SYLLABUS

This class will combine a broad historical analysis of the relationship between art and authority with an examination of contemporary culture criticism and art practice. We will explore the uses and abuses of art and culture in totalitarian and theocratic states as a prelude to a review of the role of official culture in the United States. In that context, we’ll take a hard look at covert US government cold war cultural programs. In general, we will take an expansive view of art and culture in the public arena, inquiring into many related areas where the arts and policy interact, for example, censorship, government support for free culture, tax-exempt arts organizations, public art and the protection of artists’ rights. At the same time, we will focus on visual arts movements that have emphasized either (a) autonomy with respect to law and society or (b) the importance of progressive political change.

CLASS OBJECTIVES:

In DANGEROUS ART: CENSORSHIP OR SUBSIDY? students will:

- become familiar with an array of historical, theoretical and practical issues encountered by artists, activists, administrators, courts, government arts agencies, museums, galleries, collectors, critics and other major players in the contemporary art world pertaining to the interplay between public policy and contemporary art practice;
- sharpen analytic, comprehension, presentation and writing skills;
- refine critical thinking about a broad range of developments in contemporary art and culture.

CLASS REQUIREMENTS/INFORMATION: Required: approx. 100 pages of reading per week, quizzes, writing and presentations as assigned and a final examination. Office hours: before and after class and by appointment. Textbooks: see attached Textbook and Resources List. Texts also include electronic reserves [e-reserves] and web resources [www] as assigned. Grading: Grades are based on a reading journal, quizzes, class participation, presentations and the final examination. For details on scoring, see attached Grade Calculation Rubric. Attendance and Academic Honesty: Please see attached Class Policies. Website: We will use Canvas/ELMS for announcements, grades and access to e-reserves and posting supplemental files. Assignments will be posted on ELMS/Canvas and announced in class. Note: This syllabus is subject to change. Students will be notified in advance of important changes that could affect grading, assignments, etc. Contact: You may contact Professor Weil at rexweil@umd.edu or through the Art Department at 301-405-1443.

CLASS #1. INTRODUCTION, OVERVIEW AND ORGANIZATION OF CLASS: TEXTS, ASSIGNMENTS; EXPECTATIONS

Issues: What is culture? What do we mean by politics in most generous sense? What are the some of many ways art and authority/politics/public policy interact? How do governments derive legitimacy? What part do art and culture play in that legitimacy? In our day-to-day experience, how do we interact with culture? What are some examples of works of art or cultural artifacts that seem to have political power or provoke political responses? Why do images(objects have so much power in the first place? How important is it to have rules as to what artists can make? Is art a always a good thing – worthy of public support and/or government support? Should the government suppress or ignore work it doesn’t like and support work that advances its values? Or, should there be a wall of separation between art and state like the one we talk about with religion?
CLASSES 2-5. CASE STUDY: CENSORSHIP AND SUBSIDY IN NAZI GERMANY

Required readings from:
[Text] Frederic Spotts, *Hitler and the Power of Aesthetics*

Quiz: take home quiz due in class 5

Issues: We’ll watch a portion of Ray Müller’s *The Wonderful/Horrible Life of Leni Riefenstahl*. Is Riefenstahl’s Triumph of the Will a good film? How does she understand her work as part of official culture? We’ll discuss art and culture in Nazi Germany and Hitler’s tastes in art and architecture. How does the ‘heroic’ aspect of Nazi art compare to our stereotypical Western visions of art and artist? Why couldn’t modern art serve the purposes of the Reich? Why was modern art considered degenerate? What were the qualities esteemed by Hitler? How did those qualities advance his political vision? To what extent did Hitler’s taste coincide with or conflict with the Nazi rank and file? Was Third Reich support for the arts very generous, in its way? Why?

CLASSES 6-9. REVIEW OF BASIC ISSUES: SOCIAL FUNCTION OF ART vs. AUTONOMY; MODERNISM AND POSTMODERNISM

Required readings from:

Quiz: take home quiz due in class 9

Issues: Review of ideological tenor of the European Enlightenment and the emergence of ideas about the autonomy of art. What do the writers mean by associating modern political and economic ideas with autonomous art, i.e., art for art’s sake, i.e., art with no extrinsic purpose? How do these important ideas about art’s autonomy and independence square with what we’ve learned? Is there such a thing as autonomous art? What is ‘disinterestedness’? Is taste ‘pure’? Why did the Nazis hate modernism? How would Hitler process postmodernism?!

CLASSES 9-13. CASE STUDY: CENSORSHIP AND SUBSIDY IN COLD WAR CULTURAL PROGRAMS

Required readings from:

Quiz: take home quiz due in class 13

Issues: In this section we’ll take an in-depth look at covert government support for culture by the United States, especially the CIA’s promotion abroad of US artists and intellectuals in the 1950’s and 1960’s. It’s an amazing story and worth some sustained attention. Among its many peculiarities, it features the deployment of ‘autonomous’ art in the service of a specific political program and the explicit rejection of politically assertive work for that job! Stranger still, it features the use of covert government power and resources to promote the superiority of a culture free of government supervision. Does all art end up serving a political purpose? Is there such a thing as art for art’s sake? On the flip side, how was art that did not reflect well on the US suppressed (or, in some cases, altered) during this period? Why couldn’t culture be left to its own devices?
READING JOURNALS DUE IN CLASS 14

**CLASSES 14-16. HEGEMONY, CULTURE INDUSTRY, CONSCIOUSNESS INDUSTRY AND RELATED CONCEPTS; COLONIALISM AND ICONOCLASM**

**Required readings from:**
- [text] Edward Said, *Orientalism* [AMC]

**Issues:** At this point it seems pointless to ask whether governments *should* support culture…they *always* supports some version of culture, of course, just as aspects of culture always support authority. We will use Raymond Williams’ *Marxism and Literature* to furnish the vocabulary for a discussion of the entrenchment and apparent inevitability of culture that seems to support the *status quo*. In particular, we’ll explore the concept of hegemony. We want to know about the relationship of culture and art to other prevailing value systems (law, politics, religion, morals, e.g.). Do art and culture merely reflect/promote other values? Or, does art play an important role in helping to shape society? Are all those constellations of values, in turn, determined by something more basic and structural, e.g., the everyday conditions of life? Can art effectively oppose prevailing unjust conditions if it is, in fact, a creature of those conditions? What is the difference between ‘mass culture,’ ‘popular culture,’ and the ‘culture industry’ in these respects? Haacke takes it a step further: he posits a ‘consciousness industry’ and argues that fine arts play a similar role in valorizing the status quo.

**CLASSES 17-19. CASE STUDY: SYMBOLIC EXPRESSION AND CENSORSHIP IN THE US**

**Required readings from:**
- [www] court decisions (summaries):
  - *Masses Publishing v. Patten*, 244 F. Supp. 535 (S.D.N.Y. 1917) *(USPS can’t refuse to mail The Masses)(reversed)*
  - *Stromberg v. California*, 283 U.S. 359 (1931) *(state goes too far in outlawing red flags)*
  - *Latin American Advisory Group v. Withers*, (N.D. Ill. 1974) *(mural depicting Latino workers’ is protected speech)*

**Quiz:** take home quiz due in class 19

**Issues:** Is art ‘speech’ or is it behavior? Is it ‘pure’ speech or symbolic speech? Is it protected by the first amendment? Government censorship arises in many different contexts and we’ll survey the field – it’s all relevant to art and culture whether it comes out of the suppression of political speech, words and images with sexual content or the suppression of material that offends religious convictions. It is notable that first amendment law was hardly developed at all until the period just after WWI. And then, it was basically quiescent again until the 1960’s. What happened? Vietnam War protests often took the form of performances and exhibitions and pushed the limits, provoking responses from legislatures (often to restrict speech) and courts (often to reign in the legislatures).
**Classes 20-21. Case Study: Obscenity/Indecency Prosecutions in the US**

**Required readings from:**
- Leonard DuBoff & Christy King, *Art Law*;
- US Constitution and Bill of Rights
- [www] court decisions (summaries):
  - Miller v. California, 413 U.S. 15 (1973) *(standards for legislation outlawing obscenity)*
  - FCC v. Pacifica Foundation, 438 U.S. 726 (1978) *(FCC may punish radio station for George Carlin’s ‘Filthy Words’)*
  - Barnes v. Glen Theater, 501 U.S. 560 (1991) *(Indiana may prohibit nude dancing)*
  - Reno v. ACLU, 521 U.S. 844 (1997) *(CDA protecting children from access to internet porn violates 1st A)*
  - Stevens v. United States, 559 U.S. 460 (2010) *(broad prohibition of animal cruelty depictions is unconstitutional)*

**Issues:**
When the Bills of Rights was adopted almost all jurisdictions in the new republic outlawed indecency, public nudity, blasphemy and obscenity. These laws cast a wide net. Like prohibitions on political speech, they survived with little challenge until the 20th Century. It was assumed that speech about sex was of little social value and that obscenity was not even ‘speech’ for First Amendment purposes. Modern literature pushed the boundaries. Joyce’s *Ulysses* was confiscated by customs. Henry Miller’s 1933 *Tropic of Cancer* wasn’t legally available in the US until the early 1960’s. A City Lights bookstore employee was arrested for selling Allen Ginsburg’s *Howl*. It became increasingly clear that predictable standards and definitions were of paramount importance. How do we draw the lines?

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**Classes 22-23. Subsidizing Free Culture – Brief Review History of US (Overt) Support for the Arts Monuments, Memorials; The National Endowment for the Arts**

**Required readings from:**
- DuBoff & King, *Art Law*
- [e-reserves] Knight, *Public Art: Theory, Practice and Populism*;
- William Grampp, *Pricing the Priceless: Should Government Assist the Arts?*
- [web] NEA publications: *Arts Participation 2008; The Arts and Civic Engagement; How the U. S. Funds the Arts; National Endowment for the Arts: A History 1965-2008*;
- IRS publications: *Your Income Tax (Pub. 17)*;
- *Tax Exempt Organizations (Pub. 557)*

**Issues:**
What does it mean when the government, by consensus or not, decides that art and culture are worthy ends in themselves and thereby, worthy of no-strings government support? It’s a lofty and relatively young idea. Can it really work? We’ll look at how the arts are funded in the US. This is a complex system ranging from direct support (NEA, state and local arts commissions) to indirect support (tax-exemptions/deductions) to zoning, historical preservation, percent-for-the-arts rules and many other government intervention in the arts. What are the arguments in favor of using public resources for art? How do we know that Art is Good for You/Us/Them? Can we *prove* that art and arts programming are good for society? Why does art need public support? Why can’t it function in the market on its own like other products (of course, they don’t really do that, either)? We’ll also survey battles over war monuments, memorials and public sculpture back to the early efforts to honor George Washington and bring the discussion more or less up to date with the Vietnam, FDR and the World War II memorials. How does government supported art square with the democratic ideals and the populist tenor of US politics?
READING JOURNALS DUE IN CLASS 26


**Required readings from:**
- [www] court decisions:
  - Bella Lewitzky Dance foundation v. NEA, 754 F. Supp. 774 (C.D.CA) (1991) (*NEA first obscenity rule violates 1st A.*
  - NEA v. Finley, 524 U.S. 569 (1998) (*NEA decency clause OK’d*)
  - Brooklyn Institute of Arts v. Guiliani, 64 F.Supp 2nd (E.D. NY 1999) (*Guiliani can’t evict/close BMA because of Sensation show*)
  - Esperanza Peace and Justice Center v. San Antonio, 316 F.Supp 2nd 433 (W.D. Tx. 2001) (*can’t deny arts grant b/ of GLBT films*)

**Quiz:** take home quiz due in class 26

**Issues:** A major issue with overt government funding for the arts is whether the government can legitimately *withhold* support for good art it doesn’t like (because it’s too sexy, too political or whatever). Put another way, if the gov’t is paying the bills, can it decide what art it prefers to support/not support. This is different than outright censorship, but a huge issue and the basis for the “culture wars” of the 1980’s and 1990’s. Does the US Constitution guarantee a right to make art and/or display with public money? We spent so much energy defining obscenity … how is so-called ‘indecency’ different? It’s important to note that these ‘culture wars’ essentially ended no-strings direct federal support for individual visual artists and visual arts critics. Can we find common grounds between the art world and offended constituencies? Does controversial art work have a positive, measurable social value even for those it offends?

**CLASSES 27-28. PROGRESSIVE AND TRANSGRESSIVE ART: CONTEMPORARY STRATEGIES/OPTIONS FOR ACTIVIST ART**

**Required readings from:**

**Issues:** Given everything we’ve looked at, does it seem like there is still room for artists that make art that is both excellent by the standards of its discipline and effective in promoting progressive social change? What are the options for contemporary artists seeking to take on that task? Will all art ultimately be ‘handled,’ assimilated into the market and devolve into decorations of the *status quo*? Is the ability of art to resist (or defer) assimilation a way of measuring its quality? Can new art enter the domain of social action, pure and simple, and retain that quality of resistance?

**FINAL EXAMINATION**
(DATE, TIME AND PLACE TBA)
**TEXTBOOK AND RESOURCES LIST**

**required:**

**Free Culture**, Lawrence Lessing
1-59420-006-8 (hardcover or paper)

**Art Law**, Leonard DuBoff & Christy King
Thomson West (St. Paul, 2006)
0-314-15878-2 or 978-0-314-0526 (paper)

**Hitler and The Power of Aesthetics**, Frederic Spotts
Overlook Press (2009)
ISBN 978-1-59020-178-7 [paperback]


**The Cultural Cold War: The CIA and the World of Arts and Letters**, Frances Stonor Saunders
New Press, (2001) [paperback]

**U.S. Constitution And Fascinating Facts About It**
Terry L. Jordan
Oak Hill Publishing (1999)
(you may substitute any complete copy of the US Constitution)

**Art in Modern Culture**
(Open University Set Book) [Paperback]
Francis Frascina and Jonathan Harris, editors
Publisher: Phaidon Press (January 1, 1994)
ISBN-10: 0714828408

**required free subscriptions**

**artsjournal** *(sign up for weekly newsletter)*
http://www.artsjournal.com/landing/artsjournal-newsletters/

**Americans for the Arts** *(sign up for emails)*
http://www.americansforthearts.org/

**Hyperallergic** *(sign up for weekly newsletter)*
http://hyperallergic.com/

**required free government publications:**

**From the IRS:** http://www.irs.gov/uac/Forms-and-Publications-by-U.S.-Mail

- Publication 17: Your Federal Income Tax (download)
- Publication 557: Tax-Exempt Status for Your Organization (or download)

**From the NEA:**
http://arts.gov/about/publications

- 2015 Guide to the National Endowment for the Arts
- How the United States Funds the Arts (2012)

**recommended textbook:**

**The Rise of the Sixties: American and European Art in the Age of Dissent**, Thomas Crow
Grade Calculation Rubric

Here is an explanation of how grades will be calculated. Please read it carefully and bring questions to class.

A. REGULAR POINTS FOR REQUIRED WORK:

- 5 quizzes/projects, 5-10 points each = 36
- reading journals* = 24
- class participation/informal presentations** = 10
- final examination = 30

  total regular points .............................................................. 100 points

B. DEADLINES: Late assignments are subject to point deductions.

C. EXTRA CREDIT POINTS: Extra credit points may be offered during the semester for attending and reporting to the class on pertinent extracurricular exhibitions, lectures and events. Maximum extra credit points available is 5.

*Reading journals contain your outlines of and written responses to reading assignments, as well as your reflections on class issues and materials as they pertain to contemporary culture. A minimum two reading journal entries is expected for each week of class. They are due for review in class as assigned.

**Attendance and punctuality may be taken into consideration to raise or reduce class participation grades.
CLASS POLICIES:
Please read these policies carefully and bring questions to class

Attendance and absences: Students are expected to inform the instructor in advance of medically necessary absences, and present a self-signed note documenting the date of the missed class(es) and testifying to the need for the absence. This note must include an acknowledgement that (a) the information provided is true and correct, and (b) that the student understands that providing false information to University officials is a violation of Part 9(h) of the Code of Student Conduct. The university’s policies on medical and other absences can be found at: http://www.umd.edu/catalog/index.cfm/show/content.section/c/27/ss/1584/s/1540. Prolonged absence or illness preventing attendance from class requires written documentation from the Health Center and/or health care provider verifying dates of treatment when student was unable to meet academic responsibilities. Absence due to religious observance will not be penalized, however, it is the student’s responsibility to notify the instructor within the first 3 weeks of class regarding any religious observance absence(s) for the entire semester. For a calendar of religious holidays go to: http://faculty.umd.edu/teach/attend_student.html#religious

Academic integrity: The student-administered Honor Code and Honor Pledge prohibit students from cheating on exams, plagiarizing papers, submitting the same paper for credit in two courses without authorization, buying papers, submitting fraudulent documents and forging signatures. On every examination, paper or other academic exercise not specifically exempted by the instructor, students must write by hand and sign the following pledge: I pledge on my honor that I have not given or received any unauthorized assistance on this examination (or assignment). Allegations of academic dishonesty will be reported directly to the Student Honor Council: http://www.shc.umd.edu. Do not take short-cuts! If you need an extension on a deadline, ask!

Students with disabilities: The University of Maryland is committed to providing appropriate accommodations for students with disabilities. Students with a documented disability should inform the instructor within the add-drop period if academic accommodations are needed. To obtain an Accommodation Letter prepared by Disability Support Service (DSS), a division of the University Counseling Center, please call 301-314-7682, e-mail dissup@umd.edu, or visit the Shoemaker Building for more information.

Copyright notice: Class lectures and other materials are copyrighted and they may not be reproduced for anything other than personal use without written permission from the instructor.

Emergency protocol: If the university is closed for an extended period of time, we will discuss via ELMS/Canvas the most efficient and effective means of carrying on course work in accordance with applicable guidance from the university.

Course evaluations: Evaluations are an important part of the process by which the University of Maryland seeks to improve teaching and learning. Your participation in this official system is critical to the success of the process, and all information submitted to CourseEvalUM is confidential. (Instructors can only view group summaries of evaluations and cannot identify which submissions belong to which students.) Please participate in the evaluation process.

Diversity: The University of Maryland values the diversity of its student body. Along with the University, I am committed to providing a classroom atmosphere that encourages the equitable participation of all students regardless of age, disability, ethnicity, gender, national origin, race, religion, or sexual orientation. Potential devaluation of students in the classroom that can occur by reference to demeaning stereotypes of any group and/or overlooking the contributions of a particular group to the topic under discussion is inappropriate. (See Statement on Classroom Climate, http://www.umd.edu/catalog/index.cfm/show/content.section/c/27/ss/1584/s/1541).

Electronic Devices: You may not use electronic devices in class without advance permission from the instructor. Permission will be freely granted for students requiring an accommodation (see, Students with Disabilities, above).