

Contents

Prologue :: ix

Alienability and Alterity :: 1

Constituent Moments: 1793–1815 :: 15

Modern Art Was Always Conceptual :: 39

The Burden of Representation :: 77

Witness :: 97

The Object as Witness :: 115

Afterword :: 121

Acknowledgments :: 123

Notes :: 125

Index :: 139

Image Credits :: 148

Alienability and Alterity

When museumgoers turn to cell phones, their possessive gaze renders artworks alienable by transforming them into digital images. This is one of the several ways in which modern and contemporary art is subject to circulation virtually and physically. It is transposed into information and consumed as knowledge (in formats ranging from extended labels displayed on museum walls to art-historical monographs), and it is sold as commodities whose value is specified by a price. But this dynamic of alienability goes far beyond individual works of art to encompass a vast chain of proprietary relationships that establish the identity and territoriality of cultures. Artworks are regarded as the intellectual property of their authors and, in turn, the cultural property of whatever nation, community, or identity these authors are assigned to. In all cases, alienability is enabled through acts of representation: a digital photograph represents the experience of an artwork; interpretive discourse represents the artwork as a quantum of meaning or a historical document; the auctioned

artwork represents a market value; intellectual property represents the legal limits of an artist's creativity; and cultural property represents a nation, class, gender, or ethnicity. As a procedure of capture and curation, representation and exchange work hand in hand. Think, for instance, of paper currency, which, unlike precious metals such as silver or gold, has no intrinsic value but merely *represents* value. Paper money accomplishes a strategic impoverishment—in order to enable exchange, it must attenuate its own materiality. So it is with art: when artworks are represented by a reproduction, an interpretation, a price, an author, or an identity, they are alienated as a currency of experience, knowledge, or value. The cost of such transpositions is significant. By sublimating the artwork's materiality, such chains of representation falsify its ontological fundament: its experiential inexhaustibility over time. The artwork's duration is curtailed, transposed into finite exchangeable properties.

Nonetheless, the power of art remains the durational infinitude it stages. It straddles the here and now and an elsewhere or otherwise. It is an opening to various forms of alterity whose capture has been, throughout history, a source of worldly power. What is Christ? An alterity whose susceptibility to representation has been tested through time in paint, wood, plaster, and stone. What is absolutism? An alterity that the *premier peintre du roi* Charles Le Brun brought to bear upon the body of Louis XIV at Versailles. What is revolution? Consider Soviet artists Varvara Stepanova and Lyubov Popova,

who investigated the intimacy of revolutionary alterity through redesigning the furnishings of everyday life. The history of art is drawn from such socially embedded performances of alterity—each iteration activates singular effects of power that range from consolidating despotism to challenging white supremacy. The temporality of these effects is distinct from the rhythms of conventional politics. Alterity's elsewhere or otherwise does not take place in the exclusively human realm of the state, or civil society. Art's special capacity is to configure multiple registers of experience (the spiritual, the terrestrial, the abstract, and the material) rather than remaining embroiled in the ephemeral conflicts of day-to-day politics. Its power *is its capacity to activate alterities*. This capacity has always been coveted because the colonization of alterity through its representation can realize or legitimize power—it can assist someone in becoming a pope or becoming an absolutist king or becoming the avant-garde. But because art's alterity lies in its infinite and heterogeneous duration, it can never be thoroughly objectified or commodified; it can only be alienated in new derivatives, never exhausted. These derivatives are produced through acts of representation in which art's duration is fixed in a single transactional moment of representation where one thing is made to stand in for another.

In distinguishing the infinite and heterogeneous temporality of artworks from historical time, characterized by the organization of successive chronological periods, Henri Focillon wrote, in 1934:

The artist inhabits a country in time that is by no means necessarily the history of his own time. He may . . . be thoroughly contemporary with his age and may even, because of this fact, adapt himself to the artistic activities going on around him. With equal consistency he may select examples and models from the past, and create from them a new and complete environment. He may, again, outline a future that simultaneously strikes into the present and the past. But a sudden shift in the equilibrium of his ethnic values may bring him into violent opposition with his environment and hence with the moment, and arouse a nostalgia in him that is highly revolutionary.¹

“A *country* in time” does not denote a *period*, which is defined by a span of contiguous years. Countries in time are more like topographies composed of geological strata whose sedimented layers, each indexing a different era, are reorganized by tectonic or volcanic pressure, pushing one stratum through another, or allowing them to fall back on one another. According to Focillon, such quasi-geological temporal formations may become revolutionary: “a sudden shift in the equilibrium of [an artist’s] ethnic values may bring him into violent opposition with his environment and hence with the moment, and arouse a nostalgia in him that is highly revolutionary.” This association of nostalgia with revolution is the antithesis of avant-garde orthodoxy: unlike the latter it rejects a linear progression in time, but like

it, it defines revolution as a temporal rupture.² That this rupture is accounted for by “a sudden shift in . . . ethnic values” is a mark of how time and identity can exist in a state of mutual destabilization—a kind of parallax that, in fact, makes it incoherent to force an artist to represent a period or an ethnicity, as she is often made to do in art-historical accounts.

In telling time, the clock *represents* all forms of temporal experience with the same standardized abstract units. Art’s duration, like that of the earth, escapes clock time and thus escapes history. Indeed, this is the further distinction Focillon draws with his geographic metaphor, of “a country in time that is by no means necessarily the history of *his own* time” (my italics). This declaration may seem an anodyne reference to the romantic or bohemian artist—one who is out of step with the norms of the time in which she lives. But Focillon means much more here—in fact, he accomplishes an elegant and subtle, though deadly serious, challenge to the discipline of art history. For, as I argued above, the significance and meaning assigned to artworks in most scholarship and criticism is premised on a possessive chain of representation that enables art to function as an alienable asset: creativity comes to represent the artist; the artist in turn represents national history and culture, while this heritage is used to represent a nation-state (and, moreover, each of these relations is reversible: the artist represents creativity; nation and culture represent an artist; and heritage is understood as national). I have

italicized Focillon's possessive expression when he declares that the artist's country in time is not "necessarily the history of *his own* time," because even in Focillon's careful effort to distinguish between an artist and his era, the representational relation returns in the notion of one's *own* time. This is because the representational mechanism is fundamental not only to art history—in which the artist becomes a document of her time—but also to the value of art more generally. That which can be represented can be possessed (as image, knowledge, wealth, personal identity, or group identity). That which exceeds representation, which is outside the possessive gaze, is inalienable. The mark of this disruption for Focillon is "a sudden shift in the equilibrium of [an artist's] ethnic values." In other words, the artist ceases to represent an ethnicity and thus becomes other to herself.

What Focillon theorizes is art's alterity vis-à-vis the possessive gaze; following his analysis, artists cannot be made to represent "their" time because they inhabit a different "country in time." Moreover, an artist's alterity to herself (what Focillon describes as a potential disruption of her "ethnic equilibrium") disqualifies her to represent a finite identity—indeed to force her into such a mold is to commit a kind of conceptual violence. It is the argument of *Art's Properties* that the power of art lies in such excess or alterity—in its capacity to elude capture. But despite art's recalcitrance (or perhaps on account of it), its excess accrues power through the desire for sacred and secular authorities to channel it as a

mode of worldly legitimacy. The politics of art inheres less, then, in art itself than in various gambits to harness its force as a means of authorization. As Marie-José Mondzain declares, with regard to the economy of representation constructed around Byzantine icons: “Christian discourse, taken as a whole, is nothing other than an immense ordering and management of the question of the image, whether it is flesh, sin, women, nature, or art that are concerned.”³ The ordering that Mondzain traces is different from the possessive gaze of modernity; it is the gaze of God filtered through various incarnations (of Christ as the image of his Father, and the icon as the image of Christ, hence the image of an image): “It could be said that what the icon imitates is not the vision that humans cast at things but God’s imagined gaze that is cast upon humans.”⁴ While icons were circulated widely, their authoritative gaze was wholly centralized, whereas in modern times the possessive gaze is not located in a chain of images whose ultimate source is God but atomized as the *private* properties of everyone, susceptible to exchange. Regardless of this enormous and significant difference between Byzantium and modern Euro-America, the desire to capture alterity as a form of worldly power has persisted through time. Indeed, it has persisted *as* time—that is, art’s opening to alterity lies in its capacity to assemble and compose diverse experiences of duration. The artwork is a composition of time, a kind of attentional score, or what Mondzain might call an economy of the gaze. In the case of the icon, the Christian god

represents a powerful form of alterity to be captured: its temporal signature is eternity. In our time, as I have already argued, art has tended toward an economy of instantaneous exchange, a stock market of cultural capital that has most recently resulted in rampant speculation in NFTs, or non-fungible tokens—“unique” digital properties whose aesthetic value, and even de facto rarity, is often nominal, but whose market value as art has nevertheless exploded.

In order to grasp the particular violence involved in making art alienable, it is crucial to understand its ontological resistance to capture. For despite assumptions to the contrary, artworks are dedicated not to representation but to its *failure*. This is because every work of art has two bodies, a material substrate with its own mortality, and an image or series of images characterized by immortality.⁵ Unlike the letters that compose words—like the ones you are reading now—whose efficacy is based on their transparency to an intended meaning, the material that constitutes an artwork’s substrate always offers an excess—an optical and affective richness that is ultimately impossible to capture in its singularity. In its very structure, the artwork itself is an allegory of capture—the capture of an image by matter. But such capture is impossible to achieve. Sometimes it is the image that shines through with minimal interference, but frequently it is a material substrate that dominates, as in nonobjective painting, where there may be no recognizable image beyond the formal disposition of matter.

In other words, every work of art testifies to the paradoxical impossibility of representation—its material and conceptual precarity—because no work can achieve perfect transparency of its substrate to its image. It would not be art if it did. Matter, whether oil paint or a digital file, is both subject to time, in that it has a life span, and a principle of time's organization, in that its aesthetic texture may score the spectator's gaze. The mortality of matter is abundantly evident if one takes the time to notice it. The varnish on old master paintings turns yellow or brown; certain pigments are unstable; photographs fade; wooden objects may become infested with insects; film has been known to burst into flames; in video's short life as an art medium, its standards have changed several times; even, or especially, digital art is not immune to accelerating cycles of technical obsolescence. The work of art requires enormous care in order to survive intact—whole cadres of preparators, registrars and conservators are required to maintain a museum's investment in art's persistence through time as self-identical. Each material experiences its own temporality of decay and recovery and undergoes its own sedimentation in time. Each work also has a specific play of textures, its own aesthetic means of capturing attention. Moreover, these material temporalities may undermine the meaning or authority of a work, as when a photograph, believed to accomplish the instantaneous capture of an actual scene, is also subject to evanescence through fading—a vulnerability that, on

account of museum standards requiring lower light levels and limited exposure for works on paper, conditions how and when a photograph will be publicly displayed.

The image or images to which an artwork's material substrate is linked are of an entirely different ontological (and temporal) order from that of matter. I will follow Jean-Paul Sartre in defining an image as a psychic effect—as a *relation* between a spectator, in whose consciousness the image appears, and a material substrate that is the occasion, or pretext, for its appearance. The image isn't *in* the work of art—it is brought to it by each spectator (including the artist, as the initial spectator) through their intention. Consequently, it is ephemeral and unstable—even more so because the function of the image is to posit an absent object: “The image is an act that aims in its corporeality at the absent or nonexistent object, through a physical or psychic content that is given not as itself but in the capacity of an ‘analogical *representative*’ of the object aimed at.”⁶ It is worth pausing to note how strange this entity—the image—is, despite its ostensible familiarity and ordinariness. As a psychic effect, it has no empirical body (it is independent from its material substrate). In principle, it is difficult if not impossible to verify that the image I receive from a particular painting, or photograph or film, is the image *you* see. In this sense, defining the image as a relation, as Sartre does, has significant social consequences. For, if we are to relate to one another through the medium of images, we must find some way to agree on what they are—or at least to accept a shared agonistic space for debate over

their meaning. Right away, this definition suggests that the intending action of an image is characterized by three temporal signatures: instantaneity (its immediate appearance in the mind of the spectator); intermittence (as the function of a relation that may be broken or lost, its appearance is precarious); and displacement (in that the image makes present something that is physically absent). In an observation that highlights art's paradoxical combination of material and virtual constituents, Sartre draws a further important distinction between the image as an instantaneous form of consciousness and perception as a kind of knowledge gradually built up over time by accruing and combining sensory data. "In perception," he says, "knowledge is formed slowly; in the image, knowledge is immediate."⁷ This distinction between gradual perception, which is how one encounters an artwork's substrate, and immediate image consciousness, characteristic of what it pictures, points to the constitutive failure of representation within the artwork. We encounter a material object through our sense organs, accruing different data over time in order to build an impression of it in our mind, while the image is recognized in the material substrate instantaneously. Sartre himself points to the crossing of perception and intention as fundamental to the experience of art: "the painting should be conceived as a material thing *visited* from time to time (every time the spectator takes the imaging attitude) by an irreality that is precisely the *painted object*."⁸ As I have suggested in my discussion of the material temporalities of art's substrates, the

painting “as a material thing” may also inspire a panoply of images beyond those intended by the artist—what we may call the vicissitudes of the material itself, or its unconscious. But perhaps even more important, attending closely to the materiality of the work can cause one to lose track of the intended image. Far from being the scene of transparent representation, the artwork is a trap for the image—a gambit for building social relations that may, as I have demonstrated, become a consequential medium of worldly power.

Throughout art’s history, its ontological alterity—its constitutive self-difference as a composition of divergent temporalities generated through the unstable alliance of matter and image—served to embody various kinds of alterity. Mondzain’s analysis of icons offers just one example of a vast category of art’s incarnation of alterity: its capacity to make divine beings manifest and thus subject them to human manipulation and desire. As I have already indicated, in modernity, the precarious, unstable relation of image and matter and the complex and contradictory temporalities it generates are disciplined into a form of representation—a kind of currency—in which the inalienable multiplicity and fecundity of an artwork is pressed into alienable forms of property. But as in Byzantium, where the alterity of art was tied to the alterity of the Christian god, in modern times there is a specific form of difference that art is privileged to carry: nation, ethnicity, race, and personal markers of identity such as gender and sexuality. While this dynamic may seem contemporary, in the next sec-

tion I will demonstrate that already with the invention of the first democratic museum—the Louvre—a complex modern regime was established, in which a new form of power—first revolutionary and then, with Napoleon, imperial—was devised, wherein authority was amassed as the accumulation of cultural properties, as embodied in art.

Index

- Abstract Expressionism, 79
abstraction, 69
Academic system of painting, 40, 42, 64, 68
Act of the Rights of Genius. *See* Literary and Artistic Property Act
Aetna, fig. 11, 118
affirmative action, 56–57
African Americans: and the Black radical tradition, 82; dispossession of, 29, 51–56, 70–72, 74–75, 98–99, 118–19; incarceration of, 117–19, 137n8; pain as property of, 82–84, 87–89, 93–95, 104; presented as representatives of Blackness, 74, 79, 93–94; reparations for, fig. 11; and the Schutz *Open Casket* controversy, fig. 6, fig. 7, 80–96, 102–11; self-presentation of, 75, 78; stereotypes of, 73–74, 98–100
Africans, 29, 52–55, 71–73, 75, 79
Afro-pessimism, 70
alienability of art: art market based on, 40; attempts to capture/control, 43–44; as constituent moment of the modern museum, 17; critiques of, 24–25; cultural property subject to, 34; dealer-critic system based on, 40–41; France’s modern museums and, 22, 24–25; function as currency enabled by, xiii, 2, 24; images as means of, xiii, 1–2, 8; museum collections premised on, 32, 77; representation as means of, 1–2, 43–44; resistance to, 6, 8, 37; various means of, xiii, 1–3, 5
allegory, art as, 33–34, 38, 43–44, 55
alterity: in art’s here and now vs. elsewhere or otherwise, xvii, xviii; art’s varied and inexhaustible forms of, 2–3, 12, 113; colonialism and, 59–60; dis-possession linked to, 121; emotional effects of art as its, 24–25, 27; freedom linked to, xvii, 6; as fundamental to art, 36–37, 43, 121; humanist version of, 59–60; inalienability of, 6; museums’ attempts to capture/control (*see* museumification); narrative approaches to, 112–13; political attempts to capture/control, xviii, 2–3, 6–8, 33, 37–38, 97, 121–22; socially embedded performances of, 2–3

- Ankersmit, F. R., 65–67, 74
- Arendt, Hannah, 113
- art: as allegory, 33–34, 38, 43–44, 55; authorization of, 7, 34, 42–43, 45, 47–48, 61, 63–64, 116; currency analogous to, xiii, 2, 12, 24, 43–45, 48; as document, 33, 38, 43–44, 55; emotional effects of, 24–25, 27; excess inherent in, 6, 8; experiential inexhaustibility as fundamental nature of, xiv, xviii, 2, 37; fundamental characteristics of, xiv, xviii, 2, 36–37; politics likened to, 65–66; Quatremère’s notion of the purpose of, 24–25, 37, 40, 43, 64, 77. *See also* alienability of art; alterity; materiality of art; temporality of art; value of art
- art criticism. *See* dealer-critic system
- art history discipline: art treated as alienable asset in, 5; attempts at capture by, xvii–xviii; France’s modern museums and, 22, 25; genealogy of modern art, from standpoint of artist’s self-possession, 68–70; personal curation of art vs. that of, ix, xii–xiii, xvii–xviii; representational mechanism in, 5–6, 113. *See also* modern art and modernity; museums
- art market: alienability of art as essential to, 40; artist’s persona as source of value in, 41–43; art’s value linked to, xiii, 1–2, 8; intellectual property linked to, 40; possessive gaze of, xiii, 1–2; transformed from patronage system to dealer-critic system, 42. *See also* value of art
- artificial intelligence, xi
- artists: as focus of dealer-critic system, 40–42, 44; gendered identities of, 130n7; genealogy of modern, 68–70; incarcerated, 137n8; intentions of, 12, 47, 61–64, 67, 70, 116; museums linked to proprietary conception of, 43–44; overrepresented as “Man,” 60–61, 67–70, 77; persona of, as source of value, 41–44; presented as representatives of conceptual categories, 4–5, 37, 44, 45, 60–61, 67–70; property rights of, 39–43; role of, in Conceptual art, 45–48, 116; self-possession of (concept of the proprietary artist), 41–48, 60–70, 85, 115; temporality of, 4–6; whiteness associated with, 61–62, 78
- Artists Space, New York, fig. 10, fig. 11, 117, 120
- Attica Correctional Facility, 120
- aura, xiii
- authorization, of artworks, 7, 34, 42–43, 45, 47–48, 61, 63–64, 116
- avant-garde, 4, 69, 79, 115
- Benjamin, Ruha, xi
- Benjamin, Walter, xiii
- Berthault, Pierre-Gabriel, *Entrée Triomphale des monuments des sciences et des arts en France*, fig. 2, 20–21
- Best, Stephen, 54
- Black, Hannah, 81–88, 90–94, 97, 103–5, 110–11, 134n8
- Black Arts Movement, 79
- Black Lives Matter, 81–82
- Black radical tradition, 82
- Blackness. *See* African Americans
- Bois, Yve-Alain, 131n28
- Bonaparte, Lucien, 34
- Bonaparte, Napoleon, 13, 20–23, 33–35, 38, 50, 71, 128n18

- Broad Museum, Los Angeles, x-xii
Brooks, Thomas, 101
Bryant, Carolyn, 99, 102
- California, and slave insurance
policy documentation, fig. 11
Canova, Antonio, 23-24
capture: art historians' attempts
to, xvii-xviii; art's resistance to,
xv, xvii-xviii, 6, 8, 27; defined,
xii; images as means of human,
73-74; motivation for, xvii; po-
litical attempts at, xviii, 2-3, 6-8,
33. *See also* capture and curation;
possessive gaze; representation
capture and curation: colonial
practices of, 27; homogeneity
of instances of, 32; individual
museumgoers' practices of, xii,
1, 32; museums' practice of, 32,
77; representation and exchange
as, 2. *See also* capture; curation
Cavarero, Adriana, 112-14
Césaire, Aimé, 25-27
La Cité de l'Architecture et du
Patrimoine, 129n27
Civil Rights Movement, 102
colonialism: Hitler's project com-
pared to, 26; modern museums
as instrument of, 15, 16, 25-28;
nationalism in relation to, 28-29;
otherness constituted in practice
of, 59-60; representation/objecti-
fication as instrument of, 27-28
commodity, art as, xiii, 1-2, 8, 43,
45, 48-49, 55
Conceptual art, 45-49, 62, 67, 69-
70, 79, 116-17
constituent moments: funda-
mental flaw of, 17-18; Louvre's
reorganization as, 20; of muse-
ums, 17-19, 27, 32; nationalism
and colonialism as co-, 28, 31; of
political modernity, 28; repre-
sentation as vehicle of, 17
Constructivism, 69, 115
contemporary art, 45, 136n1
Conyers, John, fig. 11
copyright. *See* intellectual property
Courbet, Gustave, 68
credit, images of art as, xiv-xv, xvii
cultural property: alienability of,
34; artworks as representations
of, 1-2; Euro-American seizure
of, 15-16; in modernity and mod-
ern art, 12-13; in modern muse-
ums, 20-25, 29-35, 43; seized by
France, fig. 2, 15, 17, 20-35, 71
curation, individual acts of, xii-xiii.
See also capture and curation
currency, art likened to, xiii, 2, 12,
24, 43-45, 48
- Dada, 69, 79
David, Jacques-Louis, 18-19, 34
De Stijl, 69
dealer-critic system, 40-42, 44-45,
115
Dean, Aria, 88
Declaration of the Rights of Man
and the Citizen, 39
Delacroix, Eugène, 68
Denon, Dominique Vivant, 21, 24
Depot Boijmans Van Beuningen,
Rotterdam, fig. 1, ix-x
depots, ix-x, xiv, 21-22
Dinesen, Isak, 113
dispossession: in acts of represen-
tation/capture/the possessive
gaze, xiii; aesthetic strategies of
resistance to and/or employ-
ing tactics of (dis-possession),
62-64, 74-76, 79, 97-103, 110-13,
115-22; of African Americans,
29, 51-56, 70-72, 74-75, 98-99,
118-19; alterity related to, 121;

- dispossession (*continued*)
defined, 50; in experiencing the artwork, xv; modern art's grounding in, 50; of non-whites, 28–29, 49, 51–56, 60, 70–71; of persons from the category of “Man,” 53, 60–61, 70–73; Piper's *Catalysis* and, 61–64, 79, 116; resulting from self-possession, 47, 49–54; systemic forms of, 56–59
- distributive justice, 57, 59
- document, art as, 33, 38, 43–44, 55
- documenta 11*, xiv
- Driskell, David, *Behold Thy Son*, fig. 9, 106–7
- D'Souza, Aruna, 134n8
- Du Bois, W.E.B., 74–75, 78; *Proportion of Negroes in the Total Population of the United States*, fig. 5
- Duchamp, Marcel, 117–19, 130n9; *Fountain*, 119
- empathy, in the Schutz *Open Casket* controversy, 84–94, 108, 110
- Empire style, 34
- Engraving Copyright Act (1735), 39
- Enwezor, Okwui, xiv
- ethics, of narration and witnessing, 104, 109, 112–13, 122
- ethnic cleansing, 28
- ethnicity. *See* race and ethnicity
- excess. *See* alterity
- Exposition Universelle (Paris, 1900), fig. 4, 72–75, 78
- Fanon, Frantz, 73–74
- Farmer-Paellmann, Deadria, fig. 11
- Feldstein, Ruth, 88
- Fleetwood, Nicole R., 137n8
- Focillon, Henri, 3–6
- Foucault, Michel, 49, 59, 77, 131n21; 133n1
- France: *ancien régime* of, 30–34, 68; and Egypt, 128n18; imperial, 13, 17, 22–23, 31–34; intellectual property in, 39–43; the modern museum and the politics of art in, 13, 17–35, 71; nationalism and colonialism as co-constituent moments of, 31; revolutionary, 13, 17–19
- Frank, Jason, 17–18
- freedom: alterity of art linked to, xvii, 6; in the durational experience of art, xv–xviii; self-possession linked to, 49; whiteness linked to, 54–55, 83–84
- Fusco, Coco, 90
- gender: and artists' identity, 130n7; dispossessions based on, 49
- Gordon, Michael M., fig. 11
- Gould, Cecil, 21
- Green Haven Correctional Facility, 120
- Harlem Renaissance, 78–79
- Harris, Cheryl, 54–61
- Hartman, Saidiya, 52–54
- Hicks, Dan, 25
- Hitler, Adolf, 26
- Hobbes, Thomas, 49
- hooks, bell, 99, 103
- Human Rights Watch, 58
- human zoos, 72–73, 75, 78
- humanism, 59–60
- humanity: critiques of dominant white conceptions of, 70–71, 74–76, 79, 112, 131n21; depriving Emmett Till of, 81; dominant white male conceptions of, 59–61, 67–71, 77, 87, 93, 95, 98, 131n21; modern art and society's

- conception of (as “Man”), 59–61, 67, 70, 79, 87, 93, 112; narration as constitutive of, 113–14; in the Schutz *Open Casket* controversy, 85–87, 93, 95
hypervisibility, 98, 137n8
- icons, 7–8, 12
- identity politics, 16
- images: art’s alienability through, xiii, 1–2, 8; capture and curation of, xii–xiii; as component of the artwork, 8; defined as psychic effects of matter, 10; of Emmett Till’s body in open casket, fig. 7, fig. 8, 80–81, 89, 92–93, 97–98, 100–104, 107–11, 133n5, 134n13; ephemerality and instability of, 10; generated by modern museums, ix; immortality of, 8; of lynching victims, 100–102; materiality of art in relation to, 8–12; of non-whites, for purposes of white supremacy, 73–74; relational quality of, 10–11; social component of, 10–11; strategies of resistance concerning, 74–76, 97–103, 109–13; temporality of, 11. *See also* representation
- Impressionism, 40, 68–69
- information: Conceptual art as, 46; electronic transformation of art into, 1; museums as processors of, 44; as property, 44; representation as transformation of art into, 43–44, 55
- intellectual property, 1–2, 39–43, 45, 49, 116
- intention, of the artist, 11–12, 47, 61–64, 67, 70, 116
- International Criminal Court, 58
- invisibility, 98–100, 118, 137n8
- Jet* (magazine), 134n13
- Jim Crow, 80, 98, 100
- Kandinsky, Wassily, 69
- Kantorowicz, Ernst H., 126n5
- Kapoor, Anish, *Cloud Gate*, x
- Krusling, Benjamin, ix, xiv–xv
- Kusama, Yayoi, xi
- Le Brun, Charles, 2
- legal trusts, fig. 15, 117–18
- Lemaistre, Isabelle Leroy-Jay, 19–20
- Lenoir, Alexandre, 22–23, 33, 129n27
- Lew, Christopher, 81, 85–86, 89, 90–91
- liberalism, conception of the self in, 52, 57–59, 79, 115
- Lipsitz, George, 54, 55–56
- Literary and Artistic Property Act (Act of the Rights of Genius) [1793], 39–42
- Locke, John, 49
- Locks, Mia, 81, 85–86, 89
- Lorde, Audre, “Afterimages,” 81
- Louis XIV, 2
- Louis XVIII, 24
- Louvre, 13, 15, 18–21, 23–25, 30–31. *See also* Musée Napoléon
- lynching, 80, 100–102
- machine vision, xi, xiii
- Macpherson, C. B., 49–50
- Malevich, Kazimir, 69
- Mamdani, Mahmood, 27–30, 54, 57–61, 131
- “Man.” *See* humanity
- materiality of art: as component of the artwork, 8; Conceptual art’s disregard for, 46–47; erasure of, by representation/capture/possessive gaze, xiii, 2; excess inherent in, 8–9; images in relation to,

- materiality of art (*continued*)
8-12; mortality of, 8-10; specificity and essentiality of, xiii, 2, 8-9
- Mathur, Saloni, 30, 32
- McClellan, Andrew, 18
- mechanical reproduction, xiii
- Mercer, Kobena, 80
- Michelet, Jules, 23
- Millennium Park, Chicago, x
- modern art and modernity: and artists' self-possession, 41-48, 60-70, 85, 115-16; conceptual nature of, 46-48, 64, 67, 70, 136n1; cultural properties classified in, 12-13; dispossessions characterizing, 28-30, 49-50; genealogy of, from standpoint of artist's self-possession, 68-70; humanity ("Man") as category in, 59-61, 67, 70, 79, 87; museums linked to, 77; nationalism and, 28; and personhood, 63-65, 67-70, 79; proprietary regime of, 7, 45, 77, 111, 119. *See also* art history discipline
- Mondzain, Marie-José, 7, 12
- Monet, Claude, 41
- Moreton-Robinson, Aileen, 54
- Morisot, Berthe, 44
- Moten, Fred, 133n5
- Musée de Cluny, 129n27
- Musée de Sculpture Comparée, 129n27
- Musée des Monuments Français, 22-27, 30-33, 37, 129n27
- Musée Napoléon, 21-24, 30, 33-34, 37, 50
- museum labels, xiii, 1
- museumification, 25, 26, 30-32, 77, 79, 87
- museums: alienability of art as essential to, 32, 77; classification as purpose of, 19, 22, 25, 27-28, 33; as colonial instrument, 15, 16, 25-28; constituent moments of, 17-19, 27, 32; critiques of, 25-27; dealer-critic system linked to, 40-41, 44-45; depots compared to, ix-x; and ethnic classification, 30-31; France's creation of modern, 13, 15, 17-35; and information, 44; intellectual property linked to, 40, 43; methods of assigning value by, 43; modern art linked to, 77; national, 29-33; proprietary artists linked to, 43-44; representational practices of, 19-23, 44, 55, 79; seizure of cultural property as foundation of modern, 17-35, 43; as sites for individuals' capture and curation of art, ix-xiii; as strongboxes, x, xv; universal, 29-32. *See also* art history discipline; museumification
- MVRDV Architects, Depot Boijmans Van Beuningen, fig. 1, ix-x
- Napoleon. *See* Bonaparte, Napoleon
- narration/narrative, 97-98, 100-105, 110-14, 116, 120
- National Assembly (France), 42
- National Convention (France), 39
- nationalism, 28-29
- nationhood, art as representative of, 12-13, 23
- Native Americans, 29-30, 51-52, 55-56
- Nazism, 58, 90, 131
- Nègres d'Amérique* (exhibition, 1900), 74-75, 78
- Négritude, 25, 78-79
- neoliberalism: art world manifestations of, xv, 116; conception of the self in, 49, 58-61, 79, 115

- New Yorker* (magazine), 91, 108
NFTs (non-fungible tokens), 8
Nichols, Robert, 50–52, 54
Noble, Safiya Umoja, xi
nostalgia, 4
Nuremberg trials, 58, 131
- Paglen, Trevor, xi
paper money. *See* currency
Patterson, Orlando, 71
the people, 18–20, 23
personhood: crisis in, 63–64; of the enslaved, 52–55; legal responsibility based on, 56–59; liberal/neoliberal conceptions of, 49, 52, 57–59, 79, 115; modernity and, 49–50, 63–65, 67–70, 79; as property, 49–50, 52–55, 59; racialization of, 54–56; represented as “Man,” 59–61, 67–70; in Weiner’s and Piper’s work, 66–67. *See also* self-possession
photo opportunities, art venues as, ix–xiii
Piper, Adrian, *Catalysis*, fig. 3, 61–64, 66–67, 70, 79, 116
Pius VII, Pope, 23–24
politics of art: as attempts to capture the alterity of art, xviii, 2–3, 6–7, 15, 37–38, 97, 121–22; commodification of art as component of, 38; cultural property as issue in, 15–17; and dis-possession, 115–22; museums and, 15; peculiarity of, xvi–xviii, 3, 37, 121–22; and representation, 38, 80–96; strategies of resistance in, 74–76, 79, 97–103, 109–13
Popova, Lyubov, 2–3
possessive gaze: art market and, xiii, 1–2; art rendered alienable through, xiii, 1, 5–6; capture and curation as, xii–xiii; and Emmett Till’s body, 110; fixing of art’s temporality by, xiv–xv; of Jim Crow, 80; museum labels and, xiii, 1; politicization of art by, 97; temporality of, xv. *See also* capture; representation
possessive individualism, 49–50, 52, 67, 96, 104, 110–11, 115, 121, 136n1
postmodernism, 45, 136n1
power, representation as source of, 66, 74, 113
prison population, 117–19, 137n8
properties: artwork’s reduction to finite, 2; defined as qualities or attributes, 36; exchangeability of, 2, 7–8, 37; inexhaustibility of, 37. *See also* property
property: dealer-critic system and, 40–41; defined as a possession, 36; dual meaning of, 35–36, 40–41; identity and, 92; information as, 44; at issue in the Schutz *Open Casket* controversy, 81–96, 102–11; personhood as, 49–50, 52–55, 59; representation as means of claiming, 37, 112; singular vs. plural aspects of, 36; slavery and, 52–53; whiteness linked to, 56–57; witnessing contrasted to, 97–98, 103–4. *See also* cultural property; intellectual property; possessive individualism; properties; self-possession
proprietary authorship, 41–48, 77, 85, 95–96, 115
- Quatremère de Quincy, A.-C., 24–25, 27, 37, 40, 64, 77
- race and ethnicity: art presented as representative of, 12–13, 79; artists’ independence from representing, 6; dispossessions based

- race and ethnicity (*continued*)
on, 28–30, 49, 78; museums and, 30–31; nationalism and, 28; and proprietary authorship, 78; systemic structures based on, 56–59; temporality of art in relation to, 4–6
- readymades, 117–19, 130n9
- Realism, 68
- Rencontre Insolite*, Exposition Universelle, Paris, fig. 4
- Reparations Purpose Trust, fig. 11, 118
- representation: alienability of art enabled through acts of, 1–2, 43–44; alternative forms of, 74–76, 78; in art history discipline, 5–6; art’s resistance to, 8–9; colonialism’s use of, 27–28; constituent moments created by, 17; of Emmett Till, 102–11; exceeding, 6; exchange enabled by, 2; as fixation of art’s duration, 3; forms of, 1–2; impossibility/instability of, 9, 11, 65–66, 94, 104–5; of individuals as instances of conceptual categories, 4–5, 37, 44, 45, 57–61, 67–70, 74, 79, 93–94; of individuals as “Man,” 59–61, 67–71; information resulting from, 43–44, 55; as means of capture/control, 2–3, 6–7; as means of conferring value on art, 2, 6, 32, 55; museums’ practices of, 19–23, 44, 55, 79; in nation-states, 28–29; of persons as “Man,” 59–61; political, 65–66; politics of art and, 38, 80–96, 102–11; power resulting from, 66, 74, 113; proprietary motives of, 37, 112; self-possession as by-product of, 65; Emmett Till as subject to, 83; in the United States, 28–29. *See also* capture; images; possessive gaze
- representational segregation, 92, 96, 103, 111
- Romanticism, 68
- Rose, Mark, 42
- Rowland, Cameron, fig. 11, 117–20, 137n8; *91020000*, fig. 10, 117, 119–20, 136n3; *Disgorgement*, fig. 11, 118
- Sartre, Jean-Paul, 10–11
- Schaulager, Basel, x
- Schutz, Dana: *Elevator*, 106; *Open Casket*, fig. 6, 80–97, 102–11, 134n8
- Scott, Katie, 42
- selfhood. *See* personhood
- selfies, ix, x, xii
- self-possession: artists’, 41–48, 60–70, 85; assets and liabilities of, 36, 51–57, 78, 84; critique of, 61–65; dispossessions linked to, 47, 49–54; freedom linked to, 49; political (national), 28–30, 49; as by-product of representation, 65; racialized and gendered character of, 49, 78; in the Schutz *Open Casket* controversy, 92–96. *See also* personhood
- shame, 84
- Sharpe, Christina, 107–8, 134n13
- Shiff, Richard, 68–69
- Singh, Kavita, 30, 32
- slavery, fig. 11, 52–55, 71–72, 117–19
- Smith, Zadie, 93–95
- Speidel, Klaus, 92, 111
- Spillers, Hortense, 52
- Statute of Anne (1710), 39
- Stepanova, Varvara, 2–3
- stereotypes, 73, 98–100

- storage of art: by museums or depots, ix–xi; in personal electronic collections, ix, xiv, xvii
style, 115
subject/object relationship, 68–69, 131n28
Surrealism, 69, 79, 115
- temporality of art, xiii–xviii;
collective identities (national/racial/ethnic) in relation to, 4–6; and deferral of experience, xiv–xv, xvii; freedom found in durational aspect of, xv–xvii; geographical analogy for, 4–5; historical time contrasted with, xvii, 3–6; images and, 11; infinite, xiv, xviii, 3–4; in paradox of here and now vs. elsewhere and otherwise, xvii, xviii, 2; possessive gaze’s attempt to arrest, xiii–xv
Thirteenth Amendment, 117
Till, Emmett, fig. 7, fig. 8, 80–111, 133n5, 134n13
Till-Mobley, Mamie, fig. 8, 80, 83–84, 88–90, 92, 94, 97–111, 113
Tomkins, Calvin, 91, 108
Trump, Donald, 82
- United States: constituent moments of, 28–29; museums in, 30; and Nazi Germany, 131
- value of art: artist’s persona as source of, 41–43; as commodity, xiii, 1–2, 8, 43, 45, 48–49, 55; constituted by its representational capacity, 2, 6, 32; dependent on image status, xi; in its capacity for representing conceptual categories, 43; not fully accessible, xviii; various forms of capturing, 32. *See also* art market
Viollet-le-Duc, Eugène, 129n27
Weheliye, Alexander, 53, 66
Weiner, Lawrence, 46–49, 61–64, 66–67, 116; “Declaration of Intent,” 46–47
Wellington, Duke of, 23
White, Harrison and Cynthia, 40–41
white supremacy, 3, 29, 59, 67, 80, 82–83, 96, 98–99, 101–3, 109, 111, 119
whiteness: art world’s privileging of, 61–62, 78; and colonialism, 26; as dominant conception of humanity, 59–61, 67–71, 74–77, 87, 93, 95, 98, 112, 131n21; established by dispossession of non-whites, 28–29, 49, 51–55, 60; freedom linked to, 54–55, 83–84; personhood linked to, 54–56; property linked to, 56–57; and the Schutz *Open Casket* controversy, fig. 6, fig. 7, 80–96, 102–11; self-possession available to, 49, 53; shame associated with, 84
Whitney Biennial, 80, 85–86, 106
Whitney Museum of American Art, New York, 85
Wilderson, Frank, III, 70–71
Williams, Patricia, 52
witness: as act of dis-possession, 97–98, 103–4, 110–11, 122; narration as strategy of, 97–98, 100–105, 110–14; objects’ evocation of, 118–20; Till-Mobley’s act of, 97–98, 101–4, 109–11
Wolfson, Jordan, *Real Violence*, 86
Wood, Christopher S., xvii–xviii, 20
Wynter, Sylvia, 59–61, 68, 70, 77, 86, 95, 112