

2018

From the Academy to the Marketplace: An analysis of New York and London Fine Art Schools' Responses to the Market in Pedagogy and Curricula

Adelaide Dunn

Follow this and additional works at: https://digitalcommons.sia.edu/stu_theses

 Part of the [Art Education Commons](#), [Curriculum and Instruction Commons](#), and the [Higher Education Commons](#)

From the Academy to the Marketplace: An Analysis of New York and London
Fine Art Schools' Responses to the Market in Pedagogy and Curricula

By Adelaide Dunn

A thesis submitted in conformity with the requirements for a Master of Arts in Art

Business

Sotheby's Institute of Art, New York

2018

14,976 words

Abstract

As fine art degrees expand in cost and popularity, the need to educate students about the complex art market they are entering is more urgent now than ever before. But despite the globalizing art market's continuing demand for emerging talent, its opaque and hypercompetitive nature generates significant obstacles for fine art graduates. This is exacerbated by the relative absence of practical business and legal skills implemented in fine art curricula across the U.S. and U.K. Statistical and anecdotal evidence highlighting the many entrepreneurial skills required to develop and sustain a professional practice, demonstrates the need for more comprehensive professional development syllabi to be implemented in fine art schools.

This thesis takes as its main focus the art markets of New York and London, and assesses how fine art schools in these rapidly intensifying urban centers respond to their commercial environments. The history of Western artist education, and how this has developed in conjunction with the art market, provides a context for curricular reform. The anti-authority, experimental and individualized approaches to art school pedagogy that became popular in the 1960s directly influence fine art schools today. This results in an ethic of market-aversion among students and faculty, which is formalized in accreditation standards and curricular design. This results in many fine art graduates being mostly unprepared to tackle the business and legal challenges of the art market, resulting in low earnings and exploitation by market players.

Four fine art schools across New York and London have responded to these difficulties by implementing professional development coursework that offers students practical entrepreneurial skills, as well as opportunities to philosophically question the economic, social and political circumstances of art practice. This strategic and discursive pedagogy, which focuses on student outcomes, is also cemented through experiential and project-based learning. These exemplary approaches, and findings from quantitative and qualitative data, generate a set of recommendations for an ideal syllabus in business and legal skills for artists, to be implemented in a postgraduate fine art program. A prototype for such a syllabus appears at the conclusion of this thesis.

Table of Contents

INTRODUCTION	1
1. THE HISTORY OF ARTIST EDUCATION IN EUROPE AND THE UNITED STATES	5
I. PRE-TWENTIETH CENTURY ARTIST EDUCATION	5
i. <i>The Medieval Workshop and the Shift from Craftsman to Artistic Genius.....</i>	<i>6</i>
ii. <i>The Academies of France, Britain and America</i>	<i>8</i>
iii. <i>From the French Atelier to the Private Art School.....</i>	<i>11</i>
II. POST-TWENTIETH CENTURY ARTIST EDUCATION	13
i. <i>The early twentieth century and the influence of the Bauhaus</i>	<i>13</i>
ii. <i>Postwar art schools: high modernism, criticism, and individuality</i>	<i>16</i>
iii. <i>The twenty-first century art school and the “M.F.A. Boom”</i>	<i>20</i>
CHAPTER 2: FINE ART EDUCATION AND MARKET AVERSION TODAY	23
I. INFORMAL BARRIERS	23
II. FORMAL BARRIERS.....	28
CHAPTER 3: THE MARKET-RELATED CHALLENGES OF FINE ART SCHOOL GRADUATES.....	32
I. THE STRUCTURE OF THE INTERNATIONAL ART MARKET(S).....	32
II. ARTIST CAREERS AND LIVELIHOOD: ANECDOTAL EVIDENCE.....	35
III. ARTIST CAREERS AND LIVELIHOOD: STATISTICAL STUDIES.....	43
i. <i>Alternative Sources for the Professional Development of Artists</i>	<i>49</i>
CHAPTER 4: RESPONSES TO THE ART MARKET IN NEW YORK AND LONDON FINE ART SCHOOLS.....	51
CASE STUDY 1: THE SCHOOL OF VISUAL ARTS, NEW YORK (“SVA”).....	52
CASE STUDY 2: COLUMBIA UNIVERSITY SCHOOL OF THE ARTS, NEW YORK	55
CASE STUDY 3: THE UNIVERSITY OF THE ARTS SCHOOLS, LONDON (“UAL”), AND CENTRAL SAINT MARTINS (“CSM”)....	59
CASE STUDY 4: THE ROYAL COLLEGE OF ART, LONDON (“RCA”).....	64
CONCLUSION AND RECOMMENDATIONS	69
BIBLIOGRAPHY.....	72
APPENDICES.....	80
APPENDIX 1: LISTS OF PROFESSIONAL DEVELOPMENT RESOURCES FOR VISUAL ARTISTS	80
<i>Table 1: Resources for Artists in the United States</i>	<i>80</i>
<i>Table 2: Resources for Artists in the United Kingdom</i>	<i>83</i>
APPENDIX 2: PROPOSED SYLLABUS IN BUSINESS AND LEGAL SKILLS FOR ARTISTS	85

Acknowledgements

I would like to thank my supervisor, Paul Melton for providing detailed and constructive advice throughout all stages of this project, and for igniting my interest in the business of art.

To Franklin Boyd, thank you for sharing your syllabus, teaching methods, and lessons learned teaching the law of art.

To Jenny Gibbs, thank you for volunteering your helpful ideas and suggestions, and for the delicious Thanksgiving dinner.

To Jackie Battenfield, thank you for sharing your syllabus, and your invaluable anecdotes about teaching young artists how to make a living from their art.

To Dr. Hayleigh Boshier, thank you for explaining your unique pedagogical approaches and your experiences teaching intellectual property to creative students.

To Professor Juan Cruz, thank you for providing me with an in-depth perspective on what goes on inside the United Kingdom's top art and design school.

To Alex Schady, thank you for our dynamic conversation about the role of fine art schools in a politically and financially uncertain time.

To Mia Taylor, thank you for providing your valuable perspectives as a fine artist and educator.

To Katie Hession, thank you for being candid about the many ways that young creatives are exploited by the creative industries.

To Bartolomeo Meletti, thank you for sharing your innovative strategies for teaching creators about intellectual property rights.

To Carrie Able, thank you for sharing your experiences of art school, of running a gallery and of navigating the art market as a multidisciplinary artist.

To Jeremiah Ojo, thank you for sharing the results of your years of research into the art business and dedication to the professional development of artists.

To John Richey and Marly Hammer, thank you for offering me your perspectives as curators, critics, fine artists and gallerists.

To Vladislav Sludskiy, thank you for offering your opinions as an international gallerist and curator.

To Joanne Kersh, thank you for sharing your opinions and research findings as a representative of the Association of Independent Colleges of Art & Design.

To Ashley Devenish Robinson, thank you for sharing my passion for this project, for pointing me in the right direction and giving me valuable career advice.

To Julia Paeslack, thank you for the meals, emotional support, and your endless art world expertise.

Introduction

[W]hether you are a commercial banker or a conceptual artist, the market is the ocean that we all swim in. And, to stay afloat, everyone needs a boat. That boat is built out of the tools of the market. Some people will be professional boat-builders — they will work in the market itself — but all of us still need a boat of some kind to survive.

- Amy Whitaker¹

The need to educate fine art students about the complex market they are entering is more urgent now than ever before. As higher education becomes costlier, and as the expanding culture industry increases the popularity of fine art degrees, art schools are now under enormous pressure to generate a smooth entry for its students into professional life.² With the globalization of the art market, the expansion of a new generation of collectors, and new platforms arising for the sale and display of art, gaining access to the art world has become more of a reality for emerging artists.³ But despite the increasing demand for emerging talent, the art market remains opaque, unregulated, and hypercompetitive. Growing conversance with the “arts ecosystem” in fine art programs has resulted in a greater emphasis on critical studies and research-based practice than on practical skills geared towards overcoming the specific business and legal challenges faced by young artists. While the vast majority of fine art schools across New York and London cover the artist’s basic professional skillset – writing artist statements, utilizing critique, and speaking about art – far fewer offer coursework in conducting transactions, pricing art, managing a studio, dealing in copyright, and

¹ Amy Whitaker, “Why Teach Business to Artists?” Hyperallergic, July 20, 2016, <https://hyperallergic.com/312390/why-teach-business-to-artists/>.

² Ute Meta Bauer, “Under Pressure,” in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 221.

³ Ibid.

understanding contracts.⁴ Nevertheless, qualitative and quantitative evidence demonstrates that fine art students desire to understand, and indeed need to understand, this minutiae about the business of art.⁵

An informed approach to curricular reform requires an examination of its historic context.⁶ Therefore, Chapter I situates the history of art schools within developments in politics, art theory, and economic policy.⁷ Before the twentieth century, prolific art academies in Europe and America set the stage for the academic and classical pedagogies which resound in art schools today. These developments, and their relationship with the historical commercial activities of artists, are summarized in the first part of Chapter II. The second part documents the history of art schools from the twentieth century to today, and traces the anti-authority, experimental and individualized approach to artist training which largely defines the experiences of New York and London art students.

These contexts provide a foundation for understanding the complex tussle between art schools and the art market today, analyzed in Chapter II. Informal, subjective barriers between art schools and the market manifest in an idealized view of art production and anxiety over the sullyng influences of capitalism and neoliberalism. This results in an ethic of market-aversion across students and faculty of fine art programs. These barriers

⁴ Anonymous responses to questionnaire, "Business, Legal and Entrepreneurship Training in Fine Art Education," SurveyMonkey, open Monday, October 8th, 2018, closed Friday, December 7th, 2018 ("Questionnaire").

⁵ Fred Wilson, "Questionnaire," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 300.

⁶ Arthur D. Efland, Kerry Freedman and Patricia Stuhr, *Postmodern Art Education: An Approach to Curriculum* (Virginia: The National Art Education Association, 1996), 55.

⁷ Alexander Massouras, "The Art of Art Students," in *The London Art Schools: Reforming the Art World, 1960 to Now*, ed. Nigel Llewellyn and Beth Williamson (London: Tate Publishing, 2015), 38.

are formalized in institutional standards for accreditation, assessment and curriculum design in New York and London art schools.

The consequences of these barriers on the working lives of recent fine art graduates is detailed in Chapter III. Qualitative interviews with artists, gallerists and fine art professors demonstrate the many legal and business-related challenges faced by emerging artists in attempting to enter the art market. Statistical studies illustrate the working lives of professional artists – which often combine freelance work, self-employment, multiple job-holding and self-promotion – and the dearth of relevant vocation-driven education in United Kingdom and United States fine art schools. This is supplemented by anecdotes recorded from a qualitative questionnaire designed by the author and circulated locally among artist associations, fine art school alumni groups and informal networks across New York and London (the “Questionnaire”). Participants were asked to report on the professional development offerings of their affiliated schools, how this training is delivered, how prepared they or their students felt to navigate the market upon graduation, and what market-related challenges they have faced in their artistic careers. A cross-section of current art students, recent graduates, working artists and art school professors responded to this Questionnaire.

Chapter IV provides in-depth case studies of exemplary approaches to business and legal training at top art and design schools across New York and London. Qualitative interviews were conducted with faculty from the School of Visual Arts, New York (“SVA”); the Columbia University School of Art, New York; the University of the Arts Schools, London (“UAL”), which includes Central Saint Martins (“CSM”); and the Royal College of Art, London (“RCA”). These schools tend to combine practical skills, critical case studies, experiential learning and onsite incubators in order to prepare their students not just to

navigate the market, but also to question its norms and structures, for the vitality of their own artwork and to define their own approaches to professionalism.

The Conclusion provides recommendations for a model syllabus on the business and law of art, based on the research findings in Chapter III and the exemplary approaches in Chapter IV. The future of fine art curricula, and how it can better prepare fine art graduates for overcoming institutional market-aversion and market-related career challenges, is assessed. Based on these recommendations, the prototype for a syllabus to be taught in a postgraduate M.A. or M.F.A. program in New York or London, by the author, is offered in Appendix 2.

Chapter 1: The History of Artist Education in Europe and the United States

Like the history of art, the history of artist education is a history of ideas, infused with its economic, political and social realms.⁸ Cycles of change in art education often follow the establishing and then breaking of aesthetic, philosophical and pedagogical orthodoxies. As these debates revolved around the type of artist that the teaching in question would produce, the developments that resulted reflect the changing status and role of the artist in society, including their professional standing.⁹ Particular inventiveness can be ascribed to pivotal academies throughout history, from the humanist societies of Renaissance Italy, to the French academy, the Bauhaus in Germany, the Black Mountain College in North Carolina; and more recently, the California Institute of the Arts and Goldsmiths in London. In each, a unique fusion of the creative energy of the student body, the commitment and mentorship of faculty, and the political and intellectual climate of the time defined progressive modes of teaching art.¹⁰ In its constant state of reinvention, the education system ebbed and flowed against the ever-present influence of the market, sometimes in tandem with it, and sometimes in opposition.¹¹

I. Pre-Twentieth Century Artist Education

⁸ Charles Esche, "Include Me Out: Preparing Artists to Undo the Art World," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 106.

⁹ Nigel Llewellyn, "Introduction: Histories and Contexts," in *The London Art Schools: Reforming the Art World, 1960 to Now*, ed. Nigel Llewellyn and Beth Williamson (London: Tate Publishing, 2015), 13.

¹⁰ Esche, "Include Me Out," 106.

¹¹ Anton Vidokle, "From Exhibition to School: Notes from Unitednationsplaza," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 193 – 4.

i. The Medieval Workshop and the Shift from Craftsman to Artistic Genius

Craft guilds in the thirteenth and fourteenth centuries provided the early model of European artist education, still traceable in the intern and studio assistant economy of the art world today.¹² Apprenticeships are also linked to the pedagogical model of experiential learning, implemented now at most fine art schools across Europe and the United States.¹³ Craft guilds were established to meet the demand for commodities such as tapestries, textiles, armor, jewelry, ceramics and sculptures.¹⁴ Apprenticeships formed a complex social and economic system, as guild masters determined who could learn and teach different crafts.¹⁵ With control over labor supply as well as markets for their requisite trades, medieval guilds functioned as both monopsonies and monopolies.¹⁶

Apprentices were bound through contracts of indenture at the age of thirteen or fourteen.¹⁷ They were trained mainly by imitating the master. Once the youth was judged to reach an acceptable standard of craftsmanship, the guild certified him to work as a journeyman.¹⁸ Apprentices provided both labor and loyalty to their masters, who would mentor them not just in the technical and commercial aspects of the trade, but also in

¹² Alexandre Frenette, "From Apprenticeship to Internship: The Social and Legal Antecedents of the Intern Economy," *tripleC* 13, no. 2 (2015): 351.

¹³ *Ibid.*

¹⁴ Arthur D. Efland, *A History of Art Education: Intellectual and Social Currents in Teaching the Visual Arts* (New York: Teachers College Press, 1990), 23.

¹⁵ Frenette, "From Apprenticeship to Internship," 352.

¹⁶ Stuart MacDonald, *The History and Philosophy of Art Education* (London: University of London Press, 1970), 21.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, 22 – 3.

religion and ethics.¹⁹ Observing the master in his negotiations with clients, administration of patronage, management of employees and maintenance of finances would prepare the apprentice to handle matters of business.²⁰ Guilds were responsible for the training and commercial success of noted Renaissance painters, from Giotto to Donatello.²¹ This system has continued in some form throughout history, but its societal prominence died away in the fifteenth century.

During the fifteenth and sixteenth century, the idea of the artist as distinct from craftsman arose in the wake of the virtuosic achievements of Leonardo, Michelangelo and Raphael.²² The Italian Peninsula, with Florence as its hub, was then undertaking an artistic, scientific and technological flowering known as the Renaissance, founded on the rediscovery of objects and texts of classical antiquity.²³ Artworks began to be perceived as divinely inspired manifestations of genius, rather than mere products of manual trickery. As such, demand rose steeply for intellectual painters and sculptors capable of executing poetic, historic and religious compositions.²⁴ Patronage was spurred by the Church and the Medici, a wealthy banking family with de facto political control over Florence. The new hierarchy between art and craft – and the requirement that artists be highly educated – laid the foundations for modernist ideals of artist training.²⁵

¹⁹ Frenette, “From Apprenticeship to Internship,” 352.

²⁰ Jackie Battenfield, “Art Pricing” (guest lecture, Art Pricing: History, Theory, and Contemporary Practice, course taught by Jenny Gibbs, Sotheby’s Institute of Art, New York, October 5th, 2018).

²¹ MacDonald, *The History and Philosophy of Art Education*, 17.

²² *Ibid.*

²³ “Florence and Central Italy, 1400 – 1600 A.D.,” Heilbrunn Timeline of Art History, the Metropolitan Museum of Art, accessed October 3rd, 2018, <https://www.metmuseum.org/toah/ht/08/eustc.html>.

²⁴ MacDonald, *The History and Philosophy of Art Education*, 20.

²⁵ Efland, *A History of Art Education*, 26.

The training of artist-geniuses as lowly apprentices, and the guilds' monopolistic control over various trades, was eventually called into question.²⁶ Many artists sought the freedom of humanist scholars, who were able to seek multiple patrons and move between cities and courts.²⁷ During the late fifteenth century, the Medici family hosted small gatherings of humanist philosophers in their *palazzo*, which evolved into a school of painting and sculpture around 1499.²⁸ This formed the model for the Renaissance academy, an informal philosophical circle without formal curricula, within which attendees could come and go as they pleased.²⁹ Artists of various ages and stages would gather together to draw, demonstrate new principles and techniques, and discuss theories of art grounded in anatomy, mathematics, poetry and other topics of humanist inquiry.³⁰

ii. The Academies of France, Britain and America

Corporate art academies were later established at Turin, Mantua, Venice and Naples, with Rome and Bologna becoming centers of European artist education by the mid-seventeenth century.³¹ The Italian academies became less circles of intellectual activity and more formal institutions following absolute rules of naturalism and classicism, after High Renaissance art.³² The Académie Royale de Peinture et de Sculpture, founded in Paris in 1648, based itself on these predecessors.³³ The Académie wrested power from

²⁶ Ibid.

²⁷ Ibid., 28

²⁸ Robert Storr, "Dear Colleague," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 59.

²⁹ Efland, *A History of Art Education*, 29.

³⁰ Ibid.

³¹ Ibid., 34.

³² Ibid.

³³ MacDonald, *The History and Philosophy of Art Education*, 24 – 5.

the French guilds of painters and sculptors, as the monarchy acknowledged their obstruction of new industries and of skilled foreign artists entering France.³⁴ An authoritarian, national institution controlled by royalty, the Académie facilitated lectures and offered life drawing courses to its students, who were deemed civil students.³⁵ Through its leader Charles Le Brun, the Académie determined rules of art, decoration and taste; dictated court painters' certifications; administered contracts of patronage; and supplied royal manufacturers of porcelain and textiles.³⁶ From 1737 the Académie also hosted the biennial Salon Carré at the Louvre, an official art exhibition attended by a wide cross-section of society, within which recent works by members of the Académie were shown. Within this marriage between education and the marketplace, exhibiting artists would compete fiercely for both private and public commissions.³⁷

Jacques Louis David took over direction of the Académie after the monarchy fell in 1792, and it was later reconstituted as L'École des Beaux Arts, when Napoleon III granted it independence from the government.³⁸ Divided into the Academy of Painting and Sculpture and the Academy of Architecture, the École's teachings were still firmly grounded in antiquity. Students contended for the *Grand Prix de Rome*, a full scholarship for a year's training in Rome.³⁹ Edgar Degas, Eugène Delacroix, Pierre-Auguste Renoir, and Georges Seurat were among the school's ranks. In 1795, the Salon was thrown open to all artists and established as an annual event.⁴⁰ The composition of the jury, who adjudicated on which artworks were selected and which artists would receive its

³⁴ Efland, *A History of Art Education*, 36.

³⁵ *Ibid.*, 36 – 7.

³⁶ MacDonald, *The History and Philosophy of Art Education*, 25.

³⁷ "The Display of Art: Exhibitions, Biennials, Salons: Paris Salons," The University of Kansas Libraries, accessed November 4th, 2018, <https://guides.lib.ku.edu/c.php?g=551592&p=3805865>.

³⁸ MacDonald, *The History and Philosophy of Art Education*, 27.

³⁹ *Ibid.*

⁴⁰ "The Display of Art: Exhibitions, Biennials, Salons: Paris Salons," The University of Kansas Libraries.

distinguished prizes, became highly controversial. Progressive artists like Édouard Manet and Gustave Courbet challenged the Salon's conservative tenets by submitting large-scale realistic scenes of France's middle and lower classes, including courtesans and peasants.⁴¹ This led to the establishment of counter-Salons, such as the Salon des Refusés in 1863. This reduced the prestige and market share of the official Salon, and the École by extension. Rather than the academicians, it was the public who was invited to judge the quality of the works displayed.⁴²

By the 1800s, L'École des Beaux Arts was the prototype for academies throughout the western world, including the Royal Academy of Arts in London, led by Sir Joshua Reynolds, and the new American academies that followed.⁴³ Many English artists travelled to the United States to work in the studio of Benjamin West, and New York established its own Academy of Fine Arts by 1802.⁴⁴ The severe classicist style and apparent arrogance of its president, John Trumbull, led a group of dissatisfied students to splinter off and found the National Academy of Design. This became the center of artist education in New York after the Academy of Fine Arts closed in 1841 from failure to attract students.⁴⁵ The National Academy of Design had an egalitarian philosophy, promoting the practice and display of art outside of the aristocratic patronage system.⁴⁶ American academies at this time functioned as museums as well as schools, and women were allowed to enroll.⁴⁷ Similar to the École, education and sales were

⁴¹ Ibid.

⁴² Ibid.

⁴³ Lewellyn, "Introduction: Histories and Contexts," 17.

⁴⁴ MacDonald, *The History and Philosophy of Art Education*, 31.

⁴⁵ "Historical Overview," National Academy of Design, accessed October 3rd, 2018, <https://www.nationalacademy.org/historical-overview/>.

⁴⁶ Ibid.

⁴⁷ MacDonald, *The History and Philosophy of Art Education*, 33.

integrated in academy shows, as graduating artists would have the chance to display work and attract patrons.⁴⁸

iii. From the French Atelier to the Private Art School

After the American Civil War, Paris received an influx of young American and British artists, drawn to its booming art market and reputed ateliers.⁴⁹ These lively, democratic workshops were primarily governed by the students – once the master approved of an applicant’s drawings, the students had final say on the *nouveau*’s acceptance.⁵⁰ The atelier lacked the silent schoolroom atmosphere of the British and American academies, with teachers not always present, conversations carrying on in French, thick clouds of cigarette smoke, and female models who behaved naturally, throwing off their clothing as they approached the throne without need for a robe or screen.⁵¹ After drinks, cake and entertainment provided by the *nouveau*, atelier students would spend the afternoon copying works in the Louvre for commissions.⁵² Students therefore returned from Paris with some market experience as well as refined aesthetic attitudes, inspired by Realism and Impressionism.

As modernism swept across Europe as a response to industrialism, and emerging fields of photography, optics and Impressionist color theory offered new potential for artistic

⁴⁸ “Historical Overview,” National Academy of Design.

⁴⁹ MacDonald, *The History and Philosophy of Art Education*, 32.

⁵⁰ *Ibid.*, 284.

⁵¹ *Ibid.*, 281. Stuart MacDonald describes the interesting social hierarchy of the atelier. At the end of each morning session, the *nouveau* was asked to sing or perform on the throne, and clean all of the students’ brushes as they departed for the afternoon. If he displeased his classmates, it was common practice for them to hang the *nouveau* from the ladder used to reach the stacked canvases. This continued until the enrolment of the next unfortunate *nouveau*.

⁵² *Ibid.*, 285 – 6.

expression, the influence of the antiquated academies died away.⁵³ Le Corbusier famously declared academies to be “mortuaries,” within which “nothing of the outside world can penetrate.”⁵⁴ This shift enabled the popularity of private art schools, which were especially popular in the United Kingdom. In 1837, the British Parliament authorized national art education as an economic necessity, enabling also the rise of mechanics’ institutes and industrial schools whose focus was training for useful, vocational ends.⁵⁵ Design students supplied work to the 1851 Great Exhibition, an annual trade fair.⁵⁶ Professional art schools were also established in the United States to offer training in fine art as well as industry-applicable design. These included the Cooper Union, the Pratt Institute, and the Rhode Island School of Design.⁵⁷

As manufacturing began to decline within the wider economy, fine art became the dominant focus of artist training. Many American universities established their own art departments offering classes in studio practice, taking their cue from the Slade School of Fine Art in London. Slade was famous for its innovative approaches to figure drawing and its independent outlook, drawing a diverse range of candidates, ranging between Bohemians, immigrants, retired officers, dandies, scholars, and debutantes.⁵⁸ Many commenced or continued their studies at the Parisian ateliers.⁵⁹ Yale University offered drawing as a technical subject as early as 1831, then established its fine art department in 1863.⁶⁰ Unlike the rest of the University, the Yale School of Art admitted women.⁶¹ By

⁵³ Ibid., 35.

⁵⁴ Le Corbusier, Address to Students of the Paris École, quoted in MacDonald, *The History and Philosophy of Art Education* 35.

⁵⁵ Massouras, “The Art of Art Students,” 38.

⁵⁶ Ibid.

⁵⁷ Efland, *A History of Art Education*, 62 – 3.

⁵⁸ MacDonald, *The History and Philosophy of Art Education*, 269.

⁵⁹ Efland, *A History of Art Education*, 63; MacDonald, *The History and Philosophy of Art Education*, 270.

⁶⁰ Efland, *A History of Art Education*, 66.

⁶¹ Ibid., 67.

the turn of the century, some 47 American universities followed Yale's example and founded their own art schools, including Harvard and Princeton.⁶² According to the historian Arthur Efland, this was a consequence of the rise of Romantic philosophy in America, which placed the artist at the center of public cultural affairs and social consciousness.⁶³ Today, the Yale School of Art retains its traditional segregation of different artistic disciplines, housing graduate painting and sculpture students in different buildings.⁶⁴

II. Post-Twentieth Century Artist Education

i. The early twentieth century and the influence of the Bauhaus

The 1900s saw an even greater boom in private art schools and university art departments, particularly in America. By 1940, two-thirds of America's coeducational universities, nearly all women's colleges, and half of the men's colleges offered fine art courses.⁶⁵ After the passage of the G.I. Bill in 1944, American citizens returning from service used their benefits to attend university, including in London, and the demand for programs in fine art and art history rose.⁶⁶ Similarly in Britain, ex-servicemen's grants were made available through the government's Further Education and Training Scheme.⁶⁷ Alexander Massouras argues that these initiatives acclimatized governments

⁶² *Ibid.*, 67.

⁶³ *Ibid.*, 69.

⁶⁴ "Project 5: Yale Art and Architecture Building," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 115.

⁶⁵ Efland, *A History of Art Education*, 219.

⁶⁶ *Ibid.*, 225.

⁶⁷ Massouras, "The Art of Art Students," 42 – 43.

to play a more active role in the provision of art education, and resulted in art students becoming more socially diverse.⁶⁸

Notwithstanding its English foundations, during the twentieth century, American art education became particularly influenced by Germany.⁶⁹ This was amplified by the diaspora of German Jewish refugees during World War II. Indeed, the Bauhaus, founded in Weimar in 1919, has had resounding influence on artist training throughout the twentieth century and into today. The Bauhaus provided a fresh modernist alternative to training by academicians, who in the narrative of art history began to be perceived as villains thwarting artistic progress.⁷⁰ Yet paradoxically, just as the Le Brunian academic system had rigorously drawn up principles, the Bauhaus' founder, Walter Gropius, also implemented a strict code.⁷¹ His founding manifesto was to create a tightly-knit working community in the style of the medieval workshop, within which students would overcome the social isolation of modern artists and gain skills both for their own sake and in service of society.⁷² Artists' 'complacent individuality' was to be cured through broad technical training in tandem with the latest industrial developments.⁷³ This included a six-month foundation course on the theory of forms, and a three-year apprenticeship involving work in sculpture, metal, pottery, glass, carpentry, weaving and wall painting.⁷⁴ The Bauhaus artist inherited a new social role by applying his talents to regular people's living spaces, designing products that could be cheaply manufactured and

⁶⁸ Ibid.

⁶⁹ Peter Smith, *The History of American Art Education: Learning About Art in American Schools* (London: Greenwood Press, 1996), 19.

⁷⁰ Storr, "Dear Colleague," 59.

⁷¹ Llewellyn, "Introduction: Histories and Contexts," 17.

⁷² Ibid.

⁷³ Burt Taken and Jeroen Boomgaard, "Between Romantic Isolation and Avant-Gardist Adaptation," in *Teaching Art in the Neoliberal Realm*, ed. Pascal Gielen and Paul De Bruyne (Amsterdam: Valiz, 2012), 93.

⁷⁴ MacDonald, *The History and Philosophy of Art Education*, 315.

disseminated.⁷⁵ Vocational, educational and industrial goals were harmonized in a curriculum that opposed specialization.⁷⁶

The Bauhaus was shut down by the Nazi party in 1933, when its director was Ludwig Mies van der Rohe.⁷⁷ Most of its faculty relocated to America, with László Moholy-Nagy establishing the New Bauhaus in Chicago (ultimately becoming the Illinois Institute of Technology), Gropius and Marcel Breuer joining the faculty at Harvard, and Josef and Anni Albers creating its principal reincarnation at the Black Mountain College in North Carolina.⁷⁸ Art schools across America and Europe replaced the quintessential life drawing course with a course in design fundamentals, giving leeway to experimentations with abstraction.⁷⁹ Many adopted Gropius' social-community approach to art education, as well as his opposition to segregating different forms of art.⁸⁰ Black Mountain College was a key part of this shift, becoming an epicenter for artistic experimentation during the 1940s and 1950s, identifying as an isolated colony more than a school.⁸¹ John Cage's *Theater Piece No. 1* was one of the College's interdisciplinary "happenings," which were improvised collaborative performances popularized by students Merce Cunningham and

⁷⁵ Taken and Boomgaard, "Between Romantic Isolation and Avant-Gardist Adaptation," 93.

⁷⁶ Esche, "Include me Out," 107.

⁷⁷ Storr, "Dear Colleague," 59; "Project 2: Bauhaus Building," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 68. Other sources state that the Bauhaus independently closed in order to prevent members of the Nazi party from taking over the faculty. See Helen Molesworth with Ruth Erickson, "Leap Before You Look: Black Mountain College 1933 – 1957" (Massachusetts: Yale University Press and the Institute of Contemporary Art, Boston, 2015), 33.

⁷⁸ Storr, "Dear Colleague," 59.

⁷⁹ Taken and Boomgaard, "Between Romantic Isolation and Avant-Gardist Adaptation," 94; Efland, *A History of Art Education*, 217.

⁸⁰ MacDonald, *The History and Philosophy of Art Education*, 316 – 7.

⁸¹ "Project 3: Black Mountain College," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 83; Daniel Birnbaum, "Teaching Art: Adorno and the Devil," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 242.

Robert Rauschenberg.⁸² The College's lack of student/teacher hierarchies was also inherited from the Bauhaus and endures in many art schools today.⁸³

ii. Postwar art schools: high modernism, criticism, and individuality

In the 1950s after World War II, the community of artists and intellectuals who once congregated in Paris also dispersed – namely to New York. This led to a vibrant new scene, as New York became the center of the international art world.⁸⁴ A New York school of painting emerged out of the influence of modernist heroes such as Piet Mondrian and Willem de Kooning, who in turn influenced younger American artists like Jackson Pollock.⁸⁵ The New York school was canonized by the modernist critic Clement Greenberg, who philosophized on the heroic act of self-expression by the fine artist, leading to the purity of high art, and its elite position above lower forms of entertainment culture.⁸⁶ At the same time, the emerging field of psychology placed a greater emphasis on individuals' unique personas.⁸⁷ While in premodern times the key indicator of artistic talent was the student's ability to accurately portray the natural world, students were now lauded who were able to express their inner selves through abstract forms.⁸⁸ The artist became viewed as an intellectual in charge of communicating the conceptual basis of his or her work.⁸⁹

⁸² "Project 3: Black Mountain College," 83.

⁸³ Charles Renfro, "Undesigning the New Art School," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 64.

⁸⁴ Efland, *A History of Art Education*, 225.

⁸⁵ *Ibid.*

⁸⁶ Amy Adler, "Against Moral Rights," *California Law Review* 97, no. 1 (2009): 296.

⁸⁷ Efland, Freedman, and Stuhr, *Postmodern Art Education*, 3.

⁸⁸ *Ibid.*

⁸⁹ Elena Crippa, "From 'Crit' to 'Lecture-Performance'," in *The London Art Schools: Reforming the Art World, 1960 to Now*, ed. Nigel Llewellyn and Beth Williamson (London: Tate Publishing, 2015), 134.

The “group critique class” was therefore established in New York art schools in the 1950s, to allow students of painting to enunciate their abstractions.⁹⁰ As abstract expressionism reached London, these “crits” were adopted, within which students would express their concepts and intentions and hear feedback from tutors, peers, and visiting artists and critics.⁹¹ Viewed as a right of passage to becoming a professional artist, the crits were also a result of the Coldstream Report (1960), which required English art schools to incorporate art history and theory into curricula in order to grant studio practice greater academic credibility.⁹² The Sculpture Department of St Martin’s School of Art popularized the format in London, with its students closely reading Greenberg’s *Art and Culture* (1961). Modernist theoretical vocabulary therefore penetrated art school discourses across both New York and London.⁹³ The social performance of the crits and the “macho” artists students aimed to emulate generated developments in performance art in the late 1960s. St Martin’s students Gilbert & George and Bruce McClean staged installations and lecture-performances which parodied the intellectual language of art criticism and converted it into an artwork in itself.⁹⁴

In the 1960s, American artists such as Robert Rauschenberg and Andy Warhol also fought against the modernist tenets of Greenberg by adopting Marcel Duchamp’s attack on the definition of art.⁹⁵ Readymade products and pop culture symbols were used to collapse the hierarchy between consumer culture and fine art, as the artwork’s concept

⁹⁰ Ibid., 139.

⁹¹ Ibid., 135.

⁹² Ibid., 134.

⁹³ Ibid., 141.

⁹⁴ Ibid., 145.

⁹⁵ Amy Adler, “Against Moral Rights,” 296.

was valued over its making.⁹⁶ This avant-garde movement heavily influenced art school culture and curriculum design during the 1960s and 1970s,⁹⁷ generating ideologies of anti-specialization, anti-isolation, anti-autonomy, and anti-hierarchy.⁹⁸ In the words of Deborah Solomon, where modern art was an assault on the “Academy of Rules,” post-modern art generated an “Academy of Cool,” within which rebellion became a learned status quo.⁹⁹

Also during the 1960s, New York and London art schools became more integrated with the art market, as exhibitions of the work of art students (now dubbed “emerging artists”) became hugely popular.¹⁰⁰ The annual *Young Contemporaries* exhibition became a fixture within London’s gallery calendar, and was attended by a raft of dealers, collectors and critics.¹⁰¹ Calls for submissions evidence a professionalizing inclination, promising a “stepping-stone” from the school exhibition to the Bond Street galleries.¹⁰² As demand for emerging talent rose, tutors at schools such as St Martin’s fostered students’ engagement with gallerists, critics and professional artists.¹⁰³ The schools themselves were also key instruments of state patronage for employing professional artists and enabling the funding of their practices.¹⁰⁴ As early as the 1970s, public funding reports expressed anxiety over the lack of professional training in fine art courses, including how to self-promote, how commercial galleries operate, what terms to seek in a gallery

⁹⁶ Steven Henry Madoff, “Introduction,” in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), ix.

⁹⁷ Ibid.

⁹⁸ Esche, “Include me Out,” 106 – 7.

⁹⁹ Deborah Solomon, “How to Succeed in Art,” *The New York Times*, June 27, 1999, <https://www.nytimes.com/1999/06/27/magazine/how-to-succeed-in-art.html?pagewanted=all>.

¹⁰⁰ Massouras, “The Art of Art Students,” 38.

¹⁰¹ Ibid., 39.

¹⁰² Ibid., 41.

¹⁰³ Ibid.

¹⁰⁴ Ibid., 43.

relationship, and how to meet costs of materials.¹⁰⁵ On the other hand, educators resisted an instrumentalist approach to art education, fearing that students might be persuaded to look after their own interests instead of socializing and forming communities.¹⁰⁶

During the 1970s, curriculum changes took place within fierce debates about abstraction, figuration and conceptual art, as well as the very place of pedagogy within art schools.¹⁰⁷ The California Institute of Arts in the 1970s, with its vanguard faculty including Miriam Shapiro and John Baldessari, undertook a process of pedagogical “détournement”,¹⁰⁸ transforming an institution initially founded by Walt Disney to supply the entertainment industry into one that radicalized a new “culture industry.”¹⁰⁹ Similarly, Goldsmiths in London adapted to a time of great social, political and educational change in Britain, at a time when art schools and the art world were inseparable in London’s public conception.¹¹⁰ CalArts and Goldsmiths operated as grassroots organizations, in which grades, curricula and even the requirement that students be present in a classroom were abolished. Students instead formed individualized programs of study and organic networks within which to collaborate, often migrating between different schools.¹¹¹

¹⁰⁵ “Redcliffe-Maud Report” (Cmnd. 4040, Royal Commission on Local Government), 1976, quoted in Massouras, “The Art of Art Students,” 47.

¹⁰⁶ Ibid.

¹⁰⁷ Llewellyn, “Introduction: Histories and Contexts,” 10.

¹⁰⁸ Storr, “Dear Colleague,” 60.

¹⁰⁹ Ibid.

¹¹⁰ “Conversation: John Baldessari and Michael Craig-Martin,” in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 47.

¹¹¹ Ibid., 43.

In a published conversation about art education in the 60s and 70s, John Baldessari (CalArts) and Michael Craig-Martin (Goldsmiths) both state that a formal curriculum is impossible at an art school, because “art is not orderly: you don’t go A, B, C, D and end up with art,”¹¹² and “what’s basic for one artist is not basic for another artist.”¹¹³ This, according to Baldessari, makes “art schools... unlikely bedmates with universities.”¹¹⁴ Indeed, the “art school” and the “university” were recognized as distinct until British institutions of higher education were restructured into universities in the late 1980s, and many American schools followed suit, becoming more formalized and offering more diverse courses and majors.¹¹⁵ The Discipline Based Art Education (DBAE) framework formalized fine art education in the U.S. to focus on specific skills including art history, art criticism and techniques, and a similar re-modelling took place in the U.K.¹¹⁶

iii. The twenty-first century art school and the “M.F.A. Boom”

Throughout the 1990s and into the 2000s, as the United States observed an “M.F.A. boom”, members of the art community began to view the widespread academic certification of artists as problematic.¹¹⁷ In 1996, more Masters degrees were conferred in the United States for visual and performing arts (10,280) than in mathematics, biology or English.¹¹⁸ The alternative stereotype to the proverbial struggling isolated artist became the “the university artist, who treats art as a homework assignment.”¹¹⁹ And as

¹¹² Ibid., 45.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid., 45 – 46.

¹¹⁶ Jason C. White, “Barriers to Recognizing Arts Entrepreneurship Education As Essential to Professional Arts Training,” *Artivate: A Journal of Entrepreneurship in the Arts* 2, no. 3 (2013): 30 – 31.

¹¹⁷ Solomon, “How to Succeed in Art.”

¹¹⁸ Ibid.

¹¹⁹ Ibid.

the art market boomed before the Wall Street crash of 2008, gallerists in New York and London increasingly scoped talent at M.A. and M.F.A. shows.¹²⁰ Today, this integration between art schools and the art market manifests in growing collaborations between art schools and outside art institutions (particularly in London). The fact that the art education system from the 1990s to today has produced more artists than established markets can absorb has led art students and graduates to devise new, DIY models for sustaining their practices and showing work.¹²¹

Art school curricula in New York and London today is mainly grounded in the 1970s rebellion against discipline-based education and high modernism. The curriculum is understood as a conceptual space, and a mediation between students and teachers.¹²² Top art schools in undergraduate and postgraduate fine art prospectuses emphasize sociocultural approaches to art education, the questioning of art-making as a discipline, and the disruption of society's norms through collaboration and idea-exchange.¹²³ At the same time, cross-disciplinary collaboration among departments is making art schools and universities closer "bedmates", with the Yale School of Art students staging demonstrations for immigrant rights together with the Yale Law School students, and Royal College of Art students of art and science generating businesses together in on-site incubators.¹²⁴ Of course, short-lived, experimental institutions constantly crop up in

¹²⁰ Ibid.

¹²¹ Alex Schady (Head of Fine Art at Central Saint Martins, London) in discussion with the author, July 18th, 2018.

¹²² Kerry Freedman, "Recent shifts in US art education," in *Issues in Art and Design Teaching*, ed. Nicholas Addison and Lesley Burgess (London: RoutledgeFalmer, 2003), 24.

¹²³ Ibid. See, for example, the mission statement for Central Saint Martins, part of the University of the Arts, London: "Our students – past and present – position and direct us... we persistently question the cores of our disciplines, encouraging collision and exchange across boundaries to generate unexpected outcomes... We give them the confidence to unearth ideas and formations that provoke and disturb accepted norms." "About Central Saint Martins," Central Saint Martins, accessed November 1st, 2018, <https://www.arts.ac.uk/colleges/central-saint-martins/about-csm>.

¹²⁴ Owen Duffy, "Considering Tradition, and Education, at Yale University School of Art," *Art & Education*, accessed October 3rd, 2018,

locations as diverse as bars, private residences, and even the old site of the Black Mountain College,¹²⁵ advocating for a capitalist and organic pedagogical approaches.¹²⁶ Artist studios provide innovative educational-commercial systems, such as Olafur Eliasson's studio in Berlin, within which young artists, architects, scientists and designers create artworks in an environment where laboratory meets factory.¹²⁷ Together, the historic context for art education reveals its inseparability from art theory, art history, and social, political and economic contexts. As complex a problem to educators as "how to make an artist" is "what to do with the artist once created."¹²⁸

<https://www.artandeducation.net/schoolwatch/94392/considering-tradition-and-the-election-at-yale-university-school-of-art?degrees%5B0%5D=MFA>.

¹²⁵ "An Experiment in Education & Community," School of the Alternative, accessed October 4th, 2018, <http://schoolofthealternative.com/>.

¹²⁶ Vidokle, "From Exhibition to School: Notes from Unitednationsplaza," 194.

¹²⁷ Birnbaum, "Teaching Art: Adorno and the Devil," 224.

¹²⁸ Massouras, "The Art of Art Students," 48.

Chapter 2: Fine Art Education and Market Aversion Today

Art schools throughout the twentieth and twenty-first centuries have espoused a common ideology: the rejection of authority. Today, that authority is the art market. Art education has now evolved into a complex industry, with tens of thousands of students graduating each year into a complex and competitive marketplace, from which they must recover exorbitant tuition costs.¹²⁹ Attending an elite school is arguably as much about gaining a valuable network as it is about refining one's creative practice.¹³⁰ And with an uncertain economy, rising tuition costs, and high costs of living in urban art centers like New York and London, fine art students are asking "what comes next" and looking for returns on their investments more than ever before.¹³¹ But despite this commercial backdrop, art school faculties are generally reluctant to implement coursework that covers the structure and processes of the art market (a tendency reflected in anecdotal and statistical evidence in Chapter III). The barriers generating this market-aversion are both informal and formal.

I. Informal Barriers

In their quest to preserve their reputations for intellectualism and socially powerful art, art schools face anxiety that the capitalist art market, while degrading into mass

¹²⁹ Madoff, "Introduction," x.

¹³⁰ "Conversation: John Baldessari and Michael Craig-Martin," 50.

¹³¹ Alex Schady, in discussion with the author; Joanne Kersh (Assistant Director, Research Services, Association of Independent Colleges of Art and Design), in discussion with the author, November 15th, 2018.

entertainment culture, will drag the students down with it.¹³² This is due to the modernist underpinnings of art education, which generate a normative understanding of creativity.¹³³ In what critics deem to be obsolete philosophical dichotomies,¹³⁴ this belief system enforces hierarchies between high and low art,¹³⁵ between individual and brand, and between the utopian, pure space of the art school versus the toxic, conservative and neoliberal art market.¹³⁶

Because art school curricula are delivered within a culture of individualism,¹³⁷ the contributions of particular faculty members often have more sway than institution-wide policy.¹³⁸ Faculty stances on the art market are key to a school's identity.¹³⁹ Many teachers wish to avoid alienating their students by superimposing business language onto the contrasting discourses of art. The M.F.A. faculty at the Yale School of Art apparently eschew "Silicon Valley" innovation jargon like "creative entrepreneurship" and "disruption", taking a more purist and politically engaged approach to professional practice.¹⁴⁰

In addition, the terms "professionalism" and "success" are openly challenged in art schools, given the many different microcosms of the art world. According to Alex

¹³² Boris Groys, "Education by Infection," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 30 - 31.

¹³³ See R. K. Sawyer, *Explaining Creativity: The Science of Human Innovation*, 2nd ed. (New York: Oxford University Press, 2012).

¹³⁴ Storr, "Dear Colleague," 63.

¹³⁵ Alexandre Frenette, "Arts graduates in a changing economy," *American Behavioral Scientist* 61, no. 12 (2017): 1457.

¹³⁶ Matthew Higgs, "Questionnaire," in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 309.

¹³⁷ Lewellyn, "Introduction: Histories and Contexts," 19.

¹³⁸ Ibid.

¹³⁹ Professor Juan Cruz (Dean of the School of Arts and Humanities, Royal College of Art, London), in discussion with the author, July 10th, 2018.

¹⁴⁰ Duffy, "Considering Tradition, and Education, at Yale University School of Art."

Schady, the Head of Fine Art at Central Saint Martins, London, “professionalism” should be understood not as learning the rules and regulations of one specific environment, but rather learning how to be adaptive and reactive, and challenge established norms and processes.¹⁴¹ Juan Cruz, the Dean of Fine Art at the Royal College of Art, London, promotes an holistic idea of professionalism, by which students learn to apply critical thinking and creative impulses to a range of situations, rather than climbing pre-existing structures like students of law or business.¹⁴² Faculty with these progressive viewpoints dissuade students from focusing on the art market out of fear that they will perceive success as based on sales. Students might develop an artificial and simplistic notion of what constitutes “saleable”, and adapt their work to fit that standard.¹⁴³ Placing different art scenes and markets within a hierarchy is dangerous for promoting this kind of thinking, as it can make students whose works do not satisfy the “top tier” feel like failures.¹⁴⁴

Furthermore, the multifaceted nature of the art market, within which success can be determined by chance and relationships, means that tutors may not feel equipped to instruct students on how to enter the market.¹⁴⁵ According to this view, students should use the experimental atmosphere of the art school to locate, re-model or create their own “art world” and define “success” accordingly.¹⁴⁶ Indeed, Ute Meta Bauer posits that where the medieval guild master once taught his apprentice skills and techniques in his own style, today, the art market has become the new “master”, enforcing its own means

¹⁴¹ Alex Schady, in discussion with the author.

¹⁴² Juan Cruz, in discussion with the author.

¹⁴³ Mia Taylor (Senior Teaching Fellow in Fine Art, Winchester School of Art, University of Southampton), in discussion with the author, July 16th, 2018.

¹⁴⁴ Alex Schady, in discussion with the author.

¹⁴⁵ Juan Cruz, in discussion with the author.

¹⁴⁶ Alex Schady, in discussion with the author.

of determining artistic quality.¹⁴⁷ She recommends that art teachers maintain enough distance to remain “cognizant of the market but not in thrall to it”, aiming to support the development of critically engaged rather than “successful” artists.¹⁴⁸

This issue of market-aversion is intertwined with the Romantic notion of the starving artist, which many art students grasp onto.¹⁴⁹ The modernist iteration of this myth is of the artist as “cultural shaman”, a solitary figure operating outside of yet critiquing the rest of society.¹⁵⁰ According to a representative of the Association of Independent Colleges of Art & Design (AICAD), member institutions must constantly grapple with this, as well as the public perception of art schools as niche and elitist.¹⁵¹ AICAD’s quantitative research documenting the employment outcomes for graduates across a wide range of specializations has helped debunk these myths and demonstrate the contribution of art and design graduates to the wider economy.¹⁵² According to Jenny Gibbs, when professors perceive their students as entering higher education merely to explore their creativity and enhance their technical skills, rather than make a living, they are espousing a classicist assumption that shirks the needs of students who are studying without family support.¹⁵³ This also contributes to the normalization of unpaid internships

¹⁴⁷ Bauer, “Under Pressure,” 222.

¹⁴⁸ *Ibid.*, 225.

¹⁴⁹ Dr. Hayleigh Boshier, Lecturer in Intellectual Property Law, Brunel University London; Director, Intellectual Property Awareness Network; Founder, World IP Women; past Visiting Lecturer and Intellectual Property Lecturer, University of the Arts London; in discussion with the author, July 10th, 2018.

¹⁵⁰ Jeffrey T. Schnapp and Michael Shanks, “Artreality (Rethinking Craft in a Knowledge Economy),” in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 145.

¹⁵¹ Joanne Kersh, in discussion with the author.

¹⁵² *Ibid.* See also Abigail Gilmore and Robeta Comunian, “Beyond the campus: higher education, cultural policy and the creative economy,” *International Journal of Cultural Policy* 22, no. 1 (2015): 1 – 9.

¹⁵³ Joanne Kersh, in discussion with the author; Jenny Gibbs, Director of Art Business, Sotheby’s Institute of Art, New York; past Dean of Graduate Programs, Massachusetts College of Art and Design, in discussion with the author, November 7th, 2018.

across the creative industries, and the expectation that graduates will undertake them as a “right of passage”.¹⁵⁴

Some art schools evidence a more sinister layer to this market-aversion. A range of anecdotal and secondary sources bolster the archetype of the artist who fell into teaching once he could not sustain himself purely from his art, and then projects that failure onto his students.¹⁵⁵ Unfortunately, numerous students recount being told by a professor that they will never make a living from their art.¹⁵⁶ As Ernesto Pujol notes, many art schools are still coping with artists that received tenure during the 1970s and 80s, stopped being radical and progressive, and are unequipped now to deal with new media, movements, and market characteristics.¹⁵⁷ Caroll Michels goes so far as to suggest that many professors do not wish to impart any guidance that could give students a competitive edge and jeopardize their own art world pecking order.¹⁵⁸

These negative exemplars have grave implications for student culture. G. A. Fine argues that fine art students undergo a kind of occupational socialization by which they learn to adopt certain identities as artists.¹⁵⁹ Students are torn between seeking recognition and financial stability, and avoiding the image of careerism.¹⁶⁰ Often, students and graduates

¹⁵⁴ Katie Hession, Marketing Assistant at Barbican Centre, London, past Bachelor of Design student at the National College of Art & Design, Dublin, in discussion with the author, July 9th, 2018.

¹⁵⁵ Esche, “Include Me Out,” 103; Hayleigh Boshier, in discussion with the author.

¹⁵⁶ Hayleigh Boshier, in discussion with the author; Jenny Gibbs, in discussion with the author; Katie Hession, in discussion with the author.

¹⁵⁷ Ernesto Pujol, “On the Ground: Practical Observations for Regenerating Art Education,” in *Art School (Propositions for the 21st Century)*, ed. Steven Henry Madoff (Massachusetts: Massachusetts Institute of Technology Press, 2009), 6.

¹⁵⁸ Caroll Michels, *How to Survive and Prosper as an Artist: Selling Yourself without Selling Your Soul* (New York: Allworth Press, 2018).

¹⁵⁹ Fine, G. A., “A Matter of Degree: Negotiating Art and Commerce in MFA Education,” *American Behavioral Scientist* 61, no. 12 (2017): 1463-1486.

¹⁶⁰ Ibid.

who self-promote and perform well in the market are degraded with charges of “selling out.”¹⁶¹ Students might therefore self-estrangle from the market in order to follow the pack, damaging their options for earning a living post-graduation.¹⁶² Paradoxically, however, social networks are noted by numerous commentators as being key contributors to the success of emerging artists.¹⁶³

II. Formal Barriers

These subjective barriers take more concrete form in curricular design and accreditation standards,¹⁶⁴ which formalize purist notions that “art” and “entrepreneurship” must not fraternize. Of course, the budgetary restrictions of individual institutions pose a continued administrative challenge, exacerbated by both the U.S. and U.K. governments’ lack of commitment to funding educational programs over recent years.¹⁶⁵

Arts education curricula in the U.S. and U.K. reflect an understanding that entrepreneurship and business training is helpful but not essential.¹⁶⁶ This approach can be traced back to the Discipline Based Art Education (DBAE) framework implemented in the U.S. since the 1980s – a system viewed as traditional, global, formalized and recognized.¹⁶⁷ By contrast, arts entrepreneurship curricular theory is still largely viewed

¹⁶¹ Katie Hession, in discussion with the author.

¹⁶² Fine, “A Matter of Degree.”

¹⁶³ Groys, “Education by Indection,” 31 – 32. See also Marco Thom, “Fine Artists’ Entrepreneurial Business Environment,” Working Paper 06/16, Institut für Mittelstandsforschung and London South Bank University, October 2016, https://www.ifm-bonn.org/uploads/tx_ifmstudies/workingpaper-06-16.pdf.

¹⁶⁴ White, “Barriers to Recognizing Arts Entrepreneurship Education As Essential to Professional Arts Training,” 30.

¹⁶⁵ Mia Taylor, in discussion with the author; Alex Schady, in discussion with the author.

¹⁶⁶ White, “Barriers to Recognizing Arts Entrepreneurship Education As Essential to Professional Arts Training,” 32 – 3.

¹⁶⁷ *Ibid.*, 30 – 31.

as emerging, informal and unfamiliar.¹⁶⁸ The Journal of Aesthetic Education in 1987 described the goal of DBAE as developing students' abilities to "understand and appreciate art", suggesting an aesthetic rather than a vocational rationale.¹⁶⁹ Coincidentally, "professional skills" are equated to performance and techniques directly relating to artistic practice, such as working with criticism and speaking publicly about one's art.¹⁷⁰ More practical, business-oriented skills like managing finances, dealing in contracts and understanding copyright, are therefore viewed as tangential.

These theoretical barriers are perpetuated in the specific curricular content standards delineated by the National Association of Schools of Art and Design (NASAD), which oversees both undergraduate and graduate arts programs.¹⁷¹ NASAD's statement of purpose promotes the teaching of "knowledge, skills, concepts, and sensitivities essential to the professional life of the artist/designer."¹⁷² Under "recommendations" NASAD states that students should "acquire the skills necessary to assist in the development and advancement of their careers, including ... business skills necessary to engage in professional practice in their major field."¹⁷³ "Business" and "professional" are undefined, perhaps purposefully.¹⁷⁴ NASAD requires at least 50 – 65% of curricula to focus on intensive work in artistic mastery, with coursework directly unrelated to this being relegated to supporting "general studies".¹⁷⁵ This curricular component is left to

¹⁶⁸ Ibid.

¹⁶⁹ Ibid., 31.

¹⁷⁰ Ibid., 31 – 32.

¹⁷¹ Ibid., 33.

¹⁷² National Association of Schools of Art and Design, "Handbook 2017 – 18," December 19, 2017, <https://nasad.arts-accredit.org/wp-content/uploads/sites/3/2017/12/AD-Handbook-2017-2018.pdf>, 96.

¹⁷³ Ibid., 99.

¹⁷⁴ White, "Barriers to Recognizing Arts Entrepreneurship Education As Essential to Professional Arts Training," 34.

¹⁷⁵ NASAD, "Handbook 2017 – 18," 100.

individual institutions to define.¹⁷⁶ This broad vocabulary and lack of elaboration creates a free space within which the personality-driven barriers mentioned above can dictate learning outcomes. Indeed, since fine art schools must necessarily promote and assess skills, techniques and perspectives that are not formally measurable, the subjectivity of assessment and admission processes further exacerbates this.¹⁷⁷

These standards perpetuate market-aversion in fine art schools.¹⁷⁸ Arguably, the distinction or hierarchy between “artistic mastery” and “general studies” is collapsed through the impact of experiential learning, interdisciplinarity and critical studies on fine art education, a trend noted in Chapter IV. And as the statistics and anecdotes in Chapter III demonstrate, there is nothing “general” about the relationship between entrepreneurial skills and the working lives of artists.¹⁷⁹ Indeed, NASAD is notorious for not keeping up with changes in art education imposing standards that hamper individual institutions from innovating.¹⁸⁰ Despite this, the lack of entrepreneurial skills in fine art programs was recently addressed at a NASAD conference in 2018, demonstrating that a shift away from these accreditation-based barriers may well be underway.¹⁸¹

In the U.K., curriculum changes have also resulted more from individual perspectives than comprehensive institutional policies.¹⁸² The 2014 Research Excellence Framework, a new government initiative, assesses the quality, impact and environment of research

¹⁷⁶ White, “Barriers to Recognizing Arts Entrepreneurship Education As Essential to Professional Arts Training,” 34.

¹⁷⁷ *Ibid.*, 36.

¹⁷⁸ *Ibid.*, 35.

¹⁷⁹ *Ibid.*, 35.

¹⁸⁰ Joanne Kersh, in discussion with the author.

¹⁸¹ Christine Kuan (guest lecture within Internship in Art Business elective, course taught by Roxanna Zarnegar and Bryan Faller, Sotheby’s Institute of Art, New York), November 7th, 2018.

¹⁸² Llewellyn, “Introduction: Histories and Contexts,” 15.

carried out by publicly-funded institutions of higher education, including fine art.¹⁸³ As art teachers become more adept at presenting themselves as researchers, professional training in U.K. art schools revolves more around a growing knowledge of the “arts ecosystem” and its impact on society, rather than specific entrepreneurial skills.

¹⁸³ See “Research Excellence Framework 2014: The Results,” Higher Education Funding Council for England, December 2014, <https://www.ref.ac.uk/2014/media/ref/content/pub/REF%2001%202014%20-%20full%20document.pdf>, 3.

Chapter 3: The Market-Related Challenges of Fine Art School

Graduates

The challenges faced by recent fine art graduates in navigating the art market demonstrate the very human consequences to the idealized view of art production explained in Chapter II. Stakeholders of fine art degrees concur that one of the worst outcomes for the field is when a new graduate abandons fine art due to financial need.¹⁸⁴ This all-too-common outcome devalues and demoralizes not just the students but also the merit and value of fine art degrees as a whole.¹⁸⁵ Much emerging scholarship points to the value that arts graduates bring to national economies through the fast-developing creative industries.¹⁸⁶ But creative and intellectual capital is lost when arts graduates are overcome by administrative, business and legal challenges that their universities could have better prepared them for.¹⁸⁷ These obstacles are assessed through an account of the market structure fine art graduates are entering (subpart I), through anecdotal and secondary source evidence detailing common career-related scenarios (subpart 2), and through national survey data demonstrating the working conditions of artists in the United States and United Kingdom (subpart 3).

I. The Structure of the International Art Market(s)

¹⁸⁴ White, "Barriers to Recognizing Arts Entrepreneurship Education As Essential to Professional Arts Training," 37.

¹⁸⁵ Ibid.

¹⁸⁶ See, for example, Abigail Gilmore and Robeta Comunian, "Beyond the campus: higher education, cultural policy and the creative economy."

¹⁸⁷ See G. D. Beckman, *Disciplining the Arts: Teaching Entrepreneurship in Context* (Lanham: Rowman & Littlefield Education, 2011).

The international art market, which Hans Abbing has dubbed an “exceptional” and “cruel economy,”¹⁸⁸ imposes high barriers to entry on emerging artists. The art market is divided into various subsectors with varying levels of permeability between them.¹⁸⁹ Access to these markets is informally controlled by powerful gatekeepers, such as museums, auction houses, commercial art galleries, dealers, and collectors. At the top of the market, gatekeepers are able to deliberately control market access and supply with oligarchic techniques.¹⁹⁰ According to Marco Thom, approximately 100 artists in each country enjoy the lion’s share of publicity simply because of people’s perceptual and cognitive limits.¹⁹¹ In addition, according to Artprice, 68% of global auction revenue from contemporary art is created by just 100 artists.¹⁹² In this hypercompetitive “winner take all” market, in which a select few accrue disproportionate recognition and income, most artists do not generate significant returns from their artistic practice.¹⁹³ Artists who are able to permeate the layer between “emerging” and “established” are often those who can attract galleries and collectors through self-managed promotion and exhibition.¹⁹⁴

Commercial galleries are traditionally the main market barrier between emerging artists and higher segments of the art market, given their collector bases, promotional services, brand building, and ability to match supply with demand.¹⁹⁵ However, Thom estimates that 60 to 80% of London commercial art galleries suffer from weak access to

¹⁸⁸ Hans Abbing, *Why Are Artists Poor? The Exceptional Economy of the Arts* (Amsterdam: Amsterdam University Press, 2002) 280.

¹⁸⁹ Thom, “Fine Artists’ Entrepreneurial Business Environment,” 13.

¹⁹⁰ *Ibid.*, 8.

¹⁹¹ *Ibid.*, 4.

¹⁹² “The Contemporary Art Market Report 2015,” Artprice, accessed July 17th, 2018, <http://www.artprice.com/reports/art-market-report-2015>, 9. Cited in Thom, “Fine Artists’ Entrepreneurial Business Environment,” 10.

¹⁹³ Bartolomeo Meletti, Copyright Education Creative Director at British Film Institute and Lead Producer of CopyrightUser.org for CREATE, in discussion with the author, July 18th, 2018. Frenette, “Arts graduates in a changing economy,” 1458.

¹⁹⁴ Thom, “Fine Artists’ Entrepreneurial Business Environment,” 5.

¹⁹⁵ *Ibid.*, 8.

customers, low sales, high fixed costs, low market presence, and marginal or negative profit margins.¹⁹⁶ In both London and New York, the traditional “three tiered” structure of the art market is now disintegrating, with the middle tier of galleries closing their physical spaces and existing only within art fairs.¹⁹⁷ The middle class of buyers has left the market in tandem, seeking lower-priced works delivered through new and alternative platforms.¹⁹⁸ In this tense economic situation, most galleries are unable to provide dedicated business and legal advice to, and build up audiences around, the artists on their rosters.¹⁹⁹ This is significant, given many young artists’ assumptions that, once they are represented, a gallery will take care of all of their legal and business needs.²⁰⁰ In any case, due to the hypercompetitive nature of the art market, a very small percentage of recent fine art graduates are selected for representation.²⁰¹ And the rapidly intensifying New York and London, once known for their abundance of cheap studio and exhibition spaces, now have far less space available for artists’ independent and cooperative ventures.²⁰²

The art market can also be described as a buyer’s market with an oversupply of artworks. Due to the classic perception of art as a luxury commodity, and its related status as a Veblen good,²⁰³ market demand is focused on the most famous and expensive artists.²⁰⁴ Due to the art market’s fragmented and opaque nature, precise data

¹⁹⁶ Ibid., 13.

¹⁹⁷ Mia Taylor, in discussion with the author. Alex Schady, in discussion with the author.

¹⁹⁸ Thom, “Fine Artists’ Entrepreneurial Business Environment,” 9.

¹⁹⁹ Ibid., 13. Vladislav Sludskiy, General Manager at Ethan Cohen Gallery, in discussion with the author, April 10th, 2018.

²⁰⁰ John Richey, fine artist, curator and Senior Registrar at Pace Gallery; and Marly Hammer, curator and Art Fair Manager at Pace Gallery, in discussion with the author, April 24th, 2018. See also Fred Wilson, “Questionnaire,” 300.

²⁰¹ Mia Taylor, in discussion with the author.

²⁰² Alex Schady, in discussion with the author.

²⁰³ Olav Velthuis, *Talking Prices: Symbolic Meanings of Prices on the Market for Contemporary Art* (Princeton: Princeton University Press, 2007), 104.

²⁰⁴ Thom, “Fine Artists’ Entrepreneurial Business Environment,” 13.

about prices, market trends, supply and demand is largely unavailable. This generates an inefficient market, with asymmetric information affecting artists and other stakeholders, such as buyers.²⁰⁵ Due to commissions charged by sellers, as well as shipping, storage and insurance, transaction costs in the art market are high.²⁰⁶ Indeed, artists as a professional class have not undergone the same level of societal legitimization enjoyed by galleries, dealers and auction houses. Unlike regular commodity markets, the art market is largely controlled by these distributors, with the suppliers (the artists) enjoying less trust and support from buyers.²⁰⁷ These factors together generate obstacles between working artists and prospective buyers.²⁰⁸

II. Artist Careers and Livelihood: Anecdotal Evidence

Anecdotal evidence collected from secondary sources, qualitative interviews and the Questionnaire offer further detail on fine art graduates' challenging business environments and their relationship to the barriers discussed in Chapter II. One M.F.A. graduate from the Rochester Institute of Technology, New York, who studied photography and video art, currently earns less than \$20,000 per year in an arts-related field. Their coursework included training in marketing and communications (e.g. artist statement, resume, brand development, website design), but did not include understanding the art market (e.g. artist/gallery relationships), legal issues (e.g. contracts and copyright), managing finances (e.g. pricing art and budgeting), or

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ Jeremiah Ojo, Founder and Managing Director of Creative Milieu, in discussion with the author, April 1st, 2018.

²⁰⁸ Thom, "Fine Artists' Entrepreneurial Business Environment," 13.

managing a studio, despite their desire to have learned these. The graduate commented on the outdated, implicit biases discussed in Chapter II:²⁰⁹

...no one likes the term "art market" because it sounds too "marketing minded" and we are supposed to be creating/producing/making whatever art we want to make that speaks to our heart without the concern of ever having to "market" it. I disagree with this type of philosophy but please do know that most if not all artists have huge egos and would look down upon too marketing minded artists because the art they make wouldn't be "pure" enough.

Interestingly, a working artist and graphic designer who earned a Bachelor of Applied Arts from the University of Florida, expressed a converse view. In noting that they wished their school had better prepared them for marketing themselves for in-house or freelance design work, they commented that “[l]ack of ego is just as detrimental to an artist’s career as an overblown ego.”²¹⁰ (Indeed, researchers point to the greater professional success of artists with assertive personalities and self-promotional abilities, which may be construed as “ego” by their peers.²¹¹) According to Katie Hession, who studied art and design at the National College of Art and Design in Dublin, and works as a marketing assistant at the Barbican Centre in London, many of the artists she works with struggle with basic self-branding. Having a website, artist bio, and high-res headshots and artwork shots is crucial for collaborating with organizations, particularly those that promote artists.²¹²

Indeed, many emerging artists are challenged by the sheer amount of planning required to maintain self-employment and multiple freelance projects. If artists do not track their

²⁰⁹ Anonymous respondent to author’s Questionnaire, “Business, Legal and Entrepreneurship Training in Fine Art Education.”

²¹⁰ Ibid.

²¹¹ Thom, “Fine Artists’ Entrepreneurial Business Environment,” 13.

²¹² Katie Hession, in discussion with the author.

costs of production and promotion, in both time and money, they are more likely to offer their art or labor for free when propositioned.²¹³ In addition, gallerists are more likely to want to collaborate with artists who are organized, and can provide inventories of their works with titles, dates, sizes, pictures and prices upon request.²¹⁴ One ex-gallerist mentioned that many artists he encountered could take months to collate and communicate this information, which tended to destroy deals and business relationships.²¹⁵ By contrast, where artists can demonstrate their costs of production in itemized lists, they place themselves in more advantageous positions to reap fair prices for their work,²¹⁶ or to ask a gallery or dealer to cover studio costs as part of a contract for representation.²¹⁷

According to a U.K. graduate with a B.A. in photography from the University of Plymouth in Devon and an M.A. in museum and gallery studies from Kingston University in London, neither university prepared its students for the challenges of the art market, and the respondent personally felt “mostly unprepared” to navigate the art market.²¹⁸ In commenting that learning about the art market is “very important” for artist education, the respondent wrote:²¹⁹

I wish I had been better prepared for juggling voluntary/unpaid work alongside maintaining a practice. Alongside this I wish I had support from the universities that went beyond the cookie cutter job market. Jobs in the arts are varied and inconsistent... From my experience in the UK the university has no idea in your continuing practice or employment beyond your time with them

²¹³ Jackie Battenfield, “Art Pricing” (guest lecture).

²¹⁴ Carrie Able, fine artist and Director of Carrie Able Gallery, in discussion with the author, April 13th, 2018.

²¹⁵ Jeremiah Ojo, in discussion with the author.

²¹⁶ Jackie Battenfield, “Art Pricing” (guest lecture).

²¹⁷ Jeremiah Ojo, in discussion with the author.

²¹⁸ Anonymous respondent to author’s Questionnaire, “Business, Legal and Entrepreneurship Training in Fine Art Education.”

²¹⁹ Ibid.

at the University... There is real need for direction and guidance to be available whilst students are still at University.²²⁰

In addition, a practicing artist and art teacher in New York, who has a B.F.A., M.F.A. and a Masters in Education from unspecified universities, described some professional challenges that they think art schools should prepare their students for:²²¹

Learning how to sell my own work, for example, how to close a sale. How to market my work; what should go into a consignment contract, a bill of sale document, etc. How to manage your inventory, track it, document it, etc... I have a very low opinion of art schools these days. They are not preparing their students for the real world; they are stuck in an academic bubble. But maybe I'm out of touch and grumpy.

Virtually all respondents to the Questionnaire believed that art schools should prepare their students for the market, and the following subjects were most popular: structure of the art market, artist/gallery relationships, artist/collector relationships, artist-led and cooperative spaces, contract negotiation (including freelance, gallery and sale contracts), copyright, art pricing, budgeting, taxes, studio management, funding applications, and 3 – 5 year business plans.²²²

The United States Copyright Office collected comments from visual artists in response to their 2015 Notice of Inquiry assessing the obstacles artists face when monetizing visual works, especially with regards to the digital landscape.²²³ In common across the large volume of responses was artists complaining about the lack of training they receive in art schools concerning copyright and other business matters, as well as the general lack of educational resources available for working artists. (Notably, the U.K. government is

²²⁰ Ibid.

²²¹ Ibid.

²²² Ibid.

²²³ "Visual Works," United States Copyright Office, accessed December 1st, 2018, <https://www.copyright.gov/policy/visualworks/>.

addressing these challenges by funding online initiatives like Copyright User and CREATE,²²⁴ a trend illustrated in Appendix 1.) One notable comment sums up these concerns:

*Though art, photography, film, and journalism schools generally provide a fulfilling environment for students to learn their respective crafts, these schools are, sadly, negligent in not providing their students with substantive, real-world instructions on the legal and business matters of operating a freelance creative business. Consequently, many artists begin their careers with two strikes against them.*²²⁵

Indeed, copyright is a key process by which artworks are commodified and exploited, meaning that an artist's understanding of copyright equates to an understanding of how they can generate income. This is especially true for photographers, graphic designers and illustrators, who must register, license and assign copyrights as daily business practices. As two illustrators commented: "Copyright law is not an abstract legal issue to us, but the basis on which our business rests... Our copyrights are the products we license."²²⁶ But many artists do not understand the mechanics of copyright registration, or even the difference between a license, by which they retain the copyright over the given work, and an assignment, by which they permanently transfer their copyright to another.²²⁷ This can lead artists to unwillingly sign away their copyrights to more powerful and better advised corporate entities.²²⁸ This issue comes down to the

²²⁴ Bartolomeo Meletti, in discussion with the author.

²²⁵ Comment by A Vohra, "Visual Works Comments," United States Copyright Office, accessed December 1st, 2018, <https://www.copyright.gov/policy/visualworks/comments/>. The bulk of these comments were reviewed by the author during a law clerkship at the United States Copyright Office, Office of Policy & International Affairs, May – August 2016.

²²⁶ Comment by John and Alexandra Wallner, "Visual Works Comments."

²²⁷ Franklin Boyd, Art Law lecturer at the School of Visual Art, New York; Art & Finance Professor at Sotheby's Institute of Art, New York, in discussion with the author, November 1st, 2018. Hayleigh Boshier, in discussion with the author.

²²⁸ Hayleigh Boshier, in discussion with the author.

complex, intimidating vernacular through which copyright laws are expressed,²²⁹ and past ineffective campaigns by governments to equate copyright infringement with theft.²³⁰

The emotional wellbeing of fine art graduates is often overlooked in assessing their post-graduation challenges. Recent graduates pointed out that the rigorous final semester of an undergraduate or postgraduate fine art degree, which involves significant critique from students and faculty, dramatically lowers many students' self-esteem.²³¹ Such students can be taken advantage of more easily by industry players in, for example, unfavorable gallery and freelance contracts, unpaid internships, and under- or non-payment for artworks.²³² They are also more likely to price their work lower and undercut themselves in negotiations with buyers.²³³ The eagerness of recent graduates to show work and harness opportunities can also result in their agreeing to work without signing a contract.²³⁴ Artists in this position may not know what commission the gallery is taking from sales, and be pressured to cover shipping and installation costs down the line.²³⁵ Hession recounts eagerly submitting designs to a fashion company who approached her on LinkedIn, reworking them and creating alternative designs at the company's request, and then never hearing back from the company or receiving payment.²³⁶ She considers

²²⁹ Hayleigh Boshier and Dinusha Mendis, "Swings and roundabouts: the impact of legal drafting on the language and understanding of copyright law and the need for educational materials," *International Review of Law, Computers & Technology* 30, no. 3 (2016): 211 – 228.

²³⁰ Bartolomeo Meletti, in discussion with the author.

²³¹ Anonymous respondent to author's Questionnaire, "Business, Legal and Entrepreneurship Training in Fine Art Education." Katie Hession, in discussion with the author.

²³² Katie Hession, in discussion with the author. Hayleigh Boshier, in discussion with the author. According to both Hession and Boshier, the fashion industry is particularly wrought in this regard. Many fashion brands, from solo designers to large corporations, are known to overwork interns and not remunerate or credit them after using their fashion designs.

²³³ Jackie Battenfield, "Art Pricing" (guest lecture).

²³⁴ Alex Schady, in discussion with the author.

²³⁵ John Richey and Marly Hammer, in discussion with the author.

²³⁶ Katie Hession, in discussion with the author.

that, had she been taught by her tutors how to recognize red flags, and understand a little about transactions, commissions and freelance contracts, she could have avoided being taken advantage of.²³⁷

According to artist and gallerist Carrie Able, where artists take time to review contracts, ask questions and make changes, that reflects well on their ability to be professional, organized, confident and savvy.²³⁸ She noted that many artists do not know the differences between consignment and representation agreements, and the (valid) reasons why galleries generally take a 50% cut from sales.²³⁹ According to gallerist Vladislav Sludskiy, legally savvy artists are also more attractive because gallerists do not have to spend time coaching them through contracts, and can feel confident that the artist will not generate legal issues for the gallery down the line.²⁴⁰ An artist's understanding of business ethics specific to the art world are also crucial for gaining and maintaining a gallery's trust.²⁴¹ Outside of gallery relationships, Sludskiy notes that artists who are engaged with laws and politics can move into new creative spaces and impact policy changes, and the best art schools are those that equip artists with requisite societal knowledge.²⁴²

²³⁷ Katie Hession, in discussion with the author.

²³⁸ Carrie Able, in discussion with the author.

²³⁹ Carrie Able, in discussion with the author.

²⁴⁰ Vladislav Sludskiy, in discussion with the author. Indeed, when Richard Prince was represented by Gagosian Gallery, the Gallery and Larry Gagosian as Director were often made co-defendants in copyright infringement lawsuits against Prince. According to Sludskiy, despite the provocative creative statements made by Prince in his appropriation art, the burden of these lawsuits on the Gallery is one key reason why Prince is no longer represented by Gagosian.

²⁴¹ Vladislav Sludskiy, in discussion with the author.

²⁴² Vladislav Sludskiy, in discussion with the author.

Online initiatives like Paying Artists²⁴³ and Stop Art Scams,²⁴⁴ as well as designer Mike Monteiro’s infamous “F*ck You, Pay Me” lectures and podcasts,²⁴⁵ evidence how widespread the issue of artists not receiving payment is. This often takes place after a gallery goes out of business,²⁴⁶ or the artist does freelance work without a signed contract. One practicing artist who studied at the Cooper Union in New York and Princeton University in New Jersey, responded to the Questionnaire that they use “three separate lawyers. One just to collect what’s owned me.”²⁴⁷ In October of 2016, New York City passed its Freelance Isn’t Free Act, requiring written payment collection timetables and imposing penalties on those who fail to compensate freelancers.²⁴⁸ The Freelancers Union, who lobbied for the legislation, estimates that nearly 4 million freelancers work in the New York Area, and undertook a survey indicating that 72% of American freelancers in the photography and visual arts sector had struggled to get paid at some stage in their careers.²⁴⁹

Finally, “vanity galleries” are notorious for inviting emerging artists to participate in shows but requiring them to pay a participatory fee (as well as all necessary costs). A particularly toxic term used to hook artists into these situations is the promise of

²⁴³ “Paying Artists aims to secure payment for artists who exhibit in publicly-funded galleries,” Paying Artists, accessed December 1st, <http://www.payingartists.org.uk/>.

²⁴⁴ “Stop Art Scams,” Blogspot, accessed December 1st, <http://stopartscams.blogspot.com/>.

²⁴⁵ <https://www.youtube.com/watch?v=6h3RJhoggK8>.

²⁴⁶ Mia Taylor, in discussion with the author.

²⁴⁷ Anonymous respondent to author’s Questionnaire, “Business, Legal and Entrepreneurship Training in Fine Art Education.” In stating that learning about the art market is “vital” (5/5) for artist education, they commented “No money, no art; help the student along.”

²⁴⁸ Noam Scheiber, “As Freelancers’ Ranks Grow, New York Moves to See They Get What They’re Due,” New York Times, October 27, 2016, https://www.nytimes.com/2016/10/28/nyregion/freelancers-city-council-wage-theft.html?_r=0.

²⁴⁹ “The Costs of Nonpayment: A Study of Nonpayment and Late Payment in the Freelance Workforce,” Freelancers Union, https://d3q437fgezjn6j.cloudfront.net/content/advocacy/uploads/resources/FU_NonpaymentReport_r3.pdf, 5.

“exposure”.²⁵⁰ According to Able, artists need to be aware of these organizations, who not only exploit artists financially, but also can damage their reputation by association.²⁵¹ Able also opined that artists should learn to recognize where a gallery or collector is planning to “flip” their work, and how this can affect the artist’s wider market and brand.²⁵²

III. Artist Careers and Livelihood: Statistical Studies

These common scenarios are also evidenced by quantitative research in the field. As increasing percentages of the U.K. and U.S. populations undertake arts degrees, and encounter issues of debt, access and unemployment, there is a growing trend among the humanities and social sciences to study arts graduates’ early career experiences.²⁵³

The Creative Independent conducted a survey in 2018 into how visual artists achieve financial stability.²⁵⁴ Of the 1,016 participants, most of which were in the U.S., the median income was \$20,000 – 30,000 per year, and almost 60% of participants reported making less than \$30,000 per year.²⁵⁵ This can be compared to the median household income in the United States being around \$58,000 per year.²⁵⁶ Only 22% of artists earned between \$50,000 – 60,000 and above.²⁵⁷ On a scale of 1 – 10, artists’ median

²⁵⁰ Katie Hession, in discussion with the author.

²⁵¹ Carrie Able, in discussion with the author.

²⁵² Ibid.

²⁵³ N. D. Martin and Alexandre Frenette, “Lost in Transition: College resources and the unequal career trajectories of arts alumni,” *American Behavioral Scientist* 61, no. 12 (2017): 1488.

²⁵⁴ “Survey Report: A study on the financial state of visual artists today,” The Creative Independent, accessed October 5th, 2018, <https://tci-assets.s3.amazonaws.com/pdfs/artist-survey-report/artist-survey-report.pdf>, 1.

²⁵⁵ Ibid., 4.

²⁵⁶ Ibid.

²⁵⁷ Ibid., 1.

financial stability ranking was 5, but 12% of respondents ranked this at 1 (not at all financially stable).²⁵⁸ Almost half of the participants stated that 0 – 10% of their income was generated directly through their artistic practice, and only 17% make 75 – 100% of their income through their artistic practice.²⁵⁹ In addition, 61% of respondents listed freelance and contract work as one of their top three sources of income.²⁶⁰ Nearly 29% of respondents listed having family support or inheritance as one of their top three income sources.²⁶¹ Only 12% of respondents listed gallery sales as a top three income source.²⁶²

Around one third of participants treat their artistic practice like a part-time job, spending 10 – 25 hours per week in the studio.²⁶³ 39% stated that they could only devote 10 or fewer hours, and just 10% reported spending 40 or more hours per week making art.²⁶⁴ In addition, most artists were reported as contributing very little time to the business aspects of their artistic practice. 42% of participants said they spent 5 hours or fewer doing administrative work per week, and just 6% reported doing more than 25 hours per week.²⁶⁵

The Creative Independent's data suggests that artists largely do not learn how to become financially stable through educational programs and internships.²⁶⁶ Most artists figure this out through trial and error (74%) and observing and communicating with their

²⁵⁸ Ibid., 2.

²⁵⁹ Ibid., 11.

²⁶⁰ Ibid., 9.

²⁶¹ Ibid., 9.

²⁶² Ibid., 9.

²⁶³ Ibid., 12.

²⁶⁴ Ibid., 12.

²⁶⁵ Ibid., 12.

²⁶⁶ Ibid., 10.

peers (67%). 40% have learned to be financially stable through their own research.²⁶⁷ “School” and “internships” were ranked at the bottom of this list, with “mentorship” and “other” inhabiting the middle ground. In addition, artists were most likely to credit their connections, support network, and strong work ethic as factors contributing to their financial stability.²⁶⁸ Only a quarter of respondents valued their skills in marketing their work as a factor driving their financial stability.²⁶⁹ Of the 635 respondents who had earned M.F.A. or other art-related degrees, the median ranking for whether such a degree helps artists become financially stable was 3 out of 10.²⁷⁰

Comparably, from a 2017 survey of 1,533 U.K. artists conducted by Artfinder, 82% of respondents earn less than £10,000 a year from their artistic practice.²⁷¹ Almost half of the participants (47%) stated that their artistic practice accounts for less than 25% of their total income.²⁷² In addition, Marco Thom conducted a 2016 survey of 210 fine art lecturers, 47 fine art undergraduates, and 117 commercial and contemporary fine art galleries across Germany and the U.K.²⁷³ His respondents identified the following criteria as key factors for artists’ professional success: quality, personality, market access, visibility (marketing and promotional activities), reputation/brand, network contacts, business and commercial skills, and work ethic.²⁷⁴ 30 out of the 47 students emphasized the missing market orientation in their school curricula and the need to be taught “real life” entrepreneurial skills.²⁷⁵

²⁶⁷ Ibid., 10.

²⁶⁸ Ibid., 11.

²⁶⁹ Ibid., 11.

²⁷⁰ Ibid., 18.

²⁷¹ “The Artfinder Independent Art market Report: 2017,” Artfinder, accessed October 5th, 2018, artfinder.com/power-to-the-artist, 3.

²⁷² Ibid., 6.

²⁷³ Thom, “Fine Artists’ Entrepreneurial Business Environment,” 16.

²⁷⁴ Ibid.

²⁷⁵ Ibid., 18.

Combining quantitative research with creative protest, the artist collective BFAMFAPhD also undertook a study into the livelihood of fine artists in 2014. Based on the Census Bureau's 2012 American Community Survey, BFAMFAPhD found a significant lack of overlap between working artists and arts graduates. 40% of the 1.4 million working artists in the U.S. do not hold a Bachelor's degree, and only 16% hold an arts-related Bachelor's degree.²⁷⁶ Similarly, Haven for the Dispossessed, a research project run out of Hunter College, built a database of 1300 artists represented by the top 45 commercial galleries in New York City.²⁷⁷ They found that 46.9% had M.F.A.s or M.A.s, 27.9% had B.F.A.s or B.A.s, and 24.7% had no degree at all.²⁷⁸ According to BFAMFAPhD, the median earnings of working artists in the U.S. are \$30,621, and those with Bachelors degrees have median earnings of \$36,105.²⁷⁹ In addition, 85% of working artists in New York City have non-arts-related day jobs.²⁸⁰ Those 15% who make a living solely from their art have median earnings of \$25,000.²⁸¹ This is around 50% of the median earnings of all New York City residents, which is staggering considering many fine art graduates face student debts within the realm of \$120,000.²⁸² Indeed, according to BFAMFAPhD's 2014 report, 7% of CalArts students and 8% of the School of Visual Arts students default on their loans.²⁸³ The Report concludes that training in arts management and running artist-owned businesses is crucial.²⁸⁴

²⁷⁶ "Artists Report Back: A National Study on the Lives of Arts Graduates and Working Artists," BFAMFAPhD, 2014, http://bfamfaphd.com/wp-content/uploads/2016/05/BFAMFAPhD_ArtistsReportBack2014-10.pdf, 3.

²⁷⁷ "Art Statistics," Haven For The Dispossessed, accessed October 5th, 2018, [Havenforthedispossessed.org](http://havenforthedispossessed.org).

²⁷⁸ Ibid.

²⁷⁹ "Artists Report Back," BFAMFAPhD, 8.

²⁸⁰ "Census Report, You," BFAMFAPhD, accessed October 5th, 2018, <http://bfamfaphd.com/project/census-report-rent-burden/>.

²⁸¹ Ibid.

²⁸² Ibid.

²⁸³ "Artists Report Back," BFAMFAPhD, 8.

²⁸⁴ Ibid., 13.

The Strategic National Arts Alumni Project (SNAAP) is an online survey tracking the career experiences of arts alumni, in order to instigate curricular change.²⁸⁵ In their 2017 Special Report on Career Skills and Entrepreneurship Training for Artists, SNAAP proposes a definition of entrepreneurship as “creating, innovating, or otherwise making trades and deals between entities,” which suits how artists create work through project-based “gig” work, freelancing and self-employment.²⁸⁶ The Report focuses on how entrepreneurship skills are incorporated in arts school curricula and programming, how confident alumni are in navigating the professional world, and how this relates to their career outcomes.²⁸⁷ A national sample was taken of 92,113 arts alumni from 153 institutions.

Out of the fine art alumni surveyed, which includes photography, 75% indicated that entrepreneurial skills are “very” or “somewhat” important to their profession or work life. However, only 21% reported that their institution helped “some” or “very much” to develop these skills. This leaves what SNAAP determines to be an “entrepreneurial skills gap” of 54%, which is the highest gap across all majors surveyed (including music, theater, media, architecture, design, dance, art history and writing).²⁸⁸ At least 80% of all participants reported that they would have benefitted from coursework on developing business plans, marketing and promoting their work, monitoring legal and tax issues, and managing finances.²⁸⁹ Across all arts alumni, those who did not develop business

²⁸⁵ Rachel Skaggs, with Alexandre Frenette, Sally Gaskill and Angie Miller, “Special Report: Career Skills and Entrepreneurship Training for Artists,” Strategic National Arts Alumni Project, 2017, http://snaap.indiana.edu/pdf/special_report/SNAAP_SpecialReport_2017.pdf, 3.

²⁸⁶ Ibid.

²⁸⁷ Ibid., 4.

²⁸⁸ Ibid.

²⁸⁹ Ibid., 7.

management and financial skills in school reported lower levels of confidence in the ability to financially manage their careers, as well as lower “soft” entrepreneurial skills, such as adapting to new circumstances, evaluating new opportunities, and being resilient.²⁹⁰ Those who did develop business management and financial skills in school indicated greater preparedness for many different jobs, reported greater satisfaction with their primary source of income (+14%), and were 6% more likely to find a job within four months after graduation.²⁹¹

Together, these quantitative studies demonstrate how visual artists often perform hybrid professional roles, balancing their artistic production with administrative functions regarding marketing, staffing, training, financing, contracts, tax and strategic planning.²⁹² While artists report higher levels of job satisfaction than other professionals, they have lower average incomes and are more likely to undertake jobs unrelated to their degree.²⁹³ Artist careers often involve work in arts-related and non-arts-related labor markets, combining positions that vary in stability and creativity in order to overcome risk.²⁹⁴ Artists are therefore forced to be flexible, nimble, and adaptable to freelancing, multiple jobholding, and self-employment.²⁹⁵ Work as an artist is also characterized by personal autonomy, risk, contingency, nonmonetary incentives, and the absence of a formalized credentialing process.²⁹⁶ This comes down to the precariousness of the art market, but also the constant stream of new opportunities offered by evolving platforms, audiences

²⁹⁰ Ibid., 17.

²⁹¹ Ibid., 18.

²⁹² Alexandre Frenette, Nathan D. Martin and Steven J. Tepper, “Oscillate wildly: the under-acknowledged prevalence, predictors, and outcomes of multi-disciplinary arts practice,” *Cultural Trends* 27, no. 5 (2018): 339.

²⁹³ Martin and Frenette, “Lost in Transition”, 1488.

²⁹⁴ Frenette, Martin and Tepper, “Oscillate wildly,” 340.

²⁹⁵ Ibid.

²⁹⁶ Martin and Frenette, “Lost in Transition,” 1492.

and technologies, that demand new forms of expression and critical comment.²⁹⁷

Researchers hypothesize that the low earnings of artists could be due to outdated art school curricula in a quickly evolving creative economy, and recommend that universities prepare students for situations they will likely encounter as professionals, through experiential rather than theoretical pedagogy.²⁹⁸

i. Alternative Sources for the Professional Development of Artists

A number of resources have therefore developed to help artists overcome their career challenges. Two lists, corresponding to the U.S. and the U.K., appear under Appendix 1 and profile notable resources, including websites, books, and continuing education courses. Particular standouts for New York artists include the Artist in the Marketplace (AIM) course at the Bronx Museum, as well as educational workshops run by the Volunteer Lawyers for the Arts and the New York Foundation for the Arts. These courses offer strategies for negotiating contracts, licensing copyright, documenting work, self-promotion, and writing artist statements and grant applications, among other topics.²⁹⁹ Numerous guidebooks also exist now for working artists, coaching them through the many steps required to sustain a professional practice. Both practical and motivational, these books tend to harness “underdog philosophy” in order to present issues of business in an artist-friendly way.³⁰⁰

²⁹⁷ Frenette, Martin and Tepper, “Oscillate wildly,” 340.

²⁹⁸ Ibid.

²⁹⁹ Jackie Battenfield, “Art pricing” (guest lecture).

³⁰⁰ Caroll Michels, *How to Survive and Prosper as an Artist*.

While educational resources in the U.S. are normally offered by nonprofits that rely on funding from foundations, corporations and individuals, similar initiatives in the U.K. enjoy government funding through the Intellectual Property Office, Arts Council and other public agencies. The U.K. government is particularly concerned with teaching artists about intellectual property laws, evidenced through online initiatives like Copyright User and CREATE, which are maintained by leading universities.³⁰¹ Websites like a-n (formerly known as the Artists' Newsletter), which offers business advice and helps artists locate cheap studio space, also receive funding from the U.K. government. In contrast to the U.S., however, the U.K. has fewer continuing education and professional development workshops available to artists, potentially because online initiatives are cheaper to maintain, reach wider audiences and produce more readily assessable data.

³⁰¹ Bartolomeo Meletti, in discussion with the author.

Chapter 4: Responses to the Art Market in New York and London

Fine Art Schools

Top-ranked fine art schools in New York and London are producing innovative strategies for preparing their students for the challenges of the art market. Two New York and two London schools with particularly comprehensive and progressive professional development offerings are assessed below. Comparisons can be made between region, between undergraduate and postgraduate fine art degrees, and between standalone art schools and art departments operating within larger research universities. The subjects covered, the angles faculty take and their specific pedagogical approaches form recommendations for addressing the career challenges of fine art students in the Conclusion and Recommendations.

Each case study is formulated through qualitative interviews conducted with faculty members, notes from guest lectures given by faculty, and publicly available information about course curricula. Copies of professional development syllabi were generously provided by faculty representing the Columbia University School of Art and the School of Visual Arts (“SVA”). These two institutions, as well as the University of the Arts Schools London (“UAL”), exhibit a structured approach to professional development through singular workshop and lecture-style courses that cover business and legal matters through both practical and critical lenses. Teachers of these courses must shift students’ viewpoints away from the biases against market-preparedness and “selling out”, discussed in Chapter II.

By contrast, two of the leading art and design colleges in the U.K., the Royal College of Art (“RCA”) and Central Saint Martins (“CSM”), have highly critical, experimental and experiential approaches to professional development. These institutions facilitate workshops, guest lectures, on-site incubators, and collaborations between students and art institutions around London. The pedagogical goal is not to generate students who will perform well on the top tier of the art market, but rather who are able to question and redefine the role of the artist within their micro and macro art ecosystems. Students are encouraged to be resilient, resourceful and adaptive to changing situations, in an uncertain and quickly evolving marketplace.³⁰²

Most professors interviewed point out that Masters-level students are far more receptive to business and legal information than Bachelors-level students, such that postgraduate fine art programs are a more appropriate setting for implementing these curricula. This is because Bachelors-level programs mostly aim to provide a space for students to experiment with a variety of media, techniques and concepts. The pressure of attending university for the first time, forming networks with students and teachers, and undertaking heavy course-loads means that these students are largely unreceptive to and uninterested in such forward-looking strategies.³⁰³ In particular, teaching Bachelors-level students how to “market” themselves and their work might be damaging for forcing them to lock down their artistic identities and professional goals too early.³⁰⁴

Case Study 1: The School of Visual Arts, New York (“SVA”)

³⁰² Mia Taylor, in discussion with the author; Alex Schady, in discussion with the author; Juan Cruz, in discussion with the author.

³⁰³ Jackie Battenfield, “Art Pricing” (guest lecture).

³⁰⁴ Mia Taylor, in discussion with the author.

The School of Visual Arts, New York (“SVA”), is a fixture within New York City’s art world. Notable alumni include Keith Haring and Sol LeWitt.³⁰⁵ It is ranked as the 20th best fine art school³⁰⁶ and the sixth best photography school in the *U.S. News & World Report*.³⁰⁷ SVA’s two year M.F.A. program is famous for incorporating the diversity of New York’s art scenes and encouraging a critical, experimental artistic approach.³⁰⁸ Approximately 35 students enroll in each M.F.A. intake, and can combine coursework in drawing, painting, printmaking, sculpture, animation, digital art, installation, performance, photography, video and other practices.³⁰⁹ The curriculum consists of six components: critiques, mentorship, seminars, studio, talks and workshops. Professional development takes place mainly within the workshops component, with topics such as working with galleries, organizing exhibitions, running an exhibition space, participating in an artist collective, writing grant applications, and networking.³¹⁰ SVA touts its collective of diverse emerging artists in its prospectus, promising a “foundation for artistic growth that extends beyond graduation and forms an ongoing platform of professional support.”³¹¹

“The Law of Art”, an elective workshop specifically for M.F.A. students, is a particularly successful professional development course. Classes are attended by around 15 students and are taught by Franklin Boyd, an art lawyer, financier and additional professor of Fine Art and Finance at the Sotheby’s Institute of Art, New York.³¹²

³⁰⁵ “Noteworthy Alumni,” School of Visual Arts, accessed December 1st, 2018, <http://www.sva.edu/alumni/noteworthy-alumni>.

³⁰⁶ “Best Art Schools,” U.S. News & World Report, accessed October 7th, 2018, <https://www.usnews.com/best-graduate-schools/top-fine-arts-schools/fine-arts-rankings>.

³⁰⁷ “Best Photography Schools,” U.S. News & World Report, accessed October 7th, 2018, <https://www.usnews.com/best-graduate-schools/top-fine-arts-schools/photography-rankings>.

³⁰⁸ College Art Association, *Graduate Programs in the Visual Arts* (New York: College Art Association, 2015), 309.

³⁰⁹ Ibid.

³¹⁰ “MFA Fine Arts Dept. Brochure 2019,” School of Visual Arts, accessed October 10th, 2018, <http://www.sva.edu/graduate/mfa-fine-arts>.

³¹¹ Ibid.

³¹² Franklin Boyd, in discussion with the author.

According to Boyd, student feedback was positive, as they indicated a strong willingness to learn about the legal landscape of the art market.³¹³ Subjects include: copyright, trademark and patent rights; contracts and licenses; consignment and representation; moral rights and artists' resale rights; and negotiation and mediation.³¹⁴ Students' understanding of these complex legal areas was aided by a broad, comprehensive legal overview during the first class, answering questions such as "what is law?", "how do judges change the law?", and "how can states have different laws from one another?". These questions were served by multiple examples, some legal history, and a discussion of the structure of the art market.

Boyd infuses discussions of law and policy with students' own artistic practices, a teaching method her students have found particularly engaging.³¹⁵ Grading is based entirely on in-class discussions and weekly writing assignments, inviting personalized answers with questions such as "how does your work incorporate other people's intellectual property?" and "on what terms would you allow someone to incorporate your work into theirs?".³¹⁶ A discussion on copyright infringement and fair use was illustrated well by one student's series of paintings of museum interiors, which included painted copies of artworks hanging within the museums. In addition, given many students' interests in commenting directly on brands within their works, trademark law and exceptions to trademark infringement was a particularly thought-provoking class.³¹⁷

³¹³ Ibid.

³¹⁴ Franklin Boyd, "The Law of Art," unpublished syllabus, Spring 2018, School of Visual Arts, New York.

³¹⁵ Franklin Boyd, in discussion with the author.

³¹⁶ Franklin Boyd, "The Law of Art."

³¹⁷ Franklin Boyd, in discussion with the author.

According to Boyd, her students held many misconceived stereotypes regarding legal professionalism at the outset of the semester. She had to dispel these and flip them into useful lessons. For example, drafting a basic contract before putting on a group show, and discussing terms such as who covers shipping costs, does not make you “uncool.” Having your artwork used and adapted by another artist, and resolving a dispute, can have emotional as well as commercial implications. Being abrasive during a negotiation can destroy a business relationship, and the conditions and remuneration you can ask for evolves with your own professional practice and experience. Power structures within the art world are also addressed, as Boyd demonstrates to her students how they can collectively instigate change through cooperation in business. Boyd also makes sure to convince students that the business of art is not entirely their responsibility – they can form partnerships, outsource functions like tax and accounting, and consult a number of resources for legal and business advice such as pro bono centers.

“The Law of Art” is just one indicator of SVA’s broad goal of preparing both undergraduate and postgraduate students for the art market. One respondent to the Questionnaire earned a B.F.A. from SVA in photography, installation and digital art, and earns between \$75,000 and \$99,000 in an arts-related field, as well as from independently making art. The respondent considered SVA to prepare its art students for the challenges of the art market “a great deal”, and personally felt “significantly prepared” to navigate the market on graduation (ranking 5/5 for both questions).³¹⁸

Case Study 2: Columbia University School of the Arts, New York

³¹⁸ Anonymous respondent to author’s Questionnaire, “Business, Legal and Entrepreneurship Training in Fine Art Education.”

The M.F.A. degree at the Columbia University School of the Arts is ranked as the sixth best fine art program in the *U.S. News & World Report*, and the third most influential art school in the world by Artnet News.³¹⁹ The School is known for directly supplying the New York art market, as the success of its M.F.A. program dovetailed with the success of the art market in the early 2000s.³²⁰ Indeed, 9% of artists represented by the top 45 commercial art galleries in New York have M.F.A.s from Columbia.³²¹

The two-year M.F.A. in Visual Arts is interdisciplinary, allowing students to experiment with painting, photography, printmaking, sculpture, sound and the moving image.³²² The curriculum consists of: studio practice, involving visits from faculty and external critics and artists; the Visual Artist Lecture Series, organized by second year M.F.A. students and attracting renowned presenters such as Marina Abramovic, Pierre Huyghe and Yoko Ono; the Critical Issues course, involving seminar-based debates among students; weekly group critique workshops; electives at other Columbia University departments; the Artist-Mentor program; visits to artists' studios; public exhibitions; and public open studios.³²³ The M.F.A. degree has, however, attracted controversy as of 2018. Students are protesting high tuition fees, dangerous conditions in studio facilities, and lack of contact with all-star faculty members who attracted them to the School in the first

³¹⁹ "Best Fine Art Schools," U.S. News & World Report. Ben Davis, "Is Getting an MFA Worth the Price?" Artnet News, August 30, 2016, <https://news.artnet.com/art-world/mfa-degree-successful-artists-620891>.

³²⁰ David Everitt Howe, "Top-Notch, Top Dollar: Columbia University School of the Arts MFA Program," Art & Education, accessed October 10th, 2018, <https://www.artandeducation.net/schoolwatch/58087/top-notch-top-dollar-columbia-university-school-of-the-arts-mfa-program?degrees%5B0%5D=MFA>.

³²¹ "Art Statistics," Haven for the Dispossessed.

³²² "Visual Arts + Sound Art," Columbia University School of the Arts, accessed October 10th, 2018, <https://arts.columbia.edu/visual-arts>.

³²³ "Course Descriptions," Columbia University School of the Arts, accessed October 10th, 2018, <https://arts.columbia.edu/visual-arts/graduate>.

place.³²⁴ Tuition and fees for the year of 2018 amounted to \$63,961, nearly twice as high as other top M.F.A. programs.³²⁵

The proximity of New York City generates a high-pressure, high-expectation environment for M.F.A. students,³²⁶ as well as significant demand for coursework detailing the systems and processes of the local art market. The School offers a structured elective titled Professional Practices, taught by Jackie Battenfield, author of *The Artist's Guide: How to Make a Living Doing What You Love*.³²⁷ The elective is only offered to M.F.A. students in their second year – a demographic about to enter a highly competitive marketplace with considerable debt.³²⁸

The course is divided into four areas of professional life, encompassing practical skills necessary for developing and sustaining one's artistic career. In the "Writing and Talking" component, students develop artist statements, resumes, biographies, and materials used to apply for grants, residencies and other opportunities. During the "Planning" section, students devise their own definitions of success and create an action plan to implement post-graduation. In "Managing Your Professional Life", students learn the differences between nonprofit exhibition venues, commercial galleries, public art installations and other projects, as well as the logistics and relationships that facilitate these. Consignments, gallery contracts, loan agreements, copyright, contract negotiation and other legal matters are covered, as well as time management, record keeping, and

³²⁴ Taylor Dafoe, "Citing Crumbling Ceilings and Absent Faculty, Columbia University Art Students Demand a Refund," Artnet News, May 1, 2018, <https://news.artnet.com/art-world/columbia-mfa-students-demand-tuition-refund-1276391>.

³²⁵ Ibid.

³²⁶ Howe, "Top-Notch, Top Dollar."

³²⁷ Jackie Battenfield, *The Artist's Guide: How to Make a Living Doing What You Love* (Philadelphia: Da Capo Press, 2009).

³²⁸ Jackie Battenfield, "Art Pricing" (guest lecture).

maintaining inventories. Finally, “Funding Your Art and Life” involves pricing art, filing taxes as a small business, being self-employed, freelancing, budgeting, and crowd-funding.³²⁹ Visiting professionals offer specific guidance in matters of tax, finance and law.

Of particular note is Battenfield’s approach to art pricing. She coaches her students to approach negotiations with confidence, avoiding the pitfall of undercutting themselves out of nervousness or insecurity. The first step every artist must take is to write the price down, with an added gallery commission, even if they are not represented. Students track all of their spending throughout the semester, preparing to demonstrate their production costs to buyers and gallerists, so that they can negotiate for adequate remuneration. In addition, Battenfield makes sure to explain the 50/50 gallery split with her students by explaining the common expenses galleries undergo. She points out that, since her galleries take rejection on her behalf, they play a vital role in preserving her self-esteem so that she can continue to create.³³⁰

According to Battenfield, having faculty recognize the need for such an elective was initially an uphill battle.³³¹ Columbia incorporated Battenfield’s course in 2003 with initial support from the Emily Hall Tremaine Foundation, which offers numerous grants supporting the professional development of artists.³³² The faculty originally offered Battenfield’s elective to the entire student body of the School of the Arts, believing there would be little student uptake. But the elective was extremely popular among students

³²⁹ Jackie Battenfield, “Professional Practices at Columbia University,” unpublished syllabus, Columbia University School of the Arts, New York.

³³⁰ Jackie Battenfield, “Art Pricing” (guest lecture).

³³¹ Ibid.

³³² Ibid.

across the visual arts, writing, filmmaking and other creative disciplines, causing Battenfield to have to scale it down and offer it only to M.F.A. Visual Arts students.³³³ Since then, student feedback has been overwhelmingly positive, and other American Universities offering M.F.A. programs have instigated similar courses. But despite this, the majority of American art schools still offer little market-related training.³³⁴

Case Study 3: The University of the Arts Schools, London (“UAL”), and Central Saint Martins (“CSM”)

As of 2018, UAL is ranked sixth in the world for Art and Design in the QS World Rankings, and educates over 18,000 students from 129 countries.³³⁵ The University is split into seven colleges: Camberwell College of Arts (fine art, design, and conservation); Central Saint Martins (arts and design); Chelsea College of Arts (fine art, curating, design); Wimbledon College of Arts (theater, film, television); UAL Creative Computing Institute (computer science); London College of Communication; and London College of Fashion.³³⁶

The UAL faculty leadership is now starting to recognize the need for implementing professional development into arts curricula, and is considered a trailblazer among universities for its intellectual property workshops. Dr. Hayleigh Boshier, the UAL Intellectual Property Lecturer, initiated this shift, and delivered a workshop series for

³³³ Ibid.

³³⁴ Ibid.

³³⁵ “UAL in World’s Top 6 Universities for Art & Design 2018,” University of the Arts London, March 5, 2018, <http://newsevents.arts.ac.uk/53488/ual-in-worlds-top-6-universities-for-art-design-2018/>.

³³⁶ “A world class university with 6 renowned colleges,” University of the Arts London, accessed October 5th, 2018, <https://www.arts.ac.uk/colleges>.

students across five of the seven colleges during 2017. At the outset, Boshers workshops were not yet part of the formal curriculum, and she would often need to lobby with tutors in order to be invited into classes to teach.³³⁷ The feedback she received from students after each workshop, however, was extremely positive, and it was often the students rather than faculty who requested further programming.³³⁸ Boshers covered all areas of intellectual property relating to art, fashion, performing arts, design, media and business, in order to fit the creative practices and commercial needs of the students as emerging entrepreneurs. With an interdisciplinary outlook, Boshers lessons incorporated the social and market structures of the industries that students were working within.³³⁹

The key legal focuses were copyright, trademark, patent and contract laws, and their moral and practical repercussions. Students began to comprehend the rules for using third party material in their work, and the differences between licensing and assigning their intellectual property rights.³⁴⁰ Students also learned how to draft basic contracts, how to assess when it is appropriate to do so, and how and when to engage pro bono legal services. Non-disclosure agreements were specifically emphasized as an engine for protecting one's idea when giving a pitch or seeking collaborators for a project.³⁴¹ Understanding bargaining power and negotiation was another key element, including with regards to freelance contracts. The consequences of uploading artworks to social media, and strategies for effective marketing while preserving intellectual property rights, were also covered.³⁴²

³³⁷ Hayleigh Boshers, in discussion with the author.

³³⁸ Ibid.

³³⁹ Ibid.

³⁴⁰ Ibid.

³⁴¹ Ibid.

³⁴² Ibid.

According to Boshier, creative students who are accustomed to workshop and studio learning have very different learning requirements from students of other disciplines.³⁴³ From her scholarly research, she had also found that arts students tend to perceive legal and corporate subjects as not only highly intimidating but also irrelevant to their creative endeavors.³⁴⁴ Similar to Boyd at SVA, Boshier had to convince her students that intellectual property and business were worth heeding, and consisted of basic, understandable principles. To achieve this, she utilized a casual, conversational format and referenced many real-world examples, without PowerPoint slides or the names of cases and statutes.

With Boshier as a teacher as well as a counsellor, students began to recognize intellectual property not as a barrier to creating new work, but as a crucial social contract by which they would be rewarded and remunerated for their creative labors.³⁴⁵ Intellectual property was also colored as a code of ethics, crucial for understanding the moral distinction between taking and inspiration. Students also overcame the misnomer that to be a successful artist one has to struggle, by learning about the value output of the creative industries, and perceiving payment as simply an energy exchange by which they can continue to create. Student feedback, which was gathered after each workshop, was highly encouraging. After a year of this programming, UAL began to implement intellectual property courses into many of its core curricula, across B.A. and M.A. courses.³⁴⁶

³⁴³ Ibid.

³⁴⁴ Boshier and Mendis, "Swings and Roundabouts."

³⁴⁵ Hayleigh Boshier, in discussion with the author.

³⁴⁶ Ibid.

Central Saint Martins (“CSM”), one of UAL’s seven colleges, has its own specific approach to career development and curriculum design. CSM is a world-renowned art and design school recognized for questioning the fundamentals of its disciplines and encouraging idea exchanges that disrupt accepted norms.³⁴⁷ Notable alumni include Richard Long and Antony Gormley. B.A. (Hons) Fine Art students select one of four pathways – 2D (painting, printmaking and photography), 3D (sculpture, installation and performance), 4D (time-based, new media, and art making) and XD (multi-disciplinary and critical), each of which encompasses studio practice, theory, and personal and professional development.³⁴⁸ M.A. students can specialize in one of either Art and Science, Contemporary Photography, Fine Art, Exhibition Studies, Moving Image, and Theory and Philosophy.³⁴⁹

According to the Head of Fine Art, Alex Schady, CSM has historically hosted a student body who is politically minded and interested in challenging and reinventing the art world. In this dynamic learning environment, business and legal skills are communicated through experiential and critical learning. B.A. (Hons) students have the option of integrating a Diploma in Professional Studies into their second year, offering year-long work placements in galleries, museums, theaters, artists’ studios, education, or self-led initiatives.³⁵⁰ Often, these students return to the college after placement with a renewed enthusiasm for art practice, a better understanding of business, and an established network.³⁵¹ M.A. Fine Art students place works for sale in the Postgraduate Auction,

³⁴⁷ “About Central Saint Martins,” Central Saint Martins,

³⁴⁸ *A Guide to Foundation and Undergraduate Studies at Central Saint Martins, University of the Arts London*, Central Saint Martins, 2018/2019, https://www.arts.ac.uk/_data/assets/pdf_file/0020/73073/1-csm-undergraduate-guide-2018-19.pdf, 35.

³⁴⁹ Ibid.

³⁵⁰ “BA(Hons) Fine Art,” Central Saint Martins, accessed October 10th, 2018, <https://www.arts.ac.uk/subjects/fine-art/undergraduate/ba-hons-fine-art-csm>.

³⁵¹ Alex Schady, in discussion with the author.

offering direct experience of a live commercial auction.³⁵² Undergraduate and postgraduate fine art students collaborate in projects with prominent cultural institutions such as the British Museum, Palais de Tokyo, Camden Arts Center, the Freud Museum, and the Tate Modern.³⁵³ Students accrue numerous business skills, such as creating and maintaining budgets.

CSM also has a long history of students starting DIY cooperative initiatives, which provides later students with a set of exemplary business models. For example, in 2018, Amanda Dennis and Rachel Pimm presented a well-attended lecture on how they established their artist-run organization, Auto Italia South East.³⁵⁴ Tutors guide students by holding workshops on practical matters like finding space, setting up shows, facilitating exhibitions, and drafting basic contracts. This blend of live examples and instructive workshops comes from a pedagogical goal of creating resilient artists who can develop new and sustainable ways to show work, rather than waiting to attract a dealer or gallerist.

According to Schady, the best-attended lectures present issues of business, law and politics as ethical conundrums infused with deeper philosophical and political questions on what it means to create art within today's society.³⁵⁵ For example, an economist presented a lecture on offshore art funds and freeports as the dark underbelly of the art world, within a wider lecture series wherein professional artists were also invited to

³⁵² "MA Fine Art," Central Saint Martins, accessed October 10th, 2018, <https://www.arts.ac.uk/subjects/fine-art/postgraduate/ma-fine-art-csm>.

³⁵³ *A Guide to Foundation and Undergraduate Studies at Central Saint Martins, University of the Arts London*, 34.

³⁵⁴ Alex Schady, in discussion with the author.

³⁵⁵ *Ibid.*

speak. This was extremely well-attended and invited much debate from the students.³⁵⁶ CSM also hosts practical “nuts and bolts” workshops on topics like taxes, being self-employed, and studio management, but these are less well attended. CSM is experimenting with offering these workshops at more strategically delineated times, such as at the end of the B.F.A., when students are making plans for the future.³⁵⁷ According to Schady, students are always most engaged when such information is presented in a philosophical, thought-provoking way.³⁵⁸

“Professional development” aspects of CSM’s curricula also develop in response to the immediate environment. Within a huge urban development in Kings Cross, London, CSM students are encouraged to question urban regeneration, exclusion, and which groups of society have access to power. These questions, intimately linked with students’ understandings of the wider ecosystem they are creating within, become practically applicable in their creative work. CSM’s multilayered approach to professional development colors its impact as a research-heavy, cutting edge art institution, which sees itself and its students as instigators of change in the art world.

Case Study 4: The Royal College of Art, London (“RCA”)

As of 2018, the Royal College of Art, London, has topped the QS World University Rankings for art and design for four consecutive years.³⁵⁹ The College’s alumni are

³⁵⁶ Ibid.

³⁵⁷ Ibid.

³⁵⁸ Ibid. The author and Schady discussed the potential for a lecture series on art, appropriation and copyright law, culminating in a student show.

³⁵⁹ Jenny Brewer, “RCA tops world university rankings for art and design, above MIT, Parsons and RISD,” It’s Nice That, March 1, 2018, <https://www.itsnicethat.com/news/top-ten-universities-art-and-design-2018-qs-rankings-010318/>.

known for subverting the mainstream, challenging established views and hierarchies in society, and questioning the fundamentals of artistic practice.³⁶⁰ Notable alumni include Barbara Hepworth and Henry Moore, defining figures of The New Sculpture Movement; David Hockney and Derek Boshier, pioneers of the Pop Art generation in the 1960s; and the more recent Young British Artists (“YBAs”) including Tracy Emin and Jake and Dinos Chapman.³⁶¹ The RCA is split across the School of Architecture, the School of Arts & Humanities, the School of Communication, and the School of Design. The School of Arts & Humanities offers two-year M.A. programs in Ceramics & Glass, Contemporary Art Practice, Curating, Jewelry & Metal, Painting and Photography.³⁶² Teaching takes place through one-on-one time with tutors, small tutorials with peers, seminars, lectures, workshops and group critiques. Students exhibit works in Work-in-Progress shows and final degree shows, both of which are attended by the public.³⁶³ M.A. degrees also incorporate interim examinations and final dissertations. This approach to art practice is both studio- and research-based, reflected in the school of fine art’s recent restructuring into the School of Arts & Humanities. Tutors represent a cross section of researchers, teachers, and practicing artists.

The RCA has a uniquely comprehensive approach to professional development, given its status as the only entirely postgraduate art and design college in the world.³⁶⁴ It therefore attracts many students who already have experience in professional practice,³⁶⁵ and who are uninterested in the romantic notion of the isolated artist.³⁶⁶

³⁶⁰ Kashmira Gander, “Why is the RCA the best art and design school in the world?” Independent, April 6, 2016, <https://www.independent.co.uk/arts-entertainment/art/features/rca-royal-college-of-art-worlds-best-arts-school-david-hockney-barbara-hepworth-peter-kennard-a6963216.html>.

³⁶¹ Ibid.

³⁶² Brochure.

³⁶³ Gander, “Why is the RCA the best art and design school in the world?”

³⁶⁴ Ibid.

³⁶⁵ Juan Cruz, in discussion with the author.

³⁶⁶ Gander, “Why is the RCA the best art and design school in the world?”

Similar to CSM, RCA approaches professionalism in a highly discursive, self-reflexive and contextual way. According to the program specifications for the Painting, Photography and Contemporary Art Practice programs, the College aims to develop critically engaged and independent artists with the ability to sustain self-reflective professional practices beyond an institutional framework.³⁶⁷ Highlighted professional skills include promotion, self-motivation, self-criticism, delivering artist talks to specialist and non-specialist audiences, managing time and resources, and understanding the creative economy.³⁶⁸

According to the Dean of Fine Art, Professor Juan Cruz, this training happens organically within the tutorial structure, as students are mentored by professional artists.³⁶⁹ More explicitly, at the program level, students are given opportunities to show work and undertake placements at prolific institutions like the Victoria and Albert Museum. In addition, the “What’s Next” program, implemented in partnership with the Design and Artists’ Copyright Society (“DACS”), is required for all M.A. students. This series of symposia covers the structure of the cultural economy, how money is generated through the art market, how networks are formed, how ownership is legally and commercially determined, and the impact of digital technology.³⁷⁰ Individual case studies are used to invite critical reflection. The art lawyer Henry Lydiate also delivers

³⁶⁷ *Painting Programme Specification 2017*, Royal College of Art, accessed July 1st, 2018, <https://www.rca.ac.uk/schools/school-of-arts-humanities/painting/>; *Photography Programme Specification 2017*, Royal College of Art, accessed July 1st, 2018, <https://www.rca.ac.uk/schools/school-of-arts-humanities/photography/>, 1; *Contemporary Art Practice Programme Specification 2017*, Royal College of Art, accessed July 1st, 2018, <https://www.rca.ac.uk/schools/school-of-arts-humanities/contemporary-art-practice/>, 1.

³⁶⁸ *Ibids.*

³⁶⁹ Juan Cruz, in discussion with the author.

³⁷⁰ *Ibid.*

guest lectures on the commercial dimensions of fine art practice, including gallery deals, commissions, copyright, and the cultural commons.³⁷¹

The attendance of final M.A. student shows by members of the public allows students to develop an understanding of issues of spectatorship and the role of art within the public eye. The College does take a dim view toward dealers speculating and attempting to buy up large bodies of works by particular students.³⁷² Tutors have had to take an affirmative role in advising students to avoid signing unfavorable contracts which can diminish the value of their oeuvres.³⁷³ If a student requests guidance after being approached by a gallery, their tutor will offer direct advice and help them undertake due diligence. In the spirit of academia, however, Cruz aims to give his students intellectual tools rather than offering “easy answers.” For example, if a student asks how to price their work, he might explain value-impacting factors that involve object, labor and circulation, and invite the student to critically assess how artworks function as commodities and assets. This process of problem-solving and self-reflection aims to grant students practical skills, but also space to consider other forms of remuneration, such as selling their intellectual property, or being paid for their labor.³⁷⁴

The College also hosts InnovationRCA, an incubator system which supports the transitions of students’ ideas into businesses. This reflects the College’s interdisciplinary approach to collaboration across art, design, computer science and material science. According to Cruz, InnovationRCA is a key part of the RCA’s strategy for preparing its graduates for entrepreneurship and enterprise. The model has been extremely

³⁷¹ Ibid.

³⁷² Ibid.

³⁷³ Ibid.

³⁷⁴ Ibid.

successful, generating more companies than the incubators of Oxford and Cambridge combined.³⁷⁵ Each of these approaches to professional development contributes to the RCA's longstanding reputation for supporting the transition of its students into professional practice.³⁷⁶

³⁷⁵ Ibid.

³⁷⁶ Ibid.

Conclusion and Recommendations

Taking inspiration from the comprehensive coursework implemented in the four art schools discussed above, the following recommendations are incorporated into the prototype syllabus in Appendix 2. This syllabus also aims to overcome the market-aversion and market-related challenges described in Chapters II and III. According to Jason C. White, a curriculum that addresses the entrepreneurial skills gap for fine art graduates should be led by practical student outcomes.³⁷⁷ Student need should be discerned at the outset of the course through a bottom-up pedagogical approach. Rather than dictating what students should know, a teacher should first try to understand the gaps in their knowledge and their professional goals. The syllabus and teaching style should follow.³⁷⁸

For legal subjects, particularly copyright law, creative students can best absorb complex information through case studies that resemble their own artistic work and demonstrate the law's policy objectives.³⁷⁹ Understanding that intellectual property law incentivizes artists to create, ensures their remuneration, and generates free spaces like fair use and the public domain, can aid students' understanding of the ethical and economic contexts of their practices.³⁸⁰ This can lead artists to make informed business decisions, as well as engage with policy debates.³⁸¹ Pondering ethical and philosophical questions about creativity fits cleanly within existing art school pedagogies.

³⁷⁷ White, "Barriers to Recognizing Arts Entrepreneurship Education As Essential to Professional Arts Training," 32 – 3.

³⁷⁸ Bartolomeo Meletti, in discussion with the author. This is the approach taken by the Copyright User initiative in the U.K., a highly successful hub of educational resources on copyright for creators (described below in Appendix 1).

³⁷⁹ Ibid.

³⁸⁰ Ibid.

³⁸¹ Ibid.

As Amy Whitaker notes, placing business tools in the hands of artists allows them to evoke creative expressions on the construction of the market itself.³⁸² If young artists can move past conceptions of the market as a set of rules to reluctantly follow, they can see it as an artistic medium in itself, and a civic medium upon which to engage.³⁸³ This can lead students to ruminate on the shifting roles that artists and institutions play in our globalized and commodified society.³⁸⁴ Therefore, artists like Richard Prince, Paolo Cirio, Jill Magid, and Barbara Kruger – who arguably use legal and commercial structures as artistic media – are profiled in detail in the syllabus. Through this contextualized information, students should then be more receptive to “nuts and bolts” information. The most important professional subjects, discerned from secondary sources, interviews, and the Questionnaire, include: structure of the art market, artist/gallery relationships, artist/collector relationships, artist-led and cooperative spaces, contract negotiation (including freelance, gallery and sale contracts), copyright, art pricing, budgeting, taxes, studio management, funding applications, and 3 – 5 year business plans. The syllabus is designed for postgraduate rather than undergraduate students, who are more set in their career paths and are receptive for such information.

Finally, experiential learning is especially important for preparing fine art students for professional life.³⁸⁵ Action-based projects not only grant students in-depth knowledge of the situations they will encounter as professionals, but also equip them with flexible thinking, reactive adaptation, and a greater capacity for continued learning.³⁸⁶ Therefore,

³⁸² Whitaker, “Why Teach Business to Artists?”

³⁸³ Ibid.

³⁸⁴ Bauer, “Under Pressure,” 222.

³⁸⁵ Martin and Frenette, “Lost in Transition.”

³⁸⁶ Ibid.

the syllabus concludes with a student-mounted exhibition, within which students plan and execute all stages of the commercial event, as well as create and curate art projects that comment directly on the subjects learned. It is recommended, finally, that the professors and administrators of such a program develop reliable tools and methods to evaluate student learning in a way that promotes accountability across institutions of higher education.³⁸⁷

³⁸⁷ White, "Barriers to Recognizing Arts Entrepreneurship Education As Essential to Professional Arts Training," 38.

Bibliography

A Guide to Foundation and Undergraduate Studies at Central Saint Martins, University of the Arts London, Central Saint Martins, 2018/2019, https://www.arts.ac.uk/data/assets/pdf_file/0020/73073/1-csm-undergraduate-guide-2018-19.pdf.

“A world class university with 6 renowned colleges.” University of the Arts London. Accessed October 5th, 2018. <https://www.arts.ac.uk/colleges>.

Abbing, Hans. *Why Are Artists Poor? The Exceptional Economy of the Arts*. Amsterdam: Amsterdam University Press, 2002.

Adler, Amy. “Against Moral Rights.” *California Law Review* 97, no. 1 (2009): 263 – 300.

“About Central Saint Martins,” Central Saint Martins, accessed November 1st, 2018, <https://www.arts.ac.uk/colleges/central-saint-martins/about-csm>.

“An Experiment in Education & Community.” School of the Alternative. Accessed October 4th, 2018. <http://schoolofthealternative.com/>.

“Artists Report Back: A National Study on the Lives of Arts Graduates and Working Artists.” BFAMFAPHD. 2014. http://bfamfaphd.com/wp-content/uploads/2016/05/BFAMFAPHD_ArtistsReportBack2014-10.pdf.

“Art Statistics.” Haven For The Dispossessed. Accessed October 5th, 2018. [Havenforthedispossessed.org](http://havenforthedispossessed.org).

“BA(Hons) Fine Art.” Central Saint Martins. Accessed October 10th, 2018. <https://www.arts.ac.uk/subjects/fine-art/undergraduate/ba-hons-fine-art-csm>.

Battenfield, Jackie. “Art Pricing.” Guest lecture within Art Pricing: History, Theory, and Contemporary Practice, course taught by Jenny Gibbs, Sotheby’s Institute of Art, New York, October 5th, 2018.

Battenfield, Jackie. “Professional Practices at Columbia University.” Unpublished syllabus. Columbia University School of the Arts, New York.

Battenfield, Jackie. *The Artist’s Guide: How to Make a Living Doing What You Love*. Philadelphia: Da Capo Press, 2090.

Bauer, Ute Meta. “Under Pressure.” In *Art School (Propositions for the 21st Century)*, edited by Steven Henry Madoff, 219 – 227. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Beckman, G. D. *Disciplining the Arts: Teaching Entrepreneurship in Context*. Lanham: Rowman & Littlefield Education, 2011.

“Best Art Schools.” U.S. News & World Report. Accessed October 7th, 2018.
<https://www.usnews.com/best-graduate-schools/top-fine-arts-schools/fine-arts-rankings>.

Birnbaum, Daniel. “Teaching Art: Adorno and the Devil.” In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 231 - 246. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Bosher, Hayleigh and Dinusha Mendis. “Swings and roundabouts: the impact of legal drafting on the language and understanding of copyright law and the need for educational materials.” *International Review of Law, Computers & Technology* 30, no. 3 (2016): 211 – 228.

Boyd, Franklin. “The Law of Art.” Unpublished syllabus. Spring 2018. School of Visual Arts, New York.

Brewer, Jenny. “RCA tops world university rankings for art and design, above MIT, Parsons and RISD.” It’s Nice That. March 1, 2018. <https://www.itsnicethat.com/news/top-ten-universities-art-and-design-2018-qs-rankings-010318/>.

“Census Report, You.” BFAMFAPHD. Accessed October 5th, 2018.
<http://bfamfaphd.com/project/census-report-rent-burden/>.

Contemporary Art Practice Programme Specification 2017. Royal College of Art. Accessed July 1st, 2018. <https://www.rca.ac.uk/schools/school-of-arts-humanities/contemporary-art-practice/>.

“Conversation: John Baldessari and Michael Craig-Martin.” In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 41 – 52. Massachusetts: Massachusetts Institute of Technology Press, 2009.

“Course Descriptions.” Columbia University School of the Arts. Accessed October 10th, 2018. <https://arts.columbia.edu/visual-arts/graduate>.

Crippa, Elena. “From ‘Crit’ to ‘Lecture-Performance’.” In *The London Art Schools: Reforming the Art World, 1960 to Now*. Edited by Nigel Llewellyn and Beth Williamson, 133 – 150. London: Tate Publishing, 2015.

Cunliffe, Lesley. “Art and Worldview: Escaping the Formalist and Collectivist Labyrinth.” In *Critical Studies in Art & Design Education*, edited by Richard Hickman, 119 – 139. Bristol: Intellect, 2005.

Dafoe, Taylor. “Citing Crumbling Ceilings and Absent Faculty, Columbia University Art Students Demand a Refund.” Artnet News. May 1, 2018. <https://news.artnet.com/art-world/columbia-mfa-students-demand-tuition-refund-1276391>.

Davis, Ben. “Is Getting an MFA Worth the Price?” Artnet News. August 30, 2016.
<https://news.artnet.com/art-world/mfa-degree-successful-artists-620891>.

Duffy, Owen. “Considering Tradition, and Education, at Yale University School of Art.” Art & Education. Accessed October 3rd, 2018.

<https://www.artandeducation.net/schoolwatch/94392/considering-tradition-and-the-election-at-yale-university-school-of-art?degrees%5B0%5D=MFA>.

Efland, Arthur D. *A History of Art Education: Intellectual and Social Currents in Teaching the Visual Arts*. New York: Teachers College Press, 1990.

Efland, Arthur D., Kerry Freedman and Patricia Stuhr. *Postmodern Art Education: An Approach to Curriculum*. Virginia: The National Art Education Association, 1996.

Esche, Charles. "Include Me Out: Preparing Artists to Undo the Art World." In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 101 – 113. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Fine, G. A. "A Matter of Degree: Negotiating Art and Commerce in MFA Education." *American Behavioral Scientist* 61, no. 12 (2017): 1463-1486.

"Florence and Central Italy, 1400 – 1600 A.D." Heilbrunn Timeline of Art History. The Metropolitan Museum of Art. Accessed October 3rd, 2018. <https://www.metmuseum.org/toah/ht/08/eustc.html>.

Freedman, Kerry. "Recent Shifts in US Art Education." In *Issues in Art and Design Teaching*, edited by Nicholas Addison and Lesley Burgess, 8 – 18 (London: RoutledgeFalmer, 2003).

Frenette, Alexandre. "Arts graduates in a changing economy." *American Behavioral Scientist* 61, no. 12 (2017): 1455 – 1462.

Frenette, Alexandre. "From Apprenticeship to Internship: The Social and Legal Antecedents of the Intern Economy." *tripleC* 13, no. 2 (2015): 351 – 360.

Frenette, Alexandre, Nathan D. Martin and Steven J. Tepper. "Oscillate wildly: the under-acknowledged prevalence, predictors, and outcomes of multi-disciplinary arts practice." *Cultural Trends* 27, no. 5 (2018): 339 – 352.

Gander, Kashmira. "Why is the RCA the best art and design school in the world?" Independent. April 6, 2016. <https://www.independent.co.uk/arts-entertainment/art/features/rca-royal-college-of-art-worlds-best-arts-school-david-hockney-barbara-hepworth-peter-kennard-a6963216.html>.

Gilmore, Abigail and Robeta Comunian. "Beyond the campus: higher education, cultural policy and the creative economy." *International Journal of Cultural Policy* 22, no. 1 (2015): 1 – 9.

Groys, Boris. "Education by Infection." In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 25 – 32. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Hertmans, Stefan. "Masters of Unpredictability: Academies and Art Education." In *Teaching Art in the Neoliberal Realm*, edited by Pascal Gielen and Paul De Bruyne, 131 - 144. Amsterdam: Valiz, 2012.

Higgs, Matthew. "Questionnaire." In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 307 – 309. Massachusetts: Massachusetts Institute of Technology Press, 2009.

"Historical Overview." National Academy of Design. Accessed October 3rd, 2018. <https://www.nationalacademy.org/historical-overview/>.

Howe, David Everitt. "Top-Notch, Top Dollar: Columbia University School of the Arts MFA Program." *Art & Education*. Accessed October 10th, 2018. <https://www.artandeducation.net/schoolwatch/58087/top-notch-top-dollar-columbia-university-school-of-the-arts-mfa-program?degrees%5B0%5D=MFA>.

Kuan, Christine. Guest lecture within Internship in Art Business elective, course taught by Roxanna Zarnegar and Bryan Faller, Sotheby's Institute of Art, New York, November 7th, 2018.

Llewellyn, Nigel. "Introduction: Histories and Contexts." In *The London Art Schools: Reforming the Art World, 1960 to Now*. Edited by Nigel Llewellyn and Beth Williamson, 9 – 24. London: Tate Publishing, 2015.

"MA Fine Art." Central Saint Martins. Accessed October 10th, 2018. <https://www.arts.ac.uk/subjects/fine-art/postgraduate/ma-fine-art-csm>.

MacDonald, Stuart. *The History and Philosophy of Art Education*. London: University of London Press, 1970.

Madoff, Steven Henry. "Introduction." In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, ix – xi. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Martin, N. D. & Frenette, Alexandre. "Lost in Transition: College resources and the unequal early-career trajectory of arts alumni." *American Behavioral Scientist* 61, no. 12 (2017): 1487 – 1509.

Massouras, Alexander. "The Art of Art Students." In *The London Art Schools: Reforming the Art World, 1960 to Now*. Edited by Nigel Llewellyn and Beth Williamson, 37 – 48. London: Tate Publishing, 2015.

"MFA Fine Arts Dept. Brochure 2019." School of Visual Arts. Accessed October 10th, 2018. <http://www.sva.edu/graduate/mfa-fine-arts>.

Michels, Caroll. *How to Survive and Prosper as an Artist: Selling Yourself without Selling Your Soul*. New York: Allworth Press, 2018.

Molesworth, Helen with Ruth Erickson. "Leap Before You Look: Black Mountain College 1933 – 1957." Massachusetts: Yale University Press and the Institute of Contemporary Art, Boston, 2015.

National Association of Schools of Art and Design. "Handbook 2017 – 18." December 19, 2017. <https://nasad.arts-accredit.org/wp-content/uploads/sites/3/2017/12/AD-Handbook-2017-2018.pdf>.

“Noteworthy Alumni.” School of Visual Arts. Accessed December 1st, 2018.
<http://www.sva.edu/alumni/noteworthy-alumni>.

Painting Programme Specification 2017. Royal College of Art. Accessed July 1st, 2018.
<https://www.rca.ac.uk/schools/school-of-arts-humanities/painting/>.

“Paying Artists aims to secure payment for artists who exhibit in publicly-funded galleries,” Paying Artists, accessed December 1st, <http://www.payingartists.org.uk/>.

Photography Programme Specification 2017. Royal College of Art. Accessed July 1st, 2018. <https://www.rca.ac.uk/schools/school-of-arts-humanities/photography/>.

“Project 2: Bauhaus Building.” In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 68 – 70. Massachusetts: Massachusetts Institute of Technology Press, 2009.

“Project 3: Black Mountain College.” In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 82 – 84. Massachusetts: Massachusetts Institute of Technology Press, 2009.

“Project 5: Yale Art and Architecture Building.” In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 114 – 116. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Pujol, Ernesto. “On the Ground: Practical Observations for Regenerating Art Education.” In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 1 – 14. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Renfro, Charles. “Undesigning the New Art School.” In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 159 – 176. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Sawyer, R. K. *Explaining Creativity: The Science of Human Innovation*. 2nd ed. New York: Oxford University Press, 2012.

Scheiber, Noam. “As Freelancers’ Ranks Grow, New York Moves to See They Get What They’re Due.” *New York Times*. October 27, 2016.
https://www.nytimes.com/2016/10/28/nyregion/freelancers-city-council-wage-theft.html?_r=0.

Schnapp, Jeffrey T. and Michael Shanks. “Artereality (Rethinking Craft in a Knowledge Economy).” In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 141 – 158. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Skaggs, Rachel, with Alexandre Frenette, Sally Gaskill and Angie Miller. “Special Report: Career Skills and Entrepreneurship Training for Artists.” Strategic National Arts Alumni Project. 2017.
http://snaap.indiana.edu/pdf/special_report/SNAAP_SpecialReport_2017.pdf.

Smith, Peter. *The History of American Art Education: Learning About Art in American Schools*. London: Greenwood Press, 1996.

Solomon, Deborah. "How to Succeed in Art." *The New York Times*. June 27, 1999. <https://www.nytimes.com/1999/06/27/magazine/how-to-succeed-in-art.html?pagewanted=all>.

"Stop Art Scams," Blogspot, accessed December 1st, <http://stopartscams.blogspot.com/>.

Storr, Robert. "Dear Colleague." In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 53 – 67. Massachusetts: Massachusetts Institute of Technology Press, 2009.

"Research Excellence Framework 2014: The Results," Higher Education Funding Council for England, December 2014, <https://www.ref.ac.uk/2014/media/ref/content/pub/REF%2001%202014%20-%20full%20document.pdf>, 3.

"Survey Report: A study on the financial state of visual artists today." *The Creative Independent*. Accessed October 5th, 2018. <https://tci-assets.s3.amazonaws.com/pdfs/artist-survey-report/artist-survey-report.pdf>.

Taken, Burt, and Jeroen Boomgaard. "Between Romantic Isolation and Avant-Gardist Adaptation." In *Teaching Art in the Neoliberal Realm*, edited by Pascal Gielen and Paul De Bruyne, 87 – 100. Amsterdam: Valiz, 2012.

"The Artfinder Independent Art market Report: 2017." *Artfinder*. Accessed October 5th, 2018. artfinder.com/power-to-the-artist.

"The Costs of Nonpayment: A Study of Nonpayment and Late Payment in the Freelance Workforce." *Freelancers Union*. https://d3q437fgezjn6j.cloudfront.net/content/advocacy/uploads/resources/FU_NonpaymentReport_r3.pdf.

"The Display of Art: Exhibitions, Biennials, Salons: Paris Salons." *The University of Kansas Libraries*. Accessed November 4th, 2018. <https://guides.lib.ku.edu/c.php?g=551592&p=3805865>.

Thom, Marco. "Fine Artists' Entrepreneurial Business Environment." Working Paper 06/16. Institut für Mittelstandsforschung and London South Bank University. October 2016. https://www.ifm-bonn.org/uploads/tx_ifmstudies/workingpaper-06-16.pdf.

"UAL in World's Top 6 Universities for Art & Design 2018." *University of the Arts London*. March 5, 2018. <http://newsevents.arts.ac.uk/53488/ual-in-worlds-top-6-universities-for-art-design-2018/>.

Velthuis, Olav. *Talking Prices: Symbolic Meanings of Prices on the Market for Contemporary Art*. Princeton: Princeton University Press, 2007.

Vidokle, Anton. "From Exhibition to School: Notes from Unitednationsplaza." In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 189 – 200. Massachusetts: Massachusetts Institute of Technology Press, 2009.

"Visual Arts + Sound Art." Columbia University School of the Arts. Accessed October 10th, 2018. <https://arts.columbia.edu/visual-arts>.

White, Jason C. "Barriers to Recognizing Arts Entrepreneurship Education As Essential to Professional Arts Training." *Artivate: A Journal of Entrepreneurship in the Arts* 2, no. 3 (2013): 28 – 39.

Wilson, Fred. "Questionnaire." In *Art School (Propositions for the 21st Century)*. Edited by Steven Henry Madoff, 289 – 300. Massachusetts: Massachusetts Institute of Technology Press, 2009.

Whitaker, Amy. "Why Teach Business to Artists?" Hyperallergic. July 20, 2016. <https://hyperallergic.com/312390/why-teach-business-to-artists/>.

Interviews

Able, Carrie. Fine artist and Director of Carrie Able Gallery. In discussion with the author. April 13th, 2018.

Anonymous respondents to author's questionnaire. "Business, Legal and Entrepreneurship Training in Fine Art Education." SurveyMonkey. Open Monday, October 8th, 2018. Closed Friday, December 7th, 2018.

Bosher, Hayleigh. Lecturer in Intellectual Property Law, Brunel University London; Director, Intellectual Property Awareness Network; Founder, World IP Women; past Visiting Lecturer and Intellectual Property Lecturer, University of the Arts London. In discussion with the author. July 10th, 2018.

Boyd, Franklin. Art Law lecturer at the School of Visual Art, New York; Art & Finance Professor at Sotheby's Institute of Art, New York. In discussion with the author. November 1st, 2018.

Cruz, Juan. Dean of the School of Arts and Humanities, Royal College of Art, London. In discussion with the author. July 10th, 2018.

Gibbs, Jenny. Director of Art Business, Sotheby's Institute of Art, New York; past Dean of Graduate Programs, Massachusetts College of Art and Design. In discussion with the author. November 7th, 2018.

Hession, Katie. Marketing Assistant at Barbican Centre, London, past Bachelor of Design student at the National College of Art & Design, Dublin. In discussion with the author. July 9th, 2018.

Kersh, Joanne. Assistant Director, Research Services, Association of Independent Colleges of Art and Design. In discussion with the author. November 15th, 2018.

Meletti, Bartolomeo. Copyright Education Creative Director at British Film Institute and Lead Producer of CopyrightUser.org for CREATE. In discussion with the author. July 18th, 2018.

Richey, John. Fine artist, curator and Senior Registrar at Pace Gallery. With Marly Hammer. Curator and Art Fair Manager at Pace Gallery. In discussion with the author. April 24th, 2018.

Schady, Alex. Head of Fine Art at Central Saint Martins, London. In discussion with the author. July 18th, 2018.

Sludskiy, Vladislav. General Manager at Ethan Cohen Gallery. In discussion with the author. April 10th, 2018.

Taylor, Mia. Senior Teaching Fellow in Fine Art, Winchester School of Art, University of Southampton. In discussion with the author. July 16th, 2018.

Appendices

Appendix 1: Lists of Professional Development Resources for Visual Artists

The following resources were gathered through the Author’s questionnaire, interviews, and independent research. This range of courses, guidebooks, websites and nonprofits are analyzed in Chapter III, part iii of the thesis. One table documents resources available in the United States, and the other corresponds to the United Kingdom. These lists are ordered by relevance to the issues and findings made in this thesis. To limit their breadth, organizations offering funding, residencies, fellowships and grants are excluded, as well as art business incubators (aside from those offering specific professional development programming). Guidebooks are listed separately in a short bibliography.

Table 1: Resources for Artists in the United States

Name	Type and Location	Description/Mission Statement and URL
The Artist in the Marketplace (AIM) program + Marysol Nieves, Marysol (ed.). <i>Taking AIM! The Business of Being an Artist Today</i> . New York: Fordham University Press, 2011. http://m.bronxmuseum.org/aim/ .	Artist-training program and corresponding guide book. New York, NY	“Since 1980, The Bronx Museum of the Arts has supported New York’s artist community through AIM, the museum’s flagship artist-training program offering career management resources to guide New York City emerging artists through the often opaque professional practices of the art world. Mentored by a distinguished faculty of industry experts, AIM artists engage in an intensive series of seminars and activities that aid artists in building sustainable studio practices while expanding peer and professional networks.”
Volunteer Lawyers for the Arts	Pro bono legal services and educational programs for artists.	“VLA plays an important role in educating artists, professionals within arts and cultural institutions, attorneys, students, and the general public about legal and business

https://vlany.org/education/ .	New York, NY	issues that affect artistic and creative endeavors. Each year, we reach more than 5,000 people through more than 150 courses and offerings, including... In-house workshops... Speaking engagements... Online classes and talks... Our in-office resource library..."
New York Foundation for the Arts + https://www.nyfa.org/Content/Show/NYFA-Learning . #ArtistHotline on Twitter	Nonprofit organization providing professional development resources to artists, including guide book. New York, NY.	"NYFA Learning encompasses NYFA's professional development programs, which include panels, workshops, individual consultations, and in-depth training opportunities." Publishes: New York Foundation for the Arts, <i>The Profitable Artist: A Handbook for All Artists in the Performing, Literary and Visual Arts</i> . Second Edition. Edited by Peter Cobb, Felicity Hogan, and Michael Royce. New York: Allworth Press, 2018.
College Art Association http://www.collegeart.org/ http://www.collegeart.org/programs/caa-fair-use/best-practices .	Art advocacy and research nonprofit. Includes the "Code of Best Practices in Fair Use in the Visual Arts" USA.	"CAA contributes to the visual arts profession as a whole through scholarly publications, advocacy, exchange of research and new work, and the development of standards and guidelines that reflect the best practices of the field." "The <i>Code of Best Practices in Fair Use for the Visual Arts</i> is based on a consensus of professionals in the visual arts who use copyrighted images, texts, and other materials in their creative and scholarly work and who, through discussion groups, identified best practices for using such materials. They included art and architectural historians, artists, designers, curators, museum directors, educators, rights and reproduction officers, and editors at scholarly publishers and journals."
Center for Art Law https://itsartlaw.com .	Research-based nonprofit legal center. New York, NY.	"We serve artists and students, academics and legal practitioners, collectors and dealers, government officials and professionals in related fields around the world. Our mission is to explore the many facets of the exciting and continually developing field of legal practice related to visual arts and cultural heritage." Holds educational workshops for artists on legal issues.
NY Artists Circle http://nyartistscircle.com/ .	Artist community offering mutual professional support. New York, NY.	"The NYAC is a community of professional visual artists reflecting the creative diversity of the New York art scene. Established 20 years ago, membership is now 400 strong. The group meets monthly to share information, opportunities and resources. The collective bank of shared expertise, and an active electronic listserv and website, supports each member of the group in their professional growth."
The Abundant Artist https://theabundantartist.com/ .	Informational service. USA.	"The Abundant Artist has hundreds of <i>free</i> blog posts, podcast episodes, and instructional videos on selling art online. We also have some killer content in our members-only area that will show you a curated series of tutorials on how to get started selling art online, and how to cut through the noise and figure out which online sales options are right for you."
Art Business Info For Artists https://www.artbusinessinfo.com/ .	Online compendium of professional development resources for artists. New York, NY.	Articles include: communicating about, promoting and selling art; framing, packing and transporting art; legal protections for artists and artworks; managing money, tax and assets.

<p>NEW INC (through the New Museum) https://www.newinc.org/program/.</p>	<p>Professional development program and tech-art incubator housed within a contemporary art museum. New York, NY.</p>	<p>“The program offers a mix of formats including multi-day intensives, workshops, coaching sessions and clinics. Our program is taught by industry professionals, creative practitioners, activists, and scholars who lead open conversations about the changing nature of culture, technology, and business.”</p>
<p>BFAMFAPHD http://bfamfaphd.com/#topic-home.</p>	<p>Artist advocacy and research collective creating research reports and educational tools. USA.</p>	<p>“BFAMFAPHD makes Art, Reports and Teaching Tools to advocate for cultural equity in the United States. We bring people together to analyse and reimagine power relationships in the arts.” Offers reports, pedagogical tools and syllabi.</p>
<p>W.A.G.E (Working Artists and the Greater Economy) https://wageforwork.com/home#top.</p>	<p>Artist activist organization New York, NY.</p>	<p>“Mission: To establish sustainable economic relationships between artists and the institutions that contract our labor, and to introduce mechanisms for self-regulation into the art field that collectively bring about a more equitable distribution of its economy.” Geared towards combating the nonpayment of artists. Recognizes organizations demonstrating commitment to paying artist fees that meet W.A.G.E’s minimum standards. Offers digital tools to artists, including a contract form providing for re-sale and other post-sale rights over artworks.</p>
<p>Creative Milieu Consulting http://www.creativemilieu.com/artists/.</p>	<p>Arts and cultural management firm offering targeted entrepreneurial development to artists. Los Angeles, CA. (Works with artists across Africa and America).</p>	<p>“If you are an emerging or mid-career artist looking to grow your career we are here to help. We understand the many challenges creative entrepreneurs face and we look to bridge the gap between aspiration and actualization. Through our Artist Entrepreneurial Development coaching sessions & webinars, our experienced consultants can work with you to define and bring clarity to your careers goals.”</p>
<p>The Creative Independent https://thecreativeindependent.com/about/.</p>	<p>Informational website published by Kickstarter, PBC. New York, NY.</p>	<p>“The Creative Independent is a growing resource of emotional and practical guidance for creative people... Each weekday we publish one interview or how-to guide featuring a different type of working artist—including musicians, authors, filmmakers, dancers, designers, visual artists, and others... Guides explore the practical sides of making new work, and living life as a creative person.”</p>
<p>New Media Rights https://www.newmediarights.org</p>	<p>Nonprofit and informational web/smartphone app. USA.</p>	<p>“New Media Rights is a non-profit program that provides free and nominal fee one-to-one legal services and education for filmmakers and video creators, as well as a variety of creators, entrepreneurs and others who create and share their work online.”</p>
<p>Stop Art Scams http://stopartscams.blogspot.com/.</p>	<p>Informational blog. USA.</p>	<p>Website that helps artists recognize the red flags of “art scams” and share their experiences of non-payment and other related scams with the community.</p>
<p>Trade School http://tradeschool.coop/.</p>	<p>Bartering-based knowledge system.</p>	<p>“Trade School is a non-traditional learning community that runs on barter. We celebrate local wisdom, mutual respect, and the social nature of exchange.”</p>

	USA.	Often includes topics taught and utilized by visual artists, including grant writing.
--	------	---

Table 2: Resources for Artists in the United Kingdom

Name	Type/Location	Description/Mission Statement and URL
Artquest (through University of the Arts London and Arts Council England) https://www.artquest.org.uk/	Informational and advisory service. United Kingdom.	“Artquest provides the professional information, advice and projects that visual artists need to understand the art world in which they operate. We work with professional working artists, at any stage in their careers, working in any medium.”
a-n (formerly known as the Artists’ Newsletter) https://www.a-n.co.uk/news/	Artists’ membership organization and advocacy group. London and Newcastle, UK.	“a-n is the largest artists’ membership organisation in the UK with over 22,000 members. We support artists and those who work with them in many practical ways, acting on behalf of our membership and the visual arts sector to improve artists’ livelihoods. We have a reputation for providing compelling insights and playing a catalytic role in influencing and informing cultural policy.” Includes blog posts on a wide array of subject matter, including the business and emotional realities of being a working artist.
Copyright User (through CREATE, The University of Glasgow, Queens University Belfast, Bournemouth University, the British Film Institute and other partners) https://www.copyrightuser.org/ https://www.copyrightuser.org/educate/the-game-is-on/	Online resource for creators with educational videos, graphics and articles about copyright. Includes the award-winning web series, <i>The Game is On!</i> United Kingdom.	“CopyrightUser.org is an online resource aimed at making UK copyright law accessible to creators, media professionals, entrepreneurs, students, and members of the public. The resources here are meant for everyone who uses copyright: musicians, filmmakers, performers, writers, visual artists and interactive developers, among others. Our goal is to inform creators about how to protect their work, how to license and exploit it, and how to legally re-use the work of others.” Educational resources are created in consultation with practitioners and experts across law, business and the creative industries, and are often based on quantitative and qualitative research into the educational requirements of creators.
UK Copyright Literacy https://copyrightliteracy.org/	Research organization and online resource for creators United Kingdom.	UK Copyright Literacy’s mission is to “make learning about copyright fun, engaging and empowering.” Offers copyright guidance to creators through educational resources and conferences. Carries out research into copyright education for creators.
The Design and Artists Copyright Society https://www.dacs.org.uk/about-us/what-is-dacs	Nonprofit visual artists’ rights management organization London, United Kingdom.	“Passionate about transforming the financial landscape for visual artists through innovative new products and services, we act as a trusted broker for 100,000 artists worldwide. Founded over 30 years ago, DACS is a flagship organisation that campaigns for artists’ rights, championing their sustained and vital contribution to the creative economy.”

		Offers educational resources on legal rights for artists.
Association of Illustrators https://theaoi.com .	Trade Association. United Kingdom.	“Established in 1973, the AOI champions illustrators and the illustration industry with education, promotion and campaigning to achieve a thriving industry for us all.” Offers advice on business, law, negotiation and pricing.
Paying Artists http://www.payingartists.org.uk/ .	Artist-led campaign and advisory group. United Kingdom.	“The Paying Artists Campaign aims to secure payment for artists who exhibit in publicly funded galleries. We believe paying artists for the work they do will mean that in years to come we’ll still be able to access quality art which reflects the broadest possible spectrum of human experience.”

List of Guidebooks for Artists

Allen, Nikolas. *Death to the Starving Artist: Art Marketing Strategies for a Killer Creative Career*. CreateSpace Independent Publishing Platform, 2013.

Barnes, Molly and Pat Hilton. *How to Get Hung: A Practical Guide for Emerging Artists*. Boston: Journey Editions, 1994.

Battenfield, Jackie. *The Artist’s Guide: How to Make a Living Doing What You Love*. Philadelphia: Da Capo Press, 2019.

Bhandari, Heather Darcy. *Art/Work: Everything You Need to Know (and Do) As You Pursue Your Art Career*. New York: Free Press, 2017.

Branagan, Alison. *The Essential Guide to Business for Artists & Designers*, 2nd ed. London: Bloomsbury Academic, 2017.

Crawford, Tad. *Legal Guide for the Visual Artist*, 5th ed. New York: Skyhorse Publishing, 2010.

Cobb, P., S. Ball and F. Hogan. *The Profitable Artist: A Handbook for All Artists in the Performing, Literary and Visual Arts*. New York: Allworth Press, 2011.

Goins, Jeff. *Real Artists Don’t Starve: Timeless Strategies for Thriving in the New Creative Age*. New York: HarperCollins, 2017.

Grant, Daniel. *The Business of Being an Artist*, 5th ed. New York: Skyhorse Publishing, Inc., 2015.

Michels, Caroll. *How to Survive and Prosper as an Artist: Selling Yourself without Selling Your Soul*. New York: Allworth Press, 2018.

Peot, Margaret. *The Successful Artist’s Career Guide: Finding Your Way in the Business of Art*. New York: F+W Media, 2012.

White, Brian Marshall. *Breaking into the Art World: How to Start Making a Living as an Artist*. Texas: Virtualbookworm Publishing, 2005.

Appendix 2: Proposed Syllabus in Business and Legal Skills for

Artists

The following proposed syllabus is broad outline, based on the findings stated in the conclusion. The syllabus can be refined according to audience, location and resources. The author, as teacher, can adapt this course to fine art schools in both the United States and the United Kingdom, given her legal training and certification in New York as well as New Zealand, a United Kingdom-based legal system.

Introduction

- Student feedback gathered to discern desired learning outcomes.
- You've made it into a highly competitive art school and you've shown true creative talent and a unique voice. The next steps are understanding:
 - How can we vouch for ourselves in the professional world?
 - How can we understand the creative economy we are entering?
 - How can we make sure our legal rights are protected?
 - How can we make sure we get paid?
 - How can we sustain our practices so that we can continue to create?
 - How can we advocate for the place of our art in society?
 - How can we use this knowledge to better inform our own creative works, to affect policy changes, and re-define the existing structures of the art world?
- The goal is not to become businesspeople, but to become people who understand business.
- Debunking myths: that we must starve to be creative, that having entrepreneurial skills means going mainstream or selling out.
- Viewing income as another energy form which is generated through our artistic practices and allows us to survive and make further art.
- Viewing intellectual property as a social contract with society.
- Understanding the key skills to having a sustainable practice: organization, time management, knowledge of legal rights, basic knowledge of business.

The Structure of the Art Market(s)

- The different players in the market: nonprofits, artist-led spaces, private dealers, galleries, auction houses, museums, art business start-ups, incubators, art schools.
- The presence of multiple "art markets" and the importance of finding your niche
- Pyramid structure diagram from Marco Thom, "Fine Artists' Entrepreneurial Business Environment" (2016).

- Understanding how to permeate the layers.
- Set against Instagram memes protesting the art world by Brad Troemel.
- Set against artwork by William Powhida, “A Guide to the Market Oligopoly System” (2010), graphite on paper, 11 x 14 inches.
- Pyramid structure from Amy Whitaker, “Why Teach Business to Artists?” (2016): progressing from ignoring the market, to seeing it as a set of rules, to seeing it as a creative and civic medium to make art about.
 - Critical reading of Whitaker’s article: “Economics is a mechanical medium of cost structures and breakeven points. Finance is a time-based medium of risk and return, and money over time. Like any other medium – wood, oil paint, steel – capitalism has strengths and weaknesses. It is only by understanding those possibilities and limitations that you can use the medium well.”
- Critical reflection on stereotypes of the artist embedded into legal and economic systems.
 - Dispelling the myth of the starving artist.
 - Case studies on artists who challenge this.
 - How we can build on these projects and initiatives through this course – hearing student feedback on what they would like to learn and what they already know.
 - How to work within, rather than oppose, the art market.
 - Finding your niche, understanding your potential client-base.
 - Jackie Battenfield example.
 - Profiling the right galleries, or preparing to exhibit your own works.

Challenging the Art World

- Text: *Curatorial Activism: Towards an Ethics of Curating* by Maura Reilly and Lucy Lippard (2018).
 - MoMA Case Study.
- Representation of Women.
 - Guerilla Girls Case Study.
- Representation of LGBTQ.
- Representation of Racial Minorities.
 - Cross-reference: *This is America* student show, Sotheby’s Institute of Art, New York (2018).
- Low income of artists.
 - W.A.G.E project – see email thread: <https://wageforwork.com/files/EAHJLpZbBYwz9l33.pdf>.
 - W.A.G.E. standard form agreements and WAGENCY.

Administration for artists

Studio and inventory management

- Organization as not only a bargaining chip, but a necessity for professional practice.
- Ways to organize and track works; types of data to record.

- Making sales in the studio, the difference between exclusive and non-exclusive gallery representation, how not to destroy relationships.

Funding, grants and residencies

- Rundown of different organizations and the types of artist and project they have sponsored.
- Survey of resources available.
- Examples of successful applications – key characteristics.
- Potential for guest speaker who has set up residency program (Helen Toomer, Stoneleaf Retreat).

Pricing and selling your own work

- Value-adding factors.
- Value-detracting factors.
- Researching your market.
- Gallery price vs studio price.
- Self-confidence and negotiating with buyers.
 - Jackie Battenfield tips: write the price down before the collectors walk in.
- Pricing in group shows.
- Innovative statements on art pricing:
 - Case study: Yves Klein blue works.
- Maintaining a directory of collectors.
 - Record collector's tastes, interests, where they met, and what they spoke about in a set of file notes. Record how the collector approached the negotiation.
 - Placing collectors on email blasts/newsletters using MailChimp.
 - Create a blacklist of collectors and organizations who did not pay, paid late, flipped artworks, etc.

Business strategy and finance

- Developing 1 – 5 year business plans.
- Budgeting.
- Taxes.
- Potential to bring in guest speaker.

The Practicalities of Putting on Shows

- Finding studio space – resources available.
- Pop-up shows.
- Insurance.
- Shipping.
- Cross-reference back to contracts.
- Potential to bring in guest speaker.

Case studies: artist-led galleries and co-operative spaces

- How artists generate new business models.
 - Carey Able Gallery, Brooklyn, NY.
 - Five Years Gallery, London, UK.
 - Helen Molesworth, *Work Ethic* exhibition (creative example).
- Potential for guest-speaker who has set up artist-led space.

Marketing, Funding and Promotion

Innovative market approaches

- Patreon.
 - Brad Troemel example.
- Kickstarter and other crowdfunding techniques.
- Building your own website: the basics.
 - High def images, legible artist statement, CV, photograph, inventory.
 - Paolo Cirio example – legal complaints displayed on website.
 - Cirio's practice – more legal performance art / online trolling as performance, hacktivism.
- Case study: the market as the medium.
 - Damien Hirst.
 - Richard Prince.

Social media

- Legal dimensions of social media.
 - Assessing risks when uploading works.
 - Understanding degree of online infringement – especially for photographers.
 - Case study: insect photographer.
 - Assessing risks when using works from social media.
 - Photographs uploaded to Instagram create a license with Instagram – can't license that photo again on an exclusive basis since it's already out there.
 - Creative and marketing solutions: don't upload a whole series, show photos of the process instead of the finished work if it's something you intend to use to market, show an edgy corner of a design as a teaser.
- Use as a dissemination platform as well as an artwork itself.
 - Paolo Cirio; Richard Prince, other social media artists.
 - Cross-reference: video games as media (feminist video games).
 - Cassie McQuator; Angela Washko.
- Using social media as an engine for dispute resolution.
 - Brad Troemel v Vika Gazinskaya (artist vs fashion designer).
- Case study: Jeanne Fromer & Amy Adler, *Taking IP Into Their Own Hands* (2018)
 - James Turrell v Drake.
 - Suicide Girls v Richard Prince.
 - Gucci Ghost Instagram Account.

Legal Principles for Artists

Legal Relationships in the Art World

- Artist-gallery relationship.
 - Agency principles.
 - Fiduciary duties.
- Private dealers.
- Nonprofits.
- Museums.
- Auction Houses.

Contracts

- Negotiation.
 - Understanding your position of bargaining power.
 - What is appropriate or inappropriate to ask for (studio costs, etc).
 - How to ask questions without ruining a deal.
- Gallery contracts.
 - Key terms.
 - Gagosian cases (blue chip artists) that show gallery contract clauses.
 - Cross-reference to mid-tier and independent gallery contracts.
 - Understanding gallery commissions.
 - Reading: Ed Winckelmann's blog posts on the 50/50 split.
 - Enforcement: what to do when you don't get paid.
 - Principles of entrustment.
- Freelance contracts.
 - Key terms.
 - Difference between fixed term contracts, rolling contracts, and at-will employment.
- Contract drafting.
 - Basic terms and understandings.
- Importance of signing contracts.
 - Dissuading fears that contracts aren't cool.
- Non-disclosure agreements.
 - How to protect an idea when making a pitch or seeking collaborators.

Copyright

Watch: "The Game Is On" Episodes 1 and 2, Copyrightuser, and review accompanying case files: <https://www.copyrightuser.org/educate/the-game-is-on/>.

- Basic requirements for copyrightability.
- Case studies – art, authorship and appropriation.
 - Copyright's modernist conceptions.
 - Artists' creative responses to copyright.
 - Richard Prince's Instagram "New Portraits" and resulting disputes.

- Jeff Koons.
 - Barbara Kruger and Supreme – humorous press releases.
 - Artists who are “fair users”
 - Vik Muniz’s prints based on the works of Ed Rucha, Andy Warhol etc.
 - Class discussion: the ethics of taking.
 - When do you incorporate someone else’s work in your own?
 - When are you ok or not ok with someone incorporating your work in theirs?
 - How to risk-assess when using someone else’s work.
- Licensing your copyright.
 - Creative Commons.
 - Watermarks etc.
 - Difficulties for photography.
 - Blend history of photography with copyright law and copyright’s late acceptance of copyright, with common assumption in the public that we can take.
 - Whether that’s good or bad – appropriation art and lawsuits.
 - Ways to protect your work – how photographers have responded to this.
 - Case study: photography complaints around the *I F*cking Love Science* webpage.
 - Copyright stakeholders: Right of the public to receive information vs right of page owner to publish material vs right of photographers to receive payment and/or credit.
- Assigning your copyright.
- The fair use defense to copyright infringement.
 - The four fair use factors.
 - Practical considerations – an affirmative defense that does not automatically preclude a lawsuit.
 - Revisit above examples.
- Registering copyright.
 - How registration requirements shift based on artistic practice.
- Copyright and risk assessment.

Trademarks

- Case studies: creative exploration of trademarks and trademark infringement.
 - *The Yes Men*.
 - *Mattel v Tom Forsythe* (Barbie photographs and fair use).
- Key differences with copyright:
 - About consumer confusion rather than originality and authorship.
- Registering yourself as a trademark and artists who have done this.
 - Class discussion: the implications of artists acting as brands.
 - When you can and cannot use your own name as a trademark.
- Designing trademarks for other companies – what happens to your IP rights.

- Guarantees – when designing a logo for a company, this essential term is often included in a contract. What does this mean? If you take too much inspiration from another design, you can still get sued – the company is protected.
- Logo designing competitions and the problem with working for free.
 - Creating an understanding or written instrument securing payment before you start work on designs.
 - Essential terms – even if the company decides not to use it, they can still pay you.

Moral rights

- Case studies:
 - 5Pointz case.
 - Moral rights, copyright and street art.
 - Gentrification and artist communities.
 - Destruction of artworks.
 - Beneficial destruction – racist monuments in the south.
 - Christoph Büchel v MassMoCA.
 - Museums and galleries displaying unfinished work.
 - Artist response: used court documents as a medium in further works.
- Basic elements of moral rights under the Visual Artists Rights Act.
 - Right of integrity.
 - Right of attribution.
- Class discussion:
 - Understanding that moral rights are stripped back in the United States, but that many copyright cases are moral rights cases in disguise – ideas of honor, integrity and spiritual connection to the work.

The First Amendment

- The fundamentals of freedom of expression.
 - The marketplace of ideas theory.
 - The definition of obscenity.
 - Case study: Robert Mapplethorpe and the culture wars.
 - Critical view of obscenity – feminist critique.
 - Sources: Amy Adler, “The First Amendment and the Second Commandment” (2012); Catharine MacKinnon, “Not a Moral Issue” (1984).
 - Where we are now with obscenity and pornography in art.
- Responding to protests over your work – legal and ethical dimensions.
 - Sometimes it’s the public vs. the artist – Richard Serra, Tilted Arc example.
 - Protests over Omer Fast’s artwork in Chinatown.
 - Reading: Steven J. Tepper, *Not Here, Not Now, Not That! Protests over Art and Culture in America* (2011).
- Artists that incorporate protests in their own work.

- When can someone censor your work?
 - Institutions / schools.
 - Museums.
 - Government.
- Case study: Jill Magid.

Legal Services for Artists

- When to seek legal advice.
- Available pro bono services.

Final project: student exhibition

The students design, plan and mount an exhibition exploring one or more of the topics explored in this syllabus. The goal is to put “nuts and bolts” knowledge into practice and critically comment on legal and commercial structures. With tutors as guides, and with funding from the school, students will create a budget, find a space, sign basic contracts of partnership, create work, invite guests, write press releases and engage in online promotion. Students will price their works and are able to make sales at the show if they desire. Students who create legally subversive work should understand the necessary legal parameters and make a risk assessment in conjunction with tutors.

