

Creation and Acceptance: Karen Gover's Art and Authority

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If Picasso doodled on a napkin, contemporary art lovers and critics alike would probably scrutinize it for signs of genius.



For most living artists, however, their work is not subject to the same instantaneous public analysis.

Instead, explained Philosophy faculty member Karen Gover, author of *Art and Authority: Moral Rights and Meaning in Contemporary Visual Art*, artists are normally allowed a private

moment following the act of creation, in which they choose whether or not to add a completed project to their body of work. In other words, artists do not just create artworks, but they also curate the works that enter the world under their name.

This dual-intention theory of artistic authorship—creation followed by the creator's acceptance—forms the basis for Gover's *Art and Authority*, which **was published** in February by Oxford University Press and will be available in the US and internationally on April 8.

Gover first became interested in the relationship between artistic creation and ownership when she read art critic Roberta Smith's **2007 op-ed** in *The New York Times*, in which Smith weighed in on a lawsuit between Massachusetts Museum of Contemporary Art (MASS MoCA), located approximately 20 miles from Bennington, and Swiss artist Christoph Büchel, who had walked away from an unfinished art

installation he was developing that was funded and in large measure assembled by the museum.

Despite Büchel's insistence that, under the 1990 Visual Artists Rights Act (VARA), even an incomplete artwork may not be displayed without the artist's permission, MASS MoCA sued for the right to present the incomplete artwork, located in their largest gallery, to the public.

"In the end it doesn't matter how many people toil on a work of art, or how much money is spent on it," Smith wrote in "Is It Art Yet? And Who Decides?" "The artist's freedom includes the right to say, 'This is not a work of art unless I say so.'"

Büchel's seemingly contradictory claims—that he did not want to be associated with the art, yet he asserted his right to decide whether or not it was displayed—fascinated Gover. She could not find anything in the scholarly literature that could help her untangle the competing and seemingly contradictory claims made by the artist and museum in this case. Therefore, she embarked on a path of inquiry that led her to develop a new theory of artistic authorship.

"Most theories in the philosophical literature focus on authorship simply as responsibility for creation," Gover said. "But what I found is that authorship entails two things: yes, the author is the person who made the work, but there's a second moment where the author decides whether or not they want to be associated with it. Artists wish to control what's out in the world that represents their artistry. Their reputations depend on it."

Gover was also intrigued by the real-life messiness of the case: artists' rights to their work are upheld under VAPA, but Büchel's incomplete

installation had been funded by MASS MoCA. Did the museum's financial contribution entitle it the right to display the unfinished work?

"I was curious to learn about that law and other lawsuits involving VARA. That exploration led me to larger philosophical questions of how we decide who's right or wrong in those cases and what principles are at stake," Gover said.

Gover wrote an essay on the controversy, which went on to win the John Fisher Memorial Prize from the American Society for Aesthetics. Yet Gover knew her work wasn't over. Her essay became the foundation for *Art and Aesthetics*, each chapter of which is devoted to exploring a separate controversy and teasing out the philosophical ideas within them.

"Sometimes philosophers aren't interested in looking at real-world cases because they're too messy or not speculative enough, so they come up with their own hypothetical examples instead," Gover said. But unlike some philosophers, and in true Bennington fashion, "I loved the messiness of it."

As an academic text, *Art and Authority* sits at the intersection of philosophy, journalism, and law.

"It took me a long time to find that balance in what I was doing, so I could talk about the real-world and actual lawsuits without being a lawyer, but while also being a philosopher and bringing the deeper theoretical questions to bear on real life cases," Gover said.

To this end, Gover found her Bennington colleagues to be invaluable resources. As she explored the unprecedented Mass MoCA vs. Büchel case, Gover was able to ask questions of her colleagues who had

experience in both museum and studio work. Bennington's interdisciplinary community helped Gover tease out and refine many nuances to her inquiry.

"Before I came to Bennington, I had never before been surrounded by so many professional artists who have real careers in the art world. It was transformative to be able to ask them questions about how the art world really works and what it's like to be an artist," Gover said.

Consulting with fellow faculty members allowed Gover to glean pertinent information and focus on philosophical questions that were most relevant to working artists.

Former Bennington artists also are used as case studies in several chapters. Gover cites sculptor David Smith, who lived and worked near Bennington in the early 60s and who posthumously became **involved in a controversy** when his estate executor, the art critic Clement Greenberg, stripped the primer off of several of Smith's unfinished sculptures.

Smith's case opened up questions of what rights artists retain to their artwork even after their deaths and what it means to respect the integrity of their work, even when incomplete.

"As far as I know, no one's written philosophically about the issues in that case, but I'd heard from faculty who knew people surrounding that controversy," Gover said. "It was a pleasure to get to embed that story in the book."

Even with the publication of *Art and Authority*, Gover isn't finished exploring. The legal dimensions of authorship and artistic freedom

continue to intrigue her. To deepen her own knowledge, Gover is currently enrolled in **The Art & Law Program** in Manhattan.

“Going forward, I’m sure this material is going to get incorporated into my classes. It’s provocative, it’s real, and there’s something really at stake,” Gover said.