

Jan Fabre receives support from the theatre and dance world but acquiesces in the verdict

Antwerp, May 30, 2022 – Jan Fabre will not appeal against the judgment of the court of first instance that has issued him a suspended sentence of eighteen months.

According to the judges, the artist was guilty of violations of the legislation on wellbeing in the workplace by making offensive remarks to dancers and actors of the theatre company Troubleyn. Fabre was also convicted of assault following a French kiss, which he maintains was consensual. The caricature put forward of the artist has in any event been invalidated by the court. Fabre has always maintained his innocence, but he acquiesces in the verdict. He is receiving support from a large number of (former) employees and artists. After all, the conviction raises questions in terms of artistic freedom.

Will not appeal

For almost four years now, Jan Fabre has found himself in the eye of a media storm after the publication of an open letter in which a number of former dancers and actors from the company Troubleyn accused him of inappropriate behaviour. He now prefers to acquiesce in the court's verdict, even though the verdict is very difficult for him. Filing an appeal would mean breathing new life into the entire controversy surrounding Jan Fabre as a person. The theatre maker would rather not see that happen. The case has dragged on for far too long and the reputational damage done is irrevocable. Jan Fabre and his company now want to focus mainly on art and the future.

Never intended to hurt

Jan Fabre was convicted of five offenses against six performers. A French kiss, which Fabre has always said was given by mutual consent, has led to a conviction for assault. For two performers, it is a question of a rehearsal at which a male performer was asked to describe the women's vaginas. The judges regarded this as a violation of the legislation on wellbeing in the workplace. The same applies to a guideline about a pose in the context of a professional photo shoot.

An attempt to approach an ex-performer alleged to have taken place in Jan Fabre's apartment was also unacceptable to the judges. The woman was never questioned by the police. Still, the court ruled that Fabre's behaviour was inappropriate because he allegedly tried to kiss her and put his hands on her breasts. In her written statement, the woman stated that he immediately stopped when she said she did not want this, but that was not enough to avoid a conviction. Fabre himself has always denied the claims.

A fifth and final offense involves giving a nickname to a former performer. That is something Fabre often does, albeit with the best of intentions. But the nickname 'Brazilian chocolate' was harassment, according to the court. The same also applies to a comment Fabre made during a rehearsal, in which he called the same performer 'a headless chicken' during a dance scene. He used that expression to indicate a lack of concentration.

Jan Fabre stresses emphatically that he never intended to hurt actors or dancers. He is aware that some of his comments may have come across as hurtful. He has already apologised for this during the trial in a personal letter, which was read in court by his lawyers.

Artistic freedom

The verdict in the trial against Jan Fabre raises questions about the concept of "artistic freedom". Thus, the judges were of the opinion that Fabre, as artistic director of Troubleyn, went too far when he asked a male performer to describe the vaginas of female dancers. It was an exercise aimed at empathizing for the famous 'Tantalus Scene' of the performance 'Mount Olympus', in which dancers lure their male counterpart with their genitals. The instruction was a clear metaphor to sharpen the actor's concentration. The judges ruled that the artist could have given guidelines in another way to enhance the acting performance.

The court also had a problem with a pose during a photo shoot based on various works of art by great masters, such as Rubens. Several performers were photographed naked in the presence of professional photographers and assistants. Fabre asked a model to turn around, spread her legs and let her head hang between her legs. The court ruled that there was no evidence that this pose had any artistic value, nor that it was inspired by Rubens's work.

With this ruling, the court is treading the path towards interfering with an artist's artistic freedom. After all, the judges formulate their judgment of guilt based on the consideration of whether or not certain actions have 'artistic value'. The question is how far a judge can go in evaluating an artistic process and whether this ruling will have consequences for other artists.

ReFrame Platform: artists support Fabre

It is clear that the Fabre case raises questions in the art world. No fewer than 175 (former) employees and colleagues from the dance and theatre world have drawn up a joint statement. The list of signatories that have banded together in the collective ReFrame (www.reframeplatform.com) is growing every day. They do not agree with the image of Jan Fabre as portrayed. They also refer to the fact that the freedom of artistic expression, which characterises Jan Fabre and every other artist, can only arise in a safe environment. Fabre himself emphasises the independence of the ReFrame platform, which originated as a grassroots response and was in no way created at his request. It is the employees and artists themselves who have taken the initiative of their own accord, because they had serious difficulty with the cancel culture and the caricature created of Jan Fabre in the run-up to the process.

Caricature debunked

Jan Fabre was not convicted of six of the twelve allegations against him. For the artist, who was strongly hoping for a complete acquittal, this remains a disappointment. The fact that the sentencing was suspended is not unimportant. No actual penalty was ordered. More importantly, the verdict completely disproves the caricatural image that has been painted of Fabre. The court expressly states that Jan Fabre was not on trial for his character, not for his general style of leadership or for a generally negative working climate. The outrageous accusations such as 'toxic work environment', systematic abuse of power or the grotesque slogan 'no sex no solo' completely fell apart in court.

Press release by Attorney Eline Tritsmans