

ARTICLE

The paradox of public art: democratic space, the avant-garde, and Richard Serra's "Tilted Arc"

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Abstract *This essay interprets the controversy over Richard Serra's monumental sculpture, Tilted Arc, which was designed for a public plaza in downtown Manhattan in 1979 and then torn down five years later after intense public outcry. Levine reads this controversy as characteristic of contemporary debates over the arts, which continue the tradition of the nineteenth century avant-garde, pitting art against a wider public, and insisting that art must deliberately resist mainstream tastes and values in favor of marginality and innovation. This definition of art has posed a lasting dilemma for democratic societies: how, after all, should a democracy deal with art that represents an intentional rejection of the majority? The problem becomes even more intractable when it comes to avant-garde art commissioned for public spaces, where the art object can challenge public tastes and movements in a way that is inescapable for those who must live and work in the space. Disturbed by the imposition of a massive and incomprehensible art object in a public plaza, Serra's opponents argued that Tilted Arc frustrated a whole range of socially beneficial activities, labor and leisure alike. And they claimed that Serra's supporters were dangerously anti-democratic. But despite the avant-garde's challenge to majority tastes, this essay makes the case that it remains a democratic value to continue to sponsor avant-garde art in public spaces.*

For the past hundred years, democratic governments have had to grapple with a range of thorny public policy questions that emerge from the arts. Setting aside more general problems of free speech, injurious influence, and copyright restriction—issues which pertain to many kinds of speech—I want to suggest that policy-makers have had to confront some specifically artistic questions that have arisen in the wake of the modernist avant-garde. The avant-garde was a set of late nineteenth and early twentieth century artistic movements that were proud of their rejection of both officially sanctioned academic art and mass culture, assigning the highest moral and aesthetic value to the art that satisfied the smallest audience. They claimed authenticity only for the art that challenged familiar and conventional tastes. "Public art" became something of an

oxymoron in a context where art deliberately flouted public approval. Yet Western governments continued to exhibit, protect, and commission works of art throughout the twentieth century, citing the value of art for national edification, identity, and pride. Thus art policy found itself continually split. If artists insisted that the only genuine art was that which defied public expectations, democracies had to reconcile an official respect for art with an art world that deliberately resisted the tastes and preferences of both state institutions and the voting majority.

This vexing paradox is perhaps most troubling in cases of art commissioned for public spaces. In public spaces, democratic procedures frequently—and perhaps necessarily—come into conflict with an institutionalized artistic defiance. In public spaces, a community's right to use, inhabit, and move through a space in ordinary and utilitarian ways typically clashes with the role of art as that which disrupts and critiques the status quo. And more disconcertingly still, in debates over public art, the deliberately divisive avant-garde exposes conflicting constituencies that compete to claim their rights to public spaces—revealing fissures and contradictions in our conceptions of the public itself.

My example here is the famous history of *Tilted Arc*, a monumental sculpture created by Richard Serra in 1981 for Federal Plaza in Manhattan. The funds for the piece came from the General Services Administration (GSA), a government office which has a policy of commissioning works of art for new federal buildings, allocating one half of one percent of the costs of construction to a prominent American artist. This Art-in-Architecture program, as it is called, has been responsible for both controversies and successes—including Alexander Calder's *La Grande Vitesse* in Grand Rapids, Claes Oldenberg's *Bat Column* in Chicago, and George Segal's *Restaurant* in Buffalo. In 1979, the GSA asked the National Endowment for the Arts to set up a panel of art experts to nominate an appropriate sculptor for the Federal Building in New York. Presented with an array of proposals, the committee chose Richard Serra, believing that his work was monumental enough to stand in the shadow of Manhattan's skyscraping monoliths—including what were then the relatively new World Trade Center towers. Serra's project, the committee agreed, would not "be overwhelmed by a city of skyscrapers and such miracles of engineering as the Brooklyn Bridge," while it was exciting enough to "capture the energy, enterprise, and fast movement of the city's inhabitants."¹ Serra was also a perfect candidate for this prominent public arts program since many saw him as "the most important sculptor of his generation."²

Commissioned by the GSA, Serra set to work on his piece by studying the passage of pedestrians through and across the plaza. He aimed to build a work that would draw attention to the way that people moved through the space, and to this end he planned a long, curving wall made out of red Cor-Ten steel to bisect the area. It would stretch to a length of 120 feet and stand 12 feet high. The GSA in New York asked for a detailed study of the impact of *Tilted Arc* on the environment, including safety, pedestrian traffic, lighting, drainage, and law enforcement.³ Serra altered his proposal to take their concerns into account, and it was approved in 1980.

Even before the work was complete, complaints began to stream in. Initial petitions demanding *Tilted Arc's* removal boasted thirteen hundred signatories, many of them workers in the adjacent federal building. Chief Judge Edward D. Re was particularly vocal about his dislike of the *Arc*. He circulated petitions and protested vehemently against the "rusted steel barrier" while it was still in the process of construction. The furor later died down, only to be whipped up again three years later, perhaps deliberately by Re, who certainly helped to launch the letter-writing campaign to Washington. In the



Figure 1. *Richard Serra, Tilted Arc (1981, photo: David Aschkenas).*

first four years of *Tilted Arc's* life, the GSA reported forty-five hundred letters and appeals urging its removal, lamenting the ugliness, the inconvenience, the incomprehensibility, and the intimidating bulk of Serra's sculpture (Figure 1).

In March of 1985, the GSA's New York Regional Administrator, William Diamond, convened a panel to decide whether or not the *Arc* should be relocated. He held an open public hearing which lasted three days.⁴ Those who testified included not only local residents and workers, but art experts, curators, dealers, politicians, arts administrators, sculptors, playwrights, painters, and performance artists. In all, 180 people spoke at the hearing, 122 for preserving *Tilted Arc* in the newly renamed Jacob Javits Plaza, 58 for its removal. By the end of the hearing, the voices raised against the work had persuaded the panel, and *Tilted Arc* was dismantled and taken away. Now it sits in storage, in pieces, no longer a public object. Today there are no traces of Serra's monumental work in Jacob Javits Plaza.

If Serra's public sculpture prompted immediate and vociferous outcry, the reasons for the uproar are striking. The work was not obscene, violent, or offensive on grounds of race, religion, sex, or sexuality. It could not be said to cause injury, corrupt the innocent, endanger the community, or threaten the stability of government. It could not be said to be about harm. What was at stake was a matter of style, of aesthetic preference, of taste. Public outcry revolved around what we might simply call "dislike."

And dislike, as it turned out, was complex indeed. In keeping with the legacy of the avant-garde, many voices in the art world actually argued for the desirability of displeasing the public, citing "dislike" as an appropriate aim of public art. Art's purpose was to unsettle and to upset. Others insisted that the majority was capable of appreciating the most esoteric works, that it was important to educate the public out of their dislike. Some politicians acknowledged the necessity of placating irritated voters, but many also refused to grant majority rule, insisting that it would be absurd to call a

referendum on aesthetics. Yet, without a referendum, the debate then ran into the problem of gauging the extent and depth of public “dislike”: who would speak for the public? Was it the press, the local government, the artistic community, the courts? Even more troubling, which public mattered most? Was it the people who used the space daily—who had to maneuver around the work in order to conduct their ordinary affairs—or was it the whole nation? Was it only the taxpayers who had paid for the work, or did the public include international visitors and future generations? Exposing the difficulties of identifying the proper boundaries and constituents of the public in a pluralist democracy, this critical and disruptive work of art uncovered the question mark at the heart of the very definition of democratic public space: namely—which public?

The Persistence of the Avant-garde

There is an intrinsic perversity to the institution of the avant-garde, characterized as it is by a defiance of institutionalization. This perversity first emerged in the middle of the nineteenth century. A reaction to the rigidly conservative art establishment housed in government-sponsored academies, the avant-garde set itself up as a movement of outsiders—celebrating the margins, advocating an overturning of conventional aesthetics and a defiance of traditional judgment. Taken literally, the name “avant-garde”—the front line or vanguard—invoked an image of warlike struggle and set itself up as a harbinger of the future. Avant-garde artists saw themselves not only as innovative and advanced, but as warriors against the status quo, doing battle with the present in the name of the future.

The emergence of this revolutionary avant-garde marked a new separation of art from the rest of social life. Just as numerous fields of knowledge and cultural production began to carve out their proper territory in the nineteenth century, defining their objects and methods with increasing specificity, avant-garde artists too began to mark out the contours of what they saw as an autonomous and authentic art—one that would be free, pure, and independent, liberated from established interests and demands. They boasted of their detachment from official politics and commercial taste, deliberately repudiating the rewards offered to them by existing institutions. Seeking to create a sphere that was to be marked by its independence from power and privilege, art strove for purity and most of all for autonomy. Thus art’s aim, according to sociologist Pierre Bourdieu, was paradoxical, representing “an interest in disinterestedness.”⁵

This paradox, far from disabling, produced a dynamic contest. The field of art became a “force-field,” shaped by its ongoing struggle to establish a realm of distance, detachment, indifference. In their efforts to flaunt their autonomy, artists proudly broadcast their radical originality and their resistance to the marketplace. This refusal to conform to consumer taste earned art a reputation as an elitist venture. It also pushed artists into ever-increasing innovation.⁶ And soon an autonomous “art world” began to take shape, as little-known groups of artists who had begun at the margins, grandly indifferent to prizes and markets, would garner praise from critics and collectors, gaining ascendancy over more established figures, displacing them as the centers of the art world. But the more such groups became “consecrated,” the more their status as perfectly disinterested artists was threatened, and they would soon be displaced by new marginal groups.⁷ Thus the logic of the avant-garde involved a rapid obsolescence, as each rebellious artist was incorporated into the mainstream and lost ground to the purer artists on the margins. In its insistence on purity and autonomy, the avant-garde also

involved an unrelentingly critical relationship to the status quo—whether that meant mainstream taste, capitalist economics, or the institutionalization of art itself.

To some artists and critics in the past half century, the oppositional logic of the avant-garde has come to seem not only tediously repetitive but also outdated. In the 1960s artists became increasingly skeptical of the attempt to break from political interests, economic gain, and social institutions, arguing that it was impossible to create anything that could really be called autonomous. According to postmodern artists, it is important to see that meaning cannot be created out of nothing: it has to be assembled from tools, techniques, and signs that are already in circulation. It emerges in a material and social context and thus necessarily responds to that context. A visual artist might try to make something entirely independent of material and political interests, but that artist would already be working within an overloaded cultural category called art, and choosing to express herself using paint and canvas, or plastic, or fiberglass: the very materials are already marked with significance, as having connotations of high art, or commodity culture, or cutting-edge industry. There is simply no escape from the pressures of established meanings, interests, and institutions.

And yet, despite this critique, echoes of the disconcerting avant-garde continue to haunt contemporary quarrels over public art. In the *Tilted Arc* hearing, it was far from clear that the avant-garde was a thing of the past. For one thing, Serra's detractors presented familiar complaints about the work's defiance of mainstream taste, its elitism and inaccessibility. "This strip of rust," said one worker, is "an arrogant-nose-thumbing gesture at the government and those who serve the government."⁸ Another witness claimed that the tight-knit art world was trying to "intimidate" viewers with "a smoke screen of intellectual mumbo-jumbo about art."⁹ Meanwhile, the *Arc*'s defenders consistently praised the work for defying public taste and mass culture. Unsettling the audience was only appropriate, Serra advocates insisted, because "truly creative people in the arts make work that is challenging, demanding that we think of our surroundings, our fellow man, and especially ourselves in a new and unaccustomed way."¹⁰ Some argued that if the country did not encourage such challenges, it would be seriously impoverished, left with only "the conventional, the uninspired and the uncontroversial."¹¹ The artist Claes Oldenburg warned that the "effort to ... please all pressure groups" would result in "mediocrity and decoration instead of integrity."¹² Celebrating his rejection of mainstream taste, Serra's supporters claimed that his work was ahead of its time: "Good new art lives at the edge of experience and feeling. It is a challenge to old ways of seeing and living."¹³ In classic avant-garde fashion, too, Serra himself claimed the integrity of the autonomous artist, telling the press that he had no intention of pleasing the public if that meant pandering to a facile consumerist taste for pretty surfaces.¹⁴

Importantly, then, the opposing sides actually agreed on the *Arc*'s relation to its audience: the work was out of its time—it refused to accommodate majority preferences and values. The only contentious question was whether or not such deliberate departures from mainstream taste had social worth. Many who fought to preserve the *Arc* agreed that the object was "confrontational," "bullying," and "aggressive," but they made the case that this was a good thing: it was precisely the work's tense and critical relations to its surroundings that allowed it to function as a meaningful response to a pitiless urban experience. As one art historian put it, "Before art liberates our vision and develops our judgment, it unleashes our prejudices—acts of violent contempt with which we defend the loss and absence of vision of which art so painfully reminds us."¹⁵

In this respect, Richard Serra seems like a paradigmatic example of the modernist avant-garde: embattled, unpopular, challenging, marginal, and difficult. But Serra explicitly claimed that his own work was postmodern rather than modern. *Tilted Arc* belonged to a sculptural movement that Serra had helped to found—site-specificity—and it was this movement that defined *Tilted Arc* as a departure from the tradition of modernism:

Unlike modernist works that give the illusion of being autonomous from their surroundings, and which function critically only in relation to the language of their own medium, site-specific works emphasize the comparison between two separate languages and can therefore use the language of one to criticize the language of the other.¹⁶

In other words, if most modernist works of art turn away from the world, focusing on paint or stone or metal to the exclusion of social life, site-specific works enter into a dialogue with the world around them, engaging in a kind of dynamic conversation with a specific local environment. Far from striving for purity and autonomy, they deliberately engage with their surroundings. In the case of *Tilted Arc*, this dialogue was intended to involve not only the buildings and design of the plaza but also the movement of pedestrians through the existing space: “My sculptures,” Serra told the panel, “are not meant for a viewer to stop, look, and stare at. The historical concept of placing a sculpture on a pedestal was to establish a separation between the sculpture and the viewer. I am interested in a behavioral space in which the viewer interacts with the sculpture in its context.”¹⁷ Thus the sculpture was intended to draw attention not only to itself, but to the viewer in the environment—and it was intended to join the two rather than insisting on their disconnection. This is a postmodern move in the sense that the art work deliberately locates itself in the social world; it takes seriously the local setting and the community; and it strives to generate a new reaction to the space by interacting with what came before.¹⁸ In this light, the postmodern movement of site-specificity would seem to leave the avant-garde well behind it, and it would seem, too, to lend itself perfectly to public arts projects. Sensitive to local patterns, places, and symbols, the site-specific work of art is one that strives for a vibrant relationship with its immediate public.

But a vibrant relationship is not necessarily a peaceful or harmonious one. As Richard Serra makes clear:

there are sites where it is obvious that an art work is being subordinated to/accommodated to/adapted to/subservient to/useful to ... In such cases it is necessary to work in opposition to the constraints of the context, so that the work cannot be read as an affirmation of questionable ideologies and political power. I am not interested in art as affirmation or complicity.¹⁹

Here a careful compromise between engaged dialogue and principled autonomy emerges, as Serra casts his work as critically responsive to its surroundings and its patrons. In this context, the site-specific work speaks to its sponsors and environment—but makes it clear that it must distinguish itself from them, even to the extent of denouncing or rejecting them. Thus Serra’s postmodern art does indeed respond to its context, but in keeping with the tradition of the oppositional avant-garde, its message is critique, disinterestedness, and autonomy.

Democracy Meets the Avant-garde

One witness in the *Tilted Arc* hearing explained that “art is not democratic. It is not for the people.”²⁰ And indeed, when it comes to democratic arts policy, the avant-garde resistance to public taste presents an ongoing problem. Although postmodern artists may assert that they have left the principled isolation of modernism behind, contemporary art is still perfectly capable of exulting in its defiance of public taste. And as long as artists continue to value the marginal over the mainstream, it is not altogether clear why a public should fund and support the artistic repudiation of itself. So—should a democracy seek to reconcile the claims of a voting community with an artist who chooses deliberately to flout their wishes and desires?

In his proposal to relocate *Tilted Arc*, William Diamond stated that he had “relied heavily upon the arguments proffered by Manhattan Community Board #1, a legally constituted body which represents more than 250,000 residents in lower Manhattan.”²¹ Appealing to the most conventional kind of democratic decision-making body, Diamond chose local government as the most representative voice of the public, and saw their unanimous decision as overwhelming: they had voted twenty-two to zero to remove the sculpture. Diamond also mentioned the 4,500 letters of protest and petitions.

But on the other side, witnesses argued for the global impact of *Tilted Arc*, insisting the art was not a local object but an international one. Indeed, according to his supporters, Serra had single-handedly recast Federal Plaza as a global rather than a local space: now it was on the map as a destination “for informed and sophisticated visitors.”²² Donald Thalacker, director of the Art-in-Architecture program, managed to skip over the local community altogether when he defended *Tilted Arc*, as “public art for the American people, for visitors from other countries, and [for our] future generations.”²³ And indeed, many of the *Arc*’s advocates, in good avant-garde fashion, lobbied not only for an international audience, but for future viewers, since “truly challenging works of art require a period of time before their artistic language can be understood by a broader public.”²⁴

Dwight Ink, acting administrator of the GSA in Washington, summarized the arguments for and against the *Arc* as follows:

Most of the people who testified for relocation placed a high value on the wishes of the people who live and work in the area. Those favoring retention focused more on longer-term values of the art work to the public than on the concerns of employees and local residents who are directly affected by the work.²⁵

Ink was right: trapped in a struggle between the local and contemporary tastes of the community using the plaza on the one hand, and the more worldly preferences of both an international art community and an unpredictable future on the other, *Tilted Arc* was poised between competing conceptions of the public.

To complicate matters yet further, the *Arc*’s advocates alleged that Diamond’s numbers were not even reliable as a measure of the local majority. They countered that the Community Board had not given its usual prior notice before the meeting, failing to publicize its debate on *Tilted Arc*. Only twenty-two of the forty-seven members were present, and the others had effectively been silenced. Serra’s side also pointed out that the ratio of witnesses in the public hearing was two to one in favor keeping the

sculpture in place, and that the letters defending *Tilted Arc* far outnumbered those against.²⁶

On the other hand, counting the number of witnesses in the hearing was troubling as a gauge of public opinion in part because the witnesses themselves represented highly variable constituencies. While many who supported *Tilted Arc* represented the same or overlapping groups—different pieces of the art world—some of Serra’s opponents spoke for discrete and fairly large populations, like Peter Hirsch, who was “authorized” by the Association of Immigration Attorneys to speak out against the art work. (“We feel,” he told the panel, “that a good place to put the *Tilted Arc* would be in the Hudson River.”²⁷) Similarly, one tenant in the Federal Building claimed to speak for the “thousands upon thousands of people who come to this building each day to work or seek assistance.”²⁸ And this populism was not confined to the *Arc*’s opponents: one art critic described Serra as a representative of the working class, his background and his use of steel speaking for all working people and a long history of American industry and labor.²⁹

If it was hard to calculate the many constituencies—vocal and silent, present and future, local and global, elitist and populist—there were some who argued that certain voices simply counted more than others. An administrator in the building urged the panel to reject the voices of those who did not work in Federal Plaza: “They don’t have to look at [*Tilted Arc*], and they don’t have to negotiate around it to walk across the plaza.”³⁰ Compelled to steer around the sculpture every single work day, those who worked in the building should be taken more seriously than occasional visitors, tourists, and distant experts. But on the other side, artists questioned the credentials of non-professionals to judge Serra at all. “If I was a nuclear physicist giving a lecture,” said one witness, “people who did not know [anything] about nuclear physics would not stand up and contradict me.”³¹ “With all due respect,” said sculptor Tony Rosenthal to the panel, “when Mr. Diamond read your qualifications, I didn’t hear anything about knowledge of public art.”³²

These questions about the difficulty of measuring and weighing the opinions of diverse constituencies are of course familiar to those who deal with public policy. And we might be tempted to stop here, affirming that the *Tilted Arc* open public hearing represented an attempt to weigh the claims of various local and global communities, along with the art world, in a difficult but deliberative democratic process. In this deliberation, no single group could exert undue power, while all would have the chance to be heard. Writing about the Brooklyn Museum controversy, Peter Levine exhorts all concerned in arts controversies to respect deliberative procedures: “We would ask everyone involved to heed multiple perspectives, respect facts, achieve as much common ground as possible, and examine arguments rather than assault their opponents’ characters.”³³

But this kind of exhortation may not get us very far in battles over the arts. The crucial dilemma for those who seek to resolve political battles over contemporary art comes in the wake of the avant-garde. Since the nineteenth century, Americans and Europeans—both artists and non-artists—have become accustomed to defining *bona fide* art as that which unsettles and challenges the mainstream. Thus the most substantial public revulsion does not persuade us that an art work has failed; and the artist does not feel compelled to bow to the overwhelming expression of the people’s will—as a politician might. On the contrary, public turmoil only bolsters the artist’s sense of success. When Richard Serra found himself under siege, he by no means conceded the authority of the public hearing, but responded defiantly in the name of artistic purity,

autonomy, and integrity. He played up his role as oppressed by the state, democratically elected though it might be. "It is no better than the Soviets bulldozing the work of dissident artists,"³⁴ he said of the *Arc*'s removal. And indeed, there is no difference between democratic and authoritarian government if, in the logic of the avant-garde, freedom from the preferences of the wider public is as important as freedom from a despotic regime. From his position as high-minded outcast, Serra accused the government of having pandered to a consuming public and thus misunderstood the role and purpose of authentic art. "The governmental decree to remove and therefore destroy *Tilted Arc* is the direct outcome of a cynical Republican cultural policy that supports art only as a commodity."³⁵ Contrasting the purity of art to the polluted world of consumerism and power politics, what the artist learned from the controversy was that there was every reason to continue to flout mainstream taste and governmental and legal approval in the interests of the disinterestedness of art.

In short, the peculiarity of contemporary arts controversies—what distinguishes art from other political problems since the beginning of the avant-garde—is that official condemnation and majority outrage are perceived as strengthening the art world's sense of its own separation from other social institutions, bolstering the values of artistic isolation, purity, and critical disinterestedness. Thus while politicians and administrators claimed to learn from the *Tilted Arc* controversy to invite more community involvement from the outset with public arts projects,³⁶ the artist only learned to feel all the more confident of his own integrity—stronger for having been under attack. In this context, contemporary art and deliberative democracy seem to reach an impossible impasse. A conventional democratic process will always infuriate and alienate artists, and artists will always strive to confront and challenge the will of the public.

Yet it is not quite a total stalemate. Though out of tune with contemporary majorities, the avant-garde has, in fact, always claimed a public for itself. Characterized as a daring art of the future, challenging entrenched norms and styles, avant-garde art might seek to defy the aesthetic inclinations of the past and present, but it usually claims to anticipate the taste of future generations. Thus while cutting-edge artists typically claim to speak to a small audience with special insight—to viewers who are ahead of their time—they also clearly imagine pleasing a wider public later, in due course. Indeed, one might even argue that it is only by upsetting current taste that new preferences come into public view, and thus art is there to bring the public into the future—and the future into the public. Proponents of avant-garde art typically claim that the people, with the passage of time, will learn to appreciate the work's value. As Serra's lawyer explained: "Modern art is, almost by definition, difficult for the public to grasp and accept ... But a hundred years from now, such work will elicit praise from posterity for the foresight of officials who made it possible."³⁷ In keeping with this logic, many in the hearings pleaded for time, like Senator Jacob Javits ("It is only three and a half years since the sculpture was installed, and it has hardly had an opportunity to make its point"³⁸), William Rubin ("such a grave decision ... should not even be contemplated until the work and its public can pass through a period of time required for the artistic language of the work to become familiar"³⁹), and Donald Thalacker ("Four years is definitely not sufficient time to evaluate either long term public reaction to or artistic significance on *Tilted Arc*"⁴⁰).

The emphasis on the future marks a certain functional compromise for the avant-garde. Since the world will express its approbation only posthumously, the artist is not compromised by the pursuit of fashionable rewards or popularity. But the art will nonetheless gratify an appreciative majority in some more enlightened moment to come.

Thus the forward-looking impulse of the avant-garde offers artists the unlikely combination of a loving public on the one hand, and the assurance of their own disinterestedness on the other.

And so the proper public for public art is neither the nation nor the immediate community for the work: it is the public of the future, as yet only dimly foreshadowed. Of course, this position necessarily leads to some odd conclusions when it comes to policy-making. Those who favor the future must argue that broad public dislike is both necessary and pointless: mass revulsion is necessary if the avant-garde is to show itself as new, uncomfortable, and unsettling; but it is pointless for any member of the public to hold on to this revulsion, since it will shortly be superseded by the tolerant generations of the future. In effect, this camp argues that the public ought to overcome their own dislike in the moment that they experience it, supporting the art that violates their tastes and preferences in order to fall in line with a future that is inevitably about to come to pass. The history of art speeds up to infinity, here, as the present must disappear into the future in the very moment that present tastes are expressed.

But the emphasis on the future also has a rhetorical advantage. The public can conceivably be shamed into an embrace of the avant-garde, embarrassed not to have made sufficient progress, mortified to fall behind the future. According to this view, contemporary audiences should acknowledge the limitations of their own preferences, and imagine a future that will scoff at the backwardness of those who reject Serra and praise those who accept him as progressive and advanced. Some of Serra's champions played to the potential humiliation of the present by generations to come. "New York is beginning to act like a hick town," said painter Steven Davis. "It's a big disappointment."⁴¹ Another witness contended that Serra's critics were merely mired in times gone by, expressing "nostalgia ... for an irretrievable past."⁴² It was time to try to catch up with the future.

To say that the art of the avant-garde rejects the public, then, is to miss its insistent articulation of an enlightened and loving public. It is also to miss the fact that this public of the future has to be provoked into existence by the very unsettling character of new art. The avant-garde art imagines that it can create public taste, transforming the very judgment that it despises, demanding a new public consciousness to rise to the occasion of its insistent challenges. It is true, then, that avant-garde is anti-democratic, but we might say that it is not so different in this respect from public education, since art's defiance of democracy involves challenging the public to become more sophisticated, more forward-thinking, more broad-minded.

This conclusion allows us to return to the relationship between deliberative democracy and avant-garde art. If these two projects have often seemed frustratingly disjointed and incommensurate, doomed to a mutual incomprehension, now we can see that their battle actually revolves around a common problem: the public itself. Far from ignoring public taste, the avant-garde stakes its claim on the potential for public transformation. In the process, it hints at the inherent conservatism of democratic deliberation. After all, political democracy relies on procedures that will measure and weigh a range of existing viewpoints, while the artistic avant-garde asks whether it might be able to bring new perceptions into being. Democracy claims to reflect the will of the people—to bear witness to its current values and desires—while the avant-garde claims to test and transform those values and desires, to urge the public into an embrace of the new and the unfamiliar, of skepticism and radical possibility. Democracy aims to represent the public, art to provoke and stimulate it.

Avant-garde Public Space

Up to this point, I have proposed three conclusions: first, that the avant-garde's defiance of public taste has lasted into our own time; second, that its logic poses an awkward, ongoing problem for democratic governments; and third, that the avant-garde challenges the logic of democracy by presenting an alternative, future-oriented notion of the public to counter political attempts to measure the status quo. It is in this context, I want to suggest, that we can begin to unravel the peculiarities of battles over contemporary art commissioned for public spaces. Since it is the avant-garde's desire to transform the public, what does it mean when this push toward the future takes place in a public space? If art's role is to maintain its independence from the world, is it appropriate for it to locate itself in the midst of worldly activity? And what might such avant-garde disturbances entail for a public who habitually puts their space to use?

In the case of *Tilted Arc*, Serra's work of art deliberately disordered the architectural space it inhabited. In good avant-garde fashion, his champions gave Serra credit for this disruption. One advocate made the case that *Tilted Arc's* contrast with its surroundings revealed the visual shortcomings of the neighboring buildings: "This appropriately scaled wall of hot, curved steel [looks] like an incredibly polite and human critique of a stiff and inelegant and pretentious architecture."⁴³ Another Serra supporter argued that the work actually changed the character of a purely utilitarian space, making it into an aesthetically interesting one: "The sculpture's scale and moving form transforms what is essentially a desolate, open space without any distinguishing characteristics into an exciting perceptual encounter."⁴⁴ For yet a third witness, *Tilted Arc* drew attention to the alienating quality of the urban setting: the buildings "are inhuman in their scale, boring and tedious, and the sculpture makes you confront that issue every time you walk by it."⁴⁵ This was avant-garde site-specificity at its best, celebrating the fact that the art object did not simply sit in a location as a thing in itself, but rather turned attention back on the surroundings, reshaping and critically reinterpreting the space.

Tilted Arc's supporters suggested that what the public should really be complaining about was not the sculpture but the urban status quo—the buildings and space around the work of art. And as the hearing made clear, this was no small gesture. After all, the public spaces we inherit—from parks and plazas to buildings, streets, and highways—organize our movements and structure our experience. Since these spaces are mostly there for their use-value, since they accumulate piecemeal, and since the map changes slowly over time, there are few opportunities to question the extent to which the overall design of public space controls and orders daily life. But surely public space is as important to critique as the art commissioned for it? In the hearing on *Tilted Arc*, more than one witness suggested destroying not the art work but the building and plaza that had been confronted and exposed by the art work:

This federal office building has got to be one of the ugliest buildings in the lower Manhattan skyline—a clear insult to and a distraction from such elegant neighbors as the Federal Courthouse, the Municipal Building, the Woolworth Building, and police headquarters. I don't suggest this merely in jest ... If by your actions you indicate that there is a legitimate process available for the public to initiate the removal of a work of public art, then why shouldn't the same process be available for the removal of a public building? ... Maybe you are really onto something. Think of all the problems this new idea could solve: how about all the dull, useless plazas, including this one, that allow developers to build ugly buildings bigger?⁴⁶

Should we be focusing our political attention on the massive scale and hideous style of existing skyscrapers rather than attacking the lone work of art that challenges their existence? The artist Keith Haring thought so: "If ... people were really concerned about altering the beauty of the urban environment, they would be trying to stop the [construction] of huge, ugly office buildings which change the entire neighborhood."⁴⁷

But of course, there was another side to the story. Those who wanted to remove Serra's *Arc* also credited him with transforming the existing space, but they opposed that transformation, praising the original space as beneficial to the community. One worker explained that it was precisely the unremarkable nature of the plaza that had given it its value: "Until 1980 I regarded it as a relaxing reflective space, where I could walk, sit and contemplate in an unhurried manner."⁴⁸ Representative Theodore Weiss agreed: "*Tilted Arc* rends the serenity of the plaza."⁴⁹ Before the *Arc*, Federal Plaza was notable for its insignificance, and its absence of excitement and stimulation were helpfully soothing in the busy city.

On one point, there was again little dispute between Serra's supporters and his detractors: all agreed that Serra had managed to dislocate the original space. One witness who spoke out against the *Arc* testified that it "violate[d] the very spirit and concept of the plaza,"⁵⁰ but this comment could just as easily come from one of his supporters. The question was not whether the *Arc* managed to throw its surroundings into crisis, but which was more damaging to the neighborhood: the spirit and concept of the original space or the critical reconception of the space by Richard Serra.

Of course, if this was a dialogue between two designs, Serra was not the only designer. An architect, Robert Allen Jacobs, had carefully planned the plaza, shaping the site to suit its community and surroundings. As one Serra opponent put it, "if we are talking about artists' rights, what about the rights of the artist who designed the square?"⁵¹ Even more pointedly, "the plaza is a site-specific work of art incorporating a geometric paving design, now disrupted ... Mr. Serra's work, according to him, was deliberately designed to change, alter, and dislocate someone else's artistic creation. This is wrong."⁵²

Did the architectural work of Robert Allen Jacobs deserve the same protection and respect and offer the same public value as Richard Serra's *Arc*? The two sides in the debate clearly thought not, since Serra's supporters regularly proposed to destroy the site and his opponents just as consistently defended it. No one argued that all designs were equally sacrosanct. But what exactly was the difference between the two works?

Site-specific sculpture is not the same as architecture, and although the distinction between the two art forms is not absolute, it may be helpful to point to an important difference. Architecture is the shaping of space for *use*. Thus it can be evaluated according to how well it performs its tasks. Does the building house sufficient numbers of workers? Is it structurally sound? Does the space allow for the smooth movement of workers and visitors? By contrast, since the emergence of the avant-garde, art is defined by the fact that serves no immediate practical purpose: in fact, for customs purposes the United States Government defines art as distinct from "articles of utility."⁵³ Art is therefore evaluated by strictly non-utilitarian criteria: its creative energy, its sensuous appeal, its potential to disrupt established norms and habits. In this sense, art seems far more expendable than architecture: surely we can do without sculpture but would struggle to function and survive if all buildings, squares, and streets disappeared?

Witnesses who wanted to remove *Tilted Arc* frequently bemoaned the uselessness of the sculpture, pointing to the fact it thwarted more constructive activities and services. "Utilization of the plaza is now severely limited, preventing use by the occupants, and

the neighboring community, for ceremonies, cultural attractions, and other recreational activities.”⁵⁴ With the *Arc* out of the way, a whole range of cultural activities *other* than monumental visual art would come to the plaza. “We will be able to bring cultural shows here. We will have bandstands, and we will have performances. We will have food here sold to people. We will have greenery, landscaping.”⁵⁵ Scholar James Dickinson explains that Serra’s art has always courted controversy precisely because it “interferes with planners’ and administrators’ ideas about the way public space should be used: for passive enjoyment, strolling, sitting, eating, and watching.”⁵⁶ Art is not only useless itself: it precludes other meanings, other expressions, and other functions. Art, we might say, gets in the way.

But if we are to believe the avant-garde, that is precisely the point. Serra’s site-specific art was there in part to invite challenge and critique: it called on viewers to reflect on their movements, to contemplate the dehumanizing nature of their surroundings, even to imagine pulling down most of the buildings in downtown Manhattan—in short, to stop in their tracks. At its most successful, the critical art object should be capable of interrupting ordinary life. Richard Serra and his defenders claimed that his art work did not absolutely interfere with other functions: “It is only necessary to plan with the sculpture rather than against it to involve the *Tilted Arc* in the ‘increased public use’ contemplated by its opponents.”⁵⁷ But this was not quite the whole story. After all, Serra’s side also claimed that the work deliberately disrupted other, more utilitarian uses of space. It hinted at a liberation from the pressure of ordinary duties and obligations:

Serra’s work ... challenges the loss of critical function contained in bureaucracy and retains the critical function which is essential to any genuine art. It stands outside of the homogenization of bureaucracy, forcing an active relationship between the passerby and the space of the plaza, and necessarily the space of the building behind the plaza. The space is no longer vacant, but occupied, organized. There is an opposition in the space of the plaza. This opposition reflects the true oppositions in our society which bureaucracies seek to deny; therefore, it has a critical function.⁵⁸

Skeptical of the ordinary workings of commerce, politics, and labor, *Tilted Arc* revealed the alienation at the heart of contemporary urban life. In this light, it offered a non-utilitarian perspective capable of challenging the uses to which human beings and their spaces are habitually put.

If the aim of art is to question habits and conventions, it makes sense for public art to seek to transform public space so that it is no longer totally absorbed into the utilitarian uses of both labor and leisure. For art to achieve its unsettling aims, its separation from the rest of life—its very uselessness—should feel inescapable. If it is in a public space, that means that it might do well to take over the space, halting and transforming the ordinary utility of public spaces by insisting on an impractical, critical hiatus, an interruption of daily affairs. Avant-garde works of art, we might say, function most successfully when they suppress the routines of ordinary usage, reshaping useful public spaces so that they are subsumed by the critical inutility of art. As art becomes site-specific, then, public sites become art-specific.

To put this in its most perverse formulation: public space, disrupted by the avant-garde, must become the museum. The avant-garde intends to disrupt habitual routines and expectations in favor of unsettling critique. Conventionally, such critical, reflective moments are fostered in spaces designed for critical, reflective purposes—not

only museums and galleries, but universities, theaters, and performance spaces. But these are all voluntary spaces, spaces that paying customers choose to enter. If the avant-garde's visionary power is going to reach beyond the walls of such voluntary spaces, to break through to the wider public it intends to provoke, it must disturb the ordinariness of ordinary life, to take its critical practice outside of the sphere of voluntary activity. Art's critical uselessness must therefore enter into and interrupt spaces that are otherwise put to use. Thus it is the dream of the avant-garde to turn the world into a museum.

Clear opposition to such a conclusion came from government officials, who did their best to put *Tilted Arc* back inside the walls of a literal museum. They proposed what they saw as a sensible compromise: to move the art object out of a space where the community did not like or understand it into space where it would find an admiring and knowledgeable audience. "Very likely," Dwight Ink wrote, "the *Tilted Arc* would be far better appreciated by those who had the free choice of viewing it than those in the Federal Building who find the plaza physically curtailed, and whose view is obstructed by the *Tilted Arc* as they arrive in the morning and as they leave the building at noon and after work."⁵⁹ No one should be forced to experience the avant-garde, and thus the art object should go back where it properly belonged: a space made for art lovers.

Levelheaded as this proposal might seem to its proponents, Richard Serra and his supporters argued passionately against such a shift. They claimed that to move *Tilted Arc* would not be a relocation, but a destruction of the work of art. The close interconnection of work and site, they claimed, was integral to Serra's brilliant site-specificity, the work's particular engagement with a local context of buildings, streets, and pedestrians. These arguments for a sophisticated interweaving of art object and environment are surely convincing—and might perhaps seem harmless enough. But the logic of the avant-garde suggests that government officials were right to fear the power implied by *Tilted Arc*'s location. After all, if art works are there to challenge the habits and preferences of a mainstream culture, to do so with any force they cannot be contained in museums. They must disturb spaces that are habitually put to use. For the avant-garde to achieve its grandest purposes, its challenges must take place in public space.

Divided Publics and Fractured Public Space

Flouting local traditions and contemporary tastes, celebrating its status as outsider and innovator, boasting of its cosmopolitan, transnational sophistication, and imagining itself projected out of a hostile present into a welcoming future, the avant-garde rejoices in its difference, its otherness. But public art not only sits in public spaces; it also makes some claim to represent the community or the nation, producing an image of the public that is then broadcast to the world and future generations. The work of art not only sits in a public space and gathers its support from public funds: it comes to stand for the public. So, can avant-garde public art possibly accomplish both of its missions—simultaneously celebrating the margins and representing the mainstream, at once flouting the majority and conveying it to the world?

Numerous witnesses in the *Tilted Arc* hearings worried about the work's representative character. What would the art object say to the world about their government, their nation, themselves? One local resident mentioned the many visitors who came to the plaza to apply for citizenship at the Immigration and Naturalization Service. Surely *Tilted Arc* would represent a hostile America to them: "[W]hen they enter the building



Figure 2. *Dismantling Tilted Arc* (photo: Jennifer Kotter).

from which they hope to emerge with hope and promise for a freer and better future for themselves and their families, they cannot help but be reminded by *Tilted Arc* of the iron curtains from which they escape.”⁶⁰ A supervisor in the Bureau of Investigations who worked in the plaza was concerned that *Tilted Arc* indicated that America had abandoned its aesthetic traditions. He imagined revolutionary war hero Nathan Hale looking at *Tilted Arc* and asking, “What did I give up my life for if this is what they descend to in these days?”⁶¹ Thus a work that was neither indecent nor violent nor politically partisan nonetheless generated the most heated of controversies in part because the public felt that *Tilted Arc* revealed and implicated them.

Witnesses who supported the *Arc* were equally impassioned about the ways that it represented the public. But they put their emphasis on the art work’s very nonconformity, seeing it as proof of America’s commitment to freedom of expression. “I am here,” said one, “because of my concern for our own image as a great city, a great country, and a remarkable society dedicated to individual freedoms, including the freedom of expression.”⁶² For Jacob Javits, “art in our society [is] the symbol of what freedom means in the world.”⁶³ Art historian Irving Sandler argued that the only way for a democratic society to “achieve a valid public art” was to allow a variety of artists to express themselves freely.⁶⁴ In this view, art can only be a valid expression of democracy if it communicates marginal and unorthodox perspectives to prove the society’s commitment to tolerance and diversity.

Although *Tilted Arc* was abstract and non-representational in itself, its status as public art made it seem to offer up an image of contemporary life, an image to be displayed to the local community, to the nation, to the world, and to the future. On the one hand, witnesses expressed distress about an America revealed as divided, split from its central values and mainstream traditions, and on the other they gave praise for a complex nation enriched by its plurality. Which of these was the right gesture in a public space? Did public art serve democracy by representing the majority, the weighty single

voice of a culture's dominant traditions? Or did it serve it better by emphasizing the marginalized voice, the dissenting view, the challenge to convention and tradition?

I want to close with a vote for avant-garde marginality—and thus a vote for the value of avant-garde public art in a democracy. Setting itself up always as eccentric, uncooperative, and unsettlingly alternative, the artistic avant-garde seems anti-democratic in its defiance of the mainstream, but it is quintessentially democratic in one crucial way—its insistence on plurality, on heterogeneity, on otherness. Deliberately disorderly, the avant-garde public art object asks whether public space is serving the margins as well as it serves the mainstream, whether it encourages challenges as well as conformity. Indeed, if the arrangement of urban space in blocks and squares organizes movement and experience, crucially shaping the possibilities of use, habit, and exchange, how successfully can it also foster and accommodate heterogeneity? Does the organizational and utilitarian character of public space compel assimilation, uniformity—sameness? The avant-garde insistently pushes us to address the tension between a celebration of pluralism and a desire for uniformity and harmonious collectivity.

It is in the tension between unity and fractured plurality that conflicts over public art emerge again and again. If the avant-garde always favors dissent, it sustains a pressure to acknowledge difference. And this, I would argue, is valuable for all of us. As Cass Sunstein writes, censorship does not pose the only threat to the freedom of expression; equally dangerous is the increasingly effortless act of filtering—the decision to expose oneself only to sources and kinds of information selected in advance. Filtering is perilous for democratic societies to the extent that it allows citizens to make the decision to expose themselves only to what they already know: to listen only to like-minded people, to come across only topics of prior interest, to encounter only views already held in advance. Filtering works against the “unplanned, unanticipated encounters” that are crucial to a recognition and understanding of plurality.⁶⁵ Sunstein asks us to consider “the risks posed by any situation in which thousands or perhaps millions or even tens of millions of people are mainly listening to louder echoes of their own voice.”⁶⁶

In this context, we can rethink the discomfort that avant-garde art offers to its spectators. The discomfort it offers is the distress not of menace or injury but of unfamiliarity, of incomprehensibility and surprise. What it brings into public space is the disquiet of skepticism, the turmoil of possibility. In a world where dominant groups hear their voices in every medium, and minorities turn to niche channels and servers to air and reaffirm dissenting views, the avant-garde public art project puts fragmentation itself at the heart of public discourse. Though it cannot be said to harm bodies or minds, the avant-garde launches what are indeed significant challenges, asking us to confront differences between majorities and minorities, self and other, utilitarian habit and critical thought, present and future. And when it generates conflicts—as, by definition, it strives to do—avant-garde public art points us to a recognition of competing notions of the public itself, inviting a recognition of the difficulties of representing a complex and often disunited historical group like America.

Notes

1. These are the words of Suzanne Delahanty, member of the NEA panel that had nominated Serra. These comments come from her testimony in the hearings about *Tilted Arc*. See *The Destruction of Tilted Arc: Documents*, eds Clara Weyergraf-Serra and Martha Buskirk (Cambridge, MA and London: MIT Press, 1991), 83.
2. Art critic Douglas Crimp, *The Destruction of Tilted Arc*, 221.

3. Later Serra's critics would complain about the sculpture as a shield for drug-dealers and terrorists, but the official body responsible for commissioning the sculpture was satisfied that it would cause no harm.
4. Testimony from these hearings is collected in two recent volumes, *The Destruction of Tilted Arc*, already cited, and *Public Art, Public Controversy: Tilted Arc on Trial* (New York: American Council for the Arts, 1987). Neither text offers a complete transcript of the hearings; both make representative selections. The testimony overlaps to a significant degree, but both are necessary to grasp a full sense of the arguments.
5. Pierre Bourdieu, *The Rules of Art: Genesis and Structure of the Literary Field*, trans. Susan Emanuel (Stanford: Stanford University Press, 1996), 21. Though ostensibly dedicated to describing the autonomy of literature as a field, Bourdieu's book claims that the history of the visual arts runs parallel to the development of the literary field.
6. This push toward innovation is an inevitable consequence of the desire to establish autonomy, according to Bourdieu. He writes: "An enterprise moves closer to the 'commercial' pole the more directly or completely the products it offers on the market respond to a *pre-existing demand* and in *pre-established forms*." (Bourdieu, *The Rules of Art*, 142.)
7. In a particularly beautiful irony, Bourdieu argues that this ongoing stake in detachment lent artists, writers, and critics a particular powerful authority when it came to politics. Emile Zola's forceful voice in the Dreyfus Affair in Paris is Bourdieu's best example. Bourdieu is not the only writer to draw attention to this kind of conclusion. In a posthumous book on aesthetics, Theodor Adorno insisted that art "is social primarily because it stands opposed to society. Now this opposition art can mount only when it has become autonomous. By congealing into an entity unto itself—rather than obeying existing social norms and thus proving itself to be socially useful—art criticizes society just by being there." Theodor Adorno, *Aesthetic Theory*, trans. C. Lenhardt (London and New York: Routledge and Kegan Paul, 1984), 321. Following Adorno, Peter Bürger writes: "the (relative) freedom of art vis-à-vis the praxis of life is ... the condition that must be fulfilled if there is to be a critical cognition of reality. An art no longer distinct from the praxis of life but wholly absorbed in it will lose the capacity to criticize it, along with the distance." See his *Theory of the Avant-Garde*, trans. Michael Shaw (Minneapolis: University of Minnesota Press, 1984), 50. Bürger's assessment of the autonomy of art differs significantly from Bourdieu's conception of a "force-field" of art. Bürger describes the avant-garde as launching an attack on the "institution" of art, but he does not then acknowledge that such an attack is actually integral to the institutionalization of the art world, as Bourdieu does. Bürger sees the institutionalization of the avant-garde as a mark of its failure: "Since now the protest of the historical avant-garde against art as institution is now accepted *as art*, the gesture of protest of the neo-avant-garde becomes inauthentic" (53).
8. Shirley Paris, in *The Destruction of Tilted Arc*, 126.
9. Jessie Gray, in *The Destruction of Tilted Arc*, 121.
10. Victor Ganz, in *Public Art, Public Controversy*, 112.
11. Harriet Dorsen, in *Public Art, Public Controversy*, 87.
12. Claes Oldenburg, in *The Destruction of Tilted Arc*, 78.
13. Emile de Antonio, in *The Destruction of Tilted Arc*, 93.
14. Quoted from an interview with William Wilson, "Richard Serra's 'Arc' de Trauma," *The Los Angeles Times*, 1985; reprinted in *Public Art, Public Controversy*, 160–1.
15. Benjamin Buchloh, in *The Destruction of Tilted Arc*, 92.
16. Richard Serra, "Introduction," *The Destruction of Tilted Arc*, 12.
17. Richard Serra, testimony, in *The Destruction of Tilted Arc*, 65.
18. As Richard Serra put it in his testimony, "When a known space changes through the inclusion of a site-specific sculpture, one is called upon to relate to the space differently." See *The Destruction of Tilted Arc*, 66.
19. Richard Serra, "Introduction," in *The Destruction of Tilted Arc*, 12–13.
20. Unattributed quotation, quoted in Dwight Ink's report of his decision, in *The Destruction of Tilted Arc*, 162.
21. Letter from William Diamond to Dwight Ink (1 May, 1985), in *The Destruction of Tilted Arc*, 144.
22. Elyse Grinstein, in *Public Art, Public Controversy*, 67.
23. Donald W. Thalacker, in *Public Art, Public Controversy*, 120.
24. William Rubin, in *Public Art, Public Controversy*, 100–1.
25. Dwight Ink, "Decision on *Tilted Arc*," in *Public Art, Public Controversy*, 164.
26. Serra advocates even cast doubt on the small number of detractors at the hearing: "Of the ten thousand employees in the subject building, approximately fifty-five people spoke in favor of its relocation. This modest number is significant because the employees were already at the site of the hearings and could easily take time off to testify." Of the one hundred fifteen who spoke out to keep the sculpture, by

- contrast, many had to travel some distance to make their case. Memo from Donald Thalacker to Dwight Ink (9 May, 1985), *The Destruction of Tilted Arc*, 152–3.
27. Peter Hirsch, in *The Destruction of Tilted Arc*, 123.
 28. Norman Steinlauf, in *The Destruction of Tilted Arc*, 111.
 29. Annette Michelson, in *The Destruction of Tilted Arc*, 95.
 30. William Toby, in *The Destruction of Tilted Arc*, 119.
 31. John Weber, in *Public Art, Public Controversy*, 77.
 32. Tony Rosenthal, in *Public Art, Public Controversy*, 139.
 33. Peter Levine, "Lessons from the Brooklyn Museum Controversy," *Philosophy and Public Policy Quarterly*, 20, summer (2000), 19–27.
 34. Quoted in William Wilson, "Richard Serra's 'Arc' de Trauma," in *Public Art, Public Controversy*, 160.
 35. Richard Serra, "Introduction," in *The Destruction of Tilted Arc*, 5.
 36. Thus Dwight Ink recommended that the Art-in-Architecture Program be modified, "so that GSA tax-supported art is recognized as enhancing the environment for the public employees who spend each day in the buildings which the art is intended to embellish and for the general public these employees serve, as well as the community in which the office buildings are located. This will require a more meaningful and formal involvement of the local community in the planning and selection process." In *The Destruction of Tilted Arc*, 172.
 37. Jerald Ordover, in *The Destruction of Tilted Arc*, 141.
 38. Marion Javits, reading a statement by Jacob Javits, in *The Destruction of Tilted Arc*, 98.
 39. William Rubin, in *The Destruction of Tilted Arc*, 102.
 40. Donald Thalacker, letter to Dwight Ink, in *The Destruction of Tilted Arc*, 154.
 41. Steven Davis, in *Public Art, Public Controversy*, 102.
 42. Suzanne Delahanty, in *The Destruction of Tilted Arc*, 84.
 43. Steven Davis, in *Public Art, Public Controversy*, 102.
 44. Joyce Schwartz, in *Public Art, Public Controversy*, 63.
 45. Ronald Feldman, in *Public Art, Public Controversy*, 75. Some witnesses even suggested that perhaps the controversy itself had come about precisely because *Tilted Arc* had taught viewers to question their environment.
 46. Roberta Brandes Grantz, in *Public Art, Public Controversy*, 70–1.
 47. Keith Haring, in *Public Art, Public Controversy*, 103.
 48. Joseph I. Liebman, in *The Destruction of Tilted Arc*, 113.
 49. Theodore Weiss, in *The Destruction of Tilted Arc*, 115.
 50. William Toby, in *The Destruction of Tilted Arc*, 119.
 51. Jessie Gray, in *The Destruction of Tilted Arc*, 122.
 52. Margo Jacobs, in *The Destruction of Tilted Arc*, 124–5.
 53. Margit Rowell, *Branucusi v. United States: The Historic Trial, 1928* (Paris: Adam Biro, 1999), 112–13.
 54. Norman Steinlauf, in *The Destruction of Tilted Arc*, 112.
 55. Interview with William Diamond (15 March, 1989), in *The Destruction of Tilted Arc*, 271.
 56. James Dickinson, "In Its Place: Site and Meaning in Richard Serra's Public Sculpture," *Philosophy and Geography III: Philosophies of Place*, eds Andrew Light and Jonathan M. Smith (Lanham, Boulder, New York, and Oxford: Rowman and Littlefield, 1998), 51.
 57. Coosje van Bruggen, in *The Destruction of Tilted Arc*, 79.
 58. Joel Kovel, in *The Destruction of Tilted Arc*, 94.
 59. Dwight Ink, in *The Destruction of Tilted Arc*, 171.
 60. Shirley Paris, in *The Destruction of Tilted Arc*, 126.
 61. Harry Watson, in *The Destruction of Tilted Arc*, 120.
 62. Halina Rosenthal, in *Public Art, Public Controversy*, 117–18.
 63. Marion Javits, reading a statement by Jacob Javits, in *The Destruction of Tilted Arc*, 98.
 64. Irving Sandler, in *Public Art, Public Controversy*, 82–3.
 65. Cass Sunstein, *Republic.com* (Princeton: Princeton University Press, 2001), 8.
 66. Sunstein, *Republic.com*, 16.

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