

“Hell is elsewhere”. Everybody is conscious about the existence of slaughteries, but when Katarzyna Kozyra showed the video registration from the process of killing and stuffing of the horse, she was accused of cruelty against animals against animals by a group of ecologists. Everybody is conscious about the existence of disabled people, but it occurred cruel to show uncompleted naked bodies in cibachrome photos when done by artists (Kozyra, Althamer and others). We may quote many examples of similar cases. It slowly occurs that artists (and curators who work with them) are the biggest enemies of the humanity. The only ones to be punished for what they do. The rest is silence.

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THE

CURATORIAL

BURDEN

## **Olu Oguibe**

In the second half of the 20<sup>th</sup> century, a new figure emerged in the ranks of influential culture brokers, who would effectively usurp the preeminent position of the critic and art historian in the discourse of contemporary art. The figure was the curator or exhibitions’ director or commissioner. Through the 1970s to the 1990s, as academics and critics became less influential in deciding the fate of art careers especially in the culture metropolis, the curator increasingly began to define the nature and direction of taste in contemporary art, so much so that at the turn of the 21<sup>st</sup> century the curator stands as the most feared, and possibly most loathed figure in contemporary art.

Prior to the period mentioned, the curator was principally a provincial power broker with a narrow, ethnocentric as well as eccentric, frame of reference that rested on the authority of the academic qualification and specialization. The curator of contemporary art was an art historian or someone with a qualification in art, art history, or aesthetics, some who in the course of his or her training and career took special interest in one aspect of the period that they attended to, devoted time to studying work produced in a specific form or technique, like painting, drawing, or print, and often had a geographical area specialization. This specialist knowledge also condemned the curator to institutional attachment and dependency, beyond which the only other recourse was a job in the academy. By the end of the 20<sup>th</sup> century, however, the authority of the curator of contemporary art had gradually shifted its foundation from academic qualification and scholarly specialization, to entrepreneurial skills that range from a wider but shallower knowledge of the field of interest, albeit still within geographical limits, to mastery of the hip and savvy idiosyncrasies of the global culture game. Today, the curator of contemporary art has a degree in the

social sciences, is able to hold conversation on more than life and idiosyncrasies of a single, dead artist, keeps the company of a wider circle of individuals who work in more than just the visual arts, and easily claims a place among the visible and 'socially happening' of his or generation. The curator of contemporary art is a firm part of the Hugo Boss fashion circuit.

The curatorial profession in contemporary art has itself diversified and broadened out from the strict and arguably constraining, institutional association that characterized it in the early decades, and new spaces and areas of practice have emerged, including for instance those that are occupied most significantly today by the independent or roving curator who is more loosely tied to the gallery, museum or collection, but may market curatorial or consultancy services to such institutions in addition to pursuing projects outside of institution while nevertheless depending on institutions in order to realize his or her projects.

Also, it is possible today to distinguish the curator in a number of configurations or roles, each with different attitudes to the business of curating, variable strategies of engagement with contemporary art, and implications for the fate and direction of art and artistic practice as well as the wider structures and manifestations of contemporary culture. Some of these we shall look at presently.

The first and most traditional of these configurations, perhaps, is the curator as bureaucrat, who fits more into the traditional picture of the institutional curator that I already outlined above. As an authority and institutional functionary, the bureaucrat curator has at best two principal loyalties; first to the institution, which is the employer, and second to the art, which defines the area of expertise and devotion. Some would argue that there is a third loyalty, namely to the viewing public, but this is arguable since institutional interest covers and overshadows this concern because it sees the viewing public as patronage or clientele and therefore takes the responsibility to define it in appropriate corporate terms. Any curatorial loyalties to the viewing public are therefore predetermined by this institutional stipulation of viewership. In essence, the bureaucrat curator has his or her primary duties fairly, clearly spelt out by institutional demands, how to meet the interests of the museum, or gallery, or collection; how to locate the finest, most promising, or more often, the most popular works of art for the institution's acquisition; how to mount the most successful or most popular displays for the institution, and tied to the latter, especially today, how to draw the largest viewership to the museum, gallery, or collection and have them "lining up round the block", to quote a functionary of the Brooklyn Museum in New York. Secondary to all this is the curator's personal loyalty to the work of art which may take the form of an almost clandestine advocacy where the bureaucrat curator battles institutional structures to ensure that attention and resources are expended on works and artists that are of interest to him or her. In effect, the greater the power the bureaucrat curator wields within the institution, the greater that institution's interest and commitment to those works and artists that he or she advocates, and the more powerful institution, of course, the greater the possibilities that such work and such artist are brought into greater visibility able influence means that the circle of artists with access to their promotion is rather small, which explains, to a quite significant degree, the traditional circumferences of the game of canonization in contemporary art.

Closely following the above, though often without institutional attachment, we may also identify the curator in the role or configuration of the *connoisseur*, the distinguished expert collector and eccentric whose attraction to particular form or work or group of artists is as irrational as it is steadfast in loyalty, and who may or may not work for any institution or interests other than themselves. The *connoisseur* curator assembles a body of work such as are of interest to him or her and dedicates him or herself to the often relentless business of bringing visibility and publicity to those at all costs. In this instance the curator's loyalties are equally pretty clearly defined, and lie almost entirely with the work and the self; the curator's driven advocacy for the work and the artists is inextricably tied to his or her own need to project a sense of taste and manifest enlightenment. Sometimes this desire for distinction propels the curator toward artists and works of art that are not entirely popular, successful, or widely recognized, but are nevertheless distinct and peculiar, which defines them apart from the rest. Such a curator then sees it as his or her eternal duty and responsibility to bring enlightenment to other by acquainting them with this unique and special area of taste. In this sense, the *connoisseur* curator is like an explorer and discoverer, a pioneer whose discoveries are meant to redefine contemporary taste.

Perhaps there is no better way to illustrate the figure of the *connoisseur* curator than with the example of French curator André Magnin, a fellow who has been intricately tied to contemporary African art in the past decade and a half and who, together with his wealthy and powerful patrons, has been responsible for bringing enormous if often problematic or questionable visibility to a handful of African artists who have become very well known in the world of contemporary art today, most prominent among them the recently deceased photographer, Seydou Keita. As a *connoisseur* curator Magnin's special interest is art produced by self-taught artists or artists without training in the academy, and this peculiar interest derives from an old, almost peculiarly European idea of the ideal creative native, the noble savage, who is as yet uncorrupted or uncontaminated by contact with civilization, that is, by Europe or the ways of the white man. This noble savage artist is best if he or she is uneducated or illiterate, untutored in the ways of modern, urban society, unfamiliar with contemporary global forms, strategies and discourses in art, and most importantly, unavailable to speak or travel. Like others before him, in Magnin's calculation, Africa is the likeliest place to find this artist. However, the truth of course is that this noble savage artist quarantined from the modern world and completely safe and secure from the contamination of modernity does not exist, and because this artist does not exist, he or she has to be invented, and this is done through the complex machinery of display and discourse available to the curator. Over the period in which he has been engaged in the preoccupation of "discovering" and promoting "noble savage" artists from Africa, André Magnin, the *connoisseur* curator and pioneer explorer, has spared no energy or expense in constructing a discourse around these artists and their work through relentless orchestration of exhibitions of his collection in often prestigious spaces, almost always offering to pay for such exhibitions himself; drawing critical attention to the work of the artists; and perhaps most enduringly, generating literature and documentation on the work and the artists. In this he has also been very successful, and today due credit must go to him for wider knowledge of the work of artists who prior to his

intervention might have enjoyed a level of recognition and visibility within their societies or in the cultural locations where they practiced, but had no opportunity, facility, or indeed aspiration to achieve the global recognition and visibility that he has brought to them. We may also credit Magnin with no less than six monographs and books on such artists.

As I mentioned, the goal of the *connoisseur* curator is to define him or herself apart from the rest, but also to attempt to not simply broaden, but indeed redefine the direction of taste. In this regard the *connoisseur* curator understands it as his or her responsibility to generate knowledge about favored work and artists and to impress it upon the public that these represent the very finest and savviest in taste or at least indicate the ultimate and invariable direction of culture. Their curatorial calling, therefore, is to introduce the moment to the hidden gems of their discovery, and ensure that they are appreciated and consumed and elevated to the cultural standards of the age, but not without passing them through the prism of the discoverer's understanding of taste. Though the *connoisseur* curator's advocacy is instructed by an egotistic desire, and though these desires may be problematic and questionable at times in their skewed reading of the world such as is the case with Magnin's construction of validity in contemporary African art, such advocacy is nevertheless passionate and often meets with a level of success, and may even be of certain benefit to the favored artists and their works. In the specific case of the curator Magnin, those artists who have enjoyed his advocacy have also benefited, with sudden turns in their fortunes in terms of international visibility, a level of unprecedented value appreciation for their work, and a dedicated effort to inscribe their practice in art history, all or much of which may not have come their way without this advocacy.

Of course one takes serious issue with the ideological inanity that drives such advocacy at times, as in the case of M. Magnin, and the dangers that attend such inanity, for when powerful and obviously fairly effective curatorial advocacy is complicit in the dissemination of problematic ideas about societies and cultures. Because the *connoisseur* curator undertakes to intercede between the artists and works of their interest, perhaps cultures and societies as well, and a public or society not familiar with those, and because they dedicate themselves to reshaping the contours of taste to fit their discoveries, in time and in the absence of contest the public begins to accept their authority. The curator becomes an even more powerful arbiter of taste because of their unquestioned authority. Also, because of the *connoisseur* curators' ability to bring visibility to the work and artists of their interest, sometimes they are able to impact the direction of artistic production because as their definition of valid forms attaches the acceptance, recognition, and sometimes financial success, artists' production begins to swing in the direction of such forms, and a whole new style driven by these definitions of viability and validity may emerge. The curator becomes a dubious influence on culture.

Whereas the *connoisseur* curator may be driven by an egotistical sense of destiny, there is a third kind of curator who is driven by perhaps less selfless desires, namely the curator as culture broker. Like the *connoisseur* curator, the culture broker curator employs his or her knowledge, authority and access to art and artists that may otherwise have no immediate access to patrons or the public, to locate him or

herself in the role of intermediary peddler of culture. The culture broker curator is sometimes without regular institutional attachment and, like the *connoisseur*, enjoys mobility between the spaces of patronage, viewership and validation, and the intimate locations of artistic production. He or she has a keen eye for viable works of art, an instinct for agreeable artists, a natural pulse for the direction of taste or popular demand, and a quick entrepreneurial mind able to insinuate such works into the streams of demand and acknowledgement. The culture broker curator therefore has the instinct of the gallerist, the mobility and flexibility of the impresario, and the shamelessness of the corporate publicist, and his or her understanding of the idiosyncrasies of taste and the frivolities of patronage, helps not only to divine those idiosyncrasies and frivolities, but also to turn them to advantage. For the culture broker and unlike the curator bureaucrat or the connoisseur, there is little or no attachment to the work or the artist beyond the fleeting interest of a deal broker, who may impact a tiny niche of taste or come close to changing the cultural inclinations of an entire zeitgeist for no other reason than the potential of visibility. In order to succeed, the culture broker curator must insinuate him or herself into spaces and locations of consequence, be they institutional acquisition boards or the hearts and minds of the critical machine; he or she must also garner a level of trust from artists, or a relationship of dependency, which is readily accorded in any case because of his or her record of successful advocacy, even if such trust is conflicted. In effect, the culture broker curator is the ultimate master of the visibility machine and where possible, may use this machine in a discretionary game to validate or disavow artists and their works. As a skilled navigator of the culture strip, the culture broker curator is a powerful figure especially with artists who may conceive of him or her as an inescapable doorway to visibility, as the Christ figure who may declare, *for I am the way, the truth and the life and no artist cometh into the museum show, biennial or triennial but through me*. It is for this reason that the culture broker curator has been described as the high priest of contemporary art, and mythologized as the figure with the wand whose recognition could assure success for the talented and savvy artist. It is also in this role that many an international curator today has been manifested, with enormous networks of contracts, facilities, loyalties and largess, all of which is carefully cultivated, managed and manipulated almost like a monopoly so as to grant certain form of visibility and access to certain artists, while withholding it from others.

The emergence of the culture broker curator must be situated within the peculiar context of the mercantile structures of the contemporary culture market where display is part of an elaborate machinery of discretionary promotion and commodity appreciation, and where display spaces and avenues have been reconceived and new ones invented to serve not simply to introduce a viewing public to art but as a legitimating platform in the elaborate and mystifying process of critical and commercial validation. The transformation of the contemporary art museum from a cultural endowment to a corporation with investors or shareholding directors, or indeed as an institution that must make itself commercially viable by generating patronage and larger viewership through block-buster exhibitions or star-artist events, has meant also that the museum space has become a commercial space that must redefine its loyalties and become complicit in the invention of viable careers and displays. Also, although contemporary biennials and triennials and such other fairs began with the intention to serve as

experimental spaces for work and artists that were not necessarily commercially viable, these spaces and avenues have nevertheless been co-opted into the elaborate mercantile machine of the culture game as spaces of commercial validation, thus unarguably transforming them into spaces of desire, and those who have control over them especially curators, into powerful culture brokers. Because appearance in a biennial, “site”, triennial, or other international fairs can be carefully orchestrated, manipulated and translated into significant commercial viability by dealers, patrons or skilled individual artists, curators who are associated with such spaces have come to be seen, quite rightly to a certain extent, as holding the keys to the simple twist of fate that could transform such a career from obscurity and failure to great visibility and success. Unfortunately it is the specter of the almighty curator that lures many young people to curatorial studies programs around the world today.

It would be wrong not to acknowledge yet another role in which the curator may manifest; namely the curator as facilitator. Of course, in all of the roles outlined so far, the curator is a facilitator enabling visibility and recognition for all manner of purposes. However, it is in the role of what we may consider the benign facilitator and enabler, working with artists as a collaborator whose contributions enable the realization and fulfillment of the creative process, an advocate whose advocacy is driven not by mercantile or egotistical machinations but by a genuine attachment to the work and the work and the artist behind the work, that the curator comes closest to his or her calling. As I have argued elsewhere, the origins of the curatorial vocation are not in the glamorous spaces of cultural mercantilism that we associate with curating today, but rather in a more modest calling, that of the religious or monastic curate whose responsibility is to keep watch over iconic objects, images and records<sup>2</sup> I have also argued that the *curate's* vocation derives from an even more modest and caring profession, that of the caretaker or nurse whose dedication is driven by care and love for the object of their care. In other words, the ideal role of the curator is that of a tender of the artistic process, object or situation. In this role the curator is equally an advocate, as in all the other roles, but an advocate whose primary drive is the excitement and satisfaction of being part of the magical process of the transition of a work of art from idea to the public space. Here the curator does not perceive of him or herself as *the expert*, the powerful arbiter of taste and ultimate determiner of quality. The one whose ideas are always right, the paraphrase New York's New Museum founder Marcia Tucker<sup>3</sup>, although of course the curator nevertheless has considerable knowledge of his or her area of interest, has a right to strong positions and opinions, and could influence the direction of taste without intending this as a primary *raison d'être*. Instead the curator is inquisitive, curious, dedicated, excitable and keen to work with artists in order to establish the necessary connections between them and the public. This modest yet highly engaging responsibility one may define as the curatorial burden.

If we accept that the preceding is the ideal role of the curator, it is disconcerting then that the ubiquitous image of the curator today is that of the powerful culture broker, the alpha and omega, and that the latter should become the standard of aspiration for young people with curatorial career intentions. One may wonder, also, why the curator has departed from the responsibility or burden that I just described: that

of tending, caring, collaborating, aiding and learning, and instead has come to constitute a burden of a different kind, the figure who stands in the way, to paraphrase Hans Ulrich Orbist<sup>4</sup>, an obstacle, and what implications this state of things portends for artists, art, culture at large, and for the curatorial vocation. Unfortunately this particular concern is yet to receive the attention that deserves in the discourse of contemporary art.

It is my contention that some of the aberrations and extremities that obtain in curatorial practice today, be they in the form of the cynical flight from profundity and sense of responsibility or the consequent skepticism that now dogs the profession, owe in no small measure to the willingness of artists to surrender their independence and sense of purpose to the art establishment and the machinery of the culture game. The uneven relationship between the curator and the artist today and the increasing propensity of contemporary art toward trivial idiosyncrasy, certainly owe in part to the prevalent willingness of artists in pursuit of highly individualist career success and fame, to grovel at the feet of anyone who is perceived as possessing the ability to help actualize such careerist goals. In their desperation for individual success, artists have come to see the culture broker curator as a stronger party in the power structure of the culture machine, one whose favor must be sought almost at all cost, in order to attain visibility, validation, and viable patronage.

Of course, one does not ignore the fact that, as professionals, artists need a level of success in order to fulfill themselves and remain in practice; that they need visibility and financial viability not as alternatives to vision but as requisites of survival if they must meet the numerous practical demands of their profession from self-sustenance and raising families, to paying studio rent and purchasing materials and necessary expertise and labor. However, single-minded careerism has also led artists to cede the strength therefore, should occupy a primary place in the power structure of the culture game. What has emerged, instead, is a relationship of dependency rather than interdependence, with artists retaining rather little bargaining strength and the less of this strength is evident, the more powerful the culture broker curator becomes in determining not only the fate of artists, but also the fate of art and the direction of taste.

In addition to the evident loss of self-esteem that this has brought upon artists, it also places us at a risk of producing a skewed culture devoid of challenge and positive, radical vision, for when artists are lame, dependent and contained, be it by the State or by culture brokers, culture itself follows because it has little to aspire to. No doubt we live in a culture of retreat at present, and it does appear that with regard to artistic practice and the place of the artist in the power structure of culture, most of the lessons of the 1930s, and the examples and gains of the 1960s and 1970s are lost. The frontiers of artists' independence that the radical modernists- the Dadaist and subsequent groups such as COBRA- broached, and the reclamation of space and initiative that the conceptualists achieved in the 1960s and 1970s, for instance, are rarely in evidence in most centers of contemporary art practice today, and so at great cost to both artists and art. One great achievement of the radical modernists during the early and mid 20<sup>th</sup> century, was to wrench art out of the asphyxiating grip of the culture machine, just as the Cubists were losing their soul and independence to the cult of celebrity and the tyranny of dealers. The artists of the avant-garde took matters

back into their hands, defied the conventions of taste that dealership and patronage had put in place by the 1920s, and redefined art away from the culture of commerce. No doubt they saved modern art from the compromise of institutionalization and commoditization that had corralled it, by organizing spaces, pursuing independent and collaborative projects, forming cooperatives and staging their own events, interventions and displays while sidestepping dealers and the museum bureaucracy, this rendering them redundant and forcing them redefine and reinvent themselves.

In 1950s and 1960s, academics and critics stepped into the shoes of the dealers and began to determine the direction and vitality of art practice especially in America, just like we have begun to see in the relationship between art and curatorial practice today and it is not entirely insignificant that experiments in the 1950s that would define early curatorial practice in contemporary art, began in Europe and not in America. In the late 1960s, however, young artists took back the initiative from critics and academics, and reinstated themselves at the center of cultural production intent on playing the primary role in defining its shape, form, and strategies of manifestation. This reassertion of vision and independence by artists in turn, made it possible for curatorial practice to find new points of engagement with contemporary art. The emergence of the independent curator and even of independent spaces owed much to the bold and dramatic tactics of artist as they side-stepped the traditional museum space and instead took to either the open space or founded spaces of their own. Young curators at the time such as Harald Szeeman, Alana Heiss, Marcia Tucker or Adelina von Furstenberg could envisage and embark on the bold curatorial experiments that they realized because the artists had already provided examples that challenged conventional understanding of art enactment and display. Very little in display culture could rival the dramatic events that artists such as Alan Kaprow, Yayoi Kusama, David Hammons and several others initiated in the United States, or the Arte Povera in Italy a little earlier, or Rasheed Araeen, David Medalla, Yoko Ono and others in England, away from the staid bureaucracy of the art establishment and the confines of the museum. The independence and initiative of these artists provided curatorial practice with models to aspire to or build on in forming a relationship of cross-fertilization and mutual understanding with art and artists, rather than one of dependency and anxiety. Many an innovative points of insertion away from convention and redundancy.

In the 1980s this sense of independence and initiative disappeared almost completely, with all but little pockets of residual persistence or new eruptions occurring in hidden locations in England, Holland, and a few other places. Hans Ulrich Orbist has mentioned examples in England in the early 1990s where artists took initiatives rather than wait to be initiated by curators, and this inspired curators to equally challenge their own redundancies and false assumptions of hierarchical preeminence and instead recognize the new leads that artists were establishing as possible, viable directions for curatorial emulation.<sup>5</sup> Orbit's description of his response to these experiments testifies, quite rightly, to the curator faced with such inspiring examples is reminded that his or her role should be on of facilitator rather than overlord, and may decide to take some of the burden off of the artist by undertaking to provide or augment the facilities, environment and challenges that



artists may then take advantage of to realize their work. Rather than a relationship of dependency and consequent culture of complaint, what emerges instead is a symbiotic relationship of mutual respect and understanding where the artists sees the curator as a useful catalyst rather than an obstacle; a collaborator rather than a hindering interlocutor; a partner in the business of making rather than a mere usurping impresario who stands in the way. By making it known that artists can also attend to the business of making themselves visible, to borrow from the artists Rasheed Araeen,<sup>6</sup> they resituate both themselves and the curator in the structures of the culture game. By enabling themselves and devoting themselves to an organic process of production and actualization, forging new alliances with the public patron, in that order, circumventing the curator and the traditional spaces of display to which they have otherwise re-mortgaged their independence and practice, artists recast the curator as an enabling element in this process, but not an inevitable one.

As mentioned earlier, it would be wrong of course for one to wax overly romantic over this possibility or ignore the logistical realities of the visibility machine, especially in an increasingly globalized art market where the geographic and social fields of dissemination count far more than ever before. One does not ignore the fact that few artists on their own are able or realize work on the scales that they conceive them for lack resources, and that even fewer can push their work into the far reaches of the global cultural economy the way international biennial and triennial project invitations or curatorial interventions can. However, these realities ought to encourage redefining a place and role for the curator as caretaker, collaborator, and facilitator; as the enabling catalyst in contemporary art. Realizing these circumstances ought to inspire the curator toward a clear and dedicated sense of location and mission in the creative process, where the curatorial interjection is no longer seen as a burden but rather a positive contribution to the process.

In the end artists may hold the key to dislodging the curatorial burden that now afflicts contemporary art. There is little doubt that once artists are able to challenge prevailing curatorial propensities, and more importantly, to reassert their independence and sense of initiative, a new vigor and exuberance will emerge in contemporary curatorial practice and in contemporary art as a whole.

<sup>1</sup> Draft of paper delivered at the International Symposium of Contemporary Art Theory, Mexico City, January 25, 2002. This draft may not be reproduced in full or in part for any purposes without express permission of the copyright owner. Copyright Olu Oguibe, 2002.

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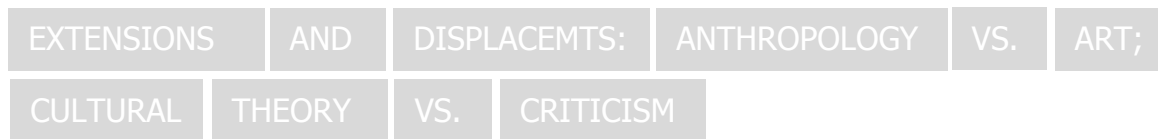
<sup>2</sup> Olu Oguibe, "The Curator's Calling" in Carin Kuoni, ed., *Words of Wisdom: A Curator's Vade Mecum on Contemporary Art* (New York: Independent Curators International, 2001) pp. 131-133.

<sup>3</sup> See Marcia Tucker, "Become A Great Curator in Six Simple Steps!" in Kuoni, ed., pp.170-172.

<sup>4</sup> See Hans Ulrich Obrist's contribution in this volume.

<sup>5</sup> Ibid.

<sup>6</sup> Reference here is to Araeen's collection of his early writings, *Making Myself Visible* (London: Kala Press, 1984).



### **Anna María Guasch**

We are immersed in the time and multicultural ideology of global, multinational or late capitalism; many things have changed since that time when the world was divided into binary structures (civilized and primitive, the raw and the cooked, center and periphery, culture and subculture) and dominated by an ethnocentric gaze and highly stratified society based on “monoculturalism” and fundamentalist homogenization.

Of course, this intervention of mine does not allow me to outline a genealogy of this multicultural identity which has, as a precedent, the acknowledging of the politics of difference within the framework of post-structuralism- already in 1984, philosopher Jean-Francois Lyotard's essay *La difference* transferred the micro-aporias of Derridian deconstruction to the realm of difference-as well as milestones in multicultural and post-colonial discourse<sup>1</sup> in both mainstream and peripheral versions (so-called pluralism and cultural heterogeneity). An ideology-the multicultural-which in the early 1990s promised a new world full of “integration and cultural harmony”<sup>2</sup> but that is greeted with greater skepticism every day. We can cite Paul Ricoeur as an example when IN HIS CRITIQUE OF American multiculturalism he considers that the emphasis should be placed on the politics of acknowledgment rather than on identity<sup>3</sup>, and also Slavoj Zizek when he states: “Multiculturalism is a form of denied, inverted racism, ‘a racism with distance’. It respects the Other's identity, conceiving it as genuine, closed community, from which metropolitan multiculturalism maintains a distance that is made possible thanks to its privileged position.”<sup>4</sup>