May 17th, 9:00 AM - May 19th, 5:00 PM

Arts Controversies and the Problem of the Public Sphere

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Title: Arts Controversies and the Problem of the Public Sphere
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The tension between the assumption of a unified public discourse and the need to recognize multiple, heterogeneous discourses, both marginalized and otherwise, forms a central difficulty for theorists of communication. This difficulty, the problem of the public sphere, has occupied particular attention as relatively recent historical shifts cast it into more dramatic relief: the shift toward a global economy, the globalizing force of communication technologies, cultural identity hybridization, the weakening of the idea of citizenship due to the decline of nation states (Robbins, 1993, Readings, 1996, King, 1991). While much of the work describing and theorizing the shifting cultural and economic landscape has been undertaken by cultural theorists, argumentation theorists and rhetoricians have been more specifically concerned with its impact on the status of public space as a precondition for argumentation and as a traditional domain of rhetoric.

Recent debates in the United States over publicly funded art highlight the problem of the public sphere both in terms of recent historical shifts and in terms of fundamental tension between the assumption of a unified communicative space and a competing multiplicity of discourses. They raise questions concerning the relationship between the public sphere and cultural hegemony, about the place of cultural products in representing the public, and about the very possibility of a viable public space. In this paper, I will describe some recent arts controversies, offer three models of "the public" that are deployed in the central arguments of the controversies, introduce Jurgen Habermas' notion of the public sphere from his *Structural Transformation of the Public Sphere*, discuss correspondences between the problem of the public sphere in arts controversies and the problem of discursive space for theorists of communication, and explore Habermas' later work in communication theory as a way of characterizing his contribution to the problem of the public sphere.

Much of the work exploring US public arts controversies has focused on historical contextualization (Cummings, 1991), cultural critique (Appadurai, 1993; Ross, 1993), and policy analysis and advocacy (Becker, 1992; Garfias, 1991; Yoshitomi, 1991). While some work that examines the controversies has addressed implications for argumentation theory and the questions of the public space as a precondition for argumentation (Blake, 1993; Ross, 1993; Yudice, 1993; Doss, 1995), it is often in the context of larger arguments emphasizing cultural politics. Responding to this general emphasis on cultural representation and identity politics, I explore the seams where these problems and the problems of publicity are often joined.

In the case of the celebrated late-1980's controversy over Andres Serrano's *Piss Christ,* Sen. Jesse Helms and Sen. Alfonse D'Amato, most dramatically among others, positioned themselves as defenders of taxpayers. Faced with the knowledge that Serrano's photograph, which featured a plastic crucifix submerged in the artists urine, had received grant money from the Southeastern Center for Contemporary Art, a regional arts organization supported in part by National Endowment for the Arts (NEA) funds, Helms and D'Amato presented the photo for consideration on the Senate floor and called for the end to NEA funding of "blasphemy" and "trash" (D'Amato & Helms, 28-30).

In comments on the Senate floor, D'Amato says that he had received "a number of letters, phone calls, and postcards from constituents" complaining about NEA support for Serrano's work. He said, "They all objected to taxpayers' money being used for a piece of so-called art work. . ." (28). Helms says, "...he was taunting the American people" and "That is all right for him to be a jerk but let him be a jerk on his own time and with his own resources" (30). Finally, in their letter to Hugh Southern, Chair of the NEA at the time, D'Amato and Helms say that "Millions of taxpayers are rightfully incensed that their hard-earned dollars were used to honor and support Serrano's work" (29).

In 1989, a controversial sculpture entitled *Tilted Arc* by Richard Serra was removed from its site in New York City. *Tilted Arc* was a heroically scaled, minimalist, steel sculpture installed in Federal Plaza in front of the Jacob J. Javits Federal Building and the US Court of International Trade in New York City. As work by Blake (1993) and Senie (1989) suggests, General Services Administration (GSA) Regional Administrator, William Diamond tried to have the sculpture removed when he was first appointed to his post in 1984. Between this initial attempt to remove the piece to its ultimate removal in 1989, he hosted a series of "public" hearings at which Serra and members of the art community and those who worked in the Federal Buildings conflicted over the future of the sculpture.

Once the sculpture had been removed, Diamond, as Blake reports, "'rededicated' the plaza 'to the public.' The sculpture's removal was a 'victory for New York,' he explained, and 'a victory for the concept that the federal government will correct a mistake" (248). As Senie and Blake have documented, criticisms of *Tilted Arc* ranged from Judge Edward Re's, who simply called it a "ugly, rusted, steel wall", to those who claimed that it posed a national security threat, to those, like attorney Joseph Leibman, who fabricated nostalgic fictions about the life of the plaza before *Tilted Arc*: "The *Arc* has condemned us to lead emptier lives. . . .the children, the bands, and I no longer visit the plaza" (Blake, 274-5).

In 1988, a conflict between the City of Chicago and the Art Institute of Chicago led to a threat to the school's state funding. Troubled by an incendiary portrait of Chicago's first African-American mayor, "African-American Chicago aldermen stormed into the school, removed the painting in question from the lobby wall, marched it into the president's office, and threatened to burn it on the spot" (Becker, 1991:65). The "painting in question" was David Nelson's *Mirth and Girth*, a full portrait of Chicago's late and much beloved mayor, Harold Washington, overweight and in flimsy women's underwear. Ultimately school administrators had to appeal to the Illinois black legislative caucus, which had proposed cutting state funding of the school as a result of the display of Nelson's painting (Becker, 1991:65).

In 1999, in a dispute over the *Sensation* exhibit of young British artists, New York Mayor Rudolph Giuliani threatened to revoke all city funding of the Brooklyn Museum of Art. Among other pieces in the show that troubled him, Giuliani was particularly concerned with artist Chris Ofili's *The Holy Virgin Mary*, which Ofili called "a hip-hop version" of more traditional paintings of the Madonna (Barry & Vogel, 1999). Ofili's version included elephant dung as one of its materials. Giuliani said:

> You don't have a right to government subsidy for desecrating somebody else's religion. And therefore we will do everything that we can to remove funding for the Brooklyn Museum until the director comes to his senses and realizes that if you are a government-subsidized enterprise, then you can't do things that desecrate the most personal and deeply held views of people in society (Barry & Vogel, 1999).

Work by art historians, art critics, policy analysts, and others has emerged in part as a response to these threats to revoke funding. Some has aimed to vilify government officials who aim to restrict controversial works, calling into play First Amendment Protection and characterizing the work of Helms, Giuliani, and others as part of, as Carole Vance has written, "the right's mass mobilization against the NEA and high culture" (41) on the basis of "symbolic mobilizations and moral panics" (43). Adrian Piper calls the actions of government officials "passive censorship", which she defines as "withholding institutional recognition or representation of views that compete with or criticize the status quo" (217). George Yudice characterizes these controversies as "current conservative attempts to maintain hegemony" (210) suggesting law as a tool of enforcement: "Thus, when artistic practices are not perceived as contributing to the hegemony of the prevailing order. . .the law must manifest itself overtly in order to quash them" (214). This sort of response, invoking the First Amendment and characterizing the central problem as censorship, positions artists as victims of discrimination based on cultural hegemony and frames the problem as one of representation. At issue is the status of government grant monies: Whereas Helms and Giuliani emphasize a dependency between content and government funds, Vance and Piper see this same dependency as fundamentally censorious.

This gives rise to difficult questions: How does First Amendment protection relate to government funding; i.e. can freedom of expression be rendered as both a *negative* and a *positive* freedom? The NEA and other state-based arts groups have finite budgets and cannot fund all artists: Taking into consideration that the purpose of the NEA, as stated in the 1965 Act creating the agency, is to, among other things, reflect "the high place accorded by the American people to the nation's rich cultural heritage and to the fostering of mutual respect for the diverse beliefs and values of all persons and groups" (National Foundation on the Arts and Humanities Act of 1965), on what basis should the NEA make its funding decisions?

In the most legal and technical sense, these questions have been answered by U.S. Federal Courts. After Sen. Helms and his supporters in Congress, fueled by the Serrano controversy, successfully lobbied in 1990 for a "decency clause" to be included in NEA funding criteria, a group of performance artists who were denied NEA grants on the basis of decency, sued the NEA, contesting the clause's validity. Karen Finley, John Fleck, Holly Hughes, and Tim Miller, who became known as the "NEA Four", finally prevailed in their case against the NEA in a U.S. Circuit Court of Appeals in 1996. The judgment emphasizes that the clause, which asks the NEA to consider "general standards of decency" in its grant decisions, "violated plaintiffs' due process and free speech rights" (Finley v. National Endowment for the Arts, 1996). While bemoaned by the arts community as violating the principles of free speech, the Court's opinion addresses only the questions of constitutionality surrounding a vague and ultimately unenforceable standard. Naturally, the larger authenticity disputes over representations of American culture remain.

Vance, Piper, and Yudice suggest that the issue in the case of Serrano and related controversies concerns the character of American culture. They claim that Helms and his supporters are attacking marginalized political positions and sexualities in order to reinforce a restrictive cultural hegemony. Comments by Helms and others provide evidence for this characterization: In an 1989 column from the *Washington Times* entitled "Losing the War for America's Culture?", Pat Buchanan addresses the Serrano controversy along with other publicly funded arts projects, writing that the "downhill slide of American culture gathers momentum"

and that "America needs a cultural revolution in the '90s as sweeping as its political revolution in the '80s" (Buchanan, 1989).

If the central problem in this debate is often identified as cultural inequity or cultural corruption, many of the solutions involve various calls for greater "public" participation in decisions about arts funding and public art projects.

The character and position of the "public" is a crucial but relatively unexamined problem in arts controversies. Rather than confront this problem, most participants in the debate have marshaled colloquial understandings of the "public" as a component of provisional solutions to other problems: the problem of cultural representation, the problem of defining the government's role as a patron of the arts, the problem of the relationship between the artist and society.

In recent arts controversies, three common models of the "public" emerge:

The public-as-customer

The public-as-customer model posits a single body, unified by its collective economic investment.

Helms and Giuliani equate the "public" with taxpayers, analogizing the relationship between government and citizen to the relationship between corporation and client. In their letter to Hugh Southern, Chair of the NEA at the time, D'Amato and Helms say that "Millions of taxpayers are rightfully incensed that their hard-earned dollars were used to honor and support Serrano's work" (29). By demanding cuts in funding in response to the appearance of controversial art, they create taxpayers as disgruntled consumers who feel that their dollars have been misspent. Implicit in this argument is both a model of government as a company that must satisfy its clientele by delivering products as expected, and an assumption of a public which is unified in its values and beliefs. As they would in the private transaction between buyer and seller, the public-as-customer can demand satisfaction on the basis of its financial investment.

The public-as-student

Whereas the public-as-customer model posits a single body, unified by economic investment, the public-as-student posits a single body, unified by its lay status. Because it cannot claim art expertise, the public-as-student does not understand controversial work but is docile enough to learn from art experts. A central assumption in this model is that the problem is less a matter of sound disagreement, and more a matter of a lack of knowledge and understanding.

In her contribution to the Serrano controversy, Vance writes that "the art community needs to employ its interpretive skills to unmask the modernized rhetoric conservatives use to justify their traditional agenda, as well as to deconstruct the 'difficult' images fundamentalists choose to set their campaigns in motion" (43). Becker exposes in art students what she calls "inexperience in dealing with broader societal issues" (241). Ultimately, she challenges some traditional assumptions about the position of artists in society:

> Freedom for the artist thus comes to signify the right to do whatever one wants, however
> one wants, wherever one wants, without consideration of consequence. This does leave
> the artist alone free to do whatever he or she imagines possible, but inevitably lonely,
> without an on-going dialogue with a world larger than the art community (243-244).

Becker's solution to this problem is to teach art students to be more politically and rhetorically astute, to consider their audiences, to transcend the "subtleties of visual language" (244) that seem to limit their being understood by "mainstream society" (244).

Both Vance and Becker demand that members of the "art community" take new responsibility to participate not only aesthetically, but rhetorically in debates over controversial work. For Vance, the call is for a direct challenge to the campaign against this work, with the "interpretive skills" of the art community as the primary resource. She implies that with instruction, the public would be more sympathetic to the concerns of the art community. Becker calls on artists to consider "mainstream society" in the production of work itself, challenging artists to share their messages beyond the confines of art circles.

Senie illustrates this model nicely as she comments on problems that have plagued public sculpture: "One immediate solution is to provide a public art education component along with the art, no matter what form it takes. (Another, on a broader basis, is to continue to lobby for art education in the public schools)" (1992:245).

Whether the demand is for artists, the art community, or curators to clarify, explain, or defend controversial work, the position of each vis-a-vis the public is one of instruction. The basis of proposals like these is that by supplying an explicit interpretive framework either by embedding it in the work or by surrounding work with it, the lay viewer could better understand challenging work and the controversies could be tempered or avoided.

The interest group-publics

Whereas the public-as-customer model posits a single body, unified by economic investment, the interest group-publics model posits a number of small publics each organized around a unified political, ethnic, or professional identity. In this model the publics are plural and typically characterized in non-hierarchical relationship.

Both Doss and Blake characterize the "public" as plural: Blake distinguishes between "a public of government employees" and "a cosmopolitan art public" in the *Tilted Arc* controversy (248). Ultimately, he invokes Dewey to imagine an "authentic" public that exists between these "avant-garde and conservative elites" (289). Erica Doss' multicultural vision posits a different sort of plural public: "Ethnic publics are no more monolithic than the country as a whole. There is no unified and seamless America (there never has been), and democracy is too complex to be represented (or accommodated) in any single way" (248).

Robert Garfias and Gerald Yoshitomi attack a cultural hegemony that informs the very structure of governmental arts organizations, offering a multicultural alternative rendered as a vision of plural publics. In a call for greater minority representation on the boards of arts funding agencies, Garfias offers his solution to the problem of the dominance of "Western European culture" in arts funding decisions: "The only effective way to eliminate [cultural myopia] is to be certain that individuals who can serve as spokespersons for the different cultures are seated around the table when plans are being discussed and decisions made" (186). In a companion piece, Yoshitomi calls for greater recognition of "culturally specific arts" and new administrative structures that are more localized, less centralized, and, as he writes, "non-hierarchical" (210). Ultimately Yoshitomi wants what he calls "cultural democracy": "Cultural democracy requires the acceptance of the concept that the various cultures that make up American culture have their own methods of defining support to their arts and artists. . ." (212).

Given the divergent models of the public operating in arts controversies, their importance in solutions that have been offered, and their opacity relative to the often more carefully examined issues of cultural politics, greater attention to these models and their implications can add a new dimension to the discussion.

A common characteristic in the models of the public employed by participants in arts controversies is the notion of the public as a body or group. In part, this is what makes the idea of the public valuable as grounds in disputes, its reification as an authorizing body. Although the interest group-publics model stands as a sort of critique of the public-as-customer and public-as-student models by pluralizing and differentiating the body, the focus remains on the question of *who* rather than on *what conditions* constitute the public. The tension between these two concerns demonstrates one of the central problems of the public sphere among theorists. The question of access and representation, the primary motives of the interest group-publics model, has often dominated discussions of publicity to the exclusion of important question concerning how to evaluate the conditions of public space itself.[1]

The tension between the idea of the public as a body and as a sphere is central in Jurgen Habermas' *The Structural Transformation of the Public Sphere*, where Habermas narrates the historical development and fall of the bourgeois public sphere of the 18th century. In his characterization of the public sphere Habermas on the one hand emphasizes the importance of "the qualifications of a private person admitted to the public sphere-- property and education" (1989:87), that is membership in the bourgeois class, and on the other the role of citizen: "...these interested private people, assembled to constitute a public, in their capacity as citizens, behaved outwardly as if they were inwardly free persons" (1989:111). In their role as citizens, this body of educated property owners was to operate in a space where "the influence of power was suspended" (1989:144) and "rational-critical debate" would carry the day.

Whereas most of the participants in arts controversies have invoked the "public" as a body, there are moments where questions concerning the quality of the discussion or conditions of discursive space appear. Doss, in her conclusion to her examination of controversies surrounding public art projects writes, "Public art should involve more than plopping a sculpture into public space; it should generate civic dialogue and centerpiece democratic debate" (Doss, 1995:68). Casey Blake, in his conclusion to an article examining the *Tilted Arc* controversy writes, "For if one believes that a genuine public thrives on democratic controversy, then it follows that only a commitment to such controversy can foster challenging public art-- including acts of effrontery like *Tilted Arc*" (Blake, 289). In their calls for "civic dialogue", a "genuine public", and "democratic controversy", Doss and Blake both evoke Habermas' requirements for a legitimate public sphere. What they fail to do is account for the basis of legitimacy.

While Doss and Blake appeal to principles of publicity as a salve to what they see as a lack of participation or access to decision making concerning public art, they do not ask whether or not these principles correspond to empirical experience in a modern social-welfare state or whether or not a "civic dialogue" or "genuine public" is even possible. In Habermas' narrative of the transformation of the public sphere, the principles that made a "genuine public" possible in

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[1] The conditions of discursive space and goals of discourse ethics, such as protecting against coercion, are often either not addressed because such a protection is deemed impossible or are presumed to be met by the goals of widening access.

the past have suffered from the rise of a "culture of integration" where the distinction between the public and private spheres has withered, to the cost of a legitimate public sphere.

Given Habermas' perspective, the models of publicity employed in arts controversies are examples of the ways in which, as Habermas writes, "privileged private interests invaded the public sphere" (1989:185): The public-as-customer is perhaps the clearest example. In describing the penetration of the public sphere by private interests, Habermas writes,

> Because private enterprises evoke in their customers the idea that in their consumption decisions they act in their capacity as citizens, the state has to 'address' its citizens like consumers. As a result, public authority too competes for publicity (1989:195).

Efforts by Helms and Giuliani to analogize the relationship of citizen to that of customer serve as a clear example of Habermas' complaint. The public-as-student model evokes Habermas' concern for the role of expertise in the "mounting bureaucratization of the administration of state and society" (1989:233). When arts experts are envisioned as deliverers of specialized knowledge to a lay public, the aim is education rather than "rational-critical debate" among peers. Finally, the interest group-publics model illustrates Habermas' recognition that, given the transformation of the public sphere, the negative freedoms of liberal democracy have had to be transformed into positive ones. Interest groups must demand positive "social rights to welfare" because "liberal basic rights" are continually threatened by the withering distinction between public and private (1989:226). In the interest group-publics model, marginalized groups gain access, but only as members of an identity political private interest group in a public space that has been, as Habermas writes in *Structural Transformation*, "refeudalized."

Among the models of publicity that emerge from recent arts controversies, the interest group-publics is the only one which aims to be reflexive about the status of the public itself. It is an explicit effort to address the problem of the public sphere, the tension between the need for a unified communicative space and the need to recognize multiple and heterogeneous discourses. In reaction to the public-as-customer and public-as-student models, with their notion of a single, unitary public, the interest group-publics borrows the discourse of identity politics to pluralize the "public".

This move within arts controversies has its corollary in conflicts among theorists who address the problem of the public sphere: Although most theorists recognize Habermas' *Structural Transformation* as a crucial starting point in conceptualizing the public sphere, his work has been challenged primarily on grounds that it fails to correctly represent power relations and cultural heterogeneity (Negt & Kluge, 1993; Fraser, 1993). In addition, it has been criticized because of its commitment to Enlightenment notions of reason which universalize cultural and historical conditions (Lyotard, 1984; Derrida, 1988). The following are the key points on which Habermas has been challenged:

- the unitary nature of the public sphere

- the bracketing of power in the public sphere

- the bracketing of culture, class, and historical specificity in the public sphere

Some have tried to rehabilitate Habermas' notion of the public sphere with these concerns in mind (Fraser, 1993; Negt & Kluge, 1993; Robbins, 1993), and others conclude from the critiques that the public sphere is an imaginary totality (Lyotard, 1984; Derrida, 1988). This

poststructural perspective directly challenges the very possibility of communicative transparency and idealization of communicative space, insisting on the radical and unyielding particularity of context and the uniqueness of an individual utterance given its moment.

Habermas' notions of the public sphere from his first book can be traced through the rest of his work, with his *Theory of Communicative Action* and his work in discourse ethics being of particular concern to theorists of communication. Though less historical than his *Structural Transformation*, his communication theory depends on the possibility of rarefied communicative space in which power is bracketed, akin to his conceptualization of the public sphere. While more sociological than historical, the *Theory of Communicative Action* develops a mechanism to account for the continuous regeneration of "lifeworld" in its tense but symbiotic relationship to "system".[2]

The conflicts among Habermas, his detractors, and his rehabilitators are interesting to communication theorists because they highlight one of the assumptive and therefore often unexamined preconditions of communication theories-- a model of discursive space.

- Rhetorical approaches have regularly invoked democratic polity and in particular the Athenian ideal (Vickers, 1988; Murphy, 1983; Katula, 1983; Kennedy, 1991). For rhetoric, the idea of a public sphere is of central importance as it describes the site demarcation for the discipline. Historically, rhetoric has been distinguished from other arts by its particularly public orientation. In many modern rhetorics, the emphasis on a public orientation has been transformed into a requirement for a specifically democratic context (Vickers, 1988; Murphy, 1983; Katula, 1983; Kennedy, 1991). The sense that for rhetoric to operate, democracy must obtain is often grounded with nostalgic appeals to an idealized Athenian democracy. This historical idealization is a rarefied public space in which power relations are bracketed, and exclusions are ignored. Recently, many have pointed out the important exclusions, particularly in the case of gender, in Athenian democracy as a way to challenge this idealization (Biesecker, 1993; Lunsford, 1995).

- Formal approaches often begin with a model that posits two interlocutors meeting in a rarefied, decontextualized discursive space (Grice, 1975; Searle, 1969; Van Eemeren & Grootendorst, 1992).

- Empirical approaches often broaden the model of discursive space beyond a dyad and invest the space with richer consideration of particular historical and cultural conditions. Still, the space is often limited to the locality, and the role of history, culture and power is often treated as an additive rather than a potentially constitutive quantity (Vuchinich, 1990; Clark & Delia, 1976).

One of the limitations that is common to all of these approaches is the relatively undeveloped theory of discursive space. The possibility that interlocutors can meet and

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[2] It is important to describe the inherent tension between "lifeworld" and "system." For Habermas, "system" is a reified outgrowth of moments or parts of the "lifeworld", which is itself dynamic and admits argumentative challenges to norms. Habermas narrates the growth of modern economic and administrative forms of power by measuring its impact and relationship to the "lifeworld." Modern totalizing ideologies such as Nazism and Stalinism are, according to Habermas, "modern manifestations of withdrawal and deprivation-- that is to say, deficits inflicted upon the lifeworld by societal modernization" (1987:354). He terms the process by which this deprivation takes place, the "colonization of the lifeworld" (1987:355).

communicate as agents and/or peers is often taken as axiomatic. What Habermas offers is a theoretical account for this possibility.

Whereas in *Structural Transformation* he provides an historical account of a model of discursive space, in *The Theory of Communicative Action*, Habermas builds a model of a rarefied discursive space as the basis for his social theory, what he calls the "context-forming horizon." Habermas uses the concept of the "lifeworld" to imagine a shared communicative space in which speakers could rationally test any validity claim, and based on this process of communicative action, construct and reconstruct their shared lifeworld (1987). His notion of the "linguistification of the sacred" (1987:77) highlights the role of language in rationalizing the lifeworld, in providing the possibility of testing validity claims for even the most tacit understandings. He writes, "The lifeworld that members construct from common cultural traditions is coextensive with society. It draws all societal processes into the searchlight of cooperative processes of interpretation. It lends to everything that happens in society the transparency of something about which one can speak-- even if one does not (yet) understand it" (1987:149). He joins this idea of lifeworld, a space for communicative action, with the notion of system, a consideration of the relationship between the communicative action of individuals and the systems of the modern administrative state, the economy and government administration.

In *Moral Consciousness and Communicative Action*, Habermas develops the implications of his theory with an eye to its value in evaluating the quality of participation in communication. Here he distinguishes between monological participation and communicative participation:

> If moral argumentation is to produce this kind of agreement, however, it is not enough for the individual to reflect on whether he can assent to a norm. It is not even enough for each individual to reflect in this way then register his vote. What is needed is a 'real' process of argumentation in which the individuals concerned cooperate (1990:67).

This distinction between monological and communicative participation is at the center of the conflict between him and his detractors and can help to explain a crucial distinction made by those participants in arts controversies who appeal to principles of publicity as a solution.

Central to Habermas' theory is a commitment to the possibility and preservation of contingency in communication. By insisting on a model of communication in which the validity of statements, even and perhaps especially those carrying the weight of norms, can be challenged with reasons demanded, Habermas illustrates his commitment to not only a highly rationalized understanding of communication, but also one that is adamantly open, dynamic, and resistant to totalizing discourse. This is why, in part, even those who find serious problems with his willingness to entertain Ideal and Utopian concepts have reasons to acknowledge the importance of his project.

Even those who have criticized Habermas' *Structural Transformation* for its faith in the bourgeois and in Enlightenment principles acknowledge the importance of its project. Nancy Fraser, who challenges Habermas on the basis of class and gender exclusion and proposes as a solution plural publics, writes, "I am going to take as a basic premise for this essay that something like Habermas's idea of the public sphere is indispensable to critical social theory and to democratic political practice" (3). Alexander Kluge, who along with Oskar Negt proposed the most ambitious model of plural publics in *Public Sphere and Experience*, suggests in an interview that his and Negt's project is not so much in opposition to Habermas' but is operating with different aims:

SL: The notion of *Offentlichkeit* was, I believe, introduced by Habermas in his book *Strukturwandel der Offentlichkeit*. Your and Negt's notion of *Offentlichkeit*, however, is opposed to, or at least significantly different from Habermas'.

AK: It is not really opposed. It is a response as part of a process of discussion. We quite agree with him about the necessity of the process of enlightenment, of the need for a new encyclopedia (41-42).

Many of those who have challenged Habermas' *Structural Transformation* have done so on the basis of the method of history that it uses, and the Kantian assumptions about class and freedom that he builds from. By making the rising bourgeois class of the 18th century an historical ideal, Habermas does develop a special origin that few historians would accept on methodological grounds. And by developing a rationale for the freedom of participants of communication based on property ownership, Habermas is certainly vulnerable to claims of exclusion. Still theorists such as Negt & Kluge and Fraser who aim to address these problems by imagining plural public spheres where class, ethnic, and gender identities are represented have not challenged the basic import of the public sphere itself.

In light of the trajectory of Habermas' work, his central contributions have focused on questions about the *quality* of discursive interaction, and on the *mechanism* by which equitable communication could be possible. Even in his most historical work, *Structural Transformation*, he does not emphasize empirical claims but ethical implications. The distinction from *Moral Consciousness* concerning monological versus communicative participation helps to explain differences between his project and those of his detractors. While those who advocate plural publics address questions of *access* to participation, Habermas has focused on questions concerning the *quality* of participation. There is no particular reason to believe that these are incommensurate projects. When Kluge is asked in an interview if he disagrees with Habermas, he says, "No, we have no objections, but we have a different field of employment. . . If he would work in our field, I am convinced he would have the same results" (Liebman, 1988:42).

In arts controversies, Doss and Blake both evoke Habermas' requirements for a legitimate public sphere in their calls for "civic dialogue", a "genuine public", and "democratic controversy". However, these calls also emphasize plural publics as a way to increase access and democratic representation and fail to fully address the ethical dimension of communication. While access is an important issue in reaching the goals Doss and Blake articulate, also important is the quality of communication. Habermas' contribution, in *Structural Transformation* and in later work, emphasizes this dimension by both offering an account for the process by which norms can be challenged and redeveloped through the testing of validity claims and through a defense of the distinction between public and private spheres. He writes,

> By entering into a process of moral argumentation, the participants continue their communicative action in a reflexive attitude with the aim of restoring a consensus that has been disrupted. Moral argumentation thus serves to settle conflicts of action by consensual means (1990:67).

Here Habermas emphasizes participants' recourse to argumentation as a way to deliberate about basic values and norms. Central to his notion of discourse ethics is the possibility of a "reflexive attitude" on the part of the participants, an ability and willingness to entertain questions about the basic presuppositions of the discussion. It is this ability and willingness on the part of participants, a fundamental openness of discussion to the demand for reasons, that

forms the ethical basis. Habermas does not make an empirical claim for the existence of these conditions; he only offers them as a basis for determining the quality of the discussion.[3]

The battle against cultural hegemony taken up by most of those responding to recent arts controversies has been an effort to increase representation of marginal subjectivities. Framed as an economy of cultural representation, the equation of increased participation with increased publicity has become enthymematic in the debate. While this strategy of framing the problem in terms of identity politics seems to address the problem of access, it is not alone adequate. Bill Readings, in his critique of the University, suggests that the pertinence of identity politics is related to the status of the nation-state: "The notion that culture matters is ineluctably linked to the ascendancy of the nation-state as a political formation, and the decline of the nation-state means that the question of power is no longer structured in terms of the inclusion or exclusion of subjects from cultural participation" (117).

Cultural products and producers from diverse backgrounds are regularly deployed in non-public ways. Certainly, efforts to enforce a hegemonic cultural policy represents a repression of diverse subjectivities and perspectives, but simply fragmenting the hegemony along lines of what Habermas might call "opinion groups" can be only one part of creating democratic publicity. Describing one of the earmarks of the transformation of the public sphere, Habermas shows how discussion itself often "assumes the form of a consumer item" (1989:164). Within a system where public discussion has been reduced to a commodity, bringing a broader range of interlocutors into the discussion can only challenge hegemony in a limited way if at all.

The "public" in arts controversies, is regularly characterized as a docile body that can respond only with a simple affirmative or negative when confronted with controversial images or objects. Further, the question for their affirmative or negative is consistently framed in terms of funding. With the Habermasian theory in mind, we might ask whether or not this constitutes fully communicative participation. Habermas might characterize this situation as illustrative of a "culture-consuming public" as opposed to a "culture-debating public" (1989).[4]

Habermas' theory, which is adamantly open, dynamic, and resistant to totalizing discourse, is useful as a way of understanding the breadth of the problem of modeling discursive space both in the specific case of arts controversies and for theorists of communication. In Habermas' theory is an effort to recognize the problem of the public sphere and to make efforts to theorize it

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[3] The problem of rhetoric's ethical dimension, or lack thereof, has been a difficulty since its inception as an art. Hermagorean stasis is one place in which questions concerning the quality of a discussion or the legitimacy of a proceeding find an account, albeit one that is focused on forensic discourse. His fourth major stasis, the objection to a trial on procedural grounds, focuses attention on issues of fairness and due process that could be compromised by the conditions under which the proceedings take place (Nadeau, 1964:375).

[4] In addition to the effort to focus on issues of funding to the exclusion of other issues in arts controversies, there is a systematic dismissal of many legitimate considerations, demonstrating the extent to which communicative participation and the terms of a "culture-debating public" are squelched. In his article "Congressional Stewardship and Artistic Freedom: Conflict and Accountability," US Representative Henry Hyde suggests that he has "done a little research into Mr. Serrano", and then cites a full paragraph by art critic Margaret Sundell who aims to interpret Serrano's work. Among other things, Sundell writes that "by submerging sacred figures in urine, Serrano does suggest that the body (and its fluids) have been repressed in the name of spiritual transcendence". Hyde's response suggests a total dismissal of Sundell's interpretation: "One of the only things that occurs to my untutored mind is the emperor's clothes" (Hyde, 1990:97-98).

without either assuming its perfectibility or dismissing it as an impossibility. Instead, he offers a model that, rather than attempting an empirical or historical description, aims for functional or mechanical ideal. Although many have challenged Habermas for his Idealism, his work provides a crucial theoretical perspective for understanding the complexity of the problem of the public sphere, a perspective that emphasizes the underexamined ethical dimension of discourse.

References

Appadurai, Arjun. 1993. "Disjuncture and Difference in the Global Cultural Economy." *The Phantom Public Sphere.* Bruce Robbins (Eds.) University of Minnesota Press, 269-295.

Barry, Dan and Carol Vogel. 1999. "Giuliani Vows to Cut Subsidy Over Art He Calls Offensive." *The New York Times.Arts Section,* September 23.

Becker, Carol. 1991. "Art Thrust into the Public Sphere." *Art Journal.* 50 (Fall): 65-68.

Becker, Carol. 1992. "The Social Responsibility of Artists." in Andrew Buchwalter (Ed.) *Culture and Democracy: Social and Ethical Issues in Public Support for the Arts and Humanities.* Boulder: Westview Press, 239-247.

Biesecker, Barbara. 1993. "Coming to Terms with Recent Attempts to Write Women into the History of Rhetoric." in Poulakos, Takis, (Ed). *Rethinking the History of Rhetoric.* Boulder: Westview Press, 153-171.

Blake, Casey Nelson. 1993. "An Atmosphere of Effrontery: Richard Serra, *Tilted Arc,* and the Crisis of Public Art." *The Power of Culture: Critical Essays in American History.* Richard Wightman Fox and T.J. Jackson Lears (Eds.) Chicago: University of Chicago Press.

Buchanan, Patrick. 1989. "Losing the War for America's Culture?" *Washington Times,* May 22. .

Clark, R.A., & Delia, J.G. 1976. "The Development of Functional Persuasive Skills in Childhood and Early Adolescence." *Child Development* 47: 1008-1014.

Cummings Jr., Milton C. 1991. "Government and the Arts: An Overview." in Stephen Benedict (Ed.) *Public Money and the Muse: Essays on Government Funding for the Arts.* New York: W.W. Norton., 31-79.

Derrida, Jacques. 1991. "La democrate ajournee," in *L'Autre Cap.* Minuit P. (for trans, see *The Other Heading: Reflections on Today's Europe* by Pascale-Anne Brault and Michael B Nass).

Derrida, Jacques. 1988. *Limited Inc.* Evanston: Northwestern University Press.

Doss, Erica. 1995. *Spirit Poles and Flying Pigs: Public Art and Cultural Democracy in American Communities.* Washington, DC: Smithsonian.

Eemeren, R.H. van, & Grootendorst, R. 1992. *Argumentation, communication, and fallacies. A pragma-dialectical perspective.* Mahwah, NJ: Lawrence Erlbaum Associates.

Finley v. National Endowment for the Arts. 1996. United States Court of Appeals for the Ninth Circuit. Nos. 92-56028, No. 92-56387, No. 92-55089100. F.3d 671.

Fraser, Nancy. 1993. "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy." *The Phantom Public Sphere.* Bruce Robbins (Ed.). University of Minnesota Press, 1-32.

Garfias, Robert. 1991. "Cultural Equity Part 1: Cultural Diversity and the Arts in America." in Stephen Benedict (Ed.) *Public Money and the Muse: Essays on Government Funding for the Arts.* New York: W.W. Norton, 183-194.

Grice, H.P. 1975. "Logic and conversation." In P. Cole and J. Morgan (Eds). *Syntax and Semantics. Volume 3: Speech Acts* (pp. 41-58). Academic Press.

Habermas, Jürgen. 1990. *Moral Consciousness and Communicative Action.* trans. Christian Lenhardt and Shierry Weber Nicholsen. Cambridge, MA: MIT Press.

Habermas, Jurgen. 1989. *The Structural Transformation of the Public Sphere.* trans. Thomas Burger with Frederick Lawrence. Cambridge, MA: MIT Press.

Habermas, Jürgen. 1984. *The Theory of Communicative Action.* vol. 1. trans. Thomas McCarthy. Boston: Beacon Press.

Habermas, Jürgen. 1987. *The Theory of Communicative Action.* vol. 2. trans. Thomas McCarthy. Boston: Beacon Press.[5]

Hyde, Henry. 1990. "Congressional Stewardship and Artistic Freedom: Conflict and Accountability." *Ethics of Change: Limits on Artistic Freedom.* Dianne Copelon (Ed.) Atlantic Center for the Arts, 90-99.

Katula, Richard. 1983. "Greek Democracy and the Study of Rhetoric." *A Synoptic history of classical rhetoric.* James Murphy (Ed.). Hermagoras Press

Kennedy, George. 1991. "Prooemion" in Aristotle *On rhetoric a theory of civic discourse.* trans. George A. Kennedy. Oxford: Oxford University Press.

King, Anthony. 1991. "Spaces of Culture, Spaces of Knowledge." *Culture, Globalization and the World-System. Contemporary Conditions for the Representation of Identity.* Anthony King (Ed.) New York: Macmillan.

Liebman, Stuart. 1988. "On New German Cinema, Art, Enlightenment, and the Public Sphere: An Interview with Alexander Kluge." *October* 46 (Fall), 23-59.

Lunsford, Andrea A., (Ed). 1995. *Reclaiming rhetorica : women in the rhetorical tradition.* Pittsburgh: University of Pittsburgh Press.

Lyotard, Jean-Francios. 1984. *The Postmodern Condition: A Report on Knowledge.* trans. Geoff Bennington and Brian Massumi. Minneapolis.

Murphy, James. 1983. "Introduction." *A Synoptic history of classical rhetoric.* James Murphy (Ed). Hermagoras Press.

Nadeau, Ray. 1964. "Hermongenes' *On Stases:* A Translation with an Introduction and Notes." *Speech Monographs.* 31 (November), 361-424.

National Endowment for the Arts, et. al. 1988. Petitioners v. Karen Finley, et. al. Supreme Court of the United States. No. 97-371.

National Foundation on the Arts and the Humanities Act of 1965. 1965. (P.L. 89-209)

Negt, Oskar and Kluge, Alexander. 1993. *Public Sphere and Experience : Toward an Analysis of the Bourgeois and Proletarian Public Sphere.* trans. Peter Labanyi, Jamie Daniel, and Assenka Oksiloff. University of Minnesota Press.

Piper, Adrian. 1992. "Government Support for Unconventional Works of Art." *Culture and Democracy: Social and Ethical Issues in Public Support for the Arts and Humanities.* Boulder: Westview Press, 217-222.

Readings, Bill. 1996. *The University in Ruins.* Cambridge: Harvard University Press.

Robbins, Bruce. 1993. "The Public as Phantom." *The Phantom Public Sphere.* Bruce Robbins (Ed.) University of Minnesota Press, vii-xxvi.

Searle, J.R. 1969. *Speech Acts. An essay in the philosophy of language.* Cambridge University Press.

Senie, Harriet. 1992. "Public Art and Public Response." *Critical Issues in Public Art: Content, Context, and Controversy.* Harriet Senie and Sally Webster (Eds). New York: Harper Collins, 237-246.

Senie, Harriet. 1989. "Richard Serra's 'Tilted Arc': Art and Non-Art Issues." *Art Journal.*

Winter, 298-302.

Vickers, Brian. 1988. *In defence of rhetoric.* Oxford University Press.

Vuchinish, Samuel. 1990. "The Sequential Organization of Closing in Verbal Family Conflict." *Conflict Talk: Sociolinguistic Investigations of Arguments in Conversations.* Ed. Allen Grimshaw. Cambridge University Press, 118-138.

Yoshitomi, Gerald D. 1991. "Cultural Equity Part 2: Cultural Democracy." in Stephen Benedict (Ed.) *Public Money and the Muse: Essays on Government Funding for the Arts.* New York: W.W. Norton. 1991, 195-215.

Yudice, George. 1993. "For a Practical Aesthetics." *The Phantom Public Sphere.* Bruce Robbins (Ed.) University of Minnesota Press, 209-233.