Comparing mural art policies and regulations (MAPRs): Devising a new conceptual framework

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Abstract

In recent decades, public murals have become a common phenomenon in urban landscapes around the world. This has encouraged local governments to establish Mural Art Policies and Regulations (MAPRs) that employ murals as an acceptable (and even desired) element in the municipal toolkit, while balancing a variety of interests. This paper discusses why and how municipalities regulate and facilitate the creation of murals. It advocates a better understanding of mural art strategies, through comparative analysis of mural policies in different cities. To facilitate comparison, we argue that a conceptual framework is essential. Such a framework enables practitioners, policy-analysts, and decision-makers to identify, compare, and understand different features in mural art policies adopted by different cities around the globe.

Keywords: Murals, Policy, Regulation

1. Introduction

Public murals[1] have become an integral part of urban environments around the world, reflecting and influencing their social, political, cultural, and aesthetic values. Some murals are created spontaneously, while others are actively promoted by the establishment as part of different urban strategies.

Existing literature is brimming with research concerning the role murals play in the production and improvement of urban places. In this regard, murals are perceived as place-makers (Austin, 2010; Dovey et al., 2012; Miles, 1997; Schacter, 2014A; Youkhana, 2014; Young, 2014); community builders (Drescher, 1994; Golden et al., 2002; Sieber et al., 2012); reactions to informal activities (Halsey and Young, 2002; Taylor & Marais, 2009; Youkhana, 2014; Young, 2013;); objects of beautification (Blashfield, 1898; Halsey and Young, 2006; Irons, 2009); and as a catalytic tool for urban regeneration and growth (Ashley, 2014; Austin, 2010; Evans, 2005; Hall and Robertson, 2001; McAuliffe & Iveson, 2011; Schacter, 2014B).

Recent decades reflect a broader shift towards cultural policies designed to promote urban growth and to address urban problems and challenges. Some of these policies enable the adoption (or cooptation) of mural art as an acceptable (and even desired) element in the municipal toolkit. Many cities around the world have made considerable efforts to establish their own Mural Art Policies and Regulations (MAPRs) in an attempt to generate creative artsy cities, that draw investment and people.

In this context, critics have cautioned against the appropriation of art, stating that the process of 'art-led regeneration' is not comprehensive enough. According to this critique, art-led policies might neglect certain

cultures, undermine the diversity of urban populations, and encourage gentrification (Rosenstein, 2011; Young, 2013). Others have forewarned against cultural planning and art policies which avoid the underlying problems in cities: the problems of decreasing wages, globalization and its takeover, and exacerbating problems of illness, homelessness, gentrification and inequality (Murdoch et al. 2015; Marcuse 2010).

Despite these critiques, our point of departure is that the arts, and murals in particular, are nonetheless an important element in place-making, community building, and in the creation of cities. Therefore, it is important to examine current MAPRs and inquire how they can be improved or nurtured.

2. Challenges and contradictions associated with murals and the diversity of policies

Because of their artistic character, specific locations, and exposure to the public, murals incorporate several tensions and contradictions that present many challenges to policymakers, owners, and those involved in their creation. We identify three prominent challenges: (1) Murals are both a public and private phenomenon. On one hand, they are situated in the public domain and are exposed to the general audience; on the other hand, they are located on specific properties, and therefore are subjected to proprietary interests. This duality is a source of inherent tensions between public and private benefits, interests, and ownership; (2) Murals contain attributes of both public art and street art. Consequently, murals are a mixed phenomenon positioned between hegemony and rebellious culture; raising questions about their role and desirability; (3) Murals are both a private (artistic) and public expression, therefore raising questions about artistic freedom and private property in relation to broader public interests.

Existing studies have pointed out several mural-related policies that are designed to address the abovementioned challenges. Specifically, local policies relate to a range of issues, including the creation and management of mural art. These policies include measures such as laws, regulations, guidelines, and design control instruments. All of these may contain a variety of provisions with respect to ownership and 'freedom of speech' issues (Ehret, 2009; Hoffman, 1991; Jarvie, 2012; Miles, 1997; Rosenstein, 2011). These policies also contain funding tools, such as 'Percent for Art' policies[3] and facilitate collaborations with

private partners (Berkowitz, 1978; Hall and Robertson, 2001; Miles, 1997; Rosenstein, 2011). City wide policies may also exempt murals from land use and signage regulations (Conklin, 2012; Droney, 2010; Orlando, 2013) and may also distinguish between legal mural art and illegal forms of alterations, such as graffiti (Halsey and Young, 2002; Young, 2013). At the core of the latter issue stands the very definition of 'murals', which might change from one statutory provision to another.

MAPRs are often autonomic (decentered) local government initiatives that may differ from one jurisdiction to another (Young, 2013; Zebracki, 2011). Difference may highlight a variety of approaches and attitudes to art in public spaces. Some murals are created spontaneously and express individual or community identity and aspirations, while others are actively promoted by the establishment as part of broader urban strategies that attempt to address specific goals, such as urban branding, strengthening of communities, beautification, and regeneration. In addition, MAPRs can be oriented towards public interests, or largely concerned with private interests, such as those of the artist or the owner of a wall. Overall, the differences between MAPRs may highlight a variety of motivations, approaches and attitudes towards public art, order, city planning, public spaces, individual rights and freedoms.

3. Comparing mural art policies and regulations (MAPRs)

A comparative analysis can shed light on different 'versions' of mural policies as well as on the many challenges and objectives associated with their creation. Existing studies on Murals or MAPRs mainly focus on specific case studies (Gunnell , 2010; Kramer, 2010; Sieber et al., 2012) or compare policies in regards to specific topics (Dembo, 2013; Greaney, 2002; Grodach and Loukaitou-Sideris, 2007). Only few scholars have attempted to compare a range of policies (Halsey and Young, 2002; Young, 2012, 2013). The dearth of studies provides an opportunity for comparative analysis that enables identification, and characterization of a variety of practices.

We therefore suggest the use of comparative analysis methods to identify, characterize and evaluate MAPRs adopted and implemented in various local governments. In order to do so, a conceptual framework can be devised, based on the literature. This framework asks a variety of questions referred to by several scholars of this field, such

as: what are the underlying reasons behind mural strategies in a city? Does a city adopt an overarching mural or art-led policy? Who promotes and decides on the location of a mural? Are there special funding mechanisms? And, are there pathways to ensure community engagement in the creation and placement of murals? These questions, among others, help in creating a portfolio of policies and in investigating the role played by mural policies, and their impact on city planning as well as different stakeholders in the city.

With these questions in mind, the conceptual framework employs certain categories for classifying cities' strategies[2], such as: (1) Proactive initiatives, encouraged or sponsored by local municipalities in order to stimulate the appearance of murals in specific locations. Prevalent examples include public events such as street art festivals, the promotion of community mural projects, and hired agents that mediate between artists and property owners. (2) Responsive, via consent and permission-based policies: these measures respond to market demand and allow artists and property owners to legalize mural works pre- or post-production. In some jurisdictions, the consent of the property owner is enough; in others, a municipal approval is mandatory, through a mural permit registration process. (3) Tolerance and endurance policies: measures that allow municipalities to locally support informal activities (including murals) without giving their full or formal consent to those interventions in public spaces. (4) Intolerant: this category marks cases where the city administration is intolerant to any initiatives to create murals.

Overall, the abovementioned classifications of MAPRs help in identifying a range of policies, adopted by city-administrations. These categories provide a stepping stone for informed comparison of measures and practices adopted to facilitate, create, fund, and manage public murals.

4. Conclusions

Although existing literature focuses on art-led policies and on murals in particular, only few scholars have attempted to compare a range of policies in order to deepen the understanding of MARPs. To facilitate a comparative analysis, it is possible to comb through existing literature and to devise a conceptual framework to assess the policies and orientations of different city administrations. In turn, a systematic analysis of mural policies enables researchers, practitioners and policy-makers to better understand the policies they work with. A single-city analysis can then be compared with other cities, thereby building a chain of policy assessments that look at MAPRs more systematically. This could facilitate a transfer of knowledge, and the development of best practices. A comparative assessment can also ascertain the level of involvement of municipalities in the creation of murals, and reveal the way in which they cater for public and private interests.

Notes

[1] This paper refers to public murals as artistic painting or writings applied to and made integral with an outdoor facade, exposed to the public and created with the permission of the property owner or lessor.

[2] The categorization of these groups was assisted by the works of: Dembo, 2013; Halsey and Young, 2002; Young, 2013.

[3] A popular funding tool that comprises a percentage of developments construction costs used for establishment public art, usually between 0.5%-2%.

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