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ART, AUTHENTICITY, AND THE MARKETPLACE: INSTITUTIONAL
TRANSFORMATIONS AND THEIR IMPACT ON ART SINCE 1960

by

MARTHA BUSKIRK

A dissertation submitted to the Graduate Faculty
in Art History in partial fulfillment of the
requirements for the degree of Doctor of
Philosophy, The City University of New York

1998

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This manuscript has been read and accepted for the Graduate Faculty in Art History in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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ACKNOWLEDGMENTS

My first thanks go to the readers of the dissertation. Rosalind Krauss introduced me to many the issues that have remained important to my work in the seminars she taught while I was at the Graduate Center. She was my adviser at the Graduate Center, and she has remained central to this dissertation even though her departure for Columbia University meant that she could no longer serve as committee chair. Carol Armstrong generously took over sponsorship of the dissertation, and her comments and suggestions helped clarify the issues during several stages of revisions to the material. The dissertation also benefited from the close reading and suggestions of Rosemarie Haag Bletter and Diane Kelder. The other key influence at the Graduate Center came from Linda Nochlin, whose seminars opened up important historical issues, and who was kind enough to read several parts of the project even though she had already left the Graduate Center for the Institute of Fine Arts.

The examination of issues pertaining to contemporary art benefited from first-hand experience of the New York art world during the 1980s and 1990s. In particular, I wish to thank the following artists for taking time to discuss their

work with me: Hans Haacke, Silvia Kolbowski, Louise Lawler, Sherrie Levine, Sol LeWitt, Richard Serra, and Fred Wilson. It is difficult to imagine researching a contemporary topic without the excellent resources and knowledgeable librarians at the Museum of Modern Art Library. During the final stages of the project faculty development support from Montserrat College of Art also allowed me to use the Fine Arts Library at Harvard University. I am grateful as well for the following fellowships and grants: The City University of New York Graduate Center, Art History Program Dissertation Fellowship; Luce Foundation Fellowship; New York University School of Continuing Education, Faculty Development Grant; and Charlotte W. Newcombe Foundation Honorary Fellowship.

Many individuals have read sections of this project at different stages or have provided other important support during the research and writing: Nancy Austin, Judy Brown, Andrew Butterfield, Peter Chametzky, Eric de Bruyn, Susan Edwards, Susan Felleman, Hal Foster, Leon Friedman, Edna Goldstaub, Laura Hoptman, Pierre Leval, Ellen Levy, Terry Lichtenstein, Sarah Lowe, Roxana Marcoci, Melissa Mathis, Terry and Sam Moriber, Mignon Nixon, Kathy O'Dell, Marvin Parker, Ulf Reichardt, Anne Deirdre Robson, Virginia Rutledge, Vernon Shetley, Claire Schiffman, Elisabeth Smith, Doriene Sorter, Liselot van der Heyden, Laura Tonelli, Brian Wallis, Amanda Wayne, and Clara Weyergraf-Serra.

During the last three years I have also benefited from the support of my colleagues at Montserrat College of Art, and I have taken inspiration from discussions with current students and recent graduates as they engage contemporary art issues in relation to their own work. Finally, I would like to thank my parents, Mary and Fred Buskirk, my sister, Janet Buskirk, and my friend Scott Hadfield for their crucial support and encouragement.

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INTRODUCTION

The twentieth century has seen a tremendous range of forms defined as art, and this multiplicity has only increased since the sixties. Many works produced during the last four decades call into question traditional assumptions concerning originality and the nature of the work of art through the use of technical reproduction, the deployment of industrial materials and methods, the assembly of prefabricated or found elements, or the incorporation of the surrounding context to such an extent that the physical boundaries of the work cannot be clearly delimited. Yet the very institutions that have traditionally been devoted to the preservation and celebration of the original have nonetheless embraced the postmodern works that seemed to challenge their basic assumptions.

In order to understand the relationship of contemporary art to the institutional structures of the art world, it is important to consider the historical development of the museum as well as the reciprocal relationships that existed between art and various forms of mechanical reproduction long before the postmodern period. This dissertation is divided into three major sections that consider interlocking

issues: the rise of the art museum as a specific type and the role of the museum in relation to definitions of originality and artistic authorship; copyright and the importance of the legal definition of authorship, both as a model that has many parallels to artistic authorship and as an increasingly important force in a society permeated by images; and the impact of transformations in mechanical reproduction on shifting definitions of authenticity as artists have incorporated various forms of reproduction and fabrication.

A number of intersecting institutions and conventions have created the frame within which the expanded definitions of art characteristic of many artistic movements since 1960 have been formed: the historical development of the museum is linked to the full establishment of art history as a specialized academic discipline, and the tremendous increase in the number of museums devoted to modern and contemporary art has been supported by the critical discourse about contemporary art elaborated in magazines, books, and classrooms. While museums are closely linked to galleries and other forums, they play a key role within the hierarchy of art world institutions.

Central to the development of the museum of fine arts was the idea that it was devoted to preserving and maintaining original works of art. But even though museums

may suggest a certain timeless immutability (and will often promote that image), the process of institutional definition has been one of continual evolution. The idea that the museum should house only unique originals had been gradually (and never exclusively) established even as it was called into question by twentieth-century practices.

The reorganization of the collection, beginning in the eighteenth century, according to a historical narrative centered around artists and movements, involved a shift in the understanding of art that had important implications for subsequent practices. The shift from cult value to exhibition value described by Walter Benjamin is related to a form of appropriation practiced by the museum with respect to works of art produced for other contexts: the work of art entered the collection with its appearance largely unchanged, but with its social function overtaken by formal concerns. As previously discrete forms of art came to rest in the museum, distinctions between such genres as history painting or portraiture were assimilated into a different system of categorization based on the name of the artist. During the postmodern period the end of genre divisions as functional categories is apparent, for example, in works by Hans Haacke where he has used the traditional materials and techniques of oil painting to critique the conventions of the ruler portrait. Also working in the medium of paint,

Gerhard Richter has commented on the dominant role of photo documentation in relation to recent events by using photographs as the basis for his version of history painting. From a somewhat different direction, Jeff Wall has made the art-historical discourse around history painting the subject of works presented in the medium of large-scale photographic transparencies.

Although the organization of art according to artist and historical movement was based around a conception of style and formal unity to which many contemporary works do not adhere, this system of categorization was also central to providing a framework that could be expanded to encompass a wide range of work. Historically the art museum was defined through the exclusion of such non-art materials as natural history specimens and mechanical instruments, but the heterogeneity reintroduced under the name of the artist has not called into question the art museum's status as distinct from other institutions or museum types. In fact the structure of authorship opened up the possibility of the reintroduction of a range of materials and forms that undermine the concept of the original as long as they enter under the artist's authorization. The paradigm for this type of designation was set by Marcel Duchamp's readymades, where Duchamp followed his initial gesture with various projects that ensured that the readymades would be incorporated in

the oeuvre organized under his name and thereby established the conditions for their entry into the museum.

The introduction of new materials and methods forces a consideration of context and its effect on one's understanding of the work of art, and in fact, the simpler that a gesture may appear, the more dependent it is on the establishment of a context for its definition as art. Traditional art historical methods developed in tandem with the rise of the museum were founded on the idea that the material object itself contains and conveys information: style, technique, and the artist's "hand" all provided the basis for the process of authentication known as connoisseurship. In the twentieth century, however, different types of objects and images, including the early twentieth-century readymade, as well as many works produced since the sixties, have ceased to carry within themselves, in their texture or form, such material evidence of their own history. For works that incorporate mass-produced objects, rely on photo-based processes, or are fabricated for the artist, the evidence that establishes their connection to a particular author is likely to be largely external or contextual, with a clearly established provenance also necessary to secure the work's identity. Carl Andre's arrangements of bricks activate the space around them, but their effect depends on their interaction

with the type of environment established by the gallery or museum, and it is only in such a context that their status as art is defined. Similarly, Andy Warhol's works created using photo silk screens to reproduce found images, and made with the help of assistants, read as ironic comments on artistic authorship because they were presented in the context of art world institutions organized around that very category. Other artists have inscribed explicit references to the structure of museums, galleries, and related art world forums into their works. Louise Lawler's largely photo-based work responds to the effects of the spaces through which works of art move, whereas the obvious reproductions that John Baldessari uses in a number of his works play off of the often hidden impact of the network of images and information on the interpretation of works of art.

For many traditional works of art, the success of the copy was limited by the impossibility of exactly replicating effects that depended on skill or mastery and on the quality of the artist's touch. Because many works of art produced since the sixties do not contain evidence of the artist's hand, there are fewer inherent restrictions on production, and administrative definitions of originality and authenticity have expanded to encompass practices that could be expected to undermine those categories. For such works,

the limitations on production exist in the intersection of the work with various institutional contexts and conventions, including both the limited edition and the authority of the artist's name. Administrative definitions of authenticity are particularly important in relation to the art market, which has traditionally used uniqueness or rarity as a basis for establishing value. That many Minimalist works not only activate the surrounding physical space but also externalize the evidence of their authenticity is made explicit in the number of artists who have used certificates or other documents to authenticate their works. However, administrative definitions of authorship can be subject to administrative disputes. Donald Judd's conflicts with collector Giuseppe Panza indicate what can happen when the artist has a different understanding from the collector of exactly what type of authority over the making or remaking of the physical object is granted by a written instrument.

The convention of the limited edition shares certain qualities with the legal limitations on production enforced by the network of copyright and trademark laws. Copyrights, which developed in response to changes in mechanical reproduction, are also linked historically to the increasing prominence of the category of the author. Within the art world as well as in the larger commercial realms governed by

intellectual property laws, functional or administrative definitions of authorship are even more rigorously maintained and policed in the face of the potentially limitless proliferation of images and other forms made possible by mechanical reproduction. Such laws have become increasingly important in an economy driven by the market for commodities that could be easily reproduced or transmitted with available technology, and it is clear that the emergence of the digital image and the electronic transmission of information present new challenges to the legal control of the copy.

Legal limitations on the use of images have had an increasing impact on art world practices since the 1960s as artists have created works using images based on other images, particularly ones that come from mass-media sources. The familiarity of a copyrighted image – its entry into a shared cultural vocabulary – is generally an indication that it has been successfully marketed and promoted by its owner. For this reason, the ironic comments artists have made through the appropriation and recontextualization of images can prompt unironic responses from copyright holders – as Jeff Koons found out when he was sued for copyright infringement for the images he used as the basis for a number of the works in his 1988 "Banality Show." On the other hand, artists can use copyrights and other legal or

contractual protections to retain a degree of control over the work of art and its image even after the work leaves the studio. Moral rights laws, which were recently incorporated in the U.S. copyright code, recognize the work of art as a category of object that is distinct from other types of commodities. While this recognition came too late, and in too limited a form, to protect Richard Serra's Tilted Arc, the conflict over the removal of the work highlighted the importance of many of these issues.

The reproduction intersects with the work of art in other ways as well. Prints and photographic reproductions have played an important role in establishing the body of knowledge about art around which museums are structured. Reproductions – first prints, then photographs – have greatly facilitated the construction of authorship by allowing comparisons among physically dispersed works of art. While the photographic image has been connected to a dematerialization of the object, this function is possible because of the photograph's ability to convey specific information about the materiality of the work of art. Sherrie Levine has used various strategies that highlight the role of reproductions in shaping knowledge about art, including rephotographing reproductions printed in books and challenging distinctions that have been drawn between mass-produced and limited-edition mechanical reproductions by

returning the reproductions to the space of the gallery or museum. And it is against the backdrop of the pervasive dissemination of photographic information that a number of artists have created works that could be conveyed by non-photographic means, including diagrams and written instructions – with the instructions from which Sol LeWitt's wall drawings are rendered providing an important example of this tendency.

Quotation has also been a significant approach under Postmodernism as artists have brought different images, forms, and conventions together in ways that run counter to Modernist ideals by suggesting that the conventions associated with a medium are separable from the medium itself. The exchange of conventions between mediums can be seen in the interplay between Richter's and Malcom Morley's paintings based on photographs and Cindy Sherman's photographs, in which she refers to a range of conventions, including those of film and painting. Roy Lichtenstein's hand-painted benday dots, and the grids and color separations Chuck Close uses to create his paintings are examples of conventions that refer to commercial printing. Lichtenstein has also shown how the stylization derived from comics can be used for a range of subjects, and in fact distinctions between representation and abstraction have become increasingly blurred as artists incorporate both the

appearance and the methods of industrial production to create a range of forms and images. There is also an inherent abstraction in the copy, since it treats both abstract and representational forms as givens, as information to be relayed and repeated.

While the museum has often been proffered as a space of aesthetic contemplation removed from the commercial considerations that drive the art market, this mystification has depended on the concealment of the mechanisms that establish the context for art's definition and appreciation. Recent works where not only the strings but even the puppet master are defined as part of the work of art refer to contexts and conventions with a long history of development before the postmodern period. The establishment of authorship as a central category, the creation of mechanisms to gather and transmit information about works of art, and the elaboration of conventions for display all secured the conditions necessary for the subtle yet significant shifts that have characterized artistic production during the last four decades.

The museum promotes a particular set of approaches to the work of art, but the organizing principle is also one that extends beyond the museum, with the works in the collection serving as partial and fragmentary examples of the continually evolving canon that exists beyond the

museum's walls. Although the museum's structure of authorship was originally founded on stylistic distinctions, it has proven sufficiently flexible to encompass a more conceptual understanding of artistic authorship as a series of strategies and methods rather than a stylistic unity, and this same system has provided the basis for the multi-layered references incorporated into recent artistic practices.

Literature

The research for this thesis has encompassed a range of sources. Rosalind Krauss's consideration of the copy and its role in both defining and undermining the category of the original has been crucial: in the essays included in The Originality of the Avant-Garde and Other Modernist Myths and in other writings she has considered these issues in relation to the postmodern period and earlier practices. Walter Benjamin's essay on "The Work of Art in the Age of Mechanical Reproduction" and André Malraux's Museum without Walls remain essential for their discussions of the role of reproductions and their impact on works of art and the institutions in which they are exhibited. Douglas Crimp has also considered the role of the reproduction in relation to the postmodern museum. Benjamin Buchloh and Hal Foster have

made important contributions to the discussion of recent as well as earlier twentieth-century avant-garde practices. Michel Foucault's essay "What Is an Author?" provides a basis for the consideration of artistic authorship, as has the work of Molly Nesbit. Important as well are several essays by Thomas Crow in which he has compared earlier salon hierarchies to contemporary art practices. The consideration of Postmodernism also necessarily responds to Clement Greenberg's description of Modernism. The discussions of individual artists are based on numerous primary and secondary sources that are identified in the footnotes.

The historical origins and evolution of the art museum have been the subject of a number of works, including Germain Bazin's The Museum Age and the studies in Oliver Impey and Arthur Mac Gregor's The Origins of Museums. Joel Orosz's Curators and Culture outlines the early museum history in America, and Karl E. Meyer's The Art Museum considers the role of the museum in the twentieth century. Discussions of collecting practices and restoration issues are based on case studies drawn from a variety of sources cited in the footnotes.

Central to the history of copyright issues in relation to publishing history are several works by John Feather as well as John Tebbel's A History of Book Publishing in the United States. Pierre Leval's essay "Toward a Fair Use

Standard" provides an important overview of the role of fair use in relation to the copyright code. The legal briefs and decisions in the copyright cases brought against Jeff Koons and the documents connected to Richard Serra's attempts to prevent the destruction of Tilted Arc are also important source material.

William Ivins's Prints and Visual Communication remains a significant study of the role and impact of printed images. Recent works on the subject include Susan Lambert's The Image Multiplied, Michel Melot's Prints: History of an Art, Leo Steinberg's "The Glorious Company," and Trevor Fawcett's "Graphic Versus Photographic in the Nineteenth-Century Reproduction." Significant discussions of the history of connoisseurship include Carlo Ginzburg's "Clues: Morelli, Freud, and Sherlock Holmes" and Jeffrey Muller's "Measures of Authenticity." The implications of various forms of reproduction are discussed in a number of the essays included in the volume edited and introduced by Krauss, Retaining the Original: Multiple Originals, Copies, and Reproductions, and Susan Hapgood has discussed the remaking of recent work in her essay "The Remaking of Art History."

CHAPTER 1

THE MUSEUM AS CONTEXT

Earlier in the twentieth century, new modes of technical reproduction were expected to change everything. Photography meant that the work of art, freed from its presence in time and space, would "meet the beholder halfway";¹ the museum without walls would "carry infinitely farther that limited revelation of the world of art which the real museums offer us within their walls."²

The theorists who made these predictions were right. The museum without walls is now firmly established. It exists in the multitude of art books and periodicals; it exists in the art history classroom and other versions of the illustrated lecture; and it exists in the notecards,

¹ Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction" (1936), in Illuminations, trans. Harry Zohn (New York: Schocken Books, 1969), 220.

² André Malraux, Museum Without Walls, trans. Stuart Gilbert and Francis Price (Garden City, New York: Doubleday, 1967), 12. Malraux's Le Musée imaginaire (translated by Gilbert as The Museum Without Walls) was first published in 1947 as volume one of his three-volume La Psychologie de l'art, which Malraux revised and published in a single volume as Les Voix du silence in 1951. This translation is based on the final version of Le Musée imaginaire, which appeared as a separate volume in 1965.

posters, calendars, videotapes, compact disks, and other forms of reproduction through which interested purchasers can take works of art away with them.

Yet photography really only accelerated something that was already characteristic of the museum: André Malraux starts his discussion of the museum without walls with an analysis of the way the museum participates in and contributes to the process whereby works of art are wrested from the fabric of tradition – from their social, political, and religious contexts – and redefined according to stylistic categories, in particular according to the name of the artist. But the photographic dissemination of works of art contributed dramatically to the change in the relationship between the work of art and the viewing public by vastly expanding one's potential familiarity with the combined treasures of the entire history of art. The photograph has worked in tandem with the museum to make the work of art float free from its rootedness in the fabric of tradition, while the flip side of the infinite reproducibility found in technology's progression of simulacra is the insistence on the inviolability of the original housed within the museum.

At the same time, something happened to the "real" museum, to the museum within the walls. The museum is now understood as the typical context for viewing works art.

Rather than fading in importance as its objects were disseminated in other contexts, the museum fortified its own position. Concerns about public access to works of art that had been percolating for several centuries were formalized and codified. Professional organizations were established, ethical codes were promulgated, questions of display were analyzed with increasing rigor, and whole highly specialized service industries devoted to conservation, climate control, transportation, and other museum needs came into existence. All of these industries are related to the significant fact that the museum is supposed to be the site that houses the original object, in contrast to the infinite reproducibility and weightlessness of the reproduction. In fact, one of the defining features of the museum of fine arts was the exclusion of other types of objects from the collection. But the art museum is now sufficiently established, and the category of the original firmly rooted, that forms challenging the status of the original, as well as the traditional boundaries of the fine arts, can enter the museum and be assimilated into its system of classification.

Museum Origins

Once established, the art museum contributed to changes in both the way art was viewed and the nature of the

artistic object. But it was only gradually that the art museum became a separate entity, distinct from other types of collections. In the cabinet of curiosities, a precursor to the museum, what would now be defined as art was intermixed with many other types of natural and artificial curiosities. It was only after art was distinguished as a separate category that the now-familiar categorization of art according to artistic authorship and the history of movements and styles could be developed. Also important and connected to the establishment of the art museum as a type was the rise of connoisseurship, with its emphasis on the hand of the artist.

Although a number of issues key to the development of the museum came together in the eighteenth century when Enlightenment thought inspired the idea of making royal collections available to the public, many have argued that the origin of the museum in Europe can be found in the sixteenth- and seventeenth-century tradition of the aristocratic cabinet – a collection type that combined many different kinds of objects in a single assemblage. The overall tendency of these early cabinets was encyclopedic in nature, although the emphasis of a particular cabinet might be more heavily weighted toward a specific type of material,

depending on the taste of the collector.³ According to Guiseppe Olmi, "A studiolo such as that of Francesco I de' Medici can be seen as an attempt to reappropriate and reassemble all reality in miniature, to constitute a place from the center of which the prince could symbolically reclaim dominion over the entire natural and artificial world."⁴ While natural objects played a significant role in early cabinets, aesthetic criteria frequently predominated in the late sixteenth century, with "the arrangement of the

³ Inscriptiones vel tituli theatri amplissimi, published in Munich in 1565 by a Flemish doctor, Samuel Quiccheberg, is considered by many to be the first work devoted to museological issues. Franz Adrian Dreier describes how Quiccheberg "divided the contents of an art and curiosity cabinet into a system of three parts: the first is the art collection, in which are to be found not only paintings and sculpture, but also mechanical works and scientific instruments, glass, ceramics, and works of materials such as mother-of-pearl, amber, ivory, wood, and so on; then comes the natural history collection; and finally, the 'rarity cabinet' containing curiosities of all kinds." Franz Adrian Dreier, "The Kunstkammer of the Hessian Landgraves in Kassel," in Oliver Impey and Arthur MacGregor, ed., The Origins of Museums: The Cabinet of Curiosities in Sixteenth- and Seventeenth-Century Europe (Oxford: Clarendon Press, 1985), 106. See also Lorenz Seelig, "The Munich Kunstkammer, 1565-1807," in Impey and MacGregor, ed., The Origins of Museums, 84-87.

⁴ According to Guiseppe Olmi, "the collections of the Italian princes were largely characterized by an absence of specialization and by the juxtaposition of natural and artificial objects. With their marvelous appearance and encyclopedic arrangement, they . . . represent one of the most ambitious and spectacular responses of Mannerism to the crisis of values resulting from the breakdown of Renaissance certainty." Giuseppe Olmi, "Science-Honour-Metaphor: Italian Cabinets of the Sixteenth and Seventeenth Centuries," in Impey and MacGregor, ed., The Origins of Museums, 5.

products of nature within this setting . . . often determined by the desire for symmetry and a pleasing appearance."⁵

Such collecting patterns laid the foundation for the formation of modern museums, and by the eighteenth century, the interest in collecting of the previous two centuries led to the firm establishment of two forms of display: the cabinet and the gallery.⁶ These were, however, still largely private collections, and were organized according to different principles than later collections oriented toward the public.⁷ Rather than being organized chronologically or

⁵ Olmi, "Science-Honour-Metaphor," 9.

⁶ The concept of the gallery originated in France, though that term, too, was derived from an Italian term. The term "gallery," according to Bazin, tended to be applied to "a succession of splendid reception rooms" and it "connoted exhibition areas for painting and sculpture, while 'cabinet' designated both collections of curiosities, natural and otherwise, and Places where small objets d'art were conserved" (Germain Bazin, The Museum Age, trans. Jane van Nuis Cahill [New York: Universe Books, 1967], 129).

⁷ Even before the eighteenth century, however, there had been some interest in making art available to the public: the sixteenth and seventeenth centuries saw limited public access to certain collections, and a few isolated collections were founded by public or corporate bodies. A key early example is the Ashmolean Museum at Oxford – according to Bazin "the first great museum organized as a public institution with a pedagogical purpose" – which was formally opened to the public in 1683 (Bazin, Museum Age, 144). See also Kenneth Hudson's A Social History of Museums: What the Visitors Thought (Atlantic Highlands, New Jersey: Humanities Press, 1975), especially the chapter "Entry as a Privilege," for a general discussion of access to private collections in the seventeenth and eighteenth centuries.

in ways that emphasized the oeuvre of the individual artist, works of art were generally hung (as well as altered) in accordance with decorative requirements and in schemes arranged around connections between the works and the achievements or attributes of their owner.

While responsibility for wresting the work of art from its cultural context and giving it the status as art (as opposed to religious or cult object, ruler portrait, etc.) is often laid at the museum's doorstep, the fabric of tradition had already become frayed as a result of the traffic in art between princely collectors in the seventeenth and eighteenth centuries – a change testified to by Bazin's description of the eager stripping of Churches of their works of art, as well as the tremendous movement of art between collections.⁸ That the preservation of an object in the museum was linked to an act of destruction with respect to its relationship to its traditional context was recognized in revolutionary France, where Alexandre Lenoir's attempts to save works from revolutionary vandalism led Quatremère de Quincy to accuse him of a different type of destruction.⁹

⁸ See Bazin, The Museum Age, especially Chapter 5, "Royal Art," 83-105.

⁹ According to Linda Nochlin, Quatremère de Quincy "pressed forward the doctrine of the work of art as inseparable from its milieu, with the implication that Lenoir had in fact

As royal collections were increasingly made available to the public during the eighteenth century, collections began to be reordered and hung according to artistic period and style rather than either in decorative ensembles or on the basis of perceived relations between the subjects of the works of art and the attributes of their princely owners. Changes in the royal collection in Austria reflect some of these trends. One arrangement of the royal collection was carried out in 1720-28, and Bazin describes it thus: "Given black frames embellished with gilt rocaille, the paintings were treated as simple decorative elements; all the schools were mixed; format and subject, not quality determined the choice. Some masterpieces were omitted, others hung beside astonishingly mediocre paintings; baroque compositions predominated; to achieve an overall symmetry, there was no hesitation in cutting down or, as was more often the case, in enlarging the pictures."¹⁰ Forty years later, however, the collection was reinstalled in different quarters and according to very different principles. In their new installation, completed in 1781, the paintings that had

destroyed organic (if crumbling) totalities in order to create a museum of dismembered fragments" (Linda Nochlin, "Museums and Radicals: A History of Emergencies," in Museums in Crisis, ed. Brian O'Doherty [New York: George Braziller, 1972], 10).

¹⁰ Bazin, Museum Age, 158.

previously been enlarged were restored to their original size, and all were given simpler frames. More importantly, the works were arranged chronologically, with schools and individual artists grouped together. According to Chrétien de Mechel, who was appointed to oversee the reinstallation, the objective of a great public collection was "more for one's instruction than delight," and he argued that "one learns at a brief glance infinitely more than one could if the same paintings were hung without regard to the period which had made them. . . . It must interest artists and amateurs the world over to know there actually exists a Repository where the history of art is made visible."¹¹

Equally decisive was the division of collections along lines that resembled the increasing divisions among

¹¹ Quoted in Bazin, Museum Age, 159. But not everyone in Vienna was happy to see the decorative replaced with the pedagogical; a disgruntled contemporary commentator found that "One who desires to write an art history can enter [the museum] but the sensitive man is kept away" (Von Rittershausen, Betrachtungen über die Kaiserlich-Königliche Bildergalerie zu Wein [1785], quoted in Bazin, Museum Age, 159). Other bodies of work were also reinstalled: in Düsseldorf the collection was organized along rational lines in 1756, but though the paintings were given simple frames, they were still hung so as to cover all available wall space; and in Bavaria the collection of the Hofgartengalerie, a public museum, was installed in simple frames and according to similar principles in 1780-81. See Bazin, Museum Age, 159-60. On the rehangings of the Austrian royal collection, see also Neils von Holst, Creators, Collectors and Connoisseurs: The Anatomy of Artistic Taste from Antiquity to the Present Day, trans. Brian Battershaw (New York: G. P. Putnam's Sons, 1967), 206-7.

different categories of knowledge as growth in the amount and complexity of information led to increasingly specialized disciplines. Parallel to the separation of fine art from the other types of objects brought together in the cabinet, one finds an increasing emphasis on the pursuit of knowledge and scholarship specifically about art. During the eighteenth century there was, according to Bazin, an increasing interest in connoisseurship (as greater emphasis was placed on artistic authorship) and also in conservation – though copies and also the practices of completing antiques and of cutting down or adding to original works of art remained a common practice.¹² The period also saw the publication of a number of treatises designed to provide the amateur with guides to collecting.¹³

In America the art museum was established much later than in Europe, and, as in Europe, American versions of the cabinet that provided the basis for the museum contained a

¹² Bazin, Museum Age, 116.

¹³ According to Bazin, the first of these eighteenth-century treatises was Hamburg dealer Caspar F. Neickel's Museographia, published in 1727 in Latin (which enabled it to have international distribution). As Bazin's description indicates, Neickel's advice built upon earlier models for collecting: "He advised on the choice of likely locations for finding objects, on the procedure for caring for them in a controlled climate, on problems of classification. . . . He grouped objects under two headings: naturalia and curiosa artificialia; paintings and objets d'art formed part of the latter category and were prized not for their aesthetic qualities but as objects" (Bazin, Museum Age, 115).

mixture of objects, with those that we would now categorize as fine art mixed in with other types of material. The lack of emphasis on art was, however, more pronounced in museum precursors in the United States, since early American collections tended, both because of a general lack of resources on the part of collectors and because of their distance from European cultural centers, to emphasize more readily available examples of natural history over the fine arts. While natural history was one aspect of the early European cabinet, it remained the focus of the more serious American collections during the late eighteenth and early nineteenth centuries. The activity of collecting was also established much later in America than in Europe: there were no royal collections waiting to form the foundation for national museums, nor was there a long history of wealthy or aristocratic patronage. According to Joel Orosz, it was only in the middle of the eighteenth century that cabinets began to be assembled, and not until late in the century that such collections began to be made available for public access.¹⁴

The lack of American institutions devoted specifically

¹⁴ Such collections were often formed under the auspices of associations rather than individuals, and it was also only during the last two decades of the eighteenth century that the cabinets formed by such societies began to be opened up to more than just their own membership. See Joel Orosz, Curators and Culture: The Museum Movement in America, 1740-1870 (Tuscaloosa: University of Alabama Press, 1990), 6, 26.

to art began to be addressed toward the middle of the nineteenth century with the establishment of the Trumbull Gallery at Yale in 1832 and the opening of the Wadsworth Atheneum in 1844.¹⁵ Of key importance, too, was the establishment of a major national institution, the Smithsonian, made possible by the half-million-dollar-plus fortune willed by James Smithson to the United States to be used for "the increase and diffusion of knowledge among men."¹⁶ It was not until the second half of the nineteenth century, however, that many of America's most significant museums of art were founded: in particular, New York's Metropolitan Museum of Art, the Boston Museum of Fine Arts, Washington's Corcoran Gallery of Art, the Art Institute of Chicago, and the Philadelphia Museum of Art were all founded

¹⁵ For a survey of some of the museums founded in mid-nineteenth-century America, see Laurence Vail Coleman, The Museum in America: A Critical Study, vol. 1 (Washington, D.C.: The American Association of Museums, 1939), 10-16.

¹⁶ Although Smithson died in 1829, legal problems delayed the arrival of his fortune in the United States until 1838. Since the terms of the bequest were very general, there was much debate about the form the promotion of knowledge should take — including both collecting, research, and educational institutions. However, the act passed by Congress in 1846 establishing the Smithsonian Institution focused on the museum elements. For an overview of the early history of the Smithsonian, see Orosz, Curators and Culture, 155-65, and Dillon Ripley's chapter "The Smithsonian in the Nineteenth Century: A Microcosm of Museum Problems," in The Sacred Grove: Essays on Museums (1969; reprinted Washington, D.C.: Smithsonian Institution Press, 1978), 52-66.

during the 1870s and '80s.¹⁷ The motivation behind their establishment was, of course, linked to the other civic impulses of the period, and equally important was the feeling of rivalry toward Europe and its well-established museums as the American museums attempted to build up encyclopedic collections. Commentators doubted that it would even be possible to build significant new collections, given how many works were firmly lodged in European hands. But the fortunes amassed by wealthy industrialists allowed them to buy art at a time when a number of European collectors were looking to raise cash on their collections, and many of those works were eventually donated or willed to American museums.

Both the interest in art collecting and the expansion of museums over the nineteenth century helped establish the importance of the approach to art known as connoisseurship. The development of connoisseurship paralleled the interest in artistic style that both motivated and followed from the new method of grouping of works of art, for as art became more closely identified with its maker, more attention was paid to the particular artist's expression, to the hand of

¹⁷ Other major American museums established slightly later include The Brooklyn Museum in 1893 (founded as the museum of the Brooklyn Institute of Arts and Sciences), The Cleveland Museum of Art in 1916, and the National Gallery of Art in Washington in 1937.

the artist. Connoisseurship was stimulated by a market imperative, for as the artist became more central, a secure identification had increasing significance for the value of the work.¹⁸ Though connoisseurship developed in part in relation to the needs of private collectors, the bringing together of works in the museum provided more opportunities for the discernment of formal echoes and continuities that would not have been so apparent (or relevant) when works of art were moored to contexts based on either religious or aristocratic requirements. Likewise, connoisseurship depends upon having available a body of secure examples the provenance for which connects them decisively to a particular artist. Although a connoisseur like Bernard Berenson would have had access to many private collections, the general availability of works in publicly accessible settings is clearly essential to most scholars. Also, the whole idea of connoisseurship is in some ways intrinsically related to the conception of the museum experience: the work is to be experienced in isolation from non-artistic objects,

¹⁸ See Bazin, Museum Age, especially page 116. Mansfield Kirby Talley, Jr., in the introductory section of his "Connoisseurship and the Methodology of the Rembrandt Research Project," International Journal of Museum Management and Curatorship 8 (June 1989): 175-214, also discusses the origins of connoisseurship relationship to the establishment, in the seventeenth century, of a market for old masters and a parallel rise in the numbers of copies and fakes.

and it is the formal qualities that are of primary importance.

Connoisseurship, like the modern museum, is based on a historically specific concept of authorship (hence the problem of workshop paintings for connoisseurship's retroactive imperatives).¹⁹ One thing that sets the art museum apart from other types of museums or related institutions is the importance of objects in museums to professionals in the field: that which is displayed to the public is also the object of study for scholarship, not simply an illustration or sample, and access to those objects is essential for many forms of art-historical analysis. Related to the importance of the object itself is the fact that, within the increasingly large body of scholarship associated with art, a significant percentage (particularly in publications and other forums associated directly with the museum) is devoted to pinning down the origins and histories of the art works and artists represented in museum collections rather than in using those works as pieces in a larger puzzle – as sources of information for other areas of cultural knowledge. Thus the art museum is particularly likely to turn inward upon

¹⁹ For a discussion of some of the attribution issues surrounding the approach of the Rembrandt Research Project to studio paintings, see John Gash, "Rembrandt or Not?" Art in America 81 (January 1993): 57-69, 127.

itself: the emphasis is on the object as the art museum's defining feature, and producing data about the object's specific history is treated as an end in itself.

The Collection and the Public

A key transition in the establishment of the museum was the opening of the collection to the public, and it was in the name of public education that many art collections were reorganized according to a narrative of artistic development. The desire to appeal to the public, however, also created ambiguities in the definition of the museum. Just as the background for the formation of collections in America differed from that of Europe, so, too, did some of the reasons for instituting public access. In Europe, many of the collections made available to the public were holdings that, as royal property, could also be understood as belonging to the state, and the decision to open them to the public was connected to a changing conception of the relationship between the state and its citizens. In the United States, ideals associated with the Enlightenment also lay behind the impulse to open up collections to the public, but there is a marked difference in that most of the early American collections were private – whether of private

societies or of individuals – and therefore without a direct connection to the state.

In the absence of state backing, a key factor for American collectors was the lure of admissions fees and the support they could provide for further collecting. Because the early American museum efforts were motivated in part by revenue production, they were also in some ways more democratic than their European precursors, where the visit to the museum retained its quality as a visit to a royal host for some time.²⁰ But the combination of education and revenue-producing popularity was a delicate balance at best. It was, in fact, financial necessity that provided a major impetus for Pierre Eugène Du Simitière, who was the first in America to transform a private cabinet into a public museum.²¹ Charles Willson Peale, Du Simitière's better-known

²⁰ See Carol Duncan and Alan Wallach, "The Universal Survey Museum," Art History 3 (December 1980), especially pages 456-57. Edward Alexander also points out this fact in relation to the collection at the Hermitage in Saint Petersburg: "Visitors were allowed, but up until 1866, they needed to wear full dress, on the theory that they were visiting the czar and only incidentally the museum" (Alexander, Museums in Motion: An Introduction to the History and Functions of Museums [Nashville: American Association for State and Local History, 1979], 30).

²¹ In many ways Du Simitière's collection resembled European precedents: like earlier European cabinets, his was divided between "natural" and "artificial" curiosities. Du Simitière had already tried to get funding for a civil and natural history of America, and when his request was turned down by the Continental Congress, he turned to his collection of objects and artifacts as a potential source of income.

contemporary, was guided by a more complex set of motivations in the foundation of his own museum: Peale combined a genuine desire to educate with the goal of receiving income from opening his collection to the public, which he did in 1786, and he wanted his museum to demonstrate, both to Americans and to Europeans, America's progress and achievements in science, as well as to provide a forum for education about such knowledge. Peale was convinced that his museum was sufficiently important to the furtherance of knowledge and education that it ought to become a national institution – a goal he was unsuccessful in realizing.²²

Between 1775 and 1781 it was a private collection that could be visited upon request by members of the appropriate class; during that period he did not charge admission to such visitors. Du Simitière officially opened his museum to the public in 1782, but it was a brief experiment, because his health began to fail him in 1783, and he died in 1784. (See Orosz, Curators and Culture, 30-40; the types of objects in the "natural" and "artificial" categories are listed in a handbill that Orosz illustrates on page 37.)

²² It was Peale's goal that his museum would "form such a school of useful knowledge, to diffuse its usefulness to every class or our country, to amuse and at the same moment to instruct the adult as well as the youth of each sex and age . . . a great school of nature which speaks a language intelligible to all mankind; where all classes of men from the most learned to the most illiterate, from the aged down to the tender youth, all may read and be happily amused, and certainly instructed" (quoted in Orosz, Curators and Culture, 85). According to Orosz, Peale made five major attempts to have the museum nationalized, and also attempted to get state and city patronage from Pennsylvania and Philadelphia respectively (53).

The contradictions between education and the popular attractions that would bring in a large audience quickly became apparent, and they had implications both for how objects were presented and what types of objects were collected. According to Orosz, "Peale had succeeded in attracting both the serious students of science and the popular audience eager for diversions." By the 1820s and '30s, however, it had become "increasingly difficult to attract all classes. Serious scholars were gravitating toward the Academy of Natural Sciences, and the public was increasingly patronizing the sideshow 'museums' that competed with Peale's."²³ The contradictory challenges facing the museum are suggested by John Scudder's American Museum, which attempted to appeal to the public via showmanship: admission-paying visitors were attracted not only by the numerous cases of natural history specimens, but also by the band he hired to play popular music on an outdoor balcony.²⁴ In fact, following Scudder's death in 1821, a series of problems led his trustees to sell what was left of the American Museum to P. T. Barnum. The transformation of American Museum into a sideshow attraction was already well underway before Barnum entered the picture, but Barnum was able to exploit the situation much more

²³ Orosz, Curators and Culture, 115, 119.

effectively because he was unhampered by any pretense of a double mission for his enterprise. Unlike Peale, Barnum was interested not in education, but in profit; and his true claim to creative genius was in his advertising and promotional abilities.²⁵

While some museums were transformed into eclectic sideshows, a number of other institutions became more specific in their focus in the nineteenth century. The New-York Historical Society, for example, made a significant change in its collection in 1829 when it presented its extensive holdings in natural history and mineralogy specimens (which it had been collecting since 1817) to the Lyceum of Natural History.²⁶ The increased specialization of

²⁴ Orosz, Curators and Culture, 76-80.

²⁵ See Neil Harris, Humbug: The Art of P. T. Barnum (Boston: Little, Brown & Company, 1973), 56. Barnum's priorities are obvious in a list of desired attractions quoted by Harris: "he scoured the country for 'industrious fleas, automatons, jugglers, ventriloquists, living statuary, tableaux, gypsies, albinos, fat boys, giants, dwarfs, rope-dancers, dioramas, panoramas, models of Nieagra, Dublin, Paris and Jerusalem . . . Punch and Judy . . . fancy glass-blowing, knitting machines . . . dissolving views, American Indians'" (40).

²⁶ According to Orosz, the New York Historical Society was not the only American institution to pursue such a policy: around 1830 the Massachusetts Historical Society did the same, and the American Antiquarian Society stopped collecting in the area. (Curators and Culture, 138-39). See also the telling schematic representation of changes in the Danish royal collection published as part of Bente Gundestrup, "From the Royal Kunstkammer to the Modern Museums of Copenhagen, in Impey and MacGergor, ed., The Origins of Museums, figure 57, which demonstrates the process whereby the collection was

focus in American as well as European museums during the nineteenth century was parallel to a broader trend, discussed by Orosz, toward increasing professionalization of knowledge, starting particularly in the sciences: "What was once part of the general knowledge of all educated people was now becoming the specific domain of a small group. . . . Indeed, the very name of the pursuit changed to reflect the new status of the nascent professionals; from about 1840, they were no longer 'natural philosophers,' but 'scientists.'"²⁷ With professionalization also came questions about research versus popular education, since increasingly complex and specialized bodies of knowledge were destined to be less and less amenable to in-depth understanding on the part of a general public.

One of the arguments for museums was their role in demonstrating cultural achievements to their public. But museums were not the only game in town in this regard. Neil Harris identifies two other key formations that were in many ways linked to the progress of the museum over the course of the nineteenth century: the world fair, and the department store, which, like the museum, played a role in shaping public taste. The department store was influential for the

divided into separate disciplines and areas of collecting, mostly during the first half of the nineteenth century.

²⁷ Orosz, Curators and Culture, 140-41.

way it contributed to changes in attitudes toward consumption by making luxury goods more readily available and for the development of sophisticated methods to display those goods. World fairs and expositions were likewise significant in both Europe and America for the way in which they brought into focus – in an era before most of our present means of mass communication had been developed – a panoramic overview of the period's achievements on a variety of fronts. As Harris points out, the fairs provided an experience that many people did not have elsewhere in the late nineteenth century: "This was before cheap travel had been opened to large numbers; for many, the displays were their first encounter with large assemblies of the fine arts."²⁸ According to Harris, American museum formation in

²⁸ Neil Harris, "Great American Fairs and American Cities: The Role of Chicago's Columbian Exposition," in Cultural Excursions: Marketing Appetites and Cultural Taste in Modern America (Chicago: University of Chicago Press, 1990), 124. In this regard, the 1851 Crystal Palace proved to be a pivotal influence for the way in which it concentrating attention on progress in industry and craft. Alan Morton, for example, suggests that the Crystal Palace provided the catalyst for the formation of science museums: see his "Tomorrow's Yesterdays: Science Museums and the Future," in Robert Lumley, ed., The Museum Time-Machine: Putting Cultures on Display (London and New York: Routledge, 1988), 129. Patricia Mainardi discusses the importance of the Crystal Palace exposition in the context of her discussion of the role of art in the French expositions of the Second Empire: see her Art and Politics of the Second Empire: The Universal Expositions of 1855 and 1867 (New Haven: Yale University Press, 1987), 22-30. For a general discussion of America's world fairs, see Robert W. Rydell, All the World's a Fair: Visions of Empire at American International Expositions,

the late nineteenth century was in part inspired by a sense of crisis that was brought into focus when the Centennial Exposition exposed "an impoverished national taste, a struggling and depressed class of artists, and a debased and vulgar stock of consumer goods."²⁹

There are clear links between museums and various forms of consumption in the twentieth century as well, since the tremendous increase in both the number and the size of museums has been facilitated to a large extent by the expansion of an important modern pursuit: tourism. As early as 1939, Laurence Vail Coleman's analysis of the museum found clear evidence of a connection between expansions in automobile ownership and travel and the tremendous increase in the number of regional and site museums and historic houses.³⁰ Tourism also put pressure on museums by contributing to the growth of theme parks. These

1876-1916 (Chicago: University of Chicago Press, 1984). Rydell also discusses the general role of Smithsonian Institution in relation to America's world fairs (6).

²⁹ Harris, "Museums, Merchandising, and Popular Taste," in Cultural Excursions, 57.

³⁰ According to Coleman, "even by 1895 there were only about twenty historic house museums. Then came the automobile - four cars in 1895, eight thousand in 1900, early half a million in 1910, more than twenty-five million in 1938 - and in the same years came the extensive saving of historic houses as museums" (The Museum in America, vol. 1, 35). Coleman also discusses the impact of the automobile on urban museums, pointing out that more than half the audience for museums at the time he was writing was made up of out-of-town visitors.

entertainment complexes, which run the range from the historically based world of Henry Ford's Greenfield Village or John D. Rockefeller, Jr.'s Colonial Williamsburg (inaugurated in 1929 and 1934 respectively) to the total simulation of Disney's mythic vision of America past and future, do not face the same tension between education and popularity that one finds in the museum, and because they do not hesitate to simplify and to pander to popular taste with exhibits that recur to archetypes and highly mythic versions of history, they have an appeal that museums necessarily cannot match.³¹

³¹ According to Margaret J. King, "The average time spent in a North American museum is estimated to be less than an hour (precise figures on the nationwide basis do not exist), while in theme parks, which are the subject of intense bottom-line scrutiny, the average time spent is eight hours or more over a period from two to five days" ("Theme Park Thesis," Museum News 69 [September/October 1990], 60). Furthermore, theme parks have taken over some of the museum's territory: according to Charles Alan Watkins, "Subjects traditionally dealt with in museums of natural history, anthropology, science, history, and even art now are found in amusement parks. . . . A number of parks include 'culture displays' such as traditional craft demonstrations within a general framework of amusement park rides" ("Fighting for Culture's Turf," Museum News 70 [March/April 1991], 61). On the other hand, Edward Fry suggests that "the re-creation in the twentieth century of historical sites - Williamsburg, Valley Forge, Old Sturbridge - as museums and/or parks is closer in symbolic function to the role of European national museums than are many of the American museums of art filled with European purchases" (Edward Fry "The Dilemmas of the Curator," in O'Doherty, ed., Museums in Crisis, 108). The total simulation of the Disney-type amusement park, based on a thematic organization, is the more recent development, and it was, in fact, not until the 1960s that the Disney model

As museums increased in number and scope, and as they had to distinguish themselves from other types of ventures, museum directors and curators had to define more clearly the role of the museum and its rationale. With museum expansion came a need for enlarged organizational structures and heightened professionalism; and the justification for larger budgets was based on the idea that museums fulfilled a public need.³² There were, however, divergent views during the 1920s and '30s about what form the art museum should

began to be widely imitated (see Judith Adams, The American Amusement Park Industry: A History of Technology and Thrills [Boston: Twayne Publishers, 1991], 105).

³² Linked to these phenomena was the fact that this period, according to Paul DiMaggio, saw the beginnings of "scientific philanthropy," which originated with the establishment of large foundations in the 1920s. Funds from sources such as the Carnegie Foundation's grants to museums – which were an extension of their grants to libraries – aided the professionalization of museums. See Paul DiMaggio, "Constructing an Organizational Field as a Professional Project: U.S. Art Museums, 1920-1940," in The New Institutionalism in Organizational Analysis, ed. Walter Powell and Paul DiMaggio (Chicago: University of Chicago Press, 1991), 273-75. For discussions of the rise of professional organizations among museums at the end of the nineteenth century and the first decades of the twentieth, see Coleman, The Museum in America, vol. 1, 38-44, and J. Lynne Teather, "The Museum Keepers: The Museums Association and the Growth of Museum Professionalism," Museum Management and Curatorship 9 (March 1990): 25-41. Also closely related was the rise in museum studies programs during this period. For an overview of the history of museum studies, see J. Lynne Teather "Museum Studies: Reflecting on Reflective Practice," Museum Management and Curatorship 10 (December 1991): 403-17, and Karen Cushman, "Museum Studies: The Beginnings, 1900-26," Museum Studies Journal 1 (Spring 1984): 8-18.

take, and whether its emphasis should be on public education or on research and collection building. In the first half of the twentieth century a number of museum pioneers still stressed the importance of education and popular accessibility over growth and, at times, the establishment of a permanent collection. Paul DiMaggio cites two different models for museums in the 1920s. On the one hand there was Benjamin Ives Gilman of the Boston Museum of Fine Arts, who advocated the "classification of art work into a narrowly defined 'high art' category and a more inclusive category of 'nonart,' and the exclusion of the latter (e.g., gewgaws, instructional plaster reproductions) from museum collections."³³ On the other, there was John Cotton Dana, director of the Newark Museum, who felt that most museums had an "undue reverence for oil paint," and who, by contrast, "defined art broadly to include well-designed objects of use . . . and welcomed the exhibition of casts and well-rendered reproductions."³⁴ Dana's orientation was similar to that of Philip Youtz, who was involved with the establishment of branch museums for the Pennsylvania Museum

³³ DiMaggio, "Constructing an Organizational Field," 269. At the Boston Museum of Fine Arts, the orientation toward old masters, and the exclusion of casts and copies, was established in the 1890s. See Neil Harris, "The Gilded Age Revisited: Boston and the Museum Movement," American Quarterly 14 (Winter 1962): 545-66.

³⁴ DiMaggio, "Constructing an Organizational Field," 270.

before going to the Brooklyn Museum, and who found that "Hitherto, museums have not really wanted the public. . . . They have been definitely oriented toward the wealthy collector to whom they looked for accessions, not to the common man in the street."³⁵ Thus concerns about museum popularization, which had already arisen in the nineteenth century, carried on into the twentieth in the form of a contrast between the accentuation of objects and an emphasis on education. Even at New York's Metropolitan Museum of Art, the emphasis in the forties and early fifties, under director Francis Henry Taylor, was on education rather than on collection growth.³⁶ But education did not draw the public in droves in the way a spectacular acquisition could — as Taylor's successor James Rorimer demonstrated with the much-publicized purchase of Rembrandt's Aristotle Contemplating the Bust of Homer at auction in 1961.³⁷ In

³⁵ Youtz, 1931, quoted in DiMaggio, "Constructing an Organizational Field," 285.

³⁶ See Karl E. Meyer, The Art Museum: Power, Money, Ethics (New York: William Morrow & Company, 1979), 104.

³⁷ According to Meyer, "This lesson was not lost on Rorimer's protégé and successor, Thomas Pearsall Field Hoving" (The Art Museum, 106). Neil Harris connects the type of dramatic gesture involved in the Metropolitan's purchase of Aristotle Contemplating the Bust of Homer to the kind of merchandising characteristic of the department store: "In a sense, the great purchase simply is an extension of commercial advertising methods that were well established before the postwar years. Merchant princes like Wanamaker and Field well understood the customer appeal of such dramatic

fact, collection growth and audience expansion were closely linked: even though collection building was largely dependent on donations by wealthy patrons (their generosity encouraged by tax policy), museums also needed an audience in order to justify their existence.

The need to sell the museum experience to both potential donors and the public has inspired different strategies; and, of course, the paradigmatic figure when it comes to museum popularity is Thomas Hoving of the Metropolitan. Under his directorship there were frequent tensions between scholarship and showmanship. Among his controversial undertakings were the well-known and extensively criticized exhibition "Harlem on My Mind," and his reduction of the scope of "French Painting 1774-1830: The Age of Revolution" from 206 to 150 works for its stop at the Metropolitan: according to Robert Rosenblum, the reasons for this latter move were "nominally financial, but in fact, I suspect that the Metropolitan, as usual, is afraid that the exhibition will be too adventurous in terms of fresh scholarship and unfamiliar pictures to provide the predictable box-office response of an Impressionist anthology."³⁸ Professionals within the field of art history

gestures, and benefited from the resultant publicity" (Harris, Cultural Excursions, 78).

³⁸ Quoted in Meyer, The Art Museum, 116.

who are critical of the canon and its presuppositions have attempted to push museums in the opposite direction. Questioning received notions about art can, however, be unpopular: witness, for example, the controversy over "The West as America," a revisionist show mounted at the Smithsonian's National Museum of American Art in 1991 that came under fire for using paintings of the American West as part of a critical narrative.

The institutional structure of American museums also expanded significantly during the postwar years as the art-world center of gravity shifted to New York and the American audience became more interested in contemporary art. Meyer, for example, points to a nearly fourfold increase in the number of New York galleries in the twenty-five year period starting in 1945, and Diana Crane cites similar figures for the period of 1949-1977.³⁹ Museums have followed suit:

³⁹ Meyer, in The Art Museum, cites research by Steven Naifeh that indicates that the number of serious dealers in New York expanded from 73 in 1945 to 287 in 1970 - after which there was a further significant increase as Soho developed as a gallery district (98-99). Diana Crane gives figures for New York galleries handling twentieth-century American art - which, according to her, went from 90 in 1949 to 290 in 1977 (The Transformation of the Avant-Garde: The New York Art World, 1940-1985 [Chicago: University of Chicago Press, 1987], 3).

Within the course of this expansion of audience, Meyer sees a key moment in the Metropolitan's 1969 "New York Painting and Sculpture: 1940 to 1970" exhibition - a show that he finds significant not just for the type of art included but also for the way in which it functioned as a social and media event. As Meyer describes it, "If New York

whereas the Museum of Modern Art was a pioneer when it opened in 1929 (and one that was focused largely on European modernism), now practically every major American city hosts at least one museum or institute of modern or contemporary art, and museums with historical holdings have increasingly added modern departments. The early history of the Museum of Modern Art points to the specific issues facing the attempt to make a museum devoted to the contemporary moment.

According to Anne Deirdre Robson, there were debates early in the museum's history about whether it was appropriate to establish a permanent collection: "Initially, it was intended that the collections of the Museum of Modern Art would be fluid in their composition, and resemble, as Barr put it, 'a torpedo moving through time, its nose in the ever advancing present, its tail in the ever receding past of fifty to a hundred years ago.'"⁴⁰ The Museum of Modern Art was also distinct from its two counterparts in New York, the Whitney and the Guggenheim, in hanging works "with the

was the new global atelier, it was also bound to attract speculators in art. . . . it was clear that the innocent era of the Armory Show, when masterpieces could be obtained for a few hundred dollars each, had vanished and that the cozier world of Mrs. Vanderbilt's salon had been supplanted by a glittering scene mingling consumerism, creativity, and media chic" (102).

⁴⁰ Anne Deirdre Robson, "The Market for Modern Art in New York in the Nineteen Forties and Nineteen Fifties - A Structural and Historical Survey," Ph.D. Thesis, University College, London, 1988, 41.

emphasis on indicating the intellectual and chronological links between different pieces, rather than on arranging them decoratively according to size or subject."⁴¹

In the context of contemporary art, the museum is closely connected to and dependent upon both the system of galleries and dealers and the array of art-related publications. The museum, however, also functions within this network as the pinnacle of artistic recognition and achievement. Despite the prominent role played by museums, however, the United States, in contrast to many European countries, has remained uncomfortable with the idea of direct government funding for the arts. Rather, art support has taken the form of indirect subsidies through tax breaks both for monetary donations to charities and for donations of works of art. This system of indirect support for the arts is, according to Karl Meyer, "a fair reflection of the American wariness of – and inexperience with – official arts patronage."⁴² That it is not direct, however, does not mean

⁴¹ Robson, "The Market for Modern Art," 80. Robson describes a different approach and the Guggenheim: "Rebay favored hanging works so that they might be viewed in isolation as far as possible. When wall captions accompanied paintings these did not directly refer to works (as might be the case at the Museum of Modern Art) but purported to instruct the viewer on how best to appreciate non-objectivity—for instance, the viewer might be asked to 'feel the rhythm that binds the entire creation into a unit of endless vibration for aesthetic enjoyment'" (81).

⁴² Meyer, The Art Museum, 64.

that it is insignificant. In fact, writing in 1979, Meyer maintained that "it can be asserted that since 1950 the United States has allocated more money for buildings for the visual arts than in the preceding 150 years and that in doing so, it has probably outspent the rest of the world combined."⁴³

In the absence of substantial direct support for basic operating expenses, one dilemma that museums have is the problem of how to exploit valuable collections that nonetheless cannot be used in the way that many other commodities might. Among the different types of museums, this is particularly the case with art museums, which, as Peter Temin points out, are the richest type of museums by virtue of assets, but are generally also poor, even "broke"

⁴³ Meyer, The Art Museum, 127. The effectiveness, in terms of sheer volume, of this system of subsidizing American museums through tax laws rather than directly has also been proven by counter example: when income tax laws were changed in 1969 so that artists could only deduct cost of materials, the result was a significant drop in donations by artists, and the same thing occurred on a more general scale in 1986 when the tax law was amended so that donors of artworks were no longer allowed to take deductions for the market value at the time of the donation, with the result being a sharp drop in donations by collectors. On the effects of the 1969 change in tax law, see Meyer, The Art Museum, 35. On the 1986 change, see Martin Feldstein, ed., The Economics of Art Museums (Chicago: University of Chicago Press, 1991) — particularly Don Fullerton, "Tax Policy Toward Art Museums," 214-17, and Peter Temin, "An Economic History of American Art Museums," 185.

in terms of operating funds.⁴⁴ Certain ways of exploiting the collection – deaccessioning to pay operating costs, for example – meet with disapproval under standard codes of museum ethics. Equally controversial is the strategy of leveraging the collection. This issue was brought up by Rosalind Krauss in an extended note to her "Cultural Logic of the Late Capitalist Museum" in which she questioned the Guggenheim's insistence (since repeated) that the collection was not being used as collateral for the bond issue that the museum used to finance parts of its expansion.⁴⁵ Because of

⁴⁴ Temin, "An Economic History," 179-80.

⁴⁵ Rosalind Krauss, "The Cultural Logic of the Late Capitalist Museum," October 54 (Fall 1990): 3-17. According to Krauss, "In light of the fact that no collateral is pledged in case of the museum's inability to meet its obligations, one might well wonder about the basis on which Morgan Securities . . . agreed to purchase these bonds," and she suggests that, "if . . . default is threatened, the collection (minus, of course, 'certain works'), though it is not pledged, is clearly available as an 'asset' to be used for debt repayment" (16-17). The Guggenheim's defensiveness about this issue is clear in their specific insistence, in the press release issued at the time of the Guggenheim's reopening, that the collection was not being used for collateral: "The Solomon R. Guggenheim Museum's capital projects, including the Westside storage facility and the Guggenheim Museum SoHo, were substantially financed by the issuance of tax-exempt bonds. Triple-A rated by Standard and Poor's and Moody's Investor Services, this is a general-obligation bond, with no mortgage, collateral, or pledge of art" (Guggenheim press release, June 1992). For an overview of the Guggenheim's plans and financial status, see also Ken Johnson, "Starship Guggenheim," Art in America 80 (September 1992): 106-19.

Questions concerning the leveraging of the collection have come up in relation to other institutions as well, including the financially beleaguered New-York Historical

the restrictions that prevent them from raising funds directly against their tremendously valuable holdings, museums are finding other ways to exploit the status associated with their collections - including real-estate ventures such as the Museum of Modern Art's museum tower.

Another aspect of the relationship to the marketplace, corporate funding, has only become widespread since 1960, and particularly in the last two decades.⁴⁶ The drawbacks of such funding have, of course, been frequently discussed. Though most corporations avoid overt censorship by not attempting to exercise specific control over content once they have made the decision to provide support, the general types of shows that they will fund, and therefore the types of shows that museums will present for funding, are ones that avoid provoking any sort of embarrassing controversy - a situation nicely encapsulated by Philippe de Montebello's

Society. According to the New York Times, January 27, 1993, the Historical Society used its collection as collateral for a \$1.5 million dollar loan from Sotheby's (see also New York Times articles on February 20 and 21, 1993). Legal limits on the sale of museum holdings in New York State have also been proposed (see the New York Times, April 9, 1993).

⁴⁶ According to some estimates, the amount of general corporate philanthropy tripled between 1976 and 1986, though it diminished in the subsequent economic downturn. See, for example, Lorraine Glennon, "The Museum and the Corporation: New Realities," Museum News 67 (January/February 1988): 37, as well as the "Artworld" section in Art in America 81 (April 1993): 152, which reported an 18 percent drop in business support for the arts between 1988 and 1991.

oft-quoted statement that "corporations aren't censoring us - we're censoring ourselves."⁴⁷

It is interesting to note that Hoving's undoing was the Annenberg center that he proposed in 1976. The center was to be a semi-autonomous organization within the museum, paid for by Walter H. Annenberg, that would be able to use technology to exploit the untapped resources of the collection - particularly through the sale of television programming. Although the dissemination of information about the collection through television was presented as largely an educational endeavor, it also had significant profit-making potential. But tensions arose because of the museum's hybrid combination of private institutional structure and city/state funding: the museum's proposal to set up the center rent-free, on city land, with little in the way of public scrutiny, brought down both the proposal and, to a large extent, Hoving himself.⁴⁸ Given the variety of enterprises that museums have undertaken since, however, it could be argued that Hoving's media center was simply ahead of its time. For marketing and the exploitation of the

⁴⁷ From Newsweek, November 25, 1985. Quoted in Glennon, "The Museum and the Corporation," 41-42, and also in Hans Haacke, "Museums, Managers of Consciousness," in Hans Haacke: Unfinished Business, ed. Brian Wallis (New York and Cambridge: New Museum and MIT Press, 1986), 71.

⁴⁸ See Meyer, The Art Museum, 121-25, 308-18.

collection have become more of a concern for museums. While the art museum has been defined as a type understood to be distinct from more popular forms of display, it remains closely linked to the social and economic forces that the traditional aesthetic experience was purported to rise above.

The Museum and the Original

A central concern of the art museum is preservation, and the emphasis on the original object is one of the considerations that distinguishes art museums from other types of collections. Conservation, even when it entails alteration, involves the designation of a particular state as that which most closely resembles the original, and adherence to the object has remained strong even as certain works of contemporary art have made the designation of the original seem increasingly arbitrary. The category of the original, so central to the art museum, is, however, reciprocally linked to the copy, and the copy has entered the museum under various guises, including casts, prints, photographs, and other multiples or reproductions that adhere to an administrative definition of originality based on assigned limits on production. The copy has also become part of the heterogeneous assembly of objects and materials

presented under the authorization of the artist's name during the postmodern period.

Conservation, one cornerstone of the museum's approach to objects, is motivated by the desire to preserve, of course, but it is also related to issues of presentation: according to Charles Watkins, "The impression of clear coatings and vividly painted surfaces, all in flat planes within their frames, clearly expresses to the public an image not only of great beauty, but also of an organization exercising proper stewardship over its objects."⁴⁹ And preservation is a form of recontextualization, for it entails an attempt to bring all of the objects in the museum into a similar state despite the history of production and ownership that may have left some in far different conditions than others. There is a certain paradox in conservation in that the original objects that are so central to museum's rationale are often heavily manipulated subsequent to their entry into the museum. The importance of the restoration aesthetic is suggested by Charles Saumarez Smith in a discussion of the strangeness caused by the display of a newly acquired statue of Saxon in the Victoria and Albert Museum: "Part of the reason why the Rysbrack statue stands out so conspicuously is that it has not yet

⁴⁹ Charles Alan Watkins, "Conservation: A Cultural Challenge," Museum News 68 (January/February 1989): 39.

been sent to be conserved. . . . In amongst the clean and polished portrait busts and the rather academic display, it retains vestiges of its life in, and passage through, the outside world. It has not yet been accommodated and absorbed by its museum environment."⁵⁰ In the restoration process, one aspect of the object's history is erased in favor of the uniform neutrality of the now-standard pristine surface viewers have come to expect of works in the museum. However, controversies over restorations that involve the removal of overpainting also illustrate the instability of the original.⁵¹ In some cases cleaning can so change the appearance of works central to an artist's production that it may force a reassessment of the artist's work. Jack Flam describes how assumptions concerning Masaccio's style were called into question by the cleaned and restored frescos in the Brancacci Chapel: "Indeed, they are so clear, bright,

⁵⁰ Charles Saumarez Smith, "Museums, Artefacts, and Meanings," in Peter Vergo, ed., The New Museology (London: Reaktion Books, 1989), 10-11. Smith also discusses the work's changing status over time – the different values and contexts that lead to the state it was in at the time it entered the museum (see pages 11-12).

⁵¹ This is illustrated by controversies over the restoration of the Sistine Chapel and other works. A recent controversy has involved the Louvre's restoration of damage to Veronese's Marriage at Cana. In that case, the restorers concluded that the red-brown paint on the robe of a key foreground figure was a later addition – and their decision to remove it in favor of the green paint below has been harshly criticized. See the New York Times, November 17, 1992, and "Artworld," Art in America 81 (January 1993): 128.

and linear that they seem closer to the style of Piero della Francesca or even Fra Angelico than that of Masaccio."⁵²

Another type of paradox arises in relation to originals that may change while secondary reproductions remains relatively constant, leading David Lowenthal to make the suggestion that a colorfast fake or copy should be considered more authentic than a faded, damaged, or decayed original.⁵³ Under these conditions, the various interventions made in the name of truth to the original – the removal of earlier forms of intervention such as overpainting or the completion of fragments – are all part of a process of interpretation.

It is equally telling that the history of the object's condition and restoration constitutes, in many cases, one of the main bodies of information provided by the museum. This kind of history could potentially provide important clues about the role played by a work of art over time (i.e., a social history of patronage and shifts in the object's role subsequent to its original creation). But such information is more likely to function as an end in itself, with the

⁵² Jack Flam, "New Masters: Cleaning the Classics Can Change their Style and Meaning," Connoisseur 216 (March 1986): 78.

⁵³ David Lowenthal, "Authenticity? The Dogma of Self-Delusion," in Why Fakes Matter, ed. Mark Jones (London: British Museum Press, 1992), 187. According to Lowenthal, "Authenticity today usually attaches to one of three conflicting goals: faithfulness to original objects and materials, to original contexts, or to original aims" (186).

discussion focused only upon the portion of the object's history that tells the story of the process whereby it became a museum object, which thus serves to affirm the role of the museum as its true context.

While changes in the physical nature of the work in the name of conservation are one form of interpretation, the entry of the work into the museum's system of classification is equally significant. In the art museum, where the reverence for the original object is especially intense, there are a number of implied boundaries with respect to the type of information and material that can be brought together. One such restriction is indicated by Ludmilla Jordanova in a discussion of the display of photography (one of the more recently canonized fine art practices) at the International Museum of Photography at George Eastman House: "There is no logical reason why prints should not be displayed alongside the cameras used to take them, which would have the effect of undermining rather than reinforcing the art/technology divide. Yet this would offend a collective sense of order, propriety and value that has been unconsciously internalized."⁵⁴ And even in relation to artifacts collected with the ostensible purpose of preserving evidence of material culture, Colin Sorensen

⁵⁴ Ludmilla Jordanova, "Objects of Knowledge: A Historical Perspective on Museums," in Vergo, The New Museology, 24.

points to a comparable reticence in the reluctance to employ twentieth-century audio-visual technology to record the contexts from which the artifacts are drawn.⁵⁵

Collecting criteria are also tellingly distinct for different types or classes of objects. For most objects, the ideal is that it arrive in "mint condition." For the utilitarian objects displayed in museums of science or technology, this is somewhat of a paradox, for the object that was supposedly made to be functional is, in this context, valued for not displaying traces of having been used before being taken out of service and placed in the museum. Yet other types of utilitarian objects inspire different criteria, and the collecting practices point to the tensions that can arise when criteria formed by Western historians and collectors are applied to diverse forms of production. For traditional or "primitive" art, authenticity is measured by the work not having been made for the purpose of collecting. Collectors of non-Western, handcrafted artifacts may actually look for signs of wear and tear, because otherwise the piece may have been made for tourist trade rather than for genuine use within the culture that

⁵⁵ Colin Sorensen gives the example of the loss of certain stone-carving skills – which had been practiced until relatively recently, and whose practitioners therefore could have been filmed or videotaped – that are documented only by the tools that had been used (Sorensen, "Theme Parks and Time Machines," in Vergo, The New Museology, 70).

produced it.⁵⁶ The application of this distinction to contemporary non-Western handcrafts means that Western collectors value or consider authentic only what the people themselves might want to keep and use, not what they make to sell, whereas for Western art the goal is to make art destined for the place most fully devoted to nonuse – the museum. According to Larry Shiner, "carvings not intended to be Art in our sense but made primarily as functional objects are considered 'authentic' Primitive or Traditional Art, whereas carvings intended to be Art in our sense, i.e., made to be appreciated solely for their appearance, are called 'fakes.'"⁵⁷ Similarly, the use of modern dyes or tools by Native Americans has resulted in work being labeled inauthentic.⁵⁸ But, Shiner argues, "the criterion of 'traditional use' breaks down completely when we learn that some indigenous groups have actually come to the same contemporary carving workshops that turn out so-called

⁵⁶ Sally Price and Richard Prince give an example of this tendency in Equatoria (New York and London: Routledge, 1992), 51-52. On the issue generally, see also Price's Primitive Art in Civilized Places (Chicago: University of Chicago Press, 1989), especially 77-79 and 100-7.

⁵⁷ Larry Shiner, "'Primitive Fakes,' 'Tourist art,' and the Ideology of Authenticity," The Journal of Aesthetics and Art Criticism 52 (Spring 1994): 226.

⁵⁸ See Lowenthal, "Authenticity? The Dogma of Self-Delusion," 187.

'fakes' to commission carving for use in local rituals."⁵⁹

The isolation of the original as the concern of the art museum was the result of a number of different forces, and the relationship between the museum and the reproduction has continued to fluctuate. Before the tremendous expansion of information technology, the art museum was seen as a clearing house for information as well as a repository for objects, since, in earlier incarnations, art museums collected reproductions as well as originals: not only was the display of plaster casts widespread, but Trevor Fawcett cites a mid-nineteenth-century recommendation that the Louvre collect and show photographs of works not in the collection.⁶⁰ Reproductions could expand the examples within the collection, and Fawcett points to other motivations as well: the South Kensington Museum (which later became the Victoria and Albert Museum), for example, began selling photographs and casts taken from works in its own collection and a number of other public and private collections in 1858, at prices that kept "popular education and the needs of decorative artists deliberately in mind."⁶¹ Once information began to be disseminated through other means,

⁵⁹ Shiner, "Primitive Fakes," 229.

⁶⁰ Trevor Fawcett, "Graphic Versus Photographic in the Nineteenth-Century Reproduction," Art History 9 (June 1986): 191.

⁶¹ Fawcett, "Graphic Versus Photographic," 193.

the museum became increasingly focused upon the original object.

It was not immediately clear, however, on what terms photography would enter the museum, and the uneven nature of this process is apparent in the shifting attitude of the Museum of Modern Art towards photography, a transformation that Christopher Phillips describes as a "passage from multiplicity, ubiquity, equivalence to singularity, rarity, and authenticity."⁶² Beaumont Newhall, the first curator of photography, turned from an initial inclusive view of photography inspired by Moholy-Nagy to one that emphasized its creative rather than applied uses. Even more dramatic was the contrast Phillips describes between Edward Steichen's major installations, including Road to Victory (1942) and Family of Man (1955), and the museum's later display of photographs as discrete aesthetic objects. In Steichen's installations photographs were blown up, cropped, and incorporated into an overall narrative that, according to Phillips, "resembled nothing so much as an oversized magazine layout."⁶³ It was not until the early sixties that John Szarkowski, Steichen's successor, reversed the

⁶² Christopher Phillips, "The Judgment Seat of Photography," in Richard Bolton, ed., The Contest of Meaning: Critical Histories of Photography (Cambridge: MIT Press, 1990), 15.

⁶³ Phillips, "Judgment Seat of Photography," 31.

treatment of the photograph as illustration in favor of presentations that emphasized formal issues and artistic authorship.

Although the emphasis on the original has been central to the definition of the art museum, the orientation toward the unique has never been absolute. The plaster casts had only just been banished to the basement when twentieth-century avant-garde practices began to raise new questions about the definition of the work of art, and the museum has continued to play host to various traditional forms of multiples, where uniqueness is defined administratively. And while photography has played a particularly important part in raising the specter of endless copies without an original, it has nonetheless been incorporated into the structures that define and promote artistic production through a variety of largely market-driven conventions, such as the importance given to vintage prints and the practice of the limited edition.⁶⁴ The centrality of the art object itself also has its corollary in the de-emphasis of the idea of exploiting the work of art in reproduction form by the artist, even if publishers and museums are fully aware of the value of such reproductions. In that respect the plaster

⁶⁴ See Rosalind Krauss, "The Originality of the Avant-Garde" (1981), in The Originality of the Avant-Garde and other Modernist Myths, 156.

casts have not entirely exited the museum; rather they have been moved to the gift shop, where they appeal to a desire to consume and possess that the museum itself cannot satisfy.

Conservation practices established to deal with traditional mediums have also been transformed. Faced with the range of materials and conceptual definitions presented by contemporary art, museums of art are having to address the related question of whether it is more "authentic" to attempt traditional conservation measures or simply to replace damaged or decaying elements made from prefabricated or industrial materials. According to Susan Hapgood, museums, traditionally repositories for the conservation and preservation of the original work have, in the face of the ephemerality of certain recent materials, provided "the primary impetus behind refabrication."⁶⁵

⁶⁵ Susan Hapgood, "Remaking Art History," Art in America 78 (July 1990): 119. Hapgood outlines a number of conservation issues raised by the use of industrial materials and methods. And it seems telling that the issues raised by Hapgood in relation to art are in many ways similar to those faced by museums of science and technology in relation to technological artifacts. Such museums have had to face questions concerning when it is appropriate to fabricate replacement parts for older pieces of machinery – a conflict between a desire to maintain the authentically old, and another type of authenticity based on the fact that when a machine is genuinely in use, the important thing is that it should run, not that it should be maintained in a historically accurate manner.

If Marcel Duchamp's readymades set the stage for the postmodern interest in found objects and industrial forms, they also provided a less well-known precedent for refabrication, since a number of the readymades were remade in the 1950s and '60s. While Duchamp challenged traditional definitions of art through his gesture of selecting familiar objects to be designated as works of art, those objects did not, in many cases, retain that designation, slipping back into the world of the everyday where they were used and discarded. A number of the later recreations were initiated by curators eager to display Duchamp's work, and the chronologies of their replication in Arturo Schwarz's Complete Works of Marcel Duchamp or in Anne d'Harnoncourt and Kynaston McShine's catalogue for the 1973 Duchamp exhibition at the Philadelphia Museum of Art indicate that the works were made exactly when they were needed: the Fountain reappeared in 1950, and the Bicycle Wheel in 1951, so that Sidney Janis could include them in exhibitions at his gallery; and subsequent versions of these and other readymades appeared in various exhibitions during the early 1960s. In addition to authorizing most of these duplications, Duchamp gave them credibility with his 1961 statement that an important aspect of the readymade "is its lack of uniqueness . . . the replica of a 'readymade'".

delivering the same message."⁶⁶ Duchamp's professed lack of concern for uniqueness, however, did not prevent him from participating with Schwarz in the production of a series of limited editions that appeared in 1964. Whereas most of the readymades in the first wave of postwar recreations were themselves found objects, the editions produced by Schwarz consisted of specially fabricated objects rather than actual readymades plucked from the world of the everyday, and Schwarz attempted, as closely as possible, to duplicate the contours of the first, "original" readymades. For this he had to rely extensively on documentary evidence, much of it from photographs that had also been included in the Box in a Valise. In his Complete Works, Schwarz attempts to distinguish his editions from other contenders for the status of authorized readymade: in the listings of the succeeding versions of each readymade, the 1964 entry is generally accompanied by one or another variant on the sentence "1964, Milan: First full-scale replicas issued under the direct supervision of Duchamp on the basis of a blueprint derived from photos of the lost original."⁶⁷ This

⁶⁶ Marcel Duchamp, "Apropos of 'Readymades,'" reprinted in The Writings of Marcel Duchamp, ed. Michel Sanouillet and Elmer Peterson (1973; reprint New York: Da Capo Press, 1989).

⁶⁷ Arturo Schwarz, The Complete Works of Marcel Duchamp (New York: Abrams, 1969).

reference to the blueprint is used not to show the limited-edition readymade's continuity with mass production but to differentiate these editions from other contenders by showing them to be more authentic. Given that the readymade's gesture depended on the juxtaposition of the everyday item which would retain its familiar aspect in a context usually reserved for a different order of objects, it is ironic that the majority of readymades one is likely to see in museums today were made specifically for that context. And in this respect the 1964 readymades incorporate a less conspicuous version of the dissonance Jasper Johns explored four years earlier in his Painted Bronze (Ale Cans) of 1960, which played off of Duchamp's readymades by using traditional fine arts materials and methods to recreate an everyday consumer product.

A number of artists have pointedly countered the museum's attachment to the object, and there is in fact an eternal freshness to the work of art that has to be remade each time it is exhibited, as is the case with a number of works by Robert Morris, Sol LeWitt, Lawrence Weiner, or Robert Barry. But dilemmas can arise when a collector is reticent about altering the "original," even based on the artist's instructions — leading to a conflict between the conventions followed by the collectors of the work and the practices of the artist being collected. For example, Piero

Manzoni instructed that his achromes be washed or overpainted in order to restore their whiteness. Collectors of Manzoni's work, however, have been resistant to this approach, preferring to maintain the object as a kind of artifact rather than renew it according to Manzoni's instructions. Ernst van de Wetering argues that "each treatment, or even nontreatment, nevertheless involves an interpretation of the object," and in the case of Manzoni, where collectors have preferred the appearance of the unrestored work, "The myth of the artist, in which his works partly play the role of relics, gains supremacy over the vitality of the artist's message."⁶⁸ In another case, the decay of materials in Duane Hanson's 1971 Sunbather meant that the Wadsworth Atheneum, in order to conserve the sculpture, had to update the work in ways that changed its outward appearance. The swimsuit, cap, magazines, and packaged snack foods incorporated into the sculpture had faded or otherwise decayed to such a degree that they had to be replaced, and the museum had to decide whether to attempt to recreate the early seventies consumer products, to find non-faded vintage examples, or to use contemporary products

⁶⁸ Ernst van de Wetering, "The Autonomy of Restoration: Ethical Considerations in Relation to Artistic Concepts," World Art: Themes of Unity in Diversity, vol. 3, ed. Irving Lavin (University Park: Pennsylvania State University Press, 1989), 849, 851.

- with the final decision comprising a hybrid of these possibilities.⁶⁹

Furthermore, while museums emphasize their role as guardians of that which is unique and original, mechanical reproduction has played a pervasive role in defining the traditional canon on which the museum is based. Malraux asks:

What, until 1900, had been seen by all those whose views on art still impress us as revealing and important; whom we take to be speaking of the same works, referring to the same sources, as those we know ourselves? Two or three of the great museums, and photographs, engravings, or copies of a handful of the masterpieces of European art. Most of their readers had

⁶⁹ See Kimberly Davenport, "Impossible Liberties: Contemporary Artists on the Life of Their Work over Time," Art Journal 54 (Summer 1995): 40-43. Davenport quotes a letter from Hanson in which he suggested that, if the swimsuit "gets too bad - you can replace it. I don't object to any other adjustments if it benefits the sculpture by contributing to a better - fresher - illusionism - so that paper & magazines should be replaced periodically" (41). In the end, according to Davenport, the museum replaced the swimsuit using fabric taken from a dress from the same period, and also used sunglasses from the early seventies that were donated for the purpose. However they were not able to find new-looking copies of Life and Look from the seventies, the vintage Tab can looked too shabby, and it would have been too expensive to fabricate replacements for the seventies Frito-Lay bags. These elements were therefore replaced with contemporary soap opera magazines and snack foods, and the Tab became a Diet Coke.

seen even less. In the art knowledge of those days there existed an area of ambiguity: comparison of a picture in the Louvre with another in Madrid, in Florence, or in Rome was comparison of a present vision with a memory.⁷⁰

Even with the widespread establishment of museums in the nineteenth century, Malraux argues, knowledge about the trajectory of the history of art still tended to be site specific: that is, even though the major museums increasingly provided a synoptic view of Western art, the strengths and lacunae of the particular collections would have a tremendous impact on one's view of art as a whole. By contrast, the photographically illustrated art history book can do what no individual museum can, and that is bring together as a single body, without regard for their materiality or geographical separation, the far-flung

⁷⁰ Malraux, Museum without Walls, 11. William Ivins makes a similar observation: given the limitations inherent in different types of reproductive prints, Ivins suggests that any assessment of art-historical works written before World War I should include a consideration of how much the author had to rely on knowledge gained through reproductions, and what types of reproductions were available. Ivins points out, for example, the probability that Lessing had never seen Laocoon itself, and was dependent on engravings for his visual knowledge (William Ivins, Prints and Visual Communication [1953; reprint Cambridge: MIT Press, 1969], 90).

examples that comprise the work of a particular artist or artistic style.

Here, too, Duchamp understood the power of the reproduction at an early point. By assembling the edition of small-scale replicas of his work that became known as the Box in a Valise Duchamp was able to construct and present to the public a miniature museum that brought together works in private collections, as well as works where the original object used for the readymade had been lost. Thus the Box in a Valise was a permanent retrospective not only of extant works, but also of works that had ceased to exist in a physical form.⁷¹ Two of the miniature three-dimensional readymades – the Traveller's Folding Item and the Fountain – had been lost sometime after their initial appearances in 1916 and 1917: whereas the Fountain was based on the photographic record provided by Alfred Stieglitz, the Traveler's Folding Item reproduced a lost original that had

⁷¹ As Ecke Bonk has described in great detail, the production of the sixty-nine items that were initially included extended over five years, from 1935 through 1940. The first Box in a Valise appeared in 1941, and the assembly occurred in stages over the next three decades, through the final completion of the edition of 300 shortly after Duchamp's death. The method that Duchamp chose for the better part of the reproductions required a very labor-intensive application of color; yet, Bonk suggests, "the pochoir technique was the ideal means of creating a unique ensemble of reproductions, especially as the precision of the technique ultimately conceals the effort required" (Ecke Bonk, Duchamp: The Box in a Valise, trans. David Britt [New York: Rizzoli, 1989], 154).

apparently not been recorded in any form.⁷² Photographs in the Box in a Valise of Duchamp's 67th Street studio showed a number of other readymades that had subsequently been lost, including the Bicycle Wheel and In Advance of the Broken Arm.⁷³ And there was even a photograph of the Bottle Dryer that was taken in 1936, despite the fact that this object had been lost soon after its selection in 1914.⁷⁴

⁷² Not only was the object itself lost, but the Fountain was also not publicly identified as the work of Duchamp until much later. There was no apparent connection made between the 1917 Fountain – known through its reproduction in the second issue of The Blind Man – and the readymades Duchamp exhibited in 1916, nor did the fact that Duchamp had a urinal hanging from a doorway in his studio – as recorded in photographs generally dated to 1917-18, which show it together with a hanging snow shovel and hat rack – tip people off to the connection. And even William Camfield, who has devoted considerable energy to researching the Fountain, cannot say when it became known as the work of Duchamp. See Camfield, "Marcel Duchamp's Fountain: Its History and Aesthetics in the Context of 1917," in Marcel Duchamp: Artist of the Century, ed. Rudolf Kuenzli and Francis M. Naumann (Cambridge: MIT Press, 1989), 68.

⁷³ As Duchamp recounts to Cabanne, the original 1913 Bicycle Wheel vanished without a trace – no photographs, no measurements, nothing (Pierre Cabanne, Dialogues with Marcel Duchamp, trans. Ron Padgett [New York: Da Capo Press, 1979], 47). Duchamp abandoned the first Bicycle Wheel in France when he left for America in 1915, and it was discarded by his sister and sister-in-law when they cleared out his studio. He then made another version of it in New York in 1916, which appears in a photograph taken of his New York studio in 1917 or '18 – a photograph that reappeared in a bizarrely colorized form in the Box in a Valise.

⁷⁴ The reproduction of the Bottle Dryer used in the Box in a Valise was initially created for a special issue of Cahiers d'Art, and it depicts a bottle dryer that Duchamp and Man Ray bought specifically so that Man Ray could photograph it – a bottle dryer that was itself, appropriately enough, lost after this event, although the

Duchamp's recognition of the degree to which a lack of context for the readymades would doom them to a different kind of oblivion led him to collude with the rhetoric of the limited edition – a rhetoric of rarity and authenticity – and thereby to secure the existence of work that, on another level, put such categories into question.⁷⁵ If Duchamp's initial gesture of choosing the readymade referred to mass production, the later forms of reproduction through which the readymades cycled secured their status as art. In their appearance in the Box in a Valise the readymades were implicitly equated with the other works in Duchamp's oeuvre. Both the reproduction in the Box in a Valise and the later limited editions produced by Schwarz were involved in a doubling process that created the appearance of a seamless unity, of an apparent continuity with the first gesture that hid the interim steps that constructed a context for that gesture. Not only did the ideal museum of the Box in a Valise contribute to Duchamp's construction of his oeuvre,

photograph from the Box in a Valise has since been frequently reproduced. For a detailed discussion of the production of this photograph, see Bonk, Box in a Valise, 232-34.

⁷⁵ It should be noted that Duchamp was, at the same time, exploring other ways of interrupting the structure of the museum with the Etant donnés. See Rosalind Krauss's essay on this work, "Where's Poppa?" in Thierry de Duve, ed., The Definitively Unfinished Marcel Duchamp (Cambridge: MIT Press, 1991), 433-59.

but it framed – sometimes quite explicitly – the installation of the Arensberg collection in the Philadelphia Museum, which opened in 1954, and subsequent exhibitions of his work, such as those in 1963 in Stockholm and Pasadena, where aspects of the displays paid direct homage to the arrangement in the box.⁷⁶

Evidence of the effect of reproductions can be found in the structure of a wide range of exhibitions. Mammoth loan exhibitions – both thematically organized shows and retrospectives – attempt to contest, even if temporarily, a sense of radical incompleteness by creating a material version of the comprehensive approach possible in the reproduction's museum without walls. The expectation that a major exhibition can and should be comprehensive in scope suggests that the organizing principle lies elsewhere, and that such exhibitions can best be understood as the paradoxical materialization of the catalogue raisonné. Greater access to works of art through public exhibitions

⁷⁶ The influence of the Box in a Valise on later installations is discussed in Camfield, "Duchamp's Fountain: Aesthetic Object, Icon, or Anti-Art," in de Duve, The Definitively Unfinished Marcel Duchamp, 165. Duchamp was even more directly involved in the presentation of the Arensberg collection. According to Sawelson-Gorse, Duchamp "went over every detail of installation with Fiske Kimball" (Naomi Sawelson-Gorse, "Hollywood Conversations: Duchamp and the Arensbergs," in Bonnie Clearwater, ed., West Coast Duchamp, [Miami Beach: Grassfield Press, 1991], 38).

has, however, not led to less reliance on knowledge of works of art through their representation, nor have representations made exhibitions obsolete; in fact, greater access through reproductions has been accompanied by access to greater numbers of works of art in public collections and special exhibitions. Now, when an individual with any sort of art-historical training goes to the museum, the collection is viewed in relation to the larger canon - whether the synoptic views of Janson or Gardner or more specific studies - and tested against that: Are the works in the museum the canonical examples of an artist's oeuvre? Are they major, "representative" pieces? Or are they more minor or eccentric? Thus mechanical reproduction has worked in tandem with the museum to define the canon, creating the desire for completeness embodied by the encyclopedic museum, which is always, by definition, incomplete.

Genre as Subject

The museum's organization of art according to the history of style and the name of the artist meant that different categories of subject and function were subsumed under the general category of art. Furthermore, the museum allowed artists access to a wide range of knowledge gained by looking as opposed to training in academic technique, a

process that has been further extended by reproductions. Under such conditions, traditional categories lose their social function, and the conventions associated with those categories become the subject of art rather than its vehicle.

The nineteenth century, which saw the museum's firm establishment as an institution, also encompassed the origins of modernism. Modernism's explorations took place in what had traditionally been the lower genres – genre painting, landscape, and still life – rather than in the "higher," narrative-based history painting. The hierarchy of genres that was formalized in the seventeenth century under Louis XIV had already been undermined by Romanticism. Yet if Realism and Impressionism eschewed the grand narratives of history painting, so too did history painting's more direct progeny, nineteenth-century academic painting, which was increasingly evacuated of any but the most superficial content.⁷⁷ Clement Greenberg's 1939 assertion that "Self-evidently, all kitsch is academic; and conversely, all that's academic is kitsch" is perhaps oversimplified, but it serves to emphasize the fact that, after the middle of the

⁷⁷ For a discussion of the relationship between academic and progressive painting, see especially T. J. Clark's chapter "Olympia's Choice," in The Painting of Modern Life: Paris in the Art of Manet and His Followers (New York: Knopf, 1984), 79-146.

nineteenth century, academic painting failed to carry on the conceptual complexity of earlier history painting.⁷⁸ This charge was left to artists working largely in what had been the lower genres; as Thomas Crow has argued, "From Courbet forward . . . the greater alertness, breadth of comprehension, and potential for psychological transformation in the observer will be demanded by subjects once deemed intrinsically inferior to historical narrative in precisely these respects."⁷⁹ Whereas the importance of history painting was confirmed by its reciprocal relationship with the lower genres, the ultimate result of modernism, according to Crow, has been that painting "has sought to confirm its superiority . . . by purging the lower genres both from within itself and from its vicinity," causing the lower forms to come to rest outside high art, in kitsch and vernacular painting.⁸⁰

⁷⁸ Clement Greenberg, "Avant-Garde and Kitsch," Art and Culture (Boston: Beacon Press, 1961), 11.

⁷⁹ Thomas Crow, "The Simple Life: Pastoralism and the Persistence of Genre in Recent Art," October 63 (Winter 1993): 43.

⁸⁰ Thomas Crow, "Hand-Made Photographs and Homeless Representation," October 62 (Fall 1992): 130. Crow gives the following summary of the hierarchy of genres in the eighteenth- and nineteenth-century salons: "In the top rank any hanging were the large historical canvases, making complex demands on the intellect and erudition of the visitor, on his or her capacity to discern generalized, abstract truth from the exemplary narrative on display, while lower down on the wall were the portraits, the picturesque scenes of anonymous types, the

The creation of a general category of art organized not according to genre or function but according to a structure of artistic authorship had consequences both for contemporary art and for earlier works to which it is retroactively applied. One example is the ascendancy of portraiture within the art market of the late nineteenth and early twentieth centuries. While Reitlinger ascribes this change in the "poor-relation status of portraits" to a number of factors, one key issue was that these works were no longer looked at as paintings of historically distant and insignificant individuals; rather they were paintings by important and highly sought-after artists.⁸¹ Malraux attributes this realignment to museums, which "have tended to estrange the works they bring together from their original functions and to transform even portraits into 'pictures.' . . . What do we care who the Man with the Helmet or the Man with the Glove may have been in real life? For us their names are Rembrandt and Titian."⁸²

As museums have taken on ever greater significance as cultural institutions in postwar America, a trend that has

landscapes, and the still lifes, all of which were presumed to indulge the viewers' more modest imaginative needs" (130).

⁸¹ See Gerald Reitlinger, The Economics of Taste: The Rise and Fall of the Picture Market 1760-1960 (New York: Holt, Rinehart and Winston, 1961), vol. 1, 59-60, 182.

⁸² Malraux, Museum without Walls, 9-10.

been particularly pronounced since the 1960s, perhaps the most dramatic change in the museum is the convergence of art and the museum such that we no longer have a sense of art being wrenched from other settings; now the museum is the context that defines art. Contemporary Western art, unlike that of other traditions, is not decontextualized by its entry into the museum, even if the museum is geographically distant from the artist's point of origin. The museum is a key component in the nexus of institutions – museums, galleries, and publications – that together constitute the art world, and which perpetuate a set of rules and conventions that determine the reception and presentation of works of art. It is the linked institutions that make up the art world that establish a context – both physical and interpretive – within which a dialogue with other art practices can take place, and many of the significant contemporary works in the museum are made on such a grand scale or are sufficiently challenging to the viewer in other ways that the museum is their most appropriate setting.

On the one hand, the category "art" has been expanded to encompass a previously unimaginable range of production; on the other hand, the presumed function of the work of art has been in many respects drastically narrowed: the demise of the hierarchy of genres is one symptom of the fact that the price paid for diversity of production is the

expectation that, rather than having a range of functions within the social structure, the work will be defined first and foremost by its function as art. The destruction of the hierarchy of genres is more than a matter of the different genres being run together or subsumed within the single category of high art; it is also the impossibility of continued work by serious artists in such functional categories. These references become the subject of the work of art rather than its medium, and as such are connected to the modern impossibility of continuing genre practices directly. Linda Nochlin emphasizes this point in her discussion of photorealism, which she contrasts to nineteenth-century realism both in its move away from subjects relating to poverty and social injustice, and the lack of applicability of traditional categories such as still life, portraiture, the nude, or the view of the city. This recent version of realism is "conditioned by modern technology - close-up photography, the advertising image - even if the painter does not actually use the photographic image in creating the work."⁸³

Citing Richter's 1988 work Betty, Thomas Crow argues that Richter reincorporates aspects of kitsch or vernacular

⁸³ Linda Nochlin, "The Flowering of American Realism," in Real, Really Real, Super Real (San Antonio: San Antonio Museum Association, 1981), 26.

traditions via his photo-realist works – a point that is relevant to many of his landscapes as well, with their obvious references to amateur photographic practices and to the assumptions about the representation of landscape embedded in those practices. Although Richter shifted from the use of images found in printed sources to a reliance on his own photographs, he returned to the use of found photographs culled from various media and archival sources to create his version of history painting in the October 18, 1977 series. Using the medium of paint, these works follow their photographic models to create history paintings that acknowledge the degree to which the photograph has taken over the dominant role in giving visual form to contemporary history.⁸⁴

While Richter makes paintings that use the mediation of the photographic, other artists have approached this intersection from a different direction. Jeff Wall's large-scale photographic transparencies suggest a postmodern version of history painting in that he, too, approaches his work from the background of academic training, but in his case extensive training in art history rather than in fine

⁸⁴ See Benjamin H. D. Buchloh, "A Note on Gerhard Richter's October 18, 1977," October 48 (Spring 1989): 89-109, and Stefan Germer, "Unbidden Memories," in Gerhard Richter: 18. Oktober 1977 (London: Institute of Contemporary Arts, 1989), 7-9.

art technique.⁸⁵ Wall's 1979 Picture for Women, for example, responds both to Manet's Bar at the Folies-Bergère and to the discourse on spectacle circulating around Manet's work during the late seventies. Although Wall has described the work as "a 'remake' of Manet's picture . . . the way that movies are remade," its structure contains specific references to the conventions of still photography.⁸⁶ The mirror that plays such a prominent work in the Manet painting becomes the photograph in Wall's version, which was shot into a plate-glass mirror whose edges extend beyond the edge of the photograph. The mirror disconcertingly flips the camera into the center of the scene staged before it, and the orthogonals described by the lines of the room's architecture converge on the blank stare of the camera lens.

Wall's transparencies have become progressively less photographic and more cinematic while the posed look of the figures continues to evoke the conventions associated with earlier history painting. These conventions intersect with other concerns: the schedule of rehearsals necessary for the creation of his earlier multi-figure works evoke theater as

⁸⁵ Wall discusses his art-historical training in an interview conducted by T. J. Clark, Serge Guilbaut, and Anne Wagner, Parachute 59 (July, August, September 1990): 10.

⁸⁶ Interview with Els Barents, "Typology, Luminescence, Freedom," in Jeff Wall, Transparencies (New York: Rizzoli, 1987), 96.

well as cinema (and serve as a reminder of the previous connections between narrative painting and drama). By contrast, in his recent multi-figure works assembled with the aid of the computer, the digital technique results in a conflation of time within the work rather than a specific (even if manufactured) moment. In fact, Wall points to the paradox that the works that rely on computer imaging are in many ways more hand-crafted than those based on studio setups, stating that digital technology "alone permits me to make pictures in the traditional way."⁸⁷ The degree to which these works involve the amalgamation of a number of genres is evident in Crow's description of Dead Troops Talk (A vision after an Ambush of a Red Army Patrol, near Mogor, Afghanistan, Winter 1986) from 1991-92, which incorporates, on the one hand, "the sort of special effects normally encountered in Hollywood horror" as well as imagery that Crow describes as slipping "in a matter of inches from the pathetic to the noble to the utterly grotesque, from Baron Gros to Ilya Repin to Hieronymous Bosch to Goya . . ."⁸⁸ Thus, despite the use of commercial-style transparencies and light boxes, as well as advanced digital technology, these works look backward in a highly self-conscious manner. If

⁸⁷ Barents, "Typology, Luminescence, Freedom," 100.

⁸⁸ Thomas Crow, "Profane Illuminations," Artforum 31 (February 1993): 68.

these works create an updated form of history painting, it is not because Wall has created works that will have a similar function or role in relation to the social structure of the contemporary period. Rather, the form of history painting that Wall updates is the history painting already enshrined in the museum, and Wall's work remains suspended in a dialogue with the conventions that he has extracted from a range of narrative forms.

It is in the realm of portraiture that the destruction of traditional genre categories is particularly obvious, with few "serious" artists continuing to work in such a functional mode. Examples of artistically significant painted portraits support this point in that they are not primarily portraits, but works that use or refer to the conventions of portraiture in a specific manner. For example, Chuck Close's production bears a superficial resemblance to that of the eighteenth-century specialist in the portrait genre, in that he has maintained a very specifically delimited subject matter. Yet the function is completely different, with the photographs serving as source material for an ongoing series of investigations. In fact Close has described how, over the course of eighteen years he used the same fifteen or twenty photographs as the basis for his paintings, thereby clearly demonstrating that the photographic image was a vehicle for other explorations

rather than an end in itself.⁸⁹

The degree to which the earlier commemorative function of the portrait has been overturned in recent practices is particularly evident in works by Haacke where he has used the conventions very directly while still making them part of the subject of the works. Haacke, discussing his Taking Stock (unfinished), 1983-84, and Oelgemaelde, Hommage à Marcel Broodthaers, 1982, stated, "I chose to paint because the medium as such has a particular meaning. It is almost synonymous with what is popularly viewed as Art - art with a capital A - with all the glory, the piety, and the authority that it commands."⁹⁰ Although Taking Stock incorporates within the image an elaborate iconographic program related to Margaret Thatcher and the Saatchis, the selection of paint itself is equally decisive, since within Haacke's production, which does not adhere to a stylistic or medium-based unity, no choice of medium or style can be understood

⁸⁹ See Chuck Close's statement "A Progression by Chuck Close: Who's Afraid of Photography?" Artforum 22 (May 1984): 50. According to Close, "In eighteen years I've made work from the same fifteen, maybe twenty, photos. The photograph is the source, a well to which you can go and from which you can keep bringing back bucketsful. It's the opposite of the story of Dorian Gray. The person ages, I have something that stays constant. . . . I never thought of myself as a portrait painter and I never call these things portraits. . . . I call them heads."

⁹⁰ Yve-Alain Bois, Douglas Crimp, and Rosalind Krauss, "A Conversation With Hans Haacke," October 30 (Fall 1984): 23.

as neutral or given.⁹¹ Although Haacke's stylistic heterogeneity can be understood in relation to the increasingly common tendency of artists to function as organizers – sending work out to be fabricated, and bringing together a range of different types of objects and images that are nonetheless provided with a sense of unity by being classified under the name of the artist – he nonetheless insisted on taking a traditional approach to his use of this traditional medium.⁹² In using oil paint, Haacke was playing with the fact that the traditional form would be read as a quotation, thereby using the conventions of the medium to make a comment on it. The reuse of the convention is therefore an additive process, with each new context operating as an overlay that incorporates the earlier layering.

It was Warhol, however, who managed the ultimate irony

⁹¹ In fact Krauss makes this point in one of her responses to Haacke: "in the case of the Broodthaers work, the medium, we could say, is a standard iconographical emblem, rather than the oil paint's being the medium" ("Conversation with Hans Haacke, 24).

⁹² According to Haacke, "I had been stamped a conceptualist, a photomontagist, that sort of thing. This was a way to mess up the labels. There were, in fact, a good number of people who thought that my portrait of Reagan was a photograph, or that I'd paid somebody to paint it for me. It was therefore very important that I painted it myself. Normally, I have no qualms about paying someone to execute something I can't do, as long as I can afford it" ("Conversation with Hans Haacke," 34).

in his later portraits, which combined both the commemorative function the painted portrait had largely lost to the photograph and the possibility, when situated in relation to his work as a whole, that they could nonetheless be read as a multi-layered comment on that function. Warhol was able to use both his deployment of reproduction and his reverence for the celebrity image in the creation of portraits where their apparent shallowness or superficiality provides an ironically appropriate reflection of the patrons who commissioned them. Warhol himself claimed simply "I've become a commercial artist again, so I just have to do portraits and stuff like that."⁹³ Behind Warhol's updating of the traditional portrait function lies not the reconciliation of the contradictions between postmodern quotation and the earlier function of the portrait, but the success that resulted from the reading of a critical stance in his deadpan presentation.

Contemporary Art and the Institution as Subject

In 1965, the opening for Warhol's exhibition at the Institute of Contemporary Art in Philadelphia was so mobbed

⁹³ Benjamin Buchloh, "Three Conversations in 1985: Claes Oldenburg, Andy Warhol, Robert Morris," October 70 (Fall 1994): 41.

that all of the art work had to be taken down to prevent it from getting crushed by the crowds. Warhol's response: "It was fabulous: an art opening with no art!"⁹⁴ One could say, in fact, that the museum and gallery have become the period room for contemporary art to such a degree that many aspects of the function remain unchanged regardless of what work is shown (or even in the absence of work). It is the very security of contemporary art's position within a series of overlapping institutional frames that has allowed recent movements to play with other codes and representations drawn from outside the high art realm, while still maintaining their status as art. Whether it is the intentionally empty gallery presented by Yves Klein or the unexpected opening without art of Warhol, the frame of the institution plays a vital role. Our understanding of contemporary art depends, in fact, on a series of overlapping frames: the name of the artist and the artist's body of work (structured through textual accounts and reproductions as well as exhibitions) and on the frame created by the institutional space, in both the narrow and the broad sense.

In many respects Duchamp established a role that has become increasingly common: that of the artist who functions as a kind of organizer, bringing together the far-flung

⁹⁴ Andy Warhol and Pat Hackett, Popism: The Warhol '60s (New York: Harcourt Brace Jovanovich, 1980), 131-32.

elements of a new, more technologically based workshop organization. In this respect, Duchamp anticipated a shift, prevalent particularly since the 1960s, toward an approach that allows authorship to be retained as a category even as artists increasingly utilize techniques of fabrication and appropriate mechanically reproduced imagery. Although connoisseurship's emphasis on the artist's hand was undermined by Duchamp, and later in the work of many of the artists who have been categorized as Postmodernist, the artist's name has continued to function as an organizing structure for works of art from which the traces of the artist's hand have been largely eliminated, and the work's sure connection with the name of the artist has come to denote its authenticity. As a corollary, the greater the apparent simplicity of the gesture, the more the traces of the history of its making are no longer materially embodied in the object itself, the more the work requires the elaboration of an interpretive context.

The paradoxical relationship between the museum and contemporary art is also telling in relation to the strategies characteristic of such movements as Minimalism, Conceptual art, and Process art – strategies that foreground the exteriority of the ordering principle as a key element of the work. Krauss (citing Donald Judd) points to this as a central strategy for Minimalism: "'one thing after another'

was a way to escape from setting up relations."⁹⁵

Minimalism's seriality has driven an important wedge into the idea that the museum is the repository of an isolated original. And, since 1960, many contemporary works that have entered the museum have been based on principles that could be said to extend beyond the works themselves. In some cases an abstract principle may be clear upon a close examination of the work that has resulted (LeWitt's variations on cubic forms would be a case in point); in other instances the organizing principle is only likely to be discerned with the help of a secondary text or component (e.g., the work of Christopher Williams that Crow discusses, where the final work is the product of a process of selection using a specific set of criteria that Williams refers to as a filter).⁹⁶

Though recent artistic practices have raised a whole host of questions about the boundaries of the institutional frame (earthworks that cannot be contained within the physical dimensions of the museum, conceptual works that do not exist as tangible or permanent entities, political works that call into question, in a variety of ways, the museum's underlying ideological structure, to name a few), they are

⁹⁵ Rosalind Krauss, Passages in Modern Sculpture, (Cambridge: MIT Press, 1981), 244.

⁹⁶ Crow, "The Simple Life," 61-64.

at the same time bound to the institutional structures whose extent they question. Krauss, for example, draws a telling connection between the financial underpinnings of the museum and questions about the nature of the original raised by Minimalism. According to Krauss, "even if Minimalism seems to have been conceived in specific resistance to the fallen world of mass culture . . . the door it opened onto 'refabrication' nonetheless was one that had the potential to let that whole world of late capitalist production right back in."⁹⁷ Minimalism is essential both for the way in which the serial principle "seals the object away from any condition that could possibly be thought to be original and consigns it to a world of simulacra" and for the fact that "the very choice of materials and shapes rang with the overtones of industry."⁹⁸

In fact, it is the security of its position within this institutional frame that allows contemporary art to play with other codes, other types of representation drawn from outside the high art realm, while still maintaining its status as art. And museums and galleries have a reason for attempting to encompass works of art that question their

⁹⁷ Krauss, "Cultural Logic of the Late Capitalist Museum," 10.

⁹⁸ Krauss, "Cultural Logic of the Late Capitalist Museum," 10.

legitimacy: in bringing the critique inside, they are able to maintain their validity by demonstrating their ability to assimilate that which might otherwise undermine their traditional categories. As it has embraced contemporary art, the museum has opened itself up to a degree of heterogeneity that has in some ways reversed the century-and-a-half-long trend toward greater isolation among the disciplines and the separation of fine art from other types of objects. But this is an equivocal heterogeneity, for the openness to a virtually limitless range of objects or images holds only so long as they are called art. While Haacke did manage in 1971 to discover the limits of the Guggenheim's definition of art with his exploration of social systems in his real estate pieces, his works from the sixties based on organic and inorganic systems show how demonstrations that might seem more appropriate for a museum of science or a zoo can enter the art museum when attached to the name of the author.⁹⁹ Under such conditions, the system-based work Haacke proposed for the Guggenheim concerning the hatching of chickens, the growth of grass, or the interactions between ants in an ant colony would be read in relation to Haacke's other system-based work, with their entry into the museum creating a

⁹⁹ See the exhibition proposal for the Guggenheim, reprinted in Barbara Reise, "A Tail of Two Exhibitions: the Aborted Haacke and Robert Morris Shows," Studio International 182 (July/August 1971): 31.

context in which they can also be read against more traditional aesthetic conventions.

It is the category of the artist, most of all, that separates art that might not seem like art from nonart, and heterogeneity has been allowed to reenter the museum as long as it is in a form that can be assimilated into this classification system. The object's connection to an author – its organization under the rubric of the oeuvre – along with the author's relationship to a canon of other artistic authors, establishes artistic seriousness, and therefore value, for a whole variety of objects. Thus contemporary art that questions conceptions of originality and authenticity traditionally connected to the art object has, perhaps paradoxically, had the effect of emphasizing the category of the artist (a version of the author) and, by extension, the importance of the institution devoted to defining and perpetuating the organization of art objects in relation to a conception of artistic authorship. Such work is defined as art in relation to its position within this institutional network.

The critique of the museum context has taken various forms, with a number of artists attempting subtly to undermine assumptions about the neutrality of the exhibition context, even for more traditional works. Benjamin Buchloh gives a twofold reason for the continued popularity of

painting: "For public museum institutions it remains the most manageable of all art objects, and for private collectors it remains the most marketable one."¹⁰⁰ The apparently self-contained nature of painting contributes to its mystification by museums and collectors; but the degree to which painting's assumed autonomy is willed by the exclusion from consideration of certain types of information is made clear by the controversy created by Hans Haacke's Manet-PROJEKT '74, in which Haacke incorporated provenance information in a manner that made pointed references to the social and political implications of collecting practices. Invited to participate in PROJEKT '74, an exhibition planned for the Wallraf-Richartz-Museum in Cologne in Summer 1974, Haacke made the following proposal: "Manet's Bunch of Asparagus of 1880, collection Wallraf-Richartz-Museum, is on a studio easel in an approx. 6 x 8 meter room of PROJEKT '74. Panels on the walls present the social and economic position of the persons who have owned the painting over the years and the prices paid for it."¹⁰¹ Although the information that Haacke proposed to include was basic art-historical information and biographical data drawn from standard reference works, the presentation of this

¹⁰⁰ Benjamin H. D. Buchloh, Gerhard Richter (Exhibition Catalogue, New York: Marian Goodman Gallery, 1993), 9.

¹⁰¹ Reprinted in Hans Haacke: Unfinished Business, 118.

information within the exhibition went against the exhibition's theme, "Kunst bleibt Kunst" ("Art Remains Art"). Dr. Horst Keller, the museum director, asserted that "A museum knows nothing about economic power; it does indeed, however, know something about spiritual power," and he objected to Haacke's proposal on the grounds that "one should discuss the price of a work to be acquired only up to the point of its acquisition, and I believe that Haacke should have let this aspect of a museum's life alone."¹⁰² Even more specifically, Haacke's Manet-PROJEKT '74 highlighted the role of Hermann Abs in the acquisition of the work and included, in the biographical material on Abs, references to his role in the Deutsche Reichsbank during the Nazi period. The exclusion of Haacke's work from the exhibition, already controversial, received even more attention after the museum responded to Daniel Buren's incorporation of small-scale reproductions of Haacke's panels into his own work in the exhibition – which included a poster with the text "Kunst bleibt Politik" ("Art Remains Politics") – by pasting over those portions of Buren's piece with white paper.¹⁰³

¹⁰² Quoted in Carl R. Baldwin, "Haacke Refusé in Cologne," Art in America 62 (November/December 1974): 37. See also Jack Burnham, "Meditations on a Bunch of Asparagus," Arts Magazine 49 (February 1975): 72-75.

¹⁰³ Keller asserted, remarkably enough, that "it is a not

Not only has the mythology of the self-sufficiency of the work of art been called into question in relation to earlier works of art by Haacke's Manet-Project '74 and Seurat's "Les Poseuseus" (small version), 1888-1975, but many contemporary artists attempt to control the context for their work or to inscribe a response to the context into the very structure of their works. Louise Lawler, for example, has consistently created work that responds very specifically both to the history of art and to the conventions and codes governing the spaces that works of art inhabit. Whether in photographs that show various arrangements of works of art, or in other endeavors, such as her etched drinking glasses, she has used fragments or juxtapositions that destabilize conventional codes and simultaneously resists easy resolution. The use of text is particularly telling in this regard, for it is often presented in the guise of a caption, even though the information that it provides tends to heighten ambiguity rather than to fix the meaning of the images she presents. The play that Lawler makes with the idea of the caption testifies to the central role of mechanical reproduction both in the establishment of rhetorical strategies to which

uncommon practice for a museum to paste over an artist's work, when an artist has expressly disregarded an agreement previously reached with the museum" (quoted in Baldwin, "Haacke Refusé," 37).

artists have responded and the dissemination of works of art to a wide audience.

Other artists incorporate the market structure of the art world into their works in ways that respond to and attempt to restructure their context. Silvia Kolbowski has, in various projects, addressed the idea of the work of art as a commodity by confronting the issue directly in Once more, with feeling, where, by making the sale of the poster part of the piece, she incorporated into its core a form of commercial activity that, though regularly conducted in museum gift shops across the country, is generally thought of as something apart from and not impinging upon the authenticity and uniqueness of the originals housed nearby. Elsewhere Kolbowski has responded in equally specific and pointed ways to the process of viewing and the conventions of display characteristic of gallery and museum spaces, and she has also made graphic design and other elements of book and magazine presentation into an intrinsic part of the work and has presented the work in the context of book and magazine projects.

Another current practice that refers back to Duchamp is the tendency for artists to function as organizers who bring together a range of different types of objects and images under the name of the artist. In his recent installations, Fred Wilson has echoed some of the methods used by earlier

conceptual artists to reorder the museum space, but he has also drawn attention to historical and cultural motivations for the construction of meaning in different realms. In Mining the Museum, for example, he used his awareness of such conventions to draw attention to the representation of African and Native Americans within the context of a traditional institution like the Baltimore Historical Society. Wilson, who has also worked as a curator, nonetheless makes a distinction between that function and his incorporation of elements of the curatorial process into his own work – insisting that the work of art should refuse complete explanations and not be easily resolved into a form of didacticism.

The art world institutions that have modified their previous definitions of the work of art in order to encompass new works are also subtly changed in the process. One way that many contemporary artists share in the legacy not only of Duchamp's work, but of his success, is in the paradoxical position that Lawler has described – that of the artist who is invited to intrude.¹⁰⁴ In marked contrast to the early rejections of Haacke's work, the critique of institutions has now become institutionalized, with museums eager to invite artists to make their collections the focus

¹⁰⁴ Louise Lawler, interview with Martha Buskirk, October 70 (Fall 1994): 106.

of site-specific work. Not only are artists like Lawler, Wilson, Haacke, and Michael Asher frequently invited to create site-specific projects, but whole exhibitions, such as the Museum of Modern Art's 1991 "Dislocations" and the 1992 "Art at the Armory: Occupied Territory," organized by Chicago Museum of Contemporary Art, are created around the idea of inviting such disruptions. The complex layering of different codes and strategies that one finds in recent work must therefore be understood as a response to an acute awareness of the difficulty of working from within the institutional embrace of the avant-garde.

The avant-garde's rebellion against the museum and the sense of tradition it embodied might suggest a certain immutability in the program of the art museum. But the paradigms the museum is supposed to promote – particularly the emphasis on the original – were at best tenuously established when they were again called into question by many forms of postmodern art. Even as Greenberg, in his 1960 "Modernist Painting," confidently described a trajectory from Manet forward in which each art would "narrow its area of competence" through the exploration of that which was "unique in the nature of its medium," the Arensberg collection of Duchamp's work had already been installed in the Philadelphia Museum for six years, setting the stage for the full incorporation of the early twentieth-century avant-

garde into the museum collection.¹⁰⁵ Postmodernism has continued to open up the museum to a heterogeneity that has operated backward as well as forward, with the Modernist narrative of the nineteenth century disrupted by an alternate history in the Musée d'Orsay or the rehanging of the Andre Meyer wing of the Metropolitan Museum of Art.¹⁰⁶

If works of contemporary art do not function in an autonomous manner, neither do the museums in which a number of them wind up. On the one hand, the art museum is the product of a disciplinary division, a segmenting off of one type of object from many others. But along with the one division came the development of different interrelationships, so that the museum is intimately connected to a whole network of other institutional structures. One such link is in the relationship of interdependence between what is displayed in the museum and a whole host of other highly developed forums through which art is presented to an audience, including (but not limited

¹⁰⁵ Clement Greenberg, "Modernist Painting" (1960), in Clement Greenberg, The Collected Essays and Criticism, vol. 4, ed. John O'Brian (Chicago: University of Chicago Press, 1993), 86.

¹⁰⁶ Douglas Crimp describes Hilton Kramer's reaction to the new installation of the Andre Meyer wing in "On the Museum's Ruins." On the Musée d'Orsay see Patricia Mainardi, "Postmodern History at the Musée d'Orsay," October 41 (Summer 1987): 31-52, and Linda Nochlin, et al., "The Musée d'Orsay: A Symposium," Art in America 76 (January 1988), 84-107.

to) publications and other media presentations, galleries, and academic forums devoted to the study of art. Other networks are economic: there are the foundations, government support (both direct and indirect), state and local funding, corporate money, and the support of private patrons. And even as they isolate art within their walls, museums have to justify support on the basis of arguments about the value of art in the lives of individuals and for the whole social fabric.

This institutional connection is key, for even if there are many ways in which the artistic practices of the last three decades have affinities with nonart methods and materials, it is nonetheless equally true that their separation from the world is in other ways absolute, with one marker of that separation being the contrast between the monetary worth of the objects defined as art and nonart objects or images to which they may appear substantially similar. These affinities establish a set of lateral relationships between art and nonart, a condition illustrated most dramatically by the practice of appropriation, since appropriated imagery may look exactly like the source that exists "in the world," but its recontextualization entirely redefines the nature of its message.

The lateral and mutually dependent relationships that exist between art museums and other types of institutions, and between works of art and other regimes of images or objects, were anticipated in the formation of the museum. For once the emphasis, in embryonic museum collections, turned toward art as an entity unto itself, then an entirely new ordering principle was necessary. Because this new way of structuring the presentation of art objects involved the establishment of an order based on artists and artistic movements, then, simultaneous to art's move into the museum, the conceptual ordering principle began to extend beyond the museum's walls. The function of the museum, then, is to provide a set of isolated examples of the canon that exists outside it, and the establishment of an artistic canon means that individual works are, on one level, no more than specific or partial embodiments of an imagined totality. It is this extension of the museum that much contemporary art has internalized: once the canon extended beyond the walls of the museum, perhaps it was only a matter of time before this incompleteness was foregrounded in the work of art itself.

CHAPTER 2

COPYRIGHTS AND THE LEGAL DEFINITION OF AUTHORSHIP

"Five- and six-year-olds at three Florida day-care centers," an article on Disney's aggressive pursuit of copyright infringers tells us, "appear on the national nightly news to say how sad they will be if they can't keep pictures of Mickey, Minnie, Donald, and Goofy on the walls of their playgrounds. But a Disney lawyer who directs anti-piracy efforts out of New York says that a nursery school is no less a profit-making enterprise just because little children are involved."¹

Animated characters are everywhere in children's entertainment, toys, books, and products of all kinds. Why is it that the day-care centers were subject to legal action

¹ Gail Diane Cox, "Don't Mess With the Mouse," The National Law Journal, July 31, 1989, 1, 26. It was the placement of the murals that made Disney's case particularly strong, for, according to the same article, "attorneys are on solid ground when they say images on exterior walls are misleading." Nonetheless, as Cox makes clear, Disney did not relish the publicity generated by the case: "The Florida day-care dispute has involved extensive damage control, and Disney is offering free cartoon cutouts to go on interior walls." And Disney would clearly like to avoid further discussion of the case; when approached by phone in November 1991, a representative of Disney's Corporate Information division refused to comment, stating that the matter was a "closed issue."

when they undertook their own versions of these images? Why were they enjoined from reusing images that Disney has poured countless resources into promoting, images with which Disney would clearly like every consumer to identify?

In attempting to answer these questions, one has to begin with the legal definition of the Disney animated characters, which classifies them as "intellectual property." Copyrighted images are only one example of this incorporeal but highly valuable form of commodity, which is protected in the United States by a network of copyright, patent, and trademark legislation. The Disney cartoon characters, which are protected mainly by the copyright code, are related to other forms of intellectual property in that they are not, in themselves, "inherently" valuable: they are not tremendously difficult to draw or otherwise render, nor are they generally executed with inherently precious (or often even tangible) materials when they are conveyed to the public. Like so many other facets of late-twentieth-century production, that which is most valuable in them is weightless, lacking in substance. They are precious because of the associations they carry - associations that can be broadly categorized with reference to another precious intangible, the corporate asset known as consumer goodwill. These intangibles have assumed their current shape as the result of a tremendous investment on the part of Walt

Disney Company in marketing their characters and in controlling the contexts in which their characters are disseminated. And like it or not, protected images of all kinds now pervade the fabric of late-twentieth-century society.

Copyright law (and, by extension, the legal conception of authorship) invites examination because of how it both responds to and makes possible the traffic in images that has come to dominate late-twentieth-century society. It has become difficult to avoid concern for the legal conception of authorship, for everyone who writes, draws, paints, or photographs in a way that responds to or incorporates language or imagery from our media-based environment runs a risk of becoming caught in the net of legal limitations surrounding copyrights. Though control over copying and dissemination is necessary in order to provide economic incentives for intellectual work, there are also far less desirable motivations and effects underlying this network of limitations and control. In the field of the visual arts, as a range of theory and practice has now developed that is focused around the issue of the copy, these practices have, in turn, sometimes transgressed the limits on the use of legally protected imagery.

The History of Copyright

The initial establishment and the subsequent development of copyright principles should be understood as a series of responses to the potential for disruption inherent in new forms of technology. The printing press was only the first in a long series of inventions to which developments in copyright law have had to respond.² Legal limits have become increasingly important, because each new technological advance in what we now categorize broadly as the media has the potential to undermine previous traditions of dissemination and older sources of revenue by eliminating, through technology, earlier inherent limits in methods of reproduction. Different types of boundaries have therefore been developed, and, like the convention of the limited edition for fine art prints and casts, many of these restrictions are self-imposed or imposed at the behest of producers in the particular area who wish to ensure the value of their property.

² More recent examples include sound recordings, which have inspired very specific legislation concerning jukebox play and compulsory licensing; the videocassette recorder, which led to a key court case, Sony Corporation of America v. Universal City Studios, Inc., that established fair use for home taping; increasingly specific copyright legislation concerning computer software; and the challenge now being presented by the digital transmission of images and information.

It was the spread of the printing press that inspired the development of copyright principles in England, and those principles served in turn as the model for United States copyright legislation. In England, the concept of the copyright originated in the practices of the Stationers' Company, which was granted a royal charter in 1557.³ The granting of the charter to the Stationers' Company in the middle of the sixteenth century was, however, only one stage in a series of responses to the introduction of printing presses to England in the late fifteenth century.⁴ The introduction of printing brought with it a great increase in the potential for the dissemination of ideas, and early attempts to regulate printing in England were motivated by the government's desire to control content – particularly in response to the threat posed by the spread of Lutheran books. Starting in 1528, there was what Cyprian Blagden describes as a "stream of royal proclamations against seditious and heretical books."⁵ As of 1538, government

³ John Feather, "Authors, Publishers and Politicians: The History of Copyright and the Book Trade," European Intellectual Property Review 11 (December 1989): 377; Cyprian Blagden, The Stationers' Company: A History, 1403-1959 (Stanford: Stanford University Press, 1977), 219-20.

⁴ According to Blagden, Caxton published the first book printed in England in 1477. Blagden, The Stationers' Company, 23.

⁵ Blagden, The Stationers' Company, 29-30.

control was given a specific mechanism under a law that required books to be approved before publication by the Privy Council.⁶

These attempts to control the dissemination of books were only partially successful; and in this context, the charter granted to the Stationers' Company in 1557 can be understood as an early attempt by government to harness the interests of private enterprise in order to achieve a level of control that the crown's own enforcement mechanisms were not achieving. Once the Stationers' Company was granted a monopoly over most types of printing, its members had a commercial incentive to control printing practices. One element of this form of self-enforcement was the system of record-keeping the Stationers' Company developed. Begun initially as a record of licensed books – those books approved by the royal censors – a printer's entry of a book onto the register very quickly began also to denote the printer's exclusive right over the book in question. This right was enforced via a system of fines leveled against those who infringed on a printer's exclusive right of "copy," and in this system lies the inception of what is now known as copyright.

In 1695, however, the British parliament allowed the

⁶ Blagden, The Stationers' Company, 30-31; Feather, "Authors, Publishers and Politicians," 377.

Printing Act to lapse, thereby failing to renew the exclusive rights over most types of publication that the Stationers' Company had previously enjoyed.⁷ Without the grant of a royal monopoly over printing, the system of registration maintained by the Stationers' Company could not prevent independent presses from infringing on the copyrights conferred by the company on its own members. In 1709 a bill was introduced in Parliament in response to a series of complaints about the economic hardships created by printing piracy. This act, also known as the Statute of Anne, was the first copyright legislation, and it became law in April of 1710. The act was entitled "An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of Such Copies, During the Times Therein Mentioned," and it established a fourteen-year period of protection, which could be renewed for a second fourteen years, along with a twenty-one-year period of protection for books that were already in print in 1710.

Even though its protection for copy owners was in many ways similar to that established by the Stationers' Company under the previous Printing Act, the 1710 copyright act is significant in several respects. First, by replacing the lapsed royal licensing acts with the legal concept of

⁷ John Feather, A History of British Publishing (London: Routledge, 1988), 62.

copyright, Parliament created a degree of separation between control over content and control based on economic interests. Printers could still be prosecuted for printing sedition, but they were not required to obtain a royal license prior to publication. Also significant is the act's nascent recognition of authorship. Before 1710, control over publishing in England was defined solely in relation to the printers; the preamble to the Statute of Anne, however, refers to the rights of both authors and their assignees – booksellers, printers, or other persons who have purchased or acquired the rights over copies – and it is presented as an act "for the Encouragement of learned Men to compose and write useful Books."

In this respect, one can think about the Statute of Anne in relation to the development of what Michel Foucault has termed the "author-function." For the use of the author's name as a means of classification was connected, according to Foucault, to attempts to control discourse: "Speeches and books were assigned real authors, other than mythical or important religious figures, only when the author became subject to punishment and to the extent that his discourse was considered transgressive."⁸ Furthermore,

⁸ Michel Foucault, "What Is an Author?" in Language, Counter-Memory, Practice, trans. Donald F. Bouchard and Sherry Simon (Ithaca: Cornell University Press, 1977), 124.

Foucault connects the transgressive in literature to "the moment when a system of ownership and strict copyright rules were established (toward the end of the eighteenth and beginning of the nineteenth century)."⁹

One can see a similar trajectory in the English movement from licensing acts designed primarily with the goal of prepublication censorship to copyright legislation focused around the idea of books as property. Recognition for authors, however, developed only gradually. Despite its apparent acknowledgment of authors, the Statute of Anne was, according to John Feather, "a booksellers' act not an authors' act."¹⁰ In the immediate aftermath of the passage of the 1710 act, the practices of printing remained substantially the same: "'Literary property' was what a publisher obtained from an author: it was a publisher's right not an author's right."¹¹

But just what kind of property was "literary property"? If other forms of property were perpetual, why should

⁹ Foucault, "What Is an Author?" 124-25. For a discussion of the history of French copyright law that relates it to the concept of the author-function, see Molly Nesbit, "What Was an Author?" Yale French Studies 73 (1987): 229-57.

¹⁰ Although the preamble to the act refers to authors, Feather describes how "a series of references to authors' rights in the first draft of the bill was removed in committee, almost certainly under pressure from the trade." Feather, A History of British Publishing, 75-76.

¹¹ Feather, "Authors, Publishers and Politicians," 379.

copyright be subject to a legally defined time limit? These questions were being asked with an increasing sense of urgency by 1731, when the twenty-one-year term of protection granted by the Statute of Anne to books already published expired, and they remained significant as the twenty-eight-year copyrights also started to expire in 1738.¹² Because of the threat this termination in protection posed to their long-held economic interests, English publishers tried, without success, to get Parliament to pass an act that would extend the duration of their copyrights. The London printers were particularly eager to strengthen copyright protection because of increased competition from outside sources. During the eighteenth century, Ireland and Scotland had also developed printing industries – industries that served provincial markets and specialized in reprinting books originally published in London. The books they reprinted after their copyrights under the Statute of Anne had expired were treated as piracies by the London printers, so legal recognition of the concept of perpetual copyright would have presented a far more serious threat to those industries by giving support to the practices of the London printers. Attempts by English publishers to bring action against such

¹² Among the valuable works whose copyright expired in the 1730s were Pilgrim's Progress, The Spectator, The Tatler, and Burnet's History of His Own Times. Feather, A History of British Publishing, 77.

reprints in Scottish courts were, however, unsuccessful, in part because the Scottish legal system was based on Roman law, which did not recognize intangible property. The London printers nonetheless persisted in their attempts to retain perpetual monopolies over valuable literary properties. Other actions were pursued in the English courts, and in 1766, the King's Bench, in Millar v. Taylor, held that copyrights, like other forms of property, had a perpetual existence. This victory for copy holders proved, however, to be temporary, for in 1774, in Becket v. Donaldson, the House of Lords found definitively against the concept of perpetual copyright, holding that these rights could be fixed by statute.¹³

The role of the author also continued to change in the wake of the Statute of Anne and the subsequent litigation. While the shortening of copyright protection might, from a twentieth-century perspective, seem like a blow to the interests of authors, the effect during the eighteenth century was very different. Unlike late-twentieth-century

¹³ These cases, however, provided the basis for what is known as common-law copyright: in contrast to the statutory limit on copyright for published works, unpublished works could receive perpetual copyright protection under common law as long as they remained unpublished. See Feather, "Authors, Publishers and Politicians." But see also Howard B. Abrams, "The Historic Foundation of American Copyright Law: Exploding the Myth of Common Law Copyright," Wayne Law Review 29 (Spring 1983): 1120ff.

authors, who are often in a position to retain control over and therefore to benefit from their copyright interests, only a few eighteenth-century authors retained control over the copyright in their work. Perpetual copyright was therefore mainly in the interest of publishers, whereas the limit on copyright terms proved to be somewhat of a boon for authors. For once publishers became ensured of losing control over valuable copyrights after twenty-eight years, they were forced to seek out new works to print and to publicize those works when they appeared.¹⁴

Over the course of the nineteenth century, authors continued to assume an increasingly important position under English copyright law. The British Copyright Act of 1814 extended the term of copyright to twenty-eight years or the author's lifetime (whichever was longer), establishing an important connection, even if an author chose to sell his or her copyright, between the author and the copyright. In 1842 this protection was further strengthened when it was extended to forty-two years or the lifetime of the author plus seven years, whichever was longer.¹⁵

In the United States, the establishment of copyright protection also had its inception in economic interests. In

¹⁴ Feather, A History of British Publishing, 116-25.

¹⁵ Feather, A History of British Publishing, 169-71.

1783, the Connecticut legislature passed a copyright law at the urging of Noah Webster, who wanted to prevent appropriation of his spelling book, and this precedent was followed by twelve of the thirteen original colonies.¹⁶ In response to this patchwork of different laws, the delegates to the Philadelphia convention established the basis for federal copyright legislation in Article 1 of the Constitution, which held that "Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." This power was exercised in 1790 when the first Congress enacted a copyright statute modeled very closely after the Statute of Anne.¹⁷

With this act, the United States provided itself with domestic copyright legislation before most European countries. This first copyright law was, however, very self-

¹⁶ John Tebbel, A History of Book Publishing in the United States, vol. 1 (New York: R. R. Bowker, 1972), 138.

¹⁷ The 1790 legislation established copyright terms of fourteen years, with a renewal term also of fourteen years. As suggested by the title, "An Act for the encouragement of learning, by securing copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned," the purpose of the legislation had more to do with protecting the discoveries of inventors than the writings of authors. In 1831 the initial terms was extended to twenty-eight years, with a renewal period of fourteen. See Tebbel, History of Book Publishing, Vol. I, 141.

serving with respect to American economic interests, in that it provided protection only for American books published by American publishers. In the area of international copyright law, the United States was much slower than many of the European countries. Since the United States did not enact an international copyright law until 1891, American publishers were free for an entire century to pirate British and other foreign books at will. And it is certainly no accident that it was only when the balance of literary trade between the United States and England had begun to shift in favor of greater American production that Congress passed international copyright legislation.¹⁸

Congress also enacted major copyright legislation in 1909, but it was only with the copyright revisions of 1976 that the copyright term was changed to one based not on publication but on the life of the author: after the legislation took effect in January 1978, the copyright term became the life of the author plus fifty years.¹⁹ Since the 1976 revisions, therefore, the date included with the copyright notice cannot be relied upon to give an indication

¹⁸ For a general survey of developments in eighteenth- and nineteenth-century American copyright laws, see Tebbel, History of Book Publishing, vol. I, 141 & 558-61, and vol. 2 (1975), 634-44.

¹⁹ The exception to this is works made for hire, for which the copyright lasts either seventy-five years from publication or one hundred years from creation.

of whether the work is protected; instead, someone interested in finding out if a work is under copyright must investigate the status of the author that produced it. This different relationship to the author was much slower in coming than in England, where copyright protection was linked to the life of the author as early as 1814. The impetus for this belated change came from a desire to bring United States copyright laws into greater harmony with the standards of the Berne Convention in anticipation of eventual United States participation. This goal, too, was motivated by economic pressures: although the Berne Convention – an international copyright agreement – was first established among a number of European countries in 1886, the United States resisted participating in the agreement until 1988, at which point Congress responded to concerns by American companies that their economic interests in recording, film, and video exports were not being sufficiently well protected by the alternate agreement, the International Copyright Convention.²⁰ U.S. recognition of

²⁰ The Berne Convention is also significant for its recognition of moral rights – broadly speaking, the right of an author to claim authorship in a work and to object to its distortion or mutilation – in section 6bis. In the United States, however, the Berne Convention Implementation Act, which became law in 1989, contained language specifically canceling out the moral rights section. Although the legislative history of the Berne Convention Implementation Act argues that equivalent protection already existed in American law, it was only after the passage of the Visual

international copyrights was further extended in 1994 when President Clinton signed the Uruguay Round Agreements Act, with the result that, as of January 1996, copyright was restored to many foreign works that had entered the public domain in the United States.

Fair Use (and the Copyrighting of History)

The legal foundation for American copyright law lies in the Constitution, which declares the lofty aim of wanting "to promote the progress of science and useful arts." The use of copyright protection as the means by which to promote this progress also privatizes, to a degree, the means by which this public good will be effected. Rather than providing a direct government subsidy for creative work, legal protection for intellectual property rights facilitates activities that will ultimately benefit the public by allowing authors to profit from their creations within the private sector marketplace. Yet it is also clear that a too-rigid conception of copyrights as property rights will tend to stifle rather than promote the creation of what

Artists Rights Act, which became law in 1991, that a limited form of moral rights protection found explicit recognition in the context of the copyright code – a recognition that came almost two full centuries after the first recognition of moral rights in France under the law of 1793.

the law defines as "intellectual property." For this reason, the American courts developed the concept of fair use.

Fair use is an exception that allows for the use, in certain circumstances, of material that is protected by copyright. This exception is necessary because an absolute grant of property rights in intellectual property would circumscribe many types of creative work, given the degree to which authors and inventors have always incorporated approaches or materials from their predecessors in their new works. There is, however, a delicate balance in fair use between economic protection provided to the owner of intellectual property and the need to quote or otherwise build upon intellectual property in order to engage in further work.

Until the 1976 copyright law revisions, fair use was developed under common law as a "judicially created exception to the rights of the copyright owner."²¹ In other words, it was defined via court cases and judgments rather than in the copyright statutes. An early definition of fair use can be found in a case decided in 1841. In Folsom v. Marsh, Justice Story argued that an assessment of fair use should take into account "the nature and objects of the

²¹ T. Barton Carter, et al., The First Amendment and the Fourth Estate: The Law of Mass Media (Westbury, N.Y.: The Foundation Press, 1991), 291.

selections made, the quantity and value of the materials used, and the degree in which the use may prejudice the sale, or diminish the profits, or supersede the objects, of the original work."²² This definition was clearly influential when, in the 1976 revisions, fair use was given a statutory definition in section 107 of the copyright code:

Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies of phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include — (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4)

²² Quoted in Pierre N. Leval, "Toward a Fair Use Standard," Harvard Law Review 103 (March 1990): 1105.

the effect of the use upon the potential market for or value of the copyrighted work.

This statutory definition of fair use clearly provides only a very general set of guidelines. Yet because the specific considerations in each fair use case are so different, it would be virtually impossible from a practical standpoint to anticipate specifically, within the copyright code itself, the many sets of issues and circumstances raised by individual copyright infringement cases. It is therefore up to the judge presiding over a particular case to weigh and give relative priority to these four fair use factors. Within the case-law arena, several well-publicized decisions have established certain priorities with respect to fair use, particularly in relation to the use of unpublished works.

In Harper & Row Publishers, Inc. v. Nation Enterprises, Harper and Row, as the publisher of former president Gerald Ford's autobiography, sued after the Nation printed a 2,250-word article that contained both paraphrases and quotes drawn from the unpublished manuscript of A Time to Heal. Because of the Nation scoop, Time magazine canceled its option with Harper and Row to print prepublication excerpts and did not pay the second installment of Harper & Row's fee. Although the Nation justified its article as news

reporting, and though the piece only included approximately 300 words from a 200,000-word manuscript, the Supreme Court ultimately found against the Nation because of the unpublished status of the manuscript, because it found that the Nation had taken the heart of the book, because the Nation stood to profit from its scoop, because the manuscript obtained by the Nation had been purloined, and, in particular, because of the fourth factor, the effect on the market, which in this case was easy to document. In fact, Justice O'Connor's Supreme Court opinion refers to this fourth factor as "undoubtedly the single most important element of fair use."

In two other key cases, Second Circuit decisions have had much more disturbing implications for the writing of historical works. Both Salinger v. Random House, Inc. and New Era Publications International v. Henry Holt & Co. concerned the use of quotes from unpublished letters or diaries in the context of a biography – in the first, Ian Hamilton's J. D. Salinger: A Writing Life, and in the second, Russell Miller's Bare-Faced Messiah: The True Story of L. Ron Hubbard. In both cases the Second Circuit ruled that the expressive content of previously unpublished material could not be quoted.²³ Though a subsequent Second

²³ See chapter 6, "Copyright and Trademark," in Carter, The First Amendment and the Fourth Estate, especially pages 292-

Circuit decision concerning a biography of Richard Wright by Margaret Walker has slightly relaxed the strictures against quoting unpublished sources, these decisions concerning fair use remain a serious problem for those who wish to make use of unpublished primary source material in the context of their historical research.²⁴

Part of the reason for confusion around issues of fair use is that the circumstances of the cases already tried have varied radically, leading to different emphases on the four fair use factors. But the questions that surround fair use also point up some of the underlying contradictions in the goals and motivation for copyright laws. Copyright, as it is defined both in the Constitution and by subsequent Supreme Court decisions, is not, according to United States District Court Judge Pierre Leval, "an inevitable, divine, or natural right that confers on authors the absolute ownership of their creations. It is designed rather to stimulate activity and progress in the arts for the intellectual enrichment of the public." Seen in this light,

313, for summaries of these cases and for a general discussion of copyright law as it applies to publishing.

²⁴ Pierre Leval, the District Court Judge who gave initial consideration to both Salinger and New Era, argues that copyright law should not be used to protect privacy rights in unpublished writings; these works should instead be protected by privacy statutes. See Leval, "Toward a Fair Use Standard," 1119.

Leval argues, "Fair use should be perceived not as a disorderly basket of exceptions to the rules of copyright, nor as a departure from the principles governing that body of law, but rather as a rational, integral part of copyright, whose observance is necessary to achieve the objectives of that law."²⁵

The problem also extends beyond a question of inconsistencies in the decisions that have been reached, for there are many types of cases that have not been tried at all. With respect to the visual arts, for example, the third fair use factor, "the amount and substantiality of the portion used," might seem to suggest that it would not be fair use to reproduce a photograph of an entire work of art, even in the context of a critical or historical article. Attorney Leon Friedman, a noted expert in First Amendment and copyright law, argues, however, that the use of visual works in a critical or scholarly context is just the sort of use that the fair use exception would protect. As a general guideline, he suggests, authors and publishers would be covered by fair use for the reproduction of images that are seriously discussed in the text of a work. It is when a reproduction begins to act as a substitute for a print of the image that the fair use exception would no longer

²⁵ Leval, "Toward a Fair Use Standard," 1107.

apply.²⁶ Although the precise point at which a reproduction begins to act as a substitute for the original image would have to be decided on a case-by-case basis, fair use should, according to this argument, provide important protection for those critics and historians whose arguments are focused around the analysis of specific images or objects. This type of scholarly use is a use clearly designed to benefit the public, and it is therefore consistent with the broader goals of copyright law.²⁷ If this type of use were excluded from fair use protection, the result would be the privileging of property rights to a degree that could foster censorship. The estate of Diane Arbus, for example, has been known to attempt to control what is said about Arbus's work by controlling reproduction rights for Arbus's photographs.²⁸

²⁶ Leon Friedman, conversation with the author, December 28, 1991.

²⁷ It is important, here, to distinguish between published and unpublished works. Although the definition of publication is a bit more complicated for works of visual art, the same level of protection afforded to unpublished texts would presumably also apply to unpublished works of art. For a discussion of the nature of publication for works of art, see Franklin Feldman et al., Art Law, Vol. I (Boston: Little, Brown, and Co., 1986), 115-18.

²⁸ See the editors' statement published with Carol Armstrong's essay "Biology, Destiny, Photography: Difference According to Diane Arbus," October 66 (Fall 1993): 28-54. The problems Armstrong encountered when she attempted to get permission from the Arbus estate to use certain photographs in her article on Arbus point to the importance of reproduction in the process of shaping an artist's reputation — a process that, as practiced by the Arbus

If the copyright holders on images – whether works of art, advertising, or other forms of media-based imagery – are allowed absolute control over the context in which they are reproduced, they will also be granted a form of veto power over criticism by being able to withhold the object of interpretation.

From Author-Function to Brand Loyalty

In "The Work of Art in the Age of Mechanical Reproduction," Walter Benjamin speaks, among other things, of the way film effaces the aura of the stage actor by withdrawing the actor's presence from his or her audience and by forcing the audience to identify with the ever-changing position of the movie camera.²⁹ But in a displacement that is similar in some ways to the manner in

estate, has amounted to censorship. In addition to requiring fees that were beyond the reach of a nonprofit publication, the Arbus estate was willing to grant such permission only for a portion of the images requested, and only if it had the opportunity to approve the text of the article. According to the editors, "While the estate claimed that the extensive changes that it wished the author to make all had to do with matters of fact, in actuality most of the changes detailed in a five-page, singled-spaced letter to the author involved the imposition of the estate's editorial judgment" (28).

²⁹ Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction" (1936) in Illuminations, trans. Harry Zohn (New York: Schocken Books, 1969), 228-29.

which exhibition value has supplanted cult value for the work of art, "film responds to the shriveling of the aura with an artificial build-up of the 'personality' outside the studio. The cult of the movie star, fostered by the money of the film industry, preserves not the unique aura of the person but the 'spell of the personality,' the phony spell of a commodity."³⁰

Now, in the late twentieth century, it has become commonplace to describe ours as a society of the image – a society in which the promoters of the visual seem to be outspending champions of the verbal in the great communications marketplace. More importantly, the images that surround us are, in large part, linked to the promotion of commodities, or they are themselves a form of commodity. The movie star is a kind of image in that he or she does not become a star simply because of acting skill; rather, the star is marketed as a package. There is even a body of law that has developed around the commodification of celebrity: a celebrity's likeness has a value that can be diluted if it is used to promote products without authorization from the celebrity – who has the right to profit from the use of his or her image. Hence we have regulations against the use of celebrity impersonators to promote products that are similar

³⁰ Benjamin, "Work of Art in the Age of Mechanical Reproduction," 231.

to those designed to prevent confusion among different products or commodities by barring the appropriation by one manufacturer of the appearance - or packaging - used by another manufacturer to promote a product line.

A key component in the domination of the image in late-twentieth-century society can be found in the development of advertising. For advertising as we know it is a relatively recent phenomenon: the modern approach to advertising - advertising as persuasion rather than as announcement - is linked to changes in production, transportation, and communication that began to develop in the latter part of the nineteenth century. According to Daniel Pope, "The larger shift which precipitated the remarkable transition in American advertising in the late nineteenth and early twentieth centuries was the development of national markets for the branded, standardized products of large-scale manufacturers."³¹ Before the Civil War, most manufactured products were purchased on a generic basis, and usually in a state that required further labor on the part of the purchaser (e.g., flour rather than bread; fabric rather than finished clothing). Soap was one of the first products to be marketed to consumers on the basis of characteristics attributed to a specific brand name. This now familiar type

³¹ Daniel Pope, The Making of Modern Advertising (New York: Basic Books, 1983), 5.

of brand differentiation became necessary with the rise of large-scale manufacturing, which meant that high fixed costs needed to be offset by consistent demand for particular products.³² The creation of brand loyalty among consumers that is central to this system also entails a tremendous up-front investment in the form of advertising. And as products began to be bought on the basis of brand recognition rather than as generic substances, corporations began to depend more and more on laws that would enable them to protect the public perception or image that they had developed around their products from appropriation by other producers. The body of law that enables producers to protect their investment in a brand name or other identifying mark is known as trademark law.

The groundwork for trademark law, as for copyright law, can be found in earlier forms of production. Identifying marks were used by guilds to identify the origin of goods, and early English and American common law regarding trademarks was mainly concerned with preventing one manufacturer from "palming off" goods as those of another.³³

³² See chapters 1 and 2 in Pope, The Making of Modern Advertising.

³³ For a concise summary of the origins of trademark law, see Arthur R. Miller and Michael H. Davis, Intellectual Property: Patents, Trademarks, and Copyright (St. Paul, Minn.: West Publishing Co., 1990), especially pages 146-55.

Like copyrights and patents (which provide for control over an invention), trademarks are broadly (and, some would argue, inaccurately) categorized as a form of intellectual property. The constitutional logic for copyright and patent laws – the promotion of innovation through a system that allows an author or producer to exploit his or her expression or invention – is present, though to a much lesser degree, in trademark law, which "serves to both protect the public from confusion as well as protect the trademark owner from losing his market."³⁴ Although the intent of trademark law, as stated in the Lanham Act (the revision of trademark law enacted in 1946), to prevent "the deceptive and misleading use of marks in . . . commerce" would clearly provide a public benefit, the emphasis is much more on protecting the commercial rights of trademark owners. In this respect, the underpinnings of trademark law are different from those governing copyrights and patents, for whereas copyrights and patents were anticipated and furnished with an elevated purpose by the framers of the Constitution, trademark law has had to develop under the rubric of the Constitution's interstate commerce clause.³⁵

³⁴ Davis, Intellectual Property, 151.

³⁵ The first trademark laws, enacted by Congress in 1870 and 1876, were declared unconstitutional by the Supreme Court in 1879 on the grounds that these were state matters over which the Constitution did not grant Congress regulatory power.

Trademarked names and images have assumed an increasingly prominent place in twentieth-century society, and their importance is directly related to their commercial value; the concept of the trademark and the reign of the image are inseparable, and their link is the advertisement. And trademark images are everywhere. If you watch a Sunday-afternoon football game on television, for example, you see the scores updated on the Hertz Ten-Minute Ticker, the game analyzed on the NFL Today Docker's Half-Time Report and the Old Spice NFL Live Postgame Report, and highlights consisting of Alcoa Fantastic Finishes, the Canon Camcorder Replay of the Game, and the Dr. Pepper Game of the Month.³⁶ But if you choose to spend your time at a museum instead, you are equally unlikely to be able to avoid the ever-present logos of such corporate sponsors as AT&T and IBM. Everything, it seems, has a label. Unless you reside in the elite world of personal tailoring, the initials on your pocket will not be your own; instead, they will be the initials of the designer, and their function is to signal your status within the hierarchy of consumption: off-brand

Subsequent federal statutes passed in 1881, 1905, and 1946, based on the Constitution's interstate commerce clause, therefore concern only the interstate use of trademarks. Davis, Intellectual Property, 148-49.

³⁶ These examples all come from the December 15, 1991, NBC and CBS telecasts.

or no-brand merchandise is to be avoided at all costs. Even the term that we use to describe ourselves has changed: whereas the word "consume" once carried mainly negative connotations, "consumer" is in danger of overwhelming "individual" as the term most frequently applied to members of twentieth-century society.³⁷

As techniques of mass production and technical reproduction have become increasingly pervasive, a whole network of limitations and regulations has followed apace. Now, late in the twentieth century, most forms of expression presented to the public are surrounded by a fabric of limitations and regulations concerning their use. Trademarks are not the only type of symbol used to market products; images protected by copyright law have also become closely identified with and therefore valuable to their corporate owners. Because these images – Disney cartoon characters, for example – represent such a heavy investment of marketing capital, and because those that achieve a high level of familiarity are tremendously valuable, there is every incentive for corporations to try to control all forms of media response. Those images that are most familiar will also be those most heavily marketed and therefore most

³⁷ For a discussion of this shift in meaning, see Stuart and Elizabeth Ewen, Channels of Desire: Mass Images and the Shaping of American Consciousness (New York: McGraw-Hill, 1982), 51.

carefully protected. And the younger a person is, the greater the degree to which he or she will have been brought up in a context permeated with this type of imagery. So even though we are all now being trained from an early age to recognize and identify with mass-market imagery, the corporations to whom those images belong have every incentive to try to control the use to which we might be tempted to put those images, leading to a paradoxical situation in which children brought up to recognize and even duplicate mass-market imagery are likely to be prevented from using that imagery as adults.

Mass Production and Originality

Twentieth-century art has, of course, responded to its social context with strategies that both react to and incorporate the imagery and the methods of reproduction characteristic of mass production. But the creation of copies and the use of methods of reproduction were hardly new to twentieth-century art. Copying played a key role in academic training and in the work of an artist such as Ingres, where, as Rosalind Krauss has argued, his life-long repetition and recycling of themes, compositions, and single figures puts into question the very notion of the

original.³⁸ And throughout the history of art, one can trace a series of shifts that occur in response to changes in both the style and the underlying technologies of art. For example, J. M. Montias argues that Dutch landscape artists of the seventeenth century developed styles that, among other things, would allow for much greater speed of execution than their Mannerist predecessors. Without the inherent limit on production intrinsic to the earlier style, he argues, landscape and still-life paintings were produced in sufficient volume that prices for these genres began to tumble.³⁹ Once inherent limits on the volume of production are overcome, therefore, others must be established if the work is to remain valuable. Michel Melot makes a related point concerning artistic techniques. In the context of discussing limits on quantity, he argues that artists have often taken up the reproductive techniques used in the creation of limited-edition series after they had been abandoned by industry – lithography being one key example.⁴⁰

³⁸ Rosalind Krauss, "Originality as Repetition: Introduction," October 37 (Summer 1986): 35-40.

³⁹ J. M. Montias, "On Art and Economic Reasoning," Art in America 76 (July 1988): 23-27.

⁴⁰ Michel Melot, "La notion d'originalite et son importance dans la definition des objets d'art," in Sociologie de l'art, ed. Raymonde Moulin (Paris: La Documentation Franciase, 1986), 193.

Another way of coming at the question of the relationship between artistic technique and inherent limits on production is to consider changes in the nature and creation of artistic forgeries. Mark Jones, in Fake? The Art of Deception, describes the nineteenth century as the "great age of faking."⁴¹ The rise of forgery in the nineteenth century had to do with the rise of a mania for collecting that was not at first equaled by precision in authentication – either stylistic or scientific. However, changes in taste as well as increasingly precise science of authentication and the simultaneous emphasis on academic training in the art of connoisseurship contributed to the decline of forgery. These developments are connected to a practical conception of authenticity that has come to dominate the way in which art is valued. The emphasis on the "authentic," and therefore rare, has clearly developed in reaction to the unlimited potential of certain types of mechanical reproduction; yet it has also been applied backward to the art of the past in ways never before contemplated by the wealthy "users" of works of art.

As the definition of authenticity has undergone an adjustment over the course of the last century, so, too, has the nature of the fake changed in response to the new

⁴¹ Mark Jones, ed., Fake? The Art of Deception (Berkeley: University of California Press, 1990), 161.

conditions of production. According to Jones, "The twentieth century is . . . the great age not of the art fake, but of the commercial counterfeit. . . . the fakes most characteristic of the late twentieth century are those that promise the instant status conferred by a famous name or the corrupt profit to be gained by substituting an inferior product for the real thing."⁴² One can see a response to this change in environment in a variety of avant-garde strategies, in particular collage and the readymade, which play off of both the techniques of mass production (the idea of the factory, for example) and the materials and products disseminated in their wake.

These avant-garde strategies, however, posed more of a challenge to established artistic and cultural traditions than to legal limitations on production and reproduction. In connection with Duchamp, for example, Molly Nesbit's article on the relationship of his work to French school training in mechanical drawing is instructive.⁴³ While it was certainly a challenge to traditional art for Duchamp to incorporate imagery based on those mechanical drawings into his work, from a legal standpoint this strategy would have more in common with Ingres's use of received artistic imagery than

⁴² Jones, Fake? The Art of Deception, 236.

⁴³ Molly Nesbit, "Ready-Made Originals: The Duchamp Model," October 37 (Summer 1986): 53-75.

with certain late-twentieth-century appropriations of popular-culture imagery. In the case of both Ingres and Duchamp, the artists were borrowing from what was understood to be a shared vocabulary – a vocabulary that, depending on one's training, one was expected to master. That the vocabulary Duchamp adapted was one taken from industry rather than art violated traditional notions of art, but it did not infringe on established copyrights or patents. In the readymades as well, it is no apparent violation of legal strictures – then or now – to display a factory-produced item such as a bicycle wheel or a urinal. Limits on the display of a readymade or a collage would be more likely to become an issue if the original materials were themselves subject to moral rights protection – a form of protection only recently recognized in United States law.⁴⁴

⁴⁴ Section 106(5) of the United States copyright code grants to copyright owners the exclusive right, "in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly." However, section 109(a) states that, "Notwithstanding the provisions of section 106(5), the owner of a particular copy lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to display that copy publicly, either directly or by the projection of no more than one image at a time, to viewers present at the place where the copy is located." This would seem to suggest that the display of a single copyrighted image – e.g., an image torn from a newspaper and used in the context of a collage – would generally not violate the copyright owner's exclusive rights. However, if an artist incorporates the work of

Legal problems more often arise in the intersection of technologies of reproduction. As long as artists work according to techniques that produce a unique work of art or even, to a lesser degree, that employ outmoded methods of reproduction (for example, bronze casting or certain of the printmaking processes), then they are likely to be able to avoid coming to blows with the owner of the copyright for images depicted within their works.⁴⁵ But when artists use techniques that are similar to the reproductive techniques employed in the mass media, then the owners of copyrighted imagery are much more likely to feel that their interests

another artist into his or her collage, then he or she runs the risk of violating the moral rights protection afforded by the copyright code since the passage of the Visual Artists Rights Act – but only if the work that is incorporated is a unique work or part of a numbered edition of two hundred or less, and only if it was created or sold after June 1991, the effective date for the Visual Artists Rights Act.

⁴⁵ This is, however, is not true in all cases, as two more examples of Disney legal action demonstrate. As Cox describes one incident, "A Soviet refugee, artist Mihail Chemiaskin, invites the chairman of The Walt Disney Co. to a Beverly Hills gallery to see his homage to the United States: a painting of Mickey Mouse handing a Campbell's soup can to a Russian. Disney lawyers, decrying copyright infringement, apply enough pressure to get the painting taken off display, and plans to make a print of it dropped." And, in another instance, "City fathers of White River, Ontario, want a statue to mark the 1914 birthplace of their most famous son, a bear cub named 'Winnipeg' that went to the London Zoo and is said to have inspired A. A. Milne to write the Winnie the Pooh books. Disney's missive to the city attorney declares the statue would violate 'contractual commitments and present and future plans for this character'" (Cox, "Don't Mess with the Mouse," 1, 26).

are threatened by the artistic appropriation. And to the extent that twentieth-century artists have used these techniques to raise questions about the distinction between art and mass culture, the owners of the mass-market imagery will be able to find a close resemblance between their copyrighted property and the work of art in which it has been incorporated.

Of course the context for contemporary art has changed as well: both Peter Burger and Andreas Huyssen have pointed out how the early-twentieth-century avant-garde movements (what Burger calls the historical avant-garde) did not have the same relationship to an institutional context that one finds in the later neo-avant-garde strategies that have been grouped under the term Postmodernism.⁴⁶ One of these institutional contexts is that of the art world – the complex of museums, galleries, and publications that has greatly expanded in the latter part of the twentieth century. Another institutional context, however, would have to be the now highly developed series of statutes and decisions that form a legal network that envelopes the use of imagery of many types.

⁴⁶ See Peter Burger, Theory of the Avant-Garde, trans. Michael Shaw (Minneapolis: University of Minnesota Press, 1984) and Andreas Huyssen, After the Great Divide: Modernism, Mass Culture, Postmodernism (Bloomington: Indiana University Press, 1986).

Postmodernism in the Eyes of the Law

The issues surrounding copying have become increasingly complex as artists have used reproductive techniques to incorporate mass-media and related images into their work. And here one can see a dividing line between two artists who responded early on to popular-culture imagery: Jasper Johns and Robert Rauschenberg. While Johns used recognizable symbols and trademarks in a number of his works from the 1950s, most of these were too generalized to fall under copyright protection (the targets, for example, or the maps).⁴⁷ And even the Savarin Coffee and the Ballantine Ale sculptures were recognizably made by hand, thereby avoiding the potential for confusion that forms the basis for action against trademark infringement. However, a print based on collage techniques involving the mechanical transfer of copyrighted imagery raises different issues. Rauschenberg, though often paired with Johns by historians, would pose different problems for lawyers in his use of photomechanical techniques to transfer a variety of already-reproduced images into his works. And it was in relation to one of

⁴⁷ Although specific maps can be copyrighted, the generic map of the United States cannot be because, although one can copyright the manner in which a set of facts is arranged or compiled, one cannot copyright the facts themselves.

these works that one finds an early example of the legal problems related to appropriation.

Rauschenberg was sued by Morton Beebe for the use of Beebe's photograph of a diver in his 1974 print Pull after Beebe became aware of Rauschenberg's use of his photograph when he saw the print reproduced in Time magazine. Beebe's suit asked for \$10,000 in damages, attorney's fees, court costs, and the profits from the sale of Pull. As has been typical, however, the case was settled out of court – for a much smaller amount and a promise that, when reproduced, the print would be accompanied by the statement that "the image of the Diver in Pull is after a photograph by Morton Beebe."⁴⁸

Andy Warhol has also been sued by photographers. In one case, the suit concerned his use of a photograph by Patricia Caulfield as the basis for his 1964 series of paintings entitled Flowers. In this instance, Caulfield discovered the use when she saw a poster of Warhol's painting in the window of a bookstore on Broadway. This case, too, was settled out of court, with Warhol agreeing to give Caulfield and her attorney either two copies of the Flowers paintings or

⁴⁸ The agreement, reached in September 1980, also provided Beebe with \$3,000 and a copy of Pull. See Gay Morris, "When Artists Use Photographs: Is it Fair Use, Legitimate Transformation or Rip-Off?" Artnews 80 (January 1981): 103-4.

\$6,000, and also to give Caulfield a royalty for future use of the image.⁴⁹ Since these and other similar cases were settled out of court, however, they did not establish a legal precedent concerning whether the fair use exception would justify strategies of artistic appropriation.

Another lawsuit concerning appropriation also demonstrates the degree to which copyright arguments about images can get caught up in a progression of simulacra. In this example, collaborative graphic artists Cockrill and Hughes sued David Salle for his adaptation of elements of their drawing of Lee Harvey Oswald being shot by Jack Ruby — a drawing that had, in turn, been based on the well-known news photograph of the same subject. The basis for the suit was the fact that the drawing differed from the photograph in a number of ways (some of which Salle repeated), and it is possible to copyright those aspects of a derivative work that are the author's unique expression. This case, too, was settled out of court, precluding the establishment of a legal precedent concerning the degree to which a work of art based on appropriation can itself be protected from further appropriation.⁵⁰

⁴⁹ Thus, in 1970, when Warhol made a series of 250 print portfolios based on the image, Caulfield received eight and her attorney received four of the portfolios. See Morris, "When Artists Use Photographs," 105.

⁵⁰ See John Carlin, "Culture Vultures: Artistic Appropriation

One exception to the tendency to settle out of court, however, is the case brought by Art Rogers against Jeff Koons concerning Koons's use of a greeting-card photograph taken by Rogers as the model for his String of Puppies sculpture. Koons's emphasis on the commodity, while serving as a provocation that has been interpreted within the art world as a critical stance, was not subject to the same interpretation in the legal realm. There Koons's seemingly nonchalant presentation contributed to a judgment that found in his work not consummate irony, but rather the creation of a set of limited-edition commodities that relied on the creative work expressed in the underlying images and objects. Koons's legal problems were centered around the works from his 1988 "Banality Show," many of which were produced from photographic sources. In some cases a single image was used as a basis, whereas in other works a collage of different images provided the model for the Italian artisans who fabricated the works in the show. (The strangely amputated legs in String of Puppies and the

and Intellectual Property Law," Columbia-VLA Journal of Law and the Arts, vol. 13, no. 1 (1988): 132-33, for a discussion of the case. According to Carlin, "Salle and his dealer, Leo Castelli, settled out of court, each paying Cockrill and Hughes \$1,000, a small fraction of the painting's market value at the time. Salle likely settled to avoid the expense and negative publicity of a public trial. Perhaps Cockrill and Hughes settled for so little because their chances of winning outright were dubious."

disturbing truncation of the head in Woman in Tub represent a three-dimensional translation of the type of cropping found in the two-dimensional images that served as prototypes.) For String of Puppies, Koons took the greeting-card photograph of a California couple holding eight German shepherd puppies, which he had purchased in a gift shop, to the studio he used in Italy to be fabricated in an edition of three life-sized painted wood sculptures plus one artist's proof. Rogers brought suit against Koons for copyright infringement in 1989 after a friend drew his attention to a reproduction of Koons's sculpture pictured on the front page of the Calendar section of the Los Angeles Times. The case was decided against Koons in the New York District Court, and his appeal of the lower court decision was denied by the U.S. Court of Appeals in a decision that castigated Koons for "willful and egregious behavior."⁵¹

The case concerning String of Puppies raises a number of important and troubling questions about the legal status of artistic appropriation, and it has set an important

⁵¹ The case was initially heard in the U.S. District Court for the Southern District of New York on November 26, 1990, and Judge Haight issued his decision in favor of Art Rogers on the question of copyright infringement on December 10, 1990. The case was appealed by Koons to the U.S. Court of Appeals for the Second Circuit, where it was argued before Judges Cardamone, Pierce and Walker. The appeals court decision, which affirmed the district court finding, was written by Judge Cardamone and issued April 2, 1992.

precedent with respect to the appropriation of images in works of art, a precedent which is even more significant for having been affirmed by the court of appeals. Both courts rejected the idea that appropriation can, in itself, function as a valid form of criticism. Normally criticism or comment would be protected by the fair use provision in the copyright code. However, the type of criticism implicit in Koons' strategy of appropriation was too oblique for acceptance within the courts. In fact, Charles Haight's district court decision makes a strict either/or distinction: "Koons' sculpture does not criticize or comment upon Rogers' photograph. It simply appropriates it." The appeals court decision, written by Judge Richard Cardamone, goes even further than that of the district court, drawing a distinction between creating a parody of modern society and a parody directed at a specific work (in this case, a parody specifically of Rogers' photograph). According to the court of appeals, "the copied work must be, at least in part, an object of the parody, otherwise there would be no need to conjure up the original work."⁵²

⁵² The appeals court affirmed the findings of the district court and also added a further suggestion that Koons had acted in bad faith because he had torn off the back of the note card – the section that contained the copyright symbol – before giving the image to the Italian artisans who fabricated the wooden sculpture.

The refusal to consider Koons' work a form of criticism was also clearly related to the courts' finding that the two works were substantially similar – a decision that was made on the basis of viewing photographs of Koons' work rather than upon seeing the brightly colored, life-sized sculpture itself in relation to Rogers's card-sized black-and-white photograph. The appeals court, in dismissing the argument that Koons had made a number of alterations that would serve to differentiate between the photograph and the sculpture, gave primary emphasis to the overall similarity in the arrangement of the human and animal figures while deemphasizing the differences between the two works in terms of medium, scale, color, detail and context in which they would be viewed. The courts were also not impressed by attempts to draw a distinction between a work produced as fine art and one intended for mass distribution. In his 1990 District Court decision, Judge Haight made an analogy between Koons's work and precedents from the realm of mass production. He countered arguments concerning the change of medium with an example of manufactured dolls that were based on a copyrighted book of cartoons. Similarly, Haight placed the sculpture on the "commercial nature" side of the equation of the first factor in fair use, regardless of the fact that the courts have found in favor of fair use even in cases involving books published by commercial publishing

houses.⁵³ The commercial nature finding was also made on the basis of an analogy between Koons's work and a commercial motion picture that was based on a copyrighted story. Koons contributed to the arguments made against him both through his persona as an art entrepreneur and self-promoter and through his very success: it is only because reproductions of his works were disseminated through mass-media channels that Rogers became aware of Koons's act of appropriation.

⁵³ In the case involving the Nation, the Supreme Court stated, "The crux of the profit/nonprofit distinction is not whether the sole motive of the use is monetary gain but whether the user stands to profit from exploitation of the copyrighted material without paying the customary price" (Harper & Row Publishers, Inc., v. Nation Enterprises [1985]). Michael Chagares also points out that an earlier decision in a case involving a parody, Loew's Inc. v. Columbia Broadcasting System, has been widely criticized by both commentators and the courts for related reasons. This suit involved a made-for-television movie by Jack Benny that was a parody of the film Gaslight. The court found that because the defendant stood to make money from the parody, the purpose of the parody was only commercial gain. According to Chagares, the decision "realistically rendered the fair use defense inapplicable to parodies" (Michael A. Chagares, "Parody or Piracy: The Protective Scope of the Fair Use Defense to Copyright Infringement Actions Regarding Parodies," Columbia - VLA Journal of Law and the Arts, vol. 12, no. 2 [1988]: 237). Parody and appropriation are different, however, for in parody, the parodist is only allowed to take enough to conjure up the original; in appropriation, on the other hand, the criticism is more subtle and the amount taken tends to be greater. As Chagares points out in relation to Disney v. Air Pirates, Inc., "An important factor in its holding was that because the public was familiar with the original characters, less than what was taken needed to be taken to conjure up the original. In justifying its decision, the court noted that no parodist had the right to appropriate the amount necessary of the 'best parody,' but instead relied strictly on the 'recall or conjure up' test" (Chagares, "Parody or Piracy," 241).

The case involving String of Puppies also highlights another sort of problem: the collision of two types of authors. According to the legal definition, Art Rogers is very much an author, even though he licensed his photograph to be marketed in ways that tend to veil the connection to a specific oeuvre. Koons used the photograph because, to him, it represented generic kitsch, and it is certainly the same qualities read straight – the cuteness and familial warmth of the image – that would have attracted less cynical purchasers of the card. In focusing on the way the strategy of appropriation performs a subtle criticism, Koons's appeals court brief suggested the establishment of a hierarchy among different types of authors: "Unlike the typical copyright infringement case which involves a creative artist attempting to prevent the mass commercial exploitation of his original work, this case concerns the extent to which a mass distributor of a rather mundane photographic note card can prevent a highly regarded artist from creating a limited edition, original, provocative and critical work of art."⁵⁴

The problem with setting up a hierarchy among different types of authors is that the copyright laws, which are set up to allow authors to exploit their works, are very

⁵⁴ Chagares, "Parody or Piracy," 3-4.

democratic in their definition of who is an author.⁵⁵ Is it therefore reasonable to ask the courts to differentiate between two types of authors (i.e., those who retain the category of author as defined by various segments of twentieth-century theory and criticism and those who do not)? Should fine artists be exempt from limitations on copying set up by laws designed to allow creators to exploit intellectual property – laws that fine artists are also able to use to their advantage? The appeals court was not impressed by this hierarchy, or by Koons's art-world persona. According to the appeals court decision, "The copying was so deliberate as to suggest that defendants resolved so long as they were significant players in the art business, and the copies they produced bettered the prices

⁵⁵ That copyright protection does not depend on the artistic merit of the work in question was established in an often-cited case involving circus posters. In his Supreme Court opinion, Oliver Wendell Holmes discussed the danger of rendering legal judgments on the basis of aesthetic criteria: "It would be a dangerous undertaking for persons trained only to the law to constitute themselves final judges of the worth of pictorial illustrations, outside of the narrowest and most obvious limits. At the one extreme some works of genius would be sure to miss appreciation. Their very novelty would make them repulsive until the public had learned the new language in which their author spoke. . . . At the other end, copyright would be denied to pictures which appealed to a public less educated than the judge. Yet if they command the interest of any public, they have a commercial value – it would be bold to say that they have not an aesthetic and educational value – and the taste of any public is not to be treated with contempt" (Bleistein v. Donaldson Lithographing Co. [1903]).

of the copied work by a thousand to one, their piracy of a less well-known artist's work would escape being sullied by an accusation of plagiarism."

The case brought by Rogers was not the only case concerning works in the "Banality Show." The second one, brought by United Features Syndicate, concerned Koons's sculpture Wild Boy and Puppy. Here, however, rather than using a specific photograph as a model, Koons had adapted the copyrighted cartoon character of Odie from the Garfield comics. Unlike String of Puppies, which relied on a copyrighted image that would not otherwise have been widely known, the Wild Boy and Puppy was based on a well-known character and therefore seemed to raise a somewhat different set of issues. Some commentators have attempted to draw a distinction between using a less-well-known image taken from the world of popular culture and a cartoon character that has become part of a shared cultural vocabulary.⁵⁶ The counter argument, however, is to ask why the more successful author should be penalized by having his or her creation subject to appropriation simply because it has become

⁵⁶ In his article on artistic appropriation, Carlin makes a case for the importance of this type of distinction, arguing that one should assess "the degree to which the image is part of a shared cultural vocabulary, or generally identifiable as the work of the original creator or owner. This clearly would allow virtually all popular imagery, like cartoon characters, to be appropriated in a limited artistic context" (Carlin, "Culture Vultures," 139).

successful or well known.⁵⁷ With respect to the Wild Boy and Puppy, the district court again rejected attempts to create a hierarchy of authors, and found that Koons had infringed on the copyright held by the United Features Syndicate. In his decision, Judge Peter Leisure rejected the defense arguments regarding the familiarity of certain cartoon characters: "These imaginative characters do not lose copyright protection as a result of their incorporation into American culture." After the U.S. Supreme Court refused to review the appeals court decision regarding the String of Puppies and the New York District Court found infringement in the Wild Boy and Puppy case, Koons settled all four cases that arose out of the "Banality Show." The settlement also encompassed two other pending lawsuits: one, by MGM, that was brought in response to Koons's use of the Pink Panther character in his sculpture of the same name, and the other, by photographer Barbara Campbell, concerned his use of a greeting-card photograph she had taken as the basis for his sculpture Ushering in Banality.⁵⁸

⁵⁷ Leval makes this argument in the context of a discussion of the publication of stills from Zapruder's film of the Kennedy assassination. See Leval, "Toward a Fair Use Standard," 1131-32.

⁵⁸ Although the details of the settlement, unlike those of the court decisions, remain confidential, it did provide that Koons will have the right to display and to sell those copies of the sculptures that are in his possession, and that he will also have a license to reproduce the works in

Whereas the legal assessment of Koons's use of appropriation was unambiguous, the art world assessment of strategies of appropriation is less clear-cut. Does Koons add a further layer to Warhol's series of engagements with the commodity? Or does he fold his art into the commercial without leaving any trace of critique?⁵⁹ Despite Koons's protests that he has "never mocked" and "never tried to be cynical" the theme of kitsch is ever-present in a body of work that has included elaborately displayed readymades, as well as appropriated and fabricated objects and images derived from a variety of sources.⁶⁰ Koons also eagerly embraced the forms associated with the commodity in the infamous full-color, full-page ads for the "Banality Show" that appeared in Artforum, Art in America, Flash Art, and

two dimensions (e.g., that photographs of the works could be reproduced in catalogs and other similar contexts), but that he will not be able to do any further editions of the sculptures in question. (Prior to the settlement the San Francisco Museum of Modern Art had decided not to include String of Puppies in its 1992 Koons retrospective after a protest by Rogers's lawyer.) In addition, the artist's proof of String of Puppies, which Koons had been forced to turn over to Rogers by court order, was returned to Koons.

⁵⁹ Jeff Koons's The Jeff Koons Handbook (New York: Rizzoli, 1992) is a pastiche of clichés in which he demonstrates his obvious debt to Warhol with such statements as "My work has no aesthetic values, other than the aesthetics of communication. I believe that taste is really unimportant" (31).

⁶⁰ Quoted in David Littlejohn, "Who Is Jeff Koons and Why Are People Saying Such Terrible Things About Him?" Art News 92 (April 1993): 93.

Arts Magazine. According to Koons, he preferred to take the money that could have been spent on producing a catalogue for the "Banality Show" and use it to create ads for the exhibition.⁶¹

Furthermore, why, if Koons's goal in making String of Puppies was the creation of a work of generic kitsch, did he have to make what amounts to a "word for word" quotation of this particular photograph, given that an exact replication of this particular photo would not be necessary in order to convey the idea?⁶² It might seem easier to defend the necessity of quoting well-known figures exactly in order to convey one's meaning. On the other hand, though, even when the original is less well known, it is alarming to contemplate the possibility of living in a world surrounded by images that are off-limits for any sort of artistic use.

⁶¹ Deposition of Jeff Koons, taken by John D. Parker, lawyer for United Feature Syndicate, July 2, 1990, pages 29-30. (This deposition was taken in conjunction with the suit against Koons regarding his use of the character Odie from the Garfield comic strip in his 1988 Wild Boy and Puppy sculpture. Portions of the deposition were included as Exhibit B in United Feature Syndicate's January 15, 1991, Motion for Partial Summary Judgment in United Feature Syndicate, Inc. v. Jeff Koons and Sonnabend Gallery, Inc.)

⁶² He did make a number of changes: the color of the figures (in contrast to the photograph, which was in black and white), the flowers in the hair of the figures, and the noses on the puppies (which were based on the nose of a cartoon character). These changes were, however, not sufficient to convince Judge Haight that the photograph and the sculpture were not substantially similar.

Koons is far from the only artist to respond to the images which pervade our environment; and despite a well-publicized lack of enthusiasm for Jeff Koons's work on the part of many critics,⁶³ it would be hard to frame an argument whereby one could justify Warhol's use of found photographs in works like Flowers or Red Race Riot (where the photographs are even reproduced according to photographic-type processes) while at the same time withholding support for Koons's appropriation of the greeting-card photograph that he used as the model for String of Puppies.

What is at issue is not just a one-way movement from the mass media to the artist's work made for the gallery, with the artist constrained by copyright limits. Artists also have an incentive to control how images of their works are used by others and have become increasingly organized about the control and protection of their copyrights through such associations as the A.R.S. Copyrights on works of art give the artist or other copyright holder increased control as the works reenter the media realm, and they may also have

⁶³ Yve-Alain Bois, quoted in the context of a September 19, 1991, New York Times article, characterized Koons's work as "totally trivial and a pure product of the market . . . I think he's a kind of commercial artist." And Rosalind Krauss, quoted at the end of another major article on Koons that appeared in the New York Times on October 27, 1991, stated that "Koons . . . is not exploiting the media for avant-garde purposes. He's in cahoots with the media. He has no message. It's self-advertisement, and I find that repulsive."

an impact on further artistic response. For example, Claes Oldenburg's Soft Version of a Maquette for a Monument Donated to the City of Chicago by Pablo Picasso (1969) was made in protest against the fact that the city had claimed copyright in the work on the basis of Picasso's original steel maquette.⁶⁴ Even the painted copy, which has a long history in academic tradition, and would seem to fall into a different category of production than more mechanical forms of reproduction, can be limited by copyright protection, as a Swiss court made clear when it shut down a 1992 exhibition in Zurich of Mike Bidlo's paintings entitled "Not Léger" because of copyright infringement. The paintings made after Léger's work, like those after Picasso in Bidlo's 1988 installation entitled "Picasso's Women: 1901-71" at Castelli's 142 Greene Street gallery, were done to the scale of the originals, but were based on reproductions. In emphasizing the flatness and lack of nuance in the mediating reproductions, Bidlo created obvious copies that, though rendered in the original medium, clearly demonstrated their secondary nature. Bidlo thus produces a re-materialized version of the museum without walls, but one where the copies are not intended to cause anyone to mistake them for

⁶⁴ See Barbara Rose, Claes Oldenburg (New York: The Museum of Modern Art, 1970), 102.

the originals on which they are based.⁶⁵ And Bidlo is undoubtedly lucky to have created the Picasso installation before January 1, 1996, when U.S. participation in the General Agreement on Tariffs and Trade (GATT) automatically restored copyrights in many foreign works of art that had fallen into public domain in the United States, including many of Picasso's works.⁶⁶ In Europe artists and their estates have recently succeeded in requiring royalty payments for the use of images of their work, including the requirement that auction houses pay royalties on works illustrated in auction catalogues. The degree to which an artist who appropriates images from various sources can become involved in controlling future use of the work based on those images is well illustrated by how Warhol, and now Warhol's estate, have vigorously protected the royalty income generated by licensing reproduction rights for Warhol's work even as the estate is having to defend against

⁶⁵ Bidlo has recreated works that have ranged from ones that were already readymades, such as Duchamp's Bottle Rack and Bicycle Wheel, to paintings known for their expressive qualities. Of his readymade models, he states that "Everything is mine except the form" (Quoted in Joseph Masheck, "Bidlo's Pablo," Art in America 76 [May 1988]: 175). His response to the danger of people presenting his work as the real thing: "Why would anyone want to pass my appropriations off as originals when they could get actual forgeries?" (Quoted in Elizabeth Hayt-Atkins, "Mastering Pieces," Art & Auction 10 [April 1988]: 100).

⁶⁶ See Walter Robinson, "Copyright Snarl for U.S. Museums," Art in America 83 (October 1995): 31.

claims recently brought by the photographer who shot the famous image of Jackie Kennedy that Warhol incorporated into a number of his works from the early sixties.

Control Over the Work of Art

While copyright controls the use of images, the desire to exercise control over the physical object raises other issues. As artists have attempted to distinguish the work of art from other forms of commodities, legal issues have intersected with the art world on a number of fronts. The legal battle that Richard Serra waged in an attempt to prevent the General Services Administration from removing (and thereby destroying) his sculpture Tilted Arc showed the limits in the artist's ability to control the fate of the work in the face of commercial considerations. An underlying issue in the conflict was also the fact that the United States enacted moral rights legislation as part of the copyright code only in 1990.

The GSA's decision to remove Tilted Arc from Federal Plaza was supported by the courts, which, had they affirmed either the site-specificity of the work or his First Amendment rights to freedom of speech, would have ceded to Serra an unprecedented degree of control over the display of a work — and would have gone against the bias of the

American legal system towards the flow of commerce by subverting the commodity status of the work of art. Serra wanted the work of art, as defined by U.S. legal codes, to be more than just another commodity, but Serra's attempt to prevent the work's destruction was superseded by the U.S. government's insistence on its absolute rights of ownership. When the General Services Administration commissioned Tilted Arc, Serra had signed the Art-in-Architecture Program's standard contract, which included the stipulation that the work "may be conveyed . . . to the National Collection of Fine Arts - Smithsonian Institution for exhibiting purposes and permanent safekeeping." Though Serra had received verbal assurance from the GSA that it intended to install the work permanently, agents of the GSA subsequently used the language of the contract to support its campaign to remove Tilted Arc from the plaza.⁶⁷ Both the district court and the court of appeals decided against Serra, denying his arguments based on the freedom of speech guaranteed by the First Amendment to the United States Constitution on the

⁶⁷ This assurance was reaffirmed by Donald Thalacker, Director of the Art-in-Architecture Program, who wrote in a memo to William Diamond, Regional Director of the GSA, that "it was never our intention to convey anything other than the models and the drawings to the museum." See Clara Weyergraf-Serra and Martha Buskirk, eds., The Destruction of Tilted Arc: Documents (Cambridge: MIT Press, 1990), 156. For other relevant statements, see also pages 4, 67-68, 145-46, 166-67.

grounds that Serra had sold his speech (the Tilted Arc) to the government and had therefore relinquished any further right to control its configuration. The decision by appeals court judge Jon O. Newman is particularly revealing:

While we agree that artwork, like other nonverbal forms of expression, may under some circumstances constitute speech for First Amendment purposes, we believe that the First Amendment has only limited application in a case like the present one where the artistic expression belongs to the government rather than a private individual. . . . In this case, the speaker is the United States Government. Serra relinquished his own speech rights in the sculpture when he voluntarily sold it to GSA.⁶⁸

An important reason Serra was unable to prevail in the courts is that the United States, unlike many other countries, has not traditionally protected the integrity rights (droit moral) in works of art, and recognized moral rights in works of art that extend beyond property rights only in 1991.⁶⁹

⁶⁸ Decision by Judge Jon O. Newman, in Weyergraf-Serra and Buskirk, Destruction of Tilted Arc, 249.

⁶⁹ At the last minute a reprieve seemed possible, given that

The Visual Artists Rights Act of 1990, which took effect June 1, 1991, assures that art works cannot be destroyed, defaced or mutilated once they leave the hands of the artist. The concept of moral rights is based on the idea that a work of art is more than just any commodity, that it is a unique creation that reflects the artist's individual personality and cannot be altered or destroyed at the will of the owner. The right of the artist to be acknowledged as the creator of his or her work, to disclaim false attributions, and to prevent unauthorized alteration of that work are "personality" rights that exist independently from property right and cannot be transferred, even when the work of art itself is sold. The strongest legal precedent for this concept of moral rights exists under French law. In its earliest form in France, the articulation of moral rights

shortly before the GSA began to remove the work from the plaza, the United States had entered the Berne Convention, an international copyright treaty that includes integrity rights. When it turned out that this aspect of the treaty had been specifically excluded, Serra dropped his final legal challenge, and the destruction went ahead.

When drafting the Berne Convention Implementation Act, which was signed October 31, 1988 and went into effect March 1, 1989, Congress rejected the moral rights language of section 6bis of the Berne Convention on the grounds that American common law already contained moral rights protection sufficient to bring the United States into compliance with Berne. For a discussion of the "minimalist" approach, see for example, the statement of Ralph Oman, Register of Copyrights, at the hearing held by Senate Subcommittee on Patents, Copyrights and Trademarks June 20, 1989.

was part of an attempt to wrest control over artistic production out of the hands of the sovereign at the time of the French Revolution. By contrast, the philosophy of the American legal system prior to the enactment of the Visual Artists Rights Act had always been to privilege the property rights of owners over those of creators.

The 1990 law therefore marked a fundamental shift in the attitude of U.S. law toward the rights of visual artists.⁷⁰ The bill has also meant that American law governing cultural property now corresponds to the protection offered in many other countries, and it brought the U.S. more fully into compliance with the international

⁷⁰ Under the Visual Artists Rights Act, artists are able to prevent the mutilation or destruction of their works even after they have been sold and to require that they be credited as the author of their works. The Visual Artists Rights Act automatically protects all paintings, drawings, prints, sculptures and photographs (if produced for the purpose of exhibition) that exist either as single copies or in signed and consecutively numbered limited editions of 200 or less. The bill also established limited protection for works of art incorporated into buildings and instructs the copyright office to set up a registry of such works. Films and videos are specifically excluded, as are works made for hire. Also excluded are most works traditionally defined as "craft" rather than "fine art." And even for works that fall within the confines of the bill's definition of art, the protection applies only to those sold after the legislation took effect. Because it protects the work of art only during the artist's lifetime, the legislation is more limited than that which exists in many European countries as well as in some states.

For a discussion of the various legal definitions of the work of art, see Leonard D. DuBoff, "What is Art? Toward a Legal Definition," COMM/ENT (Hastings Communications and Entertainment Law Journal), vol. 12, no. 3 (1990): 303-51.

rules included in the Berne Convention. As it stands, the Visual Artists Rights Act would prevent certain types of abuses, though not others. Had it been in effect when Alexander Calder created his Pittsburgh mobile it would have enabled him to prevent the work from being painted green and gold and immobilized when it was installed in the Greater Pittsburgh International Airport. Likewise, the legislation would have made it illegal for the Bank of Tokyo Trust Company to cut up Isamu Noguchi's Shinto after deciding to remove it from the lobby of their New York headquarters.⁷¹ Had it been in effect at the time of the works' creation, however, the legislation would still not have prevented the posthumous stripping of paint from David Smith's sculptures at Bolton Landing by the executors of his estate.⁷²

⁷¹ For differences in the way New York State law would have treated these two incidents, see Walter Robinson, "Art & the Law: 'Moral Rights' Comes to New York," Art in America (October 1983): 9-13.

⁷² For a description of the changes made in David Smith's works at Bolton Landing, see Rosalind Krauss, "Changing the Work of David Smith," Art in America (September/October 1974): 30-34. The David Smith example raises the issue of who has the standing to sue in moral rights cases. Under the national legislation only the artist has the right to sue to protect a work of art from change or destruction. Therefore, as Gilbert Edelson of the Art Dealer's Association points out, the Smith alterations would not have been protected even if the moral rights protection covered the same span as copyright protection, "life plus fifty," since the actions were those of his executors - those with legal authority over the disposition of the oeuvre. Gilbert S. Edelson, conversation with the author, March 15, 1991.

Moreover, despite the prominence given to the issue of moral rights in the debate over the removal of Richard Serra's Tilted Arc, site-specific works seem not to be covered by the legislation. Serra was highly critical of the 1990 legislation, arguing that "Artists are still at the mercy of the buyer. It is obvious that the destruction of Tilted Arc had no effect on the drafting of this act. As it now stands, Tilted Arc would not be protected."⁷³ In the wake of the Tilted Arc's destruction, Serra developed his own contracts for his sculptures. His agreements include an engineer's report on the piece in question and stipulate specific provisions covering a number of issues. A key provision, which Serra now requires for the sale of all his works, both site-specific and non-site-specific, concerns moral rights: "Buyer will permit no negligent, reckless or intentional modification, change, damage or destruction of any kind to the Work for any reason or need whatsoever. Buyer understands and agrees that any change in the position or placement of the Work specified in the Report (as defined

⁷³ Richard Serra, conversation with the author, April 3, 1991. Site-specific works like Serra's Tilted Arc are neither protected by Section 106A, which covers the rights of works that are discrete movable objects, nor by Section 604, which prevents the removal of works that are affixed to buildings.

below) constitutes a modification and change to the Work and is not permitted."⁷⁴

A few other artists - including Hans Haacke, Daniel Buren, and Jackie Winsor - have also long employed contracts that go much further than even the most expansive versions of the Visual Artists Rights Act. All three artists require the payment of resale royalties of fifteen percent of the appreciated value and place other limitations on the dissemination of their works.⁷⁵ For example, Haacke's contract, a version of the Projansky-Siegellaub agreement developed in the early seventies, requires owners to obtain his consent before works are lent to exhibitions, reserves reproduction rights, and requires that the owner make the work available on a limited basis for loan to exhibitions at

⁷⁴ The contract is designed to prevent changes not only in site-specific works, but also in the relationship among the individual parts that constitute a piece or in the relationship between a work and the particular type of site for which it is designed (for example, pieces designed to lean into a corner or against a wall). Contracts for site-specific works will also include provisions particular to the individual commission. Information on Serra's contract was supplied by Serra and by his attorney, John Silberman, of Paul, Weiss, Rifkind, Wharton & Garrison, in conversations with the author on March 27, 1991, and March 15, 1991, respectively.

⁷⁵ This information is based on conversations with Leonie Von Oppenheim of the John Weber gallery and Hans Haacke (March 14 & 21, 1991, respectively), and on Jackie Winsor's statement at the House of Representatives Subcommittee hearing held June 9, 1988.

the artist's request.⁷⁶ Haacke is aware of several instances in which patrons have not purchased his works because of their unwillingness to agree to the stipulations of his contract, and he has also experienced institutional resistance: in 1987, for example, the Museum of Modern Art refused to accept Haacke's Tiffany Cares (1978) as part of a portfolio of prints that the Crown Point Press donated to the museum in celebration of its 25th anniversary because it, like all Haacke's works valued at over \$1,000, carried such a contract.⁷⁷ In granting the artist a degree of control over the future treatment of his or her work, what both moral rights legislation and the specific contracts used by a number of artists contain is a definition of the work of art as not simply another commodity or made-to-order luxury

⁷⁶ Haacke, conversation with the author, March 21, 1991. The Projansky-Siegelaub agreement, developed by Robert Projansky and Seth Siegelaub, was circulated first in 1971 and subsequently, in a shorter revised version, in 1974. For a brief discussion of the agreement, see Feldman, Weil and Biederman, Art Law, 256-58; for the language of the agreement, see Leonard D. DuBoff, The Deskbook of Art Law (Washington, D.C., Federal Publications, 1977), 1131-33 and 1138-39.

⁷⁷ This information comes from conversations with Haacke, March 21, 1991, and Kathan Brown, Director, Crown Point Press Gallery, March 23, 1991. However, when one of Haacke's works was auctioned at Christie's May 5, 1987, the contract it carried did not prevent it from selling for \$90,000, even though the estimate had been set at \$30,000 to \$40,000. (John Weber, statement, New York State Assembly hearing, May 12, 1988.)

item. The work of art is established as distinct from other orders of objects on the basis of artistic authorship.

In the Galleries/Out in the World

One of the arguments made in Koons's defense briefs was that he is part of a long tradition that involves the use of incorporated imagery - a tradition well-established by both Pop art and certain later movements. But this "everybody does it" argument has so far not carried the day in the legal arena. And just why is it that an artist would expect to be exempt from the copyright limitations that govern other types of image reproduction? Perhaps a partial answer can be found in the structure of the art world itself. Lawyers and others from the world of business often marvel at the degree to which the art world still functions on the basis of unwritten understandings and agreements. And in this respect there is an echo of the structure of the Stationers' Company. Though the art world does not depend for its existence on a royal charter or other enabling instrument, it does function to a large degree on the basis of generally understood but not legally codified rules that must be observed by those who wish to succeed within this context.

There are indirect traces of both copyright and trademark principles in certain conventions that have developed within this nexus. These traces can be seen, for example, in the power granted to the artist to define a variety of objects and phenomena as art and to authorize the creation of the works that are to be displayed under his or her name. Although aspects of this practice overlap with specific legal protection for copyrights and trademarks, some elements extend beyond the bounds of the purely legal. One of these conventions concerns the way the name of the artist attaches to the work of art, and to a particular style, at the time that the work enters into the art world's institutional network. Within that system, the value of the individual work of art is dependent on the name of the artist connected to it; and though the importance of the artist's name is based on the quality associated with his or her previous work, once the artist's name becomes a label given to an oeuvre it can acquire an increasingly abstract value unto itself. Similarly, as traditional notions of artistic skill are replaced by artistic styles based on a more conceptual working method, the successful artist establishes his or her sole right to a particular style or method — a "trademark" style — and others who attempt to use the same means are dismissed as mere imitators.

Within this network, new rules are continually evolving in the intersection of the system of connoisseurship developed in relation to old masters and the very different issues inherent to more contemporary works. These include the opening up of a single slot for each different type of practice (the implied trademark), and a variety of limits designed to ensure rarity and, where applicable, uniqueness (the limited edition, as well as various custom-based restrictions with respect to the fabrication of works and the re-creation of ephemeral installations). These rules, whether explicit or implied, are a reflection of the degree to which the environment surrounding the display and criticism of art has become institutionalized.

It is also this institutional network that allows works based on appropriated images and forms to be defined as art. In relation to works by Koons and others that appropriate mass-market imagery, it is important to ask what conditions were necessary, and how the conditions were established, to enable these works to be understood as art. Though this is not the same snidely amused question that one finds in the mass-media response to contemporary art, there is a relationship. If the answer is not self-evident to the world at large, then it is important to look to the art world - the network of galleries, museums, academic institutions, performances, publications, symposiums - in order to locate

the enabling framework. For it is by separating a particular set of images out from the realm of unlimited mass production and approaching them according to art-world conventions that the institutions of the art world define these works as art – even as the works themselves raise questions about such categories.

It is perhaps by counter-example that one can demonstrate the degree to which the art world constitutes its own form of subculture via this institutional frame. This situation is reflected in the fact that, while a tremendously large number of the works produced during the last three or more decades have employed strategies of appropriation, only a very few have provoked legal action. The vast majority of works circulated within the art world (exhibited, or even pictured in the context of art-world books and periodicals) are not likely to attract this type of notice. Based on the descriptions of the various legal actions that have been brought, it appears that it is mainly when artists have become media figures themselves – when they have gained sufficient stature or notoriety to have their works reproduced in venues that cater to a broader audience – that they may run into problems. And this must, in part, be because only then do those who might have a legal interest in the images appropriated even become aware of the artist's work.

Other issues also come to the fore in relation to artists who achieve sufficient stature or notoriety within the art world nexus that they begin to receive mass-media attention. There is something of a paradox in the process whereby an artist can become a celebrity on the basis of the use of copyrighted images and mass media-derived strategies while at the same time claiming exemption from the legal limits inherent in their original conditions of production. Warhol's work has often been interpreted as a critique of the media environment from which he derived both his images and his strategies, and a number of critics have placed Koons in that same tradition. But subtle or implied criticism is something that advertisers and others in the mass media are capable of overlooking, and this tendency is demonstrated by the number of advertising endorsements Warhol was asked to do.⁷⁸

Similarly, artists who incorporate mass-media imagery may be prevented from exploiting their own works of art in the mass market. These artists may very well be prevented from turning around and licensing that work for mass reproduction on T-shirts, tote bags, or the like, because the artist would then be competing with a potential market

⁷⁸ For a discussion of Warhol's relationship to advertising, see David James, "The Unsecret Life: A Warhol Advertisement," October 56 (Spring 1991): 21-41.

for products licensed by the original trademark or copyright holder, and also because, it could be argued, the artist would be profiting from the investment of the owner in promoting the original image (which is known in the legal context as a "free ride"). Thus there are various limits on how commercial an artist can become while still attempting to claim a form of artistic license for his or her appropriations.

The postmodern use of appropriated imagery has been related to the avant-garde strategy of attempting to break down the distinction between art and life. This collapsing of categories, however, is held in check by the neo-avant-garde's situation within the institutional network of the art world. But the boundary between art and life – if life in the late twentieth century is understood in connection to the world of mass-produced images – is also being questioned from another direction. Even as works of art that use popular-culture imagery raise questions about the nature of art by substituting reproducibility for uniqueness, appropriation for originality, one can find the mirror reversal of this situation in a different world of collecting: the current nostalgia for old mass-market images and objects. At the same time that artists have imported techniques of mass production and reproduction into their works in ways that question traditional notions of

uniqueness and authenticity, another whole body of collectors has developed around mass-culture memorabilia, a field where time and an initial emphasis on expendability have combined to produce conditions of rarity not inherent in the original mode of production for these objects. The expanding mania for collecting anything and everything undoubtedly reflects the important role played by mass-market images and products in shaping people's lives and identities. This form of collecting, to the extent that it mimics some of the conventions that have developed around the collecting of fine art, also carries with it the potential to blur distinctions between postmodern art and the image world on which it is based. The potential for overlap between nostalgia for the materials of yesteryear's mass production and the appreciation of works of art that play off of that body of artifacts is nowhere so well demonstrated as in the 1988 auction of Warhol's collection, where the appeal of Warhol's fascination with these issues was intensified by the lure of his own celebrity status.

The fact that mass-produced objects and images can evoke such nostalgia and interest is indicative of a broader change in the role they play in late-twentieth-century society. In an early and often-cited case, Supreme Court Justice Oliver Wendell Holmes addressed the issue of artistic copying, stating that "Others are free to copy the

original. They are not free to copy the copy. . . . The copy is the personal reaction of an individual upon nature."⁷⁹

The world of the visual has, however, undergone a revolution since the turn of the century when Holmes made this statement. Even if we have not yet entered fully into the world of virtual reality described in science fiction, we are certainly living in a world of the already-encoded, a world in which images have supplanted nature as the primary point of reference and identification in an increasingly media-driven urban society.

The electronic transmission of images and information presents a new set of challenges to the mechanisms designed to control the proliferation of printed copies. Since digital information can be readily transmitted, altered, and combined, the displacement of analog technology by digital has the potential to extend the notion of the copy without an original in new and unanticipated directions. Copyright protection has traditionally concerned the surface of the image – its appearance – whereas images that are transmitted digitally are the manifestation of the underlying code, and fragments of the digital code can bear witness to their source even when the appearance of an image is radically altered. The application of copyrights not only to images

⁷⁹ Bleistein v. Donaldson Lithographing Co. (1903).

themselves, but also to the information from which they are generated, could result in limitations on image use that, if enforced, would be much more extensive than present copyright regulations, and under such circumstances, the ownership and control of electronic image archives will have far-reaching implications. A crucial difference for artists between the use of mass-media images and "nature" as a referent is that the already-encoded is also likely to be the already-commodified. As long as images are also valuable commodities, attempts to use or criticize them will continue to come into conflict with attempts to control their use.

CHAPTER 3

THE MECHANICALLY REPRODUCED AUTHENTIC

If distinctions between original and copy have been called into question by artists working since 1960, so has the question of how and when these divisions were established as functional categories. Having been an important arena for exploration since the 1960s, the intersection of the mechanically reproduced image and the work of art has also created ambiguities in the classification of earlier works. Not only have many of the divisions applied to earlier production been retroactively formulated, but the category of the reproduction had only been provisionally defined as distinct from and secondary to the original work when that separation was challenged anew in the beginning of the twentieth century by the readymade. Related issues include the impact of learning about art through its reproduction, since the nature of the reproduction will influence what types of information are transmitted, and the question of what qualities are highlighted by particular modes of transmission. What becomes clear upon closer examination is how tenuously the notion of originality that Postmodernism is supposed to have

overturned had been established, and how the category of the original depended for its definition on a reciprocal opposition to the practices of reproduction that would be instrumental in the undermining of that category.

In contrast to the definition of originality implicit in traditional connoisseurship, which assumes that the work itself carries information about its making within its physical structure, many postmodern works demonstrate the contingent nature of the object by emphasizing the degree to which meaning is structured by context, particularly in works where the history of the work cannot be understood as inscribed in the physical object. The photograph has a paradoxical relationship to this process. For the lack of materiality ascribed to the photographic image when it is used as a substitute for the experience of the object is a direct consequence of the photograph's ability to capture and transmit detailed information about the texture and materiality of objects it conveys. In fact, photography is deeply embedded in even the most traditional forms of art history: the comparative process on which connoisseurship is based has long been heavily reliant on photographic documentation, and the dissemination of photographic reproductions plays a crucial role in confirming the status of those works defined as unique originals.

The reproductive prints that photographs replaced could convey the composition and iconography of the work of art, but very little information about the handling of the medium. In an interesting reversal, however, the qualities of the artist's hand that could be conveyed effectively by the photograph have been excluded from a number of recent Minimal and Conceptual works where the artist's touch is replaced by instructions that can be conveyed through words, diagrams, or other means. The use of production methods associated with industrial fabrication also undermines attempts to define the authenticity of the object on the basis of internal material evidence.

Recent works of art that assimilate both the appearance and the techniques of mechanical reproduction contest the establishment of a clear distinction between the object and the medium used for its secondary reproduction. In the case of paintings that are based on photographs and other forms of reproduction, or photographs that refer to the conventions of painting, one can see how the conventions associated with a medium are separable from the medium itself. But the fact that the conventions that these artists refer to are in many cases divorced from the original medium with which they are associated does not mean that such associations are effaced; rather, they retain traces of their original context even as they are reinscribed and

dissolved into one another as part of a complex overlay of conventions which cause representation to be transformed from vehicle to subject of the work of art. Just as representation has become the subject of many works, so, too, has abstraction – in ways that insist on strategies of mediation that overturn the sense of indissoluble unity between form and content that Clement Greenberg looked for in abstract art. The linked opposition between painting and photography is only one in a series of opposition that also includes such pairs as original/copy, past/present, high/low, avant-garde/kitsch, representation/ abstraction, and performance/documentation. Each of these opposition has been called into question, both in theoretical discussions and in artistic practices of the last several decades, and such distinctions have become particularly attenuated in relation to works of art that involve multi-layered references to current and earlier practices.

The Importance of the Reproduction

The distinction between original and reproduction, only tentatively established by the beginning of the twentieth century, was undermined anew in the fifties and sixties with the introduction of strategies of reproduction into the heart of many artists' practices. As long as a difference

between the use of photography to document works of art and the photograph as a work of art was maintained, the role that the photograph has played as mediation in the shaping of our knowledge of works of art could remain partially unacknowledged. It is the paradox inherent in the photograph's dual role that Douglas Crimp points to when he suggests that Malraux made a "fatal error" in bringing the photograph into his imaginary museum not just as vehicle, but also as object. The resulting heterogeneity is, for Crimp, embodied in Robert Rauschenberg's use of screened images.¹

The photograph was not, however, the first form of technical reproduction to play a dual role as both secondary reproduction and a medium used in the creation of "original" works of art. Although Walter Benjamin identifies a number of forms of mechanical reproduction – including casting or stamping, used since antiquity – it was the print that provided a more direct precedent for the reproductive function of the photograph. Starting in the fifteenth century, prints were used to convey the "exactly repeatable pictorial statements" that were, according to William Ivins, essential for the dissemination of many types of knowledge

¹ Douglas Crimp, "On the Museum's Ruins," in On the Museum's Ruins (Cambridge: MIT Press, 1993), 56-58.

that could not be conveyed with sufficient precision or clarity by the written word.²

The dissemination of printed images led only gradually to the development of operative distinctions between copy and original. Given the importance of the cabinet of curiosities as a precursor to the museum, it is telling that mechanical reproduction was present from its inception: at the core of the cabinet of curiosities was, according to Michel Melot, the portfolio of prints, where it played a dual role as "both an object of curiosity and a record of curiosity."³ Thus engravings were included in the cabinet of curiosities as part of a compendium of knowledge. This double role of the print as both an object to be collected and a source of information to be mined in the creation of subsequent works is also central to Leo Steinberg's discussion of "migrating motifs": Arguing that "all art is

² William Ivins discusses the importance of exactly repeatable pictorial statement for dissemination of many types of knowledge: for example, the ancient Greek botanists initially attempted to include images, but they were distorted by copyists. This led to "a complete breakdown of scientific description and analysis once it was confined to words without demonstrative pictures." See William Ivins, Prints and Visual Communication (1953; reprint Cambridge: MIT Press, 1969), 15.

³ According to Melot, at the core of the cabinet of curiosities "was the portfolio of prints. Thus printmaking developed in two directions: it was both an object of curiosity and a record of curiosity." See Michel Melot, "The Nature and Role of the Print," in Melot, et al., Prints: History of an Art (New York: Rizzoli, 1981), 62.

infested by other art," Steinberg describes the use or borrowing of an earlier convention or motif to solve a compositional or thematic problem in a subsequent image, with mechanically reproduced images providing the basis for this process of borrowing.⁴ One difference between recent forms of appropriation and Renaissance practices of borrowing is the assimilation of the source material described by Steinberg. While the borrowed motifs in Renaissance art may be of interest to historians concerned with the artist's process, it was not necessary to recognize the sources in order to appreciate the work in which the motifs were incorporated: "There is no place in Renaissance pictures for footnotes, credit lines, or quotation marks, whether these pictures 'quote' from the moderns or from the ancients, as they habitually do."⁵

The distinction that Rauschenberg played off of by running together the photograph's role as vehicle and object was only gradually established for prints. During the sixteenth and seventeenth centuries, prints of invention

⁴ Leo Steinberg, "Introduction: The Glorious Company," in Jean Lipman and Richard Marshall, Art About Art (New York: E. P. Dutton, 1978), 9.

⁵ Steinberg, "Glorious Company," 22. Postmodern appropriations do not, of course, constitute the first instances of borrowing in which the quotations are readily apparent - as Manet's Olympia and Déjeuner sur l'herbe affirm.

(what we would now refer to as an "original print") and reproductive prints were not sharply differentiated from one another. Nor did the categorization of prints rely on distinctions based on originality or authorship. In early collections, engravings were likely to be catalogued by subject or, if by author, according to the name of the engraver, and even drawings were sometimes intermixed with prints.⁶ Melot indicates the ambiguities inherent in establishing retroactive distinctions among different types of prints in his discussion of Rembrandt's print production: "Rembrandt's 'oeuvre' as an etcher varies from 71 to 375 prints, depending on the cataloguer. Single-handed authorship is even less common in the printmaker's workshop than in paintings executed with the collaboration of assistants and pupils."⁷

⁶ See Caroline Karpinski, "The Print in Thrall to Its Original: A Historiographic Perspective," in Rosalind Krauss, ed., Retaining the Original: Multiple Originals, Copies, and Reproductions (Washington: National Gallery of Art, 1989), 102-103, and Susan Lambert, The Image Multiplied: Five Centuries of Printed Reproductions of Paintings and Drawings (London: Trefoil Publications, 1987), 169. Lambert gives as an example from the seventeenth century the organization of Samuel Pepys's print collection: "Arranged as a mnemonic tool it consisted of four main categories: Portraits, topography, 'prints general', and a collection of frontispieces. Only in the albums devoted to 'pitture celebri' in the atlas of Rome are the prints arranged according to artist rather than subject" (176).

⁷ Melot, Prints, 67.

Prints played an important role as tools for connoisseurs and artists, as objects to be collected, as cheap alternatives to paintings, and as the means for extending limited production by artists. Artists had a strong incentive to direct the creation of reproductive prints, since they played an important role in shaping an artist's reputation, and trends within the print market could shape the perception of an artist's work. For example, Guido Reni's reputation as the maker of stereotyped Madonnas, Melot argues, was largely based on the selection and presentation of his work by printmakers, who chose, of course, those subjects most likely to sell as prints.⁸ For Rubens, whose painting workshop is well known, the production of prints was another area of his enterprise, with prints after his work published both by Rubens himself and by firms with which he was connected.⁹ Rubens's supervision assured that these prints were produced according to uniform standards: "Any sketch . . . could be tossed into the hopper of the engraving shop, and out the

⁸ Melot, Prints, 54. According to Melot, the system of using costly engravings, to make large editions of reproductive prints: "promoted the predominance of the famous painters and made for a uniformity of taste. It deformed the work of art by the very way in which it made it known" (54).

⁹ See Lambert, The Image Multiplied, 148-49, and Ivins, Prints and Visual Communication, 72.

other end would come a print that had all the familiar trade-marked Rubens look."¹⁰ The result was "a reprocessed version of the picture aimed at a different market."¹¹ In Reynolds's work, prints were incorporated into his production of paintings in ways that suggest the intersection of mechanical reproduction and the role of the copy in academic practices: Reynolds "kept a port-folio in his painting room containing every print that had been taken from his portraits; so that those who came to sit had his collection to look over, and if they fixed on any particular attitude, in preference, he would repeat it precisely in point of drapery and position; as this much facilitated the business, and was sure to please the sitter's fancy."¹²

An eighteenth-century description of the role of the print foreshadows later expectations concerning the photographic image: "The originals of the antiquities discovered at Herculaneum are conserved at Naples, but prints have made knowledge of the familiar to all the 'curieux.' You can see, without leaving a cabinet in Paris or London, all the pictures of Italy, of Flanders, of

¹⁰ Ivins, Prints and Visual Communication, 73.

¹¹ Melot, Prints, 64.

¹² J. Northcote, The Life of Sir Joshua Reynolds, 1818, quoted in Lambert, The Image Multiplied, 168.

France."¹³ Not only was the proliferation of prints concurrent with the rise of the middle class, but prints provided the basis for assumed familiarity with art: "The style and tastes of gentlemen were made more and more generally available. Even a knowledge of pictures, one of the more recherché marks of gentility, could be cheaply simulated."¹⁴ The development of the organized print market was also connected to tourism and the need for views of Italy: reproductive prints were expected to form a substitute or supplement to the experience of art afforded by the grand tour, which, as Trevor Fawcett points out, could only encompass a small fraction of the works widely scattered in private collections, and which was likely to afford only brief experiences of the works.¹⁵ Rather than lessening interest in copy prints, greater access to works of art in the eighteenth century caused a growth in such

¹³ C. H. Watelet, Dictionnaire des Arts de Peinture, Sculpture et Gravure, 1792: entry under "print" (translation quoted in Lambert, The Image Multiplied, 170).

¹⁴ Lambert, The Image Multiplied, 185; see also Melot, Prints, 71.

¹⁵ Trevor Fawcett, "Graphic versus Photographic in the Nineteenth-Century Reproduction," Art History 9 (June 1986): 185. Lambert also gives the example of "Arthur Pond's Italian Landscapes," which were "published in ten sets of four provided for the connoisseur a complete visual catalogue of all the landscapes by Claude and Poussin in England in the middle of the 18th century but capitalized also on the shortage of originals available to decorate the walls of the growing number of nouveau riche households" (Lambert, The Image Multiplied, 185).

interest, as well as in shops specializing in prints. According to Susan Lambert, "Contact with paintings promoted a desire for ownership of at least a surrogate work in a public which had previously had little knowledge of this type of art."¹⁶ It was also during the eighteenth century that prints began to be used in a manner analogous to the use of reproductions today in the establishment of authorship: the set of engravings made of Watteau's work shortly after his death marks the first organized attempt to reproduce an artist's total oeuvre.¹⁷

In other instances, the print became the motivation for the art it reproduced. According to Fawcett, during the mid-nineteenth century, "Wealthy entrepreneurs of the print trade like Gambart in London and Goupil in Paris . . . had become the modern arbiters of taste. On their reproductions soared the reputations of a Holman Hunt or a Frith, a Delaroche or an Ary Scheffer."¹⁸ In such cases, the painting might function as little more than the advertisement for the print: according to Lambert, "The right to exhibit a painting became an important ingredient of the engraving

¹⁶ Lambert, The Image Multiplied, 157.

¹⁷ See Lambert, The Image Multiplied, 171 and Ivins, Prints and Visual Communication, 82-83.

¹⁸ Fawcett, "Graphic versus Photographic," 194. Fawcett also cites the example of Landseer, who "worked primarily for the print business, painting to be reproduced and amassing a fortune in the process" (189).

rights. The publisher Ernest Gambart negotiated the loan of Frith's Derby Day not only so that Blanchard, the engraver could have it in Paris to copy but also so that it could act as a trailer for the print."¹⁹

Some of the qualities of the photographic reproduction were foreshadowed by the conventions that developed for prints in the nineteenth century. Just as it had been common, until the eighteenth century, for collectors to have their paintings cut down and repainted to fit their context, it was also common for the makers of reproductive prints not to be overly concerned about exact fidelity to the original work of art upon which the print was based. The emphasis on veracity was connected to a clarification of the category of the reproductive print that had already begun in the eighteenth century, and this secondary function is evident in the categorization of prints by collectors and print dealers according to the artist who made the work of art on which the print was based rather than according to the subject of the work.²⁰ The Romantic belief in artistic

¹⁹ Lambert, The Image Multiplied, 157.

²⁰ Francis Haskell points out that during the eighteenth century, catalogues of prints for sale by the De' Rossi firm increasingly were listed by the name of the artist rather than being classified according to subject, a shift that Haskell discusses in the context of his description of the establishment of the art book in France in the first half of 18th century, a development that he defines as the combined publication of reproductive prints plus text. See Francis

genius that fostered respect for the authentic touch undoubtedly contributed to the respect for the integrity of the work itself, and this attitude extended to reproductive prints as well. By the middle of the nineteenth century, "Not only was it no longer tolerable to reverse the image, as prints had frequently done in the past, there should be no tampering, adjusting to suit modern preferences, or prettification of any sort."²¹

Although reproductive prints were often expected to function as a form of substitute or proxy for the experience of the work of art, it is nonetheless important to recognize exactly what type of information could be conveyed by the print. While a print could communicate a work's motifs and overall composition, it could not transmit the texture or traces of the artist's hand in the work of art on which it was based. Thus, according to Ivins, "If there were several paintings of the same general composition and incident, and there were engravings available of each of these paintings, no study of the prints could possibly determine which of them represented the original and which the copies or

Haskell, The Painful Birth of the Art Book (New York: Thames and Hudson, 1987).

²¹ Fawcett, "Graphic versus Photographic," 189; see also page 197.

adaptations."²² Furthermore, rather than working directly from the work of art, the engraver generally worked from a drawing made from the work, so that there were several layers of interpretation incorporated in the final image.²³

The nature of reproduction had a great deal of influence on what was known about a work of art, and certain shifts in taste can be traced to how particular types of works were conveyed through the reproductions available at the time.²⁴ Expectations were high for what the photograph could accomplish in the reproduction of works of art: as early as 1857, Athenaeum critic G. W. Thornbury proclaimed "The old selfish aristocratic days of hoarding are gone for ever. Rare Titians, kept in cases to be gloated over at miserly moments, will be seized and photographed. . . . Great and true Art is republican, and is for all men,

²² Ivins, Prints and Visual Communication, 89; see also Fawcett, "Graphic versus Photographic," 208.

²³ Ivins describes the division of labor that accompanied the development of the print market: "The painter painted. The draughtsman for the engraver copied in black and white what the painter had painted, or the Roman view, or ancient statue. The engravings in consequence were not only copies of copies, but translations of translations" (Ivins, Prints and Visual Communication, 67). Fawcett also discusses the fact that prints were very rarely made directly from the original (Fawcett, "Graphic versus Photographic," 186).

²⁴ For example, Fawcett makes a connection between the popularity of Medieval illuminated manuscripts and the development of chromolithography in the mid-nineteenth century (Fawcett, "Graphic versus Photographic," 190).

needing no education to appreciate it. . . ."25 In fact, Fawcett concludes his discussion of transformations in mechanical reproduction in the nineteenth century with the assertion that "Art history in future would be the history of the photographically reproducible."²⁶ Although the photograph in some respects simply replaced the print as the connoisseur's tool of choice, it offered key advantages that the print could not have. Even if photography is not "truthful," Fawcett argues, an important difference between earlier prints and photographs was that "a handcrafted reproduction falsified in a quite unpredictable manner."²⁷ Photography was important for its ability to encode specific types of information. For example, one nineteenth-century commentator suggested that sculpture had been "photographed

²⁵ Quoted in Fawcett, "Graphic versus Photographic," 194.

²⁶ Fawcett, "Graphic versus Photographic," 208.

²⁷ Fawcett, "Graphic versus Photographic," 186. Thus, according to Fawcett, "In spite of its technical limitations the camera seemed to set the engraver an almost unapproachable ideal of authenticity" (188). This was because the maker of a reproductive print had to decide at every point about how much detail to include. For example, Lambert discusses two prints after the same painting by Adriaen van Ostade of The Artist in his Studio, one far more detailed than the other. In the less detailed print, the canvas on which the artist is working is nearly blank, as are the papers scattered around the floor, whereas in the other the other, the printmaker has made an effort to convey the full level of detail in the painting (Lambert, The Image Multiplied, 13).

into . . . popularity."²⁸ Most importantly, what the photograph could capture was the texture of the work; in fact, it could even be seen as giving too much emphasis to the physical nature of the object, including cracks and other flaws resulting from the work's state of conservation.²⁹ It is these very attributes – what Carol Armstrong, in another context, has referred to as "the descriptive excess of the photograph" – that prints could not convey.³⁰

Photography's ascendancy in the production of replicas was, however, the result of a gradual process. Wood engraving continued to be widely used in the latter part of the nineteenth century, with photographs often used in place of drawing as the basis for engravings.³¹ The gradual development of technical capacities within photography led

²⁸ Art Journal, 1862, quoted in Fawcett, "Graphic versus Photographic," 201; Malraux also suggests that sculpture is more likely than painting to be conveyed successfully by black-and-white photographic reproduction. According to Malraux: "In answer to their appeal, the plastic arts have produced their printing press" (Malraux, Museum without Walls, 12). But it was only when photographs could be translated into a form that could itself be readily produced in multiple copies that they began to play a major role in the dissemination of visual evidence.

²⁹ See Fawcett, "Graphic versus Photographic," 191, 202-3, 207

³⁰ Carol Armstrong, "Biology, Destiny, Photography: Difference According to Diane Arbus," October 66 (Fall 1993): 31.

³¹ See Melot, Prints, 106.

to certain paradoxes in the relationships between photographs and prints. One early use suggested for the photograph was to produce nearly identical copies of engravings and to alter their scale.³² Also, because early photographic emulsions could not translate color, the first art historical work to use photographs, from 1847-48, had to rely on calotypes taken from engravings of paintings.³³ It was only with the development of the photogravure and, more significantly, the halftone screen, that manual engraving could be fully replaced by mechanical reproduction.³⁴

³² William Henry Fox Talbot, "Copy of a lithographic print," in Pencil of Nature, 1844: "the photographic copies become larger or smaller, merely by placing the originals nearer or farther from the Camera" (quoted in Lambert, The Image Multiplied, 48). Ivins points to the related paradox that our contemporary acquaintance with earlier prints is based on modern photographic reproductions (Ivins, Prints and Visual Communication, 112).

³³ Fawcett, "Graphic versus Photographic," 188-89; see also pages 205-6.

³⁴ Melot indicates that the half-tone screen was applied to book illustration first in 1884 (Melot, Prints, 107). For a discussion of the importance of the development of the halftone printing process, see also Harris, who argues that, "in a period of ten or fifteen years the whole system of packaging visual information was transformed, made more appealing and persuadable, and assumed a form and adopted conventions that have persisted right through the present. . . . The single generation of Americans living between 1885 and 1910 went through an experience of visual reorientation that had few earlier precedents, although it would be matched by some twentieth-century experiences" (Neil Harris, "Iconography and Intellectual History: The Halftone Effect," Cultural Excursions: Marketing Appetites and Cultural Tastes in Modern America [Chicago: University of Chicago Press, 1990], 307).

Advances that led to cheaper and quicker reproduction methods, first the chromo-lithograph, and then more photographically based techniques, brought about the end to the market for engravings after paintings that had continued to thrive through much of the nineteenth century.³⁵ By the early twentieth century, artists had largely ceased to be involved in the creation and marketing of reproductions and, according to Gerald Reitlinger, "Reproduction was no longer an additional source of profit, but an eagerly-sought free advertisement for the original picture. If you wanted to publish the 'Moderns' in the 1920s, the art galleries gladly presented you with a fine glossy photograph."³⁶

Along with the devaluation of the reproduction as an object in itself, the emphasis on veracity points to the clarification of the status of the reproduction as distinct from and clearly secondary to the unique and original work of art. During the latter part of the nineteenth century, advances in reproduction methods also allowed prints and drawings to be copied more precisely, therefore creating potential for confusion between these categories³⁷ – the paradox being that prior to the possibility that such

³⁵ See Gerald Reitlinger, The Economics of Taste: The Rise and Fall of the Picture Market 1760-1960 (New York: Holt, Rinehart and Winston, 1961), vol. 1, 149.

³⁶ Reitlinger, Economics of Taste, vol. 1, 149.

³⁷ See Fawcett, "Graphic versus Photographic," 206.

confusion could arise, there was less concern about maintaining such distinctions. In fact, while the limited edition is now the rule for fine art prints (as well as photographs and other multiples), earlier efforts had focused on trying to find ways to produce as many prints as possible from a plate before it wore out, thereby increasing profits by maximizing volume.³⁸

As photography began to take over from printmaking the function of reproduction, printmaking was in turn redefined as a medium in which to produce works of art.³⁹ Writing in 1862, Charles Baudelaire complained of the "discredit and indifference" into which engraving had fallen: "Formerly, when a plate was advertised reproducing a well-known picture, collectors would flock to subscribe in advance for

³⁸ See Ivins, Prints and Visual Communication, 72.

³⁹ Even though fine art prints have been common throughout the twentieth century – with the modern print market firmly established by 1900 (Melot, Prints, 122) – during the first half of the twentieth century there was still a hierarchical division that relegated artists who are primarily printmakers to a lesser status. One can find evidence of this hierarchy during the first half of twentieth century in the selections in survey books on prints – for example, Riva Castleman's Prints of the 20th Century: A History (New York and London: Thames and Hudson, 1988), where the majority of prints by artists known best for work in other media. Since around 1960, however, this residual division has broken down, with an increasing number of artists incorporating multiples into the core of their production. On the tremendous expansion of multiples after 1960, see Diane Kelder, "The Graphic Revival," Art in America 61 (July/August 1973): 110-13.

the first proofs."⁴⁰ Yet he was also optimistic about the renewed interest in etching, a medium he praised for its ability to convey the artist's touch: "Not only does etching serve to glorify the individuality of the artist; it would even be difficult for an artist not to describe his most intimate personality on the copper."⁴¹

The destruction of the market for reproductive prints had its corollary in the development of conventions that would assure the value of "original" fine arts prints. The nineteenth century saw a number of shifts in this regard: one was the founding of the Printseller's Association in 1847, to regulate the market and authenticate prints, and another was the increasing use of the limited edition during the latter part of the Second Empire.⁴² It was also during the nineteenth century that the artist's signature on prints, which had the practical function of conveying the artist's approval of the impression, began to be used within the print trade as a way of increasing the value of prints -

⁴⁰ Charles Baudelaire, "Painters and Etchers" (1862), in Art in Paris 1845-1862: Salons and other Exhibitions Reviewed by Charles Baudelaire, trans. and ed. Jonathan Mayne (Oxford: Phaidon, 1965), 218.

⁴¹ Baudelaire, "Painters and Etchers," 222. By contrast, Baudelaire described photography as "the refuge of every would-be painter, every painter too ill-endowed or too lazy to complete his studies" (Baudelaire, "The Salon of 1859," in Art in Paris 1845-1862, 153).

⁴² See Fawcett, "Graphic versus Photographic," 189, and Melot, Prints, 112.

a practice Whistler is particularly well-known for having exploited.⁴³

The limited edition was connected to a renewed interest in defining the print as a work of authorship rather than as a reproduction (in the wake of the complete supplanting of the print's utilitarian function by the photograph), and the conventions governing the limited edition, though related to copyrights, are both more specific to the fine arts and more likely to be controlled by art-world conventions rather than by specific legal codes. Though practiced since the beginning of printmaking in the form referred to as prints of invention, the concept of the "original print" only developed as a clearly defined category in the nineteenth century and was only fully defined in the twentieth as the conventions surrounding the definition of originality for inherently reproducible images were distilled in a form that emphasized the artist's hand, most significantly by the Third International Congress of Artists, Vienna, 1960: "only prints 'for which the artist made the original plate, cut the wood block, worked on the stone or any other material' could be considered 'originals.'"⁴⁴ Paradoxically, these conventions were fully articulated at a moment that

⁴³ See Lambert, The Image Multiplied, 33.

⁴⁴ Lambert, The Image Multiplied, 32.

coincided with artists' renewed interest in multiples and in exploiting techniques and strategies that ran expressly against this functional definition of originality.

Copies and Connoisseurship

With its emphasis on the recognition of the hand of the artist, connoisseurship has been facilitated by the dissemination of works through their photographic reproduction, the photograph itself having been an important factor in art-historical interest in aspects of the work other than the iconographic aspects conveyed by prints.⁴⁵ The close link between art history and photography is apparent in Berenson's avid pursuit of photographs and in the comment attributed by Leo Steinberg to Panofsky: "He who has the most photographs wins."⁴⁶ For all its perceived threat to the work of art (and despite continued emphasis on the importance of the direct experience of the original in many quarters), the photograph has been a key instrument in the study of the material object.

⁴⁵ See Ivins, Prints and Visual Communication, 146.

⁴⁶ Steinberg, "Glorious Company," 12. See also Fawcett, "Graphic versus Photographic," 206: Berenson's use of photographs was preceded by that of Morelli and other connoisseurs and historians working in the latter part of the nineteenth century.

Although connoisseurship was facilitated by photographic reproduction, it was the intersection of the widespread practice of creating painted copies with the growing market for art that provided the impetus for the development of connoisseurship in the seventeenth century and the tremendous expansion of market-driven connoisseurship in the nineteenth and twentieth centuries.⁴⁷ Even with the increasingly widespread dissemination of printed reproductions, interest in the painted copy continued through the nineteenth century: not only was copying an important component of academic training, but copies of works by the old masters were stocked by picture

⁴⁷ For a discussion of the connection between the market and the development of connoisseurship, see the discussion of Mancini's late-seventeenth-century text in Carlo Ginzburg, "Clues: Morelli, Freud, and Sherlock Holmes," in Umberto Eco and Thamoas A. Sebeok, eds., The Sign of Three: Dupin, Holmes, Pierce (Bloomington: Indiana University Press, 1983), 94. Jeffrey Muller argues that attempts to grade levels of authenticity found in writings on connoisseurship were inspired not necessarily by the threats posed by mechanical reproduction, but by workshop practices and the multitude of good painted copies. See Jeffrey M. Muller, "Measures of Authenticity: The Detection of Copies in the Early Literature on Connoisseurship," in Rosalind Krauss, ed., Retaining the Original: Multiple Originals, Copies, and Reproductions (Washington: National Gallery of Art, 1989), 146. As an example of the relatively casual attribution standards that still held at the end of the eighteenth century, Reitlinger describes the sale of Sir Joshua Reynold's estate: "the foremost art critic of his age and a good judge of an old drawing, Reynolds – or his executors – nevertheless believed that he possessed seventy Van Dycks, fifty-four Correggios, forty-four Michelangelos, twenty-four Raphaels and even twelve Leonardos" (Reitlinger, Economics of Taste, vol. 1, 9).

dealers, and the demand for such copies was so high that they were sometimes made after other copies or even after prints when that was more efficient than gaining access to the original.⁴⁸ The practice of copying was also a factor in motivating artists to develop stylistic conventions that would make art more difficult to replicate: since highly finished works were easier to copy than those involving freedom of touch, emphasis on authenticity implied a particular style of painting.⁴⁹

⁴⁸ See Roger Benjamin, "Recovering Authors: The Modern Copy, Copy Exhibitions and Matisse," Art History 12 (June 1989): 184, and Fawcett, "Graphic versus Photographic," 199. Fawcett compares the practice of making painted copies from other copies to the several-step process for creating engravings, which were generally done from drawings rather than from the original object. According to Fawcett: "In the third quarter of the nineteenth century a painting could in no way be facsimiled; it could only be approximated, replaced with a token equivalent. . . . This period of so much experiment into methods of reproduction was also the heyday of the copy in paint" (198). A culmination and turning point in the status of painted copies was the museum of copies that opened, and quickly closed, in France in 1872-73. See Albert Boime, "Le Musée des Copies," Gazette des Beaus-Arts 64 (October 1964): 237-47.

⁴⁹ Muller suggests that, as early as the late sixteenth and seventeenth centuries, "The demand for authenticity seems to have placed greater emphasis on styles that made the master's touch more evident and difficult to reproduce" (Muller, "Measures of Authenticity," 143). Ivens describes a similar effect for prints: "There is so much of method in Callot's work that the copyist-forgery was frequently very successful in his imitations. This is one of the little penalties of methodical schematic work, no matter how brilliant or direct it may appear" (Ivens, Prints and Visual Communication, 74). By contrast, Rembrandt had little impact on commercial etching, because the lack of system in his

The connoisseur's approach included looking for those traces that would be particularly indicative of the artist's personal eccentricities. Morelli's pioneering work was based on identifying an artist's characteristic approach to minor details, such as the way ears, hands, or feet are painted. "What is striking," Ginzburg says of the Morelli method, "is the way that the innermost core or the artist's individuality is linked with elements beyond conscious control."⁵⁰ Rosalind Krauss makes a similar argument when she suggests that, by the eighteenth century, the connoisseur "invested authorship in the 'handling' of the paint rather than in the 'thought' of its draftsman."⁵¹ Ginzburg also emphasizes that connoisseurship is the by-product of a cultural choice, arguing that the assumption "that between a canvas by Raphael and any copy of it (painted, engraved, or today, photographed) there is an ineradicable difference . . . arises from a cultural choice which must not be taken for granted, especially as a different one was made in the case of written texts."⁵² In

mark-making did not lend itself to imitation (Ivins, Prints and Visual Communication, 80).

⁵⁰ Ginzburg, "Clues: Morelli, Freud, and Sherlock Holmes," 87.

⁵¹ Rosalind Krauss, "Retaining the Original? The State of the Question," in Retaining the Original, 11.

⁵² Ginzburg, "Clues: Morelli, Freud, and Sherlock Holmes," 95

his contrast between the emphasis on the material touch in the painted work and the dematerialization of the written text, Ginzburg outlines a contrasting set of cultural choices in his description of the progressive abstraction of the text: "First the elements related to voice and gesture were discarded as redundant; later the characteristics of handwriting were similarly set aside."⁵³ In fact, one point of intersection between writing and painting is apparent in connections that have been made in discussions of connoisseurship between the style of details in painting and the personality evident in handwriting.⁵⁴

An interesting example of how connoisseurship, taken to an extreme, runs counter to the idea of the unity of artistic expression can be seen in a case concerning de Kooning's late sculptural work which included a threat to fingerprint the artist in order to determine authorship in a group of cast sculptures that were supposed to be the work of de Kooning. Although the main point of the lawsuit was

⁵³ Ginzburg, "Clues: Morelli, Freud, and Sherlock Holmes," 93. By contrast, Ginzburg points to the role of voice in oral literature or of calligraphy in Chinese poetry. There is also the issue of text-based works, and the degree to which language becomes concrete as an image in the work of artists as varied as Johns, Lawrence Weiner, Robert Barry, Christopher Wool, or Barbara Kruger.

⁵⁴ See Ginzburg, "Clues: Morelli, Freud, and Sherlock Holmes," 96, and Muller, "Measures of Authenticity," 144, for discussion of parallels that have been drawn between the artist's touch and handwriting with regard to authenticity.

the demand for payment for the casts, their authorship was also at issue, and the lawsuit was settled out of court the day before de Kooning was due to be fingerprinted, to compare his fingerprints to the imprints present in the heavily modeled sculptures.⁵⁵ This example of the definition of authorship in its most reductive form does, however, affirm the parallel Ginzburg draws between connoisseurship and detective work, particularly with respect to identification of individuals as part of the penal system through various methods, including aspects of physiognomy and, ultimately, fingerprints.⁵⁶

For traditional connoisseurship to apply, obviously the work has to bear within the object material evidence that testifies to the history of the work, even if this physical

⁵⁵ The conflict arose after the death of Elaine de Kooning, when John Eastman and Lisa de Kooning, the court-appointed conservators, questioned the authorization for the casts and refused to pay. The issue was complicated both by Willem de Kooning's Alzheimer's, which had led him to be declared incompetent after the death of Elaine, and Lisa de Kooning's claim that she had made some of the sculptures herself and had not authorized the casts. Thus it was lawyers for the maker of the casts who wanted to use the fingerprints to authenticate the works, an action that was averted when the conservators offered a settlement the day before the fingerprinting was to take place. See "Settlement in the de Kooning Sculpture Case?" Artnews (September 1993): 60, "Sculpture Suit Settled," Artnews (December 1993): 43-44, and Jack Rosenberger, "De Kooning Suit Settled," Art in America (November 1993): 37.

⁵⁶ Ginzburg, "Clues: Morelli, Freud, and Sherlock Holmes," 106-9.

evidence is ideally considered in conjunction with information about provenance, the artist's oeuvre, and other available information. To a certain extent, that history was present in the artist's training: the training to draw or model, to use materials, or to structure a composition in a particular manner (particularly relevant to academic traditions) carried forward earlier historical practices, not as references, but as part of a repertoire of skills and conventions. Artistic skill is obviously subject to far less objective or tangible measures than precious metals or pigments, but the connoisseur nonetheless sees it as verifiable at least to some degree.⁵⁷ In fact, the heightened emphasis connoisseurship places on the technique and compositional structure of past art overlapped historically with the interest in formal exploration characteristic of modernist art. One can see a continuation of connoisseurship's interest in the evidence of the hand of the artist in the modernist ideal, articulated by Greenberg, of a seamless unity, where "content is to be dissolved . . .

⁵⁷ Michael Baxandall describes a shift, during the early Renaissance, from an emphasis on the actual value of the precious materials that went into the making of an important (generally religious) work of art to the attachment of value to artistic skill. See Michael Baxandall, Painting and Experience in Fifteenth Century Italy (Oxford and New York: Oxford University Press, 1972).

completely into form."⁵⁸ But with criteria derived from connoisseurship there is something of a paradox, for the increasing focus on the mere fact of attribution (an obsession with obvious links to developments in the market for art) would seem to prefigure a far more abstract conception of authorship, one where the author's name has remained essential even as the relevance of the artist's hand or technique has dropped away. The valuation of skill thus established the foundation for ever more intangible bases for attaching value, and the next stage was for the construction of authorship and the emphasis on materially embodied skill to become separable.⁵⁹ One could argue, then,

⁵⁸ Clement Greenberg, "Avant-Garde and Kitsch" (1939), reprinted in Clement Greenberg: The Collected Essays and Criticism, vol. 1, ed. John O'Brien (Chicago: University of Chicago Press, 1986), 8. See also Greenberg's further articulation of these issues in "Modernist Painting," where he describes the pursuit of "that which was unique and irreducible in each particular art": "It quickly emerged that the unique and proper area of competence of each art coincided with all that was unique in the nature of its medium. The task of self-criticism became to eliminate from the specific effects of each art any and every effect that might conceivably be borrowed from or by the medium of any other art. Thus would each art be rendered 'pure,' and in its 'purity' find the guarantee of its standards of quality as well as of its independence" (Greenberg, "Modernist Painting," Collected Essays, vol. 4, 86).

⁵⁹ See, for example, Raymonde Moulin's discussion of the diminished importance of technique, in favor of an emphasis on the artist's signature, for art from the fifties and sixties in The French Art Market: A Sociological View, trans. Arthur Goldhammer (New Brunswick: Rutgers University Press, 1987), 158-59.

that it is the logic of connoisseurship, attenuated to such a degree as to be inverted, that one finds played out first by Marcel Duchamp and later in such works as Andy Warhol's silkscreen paintings and Donald Judd's abstract, industrial-looking primary structures.

Although copies abound in recent practices, the painted copy is relatively rare, and when it does appear it is usually in the form of an obvious quotation. A telling example is Rauschenberg's 1955 Short Circuit, a combine work that originally included a flag painting by Jasper Johns, a collage by Ray Johnson, and an oil painting by Susan Weil. When the Johns flag was stolen from the ensemble, it was replaced by an Elaine Sturtevant replica, adding a further layer of irony to the already complex layering of authorship in relation to the ensemble of found objects and images.⁶⁰ What Rauschenberg's work plays off of and against is the fact that, in the modern art world, the central organizing principle is the name of the artist. As Krauss suggests, "authorship . . . is dear to art history, for within the value system of our discipline authorship brings with it a host of privileges."⁶¹

The enduring impact of the criteria established by

⁶⁰ See Lipman and Marshall, Art About Art, 152.

⁶¹ Krauss, "Retaining the Original?" 8.

connoisseurship can be seen in a number of contexts, including Nelson Goodman's Languages of Art, first published in 1968, which has framed the debate around issues of authenticity within the specialized field of aesthetics ever since. In his discussion of "The Perfect Fake" in his section on "Art and Authenticity," Goodman sets up his argument around the hypothetical premise of two identical paintings – one a Rembrandt original, the other a copy – that are indistinguishable to the naked eye. After discussing the issues raised by this hypothetical difference in status, Goodman establishes a contrast between painting and music: "There are, indeed, compositions falsely purporting to be by Haydn as there are paintings falsely purporting to be by Rembrandt; but of the London Symphony, unlike the Lucretia, there can be no forgeries. Haydn's manuscript is no more genuine an instance of the score than is a printed copy off the press this morning, and last night's performance is no less genuine than the premiere."⁶² The possibility that two painterly works would be so visually identical is unlikely, but, of course, artists had already been making works that played with the issues that formed the basis for Goodman's speculations. Not only was Goodman's work predated by more than a decade by

⁶² Nelson Goodman, Languages of Art: An Approach to a Theory of Symbols (Indianapolis: Bobbs-Merrill, 1968), 112.

Rauschenberg's 1957 Factum I and Factum II, with their incisive critique of the apparently spontaneous gesture, but it was bracketed historically by Sol LeWitt's 1967 "Paragraphs on Conceptual Art" and 1969 "Sentences on Conceptual Art." Furthermore, LeWitt specifically connects the wall drawings that he began doing in 1968 and "a musical score that could be redone by any or some people."⁶³ Photography's full establishment as a means of conveying specific types of information about a work's materiality, about texture and gesture, provided the backdrop against which artists began to experiment increasingly with the creation of works of art that could be conveyed through words, diagrams, or other non-photographic means.

In the contemporary art world, work that bears the marks of the hand of the artist constitutes only one form of authorship. The use of technologies of mechanical reproduction and fabrication has coincided with the full elaboration of market-driven connoisseurship, and the concept of what constitutes authorship and originality in a work of art has been modified under this pressure. If the art market provided the motivation for connoisseurship, it is by now sufficiently well organized to encompass that

⁶³ Sol LeWitt, in Andrea Miller-Keller, Sol LeWitt Wall Drawings 1968-84 (Amsterdam: Stedelijk Museum, 1984), reprinted in Adachiara Zevi, ed., Sol LeWitt: Critical Texts (Rome: I Libri de AEIOU, 1994), 109.

which purposely falls outside connoisseurship's traditional boundaries. For example, a number of critics have suggested minimalist sculpture diminished the importance of the artist as author through the use of industrial fabrication and materials. But, I would argue, the artist's stature has not been reduced by this questioning of traditional artistic tenets. Rather, when the name of the author is deployed in relation to works that undermine traditional conceptions of creativity, the concept of the author function is upheld that much more dramatically as an already entrenched conception of the artist is extended to fit this expanded definition.

Authorship Externalized

Whereas traditional connoisseurship was founded on the idea that the material object itself contains and conveys information, many works produced since the sixties have ceased to carry within themselves, in their texture or form, such material evidence of their own history. As the merging of different forms has become more and more complex, artists increasingly have to make at least two sets of choices – the choice of medium, and the choice of conventions traditionally associated with a particular medium – and these choices may or may not coincide. Thus one would speak

not of a conventional painting, but of painting as a series of conventions that might, under certain circumstances, be divorced from the medium itself. The use of one or another medium or strategy may carry particular associations, but as forms are taken up again and again, in different combinations and contexts, the layering of references to different styles, mediums, or techniques becomes increasingly complex. For works that assemble or incorporate mass-produced objects, that rely on photo-based processes, or are fabricated or otherwise realized for the artist according to a set of instructions, the evidence that establishes the work's connection to a particular author is likely to be largely external or contextual, as it is the work's history or provenance rather than internal material evidence that secures its identity. Past artistic practices are inscribed into such works not through the physical marks that indicate the artist's mastery of traditional techniques, but through the work's conceptual position in relation to a history of ideas concerning the nature of the work of art. In such works, history is present more as a citational structure than as a physical trace. And it is the full establishment of art history as a discipline – both in museums and in books and classrooms – that has set up conditions in which multi-layered references to earlier practices can be recognized as such.

These references can be to various sources, including the artist's own oeuvre. Obviously the understanding of artistic production as a body of work unified by its connection to the artist is an important effect of the emphasis on authorship, and one can see in Duchamp an artist who understood early on the importance of establishing and structuring his artistic production through such devices as his Box in a Valise. A level of self-consciousness about authorship, as opposed to an emphasis on the making of a series of isolated works, is equally essential to the creation of works such as Duchamp's Tu m' and Johns's According to What, where the works include a citational structure that brings together different elements of the artist's production within a single work.

In recent works that depend on technologies of reproduction or fabrication, one must look outside the work itself for evidence of its authenticity. While the external history of the work is important in relation to old masters, where connoisseurship is ideally supported by a well-documented provenance, it is even more essential for works that do not contain, within the materiality of the work itself, evidence concerning their authenticity. For works that make use of photo-based processes or industrial forms of fabrication, it is the work's history rather than internal material evidence that marks its connection to an

author. The provenance of the work becomes particularly important, since authenticity consists largely in a work's sure connection with the name of the artist. Such works necessarily refer to their context and history, since they cannot be supposed to function autonomously, to carry their meaning within their materiality.

References to the work's own making include layering and citation that extend beyond the frame of the individual piece. An artist who has explored various strategies that subvert the Modernist version of self-referentiality is Robert Morris, whose Box with the Sound of Its Own Making refers with obvious explicitness to its material creation, but narrates the process of its production through the use of another medium, and even another dimension – that of time – in the tape recording of the work's fabrication that is enclosed within it. And Morris, in his Self-Portrait (EEG), 1963, uses a different form of recording to present a self-portrait that pushes the idea of the unselfconscious mark emanating from the artist to an extreme never envisioned by practitioners of connoisseurship.

In a number of his works from the late 1960s, John Baldessari created text-based paintings that commented on various states or attributes associated with painting. Such works as What This Painting Aims To Do (1967-68) and Examining Pictures (1967-68) expound on aspects of the

artist's and viewer's process. Particularly telling is his work Painting That Is Its Own Documentation, which he began in 1968. Below the title line, the text, painted for Baldessari by a sign painter, gives an outline of the basic facts associated with the work's creation, followed by a subsequent note: "For each subsequent exhibition of this painting, add date and location below. For extra space, use an additional canvas." By the time the work was photographed for a 1990 exhibition catalogue it included four exhibition listings subsequent to 1968, thus bringing into the frame of the painting, in an explicit manner, the data about exhibition history that is normally the province of the catalogue entry. Also, where one could, with other works of art, point to a work's reception history and the changes in a work's meaning over time (even when the work itself is relatively unchanged physically), here Baldessari has created a work where the physical object itself changes in a way that registers its reception history.

For works where the hand of the artist is not visible, the artist's power of designation is key. In the case of Warhol, his hands-off approach to the creation of his work, as well as his own suggestion that the work could be made by anyone, was part of a stance of ironic distance, which one can hear in Warhol's response to Gene Swenson: "I think somebody should be able to do all my paintings for me. . . .

I think it would be great if more people took up silk screens so that no one would know whether my picture was mine or somebody else's."⁶⁴ While it is certainly possible to identify methods and conventions characteristic of Warhol's work, there nonetheless might be little discernible difference between a silk screened work produced with the help of his studio assistants and the work that Elaine Sturtevant produced after Warhol using the silk screens that he gave her.⁶⁵

The Assimilation of Reproduction

Unlike the tradition of borrowing described by Steinberg, with the motifs assimilated into the work, more recent forms of appropriation rely on the recognition of rupture or discontinuity. In many cases there is also a reflection on the use of photography in the production of images based on other images, and as the basis for printed

⁶⁴ G. R. Swenson, "What is Pop Art?" part I (interviews with Jim Dine, Robert Indiana, Roy Lichtenstein, and Andy Warhol) Art News 62 (November 1963): 26.

⁶⁵ According to Sturtevant, Warhol first gave her the silk screens for the flowers and then, when she wanted to do the Marilyn, let her come to his studio and look through all of his silk screens. See Dan Cameron, "A Conversation: A Salon History of Appropriation with Leo Castelli and Elaine Sturtevant," Flash Art 143 (November/December 1988): 77, and "Bill Arning Interviews Sturtevant," in Sturtevant (Stuttgart: Württembergischer Kunstverein Stuttgart, 1992), 13.

reproductions. The issues raised by the role of the photograph as both document and object are similar to those raised by the use of photography and photographically derived processes to render not just the physical environment, but also the world of images. This approach is a variation on the readymade, though it is not necessarily the object that is transferred from one context to another, but the form of representation – transfers that involve both images and references to the conventions associated with different forms of representation and technical reproduction.

Baldessari's 1968 work entitled A 1968 Painting incorporates a reproduction taken from Life magazine of Stella's Takht-I-Sulayman 1, photographically transferred onto a stretched canvas, which was then completed with the inclusion of the acrylic-painted words (painted for Baldessari by a sign painter, to get the desired effect, as Duchamp had done with the hand in Tu m') that constitute the title of the piece. Visible in the photographic image are the pushpins that Baldessari had used to tack up the magazine pages on his studio wall. Baldessari said of the work, "I had planned to do a whole series which would show the fashionable work of art for that year, like a new car – a 1968 Ford. Stella seemed modish for that year – where the

public taste was."⁶⁶ By returning Stella's painting to the space of the canvas through these several intervening steps, Baldessari comments on the route by which works of art become familiar through their reproduction.

It is not just the photographic, but also the effect of the printed page that lies behind the strategies employed by a number of artists who came to prominence since the beginning of the sixties. Rather than using a photographically generated image, Roy Lichtenstein has laboriously reenacted the effects created by the bargain-basement printing techniques used for comic books. Lichtenstein thus uses painting not as a way of interpreting the appearance of the world, but as an interpretation of a particular form of rendering. In paintings that are actually far more precise and clean than their comic book prototypes, which lose any appearance of clarity and precision when subjected to magnification, Lichtenstein has continued to use the line, flat color, and benday dots associated with comic books in paintings of a multitude of different subjects, demonstrating his attachment to "the style of industrialization, but not necessarily the fact."⁶⁷ The

⁶⁶ Lipman and Marshall, Art About Art, 156; see also Coosje van Bruggen, John Baldessari (New York: Rizzoli, 1990), 33.

⁶⁷ Interview with John Coplans, "Talking with Roy Lichtenstein," Artforum 5 (May 1967): 34.

early works also suggest a shift in Lichtenstein's attitude toward their source: in the works from 1961-62, the areas of benday dots function as fill, much the same as they do in their comic-book prototypes, and the fairly obvious seams where the bands of stenciled dots abut and are not quite in sync with one another give the dots a slightly disconcerting irregularity that stands in contrast to the precision of the black lines and forms. Vicky, Little Big Painting, and other works from 1963 on, contain dots that are larger, more uniform and precisely circular, and that, rather than functioning as fill or texture, become a formal element that is as important visually as the stylized black lines and forms.

Lichtenstein has continued to use the line, flat color, and benday dots associated with comic books in paintings of a multitude of different subjects, showing the separability of the convention from its original source. Regarding his range of subjects, Lichtenstein states, "I like to pick things that have a lot of history or baggage or content. . . . The history is rather meaningless . . . but I just enjoy the fact that it has all this behind it."⁶⁸ By applying a style that refers to a particular type of

⁶⁸ Interview with Hugh Cumming, "Roy Lichtenstein," in Art in the Age of Pluralism (New York: St. Martin's Press), 49-50.

reproduction to a wide range of different subjects, Lichtenstein focuses the viewer's attention on the juxtaposition that is both established and obscured by the overlay of the different forms of representation.

The printed page can take many forms, and the qualities associated with different types of printing have inspired a range of artistic strategies. Malcom Morley shares with Lichtenstein the interest in using the look of the printed page as the basis for work laboriously created by hand, though the inspiration for Morley's early paintings came from glossy color photographic reproductions rather than comic book illustrations. The works that Morley painted throughout the sixties, based on found images, as well as on occasional photographs taken specifically to serve as models for paintings, demonstrate clearly that, in addition to consisting of a set of mechanical processes, the photographic comprises a series of compositional and stylistic conventions that can be taken up in the context of other media. When he made an early attempt to paint a ship from a Manhattan pier, Morley found that its scale and proximity caused him to have to shift the direction of his sight in order to take in the whole, thus destroying the unity of the picture plane.⁶⁹ He therefore opted instead to

⁶⁹ See Michael Compton, "Malcolm Morley," in Malcolm Morley: Paintings 1965-82 (London: Whitechapel Art Gallery, 1983).

paint a series of ships from postcards or brochures – a strategy that he continued in his Vermeer, Portrait of an Artist in His Studio of 1968, which is also painted from a reproduction. In both the ship paintings and the Vermeer, Morley suggests the layout of a printed reproduction through the incorporation of a border within the canvas, and in the Vermeer he includes text within this border that labels the image as "an Abrams Color Print." The mediation of the reproduction introduces a degree of abstraction into Morley's process as well, since he would grid off the image, and sometimes paint upside down or cut the source photos into separate strips as he painted. Morley's goal in painting these works was not, however, simply to duplicate the effect of the reproductions; rather, it was to use their already mediated presentation of the motif as a way of structuring richly detailed explorations of the painted surface. These works by Morley share with the early flags, numerals, maps, and targets of Johns the strategy of using a preset motif that is, to a certain extent, treated as an abstraction, since, rather than constituting a representation of the motif, the painting is a form of repetition that allows the artist to highlight other concerns.

In his Vermeer, Portrait of an Artist in His Studio, Morley also presents the viewer with a mediated

representation of a painting that itself suggested a mediated form of vision. For Vermeer had already incorporated a photographic mode of seeing into his work: such elements as the blurred halation of the painted highlights suggest the optical effects of a camera obscura, and the differences in scale between foreground and background figures evoke the conventions of a mechanically reproduced image.⁷⁰ There is even an intriguing parallel to Morley's working method in the fact that, in its simplest form, the camera obscura produces an upside-down image. The fact that Morley chose this image by Vermeer to reproduce – an image that has been identified as among the most popular paintings quoted in recent works of art, second only to the Mona Lisa – suggests yet another version of mediation, since its popularity is obviously dependent on its frequent reproduction.⁷¹

In many cases the returns to representation in art

⁷⁰ For a discussion of the extensive debate in the literature on Vermeer concerning whether he made use of a camera obscura in the creation of his paintings, see Svetlana Alpers, The Art of Describing: Dutch Art in the Seventeenth Century (Chicago: University of Chicago Press, 1983), 27-33, and Jonathan Crary, Techniques of the Observer: On Vision and Modernity in the Nineteenth Century (Cambridge: MIT Press, 1990), 43-47. Alpers says of Vermeer: "everything from spatial organization to the rendering of objects and the use of pigment – in short, much of what we think of as his distinctive style – has been at some time attributed to the camera obscura" (Art of Describing, 31).

⁷¹ Lipman and Marshall, Art About Art, 80.

since the sixties have taken place via strategies that closely parallel those associated with abstraction. Where Morley's use of the photograph implies the blurring of representation and abstraction, Gerhard Richter's work makes this possibility explicit. For Richter, the use of the photograph as a form of readymade has allowed him to avoid "a certain stylization that is unavoidable in painting after nature."⁷² Equally significant is the fact that photographs lie behind not just Richter's obviously photo-realist works, but behind many of his abstractions as well — a point clearly demonstrated in his Atlas, the largely photo-based version of the sketchbook through which many of his images and forms have cycled. The use of photographs to provide a basis for shifts in focus and scale in abstract as well as representational works is one of the devices that he employs to give a calculated or deliberate quality to the gesture in his large-scale abstractions.⁷³

⁷² From a 1966 interview, quoted in Sean Rainbird, "Variations on a Theme: The Paintings of Gerhard Richter," in Gerhard Richter (London: The Tate Gallery, 1991), 16.

⁷³ See, for example, Benjamin Buchloh's description of this process in his essay "Richter's Facture: Between the Synecdoche and the Spectacle," reprinted in The New Art: An International Survey (New York: Rizzoli, 1991), 191-96. According to Buchloh, "This process of mediation of an original, direct and organic painterly activity . . . through the various stages and practices of a mechanical construction of a pictorial sign . . . is the manifest subject of Richter's 'Abstract Paintings'" (194).

Richter has also incorporated references to the use of photographs in print into the order in which he presents his photo-based works: as Benjamin Buchloh has pointed out, in both his Eight Student Nurses and 48 Portraits the individual canvases are arranged according to the orientation of the head, a strategy Richter adopted from the conventions used in photojournalism.⁷⁴ Richter's employment of this as a strategy to order the relationship among units in multi-part works is related to Baldessari's use of the directional look as an ordering structure for the images brought together in his works based on film stills and other found photographs: in such works as A Movie: Directional Piece Where People Are Looking (1972-73), the arrangement of the stills in a spiral-like series based on the direction of the look within each creates a connection, but one that replaces narrative with a different ordering principle.⁷⁵

A different reference to the printed page can be found in the work of Chuck Close, who refers not only to the appearance of color printing in his paintings, but also to the technique of color separation in his practice of building up his painted representations on the basis of

⁷⁴ See Benjamin H. D. Buchloh, "Divided Memory and Post-Traditional Identity: Gerhard Richter's Work of Mourning," October 75 (Winter 1996): 81.

⁷⁵ See van Bruggen, John Baldessari, especially pages 81-91, for a discussion of these strategies.

successive applications of each component color. And not only have artists such as Warhol, Lichtenstein, Morley, Richter, and Barbara Kruger taken the look of the page into their work, but many artists have also given careful consideration to how the work of art can be created or refashioned for presentation in the context of a book or magazine. While the works produced by Baldessari, Dan Graham, Michael Asher, Silvia Kolbowski, Louise Lawler, Sherrie Levine or Mary Kelly diverge widely, all have thought very carefully about the presentation of the work when published in book or magazine form.

Just as prints and photographs have been assimilated into artistic production since the late 1950s, so too have related methods for the reproduction of three-dimensional forms. The possibilities suggested by Johns's repetition of the cast form in his 1955 Target with Four Faces have been taken up by artists who have incorporated casting in a wide range of practices, using it not simply as a practical way of repeating a form but as a way of creating originals that are in fact copies. Rachel Whiteread, for example, makes evocative use of the idea, already explored by Nauman and Beuys, of rendering as solid the negative spaces created by objects or enclosed spaces, and Eva Hesse has exploited both repetition and the potential for eccentric variation based on the creation of forms using non-traditional materials.

Allan McCollum has also used casting in the creation of his proliferating copies – including his 1994 Natural Copies, in which he created cast replicas of forms that were already a form of natural cast produced in the impressions left by dinosaur tracks.

The use of conventions drawn from various media can suggest the idea of the copy even for works not based on a specific image. Cindy Sherman has used masquerade and simulation, introducing traces of her own presence in her work from the seventies and eighties in ways that signaled the constructed nature of images that are the original product of a simulation. By photographing herself in numerous guises that evoke images that range from film stills to portrait paintings, she has dramatized the conventions associated with each medium, thereby emphasizing how the conventions of different media are separable and subject to reinscription. In the film stills, black-and-white photography works in conjunction with the costumes, settings, and carefully selected combinations of angle and frame to suggest not only narrative, but also the films of a specific historical moment. The series of history portraits made between 1988 and 1990 have a somewhat different structure, in that they conflate two formerly distinct genres of painting – that of history painting, which implied a narrative, and portraiture, which generally did not. In

addition to combining photography and painting, they suggest yet another form in the obvious use of costumes and props – the anachronistic look characteristic of the type of low-budget movie destined to become a cult classic. Ultimately, Sherman's history portraits are read in relation to Cindy Sherman, author, with no expectation that they actually are portraits (either self-portraits or otherwise). They are thus an example of the citational structure that has played a central role in art since 1960, where the model, rather than being assimilated into the work as a compositional solution, is presented in the form of a quotation or reference.

Also important are conceptual strategies through which artists use photographs (and other documentation) within the work, instead of creating work that could be framed by secondary documentation – for example, the work of Ed Ruscha, Sol LeWitt, Vito Acconci, Elenor Antin, and Hans Haacke. The use of photographs, not just to document, but as part of a process that is then presented in a layout that coincides with the instructions used to generate the photographs is an essential element in Ruscha's 1966 Every Building on the Sunset Strip, where, according to Buchloh, the "devotion to a deadpan, anonymous, amateurish approach to photographic form corresponds exactly to Ruscha's

iconographic choice of the architectural banal."⁷⁶ Antin's 1973 Carving a Classical Sculpture, or Acconci's 1969 Coming to Rest are performances where the photograph is not just secondary documentation, but is intrinsic to the performance process, thereby functioning simultaneously as document and object. In the Antin work, the photographs of her body, taken daily from the front, back, and each side, and presented in a horizontal grid, track the barely discernible progress of her attempt to transform her body into conformity with classical ideals through a five-week diet. The presentation suggests the standard before and after photos included in advertisements for diet plans, with the documentation of the incremental process of transformation as part of the performance, which is then subsequently presented in the form of an object. In his Coming to Rest, Acconci juxtaposes the photographs with text that indicates the criteria used in the production of the photographs: "Activity: Throwing a ball out on the ground in front of me, & snapping photographs until the ball comes to a stop." The photographs and action are intrinsically connected, and the photos and text are presented in a format that emphasizes this link.

⁷⁶ Benjamin H. D. Buchloh, "Conceptual Art 1962-1969: From the Aesthetics of Administration to the Critique of Institutions," October 55 (Winter 1990): 122.

Haacke also combined reproductions and information to create works where the content was determined by information found in the public archive: both his Sol Goldman and Alex DiLorenzo Manhattan Real Estate Holdings, a Real-Time Social System, as of May 1, 1971, and Shapolsky et al. Manhattan Real Estate Holdings, a Real-Time Social System, as of May 1, 1971 charted interconnected real estate holdings on the basis of information available from public records at the New York County Clerk's Office.⁷⁷ These works, which were to have been included in the one-person exhibition at the Guggenheim, were central to its cancellation six weeks before the exhibition was due to open in 1971. The Guggenheim apparently expected a continuation of Haacke's exploration of physical and biological systems, as embodied in such works as his 1963-65 Condensation Cube or his 1970 10 Turtles Set Free; in fact Thomas Messer tried to justify his rejection of Haacke's real estate systems by stating that, "On the basis of work that I had seen prior to any museum initiative, I had no reason to doubt his capacity to

⁷⁷ The written brief prepared by Edward Fry, and presented by Messer to the Guggenheim board, which approved it in May 1970, listed different types of inorganic and organic systems, as well as works described as "interactions between human organisms," that Haacke's work had already explored, and described Haacke's purpose as "not primarily aesthetic, despite the often very great elegance of his works." Quoted in Barbara Reise, "A Tail of Two Exhibitions: The Aborted Haacke and Robert Morris Shows," Studio International 182 (July/August 1971): 31.

be an artist when he chose to function as one." Although the proposal Messer forwarded to the museum trustees for approval included descriptions of earlier works by Haacke that very obviously extended traditional definitions, Messer nonetheless described the cancellation of the show as a choice "between the acceptance of or the rejection of an alien substance that had entered the art museum organism."⁷⁸ The use of typed information, charts, maps, and photographs might not have been sufficient in itself to scare off the Guggenheim director and trustees, but the use of those means to convey a political message (even though the museum itself was not the direct target of that institutional critique) denied the museum any recourse to a more traditional reading of the work in terms of formal qualities.

⁷⁸ Thomas M. Messer, "Guest Editorial," Arts Magazine 45 (Summer 1971): 5 [emphasis in the original]. In the editorial, Messer also makes a somewhat contradictory statement concerning what he considers to be the proper role of art: "After the incorporation of Schwitters' collages, Duchamp's readymades, Rauscheberg's combines, or the communicational subject matter of Pop art into the mainstreams of art, Haacke's real estate-cum-filing cards subject-medium might be joining an already venerable tradition. Where do we draw the line? . . . To the degree to which an artist deliberately pursues aims that lie beyond art, his very concentration upon ulterior ends stands in conflict with the intrinsic nature of the work as an end in itself. The conclusion is inescapable that the sense of inappropriateness that was felt from the start toward Haacke's 'social system' exhibit was due to an aesthetic weakness which interacted with a forcing of art boundaries" (5).

Consumer Culture as Subject

With increasing frequency since the sixties, artists have become known not for their "touch" or "hand," but for their affinity for a particular type of imagery, stylization, or process of image appropriation. If earlier artists are said to have signature styles, perhaps more recent work should be discussed in terms of the use of a trademark method. Furthermore, though there has been a return to representation under postmodernism, representation can more appropriately be understood as the subject of the work rather than its vehicle.

Lichtenstein's exaggerated, stylized use of the ben-day dots has subsequently appeared in the world of advertising, with the twist that their use now reads as a reference to Lichtenstein. Thus the world of pop culture takes up a stylized version of its own imagery, but one that has passed through the museum on the way. Lichtenstein's hold over this particular form of stylization was recognized early on by Warhol, who, in a well-known encounter at the Castelli Gallery, discovered that he and Lichtenstein were both doing paintings based on comic strips – an incident that prompted Warhol to shift his subject matter.⁷⁹

⁷⁹ See Andy Warhol and Pat Hackett, Popism: The Warhol '60s (New York: Harcourt Brace Jovanovich, 1980), 7.

The "High & Low" exhibition at the Museum of Modern Art in 1990 presented a particularly striking example of a conception based on a model of individual artistic achievement and a simple one-way movement from popular culture to works by artists who used it as source material, rather than a process of reciprocal definition. In both the exhibition and the catalogue, the only way Kirk Varnedoe and Adam Gopnik were able to connect "high" and "low" was by pointing out examples of one-to-one borrowing. The insistence on seeing everything through the screen of the "high" reached absurd proportions in such observations as the fact that the benday dots used in comics, "surprising as it may seem to those of us who have learned to see romance comics through Lichtenstein, are hardly visible in the original."⁸⁰ Such a comment in fact suggests the existence of a reciprocal process of influence between the realms of fine art and popular culture that the curators were not prepared to acknowledge.

The reciprocal process through which the artist plucks certain images or stylistic elements from pop culture, which then reenter the realm of pop culture imagery with an added layer of significance or attention, is apparent in Warhol's

⁸⁰ Kirk Varnedoe and Adam Gopnik, High & Low: Modern Art and Popular Culture (New York: The Museum of Modern Art, 1991), 200.

use of Marilyn Monroe. Clearly the impact of Warhol's work is largely dependent on the status of the person depicted (How well known, after all, are Warhol's paintings of Troy Donahue?); at the same time, Warhol's use of the particular still he selected has contributed to its status as the prototypical Marilyn image. Not only has the image reentered the realm of pop culture in the form of posters, cards, postage stamps, and other products; it has also had an impact on the reading of pop culture by subsequent artists: the Boston Institute of Contemporary Art's 1994 "Elvis and Marilyn" exhibition demonstrated very clearly how much the representations of these two celebrities have been mediated through Warhol and the images he chose for his works. The same process is apparent in relation to Campbell's soup, a product Warhol has claimed so effectively that just about any image of the product reads as a reference to Warhol's work — resembling the hold that Duchamp has over reproductions of the Mona Lisa, even those without the alterations included in L.H.O.O.Q..

The question of how much such appropriations can be read as a critique, or how much they simply reflect the larger sphere of visual culture is one that Warhol tried very aggressively to render ambiguous. The critique can obviously come in forms that closely mimic the commercial prototype. For example, Warhol plays with the

interchangeability of Coke and Pepsi – despite purported differences emphasized in ads – in Close Cover Before Striking (Coca-Cola) and Close Cover Before Striking (Pepsi-Cola), both 1962. Ed Ruscha, in his 1962 painting Actual Size, commented on the idea of brand recognition in a different way by establishing a contrast between the giant Spam logo, and the actual-size representation of the product that carries the logo, which seems surprisingly small by comparison, thus making a subtle critique of commercial hype surrounding the trademark name.

This form of critique was not necessarily appreciated outside the art world, where the status accorded to a work that so closely mimicked its prototype was a source of contention on more than one occasion. In addition to the actual lawsuits brought against artists for their use of appropriated images, there were other instances that did not enter the legal realm: for example, Erle Loran's anger over Lichtenstein's use of his Cézanne diagrams, or the objection of the designer of the Brillo boxes to Warhol's use of them.⁸¹ Questions of definition also arose in a 1965 incident

⁸¹ On Loran's response to Lichtenstein's use of his Cézanne diagrams, see David Deitcher, "Unsentimental Education: The Professionalization of the American Artist," in Hand-Painted Pop: American Art in Transition 1955-62, ed. Donna De Salvo and Paul Schimmel (Los Angeles and New York: The Museum of Contemporary Art and Rizzoli, 1993), 110. On the Brillo boxes, see Christin J. Mamiya, Pop Art and Consumer Culture:

when Warhol's works based on the Brillo pad and Campbell's tomato juice cartons were denied status as works of art and would have been subject to duty when a Canadian gallery attempted to include them in an exhibition.⁸² Yet while Pop art does, in many instances, quite closely follow commercial prototypes, Christin Mamiya points to an important distinction in terms of purpose: "The real product of the mass media is not the show or article, but the audience, which they, in essence, sell to advertisers."⁸³

Despite the extent to which works of art are known to their audience through their reproduction, the emphasis within the museum collection is still on the category of object defined as the work of art itself (ignoring the highly developed marketing of copies in the form of picture books, postcards, posters, and a variety of other adaptations, including the mining of the fine arts by advertising). The emphasis on the art object itself has its corollary in the de-emphasis of the idea of exploiting the work of art in reproduction form by the artist, even if publishers and museums are fully aware of the value of such reproductions. The continued belief in the possibility of

American Super Market (Austin: University of Texas Press, 1992), 179, note 65.

⁸² See Mamiya, Pop Art and Consumer Culture, 132.

⁸³ Mamiya, Pop Art and Consumer Culture, 72.

making an operative designation of the "original" object has contributed to the security of contemporary art's position within the institutional frames that constitute the art world, a position from which artists have been able to play with codes and conventions drawn from outside the high art realm while still maintaining the status of their work as art.

Designated Originals and Designated Copies

For many recent works involving mechanical reproduction, fabrication, and the materials and methods of mass production, the work is not so much made as it is authorized by the artist, who may farm out various components or the entire fabrication process. In works where the hand of the artist – and, by extension, material evidence of the history of the work's production – is no longer inscribed in the texture of the work itself, there are often few inherent limits on production.

The paradox of twentieth-century collecting practices is not that ever-greater value has been accorded to the original work of art even as that concept has been vigorously assaulted by artists, but that the functional definition of originality (an essential part of the market for art) has proven so infinitely expandable. Even if the

authentic has become increasingly important as a functional category, the degree to which it must be continually adjusted and redefined in relation to new strategies and media demonstrates the fundamental arbitrariness of the divisions and hierarchies it is used to institute. As many works of contemporary art are made in such a way that there is no inherent limit that prevents their duplication, originality is redefined as a function rather than an intrinsic quality. Perhaps nowhere is the market acceptance of such strategies so apparent as in the sale, at auction, of one of LeWitt's wall drawings.

The philosophy of the artist will obviously motivate the policy that he or she has about recreations. For example, when Ulf Linde wanted to exhibit several of Duchamp's readymades in an exhibition at the Moderna Museet in Stockholm, he simply went out and bought the objects on his own. Although Duchamp retroactively authorized the readymades purchased by Linde (and they have entered the official oeuvre), the replica of the large glass also executed by Linde has retained its clearly secondary status as a copy of the original in the Philadelphia Museum that is too fragile to travel.

Bruce Nauman's neon work can also be temporarily replicated in the form of exhibition copies, though he

requires specific proof of the destruction of such copies.⁸⁴ In the neon works, Nauman is also willing to accept a degree of deviation in certain details concerning the work's final appearance without considering the work to be inconsistent with his conception. For example, Brenda Richardson quotes Nauman's instructions for the fabrication of his Neon Templates for inclusion in the 1969 exhibition "When Attitudes Become Form": "I mention the difficulty of obtaining glass of the right color. You (or someone) will just have to make another choice if the proper kind is not available. Uranium Green has some strange properties which might be duplicated or approximated in a stained glass of a different color (if your neon man is familiar with uranium green in the first place)."⁸⁵

For LeWitt's wall drawings, the only object that is actually transferred is a certificate, accompanied by a diagram with instructions for the realization of the

⁸⁴ Regarding the requirement for photographic documentation of their destruction, see Susan Haggood, "Remaking Art History," Art in America (July 1990): 122.

⁸⁵ From Harald Szeeman, "Bruce Nauman," When Attitudes Become Form (Bern: Kunsthalle Bern, 1969), n.p.; quoted in Brenda Richardson, Bruce Nauman: Neons (Baltimore: The Baltimore Museum of Art, 1983), 25. According to Richardson, Nauman "feels that the work can tolerate fairly substantial change without subverting the point of the piece and he is not disturbed, in principle, by the potential for a certain degree of variation in the neons as long as it does not violate his sense of the work's original intention" (27).

drawing. The wall drawings can even exist for a limited period of time in more than one place if a drawing that is already installed is loaned to a temporary exhibition. LeWitt indicates that his wall drawings should not be maintained as artifacts: "I would hope that wall drawings would be periodically redrawn if necessary. As the wall becomes older it may crack, have water damage, etc. Also the wall drawings may become soiled, colors change, etc. The new site may be different, as long as the plan is followed. (Actually restorers repaint old paintings)."⁸⁶

In the 1987 publication of works from Panza's collection, photographs of objects and artists' diagrams and plans are intermixed and generally treated as interchangeable, an approach that has more validity in relation to LeWitt's wall drawings (many certificates for which are reproduced) than in relation to some of the other artists' works that are similarly presented. LeWitt, as well, makes a clear distinction between different types of works within his production.⁸⁷ For example, LeWitt vetoed a

⁸⁶ LeWitt, Excerpts from a Correspondence with Andrea Miller-Keller, Sol LeWitt Wall Drawings 1968-1984 (Amsterdam: Stedelijk Museum, 1984), reprinted in Zevi, ed., Sol LeWitt Critical Texts, 111.

⁸⁷ Although the wall drawings can be created by the owner of the certificate according to the instructions, Panza describes how LeWitt "came to Varese and chose the walls for each work; he made exact working drawings from the measurements of the walls and in this way adjusted the

request from the Wadsworth Atheneum to avoid shipping costs by having his 1965 Standing Open Structure, Black refabricated for an exhibition in Europe. According to LeWitt, "A wall drawing may be duplicated in another site while an object (a work of art in this case) can be physically transported and should be." In answer to the question about refabricating the sculpture, LeWitt asked, rhetorically, "Would you repaint a Mondrian?" – a suggestion that is not as farfetched as LeWitt apparently thought, given the history of recent Mondrian productions.⁸⁸

For works that do not subscribe to traditional notions of authenticity, the perceived distinctions between authentic and inauthentic can sometimes come to rest in unexpected places. In 1976 a controversy erupted over the Tate's 1972 acquisition of one of Carl Andre's Equivalents

project to the space" ("Giuseppe Panza di Biumo" [interview], in Julia Brown and Bridget Johnson, eds., The First Show: Painting and Sculpture from Eight Collections 1940-1980 [Los Angeles: The Museum of Contemporary Art, 1983], 85).

⁸⁸ LeWitt, quoted in Kimberly Davenport, "Impossible Liberties: Contemporary Artists and the Life of Their Work over Time," Art Journal 54 (Summer 1995): 42-43. Nancy Troy discusses both the aggressive "conservation" of Mondrian's New York City, New York, and the creation during the eighties of a series of "wall works" based on the configurations of colored cardboard that had been attached to the walls of Mondrian's studio in New York – works which were dated in the Sidney Janis catalogue as 1943-44. See Nancy Troy, "To Be Continued: A Note on Some Recent Mondrians," October 27 (Winter 1983): 75-80.

when the press learned not only that the Tate had spent a large sum of money on an arrangement of bricks but that the bricks that constituted the work when it was purchased were not the same bricks that Andre used when he first made the work in 1966.⁸⁹ In another controversy, also in 1976, Andre was disturbed by the placement of his Twelfth Copper Corner in the Whitney Museum's "200 Years of American Sculpture" after it was moved to a different location within the exhibit than the one he had chosen. When Andre withdrew the loan, the Whitney replaced the withdrawn piece with a work from their permanent collection, Andre's 1975 Twenty-Ninth Copper Cardinal. Andre's response was to offer to buy back the Whitney's work for \$26,000, one thousand more than the original purchase price. After this tender was not accepted, he reduced his offer to 70 cents per pound for the metal, and he mounted a counter exhibition at 355 West Broadway in which he displayed not only the Twelfth Copper Corner, but also a competing version of the Twenty-Ninth Copper Cardinal that he designated as the original.⁹⁰ The Whitney, apparently not doubting the permanency of its title to a work obtained through normal art world channels, did not take any legal

⁸⁹ See, for example, Colin Simpson, "The Tate Drops a Costly Brick," The Sunday Times (London), February 15, 1996, 53.

⁹⁰ See David Bourdon, "Carl Andre Protests Museological 'Mutilation,'" Village Voice, May 31, 1976, 117.

action against Andre, and continues to list the work as part of their collection – including it, without any apparent irony, in a recent catalogue of collection works entitled Immaterial Objects.⁹¹

In the Bern Kunsthalle's 1974 catalogue of Carl Andre's work, the listing for Equivalents, I-VIII gave two dates: "New York 1966 (destroyed) / New York 1969 (remade), putting into art-historical language the reference to the fact that different bricks were used each time. Oddly enough, this second date dropped away in 1995 when the Gagosian Gallery exhibited yet another remake of the work under the title Sand-Lime Instar, which was listed as "destroyed 1966 / remade 1995." The justification for yet another commercial remake of a work that had already been made, remade, and sold was the dispersal of the earlier elements: "All but one of the original Equivalents were destroyed; the others were remade in firebrick in 1969. These works have been dispersed. Sand-Lime Instar is thus the final Equivalent, the ninth 'work': the installation itself."⁹² Any thought

⁹¹ See Richard Marshal, Immaterial Objects: Works from the Permanent Collection of the Whitney Museum of American Art New York (New York: The Whitney Museum, 1989), 19-23. While the Whitney catalogue does not make any reference to the controversy, it does reproduce the documentation/authentication sheet that Andre provided for the work.

⁹² James Meyer, exhibition brochure for Sand-Lime Instar, Gagosian Gallery, January 10-February 11, 1995. Hapgood cites a number of related examples, including works by Barry

that Andre's attitude toward this work might resemble that of Robert Morris toward the plywood pieces from the sixties that are refabricated each time they are exhibited was put to rest, however, upon inquiring into the status of the recent installation and finding out that it, too, was for sale.

Since contemporary art world conventions insist on the distinction between a unique work and an edition, the existence of more than one version of a work can have significant consequences. Frank Stella was taken to court by the Factors when they learned of another version of the Marquis de Portago, the existence of which, they believed, had lowered the auction price for their painting. In deciding the Stella case, the court found that "an artist has a duty to a purchaser of his work to inform the purchaser of the existence of a duplicate work which would materially affect the value or marketability of the purchased work." A number of other considerations, however, led the judge to conclude that, in this case, there was no evidence that the value of

Le Va, Bruce Nauman, Alan Saret, Richard Serra, and Keith Sonnier included in the Whitney's 1990 exhibition "The New Sculpture 1965-75." According to Hapgood, "In the past, works reconstructed for the educational purposes of a museum exhibition were often destroyed after the show's closing. But many of the new works at the Whitney were for sale. . . . Hardly temporary surrogates, then, such re-creations become, in essence, no different from those works they replace - though they sometimes are duplicates, not replacements" (Hapgood, "Remaking Art History," 119).

the work had been compromised, and therefore to decide in favor of Stella on the question of damages.⁹³ The repainted version that became the source of contention does, in fact, look quite different from the first version. While Stella obviously painted the copy of his own work without intending to emphasize the paradox that Rauschenberg made the subject of his Factum I and Factum II, what is interesting is that they were perceived as being sufficiently similar in plan that the different versions were viewed by the collectors as being merely repetitions of one another rather than as different interpretations by the artist.

⁹³ The painting that the Factors purchased was, in fact, the second version of the work, and was done in a somewhat different type of aluminum paint than the first. When the Factors' painting became damaged in 1964, Stella agreed to repaint it, which he did in 1965 using a third type of paint, and the Factors returned the damaged work to Stella. The Factors believed that it was their work, subsequently restored, that was in the collection of Carter Burden, whereas Stella indicated that Burden's painting was the first version. It was the existence of another version that the Factors blamed when the reserve on the painting was lowered from \$35,000 to \$15,000 when it was put up for auction in 1970 (where it sold for \$17,000). The decision in Factor v. Stella (1978) is reprinted in John Henry Merryman and Albert E. Elsen, Law, Ethics, and the Visual Arts, second edition (Philadelphia: University of Pennsylvania Press, 1987), vol. 2, 502-4.

The irony of the incident is compounded by the fact that Stella's work was the subject of a parody article entitled "Fake as More," concerning copies of Stella's work by the artist Hank Herron, that was included in Gregory Battcock's 1973 Idea Art — an article that Thomas Crow discusses in "The Return of Hank Herron," Endgame: Reference and Simulation in Recent Sculpture, ed. David Joselit and Elisabeth Sussman (Boston: Institute of Contemporary Art, 1986), 11-27.

Museums and collectors presumably make their decision to buy an artist's work on the basis of its artistic significance and meaning – on the basis of those qualities on which the artist's reputation is based – yet these same individuals and institutions often attempt to make the work as malleable as possible, including denial of the work's site-specificity or the refusal to purchase or even accept as gifts works that come with specific limitations by the artist, such as resale agreements. On the one hand, the artist may be granted the power to transform prefabricated materials into art. But on the other, once his or her work leaves the studio, it is frequently in the collector's self-interest to attempt to wrest away from the artist control over how his or her work of art is to be displayed, recreated, or otherwise handled. Whereas it is now highly unlikely that any major museum or collector would continue the earlier tradition of cutting down or repainting a work to fit a frame or decorative scheme, they may very well attempt to do something similar to the work's conceptual definition. For the more control the artist retains, the more limitations there are on attempts to make the work conform to the program of the institution and on the free exchange of the work of art as a commodity.

A number of conflicts have arisen over the strategic redefinition of site-specific works, even where site-

specificity was recognized as an essential feature at the time of the work's initial commission and creation. Susan Hapgood, for example, describes Giuseppe Panza's attitude toward the site-specific works in his collection, outlining a shift between 1988, when he still emphasized the number and importance of the site-specific works he owned, and 1990, when he denied that any of them were site-specific.⁹⁴ Not coincidentally, this classification shift occurred around the time Panza was negotiating with the Guggenheim for the purchase of his collection.

The strategic redefinition of a site-specific work was also an important issue in the conflict over Richard Serra's Tilted Arc, since the General Services Administration continued to insist throughout the dispute that their intention was simply to "relocate" the sculpture to another site. Krauss describes the decline, by the end of the nineteenth century, of what she identifies as "the logic of the monument," a form that contrasts to "a kind of sitelessness, or homelessness, an absolute loss of place" under modernism.⁹⁵ This condition of sitelessness has resulted in deep contradictions within the field that has

⁹⁴ Hapgood, "Remaking Art History," 120.

⁹⁵ Rosalind Krauss, "Sculpture in the Expanded Field" (1978), in The Originality of the Avant-Garde and Other Modernist Myths (Cambridge: MIT Press, 1985), 279-80.

been given the umbrella term "public art," and one of the underlying and largely unexamined goals of public art initiatives is their attempt to legislate a relationship between architecture and art when no such relationship is clear in the architectural program.⁹⁶ Although the conflict over Tilted Arc was often presented in the media as a battle between workers who wanted to return their plaza to its previous idyllic state, and high-handed elites who insisted on the artistic importance of a "difficult" work, in fact, the space that Serra's piece disrupted had never been the least bit hospitable. Like so many "public" spaces in American cities, Federal Plaza was a bleak open area in front of a stark and overbearing monolith. But since Tilted Arc emphasized rather than hid this fact, the sculpture came to epitomize the alienating conditions experienced by the people who worked in windowless cubicles within the Federal Building that faced the plaza. Opponents of Tilted Arc latched on to Serra's statement, quoted in the New York Times, that he intended to "dislocate the decorative

⁹⁶ For Example, Claire Wickersham argues that "Pioneers in the percent-for-art field . . . generally took the so-called 'Aesthetic band-aid' approach to public art, seeking to compensate for the austerity of modern architecture by reintroducing ornamentation" ("Percent-for-Art: Variations on a Theme," Public Art Review 5 [Fall/Winter 1993]: 8).

function of the plaza."⁹⁷ With Tilted Arc, Serra created a work that established a critical relationship to its site through formal means: "if you analyze the characteristics of a site and incorporate the results of that analysis, I think that you are implicitly being critical of the site, due to the fact that the formal layout and the attributes of the site always reflect the ideology."⁹⁸ The denial of the work's site-specificity was a strategic maneuver by a government agency intent on removing Serra's work from the plaza.

The conflict between Judd and Panza was of a different nature — that of a collector who, rather than being antagonistic to contemporary art, wanted to treat as conceptual pieces that the artists had not conceived in that manner. In Judd's case, Panza insisted on his authority to fabricate works for which he held drawings, while Judd insisted on retaining his authority to supervise their fabrication and give final approval. Judd therefore strongly

⁹⁷ New York Times, September 25, 1981. The statement was quoted by William Diamond in his letter to the head of the GSA in which he argued for the removal of Tilted Arc. See Clara Weyergraf-Serra and Martha Buskirk, eds., The Destruction of Tilted Arc: Documents (Cambridge: MIT Press, 1991), 142.

⁹⁸ Richard Serra, conversation with the author, March 3, 1995.

objected when, in 1988, Panza fabricated several plywood sculptures from Judd's sketches. According to Judd:

Since some of the works could be altered according to the space available, Panza assumed he could do this as well as me. But these alterations – in some works involving whole spaces – are mine to decide. Since to Panza the shape only has to get up off the paper, the nature of the material and the surface and the details are all irrelevant. Panza does not even bother to inform himself of the correct intervals between the parts, which were wrong in the four plywood works that [he made and] exhibited in Madrid.⁹⁹

Panza, for his part, claimed that Judd's fabricators were too expensive, the works in question being "geometrical cubes or parallelograms, which could be easily made by any factory with good machinery and material."¹⁰⁰ Judd clashed again with Panza the next year, when Panza authorized the Ace Gallery in Los Angeles to make a temporary exhibition copy of a work installed in Panza's collection in Italy, prompting Judd to take out an ad in Art in America

⁹⁹ Quoted in Patricia Failing, "Judd and Panza Square Off," Artnews 89 (November 1990): 149-50.

¹⁰⁰ Quoted in Failing, "Judd and Panza," 149.

denouncing the installation and disclaiming authorship in the work.¹⁰¹

Subsequent to these conflicts, Panza proposed that future disagreements between Judd and Panza about the realization of Judd's work "should be settled by an independent expert to be designated by their respective lawyers," to which Judd responded, "To even begin to argue" against this proposal "makes me feel already within the door of the insane asylum."¹⁰² Despite Judd's disclaimers, the documents published in Art of the Sixties and Seventies seem to indicate that Judd did contract to hand over to Panza a certain amount of control over the realization of his work in at least some instances.¹⁰³ In fact, Patricia Failing

¹⁰¹ The text of the quarter-page ad reads: "The Fall 1989 show of sculpture at Ace Gallery in Los Angeles exhibited an installation wrongly attributed to Donald Judd. Fabrication of the piece was authorized by Giuseppe Panza without the approval or permission of Donald Judd." Art in America (March 1990), 128.

¹⁰² Failing, "Judd and Panza," 150.

¹⁰³ The illustrations for two untitled works from 1974 consist of certificates apparently signed by Judd (but not dated), each of which ends with the paragraph: "I hereby grant Dr. Panza, his successors and assigns [sic] the right to have the work constructed or realized, provided that this is done by reference to and in strict and exact compliance with the Document and all of the details and instructions set forth therein and provided further that I, or my personal representatives or my Estate, am notified in writing of the realization" ("CERTIFICATE," illustrated in Art of the Sixties and Seventies: The Panza Collection, preface by Richard Koshaleck & Sherri Geldin [New York: Rizzoli, 1988], 165).

quotes art law expert John Merryman to the effect that Judd "could have used better legal advice."¹⁰⁴ Apparently Panza took advantage of such advice himself when he started asking artists to sign documents containing a version of the following statement: "I certify that the above work is my original and unique creation, and I undertake not to do, realize, sell, or authorize the same work."¹⁰⁵ In response to an interviewer's question about his conflict with Judd, Panza stated "The artist cannot control what goes on outside his studio. When a work changes owners, it starts on another life."¹⁰⁶ While this may be largely true for an easel

¹⁰⁴ Failing, "Judd and Panza," 149.

¹⁰⁵ This is the language in the statement signed by Bruce Nauman for his work 1972 Floating Room (Light outside, dark inside). In fact Nauman canceled out the last five words of the statement, which originally read "I certify that the above work is my original and unique creation, and I undertake not to do, realize, sell, or authorize the same work and or of similar work" (Art of the Sixties and Seventies, 184; emphasis added). Similar certificates for works by Robert Barry and James Turrell are reproduced in Art of the Sixties and Seventies, 219, 243.

¹⁰⁶ Interview: Guisepe Panza de Biumo with Suzanne Pagé and Juliette Laffon, in Un choix d'Art Minimal dans la Collection Panza, preface by Suzanne Pagé (Paris: Musée d'Art Moderne de la Ville de Paris, 1990), 23. Panza gives a great deal of authority to the collector: "There is a difference between Minimal Art and Conceptual Art, because Minimal Art is closely connected to the project, and the collector has the right to produce it, but his freedom of interpretation is very limited. He must simply see to it that the fabrication conforms to the project" (Un choix d'Art Minimal dans la Collection Panza, 22). Judd, however, dismissed Panza's fabrications as "mock-ups, fakes," stating

painting, which has traditionally been assumed to be essentially self-contained and transportable (even though moral rights legislation may place certain limitations), it is a much more complex issue in relation to works that depend on establishing a relationship to their surrounding space.

Administrative definitions of authorship are, of course, ones that artists can play with and manipulate, as Morris made clear with his 1963 Statement of Aesthetic Withdrawal. The structure of the work itself, as well as its relation to the artist's oeuvre establishes the awareness of context and nuance that is necessary in order to understand the difference between Morris's Statement of Aesthetic Withdrawal and Judd's ad in Art in America disclaiming authorship of the works exhibited at Ace Gallery. Whereas Morris's statement was an ironic, Duchampian gesture, a denial or removal of authorship that is nonetheless understood as a work of authorship by Morris, Judd's disclaimer was meant literally, and was intended to make sure these particular works were not presented under his name.

that "Panza constantly repeats the word 'project.' I never made 'projects'" (Judd, "Una stanza per Panza" [1990], quoted in Yve-Alain Bois, Donald Judd: New Sculpture [New York: Pace Gallery, 1991], n.p.).

Appropriation and the Structure of Context

The strategy of appropriation insists on the copy as a form of interpretation by drawing attention both to the image or object that has been duplicated and to the setting in which the appropriated form is recontextualized. Instead of presenting the art work as an interpretation of the physical world, the strategy of appropriation allows artists to use forms and images that have already assimilated structures of repetition and reproduction. The goal of appropriation is not the smooth assimilation of a borrowed motif into a new context, but the creation of an awareness of both the source of the appropriation and its conceptual rather than visual transformation.

Recent forms of appropriation have emphasized its potentially critical stance, while at the same time bringing up the question of whether the recontextualization of the object or image is sufficient, in itself, to constitute a form of interpretation or critique. Artists whose works have been linked under the term appropriation employ techniques that are far from equivalent. Consider the differences among the following examples: Sherrie Levine's transformation of printed reproductions of photos taken of paintings into black-and-white photographs; Richard Prince's transformation of printed color reproduction of photos into color

photographs; Jeff Koons's transformation of printed reproductions of photographs and drawings into polychrome sculptures; and Mike Bidlo's transformation of printed reproductions of color photos taken of paintings into paintings. Connected to such differences is the problem of distinguishing between artists who make a significant comment through appropriation and simulation, and those who use such strategies to provide a minor gloss.

Levine's use of appropriation has been particularly significant, and it has been part of a series of explorations through which runs the continuing thread of her interest in the "almost-same."¹⁰⁷ Krauss begins her essay on the Bachelors by quoting Levine's statement "I always wanted to find a way to make a sculpture," and it is a statement that demonstrates the self-conscious use of various forms of mediation central to Levine's approach to her work.¹⁰⁸ Levine has consistently demonstrated what it means for an artist to try to work in a self-conscious way at the end of a century crowded with avant-garde gestures. Through the use of appropriation and other strategies of reference, she situates herself in relation to the history of art while

¹⁰⁷ See Sherrie Levine, interview with Martha Buskirk, October 70 (Fall 1994): 99-103.

¹⁰⁸ Rosalind Krauss, "Bachelors," October 52 (Spring 1990): 53.

nonetheless attempting to avoid the pitfall of naive repetition.¹⁰⁹ Her work thus incorporates into its structure a reflection on the idea of belatedness, and she has attempted to respond to the weight of tradition by addressing it directly: in her earlier works, by simply cutting out and mounting reproductions from books or rephotographing paintings or earlier photographs, and more recently in the sculptural works that incorporate references to a range of early twentieth-century masters.

Levine's use of strategies of reference and repetition also foreground the role of the photographic in ways that emphasize broader conceptual issues, as in several of her early series where she presented a radically streamlined version of collage when she simply cut out and mounted reproductions from books. In other series she has rephotographed Modernist paintings or photographs, working

¹⁰⁹ Buchloh has, for example, argued that Yves Klein's monochromes represent a "clear-cut case of neo-avant-garde paradigm repetition," while at the same time arguing that such repetition is impossible: "it is just this extreme devotion to the details of the painting's surface which indicates most poignantly that the modernist concern with transparency of construction had run its course. Any attempt to refine it, to increase its precision, or to extend the span of the paradigm was bound to result in fetishization." See Benjamin H. D. Buchloh, "Primary Colors for the Second Time," October 37 (Summer 1986): 45, 51. On the other hand, Foster argues that the understanding of earlier avant-garde strategies is shaped by and comprehended through their repetition. See Hal Foster, "What's Neo about the Neo-Avant-Garde?" October 70 (Fall 1994): 5-32.

from reproductions rather than from the actual objects. The photos after photos comment on the importance of reproductions as intermediaries that mediate and structure our understanding of works of art, and they play off of an aspect of reproduction described by Benjamin – the use of the reproduction to allow "the original to meet the beholder halfway" by putting "the copy of the original into situations which would be out of reach for the original itself."¹¹⁰ Such works as the paintings by Cézanne that Levine rephotographed in black-and-white in 1994 are, of course, firmly entrenched in their role as established museum masterpieces. Since she photographs published reproductions, Levine's operation is physically remote from the actual objects and does not require direct interaction with the widely dispersed works that constitute Cézanne's oeuvre. By returning the image of Cézanne's work to the museum or gallery space that the paintings would normally inhabit – a context traditionally reserved for the "original" – Levine returns a version of the reproduction to the same type of fixed position traditionally occupied by the paintings themselves, in an operation that

¹¹⁰ Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction" (1936), in Illuminations, trans. Harry Zohn (New York: Schocken Books, 1969), 220.

simultaneously relies on and revokes the mobility of the reproduction.

Works that incorporate reproduction and appropriated imagery necessarily highlight not only the internal organization of the work, but also the degree to which meaning is structured by context. Whereas the avant-garde strategy of montage emphasizes juxtapositions within the work, Levine establishes a discontinuity that is discovered in the relation between the work and its context – what one might call a montage of one, since the juxtaposition is not created within the image but conceptually in the relation of the image to its frame. Because the photographs after photographs operate within the medium of photography, they mask intervening steps – the fact that they are based on many generations of images, including printed images using halftone screens or color separations. And the mechanical reproductions of mechanical reproductions bring up still other paradoxes when they are returned to books or magazines, contexts in which they are materially indistinguishable from images of the "originals" that they reproduce.

The early photographic works provide a context for her later series of explorations – the generic paintings, the transformations of Brancusi, Duchamp – which also show the connection of her work to strategies associated with

Minimalism (a movement which, not coincidentally, she first became acquainted with in the form of reproductions). Whether in the photographic appropriations or in sculptural work based on the work of avant-garde and modernist masters, Levine reminds the viewer of a fact implicit in Duchamp's work – which is the role of mechanical reproduction as a means for disseminating work, as a source of new materials and methods for artists, and as a field of possibility in which the work and its mechanical double converge and cannot always be clearly differentiated.

The role of technology in creating layers of mediation appears in another variation in Levine's Melt Down paintings, which respond to the history of the monochrome very specifically: on the level of appearance they deviate slightly from earlier examples in that they are painted on wood, and therefore incorporate its grain into their texture.¹¹¹ But the more important distinction is the context in which they are presented – the context of Levine's oeuvre as a whole, a body of work in which she makes very pointed use of appropriation and other strategies of reference in order to comment on and situate herself in relation to the history of art. If their recontextualization were not clear

¹¹¹ On the monochromes, see Rosalind Krauss, "Sherrie Levine Makes a Monochrome," in Das Bild nach dem letzten Bild / The Picture After the Last Picture (Vienna: Galerie Metropol, 1991), 135-38.

enough already, Levine's method for generating the monochromes makes it even more specific: the first set of monochromes was inspired by a form of chance, when a computer consultant who was helping her generate printouts based on dividing up paintings into grids and averaging out the color for each section also produced an overall reading of each work – a monochrome, in other words. But because the averaging out of all the colors in a work of art tended to produce varying shades of gray, Levine turned to the work of Yves Klein. By feeding monochrome works into a computer programmed to produce monochromes, she was able to create monochromes with the same saturated colors that Klein had used. Thus the monochrome was repeated, but in a way that so foregrounded the element of mediation that repetition itself becomes part of the subject of the work.

Form and Information at the End of the Century

Levine's monochromes came about during the process of making another series, also presented under the title of Meltdown – a series of prints from 1989 that made use of a computer-generated grid structure. The twelve colored rectangles that made up each grid were based on computer readings of works by Mondrian, Kirchner, Monet, and Duchamp, using a program designed to average the color in each of the

sections of the grid. While the computer-generated grids used for the Meltdown prints may not look like photographs of paintings, the works do still retain an indexical relation, however attenuated, to their source. Digital technology, which can be used to manipulate representational imagery to create simulations and montage effects, also contains within itself an inherent potential for abstraction, since digital information can be presented in extreme detail, but always to a specifically definable degree. Furthermore, digital images encompass a range, from an indexical relation to the object, mediated by the lens of a digital camera, to entirely manufactured images, with most practices existing somewhere between these poles. Because digital manipulations operate within the information that will constitute the photograph's texture, what is at stake in even the slightest digital manipulation is the destruction of the photograph's indexical relationship to an external object or referent.¹¹² Levine exploited this potential for abstraction in the Meltdown prints, a series that is remarkable for the way in which the internal layering of the final work both completely contains and

¹¹² For a discussion of the indexical nature of the photograph, see Rosalind Krauss, "Notes on the Index: Part 1" (1976) and "Notes on the Index: Part 2" (1977), in The Originality of the Avant-Garde and Other Modernist Myths, 196-219.

effectively conceals the earlier images used as sources for the prints. The paintings on which Levine's grids were based did not themselves have an indexical relationship to an external object. However, the images that were fed into the computer were not the paintings but reproductions – specifically Levine's own 1983 photographs after the works (themselves photographs of already-reproduced images) – so analog photography and the printed image had mediating roles in the process.¹¹³ Collapsed within the final print are all of the earlier stages in the move from painting to photograph to computer-generated grid. Each representation of the painting functions as a screen (or grid) through which visual information is relayed, with the abstraction of the final work produced by the decision to simplify radically the grid through which previously detailed information was transmitted.

One need not look only to digital technology, however, to find examples of the intersection of abstraction and representation. The use of repetition or seriality, the incorporation of techniques of reproduction in the visual arts, as well as other forms of mediation, are also strategies that blur distinctions between representation and abstraction. This was an issue considered by Judd in his

¹¹³ For a description of the prints, see Susan Tallman, "Meltdown," Arts Magazine 64 (April 1990): 25-26.

1965 "Specific Objects" essay, where he drew a parallel between abstract geometric objects and the forms used by Oldenburg: "In the new work the shape, image, color and surface are single and not partial and scattered. There aren't any neutral or moderate areas or parts, any connections or transitional areas."¹¹⁴ Not only do Pop Art and Minimalism both incorporate and respond to industrial forms, but both are involved with aspects of the pregiven or predetermined. One could talk, for example, about a kind of figurative abstraction when identifiable images, such as Warhol's coca-cola bottles or two dollar bills, are presented as a grid of repeated motifs. Similarly, Richter's precise renditions of photographically enlarged brushstrokes constitute minutely representational abstract paintings, and Morley's process of gridding off and inverting the images he used as models treats the representational images as though they were abstract pattern. The link between representational and abstract strategies is also evident in Richter's response to Buchloh regarding the origins of his color chart paintings: Richter connects these "painted color pattern cards," which were based on the color samples provided for commercial paints, to the serial strategies of

¹¹⁴ Donald Judd, "Specific Objects," Arts Yearbook 8 (1965): 78.

Pop Art much more than to the impact of Minimalism.¹¹⁵ What these examples point to is the abstraction inherent in the copy, regardless of the form that is its ostensible subject.

Digital transmission, however, presents an even more encompassing model of the circulation of images reconfigured as an endless decentered series. The full impact of the electronic archive remains to be seen, but already the systems designed to control mechanical reproduction are being subjected to a renewed challenge by the move from analog to digital technology. Even when dealing with photos after photos, one can speak of different "generations" of analog images; but for images, as well as music and texts subject to digital inscription and transmission, even such residual distinctions between original and copy cease to apply. For the digital image, the medium and the mode of transmission are identical, with each repetition of the electronic code exactly duplicating the other versions. The shift to digital technology thus represents a transition from the image itself as the conveyer of information to the image as a manifestation of its underlying code. Digital transmission, even more than earlier modes, opens up a model of circulation in which images and information cycle through

¹¹⁵ Gerhard Richter, interview with Benjamin Buchloh, in Roland Nasgaard, Gerhard Richter: Paintings (New York: Thames and Hudson, 1988), 19.

various permutations – with that which once was texture or surface increasingly rendered as pure information.

The impact of the pervasive image-based media culture and the electronic modes of transmission through which many of its operations take place is being felt within the critical discourse about art. In particular, the term "visual culture" has been used to describe the study of images generated in a wide range of contexts. Of this development, Hal Foster warns that "the challenge to elitist hierarchies and traditional canons is important, but the transformation of art history into image history is also problematic."¹¹⁶ Carol Armstrong is even more suspicious of the "predilection for the disembodied image" under the visual culture model: "Within this model, paintings and such are to be viewed not as particularized things made for particular historical uses, but as exchanges circulating in some great, boundless, and often curiously ahistorical economy of images, subjects, and other representations."¹¹⁷

While a previously unimaginable range of material has been embraced by museums and galleries and by the discourse about contemporary art, so far the entry of mechanically

¹¹⁶ Hal Foster, "The Archive without Museums," October 77 (Summer 1996): 104.

¹¹⁷ Carol Armstrong, Response to Visual Culture Questionnaire, October 77 (Summer 1996): 27.

reproduced images and industrially produced objects into the domain of the original has resulted in a complex process of boundaries challenged and altered, but nonetheless retained and reestablished along new and unexpected lines. The frequent reappearance of a range of forms and strategies or the simulation of conventions associated with one medium in another medium might suggest that the history of art has become a vast ahistorical and dematerialized grab bag of sources to be used both by artists and mass-media ventures. But the fact that the conventions that an artist refers to are in many cases divorced from the original medium with which they are associated does not mean that such associations are necessarily lost or effaced; rather, when used in a sophisticated manner they retain traces of their original context or medium even as they are reinscribed and dissolved into one another as part of a complex overlay of conventions.

It is both the exhibition of contemporary art, and the critical discourse that has arisen around it, that establish the context within which works that play with the conventions of that context can be understood. Works involving appropriation, as well as many other types of contemporary art, would not be read as such were they not presented within the interlocking system of galleries and museums that provides the setting which has come to frame

and structure our understanding of works of art. In turn, the museum itself can be understood as a form of appropriation – a context where the meaning of a work changes while its appearance remains largely constant. In fact, one could argue that the one type of art most clearly not appropriated upon its entry into the museum is art which thematizes that decontextualization, inscribing it into its very structure – and depending on its occurrence for its meaning.

The ongoing reappearance of artistic styles and modes of production is linked to the institutionalization of art and artistic training. When a contemporary artist makes a monochrome or a readymade, the form or strategy is necessarily read in relation to the entire history of its use during the twentieth century. Past artistic practices are inscribed into such works not through the physical marks that indicate the artist's mastery of traditional techniques, but through the work's conceptual position in relation to a history of ideas concerning the nature of the work of art. Clearly it is not necessary for an artist to study the history of the monochrome or the readymade in order to acquire the skills to make such a work; rather, it is incumbent on the artist to establish a conceptual or theoretical relationship to the earlier instances.

Inscribed within such work is a response to the fact that previously discrete forms of art have come to rest in the museum, a context that assimilates distinctions between genres into a different system of categorization based on authorship. This system, though originally founded on stylistic distinctions, has proven sufficiently flexible to encompass a more conceptual understanding of artistic authorship as comprised of a series of strategies and methods rather than a stylistic unity, and it is this same system that has provided the basis for the multi-layered references incorporated into recent artistic practices. The very act of doubling raises questions about the function of the images or forms that are doubled and, at the same time, strengthens the distinction between art and non-art. For if the distinction can still hold even when the art and non-art objects have radically similar appearances, then that fact points backward to the establishment of an extremely elaborate discourse about art and to a highly developed set of art-related institutions. For works that incorporate appropriation, fabrication, designation, or other strategies that undermine traditional assumptions, not only is the definition of authenticity externalized, but it is likely to be that much more carefully and precisely specified the more the fundamental arbitrariness of any such designation becomes apparent.

ILLUSTRATIONS

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BIBLIOGRAPHY

- Abrams, Howard B. "The Historic Foundation of American Copyright Law: Exploding the Myth of Common Law Copyright." Wayne Law Review 29 (Spring 1983): 1120-85.
- Adams, Judith. The American Amusement Park Industry: A History of Technology and Thrills. Boston: Twayne Publishers, 1991.
- Adelman, Peter. "Conservator Overreaching and the Art Owner: Contractual Protections Against Overzealous Restoration of Fine Art." Cardozo Arts & Entertainment Law Journal 12, no. 2 (1994): 521-44.
- Alexander, Edward. Museums in Motion: An Introduction to the History and Functions of Museums. Nashville: American Association for State and Local History, 1979.
- _____. "Early American Museums: From Collection of Curiosities to Popular Education." International Journal of Museum Management and Curatorship 6 (December 1987): 337-51.
- Allen, William. "Legal Tests of Photography-as-Art: Sarony and Others." History of Photography 10 (July-September 1986): 221-28.
- Alpers, Svetlana. The Art of Describing: Dutch Art in the Seventeenth Century. Chicago: University of Chicago Press, 1983.
- Alsop, Joseph. The Rare Art Tradition: The History of Art Collecting and its Linked Phenomena. Princeton and New York: Princeton University Press and Harper & Row, 1982.
- Altshuler, Bruce. The Avant-Garde in Exhibition: New Art in the 20th Century. New York: Abrams, 1994.
- Armstrong, Carol. "Biology, Destiny, Photography: Difference According to Diane Arbus." October 66 (Fall 1993): 28-54.

- _____. "Cupid's Pencil of Light: Julia Margaret Cameron and the Maternalization of Photography." October 76 (spring 1996): 115-41.
- _____. Response to "Visual Culture Questionnaire." October 77 (Summer 1996): 27-28.
- Arning, Bill. "Bill Arning Interviews Sturtevant." In Sturtevant, 9-19. Stuttgart: Wüttembergischer Kunstverein Stuttgart, 1992.
- Baldwin, Carl R. "Haacke: Refusé in Cologne." Art in America 62 (November/December 1974): 35-36.
- Barents, Els. "Typology, Luminescence, Freedom: Selections from a Conversation with Jeff Wall." In Jeff Wall, Transparencies, 95-104. New York: Rizzoli, 1987.
- Bartman, William S., ed. Allan McCollum. Interview by Thomas Lawson. Los Angeles: A.R.T. Press, 1996.
- Batchen, Geoffrey. "Burning with Desire: the Birth and Death of Photography." Afterimage 17 (January 1990): 8-11.
- _____. "Phantasm: Digital Imaging and the Death of Phtography." Aperture 136 (summer 1994): 46-51.
- Battcock, Gregory, ed. Idea Art. New York: E. P. Dutton, 1973.
- Baudelaire, Charles. Art in Paris 1845-1862: Salons and other Exhibitions Reviewed by Charles Baudelaire. Translated and edited by Jonathan Mayne. Oxford: Phaidon, 1965.
- Baxandall, Michael. Painting and Experience in Fifteenth Century Italy. Oxford and New York: Oxford University Press, 1972.
- Bazin, Germain. The Museum Age. Translated by Jane van Nuis Cahill. New York: Universe Books, 1967.
- Benjamin, Roger. "Recovering Authors: The Modern Copy, Copy Exhibitions and Matisse." Art History 12 (June 1989): 176-201.
- Benjamin, Walter. Illuminations. Translated by Harry Zohn. New York: Schocken Books, 1969.

- Bennett, Tony. The Birth of the Museum: History, Theory, Politics. London and New York: Routledge, 1995.
- Berger, Maurice. How Art Becomes History: Essays on Art, Society, and Culture in Post-New Deal America. New York: Icon Editions, 1992.
- Blagden, Cyprian. The Stationers' Company: A History, 1403-1959. Stanford: Stanford University Press, 1977.
- Bletter, Rosemarie Haag. "Waiting for Utopia." In The Edge of the Millennium, ed. Susan Yelavinch, 47-59. New York: Whitney Library of Design, 1993.
- Boime, Albert. "Le Musée des Copies." Gazette des Beaus-Arts 64 (October 1964): 237-47.
- Bois, Yve-Alain, Douglas Crimp, and Rosalind Krauss. "A Conversation With Hans Haacke." October 30 (Fall 1984): 23-48.
- Bois, Yve-Alain. Donald Judd: New Sculpture. New York: Pace Gallery, 1991.
- Bolton, Richard, ed. The Contest of Meaning: Critical Histories of Photography. Cambridge: MIT Press, 1990.
- Bonk, Ecke. Duchamp: The Box in a Valise. Translated by David Britt. New York: Rizzoli, 1989.
- Borja-Villel, Manuel J. The End(s) of the Museum. Barcelona: Fundació Antoni Tàpies, 1995.
- Bourdieu, Pierre. Distinction: A Social Critique of the Judgement of Taste. Translated by Richard Nicee. Cambridge: Harvard University Press, 1984.
- _____, and Alain Darbel. The Love of Art: European Art Museums and their Public. Translated by Caroline Beattie and Nick Merriman. Stanford: Stanford University Press, 1990.
- Bourdon, David. "Carl Andre Protests Museological 'Mutilation.'" Village Voice, May 31, 1976: 117.
- _____. Carl Andre: Sculpture 1959-1977. Foreword by Barbara Rose. New York: Jaap Rietman, 1978.

- Bronson, A. A., and Peggy Gale, eds. Museums by Artists. Toronto: Art Metropole, 1983.
- Brown, Julia, and Bridget Johnson, eds. The First Show: Painting and Sculpture from Eight Collections 1940-1980. Los Angeles: The Museum of Contemporary Art, 1983.
- Bruggen, Coosje van. John Baldessari. New York: Rizzoli, 1990.
- Buchloh, Benjamin H. D., Serge Guibaut, and David Solkin, eds. Modernism and Modernity. Halifax: Press of the Nova Scotia College of Art and Design, 1983.
- Buchloh, Benjamin H. D. "Primary Colors for the Second Time." October 37 (summer 1986): 41-52.
- _____. "Hans Haacke: Memory and Instrumental Reason." Art in America 76 (February 1988): 97-107, 157-59.
- _____. "A Note on Gerhard Richter's October 18, 1977." October 48 (Spring 1989): 89-109.
- _____. "Conceptual Art 1962-1969: From the Aesthetics of Administration to the Critique of Institutions." October 55 (Winter 1990): 105-43.
- _____. "Richter's Fracture: Between the Synecdoche and the Spectacle." Reprinted in The New Art: An International Survey, ed. Andreas Papadakis, 191-96. New York: Rizzoli, 1991.
- _____. Gerhard Richter. New York: Marian Goodman Gallery, 1993.
- _____. "Three Conversations in 1985: Claes Oldenburg, Andy Warhol, Robert Morris." October 70 (Fall 1994): 33-54.
- _____. "Divided Memory and Post-Traditional Identity: Gerhard Richter's Work of Mourning." October 75 (Winter 1996): 61-82.
- Burger, Peter. Theory of the Avant-Garde. Translated by Michael Shaw. Minneapolis: University of Minnesota Press, 1984.
- Bürgi, Bernhard, ed. Sherrie Levine. Essay by David Deitcher. Zürich: Kunsthalle Zürich, 1991.

- Burnham, Jack. "Hans Haacke's Cancelled Show at the Guggenheim." Artforum 9 (June 1971): 67-71.
- _____. "Meditations on a Bunch of Asparagus." Arts Magazine 49 (February 1975): 72-75.
- Burt, Nathaniel. Palaces for the People: A Social History of the American Art Museum. Boston: Little, Brown & Company, 1977.
- Buskirk, Martha. "Moral Rights: First Step or False Start?" Art in America 79 (July 1991): 37-45.
- _____. "Commodification as Censor: Copyrights and Fair Use." October 60 (spring 1992): 83-109.
- _____. "Appropriation Under the Gun." Art in America 80 (June 1992):
- _____. "Interviews with Sherrie Levine, Louise Lawler, and Fred Wilson." October 70 (fall 1994): 99-112.
- _____. "Thoroughly Modern Marcel." October 70 (fall 1994): 113-25.
- _____. "Tilted Arc In and Out of Context." In Richard Serra: Intersection, ed. Martin Schwander, 98-115. Basel: Christoph Merian Verlag, 1996.
- Cabanne, Pierre. Dialogues with Marcel Duchamp. Translated by Ron Padgett. New York: Da Capo Press, 1979.
- Cameron, Dan. "A Conversation: A Salon History of Appropriation with Leo Castelli and Elaine Sturtevant." Flash Art 143 (November/December 1988): 76-77.
- Camfield, William. "Marcel Duchamp's Fountain: Its History and Aesthetics in the Context of 1917." In Marcel Duchamp: Artist of the Century, ed. Rudolf Kuenzli and Francis M. Naumann, 64-94. Cambridge: MIT Press, 1989.
- Carlin, John. "Culture Vultures: Artistic Appropriation and Intellectual Property Law." Columbia--VLA Journal of Law and the Arts 13, no. 1 (1988): 103-43.
- Carter, T. Barton, Marc A. Franklin and Jay B. Wright. The First Amendment and the Fourth Estate: The Law of Mass Media. Westbury, N.Y.: The Foundation Press, 1991.

- Castleman, Riva. Printed Art: A View of Two Decades. New York: The Museum of Modern Art, 1980.
- _____. Prints of the 20th Century: A History. New York and London: Thames and Hudson, 1988.
- Chagares, Michael A. "Parody or Piracy: The Protective Scope of the Fair Use Defense to Copyright Infringement Actions Regarding Parodies." Columbia--VLA Journal of Law and the Arts 12, no. 2 (1988).
- Clairret, Alain, and Jean-François Taddei. Oeuvres Originales. Essays by Didier Semin and David Deitcher. Gétigné-Clisson: F.R.A.C. des Pays de la Loire, 1991.
- Clark, T. J. The Painting of Modern Life: Paris in the Art of Manet and His Followers. New York: Knopf, 1984.
- _____, Serge Guilbaut, and Anne Wagner. "Representation, Suspicions, and Critical Transparency: An Interview with Jeff Wall." Parachute 59 (July, August, September 1990): 4-10.
- Clifford, James. The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art. Cambridge and London: Harvard University Press, 1988.
- Clifford, Timothy. "The Historical Approach to the Display of Paintings." International Journal of Museum Management and Curatorship 1 (June 1982): 93-106.
- Close, Chuck. "A Progression by Chuck Close: Who's Afraid of Photography?" Artforum 22 (May 1984): 50.
- Coleman, Laurence Vail. The Museum in America: A Critical Study. Three volumes. Washington, D.C.: The American Association of Museums, 1939.
- Compton, Michael. "Malcolm Morley." In Malcolm Morley: Paintings 1965-82. London: Whitechapel Art Gallery, 1983.
- Coplans, John. "Talking with Roy Lichtenstein," Artforum 5 (May 1967): 34-39.
- Cox, Gail Diane. "Don't Mess With the Mouse." The National Law Journal, July 31, 1989: 1, 26.

- Crane, Diana. The Transformation of the Avant-Garde: The New York Art World, 1940-1985. Chicago: University of Chicago Press, 1987.
- Crary, Jonathan. Techniques of the Observer: On Vision and Modernity in the Nineteenth Century. Cambridge: MIT Press, 1990.
- Crimp, Douglas. On the Museum's Ruins. Cambridge: MIT Press, 1993.
- Crow, Thomas. Painters and Public Life in Eighteenth-Century Paris. New Haven and London: Yale University Press, 1985.
- _____. "The Return of Hank Herron." In Endgame: Reference and Simulation in Recent Sculpture, ed. David Joselit and Elisabeth Sussman, 11-27. Boston: Institute of Contemporary Art, 1986.
- _____. "Hand-Made Photographs and Homeless Representation." October 62 (Fall 1992): 123-32.
- _____. "The Simple Life: Pastoralism and the Persistence of Genre in Recent Art." October 63 (Winter 1993): 41-67.
- _____. "Profane Illuminations." Artforum 31 (February 1993): 62-69.
- Cumming, Hugh. "Roy Lichtenstein," in Art in the Age of Pluralism: An Art & Design Profile, ed. Andreas Papadakis, 49-52. New York and London: St. Martin's Press and Academy Editions, 1988.
- Cushman, Karen. "Museum Studies: The Beginnings, 1900-26." Museum Studies Journal 1 (Spring 1984): 8-18.
- Davenport, Kimberly. "Impossible Liberties: Contemporary Artists on the Life of Their Work over Time." Art Journal 54 (Summer 1995): 40-43.
- de Coppet, Laura, and Alan Jones. The Art Dealers. New York: Clarkson N. Potter, 1984.
- de Duve, Thierry, "Marcel Duchamp, or The Phynancier of Modern Life." Translated by Rosalind Krauss. October 52 (spring 1990): 61-74.

- _____, ed. The Definitively Unfinished Marcel Duchamp. Cambridge: MIT Press, 1991.
- _____, Areille Pelenc, and Boris Groys. Jeff Wall. London: Phaidon Press, 1996.
- de Groot, Elbrig, ed. Edward Ruscha: Paintings. Rotterdam: Museum Boymans-van Beuningen, 1990.
- De Salvo, Donna. Past Imperfect: A Museum Looks at Itself. With essays by Maurice Berger and Alan Wallach. Southhampton and New York: The Parrish Art Museum and The New Press, 1993.
- _____, and Paul Schimmel. Hand-Painted Pop: American Art in Transition 1955-62. Los Angeles and New York: Museum of Contemporary Art and Rizzoli, 1993.
- Deutsche, Rosalyn, and Cara Gendel Ryan. "The Fine Art of Gentrification." October 31 (Winter 1984): 91-111.
- DiMaggio, Paul. Nonprofit Enterprise in the Arts: Studies in Mission and Constraint. New York and Oxford: Oxford University Press, 1986.
- _____. "Constructing an Organizational Field as a Professional Project: U.S. Art Museums, 1920-1940." In The New Institutionalism in Organizational Analysis, ed. Walter Powell and Paul DiMaggio, 267-92. Chicago: University of Chicago Press, 1991.
- Dreier, Franz Adrian. "The Kunstammer of the Hessian Landgraves in Kassel." In The Origins of Museums, ed. Oliver Impey and Arthur MacGregor, 102-9. Oxford: Clarendon Press, 1985.
- Druckrey, Tomothy, and Charles Stainback, ed. Iterations: The New Image. New York and Cambridge: International Center of Photography and MIT Press, 1993.
- DuBoff, Leonard D. The Deskbook of Art Law. Washington, D.C., Federal Publications, 1977.
- _____. "What is Art? Toward a Legal Definition." COMM/ENT (Hastings Communications and Entertainment Law Journal) 12, no. 3 (1990): 303-51.
- Duchamp, Marcel. The Writings of Marcel Duchamp. Edited by Michel Sanouillet and Elmer Peterson. 1973; reprint New York: Da Capo Press, 1989.

- Duncan, Carol, and Alan Wallach. "The Universal Survey Museum." Art History 3 (December 1980): 448-69.
- Duro, Paul. "'Un Livre Ouvert à L'Instruction': Study Museums in Paris in the Nineteenth Century." The Oxford Art Journal 10, no. 1 (1987): 44-58.
- _____. "Copyists in the Louvre in the Middle Decades of the Nineteenth Century." Gazette des Beaux-Arts 111 (April 1988), 249-64.
- Dutton, Denis, ed. The Forger's Art: Forgery and the Philosophy of Art. Berkeley: University of California Press, 1983.
- Elger, Dietmar, and Thomas Weski. Louise Lawler: For Sale. Ostfildern: Cantz Verlag, 1994.
- Elkins, James. "From Original to Copy and Back Again." British Journal of Aesthetics 33 (April 1993): 113-20.
- Elsner, John, and Roger Cardinal. The Cultures of Collecting. Cambridge: Harvard University Press, 1994.
- Ewen, Stuart and Elizabeth. Channels of Desire: Mass Images and the Shaping of American Consciousness. New York: McGraw-Hill, 1982.
- Failing, Patricia. "Judd and Panza Square Off." Artnews 89 (November 1990): 146-51.
- Fawcett, Trevor. "Visual Facts and the Nineteenth-Century Art Lecture." Art History 6 (December 1983): 442-60.
- _____. "Graphic Versus Photographic in the Nineteenth-Century Reproduction." Art History 9 (June 1986): 185-212.
- Feather, John. A History of British Publishing. London: Routledge, 1988.
- _____. "Authors, Publishers and Politicians: The History of Copyright and the Book Trade." European Intellectual Property Review 11 (December 1989): 377-79.
- Feldman, Franklin, Stephen E. Weil, and Susan Duke Biederman. Art Law: Rights and Liabilities of Creators and Collectors. Two volumes. Boston: Little, Brown and Co., 1986.

- Feldstein, Martin, ed. The Economics of Art Museums. Chicago: University of Chicago Press, 1991.
- Ferguson, Bruce. "Of and By Roses ReRead." In Sherrie Levine: Fountain. New York: Mary Boone Gallery, 1991.
- Ferguson, Russell, Martha Gever, Trinh T. Minh-ha, and Cornel West, eds. Out There: Marginalization and Contemporary Cultures. New York and Cambridge: New Museum of Contemporary Art and MIT Press, 1990.
- Flam, Jack. "New Masters: Cleaning the Classics Can Change their Style and Meaning." Connoisseur 216 (March 1986): 76-82.
- Foster, Hal, ed. The Anti-Aesthetic: Essays on Postmodern Culture. Seattle: Bay Press, 1983.
- _____. Recodings: Art, Spectacle, Cultural Politics. Seattle: Bay Press, 1985.
- _____. "The Crux of Minimalism." In Individuals: A Selected History of Contemporary Art 1945-86, ed. Howard Singerman, 162-83. Los Angeles and New York: Museum of Contemporary Art and Abbeville Press, 1986.
- _____, ed. Discussions in Contemporary Culture. Dia Art Foundation, Discussions in Contemporary Culture, Number One. Seattle: Bay Press, 1987.
- _____. "What's Neo about the Neo-Avant-Garde?" October 70 (Fall 1994): 5-32.
- _____. "The Archive without Museums," October 77 (Summer 1996): 97-119.
- Foucault, Michel. "What is an Author?" In Language, Counter-Memory, Practice. Translated by Donald F. Bouchard and Sherry Simon. Ithaca: Cornell University Press, 1977.
- Fraser, Andrea. "In and Out of Place." Art in America 73 (June 1985): 122-28.
- Gaines, Jane M. Contested Culture: The Image, the Voice, and the Law. Chapel Hill: University of North Carolina Press, 1991.
- Garrels, Gary, ed. The Work of Andy Warhol. Seattle: Bay Press, 1989.

- _____. Public Information: Desire, Disaster, Document. Essays by Jim Lewis, Sandra S. Phillips, Christopher Phillips, Abigail Solomon-Godeau, and Robert R. Riley. San Francisco: San Francisco Museum of Modern Art, 1994.
- Gash, John. "Rembrandt or Not?" Art in America 81 (January 1993): 57-69, 127.
- Germer, Stefan. "Unbidden Memories." In Gerhard Richter: 18. Oktober 1977, 7-9. London: Institute of Contemporary Arts, 1989.
- Ginzburg, Carlo. "Clues: Morelli, Freud, and Sherlock Holmes." In The Sign of Three: Dupin, Holmes, Pierce, ed. Umberto Eco and Thomas A. Sebeok, 81-118. Bloomington: Indiana University Press, 1983.
- Glennon, Lorraine. "The Museum and the Corporation: New Realities," Museum News 67 (January/February 1988): 36-43.
- Goldstein, Ann, and Anne Rorimer. Reconsidering the Object of Art: 1965-75. With essays by Lucy R. Lippard, Stephen Melville, and Jeff Wall. Los Angeles and Cambridge: Museum of Contemporary Art and MIT Press, 1995.
- Goldstein, Ann, and Jary Jane Jacob. A Forest of Signs: Art in the Crisis of Representation. Edited by Catherine Gudis. Los Angeles and Cambridge: Museum of Contemporary Art and MIT Press, 1989.
- Goodman, Nelson. Languages of Art: An Approach to a Theory of Symbols. Indianapolis: Bobbs-Merrill, 1968.
- Greenberg, Clement. Art and Culture. Boston: Beacon Press, 1961.
- _____. The Collected Essays and Criticism. Edited by John O'Brien. Four volumes. Chicago: University of Chicago Press, 1986-93.
- Greenberg, Reesa, Bruce W. Ferguson, and Sandy Nairne, eds. Thinking About Exhibitions. London and New York: Routledge, 1996.
- Grundberg, Andy, and Kathleen McCarth Gauss. Photography and Art: Interactions Since 1946. Los Angeles and New York: Los Angeles County Museum of Art and Abbeville Press, 1987.

- Guilbaut, Serge. How New York Stole the Idea of Modern Art: Abstract Expressionism, Freedom, and the Cold War. Chicago: University of Chicago Press, 1983.
- _____, ed. Reconstructing Modernism: Art in New York, Paris, and Montreal 1945-1964. Cambridge: MIT Press, 1990.
- Haacke, Hans. "Museums, Managers of Consciousness." In Hans Haacke: Unfinished Business, ed. Brian Wallis, 60-72. New York and Cambridge: New Museum and MIT Press, 1986.
- Halbreich, Kathy, and Neal Benezra. Bruce Nauman. Minneapolis: Walker Art Center, 1994.
- Hapgood, Susan. "Remaking Art History." Art in America 78 (July 1990): 115-22, 181.
- _____. Neo-Dada: Redefining Art, 1958-60. New York: Universe and American Federation of Arts, 1994.
- Harris, Neil. "The Gilded Age Revisited: Boston and the Museum Movement." American Quarterly 14 (Winter 1962): 545-66.
- _____. Humbug: The Art of P. T. Barnum. Boston: Little, Brown & Company, 1973.
- _____. Cultural Excursions: Marketing Appetites and Cultural Taste in Modern America. Chicago: University of Chicago Press, 1990.
- _____. "Polling for Opinions," Museum News 69 (September/October 1990): 46-53.
- Haskell, Barbara. Blam! The Explosion of Pop, Minimalism, and Performance 1958-64. New York: Whitney Museum of American Art and W. W. Norton, 1984.
- Haskell, Francis. Patrons and Painters: Art and Society in Baroque Italy. New Haven and London: Yale University Press, 1980.
- _____. The Painful Birth of the Art Book. New York and London: Thames and Hudson, 1987.
- Hayt-Atkins, Elizabeth. "Mastering Pieces." Art & Auction 10 (April 1988): 10.

- Holst, Neils von. Creators, Collectors and Connoisseurs: The Anatomy of Artistic Taste from Antiquity to the Present Day. Translated by Brian Battershaw. New York: G. P. Putnam's Sons, 1967.
- Huyssen, Andreas. After the Great Divide: Modernism, Mass Culture, Postmodernism. Bloomington: Indiana University Press, 1986.
- _____. Twilight Memories: Marking Time in a Culture of Amnesia. New York: Routledge, 1994.
- Impey, Oliver, and Arthur MacGregor, eds. The Origins of Museums: The Cabinet of Curiosities in Sixteenth- and Seventeenth-Century Europe. Oxford: Clarendon Press, 1985.
- Ivins, William. Prints and Visual Communication. 1953; reprint Cambridge: MIT Press, 1969.
- James, David. "The Unsecret Life: A Warhol Advertisement." October 56 (Spring 1991): 21-41.
- Jameson, Fredric. Postmodernism, or, The Cultural Logic of Late Capitalism. Durham: Duke University Press, 1991.
- Johnson, Ken. "Starship Guggenheim." Art in America 80 (September 1992): 106-19.
- Jones, Mark, ed. Fake? The Art of Deception. Berkeley: University of California Press, 1990.
- _____, ed. Why Fakes Matter. London: British Museum Press, 1992.
- Jordanova, Ludmilla. "Objects of Knowledge: A Historical Perspective on Museums." In The New Museology, ed. Peter Vergo, 22-40. London: Reaktion Books, 1989.
- Judd, Donald. "Specific Objects." Arts Yearbook 8 (1965): 74-82.
- _____. Complete Writings 1959-1975. Halifax and New York: Press of the Nova Scotia College of Art and Design and New York University Press, 1975.
- Karp, Ivin, and Steven D. Lavine, eds. Exhibiting Cultures: The Poetics and Politics of Museum Display. Washington, D.C.: Smithsonian Institution Press, 1991.

- Karpinski, Caroline. "The Print in Thrall to Its Original: A Historiographic Perspective." In Retaining the Original, ed. Rosalind Krauss, 101-9. Washington: National Gallery of Art, 1989.
- Kelder, Diane. "Prints: Jasper Johns at Hofstra." Art in America 61 (January/February 1973): 109-11.
- _____. "The Graphic Revival." Art in America 61 (July/August 1973): 110-13.
- Kester, Grant. "Rhetorical Questions: The Alternative Arts Sector and the Imaginary Public." Afterimage 20 (January 1993): 10-16.
- King, Margaret J. "Theme Park Thesis." Museum News 69 (September/October 1990): 60-62.
- Knight, Christopher. Art of the Sixties and Seventies: The Panza Collection. Interview with Giuseppe Panza by Christopher Knight. Preface by Richard Koshaleck and Sherri Geldin. New York: Rizzoli, 1988.
- Kolbowski, Silvia. XI Projects. Texts by Johanne Lamoureux, Lynne Tillman, and Rainer Ganahl. New York: Border Editions, c.1992.
- Koons, Jeff. The Jeff Koons Handbook. New York: Rizzoli, 1992.
- Krauss, Rosalind. "Changing the Work of David Smith." Art in America 62 (September/October 1974): 30-34.
- _____. Passages in Modern Sculpture. Cambridge: MIT Press, 1981.
- _____. The Originality of the Avant-Garde and other Modernist Myths. Cambridge: MIT Press, 1985.
- _____. "Originality as Repetition: Introduction." October 37 (Summer 1986): 35-40.
- _____. Richard Serra/Sculpture. New York: Museum of Modern Art, 1986.
- _____, ed. Retaining the Original: Multiple Originals, Copies, and Reproductions. Washington: National Gallery of Art, 1989.
- _____. "Bachelors." October 52 (Spring 1990): 52-59.

- _____. "The Cultural Logic of the Late Capitalist Museum." October 54 (Fall 1990): 3-17.
- _____. "Where's Poppa?" In The Definitively Unfinished Marcel Duchamp, ed. Thierry de Duve, 433-62. Cambridge: MIT Press, 1991.
- _____. "Sherrie Levine Makes a Monochrome." In Das Bild nach dem letzten Bild / The Picture After the Last Picture, 135-38. Vienna: Galerie Metropol, 1991.
- _____. The Optical Unconscious. Cambridge: MIT Press, 1993.
- _____. Cindy Sherman 1975-1993. With an essay by Norman Bryson. New York: Rizzoli, 1993.
- _____, and Thomas Krens. Robert Morris: The Mind/Body Problem. New York: Guggenheim Museum, 1994.
- _____. "Louise Lawler: Souvenir Memories." Aperture 145 (Fall 1996): 36-39.
- _____. "Rachel Whiteread: Making Space Matter." Tate 10 (Winter 1996): 33-36.
- Kühn, Hermann. "The Restoration of Historic Technological Artefacts, Scientific Instruments and Tools." International Journal of Museum Management and Curatorship 8 (December 1989): 389-405.
- Lambert, Susan. The Image Multiplied: Five Centuries of Printed Reproductions of Paintings and Drawings. London: Trefoil Publications, 1987.
- Legg, Alicia, ed. Sol LeWitt. With essays by Lucy Lippard, Robert Rosenblum, and Bernice Rose. New York: The Museum of Modern Art, 1978.
- Leval, Pierre N. "Toward a Fair Use Standard." Harvard Law Review 103 (March 1990): 1105-36.
- LeWitt, Sol. "Paragraphs on Conceptual Art." Artforum 5 (Summer 1967): 79-83.
- Lipman, Jean, and Richard Marshall. Art About Art. New York: E. P. Dutton, 1978.

- Littlejohn, David. "Who Is Jeff Koons and Why Are People Saying Such Terrible Things About Him?" Art News 92 (April 1993): 91-94.
- Loock, Ulrich, ed. Michael Asher. Bern: Kunsthalle Bern, 1995.
- Lowenthal, David. The Past Is a Foreign Country. Cambridge: Cambridge University Press, 1985.
- _____. "Authenticity? The Dogma of Self-Delusion." In Why Fakes Matter, ed. Mark Jones, 184-92. London: British Museum Press, 1992.
- Lumley, Robert, ed. The Museum Time-Machine: Putting Cultures on Display. London and New York: Routledge, 1988.
- Mainardi, Patricia. Art and Politics of the Second Empire: The Universal Expositions of 1855 and 1867. New Haven: Yale University Press, 1987.
- _____. "Postmodern History at the Musée d'Orsay." October 41 (Summer 1987): 31-52.
- Malraux, André. Museum Without Walls. Translated by Stuart Gilbert and Francis Price. Garden City, New York: Doubleday, 1967.
- Mamiya, Christin J. Pop Art and Consumer Culture: American Super Market. Austin: University of Texas Press, 1992.
- Mann, Peter Robert. "Working Exhibits and the Destruction of Evidence in the Science Museum." International Journal of Museum Management and Curatorship 8 (December 1989): 369-87.
- Marshal, Richard. Immaterial Objects: Works from the Permanent Collection of the Whitney Museum of American Art New York. New York: The Whitney Museum, 1989.
- Masheck, Joseph. "Bidlo's Pablo." Art in America 76 (May 1988): 172-75
- McClellan, Andrew. Inventing the Louvre: Art, Politics, and the Origins of the Modern Museum in Eighteenth-Century Paris. Cambridge and New York: Cambridge University Press, 1994.
- McShine, Kynaston, Information. New York: Museum of Modern Art, 1970.

- _____, ed. Andy Warhol: A Retrospective. Essays by Robert Rosenblum, Benjamin H. D. Buchloh, and Marco Livingstone. New York: Museum of Modern Art, 1989.
- Melot, Michel, Antony Griffiths, and Richard S. Field. Prints: History of an Art. New York: Rizzoli, 1981.
- Melot, Michel. "La notion d'originalite et son importance dans la definition des objets d'art." In Sociologie de l'art, ed. Raymonde Moulin, 191-202. Paris: La Documentation Française, 1986.
- Merryman, John Henry, and Albert E. Elsen. Law, Ethics, and the Visual Arts. Second edition. Two volumes. Philadelphia: University of Pennsylvania Press, 1987.
- Messer, Thomas M. "Guest Editorial." Arts Magazine 45 (Summer 1971): 4-5.
- Meyer, James. Exhibition brochure for Sand-Lime Instar. Gagosian Gallery, January 10-February 11, 1995.
- Meyer, Karl E. The Art Museum: Power, Money, Ethics. New York: William Morrow & Company, 1979.
- Meyer, Ursula. Conceptual Art. New York: E. P. Dutton, 1972.
- Miller, Arthur R., and Michael H. Davis. Intellectual Property: Patents, Trademarks, and Copyright. St. Paul, Minn.: West Publishing Co., 1990.
- Miller-Keller, Andrea. Sol LeWitt Wall Drawings 1968-84. Amsterdam: Stedelijk Museum, 1984.
- Mitchell, William J. The Reconfigured Eye: Visual Truth in the Post-Photographic Era. Cambridge: MIT Press, 1992.
- Montias, J. M. "On Art and Economic Reasoning." Art in America 76 (July 1988): 23-27.
- Morris, Gay. "When Artists Use Photographs: Is it Fair Use, Legitimate Transformation or Rip-Off?" Artnews 80 (January 1981): 102-6.
- Moulin, Raymonde. The French Art Market: A Sociological View. Translated by Arthur Goldhammer. New Brunswick: Rutgers University Press, 1987.

- Muller, Jeffrey M. "Measures of Authenticity: The Detection of Copies in the Early Literature on Connoisseurship." In Retaining the Original: Multiple Originals, Copies, and Reproductions ed. Rosalind Krauss, 141-49. Washington: National Gallery of Art, 1989.
- Nesbit, Molly. "What Was an Author?" Yale French Studies 73 (1987): 229-57.
- _____. "Ready-Made Originals: The Duchamp Model." October 37 (Summer 1986): 53-75.
- Nochlin, Linda. "Museums and Radicals: A History of Emergencies." In Museums in Crisis, ed. Brian O'Doherty, 7-41. New York: George Braziller, 1972.
- _____. "The Flowering of American Realism." In Real, Really Real, Super Real. San Antonio: San Antonio Museum Association, 1981.
- _____, Robert Rosenblum, and Alain Kirili. "The Musée d'Orsay: A Symposium." Art in America 76 (January 1988): 84-107.
- _____. The Politics of Vision: Essays on Nineteenth-Century Art and Society. New York: Harper and Row, 1989.
- Nunberg, Geoffrey. "The Places of Books in the Ages of Electronic Reproduction." Representations 42 (Spring 1993): 13-37.
- O'Doherty, Brian, ed. Museums in Crisis. Foreword by Nancy Hanks. New York: George Braziller, 1972.
- _____. Inside the White Cube: The Ideology of the Gallery Space. Introduction by Thomas McEvelley. San Francisco: The Lapis Press, 1986.
- Olmi, Giuseppe. "Science-Honour-Metaphor: Italian Cabinets of the Sixteenth and Seventeenth Centuries." In The Origins of Museums, ed. Oliver Impey and Arthur MacGregor, 5-16. Oxford: Clarendon Press, 1985.
- Orosz, Joel. Curators and Culture: The Museum Movement in America, 1740-1870. Tuscaloosa: University of Alabama Press, 1990.

- Pagé, Suzanne. Un Choix d'Art Minimal dans la Collection Panza. Interview with Guisepppe Panza de Biumo by Suzanne Pagé and Juliette Laffon. Essay by Phyllis Tuchman. Paris: Musée d'Art Moderne de la Ville de Paris, 1990.
- Pearce, Susan M. Museums, Objects, and Collections: A Cultural Study. Washington, D.C.: Smithsonian Institution Press, 1992.
- Phillips, Christopher. "The Judgment Seat of Photography." October 22 (Fall 1982): 27-63.
- Pointon, Marcia. Art Apart: Art Institutions and Ideology Across England and North America. Manchester and New York: Manchester University Press, 1994.
- Pope, Daniel. The Making of Modern Advertising. New York: Basic Books, 1983.
- Price, Sally. Primitive Art in Civilized Places. Chicago: University of Chicago Press, 1989.
- _____, and Richard Price. Equatoria. New York and London: Routledge, 1992.
- Rainbird, Sean. "Variations on a Theme: The Paintings of Gerhard Richter." In Gerhard Richter. London: The Tate Gallery, 1991.
- Reise, Barbara. "A Tail of Two Exhibitions: The Aborted Haacke and Robert Morris Shows." Studio International 182 (July/August 1971): 30-37.
- Reitlinger, Gerald. The Economics of Taste: The Rise and Fall of the Picture Market 1760-1960. Three volumes. New York: Holt, Rinehart and Winston, 1961.
- Richardson, Brenda. Bruce Nauman: Neons. Baltimore: The Baltimore Museum of Art, 1983.
- Richter, Gerhard. The Daily Practice of Painting: Writings and Interviews 1962-1993. Edited by Hans-Ulrich Obrist. Translated by David Britt. Cambridge and London: MIT Press and the Anthony d'Offay Gallery, 1995.
- Ripley, Dillon. The Sacred Grove: Essays on Museums. 1969; reprinted Washington, D.C.: Smithsonian Institution Press, 1978.

- Robinson, Walter. "Copyright Snarl for U.S. Museums." Art in America 83 (October 1995): 31.
- Robson, Anne Deirdre. "The Market for Modern Art in New York in the Nineteen Forties and Nineteen Fifties - A Structural and Historical Survey." Ph.D. diss., University College, London, 1988.
- Rose, Barbara. Claes Oldenburg. New York: The Museum of Modern Art, 1970.
- Rosenberger, Jack. "De Kooning Suit Settled," Art in America 81 (November 1993): 37.
- Ross, David A., and Jürgen Harten. The Binational: American Art of the Late 80s. Boston: Institute of Contemporary Art, 1988.
- Rydell, Robert W. All the World's a Fair: Visions of Empire at American International Expositions, 1876-1916. Chicago: University of Chicago Press, 1984.
- Sawelson-Gorse, Naomi. "Hollywood Conversations: Duchamp and the Arensbergs." In West Coast Duchamp, ed. Bonnie Clearwater, 25-45. Miami Beach: Grassfield Press, 1991.
- Schwarz, Arturo. The Complete Works of Marcel Duchamp. New York: Abrams, 1969.
- Seelig, Lorenz. "The Munich Kunstammer, 1565-1807." In The Origins of Museums, ed. Oliver Impey and Arthur MacGregor, 76-89. Oxford: Clarendon Press, 1985.
- Serra, Richard. Writings/Interviews. Chicago: University of Chicago Press, 1994.
- Shapiro, Michael, ed. The Museum: A Reference Guide. New York: Greenwood Press, 1990.
- Shiff, Richard. "Mastercopy." Iris 1, no. 2 (1983): 113-27.
- _____. "The Original, the Imitation, the Copy, and the Spontaneous Classic: Theory and Painting in Nineteenth-Century France." Yale French Studies 66 (1984): 27-54.
- _____. "Representation, Copying, and the Technique of Originality." New Literary History 15 (Winter 1984): 333-63.

- Shiner, Larry. "'Primitive Fakes,' 'Tourist art,' and the Ideology of Authenticity." The Journal of Aesthetics and Art Criticism 52 (Spring 1994): 225-34.
- Siegel, Jeanne, ed. Art Talk: The Early 80s. New York: Da Capo Press, 1988.
- Simpson, Colin. "The Tate Drops a Costly Brick." The Sunday Times (London), February 15, 1996: 53.
- Singer, Susanna, ed. Sol LeWitt: Drawings 1958-1992. The Hague: Haags Gemeentemuseum, 1992.
- Singerman, Howard. "Professing Postmodernism: The Visiting Artist and the Model." More and Less (1994): 167-98.
- Smith, Charles Saumarez. "Museums, Artefacts, and Meanings." In The New Museology, ed. Peter Vergo, 6-21. London: Reaktion Books, 1989.
- Sorensen, Colin. "Theme Parks and Time Machines." In The New Museology, ed. Peter Vergo, 60-73. London: Reaktion Books, 1989.
- Soutif, Daniel. "Pictures and an Exhibition." Artforum 29 (March 1991): 83-89.
- Stack, Trudy Wilner. Art Museum. Tucson: University of Arizona Center for Creative Photography, 1995.
- Stainback, Charles. Special Collections: The Photographic Order from Pop to Now. New York: International Center of Photography, 1992.
- Steinberg, Leo. "Introduction: The Glorious Company." In Jean Lipman and Richard Marshall, Art About Art, 8-31. New York: E. P. Dutton, 1978.
- Stewart, Susan. On Longing: Narratives of the Miniature, the Gigantic, the Souvenir, the Collection. Durham and London: Duke University Press, 1993.
- Storr, Robert. Dislocations. New York: Museum of Modern Art and Abrams, 1991.
- Swenson, G. R. "What is Pop Art?" Part I: interviews with Jim Dine, Robert Indiana, Roy Lichtenstein, and Andy Warhol. Art News 62 (November 1963): 24-27, 60-64.

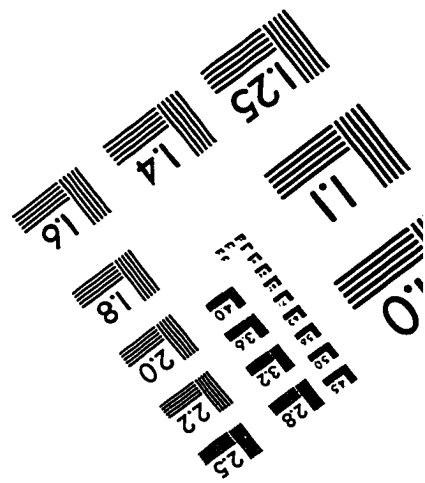
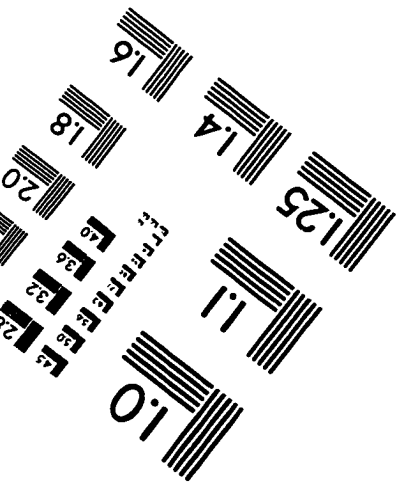
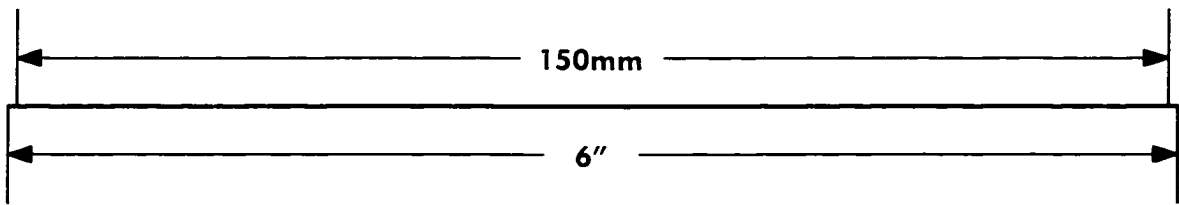
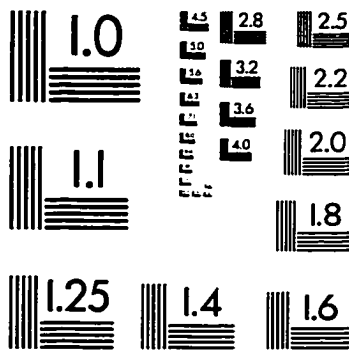
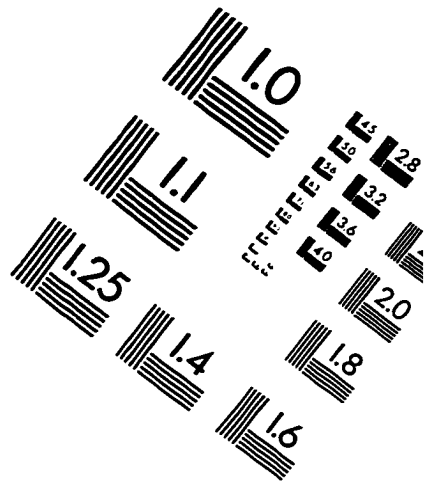
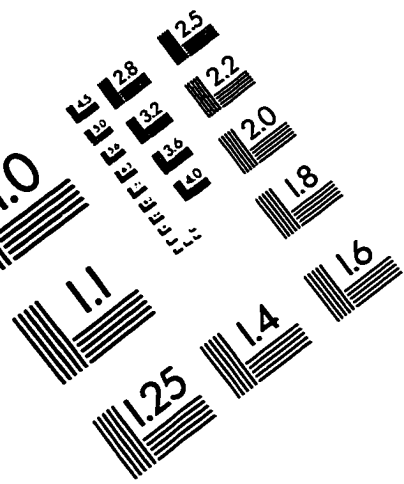
- Talley, Mansfield Kirby, Jr. "Connoisseurship and the Methodology of the Rembrandt Research Project." International Journal of Museum Management and Curatorship 8 (June 1989): 175-214.
- Tallman, Susan. "Meltdown." Arts Magazine 64 (April 1990): 25-26.
- Teather, J. Lynne. "The Museum Keepers: The Museums Association and the Growth of Museum Professionalism." Museum Management and Curatorship 9 (March 1990): 25-41.
- _____. "Museum Studies: Reflecting on Reflective Practice." Museum Management and Curatorship 10 (December 1991): 403-17.
- Tebbel, John. A History of Book Publishing in the United States. Two Volumes. New York: R. R. Bowker, 1972-75.
- Tomkins, Calvin. Merchants and Masterpieces: The Story of the Metropolitan Museum of Art. New York: E. P. Dutton, 1973.
- Troy, Nancy. "To Be Continued: A Note on Some Recent Mondrians." October 27 (Winter 1983): 75-80.
- Turner, Jonathan, "Fake, Faker, Fakest." Art News 90 (November 1991): 23.
- Vance, Carole S. "The War on Culture." Art in America 77 (September 1989): 39-43.
- Varnedoe, Kirk, and Adam Gopnik. High & Low: Modern Art and Popular Culture. New York: The Museum of Modern Art, 1991.
- Vergo, Peter, ed., The New Museology. London: Reaktion Books, 1989.
- Wainwright, Clive. "The Importance of Provenance: Rehabilitated Fakes." In Why Fakes Matter, ed. Mark Jones, 174-83. London: British Museum Press, 1992
- Wallace, Michael. "Visiting the Past: History Museums in the United States." In Presenting the Past: Essays on History and the Public, ed. Susan Porter Benson, Stephen Brier, and Roy Rosenzweig, 137-61. Philadelphia: Temple University Press, 1986.

- Wallis, Brian, ed. Hans Haacke: Unfinished Business. New York and Cambridge: New Museum of Contemporary Art and MIT Press, 1986.
- Warhol, Andy. The Philosophy of Andy Warhol (From A to B and Back Again). New York: Harcourt Brace Jovanovich, 1975.
- _____, and Pat Hackett. Popism: The Warhol '60s. New York: Harcourt Brace Jovanovich, 1980.
- Watkins, Charles Alan. "Conservation: A Cultural Challenge." Museum News 68 (January/February 1989): 37-43.
- Weisberg, Gabriel P., and Laurinda S. Dixon, eds. The Documented Image: Visions in Art History. Syracuse, New York: Syracuse University Press, 1987.
- Wetering, Ernst van de. "The Autonomy of Restoration: Ethical Considerations in Relation to Artistic Concepts." In World Art: Themes of Unity in Diversity, ed. Irving Lavin, vol. 3, 849-53. University Park: Pennsylvania State University Press, 1989.
- Weyergraf-Serra, Clara, and Martha Buskirk, eds. The Destruction of Tilted Arc: Documents. Cambridge, MIT Press, 1990.
- White, Harrison C. and Cynthia A. Canvases and Careers: Institutional Change in the French Painting World. 1965; revised edition Chicago: University of Chicago Press, 1993.
- Wickersham, Claire. "Percent-for-Art: Variations on a Theme." Public Art Review 5 (Fall/Winter 1993): 8-11.
- Wilson, Fred. Mining the Museum: An Installation. Edited by Lisa G. Corrin. Baltimore and New York: The Contemporary and The New Press, 1994.
- Wolff, Janet. The Social Production of Art. New York: St. Martin's Press, 1981.
- Wood, Paul, Francis Frascina, Jonathan Harris, Charles Harrison. Modernism in Dispute: Art Since the Forties. New Haven and London: Yale University Press and The Open University, 1993.
- Woodmansee, Martha. The Author, Art, and the Market: Rereading the History of Aesthetics. Foreword by Arthur C. Danto. New York: Columbia University Press, 1994.

Wright, Beryl J., ed. Art at the Armory: Occupied Territory.
Essays by Robert Bruegmann, Anne Rorimer, and Beryl J.
Wright. Chicago: Museum of Contemporary Art, 1992.

Zevi, Adachiara, ed. Sol LeWitt: Critical Texts. Rome: I
Libri de AEIOU, 1994.

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