A farewell to decency

It was no doubt to be expected that the failure of the courts to formulate a workable definition of obscenity in the arts would sooner or later prompt a further erosion of the standards likely to obtain in publicly funded cultural programs in this country. This is what has now happened—and pretty much on schedule, too—with the refusal of the National Council on the Arts and the chairman of the National Endowment for the Arts to honor the so-called “decency” provision in the legislation reauthorizing the operations of the NEA for another three years.

The new legislation, which was passed by Congress in October after a good deal of delay, uproar, and debate requires the chairman of the NEA to take cognizance of "general standards of decency" in determining the agency’s grants to both individual artists and arts institutions. It is this obligation that the current chairman of the NEA, John E. Frohnmayer, has refused, declaring that “I am not going to be a decency czar here.” At its meeting on December 14, the National Council supported Mr. Frohnmayer’s decision by a vote of 12 to 0.

Exactly where this decision leaves the NEA in relation to the law governing its reauthorization is anyone’s guess. The courts cannot decide the decency issue. The White House apparently takes no interest in the matter. And Congress, even while invoking “general standards of decency” as a need to be met, managed to blur the issue by also requiring the chairman of the NEA to “respect the diverse beliefs of the American public.” In the current political climate, “diversity” is, of course, a code word, and what it is likely to mean in this instance is that assaults on “general standards of decency” made in the name of art will be accorded a status equal—and in some cases, even a little more than equal—to that of the “general standards” to be observed. Which in practical terms means that as far as publicly funded arts grants are concerned, the concept of decency will follow the idea of obscenity straight into oblivion.

It has been claimed by certain arts-advocacy groups that decency is too vague an idea to be applied in this matter. Indeed, one member of the National Council on the Arts announced, according to The New York Times, that “No one knows what [decency] is.” In regard to legal definitions of the term, this may very well be true. But there are many important things in both life and art that cannot be legally defined, and it isn’t really true that no one knows what decency is. Certainly the artists, or would-be artists, who are programmatically committed to mounting assaults on what Congress described as “general standards of decency” know very well what those standards are at any given moment. If they did not recognize such standards, they would
have no interest in violating them. It is precisely the ambition to topple these standards that has
caused the NEA so much grief in recent years. It is therefore the sheerest hypocrisy to claim that
no one knows what decency is. What this claim really means is that it must now be left to the
enemies of “general standards of decency” to determine what those standards are to be in the
future. The defenders of decency are to have no voice in the matter.

Let us remember that we are speaking here of a doctrine promulgated by a legally constituted
agency of the federal government. What this agency is saying to the taxpayers who provide the
funds for its operations is that general standards of decency can now play no role in determining
judgments. Only those who receive money from this agency are to be allowed to formulate such
standards. Which in practice, of course, will mean there are to be no standards at all.