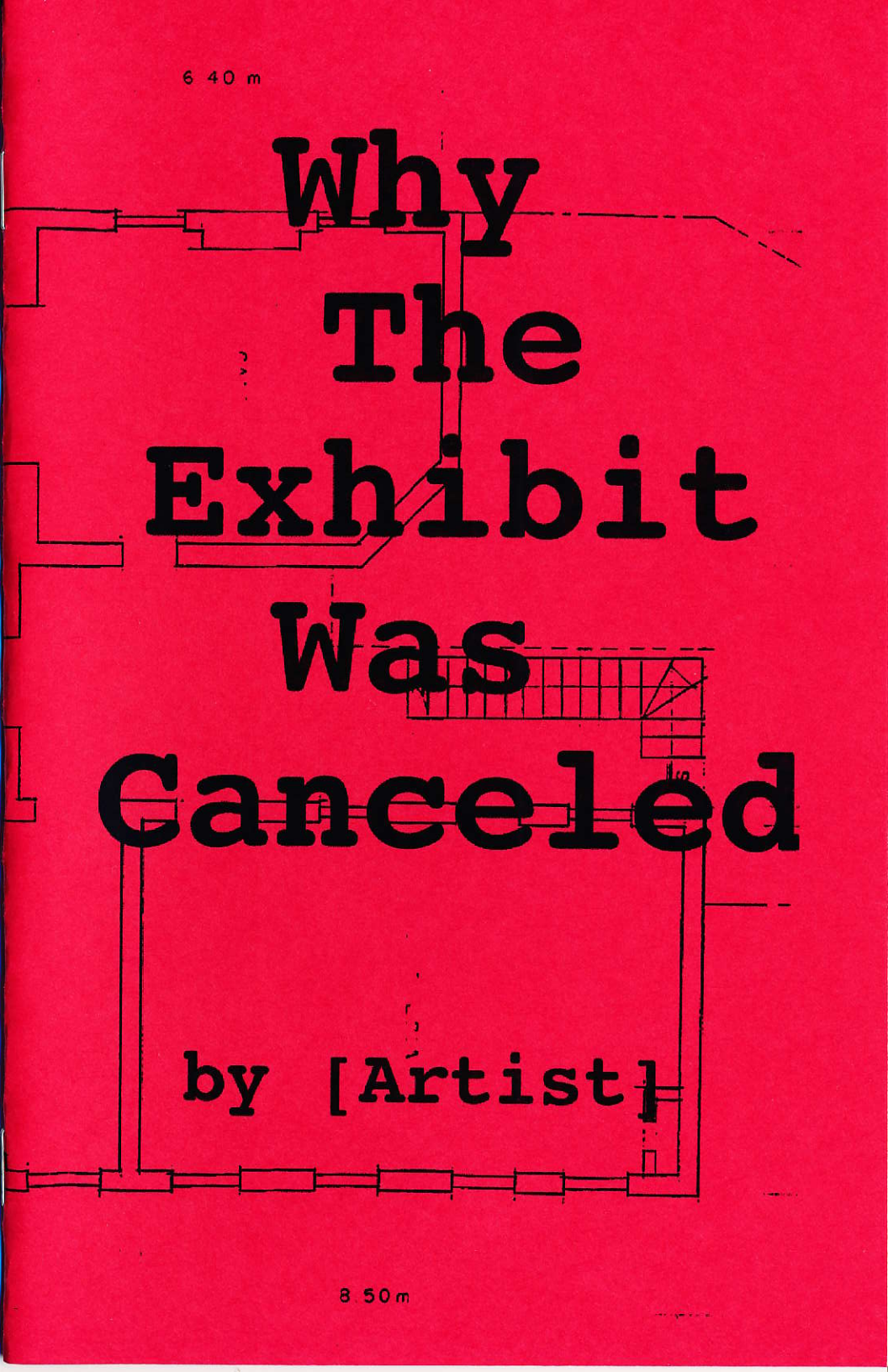


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**Why
The
Exhibit
Was
Canceled**

by [Artist]

8 50 m

Why The Exhibit Was Canceled

This booklet of e-mailed correspondence presents the account of how and why an artist canceled a one-person show at an American not-for-profit exhibition space.

The artist's work was first seen by the exhibition space's curator after it was shown to the curator by a friend of the artist. The curator determined that the artist should have a solo show, the two people contacted each other, and the artist and curator began to negotiate the details. There were only three months to prepare the exhibit, but the artist was encouraged by the curator's interest, and was willing to move quickly to make the exhibition a reality.

The artist was able to visit the city of the exhibition space one month before the proposed exhibit was to open. The artist had already sent the curator images, thorough written descriptions, and a clear and detailed proposal of the work that would be shown. These materials were sent two months in advance of the trip, and three months in advance of the show. The purpose of the first visit to the city was to mount another exhibition at a different space - a show featuring a collaborative project the artist works on with another artist.

The day before the first show opened, the artist and curator met, arranged a number of technical details, and discussed the budget. The curator came to the opening reception the following day and was polite and cordial. Before the artist left the city however, he/she learned through others that the curator was offended by some sexually explicit content in the current exhibit, and was very concerned about the upcoming show at the exhibition space. This concerned the artist because he/she had been extremely clear about what was being planned for the upcoming exhibit two months before. The artist also made it clear that the show that was currently on view presented a completely different body of work.

When the artist was in town the curator only wanted to discuss the budget and other business details. The curator did not challenge or question the artist's ideas, only the artist's ability to do the necessary work in the allotted amount of time, and within the proposed budget. The curator did not contact the artist again before he/she left town. But once home, the artist received a disturbing e-mail, and this message initiated the series of e-mails that led the artist to cancel the exhibit.

The following correspondence is presented with the names, genders, and places of those involved removed. This correspondence is reprinted as an example of how artists can attempt to educate or challenge curators and exhibition organizers that prove to be insensitive to the issues that are central to the invited artist's work, or simply incompetent in their job-related responsibilities. This correspondence also shows how artists can respond to the threat of censorship, and unreasonable demands that attempt to exempt the institution from all liabilities. This correspondence also reveals the frightening mentality that is sometimes at work in not-for-profit exhibition spaces that are deeply concerned about their public and private funding. This correspondence shows how the fear of losing funding or one's job can affect what kind of art these exhibition spaces present, and how they may attempt to modify a previously scheduled exhibit in order to avoid controversy or a perceived threat to their image and status. This correspondence will also hopefully encourage artists to try to anticipate and resolve unexpected problems with institutions before preparing to mount exhibits, in order to avoid making unreasonable concessions and compromises that might be requested at the last minute.

It is true that some cities, states, and exhibition spaces are more conservative than others, and what might generate great controversy in one city, would just as easily be ignored in another. But artists' work and ideas must be able to permeate all places if they are to have a forceful impact on our culture. Uncompromising art needs to reach all people - not only those that live in cities that have already nurtured a greater tolerance and acceptance of thinking that may be unpopular. In cities where tolerance is particularly low, it is critical that exhibition organizers, curators, and artists work together to foster an atmosphere where ideas can be exchanged and dialogue can take place. This of course involves taking some risks. But when individuals work together to develop a more thorough understanding of each other's ideas and motivations, and when artists and curators make the greatest possible effort to act responsibly and to educate each other, these risks can be minimized. Many problems can be anticipated in advance, and responses can be formulated should problems arise. In today's cultural climate, communication, education, and debate are powerful tools that artists and curators must be able to use in order to mount exhibits that are vital and uncompromising.

Hi [Artist]:

It certainly was a pleasure chatting with you on Friday. Regarding the proposed exhibit of your works at the [Exhibition Space], we require the following:

- No images that associate children with sexual subjects of any kind.
- All logos that appear must be accompanied by a written copyright authorization.

Sincerely

[Curator]

Hi [Curator]

It was very nice to meet you during my trip to [City of Exhibit] and I'm glad we could arrange some of the details for the upcoming show at the [Exhibition Space]. I had a fantastic time in your city, met many wonderful thoughtful people, and I am greatly looking forward to my next visit and the installation of this exhibit.

I know that you had some strong concerns about the content of the work at [The Other Exhibition Space] so I do want to stress again that the overall character of the work I wish to present at the [Curator's Exhibition Space] is quite different from the work that I do with [A Collaborating Artist] in our [Title] project. With regard to your requirement that there be "No images that associate children with sexual subjects of any kind" - for the purposes of this exhibit it is fine and it will not prevent me from including anything that I wished to present with regard to the photo files or comparisons. Though I haven't looked them over again for this type of content, I don't think this affects any of the five small photocopied picture booklets that I have already made and that I sent to you previously. Please tell me if you feel differently about those booklets and we can talk about it.

The second requirement "All logos that appear must be accompanied by a written copyright authorization" is highly problematic. This requirement most obviously prohibits me from showing anything from any of the 5 photocopied picture books that I have already made, or from making a 6th booklet to distribute in [the City of the Proposed Exhibit]. I have already distributed about 8,000 of those picture books in [Four Major Cities in the United States and Europe] and numerous other cities, and never once have I had the slightest problem. I have not received a single legal letter, remark, threat, or notice of concern. I believe that everything I am doing in those booklets should be covered quite fully under copyright laws regarding "Fair Use." I have always

given those booklets away for free to make it 100% clear that I am in no way profiting from the use of someone's logo.

Almost all copyright concerns and lawsuits revolve around the issue that someone is unfairly profiting financially from another person's work. This is obviously not the case with anything that I intend to exhibit - both because of my refusal to sell these objects, and the fact that in the presentation of my work, you will not be functioning as a commercial gallery. There are many far more flagrant, widespread, and provocative uses of copywritten material in contemporary art and culture that have been successfully defended in cases involving fair use laws where artists HAVE profited from the use of copywritten material.

I should also note that almost every single photo that would be used in every other part of this exhibit probably holds some kind of valid copyright. But again this is not a commercial exhibit and no one is profiting in any way from someone else's work. Recently the [American City]-based journal [Title] reproduced 3 of my comparison works in their publication. They knew that I had not secured permission to work with these images, but felt their reproduction was safely covered under "Fair Use" laws. They are a highly regarded publication and a non-profit organization that receives extensive public funding, and they have made similar judgments about other artists' work many times before. I would venture to guess that the [Curator's Exhibition Space] has probably already exhibited many collages or paintings in the past that also included copywritten images or logos that were used by the artist without written authorization from the copyright holder.

The most that would probably ever happen if there was a problem is that a lawyer representing the person/organization that the image or logo belonged to, would serve a "cease and desist" notice that could possibly force us to remove the image or work in question. Even then this could be contested and removal might not even be necessary - particularly given that the show is only four weeks long. But again, this hasn't happened to me yet, and I have distributed this type of material far more extensively already than would be possible through this one exhibit in [City of Exhibit]. To receive written copyright authorization for every image and logo that would be included in the show would take years. If applied to copywritten images in addition to logos, your requirement completely cancels the possibility of even having an exhibit. I am deeply concerned about copyright issues and I can direct you to some excellent resources if you would like more information about "Fair Use." But to receive authorization every time I use a logo or copywritten image, would literally make it impossible for me to do almost every kind of work that I would like to include in this exhibit. Even if I was granted authorization in each case, it would make almost all of my projects impossible to execute - this level of bureaucracy would leave me unable to function as a creative individual because I draw so heavily on the visual culture that we are surrounded by in the world every day.

To me the choice of working through my ideas freely as an artist, or begging corporations for permission that I would probably never need and would certainly never get, is an obvious one: I have to continue working. I am hardly alone in this decision. Some of the greatest icons of modern art employ the use of corporate logos without written authorization. Thousands of artists make the same decision every day and thousands of cultural institutions and individuals back this work with full knowledge that the artist has not secured written authorization to use the copywritten logos or images that appear in their work.

Assuming that we can move forward from here, here are some of the details that you asked for: [Additional details requested by the Curator].

Please let me know what else I can do on my end. I'd be happy to work on a text for a press release or look over anything you may have written. I would like to see what you plan to send out and give you input on that if necessary, just to make certain that my ideas are being represented accurately.

Sincerely,
[Artist]

Hi [Artist]:

Thank you for your prompt response to my e-mail.

Regarding the first of our requests, I sincerely want to express my appreciation for your understanding of the circumstances. We usually do not solicit changes in content of artist's works, however due to the subject matter and the proximity of several religious institutions to the gallery, we determined that discretion would be the better part of valor. Thank you again.

Concerning our trepidation with the possibility of copyright infringement, we understand your argument, that you believe your works fall under "fair use". We further agree that since you are not marketing these works and have no plans to profit from the exposition, copyright restrictions would not be an issue. Nevertheless, due to our institution's position as a diplomatic mission and cultural center, we must be careful not violate any of the local laws or customs. In fact, we prefer to err on the side of cautiousness, when dealing with such issues as copyright. We therefore would like to request a letter from you assuming all legal liability for any infringements that may occur.

Sincerely
[Curator]

Dear [Curator],

My concerns about mounting this exhibit are becoming greater with every message I receive. Firstly I cannot give you a letter assuming all legal liability for any copyright infringements that may occur in my work. That seems to suggest that I am actually admitting guilt which I would be foolish to do. What I can give you is a letter stating that all inquiries regarding the use of copywritten images or logos, must be directed to me, and that the [Exhibition Space] is not responsible for handling these issues or inquiries in any way. I think I can write a letter that satisfies what you need, but not in a way that practically admits guilt when I don't believe I am guilty of any wrongdoing. I will write this letter and email it to you soon. If we can agree on what I wrote, then I will print the letter out, sign and date it, and then mail it to you.

Also please understand that the comparison work that I sent you yesterday contains two images (one from an old medical book and one, I believe from [Popular American Magazine]) that are probably still copywritten - just like almost any other image taken from a book or magazine. So if you reproduce these in the mailer, your organization is using these images without written permission. Again, this type of thing has been done a million times by a million institutions without incident. [Title of Journal] printed this same comparison when their journal featured my work, without any type of disclaimer. If you are going to reprint this comparison, or any other ones in your mailing materials, then you are partially complicit in using images that are copywritten. I emphatically believe that you could not find a smaller risk to take. There are situations where I expect you, as the exhibit organizer, to be willing to accept minor responsibilities on my behalf. This is one of those situations.

If I may back-track a bit regarding your thoughts about discretion, I still have concerns about this as well. In the particular [Project Title] works that I suspect you found problematic, there were some sheets where two images were directly compared, and an image that depicted sexual scenes involving adults was directly paired with another image of one or more children making a similar gesture. In these works, one might say that sexual content composed 50% of the subject if one image came from pornography and the other image did not. In going over the older image comparison works that I'd like to include in the exhibit at the [Exhibition Space], there is absolutely no work that resembles this kind of sexual equation involving children at all. So I'm not worried about that. My concern now is with the range of imagery in my larger photo files that I wish to feature at the [Exhibition Space].

Let me give you an example of how your requirement concerns me:

Right now I have on my wall a collection of 23 photographs of people that are seated or sitting in chairs. This includes a very wide range of images. There is

a [Famous Modern Artist's] painting, a [Another Famous Artist's Painting], two Egyptian sculptures, a handicapped person in a very complicated motorized wheelchair, several people seated in meditation or prayer, a [Famous Artist's] painting of a crudely rendered man on a bicycle, a woman in a luxury car, a young girl in a more traditional kind of wheelchair, a [Famous Artist's] painting, a [Famous Modern Artist's] painting of a woman sitting in a highly abstracted chair, and several photos of people sitting in lazy-boy recliner type chairs and 'easy' chairs. But there is also one image from pornography of a woman that is partially naked sitting in a chair. The image represents a specific body position and possesses qualities that are not repeated in any other images from this category - therefore I feel it must be included. Likewise, the image of the child in a wheelchair has highly specific qualities that I also feel are not duplicated in any of the other images.

Now when one looks at this group of images, I think it will be obvious that it is a collection that explores body positions, ways of sitting, cultural ideas about different types of sitting etc. However, I do feel it is necessary to include the image of the child in a certain kind of wheelchair, and I do feel it is necessary to include the image of the woman straddling a chair from pornography. The theme is not the association of children with sexual subjects (as one might feel with certain [Project Title] pages that employ only two pictures). The subject is obviously people that are seated. Now I know that you cannot see this collection of images before you as I can, but from what I am describing, does this type of image association present a problem? In my view it is very different from your requirement as I understand it, but I want to be sure. If what I have described in this body of images is a problem, then it will be a problem that extends to other collections of images from my photo files. As I have stated before, I intend to make a kind of written guide, which states what the theme of each collection is. This guide would make the subject clear (in the event that it wasn't obvious based on the images that are up on the wall). I'd like to be absolutely certain that when I come to [the City of the Exhibition Space] again I will be able to mount the exhibit that I envision on my walls and in my head. I do feel that we can make an exhibit that is vital, powerful, engaging, surprising, and responsible. But I need to better understand your feelings. If talking on the phone is better than writing, feel free to call. My number again is [Phone Number].

Finally I have some general concerns that I really need to hear you address more than anything else. I am very concerned about whether you understand the basic ideas that form the basis for my work. You have said almost nothing about how you feel about what I do, or even what you understand my work to be about. Your most recent responses indicate only concerns about your own liability, with no personal feelings for my art in general. Should a problem arise with the public when I am not there, I want to know that you understand and value what I do. If a viewer is ever confused or upset, you, or [Staff Member] at the front desk, are much more likely to hear about it than I am. I think that you

should be able to defend my ideas to some degree, even if I have made other work that offends you. And perhaps more importantly, I feel that you should want to defend my ideas, given that you have invited me to exhibit at the [Exhibition Space]. Obviously you cannot speak for me, nor should you have to, but I do feel you should have a basic understanding of what my work is about. I want assurance that you will be able to stand behind this exhibit as you would any other exhibit that you have organized and right now I do not get that feeling at all. I really need to hear your voice. Again, please call if that is easier than writing.

If there is anything I can clarify, no matter how long it takes, I will be happy to do it. I am preparing to do an enormous amount of work toward this exhibit and I want to know that someone is going to care about this show when I fly back to [Artist's City of Residence] and it rests in your hands for four weeks. I want to know that you will present this show to the public and the press just as you would any other show. I want assurance that you are not going to avoid promoting this exhibit because you are concerned about the content, your reputation, or your [Exhibition Space's] funding. I not only make art but curate exhibits myself, and I will take on a project with another artist because I feel that the public truly needs to see and experience what this person does. When I curate an exhibit I have to accept responsibility for the work that is shown and I have to be ready and able to defend the work and my decision to present it. I would expect no less from any other curator than I demand from myself. Though I can freely defend my own work should I need to, I don't live in [the City of the Exhibition Space], and as the organizer you will be the liaison between myself and the public. Do you feel comfortable in this role?

As an artist, I want my ideas and intentions to be understood. I am not interested in my work existing as a blurry romantic mystery. So please be very open with me if there are things you do not understand or wish for me to elaborate on. I think very hard about what I do and I will happily explain and justify why I make the choices that I make. I have all the time in the world to talk about these things because it is of extreme importance to me and I really do enjoy it. But right now, putting aside for a moment all of these business details that we have been debating, I need to understand how you feel about this artwork as a person. I am certain you would like for the [Exhibition Space] to be thought of not only as an institution that provides a room for an art exhibit and covers the costs to mount it, but as an organization that is run by passionate thoughtful people with ideas, opinions, and feelings. We have covered the first part about the space and the expenses. We have hardly dealt with the second.

Sincerely,
[Artist]

No Reply from Curator

[Curator],

Though I still have not heard from you by phone or e-mail since my last message two days ago, I have decided to send this to you now in order to put a frustrating and upsetting situation behind me. After much consideration, I have made a decision that was difficult but necessary. I would like to cancel my exhibition at the [Exhibition Space]. I hope that I have given you enough notice to avoid any further expenses on your end, as I have no desire to put any more money or energy into this on my own. I will attempt to present some of this work in [the Same City as the Exhibition Space] at a different venue at a later point in time, but I do not wish to work with you ever again. In case my reasons for canceling this exhibit are not obvious enough from my previous emails, I will explain myself.

One of the most frightening forms of censorship is not when someone tells you that something can't be exhibited or distributed. When this happens there is still a possibility that the work might be presented elsewhere under better circumstances. The worst form of censorship is when an artist censors him or herself because they fear the consequences of making work that they feel might be challenged, altered, or removed from circulation after its completion. When artists are forced to work under circumstances where they do not feel that their work will be honored, supported, or defended, or when they are made to feel as though they must be unnecessarily cautious, self-censorship can easily result. Never in my life have I felt pressured to use such ridiculous discretion about what I make or exhibit as I have in the preparation of this show.

At first I felt that your request to exhibit discretion might not affect what I chose to include in the exhibit. It is quite possible that your requirements would not affect the content of the exhibit at all. That is not the point. My point is that most of what I planned to exhibit involves making an installation using photos that have not yet been selected or arranged, and I will not work under the constraints that you are imposing. I do not believe you are sensitive toward or supportive of my work. I also feel that you are extremely naive about an enormous range of contemporary art practices and schools of thought. If I believed that you were approaching my work from a position of critical and intellectual understanding and authority, I might be more open to your suggestions or concerns. Instead, I feel that you are not personally prepared to take the risks, even small risks, that are necessary if you wish to promote vital contemporary art in our current political climate. I do not feel like I am in good

hands with you. I will not risk the disappointment that I would feel if I came to [The City of the Exhibition Space] and found that I was unable to mount the exhibit that I once thought you had invited me to present.

In my view, the job of a curator or exhibit organizer is not to stand back and passively watch while the invited artist puts his or her ass on the line for your exhibition space. Your job is to help create and maintain a climate where ideas can be freely expressed and where thoughts can be freely exchanged. This means taking risks and developing the skills or courage to support work that might be unpopular with your financial backers. You have demonstrated that the threat of losing funding for the [Exhibition Space] is so strong that you will encourage an artist to change their work in order to suit your own needs. You have offered no support for my ideas or for the personal risks I was willing to take to create an exhibit with you. If the cultural climate at not-for-profit spaces is so conservative in [City of Exhibition Space] that your only option is to encourage artists to censor themselves or alter their practice when their work is a little touchy, I seriously suggest that you look for a new occupation that is less morally demanding. Either that or you should simply continue to mount boring, safe, and irrelevant exhibits like the show of paintings by [Gallery Artist] that is currently on view.

I first sent you an exhibition proposal back on February 27th. I articulated much of what I was interested in doing for the show. I mentioned that my photo files included both pornography as well as children's illustrations. I mentioned that some of the comparisons I might draw might be jarring or even repellent. I think I made it quite clear that I intended to use copywritten material in the show. I even sent you the actual [Project Title] picture books that I wished to include. Given that they deal with copyright issues quite forcefully, you might have said something about that a lot sooner - particularly since I wanted you to fund the publication of a new book as part of the show. You told me you were too busy to look over my proposal immediately, but ultimately, you had over two months to determine that there might be a problem. Instead, you waited until after you saw my collaborative work with [Another Artist] to identify that there was in fact a problem. If there was anything you did not understand or agree with in my proposal, you had a lot of time clarify this with me. I have been extremely punctual and thorough in responding to every request that you have made of me. I have tried to be as clear and honest as possible about what I wanted to do.

In closing, I just want to express my deep disappointment in your abilities as an exhibition organizer and critical thinker. I have high regard for your director [Director's Name]. [Director's Name] has a sharp mind and the courage and conviction to promote important and challenging cultural events. All that you seem to possess is the desire to keep a room booked with something to look at in June - a particularly important month for contemporary art in [City of Exhibition Space].

Perhaps you also have the ability to produce an exhibit on a limited budget. I have always told you that I could mount this exhibit with minimal funding, but I cannot mount this exhibit under your direction. I wish that this show had been [The Director's] responsibility and not your own. At least then, if the exhibit could not have been realized, I would have known that the cultural climate of [The City of the Exhibition Space] was truly too fragile to present this show at your space. Instead I am left to conclude you are naive and gutless. I would rather eliminate an exhibition opportunity for myself, than allow you to receive any kind of credit for organizing an exhibit of my work, which you don't seem to appreciate or even understand. I hope that when you decide to invite artists to exhibit in the future, you will do much more to educate yourself about the artist's ideas before concluding that you are personally equipped to promote them.

Sincerely,
[Artist]

[Artist]:

Thank you for your latest e-mail canceling the proposed exhibition of your works. I must say that I never expected to receive such an angry and spiteful letter, especially from an artist recommended by [Personal Friend of the Artist]. In your letter you take the opportunity to attack me personally and professionally, I hope this helps you deal with your anger and frustration.

Regarding the risk of losing our funding you are correct. The [Exhibition Space] is principally a diplomatic mission of the government of [Another Country]. As such we are charged with the responsibility of promoting and exhibiting works of [The Other Country's] artists in order to disseminate [The Country's] Culture. This is our primary mission. We program our expositions a full year in advance and select our exhibits based on thirty years of experience dealing with works from artists such as; [Famous Artist: born 1886, died 1947], [Famous Artist: born 1910, died 1954], [Famous Artist: born 1883, died 1949] among many others of equal importance and stature. Therefore, we are obligated to select with careful conscientiousness the exhibits that are representative of the parameters set for the [Exhibition Space] by its long history and standing. Indisputably your works do not measure up.

[Artist], please understand that your personal attacks only reflect your immaturity as a person and artist. Perhaps in the future, when you mature and your work develops into something worthwhile you can find an institution that will exhibit your ideas.

[Curator]

[Curator],

I am certain that my great friend [Personal Friend of the Artist] would have never recommended my work to you, had he known that you would so totally lack any ability to understand or properly exhibit it. When you invite artists to exhibit and then prove that you don't stand behind the ideas that so obviously form the basis of their work, you should expect to be attacked. When you suggest that an artist should censor or compromise his or her work, does it really surprise you that they might get angry or frustrated?

I do not wish to draw any comparisons between my art and the work of [The Three Previously Cited Dead Famous Artists]. There is no doubt in my mind however, that you would never have had the courage to exhibit these passionate, powerful, and uncompromising artists in their own lifetimes. The reason that artists like these achieve importance and stature, is because curators had the courage to stand behind their work early in their careers when the art that they were making was still quite shocking. Presenting their work decades after they died or became accepted, or after others have risked their asses to exhibit this work and prepare the public to understand it's importance, takes no courage at all.

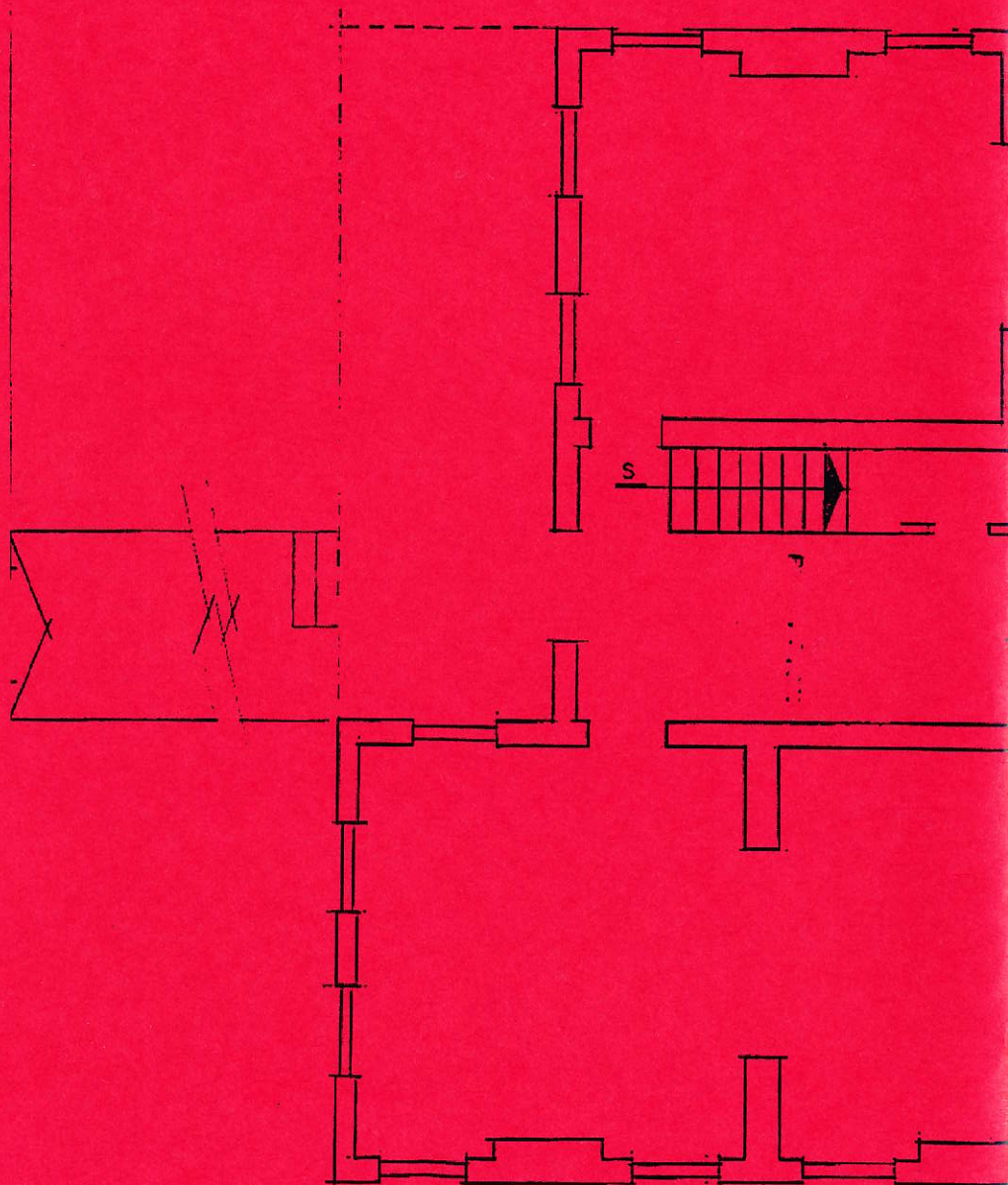
I have had no trouble at all lately finding institutions that will exhibit my ideas. Canceling my exhibit at the [Proposed Exhibition Space] will allow me some much needed free time to prepare for a group show in mid-June at the [Similarly Important Exhibition Space] here in [Artist's City of Residence]. Ironically enough, the subtitle of that show is "Guts" - something you completely lack as a curator.

[Artist]

No Response from Curator. End of Correspondence.

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