

Problems and Solutions to the Regulation for Public Art Support: Case Study on the Artworks for Buildings Policy in South Korea

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Abstract

In South Korea, the Article 9, Clause 1 of the “Culture and Arts Promotion Act” states, “Any person who intends to construct any building in the category or not less than the size prescribed by Presidential Decree shall spend an amount at a specified ratio of the construction cost of the building on the installation of artworks, such as pictures, sculptures, crafts, etc. (Act No. 14429, Dec. 20, 2016).” The Artworks for Buildings Policy is codified as this Act in South Korea in line with “Percent for Art.” Following this policy, building owners, even private ones, should purchase the artworks and install them in public places, regardless of their preference. This is indeed a regulation policy. Accordingly, this policy shows remarkable results, in that 15,000 pieces of artwork have been installed in South Korea to date. This policy is expected to contribute to the promotion of the public art in this regard. Contradictorily, people perceive that this policy rarely contributes to their enjoyment of art. We assert that it occurs because this policy compels building owners to purchase and install the artworks. The government has tried to complement the problems of the current Artworks for Buildings Policy, but to no avail. We suggest two critical factors necessary for fundamental review. First, the private building owners are not liable for paying costs. Second, the installation of the artworks in public places is not a sufficient condition for the public art. We thus suggest that the target scope of this policy be curtailed gradually and then minimized to only public buildings. Along with this, we claim that a new public art support policy should be designed in place of the Artworks for Buildings Policy.

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1. Introduction

In South Korea, the “Culture and Arts Promotion Act (hereinafter referred to as “the Act”)” states, “Any person who intends to construct (hereinafter referred to as “building owner”) any building in the category or not less than the size prescribed by Presidential Decree shall spend an amount at a specified ratio of the construction cost of the building on the installation of artworks, such as pictures, sculptures, crafts, etc. (Act No. 14429, Dec. 20, 2016)”. The Artworks for Buildings Policy is codified as this Act in South Korea in line with “Percent for Art.” In 1972, the policy started along with the enactment of the Act. In 1995, the installation of artworks changed from recommendations to legal obligations; in 2011, the title of this policy changed from the “Artwork Decoration System for Buildings” into “Artworks for Buildings.” Now the policy is in the saddle as a consequence of these changes. This policy differs from other “Percent for Art” policies abroad in the way that it is applicable for both public and private buildings. Following the Act, the building owners purchase the artworks and install them in public places; hence, the outcome of this policy can be part of the public art. The number of artworks increases as the number of buildings increases, and people can enjoy them freely in their daily lives. The Artworks for Buildings Policy has become a major public art support policy in South Korea in this regard (Yang, 2009; Kim & Moon, 2014; Korea Culture and Tourism Institute, 2016).

Public artworks are more like pure public goods based on non-rivalry and non-excludability. In that respect, it is difficult for anyone in the market to supply public artworks; hence, the government intervenes to supply them. To do so, the government can choose one of the various policy instruments, such as “Incentive,” “Regulation,” and “Information” (Vedung, 1998; Chun, 2007). South Korea’s government does not choose the incentive but the regulation. Thus, building owners, even private ones, should purchase the artworks and install them in public places, regardless of their preference. If they refuse to comply, the government does not issue a building permit. Although the artworks are owned by building owners and the moral rights belong to artists, the building owners or the artists can neither move nor remove them. Consequently, we can treat the Artworks for Buildings Policy as a regulation for public art support.

Many studies have shown that there are several problems with the Artworks for Buildings

Policy (for examples, see Yang & Yoon, 2004; Kim, 2012; Kwon et al., 2012; Yoo, 2012; Yoo, 2015; Jo, 2016). Prior researchers have also suggested many possible solutions. However, they analyze this policy not as a regulation but as an incentive; hence, they only emphasize the legitimacy of the incentive. Accordingly, most previous studies only tried complement the problems of the current Artworks for Buildings Policy. For example, Yoo (2015) conducted a survey among citizens in Seoul and confirmed that most were not satisfied with the artworks installed by this policy; nevertheless, she suggested only the complement of the Culture and Arts Promotion Fund policy. It is hard for us to derogate the legitimacy of the incentive policy, but the Artworks for Buildings Policy should be treated and analyzed as a regulation. If so, we must note that public art support can work only as a regulation.

We petitioned for a release of information and received data for 15,000 pieces of artworks installed as a consequence of the Artworks for Buildings Policy in South Korea, and we then collected data for 200 sculptors who installed them. Here, we present the descriptive statistics based on these datasets and analyze the minutes of the Seoul Artworks Deliberative Committee. Through this analysis, we show a specific reason for both the success and failure of this policy, the regulation for public art support. What will follow is a critical analysis of the government's effort to complement the problems of the current Artworks for Buildings Policy. In conclusion, we assert that this policy has inherent limitations. We thus suggest that the target scope of this policy be curtailed gradually and then minimized to only public buildings. Along with this, we claim that a new public art support policy should be designed in place of the Artworks for Buildings Policy. This study is mainly focused on the principle that the government should not force the purchase and installation of artworks. We nevertheless hope that this study will help policymakers or researchers who look for various cultural policy instruments and weigh their pros and cons.

2. Artworks for Buildings Policy in South Korea

A. Overview of the Law

The Artworks for Buildings Policy in South Korea is codified as the “Culture and Arts Promotion Act (Act No. 14429, Dec. 20, 2016).” Article 9, Clause 1 of the Act states, “Any person who intends to construct any building in the category or not less than the size prescribed

by Presidential Decree shall spend an amount at a specified ratio of the construction cost of the building on the installation of artworks, such as pictures, sculptures, crafts, etc.” Clause 2 of the Article 9, which was newly inserted in 2011, states, “A building owner (excluding the State and local governments) may contribute the amount at a certain ratio of the construction cost to the Culture and Arts Promotion Fund under Article 16, instead of using it for installing artworks in accordance with paragraph (1).” Clause 3 of the Article 9 reads, “The amount to be spent for the installation of artworks or contribution to the Culture and Arts Promotion Fund under paragraph (1) or (2) shall be prescribed by Presidential Decree, within the scope of not exceeding 1/100 of the construction cost of the building.” The purpose of the Artworks for Buildings Policy is to allow building owners to spend a specified ratio (not exceeding 1/100) of the construction budget on installing plastic art, such as paintings, sculptures, and craft art, or to allocate the equivalent amount to the Culture and Arts Promotion Fund.

The statutory definition of “artworks” in the law clarifies that “plastic arts” are considered for installation or promotion in new building projects. Article 9, Clause 1 of the Act defines the term “artworks” as “pictures, sculptures, crafts, etc.” Specifically, Article 12, Clause 4 of the “Enforcement Decree of the Culture and Arts Promotion Act (Presidential Decree No. 27751, Dec. 30, 2016, hereinafter referred to as “the Decree”)” defines “plastic arts” as “paintings, sculptures, art craft, photographs, calligraphies, mural paintings, and media art.” Additionally, the same Clause includes “public sculptures acceptable as artworks, such as fountains” in the scope of the statutory definition of “artworks.”

Building projects would be subject to two statutory thresholds of the Artworks for Buildings requirements of the Act; following Article 12 of the Decree, the first threshold³ requires spending “an amount equivalent to a specified ratio of construction costs” of the buildings in which “the total floor area excluding the area of parking lots, machinery room, electricity room, substation, power generating room, and air-conditioning room, of which is at least 10,000 square meters.” For the cases of extension, the extended floor area must be “at least 10,000 square meters.” The second threshold is the use of buildings, and Article 12, Clause 1 of the Decree provides the list of the uses, which includes the following: “Collective housing; Neighborhood living facilities; Performance places, assembly halls, and viewing places from

³ In 2016, 1,768 buildings were constructed with a total floor area of 10,000 square meters or larger [Korean Statistical Information Service (2017/5/10) <kosis.kr>]. There may be some discrepancies among these data, as the Decree’s statutory definition of the total floor area excludes certain areas, such as parking lots.

among cultural and assembly facilities; Sales facilities; Transportation facilities; Hospitals; business facilities, lodging facilities, amusement facilities, broadcasting and communications facilities.” The law does not consider whether the building ownership is in the public or private domain; the law is applicable to both public and private buildings.

The law is discriminatory, as it considers various factors to determine the calculation ratio for the funds to be spent on installing the artworks in the building projects, or to contribute the same amount to the Culture and Arts Promotion Fund; Article 9, Clause 3 of the Act specifies that the ratio “shall be within the scope of not exceeding 1/100 of the construction cost of the building.” Article 12, Clause 5 of the Decree specifies that different ratios are applicable, considering the use, material, and ownership of the building; the calculation ratio for public buildings would be no higher than 1/100 of the construction cost, whereas for private buildings, the ratio would not exceed 7/1000.⁴ Additionally, private parties can satisfy the law by contributing specific portions, which “shall be the amount equivalent to 70/100” of the installation cost of artworks, to the Culture and Arts Promotion Fund, following Article 12, Clause 6 of the Decree.

The process of installing the artworks is subject to governmental oversight; following Article 13 and 14 of the Decree, “the Mayor or Governor” shall create “Artworks Deliberative Committee (“the Committee”).” The Committee, “shall deliberate on” the various factors, such as the “price of artworks, artistry of artworks, harmony of artworks and buildings with environment, accessibility to artworks and/or other matters, such as artworks” contribution to the city’s fine view.” If the Committee denied the application for installing the artworks in buildings, the Mayor or Governor shall direct their offices not to deliver permission to use the buildings. Also, the Mayor or Governor shall “prepare the artworks management register (Article 15-2 of the Decree)” and request owners of buildings “to restore it to the original state,” if installed artworks “have been removed, damaged, changed in usage or lost (Article 15 of the Decree).” Additionally, following Article 13-2 of the Decree, “the Arts Council Korea” shall

⁴ For collective housings, the ratio can be prescribed by a City or Do (Provincial) ordinance, within the scope between 1/1000 and 7/1000 of the construction cost; for the buildings with other purposes, if they are located in a City or County, the ratio can be prescribed by a City or Do (Provincial) ordinance, within the scope between 5/1000 and 7/1000 of the construction cost; if the buildings for other purposes are located in a different area, other than a City or County, the total floor area shall be considered—the ratio would be 7/1000, if the total floor area does not exceed 20,000 square meters; if the total exceeds 20,000 square meters, the ratio of 7/1000 shall apply, up to the construction cost for 20,000 square meters and 5/1000 of the construction cost for the surpassing portion. Additionally, if the building were a public one, the amount of the fund would be 1/100 of the construction cost.

confirm the building owner's contribution to the Culture and Arts Promotion Fund and notify the Mayor or Governor. The law does not clarify how the money shall be spent.

B. Overview of the Policy

1) Public Art Support

We can divide the public art support policies in South Korea into two main streams, the "Artworks for Buildings" and the "Maeulmisul Project (Public Art for Villages)" (Korea Culture and Tourism Institute, 2016). The "Maeulmisul Project" is part of the "Art in City Project (public art support for the disadvantaged people in isolated areas)" and seven sub-projects are in progress. The budget for these projects is only 1.8 billion, and it is decreasing over recent years.⁵ Therefore, the other policy, Artworks for Buildings, is the larger public art support policy. According to the law, it is hard for us to tell this policy is a "Public Art" policy, but the government tries to promote its publicness in two ways. First, artworks must be installed in a public place. Following Article 14 of the Decree, the Artworks Deliberative Committee should deliberate on "the accessibility to artworks." Following the Article 11 of the City Ordinance in Seoul, the Committee also appraises "the possibility that citizens can access artworks." Second, the metropolitan council should manage the state of artworks. Although the ownership of artworks belongs to building owners and the moral rights belongs to artists, the management of artworks is in charge of the metropolitan council. While managing artworks, the metropolitan council should allow as many people as possible to access to them.

2) Regulation for Public Art Support

Artworks are both private goods and public goods (Throsby, 2001[2004]: 47–51). Public artworks are more like pure public goods among several types of public goods. Public art is open to the public, so it is both non-rival and non-excludable.⁶ Anyone who enjoys public art may be made better-off without making someone else worse-off and may not contribute

⁵ Ministry of Culture, Sports, and Tourism(<http://www.mest.go.kr/english/index.jsp>); Following explaining material in 2017's fund operation plan.

⁶ Non-rival means that one person's consumption of the good does not reduce another's ability to enjoy it. Non-excludability means that the people who do not want to or cannot pay for a product cannot be excluded.

anything for enjoying public art. This leads to “free rider problem”⁷, which is a market failure. Meanwhile if general public goods like National Defense goods face market failure, the government will provide it directly. The gist of problems in public art is that the government’s direct supply is impossible because its innate nature is art. To solve these problems, the government chooses to use several indirect policy instruments instead of direct supply.

Many scholars have studied the typology of policy instruments.⁸ Vedung (1998) divided policy instruments into three types—stick, carrot, and sermon—based on the concept from Etzioni(1958)’s⁹ behavior types of authorities—coercive, remunerative, and normative. In line with this theoretical approach, Chun (2007) divided policy instruments into “Regulation,” “Incentive,” and “Information.” “Regulation” is a coercive instrument, “Incentive” is a monetary instrument, and “Information” is a persuasive instrument. They differ in their extent of coerciveness. “Regulations” is the most coercive one, and “Information” is the least coercive one. We cannot tell which one is superior to the others and can mix them if necessary.

The government can choose one of the various policy instruments when attempting to help artists. South Korea’s government chose the regulation as a policy instrument for public art support. Specifically, it does not regulate the artists, but rather the building owners.¹⁰ Building owners should purchase and install the artworks in their building areas (this policy treats such areas as equal to public places), although it is not of their own free will to do so. This happens because the government does not issue a building permit unless building owners install the artworks. The ownership belongs to building owners, and the moral rights belong to artists. Nevertheless, the building owners or artists can neither move nor remove them. That is why we perceive the Artworks for Buildings Policy as a regulation for public art support. For reference, there can be an incentive for public art support policy. For example, if the government gives tax benefits to building owners when they purchase the artworks, this is an incentive policy for public art support.

⁷ The free rider problem refers to all kinds of situations in which people benefit without paying for something.

⁸ Vedung (1998) defined it as the technique that the government uses for social change, Salamon (2002) defined it as identifiable method through which collective action is structured to address a public problem

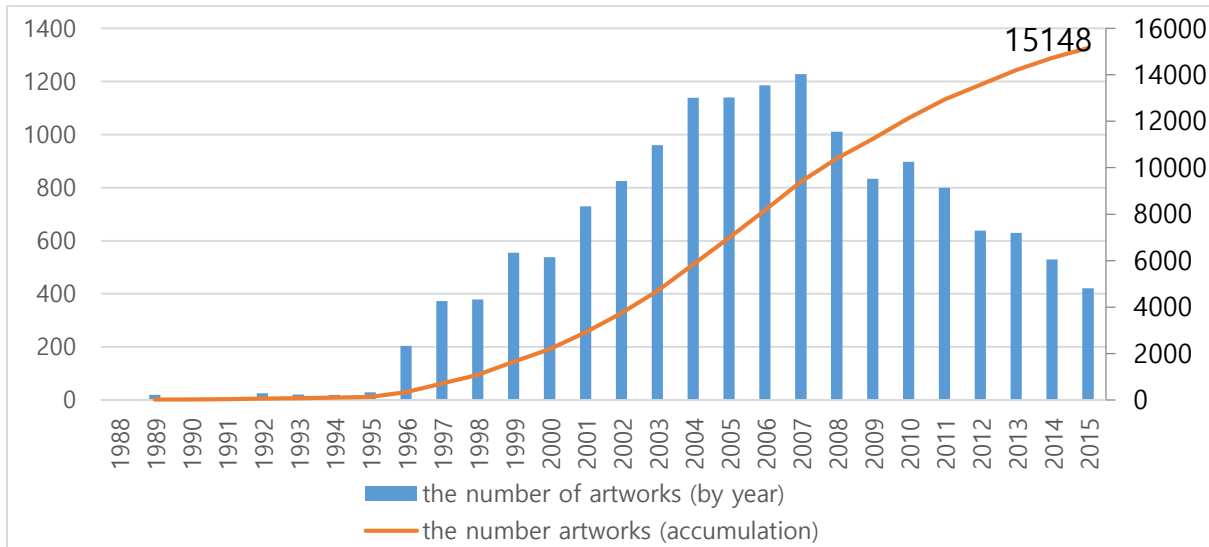
⁹ Etzioni, A. (1958), *The Comparative Analysis of Complex Organization*, New York: John Wiley & Sons.

¹⁰ This does not regulate the artists. In the past, authoritarianism government in South Korea once applied the duty system of inserting one “clean song” per a record. That was the policy through which the government regulated the artists directly. The “arm’s length principle” means that the government provides funding support to the arts but does not determine which artists or arts organizations will receive support (Bell and Oakley, 2014; Chartrand, 1987). Meanwhile, the Artworks for Buildings policy does not regulate the artists but building owners, who in turn support the artists. The government eventually provides funding support to artists but does not regulate them. In this respect, this policy can be line with the “arm’s length principle.”

3. The Results of the Artworks for Buildings Policy

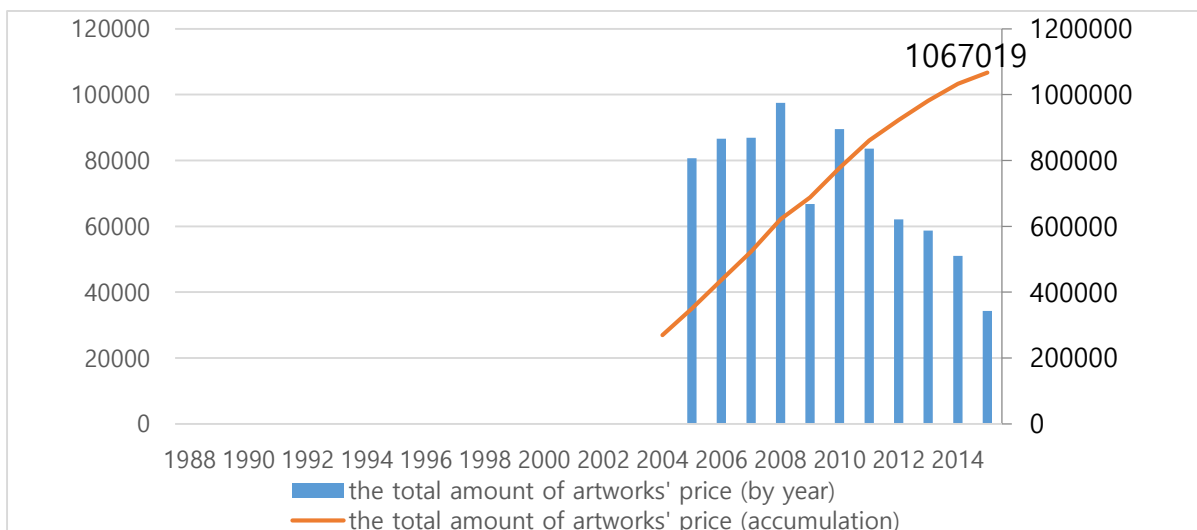
Figures 1 and 2 show the present situation of the Artworks for Buildings policy since 1988. About 151,000 pieces of artworks have been installed from 1988 to 2015, and the total price has grown to about one trillion 67 billion from 1995 to 2015.¹¹

Figure 1 the number of artworks (by year and accumulation)



※ Source: Release of information from the Arts Council Korea (2017)

Figure 2 the total amount of artworks' price (by year and accumulation)



※ Source: Release of information from the Arts Council Korea (2017)

¹¹ We excluded the data for artworks' price before 1995 because we could not acquire accurate data. Since 1995 the installation of artworks has changed from recommendations to legal obligations

According to Figure 1, the number of artworks has increased dramatically since 1995. In 1995, the installation of artworks changed from recommendations to legal obligations due to the complete revision of the “Culture and Arts Promotion Act.”¹² The number of artworks was 204 cases in 1996—7 times as many as in 1995 (29 cases). Furthermore, there were only 133 artworks installed for 7 years from 1988 to 1995, but in 1996, 204 artworks were installed. This was a rapid increase within one year. In other words, the rate of increase for accumulating numbers in 1995 was only 27.9%, but it was 153.4% in 1996 and 110.7% in 1997.

Following the Decree, there are only two statutory thresholds of the Artworks for Buildings requirements of the Act: “the total floor area” and “the list of the uses.” The law does not consider whether the building ownership is in the public or private domain, so the law is applicable for both public and private buildings. We compare the present situation of the Artworks for Buildings Policy in the public domain to the private one based on 2015. The number of artworks installed in the public domain was 93 cases, and the one in the private domain was 286 cases. The total price of artworks was 9.3 billion in the public domain and 24.9 billion in the private domain. To sum up, the size of the private domain was about 3 times as large as that of the public domain.

Table 1 Total Artworks in South Korea

	2008	2009	2010	2011	2012	2013	2014	2015	Av.(%)
The number of artworks by ear (unit: case)									
Gallery	8,332	11,227	12,997	14,892	8,360	9,764	9,964	9,643	38.3
Auction	11,461	11,744	9,898	11,231	8,116	9,922	11,414	13,328	39.4
Art Fair	3,871	4,285	2,761	3,091	6,647	5,409	3,727	3,855	15.5
Artworks for Buildings	955	816	852	769	619	617	490	379	2.5
Art Bank	321	166	168	165	164	77	163	249	0.7
Art Museum	525	986	1053	1149	1289	1076	1154	961	3.7
Total	25,465	29,224	27,729	3,1297	25,195	26,865	26,912	28,415	100.0
The total amount of artworks’ price by year (unit: million won)									
Gallery	205,495	254,026	315,959	289,358	270,789	188,123	201,518	233,846	58.8
Auction	133,222	58,456	58,595	78,238	85,274	59,216	77,868	98,472	19.7

¹² The phrase in the Article of the Act has changed from “shall recommend for spending” to “shall spend an amount at a specified ratio of the construction cost of the building on the installation of artworks”

Art Fair	9,609	9,137	5,287	9,832	10,753	8,407	9,017	7,932	2.1
Artworks for Buildings	97,537	66,792	89,564	83,557	62,051	58,718	51,017	34,323	16.2
Art Bank	1,764	1,081	940	832	653	1,372	1,396	2,085	0.3
Art Museum	8,361	19,012	13,217	10,442	10,998	9,091	8,829	13,724	2.8
Total	455,988	408,504	483,562	472,259	440,518	324,927	349,645	390,382	100.0
The average price of an artwork by year (unit: million won)									
Gallery	24.7	22.6	24.3	19.4	32.4	19.3	20.2	24.3	23.4
Auction	11.6	5.0	5.9	7.0	10.5	6.0	6.8	7.4	7.5
Art Fair	2.5	2.1	1.9	3.2	1.6	1.6	2.4	2.1	2.2
Artworks for Buildings	102.1	81.9	105.1	108.7	100.2	95.2	104.1	90.6	98.5
Art Bank	5.5	6.5	5.6	5.0	4.0	17.8	8.6	8.4	7.7
Art Museum	15.9	19.3	12.6	9.1	8.5	8.4	7.7	14.3	12.0

※ Source: Korean Art Management Service (2009; 2010; 2011; 2012; 2013; 2014; 2015; 2016)

※ The average price of an artwork by year = The total amount of artworks' price / The total amount of artworks' price

Table 1 shows that the portion of the Artworks for Buildings market is quite large compared to the whole art market in South Korea. There were 28,000 cases of dealings in the whole art market; among them, there were 379 (1.3%) in the Artworks for Buildings market based on 2015. This number of cases was fifth among six art markets. The total price of artworks in the whole art market was 390 billion, and the Artworks for Buildings market accounted for 34.3 billion (8.8%) based on 2015. This price was third among six art markets. This indicates that the price of an artwork in the Artworks for Buildings market can be quite high.

According to Table 1, the average price of artworks in Galleries was about 23 million won and that in art museums was about 14 million won based on 2015. The prices in auctions, art banks, and art fairs were all under 10 million won. The average price of artworks even in the whole art market was about 13 million won; nevertheless, the one in Artworks for Buildings was more than 90 million won in 2015. This was a little lower than other years, such as 2008, 2010, 2011, and 2014. In each year, the average prices in the Artworks for Buildings market were all more than 100 million won. In short, for the past 8 years, the average price in this market has been 98 million won, which in turn, it is the highest price in the art market.¹³

¹³ For reference, among all artworks in South Korea, the number of artworks whose average price are more than 300 million won is 281 (2.2%), the one from 200 to 300 million won is 482 (3.8%), and the one from 100 to 200 million won is 3,271 (25.8%).

In sum, the size of the Artworks for Buildings market started to enlarge rapidly in 1996 as a consequence of regulating not only the building owners in the public domain, but also the ones in the private domain. Consequently, the current number of artworks installed by the Artworks for Buildings policy is 15,000 cases, and the total price is one trillion won. We confirm that the quantitative growth in the market formed by this policy has been tremendous for the past 30 years. Furthermore, the market formed by this policy accounts for quite a large portion, and the average price of an artwork in this market is extremely high.

4. The Problems with the Artworks for Buildings Policy

Following this policy, the artworks must be installed in public places so the citizens become the audiences. The question arises as to what citizens think about them. In 2001, the Korean Arts and Culture Education Service conducted a survey among 337 citizens of Seoul asking them questions about the aesthetic value of the artworks installed by the Artworks for Buildings policy (Citizen Band for Cultural Reform, 2001). Only 23.2% reported that the aesthetic value was high, and 34.3% indicated it was low or very low. In terms of the diversity of artworks, over 50% stated that it was low or very low (low; 44% and very low; 10.7%). Regarding the harmony with the environment, 40% noted that they did not perceive it was harmonious and in terms of the stability and preservability, 40.8% answered negatively. Furthermore, 70.9% noted that they were not satisfied with the descriptions for understanding the artworks (unsatisfied: 44.5% and very unsatisfied (26.4%), and only 8% answered as satisfied. Almost half (48.1%) felt that this policy rarely contributed to their enjoyment of art. You (2015) also surveyed 821 citizens of Seoul asking similar questions. Only 52.1% answered that they “know” about the artworks installed by this policy¹⁴ and almost half (45.5%, among people who “know” about this policy) noted that this policy rarely contributed to their enjoyment of art.

In 2011, a Congressman in the subcommittee of Culture, Sports, Tourism, and Broadcast said, “regardless of the building owners’ preferences, not even considering artistry, the brokers just requested proposals from certain sculptors who are their acquaintances.” Another Congressman who was sworn in as the Minister of Culture, Sport, and Tourism a few years later said, “The artwork installed by this policy is visual pollution in itself!” (The first minute

¹⁴ It is only slightly over 50%, and it is not a high level because as many as 3,309 pieces of artworks made by this policy have been installed in Seoul based on 2014 data.

released from the subcommittee of Culture, Sports, Tourism, and Broadcast, 2011). In summary, at least people certainly perceive that this policy rarely contributes to their enjoyment of art according to two surveys, even if it is not visual pollution in itself. We confirm citizens' negative perceptions toward this policy in spite of the tremendous enlargement in quantity. Then, we examine the reason for this contradictory phenomenon in the Artworks for Buildings Policy.

The building owners do not install artworks spontaneously. They are compelled to pay the installing cost of artworks. They are neither artists, collectors, nor sponsors. Yang (2009) conducted a survey on building owners, finding that only 19.2% "know" about this policy concretely. We cannot tell whether they have sufficient information about the artists or whether their preferences for artworks are sufficiently clear. We can easily assume their lack of expertise needed when they select the artworks. This study examines several problems of this policy that originate in these characteristics of the building owners.

The government regulates the building owners, who in turn, are compelled to purchase and install the artworks although they do not have sufficient information about the artists. Accordingly, it is inevitable for them to depend on the brokerage agency (Kwon et al., 2012). Such an agency holds a monopoly in the market because a few galleries occupied it (Yang, 2009). In consequence, the support of this policy leans too much toward certain artists who cooperate with the brokerage agency. From 1988 to 2015, 11,868 pieces of sculptures have been installed in South Korea by 2,344 sculptors. Among them, 196 (8.4%) sculptors have made more than 15 pieces.¹⁵ The problem is that these sculptors have made as many as 5,385 pieces (45.4%) of sculptures among 11,868. Three sculptors have even made more than 100 pieces.¹⁶ That does not mean that they are outstanding artists. We examine the sculptors who have made more than 15 pieces in greater depth, finding that only 48.5% are registered in the database of artists' biographies¹⁷, and over 50% are not registered in it and we cannot even identify them. Among the sculptors who can be identified, 42% are professors, 50% belong to

¹⁵ The number of the ones who made only 1 piece was 1,029 (43.9%).

¹⁶ However, exact numbers are hard to pin down because we cannot distinguish between homonyms.

¹⁷ There are two databases used in this study. The first is "Monthly Art (www.monthlyart.com)," which has been a representative art magazine in South Korea since. Second, "Art Lab of Kim Daljin (www.daljin.com)," once made "who's who 1 of the artists in South Korea" receiving the support from the Ministry of Culture, Sports, and Tourism.

some art associations, and 37% belong to several government committees.¹⁸

The building owners often get kickbacks when they select artists due to their insufficient information about the artists. This is the case for the sculptor “Lee.” He was prosecuted for giving kickbacks, 300 million won in 2000. He gave the money to the representative of “Redevelopment Apartments” union and construction company officials for receiving a request to install artworks worth many billion won. In 1996, he awarded a contract for artwork worth about 430 million won, but its real price is less than half the contract price.¹⁹ The representative of the gallery and the members of the Committee were also prosecuted for getting kickbacks from the sculptor.²⁰ We cannot determine whether he has been held in custody, but we know that he was still installing artworks based on this policy in 2015. To date, he has installed the third-highest number of sculptures, 107 pieces, among 2,344 sculptors, although many reviewers said, “All Lee’s artworks are much the same except for only one piece in Yeoksam,” expressing criticism (Citizen Band for Cultural Reform, 2001: 12).

The government still compels the building owners to purchase and install the artworks although their preferences for artworks are sufficiently clear. Consequently, they tend to choose sculptures, which are easy for them to install in public places. From 1988 to 2015, the number of sculptures installed based on this policy was 11,868 (77.1%) among 15,000 artworks. The portion of paintings was 17.7% and those of other genres, such as pictures, crafts, and media, accounted for less than 1%. Most of the sculptures have been made of rocks or steel. Among about 10,000 sculptures in which we can identify the materials used, 67.6% are made of rocks and 43.2% of stainless steel.²¹ The government also requests the submission of “the pricing statement” from the building owners. In that statement, there are three key factors—the production cost, installation charge, and creation expense—but the creation expense should be less than 20% following the law. Accordingly, the building owners tend to choose sculptures whose production cost and installation charge are quite expensive. In short, the building owners tend to install artworks based solely on the budget, not their preferences.

¹⁸ The average number of art associations per artist is 3.8 and the one of government committees per artist is 5.4.

¹⁹ Following an article in the local newspaper in South Korea, InCheonIlbo. June 2nd, 2000 “Collusion: Sculptor – the member of the Committee” You can also view the picture of the artwork at <https://goo.gl/j3upDv>

²⁰ Following an article in the local newspaper in South Korea, DongaIlbo. June 1st, 2000 “2 billion won of Black Deals between Famous Sculptor and 20 public officials”

²¹ This is the result of repetition calculation when rocks and steel are mixed.

Although the building owners are not experts on the artworks, they must purchase them. Consequently, they tend to select artwork that is large, regardless of the artistry. The size of artworks can be correlated to artworks' price, but not to artistry. The building owners should spend the amount of budget, which is fixed by the law so they tend to install the artworks big enough to spend all the money. According to the descriptive analysis, from 1988 to 2015, the average size of the sculptures installed by this policy was about 5.7m wide, 3.9m long, and 5.2m high. The percentage of sculptures less than 1m in height is only 5.5%, but that of sculptures taller than 3m in height is 45.8%. This means that most of the sculptures installed based on this policy are much taller than a second-floor building. Meanwhile, the subject of artworks leans too much toward a positive one. According to the analysis of the titles, the number of titles including the word "nature" is 454. That of "family" is 438, "love" is 417, "hope" is 297, "life" is 287, "happiness" is 234, "tree" is 229, "forest" is 189, "harmony" is 179, "travel" is 154, "garden" is 147, "future" is 135, "time" is 130, "sky" is 129, "peace" is 112, "heart" is 106, and "home" is 102. This means that the building owners install the artworks not based on the aesthetic standard of value, but only on audiences' comfortability.

In summary, the quantitative growth in the market formed by this policy has been tremendous as a result of regulating even private building owners, but we perceive the qualitative deterioration on the selection of both artworks and artists. When we examined the artworks, 77.1% of the artworks installed for 30 years were sculptures made of mostly rocks and stainless steel. Furthermore, only about 200 sculptors have made almost half of the sculptures and about half of the sculptors were not even registered in the database of artists' biographies. Among the sculptors who can be identified, 37% belong to several government committees. The average size of the sculptures is 5.7m wide, 3.9m long, and 5.2m high; most are much taller than a second-floor building. Their titles tend to be positive, such as nature, family, love, hope, life, and happiness.

5. Government's Effort

The government in South Korea fully understands the problems with the Artworks for Buildings Policy. The National Assembly, The Ministry of Culture, Sports, and Tourism, the Arts Council Korea, and each local government have made significant efforts to complement

the problems of the current Artworks for Buildings Policy. We can divide these efforts into two main streams. The first is the reinforcement of deliberation. The Clause 3 of the Decree 24, newly inserted in 2000, says that “the government shall create “Artworks Deliberative Committee (“the Committee”)” consisting of the experts or citizen representatives in art, architecture, environment, space design, city planning.” Following the Article of the City Ordinance in Seoul, the Committee, “shall deliberate on” the various factors, such as “price of artworks, artistry of artworks (the beauty of form and contents, originality), harmony of artworks and buildings with the environment, accessibility to artworks, public value, stability and preservability, and artworks’ contribution to the city’s fine view.” Table 2 shows the current status of the Seoul Artworks Deliberative Committee from January of 2016 to May of 2017.

Table 2 The current status of the Seoul Artworks Deliberative Committee

Date of deliberation	The number of artworks deliberated			The results of deliberation		
	Sculptures	Except sculptures	Total	Approbation	Rejection	Approval rate
20170425	8	0	8	7	1	87.5%
20170406	7	1	8	5	3	62.5%
20170308	8	3	11	9	2	81.8%
20170217	9	7	16	10	6	62.5%
20170209	3	2	5	2	3	40.0%
20170201	12	6	18	10	8	55.6%
20161223	7	1	8	7	1	87.5%
20161208	3	12	15	13	2	86.7%
20161124	3	1	4	3	1	75.0%
20161110	8	6	14	13	1	92.9%
20161020	15	5	20	16	4	80.0%
20161005	4	17	21	18	3	85.7%
20160929	3	14	17	14	2	87.5%
20160928	8	0	8	5	3	62.5%
20160824	2	14	16	15	1	93.8%
20160811	8	4	12	8	4	66.7%
20160720	16	4	20	16	4	80.0%
20160630	20	1	21	21	0	100.0%
20160614	15	0	15	9	6	60.0%
20160525	14	1	15	12	3	80.0%
20160510	6	0	6	6	0	100.0%

20160421	8	0	8	6	2	75.0%
20160328	9	1	10	7	3	70.0%
20160316	6	2	8	5	3	62.5%
20160226	7	0	7	6	1	85.7%
20160216	10	1	11	10	1	90.9%
20160126	3	0	3	0	3	0.0%
Average	8.0	3.7	11.7	9.0	2.6	74.5%

※ Source: reorganizing the minutes of the Seoul Artworks Deliberative Committee

We find that every deliberation takes two and a half hours due to the Committee minutes. During that time, the Committee deliberates on 11 artworks on average, only based on documents. As shown, there are four Committee meetings, which deliberate on more than 20 artworks. Based on the results of deliberation, an average of 9 artworks are accepted and 2.6 rejected. Even if the artwork is rejected once, in the next meeting, the Committee deliberates on it repeatedly. We examine the minutes on June 30, 2016 in detail. There are approximately six comments of “Let’s pass to the next one” in one page of the minutes, and the other comments are all ambiguous, such as “good value for money,” “bright and cheerful,” “funny,” and “new.” When some members of the Committee mention negative factors, such as “It is hard to understand” or “It’s flat and trite”, there are no reexaminations in the Committee. In this respect, we confirm that the Committee deliberates on the artworks in a perfunctory way.

The second stream involves the introduction of the “the Optional Fund” Policy. Clause 2 of the Article 9, which was newly inserted in 2011, says, “A building owner (excluding the State and local governments) may contribute the amount at a certain ratio of the construction cost to the Culture and Arts Promotion Fund under Article 16, instead of using it for installing artworks. Additionally, private parties can satisfy the law by contributing a specific portion, which “shall be the amount equivalent to 70/100” of the installation cost of artworks, to the Culture and Arts Promotion Fund, following Article 12, Clause 6 of the Decree. This policy is introduced to lessen the burden of private building owners; nevertheless, they rarely have donated funds—only 78 by 2015. This means that only 5.5% of private building owners have donated funds during that time. This is because the private building owners can install artworks with less money than the amount of donated funds (70/100); hence installing artworks is less expensive. This contradiction originates in the low rate of donating funds and the dual contract among building owners, brokerage agencies, and artists.

As mentioned above, we confirmed that the quantitative growth in the market formed by this policy has been tremendous as a result of regulating private building owners, and we also found a qualitative deterioration in the selection of both artworks and artists. To solve these problems, the government reinforced the deliberation and introduced the optional fund policy. However, we confirm that the Committee deliberates on the artworks in a perfunctory way and the optional fund policy does not work properly, contrary to expectations.

6. Conclusion

In this study, we assert that the Artworks for Buildings Policy needs fundamental review for two reasons. First, the private building owners are not liable for paying costs. This policy is similar to the “liability amount” for the private building owners. The liability amount is divided into the beneficiary charge, amount borne by causers, and by destroyers (Im, 2010). If the private building owner is a beneficiary, causer, or destroyer, he or she can be liable for paying the cost. Certainly, neither the public building owner nor the private one is a causer or a destroyer. If the building owners negatively affect the development of public art or environment in city, they can be responsible for paying the cost; nevertheless, it is ill founded that they affect the public art or environment negatively. Cities of South Korea are not like old European cities, so new buildings are rarely harmful to a city’s fine view. Furthermore, recently, building owners have constructed new buildings considering aesthetics. Meanwhile, a private building owner is not a beneficiary either. If the artworks of this policy are intended to decorate buildings, he or she can be a beneficiary; nevertheless, a citizen who can access the artworks is a beneficiary in this policy. For reference, the public buildings belong to the citizens, and ultimately the public building owners can be beneficiaries, unlike the private ones.

Second, the artworks’ installation in public places is not a sufficient condition for the public art. It seems that we cannot reach an agreement on what public art is or how public art works (Allen, 1985: 246). However, we can understand public art through examining its historical development. Knight (2008: 3–21) explained three federal programs critical to the foundation and development of an “official” American public. First, the New Deal Art initiatives represented the first concerted effort to support artists while producing art underscoring state

ideology. It means that public art is the art of artists supported by the government. Second, in the General Service Administration's Art in Architecture program called "Percent for Art," a percentage of federal construction costs is allocated for the arts. This means that public art is the art owned by the government. Third, the Art-in-Public Places Program of the National Endowment for the Arts offered matching grants to local cultural democracy. This means that public art is the art enjoyed by the public. We do not define public art supported or owned by the government. We assert that public art means the art open to the public physically or spiritually. In "The Creative Act" (1957), Marcel Duchamp said, "All in all, the creative act is not performed by the artist alone; the spectator brings the work in contact with the external world by deciphering and interpreting its inner qualification and thus adds his contribution to the creative act. This becomes even more obvious when posterity gives a final verdict and sometimes rehabilitates forgotten artists." Public art is not the concept of place. Now it refers to the concepts of the creative act and the receptiveness, the artworks and audiences, space etc. Nevertheless, the Artworks for Buildings Policy only focuses on artworks' installation in public places, and thus is not a genuine public art support policy.

In conclusion, we present two solutions. First, we suggest that the target scope of this policy be curtailed gradually and then minimized up to only public buildings. We can expect that a public building owner will install the artworks for the public because he is a beneficiary. This may lead to the downturn in public art support, but the present ratio of installation or promotion in new public building projects is already sufficiently high (30%) in South Korea. For reference, "Percent for Art" policies in England and France are only applicable to public buildings (Yang & Kim, 2010). Second, along with the first solution, we claim that a new public art support policy should be designed in place of the Artworks for Buildings Policy. According to the case of Portland in the U.S, the Regional Arts & Culture Council (RACC) partnering with city bureaus clearly help to remove barriers so that they can assist artists in accomplishing their intended goals, whether they want to install their artworks in public or private buildings (Cartiere & Willis, 2008). Likewise, the government should not take the initiative in public art, but support what artists want to do at arm's length.

Nam June Paik is the most famous artist from South Korea. His work of art, <Stag>, was sold at \$590,000 (about 660 million won) at Action. This was the highest price ever for his work of art. The Gyeonggi Cultural Foundation bought 66 pieces of his artworks, paying 12 billion won, so the average price of an artwork is 180 million won. Meanwhile, the average

price of an artwork installed based on the Artworks for Buildings Policy is 90 million won, and the price of each of 763 pieces is more than 200 million won. We began this study to answer questions that were arising, such as, “The artwork in front of my yard—is it worth as much as the one of Nam June Paik?” In the end, the Artworks for Buildings Policy has reminded us of bulky and swanky New Clothes in <le Roi nu>”. Even so, it seems that nobody tells tons of sculptures are not works of great aesthetic value. We need to be cautious when discussing the aesthetic value of artworks. We thus focus on presenting the problems originating in the forced enjoyment of art as a policy study rather than directly discussing the aesthetic value of artworks. We hope that this study will contribute to a fundamental change in the Artworks for Buildings Policy.

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