The Contingent Object of Contemporary Art

MARTHA BUSKIRK

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Sherrie Levine, *Fountain (after Marcel Duchamp)*, 1991. Cast bronze, 15" × 25" × 15". Courtesy Paula Cooper Gallery, New York.

This is a story that ends with a cast bronze urinal. It is an unexpectedly beautiful object, presented on a narrow pedestal, with its smooth, curvilinear surfaces polished to a highly reflective finish. Under different circumstances it might be read as a fragment from an astonishingly ostentatious interior. Yet it was never intended and is totally unsuitable for use. Moreover, in the context of its display the viewer is forbidden physical contact with its luxurious surface. The sensuality of the material as well as the position of the urinal, rotated so that it is lying on its back rather than upright, draw attention to the potentially abstract qualities of the form. Though its shape is based on a common utilitarian item, this particular example was made for a particular and highly specialized function, that being its display as a work of art.

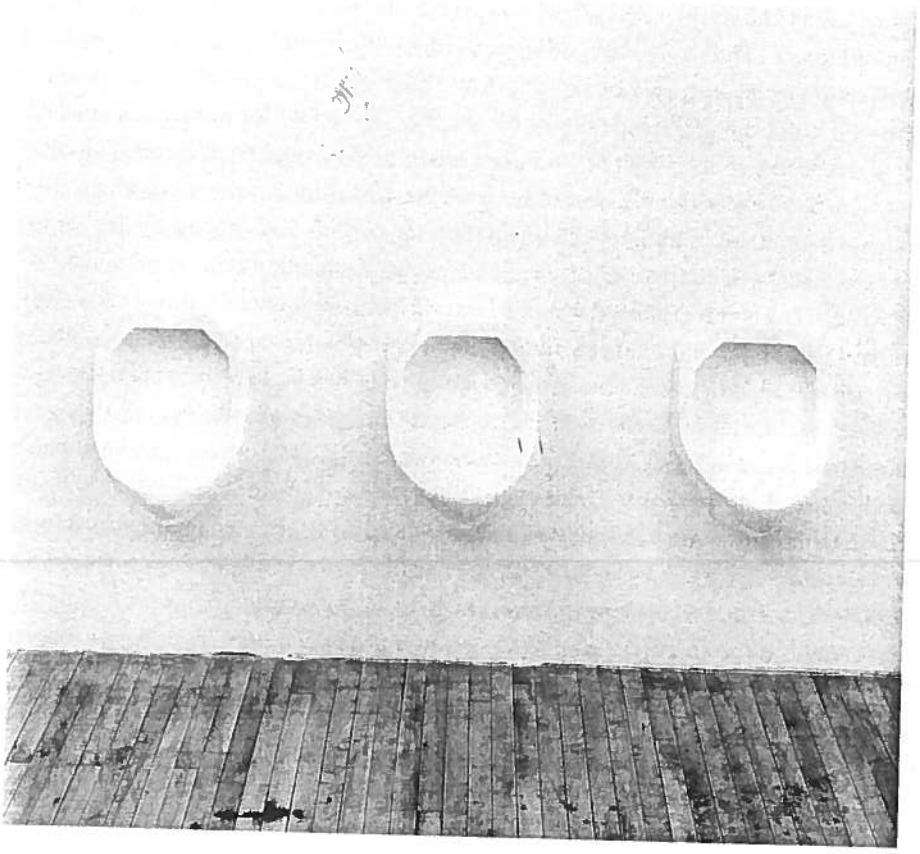
Sherrie Levine made this object in 1991. Or to be more precise, she had it cast for her, using an actual porcelain urinal as a model. What might be its meaning? Certainly the transformation of materials is unmistakable. Levine has taken a standard plumbing fixture and had it remade using material and production methods that connect the work to a long sculptural tradition. She has, as a female artist, chosen an article designed specifically for the male anatomy. Nor is Levine the only artist to have taken up the urinal during the 1980s and 1990s. One perspective from which to consider Levine's interest in the urinal is therefore her relationship to her contemporaries and some of their uses not only of everyday objects in general, but of this one in particular.

David Hammons affixed a series of urinals to trees to create his 1990 *Public Toilets* for the exhibition "Ponton Temse" at the Museum van Hedendaagse Kunst in Ghent, Belgium. In the natural wooded setting, their nonfunctional presence suggested an ironic comment on the social conventions that remove a natural bodily function to the confines of a specific kind of constructed space, at the same time as they played off of the territorial marking that

David Hammons, *Public Toilets*, 1990. Installation at "Ponton Temse," Museum van Hedendaagse Kunst, Ghent, Belgium. Courtesy Jack Tilton Gallery, New York.

does take place in a forest. They are also connected to Hammons's broader interest in the unexpected deployment of found objects both in traditional gallery settings and in more urban public spaces, where his references to avant-garde traditions are often combined with materials and forms specifically associated with aspects of contemporary African-American life.

Robert Gober first turned to the urinal as a subject in 1984, and the works that followed were closely related to the more extensive series of sinks begun the year before. In his hand-made sinks the familiar form became the basis for a subtle play between object and body. The circular openings on the back, where the faucets would be installed on an actual sink, contribute to the suggestion of a truncated torso. On the other hand, the backs of sinks, presented as partially submerged, resemble tombstones. Gober's urinals, also made by hand and closely related to the sinks in appearance, were less conspicuously transformed or ambiguous. When the urinals were shown in groups, lined up in a row, their presenta-



Robert Gober, *Three Urinals*, 1988. Wood, wire lath, plaster, and enamel paint, each 21¼" × 15¼" × 15", overall installation 73¼" long. Courtesy the artist. Photo: D. James Dee.

tion on white gallery walls closely approximated actual urinals' typical arrangement when positioned for use. In relation to the context established by Gober's other work, this suggestion of a community of male bodies was understood as a reference to gay identity and, more obliquely, to the deepening AIDS crisis of the 1980s.[1]

In each of these cases the artist has performed an act of recontextualization, taking a familiar object and transforming it by changing where it is found or how it is made. In the process, each artist has accomplished the paradoxical feat of claiming authorship over the urinal. However, as any student of twentieth-century art knows, this particular bathroom fixture comes ready-made with yet another proper name attached. Marcel Duchamp's thorough assimilation into museum collections and art-historical discourse has insured that any use of such objects as a bicycle wheel, snow shovel, and especially a urinal will be read as a reference to Duchamp, not just a use of the object itself. Levine's remake presents the most pointed reference to Duchamp's peculiar hold over authorship. Her title, *Fountain*

(after Marcel Duchamp), acknowledges the unmistakable reference of the work. So, too, does its presentation on a narrow pedestal that closely mimics the presentation of Duchamp's *Fountain* in a photograph taken by Alfred Stieglitz shortly after the rejection of the work from the 1917 exhibition of the American Society of Independent Artists. Although Levine was not able to find the exact model used by Duchamp, she strove for historical accuracy by tracking down a urinal from the same manufacturer and year. Even the catalogue produced for the 1991 exhibition featuring Levine's *Fountain* follows the format of a catalogue by William Camfield produced for a 1989 exhibition at the Menil Collection devoted to Duchamp's *Fountain*. Nor did Levine's search for the correct urinal end in 1991, because when she found another historic example even closer to the one Duchamp initially selected, she made a new edition in 1996 with the title *Buddha*. Yet these are not slavish replicas, because Levine's referencing of Duchamp does not include duplicating the signature of the pseudonymous R. Mutt scrawled on the 1917 original. The material and finish further complicate matters by pointing in a different direction, toward Constantin Brancusi, another early twentieth-century master. Though this association was more fortuitous than planned, it shows how an artist can become associated with a particular material or technique as well as with a type of subject matter.[2] Thus Duchamp's original readymade has been both copied and transformed as a result of Levine's decision to have it cast in highly polished bronze.

But what might it mean to speak of an original readymade? Duchamp's assault on artistic tradition was based specifically on the fact that the objects he selected and so designated were neither original nor rare. They were also not selected for their artistic qualities. Rather than "esthetic delectation," Duchamp insisted, his choice "was based on a reaction of visual indifference with at the same time a total absence of good or bad taste . . . in fact a complete anesthesia."[3] As manufactured objects they were inherently multiple, fabricated according to principles of mass production with their form determined prior to Duchamp's attention. Their startling originality emanates not from their physical form but from the unexpected act or gesture through which they were plucked from the everyday and designated as works of art.

The readymade provides the starting point for a broader consideration of how inherently multiple forms and methods have been assimilated into a realm predicated on sharply limited production. One achievement of manufacturing has been the potential to create theoretically limitless numbers of identical and therefore relatively inexpensive products. With this potential comes the need to prevent unauthorized duplication of certain types of commodities, largely through external limits like copyright, trademark, and patent legislation. When materials or techniques derived from mass production are taken

up by artists, the demands of the art market mean that inherent multiplicity has to be realigned in accordance with conventions that restrict production, the most common of which is the limited edition. The various ways in which contemporary artists have taken up and refashioned the readymade, however, also speak to the complex layering of reference and quotation that characterizes contemporary art. The designation of authorship gives a tenuous and riven unity to multiple references that can include other works of art as well as the means by which they are disseminated in reproduction, the contexts of their reception, and the much larger realm of nonart sources. The copy is therefore the basis for a conception of art-making in which artists incorporate increasingly subtle and layered references to the history of art as well as other sources without necessarily relying on their techniques or materials.

One of the striking features of the urinals of Gober, Hammons, and Levine is how differently each artist deployed this common object, and how each use emerged from concerns articulated in the artist's other works, as part of their markedly different approaches to the use of found objects or forms. Levine was aware of Gober's use, but her interest derived from a different agenda. "I always thought of the sinks as being very feminine," Levine told an interviewer in an exchange about Gober's work. "I think my urinals had more to do with Gober's sinks than his urinals."[4] Levine was already thinking about issues of gender in her series of early appropriations focused on historical avant-garde and modernist male artists. In the context of the late 1970s and early 1980s art world that, according to Levine, "only wanted images of male desire," her response was "a sort of bad girl attitude: you want it, I'll give it to you. But of course, because I'm a woman, those images became a woman's work."[5] Levine's use of Duchamp was therefore part of a larger critique of originality inspired by her contemporary context as well as historical precedents.

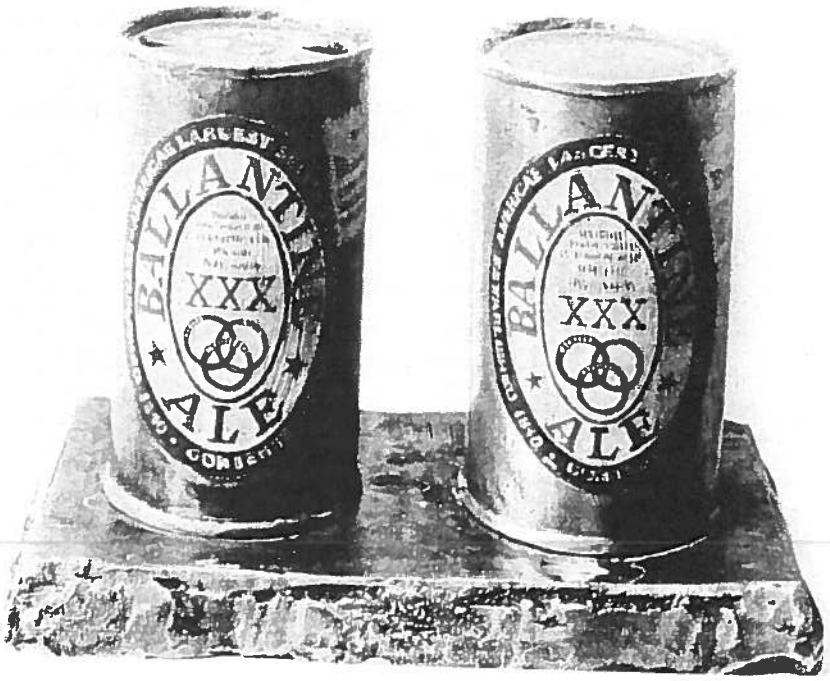
Levine announced her assault on originality in several early series where she simply cut out and mounted reproductions from books in a radically streamlined version of collage, or presented rephotographed images of modernist paintings and photographs. The works by Atget, Evans, Weston, Cézanne, Monet, or Van Gogh that Levine has rephotographed are, of course, firmly entrenched as established masterpieces and are widely dispersed across different collections. Because she photographed published reproductions rather than the actual objects, however, Levine has been able to rely on the mobility of the reproduction to assemble physically remote works of art. The photos after photographic reproductions therefore comment on the importance of reproductions as intermediaries that mediate and structure our understanding of works of art, and they play off an aspect of reproduction described by Walter Benjamin: the use of the reproduction to allow "the original to meet the beholder halfway" by putting "the copy of the original into situations

which would be out of reach for the original itself."[6] Yet she also revokes that mobility when she returns her own images of these works to the gallery or museum spaces that the works themselves would normally inhabit. And her mechanical reproductions of mechanical reproductions bring up still other paradoxes when they are returned to books or magazines, contexts in which they are materially indistinguishable from images of the originals they reproduce.

Running through Levine's photographs and her subsequent exploration of sculptural forms, including those based on Duchamp, is her interest in the "almost-same."[7] Her concerted critique might seem to affirm, by means of contrast, the quality of originality in the works to which she has responded. But exactly the opposite is the case, since she succeeds in highlighting inherent tensions and contradictions that preceded her forays into the terrain of artistic originality. Her subtle but precise positioning of the work speaks to the relationship between the work and a highly elaborated context for its reception. The "almost-same" becomes the radically different when slight or even negligible shifts in form or image accompany dramatic changes in the context of the work's reception. Caught in the space between Duchamp's first readymades early in the twentieth century and Levine's return at the century's end is a whole series of intervening shifts, as definitions of authorship and originality have been continually adjusted in their application to works that incorporated elements of copying, mechanical production, or other forms of inherent multiplicity.

The steps by which Duchamp's work began to resonate tell a larger story about postwar art through the significance of the artists chosen as precursors. Thus the first wave of renewed attention to Duchamp during the 1950s and 1960s marked a turn away from conventional Greenbergian modernism—articulated in the fascination with the layering of references as well as the incorporation of objects, images, and methods drawn from the realm of mass production—that eventually gained the label of postmodernism. In his 1960 *Painted Bronze,* Jasper Johns unmistakably announced the importance of Duchamp as well as a break with modernist ideals when he used traditional materials and methods of the fine arts to recreate a familiar, everyday object. In this case the object was a pair of Ballantine Ale cans, which Johns duplicated in the form of cast bronze with painted labels. The origin story for the work also links it to tensions among adherents of abstract expressionism about the notice that neo-dada work was beginning to command. The immediate inspiration was a complaint voiced by Willem de Kooning about Leo Castelli, retold by Johns as: "That son of a bitch, you could give him two beer cans and he could sell them." According to Johns, "I heard this and thought, 'What a sculpture—two beer cans.' It seemed to me to fit in perfectly with what I was doing, so I did them—and Leo sold them."[8]

Johns's version of the readymade came at the idea from a different direction than Duchamp's initial gesture. Where Duchamp selected objects for their unremarkable qual-



Jasper Johns, *Painted Bronze*, 1960. Painted bronze, 5¼" × 8" × 4¼". © Jasper Johns / Licensed by VAGA, New York. Photo courtesy Leo Castelli, New York.

ities in an act that mounted a challenge to fine-art traditions from the realm of mass production, Johns was undermining from within, using time-honored materials and methods but disguising those means so that the work would masquerade as an object from outside that tradition. Johns was also invoking a particular type of object, not just any beer but a specific brand, known through its trademarked name as well as the design of its packaging. While Duchamp incorporated a play on manufacturers' names in some of the readymades, packaging and brand identification were a more significant part of the postwar landscape. In that respect, Johns's *Painted Bronze* made an early reference to the commodity image that became an important focus of pop art. Levine's interest in Duchamp came in the midst of a new wave of interest in forms of copying and simulation during the 1980s that was eventually given the label of appropriation art. What Levine's *Fountain* and Johns's *Painted Bronze* have in common is the remake of the readymade using fine-arts materials and methods, thus inverting, perhaps even subverting, the transgressive power of Duchamp's simple act of selecting a mass-produced object.

The significance of renewed postwar interest in strategies associated with early twentieth-century avant-garde activity is itself a hotly debated topic. In his *Theory of the Avant-Garde*, Peter Bürger dismissed the postwar or neo-avant-garde as a repetition that destroyed the

critique of artistic autonomy ascribed to the earlier or historic avant-garde movements. Yet even as Bürger found that "the neo-avant-garde institutionalizes the *avant-garde as art* and thus negates genuinely avant-gardiste intentions," he had already acknowledged that "the *objet trouvé* . . . loses its character as antiart and becomes, in the museum, an autonomous work among others."[9] Certainly one irony of postwar avant-garde activity is the backdrop provided by the assimilation of earlier markers of rebellion into museums and art-historical canons, but the responsibility for that state of affairs cannot be ascribed simply to the renewed postwar artistic interest in the early twentieth-century avant-garde. Indeed, by means of a telling inversion of this aspect of Bürger's critique, Hal Foster has argued against attempts to dismiss later avant-garde activities as mere repetition, positing, instead, their return as a means of working through contradictions inherent in the earlier avant-garde movements.[10]

The appearance of the remade readymade in the work of Johns and, more than three decades later, of Levine might seem like a long-delayed reaction, as well as a significant shift away from Duchamp's selection of mass-produced objects. But it also encourages a retrospective view of Duchamp's own readymades and the process of remaking that was still ongoing at the time of Johns's *Painted Bronze*. The history of the readymades subsequent to their first appearance is far more complex than the straightforward simplicity of the initial gesture would seem to suggest. One mark of how effectively Duchamp challenged traditional definitions of art is apparent in the fact that his objects did not, in many cases, retain their status, slipping back into the world of the everyday where they were used and discarded. Most of the original objects Duchamp selected as readymades were lost and not replaced until decades later, so a retroactive process of recontextualization and remaking was by necessity part of Duchamp's production, and also subject to numerous delays. Through the publication of reproductions and facsimiles of his works as well as related notes, Duchamp was able to ensure the continued existence of the readymades as concepts, even when the specific physical object had not been retained. One step that Duchamp took to consolidate and provide a context for his work was his production of the *Box in a Valise*, which made its first appearance in 1941. This facsimile edition functioned as a miniature museum that used small-scale replicas to unite works dispersed in various private collections and readymades that did not, at least at that time, even have a physical existence.[11] Robert Lebel's influential 1959 monograph on Duchamp relied heavily on the reproductions used for the *Box in a Valise*, so it introduced Duchamp's work to a new audience through a similar conflation of extant and, at least in their physical form, lost works.

The dating of Duchamp's readymades to the moment of their first appearance masks the significance of the intervening steps and what they have to say about the reception and

Marcel Duchamp, *Box in a Valise*, 1941. Leather valise containing miniature replicas, photographs, and color reproductions, 16" × 15" × 4" closed. Philadelphia Museum of Art, The Louise and Walter Arensberg Collection. © 2005 Artists Rights Society (ARS), New York / ADAGP, Paris / Estate of Marcel Duchamp.

assimilation of early twentieth-century avant-garde practices into art-historical accounts and museum collections devoted to the twentieth century. For a number of the readymades, the objects needed to represent the work were repeatedly procured, sometimes by Duchamp and sometimes by others, and often discarded after their immediate use. As Duchamp's stature rose in the 1950s and 1960s, curators eager to display his work contributed to the remaking of the readymades. Chronologies of their replication indicate that the works materialized as needed: the *Fountain* reappeared in 1950 and the *Bicycle Wheel* in 1951, so that Sidney Janis could include them in exhibitions at his gallery; and subsequent versions of these and other readymades turned up in various exhibitions during the early 1960s. In addition to authorizing most of these duplications, sometimes after the fact, Duchamp gave them credibility with his 1961 statement that an important aspect of the readymade "is its lack of uniqueness . . . the replica of a 'readymade' delivering the same message."[12]

Duchamp's professed lack of concern for uniqueness did not prevent him from participating with Arturo Schwarz in the production of a series of specially fabricated readymades that appeared in 1964 in editions of eight. In fact, Francis Naumann chronicles how Duchamp's willingness to sign readymades found by others was brought to an end by his agreement with Schwarz.[13] When Schwarz embarked upon these limited-edition replicas, he attempted to duplicate as closely as possible the contours of the first, "original" readymades. For this he had to rely extensively on documentary evidence, much of it from photographs that had also been included in the *Box in a Valise*. As a gallery owner who was also involved in publishing editions, Schwarz had an active role in the making of work by Duchamp that he would then sell. This double role as both producer and intermediary is not uncommon in the art world. To these two roles, however, Schwarz added a third, that of author of its history, most significantly in his catalogue raisonné of Duchamp's work. The intersection of Schwarz's interests is readily apparent in the histories of the readymades in the successive versions of *The Complete Works of Marcel Duchamp*, where Schwarz distinguishes his editions from other contenders for the status of the true readymade. In the 1969 edition of the catalogue, the listings of the succeeding versions of each readymade culminate in the 1964 entry, which is generally accompanied by one or another variant on the sentence "1964, Milan: First full-scale replicas issued under the direct supervision of Duchamp on the basis of a blueprint derived from photos of the lost original."[14] This reference to the blueprint is used not to show the limited-edition readymade's continuity with mass production but to differentiate these editions from other contenders by showing them to be more accurate to the initial found objects. By the 1997 third revised version of the catalogue, the rhetoric had shifted from blueprint to documentary photograph, but to the same end, namely the validation of the 1964 editions.

If Duchamp's initial gesture of choosing the readymade referred to mass production, the later forms of reproduction through which the readymades cycled secured their status as art. The 1964 readymades incorporate a less conspicuous version of the dissonance suggested by remaking an everyday object according to fine-art traditions. By colluding with the rhetoric of the limited edition—a rhetoric of rarity and authenticity—Duchamp endorsed the creation of readymades closer in appearance to their first versions than were many of the intervening found objects. But that similarity of form masks their dramatic transformation. The look of a seamless unity, of an ostensible continuity with the first instance of each readymade, was facilitated by the reproduction in the *Box in a Valise* as well as the later limited editions produced by Schwarz, both of which were involved in a doubling process that helped hide the interim steps that constructed a context for the initial gesture. Given that the readymade's gesture depended on the juxtaposition of an everyday item that would retain its familiar aspect and a context usually reserved for a different order of objects, it is therefore ironic that the majority of Duchamp readymades one is likely to see in museums today are replicas made specifically for the art market. In their careful remanufacture according to art world conventions of the limited edition, these readymades are far closer than they seem to the transformation effected by Levine's cast bronze urinal.

What does Duchamp's use of reproductions say about the larger significance of the reproduction for the original? For one thing, the role played by Duchamp's *Box in a Valise* in bringing his work together in facsimile has parallels to the power that André Malraux ascribes to photographic reproduction generally. The photographically illustrated art history book accomplishes what no individual museum can, bringing together as a single body, without the impediment of differences in material and scale or geographical separation, the far-flung examples that comprise the work of a particular artist or artistic style, or the diverse examples assembled with the goal of providing a comprehensive survey. Even with the widespread establishment of museums in the nineteenth century, Malraux has argued, knowledge about art history still tended to be fragmentary and localized. Though the major museums increasingly provided a synoptic view of Western art, the strengths and lacunae of particular collections had a tremendous impact on one's view of art as a whole. "What, until 1900, had been seen by all those whose views on art still impress us as revealing and important; whom we take to be speaking of the same works, referring to the same sources, as those we know ourselves?" To this opening question in *Museum without Walls*, Malraux answered, "Two or three of the great museums, and photographs, engravings, or copies of a handful of the masterpieces of European art. Most of their readers had seen even less. In the art knowledge of those days there existed an area of ambiguity: comparison of a picture in the Louvre with another in Madrid, in Florence, or in Rome was comparison

of a present vision with a memory." By contrast, the work represented in Malraux's imaginary museum would "carry infinitely farther that limited revelation of the world of art which the real museums offer us within their walls."[15]

The actual collection is always incomplete in relation to the elusive totality suggested by compilations of reproductions. Yet the ability of the photograph to facilitate comparisons among scattered works has also played a crucial role in assessing the authenticity of the unique originals that remain bound in time and place. Early art historians were avid collectors of photographs, which could convey information about texture and materiality that far surpassed the descriptive value of the reproductive prints they supplanted. At the same time, the comparative study of the physical object known as connoisseurship depends upon having available a body of secure examples, preferably in publicly accessible collections, and is closely tied to the ethos of the museum, where attention is traditionally isolated and focused on formal qualities. The functional, often market-driven determinations of authenticity achieved through connoisseurship stand in sharp contrast, however, to Benjamin's description of a quality compromised by both reproductions and collecting practices. For Benjamin, authenticity emanates from the experience of the original, with the work's presence, or aura, diminished by the reach of the reproduction as well as by the shift from cult value to exhibition value, whereby works have been wrested from the fabric of tradition in order to be recontextualized as objects of contemplation.[16]

When is a copy a replica, and under what circumstances does it become an original? The impact of clearly secondary reproductions on the work of art is part of a larger process of reciprocal definition between the original and copy. Nor was it always clear that the copy could not coexist with the original. At the time Duchamp mounted his challenge to the original with his first readymades, the copy had only just been banished from the art museum. In France a culmination and turning point in the status of painted copies was the museum of copies that opened, and quickly closed, in 1872–1873.[17] Alan Wallach charts an equally sudden shift around 1900 in the attitude of United States museums toward plaster casts. In the late nineteenth century, casts were valued because they allowed museums to amass a relatively complete collection of the canonical antique works. Plaster copies allowed for a three-dimensional version of the completeness later ascribed to the virtual or imaginary museum made possible by photographic reproductions. In the early twentieth century, however, classical casts were quickly banished from museum collections in favor of originals, an emphasis that served both artistic ideals and the sense of prestige attached to ownership of the unique or rare.[18] But even after plaster casts lost their appeal, not all casts were expelled from the museum. Bronze statues, coins, and many other works made

through such inherently multiple processes as casting or printing were allowed to stay because of their historic as well as artistic value.

For more recent multiples, the significant issue is authorship. Thus the specter of the copy appears in a different guise in the analysis of Rodin with which Rosalind Krauss introduces her essay "The Originality of the Avant-Garde." After describing the experience of watching a film documenting the 1978 cast of *The Gates of Hell*, she concludes that "to some—though hardly all—of the people sitting in that theater watching the casting of *The Gates of Hell*, it must have occurred that they were witnessing the making of a fake."[19] Her answer to the question she poses about whether one can consider original a work produced so long after the artist's death in 1917, and based on a plaster that had never been fixed in a final arrangement, is a provocative neither-yes-nor-no. The cast had the legal authority of Rodin's bequest to the French state of both the works in his possession and reproduction rights, but the lack of a lifetime cast or even a definitive arrangement of the plaster suggests that "*all* the casts of *The Gates of Hell* are examples of multiple copies that exist in the absence of an original."[20] The situation is made only more complex by the multiplicity inherent throughout Rodin's production. But the convention of the limited edition established the condition under which reproduction rights could themselves be sold or included in a bequest, thus continuing, even after the death of the artist, the artist's authority to apply arbitrary limits to the production of the inherently reproducible.

The limited edition also played an important role in the process of defining prints as works of authorship, particularly as photographs took over from prints the utilitarian function of reproduction. Though long practiced in the form referred to as prints of invention, the "original print" only developed as a clearly defined category in the nineteenth century. It was also during the nineteenth century that the artist's signature on prints, which had the practical function of conveying the artist's approval of the impression, began to be used within the print trade as a way of increasing the value of prints—a practice Whistler is particularly well known for having exploited.[21] Ongoing attempts to find a balance between inherent reproducibility and originality are evident in conventions that emphasize the artist's direct involvement in the process, most significantly those articulated by the Third International Congress of Artists (Vienna, 1960), which defined originals as only those prints "for which the artist made the original plate, cut the wood block, worked on the stone or any other material."[22] Yet it is telling that this definition, with its attempt to retain some version of the artist's hand, was established at the very moment when it was destined for obsolescence. The following decade was marked by a vast increase in the production of multiples, evident particularly in the context of pop art, where the functional definition of originality articulated in the requirement for the artist's physical presence in

the making of a multiple gave way to techniques and strategies that removed traces of the hand even as the artist's signature and process of selection or designation remained vital.

The increasingly central role played by techniques of mechanical reproduction in the creation of works of art also subjected the museum to a further redefinition. At issue was not just the means by which the work had been produced, but the eclectic assembly of forms and images enabled by the copy. It was the paradox inherent in the photograph's dual role as both reproduction used to document works of art and a form of art in itself that Douglas Crimp pointed to when he suggested that Malraux made a "fatal error" in bringing the photograph into his imaginary museum not just as vehicle but also as object. The resulting heterogeneity is, for Crimp, embodied in Robert Rauschenberg's use of photo silkscreens to juxtapose a range of images that are held together but not unified by their tenuous connection as reproductions.[23] It was, however, Andy Warhol's use of photo silkscreens that presented the most concerted challenge to traditional definitions of originality. In the silkscreen paintings that he began to produce in 1962, Warhol pursued inherent multiplicity in the repeated use of screens to produce series of works and in the serial repetition of an image within the space of a single work. The incorporation of mechanical transfer, particularly photo silkscreen processes, removed the hand not only from prints but also from works made by the application of those same techniques to canvas and then received in the context of painting.

One of the remarkable features of the Warhol enterprise is the degree to which he was able to incorporate a delegation not only of production but even of decision-making into his stance as an artist. Warhol already had practice in subcontracting the work that he did as a commercial illustrator, using others to help him provide an apparently personal touch in his hand-colored lithographs, and relying on his mother to produce the extravagant script and signature that was part of the style for which he was known. His technique of blotting gave the ink line in his drawings the appearance of a personal touch even as the method also lent itself to replicating variants of the image through a process of repeated tracing that could be partially farmed out to his assistants. And even the fake signature was not always genuine, because when Warhol's mother was tired of providing the writing, Warhol's assistant Nathan Gluck would imitate her script.[24] In the commercial work, however, the production assistance and mechanical interventions were downplayed, so that Warhol was known for the playful and seemingly personal line that characterized his illustrations of shoes and other fashion-oriented subjects. Warhol's fame as a fine artist, by contrast, rests on the way he excised traces of his touch and evidence of what would be thought of as individuality.[25] A particularly striking example is immortalized in Emile de Antonio's film *Painters Painting* when Warhol, sitting next to Brigid Berlin, claims that

Robert Rauschenberg, *Tracer*, 1963. Oil and silkscreen on canvas, 84⅛" × 60". The Nelson Atkins Museum of Art, Kansas City, Missouri (Purchase) F84-70. © Robert Rauschenberg / Licensed by VAGA, New York. Photo: Jamison Miller.

Berlin has been doing all his paintings, and even deflects interview questions to Berlin so that she can provide his answers.

Warhol's discovery of his blank, seemingly unworked presentation was a several-stage process, usually retold as having been driven by suggestions from others. De Antonio has taken credit for encouraging Warhol's move away from a painterly approach to pop subjects more akin to that of Johns. In this anecdote, Warhol showed de Antonio two paintings of Coke bottles. One "was just a big black-and-white Coke bottle. The other was the same thing except that it was surrounded by Abstract Expressionist hatches and crosses." For de Antonio, the gestural painting was "kind of ridiculous," whereas the one with little evidence of touch, he told Warhol, "is so clearly your own."[26] Similarly for the selection of one of his most famous subjects, Campbell's Soup: as Warhol assistant Ted Carey told the story, Warhol asked his friend Muriel Latow for an idea, which she supplied after demanding and receiving a check for fifty dollars in payment. In fact he got two ideas for the price of one, her first being money, the thing she said he liked more than anything else, and the second that he do something widely recognized, like Campbell's Soup.[27] Another origin myth for the images of money, specifically the two-dollar bills, appears in the story of Eleanor Ward's visit to Warhol's studio, where she reportedly told him that she would give him a show at her Stable Gallery, his first in New York, but only if he made her a painting of a two-dollar bill like the one she carried for luck.[28] And Warhol's own answer to the question of why he did the soup cans was that Campbell's Soup was what he always had for lunch, "the same thing over and over again" for twenty years.[29] Henry Geldzahler assumes credit for another breakthrough, the *129 Die in Jet (Plane Crash)* of 1962, which reportedly came about when he showed Warhol the June 4, 1962 *New York Mirror* with banner headlines about the airplane disaster and told him that he should be doing works about death rather than just glorifying consumerism. Warhol took the suggestion even more literally, producing one of his last hand-painted works in a direct copy of the tabloid front page.[30] David Bourdon points out, however, that Warhol was constantly soliciting ideas, only a few of which he used, so that he was involved in a process of selection even if it masqueraded as a blank responsiveness to suggestion.[31] He thus made sure that decisions he did make were deflected onto others, even if he ultimately backed away from his more extreme claims about having others make all his work for him.

Warhol explored various strategies to remove the evidence of his hand or touch from the work that he was beginning to produce for the fine-art context. The dance diagrams or the thirty-two Campbell's Soup paintings, which comprised his first major show at the Ferus Gallery in Los Angeles in 1962, were produced through projected enlargements, though he may also have used a rubbed transfer of a pencil tracing to maintain the uniformity of the soup can images.[32] The soup can paintings were also an early example of his use

of serial production with slight variation, in this case based on the selections available in the Campbell's product line that was their subject. The important development in the early Coca-Cola works was his incorporation of serial repetition into the space of a single canvas together with the use of forms of mechanical reproduction to duplicate the images. An early method was stamping, quickly replaced by hand-cut silkscreen images, and then by the photo silkscreens that provided Warhol with the perfect medium in which to perform the withdrawal of authorship.

Ironically, the incorporation of silkscreens into his production became the basis for Warhol's fame as a *painter*. The relatively brief period from 1962, when Warhol began using the photo silkscreens, to 1965, when he renounced painting in favor of filmmaking, was a period of amazing output, during which Warhol produced the various series of celebrity images, name-brand products, and representations of death and disaster that have been the basis for his enduring reputation as an artist. According to Rainer Crone, in roughly two years, from August 1962 to the end of 1964, Warhol and his assistants created approximately 2,000 works, including silkscreen paintings and the various box replicas. In addition, Crone reports the production of more than 900 *Flowers* in various sizes.[13] These were also the works that established Warhol as a celebrity. By the end of this period of intense production, the 1965 opening for Warhol's exhibition at the Institute of Contemporary Art in Philadelphia was so mobbed that all of the art work had to be taken down to prevent it from getting crushed by the crowds. Warhol's response: "It was fabulous: an art opening with no art!"[14] Appropriately, by that time he had already announced his retirement from painting while in Paris for the 1965 exhibition of the *Flowers* paintings at the Galerie Ileana Sonnabend.

The paintings of this period are perfect examples of multiple copies without an original. Warhol's deployment of silkscreen allowed plenty of room for the chance or accident that introduces variations even if the works are not about touch. Differences are endemic in the inking and registration of the screens, and the application of the images to unstretched, sometimes even uncut lengths of canvas introduced other variables when they were mounted. Warhol kept the screens for future use, but the disparate applications meant that the paintings were not produced in editions; rather, the differences in background color, number of repetitions, overlapping, or how they were printed tended to result in open-ended sets of variants rather than identical repetitions. Warhol employed assistants in the context of a studio famously known as the Factory to produce works generated using mechanical means to capture and transfer found images that he did not always even select himself. But the works are nonetheless understood as Warhol's because his particular form of authorship, one could even say his original contribution, encompassed this systematic evacuation of evident participation.

Thus as Warhol made familiar, name-brand products as well as celebrity images the subject of his work, he made the empty, market-driven sign into the basis of his signature style. The ultimate impact of Warhol's process can be felt in the degree to which he succeeded in creating a fine-art product line, replete with various forms of outsourcing and, as he became more successful, celebrity endorsements and licensing agreements. He even found ways to make sure that reflections on art and on himself, presented as his, were produced through a form of collective authorship. Colacello describes what he termed "a literary assembly line" for the writing of *The Philosophy of Andy Warhol:* "When I finished the chapter, I handed it to Andy. . . . He took it home that night and read it over the phone to Brigid Berlin, taping her reaction. Then he gave the tape to Pat Hackett, telling her to 'make it better.' So now the ghostwriter had a ghostwriter, Factory-style."[35] It was Warhol's own idea, Colacello says, to lift the opening description of what he saw when he looked at himself in the mirror each morning from accounts that had appeared in newspaper and magazine articles over the years. The twist that Warhol gave to this collective authorship was the corporate twist—with the combined efforts presented under his brand name.

Echoes of the readymade reverberate in Warhol's removal of the hand of the artist in favor of the power of designation. Warhol's specific connections to Duchamp included the purchase of a *Box in a Valise* during the early 1960s, his attending the opening of Duchamp's 1963 show at the Pasadena Art Museum during a visit to Los Angeles, the silkscreened Mona Lisa paintings from 1963, with their echo of Duchamp's *L.H.O.O.Q.*, his filming of Duchamp in 1966, and his purchase of a *Fountain* from the Schwarz edition. Warhol even produced an actual readymade for the 1964 "American Supermarket" exhibition at the Bianchini Gallery, a stack of signed Campbell's Soup cans, sold at the price of three for $18.[36] However, this genuine readymade was more of a novelty item and relatively peripheral to Warhol's work. According to Colacello, "When he got bored in a restaurant, or wanted to charm potential clients, he did what he called 'my Duchamp number'—and signed the spoons, forks, knives, plates, cups, ashtrays, and gave them away. Except Andy never used the word *signature*—it was always *autograph.*"[37] In this context Warhol's signature took on an added layer of quotation, with Warhol playing the role of the celebrity acknowledging his fans.

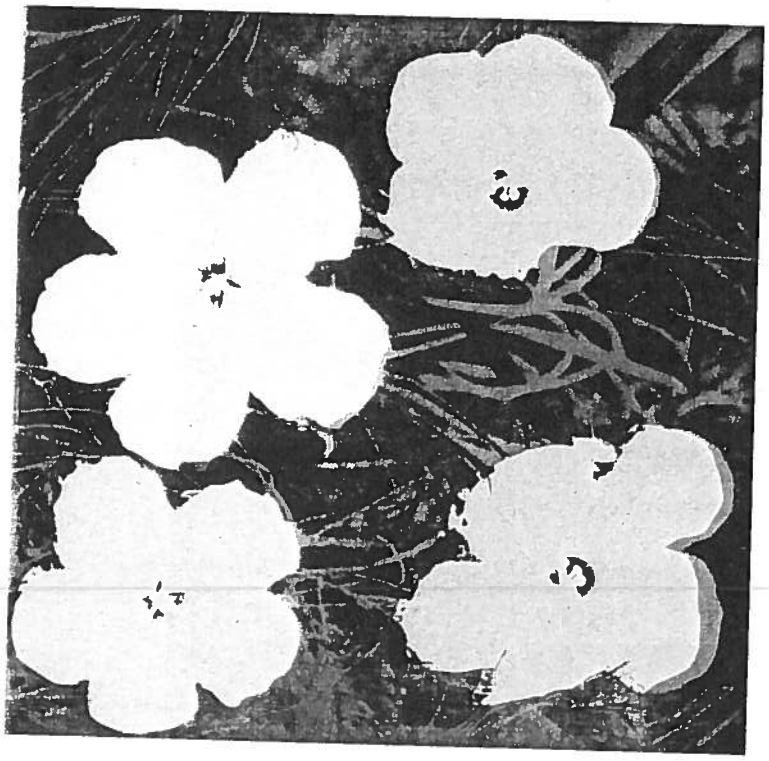
The remade readymade played a more central role for Warhol, with its most specific appearance in the Brillo boxes and other cartons (Heinz ketchup, Kellogg's corn flakes, Del Monte peach halves, Campbell's tomato juice) made to duplicate the appearance of their prototypes. Their selection echoes Duchamp's declared indifference, since Warhol had to impose his own will in order to come up with boxes that were sufficiently artless. Warhol first sent Gluck to pick them out. But Gluck came back with boxes that appealed to him

Andy Warhol, various box sculptures, 1964. Synthetic polymer paint and silkscreen ink on wood. © 2005 The Andy Warhol Foundation for the Visual Arts / ARS, New York. Photo © The Andy Warhol Foundation, Inc. / Art Resource, NY.

because of ornate imagery, remembered as "grapefruit with maybe palm trees or crazy flamingos," and the like—kitsch, in other words.[38] By contrast, the cartons Warhol selected conveyed a utilitarian familiarity. To make the replicas, Warhol employed silkscreen on wood boxes that were made to appear identical to each other and to the cartons that they reproduced. One form of mechanical reproduction was therefore used to duplicate another form of printed surface, but the shift of materials added subtle change to the more dramatic transformation that resulted from their recontextualization. The deployment of serial repetition also suggests one of the most obvious parallels with strategies later associated with minimalism, both in the repetition of identical, preplanned units and the activation of the gallery space when the boxes were arranged in a grid across the floor.

What happens when a work of art that plays with everyday forms leaves the protective confines of the gallery or museum? It is now remarkably common to find Warhol's boxes protectively encased in a Plexiglas vitrine when they appear on display. But at the time they were first being shown, the transformation in a work that so closely mimicked its prototype sometimes failed to register, particularly when the work was on the road. Questions of definition arose in a 1965 incident when Warhol's works based on the Brillo and Campbell's tomato juice cartons were denied status as works of art and would have been subject to duty when a Canadian gallery attempted to include them in an exhibition.[39] Here there are further parallels to Duchamp, since the Pasadena Museum of Art had had similar problems only two years before with U.S. customs around readymades that were shipped from Sweden for the 1963 Duchamp retrospective. In that case the museum was assessed increased duties based on the fact that they were not "original works of art"—a decision that Walter Hopps protested in a letter that described the "unique aesthetic innovation" of the readymades and compared the different versions to the multiples produced by traditional bronze casting.[40] And Duchamp himself had been involved in a much earlier customs problem involving a group of Brancusi's sculptures that Duchamp brought over from Paris in 1926 for an exhibition in New York. In this case the sculptures were assessed the forty percent tariff applied to miscellaneous goods rather than being allowed the exemption for original works of art because, according to the customs official, Brancusi "left too much to the imagination." Brancusi's supporters were, however, able to line up enough testimony during the ensuing lawsuit to convince a judge that, even if the work did not meet a contemporary dictionary definition centered on the imitation of nature, it was at least "the original production of a professional sculptor."[41] The sticking point in the earlier incident was abstraction, whereas in the later it was verisimilitude. But the verisimilitude was itself of a specialized type—with objects close or even identical in appearance and material to manufactured instead of natural forms.

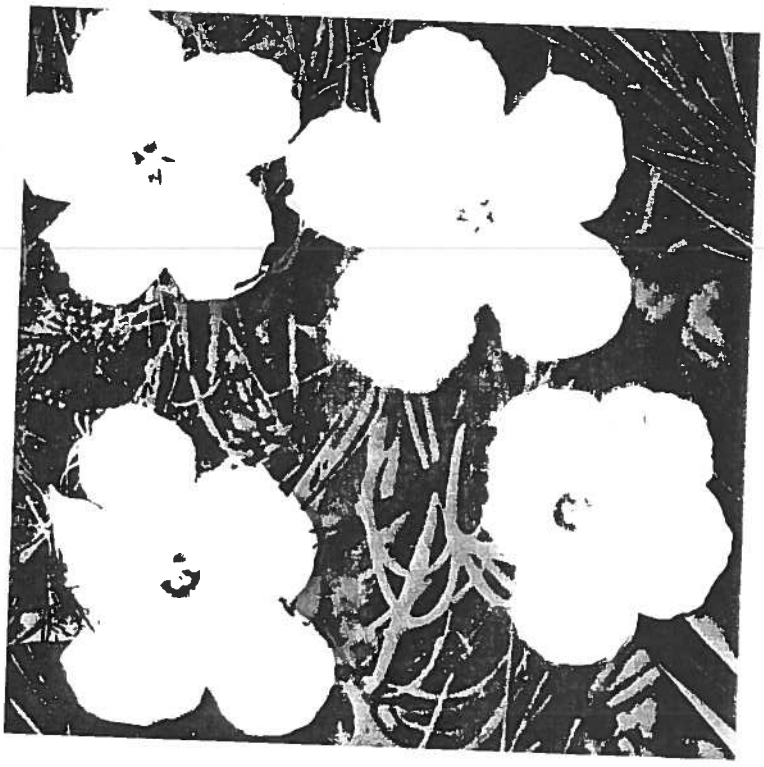
One of Warhol's most striking contributions was the incisive critique of the lure of the commodity in a media-driven culture, achieved through his seemingly blank reflection of appearances as well as the strategy of numbing repetition. The appeal of the products Warhol selected for his treatment, however, is based on design as well as promotion, so an anonymous author (the designer) whose work helped promote the product is replaced by the artist whose recontextualization serves as a comment on the product's cultural familiarity. In an ironic twist, the Brillo box that Warhol appropriated had been created by an abstract expressionist painter, James Harvey, whose day job was industrial design. A review of Warhol's 1964 show at the Stable Gallery quotes a press release from the design firm where Harvey worked: "this makes Jim scream, 'Andy is running away with my box.'"[42]



Andy Warhol, *Flowers*, c. 1965. Synthetic polymer paint and silkscreen ink on canvas, 48" × 48". © 2005 The Andy Warhol Foundation for the Visual Arts / ARS, New York. Photo © The Andy Warhol Foundation, Inc. / Art Resource, NY.

However, Irving Sandler's recollection of the incident, recounted to Smith, indicates that this might have been more of a publicity stunt than actual outrage, since Harvey purportedly disclaimed any involvement in the press release. Sandler suggested to Harvey that he should counter Warhol's show by signing the actual boxes himself, and Harvey followed up by sending Sandler a signed box. "Warhol found out about it and called Harvey and offered to trade, but shortly after, before anything happened, Harvey died." So, according to Sandler, "the trade never took place, and I have the only *real Brillo Box*, the original."[43]

Images based on other images raise complex issues about ownership as well as authorship. The *Flowers*, which coincided with Warhol's announced retirement from painting, were less immediately recognizable as a specific reference to a media or commodity source. Writing in 1970, Rainer Crone described the *Flowers* paintings as "unique in Warhol's production by virtue of their meaningless image content," a dubious honor he ascribed to "strictly decorative" qualities shared only by the *Cow Wallpaper* and the *Silver Clouds*.[44] The *Flowers* were also produced in such tremendous volume that they virtually filled the walls for the exhibitions at the Castelli Gallery in New York in 1964 and the Sonnabend in



Sturtevant, *Warhol Flowers*, 1964/1965. Silkscreen on canvas, 22" × 22". Courtesy the artist and Galerie Thaddaeus Ropac, Paris.

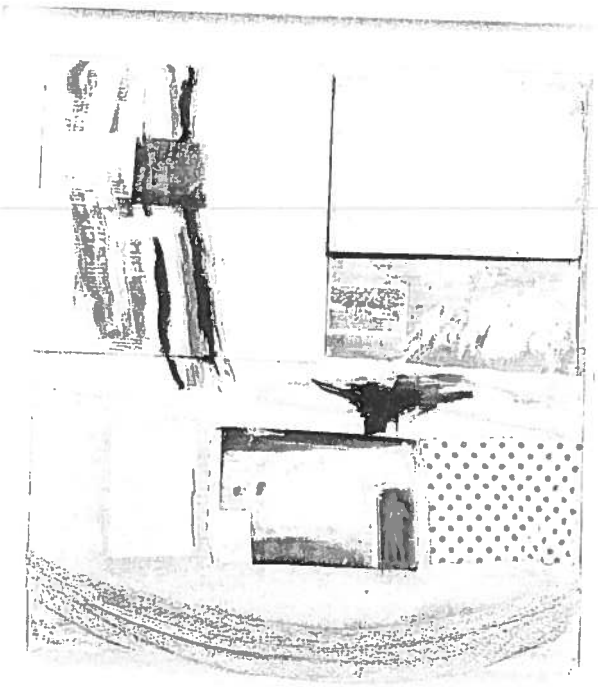
Paris in 1965. It was, of course, extensive studio assistance that allowed Warhol to produce the *Flowers* paintings, with their sheer numbers suggesting at least the partial fulfillment of a desire he had earlier expressed to G. R. Swenson: "I think somebody should be able to do all my paintings for me. . . . I think it would be great if more people took up silk screens so that no one would know whether my picture was mine or somebody else's."[45] Yet the full implications of the statement were destined to be realized in a different quarter.

A group of closely related paintings of flowers was exhibited at the Bianchini Gallery in New York in 1965. They were identical in the method of production, format, and the use of color variations to differentiate individual paintings. Only these paintings, rather than being titled simply *Flowers*, went by the title *Warhol Flowers*, and their author was an artist by the name of Sturtevant. She made them using screens given to her by Warhol, so there is little to distinguish them from Warhol's own flower paintings, made under his supervision from the same screens. According to Sturtevant, Warhol first gave her the silk screens for the flowers and then, when she wanted to do the Marilyn, let her come to his studio and look through all of his silk screens.[46] While it is certainly possible to identify methods and

conventions characteristic of Warhol's work, there nonetheless might be little discernible difference between a silkscreened work produced with the help of his studio assistants and the work that Sturtevant produced after Warhol using the screens that he gave her. The originality of Sturtevant's work therefore derives from a further act of recontextualization. Included in the same exhibition were other examples where the expected author was likewise displaced into the title: *Johns Flag, Oldenburg Shirt, Stella Concentric Painting,* and so on, such that these relatively disparate works achieved a new if tenuous unity under Sturtevant's authorship.

Sturtevant has described her work in terms that suggest not so much a process of copying as an apprenticeship in the ideas and methods of the artists whose work she has remade. The difference between her remakes of Warhol's works, using the same screens that were deployed for him by assistants, and her versions of Johns's paintings of flags, targets, or numbers points to the difference of touch in those works. Nonetheless, when a flag painting by Johns was stolen from Rauschenberg's 1955 *Short Circuit,* it was replaced by a Sturtevant replica, adding a further layer of irony to the already complex layering of authorship in this ensemble of objects and images that included an oil painting by Susan Weil (visible, like the flag, only when the hinged doors are in their open position) and a collage by Ray Johnson in the lower register.[47] And the works after Stella that Sturtevant produced during the 1960s may or may not have inspired a parody article entitled "The Fake as More," presented as the work of Cheryl Bernstein in Gregory Battcock's 1973 anthology *Idea Art*—an essay Carol Duncan subsequently acknowledged as her own, composed in collaboration with Andrew Duncan in response to the theoretical discourse appearing in *Artforum* around the time of its writing in 1970.[48] In turn, Thomas Crow brought renewed attention to the article in a 1986 essay that pointed to its precedent for 1980s appropriation, though it was only in a subsequent revision that Crow introduced Sturtevant as a central figure for his argument, bringing her in with the suggestion that it was "curious, in fact, how much the fictitious replicater for a time came to overshadow the genuine prototype in Elaine Sturtevant."[49]

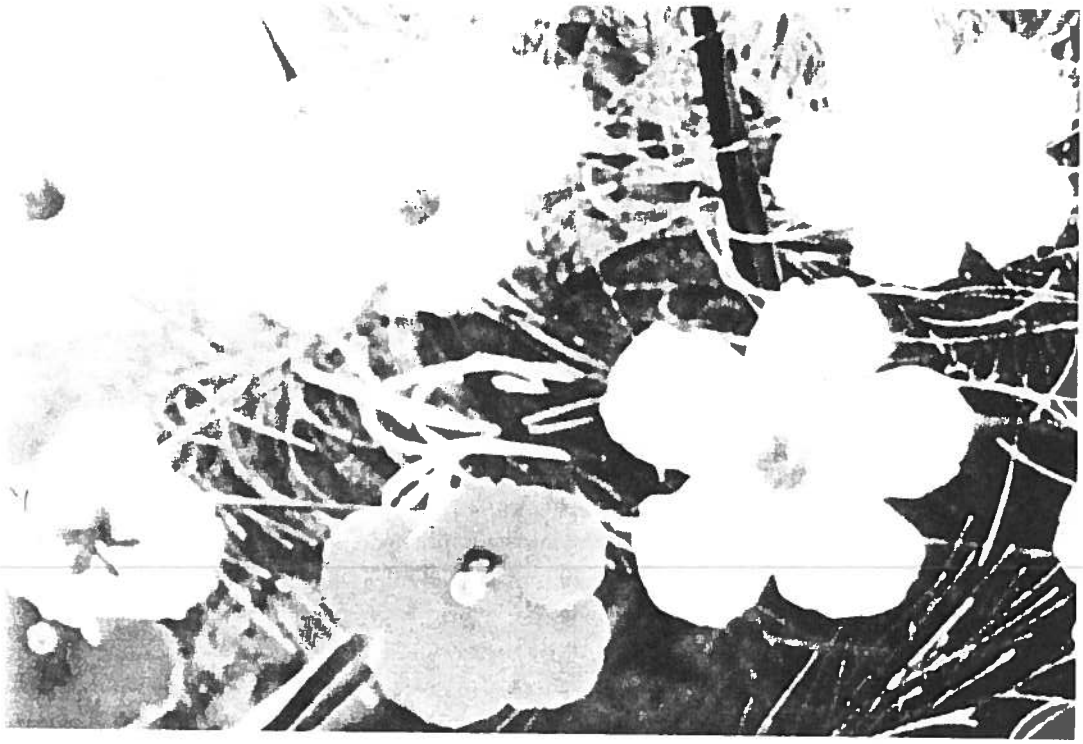
While there is a tendency to view Sturtevant in light of later forms of appropriation associated with the 1980s, many of her works served to highlight the degree to which her sources were already using forms and images that raised questions about originality or uniqueness. Thus paintings after Stella's work that Sturtevant produced in 1989 and 1990 have included her own multiple renderings of paintings from the 1960 aluminum series that Stella himself made in more than one version. Sturtevant has described 1980s appropriation as a movement that "allowed entry into my work" and also "made me into a precursor—not a bad place to be."[50] Yet there are clear differences between Sturtevant's concerns



Robert Rauschenberg, *Short Circuit*, 1955 (closed position). Combine painting, 40¼" × 37⅛". Collection Robert Rauschenberg. © Robert Rauschenberg / Licensed by VAGA, New York. Photo: David Heald.

and those of the subsequent generation to which she has been linked. In response to Bill Arning's questions about the significance of her decision to appropriate exclusively male artists, she claimed that it was coincidental, insisting, "My choices are made on another level."[51] The refusal to consider the significance of a female artist choosing to replicate the work of an all-male group of artists is one important distinction between Sturtevant and Levine. Sturtevant was also working in historical proximity to many of the artists she took up, with attendant perils suggested by Claes Oldenburg's shift from supporter to antagonist when she recreated his 1961 installation, *The Store*, in 1967. The temporal closeness between source and copy characteristic of Sturtevant's early work therefore stands in contrast to the approach taken by Levine, where the delay, sometimes more than a century, opens up different readings of the return.

Sturtevant's silkscreen flower paintings raise key issues about the layering of authorship claims as images based on other images are appropriated and recontextualized. But the original photograph used in Warhol's screens was the work of yet another author, Patricia Caulfield, who instituted a lawsuit against Warhol for infringing on her copyright in the photograph, which he had taken from a magazine. Caulfield discovered the use of



Patricia Caulfield, photograph of hibiscus flowers, published in *Modern Photography*, June 1964. © Patricia Caulfield. Courtesy the artist.

her photograph in 1965, not long after Warhol began the series, when she saw a poster of Warhol's work in the window of a New York bookstore. While Warhol may have established himself as the author of the tremendously successful series of silkscreen paintings entitled *Flowers*, Caulfield could claim legal authorship, and therefore ownership, of the underlying photograph. Ultimately the case was settled out of court, with Warhol agreeing to give Caulfield and her attorney two of the *Flowers* paintings, and also to give Caulfield a royalty for future use of the image.[2]

A comparison between Caulfield's photograph and Warhol's silkscreen paintings shows his adjustments to the image. Her close-up of multiple hibiscus flowers in a horizontal format has been cropped to square in Warhol's image of four flowers, and the flower furthest in the corner of the square has been rotated and moved slightly closer to the others in order to fit that format. The image has also been further flattened by the removal of detail, with the flowers printed first as silhouetted areas of color. Only the center of each flower has been retained (simplified and made smaller than in the original photo) and overprinted on the flower as part of the same screen with the surrounding foliage. Though the shapes of the silhouetted flowers were based on the original image, it is only in the

adjacent areas that much of the photographic detail has been retained. Warhol produced the paintings in different sizes and orientations, with some examples further cropped to only two flowers, and variety was also maintained, particularly in the tremendous number of small paintings made using the same screens, by changes in the color combinations. The changes in medium, scale, and color certainly transformed the image, but not so much that Caulfield failed to recognize its source.

Ivan Karp, who was working at the Castelli Gallery at the time of Warhol's 1964 exhibition, remembers the copyright problems with the *Flowers* as "some legal hassle, which is really unfortunate, because he had to pay off with some very valuable pictures." According to Karp, Warhol "was very innocent of doing a disservice to this photographer because this photograph was *not* what you might call a 'remarkable photograph.' It was not an earth-shaking photograph, but Warhol made a *remarkable* series of paintings out of it . . . they were totally successful, and *we sold them all!*"[53] Crone was equally certain about who should get the credit for the success of the work. "Warhol had found the original photo in a woman's magazine; it had won second prize in a contest for the best snapshot taken by a housewife," was his dismissive summation.[54] Both Karp and Crone defended Warhol's claim over the image by insisting that he was more capable of putting it to interesting use than was the woman who happened, perhaps even accidentally, to click the shutter. But the description of Caulfield as an amateur, which has persisted, following Crone, in the Warhol literature, has little to do with her actual status. In fact the image was published in the magazine *Modern Photography* as part of an article about color processors.[55] The photograph is clearly attributed in a caption to Executive Editor Patricia Caulfield, which is also how her name appears on the magazine's masthead, immediately below that of the publisher. And the image would have been hard to miss, since it appears both on the cover and in a two-sided glossy color foldout, where Warhol's multiple use is already suggested in the repetition and variation used to show shifts in the color relations from different processing decisions. In fact its composition was the result of a succession of highly conscious decisions. Caulfield came across the vase of hibiscus flowers in a restaurant in Barbados, where it was set off by a play of light so striking that she interrupted her lunch, got her camera and tripod, and recorded the subject in multiple photographs. The image published in the magazine was further composed through cropping to create the tight arrangement of flowers and foliage that obviously appealed to Warhol.[56]

In the case of the *Flowers* there are at least three contenders for authorship: Caulfield for the original photograph, Warhol for its reinterpretation as a series of silkscreened images, and Sturtevant for the recontextualization of the reinterpretation. Other lesser claimants include Geldzahler, sometimes credited with coming across the photo while

paging through magazines and suggesting its use to Warhol, and the various assistants who helped produce the works using some of the same screens later used by Sturtevant, but under the umbrella of Warhol's Factory production and authorship. Warhol's better-known authorship claim over the *Flowers* paintings is thus bracketed by the work of two female authors, one disparaged by Warhol's supporters, and another uninterested in considering the significance of gender in the assertion of authorial power. The inaccuracy in Crone's account of the *Flowers* series is telling for how he used both amateur status and the negative stereotypes ascribed to women's magazines to assert the priority of Warhol's appropriation. Asked some years later about the whole business, Caulfield responded, "What's irritating is to have someone like an image enough to use it, but then denigrate the original talent."[57] Caulfield went on to have a substantial career in the field of nature photography. And there are other reasons why this example of appropriation cannot be made to fit the cliché of high-minded artistic interest coming in conflict with the banal world of commercial image production. Karp's complaint about the unfairness of Warhol having to pay out for the photo used in *Flowers* with valuable art work assumed a greater artistic merit as the basis for the greater importance of Warhol's version. But he also emphasized, in the same breath, how salable Warhol's paintings were—their success, in fact, as artistic commodities.

In his early work Warhol had an unerring eye for resonant images that could be made to speak of the culture from which they were plucked simply as a result of the way they were transferred, blown up, or reiterated. Crow, in particular, has contested the reading of Warhol's imagery (following Warhol's own pronouncements) as passive and impersonal, arguing the significance of subjects associated with death or suffering in Warhol's early work.[58] Many of the photographs Warhol selected were so telling that they seemed to belong to the culture at large. But for the original photographers, the familiarity or historic significance of a particular image did not make it anonymous, an authorless image waiting for Warhol to fill the void. Warhol's use of images published in *Life* magazine therefore sparked protests from Charles Moore, whose photographs from a 1963 story in *Life* were the basis for the 1963–1964 *Race Riot* series, and Fred Ward, whose photograph of Jacqueline Kennedy that appeared on the cover of *Life* not long after the assassination of John F. Kennedy became part of Warhol's 1963–1964 *Jackie* series. In both of these cases Warhol again used works of art to settle out of court, with Ward receiving a painting from the *Jackie* series and Moore, in an ironic twist, winding up with prints from the *Flowers* portfolio.[59] Warhol's legal problems led him to change his methods in his later work, relying more on photographs produced by assistants or going through the process of getting copyright permission when he used cartoon characters in his 1981 *Myths* series.[60] And the Warhol Foundation has taken out insurance against future copyright claims, a fact brought to light by a

lawsuit between the foundation and the insurance company about paying a claim from a 1996 copyright infringement case brought by yet another photographer whose work for *Life* was incorporated by Warhol into his *Jackie* series, in this case Henri Dauman's photographs of Jacqueline Kennedy at the funeral of the president. Nor was Warhol the only artist to face such problems. Rauschenberg was also sued by photographer Morton Beebe over his incorporation of Beebe's photograph of a diver in his 1974 *Pull*. One reason Beebe was annoyed when he discovered the use of his work was his knowledge of Rauschenberg's active support for artists' rights. Though the case was settled out of court for less than Beebe initially demanded, authorship was to a degree restored by the promise that, when reproduced, the print would be accompanied by the statement that "the image of the Diver in *Pull* is after a photograph by Morton Beebe."[61]

Although Rauschenberg and Warhol used the medium of photo silkscreen to largely different ends, both employed this form of mechanical reproduction in ways that made the act of copying an explicit part of the work and helped distinguish this postmodern copying from earlier traditions. The borrowed motifs that appear in Renaissance and baroque art, though aided by mechanical reproduction in the reliance on prints, assimilated the source material into the subsequent work. Similarly, the classical models or prototypes used as the basis for academic training were supposed to become integral to the artist's formal vocabulary.[62] In postmodern forms of borrowing based on mechanical reproduction, the obvious copy effects a different kind of critique of originality articulated in the layering of quotation and reference. Equally important is how the suspended process of assimilation serves to demonstrate that meaning is contingent and mutable, based on the relationship between a given element and the context of its presentation.

The economic importance of the images that pervade contemporary culture can present difficulties for artists whose work is based on an evident process of borrowing and quotation. Yet the idea that the meaning of a work may be transformed as a result of fragmentation and recontextualization did receive a degree of legal support in a case concerning the plucking of a fragment from its role within an ensemble of images. In 1990 David Wojnarowicz sued Donald Wildmon and the American Family Association over a pamphlet that reproduced fragments of Wojnarowicz's work, many of them explicit images of gay sex, in an envelope marked "Caution—Contains Extremely Offensive Material." The fragments were taken from works illustrated in the catalogue for Wojnarowicz's 1990 "Tongues of Flame" exhibition, partially funded by the National Endowment for the Arts. In the original works, however, the more explicit vignettes were part of larger ensembles of images that drew their critical power from the sometimes pointed and at other times more ambiguously open-ended juxtapositions of many different types of imagery.

Andy Warhol, *Mustard Race Riot*, 1963. Synthetic polymer paint and silkscreen ink on canvas, two panels, each 114" × 82". © 2005 The Andy Warhol Foundation for the Visual Arts / ARS, New York. Photo © The Andy Warhol Foundation, Inc. / Art Resource, NY.

The case against Wildmon was based in part on the fact that there are certain situations in which artistic authorship does enjoy special status and protection. Wojnarowicz was able to show that Wildmon's pamphlet violated the provisions of the New York Artists' Authorship Rights Act against displaying or publishing without permission a work of art "in an altered, defaced, mutilated or modified form" as the work of the artist if "damage to the artist's reputation is reasonably likely to result therefrom." In his decision, Judge William Conner found that, "By excising and reproducing only small portions of plaintiff's work, defendants have largely reduced plaintiff's multi-imaged works of art to solely sexual images, devoid of any political and artistic content."[61] The decision required Wildmon to mail a court-approved correction to the hundreds of recipients of the original pamphlet, but because he could not show any canceled exhibitions or lost sales resulting from the pamphlet, Wojnarowicz was awarded only a token $1.00 for damages. And Wildmon's lawyers relied successfully on the fair use provision in the copyright code to argue against Wojnarowicz's claim of infringement. It is this exception that allows for the use, in certain circumstances, of material that is protected by copyright, with the fair use factors to be taken into consideration articulated in the 1976 revision of the copyright code as: "(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use on the potential market for or value of the copyrighted work." Although the judge noted that the pamphlet was part of a fundraising effort, which would argue for its commercial rather than nonprofit use, he found that its main objective was an argument against federal arts funding, and that it was therefore a form of criticism and comment recognized as fair use.

For a time it seemed possible that fair use might also apply to works of art based on strategies of quotation and recontextualization. The question was whether criticism and commentary of a work could, following precedents established for parody, include works of art that deploy the copy as a form of critique. A crucial distinction for parody cases, however, concerns the amount needed to evoke the original, whereas postmodern appropriation is likely to involve a more wholesale copying. For Fredric Jameson, one of the key markers of the postmodern attitude was the deployment of a form of blank parody or pastiche. Parody plays on individual stylistic eccentricities and in doing so assumes a norm from which the object of the parody is shown to diverge. But pastiche, "parody that has lost its sense of humor" as Jameson describes it, skims the surface of a decentered heterogeneity.[62] In the visual arts, evidence of this attitude appears in contemporary forms in which individual style in the traditional sense has been supplanted by authorship identified with a

particular set of interests, selections, or processes where the end results are more likely to be linked conceptually than through stylistic unity. Warhol's early silkscreen paintings are the outcome of a process of selection (whether Warhol's own or not) and mechanical translation in which the impact of the work depended both on Warhol's treatment and the simultaneously undisguised impact of the underlying image. Jeff Koons, following in Warhol's footsteps as a prominent representative of a later wave of appropriation, also drew from the realm of mass production, recontextualizing but leaving the appeal of the basic commodity intact. Given how legal arguments in support of Koons's appropriation fared, however, it seems that Warhol may have been wise to settle his earlier cases out of court.

Fair use was the basis for Koons's defense in a series of copyright infringement suits arising from works in his 1988 "Banality Show." And unlike most copyright cases that have been decided out of court, the decisions in the lawsuits against Koons set precedents with broad implications for image use by artists employing strategies of appropriation. Photographer Art Rogers brought suit against Koons for copyright infringement in 1989 after a friend drew his attention to a reproduction of Koons's *String of Puppies* sculpture on the front page of the calendar section of the *Los Angeles Times*. *String of Puppies* was based on a black-and-white greeting card photograph of a couple holding eight German shepherd puppies that Koons had purchased in a gift shop. Like many of the other works in the "Banality Show" produced from photographic sources, *String of Puppies* involved both direct copying and significant transformation, with the oddly amputated legs of the couple, similar to the disturbing truncation of the head in *Woman in Tub*, representing a three-dimensional translation of the type of cropping found in the two-dimensional images that served as prototypes. Koons nevertheless did indicate a number of changes—including the colors used throughout, the flowers that he added in the hair of the man and woman, and the exaggerated noses on the puppies based on a cartoon character—before handing the photo over to the studio he used in Italy to be fabricated in an edition of three life-sized painted wood sculptures plus one artist's proof.

Once again the case highlights the collision of two types of authors. Koons's better-known work incorporated various forms of selection and extensive use of assistants and outside fabricators in the production of the object. Rogers was directly involved in taking the photograph, but he licensed its reproduction in a format where its connection to a specific author would be secondary to its appeal as an image. Koons used the photograph because, to him, it represented generic kitsch, and it is certainly the same qualities read straight—the cuteness and familial warmth of the image—that would have attracted less cynical purchasers of the card. But according to the legal definition, Rogers is very much an author, regardless of how he chose to license his image. Nor was Koons's defense helped

Jeff Koons, *String of Puppies*, 1988.
Polychromed wood, 42" × 62" × 37".
Courtesy the artist and Gagosian
Gallery, New York.

by his eager embrace of forms associated with the commodity, including his decision to take the money that could have been spent on a catalogue for the "Banality Show" and use it for the purposely kitsch full-color, full-page exhibition ads that appeared in *Artforum*, *Art in America*, *Flash Art*, and *Arts Magazine*.[65] In the legal realm such deliberate provocations contributed to a judgment that found in Koons's work not consummate irony, but rather the creation of a set of valuable limited-edition commodities that relied on the creative work expressed in the underlying images.

The district court that heard the copyright lawsuit brought by Rogers against Koons refused to give Koons's high-priced, limited-edition sculptures priority over the inexpensive, mass-produced note card edition of Rogers's photograph, and the lower court ruling was subsequently affirmed in an appeals court decision that found Koons's copying "so deliberate as to suggest that defendants resolved so long as they were significant players in the art business, and the copies they produced bettered the prices of the copied work by a thousand to one, their piracy of a less well-known artist's work would escape being sullied by an accusation of plagiarism." The appeals court also drew a distinction between creating a parody of modern society in general and a parody directed at a specific work, finding that the obscurity of the original meant that the Koons's work was unlikely, even if less directly copied, to read as a parody of a specific source.[66]

Nor was the suit brought by Rogers the only case concerning works in the "Banality Show." A second one, brought by United Feature Syndicate, concerned Koons's sculpture *Wild Boy and Puppy*. There, however, rather than using a relatively obscure photograph as a model, Koons had adapted the copyrighted cartoon character of Odie from the Garfield comics. Because *Wild Boy and Puppy* was based on a well-known character, the use seemed to raise a somewhat different set of issues. Some commentators have attempted to draw a distinction between using a less well-known image taken from the world of popular culture and a cartoon character that has become part of a shared cultural vocabulary.[67] The counterargument, however, is to ask why the more successful author should be penalized by having his or her creation subject to appropriation simply because it has become well known.[68] With respect to the characters used for *Wild Boy and Puppy*, the district court concluded that they had not lost copyright protection simply because they had become part of American culture. In the wake of this second setback, Koons settled all four cases that arose out of the "Banality Show," including two other pending lawsuits, one by MGM, brought in response to Koons's use of the Pink Panther character in his sculpture of the same name, and the other by photographer Barbara Campbell concerning a greeting card picture used as the basis for his *Ushering in Banality*.

While the Koons decisions sent a message that there is no automatic artistic immunity for the appropriation of copyrighted images, the lack of visibility as long as the appropriating work remains within the art world means that most such uses are likely to remain undetected. Koons's success helped spark his legal problems, since it was only after his work was reproduced in mass-media channels that Rogers became aware of his act of appropriation. Similarly, Caulfield discovered Warhol's *Flowers* by seeing a poster based on the work, Moore found out about *Red Race Riot* after it was reproduced in a *Time* magazine profile on Warhol, and Dauman only noticed Warhol's image use when *Sixteen Jackies* made news because of its sale price at a 1992 auction. Such was also the case with a lawsuit that Thomas Hoepker filed against Barbara Kruger in 2000 over the photograph she incorporated in her 1990 work *Untitled (It's a small world but not if you have to clean it)*, since the publicity surrounding Kruger's 2000 retrospective at the Whitney brought the work to Hoepker's attention, particularly its use in billboards advertising the exhibition as well as merchandise like T-shirts, notepads, and magnets available at the museum gift shop.

At certain moments, and in the hands of specific artists, the discordant effect of bringing unexpected objects or imagery into galleries or museums has produced a sharply critical edge. But as art institutions and even some artists have become involved in licensing agreements and the sale of reproductions themselves, works of art that incorporate versions of the readymade have returned to the realm of mass production as a kind of designer commodity. In particular, the volume of licensed Warhol merchandise shows the intersection of Warhol the artist, whose incisive challenge to artistic conventions included the incorporation of imagery and strategies from mass production, and Warhol the name brand, whose persona and imagery became the basis for a successful marketing strategy that endures long after his death in 1987.

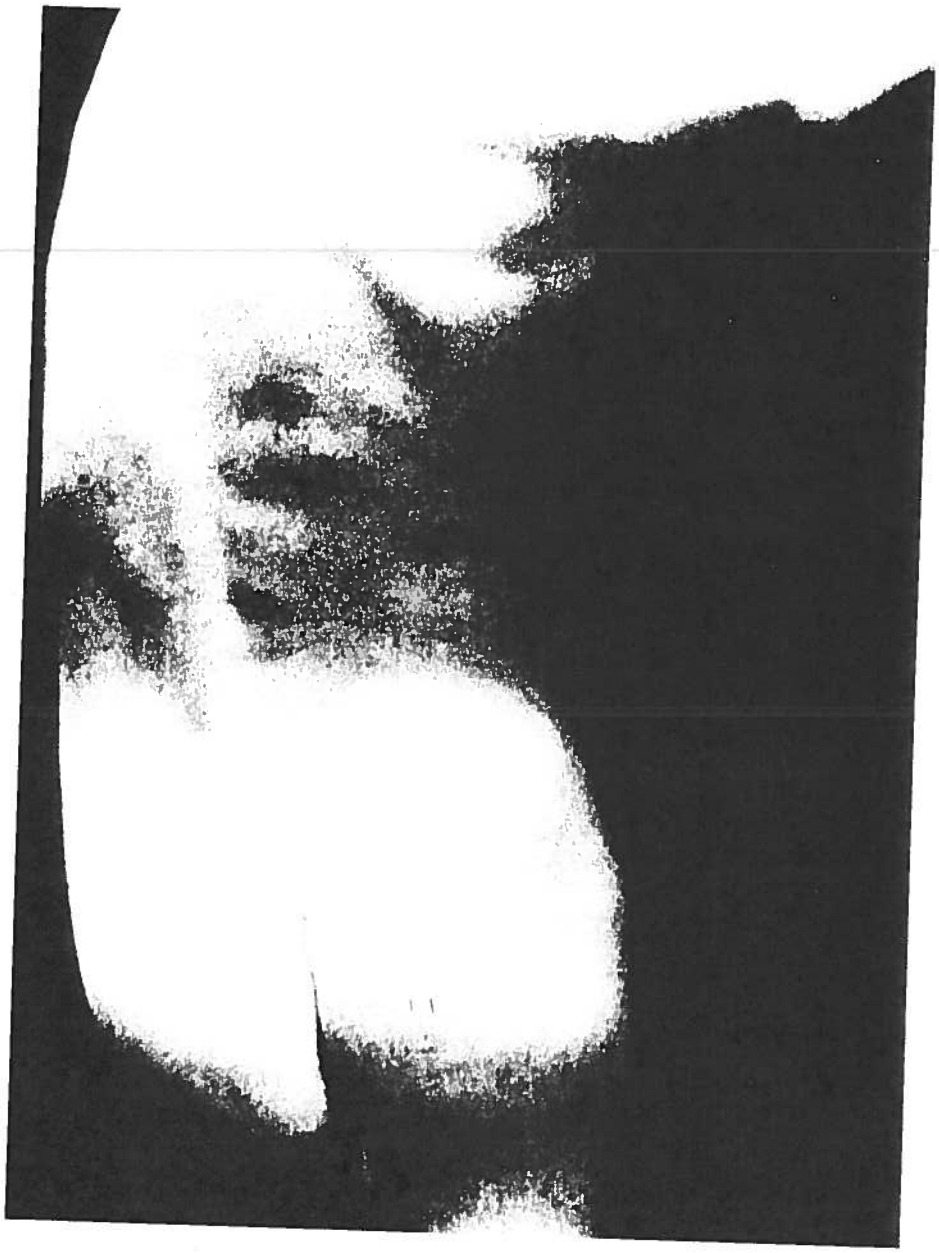
In an early and often-cited case involving circus posters, Supreme Court Justice Oliver Wendell Holmes addressed the issue of artistic copying, stating: "Others are free to copy the original. They are not free to copy the copy. . . . The copy is the personal reaction of an individual upon nature."[69] The same case also established that copyright protection does not depend on the artistic merit of the work in question. Yet the environment of the image has changed dramatically in the century since this decision. In an economy based on promoting consumer identification with products, the reaction of the individual upon the commodity can be an equally pressing subject for the artist. The iconic nature of the images that Warhol used as the basis for his early 1960s silkscreen work speaks clearly to their broader cultural power. Copies based explicitly on preexisting images point to the importance of images that are broadly reproduced and therefore part of a familiar landscape. The crucial difference for artists between the use of mass-media images and trademark designs

rather than the natural landscape as subject matter is that the already-encoded is likely to be the already-commodified.

If ownership is based on originality, the question of what and how much may be owned has become increasingly complex in the face of images based on other images, as well as the way strategies associated with postmodernism have problematized the very notion of an original. Indeed, it is the paradox of an ever-receding original that Levine highlights in her photographs after Edward Weston's pictures of his son Neil. On the one hand the works seem to fit the paradigm of the difference between the copy after nature and the copy after the copy. Yet Crimp has pointed out how much the figure in Weston's image recalls the contrapposto pose familiar from classical sculpture.[70] Levine's appropriation, situated at one extreme in a succession that includes many different modes of copying or assimilation of precedents, thus draws attention to how and where originality may be assigned in the context of mechanical reproduction.

A consideration of the act of copying framed primarily as a theoretical argument about issues of originality and authorship does not, however, account for its extensive and pervasive reach in recent practices. The types of copies that appear in contemporary art are as varied as the materials artists have employed, with the copy's manifold appearances serving to indicate its importance as an increasingly significant technique for the making of what are received as original works. The changes performed by the direct copy can involve explicit shifts from one medium to another, or the far more subtle recontextualization that connects appropriation to the readymade. The tremendous power of this process of transformation is evident in works based on layers of mediation, as images, forms, and textures are subject to multiple processes of translation. In such instances the copy also functions as a wedge, contributing to the fracturing of the idea of medium in the translation from one material to another. Photography's central role in the context of contemporary art can be ascribed in part to the mediation inherent in the process, even as it is only one of many forms of copying deployed by contemporary artists. Thus works as different as James Welling's small gelatin silver photographs of crumpled foil, and Rachel Whiteread's resin casts of the undersides of tables and chairs, show how the process of capture or transmission itself is crucial even in situations where the artist may be largely responsible for establishing the form that is thus transformed.

"What I do appropriate is a classic photographic style and the institutional presentation that goes along with 'straight' photography."[71] This was how Welling characterized the difference between his approach and other forms of photographic appropriation with which he was often grouped during the 1980s. Yet the early series based on his adaptation of straight photography to images of draped fabrics or crumpled foil incorporate a double



Sherrie Levine, *Untitled (After Edward Weston #5)*, 1980. Black-and-white photograph, 10" × 8". Courtesy Paula Cooper Gallery, New York.

process, first the manipulation of the material that will be the subject of the image, and second the taking of the photograph itself. In the intimately detailed close-ups of foil, their precision only serves to heighten the attention to the photographic transformation itself in the creation of images that are at once highly detailed and yet abstract. "They are about something which happens to be very difficult to describe," was Welling's own evaluation. "Everyone sees landscapes—so do I—but the point is, what kind of landscapes are these? What interests me is this primitive desire to look at shiny, glittering objects of incoherent beauty."[72] As part of an engagement with photography that has since encompassed classically detailed black-and-white photographs of railroads or the architecture of H. H. Richardson, digitally printed images of light sources, and different forms of cameraless abstraction in black-and-white photograms of geometrical arrangements or nearly monochromatic fields of color, they suggest an interest in photographic processes as a form of mediation that can be deployed to a profusion of different ends.

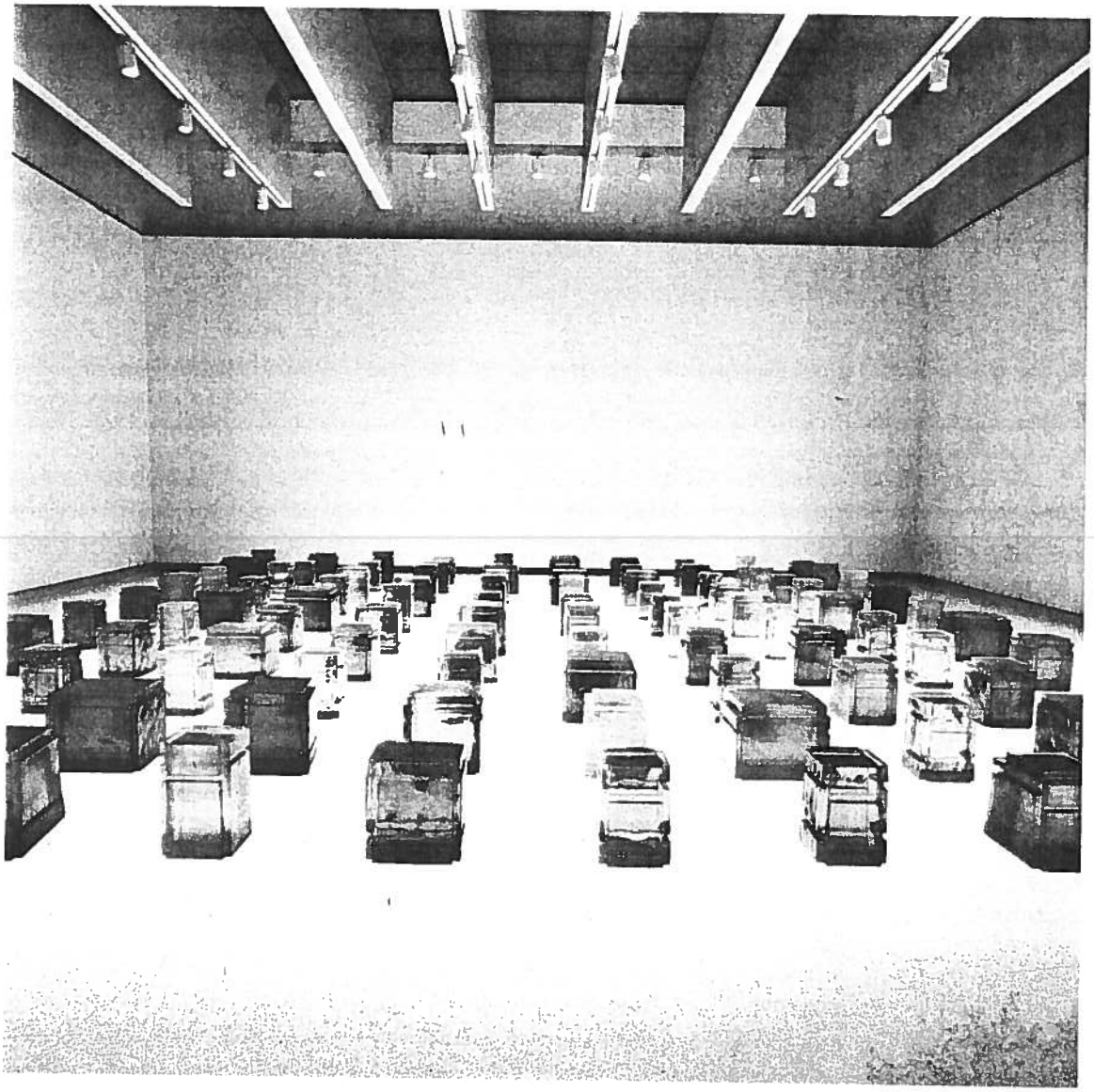
The three-dimensional mode of capturing nuances of texture and form constituted by the casting process can also be employed so that the translation itself is part of the subject of the work. The defamiliarized yet particular quality of Whiteread's sculpture depends on the simultaneous recording and negation of material specificity—whether it is the three-story cement interior of her most famous work, the 1993 *House*, or the more intimate series of resin casts of the undersides of chairs and tables. Scale as well as composition are functions of the objects selected, though the impact of the work is equally dependent on the material used to create the new form. And the materialization of what had been void further contributes to a transformation that renders the familiar simultaneously abstract. The 1995 *Untitled (One Hundred Spaces)*, a series of rectangular resin blocks cast from the undersides of chairs and arrayed across the gallery space, suggests the serial repetition of minimalism through the copying process, but with the added specificity of the cast, based on the scale of an object already associated with the habits of the body, and therefore adding another layer of significance to the relationship established with the viewer. The fact that the configurations Whiteread copies have ranged from entirely found forms to ones that she has to varying degrees established herself (forming what will then be transformed) only serves to emphasize the importance of the copy as a technique for making.

In a sense, however, the most powerful testimony to the ability of the copy to transform occurs in situations where the exact copy is unrecognizable as such simply because of the way the underlying visual information has been mediated or transcribed. Under certain circumstances the process of selecting, isolating, and moving between different scales or materials can even result in a literal record that has the appearance of a total abstraction. Moreover, the application of a predetermined system to the selection or combination of

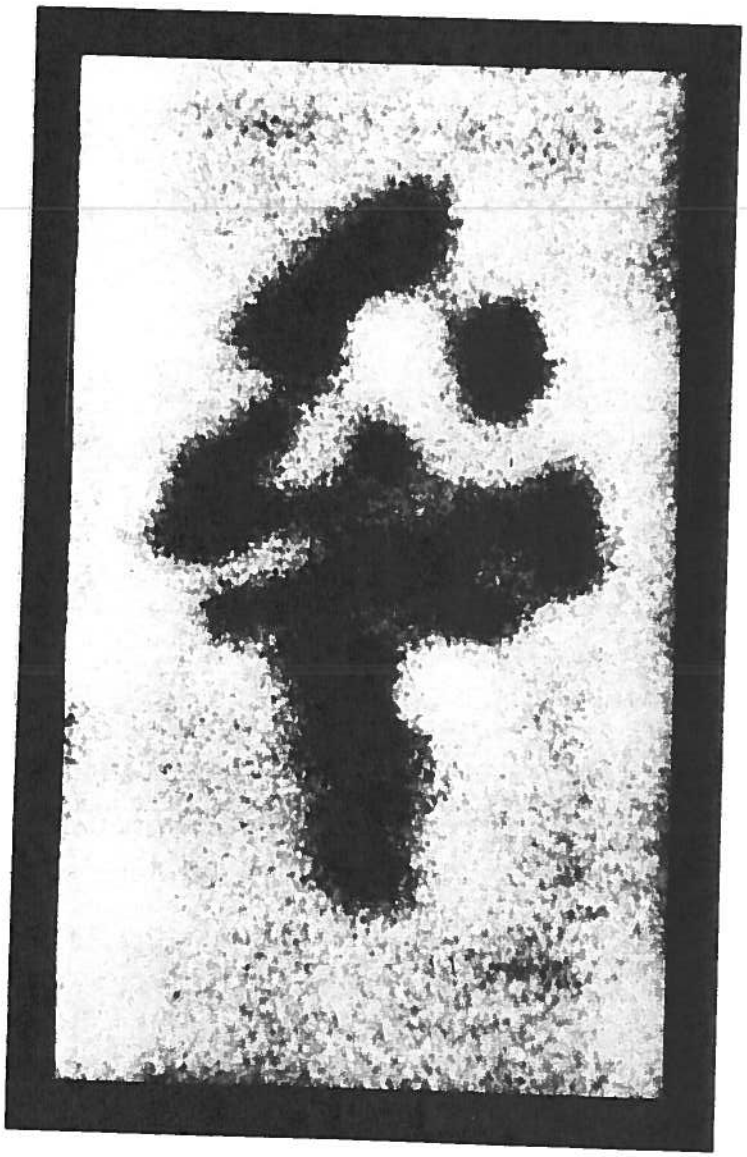
James Welling, *Untitled 2-29I-80*, 1980. Gelatin silver print, 3⅛" × 4". Courtesy the artist.

found objects or images indicates the important link between certain forms of copying and strategies significant for conceptual art. All of these considerations are decisive for an understanding of Allan McCollum's series of *Perpetual Photos*, pursued from 1982 to 1989, where the mechanically recorded image has been transformed to near or total abstraction simply as a function of cycling through enough different media. The procedure was remarkably simple: "A snapshot is taken from the television screen when a framed artwork is seen on the wall behind the dramatic action. The *Perpetual Photos* are these artworks enlarged again to a normal scale and reframed by the artist for re-presentation in a tangible setting."[73] However, the process involves a number of transformations. The works of art are frequently part of the background of a scene, and therefore relatively small and not necessarily in focus. They have also been transformed by the graininess of the television picture, and further homogenized by the conversion to black-and-white photographs. Once these elements are enlarged, the blurry images present both literal records of what has been mechanically recorded and compositions that appear largely abstract.

Recourse to a system for generating the work is one way that contemporary artists, drawing upon conceptual art, have participated in a critique of originality while at the same time looking for ways to take such procedures in new and unexpected directions. It is



Rachel Whiteread, *Untitled (One Hundred Spaces)*, 1995. 100 units of 9 sizes. Installation at the Carnegie International. Courtesy Luhring Augustine, New York.



Allan McCollum, *Perpetual Photo (No. 119)*, 1982/1986. Gelatin silver print, sepia-toned, 62½" × 39". Courtesy the artist and Friedrich Petzel Gallery, New York.

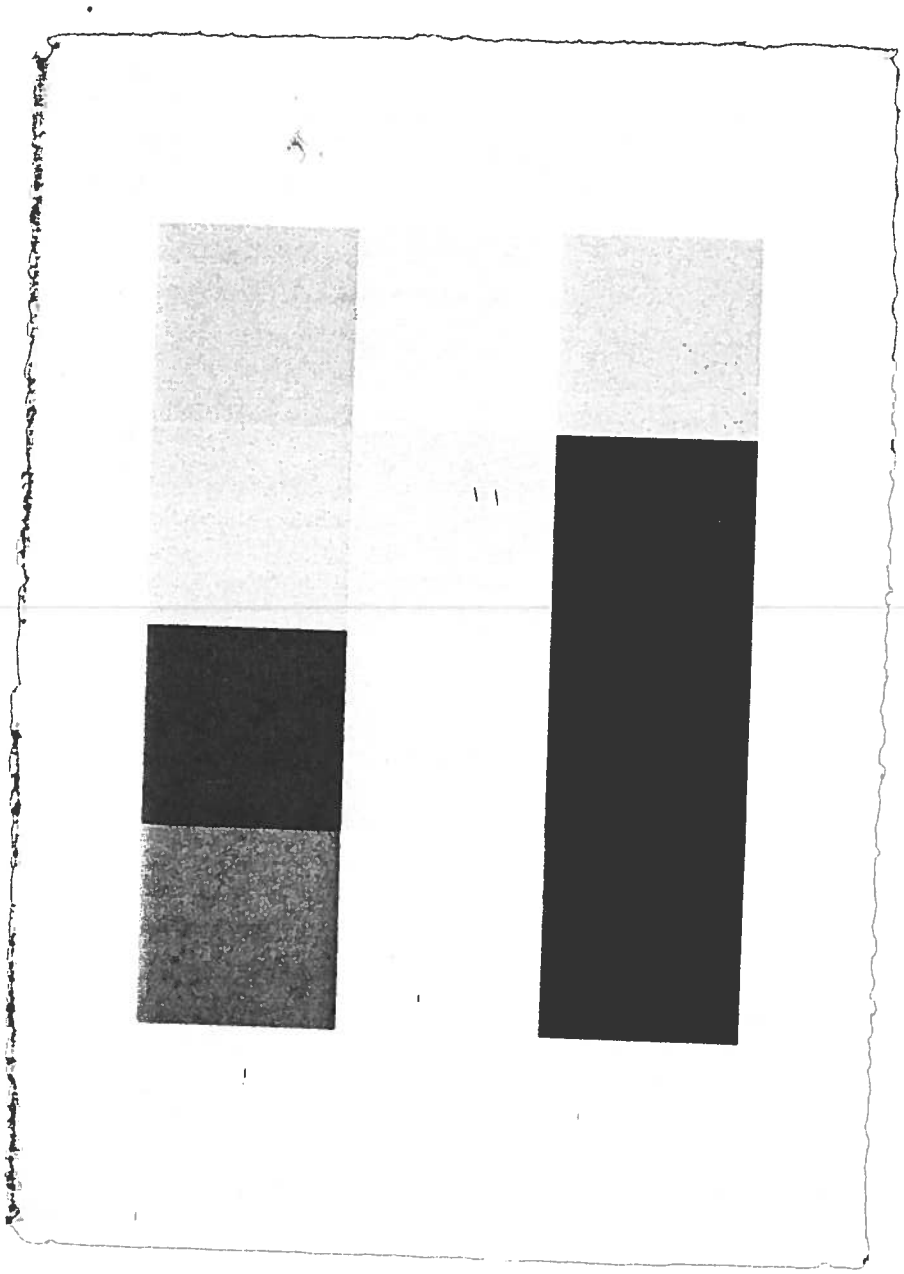
therefore not surprising that Levine's self-conscious search for models or precedents has also led her to explore ways of using the copy as part of the process for generating abstractions. Her *Melt Down* paintings respond to the history of the monochrome very specifically. Levine's first set of monochromes was inspired by a kind of chance, when a computer consultant who was helping her generate printouts based on dividing up paintings into grids and averaging out the color for each section also produced an overall reading of each work—a monochrome, in other words. But because the overall averaging of colors tended to produce varying shades of gray, Levine turned to the work of Yves Klein. By feeding monochrome works into a computer programmed to produce monochromes, she was able to create monochromes with the same saturated colors that Klein had used, though they are also transformed by being painted on wood. Their apparent abstraction derives from both the process used for the copy and the objects subjected to that process. Questions of origin or originality are fraught in regard to a form with the radical simplicity of a monochrome painting, although it is also true that the impact of Klein's work depends on a materiality of surface lost in the generations of mechanical reproduction separating his monochromes and Levine's. And in asserting the monochrome, Klein was taking up a form that Rodchenko had already established thirty years earlier.[74] Levine's incorporation, however, avoids any possible accusation of naive duplication by addressing the weight of history directly, in a way that has so foregrounded the element of mediation that repetition itself becomes part of the subject of the work.

Levine's monochromes came about during the process of making another series, presented under the similar title of *Meltdown*—a portfolio of prints from 1989 based on a computer-generated grid structure. The twelve colored rectangles that made up each grid were based on computer readings of works by Mondrian, Kirchner, Monet, and Duchamp, using a program designed to average the color in each of the sections of the grid. The images fed into the computer were not the paintings themselves, of course, but reproductions, specifically Levine's own 1983 photographs; which were photographs of already-reproduced images. The computer output was then translated into the more traditional medium of woodblock printing. Yet even though the computer-generated grids used for the *Meltdown* prints may not look like photographs of paintings, the works do still retain an indexical relation, however attenuated, to their source. Collapsed within the final print are all of the earlier stages in the move from art work to photograph to printed reproduction to photograph to computer-generated grid and, finally, to woodblock print. Each representation of the painting functions as a screen (or grid) through which visual information is relayed, with the abstraction of the final work produced by the decision to simplify radically the grid through which previously detailed information was transmitted.

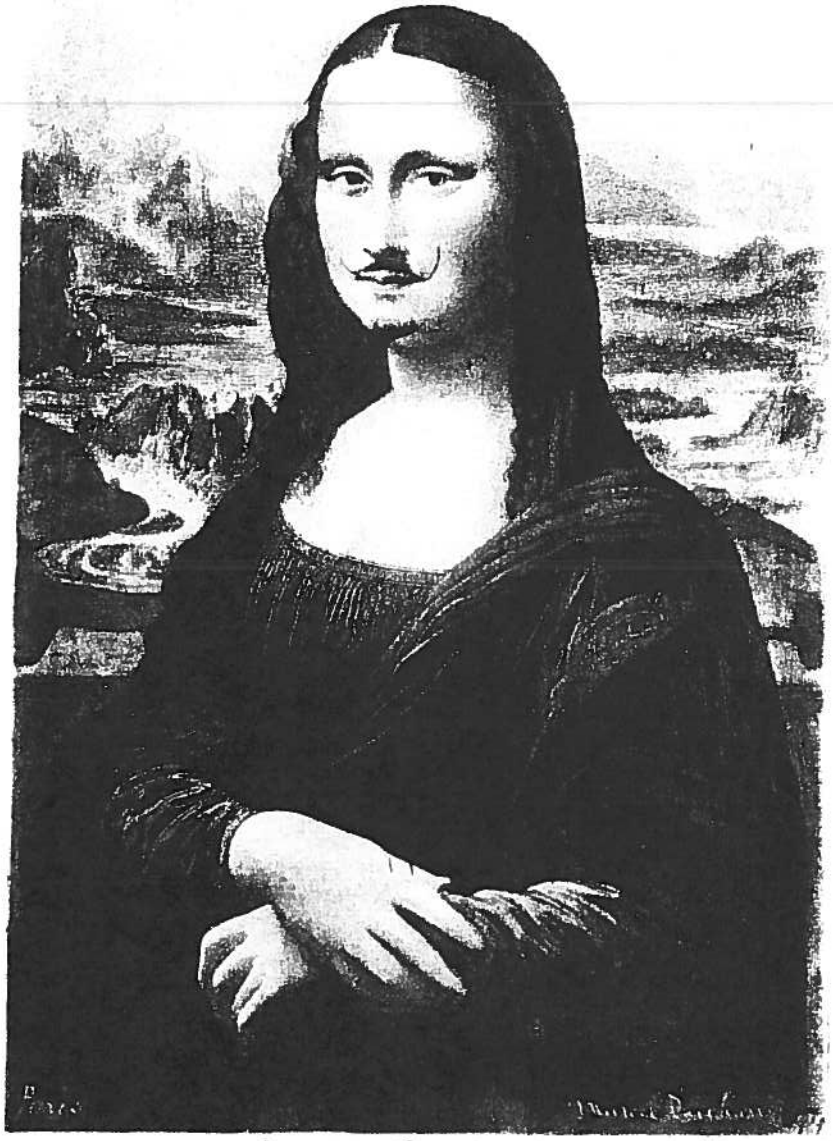
Given how central the fact of mediation is to the experience of these prints, it seemed a bit incongruous to come across Levine's *Meltdown* after Duchamp hanging in a 2001 MoMA print exhibition devoted to portraits from the permanent collection. The original work that Levine subjected to her much-mediated replication was none other than Duchamp's *L.H.O.O.Q.*, the work he made in 1919 by amending the Mona Lisa with the addition of a mustache, goatee, and the vulgar description that can be gleaned from the letters when spoken aloud in French, *elle a chaud au cul*, or "she has a hot ass." Duchamp's assisted readymade got its power from the dada gesture of applying this irreverent graffito to a masterpiece of Italian Renaissance painting with a long history of veneration that includes Vasari's high praise in his sixteenth-century *Lives of the Artists*, Walter Pater's late nineteenth-century reveries, and Sigmund Freud's early twentieth-century psychoanalytic interpretation. The Mona Lisa had also made headlines in Paris not long before Duchamp's addendum when it was stolen from the Louvre in 1911, and again two years later when it was recovered and restored to the museum.[75] It is also true that the painting is a portrait, though the identification of the sitter is less than certain, and its fame is more closely tied to the identity of its author, Leonardo da Vinci.

But it was not Leonardo's painting itself that was subject to Duchamp's gesture. Rather it was a small color reproduction, a mass-produced chromolithograph less than eight inches high. It was a harbinger of what would become a sea of copies such that the experience of this painting in the museum, like that of so many other famous works, is an encounter with an original made numbingly familiar through its many iterations. Thus Duchamp was responding not just to the work itself but to a whole history of the work's popularization as cultural icon. Duchamp's gesture was made famous in turn through published images of the altered version, including Duchamp's own meticulous reproduction for the 1941 *Box in a Valise*, giving Duchamp a kind of priority over appropriations of the Mona Lisa. So even though Warhol's 1963 series of Mona Lisa silkscreen paintings may allude to the fame of the original, it can hardly avoid the subsequent associations that have attached to the painting. While Leonardo may have maintained his position as author of the original, Duchamp's hold over its reproduction was only further affirmed by his 1965 *L.H.O.O.Q. Shaved*. For this later version of his own gesture, which served as an invitation to an exhibition preview, Duchamp presented a series of Mona Lisa reproductions from a pack of playing cards simply mounted on paper without any intervention in the image, obviously confident that his earlier appropriation would be securely inscribed in the pointedly unaltered version.

Authorship isolates, frames, and provides the context within which the copy or even the found object can be designated an honorary original. While categorizing works of art



Sherrie Levine, *Meltdown*, 1989
(from the portfolio of four prints
published by Peter Blum Editions).
Color woodcut, 36⅞" × 25¼".
Courtesy Peter Blum, New York.



Marcel Duchamp, *L.H.O.O.Q.*, 1919 (replica from the *Box in a Valise*, 1941). Collotype, 7⅛" × 4¹⁵⁄₁₆". Philadelphia Museum of Art, The Louise and Walter Arensberg Collection. © 2005 Artists Rights Society (ARS), New York / ADAGP, Paris / Estate of Marcel Duchamp. Photo: Lynn Rosenthal.

according to author is a mode of organization particularly associated with the rise of the museum, recent trends allow the artist's act of making to be replaced by a process of designation, such that selecting and categorizing can become the act of authorship itself. Under these circumstances, the artist's designation may alter what is found or copied little or not at all. What changes is its significance, read in relation to works by the same artist and the history of related acts by other artists. As the designation of authorship reframes the image or object, it is removed from a former purpose, becoming simultaneously a comment on that previous function as well as part of a new category of works by the artist. The reference to an everyday object that has a history of use by artists addresses, by implication, not just the intersection of art and mass production, but also the entire history of such uses. In situations where traditional skills are supplanted by the incorporation of ready-made elements, mechanical reproduction, or the use of outside fabricators, the sense of history internalized by the mastery of traditional skills is replaced by a more explicit and self-conscious structure of reference and quotation. Nor is the association of authorship, once established for a specific type of work, readily surrendered. Examples of the hold that an artist can gain over a particular image include Johns and the American flag, or Warhol's claim over Campbell's Soup, such that any subsequent play with the image will be read as a reference to the artist as well as to the original object. Thus the old apprenticeship in skill and technique turns into a new apprenticeship in ideas. Multilayered references point not just to other objects and images, but also to the history of their assimilation into art-historical and critical traditions.

In deciding to make a cast bronze urinal, Levine chose an object with such a significant avant-garde history that the focus on the idea of her recontextualization can make it hard to appreciate the tremendous sensuality of materials and surface in the object that has resulted. Yet when Levine took up the urinal, she did so fully aware of how Duchamp had succeeded in laying claim to this object to such a degree that any further use will be read in relation to Duchamp's earlier assertion of authorship. The reference to Duchamp was obvious, although, in another sense, Levine's *Fountain* is not a copy at all, because she did not have to go to a museum original in order to create the replica. For her bronze cast, Levine went to the same source as Duchamp, the realm of mass production, albeit with a historic delay. The work activates a whole history of references to earlier readymades and copies of everyday objects. Such traces are not literally inscribed in the work, but appear in the intersection of the work and its presentation in critical or interpretive contexts where it will be read in relation to, and become part of, this history.

55. This assurance was reaffirmed by Donald Thalacker, Director of the Art-in-Architecture Program, who wrote in a memo to William Diamond, Regional Director of the GSA, that "it was never our intention to convey anything other than the models and the drawings to the museum." See Weyergraf-Serra and Buskirk, eds., *Destruction of Tilted Arc*, 136. For other relevant statements, see also pages 4, 67–68, 145–146, 166–167.

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

57. Judd refers to taking away the metal in "Una stanza per Panza." The information that Judd paid Ace Gallery fifty cents on the dollar for the material as scrap metal comes from a February 19, 1990, letter from Douglas Chrismas to Giuseppe Panza thanking him for the loans for the exhibition. Giuseppe Panza Papers, Series IV, box 241, folder 1.

58. On the formation of the Art Workers Coalition, see Lucy R. Lippard, *A Different War: Vietnam in Art* (Seattle: Real Comet Press, 1990), 20, and Mary Anne Staniszewski, *The Power of Display: A History of Exhibition Installations at the Museum of Modern Art* (Cambridge: MIT Press, 1998), 263–268. On the activism of the period, see also Maurice Berger, "The Iron Triangle: Challenging the Institution," in *Labyrinths: Robert Morris, Minimalism, and the 1960s* (New York: Harper and Row, 1989), 107–127.

59. Sol LeWitt, "Some Points Bearing on the Relationship of Works of Art to Museums and Collectors," public hearing, Art Workers Coalition, School of Visual Arts, New York, April 10, 1969, reprinted in Legg, ed., *Sol LeWitt*, 172. See also Lucy Lippard, "The Art Workers' Coalition: Not a History," *Studio International* 180 (November 1970), 171–172.

60. For a brief discussion of the Projansky/Siegelaub model, see Franklin Feldman, Stephen E. Weil, and Susan Duke Biederman, *Art Law: Rights and Liabilities of Creators and Collectors*, 2 vols. (Boston: Little, Brown, 1986), 256–258; for the language of the agreement, see Leonard D. DuBoff, *The Deskbook of Art Law* (Washington, D.C.: Federal Publications, 1977), 1131–1133 and 1138–1139.

61. Copies of this contract are preserved in Michael Asher's own files and in the file on Asher in the Giuseppe Panza Papers, Series IV, box 174, folder 27.

2 ORIGINAL COPIES

1. See, for example, Richard Flood, "The Law of Indirections," in *Robert Gober: Sculpture and Drawing* (Minneapolis: Walker Art Center, 1999), 11–12.

2. For Levine's discussion of this connection, see Martha Buskirk, "Interviews with Sherrie Levine, Louise Lawler, and Fred Wilson," in Martha Buskirk and Mignon Nixon, eds., *The*

Duchamp Effect: Essays, Interviews, Round Table (Cambridge: MIT Press, 1996), 177–181.

3. Marcel Duchamp, "Apropos of 'Readymades'" (1961), reprinted in *The Writings of Marcel Duchamp*, ed. Michel Sanouillet and Elmer Peterson (1973; rpt. New York: Da Capo Press, 1989), 141.

4. Constance Lewallen, "Sherrie Levine" (interview), *Journal of Contemporary Art* 6 (Winter 1993), 59–83.

5. Paul Taylor, "Sherrie Levine Plays with Paul Taylor" (interview), *Flash Art* 135 (Summer 1987), 55.

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

7. See Levine interview in Buskirk, "Interviews."

8. Jasper Johns, in G. R. Swenson, "What Is Pop?" (1964), reprinted in *Jasper Johns: Writings, Sketchbook Notes, Interviews*, ed. Kirk Varnedoe (New York: Museum of Modern Art, 1996), 94.

9. Peter Bürger, *Theory of the Avant-Garde*, trans. Michael Shaw (Minneapolis: University of Minnesota Press, 1984), 58, 57.

10. Hal Foster, *The Return of the Real: The Avant-Garde at the End of the Century* (Cambridge: MIT Press, 1996), 21.

11. For a detailed account of the production of the *Box in a Valise*, see Ecke Bonk, *Duchamp: The Box in a Valise*, trans. David Britt (New York: Rizzoli, 1989).

12. Duchamp, "Apropos of 'Readymades,'" 141.

13. See Francis M. Naumann, *Marcel Duchamp: The Art of Making Art in the Age of Mechanical Reproduction* (Ghent and New York: Ludion Press and Harry N. Abrams, 1999), especially 245.

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

15. André Malraux, *Museum without Walls*, trans. Stuart Gilbert and Francis Price (Garden City, New York: Doubleday, 1967), 11–12. Malraux's *Le Musée imaginaire* (translated by Gilbert as *Museum without Walls*) was first published in 1947 as volume one of his three-volume *La Psychologie de l'art*, which Malraux revised and published in a single volume as *Les Voix du silence* in 1951. This translation is based on the final version of *Le Musée imaginaire*, which appeared as a separate volume in 1965.

16. Benjamin, "Work of Art in the Age of Mechanical Reproduction," 220–225.

17. See Albert Boime, "Le Musée des copies," *Gazette des Beaux-Arts* 64 (October 1964), 237–247.

18. See Alan Wallach, "The American Cast Museum: An Episode in the History of the Institutional Definition of Art," in *Exhibiting Contradiction: Essays on the Art Museum in the United States* (Amherst: University of Massachusetts Press, 1998), 38–56.

19. Rosalind E. Krauss, "The Originality of the Avant-Garde" (1981), in *The Originality of the Avant-Garde and Other Modernist Myths* (Cambridge: MIT Press, 1985), 151.

20. Ibid., 152.

21. See Susan Lambert, *The Image Multiplied: Five Centuries of Printed Reproductions of Paintings and Drawings* (London: Trefoil Publications, 1987), 33.

22. Quoted in ibid., 32.

23. Douglas Crimp, *On the Museum's Ruins* (Cambridge: MIT Press, 1993), 56–58.

24. Nathan Gluck, in Patrick S. Smith, *Warhol: Conversations about the Artist* (Ann Arbor: UMI Research Press, 1988), 56.

25. On Warhol's performance of authorship and its denial, see Caroline A. Jones, *Machine in the Studio: Constructing the Postwar American Artist* (Chicago: University of Chicago Press, 1996), especially 103–104 and 199–203. On the significance of ready-made imagery for Warhol, see Benjamin H. D. Buchloh, "Andy Warhol's One-Dimensional Art: 1956–1966," in Kynaston McShine, ed., *Andy Warhol: A Retrospective* (New York: Museum of Modern Art, 1989), 39–61.

26. Emile de Antonio, in Smith, *Warhol: Conversations about the Artist*, 187.

27. Ted Carey, in Smith, *Warhol: Conversations about the Artist*, 130.

28. De Antonio, in Smith, *Warhol: Conversations about the Artist*, 189.

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

30. Henry Geldzahler, "Andy Warhol: Virginal Voyeur," in Henry Geldzahler and Robert Rosenblum, *Andy Warhol: Portraits of the Seventies and Eighties* (London: Anthony d'Offay Gallery and Thames and Hudson, 1993), 15.

31. David Bourdon, in Patrick S. Smith, *Andy Warhol's Art and Films* (Ann Arbor: UMI Research Press, 1986), 230.

32. Marco Livingston, "Do It Yourself: Notes on Warhol's Techniques," in McShine, ed., *Andy Warhol: A Retrospective*, 68.

33. Rainer Crone, *Andy Warhol* (New York: Praeger, 1970), 24, 30.

34. Andy Warhol and Pat Hackett, *Popism: The Warhol '60s* (New York: Harcourt Brace Jovanovich, 1980), 131–132.

35. Bob Colacello, *Holy Terror: Andy Warhol Close Up* (New York: HarperCollins, 1990), 208.

36. Constance W. Glenn, *The Great American Pop Art Store: Multiples of the Sixties* (Santa Monica: Smart Art Press, 1997), 40.

37. Colacello, *Holy Terror*, 170.

38. Gluck, in Smith, *Warhol: Conversations about the Artist*, 67.

39. See Christin J. Mamiya, *Pop Art and Consumer Culture: American Super Market* (Austin: University of Texas Press, 1992), 132.

40. U.S. Customs, "Notice of Action," and Walter Hopps, letter to Joseph D. Farrar, April 27, 1964, both quoted in Naumann, *Marcel Duchamp: The Art of Making Art*, 236.

41. Justice Waite, decision in *Brancusi v. United States*, November 26, 1928, quoted in Ann Temkin, "Brancusi and His American Collectors," in Friedrich Teja Bach, Margit Rowell, and Ann Temkin, *Constantin Brancusi, 1876–1957* (Philadelphia and Cambridge: Philadelphia Museum of Art and MIT Press, 1995), 62.

42. L. C., "Andy Warhol (Stable)," *Art News* 63 (Summer 1964), 16.

43. Smith, *Warhol: Conversations about the Artist*, 235.

44. Crone, *Andy Warhol*, 30.

45. Warhol, in Swenson, "What Is Pop Art?," part I, 26.

46. See Dan Cameron, "A Conversation: A Salon History of Appropriation with Leo Castelli and Elaine Sturtevant," *Flash Art* 143 (November/December 1988), 77, and "Bill Arning Interviews Sturtevant," in *Sturtevant* (Stuttgart: Württembergischer Kunstverein Stuttgart, 1992), 13.

47. See Jean Lipman and Richard Marshall, *Art about Art* (New York: E. P. Dutton, 1978), 152.

48. See Cheryl Bernstein, "The Fake as More," in Gregory Battcock, ed., *Idea Art* (New York: E. P. Dutton, 1973), 41–45, and Carol Duncan, *The Aesthetics of Power: Essays in Critical Art History* (Cambridge: Cambridge University Press, 1993).

49. Thomas Crow, "The Return of Hank Herron: Simulated Abstraction and the Service Economy of Art," in *Modern Art in the Common Culture* (New Haven: Yale University Press, 1996), 70. See also the original version of Crow's essay in *Endgame: Reference and Simulation in Recent Painting and Sculp-*

ture (Boston and Cambridge: Institute of Contemporary Art and MIT Press, 1986).

50. Joerg Bader, "Elaine Sturtevant: The Eternal Return of Masterpieces" (interview), *Art Press* 236 (June 1998), 34.

51. "Bill Arning Interviews Sturtevant," in *Sturtevant*, 13.

52. Thus, in 1970, when Warhol made a series of 250 print portfolios based on the image, Caulfield received eight and her attorney received four of the portfolios. See Gay Morris, "When Artists Use Photographs: Is It Fair Use, Legitimate Transformation or Rip-Off?," *Artnews* 80 (January 1981), 105.

53. Ivan Karp, in Smith, *Warhol: Conversations about the Artist*, 217 (emphasis in the original).

54. Crone, *Andy Warhol*, 30.

55. Eward Meyers, "It Works!!!!! Simple, Fast Color Prints at Home with Kodak's New Model II Processor," *Modern Photography* 28 (June 1964), 84–89, 102.

56. Patricia Caulfield, conversation with the author, March 15, 2002.

57. Quoted in Morris, "When Artists Use Photographs," 105.

58. Crow, "Saturday Disasters: Trace and Reference in Early Warhol," in *Modern Art in the Common Culture*, 49–65.

59. On both cases, see Morris, "When Artists Use Photographs," 105.

60. Barry Blinderman, "Modern 'Myths': Andy Warhol" (interview, 1981), reprinted in Jeanne Siegel, ed., *Art Talk: The Early 80s* (New York: Da Capo Press, 1988), 16.

61. See Morris, "When Artists Use Photographs," 103–104.

62. On Renaissance and baroque borrowing, see Leo Steinberg, "Introduction: The Glorious Company," in Lipman and Marshall, *Art about Art*, 8–31. On the impact of academic practices on Ingres's repeated self-borrowing, see Rosalind Krauss, "Originality as Repetition: Introduction," *October* 37 (Summer 1986), 35–40, and "You Irreplaceable You," in Rosalind E. Krauss, ed., *Retaining the Original: Multiple Originals, Copies, and Reproductions* (Washington: National Gallery of Art, 1989), 151–159.

63. *David Wojnarowicz v. American Family Association and Donald E. Wildmon*, decision by William C. Conner, United States District Court for the Southern District of New York, issued August 8, 1990.

64. Fredric Jameson, "Postmodernism and Consumer Society," in Hal Foster, ed., *The Anti-Aesthetic: Essays on Postmodern Culture* (Port Townsend, Washington: Bay Press, 1983), 114.

65. The information about advertisements is from the deposition of Jeff Koons taken by

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

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

67. See John Carlin, "Culture Vultures: Artistic Appropriation and Intellectual Property Law," *Columbia-VLA Journal of Law and the Arts* 13, no. 1 (1988), 139.

68. Leval makes this argument in the context of a discussion of the publication of stills from Zapruder's film of the Kennedy assassination. See Pierre N. Leval, "Toward a Fair Use Standard," *Harvard Law Review* 103 (March 1990), 1131–1132.

69. *Bleistein v. Donaldson Lithographing Co.* (1903).

70. Crimp, *On the Museum's Ruins*, 118.

71. Trevor Fairbrother, "James Welling" (interview), in Trevor Fairbrother, David Joselit, and Elisabeth Sussman, *The BiNational: American Art of the Late 80s* (Boston: Institute of Contemporary Art and Museum of Fine Arts, 1988), 219.

72. Ibid., 220.

73. William S. Bartman, ed., *Allan McCollum* (Los Angeles: A.R.T. Press, 1996), 45.

74. On Klein in relation to Rodchenko, see Benjamin H. D. Buchloh, "Primary Colors for the Second Time: A Paradigm Repetition of the Neo-Avant-Garde," *October* 37 (Summer 1986), 41–52. On Levine's monochromes, see Rosalind Krauss, "Sherrie Levine Makes a Monochrome," in *Das Bild nach dem letzten Bild / The Picture after the Last Picture* (Vienna: Galerie Metropol, 1991), 135–138.

75. Molly Nesbit gives a spirited account of the theft in "The Rat's Ass," *October* 56 (Spring 1991), 7–20.

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1. Margit Rowell, *Objects of Desire: The Modern Still Life* (New York: Museum of Modern Art and Harry N. Abrams, 1997), 218.