

**SPEA – A459 (Fall 2008)**  
**Public Policy and the Arts**

Instructor: Michael Rushton  
Office: SPEA 201A  
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*Course Description*

This course considers the principal aspects of cultural policy in the US and elsewhere. Topics include the ends and means of government funding for the arts, multiculturalism, freedom of expression, copyright, other legal rights of artists, international trade in cultural goods, and international treaties on cultural diversity.

*Course Content and Readings*

Note there are two sorts of readings in this course: (1) Documents on the web, where you simply follow the URL as provided; and (2) Articles from journals.

All of the journal articles listed below are available online in the IU library. To find articles, go to the IU homepage, then:

- Click “Libraries”
- Click “Resource Gateway”
- Click “Online Full-Text Journals”
- Type the “Journal Title” in the space provided, and click “Search”
- Often a few possible links are given – choose one that includes the year you are looking for.

If you have any troubles, let me know!

*Course Outline*

**September 5**

*Why Public Funding for the Arts? First Thoughts.*

Babbitt, Milton (1958) “Who Cares if You Listen?” *High Fidelity* (February).  
[<http://www.palestrant.com/babbitt.html>].

Scitovsky, Tibor (1972) “What’s Wrong with the Arts is What’s Wrong with Society”  
*American Economic Review* 62(2) (May): 62-69.

Rushton, Michael (2004) “Culture and Public Finance” *Public Finance and Management*  
4(1): 1-20.

McCarthy, Kevin F., Elizabeth Heneghan Ondaatje, Laura Zakaras, and Arthur Brooks (2003) *Gifts of the Muse: Reframing the Debate About the Benefits of the Arts*. RAND Research in the Arts [<http://www.rand.org/pubs/monographs/MG218/> ].

## September 12

*Federal and State Arts Funding in the US.*

NEA website: [www.arts.gov](http://www.arts.gov)

National Assembly of State Arts Agencies website: <http://www.nasaa-arts.org/>

Indiana Arts Commission website: [www.in.gov/arts](http://www.in.gov/arts)

Cowen, Tyler (2004) *How the United States Funds the Arts* (National Endowment for the Arts) [<http://www.arts.gov/pub/how.pdf>].

Barsdate, K. (2001) “The State Arts Agency Policy Environment” Working Paper, Cultural Policy Center at the University of Chicago. [<http://culturalpolicy.uchicago.edu/workingpapers/Barsdate6.pdf> ].

Lowell, Julia F. (2004) *State Arts Agencies 1965-2003: Whose Interests to Serve?* RAND Research in the Arts. [<http://www.rand.org/pubs/monographs/MG121/> ].

## September 19

Guest speaker: Bill Ivey, Vanderbilt University & Former Chairman of the NEA, author of *Arts, Inc.*: <http://www.ucpress.edu/books/pages/10151.php>.

Read these before the talk!

Ivey, Bill. (2005) “America needs a new system for funding the arts” *Chronicle of Higher Education* (February 4): [<http://chronicle.com/weekly/v51/i22/22b00601.htm>]

Ivey, Bill, and Steven J. Tepper, (2006) “Cultural Renaissance or Cultural Divide?” The Curb Center, Vanderbilt University. [<http://www.vanderbilt.edu/curbcenter/culturaldivide>]

Obama Arts Policy Committee: [<http://www.artsactionfund.org/pdf/artsvote/ObamaStatement3b.pdf>].

## September 26

### *Arts Funding in Europe*

Gordon, Christopher (2007) "Culture and the European Union in a Global Context"  
*Journal of Arts Management, Law & Society* 37(1): 11-30.

Dewey, Patricia (2008) "Transnational Cultural Policy-Making in the European Union"  
*Journal of Arts Management, Law & Society*, forthcoming [This article is not yet available online – I will get it to you another way].

Van Der Ploeg, Frederick (2005) "The Making of Cultural Policy: A European Perspective" CESifo Working Paper #1524 [free download at:  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=812309](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=812309)].

## October 3

### *Contingent Valuation Methods*

Portney, Paul P. (1994) "The Contingent Valuation Debate: Why Economists Should Care" *Journal of Economic Perspectives* 8(4) (Fall): 3-17

Hanemann, W. Michael (1994) "Valuing the Environment through Contingent Valuation" *Journal of Economic Perspectives* 8(4) (Fall): 19-43

Diamond, Peter A., and Jerry A. Hausman (1994) "Contingent Valuation; Is Some Number Better than No Number?" *Journal of Economic Perspectives* 8(4) (Fall): 45-64.

Sunstein, Cass S. (2002) "Coherent and Incoherent Valuation: A Problem with Contingent Valuation of Cultural Amenities". University of Chicago, Cultural Policy Center, Working Paper.  
[\[http://culturalpolicy.uchicago.edu/workingpapers/Sunstein12.pdf\]](http://culturalpolicy.uchicago.edu/workingpapers/Sunstein12.pdf)

Throsby, David (2003) "Determining the Value of Cultural Goods; How Much (or How Little) Does Contingent Valuation Tell Us?" *Journal of Cultural Economics* 27 (3/4): 275-285.

### *Contingent Valuation Application*

Bille Hansen, Trine (1997) "The Willingness-to-Pay for the Royal Theatre in Copenhagen as a Public Good" *Journal of Cultural Economics* 21(1): 1-28 [don't worry about the high-tech math in section 3 of the paper].

### *Public Opinion in the US*

Brooks, Arthur C. (2004) "In Search of True Public Arts Support" *Public Budgeting and Finance* 24(2): 88-100.

Lewis, Gregory B., and Arthur C. Brooks (2005) "A Question of Morality: Artists' Values and Public Funding for the Arts" *Public Administration Review* 65(1): 8-17.

Lewis, Gregory B. (2006) "Public Spending on the Arts as Morality Policy: The Structure of Public Attitudes" *Policy Studies Journal* 34(1): 131-138.

### **October 10**

#### *Local Funding*

Rushton, Michael (2004) "Earmarked Taxes for the Arts: US Experience and Policy Implications" *International Journal of Arts Management* 6(3 – Spring): 38-49.

Martell, Christine R. (2004) "Dedicated Funding for Arts, Culture, and Science" *Public Finance and Management* 4(1): 50-74.

Rushton, Michael (2005) "Support for Earmarked Public Spending on Culture: Evidence from a Referendum in Metropolitan Detroit" *Public Budgeting and Finance* 25(4 – Winter): 72-85.

#### *Cultural Districts*

Brooks, Arthur C., and Roland J. Kushner (2001) "Cultural Districts and Urban Development" *International Journal of Arts Management* 3(2): 4-15.

Stern, Mark J., and Susan C. Seifert (2007) "Cultivating 'Natural' Cultural Districts" Social Impact of the Arts Project:  
[<http://www.trfund.com/resource/downloads/creativity/NaturalCulturalDistricts.pdf>]

National Assembly of State Arts Agencies (2008) "State Cultural Districts" State Policy Brief [[http://www.nasaa-arts.org/artworks/policy\\_brief\\_2008.pdf](http://www.nasaa-arts.org/artworks/policy_brief_2008.pdf)].

City of Bloomington (2008) "Strategic Plan for the Bloomington Entertainment and Arts District" [<http://bloomington.in.gov/media/media/application/pdf/2588.pdf>].

## October 17

### *The "Creative Class"*

- Florida, Richard (2002) "Bohemia and Economic Geography" *Journal of Economic Geography* 2(1): 55-71.
- Glaeser, E.L. (2005) "Review of Florida's 'The Rise of the Creative Class'" *Regional Science and Urban Economics* 35: 593-6.
- Malanga, S. (2004) "The Curse of the Creative Class" *City Journal* 14(1): 36-45.
- Bailey, Christopher, Steven Miles and Peter Stark (2004) "Culture-Led Urban Regeneration and the Revitalization of Identities in Newcastle, Gateshead and the North East of England" *International Journal of Cultural Policy* 10(1): 47-65.
- McGranahan, David, and Timothy Wojan (2007) "Recasting the Creative Class to Examine Growth Processes in Rural and Urban Counties" *Regional Studies* 41(2): 197-216.
- Sands, Gary, and Laura H. Reese (2008) "Cultivating the creative class: and what about Nanaimo?" *Economic Development Quarterly* 22(1): 8-23.

## October 24

### *Strategic Planning, Bureaucracy and Publicly-Funded Arts Councils*

- Upchurch, Anna (2004) "John Maynard Keynes, the Bloomsbury Group and the Origins of the Arts Council Movement" *International Journal of Cultural Policy* 10(2): 203-217.
- King, K. and Mark Blaug (1976) "Does the Arts Council Know What It Is Doing?" in Mark Blaug (ed.) *The Economics of the Arts* (Martin Robertson) pp. 101-31. [This is not online – it will be made available somehow].
- Schuster, J. Mark (2001) "Policy and Planning with a Purpose, or The Art of Making Choices in Arts Funding". Working Paper, Cultural Policy Center, University of Chicago. [<http://culturalpolicy.uchicago.edu/workingpapers/Schuster10.pdf>].
- McMaster, Sir Brian (2008) "Supporting Excellence in the Arts: From Measurement to Judgement" UK Department for Culture, Media and Sport. <http://www.culture.gov.uk/NR/rdonlyres/CA3322E5-42AC-4A83-93FC-08EDAAE83831/0/supportingexcellenceinthearts.pdf>

## October 31

### *Copyright*

Note the emphasis here is on questions of policy – for example, what sorts of works ought to be covered, whether parody ought to be fair use, whether the duration is too long – rather than on details of the law, which are covered in the Art & Law course.

Copyright Office “Circular 1: Copyright Office Basics”

[<http://www.copyright.gov/circs/circ1.html>]. Also be sure to check the provisions on “fair use”, at Section §107:

[<http://www.copyright.gov/title17/92chap1.html#107>].

Rushton, Michael (2001) “An Economic Approach to Copyright in Works of Artistic Craftsmanship” *Intellectual Property Quarterly* [2001]: 255-274. [Not online – I will post this on Oncourse].

Posner, Richard A. (1992) “When is Parody Fair Use?” *Journal of Legal Studies* 21(1): 67-78.

Akerlof, George A., et al (2002) “The Copyright Term Extension Act of 1998: An Economic Analysis” AEI-Brookings Joint Center for Regulatory Studies, Brief 02-1. [<http://www.aei.brookings.org/admin/authorpdfs/page.php?id=16>].

## November 7

### **First Hour: Mid-term Exam**

#### *Other Legal Rights of Artists*

Landes, William M. (2001) “What has the Visual Artist’s Rights Act of 1990 Accomplished?” *Journal of Cultural Economics* 25(4): 283-306.

Rushton, Michael (2001) “The Law and Economics of Artists’ Inalienable Rights” *Journal of Cultural Economics* 25(4): 243-257.

## November 14

### *Freedom of Expression*

Thomas Jefferson Center for the Protection of Free Expression. *Art on Trial: The Arts, the First Amendment, and the Courts.*

[<http://www.tjcenter.org/ArtOnTrial/index.html>].

- Posner, Richard A. (1989) "Art for law's sake" *American Scholar* 58(4): 513-520.
- Piarowski v. Illinois Community College District 515, 759 F.2d 625 (7<sup>th</sup> Cir. 1985).  
[<http://www.projectposner.org/case/1985/759F2d625/>].
- Rasmusen, Eric (1998) "The Economics of Desecration: Flag Burning and Related Activities" *Journal of Legal Studies* 22(2, part 1): 245-70.
- Sullivan, Kathleen M. (1995) "Free Speech and Unfree Markets" *UCLA Law Review* 42: 949-965.

## **November 21**

### *Freedom of Expression and Public Funding of the Arts*

- National Endowment for the Arts v. Karen Finley, 118 S.Ct. 2168 (1998).  
[<http://www.law.cornell.edu/supct/html/97-371.ZO.html>].
- Sullivan, Kathleen M. (1992) "Are Content Restrictions Constitutional?" *Journal of Arts Management and Law* 21(4): 323-325.
- Hamilton, Marci A. (1996) "Art Speech" *Vanderbilt Law Review* 49(1): 73-122.
- Rushton, Michael (2000) "Public Funding of Controversial Art" *Journal of Cultural Economics* 24(4): 267-282.

## **November 28**

### *Thanksgiving Break*

## **December 5**

### *International Cultural Diversity*

- UNESCO (2005) *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*.  
[<http://unesdoc.unesco.org/images/0014/001429/142919e.pdf>].
- Cowen, Tyler (2002) "Culture in a Global Economy" The 2000 Hans L. Zetterberg Lecture. [<http://www.gmu.edu/jbc/Tyler/culture-in-the-global-economy.PDF>].
- Geertz, Clifford (2003) "Off the Menu: A Review of 'Creative Destruction'". *The New Republic* (February 17): 27-29.

*Cultural Diversity within Nations*

Naseem Khan “Towards a Greater Diversity: Results and Legacy of the Arts Council of England’s Cultural Diversity Action Plan.”  
[<http://www.artscouncil.org.uk/documents/publications/354.pdf>].

Garfias, Robert (1991) “Cultural Diversity and the Arts in America” in Stephen Benedict (ed.) *Public Money & The Muse* (Norton): [<http://aris.ss.uci.edu/rgarfias/bio-research/DIVERST1.pdf>].

Rushton, Michael (2003) “Cultural Diversity and Public Funding of the Arts” *Journal of Arts Management, Law and Society* 33(2): 85-97.

**December 12**

*International Trade and the Ownership of Cultural Goods*

Merryman, John Henry (1985) “Thinking about the Elgin Marbles” *Michigan Law Review* 83(8): 1880-1923 [n.b. when you retrieve this article use JSTOR rather than the clumsy LexisNexis].

Merryman, John Henry (1986) “Two Ways of Thinking About Cultural Property” *American Journal of International Law* 80(4): 831-853.

Cuno, James (2001) “U.S. Art Museums and Cultural Property” *Connecticut Journal of International Law* 16 (Spring): 189-196.

Posner, Eric A. (2006) “The International Protection of Cultural Property: Some Skeptical Observations” University of Chicago, Public Law and Legal Theory Working Paper #141:  
[<http://www.law.uchicago.edu/academics/publiclaw/141.pdf>].

Brown, Michael F. (1998) “Can Culture be Copyrighted?” *Current Anthropologist* 39(2): 193-222.

**December 15-19**

*Final Exam* (Date and Time to be Announced).

*Evaluation and Grading*

Students will prepare two short papers on topics in public policy and the arts, to be assigned later. There will be a mid-term exam on November 7, and a final exam during the week of December 15 – 19. The final grade will be calculated as follows:

Papers	20 marks each
Mid-term exam	20 marks
Final exam	40 marks

The grading scale is as follows:

Letter grade	Percentage
A+	97-100
A	93-96.99
A-	90-92.99
B+	87-89.99
B	83-86.99
B-	80-82.99
C+	77-79.99
C	73-76.99

#### SPEA Academic Policies - Academic Dishonesty

SPEA faculty do not tolerate cheating, plagiarism, or any other form of academic dishonesty. If you have not done so, you should read the IUB Code of Student Rights, Responsibilities, and Conduct, which can be accessed at <http://dsa.indiana.edu/Code/> so you will be sure to understand what these terms mean and what penalties can be issued for academic dishonesty. Academic dishonesty can result in a grade of F for the class (an F for academic dishonesty cannot be removed from the transcript). Significant violations of the Code can result in expulsion from the University.

Plagiarism is using another person's words, ideas, artistic creations, or other intellectual property without giving proper credit. According to the Code of Student Rights, Responsibilities, and Conduct, a student must give credit to the work of another person when he does any of the following:

- a. Quotes another person's actual words, either oral or written;
- b. Paraphrases another person's words, either oral or written;
- c. Uses another person's idea, opinion, or theory; or
- d. Borrows facts, statistics, or other illustrative material, unless the information is common knowledge.

#### AMERICANS WITH DISABILITIES ACT STATEMENT:

I will make accommodations for students registered with Adaptive Educational Services (AES) on the Indianapolis campus (Phone: 317-274-3241 or e-mail [AES@iupui.edu](mailto:AES@iupui.edu)) or the Disability Services for Students Office in Franklin Hall on the Bloomington campus (Phone: 812-855-7578).