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**PAINFUL DECISIONS: PHILOSOPHICAL  
CONSIDERATIONS ON A DECISION-MAKING MODEL**

In Aeschylus's play *Agamemnon*, the Greek king of the same name is confronted with an extremely painful dilemma. He has been ordered by Zeus, king of the Olympian gods, to sail with an army to Troy and avenge the abduction of his brother's wife Helen. However, for a reason unexplained in the play, the goddess Artemis has turned against him. She prevents the fleet from leaving the harbour and the army is in danger of extinction. Agamemnon is told that there is only one way to placate her: he should sacrifice his own daughter Iphigeneia.

In her book *The Fragility of Goodness* the philosopher Martha Nussbaum presents Agamemnon's predicament as a typical example of tragic conflict: a situation in which one is forced to choose between two morally undesirable courses of action.<sup>1</sup> Both alternatives are undesirable because each of them violates a valid ethical claim: either Agamemnon will have to disobey Zeus and endanger the lives of his men, or kill his own flesh and blood. Whichever action he chooses, he will always commit a wrong.

In treating Greek tragedies like *Agamemnon* as paradigms for moral understanding, Martha Nussbaum has broken with a long-standing tradition in philosophical ethics of considering such tragedies irrational in presenting these problems as unresolvable dilemmas. Taking this view, a solution can always be found for moral problems – that is, if one starts from the right principles, and these are for philosophical ethics to determine.

Nussbaum contradicts this view by challenging its basic presuppositions.<sup>2</sup> She denies that values can always be compared – weighed by a common standard and ordered in a hierarchical system so that a rational choice between them is feasible. Against the traditional view on moral deliberation, which in essence is Platonic, she takes the side of Aristotle who viewed values as plural and non commensurable. We may cherish a diversity of values – friendship, civil courage, honesty, generosity, piety towards the gods – without any problem. Yet situations may arise in which, for instance, our duty to a religion clashes with our parental affiliations. No measuring or weighing will ease the difficulty of the choice we then have to make. Moreover, once it is made we will always feel the pain of having done something wrong – even if our choice was obviously the better one.

Values cannot be compared and measured by a common standard. Therefore, Nussbaum follows Aristotle again in the view that moral reasoning does not ask for a purely rational or scientific procedure of deliberation. The realm of morals is not one of episteme, scientific knowledge as unshakeable as mathematics. It is a realm that asks for phronesis, practical wisdom. In the context of ethical problems regarding the conservation of contemporary art, it is this Aristotelian concept of practical wisdom that I would like to elaborate on.<sup>3</sup>

### **The inevitability of tragic choices**

Conservators of art will hardly run the risk of encountering a situation as dramatic as *Agamemnon's*, but they are often placed before dilemmas that in some way resemble it. They have to make choices in which the sacrifice of some value is inevitable. For instance, whether to preserve the historical or material authenticity of a painting, or its (presumably) original visual appearance.<sup>4</sup> The chances of encountering such dilemmas seem to have increased with contemporary artistic developments. As artistic media and techniques diversify and meanings proliferate, the possible values at stake in a particular work have become more heterogeneous. Thus, they are more likely to conflict than in the case of a traditional painting or statue.

To take one partly real, partly hypothetical example: what would have happened if it had proved unfeasible to seal the asbestos sheets sufficiently in Pino Pascali's *Campi arati e canali d'irrigazione* to prevent health hazards? Could they have been replaced by a different material? Or did asbestos have a special meaning for the artist, for instance because the roofs of the Italian houses of his youth were covered with it? Thus changing the material would have changed the concept of the

work. It might have been necessary to replace the sheets, but then part of the work's meaning may have been lost.

What struck me, when I attended some of the meetings of the theoretical working group, was the keen awareness of the inevitability of such 'tragic choices'. The awareness that by choosing a certain restoration procedure to preserve one value – say, the traces of the artist's hand or the conceptual meaning of a material and its treatment – would almost always imply the loss of some other value, such as the visual integrity of the work. In fact, the whole procedure devised by the initiators of the project was intended to develop a method to cope with such a situation. They chose not to construct a theory on the specific nature of contemporary non-traditional works of art and then formulate certain general principles to guide future conservation decisions, but to assemble a series of difficult, practical examples. By so doing, they hoped to be able to reach more general conclusions.

When the group began thinking in terms of using some kind of model to guide deliberations it was conceived as a field of forces. The starting point for developing what became a decision-making model was based on an earlier one by Ernst van de Wetering and Rik van Wegen. The two chose a circle with seven vectors pointing inwards representing the various considerations to be taken into account. As they themselves say:

"(to represent) the basic nature of any decision in the field of conservation and restoration as a compromise; a compromise because many of the forces involved are opposed. Any change in our conception and evaluation of the more or less conflicting categories may change the final outcome of the decision.<sup>5</sup>

First of all this earlier model implied an awareness of the incommensurability of various values. For instance, there is no common standard for measuring both the economic and aesthetic values of an art work. One cannot subtract its functionality from, say, the importance of it serving as an historical document. Secondly, it implied that any decision will inevitably be the outcome of a compromise between conflicting values – a result which in other circumstances and with other preferences of the people involved may have been different.

### **Aristotelian approach**

In the new model, developed for the special purpose of deciding on the conservation of modern and contemporary non-traditional objects, both assumptions have been preserved. They were designed for a more general use; yet it could be argued that in the field of non-traditional art works they are even more urgent because here the values involved may be more diverse, less clearly determinable, less established.

The same goes for a third, related characteristic of the deliberations: the strong awareness of the historic variations concerning aesthetic and other preferences that guide conservation decisions. This awareness lives in a much broader field than that of the conservation and restoration of contemporary art alone. The knowledge that choices in the past have often been based on tastes or considerations we no longer find acceptable has apparently led many conservators to exercise admirable caution regarding their own judgements. The rule to strive for maximum reversibility of interventions testifies to this prudence.

With regard to the three characteristics of the deliberation process – the awareness of incommensurable values, the necessity of compromise and the historic variations in preferences – the participants in the project proved to be genuine Aristotelians. Aristotelian ethics denies that rational moral choice can be encapsulated in a system of general rules or principles which can then be applied by means of a process of logical deduction to subsequent new situations. Instead it starts from concrete situational judgements of a more informal and intuitive kind to which a certain universality is given.

In this approach, discernment lies with perception: the prime condition for sound judgement lies in recognising the salient features of a complex individual situation. Although the ability to perceive well is partly a natural talent, it can also – and should be – developed. For instance by consulting older, wiser people or by reading literature. Nussbaum considers novels and plays as prime

vehicles for moral education. A more feasible procedure for conservation problems, however, might be found in the age-old practice of casuistry.

### **Moral reasoning**

In their book *The Abuse of Casuistry* Albert Jonsen and Stephen Toulmin, like Nussbaum, distinguish two different approaches towards moral reasoning.<sup>6</sup> Their prime subject is not ancient Greek tragedy and philosophy, but the theory and practice of Catholic moral consultation as developed in the Middle Ages and which peaked between 1560 and 1660.

The first approach might be said to consider moral reasoning as a kind of theoretical science, a body of sure knowledge, an episteme. It is rooted in the philosophy of Plato that sought a body of ideal, abstract knowledge of Good as certain as that of the then newly emerging science of geometry. It found a major expression in Kant's moral philosophy and has been the predominant approach in philosophical ethics for the past 300 years. This view holds that moral reasoning has to start from a few unshakeable and abstract general principles and is applied via a process of logical deduction to particular cases. The basic principles should be self-evident and therefore universally valid for everyone, at all times and places. Particular conclusions drawn on this basis hold with the logical necessity of syllogistic reasoning: all a are b; x is an a; therefore x is b. Principles and conclusions constitute a coherent and consistent system of thought.

The second approach has its philosophical roots in the ethics of Aristotle. It was predominant in moral theology until the mid-17th century and then became increasingly discredited. As a procedure it has survived, however, in some of the less theoretical sciences: Jonsen and Toulmin refer especially to medical clinical practice, but one could think of jurisprudence as well. With this approach, moral reasoning is not a theoretical science but a kind of practical wisdom or phronesis. Moral reasoning is supposed to start from the details and circumstances of a particular situation. It does not exclude rules, but understands them as guidelines that derive their intelligibility from concrete paradigmatic cases. Thus they are not self-evident. When confronted with a moral problem, casuistry first looks for similar cases instead of applicable general rules. It proceeds not via formal logical deduction or induction, but via comparison and analogy. It tries to determine resemblances and differences between the case at hand and paradigmatic cases. Casuistry reasons via analogy – whether the case at hand might be resolved in a similar manner or not.

It is obvious that the development of a moral taxonomy, the compilation of a collection of cases and their comparison, is a major tool in this kind of approach. Finally, the solutions reached are not intended to be absolutely valid for all similar situations: they are presumably right, yet might prove wrong when new circumstances arise.

### **A moral taxonomy**

There is a striking resemblance between the procedures used by the working group and those of the casuists. What the participants have done, in fact, comes close to developing a taxonomy of cases. Each case has been considered in its own right. Much time and deliberation was spent in trying to articulate the nature and urgency of a problem – or whether there was any problem at all. These deliberations, informed by art historical and scientific research being carried out as part of the project, were an exercise in perceptiveness: to conceive as completely as possible the features relevant for understanding a work, assessing the problem and weighing the likely consequences of various conservation measures.

There is a danger however in these procedures resembling those of casuistry. Since the 17th century, casuistry has acquired a bad reputation, being associated with opportunism and insincerity, with cleverly arguing falsehoods into truths. This is quite understandable because of the abuse in history by officials of the Catholic Church serving the powers of the time and because of the apparent lack of independent standards by which to measure the outcome of deliberations. Is there a guarantee against partiality, a safeguard that judgements are not weighed so as to favour certain interests over others?

In Kant's philosophy, for instance, it was the rational self-evidence of his first principle (the Categorical Imperative) and the logical necessity of his reasoning that was supposed to safeguard the impartiality of his conclusions. What does the casuistic approach offer instead?

The infamous 'restoration' of Barnett Newman's *Who is Afraid of Red, Yellow and Blue III* may serve as an example. Could we have argued against it without invoking the rule of reversibility that was so evidently broken in this case? The answer is that this rule can also be seen as the outcome of a process of practical moral reasoning. Its rationality may be based on the consideration of a series of known examples in which it is clear that the decisions of one generation of conservators have often been contested by the next generation, acting from different insights, working with different technical possibilities, holding different aesthetical preferences. It may be a matter of well-reasoned prudence then, instead of infallible principles, to proceed in such a way that the possibility of later reversal remains an option.

But if the outcome is the same, why bother? The point is that the project had to deal with situations for which there were hardly any precedents: a moral taxonomy had not yet been developed. The maxims that have emerged from a history of well-considered practice and seem to have acquired the status of principles, might have proven untenable – or not unconditionally tenable – in these new cases. For such unprecedented situations, the above-described casuist method of comparison and reasoning via analogy might be especially well suited. The choice of the casuist method also affects what one might want as a result. Rather than a code of guidelines or criteria, a compilation of thoroughly argued cases would be instructive: examples of well-judged decisions that a prudent conservator would take into consideration. In this situation, it was a wise decision.

### **Balancing the pain**

A last feature of Aristotelian ethics, as described by Martha Nussbaum, brings us back to the unfortunate King Agamemnon. That is the importance of emotions and imagination in moral reasoning, the importance of our subjective response.

Agamemnon chose the lesser of two evils, yet the play's chorus condemned him. Why? Could he rationally have chosen otherwise, angering his god and endangering his army? Nussbaum says he was not to blame for his choice, but for the way in which he put it into effect. Once he had made his decision, he acted as if it did not hurt. He showed no anger, remorse or pain. He let Iphigeneia be killed as if she had ceased to be his daughter.

Art works are objects: they have sizes, weights, colours, textures – objective qualities which are there for all to see or measure. Yet we value them for being more than mere objects: we act and talk about them as if they were living creatures. It is astonishing how often in restoration and conservation discourse metaphors from an organic, medical way of thinking are used. And just as in our relation to living and sentient creatures, the nature of our responses to works of art matters for the moral quality of our conduct. Aesthetic qualities such as liveliness, purity or freshness are, as the Dutch art philosopher Rob van Gerwen states, response dependent.<sup>7</sup> They require our individual and emphatic appreciation. Subjective response is indispensable to our understanding of a work and necessarily guides its interpretation and treatment. In the model, this subjective aspect is captured in the word expressiveness. One consideration for advising the replacement of the rusty trays in Pascali's work was that it possessed a freshness and purity making it undesirable to leave too many traces of repairs.

Valuing this subjective aspect does not imply that one should follow one's primary impulses about a work, or reduce the entire deliberation process to the whims of whoever happens to be in charge. In an Aristotelian view, emotions are not irrational urges. They can be developed and educated, they can be evaluated in a reasonable discussion. The same goes for our responses to art. In the end, it is the developed sensibility of a curator or conservator that guides the balancing of the pain – and unlike Agamemnon, he or she will not deny that the pain is there, because this is exactly what makes the decision instructive for others: to learn why, in which circumstances, this was the best thing to do; and what, in spite of all care and cautiousness, was irrevocably and painfully lost.

- 1 Martha C. Nussbaum, *The Fragility of Goodness – Luck and Ethics in Greek Tragedy and Philosophy*, Cambridge, Cambridge University Press, 1989, pp. 32-50.
- 2 M. Nussbaum, 'The Discernment of Perception – An Aristotelian Conception of Private and Public Rationality', in: *Love's Knowledge – Essays on Philosophy and Literature*, New York & Oxford, Oxford University Press, 1990, pp. 54-105.
- 3 Nussbaum's work is part of a recent reappraisal of Aristotle's ethical philosophy often called Neo-Aristotelianism. Other major landmarks in this revival are Alisdair MacIntyre's *After Virtue* and Bernard Williams's *Ethics and the Limits of Philosophy*.
- 4 Nicole Ex calls this the 'ahistorical authenticity' of an art work. N. Ex, *Zo goed als oud – De achterkant van het restaureren*, Amsterdam, Amber, 1993, pp. 115-119.
- 5 E. van de Wetering & D.H. van Wegen, 'Roaming the Stairs of the Tower of Babel – Efforts to Expand Interdisciplinary Involvement in the Theory of Restoration', in: *ICOM Committee for Conservation 8th Triennial Meeting, Sydney, Australia 6-11 September 1987. Vol. II*, pp. 561-565.
- 6 Albert Jonsen and Stephen Toulmin, *The Abuse of Casuistry – A History of Moral Reasoning*, Berkeley, Los Angeles & London, University of California Press, 1988.
- 7 R. van Gerwen, *Art and Experience – Quaestiones Infnitae*, publication of the Department of Philosophy, University of Utrecht, 1996, p. 182.

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