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## “IN PUBLIC SPACE, THE NAKED BODY IS STILL EXPLOSIVE:” HOW PHOTOGRAPHER SPENCER TUNICK WON AND LOST THE FIGHT TO WORK ON NEW YORK’S STREETS

Photographer Spencer Tunick has been given a lot of freedom in some of the most conservative places. From Moscow to Mexico, he has been permitted to photograph stark-naked people, sometimes thousands at once, in the middle of the street. And he is celebrated for it by art institutions and politicians alike. But in New York, that city shrouded in myths of unlimited artistic possibilities, he has not been able to work for nearly two decades.

This is particularly bitter since Tunick is deeply attached to the city: it was in New York that he discovered and developed the artistic concept that brought him world-wide renown; it is where he won a landmark court-case for freedom of artistic expression; and it is the city where he lived – despite many setbacks and disappointments – for nearly twenty years.

The controversy around Tunick’s work shows how unstable and arbitrary the rules that govern public space can be. Tunick believes that, while we might think we are entirely desensitised to nudity, “in public space, the naked body is still explosive – to undress is to commit a violent and criminal act in most of the United States” (El-Mecky 2018a).<sup>1</sup> Tunick appears to have experienced this directly: he has been arrested multiple times for photographing nude bodies in New York’s parks, streets and plazas. Police records accuse him of creating “a hazardous and physically offensive condition” (*Misdemeanor* 1995, 1). And yet, in spite of his numerous run-ins with the law, what Tunick does is not *actually* illegal.

His work may have clashed with city officials’ decades-long quest to transform the violent, drug-ridden New York of the 1970s (Greenberg 2008) into a clean, crime-free, gleaming metropolis. But in his case, there were no hard criteria of right and wrong set by the law, instead moral and aesthetic judgements were made by individuals. And some of them had very different ideas about what was visually appropriate on New York’s streets than Tunick.

Who owns public space? Who decides what a city should look like? Tunick’s works and career show how difficult it is to answer these questions.

### 1. The Invisible Man

For a few years, in the early 1990s, Spencer Tunick was invisible. “I had several years of working in this magic apocalyptic jungle of barren streets.” Tunick would usually make his works very early in the morning: “I felt most safe and comfortable in the city at sunrise, when there was no traffic, perhaps only a car driving by every three minutes. This place was a massive studio for me – and it was empty.” He was profoundly inspired by the city’s architecture: “Working in a city where the buildings were not just a few stories high was a new visual experience for me. There was a canyonlike feel to those streets lined with skyscrapers.” Working at sunset had many advantages: it lowered the risk of getting caught and it enabled Tunick to work with fewer interruptions from passers-by and finally, there was the light: “it was the perfect moment for me as there was no direct light – as though the entire sky was this giant softbox, creating soft light without any shadows.”

In the early 90s, Tunick felt the city looked different from the way it does today: “it was less policed – no security cameras or surveillance – and the landscape was more beautiful.” In addition, the transition between institutional buildings and the general neighbourhood was less abrupt: “There were no preventative one-metre concrete or steel structures blocking off buildings that would ruin the vision of the cityscape. If you saw a courthouse, there would be a beautiful set of stairs, just flowing into the street.”

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<sup>1</sup>All interviews were carried out by the author of this article. For the sake of legibility, all quotes without a reference stem from my interview with Tunick in March 2018 (El-Mecky 2018a).



Tunick's relationship with the city in his works is complex, because even though he has photographed all over New York City, from Wall Street to Brooklyn, often the background is blurred, as in his 1994 work *Wavy Line* (Figure 1): "I liked the grittiness of the city, but I mostly liked the *idea* of the grittiness – the people in the



**Fig. 1:** Spencer Tunick, *Wavy Line* (42nd Street and 2nd Avenue NYC) 1994. Courtesy of the artist

foreground overpower that. In a sense, the background remains unobtainable." At the same time, some of the locations he uses are highly significant, such as when he photographed over 25 nude people in front of the



United Nations in his work *General Assembly* in 1994 (Figure 2). “The genocide in Rwanda was happening. I was constantly thinking about death and bodies massacred, and about the past, being



**Fig. 2:** Spencer Tunick, *General Assembly* (United Nations, NYC) 1994. Courtesy of the artist

reminded of images of terrorism, and photographs I had seen at Yad Vashem.” His intention here was not to create a straightforward activist piece: “at the time, my group works were always a personal reaction to political or social issues. Not a protest but me shouting out with my art.” In other works, the nude bodies have a more





playful or joyous relationship with their surroundings, such as in *Untitled #8*, where a woman is swinging from the ceiling in the subway as though she were a kid in a jungle gym, or *Untitled #11* where another woman reclines on one of the gigantic stone lions in front of the New York Public Library as though it were a reclining chair in a spa (Figure 3).



**Fig. 3:** *Untitled #11* (Public Library, NYC) 1990-1996. Courtesy of the artist



More than its architecture, Tunick's relationship with New York is through its inhabitants: "The reason why I love New York, and why it's my home, is because of its people. I think New York is this juggernaut of humanity." Some of his works focus on one or just a handful of people, whilst other works show many bodies arranged into "an action painting, a splash of bodies, very much like a Jackson Pollock." These works show entire crowds kneeling, lying down, standing up or even painted blue (as in a later work called *Sea of Hull*, Figure 4). Often, it becomes impossible to distinguish between one body and another as the group of undressed people becomes a flesh-coloured mass, sculpted by the photographer. He refers to his works as installations – the end result might be a photo, but he stages both intimate and enormous interventions in space before he takes his shot.



**Fig. 4:** Spencer Tunick, *Sea of Hull* (Rosebowl, Hull, United Kingdom) 2016. Courtesy of the artist

Although individual faces may not always be recognizable in his large group works, it was Tunick's fascination with specific New Yorkers that sparked his idea to create large group works. "I had a list of maybe 50 persons who were interested in posing for me at that time, and they were the brightest and most interesting people." He realized that, as he only worked at sunset on weekends, it would take him "about three years" to capture them all. "And I just couldn't wait, so I thought: why don't I simply photograph them all at once." In the pre-internet days, Tunick painstakingly scouted his models in bars, cafés and libraries, or whilst standing on street corners, sometimes until late at night, whilst handing out flyers to people "who had something interesting. Although I was also very picky about it, as I was worried someone would take the flyer and hand it straight to a police officer." If they were interested, Tunick would show them a miniature portfolio consisting of images he had cut out from a contact sheet, small enough to carry in his wallet.





He was not out to discover fashion models, nor was it about sexual attraction. Despite the exposed postures of his models, eroticism or lewdness is the last thing on Tunick's mind: "I use the bodies as a tool against repressive governments and against repressive people, and I also use it – in a way – for beauty, so that we have an explosion of life." Tunick describes it as working in two different mindsets: "My work is trying to think about the juxtaposition of the body and its vulnerability, but also its power, and to change the meaning of the background, the environment" (El-Mecky 2017).

Always careful not to get in trouble with the police, Tunick would scout the area in advance and note details such as how long it took for traffic lights to change and how much security there was around. He would meet his models away from the spot where he would photograph them, and once they arrived at the spot, "it was always a bit of a run and gun situation – to use a basketball term – I would always work as quickly as possible to get my work done."

In addition, Tunick came up with some surreal distractions to shield his work from police involvement: "I once had a person dress up as a mythical magician, with a pointy hat and a magician suit, and when the police came by, we'd pretend to be photographing him" (El-Mecky 2017). Slapstick ensued as the actual, naked models hid under the magician's cape. Another one of Tunick's decoy tactics give a whole new meaning to 'hiding in plain sight': "Once, I had somebody dress up in a grape suit; like, a *giant* grape. Another time, as I was on the Brooklyn Bridge and police would come by when people were gathering, we had a sign that said Birdwatching Tour" (El-Mecky 2017).

Before his first arrest, for several years the streets of New York belonged to Tunick.

Even the police – whom he had taken such pains to avoid – appeared to be on his side. He had been able to mostly pass unnoticed, but as he was making *General Assembly*, the police showed up. "They diverted traffic, but instead of stopping me, they helped me get the work done. Afterwards, the sergeant asked me if he could have a couple of signed prints for the officers. Then I lost his number – so about a month later, he actually called me up, to ask about the photos."

A meeting with another servant of the law would prove even more fortuitous. One very early morning, Tunick was shooting a man, woman and baby covered with a tarp – "I called it *Plastic Family*" – on Gay Street when an elderly man walking his dog stopped by.

He said: "I really like your work and would like to see the finished results." Then he asked me: "what do you think of that Richard Avedon?" I said: "I think he's great." And he said: "I think he's a fucking asshole, he wanted to charge me 10,000 dollars for a picture that he took of me for the cover of my book." Then he gave me his card and said: "Call me if you ever get into trouble. As it looks like you're going to get into trouble." (El-Mecky 2018a)

Unfortunately for Tunick, that prophecy would soon turn out to be true. Fortunately for Tunick, however, the man who had made this prediction was William Kunstler, one of the city's most legendary civil rights lawyers. Kunstler also introduced Tunick to his younger law partner, Ronald Kuby. Not much later, Kunstler died of a heart attack. Kuby, who was not in the least interested in art at that time (El-Mecky 2018b) would become an essential champion not only of Tunick, but of many other artists facing censorship in New York.

## 2. Cleaning up the Grittiness

"Gritty" is the word that is often used to describe New York before waves of gentrification and a clamp-down on crime transformed the city. Efforts to "clean it up" were well already underway throughout the 1970s and 1980s (see e.g. Greenberg 2008), but both Tunick and Kuby still use that word – "gritty" – to describe New York in the early 90s (El-Mecky 2018a, 2018b). Kuby remembers seeing the musical *Rent* (1994), which deals with themes such as struggling artists, poverty, drug use and the AIDS crisis: "My wife and I looked at each other, and said to one another: this is our street, these are our lives. There was nothing appreciably cool about it when it was happening – there was tremendous desperation and violence" (El-Mecky 2018b).

The 1990s were a period of drastic transformation – the drop in crime rates in this decade is legendary (see e.g. Levitt 1994) – and visual culture, too, changed. Times Square metamorphosed from a squalid space filled with sex shows and "drug addicts [who] shot up in the street" (*Times Square* 2007) into a glittering tourist attraction. Graffiti was targeted with what Ronald Kramer (2010) calls the "moral panic" of city officials so intent



on rooting it out that in 1996 “they considered the possibility of using a laser beam to remove graffiti [...] [which was] initially developed by the military for the purpose of shooting down enemy missiles” (Kramer 2010). Ronald Kuby places the dramatic consequences Tunick faced for his projects in the late nineties in this context: “Rudy Giuliani rode to power on the strength of getting the city back – and though crime was his focus, all of disorder was his target, [...] so graffiti artists were a manifestation of lawlessness, that whole broken window theory idea. So people running naked in the streets fit into that narrative” (El-Mecky 2018b). Were Spencer Tunick’s activities deemed, as Kuby’s theory seems to suggest, a dangerous leftover from old, gritty New York? Edmund White (2015) has brilliantly parodied this mythical place and the way it still lives on in the collective imagination:

[it was] the era when the city was edgy and dangerous, when women carried Mace [pepper spray] in their purses, when even men asked the taxi driver to wait until they’d crossed the 15 feet to the front door of their building, when a blackout plunged whole neighborhoods into frantic looting, when subway cars were covered with graffiti [...] This was the last period in American culture when the distinction between highbrow and lowbrow still pertained, when writers and painters and theater people still wanted to be (or were willing to be) “martyrs to art. [...] [But] only the happy few would say the excitement was worth the danger, the ambient ugliness and the poverty. (White 2015)

When Rudy Giuliani was elected mayor of New York, he vowed to root out crime and bring in a new era for the city. Instead of purely focusing on serious crime, he advocated a policy based on James Q. Wilson and George Kelling’s “Broken Windows Theory” (1982) – according to them, it was a lot more effective to focus on minor misdemeanours, turnstile jumping, public urination, or graffiti, as they considered these signs of disorder, and disorder bred crime (see e.g. Harcourt 2001, 47).

Giuliani became mayor of New York in January 1994. Tunick’s period of being “in the zone” (El-Mecky 2018a) when he was able to do as he pleased ended in December 1994. From that moment on, until 2000, whenever he went out onto the street with his nude models, he also entered an arena to fight with the city’s officials over the use of public space. Perhaps it was a coincidence that Tunick’s nearly five-year long period of “invisibility” ended in the year of the new mayor’s appointment. But one thing is certain: as the streets of New York got safer, they also became a lot more hazardous for Spencer Tunick.

### 3. Illegal Arrests

In late 1994, Tunick finally faced his first arrest. This time, there was no friendly sergeant who wanted an autograph. Early on Christmas Day, the only signature police officers wanted from Tunick was on his summons. “There were these enormous Christmas balls at Rockefeller Center. Just before sunrise, me and my friend, performance artist Michael Wiener, went up there and I shot about 8 frames of film.” Despite his long lucky streak of staying out of trouble, Tunick said *something* felt off: “the place looked pretty visible as compared to the East Village and other areas where I had worked. I just had a feeling about it, so I gave the film to another person who was with me.”

Tunick’s gut-feeling proved to be justified. Soon after, security appeared and Tunick was arrested along with Wiener, for the first time in his life. It turned out that Rockefeller Center did not just boast a winter wonderland that drew hordes of tourists every year, but also a holding cell, which Tunick describes as a “traditional jail with bars that was inside Rockefeller Center.” Apparently, the people who detained Tunick and Wiener were rather thrilled with the *double-entendre* of Wiener’s surname. In 1995, a court case ensued, but Tunick was not alone. William Kunstler, the lawyer who had offered to help Tunick out if he ever got in trouble, did not represent him directly, but his partner, Ron Kuby, did.

The criminal misdemeanor complaint (the legal document accusing Tunick and Wiener) is a fascinating mixture of the objective and bureaucratic – and the poetic and speculative. In crisp legal jargon, Tunick and Wiener are accused of committing a misdemeanour. However, at the same time, the text almost lyrically describes how the custodian of the Rockefeller Center found Wiener “draped” over an “eight foot decorative Christmas ball” (*Misdemeanor* 1995, 1). There is also speculation about the reason why Tunick took this photo, namely,



“with intent to cause public inconvenience, annoyance and alarm and recklessly creating a risk thereof” (*Misdemeanor* 1995, 1).

The document not only interprets Tunick’s intentions, presenting him as a provocateur intent on causing a stir, but also appears to make an aesthetic judgement: “the defendants [...] created a hazardous and physically offensive condition by any act which *serves no legitimate purpose* [italics added].” Or, in other words: what Tunick and Wiener did was not only dangerous, but also without merit, artistic or otherwise.

Perhaps the accusations against Tunick and Wiener were filled with subjective statements regarding their intentions and artistic relevance because Wiener and Tunick were not doing anything illegal, or as his lawyer Ronald Kuby puts it: “The state has prohibited people to be naked in public unless it is pursuant to play performance or show – and really, when isn’t it? So state law only forbids nihilistic nudity, when you’re like: ‘hey, I had no clothes today’.” In fact, according to Kuby “it is remarkably tricky to try to pass legislation against public nudity without also prohibiting other things you don’t want to prohibit, like movies, plays, museum exhibitions, or statues! And New York, being one of the cultural capitals of the world, never bothered to pass such a law” (El-Mecky 2018b).

And thus, since there were no legal grounds, all charges against Tunick and Wiener were dropped. But even though Tunick had won this particular battle, he had not won the war. He was now on the radar of the authorities: between 1994 and 1999, he was arrested five times.

For a while it was, as Kuby puts it, “wash, lather, rinse, repeat” (El-Mecky 2018b) – arrest after arrest, followed by court case after court case, with all charges being dropped, sometimes against a small fine. Tunick remembers how Kuby basically told him to keep working, and that he would take care of all legal matters (El-Mecky 2018a). “I would fight them on technicalities,” Kuby says. He would argue, for instance, that Wiener had not exposed his genitalia whilst on the Rockefeller Center Christmas ball, because he had been lying face-down, and “even though, under New York State law, the anus is also considered part of the genitalia, nobody would have been able to see Wiener’s anus – unless they had been looking out of a very low-flying helicopter.” Kuby would also argue against other accusations, such as the disruption of traffic: “Spencer took his pictures in the time it would take the street lights to change. There would only be forty people lying naked in the street for as long as the lights were red, so we were not obstructing anything” (El-Mecky 2018b).

For several years, this is how Tunick and Kuby went through the motions. Some arrests were almost comical, for instance when Tunick planned a work around the Williamsburg Bridge, right next to Ratner’s Delicatessen, a classic, Jewish place:

I told them a week in advance that we were coming, so they could accommodate us. Little did they know that everyone would be getting naked. So, right after I finished my work, a police car pulled up and I was arrested, I was the only person wearing clothes, everyone else was naked. They handcuffed me and drove me away. And then everyone else enjoyed a nice Eastern European Jewish breakfast at Ratner’s. (El-Mecky 2018a)

Tunick even enjoyed these experiences for a while, the arrests, the near-misses – they were entertaining stories, such as the time when someone witnessed Tunick at work and called the fire department: “a big truck full of firefighters showed up. The firemen just mullied around watching everyone get dressed, without intervening.” But eventually he grew tired of it all: “at one point I was more seriously interested in making the art work than having a story of an arrest or an odd experience.”

He yearned for the opportunity to work without the rush and fear, to really take his time to arrange his models as he wished, to contemplate and adjust. In addition, the risk of loss was wearing him down: “This romantic idea of the artist getting arrested quickly evaporates when you prepare for a month and, within seconds, everything you’ve worked for is taken away from you.” Cameras would be confiscated, photoshoots interrupted. And even though Tunick was within his legal rights to create his projects, he was consistently disrupted. For instance, when people were gathering to pose for his work *Sex Drive* (Figure 5), police cars were already waiting at the scene. Officers warned that everyone would get arrested if anyone took off their clothes. The only photos of *Sex Drive* record the menacing sight of fully dressed people lying on the pavement, flanked by





police vans and officers with folded arms (El-Mecky 2017). “I was very nervous – you can tell from the diptych’s right frame – it’s a little bit out of focus.”



**Fig. 5:** Spencer Tunick, *Sex Drive* (41st Street and 6th Avenue, NYC) 1999. Courtesy of the artist

Things came to a head in 1999. Tunick decided to have a photoshoot at Times Square. This location, which had so rapidly been transformed under New York’s mayor Giuliani, would also trigger a dramatic change in Tunick’s life. The criminal misdemeanor charge describes the situation as follows:

Deponent [most likely the arresting officer] states that he was on duty at the above time and location and observed the defendant [...] organizing approximately 200 people [...] Deponent further states that soon thereafter deponent heard defendant shout “3,2,1” and then the 200 people who had gathered simultaneously removed all of their clothing and ran into the middle of 7<sup>th</sup> Avenue while shouting and laid down in the middle of the street thereby causing numerous cars to stop so as not to run over any of the 200 people and causing a crowd to gather [...] causing public inconvenience and alarm. (*Misdemeanor* 1999, 2)

Tunick was swiftly arrested, before he could take the photos he wanted. But something else was captured: the entire scene, including the arrest, was filmed by an assistant of Tunick’s (Figure 6). “This video was shown by the New Museum. The curator Dan Cameron showed it in the window.” This may have been a great gesture of support, and an interesting one at that, since the window was technically indoors but visible by people standing outside, thus influencing public space. But it did not alter Tunick’s conviction it had been an experience he never wanted to repeat. His arrest had been more violent than his previous ones. “Being handcuffed is very painful,” he recalls. “To get stuffed in the police car, it’s very traumatic, I was in a lot of pain after getting out. And then they put me in The Tombs” (El-Mecky 2017). In the Manhattan Detention Complex (as it is officially known), Tunick had to share a room with about 30 other people, “with a single toilet in the middle of the room, surrounded by a wall that maybe goes up to your waist. It’s humiliating and it’s a very dangerous situation. You are in there with anyone: they could have committed a horrific crime or jumped the subway turnstile” (El-Mecky 2017).

For Kuby, it also became clear that, now that his client could not even take his pictures before getting arrested, it was time for a change of strategy. They decided to take the legal route themselves and fight for a permit. They also brought in videorecordings to show how briefly people were actually naked. “The court room was absolutely packed [...] everyone was acting like they had never seen a naked person before – you could almost feel the building shift as everyone moved to the left to take a peek at the videotapes.”

And yet, Kuby and Tunick were certainly not the only ones fighting this matter in court. Many legal and social debates had taken place in the preceding decades, from zoning laws curbing the display of pornographic materials (see e.g. Papayanis) or the prohibition of nude dancing (see e.g. *Supreme Court* 1991) to politicians



**Fig. 6:** A still from the film of the Times Square photoshoot shows Spencer Tunick's arrest. Courtesy of the artist

calling for the withdrawal of funds for supposedly “obscene” artists such as Robert Mapplethorpe (see e.g. McLeod and MacKenzie).

Already nine years before Tunick and Kuby went to trial, *The Barrister* noted that “The debate over what is obscene and what is constitutionally protected freedom of speech and expression moved from the classroom to the courtroom in 1990. Never have there been so many high profile cases confronting this thorny issue” (Curriden 1990, 13). Nevertheless, the matter remained unresolved – after all, how does one define hard criteria for obscenity within such a fluid and dynamic field as art? (see also e.g. Eck; Shek) – which perhaps also explains why Tunick's case turned out to be such a landmark event.

Their road through the courts lasted around a year, because even though Tunick and Kuby won the right for a permit, the city continued to appeal through increasingly higher courts. And thus, what had started with a young man surreptitiously taking photos at sunset went all the way to Supreme Court judges – not once, but twice. Kuby says:

The courts ordered the permit to be issued, but then the city ran an emergency motion to judge Ruth Bader Ginsburg [...] [S]he denied the application, upholding the decision to issue the permit. So then they remade the application to the most conservative justice on the court, Antonin Scalia, but though he was conservative, he was not particularly prudish. (El-Mecky 2018b; *Supreme Court* 2000)

It was a tremendous victory for Tunick and Kuby – or so it seemed. All legal fees were reimbursed, all pending charges against Tunick dropped, and, most importantly, he got his permit, which gave him the right, more than a year after his arrest, to photograph hundreds of people under the Williamsburg Bridge. During this



installation, too, police officers were present, but this time, they were there to support Tunick and ensure the photoshoot went well. The *New York Times* reported on the shoot as the beginning of a new era, literally a new dawn:

At the moment yesterday morning when the flat, pink glow of dawn gave way to yellow sunlight and shadow, Spencer Tunick announced that his photo shoot was complete. One hundred fifty-two naked models, who had been lying on an empty stretch of Delancey Street, under the Williamsburg Bridge, sprang to their feet and applauded. The moment was triumphant, or at least worry free [...] On Saturday, the United States Supreme Court said the city could not stop him from staging his picture, and Mr. Tunick hopes that the decision will effectively, if not technically, end a long First Amendment battle. (Dewan 2000)

And yet, when Tunick, on the wings of his victory, went to the city to apply for another permit, they said: no. How was this even possible? Kuby thinks it is quite simple, really: “Here’s the trick: you can have rights and your rights prohibit them from doing what they’re doing in a legal sense. But it doesn’t stop them in a practical sense” (El-Mecky 2018b). Tunick and Kuby realized that this meant that each permit for a photoshoot would take months of going through the courts, just as they had done for their Williamsburg installation. “Even though I’d won, I’d just won that *one* location. Basically, the city was saying: ‘we don’t care if you’ve won, we won’t give you a permit and we’ll arrest you and the participants.’ So even if you win, you lose” (El-Mecky 2017).

Tunick could not bear the prospect of another slog through the courts, or of another arrest. He then was “sort of rescued,” when he received an invitation from the Museum of Contemporary Art in Montréal. “The city invited me and they said ‘work wherever you want – and how can we help you?’ It was like the mayor up North was sending this giant middle finger up to Giuliani. You know: ‘You might repress artists in New York, but here in Montréal, not only are we not going to arrest him, we are going to celebrate him and the people posing for him’” (El-Mecky 2017).

That year, in 2001, Tunick stopped working on the streets of New York and began his steep career that brought him world-wide renown. This did not simply bring about an absence of fear or yield more money. Most of all, Tunick was able to start working in a different manner. Where he previously might have had a few minutes (if he was lucky), now he was able to take all the time he needed. “I started to be able to relax, and my work started to change. Early on it was more like a Jackson Pollock painting, more of an action piece, where the bodies were just splattered and abstract [...] And I loved those types of works, and sometimes I revisit them. But then the work started to change” (El-Mecky 2017). He no longer has to hang around street corners at night to canvas reliable models which would not sell him out to the police, instead there is an overabundance of people thrilled at the prospect of stripping down for him. Frequently, so many willing participants show up, that hundreds of them have to be turned away. The bodies in Tunick’s more recent works are intricately arranged, choreographed even. Some hold props, others are viewed from unexpected angles, or they are painted red, yellow or blue.

Things also changed for Ron Kuby: without intending to do so, he became the go-to person for artists censored for nudity in New York. But all these successes have not changed one thing: that Tunick, even though he still lives only 20 miles outside of the city, has not taken a photograph on the streets of New York for nearly two decades. “Of course I could return to New York and put a hundred people on the street, bumrushing, old school style.” But the idea of dealing with all the hassle again just seems too overwhelming.

#### 4. Inside but in Public

Even though he has not worked outside, Tunick has still shot at some iconic New York venues since 2000. These shoots may have officially taken place inside, but they are also, in a sense, in public locations. There was the installation at the restaurant of the legendary Four Seasons Hotel in 2008. “I remember it was a very fancy place, the owner being not very friendly to staff. I thought: ‘I’m going to make a work that’s going to elevate all different nationalities – that is not just white Caucasian but different, beautiful bodies in all shapes in sizes in this normally exclusive space.’”

Another installation took place at Florent, a restaurant that was a hub for HIV-activism. For the cover of POZ (Figure 7), a magazine dedicated to PWAs [persons living with AIDS], he photographed 85 HIV-positive men and women inside the restaurant. Many later described the experience as liberating: “PWAs have had to deal





Fig. 7: Spencer Tunick, Cover POZ Magazine New York 1 (HIV Positive) 2004. Courtesy of the artist

quite often with our bodies changing due to meds – premature aging, lipo, wasting. And to be with my peers knowing they too have had to deal with these issues was comforting. We don't often have the place to let it all hang out. It was kind of tribal" ("Witness"), one person said. Even if the shoot took place indoors, the magazine describes it as a thrilling, dangerous and public event: "[we were about to] create our most important cover ever. It was classic *POZ*: provocative, communal, possibly illegal, potentially moving and meaningful [...]. On the bitter-cold Saturday of the shoot, a line of men and women stood outside Restaurant Florent at dawn, waiting to take off their clothes and stand naked and positive for all the world to see." With a circulation of over 100,000 issues, Tunick may have taken his *POZ* photo indoors, but the cover was all out. Although the magazine received few complaints, they did allegedly get a very high profile one from Doctor Tom Coburn, who was co-chair of the president's advisory committee on HIV/AIDS – he was so offended by the cover that he had his subscription cancelled (Strub; Press Pass).

Perhaps Tunick's greatest achievement to avoid public space, whilst still being *in* public space, was his 2003 shoot at Grand Central Station (Figure 8). No permit from the city was required, since the station was leased to a family who supported the arts (El-Mecky 2018a, 2018b) and wanted to help Tunick. For four hours in the middle of the night, the station was closed down, "and anyone who didn't like what I was doing couldn't do anything about it, including the Mayor."

Tunick's work unites many seemingly contradictory aspects: his works are photographs, yet he refers to them as installations – those few minutes during which his models were undressed in the street, on an early New York morning, were just as important as the final photograph, or perhaps even more so. His works are interventions in public space, yet – during his early years – he did everything he could not to draw any unwanted attention. Even though a lot of his art is inspired by political events or commenting on the repression of the nude body in society, he does not see himself as an activist artist, choosing instead to remain under the radar to avoid unnecessary attention. His relationship with public space in the 1990s is as complex: he depended on it, disrupted it and at the same time left it behind as soon as he could. The effect on his New





**Fig. 8:** Spencer Tunick, *Grand Central 2* 2003. Courtesy of the artist

York surroundings was fleeting yet permanent – his photographs and court victory are what remains from these hurriedly staged moments.

Similarly, Tunick strives to normalize nudity but at the same time his renown – as well as the impact of his pictures – is also due to the fact that we are not used to seeing masses of nude people in public space.



Thus, his works normalize and provoke, they are permanent and fleeting, disruptive and invisible – and so is New York City: always recognisable but somehow also mysterious, blurred or even just a backdrop for the nude bodies taking centre stage. Tunick won a landmark victory that changed the manner in which nudity and freedom of expression were given a space in the city. And yet, he was never able to truly capitalize on this victory – his right to photograph his nudes also turned out to be fleeting, restricted to a single spring morning in 2000.

Tunick has been able to sidestep the limitations he faced in the 1990s in a sense, and yet, in spite of this and all his other successes, the tribulations of nearly two decades ago still gnaw at him: “I would love to get some closure. I feel like New York is unfinished, in a sense.” And here, the man famous for his nudes uses an unexpected metaphor: “If I could work outside in New York again, it would be like putting a blanket over everything – a finishing coat.”

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