

The Parthenon of Books: Censorship through Blasphemy Laws

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Abstract

This article analyses Marta Minujín's *Parthenon of Books* as it was realised during the Documenta 14 exhibition in Kassel, Germany (2017). Many of the books used to construct the *Parthenon* were banned by religious institutions, which raises the question of the role of blasphemy laws and blasphemy-related censorship in today's Western democracies, as such laws limit the

freedom of expression as laid down in the Universal Declaration of Human Rights (1948). We analyse how Minujín's artwork contributes to existing campaigns for the abolition of blasphemy laws, arguing that while its message is not limited to blasphemy-related censorship, its critical stance towards religious censorship is an undertone that cannot be denied.

Introduction: Documenta 14

First hosted in 1955, in the wake of Nazism, the Documenta exhibition takes place in Kassel roughly every five years. It was originally intended to introduce the German people to the formerly forbidden *Entartete Kunst* ('degenerate art'), and later shifted its focus towards modern and experimental art (*Documenta*). It is now a major art event, with each exhibition attracting hundreds of thousands of visitors. The most recent exhibition, Documenta 14, was hosted from 8 April to 17 September 2017 in both Athens and Kassel. Perhaps the most imposing artwork of the exhibition was *The Parthenon of Books* (original: *El Partenón de Libros*) by Argentinian artist Marta Minujín, if only due to its sheer size. The structure consisted of 100,000 plastic-wrapped copies of 170 different books, all once or still banned by various institutions around the world, arranged in the shape of the Athenian Parthenon (Pasquet, par. 10). Minujín herself describes the *Parthenon* as "a tribute to democracy" ("Call for Book Donations" 0:25), and most of the attention for the artwork is directed at its political layers (cf. Candela, De Wolf, Gibson). We argue, however, that a subtler aspect to this artwork has been largely overlooked. While its primary message is a protest against censorship in general, as we will demonstrate in this article, various aspects of the *Parthenon*—including the books used for the artwork, and in particular its shape and architectural style—signal a more focused protest against censorship through blasphemy laws in particular. By placing this originally Argentinian installation, modelled after a Grecian temple, in a German square, the artwork connects various Western countries and reflects on the ongoing process of secularisation in the West.¹ In this article, we analyse how Minujín's *Parthenon of Books* contributes to the debate regarding blasphemy legislation in the West and the global implications thereof. We will approach this topic by bringing together our respective fields of law and literature. Before moving on to our analysis, we will briefly explain the connections between these fields.

¹ In our definition of 'the West,' we include all European countries and populations of largely European descent, such as Australia, New Zealand, and the Americas ("Field Listing: Ethnic Groups").



Marta Minujín, *The Parthenon of Books*, 2017. Photo by Heinz Bunse ([flickr.com/photos/buffo400/](https://www.flickr.com/photos/buffo400/)), licensed under CC BY-SA 2.

Law and Literature

The disciplines of law and literature—and, for that matter, religious studies—are connected at their roots: the output of these fields depends for a large part on the analysis and interpretation of texts. Each field places a strong emphasis on rhetoric, for example through biblical, legal, and/or literary discourse analysis, exegesis, and hermeneutics. The academic interdisciplinary of law and literature explores the many ways in which these two fields may inform each other (cf. Minda). It is approached from three main angles: literary texts about law, the value of literature for legal practice, and the regulation of literature by law (Posner 21, 273, 389, 497). For the purposes of this article, we will work primarily from this latter angle, focusing broadly on the freedom of (artistic) expression. In particular, we will consider blasphemy-related censorship from the angle of legal and literary studies. Following our discussion of Minujín’s artwork, we will analyse the legal basis of blasphemy laws in Western democracies.

The Parthenon of Books

Rectangular in shape and raised on a low platform, its dimensions mirroring those of the Parthenon on Athens' Acropolis, Marta Minujín's *Parthenon of Books* (2017) almost entirely filled Kassel's Friedrichsplatz. When we visited the *Parthenon* in August 2017, the final pillars were still being clad in plastic-covered books. While the structure dominated the square, it was surprisingly bright once we stepped inside. At first glance, the *Parthenon of Books* struck us as a monument dedicated to literature. A place of worship made of some of the greatest works in the history of literature, open to all. The *Parthenon* invites many different readings, and it is impossible to discuss its secular protest without acknowledging its wider political and historical meaning. Therefore, we will first briefly situate the artwork, before narrowing our focus.

A notice provided by the Documenta 14 exhibition informs the public that the *Parthenon* was originally created in Buenos Aires to celebrate the fall of the Argentine military dictatorship and the reinstatement of democracy in 1983, and that the current version was sponsored by the ministry of Media and Culture of Argentina. The 1983 version consisted of twenty thousand books that had been forbidden during the dictatorship but had survived the raids and burnings (Candela par. 2; Graham-Jones 597). At the end of the exhibition, the books were redistributed among the public by tilting the structure to its side and allowing the audience to actively take it apart (Candela par. 3). These roots become particularly meaningful when considered in combination with the history of Documenta—initially meant to introduce post-Nazi Germany to Entartete Kunst—and the history of the Friedrichsplatz itself: on 19 May 1933, the Nazis burnt an estimated two thousand forbidden books on the Friedrichsplatz (“Call for Book Donations” par. 3). The historical connections between Argentina and Germany make Minujín's *Parthenon* a prime example of multidirectional memory. Cultural memory scholar Michael Rothberg first developed the concept in 2009; it understands cultural memory not as competitive but as mutually enlightening, “as subject to ongoing negotiation, cross-referencing, and borrowing; as productive and not privative” (3). In other words, it means memories are most productive when interacting with other mem-

ories. The 2017 *Parthenon* weaves together the violence and repression of the Argentinian military dictatorship with that of Nazi Germany, specifically focusing on their crimes against the freedom of expression. By raising this structure made of forbidden books from all around the world at the Friedrichsplatz, where many books were lost, Minujín repeats her powerful monument to democracy and freedom of expression.

On closer inspection, the 2017 *Parthenon* was not as welcoming as we originally thought: the open structure of the temple made it a fragile place, exposed to wind and rain. The fact that the *Parthenon* was built over the course of several weeks meant that most visitors only saw it while it was still being built, which added to this fragility—it may just as well have been falling apart, like its ancient counterimage. The books were protected from the weather by plastic sheeting, but these same sheets also prevented the audience from touching—let alone reading—the books, thus covering the artwork in a subtle layer of irony. However, by the end of the exhibition, this was entirely undone: on 10 September 2017, the *Parthenon* was finished, and after a celebration, every visitor was allowed to take home one small piece of the *Parthenon*, thus taking part in its deconstruction, in much the same way as with the 1983 version (“The Parthenon of Books: Celebration”). The narrativity of the *Parthenon*’s construction and deconstruction—evoking images of the rise of democracy after the end of a repressive regime—is strengthened by the *Parthenon*’s references to, and contrasts with, the Athenian Parthenon: marble versus steel and plastic; ancient versus modern; eternal versus ephemeral. Similarly, while the books used to construct the *Parthenon* may have been (or are still) forbidden, they are the part of the *Parthenon* that will live on: even if their physical copies are destroyed, they each exist in countless editions, languages, places, and in individual minds. The *Parthenon*’s temporary nature, its immense but almost completely see-through appearance, and its eventual deconstruction make it an exemplary counter-monument. As cultural memory scholar James E. Young explains, counter-monuments are “memorial spaces conceived to challenge the very premise of the monument” (3), for example through the use of negative form, inversion, or emptiness. The deconstruction of the monument makes the monument itself redundant: its fragmentation

ensures its continued existence in the possession and minds of citizens. In all, this makes Minujín's *Parthenon* a narrative counter-monument to the endurance of literature despite censorship.

While the *Parthenon*'s political and historical message are prominently displayed and discussed (cf. Bal-Blanc, Candela, De Wolf, Gibson), we believe a third layer can and should be added to this discussion. Incorporated in its protest against censorship is a more specific protest against blasphemy-related censorship. In preparation for the 2017 *Parthenon*, the Institut für Germanistik of the University of Kassel compiled a longlist of 120,000 forbidden books, of which a shortlist of 170 titles was used for the eventual artwork. The lists include titles ranging from Dan Brown's *The Da Vinci Code* to Charles Darwin's *On the Origin of Species*, but also Martin Luther's entire works and even the Bible. In the eventual artwork these titles appeared many times over in many different languages. Looking at the longlist, one thing stood out to us: of the roughly 120,000 banned books on the longlist, well over 34,000 come from the Index Opus Dei, a list of books forbidden by the Roman Catholic institute known as Opus Dei ('God's work'). An additional 4,300 are derived from the Index Librorum Prohibitorum, the Vatican's list of forbidden books. This list dates back to the sixteenth century and was not abolished until 1966 (Bald xi). Considering that a third of the (incomplete) longlist is made up of books banned by Catholic institutions alone (the study did not include any other religious institutions), we decided to see to what extent the artwork itself comments on censorship for religious reasons.

As we have shown, the *Parthenon* so far derives its meanings primarily from its timing (in the case of Argentina), location (in the case of Germany), and its participatory, multidirectional, and temporary nature. However, this leaves one central aspect unexamined: Minujín consciously chose to model her artwork after the Athenian Parthenon. While the *Parthenon*'s materials are an interesting departure from the Greek temple, its scale and style adhere exactly to the original, and its name confirms this connection further. Built between 447 and 432 BCE (Beard 42), the Parthenon is generally considered to be the culmination of Greek architecture (Neils). These Greek styles are still com-

monly used in (secular) government buildings worldwide, including the American White House and the Argentine National Congress building. The Athenian Parthenon originally housed a gold and ivory statue of the goddess Athena, but its function as a place of worship is doubtful. No altar from the fifth century BCE was ever found; additionally, no priests or priestesses were attached to the Parthenon, nor are any religious festivals or rituals known to have taken place there (Bal-Blanc par. 1; Beard 45). This would suggest that the Parthenon was instead primarily used as a treasury: it stored the Delian League's valuable metals and various other riches (Beard 39).² Despite its originally secular function, the Parthenon also has a long history of religious use. Around the fifth century CE, it was converted into a Byzantine church and later a Catholic cathedral, and in the fifteenth century it was used as a mosque (Beard 49-82). By modelling it after the Parthenon, Minujín's artwork contains traces of this specifically Western secular and religious history. Like the original Parthenon, the 2017 *Parthenon of Books* also functioned as a treasury of sorts: it not only stored a fragment of the world's literary treasures, it was built with them. This adds the secular layer to the *Parthenon's* wider protest: by constructing the *Parthenon* as a secular treasury rather than a religious temple, Minujín's artwork rejects the religious functions superposed on the original Parthenon, and the religious restrictions imposed on books included in the *Parthenon*. Using a Greek architectural style—associated with ancient temples, governments, and Western civilisation in general—for a structure consisting of forbidden books, and then having it ripped to pieces by the citizens of Buenos Aires, and later Kassel, sends a powerful message. One of violence, but also of the power and agency of citizens, their right to object to repressive institutions and governments, and their common right to their literary heritage.

Discovering the secular layer of the 2017 *Parthenon* prompted us to take a critical look at blasphemy laws, particularly in the Western world. The next section will provide a critical reflection on the legality of blasphemy in the West, and the global implications thereof.

² The Delian League was a joint defence effort by a group of Greek city-states against the Persians (Beard 39).

The Legality of Blasphemy

Blasphemy is the insult of or lack of reverence to (a) god(s) or other ideas that are considered sacred by groups of people. Blasphemy laws prohibit this and thereby limit the freedom of expression as laid down in the Universal Declaration of Human Rights (1948), the European Convention on Human Rights (1953) and many other international treaties and national constitutions. As the freedom of expression is a relative right rather than an absolute right, it can be limited by law if necessary. Common examples across various jurisdictions concern obscenity, incitement, perjury, public security, and intellectual property. A famous example is the limitation of not being allowed to falsely shout “fire” in a crowded theatre (*Schenck v. United States*). Although this limitation is clearly justified in order to protect the rights and freedoms of others, namely the right to bodily integrity, limitations on the freedom of expression should always be regarded with caution. Whereas most would consider it necessary for a country to outlaw the publishing of classified material, such limitations can easily be abused to repress voices of dissent.

Blasphemy is one of several possible limitations on the freedom of expression that focus on insulting or hateful speech, but blasphemy laws must be differentiated from regular libel and hate speech laws. Whereas libel and hate speech laws protect individuals and groups of people from insulting or hateful speech, blasphemy laws protect certain *ideas*. Needless to say, critique of non-religious ideas is virtually never covered by these laws. In practice, blasphemy laws often amount to a suppression of critiquing and satirising religion, which undermines the right of free expression.

Blasphemy laws have been used to penalise various forms of expression, including literature, theatre, cartoons, posts on social media and more. (In)famous examples of the use of blasphemy laws against literature are the banning of *The Satanic Verses* by Salman Rushdie and the *Harry Potter*-series by J.K. Rowling, both of which were also included in the *Parthenon of Books*. Punishments for the offence of blasphemy go as far back as the Parthenon itself: in 399 BCE, Socrates was sentenced to death for impiety. Although modern examples of blasphemy are most

often associated with (Islamic) theocracies, blasphemy remains a punishable offence in many Western countries as well. The punishments in Europe for example can range from fines of hundreds of euros to several months of imprisonment. Across the rest of the world the punishments can be even harsher, with several Islamic countries imposing the death penalty for insulting the Islamic religion. At the moment of writing, over a dozen European countries have restrictions on the freedom of expression through (de facto) blasphemy laws (*Freedom of Thought Report*). Amongst them are Austria, Germany, Greece, Italy and Poland. In Greece, the home of the Parthenon, the law on blasphemy has only been used to protect the Greek Orthodox Church, which is the state church of Greece. In 2005, this law led to the conviction of Gerhard Haderer (an Austrian citizen) to a six-month suspended prison sentence for writing a graphic novel called *The Life of Jesus (Diver)*, in which Jesus Christ is depicted as a hippie who smokes cannabis. However, the conviction was overturned by the Athenian Court of Appeal and the confiscated books were returned to the Greek publisher.

When considering blasphemy legislation, it is important to recognise that there are differences between legal and social realities. A large number of the books in the *Parthenon* were not officially banned by governments but were restricted in other ways. Even when the freedom of expression is constitutionally protected and no legal methods exist to suppress literature on religious grounds, expression can still be censored. This can happen non-violently, for example when parents pressure teachers to not teach evolutionary science or to remove books from school libraries. Ironically, this has been the fate of Ray Bradbury's *Fahrenheit 451*, which depicts a dystopian America where books, including the Bible, are outlawed and burned (Micek). Alternatively, such censorship can also happen violently. As the Dutch professor of jurisprudence, Paul Cliteur, has pointed out, the abolition of blasphemy laws has coincided with the rise of religious violence with the purpose of silencing those who insult the religion of Islam, as was the case with the attack on Charlie Hebdo, which in turn prompted many countries to reconsider their blasphemy laws (Cliteur 2016). Such terrorist attacks and

the threat thereof can be far more effective in silencing authors than a scarcely used law would be.

International Campaign to Abolish Blasphemy Laws

In 2015, an international campaign was launched by the International Humanist and Ethical Union and the European Humanist Federation to abolish all blasphemy laws (*End Blasphemy Laws*). Besides these humanist organisations, various human rights authorities, such as the UN Special Rapporteur on Freedom of Religion or Belief, and the Venice Commission (the Council of Europe's advisory body on constitutional matters) have called for the abolition of blasphemy laws (cf. Venice Commission Report). Their main argument, mirroring the message of Minujín's artwork, is that blasphemy laws violate the human right to freedom of expression and consequently protect religious beliefs from legitimate criticism. Furthermore, even the existence of 'dead letter' laws (inactive laws) in several Western countries helps legitimise draconian blasphemy laws in other parts of the world. The Charter of the international campaign argues that it is necessary to separate people from their ideas: "Humans have rights beliefs do not" (Charter, point 3). It therefore considers the existence of laws regarding hate speech or insult of person(s) a separate issue, because these laws protect people rather than their ideas. Similarly, the Venice Commission has differentiated blasphemy from hate speech laws, the latter of which it considers necessary in a democratic society. Such laws, in contrast to the offence of blasphemy, are also not in conflict with the principle of non-discrimination, because they can in theory protect everyone in a society and not just its religious members. Blasphemy laws thus clash with both liberty and equality.

Since the start of the campaign in 2015, eight Western governments have repealed their blasphemy laws (Norway, Malta, the Alsace-Moselle region in France, Iceland, Denmark, Ireland, Canada, and New Zealand). In Ireland, the offence of blasphemy was even inscribed in the national constitution until it was repealed in a constitutional referendum

on 26 October 2018. Due to the global attention this event received, New Zealand has also passed legislation to abolish their blasphemy law (McCullough). Although the trend towards abolition of ('dead letter') blasphemy laws has so far only led to legal changes in the West, these steps will make it easier for Western countries to apply diplomatic pressure on other countries to also repeal their blasphemy laws, as they can no longer be accused of hypocrisy by countries with extremer laws.

Conclusion

Minujín's *Parthenon of Books* emits a many-layered, yet thoroughly interconnected message, expressing one overarching idea: a universal call for an international effort to defend democracy and the freedom of expression. While its message is not limited to blasphemy-related censorship, its critical stance towards religious censorship is an undertone that cannot be denied. As has been demonstrated in this article, there are various valid justifications for limiting the freedom of expression, but blasphemy laws are inherently incompatible with democratic societies. While the protection of persons and groups of persons from insulting or hateful speech can be reasonable in a democracy, the protection of certain ideas from criticism is untenable in societies that revolve around the free exchange of ideas in public debate. As long as there are certain ideas that cannot be discussed, let alone critiqued, there is no true freedom of expression, which is vital to any democracy, as Minujín's artwork abundantly demonstrates.

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