

Dancing with the Elephant

In the rarified arena that is the art world, it's a fine line between being unrepresented and underrepresented—both signify a challenging existence on the periphery.

The art world can be fickle when it comes to who's in and who's out...and who, for any number of reasons, remains unseen.

If you've spent any time in the ebb and flow of the art world's accelerated cycles, inequity gaps glare.

The art system is driven by commercial imperatives. Anyone choosing to enter this arena is susceptible, at times vulnerable...for better or worse. Some may prosper, achieving fame and recognition. Some may rise impressively out of the gate but eventually fall into obscurity. Some never even make it to the gate. Why?

Why is the system so inherently fraught? Why do the odds of success seem so stilted?

If there's an elephant in the room, can we call it out?

Capitalism takes no prisoners when it comes to profit motives. If we're talking about electric cars and washing machines that's one thing. If the product, produced by human beings, aspires to art, the stakes, on some moral plane, are poignantly higher.

I've thought a lot about creativity and commerce over the years. Such strange bedmates. Symbiotic? Parasitic? One needs the other to persist. By now, we accept, even if reluctantly, this marriage as a forgone conclusion, knowing that the union remains Faustian.

How does an artist, for that matter an art professional of any ilk, navigate this inherently complicated dance? How does a CR project—a monolithic entity that in theory operates outside of the market—accommodate the market?

Many CRs operate within the fabric of an artist endowed foundation—the mother lode. What role does the AEF play in today's art ecosystem?

Legacy stewardship? Philanthropic enabler? Cultural voice of conscience?

What if we were to construct a diagram of the current art world. You know, some kind of flowchart populated by galleries, museums, alternative spaces, artists, directors, curators,

critics/journalists, that also includes AEFs. What might this look like? How should AEFs be represented in the constellation? What's revealed?

AEFs now constitute a critical mass, thanks in part to the unifying efforts of Christine Vincent at the Aspen Institute.

The Frankenthaler Foundation, like the Mitchell Foundation, is part of an expanding network. The work being done by each of us unfolds in real time—in response to myriad cultural challenges (environmental, social, economic, political). Those of us who possess the financial means...do our best to observe, consider, and commit to just causes.

Helen Frankenthaler never lacked for ambition. She knew who she was and what she wanted to become. Maybe that's why she established and endowed her Foundation in 1984 (27 years before she died).

I'm lucky to work with kindred leadership: Executive Director Elizabeth Smith, Deputy Director James Thomas, and a dedicated staff of 17 others. Since the Foundation became active in 2013 there's been enormous progress—launching exhibitions, programs, publications, donations, philanthropic grants, and educational initiatives—all documented on the Foundation's website.

The Frankenthaler CR is a pivotal to the Foundation's good work.

My colleagues and I talk a lot about Frankenthaler's legacy. What it means. How to honor it, perpetuate it, and most importantly expand it. We ask ourselves: **What do a legacy's legs look like?** We want Frankenthaler's work to be out there—exhibited, published, and programed around—so that others—esp. a younger cohort of rising art historians and artists—can look to benefit from it.

We also see Frankenthaler's legacy as a catalyst for cultural change (something Christa will enlarge upon). At the Frankenthaler Foundation this currently entails enabling American museums to become more carbon neutral, helping global artists at risk, and supporting scholarship and studio practice.

Legacy and CRs are mutually inclusive. As the comprehensive record of an artist's life work, the CR lies at the heart of one's legacy.

Now...Let's return to the elephantine dance and pose a few more questions.

Can an artist be considered “represented” if there's no discernable market for his/her/their work? If there's no gallery to exhibit it? And it has no auction record?

If visibility is contingent on financial viability, are there ways to circumvent the system?

What role does an archive play in one's legacy? How should this be preserved? Processed? Can even the most ephemeral productions be archived? If so, how? By whom?

If an archive is the equivalent of gold for a CR project...and I'm here to say it is...does its monetization pose conflicts? Constraints?

In the United States CR projects are often set up as LLCs (Limited Liability Corporations). Why is that? Artwork data differs significantly from artwork assets. When private property is sacrosanct, liabilities can increase dramatically. That's why opinions offered up around matters of authenticity are potentially problematic. The lines between scholarship and the art market have become blurred. Was this inevitable given the market's circulatory system?

Auction houses and galleries look to CRs for verification (not authentication) and CRs look to these sources for data re: ownership (provenance).

How do we describe this dance? Consensual? Guarded? Trust contingent?

Europe and the US differ significantly when it comes to an artist's rights and moral authority (*Droit de suite*). In the US an artist's rights are contestable, easily compromised by financial imperatives.

In 2011, Chuck Close, Laddie John Dill, the estate of Robert Graham, and the Sam Francis Foundation sued Sotheby's, Christie's, and eBay under the 1976 California Resale Royalty Art. After years of litigation, the case was finally overruled in 2018 by a federal court of appeals. The artists lost.

Who won?

Collectors? Gallerists? The Market?

Does it boil down to having enough lucre (acquired by whatever means) to do what should be done for the artist, the work, and the legacy? Can one persist on the periphery, as an outlier who finds ways to do more with less?

If the elephant [and mind you, this metaphorical creature has no political affiliation whatsoever] is here to stay, are there ways to reconfigure the perennial dance?

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