

Thursday, July 9th, 2015

## What's Not the Matter With Richard Prince

by Noah Dillon



A screenshot of one Instagram post by Richard Prince, including commentary by other users.

Richard Prince has recently attracted a fair amount of performative, high-decibel anger for his new work. In May, at the Frieze Fair, he showed several pieces from his Instagram series — unique pigment prints on canvas made from screenshots, taken by the artist, of other people's pictures on the photo sharing app Instagram. They typically include a comment by Prince, typed in below the photo, as signature and alteration. Artcritical contributor Kurt Ralske wrote a really insightful essay about the work last fall, when it was shown at Gagosian's Madison Avenue location. A new exhibition of the series opened at Gagosian's Davies Street location in London on June 12. A show called "Original" closed at the Madison Avenue location on June 20. Similar to his earlier paintings, such as *Nurses* or his *Eden Rock* series, these are the covers of pulp novels — illustrators' original cover art framed with the book for which it was produced. They've attracted far less scrutiny and heat than his Instagram images.

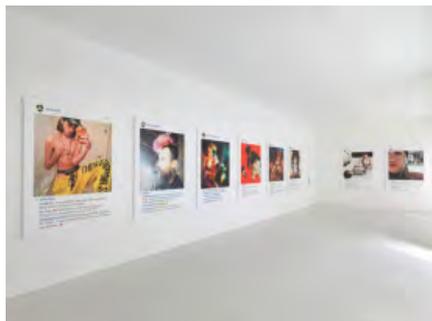


Richard Prince, *Untitled (original)*, 2010. Original illustration and paperback book, 46 × 37 inches. Courtesy of the artist and Gagosian Gallery.

Both new series, and much of the rest of Prince's oeuvre, use a similar operation. He takes preexisting material, without permission, and reproduces it with his name attached. He often changes very little (if any) of the original matter. That maneuver has a very long lineage, as many art admirers will recognize, in Prince's career, his contemporaries, and in the generations that preceded him: Sherrie Levine, Andy Warhol, Marcel Duchamp's *Readymades*, the codified iconography of various cultures — and etc.<sup>[1]</sup> It can often be difficult to distinguish between convention, appropriation, plagiarism, and homage. Repetition, reproduction, iteration, also at play here, have similarly long genealogies in Lucas Cranach, the Dadaists, Warhol again, Louise Lawler, Robert Gober, and so many others. Those are obviously histories of which Prince's detractors are either unaware, or that don't carry weight.

In recent weeks, media outlets fleetingly percolated at the commotion around Prince, including not only the fine-arts press, but also FOX News, the BBC, *Bloomberg*, *Wired*, blogs, etc.<sup>[2]</sup> A flood of angry Instagram and Twitter users has periodically swamped the comment threads of Prince's online accounts. Many (if not all) of those complaining about Prince's work also routinely use repurposed, appropriated, or otherwise copied images. A vitriolic audience has discovered Prince exactly when he may be most relevant, his discipline now woven into daily life, and they are not happy about it.

In response to images of Prince's Instagram paintings posted to his social media accounts, viewers accused him of theft, called for lawsuits, encouraged suicide, or simply asserted that he sucks and that his work augers the death of creativity. Users complained that the images were stolen, that the original creator is entitled to compensation, that the works shouldn't carry a \$100,000 price tag, and even that it is wrong for any artist to receive any money for their work. These images have previously been called sexist, in an *artnet* article by Paddy Johnson, and by others. Unsurprisingly, those who have had their likeness appropriated have been called victims, a demonym often flogged by enraged interlopers, whether it's warranted or not.<sup>[3]</sup>

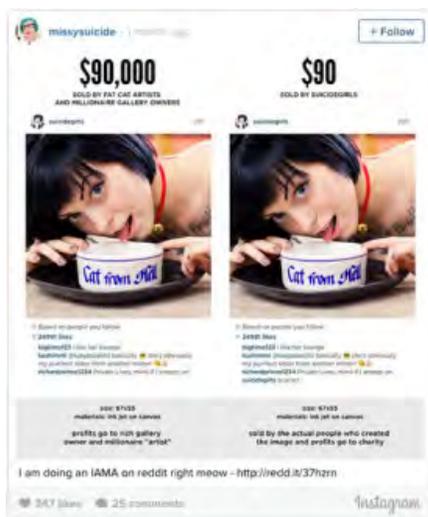


Installation view of "New Portraits," at Gagosian London, Davies Street, 2015.

There are a lot of reasons why these complaints lack merit. To begin with, any image posted on Instagram is subject to the terms and conditions set by Instagram and agreed to by anyone who uses the app. The company exercises some control and can prohibit certain pictures that it deems offensive, or that violate copyright law. All this stuff is in the terms of use.<sup>[4]</sup> And Instagram is already making money with targeted advertising, leveraging user data and attention for product placements.<sup>[5]</sup> So whether Prince makes paintings or not, someone else is being enriched by the labor and intellectual property of the app's users. Instagram and other apps basically make a leisure activity of unpaid work, producing data.

Further, Prince's paintings fall under fair use provisions of copyright law. The image on Prince's canvas may include the poster's original photo, but it is significantly different. For one thing, it's pixelated and printed in large scale on canvas by Prince, rather than existing compactly on anyone's smartphone.<sup>[6]</sup> Moreover, it isn't just the original photo, but the entire textual and iconographic layout, including the frame created by Instagram and comments added by other users. His commentary acts as both a kind of intervention, final authorial word, signature, and as a type of contextualization, not unlike the signature of "R. Mutt" on Duchamp's *Fountain* (1917).

Even minimal alteration or change to the, like, aura of the work can be sufficient. In a 2009 lawsuit, *Cariou v. Prince*, photographer Patrick Cariou sued Prince for infringement when his documentary photographs were reproduced with minor alterations. Cariou won, initially, and received a settlement, but the ruling was overturned on appeal. The appellate judge found that reasonable observers could distinguish Prince's work from Cariou's original. And likewise, we — viewers — can tell the difference between a digital photograph and a photograph printed on canvas with a lot of extra visual information.



An Instagram post by Selena "Missy Suicide" Mooney, comparing Richard Prince's \$90,000 copy of her \$90 original photo.

Unlike even Cariou, it strains credibility to imagine that Prince is depriving Instagram users of income. It seems safe to presume that very few users post images for free *and also* expectation remuneration. Those who are interested in printing out their images (or screenshots of their images with the additional framing devices and comments, as Prince has done) are still free to do so and to sell them on an open market. Selena "Missy Suicide" Mooney, co-founder of the softcore erotica website *SuicideGirls*, did just this after one of her models found a Prince-appropriated image of herself for sale at Frieze. In a publicity stunt, Mooney sold exact replicas of Prince's work for \$90, one-one thousandth of the reported price of his originals. All proceeds from her sales were pledged to a charity.

Artcritical contributor David Carrier and I came to the same realization. Carrier explained that this situation is what the scholar and philosopher Arthur Danto called "indiscernables." The original and the artist's copies are related but dissimilar, and they're not in competition with one another. Warhol's Soup Cans don't compete with Campbell's Soup Company or its advertisements. Early in his career Prince also photographed advertisements, such as cowboys pictured in ads for Marlboro cigarettes. Prince and the ad photographer operated in separate markets, and in fact the ad photographer had already been paid (probably well) by the time Prince copied his or her work. So it also goes with Mooney's models, and with many of the other celebrities pictured on his canvases.

Importantly, the artworks are valuable neither because they're novel nor because they're from a photo app, but because they're being offered by Gagosian as artworks by Richard Prince.<sup>[7]</sup> Here is one issue of sexism, which is different from the one proffered by Johnson and others. Johnson's critique is that Prince's Instagram paintings often reproduce

objectifying images of women and his signatory commentary is interpreted as snide and silencing, which is probably true.<sup>[8]</sup> There is, I think, a clearer and more essential issue of sexism here: although there are several male artists who could plausibly produce and sell this kind of work for very high prices, there are comparatively few women who could command these prices for this product — maybe Lawler, Levine, or Cindy Sherman. These perseverating structural inequities in the art world *are* sexist, whether or not Prince's particular images are or not.

## Artist Richard Prince Sells Instagram Photos That Aren't His For \$90K

The Huffington Post | By Katie Sole  
 Posted: 05/27/2015 8:25 am EDT | Updated: 05/27/2015 8:58 am EDT

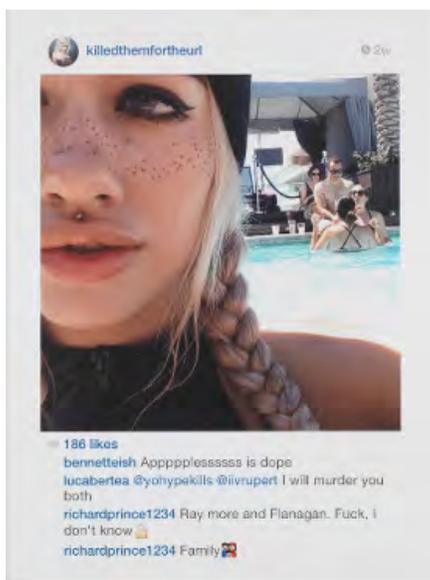
Headline from a Huffington Post article on Prince's work and its recent attention.

Ralske notes that Prince is essentially printing money, and this kind of split between the exorbitant amounts commanded by eminent artists, compared to the fractional prices achieved by everyone else in the long tail, is another kind of institutional inequality. The market's stratification is matched (created) by the shrinking number of increasingly wealthy oligarchs able to compete with one another in a poorly regulated marketplace. It's also a reflection of growing inequality generally, globally. This is art as commodity speculation. It seems unlikely that collectors are spending so much money strictly for the image posted by the quoted Instagram user. If they wanted these images, many of which are casual selfies, they could likely buy them directly from the user for almost nothing, or they can see them on Instagram for free — both on Prince's account and on the accounts of those he copies.<sup>[9]</sup> They can print, download, or copy the images, and Prince himself has encouraged aggrieved users to do so. What he's doing doesn't have to be unique.

Nonetheless, many criticisms expect Prince to be unique, but only in the way some people imagine art should be.<sup>[10]</sup> Complaints of unoriginality and deskilling or laziness here center on the fact that the images aren't manually mimetic, that is: Prince hasn't copied a likeness by his trained hand, that he cheated by using a tool. The anxiety of easy art



Commentary from patrons of FOX News, reacting to coverage of Richard Prince's Instagram paintings in the popular press.



Richard Prince, Untitled (portrait), 2015.

Inkjet on canvas,

65 3/4 × 48 3/4 inches. Courtesy of the artist and Gagosian

Gallery.

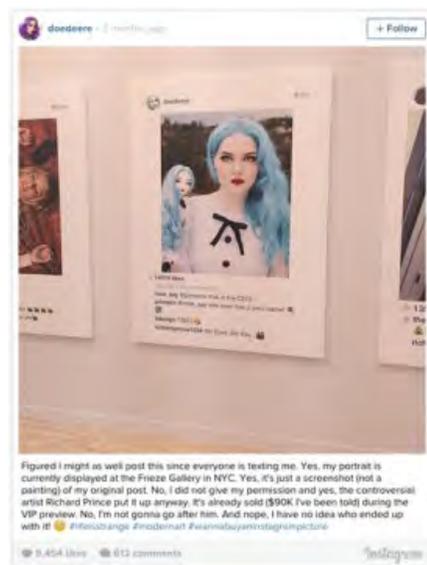
has coursed through culture for a few hundred years, at least.<sup>[11]</sup> The fear that art is a facile con job remains potent and perennial. Which is not to say that no lazy art exists; we're awash with it, as no doubt we've always been. But bad art's poverty rarely has to do with technical issues, since some of the worst artworks can be supremely executed, just as certainly as they can be craftless junk abstractions. Or they can be copied images from the Web.

Given the digital platform from which Prince's Instagram paintings spring, one might call them "vernacular." Non-attribution, anonymity, and copying are endemic to the Web, and there is little practical distinction between Prince's paintings and a retweet, a circulating image macro, or the re-enactment of a viral video, such as 2013's briefly popular *Harlem Shake* craze. Even beyond the Internet, copying and stealing are deeply embedded in culture *generally and historically*. In 1976, Richard Dawkins coined the word "meme," a term now often confused with image macros found all over the Internet.<sup>[12]</sup> But what Dawkins meant by the word is far broader: it's *any* information that spreads through culture, from Shakespeare's neologisms to articulated human rights to miniskirts to a catchphrase. Lawrence Lessig, in his book *Free Culture* (Penguin, 2004), asserts that civilization absolutely depends on elaboration and copying to spread ideas and share information. Prince's use of Instagram — a medium that explicitly encourages widespread reproduction — points to this engagement with culture, which is exactly what so many of the app's users find engaging.

It's worth asking, as Johnson indicates, how in an age of easy copies an artist can sell copies for such high prices. She writes, "Copy-paste culture is so ubiquitous now that appropriation remains relevant only to those who have piles of money invested in appropriation artists." Peter Schjeldahl also touches on this, writing that the invention of Instagram art was nigh inevitable, but the appeal of Prince's paintings is brief and that they don't need to be seen in person to be understood.

However, many people engaged fully in copying and pasting, but only tangentially engaged with the art world (if at all), misunderstand them. Everything in this essay till now is probably a pedantic description of well-trod ground for art cognoscenti, but perhaps dubious to everyone else. So one big, obvious problem of Prince's work is not even specific to him: the sharp division between the business of art and everything else.

How did it come to be that in the 20<sup>th</sup> and 21<sup>st</sup> centuries, artists such as Joseph Beuys and Duchamp made strong arguments that anyone can be an artist and that anything can be art, and yet that knowledge has remains locked in a domain of specialists and insiders? Has the domain been made smaller and smaller? As with complex financial tools used by bond traders on Wall Street, the growing amount of money spent on art appears to have cleaved a small echo chamber for knowledge reserved as arcane and valuable, whether it truly is or not. And as with financial markets, the disparities of pay are masked by more inane questions about whether artists should be paid at all, instead of looking at how a system works that rewards a few people greatly and the vast majority very little.



An Instagram post by model Doe Deere, whose image was reproduced by Prince without permission.

Is the dictum that anybody can be an artist resisted by those anybodies who still believe that only special, innately talented people make art? Although a pretty broad definition of art probably predominates, if you tell people that what they do can be art, they apparently reject the notion, or at least if it's done for large sums of money by someone using what many lay people dispense freely, even compulsively, online. They don't seem to want copying weighted by that significance, as if the process could be tarnished by (or could tarnish) a world that they've likely been told they don't understand and can't participate in, and where the financial stakes are alleged to be very high. Art is special, but the wide popularity of Instagram seems to designate the service as vulgar and, by transference, anything that exists on it. Consequently, Prince's amateur critics implicitly (sometimes explicitly) urge that we should regard with suspicion a person who attempts to make it a space where art might occur, where it can become self-reflexive, critical, ambivalent, tricky — "It's just Instagram," as if that means activity there doesn't matter.

Even if this is the dullest, worst art ever made, why banality should raise such visceral anger is inexplicable. At heart, beyond all the

rhetoric of victimization and copyright and redundancy, this resistance seems to be the concern: art is culture and culture is serious. The subtext of "Your copies are taking away their photos," sounds like "You're taking away our fun." The worry is not that Prince is copying, but perhaps that his copying impinges upon one's own, and one's control over rebuttal, deletion. And it does so with art-world forces that appear to expensive and separate the image from everything else. In which case, although the reactionary fury is dumbly vented, the underlying angst about the social role, monetary value, and intellectual boundaries of art is a real problem. Unlike art history and copyright and sexism and

techné, the cause and the solution for that problem is much more difficult to resolve or even describe. One can hope that the wider audience and frothing attention paid to work like Prince's might initiate that conversation.

[1] I can only think of one ancient culture known for prizing ingenuity over tradition in its official artworks: Mayan scholars routinely invented new ways of writing their hieroglyphics, rather than hewing to any particular convention. Others might exist — I'm not sure. Originality and authorship just weren't very big concerns for much of art's history.

[2] In the remainder of this piece I describe Prince's detractors, meaning his critics outside the professional arts. Later discussions of writing by critics who thoughtfully wrestle with and place Prince's work in context, such as Paddy Johnson, Kurt Ralske, and Peter Schjeldahl, are exceptions and not the focus of this essay.

[3] Conversely, some fans have begged him to use their images in his work.

[4] Users who don't want such censorship can use another service with more amenable terms.

[5] Additionally, in 2012 Instagram included language in a new Terms of Service agreement that appeared to provide them rights to all content on their servers, which could be sold to third parties without compensation to the user. After much outcry, Instagram removed the clause and stated unequivocally that it was not their intention to sell users' images and data. But they retained language that prohibits users from bringing class action lawsuits against them, leading some business journalists to speculate that the company may be protecting itself from angry users should they revert to that policy again in the future. In short: Instagram may someday sell images and other data stored on their servers. Facebook (Instagram's parent company), and other platforms, similarly claim rights over user content stored on their servers.

[6] This might be part of the worry, since it makes the image no longer vaporous and passing, takes away the possibility of deletion, should its original author reconsider it in the future.

[7] In this, too, one sees another real problem on the periphery of Prince's work. Many of those angry at Prince (presumably art neophytes, but who knows) might object to the high price. A friend of mine, a professional artist, remarked that the \$90,000 pricetags seemed surprisingly low. Those sums seem to both justify their status as art for the market, and cast doubt upon it for those ignorant of its operations.

[8] Such assertions seem perhaps plausible, I don't know. I'm not sure how earnest or spiteful Prince is. His comments are usually too cryptic for me to parse, though the flavor can be lecherous or juvenile. However, I assume I've got a blind spot in this regard.

[9] There's not much of a market for self-portraits such as these, even including the outlier case of Kim Kardashian's recent book of selfies, *Selfish* (Rizzoli, 2015)

[10] While they complain about printed screenshots of amateurs and living celebrities, Prince's scolds are seemingly indifferent to the artist posting images Burl Ives or Barbara Billingsley copied from movies, and his critics may do likewise on their own Instagram feeds.

[11] Earlier in Western culture, Socrates worried conversely that the implementation of original writing would ruin culture by weakening memory and tradition. While once culture was feared corruptible by invention, it is now imagined to be corruptible by non-invention. And yet culture persists.

[12] Image macros are the popular pictures with funny text appended in block letters, such as cats talking in a juvenile dialect.



A screenshot of one Instagram post by Richard Prince, including a snapshot of his work and commentary by other users.

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