

Comments on the Art Market

BY REHS GALLERIES

Volume 273

(212) 355-5710

www.rehs.com

www.rehscgi.com

Video Reveal



[Watch the Video](#)

Upcoming Gallery Exhibition

The Seasons: Exploring Nature's Palette.

Opening on October 5th, at 4:30 pm, is our exhibition *The Seasons: Exploring Nature's Palette*. This group invitational exhibition will include more than a dozen of today's finest landscape artists. Included will be new paintings by Andrew Orr, Ben Bauer, Gail Descoeurs, Ken Salaz, Ryan Brown, Mark Daly, D. Eleanne Basa, Leo Mancini-Hresko, Todd Casey, and many others.

Opening Night

Thursday, October 5: 4:30 pm – 7:30 pm

General Show Days

Monday – Friday
October 9 – October 31
10:00 am – 5:00 pm

Stocks & Crypto

By: Lance

Somehow August is already over... it's honestly a little depressing. I wish I could say reading this would help a little, but we all know the markets don't care about our mental health. While things have been surprisingly positive through 2023, that was not the case this month... all three of the major US indexes were down. The Dow slipped 2.3%, the NASDAQ fell 2.2%, while the S&P500 dipped 1.8%; those numbers would've looked much worse if it wasn't for a nice rally in the final days of August. To be fair, there's been quite a bit of mixed data influencing the market so it's not exactly shocking. Most notably, the August jobs report indicated the labor market's growth may be tapering off... that can have a ripple effect by swaying consumer spending, which impacts corporate earnings, and obviously the overall trajectory of the economy. All that said, many companies continue to produce stronger-than-expected earnings, so we're getting some pressure in both directions.

Looking at the European currencies, both the British Pound and Euro weakened against the US Dollar, down 1.35% and 1.42%, respectively. Gold had been trading in the red through August until the final day of the month... it turned the tide from a nearly 3% loss just last week to a 1.3% gain. Crude experienced its usual choppiness, swinging somewhat dramatically from week to week – just last week it was looking like a 3.5% drop, but it ended up 2.5%.

Crypto was even worse! And I'm still not totally sure why... back on August 17th the crypto arena was rocked hard. Bitcoin dropped precipitously, plunging more than 10% in just a few hours; the dips for Ethereum and Litecoin were even more dramatic. There have been a few theories floated, like the fact that it was reported SpaceX sold off all of its Bitcoin holdings. Why'd you do that to us Elon?

As I always say, no one knows what's going to happen next, especially when it comes to the stock market... I'm just over here hoping it stays warm for a few more weeks.

Really!?

By: Amy

Barbie Has Found A New Home At The Barry Museum



#1 Barbie Doll from 1959

The Barry Art Museum at Old Dominion University made history by announcing it will hold a new exhibition titled "Fashion Innovation: Madame Alexander at 100," which will be on view from August 29 to December 31, 2023. The show seamlessly blends fashion and doll craftsmanship. Recently added to the collection is the iconic 1959 first-release [Barbie Doll](#) — an exceedingly rare doll held in high regard by collectors. It was acquired by Carolyn Barry, co-founder [of the museum](#), through a record-breaking auction bid of \$42,000. She astutely recognized the profound historical significance; this doll will debut in the permanent collection when the exhibition opens.

While this acquisition set a record for the highest auction price of a #1 Barbie, it fell short of two other notable Barbie doll auction records. Commemorating the 40th anniversary of Barbie's inception, an exceptional collaboration between Mattel and the illustrious jewelry brand De Beers gave rise to the opulent De Beers Barbie. Adorned with a delicately decorated belt embellished with an astonishing 160 diamonds, this doll elevated itself into an investment-grade collectible.

Diverging from the customary retail route, this doll was thrust straight into the auction limelight, captivating collectors with its unique allure. In 1999, it fetched an impressive \$85,000, securing its position as the second-most expensive Barbie doll ever sold at auction.

However, the pinnacle in terms of auction prices was achieved by the Stefano Canturi Barbie. Distinguished by a custom-made choker adorned with white and pink diamonds, including a remarkably rare one-carat pink diamond from Australia's prestigious Argyle mine, this doll attained a valuation of \$300,000 for its gems alone. The doll crossed the auction block in 2010 and sold for just \$250,000 (\$302,500 w/p). Beyond its monetary value, this Barbie had a philanthropic purpose, as the proceeds were channeled toward the noble cause of breast cancer research.

Barbie's popularity has remained strong over time, as her ability to evolve, offering diverse dolls, fashion, and playsets, has resonated with girls for generations. In addition, Barbie is one of the most sought-after dolls by collectors. Limited edition releases, unique collector's editions, and collaborations with designers and brands, have created a sense of rarity and exclusivity.

The Dark Side

By: Nathan

Switzerland Sentences Museum's Klepto Cashier



Fondation Beyeler

A cashier at one of Switzerland's most popular museums has been sent to jail for stealing over \$1 million from her place of employment. The unnamed 54-year-old woman used to work the front desk at the Fondation Beyeler in Riehen, Switzerland. The museum is about a 20-minute drive from Basel and less than a mile from the border with Germany. The museum mainly houses the collection of Ernst and Hildy Beyeler, some of the greatest art dealers in twentieth-century Europe. The foundation's collection includes various works, from Cézanne and Van Gogh to Gerhard Richter and Louise Bourgeois. The Beyeler also features indigenous artifacts and sculptures from sub-Saharan Africa and the Pacific.

Charged with embezzlement, fraud, and money laundering, the cashier's colleagues alleged that, for nearly a decade, she had skimmed the money from museum ticket sales. Suspicions arose in 2019 when others discovered she would sell tickets to visitors and then cancel the transaction, pocketing the money. This was one of several ways the cashier would divert money from ticket sales. Other methods included issuing emergency tickets and selling multiple tickets to the same visitor. She also used other employees' logins to sell these tickets in an attempt to hide her actions. Internal investigations detail that she had pocketed at least 986,126 Swiss francs, or about \$1.1 million, over eleven years. This means she stole the proceeds from about 40,000 tickets while she worked the front desk. Prosecutors uncovered large sums of money in her bank account, accompanied by large purchases. Though she has no driver's license, she bought four cars with the stolen money. She also purchased expensive clothes, went on vacation, and did a little gambling as well. Last Friday, she was sentenced to three-and-a-half years in prison, and repay all the money she stole along with a fine of 10,000 francs (or \$11,400).

This story comes less than a year after the Art Institute of Chicago's former payroll manager [was arrested](#) for stealing several million dollars.

Chrysler Museum Agrees To Return Sculpture To Boston

The sculpture *The Wounded Indian* has been a point of contention between two American organizations for several decades. But finally, everyone can put the matter to rest. The Boston artist Peter Stephenson created the sculpture, making it the first life-size sculpture completely made from American marble. It was completed in 1850, entirely sculpted from a single piece of white Vermont marble. It is part of a nineteenth-century American artistic tradition that constructs idealized, almost mythologized, versions of indigenous people, ranging from the noble savage to the barbarous raider on horseback. It is unlikely that Stephenson ever came into contact with indigenous people since, by his lifetime, most were killed by disease or conflict with settlers, or they had been displaced and forced across the Mississippi River. Rather than basing the sculpture on any indigenous person, Stephenson based *The Wounded Indian* on a sculpture popularly known as [The Dying Gaul](#), an ancient Roman copy of an earlier Hellenistic Greek statue. *The Dying Gaul* consists of a naked Gallic warrior with a wound on his right side collapsed on the ground next to his sword. This ancient statue is part of the Capitoline Museum's collection in Rome.



The Wounded Indian

After its creation, Stephenson exhibited *The Wounded Indian* at London's Crystal Palace for the Great Exhibition of 1851. Since 1986, it has been in the Chrysler Museum of Art collection in Norfolk, Virginia. Walter P. Chrysler Jr., who founded the museum with his collection, acquired it from the New York collector James Ricau, despite no documentation about how it came into Ricau's possession. Before Ricau, the Massachusetts Charitable Mechanic Association (MCMA), a philanthropic organization in Boston that promotes the mechanical arts and provides technical training, was the last known owner, having acquired it in 1893. *The Wounded Indian* was lost when the MCMA vacated its Boston premises in 1958. According to the MCMA, the sculpture was believed to have been damaged or destroyed during "the chaos of moving". It is unknown who salvaged the statue or who it belonged to before Ricau purchased it.

The MCMA discovered the sculpture in the Chrysler collection in 1999, and since then, the Boston charity has asked that the Chrysler return the Stephenson work to them. At first, the Chrysler Museum administration resisted, claiming that the work previously owned by the MCMA must have just been a copy, while they have the original. The two organizations later negotiated for the Chrysler to loan *The Wounded Indian* to the MCMA. However, talks broke down when the MCMA demanded the Chrysler recognize their previous ownership of the sculpture and pay \$200,000 to cover what it had already spent trying to regain ownership. But now, after over twenty years, the Chrysler Museum director Erik Neil agreed to return *The Wounded Indian* to the MCMA, recognizing their previous ownership but with no payment necessary. Neil called the arrangement "amicable". The MCMA plans to stage an exhibition focusing on the sculpture but is searching for a place to put it on permanent display, lacking any galleries.

NFT Lawsuit Names Sotheby's As Defendant



Sotheby's, New York

About two years ago, NFTs were about to take over the art world. But of course, with almost everything else that comes with grand promises, NFTs are turning out a little more complicated than many once thought. One of the latest developments in this never-ending story came over the weekend when crypto investors hit Sotheby's with a lawsuit over its NFT sales.

One of the most enduring symbols of the NFT craze has to be the contents of the Bored Ape Yacht Club, colloquially known as the Bored Apes collection. These were a collection of NFTs of cartoon monkeys generated by an AI, personalized with various facial expressions, clothing, accessories, and background colors. The company that created them, Yuga Labs, was valued at around \$4 billion last year, mainly due to \$1 billion in sales aided by high-profile celebrity endorsements. Given their value and popularity, some even referred to the Bored Apes as "blue chip" NFTs.

Over the past year, the idea of NFTs has steadily lost momentum, with NFTs and their producers losing much of their value. This is considered part of a broader trend among anything connected to cryptocurrency and blockchain-based technologies. Some analysts point out that in April 2022, when the Bored Apes reached the height of their value and popularity, they sold for nearly \$430,000 each at a minimum. A year later, those prices

have dropped about 88%, where very few Bored Apes are trading above \$50,000 to \$55,000. Some specific NFTs suffered even greater depreciation, such as one Bored Ape [Justin Bieber bought for \\$1.3 million](#), suffering a 95% decrease in value since then. The most valuable Bored Ape NFT ever sold is [Bored Ape #8817](#), which sold for \$5.7 million through Sotheby's metaverse marketplace. Its current estimated value is just under \$250K, or a 95.3% decrease in value. One of the main reasons why NFTs received great amounts of exposure and attention was because they received legitimacy from various individuals and institutions. From celebrity endorsements to Beeple appearing on the Tonight Show, many moments accumulated and helped solidify digital art and artists as a part of popular culture. However, auction houses granted them recognition in the eyes of serious art collectors. Most notably, Christie's sold several works by Beeple, including [Human One](#) and his [Everydays](#) collection for \$28.9 million and \$69.3 million, respectively.

On September 9, 2021, [Sotheby's hosted a sale called Ape in!](#), consisting of two lots, one being a collection of 101 Bored Ape Yacht Club NFTs — the entire collection sold for \$24.4 million w/p against an \$18 million high pre-sale estimate. But now, some of Yuga Labs' investors and customers are suing them and Sotheby's for "deceptively promot[ing]" the Bored Apes sale and artificially inflating the NFTs' value. Adam Titcher and Adonis Real [originally filed the lawsuit in California last December](#) against Yuga Labs and the celebrities paid to hawk their product for breaking unfair competition laws and artificially inflating the NFTs' value. They also allege aiding and abetting, civil conspiracy, and unjust enrichment. Since then, the plaintiffs have expanded to a group of six, while Sotheby's was added as a defendant on August 8th.

By hosting NFT sales, the plaintiffs allege that Sotheby's gave their "stamp of approval" to the Bored Apes, playing a part in inflating the collection's value. Furthermore, Sotheby's Hong Kong's head of contemporary art, Max Moore, described the collection's buyer as a "traditional" collector. To the plaintiffs, this made it seem like the Bored Apes had been bought by someone who usually buys oil paintings and is now placing their faith in the digital arts. However, the plaintiffs claim this was false and that the now-defunct cryptocurrency exchange FTX had been the buyer. They argue that this misrepresentation allowed NFTs to be perceived as finally entering the mainstream when that was not the case. Some of the celebrities that publicly endorsed the Bored Apes Yacht Club have also been named as defendants in the suit, including Paris Hilton, Jimmy Fallon, Madonna, Serena Williams, Justin Bieber, and Beeple. Most of them had been originally connected to Yuga Labs through one of the other defendants, the Hollywood talent agent Guy Oseary.

Some say that Yuga Labs could owe investors as much as \$2 billion by the end. Sotheby's representatives have described the suit's accusations as "baseless". Yuga Labs called the legal action "completely without merit or factual basis." Suing Yuga Labs plus the list of notables was hard enough. Adding one of the largest auction houses in the world as a defendant may prove an even more difficult task.

Theft At The British Museum (Ironic, Right?)

The British Museum recently fired an employee for stealing and damaging several collection items. Most of the objects taken were jewels and jewelry not on display but kept by the museum for research. Some pieces were only about a hundred years old, while others date back to the fifteenth century BCE. A museum spokesperson commented that they are attempting to recover the stolen items and review their security procedures. The museum is also taking legal action against the former employee. The Economic Crime Command of the London Metropolitan Police is currently investigating the case. The value of the stolen and damaged works has yet to be determined.



The British Museum

Theft at the British Museum is nothing new. In such a massive, unwieldy institution, some things will get overlooked. Most recently, in 2017, the museum acknowledged that [a Cartier ring diamond valued at £750,000 went missing in 2011](#). The museum also had an ancient Greek statue [stolen in 2002](#) and a theft of Roman coins in 1993. The situation's irony was not lost on some. Several objects kept at the British Museum were stolen and plundered from warzones and Britain's colonial holdings over the centuries. So, the fact that the museum administration has become so incensed by an employee stealing something is perhaps a little amusing. Dan Hicks, an Oxford archaeology professor, commented, "We will throw our efforts into recovering the stolen goods that we previously stole". Who knows? Maybe this incident will give museum higher-ups a little empathy for Greek people who seek [the return of the Elgin Marbles](#), or Nigerian people who have asked for [the return of the Benin Bronzes](#). Sir Nigel Boardman, a former British Museum trustee now overseeing the museum security review, remarked, "The British Museum has been the victim of theft". Well Sir Boardman, now you know how it feels.

The Orlando Basquiats: Former Director Sued



Untitled (Boxer), one of the Orlando Basquiat forgeries

The Orlando Basquiat controversy started over a year ago. In June 2022, [the FBI sent agents to the Orlando Museum of Art \(OMA\)](#) to investigate allegations that twenty-five works by the American artist Jean-Michel Basquiat were actually forgeries. There were also allegations that senior members of the museum administration helped cover this up. Since the story broke, I've written three different pieces on the subject, describing updates in the case. Since June 2022, the FBI has [raided the museum and confiscated the supposed forgeries](#), OMA has [fired its chairwoman and director, and federal prosecutors brought charges against a Los Angeles auctioneer](#) for making false statements to the FBI concerning the case. It's been four months since those charges, and now OMA's disgraced former director, Aaron de Groft, will be a defendant in a new lawsuit brought by his former place of employment.

OMA filed a lawsuit against De Groft, alleging that he had conspired with the owners of the fake Basquiats. The plan was that De Groft would declare them authentic and receive a piece of the money made whenever the owners sold them. The museum administration alleges fraud, breach of contract, breach of fiduciary duty, aiding and abetting, and conspiracy. They

claim that De Groft "jettisoned his professional, ethical, and fiduciary duties to OMA and agreed to exhibit the paintings before ever seeing them in person." In so doing, De Groft and the other conspirators "hijacked OMA's resources, subverted OMA's mission, and permanently damaged OMA's longstanding reputation as a premier local nonprofit organization." De Groft took advantage of the museum's reputation to give the paintings positive attributions and facilitate their future sale, for which the owners promised him part of the money.

OMA alleges that this is not their former director's first involvement in similar business dealings. Before becoming director of OMA, De Groft was director of the Muscarelle Museum of Art at the College of William and Mary in Williamsburg, Virginia. During his tenure there, one of the works displayed at the Muscarelle was [Portrait of Federico, Duke of Mantua](#), a painting that De Groft positively attributed to the Venetian master Titian. Art historian Charles Hope, however, called the work "a feeble work unworthy of Titian". Upon becoming executive director and CEO of OMA, he began to pressure the work's owner to sell it, admitting how he would "like to be [compensated]" for his positive attribution. He also tried to secure the alleged Titian as a loan for the OMA, which would have violated both OMA policies and guidelines set by the American Alliance of Museums. Though the Titian was the most newsworthy "rediscovery" De Groft made at the Muscarelle, it was not the only one. He did something similar in 2013 when he and the Muscarelle curator John Spike bought a painting at auction in Vienna. He later [attributed it as an early Cézanne copy of a Tintoretto painting](#). That alleged Cézanne became one of the centerpieces of a Muscarelle exhibition called *The Art & Science of Connoisseurship*. Using this modus operandi, De Groft would buy unremarkable works at auction, attribute them as lost works by big-name artists, and then display them on the Muscarelle's gallery walls. In *The Art & Science of Connoisseurship*, De Groft admitted that five exhibited paintings were purchased at auction and reattributed to Caracci, Rubens, Bronzino, and Reni. De Groft doubled the size of the Muscarelle's collection this way.

De Groft was engaged in similar dealings surrounding a painting allegedly by Jackson Pollock known as [Pink Spring](#). De Groft agreed to give a lecture about *Pink Spring* at OMA before exhibiting it there, hoping to add legitimacy to the claims that it's a genuine Pollock. *Pink Spring* is [co-owned by Los Angeles lawyer Pierce O'Donnell](#), who is also a co-owner of the fake Basquiats and a defendant in the lawsuit. De Groft revealed his nefarious deeds and motivations in a February 2022 email to the Titian owner, again pressuring them to sell the work and give him part of the proceeds. "You all could not do this [sic] without me. Face it. [...] I need 30 percent." He explained his plan: "Let me sell these Basquiats and Pollock and then Titian is up next with a track record. Then I will retire with mazeratis [sic] and Ferraris."

Disgusting. That's what I first thought when I read these emails. It reminded me of someone else I wrote about not long ago: [Silvano Vinceti](#), the self-styled art historian making grand claims about the Mona Lisa. I wrote about him, "Sitting around in the archives poring over manuscripts must not have been sexy enough, so Vinceti decided to make it sexy by pitching himself as a real-life Indiana Jones of some kind." Like Vinceti, being an academic must not have been cool enough for De Groft. So instead, he took a museum director job and made it more like being an art dealer, ramping up the focus on making money. He did so at the expense of proper research, muddying the waters with grand claims of lost masterpieces rediscovered at auction. I'm sure we'll all be eager to hear any further developments in this baffling saga in the coming months.

British Museum Update: Thief Identified

A quick update on the situation developing at the British Museum: I wrote only a few days ago about how the British Museum announced they had [fired an employee](#) accused of stealing gold jewelry and semi-precious stones from museum storage. That individual's identity is now public knowledge, and it wasn't just any ordinary employee. The person accused of stealing from the museum is none other than Peter John Higgs, the British Museum's head curator of Greek and Roman art, considered one of Britain's foremost authorities on Mediterranean antiquities.



The British Museum

Higgs worked at the British Museum for nearly 30 years before his dismissal. Evidence suggests that he took the stolen items from the museum's storerooms over several years to sell them on eBay. Suspicions first arose in 2016, when another antiquities expert first spotted items for sale online that seemed similar to items from the Townley Collection, consisting of Greco-Roman artifacts bequeathed to the British Museum in 1805. The person selling them used the username 'sultan1966', the handle Higgs uses on Twitter. The British Museum's online catalogue did not feature many stolen items. However, investigators soon found catalogued items for sale online and began checking the images against those the museum had. Some artifacts are worth tens of thousands, but the eBay listings had them up for sale for far less than that. One first- or second-century [Roman onyx cameo carving](#) would normally sell for £25K to £50K. It had a £40 reserve price. [Another cameo carving](#) appears to have been removed from its gold mount, damaging it in the process. These pieces did not sell at the time, but it is unknown if they sold later. This anonymous antiquities expert claimed to have notified the British Museum of these findings in June 2020. Neighbors say they [saw police at the Higgs residence](#) last Wednesday morning, likely about the case. Higgs and members of his family have denied the accusations.

The theft's announcement and the suspect's identification come weeks after the British Museum director Hartwig Fischer [surprisingly announced he would be stepping down](#) next year. Some speculate that the thefts played a role in this decision, though Fischer denies it. Art Recovery International, an organization dedicated to investigating the theft of art and cultural heritage, joined a chorus of critics by taking advantage of the situation to comment on another ongoing issue at the British Museum: that of returning stolen cultural heritage to their countries of origin. The most famous of these stolen pieces are the Parthenon Marbles, which the British Museum has kept for nearly two centuries. Those who oppose the marbles' return to Greece often say that the statues and reliefs are better held in London since the British Museum is incredibly prestigious and well-funded. However, this most recent security breach pokes holes in those arguments, with [the Art Recovery International official Twitter account](#) commenting, "Perhaps the Parthenon Marbles are not as safe in the UK after all."

The Art Market

By: Nathan

Lost Painting Found At A Thrift Store



Ramona and Señora
Moreno by N.C. Wyeth

I've written about works by famous artists being rediscovered in some unusual places, or at least where people least expect. Whether it's [on the wall of your family home](#), [tucked away in storage](#), [behind a door](#), or [in a criminal gang's loot](#), sometimes lost masterworks can show up in the most unpredictable places. This time, it was a thrift store in New Hampshire. A woman, who has chosen to remain anonymous, was looking for old frames at the Manchester, New Hampshire thrift store Saver. She came across a painting in its frame and bought it for \$4. She hung it in her house for several years and eventually posted images on Facebook. Upon seeing it, an art curator from Maine drove several hours to see the work in person, recognizing the image as one of the N.C. Wyeth illustrations for the 1939 edition of Helen Hunt Jackson's novel *Ramona*.

When she saw it in person, curator Lauren Lewis confirmed the oil-on-panel painting was the original Wyeth work upon which the *Ramona* illustrations were based. Christine Podmaniczky, curator of the Brandywine River Museum known for its collections of Wyeth family works, joined Lewis in her original confirmation. The painting in question shows the title character interacting with her stepmother Señora Moreno, and was used

for [the book's frontispiece](#). The work will be featured at Bonhams Skinner's American art auction in

Marlborough, Massachusetts, on September 19th, with the house specialists assigning at a \$150,000-\$250,000 estimate range. This will likely place it among the sale's top lots, alongside a portrait by Robert Henri.

Banksy Sold Piece By Piece

A British company is now offering fractional ownership of a Banksy work. [Valentine's Day Mascara](#) first appeared on the wall of a house in Margate, a seaside town in Kent, this past Valentine's Day. It shows a woman dressed like a typical 1950s housewife, including an apron, gingham dress, and rubber gloves, shoving a man into a refrigerator turned on its side. The work is meant as a commentary on violence against women, as seen by the woman's swollen eye and a missing tooth. Even the name of the work alludes to this through a play on words, combining a common female beauty product with one of the most [notorious violent criminal acts of the twentieth century](#). Other than the refrigerator, various other physical objects were part of the original work, including a frying pan and an overturned chair on the ground beside the wall. Art conservator Thomas Organ helped remove the wall segment containing the piece, putting it on display at Margate's Dreamland amusement park. The plan is for the work to remain on display until June 2025.



Valentine's Day Mascara by Banksy, partially covered (photo courtesy of Funk Dooby)

The London-based company Showpiece offers fractional ownership of various works, including [a series of Warhol prints](#) and a first-edition copy of Darwin's [On the Origin of Species](#). Fractional art ownership is nothing new, with companies like Masterworks, Yieldstreet, Particle, and Artex offering pieces of various works online. Showpiece is working with Red8 Galleries, representing the house owners where Banksy created the work. Showpiece estimates *Valentine's Day Mascara* is worth £6 million (or \$7.6 million). Starting on August 22nd, the company is selling 27,000 shares for £120 each for partial ownership of *Valentine's Day Mascara*. This is the first time anyone has applied fractional ownership to a Banksy work. Banksy has never expressly approved of selling his work in the past. Yet, that has not stopped some from going ahead and [selling wall fragments for millions](#). It also seems like part of a cruel joke: a work created in a public place, where anyone could view it or comment on it, is now being claimed by another entity and sold back to the very public the work was meant for. Others, [most recently graffiti artists in Scotland](#), have highlighted the issues that accompany placing value in street art only when it's by someone famous. Maybe that fact has not been lost on the people at Showpiece. So, possibly out of guilt or to distract people from this fact, Showpiece also announced that it would donate a portion of the sale proceeds to [Refuge, Britain's largest domestic abuse organization](#).

Constable Uncovered On British TV



John Constable by Ramsay Richard Reinagle

The new UK Channel 4 show *Millionaire Hoarders* is a bit like *Antiques Roadshow*, but instead, the experts come to you; that is, they come to you if you happen to live in a historic castle. Simon Houison-Craufurd is the laird of [Craufurdland Castle](#), a 600-acre estate located about 25 miles south of Glasgow, and has been in the Craufurd family since the thirteenth century. Simon lives there with his wife, Adity, and their two young daughters. The show's specialists had a look around to offer insight into what the family might have on their walls or in their closets that they may have forgotten about. The show's specialists found a letter written by the Scottish poet Robert Burns and a hotel guest book signed by Charles Dickens, which Simon and Adity sold for £19,000 (or \$24,000). But they also discovered [an early nineteenth-century landscape](#) that seemed uncannily similar to works by the great English painter John Constable. After six months of research, specialist Ronnie Archer-Morgan confirmed the work as a genuine Constable, giving it an estimate of £2 million (or \$2.5 million). The Houison-Craufurd family plans to sell the work, which would do them some good. Despite their castle and titles, Simon and Adity are struggling a little bit.

Simon's ancestor, Sir Reginald Crawford, was sheriff of Ayr under King David I of Scotland and was the uncle of the Scottish hero William Wallace. Craufurdland Castle dates to the sixteenth century, with extensive renovations, remodelings, and extensions made throughout the generations, most recently in the 1980s. But some aristocratic families, despite centuries of wealth and power, can no longer afford to maintain their extensive estates. From an outsider's perspective, countries like the United Kingdom that still have officially recognized systems of nobility must have many people enjoying their leisure time living off generational wealth.

However, the reality is a little bit more complicated than that. Britain has an entire class of people living in what has euphemistically been called “genteel poverty”. These are people with titles and lands, members of the upper class since birth, yet their estates and palaces are in complete disrepair, and the families live in debt. Many aristocratic families have held their titles since the days of King Richard the Lionheart, yet today, they can’t afford to have their wallpaper replaced. To support themselves, many use their houses as event spaces, rent parts of their castles as bed-and-breakfasts, and host hunting trips on their lands. The UK’s Historic Houses Association estimates that 60% of the country’s historic houses use these fundraising efforts, as well as tours and weddings. The Craufurds have tried this, yet they still struggle to raise the £100,000 necessary to maintain the property every year.

The newfound Constable was previously brought to an auction house ten years ago for an appraisal for insurance purposes. They dismissed it as a fake. Though the painting is entitled *Old Bridge over the Avon*, this is likely a misnomer. Archer-Morgan identified a bridge that matches the appearance of the one in the Constable painting, but it crosses the Thames in Abingdon, Oxfordshire. Archival records show that Constable was in Abingdon in the 1820s when Constable likely produced the landscape. Family papers and letters show that the Craufurds acquired the painting in 1918 from John Postle Heseltine, an Old Masters collector and dealer who frequently dealt in Constable’s work. After being given this news, Simon remarked, “It’s funny because it’s a painting that I have seen I don’t know how many times and I have never actually paid any attention to it”. The painting has more forensic tests to undergo, but things seem optimistic. Should Simon and Adity choose to sell the work, they would have enough money to maintain Craufurmland and pass it on to their daughters.

Several other previously forgotten works by British artists have been uncovered in the past year. Most recently, a portrait kept in storage at the National Maritime Museum was [attributed to Thomas Gainsborough](#) last month.

Deeper Thoughts

By: Nathan

The 2023 Kyiv Biennial: The Show Must Go On



Ukraine

Though the country has been ravaged by war for over a year and a half, it seems Ukraine’s art establishment has not lost its faith yet. Venice and the Whitney Museum may host more famous biennial art shows, but the [Kyiv Biennial](#) might receive much more attention since organizers have agreed to continue as planned and hold it later this year.

Normally, the only other Eastern European country to host a biennial art show is Russia, with one in Moscow and the other all the way on the Pacific coast in Vladivostok. However, neither Russian biennial has been held in some time. The Vladivostok biennial, meant to improve Russian relations with Asian and Pacific countries, ended after its ninth iteration in 2017. On the other hand, the Russian government [abruptly canceled](#)

the more important Moscow Biennale in November 2022, shortly before it opened at the state-operated Tretyakov Gallery. While the former probably ended due to a lack of funding and interest, the latter was shut down over fears that Russia’s contemporary art scene would be too critical of the government and its current war effort. Therefore, the Kyiv Biennial now stands alone as the only art show of its kind in the region. According to the organizers, the exhibitions and events will be on display in Kyiv, as well as Uzhhorod and Ivano-Frankivsk, two cities in eastern Ukraine. The 2023 Kyiv biennial will also be far more international than in previous years, with events planned in Berlin, Vienna, and Warsaw.

Vasyl Cherepanyn, one of the organizers, stated very clearly that continuing the Kyiv Biennial is meant as an act of defiance against Russia and its efforts at destroying Ukrainian national heritage and culture. “It’s one of the roles of the cultural realm to counter the logic of war, which also attacks everything that is civil by destroying cultural infrastructure”. The 2023 Kyiv Biennial, the fifth edition of its kind, will generally focus on war and displacement, with Russia’s centuries-old political and cultural hegemony over Ukraine being of particular interest. The continued biennial will bring even more information and fresh perspectives on the plight of Ukraine. Furthermore, the involvement of cultural institutions in Central Europe will help bring Ukraine further into the European fold. It may help the country gain acceptance into international organizations like NATO and the European Union.

Venice in Danger

Italy has fifty-eight UNESCO World Heritage Sites, ranging from [ancient rock drawings](#) up north in Valcamonica to the [Cathedral of Cefalù](#) down south in Sicily. However, never before has a UNESCO-listed site in Italy been placed on the organization's list of World Heritage in Danger.

Those sites are typically in countries embroiled in civil wars or other conflicts, like Syria, Ukraine, Libya, Yemen, and the Democratic Republic of the Congo. But in Italy, the entire city of Venice might be their first site on the list. The whole city and its surrounding lagoon have been a UNESCO World Heritage Site since 1987. Many cities, in full or in part, have received the same designation, including Damascus, Jerusalem, Santo Domingo, and Salzburg. Venice is not even the only city in Italy to gain this classification, as others like Rome, Florence, Naples, Genoa, Siena, Syracuse, and Verona all have some form of UNESCO protection. I've written previously about efforts to salvage [Venetian cultural heritage](#) through restoration and new research. While this work is important, it won't mean much if there isn't even a city left.



The Grand Canal from the Rialto Bridge, Venice

Venice has been a popular tourist spot since the eighteenth century when it became a stop on the Grand Tour, a trip to many of Europe's major cities that young, educated men would take some time in their late teens or early twenties. Nowadays, around 60,000 tourists can be found daily in the city's historic center, just shy of matching the number of permanent residents. The greater number of tourists has endangered the city in several ways. Cruise ships are one of the biggest targets some activists and politicians have placed in their crosshairs. There have been several attempts to ban large vessels from the Venetian lagoon since they are often unwieldy and cause damage to docks, piers, and buildings. They also displace enormous amounts of water, which leads to the erosion of building foundations. Lastly, they drag in large quantities of sediment from the Adriatic Sea and the lagoon, which local authorities must dredge out of the city canals. Tourists traveling on large cruise ships tend to eat and sleep on their boats, meaning that despite daytrippers and cruise ship passengers making up close to three-quarters of the city's tourists, they do very little for the local economy since they're not staying in hotels or patronizing local restaurants. The most recent attempt to ban large ships came in [2021](#) following pressure from UNESCO. However, cruise ships were still docking close to the city center since local authorities did not build suitable docks outside the lagoon.



The Piazza San Marco experiencing severe flooding on October 29, 2018

Climate change also threatens Venice's existence. Apart from Carnival, one of the most famous annual events in Venice is when water rushes into the lagoon from the Adriatic Sea and floods the historic city center in what is commonly known as the *acqua alta*. Normally, the *acqua alta* took place once a year at most. However, with the current climate crisis, the city has been flooding more and more frequently. Of the most severe floods Venice has endured over the past hundred years, five of the top ten have occurred since 2018. The worst came on November 12, 2019, when the waters rose 187 centimeters (74 inches) above sea level, submerging around 80% of the city center. Unfortunately, one of the city's most iconic cultural heritage sites, St. Mark's Basilica and its adjacent square, sits on its lowest point at 64 centimeters (25 inches) above sea level, meaning the historic site is particularly vulnerable to water damage. Efforts to prevent more frequent

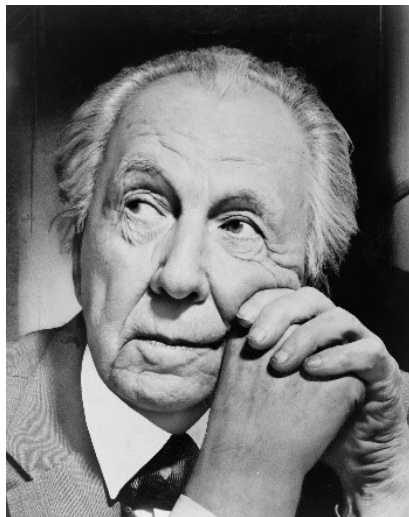
flooding have been underway for about twenty years. In 2003, Silvio Berlusconi oversaw the start of the Experimental Electromechanical Module project, commonly known as MOSE. The project seeks to build a series of gates across the three inlets connecting the lagoon to the Adriatic Sea, which will close should the water be predicted to rise above 110 centimeters. The MOSE project is expected to be completed in late 2023, way behind schedule because of the [horrendous corruption](#) that plagued the project. The flooding will only worsen, especially because Venice is sinking as well. This is partially due to phenomena beyond human control, namely shifts in the Adriatic tectonic plate. However, experts have identified some contributing causes that can be remedied. In the 1960s, the local government banned the use of artesian wells after discovering that their use drew water from the aquifer and contributed to the sinking. Even with the measures already taken, Venice continues to sink about 1 to 2 millimeters per year.

Should sea levels continue rising and the city continues subsiding, many of Venice's cultural institutions and the art they contain may be compromised. Though the historic city center is rather small, it is chock full of priceless art. The Ca' Rezzonico, for example, is one of the city's best examples of baroque Venetian architecture and contains one of Europe's finest collections of eighteenth-century art. Works by Canaletto, Tintoretto, Francesco

Guardi, and Rosalba Carriera populate the galleries, sometimes accompanied by the palace's original frescoes by Giambattista Tiepolo. The Peggy Guggenheim Collection, just a ten-minute ride in a water taxi down the Grand Canal, is an impressive assembly of modern masterworks by Joan Mitchell, Piet Mondrian, Leonora Carrington, Jackson Pollock, and Marcel Duchamp. Perhaps the best-known pieces in the collection are Picasso's cubist work [The Poet](#), one of Magritte's [L'Empire des Lumières](#) paintings, and a bronze casting of Constantin Brâncuși's [Bird in Space](#). Then, situated halfway between the antique and the modern, the Galerie dell'Accademia showcases Venetian art throughout the centuries, including works by Giovanni Bellini, Titian, and Paolo Veronese. But the museum's main attraction is by one of the few non-Venetian artists represented in the galleries: Leonardo da Vinci's [Vitruvian Man](#). Of course, these are just some of the museums. I haven't even mentioned the dozens of churches, palaces, bell towers, and bridges that will be endangered as well.

UNESCO's World Heritage Committee will meet later this September in Riyadh to decide if Venice should be considered in danger. Some have been hoping this news will provoke action, like enacting policies to help prevent Venice from being affected by rising sea levels, subsidence, and over-tourism. However, the local, regional, and national governments have done little to face these problems for decades. Veneto, the region of which Venice is the capital, tends to vote more conservatively than the rest of Italy, meaning regional authorities are hesitant to tackle climate change. Ironically, in November 2019, the Veneto Regional Council, which meets in the Palazzo Ferro Fini on the Grand Canal, voted down policies that would combat climate change, and then 2 minutes later, the building [began to flood](#). Massimo Cacciari, former mayor of Venice, was rather pessimistic and had some unkind words for UNESCO: "They don't give us any funding to make changes, all they do is criticize... As if Venice needed Unesco to be a world heritage site! We need more action and fewer words." Though harsh, Cacciari's words ring true. Even if UNESCO places Venice on this other list, that by itself won't make any changes to helping the city survive. So hopefully the right people will take this as a wakeup call.

Rebuilt (W)right



New York World-Telegram and the Sun staff photographer: Al Ravenna

Though you can find his best-known work in [Pennsylvania](#) and [New York](#), you can also find Frank Lloyd Wright's designs all over the United States, as well as in Canada, Japan, Egypt, and Ireland. The American Southwest is home to several great Wright structures, particularly in California and Arizona, while others are in Texas and New Mexico. Recently, one of them may be rebuilt five years after being destroyed.

The Arch Oboler Complex, also called Eaglefeather, was a series of buildings in Malibu, California. Wright designed several structures in Los Angeles, mainly Mayan Revival-style houses like [the Storer House](#) in Hollywood and [the Millard House](#) in Pasadena. However, Eaglefeather is the only structure Wright designed in Malibu or along the southern California coast. It combines wood siding, red concrete floors, and walls made from desert stones [set into concrete](#). The complex was originally designed and built for the screenwriter and radio producer Arch Oboler, his wife Eleanor, and their four sons. Because the terrain proved difficult, the main house Wright designed was never completed. Instead, the family used the gatehouse as the primary residence. The complex's designs included several smaller structures, like stables, a paddock, and a film studio. Apart from the gatehouse, the only other completed structure was [a small cabin](#) built atop a rocky hill. Unfortunately, in November 2018, southern California

was devastated by an enormous wildfire later known as the Woolsey Fire, named after Woolsey Canyon, where it originated. The fire burned nearly 97,000 acres of land, killing three people and causing \$6 billion in damage. Most of the Eaglefeather complex was destroyed; the only surviving structures being the well and the solar farm. The owners were devastated, as they had just finished restoration on the buildings the year before. Authorities dictated that the structure's remains had to be demolished for safety reasons despite the masonry and the red concrete floors still being intact. However, efforts by the Frank Lloyd Wright Revival Initiative succeeded in having an exception made.

Some now believe that the buildings may be completely rebuilt. The Eaglefeather property, a more than 100-acre plot of land in Malibu, is now back on the market for \$7.45 million. Several groups, including the Frank Lloyd Wright Revival Initiative, are closely monitoring the sale. The Agency is overseeing the sale and has leaned into the potential for any buyer to help rebuild the complex as well as add new structures from Wright's original plans that were never realized. The disappointment is that, when fully rebuilt, Eaglefeather may not be recognized as a Wright-designed building anymore. At least, not officially. The Frank Lloyd Wright Foundation has a policy where structures built according to Wright's designs after his death cannot be considered "designed

by Wright" but "inspired by Wright". Their reason is that any building erected after his death would require a degree of interpretation regarding choices made during construction. However, of the several hundred houses, structures, and other works Wright designed, fifty-nine have been partially or fully destroyed. Most of these are relatively early designs completed before 1910. Only some of Wright's designs in full accordance with organic architecture have been rebuilt after their destruction or demolition. It is still being determined whether the Wright Foundation will make an exception in this case.

Centre Pompidou Coming To New Jersey

In Paris, when you hear people say they're going to the Pompidou, they often refer to the National Museum of Modern Art. The museum is often called the Pompidou, especially by non-French tourists, because it is located in the Centre Georges Pompidou with several other organizations. The Pompidou has several satellite locations worldwide, including in Brussels and Shanghai. With the Pompidou [closing for renovations](#) in 2025, these satellites will be the only place to view the museum's collection for a few years at least. But within the next few years, many museum-goers in the United States will be able to get a taste of the Pompidou's collection without leaving the country. This will be thanks to its newest planned satellite in Jersey City, New Jersey. However, some state lawmakers have recently been drawing attention to the new museum, criticizing the project's cost and its expected contents.



The Centre Georges Pompidou in Paris (photo courtesy of Jean-Pierre Dalbéra)

The [Centre Pompidou x Jersey City](#) will be located in the Pathside Building in the city's Journal Square neighborhood. This was the home of the Jersey City Museum until it closed in 2010. Though nearby New York would have been a more obvious choice to set up the museum, Journal Square is a rather convenient location since the nearby PATH train station puts it less than 20 minutes from Manhattan. The Centre Pompidou x Jersey City was originally meant to open in 2024, but that has since been pushed back to 2026. However, some in New Jersey have been unhappy about the project.

Mike Testa, a state senator representing parts of Atlantic, Cumberland, and Cape May Counties in the south of New Jersey, has criticized what he and others have called "a circus of excess and waste". This is regarding the \$58 million in state money the project receives. [A memorandum](#) Testa requested from the Republican Party state senate budget director highlights what some state lawmakers perceive as a lavish endeavor. This seems especially true compared to the other nearby cultural centers like the Newark Museum. They call these preexisting museums "more modest in scope", and they would be better options as recipients of state money since they focus on American art. Though the Pompidou has not given any details about the Jersey City satellite's collection yet, Testa and his colleagues seem to have jumped to conclusions by assuming that the entire museum would be dedicated solely to French art. Though the Pompidou is a museum located in Paris, and the Centre Pompidou x Jersey City would feature parts of its collection, it being a French museum does not mean it will contain exclusively French art. As its proper name implies, it is dedicated to modern art from all nations. Yes, French artists are represented, but so are Germans and Russians, and, believe it or not, Americans. The works of Alexander Calder, Andy Warhol, Diane Arbus, Sol Lewitt, Jasper Johns, and Ellsworth Kelly, among many others, are all featured in the museum collection and may make their way to Jersey City upon the museum's completion.

Jersey City's mayor Steven Fulop called opposition to the museum's construction "well-intentioned but, unfortunately, ignorant". The Centre Pompidou x Jersey City is widely considered the centerpiece of Mayor Fulop's renewal project for Jersey City's former industrial districts. Warehouses, factories, and depots that have languished for decades are now being repurposed as galleries, museums, studios, and other cultural spaces. However, some have criticized the proposed museum in a way that avoids unnecessary and unfounded Francophobia. Some, like [Tris McCall](#) of the *Jersey City Times*, point out that Jersey City already has a thriving contemporary art scene. Therefore, the city and the state should invest more in programs and organizations that help living local artists, such as [Mana Contemporary](#) and [Art Fair 14C](#). Adding insult to injury is that the state of New Jersey will provide \$5 million every year to subsidize the museum's operating costs. Furthermore, an additional \$11 million will go to the Pompidou as a fee to use the Pompidou name for the first five years after its opening. McCall accuses the local government of prioritizing "celebrity and prestige" over anything legitimately beneficial for the city. But with Fulop running for governor of New Jersey in 2025, pulling this project off would certainly benefit his image on top of revitalizing the state's deindustrialized urban areas using art and culture.

National Gallery Continues Pay-What-You-Want Policy



The Laughing Cavalier by Frans Hals

While London's National Gallery does not charge for general admission tickets, it does host special exhibitions that require an entrance fee. Previously, the exhibition admission fee was £20. However, the National Gallery will continue a practice initiated last year where the exhibitions will use a pay-what-you-want model for Friday evenings when the museum stays open late. The National Gallery first instituted this policy only [during its Lucien Freud exhibition](#) that closed in January 2023, where visitors were free to pay as little as £1. The museum administration continued the policy for its most recent Impressionist exhibition that closed this past Sunday, August 13th. An upcoming Frans Hals exhibition opening on September 30th will use the same policy.

The National Gallery first instituted the pay-what-you-want policy in response to the cost-of-living crisis that has gripped the United Kingdom since late 2021. The prices of essential goods are rising faster than people's income, mainly because of inflation, supply chain shortages, and the economic fallout from both Brexit and the pandemic. Some may scoff, thinking that people struggling to make ends meet wouldn't concern themselves with attending a museum exhibition regardless of how cheap it is. But the numbers tell a different story. During the Lucien Freud exhibition, the first time the National Gallery enacted the new policy, around 22% of visitors using the pay-as-you-will scheme had never been to a paid exhibition before. For 6%, it was their first time visiting the National Gallery. When the Impressionist exhibition used the same policy, around 60% of visitors took advantage of it, most attributing their decision to the cost-of-living crisis.

[The Frans Hals exhibition](#), sponsored by Credit Suisse, will feature around fifty works from the Dutch painter, arguably one of the best of the Dutch Golden Age, along with Rembrandt and Vermeer. Most notably, the exhibition will feature Hals's most iconic work, *The Laughing Cavalier*, a crown jewel of London's Wallace Collection since its founding in 1897. Sir Richard Wallace, the founder of the Wallace Collection, was the son of the Marquess of Hertford, who acquired *The Laughing Cavalier* at an auction in Paris in 1865. Lord Hertford decided to exhibit the portrait in London but did so in Bethnal Green in London's East End, where more working-class people could view the work. Lord Hertford's exhibition was a success, making *The Laughing Cavalier* an Old Masters icon and raising the prestige of Hals paintings in Britain. And now again, a century-and-a-half later, *The Laughing Cavalier*, among other Hals works, will be on display for London audiences wanting to escape their struggles and look at something beautiful.

The Frans Hals exhibition will run at the National Gallery from September 30, 2023, to January 21, 2024. The pay-what-you-want policy only applies on Fridays between 5:30pm and 9:00pm.

Met Acquires Work With Hidden Enslaved Boy

New York's Metropolitan Museum of Art announced the acquisition of an American nineteenth-century group portrait that includes a figure that was previously painted out. The painting was created in 1837 and is likely by Jacques Amans. Amans was a French painter trained in the neoclassical tradition of Jacques Louis David, but he lived in New Orleans from 1837 to 1856 while working mainly as a portraitist. Early on in his New Orleans career, a local banker named Frederick Frey commissioned him to create a portrait of his three children, Elizabeth, Léontine, and Frederick Jr. The painting was donated to the New Orleans Museum of Art in 1972 by the family's descendants, where it sat in storage until 2005. The museum deaccessioned the work, selling it at Christie's New York for \$6,000 hammer.



Bélizaire and the Frey Children attributed to Jacques Amans

The buyer, an antique dealer, saw that the children were not the only ones in the painting. There was a ghost. The brushstrokes indicated that another figure, in the background against the tree, had been painted out of the work. The new owner tried to remove the layer of overpaint concealing this ghost. It was a mixed-race boy that someone took great care to hide. The portrait would not become well-known until it entered Jeremy Simien's possession. Simien, a Louisiana art collector, first saw the portrait in 2013. He purchased the work in 2021 and had it completely restored. He also hired historian Katy Morlas Shannon to research the Frey family and discover details of this boy's life. It turns out his name was Bélizaire. He was an enslaved mixed-race boy who, according to Shannon's research, the Frey family purchased along with his mother when he was six years old. Bélizaire is about fifteen in the portrait and likely worked as the three children's caretaker. None of the Frey children would survive to adulthood, though. In 1856, the Freys sold Bélizaire to the Evergreen Plantation,

nearly thirty miles west of New Orleans in Edgard, Louisiana. Despite his enslaved status, his inclusion in the portrait shows that the Freys considered him an important member of their household. But though he is included, he is still detached from the other children, standing behind them, leaning against a tree, and looking away from the viewer rather than straight ahead. Researchers now estimate [Bélizaire was painted out of the portrait](#) during the Jim Crow era.

Before Simien gave the portrait to the Met, *Bélizaire and the Frey Children* spent about a year being exhibited at the Ogden Museum of Art in New Orleans. Simien remarked, "I had a duty to place it somewhere with the best interpretation, the safest, where it wouldn't be forgotten again." The Met's acquisition of the work is most opportune, as the museum's American Wing celebrates its centenary this year. But hopefully, Bélizaire's story and his image's story can teach a valuable lesson: that he is but one of many. Hopefully, he can represent the unknown thousands intentionally erased or omitted from our stories. Starting in 2020, in the wake of George Floyd's murder and the Black Lives Matter protests, people of color received their re-recognition by the Met. In the American Wing, for example, the Met changed the name and description of a George Washington portrait to include the president's enslaved servant William Lee, [also featured in the painting](#). Though they're small actions, it's the falling of small stones that starts an avalanche. With such recognition, Bélizaire helps us develop a more complete understanding of what American art was, is, and can be.

No Copyright For AI Art

Last week, a judge in Washington DC ruled that AI-created art is not copyrightable. Judge Beryl Howell of the District Court for the District of Columbia released her decision settling a dispute between Stephen Thaler, creator of the computer program Creativity Machine, and the US Copyright Office. The original issue was over a work Creativity Machine created called *A Recent Entrance to Paradise*. Thaler originally tried to copyright the work, putting the Creativity Machine as the original author but seeking to have the copyright transferred to him as the creator and owner of the program. Shira Perlmutter, director of the Copyright Office, explained that human authorship is one of the most fundamental qualities of a copyrightable work. Therefore, any image generated by the Creativity Machine cannot have its copyright transferred to Thaler because there can be no copyright at all. Thaler asked the office to reconsider several times, but they rejected his pleas. Thaler called the decision "arbitrary, capricious, an abuse of discretion and not in accordance with the law, unsupported by substantial evidence".



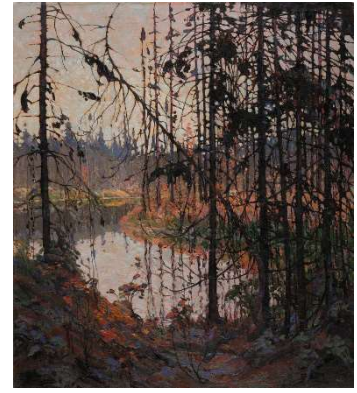
A Recent Entrance to Paradise generated by Creativity Machine

According to Judge Howell, Thaler seemed to have gotten his priorities mixed up, dedicating a substantial amount of his briefings to the issue of whether a copyright can be transferred between a computer and a human. However, the more important point here was whether a computer can hold a copyright in the first place. Howell noted that, in doing so, Thaler "put the cart before the horse." Howell conceded that copyright law is rather flexible, with the Copyright Law of 1976 stating that copyright can be applied to any original work of any medium "now known or later developed." However, Howell sided with the Copyright Office, explaining that while subjects and media might change over time, human authorship is the one thing that, at least for the foreseeable future, cannot change. Of course, humans can use computer systems as tools in creating new works. Thaler frequently used the word "autonomously" about the Creativity Machine's generation of the work, perhaps trying to convince people that its independence in creating the work would be enough to gain legal recognition. However, the fact that the Creativity Machine autonomously made this image did the opposite of what Thaler intended, emphasizing that there was no human involvement in the work's creation. Howell wrote, "Copyright has never stretched so far, however, as to protect works generated by new forms of technology operating absent any guiding human hand [...]. Human authorship is a bedrock requirement of copyright." This is not the first time Thaler has gone to court for this issue. In a similar case, he was a party in [a civil suit against the US Patent and Trademark Office](#) that nearly made its way to the Supreme Court, but the justices refused to grant certiorari. In that case, which was settled this past April, the patent office declined to give him a patent for inventions developed by another one of his AI programs.

Howell's decision, therefore, upholds the pre-existing rules. However, it is unknown how this decision will affect others. This includes a recent case involving a group of artists [suing several technology companies](#) who had developed AI programs, training them with art these human artists created. To the artists, this is a form of copyright infringement. However, if the AI-generated works are not copyrightable, that may make a very different story.

The Latest Climate Protest In Canada

A climate activist, mirroring similar incidents in Europe last year, has defaced a painting kept at the National Gallery of Canada in Ottawa. Kaleb Suedfeld, age 28, is a member of the Canadian environmentalist group On2Ottawa, which uses “nonviolent civil disobedience to get urgent government action on the climate crisis”. The organization [uploaded a video on Facebook](#), showing Suedfeld splattering pink paint onto the surface of a canvas, smearing it on, wiping his hand on his pants, and then applying glue to his hand to adhere himself to the floor. He then read a speech, commenting how the anger many will feel about his demonstration is comparable to the anger many feel about government inaction on the climate crisis. Suedfeld placed particular emphasis on the recent wildfires that have ravaged Canada this year, which have burned 37 million acres of land, emitted over 300 million tons of carbon equivalents, displaced tens of thousands, and killed four firefighters. He called for forming a Canadian national firefighting service to deal with the wildfires more effectively. This would also prevent regional authorities from stripping fire departments of resources for cost-cutting purposes. Suedfeld was arrested and charged with criminal mischief.



Northern River by Tom Thomson

The work Suedfeld used in his demonstration was *Northern River*, a 1915 landscape painting created by the great Canadian artist Tom Thomson. Thomson was incredibly influential on his contemporaries and later generations of Canadian artists. He is often associated with the Canadian school known as the Group of Seven, consisting of landscape painters like J.E.H. McDonald, Franklin Carmichael, Frank Johnston, and others, who sought to develop a distinctly Canadian form of landscape art through direct contact with nature. Thomson was not officially part of the Group of Seven since he accidentally drowned and died in 1917, three years before the group's formation. Given Thomson's association with Canadian landscape painting, the protestor's choice of painting was likely not a coincidence. *Northern River* has a layer of protective glass over it. Therefore, the work was protected and the paint could easily be washed off.

While it is fortunate that *Northern River* was unharmed during the demonstration, it may be easy to overlook what the protest was about. For many, this was one of North America's first museum demonstrations of note. Suedfeld gave a speech in English, all of which his colleagues filmed and posted online. With the [climate change demonstrations in Europe that started last year](#), I think many people in the US and the broader English-speaking world were more ready to dismiss them since all we saw were soiled Van Gogh and Monet paintings alongside young people gluing their hands to the wall. Though [a similar incident took place in April](#) at the National Gallery of Art in Washington, for me this was the first incident that seemed closer to home, since not only was there a pre-prepared speech but it was in my own language. It struck me harder than the other incidents. I had seen all the others, but this was the first time when I actually heard them.

Suedfeld also specifically mentioned the recent wildfires that have devastated Canada this year, something that many across North America felt the effects of. Banks of smoke blown south placed a good chunk of the Eastern United States [in an orange haze for much of June](#). As some have predicted, studies from the University of Pennsylvania indicate that this new strategy among climate activists has led to [decreased support for addressing climate change](#). On2Ottawa released a statement saying that another demonstration would take place in the near future.

The Rehs Family

© Rehs Galleries, Inc., New York – September 2023