

# NEW ART examiner

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THE INDEPENDENT VOICE OF THE VISUAL ARTS

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The **New Art Examiner** is the product of the thinking and life-long contribution of Jane Addams Allen. We thank you in her name for reading her independent journal of art criticism.

If you have any interest in our venture, please consult Google, also Art Cornwall, for an interview with the publisher, Derek Guthrie, a painter who keeps his art practice private.

The **New Art Examiner** has a long history of producing quality and independent art criticism. Chicago and Cornwall, as any art scene, needs writers to keep a professional eye on art activity. Otherwise, independent trading will determine success in this troubled art world.

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## NEW ART EXAMINER STATEMENT OF PURPOSE

The New Art Examiner is a not-for-profit organization whose purpose is to examine the definition and transmission of culture in our society; the decision-making processes within museums and schools and the agencies of patronage which determine the manner in which culture shall be transmitted; the value systems which presently influence the making of art as well as its study in exhibitions and books; and, in particular, the interaction of these factors with the visual art milieu.



A CHICAGO TRADITION

# ANN SATHER



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### SUPPORTING THE VISUAL ARTS





Dear Editor,

The New Art Examiner, I do feel, was an essential forum for the burgeoning Chicago art scene in the 70s. It gave all of us a sense of hope, and a venue for other artistic traditions i.e., abstraction and even realism as opposed to the home grown strain of surrealism practiced by the so-called Imagists. The Examiner also critiqued the major art institutions and what they were supporting to please their collector base and donors. The other void the Examiner filled was the surprising paucity of critical discourse for a major city. Especially, the fact that the few writers that were practicing in the daily press were unabashed supporters of the imagists, i.e. Dennis Adrian, and more importantly, Franz Schulz who at that time had written the only history of Chicago art, *Fantastic Images*. And one more thing: it was an opportunity, a laboratory, to write about art, which was the case for this writer. The only caveat I have

today about resurrecting the New Art Examiner is whether it is worth the effort for a city I have finally, after all these years, seen as a dead end, a wasteland for serious art. Now this last is certainly arguable. However, having spent over 30 years in the Chicago art scene in many different guises as an artist, critic, teacher not much has changed. In fact galleries are closing, there isn't much support from the institutions; I have no idea what happened to the collector base. And finally, most of the artists who were anointed in the 80s have found refuge in academia. I always think of the late Ed Paschke in this regard who was one of the most "famous" Chicago artists but who continued to keep his day job as an art professor at Northwestern.

*Corey Postiglione*  
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## Left at the Altar

DePaul's last-minute decision in July to not pursue a publishing partnership with the New Art Examiner (NAE) felt akin to the groom who has spent months of courting only to find his beloved has gotten cold feet. All that now remains of a bold idea is disappointment.

When our editorial team of Derek Guthrie, Tom Mullaney and Annie Markovich first met with DePaul's Mary Ann Papanek-Miller (Chair of Art, Media and Design) and Joanna Gardner-Huggett (Chair of Art History) in January, 2015, the mood was one of excitement.

NAE's hard-won reputation as an independent voice for the visual arts was recognized as precisely the editorial connection DePaul sought for its students and its plans to develop a minor in Arts Criticism.

Annie and I began discussions that February, exploring items that needed to go into an agreement. Skype discussions were held with Derek in England and many email messages flew among the five of us.

Ms. Papanek-Miller spent a year crafting multiple drafts. We began with the idea of a two-year partnership in which DePaul would be responsible for design, art and copy layout along with production and printing costs.

NAE's commitment was to produce a respectable publication, offer writing and publishing mentorship to DePaul interns and writers each week and work on raising funds via advertising, subscriptions and grants.

By April of this year, the fourth draft agreement was ready. Our independence was reaffirmed in the draft's Article 4 which stated, "DePaul University will not be responsible for the content of the NAE....All content oversight of each issue is the responsibility of the NAE founding publisher, Derek Guthrie, who is not a DePaul employee. The NAE founding publisher assumes all responsibility for content, including editorials."

Over the course of our courtship, however, we sensed major university reservations. The initial trial commitment was reduced from six to three academic quarters. More favorable financial assistance was eliminated and stipends for myself and Ms. Markovich kept being postponed. Our emails seeking clarification on vital points went unanswered or answered after long delays.

However, we felt that NAE would pass the six-month inspection and the partnership would be renewed.

Between the April draft agreement and June, a major change occurred. A new Dean assumed the leadership of the College of Liberal Arts and Social Sciences. Papanek-Miller and Gardner-Huggett supposedly made their recommendation and left the scene.

Guthrie returned from England with high expectations for the final meeting with the Dean. During that meeting, Dean Guillermo Vasquez de Velasco informed him that DePaul would need to play a stronger role beyond "layout improvements and providing infrastructure and financial support."

He reportedly said DePaul needed to see all editorial content prior to publication, effectively compromising our independent editorial identity. Guthrie felt that demand would violate the NAE's integrity and refused. On July 20<sup>th</sup>, he received a letter from Vasquez de Velasco canceling the partnership.

Our ability to produce the art magazine *Chicago* deserves has taken a hit but we are determined to press on. The bigger loss to DePaul is two-fold: Its students have lost a respected platform for their writing and learning about real-world practice. More importantly, it betrayed the core academic value of protected free speech.

After agreeing to our editorial independence, DePaul has shown no faith in a respected publisher and editor, each with three decades of experience, to exercise fair, impartial judgment. Their action personifies the adage that freedom of the press only belongs to whoever owns one. It shows an act borne out of fear rather than freedom.

If a university is afraid to air contested, unsettling ideas but insists on playing censor, it commits a grave disservice to its students and the greater society.

*Tom Mullaney  
U.S. Editor*

Tom Mullaney is NAE's US editor. His articles have also appeared in *The New York Times*, *Chicago Tribune*, *Chicago Magazine* and *The Art Newspaper*. He has edited an arts blog, *Arts and About.com*, since 2010.

## Museum Practices: A Symptom Of The Times —Then And Now

The New Art Examiner is pleased to reprint the lead article written by Tom Mullaney in 1982. It was ahead of its time as we all know the Questions on Museum Practice have expanded into a greater gravitas. The question of the Museum points to a larger issue which is the failing structure of American culture. Today, the American political process is in serious doubt. The question of governance, practice ethics and corruption dominate the presidential election. For the first time in history, the two candidates earn more resentment than approval with the public. The turn off by the electorate, encapsulated in the phrase “the lesser of two evils,” sets the media loose to wallow in the blame game and earn fat profits. Hard talk or soft talk is now irrelevant. The worst has happened: language is losing out to babble.

The museum is the art world equivalent of mass media in that the museum is regarded as authoritative and the sounding board of our society’s beliefs and concerns. It is assumed that the practice of the visual arts is content to flow through the museums’ portal. Whether the art pleases or not, simply the tradition of the new has its own allure. Here the issue of fashion has to be considered. The latest offering is the parade on the catwalk. But the catwalk has no ambition other than celebrity. Art can have and should have a higher purpose.

But museums still perform an essential public service in making art and other visual treasures available to the public. The public demonstrate a well-embedded desire to look at art and, in so doing, to extend education from the exposure to curiosities from distant lands and previous civilizations to more meaningful aims.

Museums have become like political parties, in

that their agenda is set by insiders—with smoke and mirrors and super delegates. The upcoming election for president of the United States presents a unique scenario in which the public disapprove of the candidates. This is an example of institutional decay where simple corruption has corroded public confidence and belief in political management. The issue is the secrecy with which museums operate, akin to and inviting insider trading and self-dealing. There is too much secrecy in recent American post-war history, and the status of the USA integrity has declined on the World Stage. Old soldiers do not die; they fade away through the revolving door of the Military Industrial Complex. But art by nature is explicit. Politics is not.

The idea of the avant-garde was to find an expression that allowed the artist a freedom outside the demands of the Academy and the banality of public taste. The Academy was quite sure of its taste and process of criteria. It was a public event. The artist was accepted to be exhibited or was refused. The museum has replaced the Academy as the guardian of authenticity and quality. But the institution has simply lost standing as its decisions are made in private and covered over with the effective propaganda and PC of the media—keeping alive the fantasy of La Bohème. The artist and writer who can survive outside the walls of this patronage will be a hero of tomorrow. Fashion is a force that does not allow room to breathe outside a staged vanity. Now difficult to separate museums from Hollywood, the progressive expression has become Americanized show business.

Derek Guthrie  
Publisher

“I have heard of you—a kind of revolutionary.  
Hard to be a revolutionary in the deadly museum business.”

Thomas Hoving, *Making the Mummies Dance:  
Inside the Metropolitan Museum of Art*

# How Firecat Came to Be

*by Stan Klein*

Each issue the New Art Examiner invites a well-known, or not-so-well-known, art world personality to write a speakeasy essay on a topic of interest – whatever it may be.

**M**y goal was always to be an interested traveler in the arts. I have been fortunate to make many unscheduled stops in various forums and been close to many different forms of creative expression. My curious nature took me as a young adult from my artist fortress in my parent's house to the world of live jazz music. Experiencing the inventive force of Rahsaan Roland Kirk in a small bar opened flood gates of what unexplored facets of one's expression laid before me.

Finding an oasis under another name in university life, I was able to expand those thoughts. One helpful teacher was Leon Katz, former personal assistant for Alice B Toklas and close friend of various playwrights. The idea of expression, audience and the inner play of all those elements became a continuing element in my art making and thinking.

In order to sustain myself financially, I eventually started a picture frame shop with very little money and for the next twenty years watched and witnessed the local art gallery scene and its artist's world play out in front of me. They were all customers in their various roles in the system. At some point I needed to move away from all this local claptrap. More identities and skilled working employment followed in another location until I was back in the 'regular art world' again as if by nature. Many curators, directors and installing a couple hundred exhibitions later, I started to work directly for artists.

Along the way my perception of people in the arts was forming certain repeated patterns. I loved all the tasks and work performed with these folks but my mind was becoming even sharper to the pond I was swimming in. A few of the artists that I worked closely with shared stories of fellow friends and their experiences. This world of visual culture and history was taking on a multidimensional examination of human nature itself. Egos,

vanity, greed, and sheer jealous ambitions were on full parade. In many cases the more exposed the "famous" became, the more I turned away. A friend in the film industry always warned me to stay clear of the "talent."

Constructs of achieving success came many times with all sorts of compromises to one's self. It all started to become rather distasteful as a whole. One artist in his later years would tell me stories of talented painters who walked away from the opportunity in order to be true to their vision. Others walked away from the gallery structure and its commercial nature of doing business.

Which brings me to the formation of my gallery in Chicago, Firecat Projects. Having a policy of not taking commission on sold work took me out of the dealer realm. I could exhibit folks who didn't fit into societal accepted notions of art making. With the support of friends and interested parties I was free to provide forums for that 'odd' overlooked visionary to interact with a new audience. I had come full circle in my journey. Every exhibition each month is a time to engage with a new mind and perception. I sometimes offer some suggestions as I install their ideas but feel happy to be a part of their world.

In my last conversation with my father before he passed, he asked me if I had any regrets. I was stunned by his asking me that question rather than the other way around. I gave it a thought for a while and answered him honestly "no not at all." Running Firecat Projects as I do, I can pull the sheets up in my bed at night with a warm smile in my heart. That's all one can ask of oneself anymore.





# A Dream Denied

*by Daniel Nanavati*

In January 2016, Derek Guthrie arrived back in Cornwall after a grueling experience in Chicago when the *New Art Examiner*, for the third time in its history, mercifully survived a coup attempt.

Let me tell you a little about the New Art Examiner. It was the most widely read journal of art criticism outside of New York and is still used as essential reading for students across America wishing to understand art criticism and art history of the late 20th Century. Why? Because of the perfectly poised prose of Jane Addams Allen and the guiding intellect and vision of Derek Guthrie, an unsung hero of modern art history and a role model for dyslexics and any high-functioning autistics, who have to strive five times harder than others to succeed. Their joint minds worked the wonder that was the Examiner which, without rich backers, gained wide respect, a monthly paying readership of 12,000, an international audience and a place in art history.

All of this past respect and influence was offered to DePaul University, a place that some of their art staff wanted very much, to introduce students to writing about their visual experiences, whether in galleries, on the street, in the cinema and across the landscape.

The visual experience is ubiquitous. Even when we close our eyes, our brains still continue to try to make sense of what we have seen. So important is the visual experience that nations dwell upon it and wrap such experiences into their defining myths—from flags, towers and castles to ships, monuments and parades, the visual experience is part of our politics.

For any university in Chicago to have an association with the New Art Examiner, along with

Derek Guthrie as a resource for students to mine Modernism and Post-Modernism and American and European avant-garde, would be a brilliant academic addition.

For eighteen months of talking and negotiating, we all thought so too. Even the sticking point of not having a DePaul co-publisher was finally agreed upon. Not because we didn't want DePaul involved at every level but because the Examiner's strength has always been its integrity and independence of thought. We could not allow anyone to countermand what the publisher and editors had decided would go into any issue. We also need to protect our writers and contributors. We can only accomplish that by placing the onus for all that is published squarely on the shoulders of the publisher. In its 43-year history, the New Art Examiner has never abused that trust.

The negotiators agreed that NAE was to have an office inside DePaul. We were to start this September to bring students in for coaching, learning not only about writing and editing but about how to run a magazine. Volume 31 no. 1 was to be distributed across Chicago and printed by DePaul. Everything that went into the magazine from content to cartoons would be discussed with staff and students, ideas would come from us and the university. Nothing was off the table for discussion, nothing was off limits to oversight save for one thing: final decision-making power of what went into an issue. And that became the one thing DePaul's Dean Dr. Guillermo Vásquez de Velasco, would not countenance. In a July meeting, the new Dean overruled his faculty negotiating team, pulled DePaul out of final discussions and closed down the partnership.



This wasn't simply a decision. This was, and is, a crime against teaching and intellectual rigor. So absolute was the final "no" that the staff who were supportive weren't allowed to arrange student exchanges with the New Art Examiner for the US and UK (this is unclear, Derek. Maybe you can fix?)

Let me tell you about our experience in England as a point of contrast. In our first meeting with Plymouth College of Art, the only art college left in England not working within a university, we signed a partnership agreement in principle in just two hours—not eighteen months as with DePaul. In the first issue after that meeting, we have three reviews from students. We are working this year and the students are leading the discussion with ideas from cartoons to articles through to web design.

The UK has many problems. It is as artistically chained as the USA, but somehow academia has pockets of pure energy and a will to see things done. When we asked them if there was a problem with our being the final authority on what was and was not suitable for publication, they said to us that they would not expect it to be any other way.

They could see what this dean at DePaul could not. That to have a co-publisher from DePaul would make people think we were censored and beholden. And the Dean's pulling out of the partnership proves that is exactly what he wanted to ensure. And, by ensuring it, he would have killed the New Art Examiner dead.

Our contribution to the cultural history of Chicago, by working from the street upward, using community to investigate and challenge, is well-known. Take that away and you have nothing more than Art in America. Nothing more than the UK's Art Monthly—which was started because the first editors read the New Art Examiner.

There has been some criticism of Derek Guthrie, for his handling of the meeting with the Dean which ended discussions but it is unmerited. Anyone who wanted clarification could have sought it. An academic worth his salt would have



ensured he fully understood everything before the meeting ended. And Derek Guthrie could have easily given that clarification if it had been sought. For whatever reason, and my involvement in discussions was only via Skype and by email here in the UK, this Dean did not want the New Art Examiner working with his students.

Chicago gave birth to the New Art Examiner but it doesn't know how to get on with the adult. It's way of doing business is to control. Art, when it is controlled, is debased. We stand by the men and women who have been politically and socially exiled because of their art. There is real bloodshed in the history of art, real pain, real suffering. And yet artists transcend their graves, civilise succeeding generations, and make humanity better for their pain.

America is in cultural crisis and independence of thought is the only thing that can save it. DePaul wanted to be at the forefront of the fight back, to go head-to-head with a corrupted art system and fight for its beliefs and its people. You, DePaul, have not only walked away from the New Art Examiner, you have walked away from your dedication as an academic leader and your university's value of independent inquiry. I am ashamed for you.

Chicago gave birth to the New Art Examiner. Anyone who works for the New Art Examiner knows pain. Art is not for the faint-hearted. We have no tenure. No security. All we ever have is our talent, our spirit and our creative minds. ■

Daniel Nanavati is the UK editor of the New Art examiner

# Death Stalks Damien's Imagination

*by Daniel Nanavati*

**D**amien Hirst, whose epithets as much as his work, sum up the vacuous heart of the modern age, is curating an exhibition on John Hoyland who, much in line Hirst's predilections for his work, is dead.

Death stalks the contemporary imagination perhaps because life in the West gives so much. What celebrities like Hirst dislike about being dead is their complete inability to dictate the conversation. Having fallen upon the bones of Duchamp's skeletal arguments against the narrow view of what art is, and blowing it open with "art is what the artists says it is," Hirst and many others have made fortunes being what art is.

They are of course wrong because their output will die when they do, unlike artists who become part of the cultural heritage of the entire nation. Because, and this is the vital point, all art is a communication and there is good conversation and boring conversation. Why is Hirst boring? Why is Bourgeois boring? Why is Koons boring? Because it is all about them, endlessly going on about how they are 'artists'. How important they are, how famous, how rich. It is behind every article journalists write about them.

If they were doing the same stuff they are now but were as poor as everyone's modern idol Van Gogh, they would sell about as much as he did. They would be written about as much as he was when alive. Van Gogh bested them all, but he was useless at self-promotion. They, however, are brilliant at aligning themselves with his legacy, the artist par excellence.

Find a spotlight and they will be in it. They charge up the batteries of celebrity and talk to the rich collectors and art students who were long ago sold down the river, studying for years to spend the rest of their lives as hobbyists.

Contemporary art has become a series of definitions of people. The "bad boy" of "Brit Art," it has lost its way. The contemporary art world has been tacked onto the history of art like a poorly executed repair job. Celebrity and controversy cannot replace skill. Nor can reams of self promotion replace one honest thought about the human condition that will resonate down the ages.



JOHN HOYLAND 9.6.68, 1968 acrylic on canvas

These rag doll 'creatives' stuffed with self-importance are coming apart at the seams. They are the hollow heart of contemporary art, and the sooner they are dead and buried the sooner we can assign their output to the same graves. The only reason for keeping any of it is as an object lesson in what gets made when a whole civilisation loses its way and becomes intellectually incoherent.

No one chooses to be an artist. It is a way of being from birth. No artist needs to go to art school. While they may concentrate upon a few media none will ever assign being dead as another medium. For ultimately the real deal of an artist, even when dealing with death, will be all about life.

In the contemporary art world money is doing all the talking, which is why millions of people are no longer listening. Just as artists talked within their own narrow understanding of the Academies and left the avant-garde to grow outside, so now the world of self-serving millionaire artists talking to managers of investment portfolios has allowed art to flourish outside the auction houses and major galleries.

Koons, the Young British Artists and the rest of them are finished. Their money will float them on the sea of publicity, but they are the emblem of the broken society that has given us Donald Trump and an endless procession of political liars.

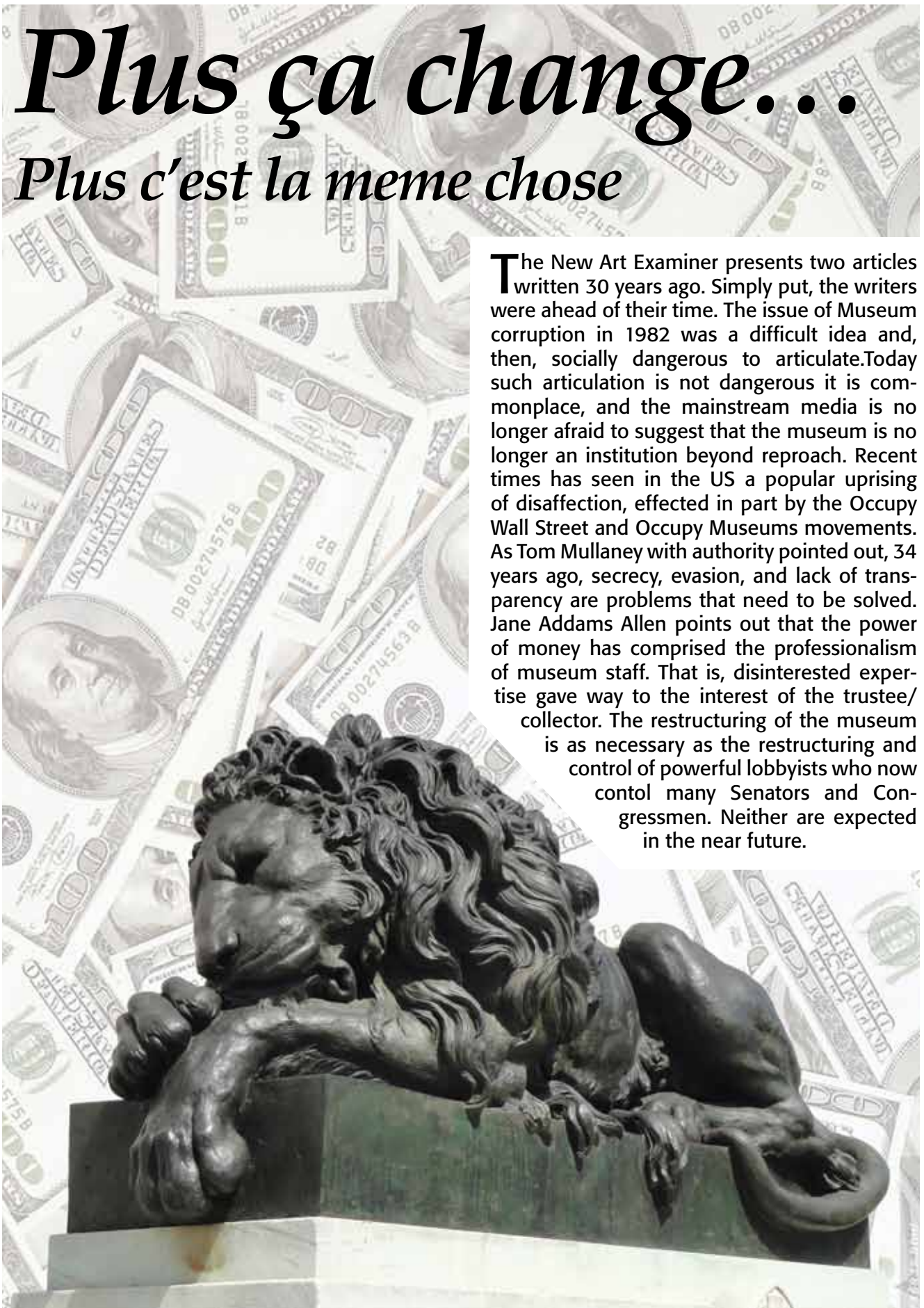
Artists cannot afford to lie to themselves or believe in the hype that surrounds them. Once they do, their ego takes over and ego kills the artist stone dead. ■



# *Plus ça change...*

## *Plus c'est la meme chose*

The New Art Examiner presents two articles written 30 years ago. Simply put, the writers were ahead of their time. The issue of Museum corruption in 1982 was a difficult idea and, then, socially dangerous to articulate. Today such articulation is not dangerous it is commonplace, and the mainstream media is no longer afraid to suggest that the museum is no longer an institution beyond reproach. Recent times has seen in the US a popular uprising of disaffection, effected in part by the Occupy Wall Street and Occupy Museums movements. As Tom Mullaney with authority pointed out, 34 years ago, secrecy, evasion, and lack of transparency are problems that need to be solved. Jane Addams Allen points out that the power of money has comprised the professionalism of museum staff. That is, disinterested expertise gave way to the interest of the trustee/collector. The restructuring of the museum is as necessary as the restructuring and control of powerful lobbyists who now control many Senators and Congressmen. Neither are expected in the near future.





# MUSEUM ETHICS: STILL A PROBLEM FOR THE PROFESSION AND CONTEMPORARY ART

*by Tom Mullaney*



Brooklyn Museum

This article ran in the New Art Examiner's February 1982 issue. Why reprint it now? One reason is that the majority of museum and art world staff were quite young or not yet born when the incidents herein occurred and led to some reform, though enforcement remains weak. The key reason is that, while the names and details change, problems within the profession around professional standards and ethics continue to surface with regularity.

In just the past decade, Lawrence Small, head of the Smithsonian Institution, was forced to resign in 2007 over excessive personal expenses, what Iowa Senator Charles Grassley called his "Dom Perignon lifestyle". The following year, four California museums, including the Los Angeles County Museum of Art, were involved in a raid by 500 federal agents of dealers, collectors and museums, aimed at stopping an alleged black-market trade in artifacts from Southeast Asian nations and the American Southwest. Most recently, the Corcoran Gallery of Art in Washington D.C., founded in 1869, was dissolved two years ago due to what the Washington Post characterized as "erratic and incompetent leadership" by its trustees. Given these new scandals and ones waiting to be uncovered, this article's contents remain a relevant morality tale.

A generation hence, museum personnel will recall that, in 1981, while artists, critics and art buffs attended to what hung on museum walls, many museum staff and directors were occupied with events taking place behind those boundaries, as the question of their own professional ethics came to the fore.

These developments—a first-ever code of professional conduct for curators, an unprecedented booklet regarding museum trusteeship and a revision of professional practices by the Association of Art Museum Directors (AAMD)—occurred within the museum fraternity but are not far removed from the threat of mounting legal challenges and sharper public scrutiny.

In the last decade alone, the art world has been rocked with highly publicized scandals, some resulting in indictments and trials. The list is long and troubling: Museum of the American Indian, the Metropolitan Museum of Art, Boston Museum of Fine Arts, the Brooklyn Museum, Mark Rothko Estate and the Marlborough Gallery, Maryhill Museum, George F. Harding Museum, Pasadena Art Museum (now the Norton Simon Museum) and Greenville (S.C.) County Museum of Art.

Until now, the issue of professional standards has suffered from an image problem. Standards and ethics are like warm oatmeal—hearty,



Boston Museum of Fine Arts

satisfying but horribly dull. Thinking and talking about such matters can turn museum staffers' minds to mush.

At the American Association of Museums (AAM) annual meeting last year (1980), this reporter heard experienced panelists denounce formal codes of ethics as futile, since museum staff are "humanists" and "proper ladies and gentlemen" who know the law and abide by moral principles in their dealings.

This awareness argument is rich in irony. While all purportedly know and abide by the museum community's unwritten rules, converting those rules into written form consumed six years on the part of curators, four years of heated debate by museum administrators, resulting in the vague 1978 AAM "Blue Book" and four years for the trustees' handbook.

### *Roots of Reform*

The surge of regulatory activity during the past year has different roots and three purposes. One, museums, begun late in the 19th century by rich benefactors as private preserves are seen today more as public trusts. A code of conduct is an acknowledgement that rising public funding and visibility demand great accountability.

Secondly, A published code of conduct is a forerunner to gaining professional recognition. Museums have long made to with armies of volunteers and underpaid staff. As museums grow more complex, they have ceased to be havens for rich amateurs and require trained personnel at every level. More and more curators welcome a written code as protection against unprofessional demands made by senior management and trustees.

The third reason is therapeutic. The art community recognizes, but is loathe to publicly admit, that the old unwritten rules are not up to dealing with a rapidly changing art world. A burgeoning art market dangles may financial temptations before curators, collectors and trustees.

U.S. Customs officials estimate that the dollar volume of trade in stolen art is surpassed only by the traffic in cocaine, heroin and other drugs. A museum official at the AAM meeting recounted heavy smuggling of Meso-American artifacts. He said large quantities of such objects are being exported illegally, bought by American buyers, held for a year and a day, as tax law requires, then donated to a museum for tax purposes.

Though the AAM adopted a code of ethics for museum workers as early as 1925, the document had little impact. It was so poorly distributed that, when the AAM's publication, *Museum News*, reprinted the document in 1974, it noted that "many museum professionals who are members of the Association were not aware of its existence." It remained the museum world's official ethical pronouncement until 1978!

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It might still be the industry standard had museums not been jolted out of their torpor by a landmark court case. On July 30, 1974, U.S. District Court Judge Gerhard Gesell ruled that five trustees of Sibley Hospital in Washington, D.C. failed to properly supervise the hospital's funds and investments and engaged in illegal self-dealing practices. That ruling had wide-ranging implications on the trusteeship duties of all non-profit institutions.

The AAM got busy and appointed a 20-person committee on ethics. The result: the 1978 AAM "Blue Book". Most museums use it as a guide or have adopted it as their own staff code. It remains a vague, general policy document that reads like a United Nations resolution. No specific cases are cite to enlighten the novice or resolve disagreements among staff.

## *Museums Resist Drawing Up Codes of Conduct*

Museums pay lip service to the AAM guidelines. Yet, as our museum survey of 14 major institutions shows, most of the major national museums do not follow many of the Blue Book's basic recommendations such as: "Make public its policy regarding the acquisition and disposition of objects"; "Establish guidelines for conflict of interest"; "Every museum trustee should file with the board a statement disclosing personal, business and organizational interests and affiliations which could be construed as museum-related."

Museums continue to resist drawing up codes of conduct for their staffs. Only five of the 15 surveyed had such a code. Though museums have written policies regarding accession and deaccessioning, few make them public. Nearly all institutions permit personal collecting by curatorial staff yet only three require periodic disclosure of transactions.

(Museums Surveyed were the Art Institute of Chicago, Boston Museum of Fine Arts, Cleveland Museum of Art, Detroit Institute of Arts, Fine Arts Museum of San Francisco, Houston Institute of Fine Arts, Indianapolis Museum of Art, Los Angeles County Museum, Metropolitan Museum, Museum of Contemporary Art, National Gallery of Art, Philadelphia Museum of Art, St. Louis Museum of Art and Walker Art Center)

Finally, only the Boston Museum of Fine Arts and the Art Institute require trustees' disclosure. One New York museum official, when asked about disclosure, responded "No Way", as if such a request would be too damaging.

A study of the codes themselves provides revealing insights into how curators, directors and trustees perceive the ethical issues confronting them. In 1972, Ian McKibben White, director of the Fine Arts Museums of San Francisco, law professor John Merryman and art historian Albert Eisen drafted a code for curators, similar to the one for directors.

## *Curators' Soul Search*

The San Francisco Museum rejected the curator code and it was never published as promised. Merryman says directors felt it was "too draconian, too vigorous". Critics contended it would have created administrative confusion and placed responsibility for too many decisions on the director.

Personal collecting was allowed if the curator submitted an inventory of his/her collection at the time of employment and maintained an annual update. The museum was given first refusal right on works costing more than \$500. Only nominal gifts from collectors from collectors and dealers could be accepted. The code, interestingly, allowed an artist to give a work of art to a curator if the director approved and if ownership passed to the museum upon the curator's death.

(American critics rail against the French system of paying for a review. However, the donation of a canvas or sculpture by an artist has many of the same compromising features. Influential critics Clement Greenberg and former Guggenheim curator, Lawrence Alloway, saw nothing wrong in the practice and said they would never accept a painting from an artist whom they didn't respect.)

Two years after the San Francisco effort, Alan and Patricia Ullberg published another proposed code in *Museum News*. Ullberg at the time was associate counsel for the Smithsonian Institution. He assisted the AAM panel drafting the Blue Book and, more recently, co-authored the AAM booklet on museum trusteeship with his wife.

Their curators' code appeared in the wake of Watergate. Its tone and recommendations reflected the impact that political scandal was having on all public institutions. It declared that personnel in privately supported institutions were "public servants" and subject to a code of conduct.

The Ullbergs urged museums to define clearly the boundaries separating home decorating from collecting and to distinguish trading/upgrading from dealing. They frowned strongly on gifts from artists or substantial dealer discounts as leading to a compromising of a curator's professional judgment.

No consulting activities were allowed without the prior approval of the director. A museum

Greenville County (S.C.) Museum of Art







Norton Simon Museum

employee may be selling his museum's reputation along with selling his/her services. Any association with a commercial gallery, dealer or collector must be watched and fully disclosed.

With Merryman and Ullberg as precedents, the latest code drafted by AAM Curators' Committee was adopted in 1981. It was the first-of-its-kind document, stronger and more precise than the Blue Book.

The code goes beyond earlier versions in forbidding curators from purchasing de-accessioned objects from their own museums, presumably even at public auctions. Joan Lester, a curator at the Boston Children's Museum, feels strongly about this provision.

When her museum auctioned a lovely doll house that was in pieces, she refused to allow her daughter to bid on the item. She knew that the house could be easily repaired and felt this inside information put her at an unfair advantage in relation to other bidders.

Once employed, curators are urged not to begin collecting in an area where their museum also collects. In the most controversial issue, the code said curators must never compete with their home institution for an object. The museum must have the right of first refusal when a curator wishes to sell an object. Curators should also lend any items from their personal collection anonymously to avoid inflating the value or prestige of their collection.

### *Directors Dislike Detail*

If the curators' code is clear and a cry from the trenches, the Association of Art Museum Director's 1981 "Professional Practices in Art Museums" reads as if it had been delivered from Mount Olympus. It did not lose itself in details but

kept its gaze on the "Big Picture".

The 1971 "Practices" booklet was the first-of-its-kind. It was drafted to counter public pressure and press reports. Many professionals, including museum directors, think the document is a failure. Richard Boyle, director of the Pennsylvania Academy of Fine Art, said it was "apologetic and very defensive" and that it was "very flabby with hedges all over the place".

Yet, rather than starting over, the 1981 version is essentially a reprint of 1971. Instead of trying until they got it right, the directors are determined to tough it out.

Conflict of interest is handled in one neat paragraph, one paragraph more than appeared in the earlier edition. It affirms the usefulness of private collecting by the director, board members and staff. However, no collecting should be "either in fact or in appearance in conflict with the best interests of the museum and its collecting programs".

The director and board are urged to discuss the possibility of conflict and develop "clear guidelines in writing". Anyone looking for an ethical compass on this issue must shop in another store.

A reader of the report would have to be a crack cryptologist to define shifts in attitude and museum practice. Museum watchers might find gold in the following nuggets. The 1971 introduction says that museum trustees and staff, having confidence in each other "are united" in their commitment to the institution's purposes. The latest edition merely states that the two groups "must be united".

Where did the mutual confidence go? Does the change reflect a decade of discord between boards and an increasingly professional and



demanding staff? A world of meaning is contained in the shift of tone from assured certainty to cautious exhortation.

De-accessioning is one of a director's most delicate tasks, a politically and ethically-charged issue. It was the cause of major scandals at the Metropolitan Museum of Art, the Brooklyn Museum and the Museum of the American Indian. It currently is the source of contention at the former Pasadena Art Museum, the Howald collection at the Columbus Art Museum and the George F. Harding Museum in Chicago.

The AAMD earlier had hedged on the issue. It admitted that retention of all material entering a collection could be justified and frowned on sales made on grounds of taste. Those qualifiers were dropped last year. Instead, the booklet reiterated that any disposal should be related to broad policy rather than "exigencies of the moment".

To insure that exigencies are not dictating policy, the current version states that whatever funds are realized from de accession, "must be used to replenish the collection." Not pay salaries or finance deficits or new construction.

On ethics, the earlier booklet "hoped" that the board and its chosen director would accept and be governed by the AAMD's Code and Professional Practices Report. Unlike the medical, legal or accounting professions, the AAMD must solicit compliance. This year, that paragraph is dropped and the ethics code is printed as an appendix.

The 1981 publication imposes a trust standard for a director's conduct, a high measure with strong legal consequences. The code deems three practices to be unprofessional and subject to disciplinary action: 1) Using influence or posi-

### CASE STUDY: CURATOR

When the New York State Attorney General (AG) was investigating de-accessioning abuses at the Museum of the American Indian, he looked into the practices of an art dealer named James Economos. The trail led him to the Brooklyn Museum and another scandal.

Michael Kan, curator of primitive art at the museum, had recommended the exchange, in three transactions, of 38 valuable Indian artifacts from the museum for 4 objects from Economos' collection. One group of museum holdings were valued at \$1,210 and another batch at \$12,500.

The trustees relied on Kan's expertise and approved the exchange. Soon after the objects moved into public hands, they were appraised or sold at five to twenty times the barter values. The objects earlier valued at \$1,210 were appraised for insurance purposes at \$22,650 while the second group were sold for \$58,000. The AG estimated the real value of the museum's objects at \$750,000. Economos had apparently reaped a windfall at the museum's expense.

In January, 1978, the AG filed suit against Kan, Economos and another dealer. The complaint charged a conspiracy among the three to supply deliberately false valuations. The complaint also revealed that Kan had enjoyed a personal trading relationship with Economos and had allegedly realized profits from personal sales. The museum was never aware of any prior dealings.

Kan maintained his innocence. He is now Deputy Director at the Detroit Institute of Arts. The sharp volatility of the art market may explain the rise in values. The key to the case, however, is Kan's apparent conflict of interest. He should have disclosed his relationship with Economos since this placed him in the position to personally profit at the expense of the collections under his care. He was also negligent in the methods he employed to obtain the appraisals, according to prosecutors.

Metropolitan Museum of Art



tion for personal gain; 2) giving, for a fee, any certification on the authenticity or monetary value of a work of art, and 3) knowingly acquiring or even allowing a recommendation for purchase of any art objects stolen or illegally imported into the United States, a new provision.

The explosion in collectibles and growing adoption of an investment approach to Art has spawned some shady enterprises. In 1979, the AAMD adopted guidelines for reproductions of works of art to maintain ethical and professional standards.

These reproduction guidelines were drafted to offset any damage from what one museum director referred to as “the bloody Rockefeller collection”. If anyone was a club member, certified art collector and a gentleman who should have known better, it was Nelson A. Rockefeller. Yet, the soaring art market of the ‘70s tempted even him. He offered millions the chance to buy works of “museum quality” that were exactly reproduced from those in his own collection. These were said, in advertisements, to have good potential to increase in value.

### *Trustee Liability*

The AAM handbook on Museum Trusteeship that appeared last September (1980) is surprising for three reasons: that it is a thick and informative study with more cohesiveness than any other code, that it proposes higher trustee standards and that it was published at all. It is an honest facing-up to a vexing problem.

Being a museum trustee has, until recently, been viewed more as an honor than a demanding oversight post. The Sibley Hospital ruling changed all that. No court has yet entered a monetary judgment against a museum trustee but the

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position is under attack.

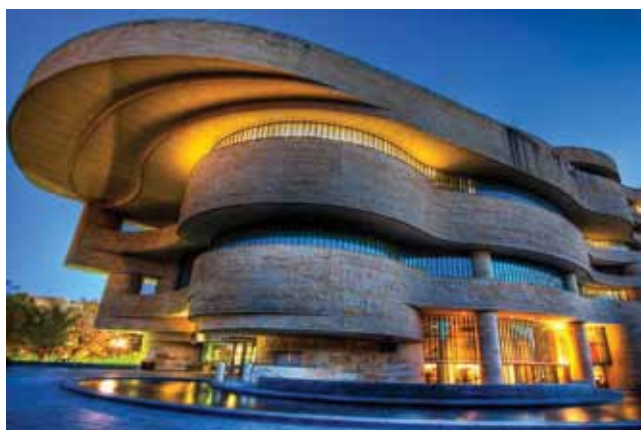
With such a radical change in the perception of their role, it's not surprising that trustees are confused as to the real nature of their duties. Law professor Merryman says he never met a trustee who understood the full responsibilities of their duties. Charles Brody, an assistant attorney general in New York, who has worked on several museum cases, confirms that view. “It's all very diffuse and unfocused. Trustees are constantly reacting in amazement as to what they are liable for.”

Museums have traditionally asked people with major collections to sit on the board. The practice raised few eyebrows. Now, however, the handbook notes that extreme price escalation has forced many private collectors to examine their activity in an economic light.

Institutions are thus urged to “be aware that a collector may take board membership in order to influence the institution to accept his donations.” No problem if the collection is of museum quality but trickier when it consists of only a few masterworks among the dross.

Another conflict, real or apparent, can arise if a trustee/collector can exert pressure to exhibit objects from his collection, thereby raising its value significantly. No dilemma is involved if the museum wants the collection but, if it does not, it may be placed in the position of promoting a collection of questionable quality.

Museum of the American Indian



Rather than a single paragraph or an abstract statement on conflict-of-interest liability, the Ullbergs devote seven pages to the issue. Nearly every person in business or public service has potential or actual conflicts. What is important is that trustees recognize the conflicts and acknowledge them “in a timely manner” to minimize criticism and avoid liability.

The trustee/collector must not compete with his museum. They are urged to submit a written statement on his/her collection and his own ambitions upon election to membership. Many museums say their nominating committee looks into this area but, when written statements are not required, trustees may forget or remain in the dark.

Trustees must guard especially against acquiring objects from the museum’s collection. This de-accessioning process is most likely to attract the attorney general’s attention and damage the museum’s integrity. Yet, it happened with some frequency in the past decade, with trustees at the Brooklyn Museum, Maryhill Museum and the Museum of the American Indian.

An all-too-frequent conflict is the case of a board member who sells goods or services to the museum. Thus, the lawyer trustee lands the museum’s legal business or the caterer provides the food service or the banker handles its investment portfolio. Such practices limit the museum’s autonomy to select and change suppliers and to obtain the best product at the lowest price.

In Chicago, the Art Institute’s banking, legal, architectural and investment needs are provided by the trustees’ firms. Representatives of First Chicago and Northern Trust Banks; law firm Eckhart, McSwain, Hassell and Silliman; architects Skidmore, Owings and Merrill and investment banker William Blair and Co. sit on the board. There is nothing inherently unethical in such an arrangement but it can invite a negative public perception and charges of self-dealing.

The Ullbergs declared that the best protection from liability for conflicts was full disclosure of outside interests. Disclosure should begin before trustees are nominated. This enables boards either to withdraw the candidate or structure the member’s board participation to lessen the conflict. Once on the board, trustees should file disclosure statements every year. As stated earlier, only 2 of 15 museums queried fully met such a standard.

Museum officials are divided on instituting such policy requirements. Some see them as sensible rules to protect the collection and best serve the public good. Others feel such full disclosure will scare away many good candidates who may bristle at having their integrity closely questioned or else object to divulging the size and contents of their collections.

Many museum directors also see rigorous

### TRUSTEES

Few Chicagoans, passing the northwest corner of Randolph St. and Michigan Avenue since 1970 knew that a highly valuable art collection was housed on the upper floor of the former Crerar Library. Had they been allowed to enter (the museum was only open by appointment), they would have viewed a magnificent collection of arms and armor, Frederic Remington drawings and sculptures, rare musical instruments, antique furniture, some Old Master paintings and maritime artifacts, all assembled by real estate and railway tycoon, George F. Harding.

Though the museum had been given to the people of Chicago, it was run by a small board of private trustees, headed by banker and Harding’s executor, Herman M. Silverstein. As the collection gathered dust and the museum began incurring large operating deficits, the trustees, starting in 1972, quietly began selling off items from the collection.

This activity finally drew the attention of the Illinois Attorney General in 1976 when a rare collection of 17th Century musical instruments and paintings by Boucher, Rubens and Delacroix were shipped to New York to be sold at auction. While those items were sold, the AG was able to block a later sale of 200 items at Sotheby Parke Bernet (Sotheby’s earlier name), pending the final settlement of the suit against the trustees.

The suit charges Silverstein, including his wife and brother, and three other trustees with financial mismanagement, improper de-accessioning of objects from a public trust, allowing the collection to deteriorate and financial self-dealing.

The case (scheduled to start March 1) may possibly establish important legal precedent regarding the conduct of museum trustees. Meanwhile, the trustees sold the museum building at 150 N. Michigan in 1980 to help pay a \$2.5 million bank loan and the collection has now been placed in storage, pending a determination as to its new home.

The Art Institute made an offer to take control of the collection (around 1981). The case dragged on until 1985 when a settlement was reached and the Harding artifacts entered the Art Institute’s permanent collection. Unfortunately, Silverstein escaped going to prison and precedent-setting law was averted.





Corcoran Gallery of Art

enforcement of trustee obligations as a political issue and are backing away. They worry that, as trustees grow anxious over potential liability, they may try to gather even more control over operations. Such a move would divert power away from the professional staff to trustees and heavily alter existing relationships among curators, directors and trustees.

### *Will Codes Work?*

Sitting in the audience at the AAM annual meeting as one of the few public members present, I felt like a restaurant eavesdropper overhearing juicy exploits at the adjoining table.

Stories of incompetence, manipulation, vendettas and blatant law-breaking filled the air. Thomas Leavitt, director of the Herbert Johnson Museum at Cornell, opened one panel by relating that a member of the AAM Council told him that, the night before, he was going around collecting certain objects which he planned to offer to his museum at a higher price.

Leavitt's tale illustrated the deeply divided nature of the art world. On one hand, it guards the most beautiful creations left by past forebears and civilizations. It exhibits these treasures for our delight, enlightenment and moral uplift. Yet, on a personal level, it is a world, as museum investigator, Karl Meyer, has written "secretive to the core".

He wrote that it thrives on "rumors, tips, hucksterism and fads." Museums exist in close proximity and interaction with an art market that, at its worst, is unregulated, collusive and corrupt.

Anyone deeply involved with art museums knows this. Large crowds filled the meeting rooms at Indianapolis to grapple with this dark

underside of museum activity. They appeared genuinely angry at the bad light unethical conduct casts on the entire profession and determined to set it right.

Their indignation is one of several signs of optimism. The string of scandals over the past 15 years has caused museums to drop their closed posture, accept their fundamentally public character and open their houses to inspection. Recent disclosures about the operations of museums now constitute an avalanche of information relative to what was known before.

The legal suits and in-house discussions have acted as a makeshift ethical barometer for museum staff and trustees. Whether the codes are rigidly enforced or not, it will prove harder to mask conflicts of interest, conceal transactions for personal collections and accept gifts from dealers and collectors. Ignorance as a defense is vanishing.

Another hopeful sign is that, wherever a scandal strikes, it usually results in tough ethical guidelines being adopted by the embarrassed institution. The Brooklyn Museum reportedly has a strong conflict-of-interest statement. The Greenville County Museum of Art, eager to erase the damage done former director, Jack Morris, has also issued a strong code.

Even at museums untouched by unethical practices, a move toward greater self-regulation and accountability can be detected. The Detroit Institute of Fine Arts has taken the initiative and recently drafted its own 24-page "Professional Practices" booklet.

The Art Institute of Chicago, in its latest annual

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report, noted the financial interests of its trustees in transactions with the museum for the first time. No dollar amounts or percentage figures were divulged, as they are in corporate reports, but the practice is an important first step.

Many museum personnel see the flurry of ethical activity as salutary. Mary Jane Jacob, chief curator at Chicago's Museum of Contemporary Art, favors a code for herself and trustees because "we end up dealing with such issues on an ad hoc basis." James Burke, head of the St. Louis Art Museum, is one director who approves of the changes. "It's sort of a new thing people are learning about and that is exciting. It's probably going to take ten more years to get agreements on what a standard level of behavior should be in specific cases."

There remains a legion of museum staff who resist Burke's call for positive action. At the AAM meeting and in later interviews, critics say the codes are unable to address all the ways persons can violate ethical standards; the more specific the code, they say, the more problems will emerge.

Several developments might cancel the force of any code. The first is the presence of too much imprecise language. More "should" need to be replaced by "shalls" and "mights" by "musts". Loose talk only promotes confusion and encourages the search for legal loopholes.

Codes, by themselves, are not the answer. All the professional breast-beating and mea culpas will be for naught if the codes, once approved, simply gather dust. Unless some disciplinary process is instituted for correcting abuses, the talk of all the professional groups will have a hollow ring.

The AAM has not been successful on this matter. Museums jealously guard their rights and have not given their own association power to independently enter any local disputes. Unless museum staff can, in the words of Michael Botwinick, Brooklyn Museum's director, "go to mommy" to resolve disputes, the outlook is not promising.

Scott Hodes, a Chicago attorney who is involved in art issues and is a board member of Lawyers for the Creative Arts, views the codes as unenforceable because the AAM has no power to punish. Codes will be seen as diversionary if they are not enforced. Sound and fury signifying nothing. If that perception gains ground, museums will have killed their best hope for remaining self-regulated.



Marlborough Gallery, London

## DIRECTORS

Jack A. Morris spent 14 years taking the Greenville County Museum of Art from an old house on the outskirts of town to a modern, \$2 million showpiece downtown. An engaging director, with a knack for courting prospective donors, he found two key benefactors in Arthur and Holly Magill.

The Magills wanted to acquire a collection of American Art for eventual donation to the museum. Being inexperienced, they took Morris along as a consultant on several art-buying trips to New York. They agreed to let Morris collect fees from the Kennedy and Peter Davidson Galleries for works purchased by them. Magill thought Morris was speaking of nominal amounts.

It turned out that, over a two-year period, he received \$81,000 in fees from the Kennedy and \$3,000 from the Davidson Gallery. Morris' greatest coup—but eventual downfall—was to persuade the Magills in 1979 to purchase a collection of 26 Andrew Wyeth paintings, which had been exhibited at New York's Metropolitan Museum from Joseph E. Levine, the movie producer, for \$3.1 million. Magill was reportedly furious when he learned that Morris received \$80,000 in "research fees" from Levine's agents.

Morris said the fees were for consultation work and known to the Magills. But Thomas Leavitt, head of Cornell University's Herbert F. Johnson Museum, in testimony given in the summer of 1980, drew a sharp distinction between "consultation fees" and "commissions". He called Morris' fees "way out of line with what the normal professional might be able to claim." They appeared related only to Morris' success in the eventual sale of the works of art, a practice prohibited by the AAMD.

The evidence established a strong case of illegal gratuities and a proven conflict of interest. However, the county instituted no legal proceedings and made no effort to recover the \$200,000 in illegal payments. Morris was merely forced to resign. He reportedly has settled in New Mexico and doing business as an art dealer. Chastened by the experience, the museum adopted a stringent code of ethics in March 1981.



George F. Harding Museum (no longer exists)

Up to now, museum codes have been more for public consumption than personal practice. Lawyers involved with the art world, such as Hodes, are aware of the gap. They say that only case law and legal action by state attorney generals will force museums into line. Hodes explanation for why no strong preventive or punitive action has been taken over the past decade: "No one's bled yet".

A difficulty with regulating trustees arises because museums frequently are treated as charitable trusts, while they may be charted as not-for-profit corporations. Under the stricter standard, a trustee is held liable for mismanagement for simple negligence of his trust, while the more lenient "prudent man rule" of corporate law holds that a director must be guilty of gross negligence to be legally liable. It requires that only diligence be employed and that the director's best judgment be exercised. A trust standard also disallows any form of self-dealing.

### **WHO OWNS MUSEUMS?**

Though codes alone will not save the art world, the strongest argument for their adoption relates to the public trust nature of museums. Museums are not the owners but only the guardians of the objects within their care.

What museums are doing in codes of conduct is acknowledging that fiduciary role. Codes are a way museums keep faith with the public trust. Right now, they enjoy the munificence of federal and state arts agencies and the adulation of increasing audiences. Yet, the issue of trust is fragile. Once broken, it is exceedingly hard to recapture.

George Seyboldt, chairman of the National Museum Services Board, spoke recently about the special place museums hold in the public eye. "Museums are booming all over the world," he told a reporter. "People feel museums are honest. They have had their confidence shaken by politics, business, even the press, so museums are an intellectual and emotional refuge. They reassure people that the world has gone on for a long time and produced many marvelous things."

Tamper with that trust and a museum rends its social contract with the public. Yet tampering is exactly what museums are doing by leaving enforcement to the

conscience of every staff member and trustee. Such a laissez-faire attitude does nothing to reduce the depressingly common outbreak of shady dealings.

Each scandal runs the risk of legal action. To date, museums have been spared the shame of airing their soiled linen in public and very little case law has been issued. Museums have relied less on their own efforts than the reluctance of attorney generals to prosecute.

Pending lawsuits against museums and trustees may result in clearer, mandated guidelines that will make future prosecutions easier. The longer continue to ignore or give tepid support to the new codes, the greater risk they run of legal action and of having to live under more onerous legal mandates.

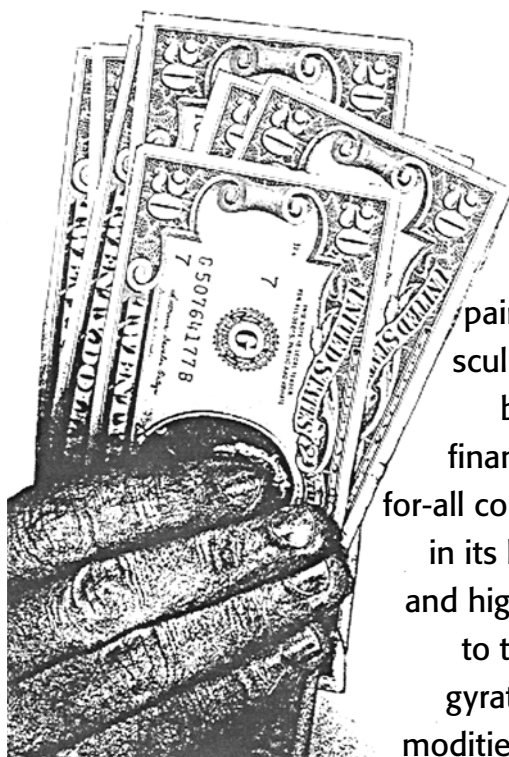
The tragedy to be avoided is to have museums go the way of politics, business and the press in the public's regard. If they join that trio, they will have mortgaged their moral authority, their most precious asset. What would happen if a museum hung a masterpiece and nobody came? That is the question buried deep within this issue. Let us hope we never find out. ■

Tom Mullaney is currently the New Art Examiner's U.S. editor. When this analysis appeared in the February, 1982 edition of the paper, he was a contributing editor who had written on other art topics, including coverage of the Harding Museum trial, the IRS' Art Advisory Panel and the sale of the Graham Foundation Library. *Surfaces of Control:*

# Wheelers, dealers and supercollectors

## Where are they taking the art market?

by Jane Addams Allen



The rarefied world of painting and sculpture has become a financial free-for-all comparable in its high risks and high payoffs to the madly gyrating commodities market.

**B**ehind the artist in the act of creation stands the collector, his piggish eyes are gleaming, and his right hand firmly clutches the bulging money bag at his belt.

Greed, as the sixteenth century drawing, *The Painter and the Connoisseur* by Brueghel makes clear, has always been a part of the world in which art is made. But the dizzying expansion of the world art market over the past five years has created hothouse conditions for the growth of speculative collecting. And many of the old illusions are being crowded out by the new jungle-style trade.

The rarefied world of painting and sculpture has become a financial free-for-all comparable in its high risks and high payoffs to the madly gyrating commodities market. International businessmen, looking for a secure means of investment and an easy way of transporting their riches around the world, are investing in art as never before. With a few timely purchases, they

can make an unknown artist a millionaire: with a few untimely sales, they can consign another to oblivion. Artists are churning out works to satisfy the voracious demands of their buyers, and the established order of the art world has been upset.

"Every collector will tell you that he buys art because he likes it," say Leslie Singer, economist and art historian at Indiana University, "That's baloney. Art is not bought as a consumer item. The art dealer is nothing more than a good stockbroker who advises his clients. His understanding is related to potential capital gains."

From 1980 to 1985, works by contemporary artists made spectacular gains. Each year higher and higher prices were established for a growing number of new stars—Julian Schnabel, Anselm Kiefer, Francesco Clemente, Jorg Immendorf, Sigmar Polke, Jean Michel Basquiat, Susan Rothenberg, Jennifer Bartlett, Robert Longo, and many others.

The lure of rapid appreciation has attracted collectors for decades, but in the past contemporary art had to undergo the test of time before it became pricey. Artists had to acquire a track record, show in museums, get prizes and commissions.

"Ten years ago," says New York gallery owner John Weber, "you could read an artist's biography and guess within a few thousand what his prices were. That whole concept has gone out the window."

In the new speculative market, it is often the quality of patronage, not the quality of the art, that determines its initial success. If a young painter, fresh from art school, gets picked up by the right collector, his or her prices can zoom from \$400 to \$40,000 almost overnight.

According to economist Singer, "It is not that the art market has radically changed. It is just that what happens in a week used to happen over a period of ten years. And in the Middle Ages it took place over half a century."

According to tables compiled by Nicholas Faith. Former investment editor of *The Econo-*





JULIAN SCHNABEL, "The Death of Fashion," 1978 oil, plates, bondo on wood



Contemporary artists like Julian Schnabel are making spectacular gains.

*mist* and author of *Sold: The Rise and Fall of the House of Sotheby's*; from 1971 to 1984 investments in art were more than twice as profitable as investments in corporate shares in both the United States and Britain. They also kept ahead of inflation by almost a 2-to-1 margin. In large measure, Faith attributed the stellar performance of the 1970s art market to the fear of hyperinflation. "The rise in the 1970s" he wrote, "was a mirror of the unparalleled fear that gripped all the inhabitants of industrialized countries who had any wealth to protect."

When that fear abated, Faith expected the art market of the 1980s to return to normal. That didn't happen.

The '80s were ushered in by the \$1 million sale of American painter Jasper Johns's *Three Flags* to the Whitney Museum, the highest price ever paid at that time for the work of a living artist. The sale was conducted with maximum publicity, with the New York gallery owner Leo Castelli producing the original 1958 invoice of \$900 for the work. For quick turnaround, however, the benchmark was the 1983 Sotheby's sale of Julian Schnabel's *Notre Dame* to Washington, D.C. collector Anita Reiner for \$93,000. Anina Nosei had bought the flamboyant, plate-encrusted painting a few years earlier for \$4,000, which made her profit on the sale more than 2,300 percent.

"I think the fate of that Schnabel definitely encouraged speculation," says Lucy Mitchell-Inness, Sotheby's expert in contemporary art, who arranged the sale. "Here was a woman who three years earlier had paid three or four thousand dollars for that painting, and then she sold it for a huge amount of money. It was an example of successful speculation."

New records for contemporary American and European artists are made at virtually every sale of contemporary art, even unsuccessful ones like Sotheby's and Christie's November 1985 auctions. One can expect to pay at least \$40,000 for a painting by any artist with an international reputation, according to one curator. And for techniques or styles that an artist has abandoned, such as Schnabel's plate paintings and Susan Rothenberg's abstract horses, the price can rise to well over the \$100,000 level. Works by living, older artists can go for \$1 million or more.

But as the spiral reaches into the stratosphere, art world observers are asking if the prices of contemporary art do not have a ceiling. Certainly the dynamics that propel them upward and the forces that bring them down are imperfectly understood.

Most people inside the art market ascribe the increase in market activity to an explosive expansion in the audience for art. According to Castelli, "There is a very wide public, and that public is



constantly widening. There are more collectors around, more interest in contemporary art, more shows to promote this interest, more articles written, ...It's fantastic publicity that art receives in every possible way."

Dealer Andre Emmerich agrees that "there has been a spectacular growth of the art market as a percent of the population interested in art." He explains, "Admittedly not every one of the subscribers to art magazines or museum goers are interested in buying art. But even if there are only ten buyers of art out of every 100 subscribers or visitors, this is an enlarged body of buyers."

However, Emmerich sees a leveling if not an end to the expansion. "God forbids trees from growing into the sky," he quips. "There has to be a limit. It's possible that the audience for art has reached its saturation point."

Recent statistics support his view. A 1984 survey on "Americans and the Arts" conducted by the National Research Center for the Arts suggested that the audience for art exhibitions has reached a plateau. "The one exception to [the] pattern of growth emerges in the cases of art museums," the report states. Attendance at exhibits of paintings, drawings, and sculpture was slightly lower in 1984 than in 1980, although above 1975 levels, the report said.

However, in defiance of declining museum audiences, the market keeps on climbing.

In New York City alone it rose to well over \$1 billion in 1985, according to Gil Edelson, secretary of the Art Dealers Association. That is a tenfold increase over the past 20 years even allowing for inflation, he estimates.

One explanation for the boom is that art collecting has become chic, with yuppies getting brownie points for the art they have on their walls.

"Instead of getting involved with big cars and boats," says dealer Mary Boone, "they've started to collect art."

One story circulating around New York concerns a couple who lived on Sutton Place. During the week they would go to top galleries and choose works to go to their apartment on approval. Then, with the art up on their walls, they would give dinner parties over the weekend. Come Tuesday (art galleries are traditionally closed on Mondays), the art would go back to the dealer.

"It's a glamour business," says Emmerich, "We get calls from ad agencies constantly asking, 'Can we shoot this or that in your gallery?'"

A more substantial reason for the continued expansion of the art market is the large-scale entrance of international funds. Singer suggests that the art market follows the same patterns as the economy at large. "As global income rises, more art is purchased," he explains, "More European and Oriental money has been flowing into the art market."

One of the major factors loosening the relatively tight fabric of the New York art community has been the rise of affluence in Europe and the concomitant rise in the numbers of European artists, dealers, and collectors.

"The internationalization of the art market was an enormous change," says Castelli. "It was unforeseen, unpredicted, unpredictable."

As the major dealer in the most American of movements, Pop art, Castelli was caught more unaware than many by the influx of Europeans. A decade ago few American dealers, collectors, critics, or artists would have predicted that the hottest artists on the international circuit would be West German, like Anselm Kiefer, or Italian, like Francesco Clemente.

"American artists were exported during the 1960s and 1970s," says gallery owner Weber. "The new spirit of internationalism came in between 1980 and '85. For non-American artists to be accepted in the American market was a first."

Actually, there were more than a few signals during the 1970s that the hegemony of the American art world was breaking up. Ever since World War II, European museums have been highly responsive to the new American art. Then, in 1976, the Art Institute of Chicago mounted "Europe in the Seventies," the first show of new art from Europe in decades. It received cautious but complimentary reviews. In 1979 came the sensational retrospective of the German artist Joseph Beuys at New York's Guggenheim Museum. With a celebrity opening, it was *the* event of the exhibition season.

At the same time the international art fairs began to rival the Whitney Museum of American Art's biennial show as official pulse-takers of new art. During the 1970s international European art expositions such as Documenta in West Germany and the Venice Biennale were written up in American art magazines as important bellwethers of trends. Then came the fairs at Zurich, Cologne, Basel, Dusseldorf, and most recently Chicago.

These became giant, international occasions for contemporary-art trading, bringing American collectors together with new, hip, European dealers like Konrad Fischer, Paul Maas, Michael Werner, and Bruno Bischofberger.

So eager were the European dealers to attract American buyers that their advertising saved such American magazines as *Art in America* and *Artforum* during the difficult period in the late 1970s when inflation and declining subscriptions threatened these publications' survival. And American collectors responded to the Europeans' blandishments.

"Collectors are freer now," says Chicago collector Lew Manilow, "because they can deal with all sorts of dealers around the world. In classical economics, what has happened is a far wider distribution, far more options for everybody."

The big international art fairs also helped adventurous American dealers such as Anina Nosei and John Gibson to become acquainted with new European art—with the Italian and German artists who had begun to reassert their cultural roots after decades of playing second fiddle to Americans. Their expressive figurative paintings on national themes had an unexpected power and appealed to audiences fatigued by conceptual and other nontraditional modes.

And in classical economic terms, their work was undervalued. Nosei says frankly in Laura de Coppet and Alan Jones's book *The Art Dealers* that she went into the field of the new Italian and German painters because she couldn't afford the Americans she liked. Almost overnight during the 1980s, a handful of German and Italian painters became international art stars, propelled skyward by the numbers of collectors rushing to buy their relatively inexpensive works.

The Japanese too have entered the market for contemporary art, although most Japanese collectors prefer Impressionists and such classic modern artists as Matisse and Picasso. Still, they buy new art when the Japanese yen is high, according to Sotheby's Lucy Mitchell-Inness.

With the increased demand for their work, both European and American artists with international reputations have begun to reject the long-standing artist-gallery relationship, in which the artists contract to sell their work through one dealer.

Traditionally, the dealer helps the artists during the lean years when they are developing their reputations. In later years, the dealer reaps the profits, if there are any profits.

But according to Mitchell-Inness, "very few artists in New York have signed exclusive contracts with their dealers. Artists today can hold their dealer to ransom. They can demand the kind of slots they want in the calendar. And many of them are fairly fickle. They'll go wherever they can get the most favorable situation."

"It's a lot less rigid," says collector Lew Manilow, "Fifteen years ago, new works from artists were committed to dealers with whom they had long-term relationships. These have been eliminated or frayed. The new crop of artists like Georg Baselitz and Francesco Clemente have a dealer in Germany, a dealer in Italy, a dealer in America and God knows where else."

To accommodate the new market, successful artists have to work at a pace undreamed of in the past. Even two decades ago a one-person show every two years was the standard. Today a sought-after American artist like Sol LeWitt routinely mounts six or seven one-man shows a year.

And like high-paid movie stars or athletes, artists as popular as LeWitt have agents. One sure

ANSELM KIEFER "Die Meistersinger," oil, acrylic, straw, and cardboard on canvas



sign of the way the art business is changing is the rise in the number of artist reps, agents who handle negotiations, arrange exhibitions. For example, Susanna Singer, who used to be director of the John Weber gallery, resigned to take charge of the work of New York artists Robert Mangold and LeWitt. "They basically feel that they don't want to be tied into one particular gallery," she explains, "and they want to have a greater control over their career and be free to show where they want to show."

Singer acts as intermediary with a worldwide network of galleries for her artists and also sets the prices for their work (in dollars), making sure that they are the same in Chicago, London, and Zurich. She says that LeWitt's and Mangold's incomes have increased significantly since she began representing them.

"The other thing I have to make sure of," emphasizes Singer, "is that the artists get paid by the galleries. Artists who are well-established and whose work is much in demand have a lot of paperwork to deal with. It's better for the artist not to have to deal with that."

Singer is not the only former gallery director who has become an artist rep. Several New York dealers, squeezed by rising rents, have closed their public spaces to take up private practice, among them Pat Hamilton and Michael Klein. SoHo's Pam Adler is one of the latest recruits. She is closing her gallery this spring to represent those few artists she sees as visionary.

Despite the efforts of Singer and her colleagues to standardize the prices of the artists they represent worldwide, the international art market became so active in the last decade that it needed a more institutionalized method of establishing the prices of contemporary works of art. With works by a single artist available in many different galleries, collectors needed regularly updated benchmarks they could consult. This function is filled by the major auction houses—Sotheby's and Christie's.

"For galleries of my type," says Castelli, "auction houses have been extremely useful in establishing price structures. Without them people would consider that our price-fixing is arbitrary. It's confirmed by sales in auction houses that the prices we make are real."

Once consummated quietly in a gallery's back room, resales are now jet set entertainment put on by Sotheby's and Christie's for the Tiffany-and-tails crowd.



Auction houses have functioned in this capacity for the contemporary art market for only a relatively short time, however. Traditionally, the auction houses have been extremely cautious about very recent art. For the most part before the 1980s auction houses held to the "rule of 20" first enunciated by H.C. Marillier in his 1926 history of Christie's:

"The work of the younger man active at the time does not come onto the market, but remains with the original purchaser on an average of 20 or 25 years," he wrote. "Such pictures as do come up in a sporadic way are as a rule minor ones, which pass unnoticed and have no effect."

Since the 1983 Schnabel transaction, however, the sale of very recent work at auction has been an integral part of the contemporary art boom.

"There is no doubt," writes Michael Kohn in the September 1985 *Art & Auction*, "the auctions have become, for better or worse, a highly important and very public forum for buying contemporary art. Never before has the audience for such art been so dense, nor the amounts of money spent so great."

Kohn points out that although most of the works sold are still by established artists, the influx of works by young artists is rising. "The recent popularity of young—sometimes very young—artists at auction can be understood in purely financial terms," Kohn says. "These are prolific artists whose prices have increased tremendously over the last two to four years."

While the conventional wisdom is that art galleries profit when the auction prices of their artists rise steeply, there are more than a few signs that the speculative spiral unleashed by the continuing string of auction records has dealers deeply worried. For one thing, the auction activity is eating deeply into the art dealer's mainstay:



**The supercollectors have an enormous influence on the market. If they dump an artist's work as the Saatchis did in 1983 with Italian painter Sandro Chia, it can have an immediately depressive effect on the artist's prices.**

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the secondary or resale market.

Since the collapse of the academy in the nineteenth century, modern artists have needed middlemen to introduce them to the buying public. Dealers like Paul Durand-Ruel and Henry Kahnweiler made it possible for the Impressionists and the Cubists to develop their revolutionary styles. Such dealers not only found buyers for the art, they frequently advanced small sums of money to artists who were developing new, initially unsalable forms.

For example, Durand-Ruel, the Impressionists' primary dealer, not only showed their works, he also purchased canvases from Monet, Renoir, Sisley and Pissarro on a regular basis. Emile Zola's accusation that he sold their works to patrons who did not understand them may be true. But in some respects Durand-Ruel was as visionary as the artists he patronized.

Obviously everything depends on the ability of art dealers to choose artists whose work is of lasting value. Says Gil Edelson "The ability to make a judgment that this is an artist who has significant quality over and above the merely competent, that's what distinguishes a Leo Castelli. It's the eye. That's the key to how well a dealer does ultimately."

Implicit in the gallery business is a turnover, not just from new exhibitions, but also from secondary sales or resales. Sometimes collectors will trade up, exchanging an older work for a newer. Often a collector in need of money will ask the dealer who originally sold the painting to find another buyer. Dealers' fees on secondary sales typically run about 20 percent, and in many galleries these fees account for 50 percent to 75 percent of total income.

Over the past five years, however, the auction houses have been getting a larger and larger share of those sales, effectively diverting a large share of gallery income. Once consummated qui-

etly in a gallery's back room, resales are now jet set entertainment put on by Sotheby's and Christie's for the Tiffany-and-tails crowd. But high prices at auction are a two-edged sword. On the one hand, they do confirm an artist's worth. But when collectors flock to the auction houses with recently purchased contemporary works for sale, dealers fear both the loss of business and the loss of control over prices. Last spring's successful contemporary art auction netted more than \$1 million for Sotheby's, and that was money that normally would have gone into the art dealers' pockets.

"The auction houses have no long-term commitment to the artist," says dealer Mary Boone, her tone that of a betrayed spouse. "They are geared to the one-night stand." In the bitter dispute between dealers and auction houses over the resale market, epithets like "greedy" and "irresponsible" are being hurled by both sides.

From the dealer's point of view, a slow and steady appreciation is far more desirable than a sudden ascent to the heights, which might not be sustained by subsequent sales. "Dealers benefit if there is a certain amount of predictability in the pricing structure in these secondary sales," explains Edelson. "One sale doesn't make a market. The atypical sale tends to distort the view of people who don't really understand the situation."

"I think over the last two or three years collectors have gotten very unrealistic ideas about what things should cost," says Boone. Her experience with Julian Schnabel's work is an example. Although it was offered to her first because she was the dealer who originally sold it, the record-breaking painting *Notre Dame* went to auction at Sotheby's because Boone thought its owner, Anina Nosei, wanted too much money.

"At that point Schnabel's prices in the gallery were \$35,000," explains Boone, "and I couldn't in good conscience sell it for twice as much as I was selling the current paintings for. This is an artist who had a very short life in the public eye. I kept my prices the same even after the (\$93,000) sale. But what I found was that now, every collector who wanted to sell their Schnabel paintings thought they were worth \$100,000."

Boone says she believes that if prices go up too quickly, it cuts out potential sales to museums, whose patronage in the long run will be more valuable to the artist's career than the one-shot hype afforded by a record at auction.

The competition for the secondary market explains, in large measure, why dealers, who might be expected to worry over the weak response to the November auction sales, are taking a certain pleasure in Sotheby's and Christie's failure to judge the market,

"The reserves (the prices below which owners will not sell) were too high for mediocre things," says Andre Emmerich. "The auction houses are largely responsible for the failure. Sotheby's badly misjudged the market, and the clients were greedy."

There is a certain bravado in the way that art dealers talk about those dismal November sales. "Nobody jumped out a window," jokes John Weber. But there is the undertone of fear that the bubble will suddenly burst and the prices will come tumbling down. Almost everyone, including economist Singer, predicts some kind of "adjustment" in the prices of recent art. But no one knows when it is coming or how much of a crash it will be.

Writes Robert Hughes, art critic with *Time* magazine, in his 1984 *New Art Examiner* essay "Art and Money":

"We are repeating one of the peculiarities of the Victorian art market, though on an industrial scale. By and large historical art is better value than contemporary art: and contemporary art is overpriced....Nobody of intelligence in the art world believes this boom can go on forever. There is a jittery feeling that we are heading for something like the slump that hit the once-dominant French art market in '50s. Except that instead of one Bernard Buffet, we have 20. And except, too, that when the shakeout comes, it will be much more traumatic."

Predicting when the shakeout will come has proved elusive. Writers have been predicting the end of the art boom every year for the last five. Wrote Michael Brenson in the *New York Times* in July 1982, "The 20-year boom of the New York art world, when there seemed to be a buyer for the work of every artist and when dealers and auction houses broke their sales records virtually every month, is apparently over."

True, 1982 was a bad year. High interest rates attracted most loose cash, and the future of the economy seemed uncertain. But it was followed by 1983 when sales and records, buoyed by a booming stock market, resumed their upward pace. Hughes's dire warning in 1984 was followed

by the boom spring of 1985, when Sotheby's racked up an unprecedented \$12.5 million in a single sale.

Then came the November auctions. More than 40 percent of the works went unsold, including large paintings by such famous Abstract Expressionist artists as Arshile Gorky, Barnett Newman, and Clyfford Still. Even the magic name of Andy Warhol failed to elicit sparks.

Dealers ascribe the poor results to different causes. Some say the paintings simply weren't as good as the ones that drove up the spring auctions. Others say that the paintings were too big and too pricey for the individual buyer. Almost everyone agrees that the reserves were set too high.

But the one big factor in the November mini-crash that no one is mentioning was the absence from the bidding of a group of men, almost all European, who wield an increasing influence on the fluctuations of the art market worldwide. The supercollectors are the art world raiders, and, like T. Boone Pickens, they choose their targets carefully.

The supercollector's money usually comes from a multimillion-dollar family-owned business. Germany's Peter Ludwig has a chocolate empire—the Monheim group, founded by his wife's family. The Swiss Baron Hans Heinrich Thyssen-Bornemisza has a shipping empire. Count Guiseppe Panza de Biumo's fortune is founded on his family's real estate and commercial alcohol business in Milan. Charles and Doris Saatchi's wealth comes from Saatchi and Saatchi Compton Worldwide, an international public relations firm which dominates the business in Europe and, with accounts like E.I. du Pont de Nemours & Co, International Business Machines Corp., and Xerox Corp., is well on its way to doing the same in the United States.

The international nature of these businesses is a considerable asset to the supercollector. With accounts in a number of currencies, he buys where the art is cheap and sells where it is expensive, usually the United States. Thyssen-Bornemisza has said that World War II taught him to never have his capital assets fixed in one place.

Typically the supercollectors buy in bulk. They want not just one example of an artist's works but a range of works representing different phases of an artist's career. Ludwig has boasted that he owns more paintings by Jasper Johns

than the American artist does himself. Charles Saatchi has been known to buy out entire shows, leading to charges that he is trying to corner the market in particular artists.

Supercollectors work hard at their avocation, keeping complete files on artists who interest them. Often they end up knowing more about contemporary art than the majority of dealers and curators. They can also afford to hire curators who work full-time on their collections. They use dealers as scouts but for the most part make up their own minds.

Finally, the supercollector usually ends up creating an institution through which he can exert influence on the world of art. Like Joseph Hirshhorn, a prototypical supercollector who donated his collection to the Smithsonian Institution to found Washington, D.C.'s Hirshhorn Museum and Sculpture Garden, they want their own museums. Ludwig persuaded the Cologne WallrafRichartz Museum to merge its holdings of twentieth century art into a new entity—Museum Ludwig—with a brand-new building to house it. Charles Saatchi built his own museum in London, which opened in 1985 to raves from the press. Thyssen-Bornemisza is building a museum of modern art in Lugano, Switzerland.

The most important quality of the supercollector, though, is that he can make prices jump just by looking at a work of art. Sotheby's Mitchell-Inness, explains that in fields which interest a supercollector, there will usually be two possible prices for a single object—a high one if the collector is known to be interested, a lower one if he is not. Ludwig used to complain that prices doubled when he walked in the door.

Thus the supercollectors have an enormous influence on the market. If they dump an artist's work as the Saatchis did in 1983 with Italian painter Sandro Chia, it can have an immediately depressive effect on the artist's prices. On the other hand, when they buy more work, as the Saatchis did with Warhol's work in the late 1970s, it has roughly the same effect as massive investment in a blue-chip stock.

"Warhol was a bit in the dumps before Saatchi intervened," says Castelli. "He wanted certain pieces, rare pieces that were very expensive. When he next found a painting he wanted, well, we were perfectly aware of the prices that he had paid for certain paintings, and the prices would go up."

Most dealers tell you that it is impossible for any one collector to dominate the market. However, Charles Saatchi, at least, has come close to doing just that. The question is, for how long?

Lucy Mitchell-Inness of Sotheby's suggests that the Neo-expressionist boom Saatchi helped to nurture may be coming to an end, brought down by the artists' and dealers' eagerness to exploit their success.

"Dealers don't know how many of their artists I turn down for every sale," she says. "Eighty percent of the telephone calls I receive are for young artists: Schnabel, Basquiat. [David] Salle and [Jedd] Garret, etc. "She blames galleries for pushing artists to keep on producing pictures regardless of quality. It is often these inferior works, she says, that collectors are trying to unload. "Very few of the dealers," she says, "and this is where I believe they are at fault, hold their artists back."

The idea that an artist can have multiple one-person exhibitions each year and maintain quality is absurd, Mitchell-Inness says.

"Much of the work should never have left the studio," she explains, "It was unedited. The dealers were greedy and undisciplined about it, and the artists were just as greedy as the dealers for their sales."

And as for future greed? The odds are that the November auctions' poor results were only a blip on the rising graph. This year at least, falling oil prices, falling interest rates and a soaring stock market are almost guaranteed to drive prices up.

But whether prices go up or down, the real question the New York art world should address is how to halt the decline of faith in the way the market works. The rampant cynicism that preceded the demise of Paris as a market center for contemporary art after World War II has now become a New York disease.

New York gallery owner Pam Adler says she believes that ultimately art history will weed out the art clutter. "Time allows us to see quality," she says, "Cream rises." In the meantime she is closing her doors, she says, because she cannot stand the speculative fever and hype that characterize the art market today. ■

Jane Addams Allen was the art critic for the Washington Times and the founding editor of the New Art Examiner.



## Reviews

**Mika Horibuchi and Brittany Nelson at PATRON***by Kate Hadley Toftness*

The exhibitions of Mika Horibuchi and Brittany Nelson, on view this summer at PATRON Gallery, highlighted a noir quality of both artists' work. Horibuchi, in particular, is exploring ambiguity as a genre. Her work occupies the gallery's front space with an installation of pseudo-trompe l'oeil paintings, including a meticulous array of puzzle pieces on the floor, at least as solemn as they were playful. Nelson takes mystification equally seriously. Her silvery tintypes have an air of resurrection—as if a technique from the past could revive objects from the future.

In "Controller," Nelson's tintype photographs were mysterious, yet instructional. Nelson, a graduate of Cranbrook Academy of Art, is currently a professor at the Virginia Commonwealth University in Richmond. Julia Fischbach, who co-founded PATRON with Emanuel Aguilar, commented on Nelson's witty presentation style and the well-equipped studio where she trains her students. Gazing at her works, I felt I gained an understanding of the artist's preoccupation with ways of knowing, from the scientific to the absurd.

Primary shapes levitated on dark emulsions; renderings of geometry with an almost spiritual quality. There was a signpost aspect to the ori-

entation of Nelson's works, each with their own oblique cant against the wall. One work, titled *Map #1*, includes an amorphous orb of boxes and arrows, hovering in a low corner of the tintype like ants around picnic food, each miniature arrow carrying more than its own weight of information.

Due to their slanted structure, the photographs asserted an outward presence in the space, yet their placement was simultaneously particular and arbitrary. As these works migrate from the gallery, one might expect to find them as sculptural objects placed on a shelf or table, perhaps even along the base of a wall, as two of the tintypes were placed here.

*Megalith #2*, the largest of Nelson's eight works in the show, also has the most skewed orientation, tilted toward the viewer by degrees and adjusted in multiple directions. At PATRON, it hung at a confrontational angle, as if rising to meet the viewer who turned the corner into the second gallery. The works occupy dimensions under utilized in gallery architecture. You might think of them as tilting in orbit, each with a nuanced gravitational plane.

An artist equally absorbed by dimensionality or the lack of it, Horibuchi's work, at first glance, is all surface finish and precision installation. Her



Brittany Nelson,  
Parallel #1, 2016  
Unique tintype photograph,  
powder coated formed aluminum,  
3 @10" x 8" x 3" each,  
BN043



Installation view of Mika Horibuchi's 'Draw the Curtain' at PATRON

paintings of curtains have a convincing photographic appearance that does not hint at deeper meaning. But she merges technical ability with sleight of hand. The work promotes a basic question: Is a thing what it looks like it is?

The tightly executed works were sparsely arranged and made to construct a larger stage. Horibuchi, a BFA graduate of the School of the Art Institute, lives and works in Chicago, which surely had an influence, as her work was coded for PATRON's space. The result is a quiet reminder of the power of presentation. If you choose to play Horibuchi's game, the gallery itself must be implicated in the construction.

Horibuchi's exhibition title, *Draw the Curtain*, reinforced a theme of concealment and exposure rooted in the physical layering of objects. Six oil paintings of curtains were framed behind dark Plexiglas and spaced at irregular intervals, white frames vanishing into the wall (especially in bright sunlight). In order to decipher the unusual narrowness of the paintings, it was necessary to observe the corresponding dimensions of the room's walls and doors. Small details were relevant: the paintings were the same width as a thin column on the wall.

*Screen Door* (oil on linen) hung opposite the entrance. Even studying Horibuchi's floor work, *Puzzle*, and mentally rearranging the carefully disconnected pieces, it was not until gazing upward toward the ceiling that a pattern came into focus.

The gallery director explained that the decorative ceiling tiles, original to the building, were echoed in the design painted on the fiberwood board pieces. Though the displayed puzzle pieces could not form a whole, the discovery of an embedded visual code hinted at a solution.

Both Horibuchi and Nelson's art poses riddles. Imagine Photoshop after death. Through mastery of their mediums, they question the limits of representation and bring humor to a morbid fascination with unknown forces. ■

Mika Horibuchi, "Draw the Curtain" and Brittany Nelson, "Controller," An exhibition at PATRON Gallery that ran from June 25–August 13, 2016.

Kate Hadley Toftness investigates collection-based teaching and engagement programs at museums and alternative spaces with permanent archives. She works as the Archival Collections and Public Engagement Manager at Rebuild Foundation. She holds a B.A. from Yale University and an M.A. from the University of Chicago.

# Life's Struggles and Black Rage: The Fire Then and Now

*by Diane Thodos*

*Invisible Man*: Gordon Parks and Ralph Ellison in Harlem, the exhibition that just closed at the Art Institute of Chicago, focuses on collaborative projects created by two seminal Afro-American artists, each a consummate master of their mediums. Each formed their unique artistic identity during the time of the Harlem Renaissance from the 1920s to the mid '30s, a period in which Afro-American culture in general, and Harlem in particular, underwent an explosive cultural transformation that merged with a potent sense of self-determination.

The exhibit features two photo essays, *Harlem is Nowhere* and *A Man Becomes Invisible*, intended to be published as magazine photo essays, aimed at having both a popular and socially conscious purpose.

The exhibit begins with nine Parks photographs dating from 1943–48 showing life on the streets of Harlem: empathetic portraits of people both alone or in groups, wearing their humanity in spite of the surrounding squalor and depressed conditions. Parks looks for stories of ordinary people, becoming a sympathetic witness of their individual particularity as much as their harrowing social conditions.

These are followed by photographs illustrating segments of Ellison's book *Invisible Man* for a *Life* magazine essay. Several photos are deliberately staged, showing the narrator in his underground hideaway, emerging from a manhole cover, eating a sandwich, or running with a suitcase. These posed vignettes contrast with images of street scenes that are unpredictable and spontaneous, catching the expressive gestures of an orator, groups conversing on their doorsteps, and crowds of people strolling down the avenue.

The self-conscious power of Ellison's narrative, with its tone of rage, introspection, and poetic irony are more illustrative than expressed by Parks' posed photos. However, his spontaneous street photography catches prosaic and haphazard details that occupy a different, less specific and more open-ended "narrative" than the Ellison texts. These photos are often the more interesting, expanding into unpredictable moments of people caught in the flow of life.



Untitled Harlem 1948

The pictures planned for the 1947 photo essay, *Harlem is Nowhere*, were never published. However Ellison challenged Parks to create images that served as "both document and symbol; both reality and psychologically disturbing image" based on the subject of the newly-opened Lafarge Psychiatric Clinic.

We witness the back of a man walking down an alley next to squalid tenements, smoky Harlem rooftops that resemble an inferno, the dark shapes of children huddling around a trash fire, and a homeless couple sleeping on the sidewalk. The images are hallucinatory and disturbing, crackling with the pain of a human existence burdened by poverty and injustice. They reveal Parks at his most expressively powerful. The collaboration proved more effective this time, psychologically unveiling Ellison's and Park's personal experiences of suffering and injustice exposed by the harsh existential truths of life in Harlem.

The middle of the room has a long glass case showing artifacts from the collaboration: pages from *Life* magazine, press sheets from film stock, and pages of typed text by Ellison. The press sheets prove to be the most fascinating. They reveal how Parks shot sequential photos of pub-





Untitled Harlem 1952

lic events from which he selected a particular image, sometimes cropping it to heighten the presentation of his subject. They reveal the mastery of his craft as well as the manner in which his eye searched for and edited what it found in the spontaneity of public life.

The present-day Black Lives Matter movement harkens back to protest traditions that came from periods of awakened social consciousness such as the Civil Rights movement, Harlem Renaissance, and the social and political upheavals of the 1930's. In each instance these movements developed a need to fight for a renewed sense of self-determination and criticism of the status quo.

Some of the current figurative work of established Afro-American artists like Kerry James Marshall (exhibiting at the Museum of Contemporary Art in Chicago through September 25) confronts ever more directly his rage about slavery in America's past. His portrait of Nat Turner holding an ax in front of the bed where he decapitated his master is unforgettable. The Art Institute's retrospective of Martin Puryear this past spring included a model of his recently conceived sculpture *Shackled*. Intended as a monumental public work, it is a direct reference to the violent history of slavery in America.

It makes sense that the current social resurgence of black activism today has influenced AIC curators to find illuminating narratives such as the Ellison/Parks collaboration. For both artists, communicating with your audience was critical,

especially regarding issues of pain and social breakdown similar to what we are re-experiencing today.

By contrast, many of the previous exhibits in the same Renzo Piano wing photography room exhibited work based mostly on conceptual art and pop culture influences. It is predictable that such exhibits were sparsely attended, attesting to how little of human relevance the art had to communicate. It is a reminder of how the institutional framework of mainstream art has ignored both social life and the human need to express the reality of what is happening today. Clearly the high audience attendance of the Parks/Ellison exhibit speaks to the need revitalize a kind of "social realism" about the present.

It is not accidental that Kerry James Marshall, after all, was influenced by the 1930s social realist style of his teacher, Charles White. It is fitting that we are able to know about Marshall in the present time and that he has succeeded in being a relevant figurative artist in a conceptually dehumanizing art world environment. But questions remain.

What are the real narratives in our culture that connect with the vital reality of present-day social life? If they exist, will they be swept away like the Ellison/Parks collaboration was forgotten and ignored in an earlier time by the mainstream establishment? Who are the cultural and artistic visionaries who embody the spirit of Gordon Parks or Ralph Ellison today? And, equally important, will contemporary cultural institutions have the capacity to even recognize their significance? ■

**Invisible Man: Gordon Parks and Ralph Ellison in Harlem** was on exhibit at the Art Institute from May 21 to August 28, 2016

Diane Thodos is an artist and art critic who lives in Evanston, Illinois. She was the recipient of a Pollock-Krasner Grant in 2002 and has exhibited at the Kouros Gallery in New York City. She is represented by the Thomas Masters Gallery in Chicago and the Traeger/Pinto Gallery in Mexico City. For more information, visit [www.dianethodos.com](http://www.dianethodos.com)

# Camera Wields Power to Mediate/Manipulate

by Evan Carter

A majority of the world's population not only has access to the internet but also owns smart phones, according to Pew Research. This rapid expansion of technology generated a social space we are all familiar with but few people think about with critical consideration.

Being immersed in a world of mediation where we not only have access to a seemingly infinite number of images but also have the means to create and construct our own narratives of identity and power is, without question, shaping culture and communities in unprecedented ways. Two exhibitions currently up at Chicago's Museum of Contemporary Art probe the facets of this cultural moment.

"Witness" presents a selection of photographs that examine the dynamics between photographer, subject and viewer. The images are almost all portraits or figures and those where the figure is absent deal with the body nevertheless, as is the case with *Standing at the Grave of Emmett Till* shot by John Lazarus.

The modes of figuration in the images range from the candid portraits of subway riders by Walker Evans to the staged film stills of Cindy Sherman. We see familiar heroic poses that could have pulled from classical painting in Rineke Dijkstra's *Hel, Poland, Aug 12, 1998* and Collier Schorr's portrait of the artist Boychild titled *Where are you Going?*

A less traditional treatment of the body are one of David Hockney's photographic collages, *Gregory loading his camera*, where the body is fragmented as though the boundary between photographer and subject is temporarily dismantled in the moment of adding new film to the camera. In Carrie Mae Weems' *Ebo Landing from the Sea Islands Series*, two landscapes absent of any people are placed below and above text on a three panel frame.

The text recounts the chant Ibo men sang when they were brought to shore as slaves and, upon landing, defiantly walked back into the sea to drown. The written narrative juxtaposed with the images evokes the presence of the body without a visual representation of it. Instead, the presence of the body is allocated to the viewer,

further examining the notion of presence and body politics that can be mapped on to all parties involved in the photographic image whether it be photographer, subject, or viewer.

This examination of roughly 70 years of image-making primes the viewer for the exhibition's keystone work. Proceeding through the Neil-Fischel gallery, viewers pass by Anne Collier's *Negative*. It is not only the single inverted photograph in the exhibition but it stands alone at the end of a hall leading to the next large room. I enjoyed it formally but wondered why it was there.

My attention was drawn to the aggressively glowing and densely installed fluorescent lights on the outside of a large box the size of small cabin. This is Alfredo Jaar's *The Sound of Silence*. Seeing the wall of glowing lights, I immediately thought 'giant camera'. It sounds like fun but feels very ominous. Going around to the opposite side of the structure, museum goers wait on a

*Gregory loading his camera*, 1983 by David Hockney (Photo by Nathan Keay)



bench for a horizontal line of green lights to turn on meaning they can enter. Sitting on three adjacent benches facing a screen we watch a highly dramatic text-based video that, in as few words as possible, tells the story of Kevin Carter whose journalistic photograph of a tragic subject won him a Pulitzer Prize and possibly contributed to a mental state that led to his suicide.

During this narrative, we see Carter's photograph and are startled with an intense flash of bright light. The piece alone is powerful but, within the context of this exhibition, its inclusion may feel like a heavy-handed gesture. It is an essential one nonetheless in how it embodies the questioning of body politics and the gaze within the photographic gesture. *The Sound of Silence* makes it difficult not to engage in this confrontation of body, mind, and machine while having it all framed by a fact-based narrative where the seemingly harmless act of taking a photograph creates a moral and ethical dilemma with serious consequences.

Upon leaving the installation I looked back on Anne Collier's *Negative*. Its placement made much more sense to me in how it seemed to be a forewarning that some kind of photographic logic is about to be manipulated and flipped on its head as it was in Jaar's piece. Nevertheless, I felt as though my critical understanding of the nature of photography felt somewhat sharpened and my desire to examine the politics of the visual world had grown.

Though not directly connected by the curator, a second exhibition called "The Making of a Fugitive" continues the conversation of how

photography shapes social politics within existing power structures. Referring specifically to a 1970 Life magazine cover headline, the exhibition attempts to unpack the word 'fugitive' as a romantic archetype in popular culture as well as a construct of danger in society.

Outside the small gallery is a large wall piece by Dennis Adams titled *Patricia Hearst – A thru Z*. It is a series of photographs of Hearst arranged in a grouping of 26, one for each letter of the alphabet. The images are pulled from various periodicals published during the 14-month period in which Hearst was in the public eye as an innocent victim, a political prisoner turned radical and exonerated citizen. This selection of images enables us to peer into the non-objective use of images to shape a public narrative through mediation, suggesting that the danger is not exclusive to fugitives themselves but also to manipulated consumers of said media.

The majority of the work is packed tightly into the small upper level galleries and the work could benefit from some breathing room but that does not stifle the conversation completely. One could even argue that the density of the work displayed reflects the ever-expanding density of consumable media we face on a daily basis.

However, that is a stretch, considering the numerous same size galleries throughout the museum. In such close quarters, the works compete with one another and the installations by David Hammons and Bruce Nauman pull most of that visual attention while Glen Ligon's series, *Runaways*, takes the shape of an exhaustive task in reading producing a conceptually poignant interaction with work.

Both exhibitions present viewers with deep investigations into the mediated world examining how the narratives constructed within this space can shape our reality in ways we would do well to pay closer attention to. Both are provocative efforts toward deciphering the codes of our mediated world. ■

"Witness" is on view at the Museum of Contemporary Art from now through February 19, 2017. "The Making of a Fugitive" is on view through December 4, 2016.

Evan Carter hails from Worcester, Massachusetts. He studied Painting at Mass. College of Art in Boston and is currently an MFA candidate in the Department of Visual Art at the University of Chicago.



*Untitled #153, 1985*  
by Cindy Sherman



## Slow Painting

by Derek Guthrie



*Backyard: Cherry Tree*, 2015, oil on canvas

The Chicago art scene has a little Shangri-la called the Richard Gray Gallery, a legend in the American art scene. “Slow Painting” by Chicago Artist John Santoro fits well into this gallery’s standard of elegance and integrity.

His paintings revisit the issues of French painting that were put aside when New York replaced Paris as the center of contemporary art. John Santoro shares a respect for Bonnard and de Stael. He follows a similar direction as the Californian painter Richard Diebenkorn, whose work also

respects the options offered by French Painting.

Santoro’s brush, interworking lavish paint, explores the diversity of light found in the landscape. The paintings are comfortable and do not indulge in expansive gestures that challenge the confining edge of the picture frame.

This slow painting requires a long attention span from the viewer—a time to savor. Santoro entices the viewer to share the steps employed for painterly development.

John Santoro reclaims the idea that the landscape is necessary for the human psyche—an idea now popular in the environmental movement. This artist, in referencing nature, rekindles the romanticism and the idea of aesthetic adventure.

John Santoro is an artist who seeks refuge in what many call traditional art. Although he taps into an avant-garde of yesterday, John Santoro avoids the banalities of our time. In this, he belongs to the noble tradition of the Richard Gray Gallery. ■

“Slow Painting” was on view at the Richard Gray Gallery from July 14 through September 10.

Derek Guthrie is the co-founder and publisher of the New Art Examiner.

## The Importance of Being Earnest

by Michel Ségard

While on the bus, *Dynamic Energy* by Douglas Gruizenga caught my eye. Gruizenga is a sculptor based in Interlochen, Michigan. Part of the 15th annual Chicago Sculpture Exhibit, his piece sits in a scruffy little parklet at the corner of Clark and Aldine streets. This giant cog wheel of welded aluminum boldly celebrates the machine age, recalling the engineering optimism of the 30s as depicted, for example, in Charles Sheeler’s *Suspended Power* from 1939. *Dynamic Energy* stuck me as an honest and unpretentious work. In its earnest, unapologetic celebration of the machine, it takes on some of the qualities of a religious icon, like a saint’s statue in a niche of a church. The piece celebrates what humanity can accomplish—a refreshing change from today’s overheated political polemic. And it does it using rational, symmetrical forms that sooth as well as uplift.

At first, I was distracted by the surface that recalled the cube sculptures of David Smith. But after thinking about it, the finish is not a historical derivation. It is what gives the work the quality of an icon, making it shine in the sun like an enormous jewel. Good Dywork Douglas Gruizenga. Keep uplifting our spirits and reminding us that art can be more than political criticism or narcissistic self indulgence. ■



*Dynamic Energy* by Douglas Gruizenga, welded aluminum

Michel Segard is the Associate Publisher of the New Art examiner

Source: **Facebook**

Roberta Faul-Zeitler

August 17 at 8:48 am · Silver Spring, MD

I'm not sure anyone in the media is asking the right questions—or perhaps capable of doing so—even after the years of crisis. Why is Lauren Garcia still on the payroll and paid well, and there's 9000 pieces from the collection still waiting for a home? Why is Hopper still chairman of the defunct board? And they have added "new" board members, one of whom I know. What renovations are underway and why is it taking so long? We know that National Gallery needs to redo the second-floor front galleries, but what is GW doing with the \$40 million that is turned over to them? Invested somewhere for a few years? Used for cash flow? I'm sorry that there's no reporter with a true nose-for-news. The WashPost reports on policy/politics, and no longer able to do an estimable job on the arts (exception, Christenberry magazine story).

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Source: **BBC News**

### **Burger King to Honor Political Dissident With Performance Art Burgers**

by Paddy Johnson and Michael Anthony Farley on August 31, 2016

Petr Pavlensky nailed his scrotum to the Red Square in protest of Putin. Now there's going to be a Burger King meal about it.

Weirdest art news we've read in awhile: fast food giant Burger King is making a series of burgers inspired by Russian performance artist Petr Pavlensky for its Saint Petersburg location. Pavlensky is famous for nailing his balls to Moscow's Red Square, setting fire to a government office building, and sewing his mouth shut to protest the arrest of Pussy Riot. He's not exactly the type of political figure usually associated with international corporate junk food.

\* \* \* \* \*

Pavlensky is quoted as saying, "The performance can be seen as a metaphor for the apathy, political indifference and fatalism of contemporary Russian society. As the government turns the country into one big prison, stealing from the people and using the money to grow and enrich the police apparatus and other repressive structures, society is allowing this, and forgetting its numerical advantage, is bringing the triumph of the police state closer by its inaction."

So naming a special Whopper in Pavlensky's honor is going to make things better? *M.S.*

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We found this interesting item about the De Menils, the Houston supercollectors/museum founders.

Source: **ENTROPY** online magazine

### **The House Is On Fire: Race, Gentrification, Houston and the De Menil Family Legacy**

written by John Pluecker August 19, 2016

On August 16, 2016, a Houston Chronicle article, "De Menil Plans Artist Enclave in Acres Homes," detailed a new plan to build a development of fourteen single family houses for artists in Acres Homes, a historically Black neighborhood on the north side of the city. The homes would be in the \$300-450,000 range, far higher than the median home price in the city in 2016: \$230,000. The development is to be called NoLo Studios, a common real estate move to invent a new name that sounds like a high-rent New York City neighborhood (NoLo means North of the Loop). Though the press is new, it appears from what is available online that the efforts to develop Nolo Studios are not.

Of course, this happens all the time: developers build new housing with stratospheric pricing in working-class Black and Brown neighborhoods around the country without engaging in dialogue with community residents. ...





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From *THE JACKDAW: THE DEGENERATION OF THE AVANT-GARDE INTO FASHION* by Edward Lucie Smith.

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