel
metaphysical conception of human existence snarled up inexorably in the physical process of an indifferent, or worse, a cruel reality – but with the Nietzschean injunction not to mourn but to exult in this visceral knowledge – Bacon succeeds admirably in the creative transmission of truth for Kieran. This demonstrates, he concludes, that moralism is mistaken: for what the analysis of the conflict between our moral and aesthetic responses to the work ultimately demonstrates is that it is not despite but rather because of its ‘morally defective’ nature that Bacon’s work (for him) ultimately possesses aesthetic value. ‘Immoral works, where they deepen our understanding, can be better rather than worse works of art for so doing.’

Kieran finally admits that the aesthetic value of certain works of supreme art may compel us to parenthesise our immediate ethical judgement. Bacon’s work, he says, rewards long-term engagement with the recognition that his ‘general conception does rest on a truth about particular aspects of our human nature – something from which we often shrink or self-deceivedly push to the back of our minds’. His reluctant ‘cognitive’ acceptance of what he believes to be the immorality of the Baconian aesthetic with reference to the knowledge that the artist’s exceptional vision makes accessible, however, only makes sense against a moralistic background. Kieran has responded morally to Bacon: something in the art conflicts with his moral convictions and therefore, according to his moralist leanings, ought to be condemned. Yet, as his example of the confused Fuller illustrates, a critic willing to condemn the work of one of the most celebrated artists of the twentieth century on moralistic grounds will quickly be discredited.

However, despite his moralist conditioning (his concern for the effect immoral art may have on his ‘higher nature’) Kieran’s tortuous experience with Bacon has helped articulate the crucial discovery of our evaluation of Hirst: the artistic transvaluation of morality. This outcome can be attributed to certain exceptional artistic phenomena in which the paradoxical relationship (the non-reconcilable conflict) between moral and aesthetic value is recognised as relevant to the general artistic significance of the work. With regard to the art of Damien Hirst, the phenomenal artistic significance of such a creative programme obliges us to suspend and re-evaluate our initial (prima facie) negative moral judgement. What happens is that the specific immorality of the work undergoes a process of transvaluation (it is aufgehoben, as described) through acknowledgement of its exceptional status (for, as argued, it is evocative of the sublime experience) for the sake of a general meta-ethic that transcends the immediate negative moral value of the phenomenon and compels re-evaluation at another, higher, level. Recognition of the general artistic vision of Hirst’s work necessitates the acceptance of the immorality involved in its production. Indeed, in this chapter I have tried to demonstrate that his work can be considered of sublime artistic significance only if its
immorality is acknowledged – or, to put this in another way: only if the non-dialectical conflict of its aesthetic value and moral value is allowed to remain in an unsynthesised state.

In that it includes an unethical practice as an integral element, Hirst’s art counts as immoral in Jacobson’s sense; yet, equally unavoidably, as we have seen, his work is of sublime artistic value and therefore essentially admirable. As complete a metaphysical vision as recognised in the work of Bacon (by Kieran) is articulated by the Hirstean sublime. This vision has crystallised around several works of supreme artistic status that demonstrate the hallmark of consummate art: commitment to the (unprecedented, sublime and astonishing) artistic materialisation of a philosophical vision. Yet his work, as demonstrated, is also appalling: it is convulsive, it is terrible, it engages negative emotional responses and provokes moral shock, and yet is artistically significant despite (more accurately because of) these characteristics since, as Burke acknowledged, convulsion, terror and shock are precisely the elements responsible for evoking the sublime experience.

In an important paper on tragedy largely neglected by contemporary philosophical aesthetics, Lawrence Hyman elaborates an account of the relationship between aesthetic value and moral value in art that is capable of offering an explanation of the phenomenon of artistic transvaluation discussed here.\textsuperscript{115} The paradox of axiology when it occurs, Hyman argues, should not be reconciled under duress, for this conflict of value may be fundamental to the artistic significance of certain art. For instance, the specific artistic achievement of tragedy, he explains, is often due precisely to the irreconcilable tension – or unsynthesisable conflict – that is allowed to remain active, troubled and raw between the aesthetic and the moral dimensions.\textsuperscript{116} ‘We need the conflict between our ethical and our aesthetic feelings to create the poetry,’ we require it to experience the art.\textsuperscript{117} Hyman insists, indeed, that the ‘dramatic power’ of tragedy actually depends upon its capacity to ‘subvert’ moral judgements.\textsuperscript{118} Abject cruelty, evil and ugliness, aspects that in \textit{King Lear}, for instance, provoke the most trenchant moral responses, are crucial and irreducible aspects of the tragedy. However, Hyman also maintains that these moral elements resist being converted directly to aesthetic value. Yet the artistic significance of the drama somehow actually \textit{depends} on this resistance. Its artistic value, in other words, must be considered to encapsulate moral shock – outrage, disgust, shame – that experience of \textit{King Lear} so importantly includes. So the elements that provoke negative moral responses must be maintained as fundamental artistic motifs of Shakespeare’s play. In fact (and Hyman adverts to Rosalie Colie’s fascinating analysis of \textit{King Lear} to help him conclude this), the artistic ‘effect requires our moral disapproval’\textsuperscript{119}

The artistic significance of Hirst’s paradoxical work, in a cognate manner, similarly requires our moral disapproval. However, and this is the point I
wish to emphasise here, just as indicated by Hyman and Colie, although our moral principles are subverted by *King Lear* they are actually re-signified and consolidated on a higher level by the very artistic transgression that threatens them in the play. In other words, as our moral attitudes are threatened or actually subverted by *Lear*, an equal and opposite resistance to this subversion also takes place, a resistance that keeps the immorality associated with the play (and its threat to our moral principles) embalmed within the sublime framework of the drama, which results in the preservation or sublation (*aufheben*) – or ultimately, in the transvaluation of those moral principles – at a meta level.

The experience of what I have termed the transvaluation of morality is crucial to the aesthetic value afforded by the tragic vision of Damien Hirst. But I want to add here that, following the initial shock of the threat to morality, this ultimately results in the real shock associated with the work: the ‘reassertion of the values of life with all of its limitations even in the teeth of adverse experience’ (to employ Colie’s terms).\(^{120}\) We finally accept this subversion, this transgression of moral values as essential to the artistic integrity of the work, as we accept the moral shock, paradoxically, as fundamental to the meta-ethical framework of tragedy that finally supports the work’s dramatic action and is essential to the artistic experience of the kind of artwork it is. ‘We are *supposed* to be shocked by Lear’s callous treatment of Gloucester’s blindness,’ as we are *supposed* to be shocked by Hirst’s treatment of animals.\(^{121}\) In other words we are encouraged to evaluate the treatment in such cases as morally wrong. The more uncompromising – the more visceral and incorrigible – the moral shock provoked by the art, the more the art strives towards the sublime experience of transvaluation. But *that does not mean that the moral wrong is made right by the work.*

Hyman concludes that ‘this power to take and to give delight in what shocks the virtuous philosopher requires [both the simultaneous] presence, and the suspension, of our moral attitudes.’\(^{122}\) And this is exactly my point. It is not that Hirst’s work is aesthetically valuable *because* of its negative moral value (as Jacobson would argue) but rather that the sublimity of the work is due precisely to the irreconcilable conflict that remains in our judgement of its moral and aesthetic dimensions. Our final judgement is that, because the work has made us experience this non-dialectical conflict of its aesthetic and moral values in such a visceral and emotionally involved manner, the work is sublime: irreducibly both aesthetically excellent and morally problematic – and yet, strangely, precisely because of this, finally, *ethically* important.

As Hirst’s artistic programme involves a severe and uncompromising confrontation with the ‘terrible side of life’ that Schopenhauer was appalled to discover in classic tragedy,\(^{123}\) I conclude, following Hyman’s analysis, that Hirst’s work with animals ought to be understood as a contemporary and creative,
artistically original, recapitulation of tragedy. It is the meta-ethical structure of tragedy that is ultimately responsible for the phenomenon of transvaluation that the immorality associated with Hirst’s practice undergoes in his work. Indeed, there exists evidence that this is precisely how he himself understands his work with animals: ‘I never really thought of them as violent,’ he remarked in interview. ‘I always thought of them as sad. There is a kind of tragedy with all those pieces.’ If it can be argued that the artistic function of tragedy is to sublimate the same ‘unspeakable pain, the wretchedness and misery of mankind . . . and the irretrievable fall of the just and the innocent’ that we find in Hirst and thereby raise it, or re-lift it (to use the Derridean translation of the Hegelian Aufhebung) to arrogate a morally significant ethical meaning, then it is possible to argue that Hirst’s work compels us to re-evaluate, by sublimation (literally by cancelling and yet preserving) his speciesist – and therefore ethically unjustifiable – ultimately immoral use of non-human animals for art through the metaphysical, meta-ethical vision associated paradigmatically with classical tragedy. And this, finally, is no trivial end.

Aftershock: Tragic Sympathy and Meta-Ethical Significance

Oh my God! What have I done?

Damien Hirst

In one of the cells of a twin-chambered steel-framed glass container, in a pool of blood darkened by the ultraviolet glow of an electronic insect-killer, the severed head of a cow is left to decay. In the other cell, a smaller cubic container with jars of sugar-water has been spiked with the larvae of the flesh-fly. Quickly, one gets the picture: this is a controlled mini-environment, a simulated bio-cycle, an experiment. Watch and wait. In this simulation of what physicists term a closed system, the law of the random is played out: as maggot develops into fly and finds its way (through holes cut in the glass partition between the cells) to the decomposing head, eggs are laid and new larvae form, facilitating the process of decay; or shiny blue neonate is zapped and its spent shell collected in the angled trays underneath the live panels of the insect executor. In the beginning, the environment appears clean, almost hygienic; but as time passes, more and more flies – buzzing, feeding, reproducing, dying – fill the container like black zits, until it is swarming with them and the trays of the insect executor overflowing with their dead. In the fullness of time, of course, the environment will be still again. Except now it will no longer be the clinical
space it started out as: it will be thoroughly contaminated with piles of dead flies. Until someone decides to plug it out, the insect-o-cutor will continue to cast the final scene in its pale blue light.

Dating to 1990, this grim spectacle was one of the first ‘sculptures’ conceived by Damien Hirst following his graduation from Goldsmiths’ College (the preparatory drawings for the piece date back to 1989). Called *A Thousand Years*, and, although nothing less than satanic in its speculative experimental cruelty, it is, nevertheless, a profound and deeply compelling work of art. Hirst in fact considers it to be his most successful work. Synoptically paradigmatic of the main thematic concerns of his entire artistic project, *A Thousand Years* can be characterised as a metaphysic of life reduced to ‘Birth, and copulation, and death’. In this concluding section I will argue that in the dark cosmological fatalism manifested by Hirst’s entomological experiments (and natural history works, especially his work involving livestock), the

22. **Damien Hirst, *A Thousand Years*, 1990**

Steel, glass, flies, maggots, mdf, insect-o-cutor, cow’s head, sugar, water
84 x 168 x 84 in. (213.4 x 426.7 x 213.4 cm)
© the artist
Courtesy Jay Jopling/ White Cube (London)
distinctive lineaments of what Peter Lamarque has termed the *tragic vision* can be recognised. What is the tragic vision?

‘Characteristically,’ Lamarque explains, ‘the tragic vision can be defined as a metaphysical picture of a world governed by fate or natural law which is depicted as blindly indifferent to human suffering and the human conception of fairness and benevolence.’\(^{130}\) The unremitting anti-humanist conception of reality that this scheme of life involves constitutes the paradigmatic tragic sensibility. In fact, the speculative cruelty associated with Hirst’s aesthetic at the very outset of this chapter can now be seen to be determined by the tragic vision as defined by Lamarque. In *A Thousand Years*, for instance, the abundant life inside the system is inhibited, contained in precise confinement, by the clinical parameters of its necessarily unintelligible (at least from the perspective of those subject to its regime), and ultimately fatal, architectonic.

Certainly, therefore, Stallabrass’s identification of horror in Hirst is analytically accurate; he fails, though, to recognise the *tragic* nature of this horror and thus commits the critical error of attempting to domesticate its sublimity – its most disturbing (and artistically significant) feature. In light of the comparative analysis presented here, Stallabrass’s satirical critique of Hirst’s work as *schlock* (‘the stuff of horror movies’), although quaint and attractive (‘it’s all so Peter Cushing’) appears fatuous and, to employ his own bromide, ‘lite’.\(^{131}\) Perhaps such a resolutely indifferent critic will ultimately remain unconvinced by any argument for the profound artistic significance of Hirst’s work. However, a convincing case shall be made for its tragic status that may also explain why Stallabrass might have misconstrued it so unfortunately.

In a very early review, Richard Cork succinctly identified the work’s crucial effects. ‘Mesmerised and nauseated in equal measure’ – mesmerised by the geometric elegance of the experiment, nauseated by the foul content housed by its sleek parameters – Cork writes that *A Thousand Years* ‘shocks the viewer into confronting the unacceptable brevity of existence’.\(^{132}\) His review concludes that Hirst is the ‘most uncomfortable of artists, and the fact that he presents his murky findings with calm, surgical exactitude only adds to the disquiet’.\(^{133}\)

In conversation with Mirta d’Argenzio, Hirst quoted Hobbes’s fatalist nominalism as the philosophic provenance of the work: ‘He said that thing about life being “nasty, brutish and short”.’\(^{134}\) This is what Hobbes in fact said: ‘No arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death: and the life of man, solitary, poor, nasty, brutish and short.’\(^{135}\) Interestingly, at this point Hirst went on to misattribute the image of mortal humanity as so much ‘flies brushed off a wall’ to Hobbes when in actual fact this image derives from Francis Bacon, who claimed to have in his youth become distressed by the idea of life rendered absurd by the inescapability of mortality, ‘till I came to, as it were, accept that here you
are, existing for a second, brushed off like flies on a wall’. Of course Bacon, thoroughly familiar with the works of Aeschylus and Shakespeare, was more than likely playing his interviewer here for melodramatic effect, but nevertheless he claimed (on several occasions) to have employed tragic imagery to inspire his paintings.

Here therefore, in Hobbes and Bacon, lies the provenance of *A Thousand Years*: like flies brushed off a wall. ‘I like that metaphorically,’ Hirst says. ‘Your whole life could be like points in space, like nearly nothing. Also if you stand back far enough,’ he adds, ‘people are just like flies, like the cycle of a fly is like your own life.’ He concludes (with reference to his later black monochrome fly paintings): “That amount of death is pretty black.” Apparently, shortly before he died, Bacon visited the Saatchi Gallery to see *A Thousand Years*. ‘When he was there I got a call,’ Hirst claims, “I don’t know if this is interesting to you, but Francis Bacon’s here, and he’s been in front of your piece for an hour” . . . I didn’t know what the fuck to say. I dismissed it, but I understand why he could have liked it – dead fucking flies.

Life patterns that change and alter shape, coming into random constellations and dissolving again, are inhibited in *A Thousand Years* by the physical framework that contains and temporarily supports them before killing them. A thought experiment given physical form, Hirst has elucidated the structural ambitions of the work in terms of ‘an empty space with moving points within it, moving like stars . . . constantly changing pattern in space.’ My argument here is that this objective, coupled with the proposition contained in one of Hirst’s *aperçu* to the effect that the irrepressible desire to live is ‘fucked up’ by the inescapable certainty of death, is efficiently embodied in the morphological schematic environment of *A Thousand Years* with its burgeoning yet confined black mass of pure decompositional energy. Entrenched by principles that lack any coherent aim or direction and are therefore denied any metaphysical meaning, existence in this ecosystem – although highly regulated by the parameters of the experiment – becomes subject ultimately to the caprice of chance. Reminiscent of the tragic-ludic cosmology Nietzsche identified in the thought of the pre-Socratic philosopher Heraclitus, here the ‘eternal joke of world destruction and world creation’ vividly appears. Precisely, in this sense, *A Thousand Years* provides a micro-dramatic model of the cosmological outlook expressed *par excellence* in tragedy. The line that most synoptically characterises the dark metaphysics, the cosmic cruelty of the tragic vision is perhaps most precisely, elaborated:

As flies to wanton boys are we to the gods;
They kill us for their sport.
All existence, but human existence in particular (because the sick joke is that humanity is given some sense, some awareness of it), is subject to the whims of chance, an administrative intelligence not so much capricious as sadistic. Thus *King Lear* constitutes, according to the analysis of G. Wilson Knight, ‘the most fearless artistic facing of the ultimate cruelty of things’. The tragedy, however, is all the more affecting, trenchant, Knight insists, for its depiction of ‘a scene of wraithlike unreason’. He continues: ‘We watch humanity grotesquely tormented, cruelly and with mockery impaled: nearly all the persons suffer some sort of crude indignity in the course of the play.’

Although the bitter pessimism of the tragic philosophy of life represented here is already disturbing, it is admittedly brought to another level in Hirst through his soliciting of the motifs of corruption and decay (as well as the meaningless preservation of death in life, a perfect simulacrum, and therefore a critical comment on, the meaningless medical preservation of life in the shadow of death) to epitomise the aimless procedure of existence. It is not that the presence of death is, not without horror, acknowledged in life, but rather that death is brought into existence through the processes of life: living life produces its own nemesis: death. Challenging Burke’s argument that images are unable to present the sublime, this is a micro-universe of death.

*A Thousand Years* is ‘starkly tragic’ therefore not because it articulates that life is meaningless but rather precisely because it suggests that death is meaningless, a far more disturbing thought. ‘Mankind is, as it were, deliberately and comically tormented by “the gods”. He is not even allowed to die tragically.’

Later iterations of *A Thousand Years* incorporate a simulated head (a cow skin face stuffed by taxidermist Emily Mayer): ‘if you have a real cow’s head, no one goes and looks at it.’ Yet, because it does not stimulate a visceral reaction (no decomposition, uninterested flies, no maggot activity, etc.), this work is not conducive to the sublime experience. Burke, in fact, identifies ‘intolerable stenches’ with the sublime. But Hirst says: ‘So long as they think it’s real... I don’t fucking care.’ Many critics have been deceived. Townsend, for one, naively accepts the allegations of the Gagosian Gallery staff that the 2006 head had to be replaced every week.

Strangely, however, the cruelty portrayed in *Lear* frequently assumes an absurd or, more accurately, a ludic form. Shakespeare’s play is infused with ‘a cruel, ugly sense of humour’. Yet Knight’s argument is that the black comedy in *Lear* is in fact ‘intrinsic to the texture of the whole play’; indeed, he claims that the tragic intensity of the cruelty would be diminished were it not for the grinning streaks of ‘ghoulish humour’ running through the drama: ‘we are [made] continually aware of the humour of cruelty and the cruelty of humour.

Such a tragicomic duality has been repeatedly identified in Hirst’s work with animals, most obviously perhaps in the work already referred to, *This Little Piggy*.
Went to Market, This Little Piggy Stayed at Home, a pig bisected in the sagittal dimension, the halves displayed in two separate steel-and-glass containers facing each other with one of them on a motorised track that continually grinds back and forth in front of its other half, the halves onanistically alternating between the states of quasi-togetherness and separation. ‘It looks like a bacon slicer and it is a pig slicing itself,’ Hirst coldly comments. Not only horror: there is also something satanically comic embedded in Hirst’s tragic vision.
‘We are clearly pointed to this grim fun, this hideous sense of humour, at the back of tragedy . . . the humour a boy – even a kind boy – may see in the wriggles of an impaled insect.’

However, it still remains unclear why tragedy in general, and therefore Hirst’s work in particular, is morally valuable. What evidence can be adduced that tragedy is of significant moral value? Why should such a nihilistic worldview involving the sometimes gratuitous (or ludic) presentation of suffering and cruelty raised to aesthetic form have any value (let alone a moral value)? Does it transcend good and evil?

In a significant essay (already referred to), Peter Lamarque enquires why tragedy should be thought of as ethically valuable. One obvious way of addressing the doubts raised here is to indicate the transcendent aesthetic purpose of tragedy: it has a long-recognised capacity to develop and sustain themes of universal human concern. Part of the value of tragic art then will be discovered in its aesthetic ability to ‘express’ what Lamarque calls a ‘metaphysical picture’ that he says itself possesses an ‘independent moral significance’.

What kind of metaphysical picture? Paradigmatically for Lamarque, this metaphysical picture may be epitomised by the fatalistic cosmology envisioned in *King Lear* where a world indifferent to human conceptions of good and evil is elaborated: a cold and cruel zone determined by inscrutable natural laws where good is unlikely to prevail and nothingness rewards endeavour. Tragic art *par excellence* therefore – through focusing on motifs with conventionally negative value such as moral failure and, in the case of Hirst, nihilistic, ludic and meaningless cruelty – nevertheless possesses the potential to elaborate, through sublimation in the tragic, themes of universal or meta-ethical validity.

Many of the connections made here come to a surprising convergence in Jacques Lacan’s writings. The *Ethics of Psychoanalysis* suggests that the ethical significance of tragic art (epitomised for him in the motif of Antigone) is to effect an *aufheben* of the moral within the aesthetic. In this way the essential excess of the ethical over the aesthetic is revealed by way of the sublime art object. According to Critchley, the Lacanian term for this dynamic is *até* or *transgression*. Tragic art, precisely through transgressing the conventions of the symbolic moral order therefore succeeds in demonstrating the excess of the ethical above the aesthetic – but only as *aufgehoben* through the sublime power of the aesthetic. Exactly.

Finally, however, in order to demonstrate how the aesthetic transvaluation of morality is effected through tragedy, Lamarque, possibly influenced by Wittgenstein’s discussion of aspect seeing in the *Philosophical Investigations*, makes an important distinction between the internal and the external aspects of the artwork. And although this distinction is characterised as ‘absolutely fundamental’, it is a little simplistic: it would perhaps be more genial to reparse Lamarque’s internal–external register in temporal terms as immediate
reaction and post-reflective response. Lamarque does though, in fact, elucidate the ethical benefits of morally problematic transgressive art that is nevertheless, like Hirst’s, of sublime artistic, and therefore, as we have argued, of meta-ethical, significance.

Distinguishing between the internal and external aspects of the work, Lamarque draws attention to the temporality of response. As intimated above: the emotional reaction to a work of art takes place at a level of immediate affective reaction; thus the internal aspect of the work is determined by contemporary reaction to the work as it is being experienced. And this almost involuntary (visceral) response may be registered in relation, for example, to transgressive art, as moral outrage, disgust, shame, guilt, pity, compassion etc. – all now considered to be morally significant emotions. In terms of the initial experience, it is determined by complete absorption in – or indeed, paradoxically, in visceral repulsion from – the work in question.

In the instance of the original (1990) A Thousand Years, one may have been so overwhelmed by coming into the presence of putrefaction that it was impossible to even make the approach across the gallery to observe the work. Similarly, one may be overwhelmed by visceral horror when confronted with a fourteen-foot monster shark, or so morally repulsed at the spectacle of dead pigs, sheep and cattle, that one cannot, again, even bring oneself to engage with these works as art. Yet this immediate visceral dimension is complemented (particularly in tragic art), according to Lamarque, by the external aspect of the work – this being a later consequential, and considered post-response to the work that temporally follows, and yet depends upon, the earlier initial reaction.

According to the ‘external’ aspect, we come to appreciate, after time (considerable time, in some cases) that the same work that provoked this initial visceral reaction is a work of sublime artistic significance, that is, a work representative of the kind of ‘metaphysical’ vision elaborated by Lamarque. The work appears ex post facto, according to its ‘external’ perspective, as expressive of a meta-ethical vision that transcends (and perhaps also ultimately justifies) the specific local immoralities responsible for the immediate moral shock. The significant theme of the work is later revealed by gradual release; it comes to light through the ‘external’ aspect that cancels and transcends the immediate immorality associated with the work for the sake of a (perhaps ultimately equally disturbing) meta-ethical significance. This results in a re-evaluation of the immorality of the work (it may be seen as having been necessary and essential to the ethical meaning of the piece); for, according to Lamarque, the principal characteristic of the ‘external’ aspect is precisely the questioning of the emotional or visceral response associated with the ‘internal’ immediate reaction. This questioning of the initial reaction to the work fulfils itself in a ‘meta-response’ (an astonished response to our own initial visceral
reaction) through which the visceral presentation associated with the ‘internal’ aspect is overruled (is now seen to have been aesthetically necessary) for the sake of a wider conception of ethical value – a larger meaning thus emerges that, through the transgressive aesthetic, encompasses and transcends, and finally suspends (aufheben) the immorality initially discerned in the work. This process corresponds exactly to what was termed above the transgressive ‘transvaluation of morality’; for in this instance, the immediate apparent immorality of the artwork is again transformed into something not only morally defensible but ethically admirable and we are reminded again that ‘Certain techniques of shock are embedded in the way we determine right from wrong.’

Likewise, the moral value of tragedy consists in immediate affective, visceral moral shock – shame, revulsion, horror, fear, disgust, nausea – to the tragic spectacle undraped before us, providing an aesthetically controlled, architectonically mediated ‘imaginative access’ to deeply disturbing themes of suffering, violence, meaningless death, absurd cruelty, horror and abjection. Aristotelian catharsis, Lamarque concludes, is not merely the pleasurable release of vicarious experience as canvassed by vulgar tragedians, but rather a form of ‘self-knowledge, one involving a clarification or “working through” of the emotions, revealing their proper [ethical] objects’. It does not matter therefore if it can be rationally established that the work is in fact unethical: what matters in this context is the effect of considering the situation that the work invariably refers to as tragically immoral. Tragedy ‘elicits a sympathetic response’ to immediate scenes that are sublimated through architectonic structures: the ‘moral themes’ are paradoxically rendered more abrupt, urgent and intensely felt through evaluation of our emotive reactions to the transgressive work posterior to the immediate reaction to it. Following the experience of moral shock, given time in which to develop a reflective meta-response to this initial shock, the ethical aftershock arrives.

Conclusion

Sympathy sensitises us to the emotional life of others. Feeling as another feels is a form of trans-subjective ethical substitution: self for other. This process, as we have seen, is now considered fundamental to the ethical experience: ‘moral conduct requires that we see the world as others see it . . . And this requires that we must not strive for emotional distance, but rather emotional connectedness.’ Tragic sympathy sensitises us to the suffering of others: Hirst’s ‘specimens’, although dead and displayed in a cold and dispassionate aesthetic
(which mimics scientific detachment in order to subvert aesthetic disinterestedness more effectively and thereby challenge the ideology of science), solicit a trans-species form of moral sympathy. ‘I hope’, he says, that people ‘feel sorry for the cows’.\footnote{171} Sympathetic sensitivity to the animal preserved in its death by a cruel yet sublime architectonic: this is what gives his work that meta-ethical significance discovered here.

Indeed, it is no arbitrary decision of Aristotelian scholar Martha Nussbaum to characterise the condition of animal existence in human society as tragic.\footnote{172} ‘We should admit, then, that there will be an ineliminable residue of tragedy in the relationships between humans and animals.’\footnote{173} This suggests very strongly that we should feel the guilty pathos of sympathy for this tragic condition. We care about these animals; and therefore, the moral issue raised by Hirst’s work, in a way bizarrely compatible with Nussbaum’s ethical conclusions, is to acknowledge ‘the dignity of animals and our own culpability toward them’.\footnote{174} Moreover, if Hirst’s specimens were displayed in a scientific context as opposed to an artistic one, the animals would be an-aesthetised and we, as a result of cognitive conditioning, would become morally desensitised to the condition of animal existence in human society – desensitised, that is, to their tragic universe of suffering. ‘I want the viewer to do a lot of work and feel uncomfortable, they should be made to feel responsible for their own view of the world rather than look at an artist’s view and be critical of it.’\footnote{175}

Cognitivist Matthew Kieran believes that the benefits of art can be calculated according to what is contributed to knowledge as a result of the experience it affords; how art enhances understanding or enriches experience constitutes the beneficial value of art. ‘The value of a work depends’, he writes, ‘on the quality of the experience the work affords and the insight and understanding it conveys to us.’\footnote{176} Immoral works of art, when demonstrated that they make a contribution to knowledge, can be considered, despite their dubious moral value, to be cognitively valuable nevertheless. But what contribution to knowledge does a work like Hirst’s \textit{A Thousand Years} make? Well, in answering this, we can defer to William Golding’s novel \textit{The Lord of the Flies}: ‘At last Simon gave up and looked back, saw the white teeth and dim eyes, the blood – and his gaze was held by that ancient, inescapable recognition.’\footnote{177}

Thus it is with Hirst’s work. Such re-igniting of an ancient, dark recognition in the heart of a technologically advanced, medically antiseptic, pharmacologically desensitised, scientifically self-progressive and reinforcing global zeitgeist gives us pause. His project thus qualifies as a \textit{Zeitdiagnose} in the spirit of Dominique Janicaud.\footnote{178} Yes, perhaps it is true that, as Sarah Kent suggests, flies don’t matter. But neither do we. And that, of course, is precisely the point.

And this finally brings the wider ethical value of Hirst’s entire aesthetic project to light: his work presents a visual challenge to civilised advanced society to
account for its random and multiple acts of anonymous barbarism. Likewise, it demonstrates how technological advancement and corporate control – the ‘deeply anti-philosophical conception of progress’\textsuperscript{179} – involve their own, more subtly administered, more speculative forms of pure palpable horror (see, for instance, \textit{The Acquired Inability to Escape}, 1992).

One of the perennial concerns of his practice is the contemporary meaning of human mortality, specifically, what significance death possesses when reduced to a technological process and determined by the termination of care. As Shuster says, contemporary death can be defined as ‘the exhaustion and failure of medical procedure’.\textsuperscript{180}

Finally, because his transgressive autopsies eliminate any benefit that might conceivably result, as a consequence they question the entire notion of potential benefits; his work problematises our unconditional faith in science and represents an ethical critique of ‘disinterested’ scientific research and experimentation that remains somehow outside all moral accountability (and protects, for instance, the morally dubious practices of artist-pathologist Gunther von Hagens).

Similarly, Hirst’s work engaged particular ethical concerns about our instrumental treatment of animals that began to emerge in the early 1990s: the Bovine Spongiform Encephalopathy (BSE) scare was a particularly troubling consequence of ‘treating animals as commodities, subject only to commercial constraints ignoring all . . . moral considerations’, especially when the human variant of this disease (Creutzfeldt-Jacob Disease, CJD) was discovered and its link to the consumption of diseased animals established.\textsuperscript{181} Hirst’s work may, indeed, oblige us to view the history of our instrumental treatment of animals as a kind of holocaust.

And yet the aftershock of the Hirstean aesthetic ultimately compels us to read his work ‘metaphorically’ (or, perhaps, ‘allegorically’), not as pertaining directly to animals but indirectly to \textit{human} existence: to what Janicaud terms the ‘human condition’. Then, experiencing the aftershock associated with his work would involve, in the words of Critchley, attending ‘to the finally enigmatic character of the human condition, and to the utterly fragile and un-heroic nature of that condition. The human being is not something to be overcome, but \textit{undergone}.’\textsuperscript{182} Janicaud asks a question that may offer an adequate propositional translation of the aftershock associated with the Hirstean tragic:

\begin{quote}
if the specificity of man is more and more difficult to define in purely biological terms, if this specificity also diminishes from a cognitive point of view, if the notion of ‘human nature’ is obsolete, are the boundaries between human beings and animals, between what man is now and potential humanoid mutants, not very fragile?\textsuperscript{183}
\end{quote}
In the period of the aftershock, it will be seen that, through a consummate tragic art, Hirst’s work involving non-human animals transforms a specific immoral practice into a meta-ethical artistic phenomenon that finally, having shocked us to its moral wrongs, causes us reflexively to re-evaluate prevailing human attitudes to animals by displaying these wrongs clearly to investigation. Because of its tragic transgressive sublime, I conclude, we are compelled to recognise seriously – even despite ourselves – the ancient importance, the inescapable significance and, finally, the really shocking ethical value of Hirst’s work.
stigmatised as weak, destructive and irrational. As a result, ‘need and vulnerability are viewed as shameful’ (ibid., p. 199).

162 Ibid., pp. 206–7.
163 Ibid., p. 207.
164 Nussbaum acknowledges that emotion is ‘always moral in a broad sense of that term’ (ibid., p. 204).
165 See Critchley’s discussion of this process in Infinitely Demanding, pp. 41–2.
166 Nussbaum, Hiding From Humanity, p. 212.
167 Ibid., p. 213.
168 Morgan, On Shame, p. 91.
169 Ibid., pp. 96–7
170 Ibid., p. 97.

5 Horrorshow

3 Julius, Transgressions, p. 142.
4 For a brief history of the shark, its gradual decomposition and eventual replacement, see the report by Carol Vogel, ‘Damien Bites Back’, Observer, 19 November 2006, pp. 8–10.
5 The assemblage of fish in smaller-scale containers, Isolated Elements Swimming in the Same Direction for the Purposes of Understanding (1991) also pre-dated the shark.
6 Recent reports suggest that Hirst is seeking to capitalise on his early success by cannibalising his most celebrated pieces; he is currently organising to have smaller-scale replicas of his work made. The Sunday Times reported that Hirst recently acquired another shark from Australia; however, this specimen, measuring ‘only’ five feet (150 cm) is much smaller than the ‘original’. The Wrath of God has been sold for £2.28m to Leeum Samsung Museum of Art in Seoul. Dunphy in Brooks, Richard, ‘Hirst Earns 3m for Second Shark’, Sunday Times, 19 March 2006, p. 12.
7 There are at least three versions of this work.
11 Beyond Belief was at the White Cube Gallery in Hoxton Square and at Mason’s Yard in central London from 3 June to 7 July 2007. The animal works in this instance were eclipsed by the media mania surrounding the memento mori of bling: For the Love of God, a human skull cast in platinum and encrusted with 8,601 ‘VVS to flawless’ D-coloured diamonds with the real teeth re-inserted back into the mandible. For the record, the most necessary definition of this work, despite the
notes to pages 165–70

*mundus vult decipi* of ‘distinguished’ art historians willing to describe the piece as ‘celestial’, is that of Will Self: ‘the skull’, he writes, ‘is a tangible exclamation mark at the end of this era of excess.’ Self, Will, ‘To Die For’, *Sunday Telegraph Magazine*, 2 June 2007, p. 28; see also Damien Hirst, *Beyond Belief*, press release, White Cube, 2007; also Januszcak, Waldemar, ‘On Sparkling Form’, *Sunday Times Culture*, 3 June 2007, pp. 18–19.


13 The work he intended to exhibit, *Two Fucking, Two Watching* (a quartet of peeled cattle, one on top of another simulating intercourse by means of a hydraulic apparatus, two more on either side – all in a vitrine *without formaldehyde*) was vetoed by New York sanitation officials; this delayed the show for six months. Lyall, Sarah, ‘Is it Art, or Just Dead Meat’, *New York Times*, 12 November 1995.


15 Hirst, in *Furball* interview: www.artfact.com/artist/hirst-damien-t9wpclihrn; www.intute.ac.uk/artsandhumanities/?id=2028.

16 Ibid.

17 He continues: ‘ . . . if you’re reading it metaphorically that’s just you. . . . You know, like with the shark, I did think of doing a light box or a painting, a big painting of a shark. But it was like no one is going to believe that because we are so used to images. So I just wanted to make something real. Real enough to frighten you.’ Cicely, Eduardo, Mario Codognato and Mirta D’Argenzio, *Damien Hirst, Napoli Museo Acheologico Nazionale* (Electa, Naples, 2004), p. 116.

18 Hirst, *Furball* interview.

19 Ibid. See also Kent, *Shark Infested Waters*, p. 37.


21 Ibid., p. 69.

22 Ibid.


24 Ibid., p. 217.

25 Ibid., p. 220.


27 Ibid.


30 Singer, ‘All Animals are Equal’, p. 221.


32 Singer, ‘All Animals are Equal’, p. 222.

33 Bentham, Jeremy, *An Introduction to the Principles of Morals and Legislation* (1789)
34 Singer, ‘All Animals are Equal’, p. 222.
36 Ibid.
37 Julius, Transgressions, p. 145.
38 Ibid., p. 140. The installation was intended for the Hors limites exhibition at the Pompidou Centre, Paris in 1994. A scandal ensued,’ Julius reports, and a ‘compromise reached: in place of the insects themselves, there was a note explaining the artist’s conception, together with various documents that the controversy had generated’, ibid., p. 140.
40 Ibid.
42 Ibid., pp. 11–12
43 Baker, ‘Haunted by the Animal’.
45 See Nietzsche: ‘in creation, however, destruction is included.’ The Will to Power (trans. W. Kaufmann), in R. Grimm and C.M. y Vedia (eds), Philosophical Writings (Continuum, New York, 1995), pp. 79–80.
51 This Little Piggy Went to Market, This Little Piggy Stayed at Home (1996) also exhibited in Sensation.
53 And has been – see Llewelyn, John, ‘Am I Obsessed by Bobby? (Humanism of the Other Animal)’, in R. Bernasconi and S. Critchley (eds), Re-Reading Levinas (Athlone, London, 1991), pp. 234–45. He enquires ‘whether Levinas’s concept of the neighbour includes the nonhuman animal’. His solution is reluctantly negative: ‘In the metaphysical ethics of Levinas I can have direct responsibilities only toward beings that can speak, and this means beings that have a rationality that is presupposed by the universalising reason fundamental in the metaphysical ethics

54 Derrida, *The Animal That Therefore I Am*, p. 27.


57 Ibid.

58 Ibid.

59 Ibid.

60 Noddings’s analysis concludes: ‘an ethics of caring is perceptive and creative rather than judgemental. I may, as an individual, be willing to enrich and complicate my ethical life by including some members of the animal kingdom in it but, aside from demanding justification for the infliction of pain, I cannot judge you if you do not decide to complicate your life in a similar fashion.’ Ibid., p. 159.

61 Ibid., p. 157.

62 Baker, ‘Haunted by the Animal’.


65 ‘Whatever therefore is terrible, with regard to sight, is sublime too’ (Burke, *Enquiry*, Part 2, Section II, p. 53); Terror ‘is in all cases whatsoever, either openly or latently the ruling principle of the sublime’ (Ibid., Part 2, Section II, p. 54).

66 Ibid., Part 2, Section V, p. 59.

67 Ibid., Part 1, Section VII, p. 36.


72 Hirst, in interview, on Damien Hirst website: www.artfact.com/artist/hirst-damien-t9wpclhrnh.

73 We are not forced to confront death in an obvious sense, in the way, for instance, Bill Viola forces us to ‘see’ death happening in the *Nantes Triptych*. What cannot be shown, what must be passed over in silence, can be more subtly, and therefore more powerfully, suggested by obscure means.

74 ‘Being-towards-death is essentially anxiety,’ Heidegger writes. Death is the privation of all possibility, that is to say, it can be defined as the possibility of the impossibility of my own existence (and the termination of the ground of existence as such). Heidegger, Martin, *Being and Time*, (trans. J. Macquarrie and E. Robinson) (Blackwell, Oxford, 1962) § 53 p. 310; see also p. 263.
notes to pages 180–3  235

75 Hirst in Kent, *Shark Infested Waters*, p. 36.
76 Burke, *Enquiry*, Part 1, Section VII, p. 36.
79 Jacobson, ‘In Praise of Immoral Art’.
80 Ibid.
81 Ibid., p. 181.
83 Ibid.
84 Ibid., p. 181, my emphasis.
85 Ibid., p. 162.
86 Ibid.
87 The cognitive theory of artistic value can be defined as the conception that art can facilitate the development of non-trivial knowledge; that the experience of art contributes positively to ‘our’ knowledge. See Gaut, Berys, ‘Art and Cognition’, in Kieran (ed.), *Aesthetics and the Philosophy of Art*, pp. 115–26: ‘art can nontrivially teach us; . . . [and] this capacity to teach partly determines art’s aesthetic value.’ He cites as proponents of this theory (among many others) Beardsmore, Carroll, Nussbaum and Nelson Goodman (p. 115).
89 Kieran, ‘Forbidden Knowledge’, p. 72.
91 Kieran, ‘Forbidden Knowledge’, p. 72.
92 Jacobson claims that his defence of immoral art does not constitute a general theory of the relationship between moral and aesthetic value (despite the fact that in the wake of his article many have dubbed his defence ‘immoralism’). Baker also defends the unethical practices of artists who (ab)use animals with reference to a cognitive alibi: ‘Regardless of ethical stances, it is still materials that count here, creating knowledge and encouraging open and imaginative thought . . .’ Baker, ‘Haunted by the Animal’.
98 Fuller tried to argue that Graham Sutherland was a ‘better artist’ than Bacon simply because it was impossible for the critic to accept the moral message that he
received from paintings such as *Three Studies for Figures at the Base of a Crucifixion* (1944). See ibid., p. 177.

99 Ibid.

100 Ibid., p. 178.

101 Ibid., p. 183.

102 Ibid., p. 184.

103 ‘Since 1993 the artists have sought to make pieces that reflect their immediate encounters and interactions with animals in the wild. The *Raw* exhibition, of work made since 1995, included paintings of lions, zebra, wild dogs and rhinoceros in the African bush, polar bears in the Arctic tundra, tigers and elephants in Nepal, leopards and tigers in India, white sharks in the ocean off South Africa, and ravens, wolves and deer in Minnesota’. Baker, *The Postmodern Animal*, p. 11.

104 Ibid., p. 11–12 (the photographer is Greg Williams).


106 Ibid., p. 179.

107 By way of a footnote he informs the reader that he ‘used to’ be a moralist: he ‘used to think’ that a moral ‘defect’ in a work of art constituted an artistic flaw. Kieran, *Revealing Art*, p. 261.

108 Ibid., p. 179.


110 Ibid., p. 191.

111 Ibid., p. 191.

112 Ibid., p. 194.

113 Ibid., p. 193.

114 ‘. . . part of us does remain revolted and fascinated by the way our brutish animal natures can flatten our higher nature, thus leading us to be appalled at the horror of existence.’ Ibid., p. 193.


116 Ibid., p. 150.

117 Ibid., p. 155.

118 Ibid., p. 153.

119 Ibid., p. 154.


121 Ibid., p. 155.

122 Ibid.


124 Hirst in Eduardo et al., *Damien Hirst, Napolia Museo Acheologico Nazionale*, p. 134.


as its almost identical twin, One Hundred Years, A Thousand Years was the first of several works Hirst has made involving flies. In 1993 he installed Bad Environment for White Monochrome Paintings in the Mattress Factory in Sampsonia Way. See Parkett, 40/41 (1994), pp. 59–75. For Romance in the Age of Uncertainty (2003) he produced a series of black monochrome ‘paintings’ composed entirely of dead flies. Thus the rich surfaces of these ‘Plague Pictures’ are encrusted with the tiny black shells of thousands of dead flies. The titles of these identical works are Typhoid, Genocide, Holocaust, AIDS, Cancer etc. See G2 section, Guardian, 9 September 2003.

127 Julian Stallabrass refers to a contemporary review where the writer calculated that ‘sixty generations’ of flies had come into being and passed away in Hirst’s environment. (Stallabrass, High Art Lite, p. 24).

128 Speaking on the occasion of the opening of Sensation in New York (1999), Hirst told Gordon Burn: ‘I just said, “What if I had a life-cycle in a box? And what if it was a rotting fucking head, and if it was real, and if it had flies on it . . .” I swear I don’t know where it came from. Which is why I think it’s the best piece I ever made. The best piece I made to date’ (Hirst in Burn and Hirst, On the Way to Work, p. 128).


133 Ibid.

134 Hirst in Eduardo et al., Damien Hirst, Museo Archeologico Nazionale, p. 94.


137 ‘I’ll tell you what I really read,’ he told David Sylvester, ‘things which bring up images for me. And I find that this happens very much with the translations of Aeschylus.’ Bacon in Sylvester, David, Looking Back at Francis Bacon (Thames & Hudson, London, 2000), p. 236. On the relationship of the Baconian aesthetic and the work of Hirst, see the recent book by Townsend, Art and Death, pp. 37–52. Townsend also recognises the tragic as a key component of the work of both artists.

138 Hirst in Eduardo et al., Damien Hirst, Museo Archeologico Nazionale, p. 94.

Hirst also showed two pharmacological cabinet triptychs called *No Arts; No Letters; No Society* and *Like Flies Brushed Off a Wall We Fall* (2006) respectively.


141 ‘I’m going to die and I want to live forever. I can’t escape the fact and I can’t let go of the desire.’ Hirst, ibid., np.


143 Shakespeare, *King Lear*, IV, i, 36–7. See also Townsend, *Art and Death*, p. 49.


145 Ibid., p. 166.

146 Ibid., p. 173.

147 See Burke, *Enquiry*, Part 4, Section VII, p. 159, where he quotes as an example of the sublime ‘without images’, Milton’s ‘universe of death’ from *Paradise Lost*, II, 618–22.


149 Ibid., p. 174.


153 Townsend, *Art and Death*, p. 49.


155 Ibid., p. 174.

156 Ibid., p. 169.

157 Ibid., p. 165.

158 Baker correctly emphasises the noise of the grinding machinery as essential to the impact of the sculpture. See Baker, *The Postmodern Animal*, p. 85: ‘in that darkened room the inescapable grinding noise was the experience’.

159 Hirst in Eduardo et al., *Damien Hirst, Museo Archeologico Nazionale*, p. 138. See also Bonami, ‘Damien Hirst: The Exploded View of the Artist’, p. 112. ‘I like the stupid idea of the pig moving like a bacon slicer, which is logical, but twisted.’


166 Burke, *Enquiry*, Part 2, Section XXI, p. 78.


169 Ibid.

170 Furrow, *Ethics*, p. 79.

173 Ibid., p. 404.
174 Ibid., p. 405.
175 Hirst, *I Want to Spend the Rest of my Life Everywhere*, np.
179 Critchley, in ibid.
181 Rowlands, *Animals Like Us* (cover material).
183 Ibid., p. 3.