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Terence Koh

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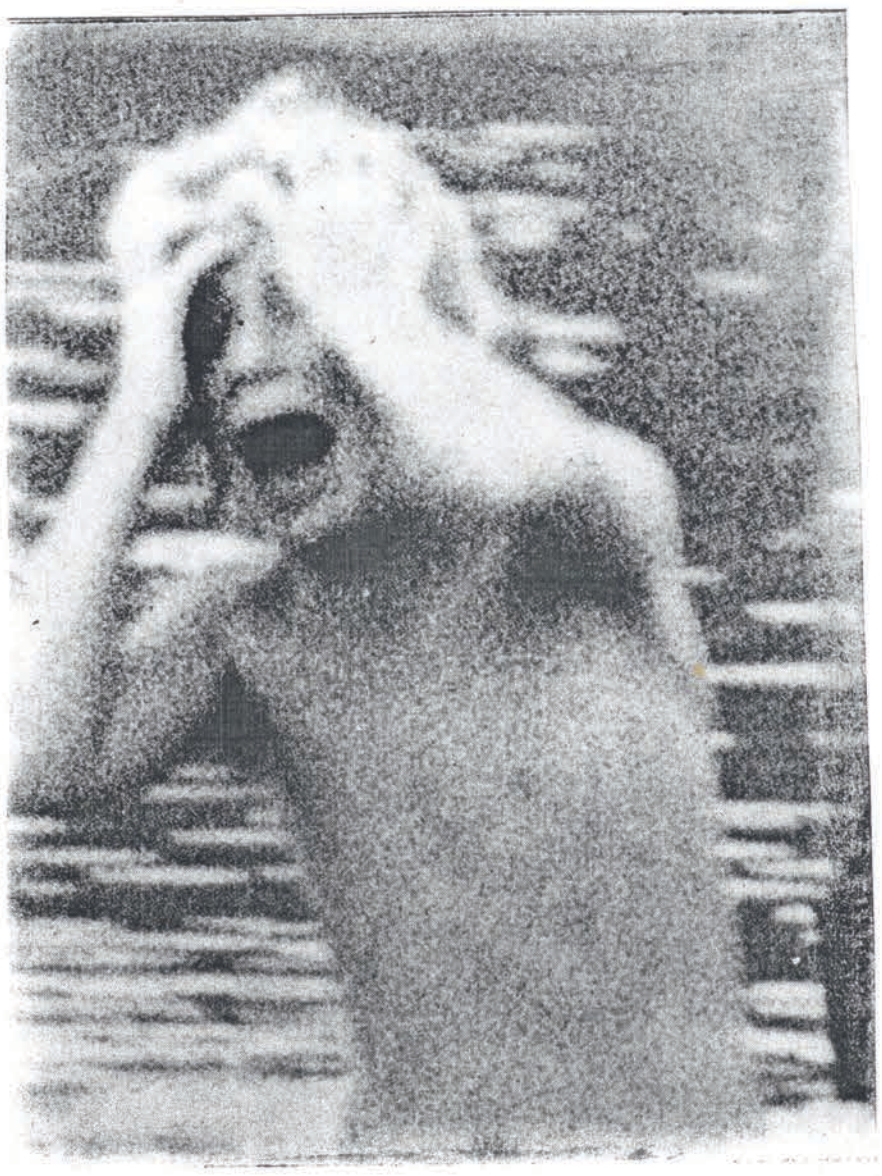


NOT FOOLED BY THE MEDIA

Leo Fitzpatrick + Nate Lowman | NYAQ 2016

Arch designed by James Stirling. Image selection: Pablo Bronstein. Photography Luke Hayes.

Terence Koh

In Conversation With Carlo McCormick

There is an old Chinese proverb that tells us: There are many paths to the top of the mountain, but the view is always the same. I might even have had this pearl of wisdom in the back of my mind when I went to the top of the mountain with Terence Koh, but as for the view, we had taken something of the left-handed path getting there so we could see things quite differently. And as to the way back down, well, there only seemed one option and that one was less than desirable as a large bear had taken up an extended stay there to feast on the blueberry bushes lining the path. It really had been a most magical afternoon, musing on the meaning of life and art while contemplating epic vistas and letting our eyes dig deep into impossible worlds of dappled light and dense vegetation. But, by the same fearful alchemy of the mushroom-laced ice cubes in our drinks that had made our heights so very heady, the descent seemed perilous at best. Terence, ever the optimist, and a man who has, many times, made his uncanny media savvy a part of his art, reminded me that at least it would be a good story to tell here.

Psychedelic and ursine intrusions aside . . . no journey with Terence Koh is ever simple or direct. Nor, from my experience at least, is it ever just one-way. There is always the promise of a return, often indefinitely delayed, along with the sly hint that there is always one step further to go, a final folly that is the real destination. I've been following Terence for a lot longer than any Alpine climb, first from afar as a fan of his scandalous and sensational asianpunkboy *zine, but then over time as a fellow downtown denizen whose bratty success and excess seemed barely commensurate to his penchant for creating situations of stunning visual intensity and compelling mystery. He was weird, reportedly difficult, though I never experienced that, and for all his extravagant flamboyance, painfully shy. But let's face it, we're not used to art that is utterly jaw dropping. We're accustomed to the marvelous, but it is rare that we are ever brought to marvel. The last time I remember seeing Terence from that time was the opening of a show he put together at his Lower East Side space Asia Song Society, that had a bunch of pals in it and the odd acronym* BILTF *for its title. I've never asked how many of the mostly straight guys in it ever knew the curatorial mandate was "boys I'd like to fuck."*

There are others who would have a far better idea of what happened, people who were there and who have since looked at me with some unspeakable dread when I tell them how I've been hanging out with Terence but, by whatever blaze of ignominious glory he went out in, all I knew is that I stopped running into Koh or hearing much about him. Then, about a year ago a painter friend, Steve Ellis, told me that Terence and his boyfriend Garrick had bought a house up the mountain from the town he lived in and were building a chapel for honeybees. I was delighted to hear that Terence, now immensely private and cloistered in some monk-like retreat from the world, said he would be happy to see me and show me his bee chapel on the mountain if I wanted to visit. Friendships are more involved and complicated than the simple accounting of the occasions we spend together or the years they come to mark, but somewhere on this journey from the gutter to the mountain, I've come to follow Terence with a curious mixture of befuddlement and enchantment. He agreed to do this interview with me because he likes this publication and wanted to use this opportunity to announce that he was moving to San Francisco, a town I suspect he hasn't ever visited.

Though I understand that the costs of producing major projects after having parted ways with the blue chip galleries he used to work with, combined with having blown through all the money he made (including one notorious windfall where he gilded his own poop and sold it for hundreds of thousands) only to discover that the government still expected him to pay taxes on the money he'd made and spent so easily, has left Koh deeply in debt, I still refuse to believe he would just pull up stakes and move. What he did tell me however was that after playing personae for so long, he wanted to speak now, for the first time, with complete honesty— something I trust and am indeed grateful for. A dreamer, disbeliever and mystic, a wily conman and the most sincere artist I know, this then is the truth we found one summer afternoon on a mountaintop, fueled by mushrooms, in the company of birds, bees, and even bears, too high to lie but not so hung up on reality that what is known could ever compromise the impossible questions of unknowing.

This is such a magical spot.
You comfortable?

Yes, but maybe you should lie down . . . would be more Freudian.
I'd love that.

Do you want to start at the beginning or the end?
It's all the same; let's just start.

The narrative of your art career is seemingly told now in a sequence of dramatic shifts — the arrogance, the self-mortification, the absence, and the prodigal return. It's all very before and after, transformative dichotomies, but to me it's maybe more continuous than all that.

Garrick Gott: You're always killing yourself, Terence; you've been killing your identities over and over again.

So true. At least since* asianpunkboy*, it is like a cycle of the creation and abnegation of different personae.
I find it hard to tell the truth because I don't know what the truth is.

GG: You can't tell a lie for the same reason.

The sound of the birds is wonderful.

Birdsongs: Can we ever know if they're trying to say something or just enjoying the sound of their own voices?
I remember John Cage talking about how every sound was a symphony.

So you all but disappear as far as the art world can tell. You leave New York, change your phone number and email address, and don't tell anyone where you are. If we weren't neighbors and friends, I would never have known. But now, not only do you produce this major exhibition at Edlin's, I hear you're doing something later this summer with our friend Mike Osterhout, an artist we wrote about in this publication about a year ago.
Yes, Uncle Mike bought a shul. Or is that a synagogue?

They mean the same thing; a shul is a synagogue.
What is the Jewish mind? The shul has beautiful stained glass. When Mike invited Garrick and me over to show us what he was doing with the shul, it felt a lot like you just open the doors and go down a rabbit hole. Each situation inspires the response, an idea that is the vision.

Yes that's true for both of you as artists—and perhaps how your show up at Andrew Edlin Gallery is not so out of place for a gallery that has focused largely on outsider art—yours is a kind of visionary conceptualism.
I've been thinking a lot about religion these days.

Yeah, what's up with that?

GG: It's like *The X Files*.

We want to believe.

Pop culture references like that kind of go over my head because I never watched that show. Much as we seem hardwired as a species to create belief systems of faith, it seems we also need to doubt. I've been reading the manuscript for this forthcoming biography on the great art dealer Dick Bellamy, who launched everything from pop art to minimalism and land art without ever making a dime, and I was struck by how artists like Donald Judd, whose work very much depended on a certain leap of faith, got furious at him when he showed James Lee Byars. Formalism allows spirituality, but shamanism in art always comes across like the emperor's new clothes.
And I am naked and I have nothing to show. James Lee Byars is a wizard. He is wisdom. Religion delays personal wisdom. I've been reading Thomas Merton to try to understand Christianity; he was a Jesuit and an almost Buddhist like me. I was watching Krishnamurti on YouTube and then in a dream that very night came the voice, "You will make a bee chapel."

The Indian mystic and teacher?
Exactly, I saw an interview where he was talking about how it is not about changing society, it's about creating an evolution of the mind. He was talking in similarly turbulent times, and I thought with all the craziness going on in the world today I wanted to engage in my responsibility as a living being. Living on the top of a mountain, you begin to see the world differently, to be a part of it, because you can get everything up here, but to not be of it. Maybe you just have too much time to think about these things. I wanted so much to find a way to change society, but Krishnamurti made me realize it wasn't about that so much as creating an evolution of our mind.

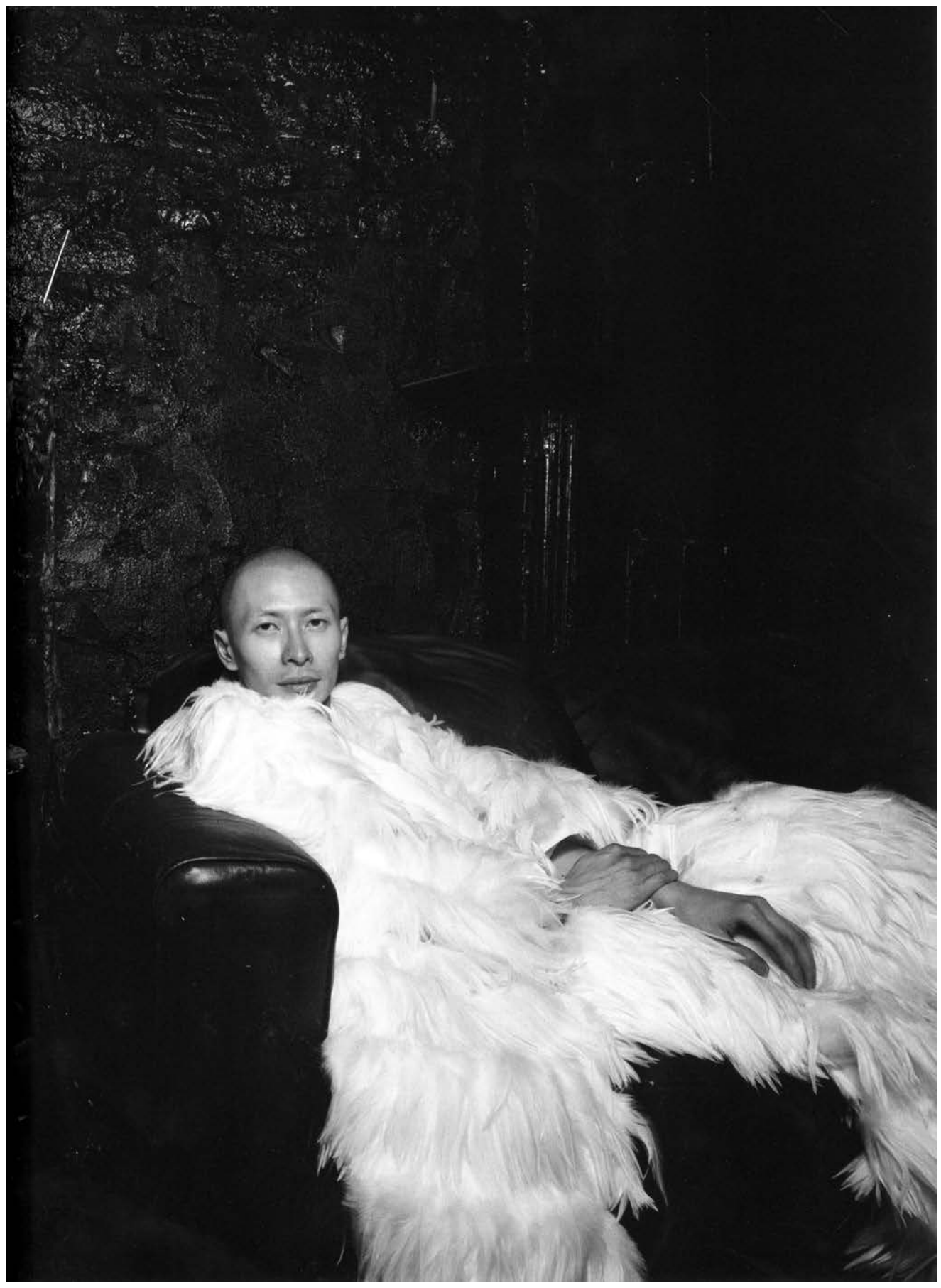
Maybe 30 years ago, when I was doing a story on her for* Artforum*, Yoko Ono told me—I remember having a similar kind of epiphany—when she told me that it wasn't about changing the world, it was about changing ourselves.
Oh yes, that's it. Yoko in the bee chapel with the peaceful bees of the universe. Then, oh gosh, as a gay Asian you read about Orlando and it opens up some kind of unexplainable need to take action. Peace is here right now. Strange and beautiful how the universe flows right through you. And because there was a mic in the bee chapel already and that mic was broadcasting live to the universe, if we could sing the names of the Orlando victims in the bee chapel to the bees, together with the bees we can sing their names to the universe. We are all light!

I think I was out of town for that. Was that when you had Tessa (Hughes-Freeland) doing projections and showed movies by Wojnarowicz, Jack Smith, Bruce LaBruce and others from the pantheon of queer cinema?
So very beautiful. So very, very beautiful because Tessa was live djing the light images, so everywhere you turn, 360 degrees, there was a light collage. A dream that you could never see again. All this, and out there the stars are twinkling. And then here we are as well, you humans. It was so emotional from the day before with the shootings in Dallas, and somehow it was the killing of those cops that made me cry, even though it was not as close to me personally. A breaking glass point. Laying down looking at the trees looking at us. We are all responsible for transmitting our love into the world. This story is a way of showing and sharing that love. You see right now there is no separation, Carlo, between you and me. We have roots too, the ground and our roots right there in the ground are intertwined also. It's a circle. At the opening with Frederic Tuten, he was able to speak to Paul Thek way out in the universe using the transmissions from *Eve*, the apple tree we put in the gallery. Frederic Tuten speaking gently into the space microphone. This moment to transmit a message across space and time brought water to my eyes.

Because* Bee Chapel *is such an obvious showstopper, a lot of the other work you've put in the show doesn't get quite so much attention, but* Eve *is a very complex installation.
How crazy is it that I needed an apple tree and there were Andy and Polly, part of our community upstate, who do apple cider? Beautiful people. They had a sick apple tree they needed to remove from the orchard. So when we asked if we could dig her gently out and bring her to the city and treat her like a living goddess, they said of course yes. "Yes," the most beautiful word. Eve the apple tree, yes, and alive and communicating with the cosmos.

***Life is perhaps relative, but a red light bulb powered by a solar panel is a meager subsistence. But life and death come to reflect one another in your art. What seems most alive about* Eve *is the sound*.**
Yes, *Eve* is sleeping. She is transmitting sleeping tree sounds. The sound also comes from different sources; we put mics in each room of the show transmitting live back out. We miked the inside of the bee chapel and the sound of two candle flames burning. We also managed to speak with a professor at NASA and he helped get us set up a livestream from space. A telescope in Hawaii constantly transmitted livestream sounds to *Eve* in the gallery. And then the only recorded sound was when NASA recorded the chirp of two black holes colliding a billion light years away . . . Wow. Wooooooo . . . How would you open the two-face ghost?

But all these sounds collide into one another, until that point where they cancel each other out.
That's right where *Eve* lies; there's a cradle there that creates a cone of silence. When you enter, you feel the whole room vibrating, and you feel yourself vibrating, but when you enter the cone of silence, just right there, in that moment, the vibrations stop . . . an island in a vibrating universe.



Koh in the basement of Asia Song Society in a custom feather kimono by Kelima K, 2006. Photograph by Victoria Will. Courtesy of the artist.

Original *bee chapel* on Koh's property in the Catskills, New York, 2016. Photograph by Stewart Shining. Courtesy of the artist.

Installation view, *bee chapel* at Andrew Edlin Gallery, New York, 2016. Photograph by Olya Vysotskaya. Courtesy of the artist.

It's amazing to me because you have been living as an absolute hermit for the past few years but you found all these remarkable people to make this happen, like the tree from our local hard cider distillers, but finding Jim Toth to be your sound engineer is insane, he's got such a visionary and pure relationship to sound.
He made everything possible. Jim worked with 3 Teens Kill 4.

Right, I forgot that. People know about them because David Wojnarowicz was in that band, but Doug and Julie too. They were an utterly unique band.
They were tuned into the bandwidth of the universe. That's why in every room in the *bee chapel* show, it's important that we're not just listening, but that all these sounds are being broadcast back out into space from the show.

If you happened to be out in space when the signal was passing that would be one far out station to tune in on. I was just thinking of the films you showed that night. You must know Bruce LaBruce from having the same dealer, Javier Peres?
Right, we collaborated together on a show in Berlin. We made a dick cave, where all the stalagmites and stalactites were big erect penises you had to walk through. We had to give Viagra to the men so that their dicks would stay erect, especially the stalagmite dicks.

Fucking hilarious. Javier has allowed, even encouraged so many crazy things over the years. Wasn't he also a partner in your studio exhibition space down on East Broadway, Asia Song Society?
Yes, A.S.S. Thank god for Javier— and Buddhist nuns. And being almost Buddhist.

So being almost Buddhist as in not everything, but almost everything?
Sure, but also almost because I won't surrender the independence of my soul.

Yeah, but we probably sound like a bunch of hippies sitting around talking about religion.
I don't mind being a hippie. And it is important to talk about religion and not be religion. One watches the news and sees what it is like to put anger out into the world like Donald does. This is what I got from my semi-voluntary poverty when I flew and moved up here. Living here you see a different part of America, and then you see things differently. Understand things differently. I didn't understand the Black Lives Matter motto. I'm Asian, what about me? But really, what it is about is putting oneself in their shoes . . . to understand one another. This is what everyone has to do.

Yes, like the protest march you organized to walk from your apartment on 1st Street to the gallery on Bowery to open the show, with the all the posters saying simply "Now." The meaning is open-ended, but it's very urgent.
Honestly it had nothing to do with the show, I'd just always wanted to do this march from the East Village down Bowery, and Andrew opening a gallery there was the perfect excuse for this. Of course it is about being in the moment, but it was also something the Diggers in San Francisco would proclaim.

Not sure if it calls for an exclamation point or a question mark, but the declarative adds a bit of absurdity when it is not overly direct—like the old photo of Allen Ginsberg at a rally in the East Village, with that poster about pot.

GG: Right, it says, "Pot is fun."

There are all always questions, about who we are—as a people, a civilization, a species. Not many households are asking these questions, but we need to think about them more. We must all whisper into our mother's womb.

I'm not sure many of us have the stamina and fortitude for such questions; they demand a certain kind of bravery in the face of fear and the unknown. You did a wonderful turn around this impossible question with your show* nothingtoodoo *at Mary Boone in 2011, before you walked away from the art world. It was so punishing, mentally, physically, and spiritually, as extreme as anything your friend Marina Abramović ever did, to spend every day of the entire show in a vow of silence, subjugated on your knees, circling this huge pyramid-shaped mound of salt. Roberta Smith was uncannily prescient then to write in* The New York Times*: "All along he has raised questions on the nature of art, the role of the artist (and the artistic persona) and the condition of otherness. Here he may have 'othered' himself right out of the art world into the larger sphere of symbolic action." Like damn, how did she know?

Between you and me, this was my intention. Who knows but the trees around and sister sky. It has not been easy, but I have been able to walk my way back to my beginnings which were inspired by fluxus, in my case specifically Ray Johnson, but all of them for allowing the ridiculous and understanding the greatest art is the art of living. And what George Maciunas meant by a living art is that anybody can do it, which is scary to a lot of people. For me this was life-changing, and so if we go at it we need to go at it full on. It's like when you shit, live it, don't just read a magazine, be there, aware and in the moment.

I know you don't like to talk about things in advance but this story will come out after you do your project at Osterhout's Old Shul for Social Sculpture...

We'll be living in San Francisco by then. Painting sunsets in the Sunset.

So you say, but I'm not inclined to report all your crazy ideas and rash impulse decisions as fact. But earlier you talked about how these experiences, creating a bee chapel or making a shul into an art piece, are like going down a rabbit hole, so where has it taken you?

Well, one way to do this is the selfie phone cap. You know how people are constantly checking their cell phones for new messages. What if you had a cap that had like a selfie stick built into the cap and so on the other end of the stick is your phone? You could wear this cap around the house or anywhere and you could constantly check for new messages because your cell phone would always be right there in front of you. Selfie phone cap.

Whatever!

Okay, we move on. You know, when I left the shul I had a vision, that's how shows come to me, and I saw this pool of water—floating, sparkling, living water.

So it's not a thought, it's an image, and then you think about what you saw?

Right, I didn't even know what it meant. Later I put "Jewish Water" into Google and I learned about the mikveh, which in Judaism is like a bath, mostly used by women, for cleansing. This I don't completely agree with. Why must women need to be cleaned and not the men too? Then there is the beauty of the mikveh—that when you immerse yourself breathing in, you have to choose life and breathe out. Intention. Serious intention. Please everybody reading right now: concentrate on your breathing. Breathe in slowly filling your stomach with air and then breathe out slowly and gently. This is it, we are who we are now. But okay, back to the mikveh. You go down seven steps into the womb of mother, like a spa but as a way to float and just become light. Do you know we are all light? That's why we do complete immersion, and have an attendant, so you go over every inch of your body, and the mikveh must have naturally flowing water, so it's pretty complicated. Mike found a natural spring behind the shul and we borrowed a generator and got a pump to bring the water constantly into the horse trough. We will build it so that it blocks the door of the synagogue, so that the only way to go into the show is if you immersed yourself into the mikveh. I was so happy to send out an invite that asked people to bring a swimsuit and a towel to see a show. More smiles for the world. I wish I could dip the whole world in a mikveh now.

It seems this practice of ritual cleansing fits very well with lots of the work you've done.

Yes, when I do performances it's cleaning myself. Oh, it's a . . . it's . . . well, this is great. It's nice when you tell the truth.

And it's great to believe you. I'd like to ask you about your interest in artist books as a medium. I love that book* light to nothing *with fluorescent ink you don't see but in the dark lights up as little stars on the page, but from the beginning, as* asianpunkboy*, you've always been concerned with publishing as a way of making artist multiples.

Oh yes, to multiple is to multiply yourself and then everybody realizes everybody is everybody else. Okay—the same with making a book. That's how I became an artist when I made *asianpunkboy* magazine in Vancouver. Friends gathering around pasting and cutting and sewing and cooking and farting and baking and smoking and looking and seeing and floating and looking to the most of the thinking. And when you make something and it gets sent out into the world, on a shelf somewhere as a book waiting to be picked up. Oh! You are connected to that person, and time and place are no longer mattering. These are the things that matter.

Yes, this is how I first knew you, as* asianpunkboy*. And then I heard about this artist Terence Koh, and I didn't know who that was until somebody told me, you know Terence; he's* asianpunkboy*. How did that happen?

That's how I got to New York City. Phil Aarons read about me in *V Magazine* and wanted to buy an *asianpunkboy* magazine. And I proposed instead that he had to buy not just the magazine but also the house the magazine lived in. And please I needed $8,000 to make the house. Now this is the super great part; that Phil actually took a leap of faith and sent me the money. So this money helped Garrick and I buy a ticket and move to New York City in the late '90s.

Shelley and Phil Aarons are pretty visionary that way. I mean yes, they are crazy obsessive collectors who have to have absolutely everything that matters to them in the field of artist's books, but way more than that they do so much to sustain and nurture this world. Along the way they have supported Printed Matter with love, energy, and money beyond the call of any patron, and enabled the Artist Book Fair to flourish, so that it feels more like a festival for an entire movement than your typical art fair. I could see them paying for a house for your magazine if you said it needed one, but what sort of dwelling was this?

The House—we actually call it the coffin for books—really looks like an all-mirror coffee table the size of a coffin. You lift up the mirror top over a white fake fur-lined box and inside are various boxes jig-sawed together. I think there are about 132 boxes. And you can open or peek inside each box and see different scenes and rooms where book and magazines live. Neckface watching book. Kafka has a big beetle in a little box and a little dresser and the book is hidden in the third dresser. I do believe heaven is being on an island with coconut trees and a giant library.

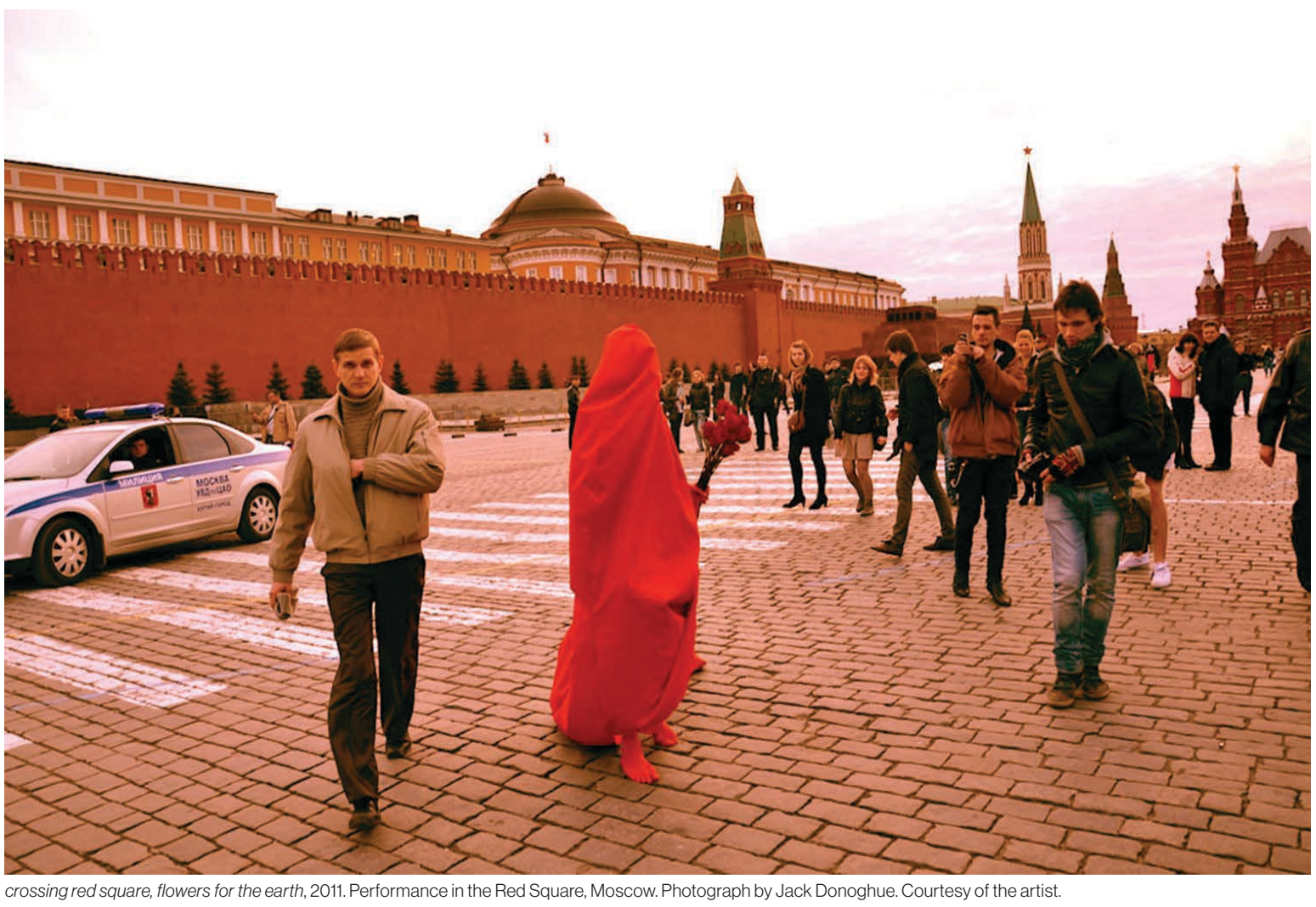
I liked that woman Catherine we just met at your place. She said she runs that school out of Pioneer Works. Are you going to teach there?

The things that really interest me now are the systems of living. Every day living is every moment living. And where the spirit is. Kembra Pfahler was telling me about this class she was teaching with Pioneer Works and she thought I might be interested in teaching too. Now the very concept of even thinking about teaching is a bit crazy for me. What would I know what to do standing there in front of a classroom of students with a blackboard? But then Catherine Despont, who is co-director of education there, came up and we had a lovely day visiting the bee chapel and walking the meadows and eating Garrick's yum yums. We talked about the education system today and how we are responsible for creating new systems. And this got me thinking about how I would ever teach. I figured it out a few days ago, and the class is called Zombie Utopia.

This year is the 500th anniversary of the publication of Thomas More's* Utopia*, from which we inherit this word utopia. What a perfect way to celebrate.

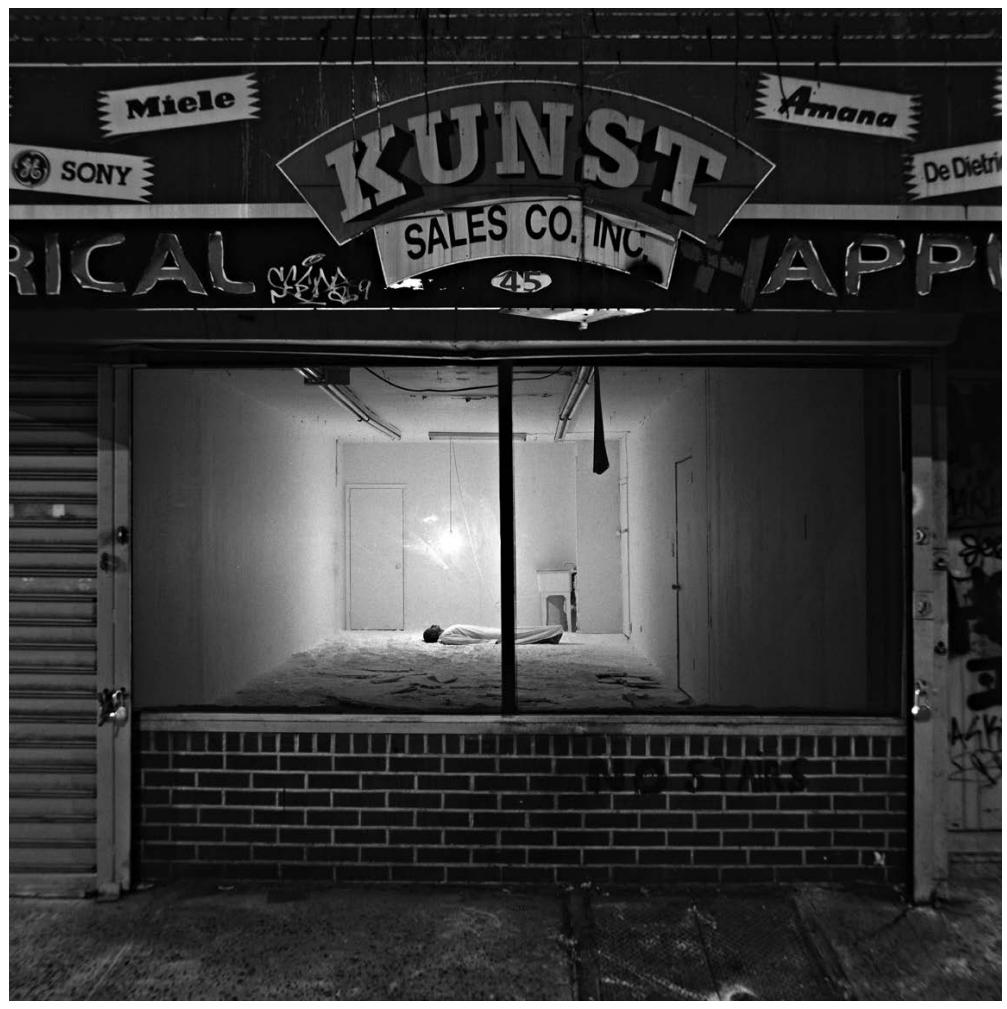
The premise of the class is that Trump is now president and, like in the movies, people in major cities are suddenly turning into zombies. The class will be set up as a series of visits and stays up here on our mountain in the Catskills. What kind of shelter do we need, how are we going to eat, take a poop? Suddenly all these questions get very important when you know those zombies are slowly crawling their way up the mountain. The days would be structured on the model pioneered by the Nearings from *Living The Good Life*. Four hours of labor, four hours of play such as reading and writing or music and art making, and then four hours serving others in activities. We will help out in working farms or collect trash by the waterfall. We will learn to draw with the plants, sharing the flow of blood through our human and plant veins. Collect goat manure. Everybody working together as honeybees. Row, row, row your boat, gently down the stream. Merrily, merrily, merrily bee, life is but a dream. Well, goodbye East Coast, hello Sunset!

Installation view, *Untitled (Chocolate Mountains)* at Kunsthalle Zürich, 2006. Courtesy of the artist.



crossing red square, flowers for the earth, 2011. Performance in the Red Square, Moscow. Photograph by Jack Donoghue. Courtesy of the artist.

Installation view, *too mr bunny ears*, the closing performance at Asia Song Society, New York, 2011. Photograph by Matthew Placek. Courtesy of the artist.



Installation view, *too mr bunny ears*, the closing performance at Asia Song Society, New York, 2011. Photograph by Matthew Placek. Courtesy of the artist.

Koh at Le Baron nightclub, Tokyo, 2007. Photograph by Cyril Duval. Courtesy of the artist.

Koh photographed by Magnus Unnar for *Purple* magazine, 2008. Courtesy of the artist.

Installation view, *nothingtoodoo* at Mary Boone Gallery, New York, 2011. Photograph by Matthew Placek. Courtesy of the artist.

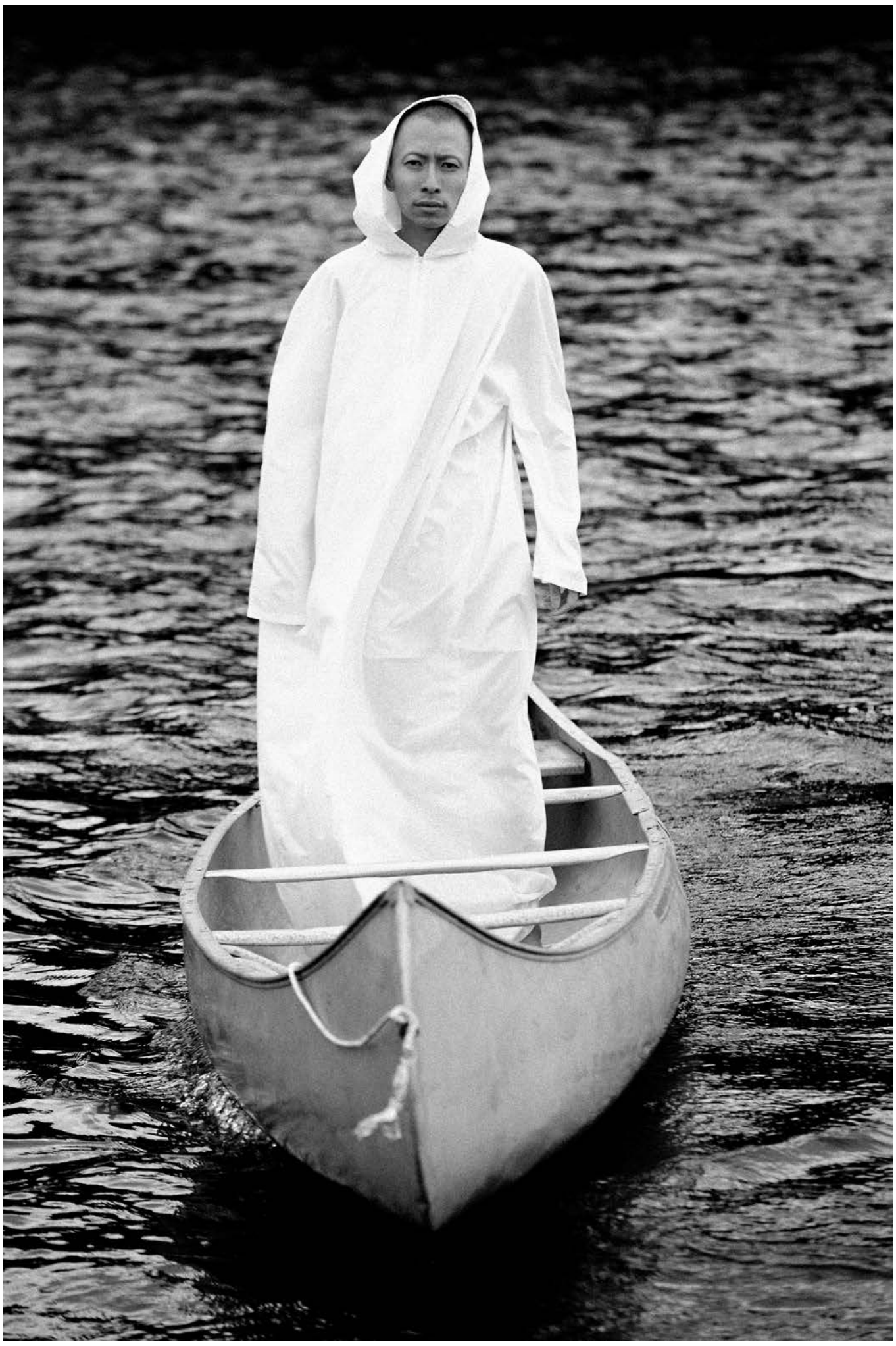
Self-portrait by Terence Koh with his mother, father, and sister co-performing *adansonias* at Galerie Thaddaeus Ropac, Paris, 2009. Courtesy of the artist.

these decades that we never sleep, 2004. Performance in Antwerp, Belgium. Courtesy of the artist.

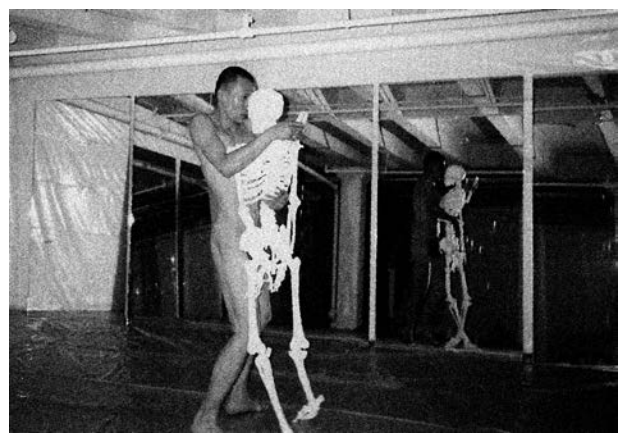
הווקמב ב יראה רודכ תא מילבוט (exterior), 2016. Performance at Mike Osterhout's *OLD SHUL FOR SOCIAL SCULPTURE* in Glen Wild, New York. Photograph by Tessa Hughes-Freeland. Courtesy of the artist.

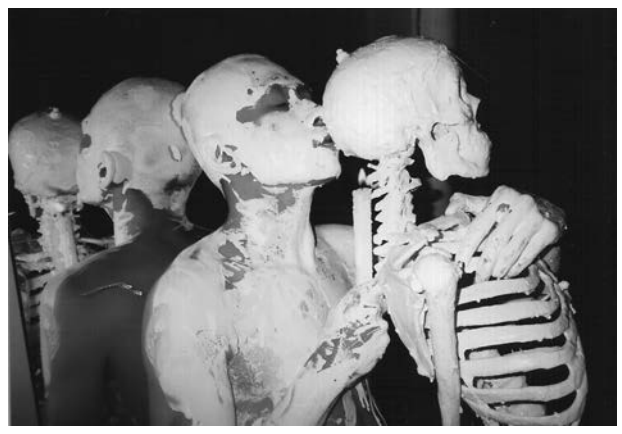
הווקמב ב יראה רודכ תא מילבוט (interior), 2016. Performance at Mike Osterhout's *OLD SHUL FOR SOCIAL SCULPTURE* in Glen Wild, New York. Photograph by Samm Kunce. Courtesy of the artist.

The Rite of Spring, 2010. Editorial for *Lurve* magazine. Courtesy of the artist.



Koh on Lake Oscawana, New York, 2011. Photograph by Timothy Greenfield-Sanders for*Interview* magazine (Russia). Courtesy of the artist.





untitled (skeleton paintings), 2006. Performance in the basement of Peres Projects, Los Angeles. Courtesy of the artist.

The Right Time To Rethink The Structure

Alain Servais

First, I need to make a critical foreword:

I am a fan and strong believer in the quality, relevance, and importance of moving image art in all of its forms.[1] My decision to write this essay comes from understanding that the way the current system produces, distributes, and monetizes this art form is flawed to the point of endangering its development. How is it that 10 to 20 percent of major biennials and other art surveys are video works, while at a large global art fair, these works count no more than one percent?[2] There is always an awkward relationship between art and money. When one speaks about art, one is supposed to ignore money, as if talking about money reduces art to a product. Some call this awkwardness hypocrisy, but in practice, art cannot exist without a little bit of money . . . even if good art is never created for money alone. So let us not be naive or ideological.

For video art, money has even more urgency, as its production often incurs more up-front costs and the audience is much smaller than for a painting or sculpture.

My concern here is not about making "video investments" safer. I am not investing in art—I am using my children's money to indulge in my personal passion. Therefore, the minimum safeguard I should take is that my family has a chance of recovering some of the money that I have spent if they decide to sell the works when I am gone. The following text will show that current practices in the video art market result in collectors buying video copies with little or no "intrinsic" value.

But, to discuss how we can systematically bring more money to video art and develop technological platforms that support it, one must understand the particularity of the ownership of video art, and this requires a dry legal refresher. Hold on tight!

Personal experiences

Before discussing the legal framework and possible routes to a solution of assigning and maintaining the value of video art, let me share some of the hard lessons I have learned collecting video art since 1999.

The first video work I ever acquired was a VHS tape in an edition of 40, compiling the first six works of William Kentridge, which includes his signature on the cassette. It originally sold for around $1,000, and I acquired it for $10,000, which was, at that point in 1999, the world record for the sale of a video artwork at auction. For many years, a professional postproduction house made VHS viewing copies with the fragile original tape cassette stored in a safe. When my last VHS player broke, I requested from one of the artist's galleries a copy of the tape in a then-current format. Their answer stunned me: "Excuse us, but this tape is like a book, and one day it will disappear like a book does." A few months later I met the artist in Miami and explained the situation to him. He very kindly offered to provide me with a DVD containing the same films. But where does this leave the collector if he sells the work? Does he sell the VHS with the DVD? And what is the status of the DVD?

After many more acquisitions, a museum in Belgium asked to borrow one of the video works in my collection. I accepted, of course. But before the opening of the exhibition, a representative of the artist announced that the museum would have to pay a fee for exhibiting it. I thought I "owned" the video work and could decide where and when to display it. My surprise only increased when I understood the crux of the matter was that I had acquired the artwork for viewing in my "private family circle" and that even exhibiting it during a party at my home would legally infringe on the exhibition rights.

A collector friend of mine acquired some Fischli/Weiss photographs and then discovered the *Der Lauf der Dinge* (*The Way Things Go*, 1987) video, which she acquired as well, in the form of a signed and numbered tape cassette. To her great surprise a few years later, she heard of the release of an unlimited edition of the same work by T&C Film in Zurich, selling for 45 Swiss francs.[3] Similarly, after viewing Jonas Mekas's masterpiece *As I Was Moving Ahead Occasionally I Saw Brief Glimpses of Beauty* (2000) at the excellent Museo Universitario Arte Contemporáneo in Mexico City, and convinced of its quality and importance, I contacted the gallerist identified on the wall label. The quoted price was $30,000 per edition, in an edition of 10. I was amazed that this 288-minute masterpiece of a lifetime could be acquired for an approximate payment of $150,000 to the artist (taking into account the gallery margin). While researching the artist's work, I found out through his website that he had published a six-DVD set of films that included *As I Was Moving Ahead Occasionally I Saw Brief Glimpses of Beauty* in full, at a price of €80. As you can imagine, I was astonished. I wrote back to the gallerist asking if there was a contract with the rights and responsibilities linked to this limited edition. Since that day in May of 2013, I have never received an answer.

A major collector was viewing the work of Regina José Galindo. I recommended that she focus on the artist's videos, which are the core part of her excellent art practice. My friend vehemently answered that she would never again buy video art since the day that one of her children accidently damaged the signed copy of a video work she had acquired. She eventually bought a Galindo film still. In the same vein, a friend approached me after losing his copy of a video that we both owned. He couldn't locate the artist, and the gallery he bought the work from had closed. He then asked me to provide him with a copy of the work.

Jonas Mekas, *As I Was Moving Ahead Occasionally I Saw Brief Glimpses of Beauty*, 2000. Film, 288 minutes. © Jonas Mekas.

Finally, during a studio visit with a renowned Mexican artist, I watched an amazing video work that was the perfect condensation of her practice. I asked her about the price and the editioning. She informed me that the price was $100,000 in an edition of five. You can imagine my surprise as there are so few artists able to sell video work in this price range. When I inquired about the reason for the "high" price, she explained that the cost of the production was very high and that even if the entire edition were sold, (taking into account the gallery commission) she wouldn't cover her costs. When I mentioned to her that she could have reduced the "retail" price by increasing the size of the edition, she told me that her gallerist decided the size of the edition. She added that she found the practice of an artist having to bear the full weight of the creation of the work, as well as its production and the risks attached to that production until there was a finished product for a gallerist to sell on a best-effort basis and a 100 percent commission, far from ideal. She recommended that collectors get involved at the production level of a video work to improve the whole process of creating, distributing, and monetizing video art.

Of course, this all seems very naive to the "specialist" I have become since those early learning experiences. But I am ready to bet that no more than 10 percent of collectors acquiring video art are aware of the limitations and implications of the scenarios described above. And worse, as only a small minority of all the stakeholders are aware of the facts, no one is really committed to finding permanent solutions. Consequently, there is an entirely dysfunctional video art market that keeps the art form gasping for the air necessary to its development. The results of this dysfunction are a ridiculously limited market for video art on the primary and the secondary sides, and a "median" price for video art under $5,000, a level where it does not matter much to the acquirer what he or she owns.[4] Acquiring video art becomes a laudable activity . . . but not if it is dressed up as a transfer of ownership, and if it sometimes involves much larger sums.

What is the legal status of a work of visual art?[5]

At this point let us spend some time explaining the legal conditions surrounding a work of art, and in particular video art. I am neither a lawyer nor a specialist in intellectual property. So please excuse some generalizations and simplifications (particularly geographically, as laws are different from country to country for the sake of this text's didactic purpose).

Acquiring a unique work such as a painting or a sculpture seems straightforward. But even a unique work confers a series of rights to its creator, which are not sold with the work unless otherwise specified:

1. Exhibition rights. Some countries, including France, the Netherlands, and Canada (see CARFAC) are actively pursuing a fee schedule that will apply when a work is shown without the intention of selling it and without the artist's consent.[6]

2. Reproduction rights. These are the sole rights to reproduce the work, or any substantial part thereof, in any material form, including digital and electronic reproductions.[7] Furthermore, we are today at a turning point with the necessary (and problematic) extension of those reproduction rights to the digital universe.

3. Public communication rights. These are the sole rights to communicate about the work or any substantial part thereof to the public, notably through telecommunication. Practically, it means that merely communicating about an artist or his or her work that you will show somewhere legally requires the artist's permission, even if it seems accepted that a collector can mention an artist as being part of his or her collection.

4. Resale rights, or *droit de suite*, depending on the jurisdiction.

5. Moral rights. Simply put, these protect the reputation of the creator/author and remain with the creator/author even if copyright belongs to another party. If you don't understand the meaning of this, just enter "Cady Noland's moral rights" or "Visual Artists Rights Act of 1990 (VARA)" into a search engine.[8]

At this point, I may have lost the attention of many readers: they probably have been convinced by past practices that it will not apply to the painting they acquired, as it is in the artist's interest to exhibit it as broadly as possible, including catalog reproduction and telecommunication.

But the past is not a guarantee for the future. Moreover, there are organizations and lawyer partnerships now being set up to claim fees linked to those rights on behalf of the artists/creators; this is only the beginning of a process that is massively extended due to the expanded audience in the digital universe. It reminds me of a recent conversation with the author of a beautiful coffee-table book about private collectors and their living spaces who complained that he had wanted to show more contemporary art collections in the volume, but the reproduction fees would have made the project economically unviable.

Even for a painting, it can be useful to request at the time of the acquisition a certificate that outlines agreed rights and exemptions pertaining to the exhibition of the work in real life, in publications, or online, and other rights described above. A reproducible work of art such as photography, music, or video art is another story. The rights described above plus related rights specific to reproducible works are the essence of a work that has no legal physical existence (except in the original negatives or the original film stock).

To cut a long story short, the physical storage device (USB, DVD, hard drive, et cetera) we receive after acquiring a "video art" work gives us no other rights than to watch it in a closed family circle if it is not accompanied by a contract clearly transferring some of the rights residing with the owner of the underlying rights to the acquirer. This implies that this video artwork without a rights-transferrance contract has probably no more intrinstic value than a "video" or DVD bought from Amazon.[9] We are in the same position if there is a contract, but the rights in the contact are not automatically transferable through a sale.[10]

When I started buying video art, I imagined—like many collectors I've spoken to—that I owned a "share" of the work, when actually only the artist owns all the rights.[11] All we as collectors own is a very expensive "home video"!

If you read the experiences described at the beginning of this text and want to solve the issues they raise, you by now understand that without a contract, only the creator and the rights holder to whom these rights have been assigned have the right to:

1. Exhibit the work outside a closed family circle and potentially leverage a fee for this exhibition. (This is why museums rarely request loans of video artworks from a collector).

2. Allow film stills or extracts from the video to be produced and published.

3. Distribute the video through whatever channels and media he or she sees fit. This distribution includes television, online, theatrical screening, and the production of other editions, as with the Fischli/Weiss case cited above, or the revealing lawsuit pertaining to photography between William Eggleston and Jonathan Sobel.[12]

4. Produce new copies of the work from the master.[13]

When you understand the consequences of the fact that a video artwork is a package of rights and not a physical object, you will, like me, be annoyed when the gallerist announces to you that the artist is creating a special "jewelry box" for your USB drive and DVD. It shows how far the market is from understanding what it is selling when it tries to sell video art.

Media art is at odds with an art market built on a paradigm of objects—not intellectual property. The most obvious solution to video-art-as-rights is the development of contracts between the artist, their representatives, and serious collectors and institutions. Contracts drafted by galleries too often look more like a certificate of authenticity than a legally binding agreement to transfer rights between parties within agreed territories and jurisdictions of law.

However, the use of different contracts is not the solution for the establishment of a truly functioning market and financing system for video art. A cacophony of contracts makes every edition different from the next one (you will not buy your edition with the same rights as your neighbor) and often does not solve the question of the transfer of those rights attached to the contract to a new acquirer.

Do you believe that it is a viable business model for video art to have each collector (institutional or private) negotiate with the artist through his or her gallerist every time we wish to acquire a video, and each of us with a different contract? Can you imagine that happening each time you bought a house, car, or dishwasher? (I am of course not comparing an artwork to a dishwasher.)

All video art stakeholders (representatives of artists, collectors, libraries, institutions, producers, agents) should urgently sit around the table with non-litigious lawyers to agree on a balanced, multi-option international contract model for limited edition video art.[14] Until then, many passionate video art fans, myself included, are disinclined to acquire what in many ways is no more than allegorical wind on DVD.

But how did we get to the current limited editioning?

If we admit the reality that video art is by my description, "a package of intellectual property rights which is protected via copyright law in multiple territories and jurisdictions," then we realize it is closer to engaging with the movie industry than to buying a painting. This "virtuality" of video art is the embarrassment of the fine art market, which equates collectibility with scarcity.

Whatever scarcity the art market feels it needs to create artificially to make video collectible, it is, for better or worse, legally a movie and what the fine art market pretends to sell as ownership is nothing more than a right of usage.

And it is indeed the same movie model that the video art market started with in the 1970s, when nonprofits such as Electronic Art Intermix, founded in 1971, offered artists technical assistance in the creation of video art and from 1973 onward, distributed artists' videos through the Artists' Videotape Distribution Service (now known as the Artists' Media Distribution Service).

This model is the same as that used in the movie industry, where a nonprofit, on the artists' behalf, keeps the original master and exhibits and distributes the video art/film across the platforms and spaces associated with the acquired rights, for payment of royalties or fees. Different standardized fee structures exist for theatrical screening costs, through packaged content to video on demand and even to a perpetual viewing right (called "purchase" at EAI) if the artist or producer decides to offer this right. I will let you make the interesting legal comparisons between this last option and the selling of limited editions without rights transfer, as it happens now in most galleries.[15] There are other "distributing libraries" like EAI around the world: LUX in London, Light Cone in Paris, ARGOS in Brussels, Filmform in Sweden, sixpackfilm in Austria, Video Data Bank in Chicago, AV-arkki in Finland, Hamaca in Spain, Associação Cultural Videobrasil in São Paulo, Bureau des Videos in Paris, and so on.

The video art industry's oral history tells us that the current editioning model and practice started with the expensive production of the *Cremaster Cycle* (1994-2002) by Matthew Barney.[16] Wikipedia states that the whole series sold in an edition of 20 for a price of at least $100,000, but embedded in an impressive cabinet.[17]

Initially, video art specialists never thought that this editioning system would stick around.[18] Given the fine art market's preference for exclusivity (even if it is an impression and not a reality) and the general lack of understanding of the legal value of video artworks sold without rights packages or rights transfer, it has lasted to this day. Of course, editioned video copied the model of editioned photography. Indeed, the photography market originally printed an unlimited edition (as it makes sense to) until the fine art market made photography its own and limited the editions. I remember in the 1990s when galleries were inferring that the original negative would be destroyed when the whole edition had been printed to make us believe we had exclusivity despite the editioning. But the understanding of the rights attached to reproducible works of art, as the William Eggleston example and others have taught us, is that the exclusivity of photography is much more limited than expected.

It is nevertheless important to understand the notable difference between photography and video art: photography implies a printing, which is often supervised by the artist, with potentially significant differences from print to print. A video can be copied exactly. There are really no differences between one digital copy and another in the same format. Furthermore at this juncture, video art can be distributed and exhibited digitally in the furthest corners of the planet and in multiple houses and spaces at the same time, rather than being tied to one copy and one place, as a fine art photographic print is.

It is clear that video art editioning served and can still serve a purpose, along with other financing sources, for video art's production.

I am assimilating current editioning models to postproduction financing, as it is nothing more than financing the video after its release, contrary to movie production, where financing always occurs before the release.[19] But without any rights transfer, buying an edition is nothing more than philanthropy with an appreciation souvenir when the actual video work constitutes a whole package of rights.

We have definitely reached the limit of the current editioning model, with very limited interest from collectors developing video collections when they truly understand what it is that they are in fact acquiring, coupled with the also very limited interest of galleries in promoting works of so little commercial appeal to their collectors, and the quasi-total absence of a secondary market. As a consequence of all of the above, there is a shortfall of sufficient funding for video art production, and it is impossible for artists and video art producers to make a decent living from this essential medium.

I repeat: it is now urgent for the industry to sit around a table and establish some standards with variable options. A better infrastructure would allow professional production companies to develop and collectors to become involved at the production level (where rights ownership and licensing are established), an endeavor that is particularly relevant now, with technology allowing an expansion of the potential audience for video art.

And what about the original distribution model of renting?

Technology and increased awareness of the medium are opportunities to bring the video art "renting" model up to date and so bring a larger audience to the medium and possibly fresh financial opportunities, alongside the editioning model.[20] Streaming is the up-to-date way of "renting". If, as I did, you replace the word *music* with the word *video* in the following extract by Jacob Ganz from NPR's *The Record*, you also may be as helped as I was when I finished formulating my ideas about video art ownership; it convinced me that, among other things, renting is a way forward. Also, as explained below, it helps solve beyond any doubt the problem of video or film "ownership."

For a large part of the recording industry, the move to embrace streaming actually solves a long-time paradox: one of ownership. Over digital music's 30-year evolution, from the public introduction of the compact disc in 1981 to the international expansion of Spotify in the last half-decade, the question of whether listeners owned the music they purchased got murkier.

In an earlier era, there was no such question—buying a vinyl record meant you could listen to the music until you wore it out, filed it away forever, or grew a new set of ears and snapped the old disc in half.

Call the CD—and the digital files it so precariously contained, the sources of the fundamental rift between listeners and labels—the digital infection. Once you could strip a song from its physical home and make a copy (or many copies), that control seemed to imply ownership. The recording industry's fight against that principle took on the form of invasive digital rights management software, advertising campaigns, threats, and lawsuits. You weren't buying the music itself when you purchased an album or a song, it said, just the right to listen to it. But the MP3, the digital format gone airborne, turned this germ into a pandemic. The industry could argue all it wanted that listeners didn't have the right to make copies and share them with strangers, but every new piece of technology made the counterargument.

Streaming, at least the label-sanctioned version, puts the genie back in the bottle. Every time you click play on a streaming service, from Pandora to YouTube to Spotify, you're licensing the right to listen to the song in that particular moment, whether you pay a subscription or sit through an ad. Ownership is never even an option. You listen, you license. If you want to listen again, you license again. In this way, streaming music suggests the passing of two eras: the digital download, but also the concept that fans might possess music itself.[21]

It is time, in the era of Netflix and Apple TV, that a shrewd entrepreneur builds a solid open platform for the existing libraries and distributor catalogs and collections from which they can operate their "renting" platform while protecting the video art, which in the current system is mailed via the post or transmitted through unprotected file transfers.

Preservation

Video and film come with bigger and more complex preservation issues than any other medium. I believe that at an individual collector level, it is not conceptually worth spending a lot of energy and money to preserve or conserve the physical copies that we receive after an acquisition. A balanced contract should allow us to request or access a copy of the acquired work from the master on demand.[22]

But who will ensure that the original master triacetate or polyester film, the analog or digital videotape or digital file, will be preserved for future use and possible duplication?

There was a time when I, a non-professional, thought that the preservation of digital data was straightforward: just transfer the file to a USB or a hard disk and it stays available forever, right?

How naive I was!

Here is a brief excerpt giving a glance into the complexity of preserving digitized material. Just one statistic for you: 50 seconds of video and audio will take up approximately 1 gigabyte of storage if preserved in the safest, uncompressed format.[23] This is a lot of gigabytes for a full film. In other words, 50 seconds of standard-definition video will be smaller than 50 seconds of 1080p video, and this in turn will be smaller than 50 seconds of a 4K DPX scan of a 16mm film.

A digital video file is made up of multiple components. Most important are the file wrapper, the encoded video track, and, if there is sound, the encoded audio track(s).

The file wrapper, or container, is what we commonly think of as the file format. It is represented on your computer or storage system with an extension such as .mov (QuickTime), .avi (AVI), .mpg (MPEG), or .wmv (Windows Media). The file wrapper is only one part of the video file, albeit an important one. Its role is to bind the video and audio essence together so they can be played back accurately. The file wrapper may also contain important metadata and additional tracks, such as closed captioning or subtitles.

The video and audio tracks contained within the file wrapper are created by different encoding formats, or codecs (short for *co*der/*dec*oder). The codec used to create the video track must also be used to decode it upon playback.[24] To play video files, software must have the right codecs within its library in order to play the video files back. Codecs can thus be thought of as yet another file format within your file. Common codecs today include H.264, DV (digital video), Apple ProRes, MPEG-2, and MPEG-4. The encoding format also dictates the type of compression that will be used on the file (unless the video is uncompressed during digitization).

Many artists are becoming aware of the potential problems with obsolescence, particularly when their works are collected by major private or public collections, and are collaborating with institutions and nonprofits for the long-term preservation of their work: the Tate in England, the Museum of Modern Art and EAI in New York, the George Eastman Museum in Rochester, New York, ARGOS in Brussels, the Foundation for the Conservation of Modern Art (SBMK) in the Nertherlands, AktiveArchive in Switzerland, the New Art Trust (NAT) in San Francisco, and the collaboration of some of the aforementioned in the collaborative Matters in Media Art project, to name just a few.[25] But these initiatives do not offer collectors solutions for accessing copies of the video art they have acquired when the gallery or the artist are not around, or not on speaking terms.

A solution must be possible and is necessary, like the contract, if one wants to give the video art market an infrastructure allowing it a proper development arc.

What will the future be?

A multi-option model/template contract agreed upon by representatives of all video art stakeholders to define the rights and the transfer of those rights in the acquisition of a video artwork.

An open digital platform where a proper ecosystem will develop for the displaying, distributing, monetizing, buying, and selling of video art. The platform must be open and stable enough to allow multiple services and value for all stakeholders while protecting the creator/producer's copyright and other underlying rights (through robust encryption) as well as monitoring the respect of the technical constraints imposed by them, such as minimum resolution, display formats, screen size, etc.

In order to attract all stakeholders in the ecosystem, the platform should meet all their urgent needs: easy and accurate display of public or private collections both past and present (how can we collectors, private and institutional, still be limiting ourselves to moving "around the house" USBs and DVDs?), easy and protected third-party viewing for commercial galleries and artists online, and protected and monitored renting for the libraries.

If enough video art and viewers are part of the ecosystem, it will be viable to develop curated channels similar to playlists on Spotify. Channels would be available for free for promotion, or by paid subscription, or by direct purchases. If those channels were accompanied by tutorials and general education about the medium, they would be a powerful tool for the deserved and necessary expansion of the art form to new audiences, and for a deeper understanding on the part of its existing audience.

There is no doubt that having video art online is the attractive and efficient way forward. It will be a fantastic opportunity for an art form that thus far appeals mostly to connoisseurs and a limited public. The Internet is good at rallying a small group of separate but passionate individuals.

A series of robust and credible libraries would ensure that from release onward, the preservation of video art in return for payment is included in the acquisition or renting price of works. Ideally those "preserving libraries" will function in smooth operational continuity with the ecosystem/platform described above.

There will come the day when the different levels of "ownership" of video art will happen through electronic, contractual certification, which will give access digitally to the acquired or rented works directly from the "preserving libraries" and the ecosystem/platform.

The development of a paying audience, as well as the legal and technological infrastructure to sustain and develop video art, will allow the development of video art production companies as a true business proposition, which in turn means easier access to financing and expert production support for artists.

Conclusion

We are all tempted not to move at all, because for many, moving forward seems a jump into the unknown, and many collectors and other stakeholders would prefer to hold on to what they have, however imperfect it is. Of course, there are major private and public collections that are taking care of the display and preservation of important video works. But this is only a small portion of video art creation, and even the most enlightened museums have shown again and again in the context of other media that they can miss important parts of what the future will define as art history, and that it is private collectors' efforts that preserve that often-overlooked history.

Video art is starving without proper funding and an audience outside the major biennials and museums. It needs a robust legal, financing, production, and technology infrastructure for it to assert the place in art history that it deserves.

I hope that I convinced you that the status quo is not a sustainable option at this point.

When you cannot go back or stay put, the choice is easy: you can only go forward.

With the contributions of Ismay Marçais, Paris; Olaf Stüber, Berlin; Portland Green, London; Maria Larsson, Zurich; Egbert Dommering, Amsterdam; and many others who prefer to stay anonymous.

Please note that a contribution does not imply full agreement on all conclusions.

Alain Servais is an investment banker, entrepreneur, collector, art lover, and person who is curious about the world.

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1) For the purpose of this article/essay, video works embedded in an installation format or that have strict and complex physical display constraints have been excluded from the discussion. Also, I am adopting the point of view of an average private collector, who can have very different circumstances from a museum or top video collector.

Matthew Barney as the Satyr in *Cremaster 4* (42 minutes, 1994). © Matthew Barney. Courtesy of the Internet.

2) This is from my personal experience as an art globetrotter . . . more precise assessment is welcome.

3) The very latest development is that Artspace just announced a new limited edition of 150 copies of 3 Fischli/Weiss titles including *Der Lauf der Dinge* for a price of $7500. No one could explain me the difference of legal status and therefore intrisic value with the above mentioned unlimited edition. http://www.artspace.com/peter_fischli_david_weiss/making_things_go_way_things_go

4) From my long personal experience.

5) Pivotal to the writing of this part have been the following documents: http://www.artquest.org.uk/articles/view/legal-issues-for-artists, http://www.kunstfactor.nl/blobs/Kunstfactor/49210/2010/31/Inleiding_Prof_J_Kabel.pdf,http://economie.fgov.be/nl/ondernemingen/Intellectuele_Eigendom/naburige_rechten_van_auteursrecht/naburige_rechten_fonogram/#.VoMWzRFljcs.

6) http://www.carfac.ca/about/

7) It is well known that Charly Herscovici's life has been dramatically impacted by the seemingly unimportant attribution to him by René Magritte's widow of her deceased husband's oeuvre's reproduction rights.http://www.dewitteraaf.be/artikel/detail/nl/3006.

8) http://hyperallergic.com/97416/marc-jancou-cady-noland-and-the-case-of-an-authorless-artwork/.

9) "Amazon" refers here to the traditional movie distribution system via DVD or other packaged content formats. Some commentators find comfort in the conviction that one could not sell a DVD bought on Amazon which distinguishes it from the nature of fine art market sales. Yet, the "first-sale doctrine" indicates otherwise, see https://theumlaut.com/2013/03/21/first-sale-doctrine/.

10) Most contracts are bilateral between identified parties and therefore cannot easily be reassigned without all parties' agreement. A license agreement could be a solution to a true rights ownership on the model of the German legal system.

11) The producer (if the work has been contracted and produced with a producer) would also own some of those rights by agreement with the artist.

12) http://theonlinephotographer.typepad.com/the_online_photographer/2013/03/sobel-vs-eggleston-the-decision.html.

13) Please note that most of the time a private collector will not acquire the master, contrary to most museums. Therefore the copy evoked here will come from the master owned by the artist or other rights holders.

14) A few different independent market participants have been working on a template for acquisition contracts. They have reached different stages of finalization. An important one to note is the extensive initiative by the major collaboration called Matters in Media Art. See http://www.tate.org.uk/about/projects/matters-media-art/acquisitions/accessioning.

15) http://www.eai.org/webPage.htm?id=61.

16) For a longer history of video art distribution, see Erika Balsom's chapter in this book. I particularly liked this comment on the Castelli editioning model: "The financial records of the organization show that rentals far outweighed sales and that the artificial scarcity imposed by limiting the number of tapes available did not incite increased demand; on the contrary, the editioned tapes did not sell as well as many of the uneditioned tapes, presumably due to their inflated prices." *I Have A Friend Who Knows Someone Who Bought A Video, Once,* On Collecting Video Art. A project by LOOP Barcelona by Mousse Publishing, 2016.

17) http://cremasterfanatic.blogspot.be/2007/10/cremaster-2-on-sale-at-sothebys-new.html.

18) I have yet to meet an artist who is satisfied that his or her work is only seen by a small minority of people due to the size of the editioning. But they have been led to believe that it is the only way to make a living and make more videos. All of them would prefer a wider distribution platform aimed at a wider audience.

19) In the "movie" value chain, one source of finance is a presale, which is a distributor partially financing the film against what he or she will make from the distribution. It is very difficult to get a presale these days.

20) The usual argument for rejecting "unlimited edition" as equivalent to "streaming" is that it did not work in the 1970s and will therefore not work today. I disagree, as video art is now much more prominent and its relevance recognized, but also as we now have a technology of widespread and cheap Internet distribution that did not exist then. Note a dealer's comment on his conviction that streaming is a dead end: "I'd rather see the few video artists who can make a decent living off their work do so for now than universally change the model and see them ALL not be able to."

21) http://www.npr.org/sections/therecord/2015/06/01/411119372/how-streaming-is-changing-music.

22) If you believe that the absence of a preservation process is not an impediment for collecting video, see this recent quote from collector Jane Wesman in *Larry's List*: "We collect in many categories: painting, sculpture, drawing, photography- and some video, although we have found that conservation is a problem for us." http://www.larryslist.com/artmarket/the-talks/woman-of-influence-in-art-and-business-world/.

23) http://eap.bl.uk/downloads/guidelines_video.pdf, http://ohda.matrix.msu.edu/2012/06/digital-video-preservation-and-oral-history/.

24) Note that maintaining the playback software necessary to read the codec is as essential to the preservation as the file itself. Otherwise it's like storing a file in a safe whose key you've lost.

25) http://artdaily.com/news/83834/William-Kentridge-donates-his-complete-works-in-time-based-media-to-George-Eastman-Museum.

What The Panama Papers Do Not Reveal About The Art Market

John Zarobell

When the Panama Papers story broke in April of this year, the promise of pulling back the screen on an entire secret domain of monetary transactions was palpable. Finally, it would be possible to understand more fully how the offshore financial domain operates and who is hiding their money in "secrecy jurisdictions." While a share of information has been forthcoming from the International Consortium of Investigative Journalists (the ICIJ) and a handful of world leaders have been nailed as they or their associates have been called out in the press or profiled on the ICIJ website (https://panamapapers.icij.org), only a slim fragment of the 2.6 terabytes of information have emerged. In May, a searchable database was launched that allowed users to look up names and organizations and find the web of networks exposed by the Papers. However, this is a far cry from actually knowing what information the leaked documents contain.

Articles, published in news outlets from the *Modesto Bee* to the *Guardian* (UK) to *Hyperallergic*, have focused on unseemly dimensions of the art market that are exposed by the Papers. The most comprehensive of these, by the investigative journalist Jake Bernstein working with the ICIJ out of New York, was printed in the *Modesto Bee*, in Modesto California, a news source that has a daily readership of 216,000.[1] Is it wrong to think that no more prominent paper would dare to publish it? To be fair, an article on the art world and the Panama Papers appeared in the *Guardian* the same day, though it was far shorter.[2] Another piece on freeports—unregulated storage sites for art between national jurisdictions—made it to the front page of the Sunday *New York Times* on May 29th but it did not draw on evidence from the Panama Papers.[3] Whether the information in the Panama Papers relating to the art world is being buried or passed over, it has done little to illuminate how offshore financial mechanisms have abetted the development of a lightly-regulated, international art market.

What has been exposed? Both the *Bee* and the *Guardian* featured that the sale of the Ganz collection of important modern paintings and sculpture held at Christie's in London in 1997 had a third-party guarantee provided by the British businessman Joe Lewis, Christie's largest shareholder at the time. A third-party guarantee is a way for auction houses to guarantee a minimum value to the seller by finding a third party to guarantee an undisclosed minimum price for an artwork offered at public sale. This guarantee took a very particular form: an auction house that Christie's had recently acquired, Spink & Son, sold the paintings to an offshore company, Simsbury International, for $168 million a month before the sale. Simsbury International was only founded a month earlier, ostensibly for the purpose of this transaction. When the sale of the Ganz collection brought in a record-setting $206.5 million, the difference was split between Spink & Son and Simsbury . . . between Christie's and Christie's largest shareholder. So that's how third-party guarantees work? Not necessarily—but both Bernstein and the *Guardian* point out that this was the beginning of the third-party guarantee device that has done so much to increase prices in the art auction market. Christie's catalog for the auction clearly stated that Christie's had a financial stake in the objects for sale (when is this not the case?), but there is no reason that such elaborate forms of subterfuge would be necessary if the guarantor wasn't a shareholder in the company.

According to Bernstein, "The documents reveal sellers and buyers of art using the same dark corners of the global financial system as dictators, politicians, fraudsters, and others who benefit from the anonymity these secrecy zones offer."[4] Indeed, this assertion, similar to one I made in the pages of *AQ* last year, is sustained by the Panama Papers. The information at Bernstein's fingertips demonstrates not only that it happens but also how it works. To wit: the Nahmad family, a wealthy pair of Lebanese brothers and their sons who run modern art galleries in London and New York, is reported to have thousands of works of art stored in freeports, but when Philippe Maestracci, the grandson of a Jewish art dealer, lodged a restitution claim for a Modigliani painting traced to their collection, the Nahmads asserted that they did not own it in federal and state court, as Berstein reports. The Nahmad family has also asserted that Maestracci's grandfather never owned the painting. The Panama Papers demonstrate that, in fact, they do as sole shareholders of Art Center International, an offshore corporation registered in Panama. The directors of the corporation are not shareholders and are called "nominees" because they run the company only on paper and neither own nor control the company's assets. So when Maestracci filed suit he was unable to connect the Modigliani to the Nahmads. Thus, this offshore company is nothing more than a way to hide assets where they can be held indefinitely without regulatory oversight.

This might be called a triple-screen. First, these works of art are owned by a private family, so the public does not have a way of finding out who the owners of an artwork might be unless the painting passes into the public realm through an auction or exhibition. Since privacy is something that democratic governments have a strong interest in protecting, keeping art in private hands and out of public view cannot really be thought of as scandalous. However, in the Maestracci case, the Modigliani was auctioned in 1996 at Christie's in London and was later shown in one of the Nahmads' galleries, so the painting entered the public record. The second screen is the offshore company that "holds" the works of art. Due to the nature of the company, incorporated in a secrecy jurisdiction, the real owners of the company's assets are protected and it is impossible to trace the works of art to any individual. Finally, the works themselves are held in a freeport, a tax-free zone established for the sole purpose of protecting objects in a discrete legal domain until they are transferred to another location. In December of 2015, the Swiss passed laws to increase regulation slightly at the Geneva Freeport, but new ones have been popping up in tax havens around the world, from Luxembourg to Singapore, to Delaware.

Federal agents remove computers from New York's Helly Nahmad Gallery located inside the Carlyle Hotel on April 30th, 2014. Courtesy of the Internet.

Amedeo Modigliani, *Seated Man with a Cane*, 1918. Oil on canvas, 50 × 30 inches. Courtesy of the Internet.

This triple-screen is part of developing business models in an era of globalization, when having foreign subsidiaries is a common way that companies avoid their tax burdens, it shouldn't come as a surprise that an international art dealing firm run by the Nahmad family should use these practices as well. But Bernstein notes:

> The Nahmads' business, which stretches across jurisdictions and blood ties, is tailor-made for offshoring. With the Nahmad principals based in three countries, galleries on opposite sides of the Atlantic Ocean and most of the paintings stashed in Switzerland, the family requires the kind of legal siloing made possible by offshore companies.[5]

Fair enough—the Nahmad example fits the model of secretive market processes. This brings up two big questions. First, are these practices the norm? Is it possible that many dealers use offshore companies and freeports to hide the ownership of works of art? The second question is more specific to the Nahmad family: Why have none of these writers put two and two together and introduced the issue of the Nahmad family's third-party guarantees, which they are reported to provide regularly to Christie's and Sotheby's? Further, what has happened to all of the works of art that they have acquired through these sales? Are these the works that are now in freeports?

The problem with the release of information from the Panama Papers is that it is impossible to answer these questions with information from these leaks, no matter how large they are. Searching through the database with the names of other dealers whether of Old Master and modern art (William Acquavella, Richard Feigen) or contemporary art (Larry Gagosian, David Zwirner) reveals no hits. In other words, it would seem that the Nahmads are bad apples, so to speak, when it comes to using secrecy jurisdictions to shore up art market advantage. However, the name Wildenstein also did not yield any results, and, thanks to a trial held this year in France, it's well known that Guy Wildenstein was hiding art and money through tax-avoidance schemes. So it is fair to say that the database is far from complete, and thus the Panama Papers, as currently configured, cannot tell us whether there is widespread use of offshore mechanisms among the central figures in the art market. There is a lot of data there, but it is not all useful.

Looking more specifically at the Nahmad family, here again one confronts the limits of journalism and of leaks that seek to let the public know about events that shape the world behind the scenes. In court, the Nahmads denied owning a work of art that was owned by a corporation of which they were secretly the shareholders. This is a newsworthy story for the art press. However, the *New York Times* reported in an article in 2013 that the Nahmads have more than 3000 works of art stockpiled in a duty-free warehouse near Geneva, and it has also been widely reported that the same family regularly provides third-party guarantees at auctions. So, can't the Panama Papers explain how their business model operates? If they are manipulating the art auction market through third-party guarantees and purchases that they are storing away in a freeport, the Panama Papers have not so far exposed it.

Investigative journalism is a noble profession in decline in our neoliberal era, and the ICIJ is providing a highly visible platform for its continuation, but it does not, and cannot, answer all relevant questions. By pursuing stories and working with specific sources, journalists are limited to reporting what those sources reveal, and it is quite likely that the Panama Papers do not provide enough information to put all of these pieces together. The searchable database certainly does not provide the answers. While the public is wowed by salacious discoveries of the misdeeds among a handful of actors, the fundamental operations of the art market remain obscured.

This partial disclosure is the problem with the Panama Papers, and other similar leaks. Once the public discovers the actions behind the scenes, whether it be in the realm of finance, diplomacy, or even on the part of government agencies (like the NSA), there is an initial shock and a sense that all of these newly exposed deceptive tactics should be somehow curtailed. While some changes have resulted from WikiLeaks, the Snowden revelations, and the Panama Papers, the common element here is that they cause a big dust-up and then disappear with the news cycle. Individuals, even some within the government, call for change and institutions do not respond. While the Panama Papers will definitely be bad for Mossack Fonseca, and for a handful of politicians and dealers whose investments were exposed, they will not tell us what goes on behind closed doors and they will not explain how those who have the greatest share of wealth manage to protect it from tax authorities, employing art as a tangible and unregulated asset.

When forms of abuse are exposed, there is a desire to generalize and to imagine that these practices are something like the norm. In the case of the Panama Papers, evidence suggests that these cases are exceptional, but the demand for new freeports is apparently increasing so something is going on behind closed doors. When money and art move offshore, finance and the art market are impacted, but the nature of these transactions hides new economic processes behind a triple screen.

1) Bernstein, J. (2016). Hiding Money: The Art of Secrecy. *Modesto Bee* (April 7, 2016). Accessed at http://www.modbee.com/news/nation-world/world/article70505092.html#storylink=cpy.
2) Garside, J., Bernstein, J., & Watt, H. (2016). How offshore firm helped billionaire change the art world forever. *The Guardian* (April 7, 2016). Accessed at: https://www.theguardian.com/news/2016/apr/07/panama-papers-joe-lewis-offshore-art-world-picasso-christies.
3) Bowley, G. and Carjaval, D. (2016). One of the World's Greatest Art Collections Hides Behind This Fence. *New York Times* (April 28, 2016). Accessed at: http://www.nytimes.com/2016/05/29/arts/design/one-of-the-worlds-greatest-art-collections-hides-behind-this-fence.html?smid=nytcore-ipad-share&smprod=nytcore-ipad.
4) Bernstein, *op.cit*. n.p.

On Point 2.11: Boschscapes Then and Now

Mark Van Proyen

Despite decades of scholarly investigation, we still only have a few hard facts about the painter known as Hieronymus Bosch. Even though he signed some of his paintings *Jheronimus Bosch,* he never affixed a date to them; we can only make educated guesses about when they were painted. His real name was Jerome van Aken, and he lived from about 1450 to 1516 in the town of 's-Hertogenbosch, located in the south-central part of the Netherlands. There were other painters in his family, notably his grandfather and four of his uncles, but none of their work survives to this day. He was married, but the record does not indicate that any children issued from that union. No one has discovered any written mention of any of Bosch's paintings dated to his lifetime, and there are very few such mentions that can be dated from the four decades after his passing. Despite this deafening silence of documentary evidence, it's clear that Bosch's work was collected while he was alive, and that he did receive commissions. In most cases, it is not at all clear who those initial patrons might have been, although we do know that was one of them was Engelbrecht II, the Count of Nassau.

In 1488, he was admitted as a member of a confraternal organization called *The Illustrious Brotherhood of Our Blessed Lady*, which was affiliated with the Church of St. John in 's-Hertogenbosch. However, this confraternity was not like others in that its membership was not made up of a single profession. Commentators have characterized this group as being "arch-conservative," but that may not be the half of it. According to Lynda Harris's 1995 book, *The Secret Heresy of Hieronymus Bosch*, the Brotherhood may have been a front for a hieratical group of Cathers who would otherwise been subjected to official church persecution for their Gnostic and Manichean theological beliefs.[1] Not only did the Cathers believe in a dualistic world, but they also believed that all aspects of the normative material world (including the Church of Rome) were a vast, cruel joke set squarely in Lucifer's domain, offering slim hopes for any kind of spiritual redemption. They also believed that persons who were unable to see this had been lulled into a *Matrix*-like artificial sleep of manufactured delusion. If and when the sleeper awakes, everything looks like the central and right-hand panels of *Garden of Earthly Delights,* because, happy-sappy pretenses to the contrary, that is what everything is and all it can be.

The plot gets even more interesting when we look at the political world of Bosch's time. When Bosch was born, 's-Hertogenbosch was part of the Kingdom of Burgundy, but at some point in 1482, it became part of the Habsburg Empire (and three decades later, part of the Spanish Empire). This change of governance brought major cultural tensions with it, and they must have impacted many aspects of the area's day-to-day life, particularly those pertaining to permissible religious worship. Twenty years prior, in 1463, there was a great fire in 's-Hertogenbosch, which burned several thousand houses to the ground. No doubt a 13-year-old Bosch would have witnessed this event, and this might account for some of the more horrifying scenes that he later painted. His imagination may also have been fired by stories of the Black Death that ravaged Europe a century before he was born.

Now, in our own moment of widespread upheaval and in this 500th anniversary year of the Bosch's death, we have a rare opportunity to see almost all of those scenes gathered together under one roof, a total of 25 paintings, plus eight more of contested attribution and eight drawings. The exhibition is at Madrid's Museo del Prado. Also included were several works by artists who were Bosch's contemporaries, or who were subsequently influenced by him. Earlier this year, a slightly smaller version of the same exhibition was held at the Noordrabants Museum in 's-Hertogenbosch (or as the Dutch prefer to call it, Den Bosch).

Much of what is pictured in the Bosch exhibition can be surmised from looking at high-quality reproductions of the works, although looking carefully is important because abrupt jumps in scale remind us that the devil is often in the details—literally. We all know about the fangy demons, flying fish, and the smoldering right-hand panels of last judgment, and dark, infernal doom. And yes, there are funnel-capped kiwi birds with trumpets stuck up their asses, abundant references to cannibalism, and many sinister, smirking owls that anticipate the giant one cast in concrete at the Bohemian Grove, the longstanding Sonoma county site where members of America's ruling elite convene every July (the owl being a Cather symbol for Satan). We all have made the mistake of misinterpreting Bosch's fantastical works as forerunners of surrealism, a contention with which the artist would most likely have had very little sympathy, because if anything, Bosch's works are arguments against surrealism, understood as a kind of liberation theology. Few of us have stopped to consider the alternative view that, from a Cather perspective, Bosch's paintings represent a moralizing form of theological realism, one that throws open the sugar-coated veil of normalcy to reveal reality itself to be a Luciferian spiral into a horrific fatalism.

Some racist piece of shit greets idiots. Photograph by Mark Wallheiser/Getty Images. Courtesy of the Internet.

Indeed, Bosch's paintings are moralizing works of a grandiose order, but part of what they moralize against is the very idea that moralizing about anything will do any good—even that is sad vanity. They are deeply medieval in spirit, but the fuller treatment of them will also have to recognize that, for all of their profound and perfervid saturations of allegorical doomsaying, the forms, techniques, and organizational strategies of Bosch's work sit squarely within the tradition of the Northern Renaissance. In fact, what we actually see in Bosch's paintings are dramatic representations of the stark collision between the Medieval and Renaissance/Enlightenment views of the world, sardonically upholding the disheartening albeit eternal durability of the former, while also mocking and denouncing the inevitable folly of the later.

The Cather hypothesis is one view. The other one that has been falling out of favor for several decades is that Bosch's works were in some ways associated with the beliefs of the Neo-Adamites, who flourished in the Netherlands and western Germany after the 13th century after changing their name to the *Brethren of the Free Spirit.* Like the Cathers, they were also officially persecuted during the Inquisition. Their belief system upheld the virtues of "holy nudity" and they disdained the institution of marriage as being the artifact of the state of original sin to which they felt exempt. Usage of psychoactive mushrooms or DMT containing plant medicines such as reed canary grass has been suggested, but the documentary evidence is still sketchy, although Jerry and Julia Brown's recent book titled *The Psychedelic Gospels: The Secret History of Hallucinogens in Christianity* does much to mitigate this absence of information.[2]

With what little space that remains, I am going to try to describe those aspects of Bosch's painting that are not apparent in high-resolution reproduction. The colors of his earlier works look flat and their figures look stiff and palsied in relation to the lustrous surfaces of other Flemish masters of the 15th century, particularly those of the undisputed master of oil glaze technique Jan van Eyck, whose *Ghent Altarpiece* Bosch must have surely seen. After about 1499 Bosch's work starts to change, sporting wispy brushstrokes and more fluid and complex colorations. This is the period when most of the triptychs were painted, including the famous *Garden of Earthly Delights* (c. 1500), *St. Anthony Triptych* (c. 1505). and the should-be-more-famous *Haywain Triptych* (c. 1513). As a way of explaining this shift, Harris speculates that Bosch may have spent some time in Venice, the cosmopolitan city that was something of a sanctuary for Cather communities during the height of the Inquisition. If this were true, it might explain how the four-panel work titled *Visions of the Hereafter* found its way into the collection of the Palazzo Ducale before it was recently handed over to the Accademia. It also suggests the tantalizing possibility that Bosch may have met Leonardo da Vinci in that city during that same year, as well as Bellini, Giorgione, and Titian. Harris notes that there is very little hard evidence to support this suggestion, but also notes that there is no hard evidence that outrightly rules it out, and if Bosch did go to Venice, he would have made the journey in as covert a way as possible.

Having a chance to see Bosch at the Prado while the Republican convention was taking place in Cleveland created a grand opportunity to examine Bosch's entire oeuvre in a newly relevant and even more macabre light. Indeed, witnessing the CNN coverage of the convention on a barely functional television screen in my Madrid hotel room provided the perfect contemporary analogy for the works inside the

Hieronymus Bosch, *The Garden of Earthly Delights*, 1490-1510. Oil on oak panels, 87 × 38.4 inches. Collection of Museo del Prado, Madrid. Courtesy of the Internet.

museum: a cornucopia of horrors that was proof positive of the prophetic power of Bosch's vision of the world. Thanks to the reach of mass media, each and every one of us could see ourselves as the weeping Christ figure in Bosch's *Ecce Homo*, surrounded and mocked by cruel hypocrites like Marsha Blackburn and Laura Ingraham. The news crawler at the bottom of the screen held out little hope, oftentimes reading like a ticker tape summary of the ongoing apocalypse, taking note of mass demonstrations against state violence, failed coup attempts, lethal train wrecks and terrorist attacks that are now beginning to seem like daily events. Maybe the British exit from the European Union still looms large in the world, but at the convention we witnessed something even more distressing: the prospect of America exiting reality. It was nothing less than the blind leading the blind down a path of lizard-brained tribalism, featuring pig-faced hate mongers like Chris Christie and an apoplectic Rudy Giuliani amplified by claxon horns, klieg lights, and network commentators. It was *Duck Dynasty uber alles,* a Disney Channel remake of *Triumph of the Will*.

Alexis de Tocqueville said this was not supposed to happen. In 1835, he was confident that, in America, "The majority lives in the perpetual practice of self-applause, and there are certain truths which the Americans can only learn from strangers or from experience."[3] For that reason, he was much more concerned that the domination of the ignorant collective would become a much greater problem than would be the potential rise of any tyrant. But by way of displaying how a fractured body politic will go full lemming to anoint a charismatic strongman, the convention reveals the flaw in Tocqueville's logic. In Cleveland, the gloves of enlightened politesse were cast far aside, and hateful fanaticism was shamelessly upheld as a patriotic virtue. The Republican Party platform is unambiguous on this point, and, as was the case in Bosch's world on the eve of the Reformation, enlightened tolerance has been tested and found wanting. "This is no dream. This is really happening," said Ira Levin's Rosemary in the hands of the devil, and we should feel the same about our taste of the bitter brew percolating in Cleveland. The Republican convention was an American Boschscape that portends an unimaginable slide into oblivion. It should make us very afraid.

Hieronymus Bosch, *The Haywain* triptych, 1516. Oil on oak panels, 53 × 79 inches. Collection of Museo del Prado, Madrid. Courtesy of the Internet.

1) See Lynda Harris, *The Secret Heresy of Hieronymus Bosch,* (Edinburgh: Floris Books, 1985). 64-72.
2) See Jerry B. and Julia M. Brown, *Psychedelic Gospels: The Secret History of Hallucinogens in Christianity* (Paris, Bear & Co./Park Street Press, 2016).
3) Alexis De Tocqueville, "Tyranny of the Majority," in *Democracy in America* (1835), http://xroads.virginia.edu/~HYPER/DETOC/1_ch15.htm

Move Your Archive: Part Three

John Held, Jr.

In *Part One: Collecting, Compiling & the Construction of Cultural Histories*, it was noted that artists often find it difficult to retain and manage accumulated materials in their care. Questions regarding materials are particularly challenging for the artist engaged in non-traditional practices. During the discussion in *Part Two: The Disposition of Decades-Old Correspondence*, our focus was directed to practitioners of mail art and their apprehension over what to do with decades of correspondence and collateral items in the face of institutional disregard. Here, we continue our discussion on how best to fashion a collection capable of soliciting scholarly notice.

Part Three: An Immediately Quaint Form that Excused Itself from History

Larry Miller: Compare Fluxus and . . . high art today.

George Maciunas: First of all, high art is very marketable. You can sell for half a million. You can sell for 100,000. You know, very marketable. Second, the names are big names. They're marketable names. Like, you just have to mention the name and everybody knows, like you mention Warhol, Lichtenstein, everybody knows. Mention Ben Vautier, even George Brecht, very few people will know. And now even when they say a yearbox sells for 250, there are very few collectors who will collect them, they're just special collectors of Fluxus things, and they're willing to pay those prices because they're just not available any more. But museums don't buy it. Now high art is something you find in museums. Fluxus you don't find in museums. Museums just don't have it. The only exception is the Beauborg and that's only because of Pontus Hultén, and even then, he has all the Fluxus things in the library, not in collections of art, but in the library (where) he has documents. So he doesn't consider it art either; he considers it a document.

[Transcript of the videotaped interview with George Maciunas by Larry Miller, March 24, 1978. Published in *Ubi Fluxus ibi Motus 1990-1962*. Mazzotta, Venice, Italy, 1990.]

I met George Maciunas a year or so before he granted his final interview, the above excerpt, ruminating upon the disposition of his legacy less than two months before his death in May 1978. It was given after he had departed New York City under tumultuous circumstances, hounded both by the Mafia and the state attorney general, relocating to Barrington, Massachusetts, nearby his foremost American patron, Jean Brown.

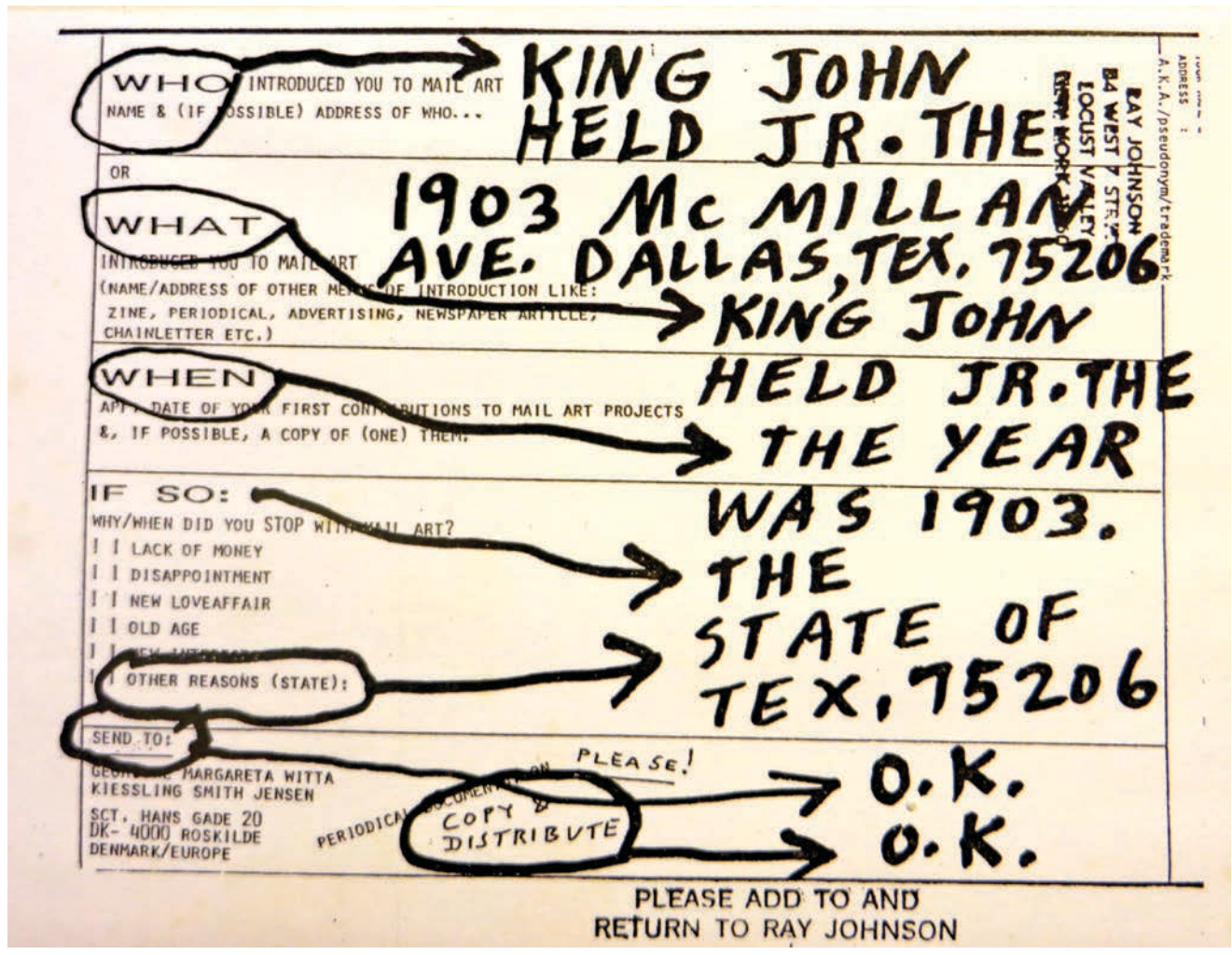
I had read about Jean Brown in a 1976 magazine article, which touts her as a collector of the avant-garde, mentioning her interest in mail art and rubber stamps, both of which were beginning to arouse my curiosity. Through her, I learned of Fluxus; I met several of the artists involved in the circle and was instantly enthralled yet befuddled by their inattention by the art establishment when they obviously had so much to offer. I impatiently waited for their recognition for over a decade, until in 1990, the first major exhibition, *In the Spirit of Fluxus*, was staged at the Walker Art Center and backed by an excellent catalog. Reviews in widely circulated art publications followed, spreading knowledge of Fluxus to a larger audience and attracting institutional attention; these institutions began to collect Fluxus artifacts, driving the price of the works to astronomical heights.

Fluxus 1, the first of the yearbooks Maciunas mentions in the above passage, which he was hard pressed to sell for $250, sold in 1993 for $25,000, a hundred-fold increase, reflecting the prestige Maciunas had attained since his demise. Before his death, Maciunas was committed to depositing significant collections into private hands, including those of Jean Brown, Barbara Moore, Marvin and Ruth Sackner in the United States, and Hanns Sohm in Stuttgart, Germany.

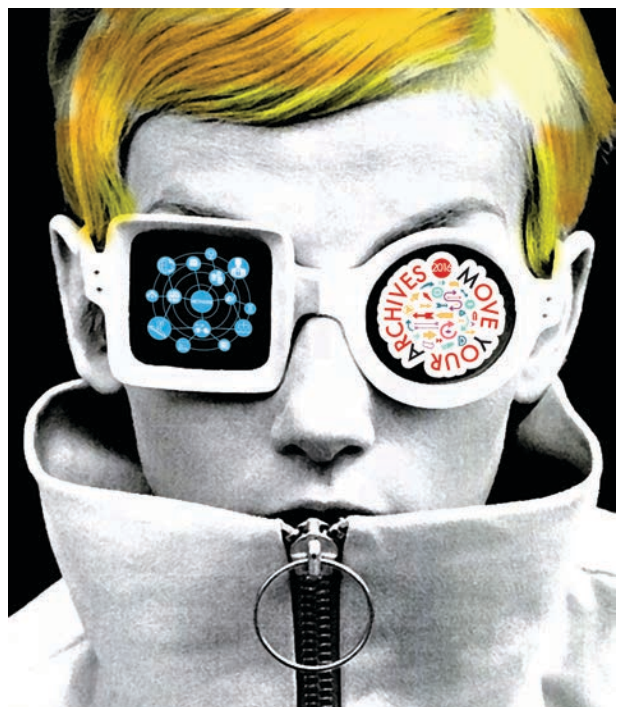
Soon after the Walker exhibition, Jean Brown sold her comprehensive collection of Fluxus to the Getty. She insisted that the whole of her assembled materials be acquired, including a sizeable selection of mail art. As Maciunas foretold, it was not the Getty Museum expressing interest in the material as art, but the information wing of the museum, the Getty Research Institute, charged as a repository of documents.

Barbara Moore sold her significant collection to Harvard University. Hanns Sohm's collection was bequeathed to the Staatsgalerie Stuttgart. Years later, another large Fluxus collection, derived in part from the resources of Barbara Moore and Jon Hendricks, was donated to the Museum of Modern Art in New York by Gilbert and Lila Silverman. But as early as 1988, MoMA's Director of the Library, Clive Phillpot had surreptitiously exhibited Fluxus, much to the consternation of the museum's curatorial staff upon discovery.[1]

Fluxus still exerts an influence on the contemporary art scene. Fluxfests are convened by mail artists positing themselves as neoFluxists, just as Fluxus, reviving the spirit of Dada in the early 1960s, were labeled neoDadaists. Marcel Duchamp, arguably the most decisive artist of the 20th century, was subjugated to



Ray Johnson and Georgina Margareta Witta, *Please Add to and Return to Ray Johnson*, c. 1993. Collection of John Held, Jr.



Claudio Romeo, *Move Your Archive 2016*, 2016.

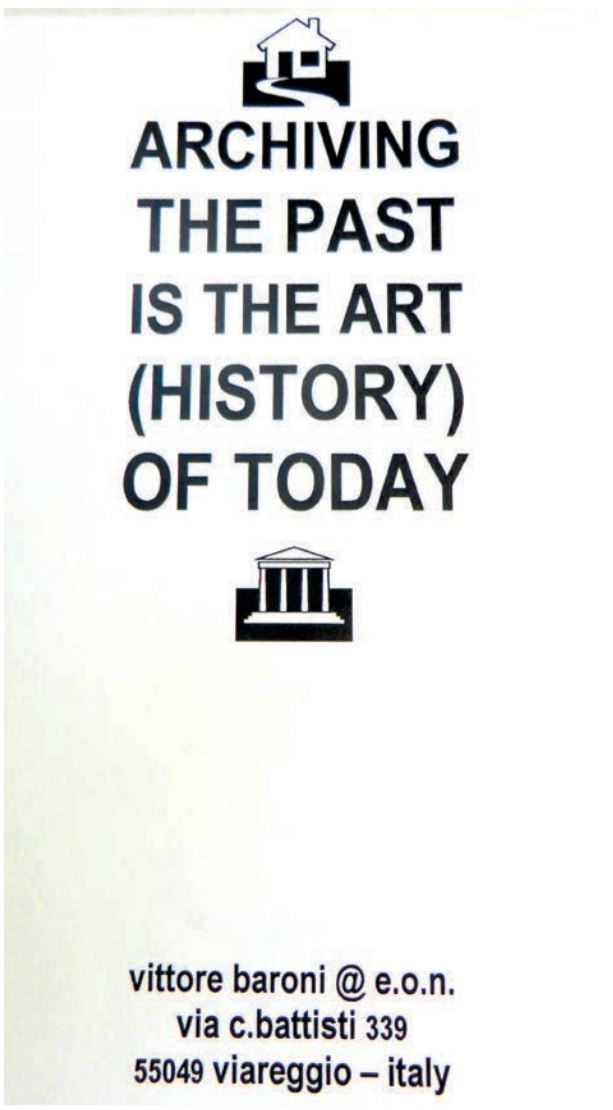
a similar protocol of neglect, having to wait several decades before his inclusion in modernism's conversation. The progression of art history is a slow march, entailing a long slog toward acceptance into the canon. It is one I witnessed firsthand with Fluxus and am currently experiencing with mail art.

As an art medium of inclusion that avoids judgments of quality, mail art has eluded critical attention, marketability and widespread institutional interest. In a 1984 review of the book, *Correspondence Art: Source Book for the Network of International Postal Art Activity*, by Mike Crane and Mary Stofflet (*Art Contemporary*, 1984), cultural historian Greil Marcus commented that, "The history of contemporary mail art is the history of an immediately quaint form that excused itself from history." Distaining established art hierarchies and seeking alternative paths of cultural production and dissemination; mail artists found themselves adrift from conventional routes of mainstream acceptance.

There has yet to be a comprehensive exhibition of mail art in a major American museum, with only a scattered interest from European venues, most often in national postal museums. Despite this, the medium continues to flourish, extending the boundaries of art with a continued practice of global social engagement, generating a multitude of small edition publications, producing exhibition documentation and distributing small-scale artworks.

There are many avenues to roam in mail art's Eternal Network, which harbors multiple marginal art forms including rubber stamp art, artist postage stamps, artists' books, periodicals, add & pass collaborative works, project documentation, painted works, sculptural objects, and collage, just to name but a few of the concerns which continue to engage this global network.

Maturing under the tutelage of Ray Johnson and the students of his New York Correspondance [sic] School in the 1950s, many of whom were associated with Fluxus, mail art has developed an enviable record of creative output and documentation yet to be sufficiently examined by scholars. The march toward institutional incorporation often occurs



Vittore Baroni, *Archiving the Past is the Art (History) of Today*, 2013. Collection of John Held, Jr.

by singling out an individual typifying the ideals of the area of interest under scrutiny, and this has begun to happen with Johnson.

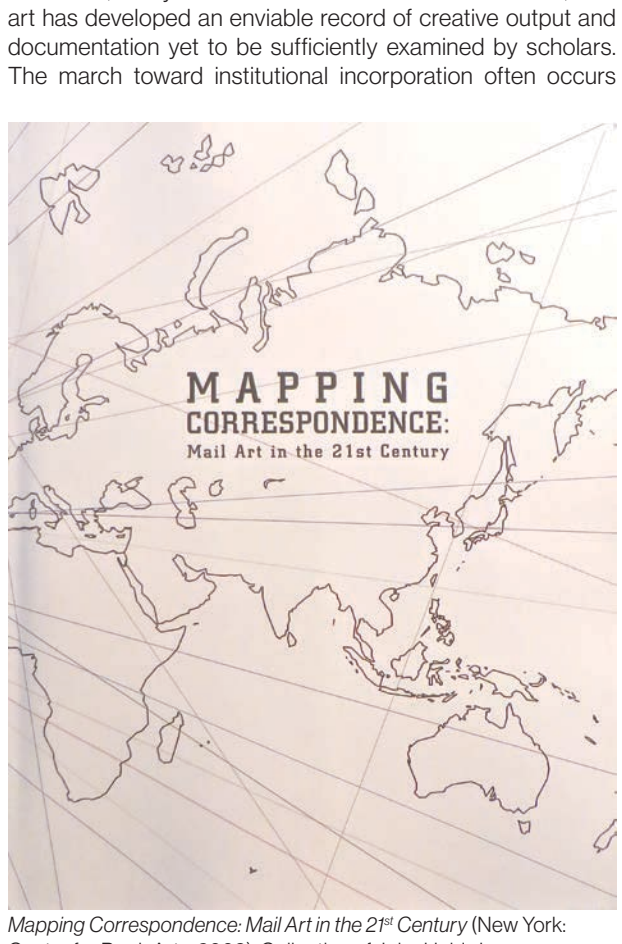
Ray Johnson has become increasingly canonized since his death by apparent suicide in 1995. A highly acclaimed film, *How to Draw a Bunny*, has extended his reputation far beyond the dismissive, "most famous unknown artist," appellation, which followed him in life. A 1999 retrospective at the Whitney organized by Donna De Salvo (currently serving as the chief curator of the institution) furthered his renown. Representation by the prestigious Richard L. Feigen & Co. gallery enhanced his standing, garnering critical acclaim though posthumous exhibitions increasing the marketability for his more formal collage works, which often incorporate postal motives.

Mail art has gained in stature with Johnson's increased success by association. Other early practitioners, many of whom have passed away, have also attracted the attention of respected cultural historians. The Museum of Modern Art, New York, in their 2015/16 exhibition, *Transmissions: Art in Eastern Europe and Latin America, 1960-1980*, included many artists engaged in mail art, such as Luis Camnitzer (Uruguay), Paulo Bruscky (Brazil), Ulises Carrión (Mexico), Felipe Ehrenberg (Mexico), Milan Knížák (Czech Republic), Endre Tót (Hungary), Clemente Padín (Uruguay), Pawel Petasz (Poland), Liliana Porter (Argentina) and Edgardo Antonio Vigo (Argentina).

Introductory texts for the exhibition stated that, "During these decades, which flanked the widespread student protests of 1968, artists working in distinct political and economic contexts, from Prague to Buenos Aires, developed cross-cultural networks to circulate their artworks and ideas. Whether created out of a desire to transcend the borders established after World War II or in response to local forms of state and military repression, these networks functioned largely independently of traditional institutional and market forces."[2]

In exhibiting the works of cultures usually excluded from modernist discussion and institutional acquisition, relevant materials were drawn from a number of sources outside of the museum's permanent art collection, including MoMA's library, which contributed periodicals to *Transmissions*. Under what circumstances they came to be placed there, is next to be revealed in our continuing examination of mail art's assimilation in institutional collections.

Julie Paquette, *Fluxus Buck*, c. 1996. Collection of John Held, Jr.



Mapping Correspondence: Mail Art in the 21st Century (New York: Center for Book Arts, 2008). Collection of John Held, Jr.

1) "Fluxus: Selections from the Gilbert and Lila Silverman Collection," MOMA Library/NY, November 17, 1988 – March 10, 1989.
2) http://www.moma.org/calendar/exhibitions/1532?locale=en

Millennial Collectors

Alexander Shalavi

In Conversation With Anna Hygelund

When we started working together you were interested in art—but hadn't purchased work. What turned you from an appreciator of art to a collector?
Exposure was the primary catalyst. The more art you see and experience, the more your eye starts to distinguish the type of art you want to live with. Once I found that direction, each piece I purchased became a natural decision. Good advice too. Find someone you trust—both their professional advice and taste. Obviously, you are my go-to.

In addition to art, you've also started an impressive collection of monographs. What do you enjoy about collecting books? What is your best find? Who are your favorite book dealers?
I started collecting monographs before fine art. William Stout Architectural Books in San Francisco is where the obsession began. Collecting books turned into a pastime, spending countless hours in bookstores sifting through thousands of shelves trying to find the next missing piece to my collection. The process was similar to digging through crates at record stores when I used to collect vinyl. I can't say that I have a favorite book dealer or book—too many to name. I look up to the collections built by Jonathan Brown (of LEADAPRON).

Your first acquisition was a tint painting by Graham Collins. What drew you to his work? What do you like about living with it?
It's the piece that anchored the rest of my collection. I like the rough and distressed quality Graham Collins brings to this series. Since my apartment is very modern with clean lines, this serves as a great contrast.

As a real estate developer in SF, do you feel your early interest in art has helped refine the quality of your work? Do you think it distinguishes you from your competition?
I think it has helped make design more intuitive. Art by nature requires an attention to detail that real estate development shares. If a building has a space for art, we choose to install fine art versus most who choose something more decorative.

As someone who buys primary and secondary—do you have a preference?
The opportunity and selection in secondary is far greater and more exciting to me, but the experience of buying something primary allows for more time to think about the investment. Companies like Paddle8 are a breath of fresh air when it comes to the secondary market.

Your most recent acquisition is a Jennie C. Jones cord work. What do you like about her work?
I connected with the piece right away. Aesthetically, I'm drawn to its minimalism. With my background in music production and sound engineering, it was a perfect piece for my collection.

How do you feel about the recent changes in the local art scene in SF? SFMoMA and BAMPFA re-openings, Gagosian moving in, FOG art fair moving from a regional to more blue chip fair, etc.
It's all a step in the right direction. The Bay Area has historically been overlooked when it comes to blue chip fairs, galleries, and museums. In recent years, I think the intention and effort has been put forth to make SF more of a contender. SFMoMA was designed and presented correctly to the city. This, on its own, brought the right kind of attention and awareness to people locally and across the country who had overlooked SF in the past. Gagosian is a great name brand that acts as a stamp of approval for SF, similar to when Jean-Georges or Alain Ducasse opens a restaurant in your city.

Do you feel there are interesting opportunities for millennials to engage with art in SF? As a member of the Battery, I'm curious what you think of their programming.
Now more than ever—The Battery is a great example of that. I would have never met Dominique Levy if it wasn't for The Battery-sponsored event at Addison Gallery. Compared to other major cities like NYC and LA we are still far behind, but it's a good start.

Top three favorite galleries in SF?
I frequent the galleries at 49 Geary and the Minnesota Street Project, but I can't say that I have any favorites . . . yet.

Who/what is on your current wish list?
I've wanted to own a Kasper Sonne piece for quite sometime now, especially his *Borderline* series. Italian postwar artists are of great interest, such as Agostino Bonalumi . . . Hiroshi Sugimoto, Idris Khan, Urs Fischer, to name a few more.

Where do you see your collection in two years? Art storage account? So I hope . . .
I'm running out of wall space in my apartment, art storage isn't far off!

Alexander Shalavi is 30 years old and based in San Francisco.

Alexander Shalavi's library.

Alexander Shalavi at his San Francisco home .

Graham Collins, *C Monster III*, 2014. Spray enamel on canvas with reclaimed wood, glass, and window tint in artist's frame, 61 x 45.25 inches.

From left: Shawn Kuruneru, *Deep Valley*, 2013. Ink and acrylic on canvas, 72 x 48 inches.
Jennie C Jones, *Shhh #14*, 2013. cable, wire and felt, 50 inches.

All photographs by Remoh.co and courtesy of Alexander Shalavi.

IV.9 Lunar Mission Photographs, Apollo 14, Cont'd

Apollo 14, View from the LM ascent stage during liftoff

Cont'd

III.4a. Apollo 15, "Loose Equipment Left on Lunar Surface"

TABLE 2.6-1 LOOSE EQUIPMENT LEFT ON LUNAR SURFACE

1. Jettison During EVA-1: (In a Jettison Bag)
   2 - OPS Pallets
   3 - Arm rests
   Used LiOH cartridge & Bracket
   BSLSS Bag

2. Discarded On Lunar Surface During EVA-1
   Misc Pip Pins and Fastenings
   Thermal Covers
   LRV Thermal Blanket
   TV Camera Bracket
   ALSEP RTG Dome Removal Tool and Fuel Transfer Tool
   PSE Girdle
   ALSEP Subpallet
   LRRR Dust Cover
   Lunar Surface Drill, Treadle and Rack
   LEC Bag
   TV Tripod
   LCRU/GTCA Pallet
   Pallet 1
   SRC Dust Skirt and Seal Protector

3. Operational Equipment Deployed and Left On EVA-1
   Flag
   TV Camera
   LRV
   ALSEP: PSE, LSM, HFE, SIDE/CCIG, SWE
   LRRR
   SWC

4. Jettison During EVA-2 (In Jettison Bag)
   1 - LM ECS LiOH Cartridge and Bracket
   Used Food Containers
   2 PLSS Batteries
   2 PLSS LiOH Cartridges and Canisters

5. Discarded on Lunar Surface During EVA-2
   EVA-2 Pallet
   1 - Core Tube Cap Dispenser
   SRC Dust Skirt and Seal Protector

6. Jettisoned During EVA-3 (In Jettison Bag)
   2 PLSS Batteries
   2 PLSS LiOH Cartridges and Canisters

13

Cont'd

V.2 Apollo 12 Mission Transmissions

134:01:02 Bean: Hold that camera (Al's dead camera) a second. (Pause) Got it?
134:01:06 Conrad: Why don't we just throw that camera away?
134:01:08 Bean: Well, I was thinking of that earlier and decided that, since this one broke, we might have to put that one on.

134:03:22 Bean: Let me borrow your little thing here while we rest. (Long Pause) [Again, Al may be borrowing Pete's tongs to retrieve dropped samples.]
134:03:54 Conrad: Remove that (Al's Hasselblad mount) handle and throw it away.
134:03:57 Bean: Okay. That's a good idea.
134:03:59 Conrad: (Get) junk out of there we don't need. (Long Pause)

134:30:23 Conrad: Here's this rock right here. Let me give the Surveyor tool (the bolt cutters) a heave.
134:30:27 Bean: Okay.
134:30:28 Conrad: We don't need it for anything, do we?
134:30:31 Bean: Houston, we don't need this Surveyor tool anymore, do we?
134:30:34 Gibson: If you've got the TV back at the LM already cut off, then there is no more need for it.
134:30:40 Bean: Okay.
134:30:40 Conrad: That LM ...That TV's...
134:30:44 Bean: Adios, tool.

135:17:06 Conrad: Beautiful job; just throw the LEC out. Okay, Houston. ETB is in with the (LM TV) camera and all the film, and so forth and so on.
135:17:16 Gibson: Roger, Pete. Copy you got the ETB in with the TV camera, close-up stereo (film magazine), and the (70 mm) film packs.
135:17:25 Bean: Okay, now, Pete, here comes the LEC, so watch out.

Cont'd

IV.12 Lunar Mission Photographs, Apollo 17, Cont'd

Apollo 17, Geology hammer in flight

Cont'd

Trash On the Moon

Dakin Hart

It's amazing what you can get away with when you're doing the impossible.

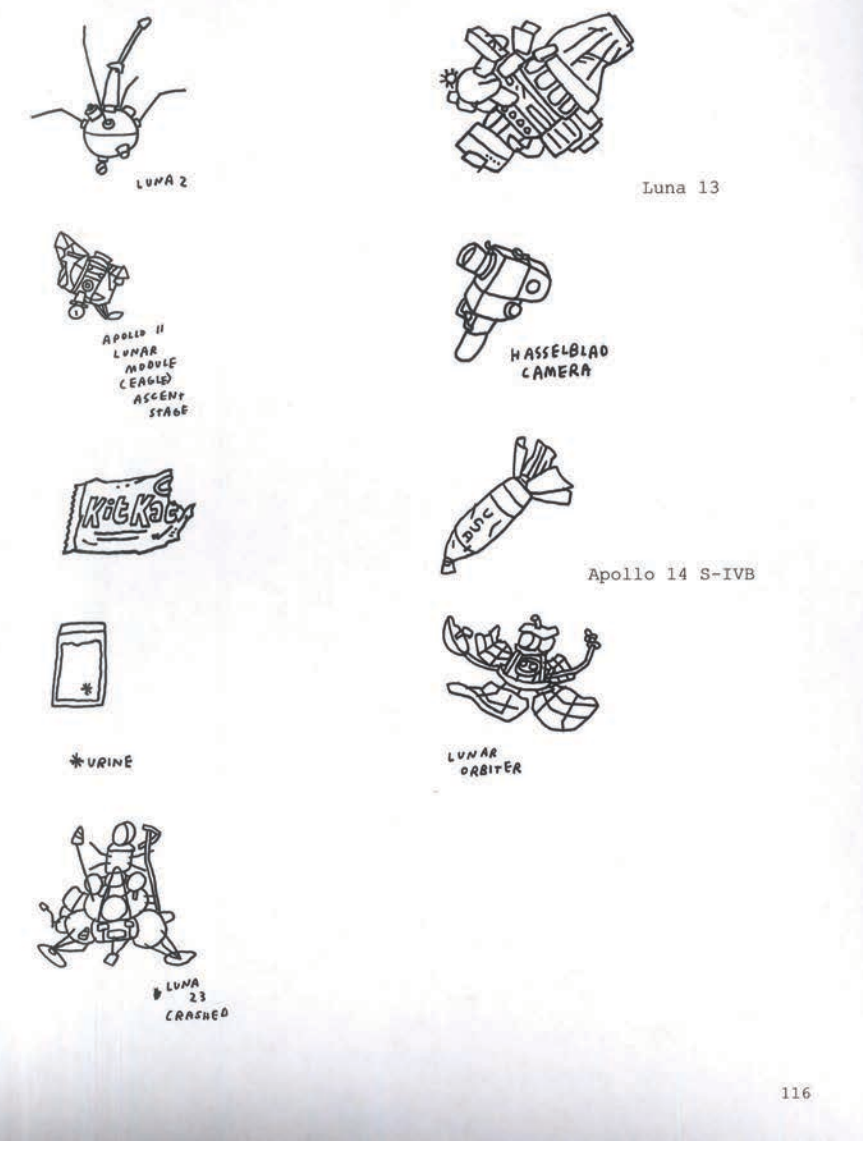
Trash on the Moon is the 100% semi-official home of humanity's on-again, off-again mission to maybe eventually do something more visionary with the moon than leave things there. The site is difficult to find online because it has no associated metadata and seems not to have paid for search engine placement. Which makes this print excerpt of particular interest. It is also sadly out of date, as it appears that whoever compiled the printed report—the scanned pages of which constitute the site—has made no attempt to keep it current.

It does not, for example, include the last two missions to the moon: the People's Republic of China's *Chang'e 2*, an orbiter launched in 2010, and *Chang'e 3*, which successfully deposited a lander on Mare Imbrium (close to the transition between the light and dark sides of the moon) in December 2013. *Chang'e's* was the first soft landing on the moon since 1976. In the not inconsiderable time it operated before joining the lunar waste heap, *Chang'e 3's* lander and rover (dubbed *Yutu,* "jade rabbit," after the moon goddess Chang'e's favorite pet) sent back some spectacular photographs from the surface. Perhaps finally dispelling the persistent conspiracy theory that the Apollo missions were conducted on a soundstage in the American desert. A feat only slightly less ennobling of humanity than the opportunity the Chinese mission offers in English to use two apostrophes in a single word. *Chang'e 3's* total beginning of operational life (BOL) mass was 3,800 kg (8,400 lb). 1,200 kg (2,600 lb) of that landed on the moon, a small contribution given the ever mounting total, now in the neighborhood of 173,000 kg (400,000 lbs). A new space race is surely close at hand. So it is comforting to know that even if humanity is not of one mind in its exploration of space, at least we share a common—one might even dare to hope unifying—commitment to its despoliation.

God's grace on everyone who collects, compiles, and shares space-related information. Including the imperfect people of NASA, who take seriously the spirit of transparency scientific inquiry requires. The drawings on the site are by Jason Polan, who retains all rights to them. The excerpts of conversations between astronauts on the surface and in orbit and mission control come from Eric M. Jones' superb Apollo Lunar Surface Journal and David Woods' equally irreplaceable Apollo Flight Journal and are used by permission. (NASA's raw transcripts are available online, but they contain significant errors. One such is the elision of the "Adios, tool!" Apollo 12 astronaut Al Bean offers as he heaves the special-purpose tool he and Pete Conrad used to dismantle Surveyor 3 across Surveyor Crater, which is missing from the official NASA transcript.) Thanks also to Tom Sachs, whose ongoing, somewhat-terrestrial Space Program is surprisingly inspirational considering its heavy reliance on plywood and bric-a-brac.

For more information visit www.trashonthemoon.com

VI. Partial Inventory of Photographically Undocumented Lunar Trash



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Cover Image:
Terence Koh, "NOW" sign from bee chapel procession, 2016.
Photograph by Tristan Hughes-Freeland

Carlo McCormick is a senior editor at *Paper* Magazine and a critic and curator based in NYC. He has written for SFAQ/NYAQ since 2011.

Alain Servais is an investment banker, entrepreneur, collector, art lover, and person who is curious about the world.

John Zarobell is Assistant Professor and Undergraduate Director of International Studies at the University of San Francisco. Formerly, he held the positions of assistant curator at the San Francisco Museum of Modern Art and associate curator at the Philadelphia Museum of Art. He is a regular contributor to *SFAQ* and the online journal *Art Practical*. He has written for numerous exhibition catalogues and has published in Art History, Nineteenth-Century Art Worldwide, and the Berkeley Review of Latin-American Studies. His first book, *Empire of Landscape*, was published in 2010 and his next, *Art and the Global Economy*, will be published by University of California Press in March 2017.

Mark Van Proyen is an artist and art critic based in northern California. His writings have appeared in *Art in America*, *Art Issues*, *CAA Reviews*, *New Art Examiner*, *Bad Subjects*, *Art Practical*, and *Square Cylinder*.

John Held, Jr. has been a staff writer with *SFAQ* since 2011. He has contributed over fifty feature articles and reviews, interviewing such notable Bay Area artists as poet Lawrence Ferlinghetti, painter Robert Bechtle and dancer Anna Halprin. His most recent book is, *Small Scale Subversion: Mail Art and Artistamps*, available from Amazon. His essay, *After Gutai: Shozo Shimamoto's Networking Art*, was recently published in the catalog for the exhibition, *Shozo Shimamoto: Avant-Garde Shock*, at the Karazawa New Art Museum, Karazawa, Japan, June-August 2016.

Anna Hygelund is head of Post-War & Contemporary Art for Paddle 8. She has worked in San Francisco, London and New York, where she is currently based. In addition to her active role in auctions and private sales, Anna has written for *SFAQ/NYAQ* since 2014.

[PROJECTS]

Leo Fitzpatrick + **Nate Lowman** are artists based in New York.

Petra Collins is an artist and curator living in NYC. Shooting since the age of 15, her images are fueled by self-discovery and contemporary femininity which explore the complex intersection of life as a young woman online and off. Collins has curated a handful of shows: *Gynolandscape* and *Pussy Pat*, New York City, NY; *Strange Magic*, Los Angeles, CA; *Literally Bye*, Art Basel, Miami, FL; and *Comforter*, SFAQ[Project]Space, San Francisco, CA. She has also given lectures at educational and art institutions such as York University and The Art Gallery of Ontario. Her work can be seen in publications including: *I.D., Dazed & Confused, NY Mag, Purple, Interview, Vice* and more. This year she released a short film series called *Making Space* about teen dancers, and has a curated book called *Babe* published by Random House out now. In April 2016 she had a solo exhibition, *24 Hour Psycho*, at Ever Gold [Projects], San Francisco.

Dakin Hart is Senior Curator at The Noguchi Museum, where he oversees the Museum's exhibitions, collections, catalogue raisonné, archives, and public programming, and has the daily good fortune of collaborating with Isamu Noguchi in absentia. His previous positions include Assistant Director at the Nasher Sculpture Center (Dallas), Artistic Director and Director of Artists in Residence at Montalvo Center for the Arts (Saratoga, CA), and Assistant to the Director of the Fine Arts Museums of San Francisco. He has worked as an independent curator and writer, was born in French Hospital at 6th and Geary, has two young children who make it difficult to sleep or concentrate, enjoys unconventional curatorial duties such as tending Tom Sach's tea garden, and once caught a disoriented sparrow by hand in the middle of a board meeting and set it free.

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at MoMA PS1

september
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Jill Magid
The Proposal

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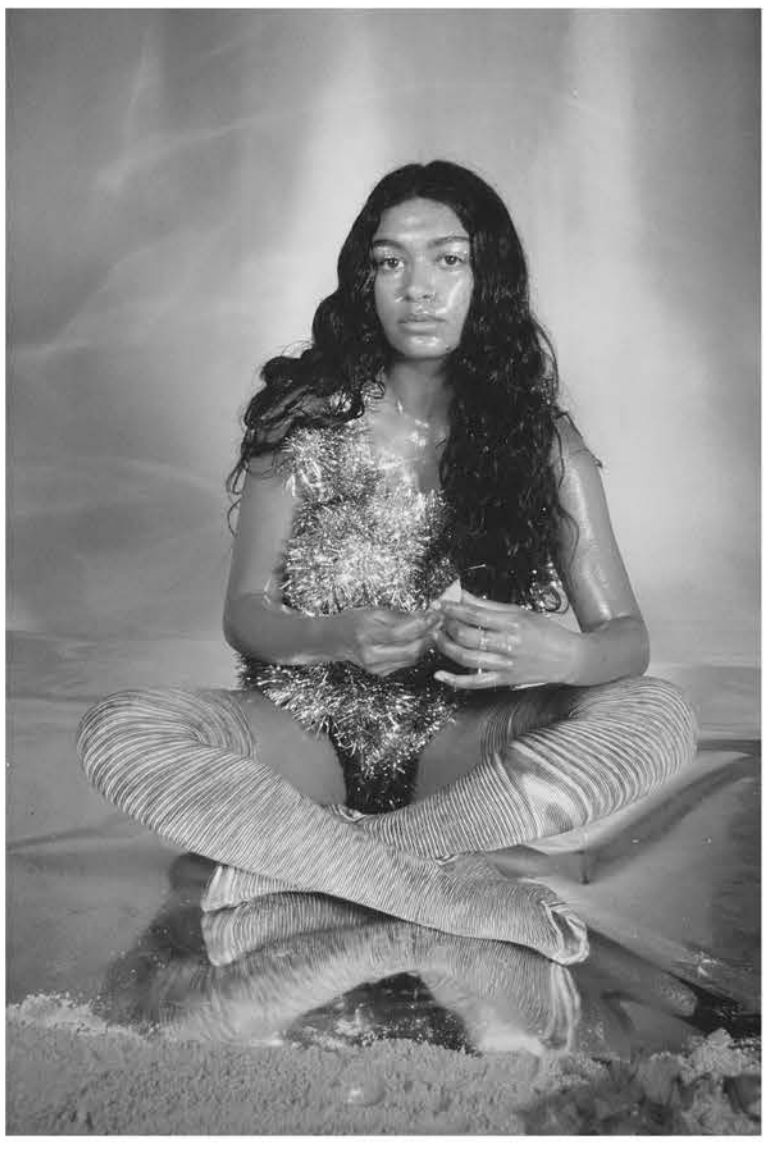
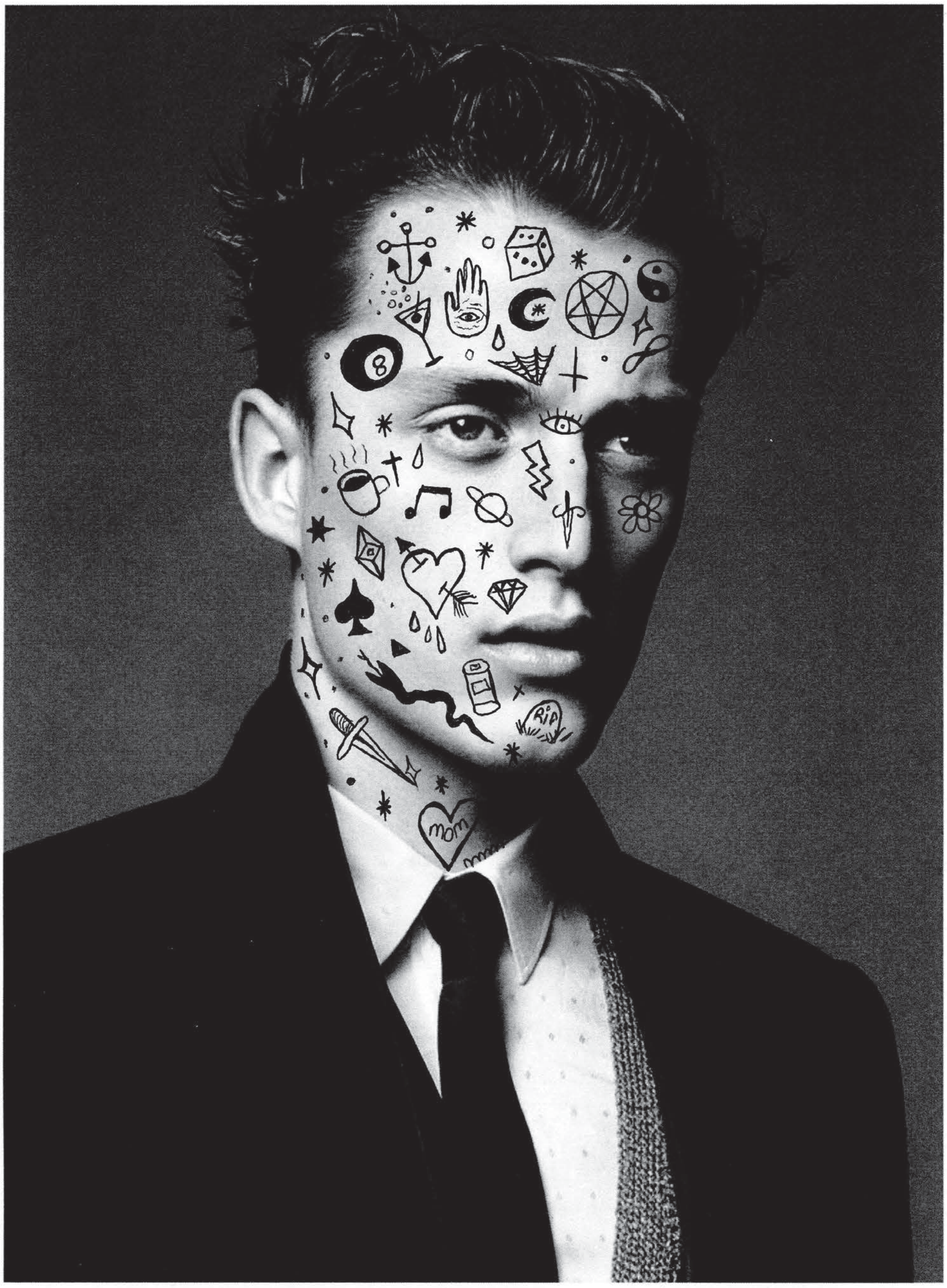
Jill Magid, *Ex-Voto: Miracle of the Diamond*, 2016
Cast tin horse, Oil painting on tin, 9.84 × 4.59 × 3.46 cm (3.87 × 1.81 × 1.36 inches)
Painted by Daniel Vilchis
Image courtesy of the artist and LABOR, Mexico City; RaebervonStenglin, Zurich; Untilthen, Paris
Photo © Diego Padilla

Petra Collins Remixes Georgia O'Keeffe for the Tate Modern
Styled by: Zara Mirkin
Set: Lauren Nikrooz





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