BOOK REVIEW

ETHICS AND THE VISUAL ARTS

Elaine A. King and Gail Levin, editors
Reviewed by: Rudolph H. Weingartner

One comes to see pretty quickly, reading the nineteen chapters of *Ethics and the Visual Arts*,[1] that the visual arts and the institutions that deal with them do indeed give rise to numerous ethical issues. But before turning to those here raised, let me state briefly what I mean by that. Ethics is concerned with judgments about conduct — specifically, what is the *right* thing to do, what is *wrong*, what *ought* to be done and what conduct *ought not* to be engaged in. And central to any discussion of ethical issues are the *reasons why* doing this or that is right or wrong. Before turning to such issues in the art world, let me remark that this book is considerably stronger about declaring what is right and what is wrong — especially in complaints about perceived wrongs — than it is about giving reasons why.

Of the numerous ethical issues dealt with, some pertain specifically to the visual arts, while quite a few others have application in that realm, but are in effect instantiations there of more general principles. Let me first dispose of some in that second category. Ellen K. Levy takes up ethical issues raised by artists using "recombinant DNA . . . technology to make art. . . ." (p. 201) While I have no personal acquaintance with such art, I could not find any ethical issue in that chapter that did not pertain to the vastly more prevalent practice of biotechnology by scientists. And while Suzaan Boettger's discussions of "Earthworks' Contingencies" does raise specific issues pertaining to Robert Smithson's works of (earth)art, those pertaining to the protection of the environment hold, of course, for endlessly more non-artistic projects.

The same is true, of course, of the ethical principles that pertain to the way in which an artist's estate should be dealt with. The sad tale of the Rothko estate, with trustees serving themselves rather than the heirs, is taken up in Barbara T. Hoffman's excellent chapter — which, in effect, gives an overview of a great many of the ethical issues arising out of the

art world. The more complex story of the estate of Josephine (widow of Edward) Hopper's bequest to the Whitney is well recounted by Gail Levin, who had considerable curatorial involvement with that massive trove. The neglectful behavior of the estate's beneficiary is sufficiently puzzling that the reader can't help wondering what the Whitney might say in its defense.

Ethical practices in appraising are discussed in a chapter by Alex Rosenberg, while Stephen E. Weil takes up the issue of fair use in perhaps the best essay in the book. Moreover, Weil shows how the issues of fair use in the visual sphere differ from those in the world of language: copying a poem is very different from copying, by whatever means, a painting or sculpture, calling for different legal treatment. Further, this chapter is most sensitive to the difference between principles of law and ethical concerns, constantly working to adjudicate between the interests of (producing) artists and the interests of the (consuming) public.

Several chapters are devoted to ethical issues concerning the plundering of works of art or their confiscation and the many issues pertaining to such works' subsequent careers — especially in museums around the world — and their return, or not, to the heirs of their original owners. Chapter 7, by Nada Shahout, pertains to recent events in Iraq, where the ethical issues surely transcend the visual arts. Tom L. Freudenheim's piece is starkly "realistic," telling it like it is and eschewing ethical judgments. Ori Z. Solitis's masterful "Politics, Ethics and Memory: Nazi Art Plunder and Holocaust Art Restitution" places that complex subject into a broad historical context and piles a good deal of fascinating information into extensive endnotes.

Two papers deal with the tricky issue of restoration of works of art somehow damaged by time or vandalism. In her discussion of Smithson, Ms. Boettger deals sensitively with that issue, as well as that of creating works based on the plans — preliminary or final? — of the artist, now deceased. In a well-argued article entirely devoted to restoration, James Janowski drives toward the conclusion that "the primary aim of integral restoration is to make the damaged artwork whole, to rehabilitate its values and restore its integrity," (p. 151) where "art object" refers not only to its appearance, but its relationship to the creating artist and the society in which the work is embedded. Another chapter would be useful that takes up how this objective — here stated by me in an overly simple way — is actually realized in the conservator's studio.

Before finally turning to a cluster of issues pertaining to the conduct of museums, a word about the *Tilted Arc*, a picture of which graces the

cover of this volume. The topic of its fate — its commission, creation and erection, antagonism toward it, noisy controversy, hearing and banishment into oblivion — has given rise to at least two books and too many articles to count. The topic is here dealt with in nine short pages in the form of a 1989 speech by the *Tilted Arc*'s creator. Richard Serra is arguably the greatest living American sculptor, and he certainly has grounds for beefing, but the editors did neither him nor the case a favor by printing a piece that was doomed to be inadequate.

That brings us to the museum that is regarded — by more than one contributor to this anthology as the villain of the piece, either in tone and indirection or fairly explicitly. Joan Marter retails the many ways in which museums screw guest curators, giving the strong impression that she has experienced most of them herself. I am doubtful that her solution of making written agreements is adequate, though it will at least make everyone more conscious of the issues.

Horrible examples, especially in the first two chapters, of undue donor, art owner, or corporate influence abound, with Saatchi's and Christie's involvement in *Sensation*, the Brooklyn Museum show, taking pride of place, but the Guggenheim's Armani and motorcycle show and the Met's of Dior dresses not far behind. Some of the strictures come close to being self-evident, but by no means are others as obvious as many of the writers assume that so many ethical principles have been violated. "Art and crass are all but inseparable," writes Holland Cotter. "So it's no surprise to find an exhibition that brings together a record number of Jasper Johns's famous target paintings being bankrolled by Target. You pass the corporate bulls-eye logo, small but vivid on your way into 'Jasper Johns: An Allegory of Painting, 1955-1965' here at the National Gallery."[2] He then goes on to give the show a rave review. What conclusions for ethics are we to draw?

It is in these museum related discussions that I miss reasons most, and distinctions. After all, the Metropolitan Museum has a costume institute. Is Fortuny all right because he's dead and Dior's Karl Lagerfeld not because he's alive? A lot of sorting out yet needs to be done.

Then, there are two chapters, those by Saul Ostrow and Robert Morgan, that are apparently in English, but not in a style that is comprehensible to me. Is it me or is it the editors? — a question that leads me to a final comment. I speculate with some confidence that the people who were invited to contribute to this volume were given no further guidance, such as a statement as to just what ethical issues are; I speculate, further, that what came in was accepted without further discussion or editing.

Such *laissez faire* can only lead to a very uneven book as the one before us. *Ethics and the Visual Arts* contributes, above all, by raising all those issues within a single cover.

NOTES

[1] *Ethics and the Visual Arts*, edited by Elaine A. King and Gail Levin. (New York: Allworth Press, 2006).

[2] The *New York Times*, Feb. 2, 2007, B29.