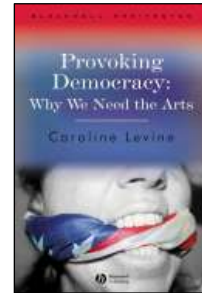


Caroline Levine, **Provoking Democracy: Why We Need the Arts**, Wiley-Blackwell Publishing, 2007, 256 pp., \$89.95 (hardcover), \$30.60 (paperback).

Reviewed by
Susana Smith Bautista
University of Southern California

Caroline Levine's most recent book *Provoking Democracy: Why We Need the Arts* is meant to demonstrate what can happen when public opinion opposes avant-garde art. Levine fearlessly acknowledges the "strangely paradoxical relationship" between art and democracy, and proceeds to explain that paradox through numerous well-researched and significant examples across a wide range of artistic fields.



In 1913, the New York Armory Show brought European avant-garde art to an American audience that reacted with public outrage against Marcel Duchamp's painting *Nude Descending a Staircase* (1912). Premiering in Paris that same year, Stravinsky's musical score for the ballet in one act, *The Rite of Spring*, provoked rioting in the audience because of its non-traditional use of the bassoon, its melodic discord, and its pagan theme. In 1981, the placement of Richard Serra's sculpture *Tilted Arc* in the outdoor plaza of the Federal Building in New York caused inhabitants that it was ultimately Administration and destroyed at the in 1999, the *Sensation: Young British* exhibition at the Brooklyn Museum of by Chris Ofili, *The Holy Virgin Mary*, conservatives around the country. funding for the museum, which was court.



Chris Ofili, *The Holy Virgin Mary*. 1996.

The "general public" in these four cases includes the arts elite, federal workers, and conservatives; they are each a special interest public but together constitute "the public." The question for Levine becomes, who speaks for the public, and which public? The book takes the reader through as many twists as a good spy novel, challenging our understanding of familiar concepts such as democracy, freedom, and government, and surprising us with shocking revelations (misunderstandings) that the "state" is not the enemy of art, that art is not anti-democratic, and that the threat to democracy lies instead with the masses (the "general public").

Levine divides her book into four contexts of art and democracy: debate over public art; the use of art as propaganda; obscenity law; the question of originality in customs and copyright disputes. In a few broad questions framing the rest of the book she asks: What is art's proper role in a democratic

society? Is it to let the majority rule? If democracy is about freedom, then what kind of freedom? Levine first brings up Alexis de Tocqueville and John Stuart Mill, who early on warned about the tyranny of the masses in an American democracy. Levine states that one cannot assume the conflation of democracy and freedom as politicians are likely to do today, yet De Tocqueville's notion of "universal uniformity" conflated liberty and equality. In the early 1800s he observed that America was more enamored of equality than freedom, a dangerous inclination in his opinion. More recently, Levine refers to Cass Sunstein's book *Why Societies Need Dissent* (2003), that similarly warns of the poor judgment and high risk of errors that come from group conformity and from surrounding ourselves with like-minded individuals and comfortable situations. The social pressures to conform could affect the masses of society, against which free discourse can provide real social progress and innovation. Levine concurs with Sunstein, "Art is there not to reaffirm what we already know, but to challenge our perceptions" (p. 157). This book is a fresh perspective in today's artistic battle for survival. Art can be an engine of social change, and Levine proposes the weapons needed for its success.

Levine frames the book with this discussion of the power (threat) of the masses, and similarly of mass culture, populism, and public opinion in relation to art, which are themes that have recently been tackled just as insightfully by Lawrence Lessig (*Remix*, 2008) and Bill Ivey (*Arts, Inc.*, 2008). Lessig talks about a culture of generosity that defines a "sharing" economy, although he realistically sees a hybrid economy of sharing and commerce. More basic than sharing, for Lessig, is creating at an amateur level not professional. His point of contention with the law is its regulation of ordinary citizens, "to subject the amateur to a control by the law that the law historically reserved to professionals" (p. 103). Lessig cites the famous American composer John Phillip Sousa, who lobbied Congress for tighter restrictions on copyright protection in 1906. Sousa blamed technology (at this time, the phonograph), that he feared would replace human creation and edification of music, "The tide of amateurism cannot but recede" (p. 26). Ivey similarly reminisces earlier days when it was more common to be an amateur artist and stresses the importance of artistic participation at any level today, calling for the new "citizen artist." Ivey longs for everyone to have an "expressive life," and confesses that his is the "street bazaar" view of cultural democracy. Levine challenges the current wave of artists and academics who blame the government for stifling creative freedom through copyright enforcement.

Levine also boldly rises up against the populist wave dominating the art world today. Arts professionals are trying very hard to break up historic perceptions of unidirectionally transmitting elite knowledge to an uneducated, passive public that needs to be molded into the ideal citizen. Today the public constructs their own aesthetic experiences and interpretations based on personal beliefs, experiences, and knowledge, often unaffected by expert intentions and directions.

In spite of this populist and individualist force that permeates (post)modern society, politicians like the idea of consensus — of a "public will" that they can answer to with "common sense." The problem is that consensus models often involve coercion as Levine wisely points out. A certain degree of authoritarian rule is needed to shape the masses into public opinion. Despite all this forewarning, large modern democracies rely on mass communication to guide decisions and implement policies. Mass communication allows the government to understand and speak to "the people" as an aggregate, creating policy that directly responds to the needs of "the people." This normalizing tendency of the mass media,

Levine states, "can be as limiting and oppressive as despotic regimes." Commenting on the government's decision to remove his public sculpture *Tilted Arc*, Serra affirmed, "It is no better than the Soviets bulldozing the work of dissident artists" (p. 61).

Within this mass culture of democracy, it would seem that art — especially avant-garde art — would pose a threat to the homogenization so critical to this successful system of governance. Again, Levine starts with our common understanding of artists as outsiders, supported by a number of artistic and academic examples. Sociologist Howard Becker proposes that the "art world" exists to separate outsiders from insiders and art from non-art, while French philosopher and sociologist Pierre Bourdieu writes about art as a special field apart from the rest of social life. Artists are special individuals, often heroic and tragic, and appreciating art requires a special (and elite) education that also stratifies society. Following this reasoning, artists are outsiders, the art world is elite, and the general public misunderstands them all. Levine shows how public opinions could lead to acts of censorship and authoritarian rule, ostensibly a restriction of freedom for artists in the name of democracy. But what happens when artists support democracy in opposition to the status quo? Can we still say that art is a threat to democracy? Is democracy the majority will (equality), or is it creative freedom, distinction, and originality?

In asking if the avant-garde is for or against democracy, Levine presents two complex illustrations. The first is the avant-garde German artist Joseph Beuys. In 1972, he was fired from teaching at the Düsseldorf Art Academy for lifting entry restrictions into his class, arguing that anyone could find their creative potential. It would appear that Beuys promoted democracy in the same spirit as Ivey's citizen-artist and Lessig's amateur artist, and for that, he was punished by his dominant art world. In her second example, Levine describes the avant-garde Bauhaus School of art, architecture, and design. Originally located in Weimar, home of the new German democracy, the Bauhaus was forced to move to Dessau because its highly modernist and radical teachings were a threat to the political regime. The Bauhaus aimed to place industrial designs on the same level as crafts and to create designs that were both functional and affordable to the masses: again seemingly democratic, but punished by that dominant political world.

Despite these examples and others that demonstrate conflict between the avant-garde and the dominant order, Levine states that, "art cannot work outside of institutional structures because it has become virtually impossible to find the 'outside' of modern institutionalization" (p. 29). Instead of positioning the arts outside the system of democracy, as has been historically done, she puts the institutions of art on a level playing field with the institutions of democracy. By the institutions of democracy, Levine refers not only to the state and its three branches (she astutely reminds the reader of the separation of executive, legislative, and judicial), but also to the church, educational systems, media, museums, and corporations. This positioning of the arts serves to empower artists, acknowledging the need to work from "*within* the constraints of modern democratic institutions." Yet at the same time, artists are dependent on the mainstream in order to define their opposition to it; they need access to the public sphere to find an audience and a space for exposure. Levine talks about the "perpetual movement between inside and outside, present and future, mainstream and margins" that characterizes the avant-garde. The role of outsider will always shift in relation to the dominant culture, as will its particular

agendas, techniques, or approaches. Levine states that even the avant-garde Dadaists in the early 1900s worked within the institutional structure by relying on the marketplace for exposure.

Levine proposes that in the 20th century, a “special affinity” grew increasingly strong between the art world and the courts, two entities with “outsider” status. To support this, Levine compares two legal cases, *Brancusi v. United States* (1927) and *Rogers v. Koons* (1990). Both of these cases were pivotal in determining the nature of art as related to both function and originality. When Constantin Brancusi’s sculpture *Bird in Space* (1923) was brought from Europe, it was taxed by the New York Customs Office as a “domestic utensil or surgical instrument” because to the untrained eye it appeared to be just a highly polished, curved piece of metal. The court determined that the sculpture was art because it was “pleasing to look at and highly ornamental.” In the next case, artist Jeff Koons admitted that he deliberately copied a black and white photograph of puppies that he bought as a postcard at an airport in order to create his sculpture *String of Puppies* (1988) that he subsequently sold for \$367,000, but he claimed “fair use by parody.”



Constantin Brancusi.
Bird in Space. 1923.

The court determined that Art Roger’s photograph had enough originality to merit its own copyright, and that Koons violated that copyright because his sculpture did not exhibit an “original and separate expression” from the artwork being copied. Brancusi won because he worked “within” the system and viewed the courts as an ally, and Koons lost because of his insistence on positioning the artist as autonomous. In his decision to support Rogers, the judge did not rely on the “wisdom” of art experts, as had been the tradition (*Memoirs v. Massachusetts*, 1966). He stated, “The decision-maker, whether it be judge or jury, need not have any special skills other than to be a reasonable and average lay person” (p. 184). Levine explains this anomaly by Koons’ position as above the law, boasting of his relationship to commercialism and his inability to accept Rogers as a fellow artist but rather as part of mass culture and the public domain. Levine states, “Koons seemed to forget just how much he was caught up in norms, institutions, and historical precedents” (p. 191).

Ironically, despite working in the postmodern tradition based on the recycling of traditions and ideas, Koons represented himself to the courts as a radical innovator, which proved detrimental in copyright court that favors originality over uniqueness and requires an extremely low level of creativity. Levine affirms that the art world is a “self-regulating network of organizations,” and artists are products of “social and historical environment, a



Jeff Koons. *String of Puppies*. 1988.

vehicle for the languages, signs, materials, and meanings that have preceded and shaped" (p. 149).

Another example of artists working from within the system is regarding cultural diplomacy, what Levine calls "propaganda of the avant-garde." Starting in the 20th century, the government used avant-garde art (visual art, music, dance, film) to shape its desired image of tolerance, freedom, and modernism. Artists, including the painter Jackson Pollock and the jazz musician Duke Ellington, were sent overseas to gain allies in the Cold War against communism. With the case of Pollock, Levine demonstrates how the government enlisted the help of museums (the Museum of Modern Art) and the press to make him a famous public figure. She shows how the government also partnered with major foundations and cultural institutions such as the Boston Symphony, the Fairfield Foundation, Time-Life, and the Congress for Cultural Freedom. It was critical to export an image of democracy as tolerant, given the persistence of government censorship of the arts in the U.S., although not nearly to the same extent as in communist countries. Censorship is an act of authoritarian rule that publicizes societal stratification and fragmentation, not a suitable image of freedom, equality, or democracy.

By positing two cases of censorship – James Joyce's *Ulysses* in the U.S. (1918) and D.H. Lawrence's *Lady Chatterley's Lover* (1928) in Great Britain, Levine again demonstrates why the arts are needed in a democracy. Although *Ulysses* was banned in the U.S. by the courts in 1921 because it was declared obscene, the decision was overturned by a later case, *United States v. One Book Called Ulysses* (1933). *Lady Chatterley's Lover* was put on trial (*Regina v. Penguin Books*) when it was published in Great Britain for the first time in 1960. The Obscene Publications Act of 1959 stated that "[A]n article shall be deemed to be obscene if its effect or (where the article comprises two or more distinct items) the effect of any one of its items is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it." Using these criteria to determine that *Lady Chatterley's Lover* was not obscene, the British courts (and a jury consisting of "average persons") considered not the most susceptible readers, but rather the more "likely" readers — the "average person." Emphasis was not on how the ordinary reader reads a book (in parts, inattentively), but on how they "should" read a book (as the whole, attentively). Levine summarizes both cases, "The law refused to take the public simply as it was and instead challenged it to become something new" (p. 128). Art was capable of democratization.

Both courts relied on the testimony of expert opinions. As Levine states incisively, "when the logic of the avant-garde met the logic of the law, it made sense for expertise to play an essential role" (p. 113). She argues that this trend represented a shift *away* from elitism. Regardless of whether the artist was an elite insider (Jeff Koons) or an oppressed cultural minority (Jacob Epstein's *Rima*, 1925 and 2 Live Crew's 1990 album *As Nasty as They Wanna Be*), avant-garde art may be incomprehensible to the general public that constitutes the jury. Relying on art experts solidifies the autonomy of the institution of art and affirms its standing in the eyes of the courts.

After spending most of the book defending the affinity of avant-garde artists to the courts, Levine ends by proposing an affinity with academia, albeit a short-lived one. They are both outside the mainstream, skeptical of mass culture, accused of elitism, and proud of their ability to find new ways of "thinking and living" that challenge the dominant order. Like the art studio, academia has the classroom to

promote original research and innovation. Where they differ, however, is in academia's research and teaching functions that "construct mediating bridges between non-specialist beginners and the forward-looking challenges of the avant-garde" (p. 197). Levine states that the classroom is able to incorporate both the mainstream and challenges to that mainstream, where insiders and outsiders are constantly in flux. The art world, on the other hand, reinforces the distinction between the two opposing realms in its persistent challenging of the mainstream from which emerges new and innovative forms. The avant-garde researcher institutionalizes what Levine calls "the feedback loop" where the shocking becomes familiar over time, but the avant-garde artist institutionalizes their enduring separation. We recall Levine's examples of how Duchamp's painting and Stravinsky's ballet score first shocked the public a hundred years ago, but are now widely considered cultural masterpieces.

It is also in this last brief chapter that the strength and cohesion of Levine's entire analysis breaks down. Her argument thus far has been in the ability of art to transform society, to play the role of dissenter in a homogenizing society, to help the public learn to read, listen, and see in a manner different than accustomed. She celebrates and elevates the role of the artist in a democratic context. Yet by arguing that the avant-garde artist differs from the researcher by merely challenging the mainstream instead of integrating it as a pedagogical tool, she validates the very stereotype that she is trying to repudiate. Artists are not merely reactionary and elitist; they too are aware of historic precedents, vernacular language and popular forms, and often incorporate them into their work in ways that provide new insight into the old. Levine proposes that artists need to constantly reassess their positions as insiders and outsiders, relevant to the changing dominant order as well as to the particular strategies and attitudes necessary to challenge that dominant order. Artists here are also similar to academia, where Levine states that "institutionally speaking, insiders and outsiders perpetually switch places in the transformative space of the university" (p. 199). Levine confirms that artists have long been part of academia as teachers and employees, but she does not bring up the fact that universities also train and educate artists. Perhaps because this could place further confusion on the relationship, as artists learn from academia to bridge the gap between mainstream and avant-garde, and to navigate their shifting positions as insiders/outsideers. The purpose of this last comparison of avant-garde artists to academia is difficult for the reader to grasp, as opposed to the persuasive clarity of her comparison of the arts institution and the judicial institution, solidly based on citing numerous examples of litigation and the significance of judicial decisions that directly impact the arts. The only example Levine provides to illustrate her point is the case of scholar Judith Butler who won the 1999 "Bad Writing" prize from the journal *Philosophy and Literature*, thus confirming the elite and abstruse nature that both the arts and academia are commonly accused of.

In the beginning, Levine defines what she refers to as institutions of democracy, and the list is mentioned above. Given these choices, it is surprising that Levine chooses to not end the book with a discussion of the institution of museums, included in her list and most relevant to the topic of arts and democracy. Museums are also similar to academia in their pedagogical and research roles that institutionalize the feedback loop through their scholarly and curatorial efforts, clearly in the postmodern tradition. One might understand the logic of this decision by reviewing Levine's brief mention of museums in her third chapter, "Propaganda for Democracy: The Avant-Garde Goes to War." In the context of the Cold War and the U.S. government's interest in cultural diplomacy for "sinister ends," Levine reviews the

complicity of museums such as the Museum of Modern Art, positioning them as part of the dominant cultural order against which avant-garde art is situated. It is unfortunate that Levine concludes her impressive analysis with such an ambiguous and discouraging ending. It is doubly unfortunate that the institution of museums was not placed in the same optimistic light as the courts and academia. Museums are mediating institutions first and foremost for the arts, with as many distinctions as there are typologies of art — even university museums. Contrasted to the narrow reach of universities that are not open to all equally, Levine states that the avant-garde reaches out to the “entire public arena.” It would appear that in this case, Levine considers museums to be as limiting as academia. In the end, it is still the tyranny of the masses that continues to determine value in a democracy.