

# ISSA Proceedings 1998 - Shifting Legitimation Strategies In The Public Sphere: The Case Of The National Endowment For The Arts



## *1. Introduction*

Public discourse surrounding the National Endowment for the Arts (NEA) is both perplexing and complex. This discourse is marked as argument and is further characterized by a principle of dissensus (Willard, 1986).

The disagreement is increasingly debated publicly (most visibly in the American press and United States (US) congressional hearings) where differing parties oftentimes exchange vitriolic and polarized arguments concerning the legitimacy of the NEA. This battle is often demarcated along political, economic, cultural, and ideological lines, which address the interests of the US government in subsidizing non-profit art. Analysis demonstrates that these arguments address the most powerful and influential groups in the public sphere; accordingly, analysis also uncovers the characteristics of the particular public whose set of knowledge, symbols, and ideas are most legitimate. An understanding of these arguments is informed by Jurgen Habermas's conception of the bourgeois public sphere (1962/1995), further elaborated to include differing and contending publics.

Yet, analysis of the public discourse concerning the NEA indicates that strategic arguments are employed in a manner less indicative the idea of a consensus building process: the idea resting on a "communicative practice...that rests on the intersubjective recognition of criticizable validity claims" (1981, p.17). Instead, the NEA employs a legitimation strategy that shifts its arguments towards the public who hold the most power in the public sphere. The strategy of the arguer to tailor a message to pre-conceived publics also points to a process wherein publics hold and loose legitimacy. In this respect, legitimation tends to mean the process whereby one public's set of symbols, knowledge, and ideas, gains power and influence over another public or other publics. Also inherent in this process is the de-legitimation of the public losing power and influence in the public sphere. I

will show that investigation of the NEA's case is best informed by an emphasis upon such legitimation strategies.

The *American Canvas* report released by the NEA on 16 October 1997 is a policy proposal whose rhetorical nature employs strategic appeals to the most influential and powerful segments of the public sphere. The *American Canvas* is a document widely distributed, free of charge, and described as an "analysis and distillation of the major issues we face in the non-profit arts...[raising] red flags about the current state of the arts in America...[concluding] with challenges and opportunities for everyone in the arts to consider" (Larson, 1997, p.6). The *American Canvas* and other texts indicative of this public issue serve as the main data for this project.

The crux of the disagreement concerns the role of the United States' government funding for the non-profit arts. Currently, for the Fiscal Year (FY) 1998, the NEA received the same budget (\$99.5 million) as it did in the two previous fiscal years; however, appropriations have dramatically dropped from an all time high of \$175,954,680 in 1992 (NEA Annual Report, 1996) [inflationary adjustments not factored in my account of appropriation figures from FY1966-1996]. NEA appropriation hearings in the U.S. House of Representatives and the Senate for FY 1998 were marked by conflicting motions of re-authorization, phasing out, and termination, and the resulting budget was still 39% less than the amount requested by President Clinton. And although the NEA's total budget accounts for "less than one one hundredth of 1% of the federal budget" (<http://arts.endow.gov/Guide/Facts/DidYa2.html>, 6/10/1998), these debates are quite impassioned and highly publicized. Many officials and constituents still adhere to the message of the NEA's foundation in 1965; detailing that support for the arts and humanities are "appropriate matters of concern to the national government" (National Foundation of the Arts and the Humanities, 1965). Yet others see no place for the government in the funding of the arts, which represents yet another example of the over-reaching hand of government in a realm which would do fine if left to private sector funding. The issue most central to this paper concerns the NEA's legitimacy among the conflicting artistic "elite" public and the "populist" public. This question will be addressed in detail below. But all these concerns contribute to a legitimation crisis for the NEA. Even if pending appropriation bills are passed reauthorizing the NEA, questioning the NEA's legitimacy has become an annual drama that has pervaded many dimensions of discourse in the public sphere. Examining this public discourse is

critical, for the outcome of these deliberations involve real decisions and real choices, arguably with major cultural and economic implications. Ultimately, they define the role of governmental support for the non-profit arts in American society.

This paper has two main parts. First, I will define and operationalize my inquiry of argument in the public sphere. Second, I will demonstrate how the *American Canvas* represents a strategic shift from an “elite” public towards a “populist” public as indicative of a process of legitimation.

## 2. *Theoretical foundations*

This study addresses the following question: What happens when the elite audience, made of the public once deemed most knowledgeable to decide policy, ceases to hold influence in the public sphere? In the past, the NEA warranted many of its policies based on artistic merits arising from decisions beholden to the artists most apt to make such judgments. Yet increasingly these artists have been charged as being representative of an elite public. As we shall see, in this case the NEA constructs a normative argument that shifts towards that public whose influence or knowledge is – at least perceived to be – more influential, or more legitimate. Commentors have long observed that publics vary in degrees of deliberative importance, and special emphasis has been placed upon the process by which particular publics are left out of the dominant public discourse (Fraser, 1992, Spivak, 1988). Interestingly, the *American Canvas* reports that the neglected audience is not some subaltern public or even a minoritarian one. Analysis of this case, shows that it is the very majoritarian or “populist” public, that the NEA itself states has been excluded by an elite public. The notion of exclusion can be defined here as the process wherein one group’s symbolic meaning system overpowers that of another group through legitimation and de-legitimation. I will demonstrate below that the NEA shifts from tailoring its policy decisions and arguments with deference to the aforementioned “elite” public, and instead moves to embrace a hitherto neglected “populist” public. This shift in the NEA’s argument reveals the very legitimation of the knowledge of the populist public, or more precisely, the successful de-legitimation of the knowledge base of the elite public. A more legitimate public holds greater of influence over others. The characteristics of these publics are revealed through identification of argumentation strategies in the public sphere, from institutions like the NEA who seek to ensure their own legitimation.

By classifying policy-orientated deliberative messages as public argument, this study assumes a pluralistic and representative view of democracy in America. Discourse in the public sphere is argumentatively structured, where reasons are tailored to a specific public (or publics) within the public sphere. This public possesses agency in the affairs of the state. While this notion of the public sphere relies on the ideal of a pluralistic democracy, the very notion of pluralism assumes different and differing publics within that sphere, some of which compete with the bourgeois public. Nancy Fraser upholds that “virtually contemporaneous with the bourgeois public there arose a host of competing counterpublics....there were competing publics from the start, not just in the late nineteenth and twentieth centuries, as Habermas implies. Moreover, not only were there always a plurality of competing publics, but the relations between bourgeois publics and other publics were always conflictual (Fraser, 1996, p.116).

I argue that this investigation of the NEA, as with similar cases, involves an inspection of arguments played out in the public sphere (in a massified and encompassing sense); furthermore, I suggest that any such inquiry should utilize the concept of legitimation, which involves power relations and exclusionary strategies. The idea that the public sphere embodies publics and that such publics possess an exclusionary function are notions already seen in Habermas (1962/1992): “an analysis of the exclusionary aspects of established public spheres is particularly revealing in this respect, the critique of that which has been excluded from the public sphere and from my analysis of it too: gender, ethnicity, class, popular culture” (1992, p.466). This project’s framework employs the process of legitimation to explain exclusionary as well as inclusionary, argument strategies.

In this respect, legitimation strategies necessarily invoke an emphasis on power relations. Yet, I would like to displace the primary assumption that such an emphasis is associated with a process which conjures up images of symbolic violence and ruthless power struggles. This legitimation process, while agnostic in nature and rooted in power relations, need not contain negative connotations. A legitimation process in the public sphere based on concepts of power relations and strategic arguments is informed by Foucault’s point:

“The idea that there could exist a state of communication that would allow games of truth to circulate freely, without any constraints or coercive effects, seems utopian to me. This is precisely a failure to see that power relations, if by that one means *strategies by which individuals try to direct and control the conduct of*

*others*. The problem, then, is not to try to dissolve them in the utopia of completely transparent communication but to acquire the rules of law, the management techniques, and also the morality, the *ethos*, the practice of the self, that will allow us to play these games with as little domination as possible" (Foucault, 1994, p.298) [emphasis added].

The strategies uncovered in the arguments of the NEA (themselves legitimizing in nature) reveal characteristics of the publics they draw upon for support.

### 3. Case analysis

There are particulars to the case of the NEA that deserve some brief attention. First, why has such a vehement debate been stirred by an investment that amounts to less than \$0.38 per year for each American? What is at stake here is the legitimation of a type of knowledge held by contending publics within the public sphere. The current political climate in the elected legislature of the United States is heavily influenced by the Republicans, which may seem like the most pressing public for the NEA. Yet I hold that the NEA's legitimation strategy is directed towards the larger, "populist" American constituency, 57% of which support government support for the arts as reported by the NEA (NEA, 1998).

Also involved here are issues of traditional class structures, and culture wars. Even with the blurring of the distinction between high culture and popular culture (Gans, 1974, 1992 (in Smith & Berman)), these issues are manifest in the discourse analyzed below. A lengthy discussion on these issues is not appropriate here; suffice it to say that they problematize any sort of neat categorization of which public actually exists or which is being addressed in the public sphere.

One might also ask what texts "count" as discourse within the public sphere? My study doesn't embrace sharp distinctions between the state and public sphere of discourse; my use of the *American Canvas* (essentially a government publication) as this project's text is illustrative of this point. While the *American Canvas* report maintains a governmental ethos, it also includes (and was heavily informed by) discussions of the *American Canvas* forums: six privately-funded forums in regional cities across American which invited diverse participants, "first on the community level, then on the National level" (NEA, 1997), to discuss strategies for its legitimation. These forums were meant to facilitate the national discussion on the state of the arts and the NEA (Larson, 1997), and an overview of the regional forums appears in the *American Canvas*'s appendix.

In the same respect, I will also include the National Foundation on the Arts and

Humanities Act of 1965 (which instituted the NEA) to be a text “in” the public sphere. Not only were many voices from the public sphere influential in the struggle to establish the Act (Larson, 1983; Mulcahy & Wyszomirski, 1995)), but it is of public record and access; furthermore, the act is often cited and referred to in arguments concerning the NEA. In fact, the NEA has avidly produced “official” statements (arguments) – such as the *American Canvas*, press releases, and a web site – in the public sphere via diverse media to garner support, especially in these times of crisis.

The aforementioned state documents serve as texts in the public sphere of discourse as do newspaper articles and editorials, video programs, Internet transmissions, and talk. In this regard my notion of the public sphere is broadly inclusive. Katz, Kim, & Wyatt argue that “theories of the public sphere assume that the press, political conversation, and public opinion are all elements of a single system” (1997, p.6) and that “media, conversation, opinion formation, and political action should not – indeed cannot – be disconnected from each other (p.2).

The “common interest” of the public sphere at hand is in the government role in the non-profit arts, or simply, taxing citizens to subsidize the NEA. But the message or (more precisely) the argument is highly stylized and inherently strategic, directed to conceptions of an ideal public. Scrutiny of the *American Canvas*, as the main text, demonstrates that the public being primarily addressed is that which holds the most legitimacy in terms of power and influence in the public sphere. This analysis will always refer to the *American Canvas*, yet a comprehensive reading of the report’s 194 pages might not elicit a startling response. The report taken holistically might not seem to be much different in substance than National Foundation on the Arts and the Humanities Act of 1965 which sought to “promote progress and scholarship in the humanities and the arts in the United States” (20 U.S.C 951, P.L. 89-209, 1965). But the particulars within the report do signal the shift towards a particular public as part of a legitimation strategy.

A good starting point is the reactions to the *American Canvas* in the American press. The first major response to the *American Canvas* was actually a preemptive one by the *New York Times* (the report was “leaked” three days prior to its national release). The front page headline reads “Study Says Elitist Attitude Reduces Support for the Arts,” the article is titled “Study cites gulf between artists, public” (Miller, 1997). Miller states that the “report holds artists

themselves partly responsible for the growing alienation it sees between the public and the arts - a gap that made recent cuts in government arts spending possible" (Miller, 1997). This public is what I will call the "populist" public and the artists represent an "elite" public. This language infers that the populist public is an entity that holds power and influence over government spending decisions. It also suggests that the populist public holds more influence over the arts than the arts community, or the elite public, involved with the NEA.

NEA employs self-critique in the *American Canvas* largely through voices like Alberto Duron, an attorney and "cultural activist" speaking at an *American Canvas* forum in Los Angeles. He argued that the "arts establishment" and its "institutions must be opened up to the communities which they claim to serve but don't" (qtd. in Larson, 1997, p.76). Could this self-critique be a strategy giving credence to the de-legitimation arguments usually associated with the conservative right? Bruce Handy of the *TIME* magazine sardonically adds that the *American Canvas* "accuses the arts world, and by implication the NEA, of elitism and a disregard for key American values.... the zany twist is that the report isn't the work of Newt Gingrich or Jesse Helms; it's the loving handiwork of the NEA itself" (1997). From the *American Canvas*:

"The arts community itself bears a measure of responsibility for the marginalization of the nonprofit culture. In the course of its justifiable concern with professionalization, institution-building, and experimentation during the 60s and 70s, for example, the arts community neglected those aspects of participation, democratization, and popularization that might have helped sustain the arts when the political climate turned sour" (Larson, 1997, p.14).

Various factions of the political spectrum such as the conservative Heritage Foundation (1997) have continually attacked the NEA. But the key here is that these views of dissatisfaction with the NEA are now being equated with the "public" (Miller, 1997) and this populist public's "communities" (Duron qtd. in Larson, 1997). A populist public viewed as a majority who are dissatisfied with tax money spend on the arts, or any government agency in a democracy - spells crisis for the NEA (Netzer, 1978). And more importantly for this paper, a public gaining legitimacy over another requires a shift in appeal.

The *American Canvas* tries to examine this populist public: "Failing to acknowledge their own expressive activities as part of the full spectrum of the arts, many of these Americans are apt to look with suspicion at an "arts world" that seems alternately intimidating, incomprehensible, expensive, alien, and,

thanks to the generally poor job that the mass media have done in covering the arts, often disreputable” (Larson, 1997). The NEA attempts to fix this image by tailoring its argument to the newly conceived populist public and not the artistic elite public, the latter being those who are thought to be most knowledgeable about the arts. The strategic shift employed in this message reveals both the more powerful legitimacy of this populist public and the less powerful elite public.

Again Duron is quoted saying “What’s happened to the public arts funding is in no small measure the fault of the arts institutions and the individuals who run them..... critics in congress and elsewhere would never have been able to galvanize large segments of the public if it were not for the vulnerability of the arts community brought on by its isolation and intransigence” (1997, Duron qtd, in Larson, p.77). The arts community, now conceived of as the elite public is struggling against the populist public at large.

Pulitzer Prize winning playwright Tony Kushner (himself referenced in the report) downplays the cultural implications of the art’s elitism. Rather, he focuses on the new economic arguments forwarded by the NEA; “essentially the ideological capitulation in evidence has been performed on economic, rather than cultural grounds” (Kushner, 1997). Kushner focuses on an admitted sound-bite from the report calling for a “reexamination of the structural underpinnings of the nonprofit arts and for speculation on the development of a new support system: *one based less on traditional charitable practices and more on the exchange of goods and services*” (Larson, 1997, p.12). For Kushner, this “appalling” stance on art as economic or exchange value is nothing less than a concession to “barbarism” (1997). Economic justifications for establishing sponsorships of the arts as an “essential function of the modern state” are well known (Galbraith, 1973, p.282). However, when economic considerations dictate art’s *content* Kushner insists that the line to barbarism has been crossed. Previous arguments which insisted on funding for the NEA based on aesthetic grounds and on artistic freedom (State of the Art), are now touted by the NEA as being elitist and isolationist. Bruce Handy of TIME observes that strings are inevitably attached to governmental support “when you take money from the government, you subject yourself to the mercies of the political process - which is open, as the recent history of the NEA (not to mention history, period) proves, to philistines and worse” (1997). Carrol Dadisman of the Tallahassee Democrat adds “one point is clear: In both government and the private sector today, economic considerations are eclipsing artistic merit in determining levels of financial support for the arts”

(1997).

To summarize and simplify this rhetorical situation: the NEA faces dissensus and crisis; the NEA has traditionally appealed its arguments to the audience of an elite (artistic) public; the *American Canvas* criticizes this public as being, in part, responsible for the decline in NEA's funding, resonating with arguments delegitimizing the NEA; the NEA attempts a normative strategy by appealing to (and empathizing with) the populist public deemed more powerful to legitimate the NEA, yet a public seen by some to lack the knowledge in deliberations concerning artistic merit.

#### *4. Problematizing the NEA's strategy: Publics in conflict*

While this recent case makes it clear that differing publics are at work in deliberating upon governmental funding of the non-profit arts, this notion is not entirely new. Mulcahy and Wyszomirski state that "American arts policy-making has revealed a sharp cleavage between populist and elitist conceptions of public culture (1995, p.180).

An analogy can be drawn between the populist public (audience) and Habermas' "plebeian public" or a "culture of the common people" (1992, p.427). Habermas's (recent) elaboration on this conceives of this public as a culturally and politically distinct "lower strata entail[ing] a pluralization of the public sphere in the very process of its conception" (1992, p.426). Yet to proceed hastily with this analogy seems rather premature here. Instead I will continue to cast these two publics, admittedly generalized, in the more traditional categories of the populist and elitist.

I will attempt to employ a more refined [but no less problematic] notion of the elite than depicted in the arguments analyzed above. The elite is that public whose set of knowledge and symbolic apparatus is deemed most apt to judge decisions which rely on that very knowledge. An appeal to an elite public is simply to gain support from those deemed qualified to know. The NEA walks a precarious line between policy decisions giving to artists concerning art, and the policy decision concerning a government agency based on the broader, populist, American public. Mulcahy and Wyszomirski state that:

"the NEA has sought a balanced' cultural policy... this political strategy has not been without cost. In accepting Caesar's embrace, the muses have become publicly dependent and accountable. The value of the arts has to be justified to the taxpayers... For some this obligation constitutes politicization of the arts; for others, it is a cost of doing public business. Historically this political strategy had

been an important ingredient in the NEA's bureaucratic success" (1982, p.181).

This balance, however, is perhaps associated with a consensus model of deliberation in the public sphere. In light of my argument, the success of the NEA today can be better understood as a power struggle for legitimacy. For in the *American Canvas* the elite are not simply those qualified to know, or an ideal audience of those most apt to judge. This conception of an elite public (of knowledge) has shifted towards a *politically* elite public, the latter associated with high-mindedness, high-class, and indifference to the concerns of the common public. In the NEA's efforts to legitimate its own role, its strategy shows an effort to tailor its message towards a more legitimate populist public, rather than towards a de-legitimated elite public. The NEA's internal conflicts in adhering to this legitimation strategy are quite profound. For herein is a de-legitimation of the artistic elite. Already since FY1996, a ban has been placed on giving grants to most individual artists. In the NEA's own struggle for legitimacy, their apparent strategy will have a major impact on government supported non-profit art in America.

### 5. Conclusions

The message of the NEA - as seen in its own messages and in the public discourse - shifts its conception of an elitist public to contending populist public within the public sphere. My argument forwards the position that the case of the NEA, and others, can be viewed in terms of a strategic process of legitimation based on power struggles rather than consensus building, the result being that the ideal pluralistic democracy is not lessened but better understood. By analyzing discourse manifest as texts in the public sphere, concepts of the public who hold the most legitimate knowledge and power and influence in the decision making process emerges.

Still, further probematics and questions abound. Among these are issues concerning the conception of the elite public and, moreover, the populist public, both of which still needs more definition. Perhaps research into the plebeian public sphere, or popular culture generally, can inform this issue.

Yet the most pressing question here is what is to become of the crisis of the NEA, as the agency continues to struggle with its normative policy in light of legitimized and de-legitimized publics.

Comments by Bruce Robbins (1993) relate to this point: Just because professional

insiders invent publics for themselves, therefore, it does not follow that the outside is imaginary or that there is no real connection between what is invented inside and the forces outside that must be managed, assuaged, responded to, negotiated or compromised with. We know... that the autonomy of the profession seems to abandon momentarily when faced with the demand for a generally accessible account of itself is never more relative or provisional. It is granted by social bodies outside the profession, whether the 'estate... or 'public opinion' or some mixture thereof. And it can be sustained only for as long as its support continues - as long as the profession's authority in a given area is judged, by enough of those people who have the power to withdraw that authority, to be not only legitimate, but more legitimate than the other contenders.

The NEA seems to have accepted that its authority depends on a legitimized populist public, yet perhaps even they are unsure of this deferral.

The American *Canvas* states that "the future of the arts in America depends upon the will of the people. The spirit to grow is there, but a flower can be crushed with a single step" (Larson, 1997, p.6). The NEA has put its stakes in the hands of the populist public, time will see whether it gets crushed under that public's weight.

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