

In *Artist, Authorship & Legacy: A Reader*, Daniel McClean has curated a rich range of expertise exploring the intangible and personal connection of an artist to their work. Yet rather than focusing primarily on the aura of the original, McClean's *Reader* re-centres the inquiry around the aura of authorship in how it might be recognized, distributed, regulated, or exercised. *Artist, Authorship & Legacy* considers all links in the chain that might filter or facilitate this relationship, from the artist to the estate, operating anywhere from the online art market to the judicial system. In doing so, McClean's book places artistic authorship at the centre of various nuclear considerations, while bookending the discussion with the relevant legal and art historical developments, on one end, and potential advancements in authorship and legacy implications, on the other. The seamless narrative in between finesses the many contradicting roles played by art and law when shaping and defining artistic authorship, which are framed as symbiotic and parasitic at the same time.

Daniel McClean has his own impressive catalogue raisonné when it comes to edited collections on art and law. This new book builds on the important themes explored by his others, like *Dear Images: Art, Copyright and Culture* (2002) and *The Trials of Art* (2006). With *Artist, Authorship & Legacy*, McClean adds to this list yet another anthology offering critical interdisciplinary perspectives on a fascinating and increasingly-complex area. It both reflects on existing scholarship and contributes to wider research being undertaken in multiple disciplines, as demonstrated by the impressive line-up of twenty-three contributors working among these fields.

The book is organized into three parts. Part One is entitled 'Authorship and Artists' Rights', and outlines the development of artist's rights since the 1960s. It provides numerous comparative accounts of artists engaging with the law to enjoy, expand, or destabilize authorial functions. Well-known examples are explored in-depth, from conflicts around authorship with artists like Christoph Büchel<sup>1</sup> and Cady Noland<sup>2</sup>, to authorial contradictions inherent in Richard Prince's use of the law to his advantage—and to disadvantage other artists seeking to enforce their own authorial claims.<sup>3</sup> Perhaps appropriately, Part One concludes with, 'The Author Stripped Bare by Its Employees: Artistic Authorship in the Twenty-First Century and Beyond', in which Lisa Rosendahl reflects on the evolution of artistic authorship in an increasingly capitalistic society.<sup>4</sup> In doing so, Rosendahl examines artists' collaborations, like Claire Fontaine and Bernadette Corporation, that deconstruct the notion of authorship 'as a way to comment on art as a symptom of the society that supports it'. She argues these collaborations engage with the very circumstances have enabled the function of the author to become commodified, standardized, and fragmented through control mechanisms and divisions of labour that rely on practitioners, rather than artists, as a consequence.<sup>5</sup>

Part Two is entitled 'The Artwork, Aura and Authentication'. It considers how contemporary art has complicated not only how the law defines art, but also how, and to what, authorship might attach (or, spoiler alert, *not*). Chapters contemplate who exercises authorship and at what point of the artistic process, as well as *what* exactly passes into the public domain upon the

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<sup>1</sup> Zaretsky represented Christoph Büchel during the legal dispute with the Massachusetts Museum of Contemporary Art. See Donn Zaretsky, 'Training Ground for Moral Rights: *Mass MoCA v Christoph Buwchel*' 47-53

<sup>2</sup> Martha Buskirk, 'Retraction' 55-68

<sup>3</sup> Nate Harrison, 'Authoring Contradictions: Modern Appropriation Art and Postmodern Copyright Law in *Cariou v. Prince*' 83-95

<sup>4</sup> Lisa Rosendahl, 'The Author Stripped Bare by Its Employees: Artistic Authorship in the Twenty-First Century and Beyond' 117-127

<sup>5</sup> *Ibid* 126-127

term of copyright expiration. Part Two also dissects legal, conceptual, and authorial conflicts around certificates of authenticity, both with regards to the authorization of a work (including the certificate as the work) and the reproduction of ephemeral media. Alessandra Donati's insight on how documentation is becoming an important part of that process and, thus, is now integral to a work's collection and display resonates with concerns building around the preservation and re-performance of living works.<sup>6</sup> Following on this, Shane Burke makes a compelling case for treating works by artists like Sol Lewitt as a score, with the artist's estate fulfilling the role of the 'posthumous conductor' to ensure that 'the integrity of the idea is respected through the interpretation and execution of the artist's instructions', both honouring the artist's intentions and protecting their ongoing legacy.<sup>7</sup>

Part Three, 'Legacy and Its Stewards,' concludes by exploring how authorship is managed and exercised in the artist's absence. Yet chapters also assess artists' attempts during their lifetime to anticipate that legacy and use the law to define obligations of guardianship arising upon their death.<sup>8</sup> Dawn Ades raises the issue of who might attack (or defend) an artist's legacy tied to authorship, even one so infamous and seeming untouchable as R. Mutt's (*i.e.*, Marcel Duchamp's).<sup>9</sup> Part Three therefore explores shifting meanings of legacy, which, going forward, will need to adapt along with our understanding of what art, and *authorship*, is.

The book provides diverse accounts of the law's inability to regulate artistic authorship, while highlighting artists' own abilities to develop innovative systems that challenge whether the legal system provides an appropriate forum in the first place. As a whole, the book coherently collects countless illustrations of how the law both awards artists with rights over this function and dilutes it, focusing on a range of areas from copyright to contract law. Chapters also detail instances of owners, collectors, and dealers employing the law as a tool to hold artists accountable for failing to meet certain prevailing mainstream expectations. As McClean writes, these complementary perspectives reveal 'the complex push and pull between the artist as commodity and the artist as sovereign'.<sup>10</sup> Central to this tension in authorial discourse, is the impact that the evolution of visual culture has had on our conceptual understanding of art and authorial identity as relevant to the (Western) society and values supporting it.

*Artist, Authorship & Legacy* should appeal to a wide readership and has been crafted with this in mind. Each Part includes chapters that explore the necessary foundations of the law in tandem with other chapters that push its more theoretical boundaries. As mentioned, it aggregates a plethora illustrative examples for those venturing into understanding artistic authorship and its development. Readers will therefore gain an understanding of how authorship is shaped formally by international and domestic legal measures, as well as conceptually by artistic practice and cultural management. As both a resource and a provocation, it provides excellent reading for scholars, artists, and practitioners among multiple disciplines, including fields of art history, theory and critical studies, visual culture, arts and cultural management, and the law.

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<sup>6</sup> Alessandra Donati, 'From the Object to the Archive' 141-157

<sup>7</sup> Shane Burke, 'Score, 'Performance and the Posthumous Conductor' 159-178

<sup>8</sup> Daniel McClean, 'Artist's Estates as Guardians of Artistic Legacy: Custodians or Gatekeepers' 285-301; Gilane Tawadros 'Appendix; or, Some Adjectival Notes on Authorship and Legacy' 337-345

<sup>9</sup> Dawn Ades, 'Marcel Duchamp, *Fountain*, 1917: A Controversial History' 303-311

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