

Arguably, the subject of this essay is neither exactly nor entirely about the production of contemporary public art, but two recent controversies raise important, if not urgent, questions about the relationship of art and public life – the double-narrative of influence and vulnerability in public visual culture. A recent occurrence in the United States art world has created an increasingly unsettling and chilling environment for free speech, academic and artistic freedom. The Critical Art Ensemble is a collective of five artists that explores relationships of art, technology, theory, and activism through installations, media-based projects, and performances. The group works tactically and critically to shape and stimulate a dialogue on public culture. In the past few years, a particular focus of CAE's work has been on issues of biotechnology, scientific authority, "amateur" knowledge, and public discourse. The collective describes the biotech revolution as a "secret revolution, slowly infiltrating and subverting the structure of every day life."ⁱ CAE is dedicated to creating "participatory performances that shed light on current political developments and the construction of representation associated with biotechnological expansion."ⁱⁱ Its resistant practice is not benign – nor is it illegal.

On May 11, Critical Art Ensemble member Steven Kurtz awakened in his Buffalo, New York home to find his wife ill and unresponsive. He telephoned for emergency medical assistance. The paramedics who arrived at the Kurtz's home were unable to revive his wife (who apparently had died from heart failure) but did become curious about the assortment of laboratory equipment that Kurtz uses for his artwork. Their reports instigated an alarming series of Orwellian events. F.B.I. agents searched the Kurtz's home in hazardous-material suits and confiscated the laboratory equipment, books, computers, personal papers, and biological materials. Reportedly, Kurtz's wife's body also was "confiscated" for a period of time before it was returned to her husband for burial. The authorities' searches discovered no toxic materials nor identified public health risks. Kurtz was permitted to return home on May 17. Following this zealous investigation, two other members of CAE (Beatriz da Costa and Steven B. Barnes) were subpoenaed.

On June 29, a federal grand jury charged Kurtz with mail fraud. Also indicted was a professor at the University of Pittsburgh's School of Public Health who had helped the artist obtain a small amount of benign bacteria for one of his art projects. The Joint Terrorism Task Force's search warrants and subpoenas originally had cited bio-terrorism. CAE's tactical work seeks to challenge the silence of scientific authority and to stimulate a "diverse amateur discourse" on biotechnological research.ⁱⁱⁱ The public significance of CAE's objectives actually demands a scrupulous methodology and an uncompromising level of ethical and legal impeccability. The aggressive investigation of Critical Art Ensemble and the efforts to criminalize progressive and resistant cultural practices has confirmed and concretized what, to many artists, had been a disquieting and dispersive erosion of the First Amendment rights of artistic expression and civil liberties. Interestingly, while CAE's art has not been censored,

its procedures, materials, and processes – the collective’s intentions - have been aggressively scrutinized.

With Steve Kurtz and CAE very much on my mind, I recently attended a lecture by cultural critic David Levi Strauss at Bard College in Annandale-on-Hudson. Strauss possesses remarkable insights on contemporary photographs and images – and their influence on public life. It is widely accepted if admonished that the Bush administration has aggressively controlled both the rhetorical character and visual evidence of its policy decisions. The oration has become predictably generic with simplistic references to good and evil, winners and losers, enemies and victims. The public sees the President serving Thanksgiving turkey or announcing “mission accomplished” to United States service men and women, but there is a paucity of images from the Iraq conflict of the destruction and dead U.S. troops and Iraqi citizens. We are presented with a highly regulated and shockingly partisan view of an intricate contemporary world.

Strauss examined how the visual environment of the war dramatically changed on April 28 with the release of images of abuse and torture of Iraqi prisoners by United States reservists at Abu Ghraib. Analyzing these images in the context of other public images, he raised the “big questions” that we might spend a lifetime thinking about and only partially answer. How do images influence the public imaginary? Why and how do particular images (or places or projects, I would add) become iconic, and vividly and indelibly infiltrate consciousness? Given that there is no rational or defensible reason to believe in an un-manipulated image, why do people continue to accept the solvency, if not veracity, of particular images? Images always are encountered in a context; they are intrinsically relational. How does this knowledge effect our perception and their reception?

While these questions about images and the public imaginary have great relevance for public art, there was another point made that has particular consequences for critical writing on public art. In addition to the degradation and humiliation of Iraqi prisoners captured in these amateur photographs and videos, questions were raised from the audience about the intentions of the young United States reservists who documented these terrorizing practices and scenes (in addition to hundreds of images from Abu Ghraib that have not been seen by the public.) Strauss drew a line between intentions and effects, suggesting that, as a cultural critic, he was interested in the effects of images rather than why they were taken.

Recent events have rekindled a preoccupation with the intentions/effects dialectic in the context of public art. As a critic, I generally am interested in artists’ intentions and objectives. Why have they pursued the work in this particular way? What are the questions that inspire and often frustrate an artistic practice? Does an artist consider her or his work a form of public art? And why is this significant factor? A great deal of public art writing dwells on these kinds of inquiries, but there is a risk of insufficient critical analysis of the responses and claims of artists to these queries. Generally, critics have been less earnest and successful writing

about effects – what public art does -- except in a general, speculative, and anticipatory manner. There are justifiable reasons for caution, if not evasion. Can critical focus on outcomes and effects encourage an instrumentality that restricts or muzzles an open, intellectual artistic process? Additionally, there is the challenge of being too general (and why bother) or too specific (and are these really the questions we want to ask and the answers we want to know about public art?) about the effects – the consequences -- of public art.

By placing the challengingly articulation of “public” before art, how is the relationship between artists’ intentions and the role that art plays in shaping a public imaginary drawn? Is it possible to engage this significant issue of effects without overlooking or over-determining the consequences? I recently re-read Lucy Lippard’s essay *Anti-Amnesia on REPOhistory’s “Lower Manhattan Sign Project”* (1992.)^{iv} The collective installed 39 signs with historical narratives, often on race, class, or colonialism, that are forgotten in more mainstream accounts. Lippard’s energetic and empowering critical writing examined this collective’s intentions (to reinstate and repossess lost or underrepresented histories), process (independent research on historiography, study groups, analysis of existing walking tours and historical signage, and conceptual development), and possible and future effects (through informal interviews and linking this project to feminist, activist, and pedagogical practices.) This essay is a poignant reminder that, in progressive public art practices, there often is an intellectual fluidity between intentions, process, and effects – that these domains of creative work are neither discrete nor unambiguous. This presents an ongoing opportunity and challenge for critics to rethink their own practices. For artists at this time, an integrative politically based and tactically conceived process remains a renewable resource and potential liability. Critical Art Ensemble knows this too well. Now more than ever, it is a time to look at intentions, contents, and effects imaginatively, discursively -- and vigilantly.

Patricia C. Phillips

Notes

ⁱ Critical Art Ensemble, “Body Invasion and Resistant Cultural Practice”, *Art Journal*, Fall 2000. p. 48. (This is part of the forum “Biocollage” organized by David Joselit.)

ⁱⁱ *Ibid* p49

ⁱⁱⁱ *Ibid* p49

^{iv} Lucy Lippard, “Anti-Amnesia.” http://repohistory.org/lower_manhattan_sign_project/lm_lippard.php3. (This was adapted from the author’s 1992 “Spider’s Nest” column, *Z Magazine*.)