



Universiteit
Leiden
The Netherlands

Forever Young : the reproduction of photographic artworks as a conservation strategy

Marchesi, M.

Citation

Marchesi, M. (2017, November 30). *Forever Young : the reproduction of photographic artworks as a conservation strategy*. Retrieved from <https://hdl.handle.net/1887/59473>

Version: Not Applicable (or Unknown)

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/59473>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The following handle holds various files of this Leiden University dissertation:

<http://hdl.handle.net/1887/59473>

Author: Marchesi, M.

Title: Forever Young : the reproduction of photographic artworks as a conservation strategy

Issue Date: 2017-11-30

5

Dissimilarities in the
reproduction
of *Lalalalalight* and *Xiada*
(*Girls' dorm*), Xiamen



The chapter examines the reproduction history of two photographic artworks — *Lalalalight* (1989–1990) and *Xiada (Girls' dorm), Xiamen* (2002) — by the Dutch artist Gerald Van Der Kaap (b. 1959), both of which are currently in the collection of the Stedelijk Museum Amsterdam.¹⁹⁶

The chapter is divided into two sections. The first section places Van Der Kaap's two works in the context of his early oeuvre, examines the reproduction history of the two pieces, and it applies Genette's theoretical framework of constituent and contingent properties during the comparison of the artworks' various versions. It draws particular attention to the contingent nature of the photographic materials and techniques and how this may deeply affect the reproduction process. This part of the chapter engages with the question whether the use of certain material and photographic techniques should be perceived as constituent or contingent features in Van Der Kaap's two works. In other words, to which extent photographic material and techniques play a role in Van Der Kaap's reproduction? As previously discussed, this element has also played a role during the reproduction of Baldessari's *Virtues and Vices (for Giotto)*, when the artist proposed to reprint the photographs as digital rather than analogue prints. Eventually, the worries about the use of an anachronistic technique resulted in the Van Abbemuseum rejecting Baldessari's suggestion. By contrast, in Van Der Kaap's case, the artist and the Stedelijk Museum have agreed to reproduce the two photographic artworks using different techniques and materials. This decision has a significant effect on the material and technical correspondence between the newly printed photographs and the older ones.

The second section analyses the 'afterlife' of the works and what for effect the reproduction has on the initial versions of the two photographic works and their status. As will be illustrated, the substitution of *Lalalalight* led to a 'disqualification' of the initial version, while the substitution of *Xiada (Girls' dorm), Xiamen* led to the physical destruction of the photograph. This section touches briefly upon the legislation concerning the 'moral rights' of an author and how the influence of moral rights sometimes stretches beyond the law courts.¹⁹⁷ It should be explicitly mentioned that Van Der Kaap never invoked his moral rights during the process and the reproduction of the two works proceeded in full collaboration and without any conflicts or discordance between the various parties. What is suggested here is that the underlying principles of moral rights, which acknowledge an artist's prolonged control over his or her work,

¹⁹⁶ In this dissertation, the title corresponds to the notation the artist wrote on the back of the work and it does not follow the notation used in various catalogues in which the work is named as *Lalala Light* (Imanse et al. 1992, 329; Visser 2007, 518).

even after a change in ownership, might have implicitly played a role in the acceptance — by the museum staff — of the works' disqualification, deaccession and physical elimination.

5.1 *Lalalalight* and *Xiada (Girls' dorm), Xiamen* material narrative

Lalalalight (fig. 41) is a silver dye-bleach photograph (115x300 cm) that depicts five times the same image of a blurred landscape: the upper part shows a sky that gradually turns from black to blue, white, yellow and, ultimately, to red; the lower part is an almost black surface on which blurred spots and patterns can be observed.¹⁹⁸

Xiada (Girls' dorm), Xiamen (fig. 42) is an ink-jet print (191x155.6 cm) that depicts a modern, eight-storey building with greenish doors and windows where a lot of colourful clothing is hung to dry.

Both works have been remanufactured under the direct supervision of the creating artist. A technical failure, in the case of *Lalalalight*, and a colour mismatch during the printing process in the case of *Xiada (Girls' dorm), Xiamen* were the main reasons that

¹⁹⁷ It is beyond the scope of this dissertation to analyse the various implications that scholars have given to the word 'author'. Here, the term 'author' indicates a maker of literary, artistic, and scientific works according to the denotation given by the Berne Convention for the Protection of Literary and Artistic Works. For further reference see <http://wetten.overheid.nl/BWBV0003977/1986-01-30> [accessed 18 October 2016]. As will be discussed further in the section dealing with moral rights, the American legislature only acknowledges moral rights protection with regard to visual arts and excludes literary and scientific works. In this section of the dissertation, the two terms 'author' and 'artist' are used according to the different moral rights regimes to which they belong. In other parts of the text the two terms are used interchangeably as, in this dissertation, moral rights are invoked in relation to visual arts.

¹⁹⁸ Silver dye-bleach is a process based on the selective destruction of dyes (yellow, magenta, cyan); it uses azo dyes, which are significantly more stable than the dyes used in chromogenic photographs. The dyes are also chromolytic, which means that they are preformed and incorporated into the emulsion during manufacture and they are not formed during the processing, as is the case with chromogenic ones. The name silver dye-bleach refers to the fact that the dyes that are not needed for the image are bleached away during processing: for example, in the white areas all dyes are bleached away while in the black areas there is no exposure and thus the full amount of all original dyes is maintained. The delicate manufacturing, the slow process and high costs made silver dye-bleach an expensive material generally sold to professional photographers for artistic applications and it never conquered large market segments. For further reference see Pénichon 2013, 206–220 and <http://encyclopedia.jrank.org/articles/pages/1225/Silver-Dye-Bleach-Photography.html> [accessed 13 October 2016]. During the 1960s, the firm Ciba-Geigy Corporation commercialized the silver dye-bleach technique. The process was eventually purchased by Ilford, which then changed the name to Ilfochrome. Manufacturer-specific names are Cilchrome® (1963), Cibachrome®, or Ilfochrome® (1991). This technique was commercially available between 1963 and 2000 and is often associated with incredibly stable image production (Lavédrine 2009).



Figure 41 Gerald Van Der Kaap, *Lalalalalight*, 1989–1990, Stedelijk Museum Amsterdam, first version silver-dye bleach on Forex® board, face-mounted with an acrylic sheet.

initiated the process. It should be noted that the reproduction of *Lalalalalight* and *Xiada (Girls' dorm) Xiamen* fundamentally differ for two main reasons. Firstly, Van Der Kaap decided to produce again *Xiada (Girls' dorm) Xiamen* as he considered the version acquired by the Stedelijk Museum to be a failure, as a result of printing difficulties. The artist did not attempt to reproduce an exact copy of the first photograph; on the contrary, he deliberately made an effort to avoid the accidental colour mismatch in the original. Thus, the reprinting of *Xiada (Girls' dorm) Xiamen* is different from *Lalalalalight* — as well as the other works presented in the dissertation — as it was conceived from the start as an improvement of a print that had unfortunately turned out to be an 'inferior product'. In the other cases discussed in this dissertation, the reproduction process was started with the aim of avoiding visible damage by closely matching the new versions with the previous ones. In these cases, the artists did not try to amend the new versions and, in fact, the differences between the various versions were initially caused by unforeseen contingencies. In this chapter, the term 'reproduction' will refer to the process of manufacturing a new version of *Lalalalalight*, but it will not describe the reprinting of *Xiada (Girls' dorm), Xiamen*. For this work, similar terms, such as reprinting and remaking, will be used. This difference in terminology is designed to underscore the specificity of the process and the theoretical dissimilarities that this case presents compared to the other three.

Secondly, *Xiada (Girls' dorm), Xiamen*, unlike the other works analysed in this research, was not created as a unique work, but as a limited edition of three. This implies a different conceptual approach to photography as the artist, from the outset, allowed



Figure 42 Gerald Van der Kaap, *Xiada (Girls' dorm)*, Xiamen, 2002, Stedelijk Museum Amsterdam.

the existence of three more or less 'identical' photographs. From this perspective, the photograph, owned by the Stedelijk Museum, is related to the other two prints that form the limited edition. For the purposes of this chapter, the examination of the constituent and contingent features of the work will be limited to the two photographs that entered the collection of the museum. However, attention should be drawn to the fact that, at a theoretical level, the existence of the other two photographs has important repercussions for the application of Genette's theoretical framework.

In order to achieve a full examination of the constituent and contingent features, the comparative analysis should, in principle, be extended to all existing photographs. As the analysis is based on an attentive visual examination, the comparison of an edition is, at the present time, very hard due to practical difficulties. During the course of this research, it has become clear that certain differences are so subtle that is difficult to photographically capture them and compare them without a direct assessment.¹⁹⁹ Until alternative methods are available, the visual examination should preferably occur by direct comparison of the prints. This implies that all the prints forming the edition should be gathered together. In practice, this may be hard to achieve as, generally, collecting institutions or private collectors acquire just one print for their collections and do not purchase the entire edition. This endeavour may also be constrained by limited economic and human resources as well as a possible unwillingness of the various print owners to agree to the visual examination. Prints may be geographically located in different areas and, as a result, costly art transportation may have to be arranged and paid for. Moreover, as there is no agreed limit regarding the number of prints forming a limited edition, an artist is theoretically free to print as many photographs as he or she wants during one print run.²⁰⁰ In other words, a limited edition may be formed by a great number of photographs, which makes comparative analysis even more difficult. In the case of *Xiada (Girls' dorm)*, Xiamen despite my efforts in this direction I was not able to gain access to the other two prints forming the edition.

Lalalalight and *Xiada (Girls' dorm)*, Xiamen display many elements that reoccur in other works by Van Der Kaap, such as the manipulative properties of photography, the

¹⁹⁹ In the near future, it may technologically be possible to capture features such as texture, glossiness, shifts in colour, image, and dimension as scientific research has started to investigate the possibilities of computer-based classification of textures and images (Johnson et al. 2014; Van Noord and Postma 2017). This kind of technology is still in an experimental phase and is not yet accessible. It should not be forgotten that the process involves creating high-resolution images and significant processing capacity is required in order to analyse and compare the prints within an edition.

²⁰⁰ It should be remarked that in order to ensure a higher economic value for photographic prints and for multiple autographic works in general, from the outset artists limit the number of copies produced during a print run or a cast. A limited edition is thus a self-imposed restriction or a limitation dictated by the demands of the art market. The size of an edition has a direct influence on the economic value of each print and, as a result of this convention, smaller editions have higher market value than bigger ones. For contemporary fine art photographs the size of a limited edition is generally between two and twenty prints, in addition to the artist's proof prints. It is outside the scope of this dissertation to examine the notions of 'unique', 'limited edition' and the mechanisms that regulate the commodification and circulation of artworks. It may suffice to say that to preserve their function as luxury goods, art photography and other multipliable art need to be difficult to acquire and scarce. The art market, by defining the moment and persons involved in the printing and multiplication process, and by giving each variable a different value, sustains this difficulty and shortage. For further general reference see Appadurai 1986; Benhamou and Ginsburgh 2006; Kopytoff 1986.

use of elaborate titles, and the use of silver dye-bleach as one of the artist's preferred photographic techniques. Three early Van Der Kaap works are presented here to better contextualize the artist's approach to photography.

Three early photographic works by Van Der Kaap

Van Der Kaap may be regarded as an eclectic artist whose artistic production reflects very well his wide-ranging interests. In his career, he made photographs, video, installations and composed music; he was one of the first Dutch artists who worked with computers and became a well-known vee-jay, under the name of 00-Kaap.²⁰¹ At the beginning of the 1980s, he issued art magazines and he made productions for the illegal TV station *Rabotnik TV* (Visser 2007).

Between the years 1978–1980, Van Der Kaap studied photography at the St. Joost Art School in Breda, the Netherlands. At that time, the training at the academy had a traditional understanding of what photography should be and it mainly trained students in the making of 'reportage' and 'studio' photographs. This interpretation did not meet Van Der Kaap's expectations, as he was interested in making independent 'art' using photography. The divergent interests, together with the teacher's advice, meant that Van Der Kaap decided to prematurely quit the training at the academy (Haveman 1986; Van der Kaap 1997). Van Der Kaap's education might possibly have influenced the way the artist dealt with the reproduction of his works. As will become clear regarding the reproduction of *Lalalalight*, Van Der Kaap possessed a large technical understanding of photographic techniques and he was very aware of the technical and aesthetic differences between photographic processes: a silver dye-bleach photograph with its own specific features is fundamentally different from a chromogenic print.

It is important to keep in mind that Van Der Kaap has a different background than the other two artists discussed in this dissertation: Baldessari and Dibbets started their careers as painters and, only later, turned to photography as a medium for their artistic and conceptual experimentations.²⁰² Van Der Kaap, instead, began the other way round: he started with photography and later broadened his artistic range to include other media.

²⁰¹ Some of Van Der Kaap's filmed performances as vee-jay can be viewed online on the artist's personal youtube channel <https://www.youtube.com/user/GeraldVanDerKaap> [accessed 03 May 2016]. For further reference on Van Der Kaap as a vee-jay see Turco 2010.

²⁰² Baldessari received his bachelor degree in Art Education at the San Diego State College in 1953 and his master's degree in Painting at Berkeley University in 1957, while Dibbets was trained in 1959–1963 as a drawing teacher at the Tilburg Academy and in 1961–1963 he studied painting at the Design Academy Eindhoven (Baldessari and Knight 1992; Verhagen 2007).

His career began with the project *Fronto – Laudes Fumi et Pulveris* (1980–1981) when he, together with the Dutch photographer Martin Thomas (b. 1956), travelled through various European gardens. The title of this work refers to the Roman orator Marcus Cornelius Fronto (ca. 100–ca. 165) and his small treatise *Laudes Fumi et Pulveris* — which is translated in English as the *Praise of Smoke and Dust*.²⁰³ In Fronto's epistolary treatise, smoke and dust are presented as divinities worthy of admiration even if the majority of the readers would despise them. Similarly, some readers may not appreciate writings that are solely meant to give pleasure and amusement. But despite the levity for Fronto, these texts should, stylistically, be treated as if they were grand and important: stories of gods and heroes should be included, together with high-sounding proverbs, verses, and other sophisticated inventions (Clarke and Berry 1996, 132). In the inversion of the paradoxical eulogy, Fronto — by praising the smoke and the dust — criticized the futility and the lack of ideals of the culture of his own time (Perutelli, Paduano, and Rossi, 2010). He denounced how the content or rhetoric of a literary text had lost any importance; the only thing that mattered was the elegant shape and the conquest of the audience. Rhetoric is not meant to convince but to please; it has become the art of the elegant expression and lost touch with the everyday world. Literary style or form becomes a means to distract readers rather than draw attention to the writing's content.

Van Der Kaap's work *Fronto – Laudes Fumi et Pulveris* comprises twenty silver dye-bleach prints and all the photographs zoom in on unsightly corners and the trash left behind by the visitors of gardens and parks. The glossy prints, showing debris and other insignificant details, are, however, displayed in refined mounts. The professional photographic prints and the elegant mounts are in direct contrast with the subjects of the images. It is thanks to the work's learned title that the underlying theme reveals itself. The allusion to Fronto's paradoxical eulogy calls attention to the fact that form may distract viewers from the content: the ordinariness of the subject is opposed to the sleekness of the presentation; through the elegance and glossiness of the photographic images, viewers may forget the banality of the subject they are looking at (Haveman 1986, 1988; Visser 1996).

One of the works forming this series is *Schönbrunn* (1981), now in the collection of the CODA Museum in Apeldoorn, the Netherlands (fig 43). The photograph depicts a close-up of coloured electric wires in front of wooden branches. The print is placed in a window-mat with a painted leather pattern. Two lines from Karl Kraus' (1874–1936)

²⁰³ Parts of the treaty have been lost and today only the first part is known. The original Latin text may be retrieved at <http://latin.packhum.org/loc/1248/9/0#0> [accessed 11 October 2016].

play *Die letzten Tage der Menschheit* (1922) — which is translated in English as *The Last Days of Mankind* — are quoted on two sides of the mat.²⁰⁴ There is no apparent connection with the quotes and the photograph in the middle. The title refers at the same time to the first word of the quoted line as well as to the place where the picture was taken, namely, the gardens of the Schönbrunn Palace in Vienna.



Figure 43 Gerald Van Der Kaap, *Schönbrunn*, 1981, CODA, Apeldoorn, colour photograph — presumably a silver dye-bleach, window-mat, and paint.

²⁰⁴ The quote on the left side of the mat comes from act 4, scene 31 of the play and it reads: "*Schönbrunn Arbeitszimmer. Der Kaiser sitzt vor dem Schreibtisch und schläft. Ihm zur Seite steht je eine Kammerdiener*". The English translation reads: "*Schönbrunn office. The emperor sits at the desk and sleeps. There is a valet at his side*". The quote on the right side comes from act 4, scene 48 and it reads: "*3000 meter hoch. Vier Jahre, Gott, Gott, wazu das alles. Helene, ach wo bist du*". The English translation reads: "*3000 meters high. Four years, God, God why all this. Helene, oh where are you?*" (Both translations are by the author).

The *Fronto – Laudes Fumi et Pulveris* project marks the beginning of a working practice that Van Der Kaap would adopt in subsequent years. At first sight, the photographic images may look straightforward and univocal — like *Schönbrunn's* electric wires — but the combination of suggestive titles and the artworks' presentation are generally hints disclosing the works' underlying themes. On other occasions, however, the titles seem to raise more questions than give answers.

One of Van Der Kaap's persistent interests is photography's faculty to transform and manipulate reality into something different without thereby claiming to be genuine (Visser 2007, 516). Van Der Kaap played with the ability of the camera to give objects, materials and textures a seductive and 'beautiful' appearance, either by framing or by adding or removing visual elements thanks to digital photo manipulation (Ibid.). The fascination for constructed, pleasant images may also have played a role in Van Der Kaap's recurrent choice for silver dye-bleach as one of his preferred processes. This technique, which is renowned for its excellent image stability, has striking colour saturation and colour purity, outstanding image sharpness, and distinct glossy surface. As will be discussed later in this text, Van Der Kaap's main reason for using silver dye-bleach was dictated by preservation concerns, but the artist was also well aware of the aesthetic qualities of this process, with its sleek and 'exclusive' look.

In this regard, Van Der Kaap's choice for silver dye-bleach — an expensive and difficult technique to process, mostly used by professional photographers — is in direct contrast with the down-to-earth photography used by conceptual artists in the 1960s and 1970s, such as Dibbets and Baldessari, and more in line with the development of art photography in the 1980s. In this period, artists started to produce large, colourful and expensively framed works (Soutter 2013, 4).

The autobiographic piece *The artist at the age of 7* (1985) in the collection of the Stedelijk Museum is an example of Van Der Kaap's manipulative practice of assembling different visual elements to create a new image (Fig. 44).

The rectangular work is formed by three elements: a shining gold-like border of around ten centimetres that runs along the edges; diagonal green, blue, and red lines against a black background; and almost in the centre, a superimposed black-and-white portrait of a child dressed as a knight, standing on a staircase and holding a toy sword in one of his hands. The effect of a round light beam separates the portrait from the rest of the composition. For this work, the artist combined an old photograph of himself as a child with a detail from one of his first computer pieces.²⁰⁵ About the making of the piece, the artist stated:



Figure 44 Gerald Van Der Kaap, *The Artist at the Age of 7*, 1985, Stedelijk Museum Amsterdam, silver dye-bleach on aluminium and face-mounted with acrylic.

²⁰⁵ Van Der Kaap reused the same image to create a similar work titled *Untitled, 'Self-portrait as a small boy'* (1985). This work, however, is smaller in size 50x40 cm while the SMA piece is 145.5x120.5 cm, it does not have a gold border along the edges, it comes in an edition of four, and it is printed as a chromogenic photograph.

This is me in my Ivanhoe dress that tries to improve the world and fights against the computer lines. This is actually a detail from one of my first computer works I ever made. A kind of zero work and I then took detail from it and I photographed it.²⁰⁶

The Artist at the Age of 7 depicts Van Der Kaap's self-portrait as a child with a made-up computerized background; the resulting constructed image is located at the boundaries of a fictional and a non-fictional reality. Van Der Kaap has regularly played with the ambiguity of the photographic medium: on the one hand, photography is considered as a transcription due to its indexical claim; on the other hand, it is regarded as a construction capable of shaping or manipulating facts and events, even if these are grounded in reality.

Photography's capacity to 'fool' viewers about what they are actually looking at is the subject of *Lalalala Emile* (1988–1989), now in the collection of the Groninger Museum, Groningen (fig. 45).

Lalalala Emile (120 x 306 cm) is a silver dye-bleach print that portrays, at the centre, various landscapes: desert, mountain and grassland. A black background surrounds the five scenes. The images apparently depict living, unspoiled environments in distant countries, but, in reality, they portrayed simulated biotopes on view at the American Museum of Natural History in New York. These are details from the museum's dioramas and, as a result of their de-contextualization, they give the impression that they are shot in actual natural landscapes. The artist wanted to give the impression of a living nature while he, in reality, was photographing dead, fully man-made landscapes made of artificial vegetation.²⁰⁷

The title may be considered as the key to interpret this work: the name Emile refers to Jean-Jacques Rousseau's (1712–1778) book *Émile ou De l'éducation* (1762). In his pedagogic novel, Rousseau considered the relation with nature to be beneficial for a child's education rather than as one constrained by social and cultural obligations.

²⁰⁶ In 2012, Dutch director Jan Eilander directed a documentary about Van Der Kaap for the series *Hollandse Meester in the 21e eeuw*, (*Dutch Masters of the 21st century*). The series shows contemporary Dutch artists seen through the eyes of renowned filmmakers. For further reference on the documentary series see <http://hollandsemeesters.info/page/home> [accessed 09 June 2016]. The recording has been extensively consulted for this dissertation; excerpts have been translated into English and quoted in the text. The Dutch transcriptions can be found in the footnotes, they are referred to as Van Der Kaap communication in Eilander's documentary, and the position of the segments are specified in minutes. The documentary is accessible online <http://hollandsemeesters.info/posts/show/7954> [accessed 29 April 2016].

Van Der Kaap line in Eilander's filmed documentary, 2:12–2:41: "Dat ben ik in mijn Ivanhoe pak, die de wereld probeert te verbeteren en een gevecht aangaat met de computer lijnen. Dit is weer een detail van een van de allerste computer werken die ik ooit heb gemaakt. Een soort nul werk en dan heb ik toen details van gemaakt, gefotografeerd."



Figure 45 Gerald Van Der Kaap, *Lalalala Emile*, 1988–1989, Groninger Museum, silver dye-bleach on aluminium and face-mounted with acrylic.

The 'natural education' should be conducted outdoors, in the middle of nature, as the environment strengthens the child's body and soul. This type of education develops the child's physical senses and these will be the most important tools for his future acquisition of knowledge.²⁰⁸ By alluding to Rousseau's book, Van Der Kaap may have wanted to comment on the problematic relationship humankind has with nature. Dioramas are often viewed as an educational tool for children to understand the natural world, enabling contact with an environment that they may never experience directly (Dale Tunnicliffe and Scheersoij 2009, 2).²⁰⁹

²⁰⁷ It is interesting to note that the series 'Dioramas' (1976–2012) by Hiroshi Sugimoto (b. 1948) presents a similar theme to Van Der Kaap's *Lalalala Emile*. By 1974, Sugimoto had become fascinated by the dioramas of the American Museum of Natural History in New York and started to photograph them. By focusing the camera on individual dioramas, by excluding educational materials, and by ensuring that no reflections enter the image, Sugimoto is able to 'fool' the viewer, as it looks like the subjects are photographed in their natural habitats. About this series the artist has said: "However fake the subject, once photographed, it is as good as real" for further reference see <http://www.sugimotohiroshi.com/diorama.html>. Sugimoto's ideas about this series can also be found on a small documentary see <https://www.youtube.com/watch?v=q9GiyPbLYPg> [both accessed 31 March 2017].

²⁰⁸ It is beyond the scope of this study to analyse Rousseau's book *Émile*. For further references see Meld Shell 2001, 272–301; Parry 2001, 247–271.

²⁰⁹ In 1989, Van Der Kaap participated in the exhibition '*Tristes Tropique/Taboo. A last salute to dying nature.*' The title of the show referred directly to Claude Lévi-Strauss' book, *Tristes Tropiques* (1955), and the silent film *Tabu* (1931) directed by Frederich Wilhelm Murnau (1888–1931), but indirectly to Jean Baudrillard's book *Amérique* (1986), which linked it back to Lévi-Strauss, and responding to Jean Jacques Rousseau's *Émile*. Baudrillard was one of the organizers of the show together with the artist Günther Förg (1952–2013), the art historian Paul Groot, the artist Peter Klashorst (b. 1957) and Gerald Van Der Kaap (Groot 1989).

Van Der Kaap regards *Lalalala Emile* as a forerunner of *Lalalalight*.²¹⁰ In fact, the two works show thematic and formal similarities: both depict landscapes, they have similar dimensions and they use the same photographic techniques and materials.

Lalalalight

Lalalalight is the re-working of an image that Van Der Kaap took from an airplane window and it depicts five times the image of a city's skyline at dusk (fig. 41). From a technical viewpoint, Van Der Kaap shot the image on a 35 mm negative, he then inserted the small format negative into a professional camera known as a 'Forox® camera'; he supposedly exposed the negative five times into a large format positive film.²¹¹ The resulting positive was subsequently projected, through a horizontal enlarger, onto silver dye-bleach paper.²¹² By repeating the same image, Van Der Kaap manipulated an existing landscape and created a rhythmic, sequenced image that does not have a direct correlation with the everyday world. *Lalalalight* becomes a construction made up by the photographer in his studio.

Regarding the technical and material aspects of the photographic print, the artist has declared that his choice for a silver dye-bleach imaging system was primarily determined by its superior dye stability. Silver dye-bleach colours would, in the long term, remain more stable and they would neither discolour, nor fade as quickly as the dyes present in chromogenic prints. Van Der Kaap selected this material primarily due to his concerns for the longevity of his works; thus, preservation issues dictated the choice of this technique, rather than pressing aesthetic reasons. However, the artist was very aware of the influence that Cibachrome® paper would have on the work's overall look and dimensions. According to the artist back in the 1990s, a width of 125 cm was the largest size available for silver dye-bleach paper; thus, this technical constraint greatly affected the work's overall appearance. Moreover, in comparison to chromogenic prints, Cibachrome® had a different image contrast and harsher colours

²¹⁰ In March 2013, Van Der Kaap was interviewed for documentary purposes by the museum staff about the reproduction of *Lalalalight* and *Xiada (Girls' dorm)*, Xiamen. This interview was filmed and the digital files are kept in the archive of the Stedelijk Museum, which is restrained by author's law regulations. For this dissertation, I made extensive use of the artist interview which is referred in the notes as 'Van Der Kaap artist interview, SMA'.

²¹¹ Van Der Kaap artist interview, SMA.

Forox® is the brand name of a so-called animation or rostrum camera, a specially designed camera used mainly in television production and filmmaking, to animate a still picture or object. A picture of a Forox® camera can be retrieved from <http://www.glennview.com/copy.htm> [accessed 05 May 2016].

²¹² Silver dye-bleach is a direct positive process, meaning that the prints are made by exposing a positive colour transparency, whereas most photographic processes are printed from negatives. For further reference on enlarger's technology see Rose 2007.

and these elements had an effect on the image's rendition.²¹³

At first, the name *Lalalalight* sounds like a tongue twister and it apparently refers only to the sunset light repeated five times in the photographic image.²¹⁴ However, the reference Vienna, Wenen, Wien (fig. 46) written by Van Der Kaap on the back of the work hints at the 'taking moment' of the image. The artist took the image in 1989 when he was flying over Vienna.²¹⁵ The artist was flying back to the Netherlands having participated in the conference *The New Concept* held at Graz, Austria. In his presentation, Van Der Kaap declared his intention to take a journey around the world for as long as possible. The artist described this journey in the catalogue *Gerald Van Der Kaap: Hover, a Manual*:

As an ironical Odyssey [this will be] through the financial centres of the world, in order to photographically capture them as a monument, as a summit that each culture, even ours, deserves. A monument, grand and compelling, and at the same time a caricature of itself (Van Der Kaap in Mignot, Beeren, and Van der Kaap 1991, 31).²¹⁶

In this light, the written inscription on the back of the work, 'Vienna, Wenen, Wien' may be regarded as an example of 'authorized narrative'. By mentioning the geographic location where the 'taking moment' took place, Van Der Kaap was able to introduce the ideas associated with the creative production. As an 'authorized narrative', the message on the back of *Lalalalight* is not an independent discourse, but it is associated with Van Der Kaap's creative process. The artist considered this information so significant for the interpretation of the work that he decided to write down the reference on the back of *Lalalalight*'s second version as well.

²¹³ The artist stated that he used the type Cibachrome® II deluxe as he did for *Lalalala Emile*. This type of technology was introduced in the 1980s and this system was an improvement in the rendering of most colours, especially blues, purples, yellows, browns and greens. For further reference on this type of photographic support and the general silver dye-bleach technology see Schellenberg 2007. Specifically on Cibachrome® II see <http://graphicsatlas.org/identification/#variations> [accessed 22 October 2016].

²¹⁴ About the title *Lalalalight*, no exact reference could be found in the literature or in written interviews with the artist. In my opinion, the repetition of the syllable 'la' forms a rhythmic sequence that may refer to the repetition of the same landscape's image, while 'light' may indicate the light present at the dusk.

²¹⁵ Van Der Kaap artist interview, SMA. No reference could be found in the literature and written artist's interviews to the inscription 'Radical Freestyle'.

²¹⁶ "Een ironische Odyssee (zal zijn) langs de financiële centra van de wereld, om deze in fotografische beelden vast te leggen, als een monument, een hoogtepunt, zoals elke cultuur, ook de onze, dat verdient. Een monument, groots en meeslepend, en op hetzelfde moment een karikatuur van zichzelf" (translation from Dutch to English is by the author).

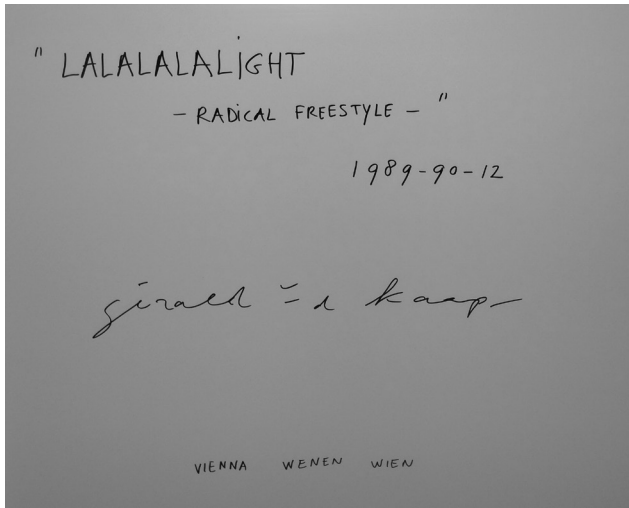


Figure 46 Back of *Lalalalalight* second version with the autograph title, date, signature and reference to Vienna.

Lalalalalight and its conservation history

In 1990, the Stedelijk Museum acquired *Lalalalalight* and — according to an internal memo made during the purchase process — the work entered the museum's collection in good condition with no damage mentioned other than minor scratches on the face-mounting. In 2005, during the exhibition 'Insight – Contemporary Dutch Photography from the Stedelijk Museum Amsterdam' held at The Art Institute of Chicago, Van Der Kaap discovered, to his great disappointment, that *Lalalalalight* was showing grey stains along the edges. Somewhere between 1990 and 2005, the acrylic face-mounting had started to detach, causing grey areas along the borders (fig. 47 and 48).

For Van Der Kaap, this damage was extremely disturbing and, in his eyes, it prevented the correct reading of the artwork: *Lalalalalight* was meant to look like a serene landscape. The pristine state embodied the impression of serenity, while a damaged one profoundly compromised the work's message and as far as the artist was concerned, the blemished piece should not be put on display in the museum's galleries.²¹⁷ It quickly became clear that the technical failure could not be resolved or mitigated by any kind of treatment and the only possible approach — in order

²¹⁷ Van Der Kaap artist interview, SMA.

to reinstate a faultless condition — was to reproduce the work. In the fall of 2011, the museum agreed to the artist's offer to reproduce the work under his own direct supervision.

Van Der Kaap proposed to reprint the image as closely as possible to the first photograph, to stick to the original dimensions of the work, and to respect the overall 'look and feel' of the 1990 version, in particular in terms of matching the colours. He also declared that he had given a lot of thought to the design of *Lalalalight's* frame: a frame that leaves the photograph 'free', that does not cover the image, but — at the same time — it gives enough thickness to the object. For the artist, it is the combination of these two elements (photograph and the frame) that creates the artwork. For this reason, the second version had to have the same type of frame, made by the same frame-maker as in 1990.²¹⁸ During the reproduction process, Van Der Kaap deliberately made an effort to maintain the pristine condition, dimensions, colours, low-contrast



Figure 47 Detail of the damage along the left border of the first version of *Lalalalight*.



Figure 48 Detail of the damage along the upper border of the first version of *Lalalalight*.

image and framing. In this light, all these elements may be regarded as constituent properties of the artwork.

Nonetheless, the artist considered the use of certain materials as a provisional aspect of the work: other photographic techniques and materials could therefore substitute the initial ones. Van Der Kaap claimed that preservation issues rather than aesthetic concerns had primarily determined the choice for the silver dye-bleach technology back in the 1990s. Likewise, the back-mounting on Forex® and the way the face-mounting was applied to the photograph's recto played no essential role in this work.²¹⁹ The artist did not impart a special significance to these materials and, in this light, they may be categorized as contingent features of the work.

The contingency of the silver dye-bleach technique was not immediately evident and it only became clear during the reproduction process. At the beginning, the artist made an effort to find a photo lab that still used this technique. The silver dye-bleach imaging system, which had enjoyed success among professional photographers through the 1990s, had lost ground to digital photography and became increasingly uncommon in the 2000s. In fact, in 2011, the manufacturer discontinued its production and Van Der Kaap had great difficulties in finding a photo lab that still worked with the silver dye-bleach process and that could guarantee a technical high standard.²²⁰ Due to the technical failure in the first version, Van Der Kaap deliberately chose Grieger, in Düsseldorf, Germany, because of its reputation as one of the best photo labs worldwide and his previous experience in 2002 with the reprinting of *Xiada (Girls' dorm)*, Xiamen.²²¹ Grieger, however, could not provide the techniques and materials Van Der Kaap had used at the end of the 1990s. After consultation, the museum staff and the artist agreed to reprint the second version of *Lalalalight* with different technologies and materials than those used for the first version. The initial silver-dye bleach was replaced with a chromogenic colour print, the backboard Forex® became Dibond® and the face-mounting at the front was applied according to the Diasec®

²¹⁸ On the website of the art gallery Torch in Amsterdam, the captions of Van Der Kaap's later works mention this type of frame as 'Kaaframe'. This reinforces the idea of how the frame is an essential element to the work. <http://www.torchgallery.com/gerald-van-der-kaap/moi-non-i-camille-reading-black-.html?scroll=0> [accessed 10 May 2016].

²¹⁹ Forex® is the brand name for a rigid plastic sheet made of PVC produced by manufacturer 3A. It has a fine closed-cell structure and its surface has a smooth matt finish. For further reference see <http://www.display.3acomposites.com/en/products/forex/characteristics.html> [accessed 03 December 2015].

²²⁰ For more reference on the discontinuation of silver dye-bleach materials see Pénichon 2013, 222.

²²¹ Renowned photographers such as Andreas Gursky (b. 1955) and Thomas Struth (b. 1954) have also worked with Grieger. For further reference see <http://www.grieger-online.de/en/home/> [accessed 05 May 2016].

procedure.²²² Because of these modifications, the two *Lalalalight* prints have, from a technical and material point of view, little in common.

At the beginning of the process, it was established that the reproduction would occur in various steps. In the first step, Van der Kaap would compare the positive transparency and a colour contact proof employed for the printing of the first version of *Lalalalight*. These two elements together with the work itself would enable the artist to recalculate the enlargement that had been followed in the printing process of the first version. The second stage would be the scanning of the positive transparency into a digital file. The third phase would be the printing and the finishing of the new photograph at the Grieger photo lab. The artist would oversee the printing and the face-mounting, and he would control and approve the colour matching between the contact proof and the new photograph. The last phase would be the framing of the second version in the Netherlands by the same frame-maker that made the frame for the first photograph.

As the reproduction progressed, Van Der Kaap realized that he would need the direct assessment of the existing version of *Lalalalight* during the printing, in order to reproduce the work as closely as possible. In fact, it became clear that, in 1990, Van Der Kaap had made a range of artistic choices during the printing process that were not fixed in the positive or recorded otherwise: *Lalalalight*'s image turned out to be smaller than the image captured on the positive and the five repeating landscapes had varying widths. The widths of the repeated images are not constant and, on closer examination, it is possible to detect a difference in the position of the black 'bumps' in the city's skylines, as shown by the red arrows in figure 49. According to the artist, these variations were handmade during the exposure moment and therefore not recorded in the positive.

²²² Dibond® is a brand name for an aluminium composite panel produced by manufacturer 3A and it is formed by a polyethylene core sandwiched between two cover layers of 0.3 mm aluminium. Dibond® is lightweight and versatile, it possesses high dimensional stability and a flat and even surface. Worldwide, Dibond® had been extensively used for the mounting of photographic prints. For further reference see <http://www.display.3acomposites.com/index.html> [accessed 03 December 2015]. Diasec® is a patented process used for face mounting photographs. It is the first system that allowed photographs to be bonded directly and permanently to acrylic sheets. Because of the different light penetration and refraction of acrylic glass compared to normal glass, the colours are more brilliant and the image sharper when compared to standard glass in a picture frame. Heinz Sovilla-Bruhrt invented the process in 1969. Since the 1980s, Diasec® has become extremely popular among photographers because this method allows photographs to be hung in galleries and museums alongside other large works of art. For further reference see Mustardo 2016; Pénichon and Jürgens 2005; specifically on the preservation issues of this material see Wei 2008; for the aesthetic implications and the development in art photography see Soutter 2013; for general manufacturing information see <http://diasec.com/what-s-diasec> [accessed 01 May 2016].

Because of these 'variables' and the specificity of the colours, it became clear that it would not be possible to achieve a satisfactory reproduction if the second version was only compared to the small contact proof of the first version. In order to achieve a more accurate correspondence, the museum agreed to send the first version to Düsseldorf. The artist supervised the staff of Grieger during the reproduction of *Lalalalight*, which was printed on Kodak® Professional Endura Premier Paper then, as planned, it received a secondary support and was face-mounted.²²³ The work was framed back in the Netherlands.

This account provides important insights into the difficulties encountered and how these contingencies influenced the whole process. What also becomes clear in this case is that a close correspondence is not attainable without comparison to the first version. In the Baldessari case, it was the impossibility of a comparison that caused a discrepancy in the tonalities of the black-and-white photographs as well as a modification in the enlargements of the second version. These two differences were the main reasons for the curator of the Van Abbemuseum to reject the second version of *Virtues and Vices (for Giotto)* as a genuine substitution of the initial photographs. At first, Van Der Kaap also believed in the possibility of reproducing his work without comparison to the first version, relying solely on the matching of the contact proof. He soon recognized the complexity of the undertaking, however, and the need for a close assessment of both versions during the making of the second photograph. This understanding may



Figure 49 Detail of *Lalalalight* shows the different widths of the landscapes, by indicating the changing position of the recognizable details in the city's skyline.

²²³ For further reference on the photographic paper see <http://www.kodak.com/global/en/professional/products/papers/enduraPremier/enduraPremierMain.jhtml?pq-path=2301207> [accessed 05 May 2016].

have important consequences for the reproduction process of photographic works in general. On the one hand, if a close correspondence between the versions is deemed a constituent element, then the preservation of the initial version is paramount for their reproduction. On the other hand, the care and maintenance costs of the initial versions might become a serious issue from a preservation management perspective. To keep more versions of the same artwork might have a significant impact on the available space of cold or cool storage, reducing the possibility of other artworks to be kept in an optimal preservation environment. Moreover, due to the high-energy consumption of these repositories, concerns might rise about the environmental sustainability of this kind of preservation strategy.²²⁴

Another important insight that became apparent during *Lalalalalight's* reproduction is that a photographic technique has its own specific material and image qualities. In the work under study, the conversion from silver dye-bleach to chromogenic technology affected the appearance of the work, in particular the image's sharpness and colour intensity. By reproducing the photograph as a chromogenic print, Van Der Kaap had to make an effort to mimic the appearance of the first version by dimming the image resolution and the vibrancy of the colours. Firstly, he looked for a compromise between the vagueness of the city's outline, which in the first version is barely recognizable, and the higher contrast of the image in the chromogenic variant, which discloses more detail in the positive. Secondly, he tried to find a balance by reducing the colours' intensity. Despite his efforts, Van Der Kaap decided to embrace the technological developments of the chromogenic process and, in the end, he accepted an increased resolution. This resulted in greater details being apparent in certain areas and higher colour intensity of the image.²²⁵ As will be argued at the end of this chapter, these deliberate changes may have played a role in the artist's decision to keep the first version for future reference. Van Der Kaap's awareness about the colour instability of chromogenic photographs perhaps made him realize that the existence of a third version in the future could not be excluded. Moreover, due to its superior colour stability, the silver dye-bleach version may, in the long run, function better as a reference, as it is less prone to colour fading.

The autograph dating on the back of the second version (fig. 46) may give important clues to how the artist regards this version. At first sight, the writing '1989-90-12' may

²²⁴ For further reference on sustainable environment management for the preservation of photographic cultural heritage see <http://www.ipisustainability.org/> [accessed 03 June 2016].

²²⁵ Van Der Kaap artist interview, SMA.

look rather enigmatic, but it actually refers to the years in which Van Der Kaap worked on the piece: 1989 refers to the 'taking moment' of the image, 90 to the 'making moment' of the photographic work, and 12 entails 2012 and denotes the year in which the second version was made and, in this sense, the second 'making moment'. He regarded the second version not as a bare copy, but as an original expression of a work with an 'extended history' because of the artistic choices he made during the reproduction process.

To summarize, the constituents of *Lalalalalight* are the image's content, the work's dimensions, the frame, the use of the face-mounting as a finishing technique, the presence of a secondary support on the back of the work, the inscriptions on the back indicating the geographical reference of the taking moment as well as the dating of the taking and making moments of the work. The contingent features are the use of silver dye bleach as a printing technique, the materials used for the face-mounting at the front and the secondary support on the back as well as the image's low contrast.

To conclude, the reproduction of this work may raise other fundamental questions from an art historical and a conservation perspective. From an art historical viewpoint, Van Der Kaap used the silver dye-bleach technique as his preferred photographic technique for many years. Several works — like *Fronto – Laudes Fumi et Pulveris* series, *The artist at the age of 7*, *Lalalala Emile* — were printed as Cibachrome® prints. The reproduction of *Lalalalalight* with another technique might interrupt the continuity and the reciprocal relationship that these works have with each other. From a conservation perspective, the initial positive remains the property of the artist. Van Der Kaap contemplates, however, the possibility of bestowing the *Lalalalalight* positive as a 'promised gift' to the Stedelijk Museum. This, together with a written certificate should enable the museum to, if necessary, reproduce the work after the artist's death. For this reason, Van Der Kaap has also documented the entire reproduction process; he gathered all the technical information necessary to reprint a new version. He believes that this is a better option than putting a faded or damaged work on display.

This raises questions about the status of this potential third version if it should occur without the direct supervision of the artist. Would a third version also become a constituent element in the extended history of *Lalalalalight*, as is the case with the second version? Or would this future version remain an 'ordinary' copy, a replica that documents the work? As with all future speculations, it is very difficult to give an answer. A provisional observation, from my own perspective: multiple photographic autographic works like the works under study may be considered as 'plural' photographic works. Plural photographic works are those works that contemplate more than one version during the artist's lifetime, made under his or her direct supervision, and in direct comparison to previous versions. In this way, it is possible to recognize the material

differences and the artistic choices that artists have acknowledged as part of the reproduction process. Depending on the genesis, versions made without the direct supervision of the creating artist might not be part of the plural work or they may maintain a looser kinship with extant versions.

Plurality is not free from practical and conceptual difficulties and the proposed features — made during the artist's lifetime, under his or her direct supervision and with the direct comparison of the previous versions — are by no means univocal and, in some instances, they might raise fundamental questions about the various versions of a plural work. Unclear circumstances may arise as, for example, in cases of senility when one may wonder to what extent the artist's direct supervision is a guarantee that the artist's ideas are communicated in the new version; or artists may, on some occasions, disavow their works or deliberately antedate or postdate their creations. All these situations might influence and complicate the relationship between the various versions and they could even have a negative effect on the practice of an artwork's authentication. Despite these reservations, it is my opinion that the notion of plural work helps to acknowledge the existence of various versions with their specific material differences and artistic choices moving forward from the traditional taxonomy of vintage print, lifetime print and posthumous print.

Xiada (Girls' dorm), Xiamen

Xiada (Girls' dorm), Xiamen is one of the works Van Der Kaap made during a three-month artist-in-residency in 2002 at the campus of the Xiamen University, at Xiamen, China. In the catalogue *Passing the information* (2002), he described the Xiada campus, in these terms:

Twenty thousand students and they all live on the campus. A whole city district populated by young people only. [...] Dormitories everywhere. The student sleep, eight of them in bunks beds in small rooms. [...] In the girls' dorm the lights are switched off at 11 pm and you have to be in by midnight. After that the gates are closed. BTW: The gates of the boys' dorm don't close (Van Der Kaap 2002, 5).

As a result of his stay at Xiamen and the artist's fascination for the architecture of the campus, Van Der Kaap made a photographic series portraying the same girls' dormitory building. This image, which forms the basis of *Xiada (Girls' dorm), Xiamen* (2002), shows a modern, eight-storey building with greenish doors and windows. On the left side of the picture, the building continues but only a small portion is visible. Each floor has a long balcony where a lot of colourful clothing is hung to dry. Only three girls are pictured on the balconies: one girl is reading on the sixth floor and the

other two are walking on the first floor (fig. 42). The photograph is more complex than it appears.

At first sight, the picture might look like a documentation of the dormitory as well as a record of the girls' daily life inside and around the building. But the impression of accurate reporting is only a façade, as the reading girl on the sixth floor was added to the image through digital manipulation.²²⁶ In fact, this alteration can be regarded as being in line with Van Der Kaap's conceptual approach toward photography as a medium that manipulates and constructs reality: the reading girl apparently belongs to what the viewer may consider a daily-life scene, but she is actually an 'artistic addition'. Van Der Kaap's artistic practice is based on the manipulation of reality through photography, be it analogue, digital photography or a combination of the two. In 1991, the artist gave an indication of his working procedures:

Photographs are actually samples of reality. The reality is zero. So I start from the reality. From zero. I then [...] scan the photos. [...] I make the stencils, I do shading, I smear, I wash, and finally I check for zits. [...] Due to the high resolution [of the negative or positive] there is no trace of intervention. [...] The perfect illusion. Everyone still has the feeling they are looking at a photograph. At a sample. But that sample is manipulated. It is beyond the reality (Van Der Kaap in Mignot, Beeren, and Van der Kaap 1991, 36).²²⁷

It is safe to assume that Van Der Kaap strove to a similar artistic result with *Xiada (Girls' dorm)*, Xiamen, in which the small detail of the reading girl confuses the distinction between a scene taken from real life and a constructed fictional reality. This work as well as others made during the visit at Xiamen are "situated in the grey zone between reality and fiction" (Vanderbeeken 2002, 1).

²²⁶ Van Der Kaap artist interview, SMA. Initially, Van Der Kaap took the image with an analogue camera, he scanned the analogue negative and, by turning it into a digital file, he was able to digitally rework the image by adding the girl. It is outside the scope of this dissertation to examine digital manipulation and its implication for the notion of indexicality in photography. For further reference see Rosen 2001, especially 301–350.

²²⁷ Translation from Dutch to English is by the author: "*Foto's zijn eigenlijk samples van de werkelijkheid. De werkelijkheid is nul. Ik begin dus vanaf de werkelijkheid. Vanaf nul. Ik scan de foto's [...] vervolgens in. [...] Ik maak dan stencils, ik doe shading, ik smear, ik wash en tenslotte controleer ik op zits. [...] Vanwege de hoge resolutie [van het negatief of van het positief] is geen enkel ingreep terug te vinden. [...] De perfecte illusie. Iedereen heeft het gevoel nog steeds naar een foto te kijken. Naar een sample. Maar die sample is gemanipuleerd. Het is voorbij de realiteit.*"

Xiada (Girls' dorm), Xiamen and its conservation history

In 2002, the Stedelijk Museum approached Van Der Kaap to acquire one of the three prints forming the limited edition of *Xiada (Girls' dorm), Xiamen*. The artist had already sold numbers one and two and he had still to print number three, so he went to his usual photo lab to print the photograph as a silver dye-bleach print but the lab could no longer provide him with this technique.²²⁸ The photograph could be printed as an inkjet and, despite some hesitation, the artist agreed to print number three of *Xiada (Girls' dorm), Xiamen* edition as an inkjet and this exemplar entered the museum's collection.

After a short period on display in an exhibition, Van Der Kaap acknowledged his great disappointment at the fact that all the colours of this inkjet looked too green. On his own initiative, the artist decided to fix this mismatch and to print the photograph again, this time at the renowned photo lab Grieger in Germany. The second version was not printed as an inkjet, but as a chromogenic photograph and it was offered as a replacement to the museum.

In 2013, Van Der Kaap declared the futility of preserving the 'wrong' print of *Xiada (Girls' dorm), Xiamen*. By comparing the two prints, he stated: "You see there is a great difference. [The second print] is suddenly fresh again. You can simply enjoy looking at all [the details]. The girl still reads a book. Exactly the same photograph."²²⁹ On 19 March 2013, the first version of *Xiada (Girls' dorm), Xiamen* was cut into pieces by the staff of the museum in the presence of the artist and myself.²³⁰ All the pieces, except two parts kept for research purposes, were put into a container and disposed of (fig. 50, 51 and 52).

From this account, it is possible to distil what the artist considered the constituent and contingent features of this work. The constituent properties that were kept in the reprinting process were the photographic image, the work's overall dimensions and the work's presentation (framing, secondary support and face-mounting). These features did not undergo changes and the artist made an effort to preserve them in the second version. The contingent elements were the greenish colour, which was perceived by

²²⁸ The artwork was purchased as part of the Amsterdam 2001–2002 Municipal Art Purchases – in Dutch known as the Gemeenteelijke Kunstaankopen – and it was displayed in the exhibition 'Life in a glass house' held in the period between 05 October 2002 and 16 February 2003 at the Stedelijk Museum Amsterdam. For further reference on the exhibition see Janssen, Sassen, and Boonman 2002; and <http://www.stedelijk.nl/en/exhibitions/life-in-a-glass-house> [accessed 07 May 2016].

²²⁹ Van Der Kaap communication in Eilander's documentary, 07:13–07:25 minutes: "... zie je wel het een heel verschil. Ineens is het weer fris. Je kan gewoon lekker naar alles kijken. Het meisje leest nog steeds een boek. Precies dezelfde foto."

²³⁰ For the occasion a written agreement was stipulated, which regulated the substitution of the two photographs and the destruction of the old, damaged print.



Figure 50 Gerald Van Der Kaap, *Xiada (Girls' dorm)*, Xiamen, 2002, Stedelijk Museum Amsterdam, first version waiting to be destroyed with a red sign with the Dutch words *ter vernietiging*, which in English means 'for destruction'.

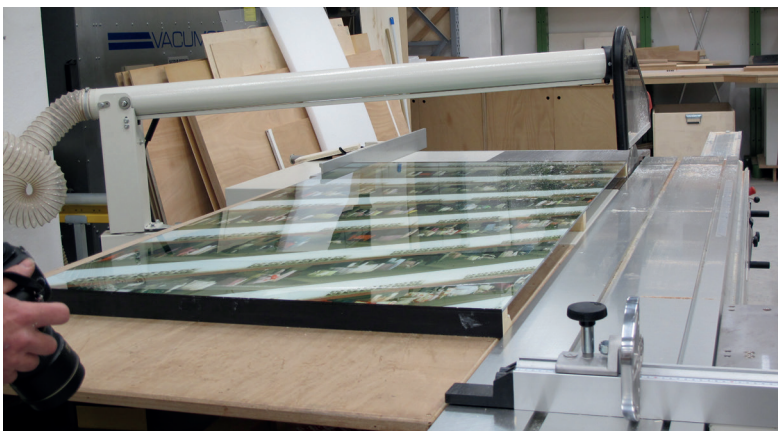


Figure 51 *Xiada (Girls' dorm)*, Xiamen in the process of being cut.



Figure 52 The cut pieces of the first version of *Xiada (Girls' dorm)*, Xiamen placed in a container.

Van Der Kaap as 'wrong', and the technique that changed from inkjet to chromogenic. The greenish shade covering the image induced the process of reprinting and the artist made an effort to substitute it with a tonality more in accordance with his artistic intentions. The initial choice of inkjet rather than the habitual technique was caused by a contingent event: the discontinuation of the silver dye-bleach process at the photo lab that Van Der Kaap regularly used for the printing of his works. The decision to use chromogenic was also supported by contingency, namely the availability of the materials and the know-how at another photo lab.²³¹

This event — similar to the discontinuation of the silver dye-bleach technology in *Lalalalight's* reproduction — underlines the dependency that artists and photographers have on the availability of materials and techniques. As in other fields, photography is deeply influenced by technological changes as well as by the demands of the market. Many artists and other professionals experience the disappearance of analogue technology to the advantage of digital technology as a great loss for the

²³¹ In this regard, the contingency of the inkjet is limited only to this print and it does not concern the other two prints of the limited edition.

imaging culture. The obsolescence of materials and technology is an aspect of great concern and discussion in other areas of conservation, for example in time-based media and film conservation.²³² If reproduction of photographic of the works: at each work's reiteration the initial contingent properties would be substituted by other contingent properties. Reproduction or reprinting as in the case with *Xiada (Girls' dorm)*, Xiamen may also open up the possibility for artists to retroactively introduce 'improvements' or adjust their works when they are not satisfied with the results.

To summarize, the constituent features of *Xiada (Girls' dorm)*, Xiamen are the image's content, the work's overall dimensions, the frame, the presence of face-mounting as a finishing technique and the presence of a secondary support on the back of the work. The contingent features are the use of an inkjet as a printing technology, the materials used for the face-mounting at the front and for the secondary support on the back, and the greenish cast spread on the photographic image.

Differences and similarities between Lalalalight and Xiada (Girls' dorm), Xiamen

The differences and the similarities in the reproduction or reprinting processes will be briefly reviewed in this section. The aim of this close reading is to flesh out the diversities that may have led Van Der Kaap to take such a different approach towards the works' first versions: preservation as a reference to the damaged, un-displayable photograph in the case of *Lalalalight*, and the destruction of the first version by cutting it to pieces in the case of *Xiada (Girls' dorm)*, Xiamen.

In terms of the similarities, the most significant correlation is the fact that the same artist made the two photographic artworks and initiated the remanufacturing processes: either on his own initiative with *Xiada (Girls' dorm)*, Xiamen or in close collaboration with the museum staff of the Stedelijk Museum for *Lalalalight*. In both cases, the artist was directly involved in the supervision of the process and he acknowledged the successful outcome and substitution between the versions, emblematically represented by the artist signing the second version of *Xiada (Girls' dorm)*, Xiamen in the documentary '*Hollandse Meesters in de 21ste eeuw*'.²³³ Moreover, both second versions were printed with a different technique than the one used for the first version.

In terms of the dissimilarities, four elements can be distinguished: the temporal gap between the two processes; the status of the artworks; the nature and extent of

²³² For example, in filmmaking, the action group Savefilm regards the disappearance of analogue film as a great loss for the imaging moving culture and pleads for the preservation of this technology. The group has also started a petition calling on UNESCO to protect and safeguard the medium, the knowledge and the practice of filmmaking, and the protection of film print. For further reference see <http://www.savefilm.org/> [accessed 17 October 2016].

the damage; and the intention of the processes. Regarding the time span: Van Der Kaap printed and reprinted *Xiada (Girls' dorm), Xiamen* after a short period while he reproduced *Lalalalalight* twenty-one years after the first printing. In terms of the artistic status of the two works: *Lalalalalight* was initially created as a unique work, whereas, from the outset, *Xiada (Girls' dorm), Xiamen* was printed as a multiple in a limited edition of three photographs. With *Lalalalalight* Van Der Kaap decided, at the beginning, not to exploit the possibility of multiplicity inherent to the photographic medium and preferred to produce just one print, and — only after discernible damage — did the artist decide to use the option of reprinting as a way of reinstating the pristine condition of the work. By contrast, with *Xiada (Girls' dorm), Xiamen*, right from the start the artist exploited photography's ability to produce multiple prints, albeit limited to three photographs. This implies a different use of photography and its capacity as a multipliable medium.

Another important distinction between the two cases is the extent and nature of the damage. Both instances of damage may be regarded as a technical failure. In *Lalalalalight*, the face-mounting was not applied properly to the photograph and, as a result of this defect, years later the acrylic finishing layer started to locally detach itself from the photographic surface. This detaching process created disturbing grey areas along the edges. In *Xiada (Girls' dorm), Xiamen*, the use of inkjet printing was dictated by production constraints and it did not meet the artist's expectations as the work had a greenish cast covering the entire image. About the greenish hue of the first version, Van Der Kaap stated: "It looks just like a faded old photograph whereas, in fact, it is not."²³⁴ Indeed, the artist was dissatisfied right from the start with the printing result. Moreover, in the case of *Lalalalalight*, the technical failure does not compromise the reading of the complete work, while in *Xiada (Girls' dorm), Xiamen* the printing fault does affect the entire photographic image.

Consequently, the differences in nature and extent of the damage in the two works had important repercussions for the way the remanufacturing process was started by the artist. In *Lalalalalight*, the aim of the process was to reprint and to remake the work as close as possible to the initial version, whereas in *Xiada (Girls' dorm), Xiamen*, the target of the process was to amend an initial, unforeseen technical printing problem. In the latter case, the second version intentionally avoids any resemblance to the Stedelijk Museum's initial version and it is conceptually linked to the appearance of the other photographs forming the edition.

²³³ Minutes 07:35–08.09.

²³⁴ Van Der Kaap communication in Eilander's filmed documentary, 08:19–08:21: "Het lijkt het net zo een verkleurde oude foto terwijl dat eigenlijk dat het niet is."

In my opinion, three aspects played a distinctive role in Van Der Kaap's wish to keep the first version of *Lalalalalight* as a reference and his request to physically destroy the first version of *Xiada (Girls' dorm), Xiamen*: namely, the temporal gap, the nature of the damage, and the contingent use of ink-jet printing technology. Firstly, the artist seemed more inclined to acknowledge the importance of *Lalalalalight*'s initial print as an embodiment of his artistic intentions, belonging to another moment in his life and career. Secondly, the hiatus in time may also have played a role, as the artwork might become a 'testimony' to a previous time, whereas the second version of *Xiada (Girls' dorm), Xiamen* was printed shortly after the first version. In this instance, there is almost no temporal interruption and the artist perceived the first printing as a technical failure. Thirdly, the nature and the extent of the damage in *Lalalalalight*'s first version is only partial, making it theoretically possible to use it as a future reference. The colourfastness of the Cibachrome® print might give a better rendition of what *Lalalalalight* should look like if the second chromogenic print faded. On the contrary, the damage to *Xiada (Girls' dorm), Xiamen* comprises the whole work, making it 'useless' as a future indication and therefore it was disposed of according to the deaccession guidelines of the museum. Moreover, the other two prints that form the limited edition of three may serve better as a reference than a print the artist considered right from the start as unsatisfactory and disappointing.

To summarize, the similarities between the remanufacturing process of *Lalalalalight* and *Xiada (Girls' dorm), Xiamen* are: in both instances, the artist initiated and supervised the process, he acknowledged the successful outcome by signing the two new versions and, in both cases, a different photographic process substituted the initial imaging system. The differences are: the contingency of inkjet technology for the printing of *Xiada (Girls' dorm), Xiamen*; the temporal gap between the two remanufacturing processes; the status of the artworks — *Lalalalalight* was initially created as a unique work while *Xiada (Girls' dorm), Xiamen* was part of a limited edition of three; the nature of the damage — a mechanical damage in the case of *Lalalalalight*, a mismatch in colour balance for *Xiada (Girls' dorm), Xiamen*; the extent of the damage — limited to the edges in the case of *Lalalalalight*, extended to the entire work in the case of *Xiada (Girls' dorm), Xiamen*; and the aim of the remanufacturing — in the case of *Lalalalalight*, to remain as close possible to the initial version while in *Xiada (Girls' dorm), Xiamen* it intentionally avoids any resemblance to the initial version present in the Stedelijk Museum and it ideally tries to relate to the two other existing photographs that form the limited edition.

One may wonder if the reprinting of *Xiada (Girls' dorm), Xiamen* involved the same mechanism of substitution as occurred in the other three works under study, or

whether the reprinting should be actually regarded as a 'revision' of the edition. The reprinting of the third photograph of the editioned work *Xiada (Girls' dorm), Xiamen* is triggered by a different impulse than in the other three cases; that is to say, it does not substitute a damaged work, but rather replaces a 'failed piece' that was printed in a certain way by accident.²³⁵ By reprinting a new, correct photograph, Van Der Kaap revised or improved the edition and, at the same time, obliterated the faulty version. The different rationale behind the remanufacturing of the two new photographic works may also explain why the first version of *Lalalalight* had to be preserved and the 'wrong print' of *Xiada (Girls' dorm), Xiamen* had to be disposed of, as will be further examined in the second part of the chapter.

5.2 Moral rights, intentional destruction, and disqualification

The following sections draw attention to the artist's decision regarding the preservation of *Lalalalight* as a reference in the museum's repository and the physical elimination of *Xiada (Girls' dorm), Xiamen*. It should be recalled that two opposite positions took place more or less simultaneously. The reproduction process of *Lalalalight* started in the fall of 2011 and it was concluded in the course of 2012, while the obliteration of *Xiada (Girls' dorm), Xiamen* occurred in 2012. Van Der Kaap's different courses of action will be examined from a theoretical perspective, analysing the notions of 'moral rights' and 'disqualification', as a mechanism initiated by the artist to demote a work of art into a reference work, or even into non-art.

Moral rights

There is only room to touch upon the much-theorized and discussed notion of 'moral rights' in this dissertation. Moral rights are based on the assumption that a work of art is regarded as something more than just a material, tangible object. The assignment to artists as the authors of these special, non-monetary moral rights is based on the belief that creative labour is categorically different from other forms of labour. The distinction is said to reside in the intimate relationship between the author's personality and his or her creative work (Merryman, Elsen, and Urice 2007, 422). Moral rights have their

²³⁵ In his book, Genette analyses this impulse, the aim of which is to correct or improve literary texts. According to the author, "an artist always has the right, and, doubtless, the obligation, to revise his work as long as it does not satisfy him, or whenever it no longer satisfies him" (Genette 1997a, 187).

origins in civil law and they are meant to protect the spiritual and personal rights of the author, whereas the author's economic rights are protected in the law concerning copyright.²³⁶ Moral rights stem from the belief that an author, during the process of creation, introduces his or her personality into the work and thus "the author's own personality is bound up in the work" (Gerstenblith 2004, 191).

Moral rights together with copyright defend in first instance the rights of the author and not those of the owner of the artwork or those of society at large. The Dutch law defines an author as the creator of a work of literature, science or art, and author's rights are bundled in the so-called author's law, as will be discussed.²³⁷ The rights of the owner are secured in property laws while the public interest is safeguarded in the international and national legislation that deals with the protection and preservation of cultural heritage.²³⁸ There are occasions when the interests of the various stakeholders do not necessarily coincide and legal conflicts may arise as the owner has the right to use or 'abuse' his or her property, but the author retains certain rights over his or her work even after a change of ownership, and society in general might want to preserve the integrity of cultural heritage even if this goes against the interests of the owner or those of the author.

Around the end of the eighteenth century, the principles of moral rights started to circulate in Europe: France, Germany and the United Kingdom began to recognize, albeit in an embryonic form, author's rights. But it is in the course of the nineteenth century that the protection of individual rights of authorship became a compelling argument. The Romantic ideals had deeply influenced the way society looked upon art and the way it was produced. Creation was no longer perceived as the result of divine inspiration or the diligent mastery of the rules, but rather it was the artist, with his or her tormented inner life, who became the ultimate source for the making of a work of art. In Romantic eyes, authors and artists had become extraordinarily gifted individuals, outsiders that lived at the borders of bourgeois culture, whose creations

²³⁶ Copyright regulations were generally considered in relation to the invention of book printing; however these rights or privileges were normally very short and given to the printers and publishers rather than the author of the book. The British Statute of Queen Anne of 1710 was the first regulation in the Western world to give protection to the author instead of the publishers. For further reference on Renaissance privileges see Stapleton 2002, 31–82; for reference on the difference between copyright and moral rights see Gerstenblith 2004, 85–115.

²³⁷ Attention should be drawn to the fact that in the United States moral rights are confined to visual arts and do not apply to literary works.

²³⁸ The Dutch law for the protection of movable, tangible cultural heritage is called the *Wet tot behoud van het cultuurbezit*, for the original law text see <http://wetten.overheid.nl/BWBR0003659/2015-08-27> [accessed 17 May 2016]. For further reference for general international legislation on cultural heritage see Garrard 2013, specifically on Dutch legislation see Lubina 2009.

had to be protected from the crass realities of society.²³⁹ Romanticism became a new lens through which moral rights have been viewed ever since and these ideals still have a long-standing influence on the way moral rights are interpreted (Sundara Rajan 2011, 111).

By 1928, moral rights were formally enacted into law by the insertion of Article 6bis into the Berne Convention for the Protection of Literary and Artistic Work (1886).²⁴⁰ Today, 168 countries worldwide have subscribed to the Berne Convention, which is considered the most important agreement on copyright and moral rights matters. However, its protective scope varies greatly with the context and the historical period as nation states may interpret differently what moral rights are, they may give precedence to other interests or laws, and they may give a different degree of protection to movable, unmovable, tangible or intangible works. The ratification of the convention at a national level varied per country: in 1886, only ten states had subscribed, many countries joined decades later — the Netherlands became a member in 1912 — or even a century later as was the case with the United States, which only acknowledged the convention in 1989 and a year later issued its national legislation known as the Visual Artists Right Act (VARA), as an amendment to the copyright law in force.²⁴¹

Moral rights are composite and formed by several rights: the 'right of integrity' asserts that the work should be respected in its integrity and allows the author to prevent any deformation or mutilation of the work if these changes are derogatory to the author's reputation; the 'right of attribution' — formerly also known as the 'right of paternity' — gives the author the right to claim or disclaim authorship of a work; the 'right of disclosure' is the right of authors to publish or divulge the work, but they also have the right, under certain circumstances, to withhold the work's divulgence by

²³⁹ For further reference on the role of Romantic ideas on moral rights see Hansmann and Santilli 1997; Lorimer 1996; Merryman, Elsen, and Urice 2007, 421–441; Sundara Rajan 2011, 31–110; Tipton 2009.

²⁴⁰ In the 1886 version of the Berne Convention, moral rights protection may be found at an embryonic stage. It is only with Article 6bis of the Rome Act that the subscribing countries formally recognized moral rights. For further reference on the history development of moral rights as a doctrine see Sundara Rajan 2011; for the history of moral rights in the Netherlands see Kabel and Quaedvlieg 2012.

²⁴¹ In 1886, the ten countries that ratified the Berne Convention were: Belgium, France, Germany, Haiti, Italy, Liberia, Spain, Switzerland, Tunisia and the United Kingdom. For a general review of the differences on moral rights between the countries that follow the civil law system and the countries that follow the common law system see Hansmann and Santilli 1997; Merryman Elsen, and Urice 2007, 421–441; specifically on the historical and philosophical origins of moral rights in France and Germany see Kwall 2010. For specific differences between the American VARA and the moral rights regarding conservation issues see Beunen 2005; Garfinkle et al. 1997; Wharton 2006. For a critical examination of moral rights see Rigamonti 2006.

others; the 'right to withdrawal' gives to the author the right to withdraw under certain circumstances the work from its current owner on payment of an indemnity; the 'right of modification' gives the author the right to modify under certain circumstances his or her creation; and 'the right of resale' gives the author and his or her hereditary successors the right to receive a share of the profits on the second and subsequent sale of the work if an art market professional is the involved in the transaction.²⁴² As noted, moral rights should theoretically protect the personal interests of the author and be wholly separate from the economic interests of the author. However, the right of resale does have an economic consideration to its basis as the author receives a royalty on any resale of the work (Hope Kuruvilla 2016, 61). It should be noted that the non-economic interests of the author often clash with the economic interests of third parties and therefore disagreements easily arise (Kabel and Quaedvlieg 2012, 310). According to Sundara Rajan, the non-economic ideas informing moral rights rest on the misconception that arts and artists should be "utterly removed from the crass realities of money"; but, in reality the exercise of moral rights may have wide-ranging economic consequences (Sundara Rajan 2011, 41).

The extent of recognition of moral rights as a means to protect the interests of authors and artists varies greatly in various legal systems, but, generally, the right of integrity and the right of attribution are protected in nearly every jurisdiction. Some systems recognize all moral rights — the French system extends the greatest protection by admitting, under certain circumstances, the right of withdrawal, the right of modification and the resale right; other systems acknowledge only a part of the rights. The Dutch legal system recognizes the right of integrity, the right of attribution, the right of modification and, since 2012, the right of resale. The American legislature interprets moral rights in a very narrow way by protecting only visual artists and granting them only the right of attribution and the right of integrity.²⁴³

In the Dutch legal system, moral rights are an integral part of the so-called Author's law — in Dutch, *Auteurswet* — and this protects the creators or author of literary works, works of art and scientific works.²⁴⁴ In this system, the 'author's rights' are automatically established at the moment of the work's creation, therefore no formal request is needed in order to obtain authorial rights to the work. The Dutch author law follows the French law system on *droit d'auteur* and it distinguishes between, on the one hand, the economic rights of the author — the so-called *auteursrecht* or *exploitatie rechten*

²⁴² As moral rights have their origins in France, scholars often use the French terminology: *droit de publication* for the right of disclosure, *droit de repentir* for the right of modification, *droit au respect* for the right of integrity, *droit à la paternité* for the right of attribution, and *droit de suite* for the right of resale.

based on the French *droits patrimoniaux* — and on the other hand, the moral rights of the author — in Dutch *morele rechten* or *persoonlijkheidsrechten* based on the *droits moreaux*.²⁴⁵

The author's right or copyright regulates the right to divulgate the work, for example by disseminating through mass media, and the right to reproduce or multiply, for example by publishing the work. Except for certain specific circumstances listed in the law, prior permission from the author is needed in order to use the image, to distribute the work's content or to multiply it. For this dissertation, it is interesting to note that one of the exceptions listed in the law is the use of reproduction as a conservation strategy. Article 16n of the Author's law states that libraries, archives and museums have the right to reproduce work in their collections if the reproduction is done with the sole purpose of preservation and with no economic or commercial intentions. Reproduction is also admitted when there is a threat that the work could be lost or when the work is made with technology that could become obsolete in the future. Thus, in these cases, the Dutch law acknowledges reproduction as a mean to preserve a work and gives public institutions the right to reproduce a work without prior authorization of the author.

According to the law, an author retains copyright on a creative work for his or her entire life unless he or she decides to sell or transfer these rights to someone else. After the author's death, copyrights are still legally binding for another seventy years. Copyrights are thus alienable as the author has the possibility to give these rights away.

Moral rights protect the personal rights of the author. These are unalienable whilst the author is alive and they cannot be transferred, even when the author has granted his or her author's rights to someone else.²⁴⁶ According to Dutch law, at the moment

²⁴³ Moral rights in the United States covers only limited categories of visual artworks: paintings, sculptures, drawings, prints and still photographs produced for exhibition. Within this group, only single copies or signed and numbered limited editions of 200 or less are actually protected. All the other type of artistic creations such as posters, maps, globes or charts, applied art, motion pictures, books and other publications are excluded by VARA protection.

²⁴⁴ For the original text of the law see <http://wetten.overheid.nl/BWBR0001886/2015-07-01> [accessed 13 May 2016]. For an explanation of the law and its implementation in the Netherlands from a museum perspective see Beunen 2006. In the Netherlands, Neighbouring rights or *Naburig recht* protects the rights of performing artists, music and film producers.

²⁴⁵ The Dutch system follows the French 'dualist' system that perceives moral rights and economic rights as two distinct types of rights. Continental Europe and specifically Germany has suggested that these two rights are two sides of the same coin and therefore inseparable both in theory and in practice. This interpretation of moral rights is known as 'monism'. For further reference on the differences of the two systems see Sundara Rajan 2011.

²⁴⁶ According to article 25 (3), an author can renounce to the right of attribution and the right of modification, whereas the right of integrity cannot be waived.

of the author's death the moral rights are not automatically transferred to his or her legal heirs. To do so requires a will in which the author designates a specific person or institution that may exercise those rights after his or her passing away.²⁴⁷

In order to enjoy the protection of the author's law, the work needs to be captured by or under the authority of the author into a tangible medium of expression. The recording should be sufficiently stable to be perceived, reproduced or communicated for a period that is more than transitory. In this regard, the Dutch author's law also protects oral communications as they have been communicated to an audience (Spoor, Kerkade, and Visser 2005, 61). On the other hand, the author's law does not protect ideas or concepts, as these are not captured in a tangible form. Moreover, the author's law protects the creative work embodied in the tangible work and not the tangible work as such. In other words, the law does not safeguard, for example, the marble block forming a statue, but it primarily protects the artistic creation embodied in the statue. In order to underscore this distinction between the creation and the physical object, the two elements are sometimes labelled as *corpus mysticum* and *corpus mechanicum*. The two elements are dissociable, as the *corpus mysticum* can exist without the presence of the physical embodiment as the memories of lost works of art may attest (Hirsch Ballin 1970, 78–79).

The right of integrity protects, above all, the author's personality and not the tangible creation. In this reading, the right does not protect artworks from destruction but protects the artist against unwanted modifications as the display of deformed or mutilated work might misrepresent the artist and harm his or her reputation.

Other jurisdictions, like the American one, interpret the right of integrity differently and they protect artworks under certain circumstances from destruction.²⁴⁸ The American reading underscores the public interest in preserving a nation's culture and destruction is prohibited in the event of artworks of 'recognized stature'.²⁴⁹ Whether

²⁴⁷ This is one of the aspects in which the Dutch *morele rechten* do not overlap with the French *droits moreaux*. The Berne Convention does not demand perpetual moral rights in its signatory nations. The French law system has a 'broader' view on the matter since the system recognizes the *droits moreaux* as a right with infinite duration; they do not cease to exist with the author's death or as a result of the passage of time and they pass on to the artist's estate or to the French government. For further reference see Tipton 2009; and Gerstenblith 2004, 188. In the monist interpretation, the duration of moral rights are linked to the duration of economic rights as the two systems are inseparable. This reading is followed in Germany as well in England.

²⁴⁸ For a critical review of moral rights, their assumptions about authorship as the labour of the solo genius artist, and the protection against destruction regarded as an impediment in contemporary artistic practice see Adler 2009.

²⁴⁹ Codified under 17 U.S.C § 106A (a) (3) (B). For further reference on the legal implications about the fact that protection against destruction is limited to visual artworks of recognized stature and this reading might involve possible qualitative assessment performed by judges see Bonneau 2013; and Thurston 2005.

or not a work is protected from destruction exemplifies a fundamentally different view about the rationale of moral rights. The United States have been reluctant to recognize moral rights as the continuing rights of the author might conflict with the property rights of the purchaser of the artwork. Copyright laws rather than moral rights laws generally protect artistic creations and these are meant to foster the progress of science and the useful arts. In the American interpretation, copyright laws and, to a certain degree, moral rights are mostly intended to promote and protect the public interest rather than vindicate the artist's individual rights.

To conclude: even if moral rights originate automatically at the moment of creation, this automatism does not imply that the artist's interests are protected above all, as other interests may be deemed more prominent. As the jurisprudence on moral rights demonstrates, in court, judges consider very seriously the interests of others as well, and they weigh up all the interests against each other. Ultimately, there is no certainty that artist's protests will be successful when taken to court as the judges might decide in favour of other parties.

Despite the different interpretations and the different degree of protection that various legal systems recognize, moral rights are continuing rights as they protect the on-going relationship that an author has with his or her creation. In fact, the author's name and reputation has an impact on the work, even after its making and, vice versa, the work's reputation influences that of the author. Because of this unique relationship, moral rights guarantee the author a certain level of control over his or her creation, even after the work itself or the copyright are no longer in his or her possession. From a museum and in particular a conservator's perspective, moral rights are a compelling factor that professionals need to take into consideration in their practice.²⁵⁰

Conservators generally acknowledge the underlying principle of a longstanding relationship between artists and their creation. When dealing with living artists that actively express their opinions about their own works, conservators are inclined to honour the artists' interests. This tendency can be a source of anxiety for many, especially when the artist's opinion contradicts other principles that inform conservation practice and ethics, as attested by the numerous articles, books and conference proceedings on this subject.

Concerns especially arise when a conservator has to interpret 'correctly' the physical modification of an artwork. It is important to draw attention to the fact that

²⁵⁰ As noted, in the French system the moral rights are perpetual, which implies that museums need to respect moral rights forever. Other systems do not share this interpretation as perpetual moral rights, especially as it relates to the right of integrity, ultimately turn into a vehicle for protection of a country's cultural heritage (Rigamonti 2006, 371).

a modification should not be considered by definition as damage, as the opposite might be also true.²⁵¹ Several artists are inspired by (material) change, accidents and transformations and thus develop an artistic research based on these modifications. Subsequently, these changes become elements of the artworks and, as such, they should be respected as part of their artistic message. This type of situation also represents one of the possible conflicts of interest between the moral rights of the artists and cultural heritage legislation. This conflict is not likely to occur in the United States as the Visual Artist Rights Act (VARA) legislation deprives the artist of the possibility to use the right of integrity to contest the conservation or preservation of his or her work, unless it comes to modification caused by gross negligence. In short, the VARA protects above all the material work, while European legislation protects the bond between the maker and the creation (Beunen, 2006). However, even in the United States, conservators are encouraged to diligently follow professional guidelines and ethics codes as a road map to decrease the potential of a claim due to violation of moral rights, and when possible to obtain the artist's permission; or, if the artist is no longer living and the work was created in countries where the moral rights do not expire but have infinite duration, to seek the legal heirs' permission (Garfinkle et al. 1997). It should not be forgotten that artists' moral rights might also conflict with the obligations a conservator may have with the owner of the work of art (Neill 1994). Despite possible ethical conflicts, consultation and cooperation with living artists, before and during a conservation treatment, is perceived as correct behaviour and therefore is welcomed by conservators as well as professional organizations.

Underlying principles or the doctrine of moral rights

The underlying principles that inform the notions of moral rights and, specifically, the assumption that a work of art is an expression of the artist's personality, may play a role even when there are no direct legal obligations on the museum. As museums do not exclusively operate in courts of law, but also function in the arena of public opinion, they may be perceptive of the principles expressed under the notions of moral rights, they may thus decide to act accordingly and to extend to artists a great degree of control and influence on their creations. Or, as philosopher K.E. Gover has commented on the controversy between Massachusetts Museum of Contemporary Art (MASS MoCA) and the Swiss artist Christoph Büchel (b. 1966):

²⁵¹ For further reference on the difficulties conservators have in interpreting damage as part of the artwork see Volent 1997.

There is a widespread art world intuition that the creative freedom of the artist should be given virtually absolute precedence in the decisions about the creation, exhibition, and treatment of artworks (Gover 2011, 355).

The decision made by the museum director of the MASS MoCA after the legal dispute on moral rights concerning Büchel's installation *Training Ground for Democracy* is exemplary in this regard.

In short, the legal conflict debated whether the museum had the right to open to the public the installation it had commissioned, paid for and, to a considerable extent, helped to construct, despite the fact the work was not completed by the artist.²⁵² The legal issue primarily revolved around the question of whether the VARA protection applied to an unfinished work of art or not. In other words, could an assembly of materials, which was not yet recognized by the artist as an accomplished work of art, benefit from moral rights' protection? MASS MoCA claimed that, even if the artist had abandoned the project, the museum had the right to display the assembled materials as it had paid for it. Büchel instead pleaded against the public disclosure of the installation by invoking his moral rights over the work.

The majority of the art world backed the artist's position by claiming it was unacceptable to display an unfinished artwork against the artist's wishes, no matter how much money and time the museum had invested in its production. However, in court, the judge ruled otherwise. In his verdict, the judge stated that since the artwork was unfinished, it did not enjoy the protection of the VARA legislation and therefore the museum had the right to show the assembled materials, as long as it displayed a written disclaimer making clear the artist's disavowal of the work. In his decision, the judge took into consideration the fact that the museum had paid for the majority of the costs and it was heavily involved in the artwork's realization.

Although the museum prevailed in court, after a couple of days the museum's

²⁵² For an extensive reconstruction of the implications of the Mass MoCA – Büchel controversy see Gover 2011 and 2012. Gover has pointed out that, on a conceptual level, the positions of the museum and the artist presented difficulties. The museum's stance was awkward as it wanted to display something, but it was unclear what it was presenting to the public as the museum argued that the assembled materials were not art. The artist's position was also problematic as Büchel invoked protection of something that was simultaneously art and not art. On the one hand, the installation was not finished and it did not reflect the artist's wishes, and therefore the artist had disavowed it. On the other hand, despite the disavowal, Büchel was of the opinion he had the right to prevent the installation's display (Gover 2012, 42).

The controversy resonated in the editorials of the art world, see for further reference <http://www.nytimes.com/2007/09/16/arts/design/16robe.html>; http://archive.boston.com/ae/theater_arts/articles/2007/10/21/dismantled/?page=full [both accessed 22 September 2016].

director decided to uninstall the work and get rid of the materials that had formed *Training Ground for Democracy*.²⁵³ Public opinion has been harsh on the museum throughout the controversy and this may have played an important role in the decision to dismantle the installation.²⁵⁴

The controversy between MASS MoCA and Büchel is exemplary of how public opinion may exert pressure on institutions to comply with the underlying principles of moral rights, regardless of whether the moral rights are legally binding in that specific case. In the public eye, cultural and academic institutions are generally more inclined to strictly observe their duties with regard to care and respect. Moreover, in court, judges take note of whether the owner of a work of art is a public organization and this circumstance usually facilitates the successful invoking of moral rights (Kabel and Quaedvlieg 2012, 336–337). Individuals and especially institutions may be susceptible to claims and expectations based on the principles informing moral rights. In this sense, the underlying values can be perceived as a form of ‘soft law’ that may still shape people’s behaviour and professional relations.²⁵⁵ What is suggested here is that, nowadays, these values might — explicitly or implicitly — influence of what is perceived as an appropriate conduct in museum practice. In fact, there is a critical distinction between the doctrine and the law regarding moral rights. Both have a common origin, but whereas doctrine has an informal character and reflects larger philosophical, cultural and economic assumptions, the law is the crystallization into legal rules of the issues expressed in the doctrine. In other words, the law translates the moral rights doctrine into the precise language of national copyright legislation (Sundara Rajan 2011, 37). Moral rights and the underlying principles forming the moral rights doctrine are more than a strictly legal idea as “they express an aesthetic reality” (Ibid., 39).

²⁵³ It is important to mention that Büchel lost in 2007 in the US District Court, but prevailed in January 2010 in the US First Circuit of Appeals. The judges ruled that VARA applies to unfinished works of art and, since then, the protection of the VARA has been extended to unfinished artworks. The court’s decision can be retrieved at <https://www.scribd.com/doc/27801072/Mass-Museum-v-Buchel> [accessed 04 October 2016]. For editorials on the revised decision on court of appeal see http://www.nytimes.com/2010/01/29/arts/design/29artist.html?ref=design&_r=0 and <http://copyrightlitigation.blogspot.nl/2010/01/visual-artists-rights-act-artist-moral.html> [both accessed 04 October 2016].

²⁵⁴ For further reference on the decision to dismantle see http://archive.boston.com/ae/theater_arts/articles/2007/09/25/mass_moca_to_dismantle_disputed_show/ [accessed 04 October 2016].

²⁵⁵ It is beyond the scope of this dissertation to examine the various meanings given by scholars to the concept of ‘soft law’. For the purpose of this study, soft law is intended as “the nonbinding rules or instruments that interpret or inform our understanding of binding legal rules or represent promises that in turn create expectations about future conduct” (Guzman and Meyer 2010, 174). In the art world, soft law abounds and in the last fifty years has greatly increased, for example in the area of historical restitution claims, for further reference see Campfens 2014.

Because of these underlying principles, Van Der Kaap enjoyed (and still enjoys) a degree of control over his work, even after a change of ownership. The Stedelijk Museum acknowledged the artist's protracted influence on his creation and, by respecting the artist's wishes, it allowed the reproduction of the photographic artworks, their substitution with new ones, and it allowed the physical destruction of the 'wrong' version of *Xiada (Girls' dorm)*, *Xiamen*.

Intentional destruction of works of art

The destruction of art is a delicate matter. In most cases, it is perceived as a dramatic event that should be avoided at all costs. Currently, society is generally concerned with the protection and preservation of cultural expressions within the ever-expanding realm of cultural heritage.²⁵⁶ Negligence in caring for cultural objects is often regarded as an offence or wrongdoing towards the present and future generations; moreover, intentional degradation or elimination of artworks is mostly condemned as a 'capital crime' against humanity.²⁵⁷ In this view, to intentionally ruin or to physically eliminate works of art is a deviant behaviour departing from what society considers 'normal'. Even during an exceptional circumstance such as an armed conflict, many countries have agreed to respect the cultural heritage of the enemy or occupied countries by making an effort to follow the rules that have been stipulated in the 1954 Hague Convention for the protection of cultural property.²⁵⁸ The Convention advocates for the notion of a common human heritage and consequently its destruction will affect all mankind as declared in the preamble: "damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world."

²⁵⁶ For a critical note on the assumption that cultural heritage should be preserved at any cost and some of the negative cultural and social consequences on preservation see Lowenthal 1989.

²⁵⁷ It is outside the scope of this dissertation to analyse the phenomenon of religious and political iconoclasm as a specific form of intentional destruction of art. This type of annihilation has been perpetuated since the dawn of humanity and it still practiced. For recent examples of religious and political iconoclasm see Gamboni 1997, 45–138. At the moment of writing, the Islamic State of Iraq and Syria (ISIS) is implementing a controversial iconoclastic policy; for further reference to this and its condemnation see <http://www.elliottcolla.com/blog/2015/3/5/on-the-iconoclasm-of-isis>; <http://www.asatheory.org/newsletter/isis-at-the-mosul-museum-material-destruction-and-our-moral-economies-of-the-past> [both accessed 03 October 2016].

²⁵⁸ The Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention was stipulated in 1954 in The Hague, the Netherlands. The convention, also known as the Hague Convention, was the first international agreement to address the protection and preservation of cultural heritage. For a historical and legal discussion on the Hague Convention see Gerstenblith 2004, 529–535. For the text of the Hague Convention see http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html [accessed 25 August 2016].

Nevertheless, it is possible to distinguish various opinions regarding the intentional destruction of art: the most widespread judgement is to consider it as something utterly negative.²⁵⁹ It is perceived as a vandalistic act perpetuated by lunatic individuals and it "can only be understood as an expression of ignorance and incomprehension, a barbaric regression" (Gamboni 1997, 10).²⁶⁰

In certain contexts, the intentional destruction of art may, instead, have a positive connotation, when the obliteration is viewed as a practice of renewal. Some artists have perceived the elimination of works as a liberating act in order to pursue other artistic directions, as famously declared by Filippo Tommaso Marinetti (1876–1944) in the *Futurist Manifest* (1909) or as Baldessari publicly did during his *Cremation Project*.²⁶¹ Likewise, some artists might consider an intentional destruction part of the creative act as Robert Rauschenberg (1925–2008) famously did by erasing a drawing by Willem de Kooning (1904–1997).²⁶² Natural decay, self-destruction or destructive processes caused by external forces may, in specific instances, be conceived as an integral part of the artistic creation. In these situations, the destruction of an artwork expresses the artist's intention and therefore it is not regarded as deviant behaviour.²⁶³

In some circumstances, intentional destruction may be viewed as a necessary evil as it occasionally occurs during urban and industrial development. The extraction of resources or the construction of infrastructure such as roads, bridges or dams may form a threat for monuments and archaeological sites (Burke 2001, n.p.). This type of destruction is a price that society is sometime willing to pay in order to progress, but it is often coupled to virulent criticism.

In other situations, intentional destruction may be recognized as inevitable, when artists decide to destroy their own works because they are unsatisfied with the results, as innumerable painters have done by repainting their canvas and obliterating with new paint the compositions underneath. It is important to draw attention to the fact

²⁵⁹ For the purpose of this dissertation, the term 'intentional' has the meaning of an action done on purpose or as the result of an intention as described in the Oxford English Dictionary.

²⁶⁰ For the purpose of this dissertation, I follow Dario Gamboni's distinction between the terms 'iconoclasm' and 'vandalism' and the subsequent 'iconoclast' and 'vandal', which he describes in his detailed study on the destruction of art in the modern and contemporary age. For further reference on the semantic differences between the two words, see Gamboni 1997, 13–19.

²⁶¹ For further reference on destroyed, discarded, erased and ephemeral artworks of the last hundred years see the online exhibition 'The Gallery of Lost Art' to be retrieved at <http://galleryoflostart.com/> [accessed 20 October 2016].

²⁶² For further basic reference on Rauschenberg's drawing *Erased de Kooning Drawing* (1953) see <https://www.sfmoma.org/artwork/98.298#artwork-info> and <https://www.youtube.com/watch?v=tpCWh3IFtDQ> [both accessed 28 December 2016].

²⁶³ For further reading on the intentional destruction as part of the creative act in contemporary art see Brougher, Ferguson, and Gamboni 2013.

that artists are free to eliminate their own works if these are still in their possession; being the rightful owners, they are at liberty to dispose of their own work. But the situation differs when there is a change in the work's ownership. At the moment the artwork is sold, donated or is the result of a commission, the artist cannot dispose of the work at his or her liking anymore and must respect the property rights of the new owner. Thus, by excluding special circumstances as those just described, stringent and surveyed frameworks need to be followed in order to intentionally destroy an artwork without breaking the rules and laws that protect cultural heritage and certainly when it comes to museum's objects as in the case of *Xiada (Girls' dorm)*, *Xiamen* first version. These rules are mandatory, even when the destroyed object will be substituted by another version.

Intentional destruction of Xiada (Girls' dorm), Xiamen first version

Xiada (Girls' dorm), *Xiamen* was acquired by the Stedelijk Museum in 2002 and from that moment the work became part of a municipal collection. The passage from private to public ownership has generally important repercussions for the way an object is treated, valued and preserved. In most legislatures and ethical codes, museums are required to follow a stricter set of rules and laws for the protection and preservation of the objects in their care than private (art) collectors. Because of this change in ownership, the elimination of an older version of *Xiada (Girls' dorm)*, *Xiamen*, and its substitution with a new photograph needs to be accepted by the museum, which, in turn, must comply with national and international legislation regarding the deaccession of a museum object.²⁶⁴ The Stedelijk Museum is member of the Dutch Museums Association, *Museumvereniging*, and, as such, the museum's direction and board have to subscribe to the ethical code of the International Council of Museums (ICOM). The *ICOM Code of Ethics for Museums* acknowledges destruction of a museum object as one of the possible outcomes of responsible disposal. Destruction is viewed as the last resort, after other possible choices such as donation, transfer, exchange, sale and repatriation. Museums are encouraged to offer a deaccessioned object to other museums before other actions are undertaken (ICOM 2013, 5). However, deaccession

²⁶⁴ In the Netherlands, museums that are included in the national museum register — the so-called *Museumregister* — must follow the deaccession guidelines known as *Leidraad for het afstoten van museale objecten* (LAMO). The first set of instructions was compiled in 1999, and revised twice, in 2006 and 2016. Until 2015, the deaccession procedure was an internal one. It is only with the last revision that deaccession has become an external process that can be actively commented on by fellow institutions and third parties — interested outsiders and experts in the field. For further reference see http://www.museumvereniging.nl/Portals/0/6-Publicaties/Bestanden/MV_LAMO_digitaal%20dec%2015_def.pdf [accessed 13 May 2016].

of a museum object is still a controversial practice in many countries and particularly when it contemplates the object's destruction.²⁶⁵ The Dutch deaccession guidelines for museums label the destruction of a museum object as "the most extreme case of reallocation" and it recommends a period of reflection between the decision and the destruction moment (LAMO 2016, 7).

That said, the guidelines state that an artist cannot invoke the protection of moral rights to stop or avoid the destruction of his or her work. The Dutch author's law does not interpret destruction as an infringement of the right of integrity as the law does not protect the tangible work of art but the creative work embodied in the tangible work. In the case of destruction, no physical traces of the creative work remain and thus the artist's reputation is not at stake. However, when it concerns contemporary art, the guidelines advise involving the creating artist or his or her legal heirs in the destruction process as an artwork's destruction might harm the interests of other parties, especially when it concerns unique works of arts (LAMO 2016, 31). The set of rules gives no advice on how to cope when it is the creating artist that wishes to eliminate his or her work, as in the case of the intentional destruction of the first version of *Xiada (Girls' dorm)*, Xiamen.

Van Der Kaap and the museum staff carefully followed a predetermined procedure: a written settlement signed by both parties, a photographic documentation that testified to the destruction, the presence of the artist during the process proved his agreement, and no physical traces of the disqualified version were kept. The artist explicitly requested that the photograph was cut into small pieces so that the fragments would no longer have any artistic or aesthetic qualities and thus any improper circulation would be avoided.

The museum was keen to keep the photograph's elimination a 'private' issue, not accessible to the public eye. During the filming of the documentary about Van Der Kaap and his work, the museum's chief curator agreed to collaborate on the project and allowed the filming to be carried out in the repository with the artist standing in front of the two versions and explaining why the initial version was about to be destroyed. The chief curator categorically denied the possibility of recording the actual physical cutting of the photograph. The main reason for this refusal was the fear of possible 'copycat' actions and thus an increase in vandalism of the museum's artworks, and his fear was not without reason — as is well known, the Stedelijk Museum has previously suffered similar attacks on two Barnett Newman paintings: *Who's afraid of red, yellow*

²⁶⁵ For further reference on the controversial attitude towards de-accessioning as a museum practice see Howard 2012.

and *blue III* and *Cathedra* were both slashed with a knife by the same visitor.

As destruction of art is a sensitive matter often paired with high emotions, it might be preferable to physically eliminate an artwork in a 'private' setting or, as the art historian Dario Gamboni has remarked, "if elimination and preservation are two sides of the same coin, then elimination is the dark side, not only in the sense that it may be found depressing, but in the sense that is concealed" (Gamboni 1997, 331). This is certainly true for the destruction of the first version of *Xiada (Girls' dorm)*, Xiamen. The museum preferred to keep it hidden in order to avoid setting an example for deranged individuals that might want to try similar actions.

As noted, intentional destruction of an artwork is generally considered by the public opinion as deviant behaviour and within museum management as a last resort in the responsible disposal of a museum object. Traditionally, museums and their staff perceive the preservation of museum objects one of their core activities. This view is clearly summarized in the ICOM *Code of Ethics*, which declares that museums are to "preserve, interpret and promote the natural and cultural inheritance of humanity" and they have "the duty to acquire, preserve and promote their collections as a contribution to safeguarding the natural, cultural and scientific heritage" (ICOM 2013, 1 and 3. Emphasis added). In this light, intentional destruction of an artwork does not align with the prevailing museum practice, but it is considered as an exception to be used when everything else has failed.²⁶⁶

Remarkably, in the case of *Xiada (Girls' dorm)*, Xiamen, museum principles fostering preservation did not clash with the decision of intentionally destroying the work's first version. The museum staff, whether involved in the decision-making or in the physical elimination, did not — or only in a faint way — express professional discomfort in facing a situation that theoretically may present conflicting positions. Evidently, the personnel gave primacy to the artist's wish and they were not troubled by the fact that a museum object would be eliminated. Several factors might have contributed to this attitude. Firstly, the destruction does not concern a unique artwork, but one of three photographs forming the limited edition. In the decision-making concerning the deaccession of a museum object, the uniqueness of an object plays an important role. For example, the ICOM *Code of Ethics* states that the renewable or non-renewable character of an object should be taken into account during deaccession decision-making (ICOM 2013, 4). About the destruction of a unique artwork, the Dutch guidelines

²⁶⁶ For further reference to the notion of alignment as a major factor in facilitating what is deemed desirable museum conduct see Straughn and Gardner 2011.

explicitly warn museums by stating: “when it comes to the destruction of unique work, the owner is expected to consider destruction only when there is a legitimate reason” (LAMO 2016, 41).²⁶⁷

Secondly, being a photograph, the work could, in principle, be reprinted and it was possible to substitute the older version with a new one. On the practical side, the considerable dimensions (191x155.6 cm) of *Xiada (Girls' dorm)* may have also facilitated this attitude. Museum storage facilities are limited in space and have high running costs, especially those for the long-term storage of photographs as the parameters for temperature and relative humidity are rather strict.²⁶⁸ The preservation of both versions would have meant a significant reduction of the available space in the Stedelijk Museum's repository. However, this practical issue cannot be considered as a leading reason in the decision-making process; rather, it should be perceived just as a supplemental one. Van Der Kaap's wish to preserve both versions of *Lalalalalight* was respected by the museum, as will be discussed further on. In this case, the running costs and the limited space available did not prevent the preservation of *Lalalalalight's* both versions.

Plausibly, the factor that has contributed the most to facilitating the choice among the museum's staff to physically eliminate the first version of *Xiada (Girls' dorm)*, Xiamen was the 'artist's sanction'.²⁶⁹ In fact, Van Der Kaap has explicitly communicated several times his dissatisfaction about the appearance of the first version by claiming that it was wrongly printed and did not match his expectations. Essentially, Van Der Kaap's actions and comments disqualified this version. Consequently, and thanks to the artist's sanction, the controversial decision to deaccession by means of destruction became acceptable for the museum staff. Moreover, at a conceptual level, it is even possible to suggest that the physical destruction of the first version of *Xiada (Girls' dorm)*, Xiamen cannot be regarded as an intentional destruction of an artwork as it had been disqualified, and part of its aesthetic qualities were 'withdrawn' by the artist.

²⁶⁷ "Als het gaat om vernietiging van unieke exemplaren, dan wordt van de eigenaar verwacht dat hij slechts overgaat tot vernietiging indien daarvoor een gegronde reden bestaat" [English translation by the author].

²⁶⁸ For further reference on long-term storage for analogue and digital photographic prints see the recommendations made by the Image Permanence Institute <https://www.imagepermanenceinstitute.org/imaging/storage-guides> and <http://www.dp3project.org/preservation/storage-recommendations> [both accessed 03 October 2016].

²⁶⁹ For the purpose of the dissertation, an artist's sanction refers to 'observable actions and communication' of the artist (Irvin 2005, 321).

Lalalalight in 'limbo'

Valuation and devaluation are well-known phenomena in art history, where a modification in taste may have a longstanding effect on the way an artwork is valued. In this light, these processes are viewed as dynamic, context-dependent, social mechanisms (Appadurai 1986; Ashley-Smith 1999; Bourdieu 1993; Thompson 1979). The attribution of positive values (valuation) or negative values (devaluation) to objects occurs only through the involvement of people and it does not exist without a social context. Value is thus not regarded as an inherent property of the objects, but as a judgement made by individuals or communities at a given moment in time. Valuation and devaluation — intended as a gradual increase or decrease of value — are widespread and common mechanisms, when they are understood as historical and collective practices.²⁷⁰ However, when the valuation and devaluation is the result of a 'sudden' transformation, the two phenomena are generally perceived as something extraordinary, as something that goes beyond what is regular or common. In many cases, a sudden valuation or devaluation is often linked to the artist and his or her authority to promote or demote an object (Gamboni 1997, 313). In this dissertation, to underscore the differences between the two demoting mechanisms, the term 'devaluation' describes the process in which the value of a work of art is reduced or dissolved to something that is perceived as valueless. This course of action usually occurs through a gradual, collective process, whereas the term 'disqualification' expresses an active, generally single-handed removal of required properties or qualities that ends in a change of status. In the end, disqualification may turn out to be devaluation, but this may not necessarily happen.²⁷¹

Since the introduction of the ready-made by Duchamp in 1915, a 'sudden' upgrading of an object is a well-known phenomenon in the artistic practices of the twentieth and twenty-first centuries. Artistic movements, such as conceptual art, pop art, appropriation art or the more recent digital ready-mades, have all reinterpreted and adopted the ready-made approach to transforming an 'ordinary' object into a work of art. The underlying strategy is to remove an already manufactured object, idea, technology or digital file from its initial setting and to place it into an artistic context. But, in order to convert an 'ordinary' object into a work of art, the artist needs to perform several acts such as the act of selection — the artist chooses one item among many others, designation — the artist establishes that that particular item is a work of

²⁷⁰ For an overview of the type of values a work of art might possess see Ashley-Smith 1999, 89–90.

²⁷¹ For further reference on the semantic differences between the terms 'devalue' and 'disqualify' see <http://www.merriam-webster.com/dictionary/devalue> and <http://www.merriam-webster.com/dictionary/disqualify> [both accessed 21 October 2016].

art and he or she assigns his or her authorship to it, and the recontextualization — the artist removes that item from its usual context and places it into an artistic setting and framework. Within this practice, the artist is able to promote that object to the status of work of art, and he or she has the ability to influence how the object is valued.

For many, ready-mades symbolize the ultimate freedom of the artist, who supposedly is free to add values to anything he or she cares to (Groys 2014, 88). Nonetheless, as several scholars have underscored, the acceptance of the ready-made as a work of art can only occur by virtue of a collective acknowledgment and, in particular, of institutions and individuals forming the art field — such as museums, art galleries, art critics and the academic world (Bourdieu 1993; Buskirk 2005; Gamboni 1997; Groys 2014).

If ready-mades are well known examples of a 'sudden' valuation, less frequent is the inverted path, when an artist, or his or her estate, deliberately disqualifies a work. In this process, the act of designation occurs in reverse as the artist has the authority to establish that the item he or she had created should no longer be perceived as an artwork. In this process of disqualification, the artist may also decide whether to retain his or her authorship over the disqualified artwork.

In many cases, disqualification is set in motion by unwanted and unauthorized alterations performed by a third party, as occurred with the sculpture titled *17h's* (1950) by the American sculptor David Smith (1906–1965). An art dealer, owner of the piece, stripped the red coating that had covered the work, without the artist's consent. In response to the unauthorized modification, Smith publicly disclaimed his authorship and disqualified the sculpture to the value of the steel that formed the piece.²⁷²

In other instances, the artist or the artist's estate may disqualify the artwork but they may retain the authorship on the disqualified object. For example, the American sculptor Robert Morris (b. 1931) by means of his *Statement of Esthetic Withdrawal* (1963) disqualified his other piece *Litanies* (1963) (fig. 53 and 54) to a metal construction by removing his aesthetic qualities.²⁷³ In a notarized document, the artist proclaimed: "The undersigned, ROBERT MORRIS, being the maker of the metal construction entitled LITANIES, described in the annexed Exhibit A, hereby withdraws from said

²⁷² David Smith declared: "I renounce it [sculpture *17 h's*] as my original work and brand it as a ruin. My name cannot be attributed to it [...] I declare its value to be only its weight of 60 lbs. of scrap steel" (Smith, 1960). What makes Smith's case even more complex is the fact that the artist's public condemnation did not prevent — after Smith's death — the systematic stripping of his later open-air sculptures by the executors of his estate, especially by the art critic Clement Greenberg. This case underscores again how the authority of artists over their work greatly depends on the acknowledgment of others. For further reference on the alteration of David Smith's sculptures see Gamboni 1997, 148; Hamil 2011; Krauss 1974; Merryman, Elsen, and Urice 2007, 440–441; Mulholland 2014.

construction all esthetic quality and content and declares that from the date hereof said construction has no such quality and content.” The work maintains its authorship, as Morris did not deny that the work was his, but the artist disqualified it from being a work of art to a mere ‘metal construction’.

Both Morris’ and Smith’s cases raise interesting questions about the authority the artists might maintain over their works, even after they have left the artists’ possession. But, at a conceptual level Morris’ disqualification is particularly thought-provoking as the change of status is not linked to a physical alteration and the appearance of the work has remained the same (Burskirk 2005, 2). Moreover, the disqualification is not the result of an unwanted or unauthorized change as in the Smith’s case, but it is the artist that initiates the process of disqualification. Then again, *Litanies* inclusion together with *Statement* into the collection of the MoMA in New York and its public display in the museum galleries show how difficult it can be for an artist to disqualify his own work beyond a statement (Gamboni 1997, 323). This underscores once more how the artist’s dictum may be not enough and how disqualification needs the acknowledgment of third parties.

Regarding *Lalalalight’s* case, another interesting example of an artwork’s disqualification with the retention of authorship concerns *Felt Suit* (*Filzanzug*, 1970) by Joseph Beuys (1921–1986), preserved in the archives of Tate, London. A two-piece suit made of grey felt constituted the work, which was made by Beuys in an edition of one hundred identical suits. This specific suit was number forty-five and its damaged state, beyond repair, was the trigger that led to the disqualification of the work: from artwork to archived object (fig. 55).²⁷⁴ On the question of whether the suit could be displayed in damaged condition, the artist’s widow appealed to the moral rights she had over the work as executor of the artist’s estate and asserted that it should:

²⁷³ The title *Statement of Esthetic Withdrawal* conforms to the titling given by Buskirk (2005) and Gamboni (1997) and it does not follow the title given by the Museum of Modern Art (MoMA) owner of the piece, which calls the piece *Document*. The way MoMA titles the work might underscore the non-art status of the object but at the same time the work is recorded as a work belonging to the department ‘Painting and Sculpture’. For further reference see <http://www.moma.org/collection/works/79897?locale=en> [accessed 17 May 2016].

²⁷⁴ For more reference see Barker and Bracker 2005 available online <http://www.tate.org.uk/research/publications/tate-papers/04/beuys-is-dead-long-live-beuys-characterising-volition-longevity-and-decision-making-in-the-work-of-joseph-beuys> and <http://www.tate.org.uk/context-comment/video/lost-art-joseph-beuys-felt-suit> [both accessed 20 October 2016].



Figure 53 Robert Morris, *Litanies*, 1963, Museum of Modern Art, New York, lead over wood with steel key ring, keys, and brass lock.

Never be shown again in any location, on any occasion and in any context, however constituted, including for the purposes of study. For historical purposes, it should continue to be recorded that the Tate Gallery possesses such a 'Felt Suit'. For that remains an asset of the Tate Gallery (Eva Beuys cited in Barker and Bracker 2005, n. p.).

Eva Beuys' statement together with the 1992 Museums and Galleries Act, which allows English museums to deaccession severely deteriorated works, provided Tate with the legal support for *Felt Suit's* deaccession as a work of art, which took place in 1995. The damaged suit is, however, still kept as an archived object at Tate and the museum is disinclined to consider the work's destruction. What is particularly interesting in this case is that despite the work being "physically and conceptually" defunct and its demotion to an existence in an archival box, the museum staff together with Beuys' widow concord that the vestiges of *Felt Suit* remain "a powerful homage to an iconic artist, and acknowledge that it continues to function, albeit on an ancillary level" (Ibid.)

Apart from the contingencies belonging to each work of art, these two cases may be viewed as illustrations of 'sudden' disqualification with retention of authorship, initiated by the artist himself, as in the case of Morris' *Statement*, or in the name of the artist, as in the case of Beuys' *Felt Suit*. Both examples raise questions about the degree of authority the artists, personally or through their estates, still possess over

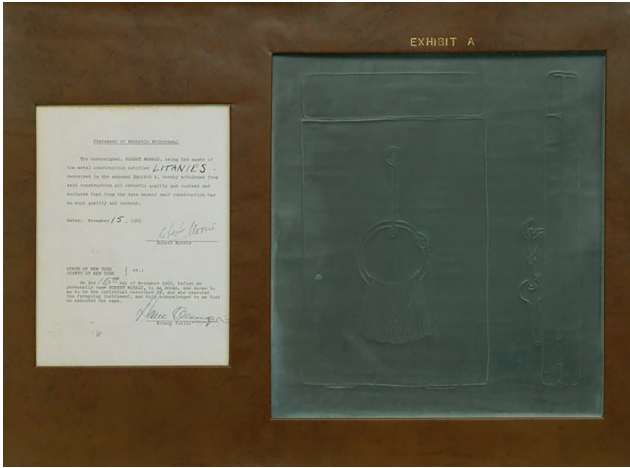


Figure 54 Robert Morris, *Statement of Esthetic Withdrawal*, 1963, Museum of Modern Art, New York, typed and notarized statement on paper and sheet of lead mounted in imitation leather mat.



Figure 55 Joseph Beuys, *Felt Suit*, 1970. Felt. Edition 27 nr. 45. Tate Archive. Purchased by Tate in 1981, de-accessioned in 1995. Photographed after moth damage.

their creations, even after a change of ownership. They also indicate the possibility of removing certain qualities from an artwork or changing the work's status from artwork to non-art, from artwork to an archived object.

The reproduction process and the substitution of the original *Lalalalalight* with a new one also had far-reaching consequences for the status of the two versions. Although the first version was not deemed suitable for public display, Van Der Kaap saw enough 'potential' in the damaged work and decided that it should be preserved within the museum's collection, but he disqualified it as a reference piece for a new version — if a new reproduction is deemed necessary in the future. In the disqualification process, the authorship of Van Der Kaap was never an issue. Both versions of *Lalalalalight* were and are created by Van Der Kaap. Nonetheless, *Lalalalalight*'s first version ended up in a sort of a museum 'limbo' as the photograph is still, up to a certain point, a work of art, but at the same time it is downgraded to 'study' or reference material.

The internal moving of the first version within the museum storage is, in this sense, exemplary and it illustrates the practicalities of the disqualification in terms of museum management.²⁷⁵ At first, *Lalalalalight* was kept in the cool storage — a costly and limited space specifically appointed for the preservation of colour photographs. When the disqualification by the artist to reference material had taken place, it was moved to a larger, more general area of the depot with less stringent environmental parameters, whilst the second version took its place in the cold storage. Initially, *Lalalalalight*'s first version was kept in the best possible environment the museum could offer; this was done in order to ensure long-term stability and to reduce the risks of undesirable changes in the work's appearance. When *Lalalalalight*'s first version was disqualified and it did not possess the 'higher' status of being a work of art anymore, it was destined to an existence on a 'standard' painting rack. The object will still be well kept, it will still enjoy the museum's high standard for collection housing, but it will not receive the best housing the museum can offer. It is a subtle difference but certainly a telling one.

Also from a preservation perspective, the decision to move *Lalalalalight*'s first version from the cool storage to a controlled room environment is understandable. Silver dye-bleach photographs have far better colour stability than chromogenic ones especially when these are not exposed to light and kept in the dark. In dark conditions, the colours of silver dye-bleach photographs are less prone to fade, even when kept at room temperature and relative humidity of around 50 per cent.²⁷⁶ From this viewpoint, it is reasonable that the new version, being a chromogenic print, should be kept

²⁷⁵ About internal movements within the museum building, Gamboni has noted how relegation from the exhibition galleries to storerooms can be sometimes interpreted as a form of devaluation and in the long run it may also become a "euphemized mode of elimination" (Gamboni 1997, 320).

²⁷⁶ The recommended dark storage conditions for silver dye-bleach prints are temperature below 20° C and humidity between 30 and 50 per cent, while for chromogenic prints a temperature around 2° C at humidity level of 40 per cent is recommended (Pénichon 2013, 205 and 231).

in cooler and drier conditions than the older one, as the silver dye-bleach imaging system is more stable and the colours have a superior dark stability. As the cool storage is limited in size, the museum had to make choices and it gave precedence to the photograph that is more likely to benefit from the cool storage.

About the registration in the museum's database, a unique number records the work *Lalalalight* but there are, until today, no specific additions or special numbering that identifies the first or the second version. Only the notation of different locations in the repository reminds the museum staff of the existence of two separate objects and their whereabouts within the depot. In a way, *Lalalalight's* first version still physically exists but, at a conceptual level, it inhabits a sort of museum 'limbo': it is not yet fully devalued as an archived object, but, at the same, it is also not fully recognized as a work of art.

The reproduction and the disqualification of *Lalalalight*, and the physical destruction of *Xiada (Girls' dorm)*, *Xiamen* remind us of the authority an artist may still retain over his work, even after it has left the artist's possession, and the impact that his decisions may have on the existence of two museum objects. Although scholars have drawn attention to the fact that the recognition of value is "a social construct dependent on social relationship" (Ashley-Smith 1999, 81) and an object receives the status of work of art "only by virtue of the (collective) belief, which knows and acknowledges it as a work of art" (Bourdieu 1993, 35), the idea that an artist has the capacity to promote objects to art or, vice versa, to demote art to non-art, remains a powerful assumption.

Echoes of this view may be found in the underlying principles informing moral rights as they derive from the belief that an author, during the process of creation, introduces his or her personality into the work and thus "the author's own personality is bound up in the work" (Gerstenblith 2004, 191). As a result of this intimate relationship, artworks are perceived as an expression of the artist's personality and therefore artists can, despite possible changes in ownership, claim a prolonged bond with the artworks they have made. These underlying values can be perceived as a form of 'soft law' that may still shape people's behaviour and relations and these values might — explicitly or implicitly — influence what is perceived as an appropriate conduct in museum practice. In this light, the authority given to the artist on matters regarding his own creations may explain the acceptance of *Xiada (Girls' dorm)*, *Xiamen* 'sanitized' destruction and the disqualification of *Lalalalight's* first version by the museum staff.