
PUBLIC ART POLICIES – A COMPARATIVE STUDY

Sažetak: *Ovaj tekst istražuje razvoj legalnih i ekonomskih instrumenata kulturne politike u oblasti umetnosti u javnom prostoru u SAD, Velikoj Britaniji i Francuskoj.¹ U okviru istraživanja, posebna pažnja je posvećena mapiranju razvoja tzv. „1% za umetnost“ zakonske regulative uvedene prvi put tokom tridesetih godina 20. veka na centralnom nivou u Francuskoj i SAD. Danas se ona uglavnom sprovodi na regionalnom i lokalnom nivou. Pored toga, tekst se bavi i savremenim modifikacijama tipične „1% za umetnost“ zakonske regulative. Osim „1% za umetnost“ programa, prikazani su i drugi načini finansiranja projekata umetnosti u javnom prostoru. Oni se mogu klasificirati u dve osnovne grupe: projekti finansirani kroz specijalne programe javnih narudžbi i projekti finansirani kroz različita javno-privatna partnerstva.*

Ključne reči: *umetnost u javnom prostoru, 1% za umetnost, javne porudžbine, javno-privatna partnerstva*

Introduction

The contemporary public art is a phenomenon that is hard to define. It covers a broad range of media and it is opened to a multitude of interpretations. In its forty years of existence the contemporary public art practice has undergone significant shifts, from the primarily aesthetic considerations to the recent collaborative and socially engaged practice. Although in recent years some studies emerged, dealing with this phenomenon, they were concerned primarily with its artistic and theoretical aspects. Nevertheless, the methodical researches treating phenomenon of public art from the standpoint of public and cultural policy are still very rare. Having this in mind the

¹ This paper was presented at the 6th International Conference on Cultural Policy Research, Jyväskylä, Finland, 2010.

main subject of this research were *public art policies and its development with the main focus on the presentation of the most popular legal and financial mechanisms in this domain.*

In line with this, the starting point of the conceptual analysis assumed in this research might be the best articulated by narrow and pragmatic definition of public art given by Heine (1996, p.2): „*public art is art installed by public agencies in public places and at public expense.*“²

Public Art Policies

Given the great differences of the public art policies at the international level, due to historic, ethnic, social, economic and other differences between countries and regions, it is impossible to identify one *general model* of the public art policy. For that reason I decided that the best way to present a development of public art policies will be through the comparative analysis of three different cultural (and the public art) policy approaches – the United States, France and the United Kingdom. The main reason that influenced my decision to carry out comparative study of public art policies in these three countries was the fact that in all three countries during the last fifty years a number of different kind of public art projects were realized, so I thought that it will be very important to examine what was the role of the public authorities in those projects.

However as we will see, in spite of all the differences, all three countries in this domain have encountered very similar problems and dealt with them in a fairly similar ways, which resulted in the implementation of some respective policy mechanisms. As research showed all three countries introduced the percentage for art policy, and each of them developed its specific ways of its implementation. Nevertheless, apart from the percentage for art regulation, during the years a number of other ways of support were introduced, from the simple local (or central) government commission program to the incorporation of the public art in the urban development projects.

We can identify four ways of public bodies support to public art:

1. Appropriations on the project by project basis;

² Simitlar definition of the public art gives Mitchell (1992) according to whom the public art is art „*commissioned, paid and owned by the state*“.

2. Special public commission programs;
3. Percent for art legislation or ordinances;
4. Funding public art through the redevelopment process (public-private partnerships).³

Certainly, how public art projects will be supported depends from the specificity of the national political system and its cultural policy objectives. As we will see, unlike France, in the USA federal support for public art is weak and numerous projects today are realized through public-private partnerships, which is almost impossible in France because of specificity of the French political system and existing public space management. In the UK there is a great American influence in this domain and the public art is usually supported through the allocations to the specialized public art agencies but also as a part of the redevelopment projects and private-public partnerships. However, besides all differences all three countries developed percent for art regulations as the main policy instrument in this domain. In the next section I will present percent art policies of these three countries and after that I will briefly present some other ways for public art support - special public commission programs and public-private partnerships.

Percentage for Art

The oldest and the most widespread way of supporting public art projects is percentage for art. Percentage for art represents a regulation that adopts public institutions, either on central, regional or local level, which defines that 1% of all public buildings constructions costs should be spent on public art. Today most of the developed countries have some kind of percent for art policy, if not mandatory then at least on voluntary basis. The history of the percent for art principle goes far back to the 1930s, when the USA and France, independently, introduced this policy at the national level.

In the USA, first percentage for art ordinance was introduced in 1934, when under direct Roosevelt order the *Treasury Department* and its *Painting and Sculpture* section were established as a part of the *New Deal* program (Wetenhall, 1993). The main task of newly formed the *Public Works of Art Project* (PWAP), was to finance and administer a process of decorating federal buildings

³ Similar categories are used in the study: Cruikshank J. L. & Korza P., 1988. *Going Public: A field guide to developments in art in public places*. Amherst: Arts Extension Service.

through setting aside, for this purpose, approximately 1% from all construction costs. As all other cultural projects initiated during the *New Deal* reform, PWAP was initiated mostly because of the *governmental concern for labor market* (Wetenhall, 1993). Its main aim was to secure jobs for professional artists and others engaged in cultural work. Special attention was given to the implementation of the new, more democratic selection procedure, giving an equal chance to all artists.⁴ This new selection process was intended to encourage and publicize development of American art (Wetenhall, 1993). Unfortunately, this practice didn't last for long and with the beginning of the World War II, percent for art ordinance gradually lost impetus and official program was disbanded in 1943. However, during the first two years of its existence more than 4000 artists were commissioned to create around 1500 artworks (Wetenhall, 1993).

Real and intensive contemporary public art activity in the USA started in the sixties. With the arrival of the Kennedy administration, federal government started to consider arts as an important instrument for expressing the American ideals - liberty and democracy, as opposed to the controlled art of the Soviet Union (Senie, 2001). In those circumstances special attention was given to the public art as one of the best ways for expressing the values of American democracy. Second reason for restoring governmental support for public art was also a need for *beautifying federal buildings*. In the year of 1963, the *General Service Administration*, GSA, the agency responsible for constructions and maintenance of the United States government property, introduced the *Art in Architecture* program and reestablished percentage for art regulation but this time with arts allowance of mandatory 0.5% of the estimated cost of all building constructions (Senie, 2001). Founded in 1949, from the beginning GSA was in charge of all federal buildings decoration so it was not a surprise that it became also the first federal department that officially adopted the percentage for art policy. In fact, inauguration of the *Art in Architecture* program was a last step in a long chain of many governmental decisions in favor of better quality of governmental architecture and its decoration. Installment of percent for art policy preceded acceptance of the document under the name *Guiding Principles for Federal Architecture* (Wetenhall, 1993). In this document was elaborated a new, more quality-conscious federal attitude toward architecture, one that would lead directly to a mandate for fine art in public buildings (Wetenhall, 1993).

⁴ Before this program architects were in charged for selection processes.

However, besides all attempts percentage for art policy was still rarely implemented and even when public art projects were realised they were accompanied with a lot of misunderstandings and controversy. By the year 1966, the program was suspended due to the budgetary pressures of the war in Southeast Asia, existing public art controversy, and lack of public interest for art (Wetenhall, 1993). The main problems with early GSA *Art in Architecture* program was primarily the absence of the defined selection and application procedure. This problem was partly resolved ten years later during the Nixon administration, when *Art in Architecture* program was restored and problem with the selection process was resolved by involving the *National Endowments for Arts* – NEA, in the process.

This cooperation lasted for almost two decades and stopped by the end of the 1980s mostly as a consequence of the *Tilted Arc* controversy which questioned the NEA selection procedures (Senie, 2001). In the 1980s Federal Government lost every interest in supporting the arts, and its new standpoint toward art was manifested through great budget cut-backs. In the next period the GSA revised program guidelines and provided a new focus on the return to architecture decoration based practice (Senie, 2001). However, besides all controversies the GSA *Public Art* program remained faithful to its original objective during the whole period except for some minor changes. The program sought to *represent the power of the federal government* through art and well-designed architecture.

In spite of all problems and restrictions of the federal support during the 1990s, public art continued to be one of the most developing fields of art patronage in the USA but this time on a local level. Nevertheless, the objectives have changed. Public art is now considered as a good instrument for the *improvement of the city's identity and image*, but also as a tool for *economic revitalization of the decaying areas*.

First percent for art ordinance on the local level in the USA was passed by the city of Philadelphia in 1959 as a part of its scheme for urban revitalization. The ordinance codified an existing policy of the *Philadelphia Redevelopment Authority* which, since the late 1950s, had included a clause in contracts for reconstruction projects that required 1 % of the construction budget to be allocated for the art (Wetenhall, 1993). According to its originator, Michael von Moschzisker, Chairman of the Redevelopment Authority, the main aim of the program was to *endowe public spaces with particular identities* (Wetenhall, 1993). Comparing with the GSA percent for art policy, introduced only few years later, Von Moschziskers per-

cent for art requirement was neither in service of supporting the work of artists nor a subsidy for the popularisation of the contemporary art. It was just a program in public interest with the main aim to accentuate the distinctiveness of the downtown Philadelphia (Wetenhall, 1993).

Baltimore followed Philadelphia example and in 1964 established a municipal percent for art policy and after that many other cities followed. Some of the States also supported percent for art measures, starting with Hawaii in 1967, and succeeded by many others during the late 1970s and 1980s (Wetenhall, 1993). Today, after almost 50 years from the introduction of the first percent for art regulation there is more than 300 cities, counties, states, and other governmental bodies in the USA that have adopted some kind of the percent for art regulations.

Almost in the same time as in the USA first percent for art regulation was introduced in France, as a part of a cultural policy of the first leftist government in France, *Popular Front* government. The responsible for the *Popular Front* cultural policy was Jean Zay, newly appointed minister of education⁵ who presented a great interest for culture and especially for contemporary art creation. During his period in the ministry Jean Zay had assumed responsibility for *fostering, promoting and maintaining the contemporary art and its incorporation into public space* (Délégation aux arts plastiques (DAP), 2001). In 1937 he introduced measure that 1.5% of the all cost intended for the construction of schools and universities would be spent on decoration. The main goal of this regulation had been a collaboration of artists and architects in the creation of a new and more human urban space. In the regulation draft was stated that the percentage for art program would not be restricted only to the Beaux Art monumental tradition but that it will be equally open to all quality art. In this way ministry openly encouraged a break with dominating monumental tradition and for the first time modern (contemporary) artists got their chance to work in the public space (DAP, 2001). Unfortunately, in spite of all Zay's efforts the percentage for art was rarely applied in practice. It will take more than three decades before all changes introduced by Jean Zay become completely accepted.

In the first decades after the World War II, the public art commission and the French cultural policy in general, were marked by a decisive role of the central government and gradual creation of new administrative structures and budget funds. Complicated administrative procedures and high centralism in many ways restricted the

⁵ In that time the ministry of culture didn't yet exist and the ministry of education was in charged for the culture.

development of the public art projects. First step in the process of the public art policy institutionalization, in the post-war period, was the decision of the national education minister Pierre-Olivier Lapie from 1951. Lapie had decided to resume the percentage for arts policy from 1937, and to pass a law by which this policy was made mandatory for all construction projects in the domain of education (Delvainquière, 2008). The same as before the main aim of this regulation was incorporation of art into architecture in order to enrich student's surroundings and urban spaces in general.

The next decision concernig the percentage for art policy came after almost two decades. On the initiative of the centrist minister Duhamel, in 1972 the Ministry of Culture started campagne for extension of the percent for art principle on all the existing public buildings. From the 1972 to 1981 beside the Ministry of Education, system was gradually outstretched on almost all the other ministries (Delvainquière, 2008). On top of this extension, by the decision from 1972 it was *allowed that 1% not only to be used for building decoration but also to plan spaces in the near proximity* of the building by employing the artists (Smadja, 2003).

Turning point for the public art policy in France represents the year 1981 and the installment of Jack Lang for the minister of culture. Two years later, the French National Assembly passed a decentralization law by which central government transferred certain competences to regional and local governments including the jurisdiction in the domain of architecture and urbanism and the construction of public buildings. In the article 59 of decentralization law it was specified that local communities are obliged to dedicate 1% for art from all construction costs for the buildings which in its description have *obligation to receive the public* (Smadja, 2003). By this decision, it has been instituted coexistence of two separate percentages for art initiatives: the old one centralized and administered by ministries and the new one, the so called *decentralized percentage for art*, administered by the regional and local governments (Smadja, 2003).

Contrary to the American and French case, the percentage for art policy in the UK was introduced recently and only on the local level. The first percent for art regulation initiated by the public bodies emerged in the UK during the late 1980s through the *Art and Architecture* movement. However, this doesn't mean that public art was not present in the UK before. First public art projects were realized in 1951 during the Festival of Britain, which was organized within the social program of reform implemented by the new Labor government. Especially for

this occasion The London County Council and Arts Council of Great Britain commissioned sculptures and murals, for various city locations, in order to enliven the city during the festival (Whiteley, 2002). In the following period, on account of government legislation from the 1948 that had given local councils a legal authority (although only permissive) to support arts and entertainment, some of the local authorities began to expand their support for public art (Fisher, 2008). This support was mostly manifested through the organization of the open air exhibitions, art project for schools, installment of contemporary sculpture on public places, which all gave *ordinary citizens opportunity to experience contemporary art*. During this period the London City Council adopted the first official policy for promotion of public art in the built environment and started to finance decoration of schools and housing estates with sculptures and murals (Whiteley, 2002). The main aim of this program was *improvement and enhancement of the quality of everyday life of ordinary people*. The London City Council policy was a precedent for many other cities in the UK, and especially for the towns and cities part of the New Towns project.⁶ One of the best examples of this new practice was Harlow, city that from its foundation had a policy of incorporating public sculpture in the housing estates as well as in the city precincts (Harlow Council, 2008).

During the 1970s official public art advocacy arisen. The first government's initiatives in that domain were Labor party report *Arts and People* made in 1977 and the extensive Conservative administration support to Garden Festivals. Furthermore, from that period originates also the Arts Council of Great Britain first initiative in this domain - project the *Art into Landscape* (Selwood, 1995 cited in Hall & Robertson, 2001). At the same time together with these official programs, artists themselves initiated a great number of the public art projects. Nevertheless, all these initiatives in the 1970s were still just isolated cases, and until the mid 1980s there was no special governmental interest for public art and thereby neither the funding possibilities.

Decisive stimulus for an expansion of the public art projects in the UK did not come, as we may think, from the domain of culture, and existing governmental aspirations for democratization of art, but rather from an urban policy domain and a widely spread acknowledgment during the 1980s, that arts, and especially public art, could contribute, to a certain degree, to the urban redevelopment

⁶ After the World War II, under the *New Towns Act* 28 new towns were developed to house a large number of people who had lost their homes during the war (Whiteley, 2002).

process and the growth of the city's economy. Important part of the new British urban policy - *Action for Cities*, based on the property led redevelopment strategies for inner cities areas, was an attempt to *decorate a city* (Hall & Robertson, 2001). In the same time Arts Council declared new arts policy objectives by which all art funding, including the public art, have to be justified in economic terms (Fisher, 2008). Evidence of this new more proactive Arts Council cultural policy, was an extensive pro arts campaign started in order to facilitate private funding of arts and incorporating the public art in the urban development projects (Hall and Robertson, 2001). From this framework Arts Councils started to advocate the adoption of the percent for art policy amongst British local authorities. In 1988 the Arts Council of England, the Scottish Arts Council, the Welsh Arts Council and the regional arts associations confirmed in principle their support to the introduction of the percent for art policy (Hamilton et al., 2001). They organized special Steering Group to investigate viability of the percentage for arts policy in the UK conditions. The main task of the Steering Group was to work out a program for the implementation of percentage for art ordinances as well as possible ways of its application. Initially in 1988, when the Arts Councils for the first time came up with an idea, it was considered as the best solution for propagation of the public art would be passing the national legislation, requiring a percentage of all publicly funded buildings and maintenance schemes to include funding for artists' and architects' collaboration (Hamilton et al., 2001). However, the 1980s were not the best time for the percent for art policy introduction because the Thatchers' government saw this kind of regulations as a restriction on the freedom of capital,⁷ or as an increased burden on the public budget (Lydiate, 1992). In these circumstances, in 1991 the Arts Council issued Steering Group report *Percent for art: a review* in the form of a handbook which main aim was to persuade local authorities as well as private developers to adopt the policy. However, due to the specific legal system in the UK, which does not enable the percent for art and similar regulations to become mandatory, the public art policies in the UK were not considered as the legal requirements but as informal and voluntary (Lydiate, 1992). The demand for legislation was, to all intents and purposes, shelved in favor of publication of information, education, and the persuasion of bodies responsible for both the environment and the arts and crafts - a strategy that has proved successful (Lydiate, 1992).

⁷ During the Thatchers' government urban policy in Britain was accentuating private sector involvement in the urban revitalization projects.

Nevertheless, Steering Group gave also other more positive recommendations and urged public bodies to include the percent for art policy in their own development scheme. It was stated that adoption of the percent for art policy can in different ways contribute to the city development.

In that situation newly established Department of Culture, Media and Sport - DCMS (1997) together with Arts Councils continued the public art advocacy, which in the very short period led to the introduction of a large number of the public art programs and agencies. This, of course, also resulted in an enormous number of the new public art projects. Most of the established public art programs were operated by the public authorities responsible for spending, or authorizing the spending of the public (sometimes private) money on the construction, refurbishment, or regeneration of the built environment.

However, despite all attempts that have been undertaken during this short period, the UK fell far behind France and the USA in terms of provision and policy mechanisms. In the recent literature, the UK's public art policy (and the cultural policy in general) has received a strong criticism for its merely instrumental features because, it has been argued, behind the extensive advocacy for the public art it was the explicit economic rationale.

Problems and Improvements of the Percentage for Art

Although the percentage for art represents one of the oldest cultural policy measures, almost until the mid-1980s it was still rarely applied. In most of the cases public art component of the public construction was the first to be cross out when the construction cost were surpassing the initial budget. There was many different reasons that led to such situation. One of the principal was that percentage for art regulations in most of the cases were not mandatory and public bodies and governments have discretion to decide when they want to implement it and when not. However, many difficulties and implementation problems that have troubled the percent for arts programs in the early years were just a result of the initial legislation limitations and the lack of the specificity and precise definitions regarding the following points:

1. Selection and application procedure;
2. Precise definitions of public art;

3. Specification for the eligible source of funds;
4. Restrictions on the use of funds;
5. Definition of the fiscal and administrative responsibilities and what is authority in administering the program;
6. Consideration of the long term care of the art and community education. (Cruikshank & Korza, 1988)

In order to avoid these problems many cities and states in the USA started to adopt improvements to the standard percent for policy regulation and issued public art policy documents defining all troubling points such as selection process or application procedure.

The Seattle and Washington State Public Art Program introduced some of the most important modification to the regular percentage for art. In order to achieve better integration of the public art into the public spaces, the Washington State Art Commission introduced the so called *polling the funds model*, which enabled *funds that are generated by one site can be used on the other site which could not generate sufficient funds* (Cruikshank & Korza, 1988). On the other hand, City of Seattle, in their percent for art regulation tackled one of the main restrictions of the early percent for art ordinances – lack of the precise definitions and clarifications considering what sorts of public constructions and buildings could generate the art percent funds. In order to expend funds for the public art projects, they adopted one of the most inclusive percent for art ordinance, by which *percent for art regulations included not only new public building constructions but it was enlarged to all public renovation projects as well as to all capital improvements connected with the city utilities organizations* (Cruikshank & Korza, 1988). One more novelty brought by amendments was the decision that every artwork commissioned through the Seattle's public art program can either be created as *an integral part of a construction project or located at any other city owned site* (Cruikshank & Korza, 1988). The City Treasury has established a special fund designated as the Municipal Arts Fund into which were deposited all funds collected via percentage for art (Cruikshank & Korza, 1988). Seattle example was followed by other cities which enlarged their percent for art ordinances and allowed the arts agency to begin to consider the city as a whole.

Another problem that obstructed an implementation of the public art projects in many communities was the absence of clarifications regarding funds for administration, maintenance, and education costs. In some cities maintenance and education were recognized as operati-

onal costs similar to the park and building maintenance and were prorated and charged to the departmental funding source as a basic expense (Cruikshank & Korza, 1988). However, in most of the cities these costs are still covered by the percentage for art revenue that caused that the total art funds are diminished.

Almost the same problem with the restrictions of the existing percent for art regulations was in France. At the end of the 1980s the Ministry of Culture acknowledged that decentralized percentage for art was rarely applied on the regional and local level. In the next period one of the main objectives of the Ministry become popularization of the percentage for art scheme as well as establishment of the better application procedure, which was proved to be the main constraint for the scheme implementation (Smađja, 2002).

In 2002 it was introduced decree that redefined and harmonized obligations of all ministries and public institutions in the domain of public buildings decoration as well as the main conditions of that obligation. By this decree for the first time percentage for art become mandatory for all public constructions (Ministère de la culture et de la communication, 2002).⁸ It is stated that percentage for art scheme have *to be applied to all constructions and enlargements of public building as well for reconstruction works resulted in the change of use or appearance of the building* (Ministère de la culture et de la communication, 2002).⁹ It contained also an article which reaffirmed possibility that percentage for art should be used not only for decoration of specific buildings, but also that funds could be used to *enliven public spaces in a near proximity of the building* (Ministère de la culture et de la communication, 2002).¹⁰ Two years later new decree was issued that defined precise instructions for implementation procedure – decision making process, selection process, as well as the management of the project and later maintenance issues (Ministère de la culture et de la communication, 2005). By the new regulation special attention has been given to *the collaboration with the local community* during the planning process and the selection of the artists; as well as to *the involvement of the artists in the construction process from the early stages* (Ministère de la culture et de la communication, 2005).

⁸ There are just few exceptions such as: military constructions, hospitals and commercial constructions.

⁹ This does not include the regular maintenance.

¹⁰ It was also part of the decree issued in 1993.

Special Public Commission Programs

In all three countries there has been a long tradition of supporting public art through the public commission. However, during the last two decades with the change of political climate this kind of support in the USA diminished. On the other hand, in France and the UK, most of the public art projects were and still are financed through the special governmental programs of support either on national (France) or local level (UK).

During more than thirty years in the USA existed two federal programs supporting the public art. One of them was already mentioned here; the *GSA Art in Architecture* program, and the other one was the *Art in Public Spaces Program* (APP) administered by the *National Endowment for Arts* agency - NEA.¹¹

NEA *Art in Public Spaces* program was inaugurated in 1965 with the main mission to provide an opportunity for the promotion of the democratic participation in the process of selecting and placing the public art, in order to prevent prevalence of private interests in designing of public space (Senie, 2001). From the start the NEA took part in the variety of different programs, from *the assistance to the GSA in the acquiring the decoration for federal buildings, to the collaborative projects with cities and divers public organizations*, in order to commission a large scale modern public sculptures (Senie, 2001). In the majority of cases the NEA was supposed to *provide, through the APP program, communities and organizations a professional consultancy and support in the selection process as well as partial grants for the implementation of the project* (Senie, 2001). The recurrent problem of legitimacy prompted the NEA to choose to intervene in commissions only as a partner in artistic initiatives developed on local level and to renounce both total sponsorship and ownership of the work (Senie, 2001). In the beginning the NEA defined its main objective as „*to give the public access to the best art of our times outside museum walls*“ (Senie, 2001). Later, consistent with the changes in the art world they changed their objectives towards more community oriented public art projects. With the arrival of the Reagan's administration and the change of the political climate the NEA suffered a great

¹¹ The National Endowment for Arts (NEA) is a United States federally funded and donation assisted program that offers support and funding for projects exhibiting artistic excellence. It was created by act of the U.S. Congress in 1965, as an independent agency of the federal government. Its slogan is: „*Because a great country deserves great art*“. More information about NEA on their website: www.nea.gov.

deal of official criticism due to its support to controversial art projects (Senie, 2001). In 1991 in response to the congressional budget cuts and complaints regarding their selection procedure the NEA proposed combining the *Art in Public Spaces* and the *Visual Artists Forums* categories of funding. By this decision the NEA has chosen to emphasize education and dialogue and started to support more community related projects dealing with social problems and multiculturalism (Senie,2001). After over more then two decades, the NEA finally abandoned its support for the public art in favor of a collaborative and community oriented art projects. By the time when the NEA *Art in Public Spaces* had been closed and in the same time with the reorientation of the GSA public art program towards the architectural decoration, after more then three decades public art lost financial support from federal government in the USA. However, in the meantime in the USA arised a great number of specialized public art organisations responsible for realisation of the public art projects and financed either through the private or public grants.

There is a long history of the governmental support to public art projects in France. In some form *Commande Publique* existed from the end of the 19th century. Nevertheless, officially *Commande Publique* program (with defined financial instruments) was introduced in 1981 with the appointment of Jack Lang as the Minister of Culture. Program was administered by the *National Centre for Visual Art* (Le Centre national des arts plastiques – CNAP), which was also responsible for the selection process (*Délégation aux arts plastiques (DAP) & Le Centre national des arts plastiques (CNAP), 2001*). In the due period, some of the most interesting and prestigious public art projects were realized within this scheme. Through the program largely supported projects that contributed to the urban spaces animation, promotion of contemporary art in urban spaces, and artistic production. Special accent was given to the realization of the ambitious art projects, which could not be possible without a help of public commissions funds. When in France, in 1983, started the process of decentralization, one of the consequences was an introduction of the decentralized *Commande Publique*. Many local communities for the first time got a possibility to use these funds for an integration of public art in their urban development projects. All these projects were realized according to their special geographical, architectural and social contexts. Furthermore, one of the new program objectives was initiation of the dialogue and joint programs between central government and local communities in order to make the general public more sensible to the contemporary art. The

regional DRAC¹² were in charge of the selection and implementation of this aspect of the program. In the period between 1983- 1995, as a part of this initiative in France, 718 public art projects were realized (either through national or decentralized *Commande Publique* procedure) (Smadja, 2003). Although the *Commande Publique* funds have diminished from the nineties, this is still a dominant framework for realization of the public art projects in France.

Besides this program, in France exist practice of granting special funds for the public art by different public institutions, communities or the central government. One of these kinds of funding sources are special conventions of the Ministry of Culture. In this way mostly financed programs are those connected with the redevelopment project such as beautification of the new parisian quartier *Défense* and program *Ville Nouvelles* (Smadja, 2003).

In Britain, a large number of public art projects is financed through the *National Lottery program for Good Causes*, which is the British equivalent of the *Commande Publique* program. National Lottery program is established in 1994 and centrally administered and controlled through the Parliament via the Department of Culture, Media and Sport - DCMS. The main task of the DCMS is to set policy and financial framework within which the distributing bodies for the National Lottery grants could operate. All lottery grants intended for culture are allocated through the Arts Councils. From the very beginning of this initiative's implementation, most of the realized projects were large flagship (prestige) projects, such as Antony Gormley *Angel of the North*. However in the recent time, support for this kind of projects diminished. With the new *New Lottery Act* from 2006 funds have been allocated in the more flexible ways, for example for small community projects, public art commissions, as well as to individuals (National Lottery Commission (NLC), 2006). This new legislation aimed to make the Lottery more responsive to people's priorities and to ensure that Lottery money goes efficiently to good causes.

Similarly as in the USA, in the UK emerged, during the 1990s, a large number of specialised public art organisations (some of them founded by Arts Councils). Their activity is mostly supported directly through the funds of the DCMS or through the Arts Councils. Public art projects in the UK are also often supported through *the collaborative programs* and the initiatives between *the cultural and developmental agencies* as a part of national strategy for better quality of built environment. From its

¹² DRAC - Directions régionales des affaires culturelles – Regional Cultural Affairs Directorates.

foundation DCMS encouraged inter-sectorial cooperation and organization of the joint projects among cultural, social and urban sector. Among organizations that were (and are) actively granting public art projects we can also include *Regional Development Agencies* (RDA) responsible for the sustainable economic development and regeneration of the specific region.

Projects Supported Through Public-Private Partnerships

As a consequence of the federal support diminishment, today the most of the public art projects in the USA are financed by local communities. Nevertheless some municipalities in their attempts to secure funding for the public art are gone beyond simple percentage for art introduction. One of the most interesting trends in this domain is appearance of the public art project realized through the public-private partnerships as a part of the urban development projects. One of the most advanced programs of this type is *LA Downtown Art in Public Places Program* initiated by the *Los Angeles Community Redevelopment Agency* (CRA)¹³ in 1985 (Cruikshank and Korza, 1988). The novelty introduced by the *CRA/LA Public Art Policy* is that a private developer is obliged to set aside the 1% of his construction costs for the public art (*Los Angeles Community Redevelopment Agency (CRA/LA), 2005*). However, specificity brought by this program is that each private developer has the option of choosing to implement its percent for art obligation through two different types of public art projects: *developer initiated projects* (public art projects or cultural facilities within private developments) and the *Cultural Trust projects*. The *Trust Fund*, one of the innovations of the CRA policy, is a funding mechanism which aggregates portions of the individual private, site-specific percent for art requirements and redistributes these funds in order to finance cultural programs and art projects in downtown locations (*CRA/LA, 2005*). The *Trust Fund* represents an instrument for financing and sitting artworks or programs that otherwise are not feasible, such as in neighborhoods without private investments. Through this fund are supported *public art projects, cultural programming as well*

¹³ The Community Redevelopment Agency of City of Los Angeles is a public agency established to attract private investment into economically depressed communities, eliminate slums, abandoned or unsafe properties and blight throughout LA. More information on website: <http://www.crala.net/>.

as construction of the cultural facilities in the LA area (CRA/LA,2005).

Similar model of the public-private partnerships is developed in the UK. *The Section 106 Planning Agreement* is voluntary and legally binding agreement between a developer and a local planning authority (IXIA, 2007). By this agreement local authority may enter into an agreement with a developer to secure financial contributions towards a range of infrastructure including provision of the percent for art.

In France as a consequence of different system of public space management, this type of the private-public collaboration doesn't exist. However, in recent time there are some attempts towards establishing the *public-civil-private* partnerships in the domain of public art in France as well, whose best example is the *Nouveaux commanditaire program (New Patrons)*, an initiative supported mostly by the Foundation of France.¹⁴ *Nouveaux commanditaire* scheme is developed as an alternative method for commissioning of new artworks for the public space, and although some projects are co-financed by the Ministry of Culture, the working method is completely different. The program enables anyone confronted with the issues about the society or the local development to commission an artwork directly from an artist. As is stated in the New Patrons protocol, the main aim of the program is to give a chance to citizens to become art patrons and for their voices to be heard.

Conclusion

The main subject explored in this paper was origination and development of the modern public art policies, their legal foundations and financial instruments. The research is conducted in a form of a comparative analysis of three different public art policy approaches - the United States, France and the United Kingdom.

As it is demonstrated in the research, governments of all three countries actively encouraged the creation of public art either through the *percentage for art* regulations or through the *special public commission* programs. Besides these two, in the last two decades in the USA and

¹⁴ This program is only partially *private* initiative, because the Foundation of France is to its most part publicly funded, but still, this is one of the rare initiatives that is not administered by the public bodies.

the UK, public art projects are also financed through the *public-private partnerships*.

The percentage for art remains the most popular way of public art support. France and the USA were the first countries that introduced and maintained this policy on the national level. The main reasons behind the installment of these nationally administered percentage for art programs, and later also national public commission programs, were in their essence social and political.

During the 1980s support for public art has shifted from national to local and regional level. In the USA this change occurred during the Reagan administration and was directly related to economy. Expansion of the local public art programs in that time was a part of the widely spread acknowledgment that public art can contribute to revitalization of former industrial cities.

In France a number of public art programs initiated on the local level also grew. However, because of the specificities of the French political system the public art domain is still dominated by the central government interventions, in spite of many attempts of decentralization.

In contrast to the American and the French cases, before the 1980s in the UK there were no national public art programs. The first large public art programs emerged in the UK on a local level resembled to the respective US initiatives. The main reason for a sudden and growing interest for the public art in the UK was an attempt of Britain's urban planners to solve the enormous economical and social problems emerged due to the urban crisis. That is why Art Councils started to advocate introduction of the percent for art regulation. However due to specificity of the legal system in the UK these regulations could not be mandatory. Except through the percent for art, public art projects in the UK are also realized either through the public-private partnerships or the inter-sectorial cooperation between cultural and redevelopment agencies.

In the past five decades two distinct perspectives concerning importance of the public art projects are crystallized. From one perspective, which is closer to local authorities, importance of public art is regarded through its relation to the city and process of urban redevelopment and its role in production of more humane urban environment. On the other hand, from the perspective of the central government the public art is often considered as one more way of expressing national cultural identity and dominance.

SLAVICA RADIŠIĆ

REFERENCES:

Books and Articles:

- Cruikshank J. L. & Korza P., 1988. *Going Public: a field guide to developments in art in public places*. Amherst : Arts Extension Service.
- Dragičević Šešić, M., & Stojković B., 2003. *Kultura – marketing, animacija, menadžment*. Beograd : CLIO.
- Goldstein B., 2005. *Public art by the book*. Seattle/London: University of Washington Press.
- Mitchell W.J.T., ed., 1993. *Art and the Public Sphere*. Chicago: University of Chicago Press Journals.
- Miles M., 2006. *Art, Space and the City*. London/New York: Routledge.
- Senie H., 2001. *The Tilted Arc Controversy: Dangerous Precedent?* Minneapolis/London: University of Minnesota Press.
- Hall T. and Robertson I., 2001. *Public Art and Urban Regeneration: advocacy, claims and critical debate*. Landscape Research, 26 (1), pp. 5-26.
- Hamilton J. and Forsyth L., De longh D., 2001. *Public Art: A Local Authority Perspective*, Journal of Urban Design, 6 (3), pp. 283-296.
- Hein H., 1996. *What is Public Art?: Time, Place and Meaning*. The Journal of Aesthetics and Art Criticism, 54 (1) pp. 1-7.
- Hunting D., 2005. *Public Art Policy, Examining an Emerging Discipline*. Perspectives in Public Affairs 2, 24 April 2010., http://www.asu.edu/mpa/Hunting_Public%20Art.pdf
- Smadja G., 2003. *Art et espace: le point sur une demarche urbaine*. (Rapport no. 2001-0091-01), Paris: Conseil General des ponts et chaussées.
- Wetenhall J., 1993. *A Brief History of Percent-for-Art in America*. Public Art Review, Accessed 25 April 2010., www.forecastpublicart.org/anthology-downloads/wetenhall.pdf

DOCUMENTS AND WEB SOURCES:

- Circulaire relatif à l'obligation de décoration des constructions publiques*, 2006, Paris : Journal Officiel de la République Française, 3 May 2010., www.culture.gouv.fr/culture/dap/dap/unpourcent/uFiles/doc/8_fichier.pdf
- Community Redevelopment Agency of the City of Los Angeles, 2005. *Art Policy*, 20 April 2010
- Delvainquière, J.C., 2008. *Cultural Policy Profile, France*. Compendium, Cultural Policies and Trends in Europe, 17 May 2010., www.culturalpolicies.net/web/france.php
- Department for Culture Media and Sport. *National Lottery, Policy and Financial Directions*, 23 April 2010., www.culture.gov.uk/what_we_do/national_lottery/4202.aspx
- Department for Culture Media and Sport. *National lottery act*, 23 April 2010., www.culture.gov.uk/what_we_do/national_lottery/3397.aspx

- Fisher R., 2008. *United Kingdom, Cultural Policy Profile*. Compendium, Cultural Policies and trend in Europe, 17 April 2010., www.culturalpolicies.net/web/unitedkingdom.php
- Gillian W., 2002. *Art for Social Spaces, Public Sculpture and Urban Regeneration in post-war Britain*. Designing Britain 1945-1975., May 2008., www.vads.ahds.ac.uk/learning/designingbritain/index.html
- Harlow Council City, 2008. *About Harlow*. 18 April 2010., www.harlow.gov.uk/Default.aspx?sID=726
- IXIA, 2007. *Public Art and the Planning System and Process in England*, November 2007 www.ixia-info.com/pdfs/ixiaspd-guidancejuly07.pdf
- Lydiate H, 1992. *Public Patrons. Percentage for art*. Artquest, Artlaw online archive, 14 May 2010., www.artquest.org.uk/artquest/artlaw/public-policies/government-policies-the-arts/percent-for-art-legislation.htm
- Le décret de décoration des constructions publiques*, 2005. (no 2005-90), [Online] Paris: Journal Officiel de la République Française. May 2008., www.admi.net/jo/20050206/MCCB0400926D.html
- Le décret de décoration des constructions publiques*, 2002. (n°2002-677), May 2008., Paris : Journal Officiel de la République Française. www.culture.gouv.fr/culture/dap/dap/unpourcent/uFiles/doc/7_fichier.pdf
- Le Ministère de la culture et de la communication, 2001. *La commande publique, mode d'emploi. Historique.*, 27 April, 2009 www.culture.gouv.fr/culture/dap/commande_publicue/cp/historique.htm
- Le Ministère de la culture et de la communication, 2001. *La commande publique, mode d'emploi. Methode et procedure*, May 2008., www.culture.gouv.fr/culture/dap/commande_publicue/cp/methode.htm
- Le Ministère de la culture et de la communication. *Le 1% artistique, Presentation*, May 2008., www.culture.gouv.fr/culture/politique-culturelle/index-dossiers.htm
- New Patrons. *The Manifesto of the New Patrons Society*, 21 April 2010., www.NEWPATRONS.eu/

Slavica Radišić
Beograd University of Arts

PUBLIC ART POLICIES – A COMPARATIVE
STUDY

Abstract

This paper explores the development of the public art policies and legal and financial mechanisms in the domain. The research is conducted in a form of a comparative analysis of three different public art policy approaches - the United States, France and the United Kingdom. In the text is presented the historical development of the 1% for art regulation from its origination in the early 1930s to the most recent time when this kind of regulation is usually maintained on the local or the regional level. Furthermore, modifications of the typical percent for art regulation introduced in recent times are also explored. Besides the 1% for art regulation, some other ways of supporting public art projects are analyzed. They could be classified in two groups: projects supported through the special public commission programs and projects supported through the public-private partnerships.

Key words: *public art policy, percent for art, public commission, public-private partnerships.*

