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## Relational Accountability in the Art Business : A study of ethics

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Relational Accountability in the Art Business: A Study on Ethics

By

Theodore Soliman

A thesis submitted in conformity  
with the requirements for the  
Master's Degree in Art Business  
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## **ABSTRACT**

Relational Accountability in the Art Business: A Study on Ethics

By: Theodore Soliman

The artworld's unethical practices are ubiquitous amongst its stakeholders, with a lack of moral responsibility that allows for continuous sexual, emotional, and racial abuse. As an industry that is unregulated and resistant to change, these issues have been passed down from one generation to the next, forming a vicious cycle of predatory behavior. By investigating various stakeholders' roles, this study critiques the handling of these moral injustices and proposes relational accountability as a solution. The art world's traditional understanding of accountability only focuses on the aftermath without challenging the agreed-upon ethical standards that stakeholders hold each other to.

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## I. ILLUSTRATIONS

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\*During the finalization of this paper, the website of the Art Institute of Chicago was down. Thus, the work's dimensions were derived from another edition of the same print that is on sale.

<https://www.chairish.com/product/2707195/pablo-picasso-the-minotaur-signed-vintage-original-lithograph>

## II. ACKNOWLEDGEMENTS

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### III. INTRODUCTION

This thesis's idea grew from a lifelong interest in ethics, specifically the fundamentals and applications of relational accountability, defined as "A new understanding of accountability requires an awareness of the relational context within which responsibilities and duty develop. It demands an acknowledgment of the dynamic network or interactive relationships within which individuals and organizations are embedded in the business environment, as well as a willingness to seriously consider the very consequential role and effect of expectations and perceptions within such a context."<sup>1</sup> The artworld is a peculiar and fascinating ecosystem whose stakeholders include artists, galleries, auctions, and a wealth of independent experts.

Sadly, the artworld has a reputation for being opaque, highly unregulated, and predatory, raising ethical questions surrounding the culture, business practices, market mechanics, and decisions surrounding value. Rather than a need for superficial "accountability" that occurs after the damage is already done, this paper proposes relational accountability. The art world is a complex ecosystem with complicated dynamics. Relational accountability represents the necessary upholding of values between all stakeholders involved, the development of a shared responsibility to moral duties, and the art world.

The outcry for market regulation by critics of the art market will not be the end-all solution to ethical concerns of the business' practices. Instead, by redefining the ethical responsibilities in a relational manner within the art industry, the business will witness a substantial structural change with quantifiable results.

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<sup>1</sup> Painter-Morland, "Redefining Accountability as Relational Responsiveness," 7.

Chapter – I, What is it Worth? It starts by examining the characteristics of cultural and monetary value when it comes to the appraiser's decisions. In structuring these values, ethical concerns come into play but have historically been overlooked. In terms of monetary value, the auction houses participate in questionable practices of manipulating the market through private deals of guarantees and irrevocable bids. It affects the opinion of the value assigned by outside Appraisers due to the non-disclosure of private deals for the public market. However, cultural value is determined in tandem by the artworld, mainly the institution, through the narrative woven about the work's origins. In cases where despicable actions taint the artist's reputation, having the work denounced and more transparency about its narratives inevitably affects its cultural value; however, it rarely causes the monetary value itself to depreciate.

Chapter –2, Artists in the frame – Historical considerations and contemporary case studies, proposes questions about setting boundaries around celebrating the works of great artists who were terrible people. In cases where the artist was a sexual predator or the perpetrators of domestic violence, we must consider how the viewer is complicit in these actions by still giving credence to the work despite dark histories. Rather than view works by so-called “cultural geniuses” like Picasso and lament the artist for his creation, we should instead view the work and honor the women who bore the pain for this work to be created in the first place. There exists no Picasso without the victims he abused; however, they are rarely acknowledged. The chapter will draw connections to dismantle the faulty notion that the artist is separate from the work.

Chapter – 3, Dealers and Specialists in the frame - the Spectre of Call-Out Culture, explores some of the ways in which white supremacy permeates through the art world, even in situations where it seems like change is finally beginning to take place. However, intimidating, call-out culture has proven to be a cataclysmic vessel in bringing up issues of hostile work

environments and racial capitalism. Through the mayhem of first-time accountability for many white people, galleries and collectors have taken a superficial interest in Black artists' works, which have suddenly been given market value through the reluctant permission and blessing of whiteness looking to make another profit. Masked by good intentions, we see Black artists underpaid for their work and put into desperate positions that cause them to lose market control.

## IV. CHAPTER ONE – WHAT IS IT WORTH?

Certified appraisers in the U.S. follow strict guidelines outlined by the USPAP to ensure objectivity and valid methodology. The value of an artwork refers to both price and value interchangeably. While price is the monetary value assigned based on supply and demand, value is the worth of artwork to artists and the buyers, someone who usually has an emotional or cultural association with it. In Appraisal Reports, the Appraiser derives data from "market comparables found in databases such as artnet, and Artprice."<sup>2</sup> When assigning a monetary value to an artwork, two primary ethical considerations are overlooked by market professionals. The impact of auction house guarantees and irrevocable bids in eschewing market demand for certain works signifies hesitation from the market to acquire works at the perceived estimates.

Irrevocable bids arguably present a conflict of interest because the third-party investor is advantageous for having insider information before the auction from a private deal than other bidders present in the room. When works of art are tied to an artist whose personal life involved sexual and emotional abuse, what is the moral responsibility of the specialist or an appraiser in this case? Moreover, how can they translate the diminishing cultural value into a monetary one? Since certified appraisers and market specialists rely on data, they must remain objective by following the market numbers and estimating the supply and demand of specific artworks, then assign a monetary value.

### a. The Role of an Appraiser

Appraising or valuing a work of art is no easy feat due to art's unique quality and non-heterogenous nature. Traditionally, when appraising an artwork, a certified appraiser will

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<sup>2</sup> Rozell, *The Art Collector's Handbook: a Guide to Collection Management and Care*, 80.

examine many characteristics of value in a specific work of art such as the artist, authenticity, quality, rarity, prints and multiples, condition, provenance, exhibition and literature history, size, and medium.

The artist is one of the main factors in structuring the value of an artwork. The more famous they are and have a greater influence in a specific genre, and contribution to the history of art, the greater value they add to their work.<sup>3</sup>

Authenticity is another determinant of an artwork's value.<sup>4</sup> Art scholars and researchers often look to some clues in signatures or inscriptions by the artist. Also, some forensics analysis can determine if the materials used to correspond with when the artwork was made.<sup>5</sup> In many cases, when there is a debate amongst art scholars regarding a work of art made by a specific artist, it usually bears the inscription of "attributed to," which negatively impacts the artwork's value as there are concerns to its authenticity.

An artwork's quality resides in formal and conceptual elements such as color palette, composition, subject matter, and the artist's technical execution.<sup>6</sup> For example, works from Picasso's Cubist, Blue, and Rose Periods have a much higher value than the rest of his oeuvre.<sup>7</sup> These periods generally signify the peak of the artist's conceptual and technical skills.<sup>8</sup>

Rarity is a driving force in an artwork's value. It can dominate any other factor that comes to play.<sup>9</sup> Suppose an artist had a short-lived career with very few works produced. In that case, if

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<sup>3</sup> McAndrew, "How Artworks Get Their Prices."

<sup>4</sup> Rozell, *The Art Collector's Handbook: a Guide to Collection Management and Care*, 69.

<sup>5</sup> Ibid.,

<sup>6</sup> Ibid., 70.

<sup>7</sup> Ibid.,

<sup>8</sup> Ibid.

<sup>9</sup> McAndrew, "How Artworks Get Their Prices."

most said artist's work is in public institutions, it leaves the market for private collections with a minimal supply of artworks to be traded.<sup>10</sup> Thus, when an artwork comes to auction, it often will achieve record prices since the supply is minimal and cannot satisfy the heightened demand. For example, Leonardo Da Vinci's *Salvator Mundi* achieved a staggering \$450.3 million at Christie's 2017,<sup>11</sup> the highest price ever paid for a single work of art. This is due to Da Vinci's rarity, as *Salvator Mundi* is one of twenty paintings by the artist known to exist.<sup>12</sup> *Salvator Mundi*'s sale is a testament that rarity can be a significant driving factor in an artwork's value regardless of any other concerns that affect an artwork's value, namely condition and authenticity.<sup>13</sup> The painting's authenticity was a significant concern due to the heavy restoration it had received over the years, which is not unusual for an Old Masters work.<sup>14</sup> Another example of rarity is Matthew Wong's eighteen-month career, followed by his suicide resulting in a \$20 million turnover of his works in 2020,<sup>15</sup> Which will be discussed in more detail in Chapter 3.

In prints and multiples, the larger edition, the less valuable it is for individual works.<sup>16</sup> Additionally, the value differs on the quality of the individual works.<sup>17</sup> For example, in traditional techniques in which the artist used woodblocks, plates, or stones, the image's quality disintegrates in later prints and not as sharp as the earlier versions.<sup>18</sup> Nevertheless, this does not apply to digital prints since all the prints become technically identical.<sup>19</sup>

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<sup>10</sup> Rozell, *The Art Collector's Handbook: a Guide to Collection Management and Care*, 70.

<sup>11</sup> "Leonardo Da Vinci."

<sup>12</sup> Corbett, "8 Things You Should Know About Leonardo Da Vinci's *Salvator Mundi*, His Holy Mona Lisa."

<sup>13</sup> McAndrew, "How Artworks Get Their Prices."

<sup>14</sup> Esterow, "UPDATED: A Long Lost Leonardo."

<sup>15</sup> "Decision Support Tools for MATTHEW WONG."

<sup>16</sup> Rozell, *The Art Collector's Handbook: a Guide to Collection Management and Care*, 70.

<sup>17</sup> *Ibid.*,

<sup>18</sup> *Ibid.*, 71

<sup>19</sup> *Ibid.*

Condition of artwork such as tears, crackling paint, or scratches can affect the value of an artwork selectively.<sup>20</sup> For example, it was fashionable in the 50s to overclean impressionist paintings to look brighter and more vivid.<sup>21</sup> So, collectors nowadays will pay a premium for an artwork that has not received an extensive cleaning procedure.<sup>22</sup> However, in *Salvator Mundi's* case, the heavy restoration has not affected the painting's final price. Provenance is the French word for the history of ownership of artwork from the artist's studio to the present day.<sup>23</sup>

Provenance could amplify the value of an artwork as it reflects the emotional appeal of specific works if it were in the collection of prestigious collectors and notable figures.<sup>24</sup> For example, the 2018 sale of the Peggy and David Rockefeller Collection at Christie's achieved the highest total of a single owner collection \$835,111,334, with 100% of the works sold.<sup>25</sup> Exhibition and Literature history contribute to an artwork's value.<sup>26</sup> When an artwork has been exhibited at many prestigious institutions such as The Met, MoMA, MFA, Boston, Louvre, Hermitage, Rijks Museum, it signifies the importance of the work in the art canon, which in turn boosts its value.

Further, literature history refers to the contribution of the work to the history of art and research, and its inclusion in Catalogue Raisonne increases confidence in the work's authenticity.<sup>27</sup>

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<sup>20</sup> McAndrew, "How Artworks Get Their Prices."

<sup>21</sup> Ibid.,

<sup>22</sup> Ibid.,

<sup>23</sup> Rozell, *The Art Collector's Handbook: a Guide to Collection Management and Care*, 74.

<sup>24</sup> Ibid.,

<sup>25</sup> "Rockefeller Sales Total \$835.1 Million – Highest Ever for a Single Collection."

<sup>26</sup> Rozell, *The Art Collector's Handbook: a Guide to Collection Management and Care*, 75.

<sup>27</sup> Ibid., 76.

In terms of size, the general rule is larger works of art by the same artist have higher values than their smaller counterparts.<sup>28</sup> However, monumental works impose some logistical challenges that might knock off some of their value; they become less desirable since they are more costly to maintain, transport, and difficult to move between smaller apartments' doors.<sup>29</sup> The factors mentioned above are closely examined by auction house specialists when assigning an estimate to an item before the sale and extensively researching the work for formal appraisal reports. Similarly, Appraisers examine these characteristics of value to develop a methodology for the basis of valuation.

#### **b. Guarantees and Irrevocable Bids**

To further understand guarantees and irrevocable bids, Minimum Guarantees are defined in Christie's Conditions of Sale as "Christie's has a direct financial interest in the outcome of the sale of certain lots consigned for sale. This usually be where it has guaranteed to the seller that whatever the outcome of the sale, the seller will receive a minimum sale price for the work."<sup>30</sup> And third party Guarantees or Irrevocable bids as "Where Christie's has provided a Minimum price guarantee it is at risk or making a loss ... Christie's therefore sometimes chooses to share that risk with a third party. In such cases, the third-party agrees prior to the auction to place an irrevocable written bid on the lot. The third party is therefore committed to bidding on the lot and, even if there are no other bids, buying the lot at the level of the written bid ... the third party takes on all or part of the risk of the lot not being sold."<sup>31</sup> Guarantees and Irrevocable Bids offer the seller an insurance policy to receive a minimum payment on the work regardless of it being

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<sup>28</sup> Ibid.,

<sup>29</sup> McAndrew, "How Artworks Get Their Prices."

<sup>30</sup> "CONDITIONS OF SALE FOR CHRISTIE'S INC," 27.

<sup>31</sup> Ibid., 27.

sold or not in the auction room. These types of deals satisfy the seller's emotional value tied to the work, which may or may not reflect the final price to be paid for it. Auction houses tend to offer guarantees on top lots to make headlines, yet their profit margins become very thin due to the fierce competition between Sotheby's, Christie's, and Phillips.<sup>32</sup>

An Irrevocable Bid or Third-Party Guarantee is when they want to avoid losing money on the work, so they transfer or share the risk with another person if the work does not hit past the guaranteed amount. If the work does not sell for a certain threshold in an irrevocable bid, the third-party investor must bid till the agreed amount. This ultimately makes the work sold and reaches a specific value that it may not have achieved in other cases. Suppose the work gets sold over the guaranteed amount. In that case, the auction house offers Third-Party Guarantors a portion of the buyer's premium and a share in the amount exceeding the guaranteed amount.<sup>33</sup> While these financial dealings are legal, one questions the ethical nature because the works were pre-sold before going to auction. Since there is always a risk of artwork going unsold or depreciating in monetary value, these financial dealings ensure that this does not occur, which eschews the market for specific artworks. In 2019, 288 lots were Guaranteed, accounting for 40% of the value from the works' pre-sale estimates.<sup>34</sup> A significant portion of the market accounts for the top lots, but these guarantees imply that those lots may not be appreciated in monetary value, even though they could be significant culturally. Simultaneously, the auction houses disclose in their catalogues which artworks have guarantees or irrevocable bids. But they do not disclose the agreed amounts to which the work was sold to the Guarantors or the Irrevocable bidders. For the appraisal or art valuation to be objective, it is suggested that the

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<sup>32</sup> Boicova-Wynants, "There Are No Guarantees In This Life, but at an Auction."

<sup>33</sup> Woodham, "Why Guarantees Are Actually Good for the Art Market."

<sup>34</sup> McAndrew, "The Art Market 2020," 129.

numbers agreed on by auction houses and their third-party investors be disclosed since it will give the individual who is valuing a particular work of art a clear view of the market and thus less complicity in price manipulation. The ethical question here is that if appraisers refer to the sold prices without knowing if it was sold to the guarantor to establish market prices, then this becomes an issue because they base it on non-genuine demand and prices for specific works that may not have existed before. Thus, relational accountability relies on the Appraiser and auction house's moral responsibility towards publishing transparent pricing mechanisms for the art market's various stakeholders.

### **c. Impact of Cultural Value on the Economic Value**

The discussion of the value of an artwork involves two primary considerations that are always in flux. Introduced in Pierre Bourdieu's *Theory of Capital*, Cultural Capital is a symbolic form of capital. It is considered as an object of knowledge.<sup>35</sup> Traditionally, the artworld is driven by knowledge and appreciation of artistic expression. "Cultural capital can exist in three different states: Embodied, Objectified and Institutionalized states."<sup>36</sup> As discussed earlier in the characteristics of value, the artist and their contribution to the canon are the cultural capital's embodied state.

In contrast, the artwork itself is the objectified form of cultural value.<sup>37</sup> In terms of provenance, exhibition, and literature history, they are the institutionalized form of the cultural capital associated with the artwork. Meaning, they play a critical role in including the work and the artist in an institutionally recognized canon, which boosts the work's cultural value and

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<sup>35</sup> Van Maneen, "Pierre Bourdieu's Grand Theory of the Artistic Field." 59

<sup>36</sup> Ibid.,

<sup>37</sup> Ibid.,

bolsters its economic value. If institutions denounce works of art based on the artist's personal history, will this influence the artwork's economic value? Additionally, is the Appraiser as a trained professional considered to pose an embodied state of cultural capital for having the knowledge to decipher cultural artifacts? If so, they should have the ability to assign a monetary value to the artwork based on market supply and demand and the nature of the artwork concerning the artist's personal life.

## **V. CHAPTER TWO — ARTISTS IN THE FRAME - HISTORICAL CONSIDERATIONS AND CONTEMPORARY CASE STUDIES**

Throughout the history of art, there are numerous accounts of male artists inflicting domestic and emotional abuse on their spouses, families, and muses. As these accounts and allegations of abuse surfaced, one questions the boundaries of art in society. Suppose art is provocative, when should the stakeholders of the art industry draw the line? Additionally, when confirmed accusations of sexual and emotional abuse, what should be the proper procedures to take place. The artworld stakeholders have a moral responsibility to tackle these issues that are ingrained in every aspect of the artworld. It is the artworld's responsibility to draft solutions by proactively addressing these issues and transparently presenting art history. When the stakeholders turn a blind eye to many of the issues in art history and the contemporary scene, they encourage the growth of toxic behavior and become complicit in the perpetrators' actions.

Further, when viewers consume art fueled by sexual and emotional abuse, do they become complicit by aestheticizing the victims' misfortune? It is impossible to erase contributors from art history as it should not be the case. However, the stakeholders should encourage discourse on the issues present at said work and not accept it as a norm. Many artists are prone to crossing society's boundaries, searching for creative fuel for their next big thing, which becomes problematic as they get celebrated for doing so. This type of positive re-enforcement encourages the idea that the artist owns a creative license that exempts them from social critique. Instead, like any other stakeholder in the art industry, artists should develop a shared moral understanding between innovation and disgrace. It is not this paper's intention to examine the history of patriarchy and White supremacy. However, one cannot ignore its enmeshment in the following case studies. It is important to note that the artists in the following case studies have varying

degrees of success. This section examines the pattern of emotional, sexual, and racial, abusive behavior in three successive and intersecting periods. Additionally, examining the historical responsiveness of stakeholders in the art industry towards these allegations compared to recent cases. By highlighting multiple scenarios of emotional and sexual abuse by artists, the purpose of this paper is not to condemn them to cancellation; however, the purpose is to seek solutions to remedy these issues at its core.

#### **a. Case Study 1: Picasso (Spanish, 1881 – 1973)**

"Mixing blood and sperm, he exalted them in his paintings, imposed his violence on them, and sentenced them to death when he felt a dulling of the sexual power they instilled in him." Marina Picasso<sup>38</sup>

Pablo Picasso is arguably the most famous and powerful artist of the twentieth and twenty-first century, whose sales are continuously rising during his life and posthumously. Picasso topped Artprice's highest-selling artist in 2020, with 3,401 sold lots and a turnover of \$204,912,137.<sup>39</sup> The Spanish painter's personal life was tainted with many abuse accounts from his descendants, wives, and mistresses. The art industry's cherished phrase "the artist is separate from the work," is alarming. It enforces the artist's notion of not being responsible for their actions such as abuse, misogyny, and systemic racism. Thus, instilling a culture of "the artist can do whatever they want, just because they are an artist," which is a problematic belief of having a creative license as a getaway ticket. Additionally, it does not encourage artists to develop a sense of moral accountability for fear of censorship. The artist becomes glorified that they can be

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<sup>38</sup> Valentin and Picasso. *Picasso, My Grandfather*. 114.

<sup>39</sup> "Decision Support Tools for PABLO PICASSO."

above the law, being held accountable by viewers, and being responsible for their actions, creations, and those close to them.

Picasso's relationships and creative force were deeply intertwined as each period and style were concurrent with the various women with whom he was involved. According to Jaime Sabartes, Picasso's friend of sixty-five years attested that his creative force was only sparked by an outburst of intensified emotions experienced in each of his relationships; it was the only way to gauge the progress of his art and ever-changing style.<sup>40</sup> Adding, each of Picasso's periods could be named after a woman.<sup>41</sup> Picasso depicted his relationships with the women in various forms, in one form Between 1927 and 1934, he was actively involved with Dora Maar, Marie-Therese, and still married to Olga. During this period, Picasso worked on a series of images of a Minotaur raping young women. *The Minotaur series'* imagery is done in various media, including prints, drawings, etching, collage, and painting. Most of these images were done in eleven months between 1933 and 1934.<sup>42</sup> Even though he did not title any of these images, each one was dated by day, month, and year;<sup>43</sup> however, some of these images are in public collections and were given titles. For example, The MET titled their print, *Minotaur Raping a Woman*; (Fig. 1) on the other hand, the Art Institute of Chicago titled their work on paper, *The Minotaur*. Both images were executed in 1933 and depicted the same scene but at a different stage. *The Minotaur* (Fig. 2) is characterized by more detail, thicker, darker lines, and more shading exuding lust and intensity. *The Minotaur* is in a standing position, with his arms wrapped around the woman, one arm under her back and the other around her left shoulder, locking it in place. The notion of rape does not escape this illustration, as seen in the woman's

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<sup>40</sup> Crespelle, *Picasso and His Women*, 10.

<sup>41</sup> *Ibid.*,

<sup>42</sup> Brobst, *Picasso's Minotaur Images*, ii

<sup>43</sup> *Ibid.*,

head thrown back with a void facial expression. Additionally, her legs are in an awkward position, with one being tucked under her and the other jutting out or pressed against the side of the Minotaur. Her right hand is pushing against his head, while the other has lost control.

*Minotaur Raping a Woman* is done in a simplistic curvilinear manner. In contrast, the Minotaur assumes a crouching position and is in full control of a frenzied sexual attack on the woman.

The Minotaur is emblematic of Greek mythology; it is represented in the form of a man's body and a bull's head.<sup>44</sup> According to the myth, Minos, one of Zeus' three sons, was quarreling with his brothers over Crete's kingship.<sup>45</sup> When Minos successfully drove his brothers away, he prayed to Poseidon to send him a snow-white bull as a sign that God is in favor of his ruling.<sup>46</sup> The bull was meant to be sacrificed; however, Minos was fascinated by the bull that he built an intricate labyrinth and kept the bull to himself.<sup>47</sup> His actions angered Poseidon, which in turn, Poseidon pushed Pasiphaë, Minos' wife, to make love to the bull.<sup>48</sup> This union resulted in the Minotaur, which ultimately representing lust, deception, and greed.<sup>49</sup> In Brobst's analysis of Picasso's Minotaur, she associated his imagery corresponding with an individual character that possesses Dionysian tendencies.<sup>50</sup> In her research, she quoted Carl Kerényi's *Dionysus: Archetypal Image of Indestructible Life* in which the mask of Dionysus is synonymous with cult practices, adorning multiple personalities, she cites "To the Greeks, Dionysus was preeminently a wine god, a bull god, and a god of Women."<sup>51</sup> During this period of Picasso's involvement with multiple women, it is evident that his self-perception was that as a God of women.

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<sup>44</sup> Ibid., 3

<sup>45</sup> Ibid., 3

<sup>46</sup> Ibid.,

<sup>47</sup> Ibid., 4

<sup>48</sup> Ibid.,

<sup>49</sup> Ibid.,

<sup>50</sup> Ibid., 7

<sup>51</sup> Ibid.,

Further, she quotes Otto's *Dionysus: Myth and Cult* "Sexual passion is intrinsic to his nature, and he was called the bull-god because of his generative and destructive powers."<sup>52</sup> The Dionysian characteristics are intrinsic to Picasso's behavioral pattern with the women in his life. He was simultaneously practicing his destructive powers on these women while harnessing their energy to generate his work. In other words, Picasso sucked the life out of his women and painted them with it. Picasso was afraid of death; he was opposed to being in proximity to anyone who was ailing.<sup>53</sup> <sup>54</sup>The fear of death reminded him of his mortality. Thus, painting himself as a Minotaur with Dionysian characteristics depicts his immortal alter-ego. The Dionysian characteristics of destruction in which he afflicted on his women and generation by producing a vast body of work that is celebrated at numerous global public and private collections. He became immortal at the expense of those closest to him. Dora and Marie-Therese remained dependent on Picasso for an extended period, in which they were physically and mentally submissive to him.<sup>55</sup> In Françoise's memoirs, one of Picasso's wives, regarding Dora Maar, she wrote, "Pablo would telephone her when he wanted to see her... she had to hold herself in a state of permanent availability so that if he phoned or dropped by, he would find her there."<sup>56</sup> This form of control is one of many signs of mental and emotional abuse in which Picasso demanded Maar's presence at his convenience. Which simplifies Maar's existence only to satisfy Picasso's demands and when he would return the affection. To the extent, Dora Maar experienced a psychological breakdown that required her hospitalization, while Marie Therese committed suicide four years after his death and before his ninety-sixth birthday.<sup>57</sup> It is no

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<sup>52</sup> Ibid.,

<sup>53</sup> Gilot and Lake, *Life with Picasso*, 348.

<sup>54</sup> Valentin and Picasso, *Picasso, My Grandfather*, 181.

<sup>55</sup> Wilson, "From Obsession to Betrayal: The Life and Art of Pablo Picasso," 173.

<sup>56</sup> Ibid.,

<sup>57</sup> Ibid.,

wonder that these women suffered mental instability due to Picasso's control and emotional neglect.

Additionally, Wilson cites John Richardson's multivolume *A life of Picasso*, where he reported hearing Picasso lament proudly how painful it must be for his women to watch themselves transformed into a monster on canvas or fade from his work entirely while being replaced by his new favorite "in all her glory."<sup>58</sup> For example, close to the end of Picasso's relationship with Olga, his first wife, the relationship was getting ugly.<sup>59</sup> He started to paint Olga in distorted shapes with an open mouth, as seen in *Large Nude on a Red Armchair*, 1929, (Fig.3) *Femme Assise*, 1929, (Fig. 4) and *Buste De Femme Ave Autoportrait*, 1929. (Fig. 5) Compared to the graceful poses in paintings from the beginning of their relationship as seen in *Femme Lisant*, 1920; (Fig. 6) *Olga Pensive*, 1923 (Fig. 7) and *Mere et Enfant Au Bord De La Mer*, 1921. (Fig. 8) In contrast, the later paintings of Olga contain powerful imagery depicting anguish that is a result of unresolved issues. However, they are another form of emotional and mental abuse by insulting her appearance and publicly embarrassing her with disgraceful representation. Even though it is not expected of the artist to paint their subjects in a complimentary and superficial manner, in this case, Picasso betrayed Olga's trust.

Further, Picasso was never interested in fidelity; he would not break off any relationship since he enjoyed the melodrama and chaos.<sup>60</sup> This is evident in his behavior by creating confrontations between Dora, Marie Therese, Olga, Francoise, and Fernande, by revealing secrets and gossiping about one another, in addition to comparing the women against each

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<sup>58</sup> Ibid., 164.

<sup>59</sup> Ibid.,

<sup>60</sup> Ibid.,

other.<sup>61</sup> By actively turning these women against each other, he inflicts more emotional and mental abuse on them to demand more attention.

Picasso's moral responsibility was directed only towards the legacy he was making and never towards those involved in his life, to which he was successful. By actively inciting and maintaining chaos in his life, it demonstrates his awareness of his actions since his creativity thrived because of this. Picasso was never held accountable for his actions, and he continues to be celebrated by the numerous institutions and private collectors seeking to purchase and display his work. Even though his works depicted a turmoil of emotions and various stages of his life, they provide the viewer with an insider look at his legend and that the person is not separate from the professional. Forty-three years after Picasso's death, he remains highly influential in topping the yearly art sales chart. At this point, it seems impossible for his multimillion-dollar paintings to depreciate in both cultural and economic value. However, depending on how the viewer, collectors, and institutions perceive and consume the work, their moral responsibility should be directed towards the mistresses whom he abused, and neither be complicit in his actions nor aestheticize the pain he inflicted on his wives and mistresses.

#### **b. Case Study 2: Larry Rivers (American, 1923 – 2002)**

"To go from singing to your father, then told to take off your shirt...the dread in my stomach when I heard those words drowned out the lovely feelings of performing for my dad – it broke down to what he really wanted to see: my breasts." Gwynne Rivers.<sup>62</sup>

Larry Rivers was an American artist whose work gained traction from the 50s to the 80s. Its rebellious subject matter of figuration characterized his work amidst the popularity of abstract

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<sup>61</sup> Ibid., 180

<sup>62</sup> Snayerson, "Crimes of the Art?"

expressionism of fellow artists such as Motherwell, Pollock, and De Kooning. Born and raised in the Bronx to immigrant Jewish Russian parents, Rivers' introduction to the New York art scene took place in his twenties after meeting with landscape painter Jane Freilicher, married to the Jazz pianist, Jack Freilicher. Rivers spent most of his teens and early twenties as a saxophonist, where he played with various bands and notable figures at the jazz bars and clubs of Manhattan, including Jack Freilicher. Rivers began his art career by studying under Hans Hoffman's school in 1945, where he realized that his sexual curiosity was fueling his work as a young man.<sup>63</sup> In Rivers' autobiography, he reflects on his sexual curiosities, detailing accounts of his adventurous characteristics and experiencing anything and everything. His mode of experiential learning was often opposed to the social norms of his time.

Many individuals are growing up experience phases of rebellion against morals and standards set by their families and social standards searching for their identity. In the case of Larry Rivers, many of his life choices from scandals that his daughter, Emma, brought to the public and sexual adventures or thoughts presented in his autobiography cross the borders of curiosity to pedophilia and rape. Rivers sexual curiosity encompassed his desire to sleep with his mother-in-law, his sister when she was fifteen years old, the blue velvet armchair in his parents' living room when he was a teenager, and many more. In Rivers' autobiography, he retells instances of forced and pedophilic sexual encounters with some women, in addition to encounters with underage women. To what extent does the artist want to challenge the social boundaries, and when is the line drawn for pushing the envelope to deranged thinking. In Rivers' Rivers, it can be mentioned by his sister and children that he was a product of his time or only a

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<sup>63</sup> Rivers and Weinstein, *What Did I Do?: the Unauthorized Autobiography*, 78

male that indulges in his sexuality. Indulgence in sexuality and promiscuity is not the issue but lacking moral accountability is critical.

Rivers was an active player in the New York intellectual society since the 40s and onwards. During this period, psychoanalysis was one of the main topics that preoccupied Western societies, especially in the 50s and 60s. In his interview in the autobiography with Dr. Arnold Cooper, "head of psychiatric divisions at important hospitals."<sup>64</sup> Where Dr. Cooper mentioned, "Psychoanalysts had a way of alluding to sex; everything was in one way or another sexual, but it wasn't exactly so permissive. It was a way of looking at and understanding everything that went on, but it did not necessarily invite it.... The whole notion was: the better the orgasm the healthier you are. Everything is then improved through the quality of orgasm. Which is not a Freudian idea. The subsets made sex the world."<sup>65</sup> Larry Rivers "Since Freud brought to public awareness the problems that follow repressed sexuality, the Reichians dedicated themselves to unrepressing sex – let it happen at any given moment, never refuse it. In some circles if you refused sex you were considered sick."<sup>66</sup> According to Freudian and Reichian ideologies, Rivers' autobiography shows many of his efforts in unrepressing his sexuality, for example, in one of the instances he described in the autobiography when he threw a party at one of his residences. He was occupied by psychoanalysis ideas where he read Reich's *Psychopathia Sexualis*. As discussed above, Reichian ideology encouraged challenging societal norms in terms of suppressed sexuality.

Additionally, Rivers' discovery of the famed poet Lord Byron who was in an incestual relationship with his half-sister in which Rivers noted "...and I thoroughly approved," and "I

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<sup>64</sup> Rivers and Weinstein, *What Did I Do?: the Unauthorized Autobiography*, 262

<sup>65</sup> *Ibid.*, 263

<sup>66</sup> *Ibid.*, 263

thought an affair with my sister would give me an admirable position outside respectable society, leading to the logical conclusion that I could be even greater than Byron.<sup>67</sup> Don't get me wrong, we are not talking a long romance with sis – just one little night of love."<sup>68</sup> Rivers got drunk at the party and made moves on all the women; during his intoxication, instead of his sister, he mistakenly dragged one of his friends, Tess, to the bed kissing and dry-humping-her.<sup>69</sup> In other instances, rivers' quest for sexual adventures is broad when his first wife, Augusta, intervened in his constant requests to sleep with her mother. According to Freudian Oedipus Complex, the male child becomes sexually attracted to their mother during the phallic stage three to five while feeling in competition with their father.

Furthermore, according to Rivers' logic that the mother-in-law was the next best thing.<sup>70</sup> As an adult male, Rivers' lacked critical thinking between theories introduced to him and reality. He was obsessed with crossing societal boundaries to the degree that was and is incestual. However, to Rivers' defense, questioning societal norms is vital to the individual and the society's growth, but one must implement an extra effort of criticality towards their questioning.

Another Sexual adventure or curiosity to Rivers was in his early years of living in Manhattan; he was approached by a random woman who asked to escort her to a bar or a restaurant so she can use the restroom.<sup>71</sup> She feared going by herself as she would get kicked out because she was Indian.<sup>72</sup> According to Rivers' judgment of the woman, she was "drunk, desperate, and slightly out of touch with reality. Instead, Larry escorted her to his apartment so

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<sup>67</sup> Ibid., 122

<sup>68</sup> Ibid., 122

<sup>69</sup> Ibid., 122

<sup>70</sup> Ibid., 66

<sup>71</sup> Ibid., 177

<sup>72</sup> Ibid.,

she could use the sink to urinate.<sup>73</sup> Rivers decided to watch her and then made sexual advances on her; when she resisted, he forced himself onto her and became more aroused because of her resistance.<sup>74</sup> In the 40s and 50s, such behavior was not constituted as rape; however, it does not mean that it was not rape. Rivers decided to take advantage of a woman that appeared to a drunk and mentally unstable, which means that she was physically much weaker than him to fend him off. Moreover, his conscious decision to escort her to his apartment rather than to a public place demonstrates his predatory behavior towards women whom he can assert his dominance.

Later in the book, Rivers recounts his encounters with Donnie Miller, whom he met in his 40s, while she was fifteen and a half. He described her encounter with him as "Another exciting chapter in the life of Donnie Miller opened when she met an artist in his forties working in a 'pad' who stayed up to two or three days in a row and was ravenous to see her – me."<sup>75</sup> According to his description of the relationship with Donnie in contemporary terms, his role is defined as a "sugar daddy," in which an older male receives sexual favors from a significantly younger partner in exchange for money and gifts. Millers' pseudo job was to babysit Rivers' children so that her parents would not ask questions about the expensive gifts she received from Rivers.<sup>76</sup> Even though it is arguable that this agreement was consensual to a certain extent, it further demonstrates Rivers' predatory behavioral pattern. He goes on to explain the extent of the agreement, where he threw Miller a sweet sixteen party, "Considering our age difference, it was amazing how quickly my physical attraction and her curiosity turned us into pals. She told me everything that was happening to her, even how our sex experiences whetted her appetite for

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<sup>73</sup> Ibid.,

<sup>74</sup> Ibid.,

<sup>75</sup> Ibid., 471

<sup>76</sup> Ibid.,

older men, which she set herself to satisfy."<sup>77</sup> Rivers' involvement with an underage woman demonstrates his obliviousness to ethics, or he was well on his way to shattering societal taboos.

The autobiography was released in 1992, and it is very alarming that he has not received public scrutiny or criticism towards his disturbing behavior, yet he was celebrated later with retrospective exhibitions. It was not until Rivers' retrospective at the MoMA in 2010, eight years after his death, that his pedophilic activities surfaced. Michael Snayerson did an expose for The Vanity Fair by interviewing Rivers' immediate family friends on one main issue. In the late 60s and early 70s, rivers began experimenting with the film "Which I began to sport, 'girls' in short skirts, sexual obsession and yoga...As the film [*Tits*] evolved, it grew to include the chests of Mongolian wrestlers and women of all ages, their bodies and thoughts on their bodies."<sup>78</sup>

Amongst his film stars were his two pre-adolescent daughters, Gwynne and Emma, for the film *Growing*. The film was never exhibited as his wife, Clarice, at the time objected to it. In the movie, Rivers would go on for six years, asking his daughters to bare their chests for the camera while asking them questions about their bodies and "budding sexuality."<sup>79</sup> To Rivers' belief, he was making art and not child pornography. It comes as no surprise that his daughters have suffered for years to come from his actions, Emma reported to have suffered from anorexia since she was sixteen years old, and Gwynne had bulimia.<sup>80</sup> Rivers' movie was destructive to his daughters' formative years, who witnessed uncomfortable changes to their bodies. According to Gwynne, Rivers was aware of the discomfort they (his daughters) were experiencing during the shooting, which is evident in the voice-over "Much to the confusion of my children and family, I

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<sup>77</sup> Ibid.,

<sup>78</sup> Ibid., 469

<sup>79</sup> Snayerson, "Crimes of the Art?"

<sup>80</sup> Ibid.,

continued."<sup>81</sup> In other scenes in the movie included his daughters fully naked in the shower and Gwynne, eleven years old at the time, slipping in the black satin sheets of his bed.<sup>82</sup> Rivers was passionate about being controversial and shattering social taboos; the controversy subjected him to the limelight to which he enjoyed. It has been Emma's mission to retrieve the original of the movie *Growing* to destroy it. While the destruction of art is considered a heresy towards the artist, in the movie *Growing*, it could be destroyed because of child pornography. Emma successfully stole a copy of the movie and presented it to Emily Logue, an Assistant DA in Manhattan who deemed the movie Obscene.<sup>83</sup>

Under the first amendment, artmaking is protected under the U.S. constitution as it is considered Freedom of Speech, a fundamental and highly coveted right.<sup>84</sup> While the language in the First Amendment is comprehensive, it does not protect all forms of expression. However, as society evolved, the constitution's framers intentionally left the boundaries between protected and unprotected speech up to the courts to interpret.<sup>85</sup> To this day, The U.S. Supreme Court has not given a clear definition of obscenity.<sup>86</sup> Since the landmark case of *Miller v. California* in 1973, the Supreme court developed a three-prong test to determine obscenity of particular material, named the Miller Test, (a) Whether the average person, applying contemporary community standards would find that the work, taken as a whole appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) Whether the work taken as a whole, lacks

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<sup>81</sup> Ibid.,

<sup>82</sup> Ibid.,

<sup>83</sup> Ibid.,

<sup>84</sup> Prowda, *Visual Arts and the Law: A Handbook for Professionals*. 24

<sup>85</sup> Ibid.,

<sup>86</sup> Ibid.,

serious literary, artistic, political, or scientific value."<sup>87</sup> The second prong in the test is specific towards sexual material, to define obscene, the court provided further explanation "(a) patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals."<sup>88</sup> Whether the movie *Growing* would be deemed obscene and/or child pornography would depend on the court. According to the Department of Justice, 18 USC § 2252 – Certain activities relating to material involving the Sexual Exploitation of Children (Production of Child Pornography) that images of child pornography are not protected under the First Amendment rights.<sup>89</sup> It defines child pornography as "any visual depiction of sexually explicit conduct involving a minor.... The legal definition of sexually explicit conduct does not require an image depict a child in sexual activity. A picture of a naked child may constitute illegal child pornography if it is sufficiently sexually suggestive."<sup>90</sup> Considering Gwynne and Emma were Rivers' movie subjects since the age of eleven and up to sixteen, they were considered minors. When he asked them to touch themselves or roll in bedsheets, the movie(s) may be child pornography. Other than Rivers' movie's possibility of being illegal and pornographic, it is a betrayal of a parent-child relationship's trust.

As of 2010, the New York University purchased the archives from Larry Rivers Foundation. Before the sale, David Joel, the Director of the foundation, announced the news to the family and assured Emma that he negotiated strict guidelines that no one will view the movie during her or Gwynne's lifetime.<sup>91</sup> Joel has been a loyal assistant to Rivers since graduate school. Thus, his allegiance favors preserving the work rather than viewing the issue from an objective

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<sup>87</sup> *Ibid.*, 26-27

<sup>88</sup> *Ibid.*, 27

<sup>89</sup> "Citizen's Guide To U.S. Federal Law On Child Pornography."

<sup>90</sup> *Ibid.*,

<sup>91</sup> Snayerson, "Crimes of the Art?"

standpoint. Due to the movie's controversial nature, the NYU requested that the foundation not include the movie *Growing* and other "distressing" works as part of the sale.<sup>92</sup> NYU foresaw the legal consequence of being complicit in acquiring "distressing" works since it could be deemed as dealing in child pornography if the movie is considered child pornography by the courts. While the NYU acquired the majority of Rivers' archive from the foundation, still a significant part of the archive, mostly films, and photographs that pertain to family members, is restricted access.

The issue of accountability is rampant. In this case, David Levy, a longtime friend of Larry Rivers and is on the board for the foundation, described Emma's concerns as "neurotic."<sup>93</sup> Additionally, he is quoted saying, "think twice before you destroy any work made by a well-known artist – more than twice."<sup>94</sup> Herein lies the artworld issue by viewing the artist as a genius rather than investigating the concerns brought by Emma. If this case were brought to court and the movie deemed obscene and child pornography, it would no longer be protected by First Amendment, and Emma would proceed within her rights to destroy it. It is evident that a culture of abuse is widespread within the art world from artists, to directors from notable institutions. Levy, former head of Parsons school of design, former Director of D.C.'s Corcoran Gallery, an influential stakeholder, is promoting abuse and encouraging artists to be involved in unethical practices for the sake of making art.

Additionally, the remaining board members of the Rivers foundation are Emma's three stepbrothers, Joseph, Sam, Steven, and Joan Gordon (Rivers' sister). They have unanimously refused to give Emma the footage and asserted that Rivers did not think in a pornographic way

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<sup>92</sup> Maecker, "NYU: NO Trouble Over Rivers Archive, Please."

<sup>93</sup> Snayerson, "Crimes of the Art?"

<sup>94</sup> Ibid.,

while doing the work.<sup>95</sup> The board accepts the nature of Rivers' controversial work as shattering social taboos, yet not pornographic. By refusing to give the footage to Emma, they are proactively protecting Rivers' reputation not to affect his work's monetary value.

Larry Rivers has a steady market since 2003, only a slight dip of sold works in 2007 in which only twenty-four lots were sold, in comparison, to 2018 where sixty-nine lots-sold.<sup>96</sup> In 2020, forty-one works appeared in an auction, with a total turnover of \$179,855; 38.8% were Bought Ins.<sup>97</sup> The highest selling piece for rivers in 2020 was *The Party*, 1957, oil on canvas.<sup>98</sup> Achieving \$118,825 against an estimate of \$50,000 - \$70,000.<sup>99</sup> Most of the unsold works from 2019 and 2020 are prints and lithographs, while his paintings are still desirable. To this day, Emma has not gone to court to obtain the movie *Growing*, which raises many questions since it was made clear by the foundation board that she is not entitled to the original movie. One possible reason, she inherited work from her father, and if she goes to court and the work is deemed obscene and child pornography, it can impose serious negative consequences on its economic value. Collectors are still interested in collecting River's work even after the negative press he received. This explicitly demonstrates the industry's various stakeholders' complacency by not holding artists accountable, yet profitable transactions continue regardless of the artist's questionable behavior.

Lastly, in an interview by Paul Tschinkel with Larry Rivers where he is quoted, "everything is personal even if you are doing a historical subject, you have found out about it, you went about it in a certain way to analyze the information. It is very hard to keep yourself out

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<sup>95</sup> Ibid.,

<sup>96</sup> "Decision Support Tools for Larry Rivers"

<sup>97</sup> Ibid.,

<sup>98</sup> artnet Price Database Fine Art and Design, "Larry Rivers."

<sup>99</sup> Ibid.,

of anything."<sup>100</sup> This comment summarizes that the person is not separate from the professional, in which the artist becomes invested to great lengths to witness the fruition of an idea. It attests to River's creative process that he was critically involved in his work; even though his motive was to push social boundaries, he was aware of when he crossed the line.

### **c. Saul Fletcher (British, 1967 – 2020)**

Saul Fletcher, a self-taught British Photographer who was represented by Alison Jacques Gallery between 2008 and 2016.<sup>101</sup> Fletcher introduced Alison Jacques to his partner Rebecca Blum who formed a close friendship with Jacques. June 22, 2020, Fletcher murdered his partner and then committed suicide.<sup>102</sup> According to friends of Fletcher, he suffered from severe mental health issues.<sup>103</sup> Unfortunately, his partner did not need to be a victim of that. Following the investigation results of Fletcher's inflicted domestic abuse and the cause for murdering his partner, Alison Jacques released a statement on Instagram denouncing the artist. In a statement, "It is not ok to continue to promote, publicly archive or exhibit the work of a perpetrator of domestic violence / murderer, no matter how big the foundation or museum concerned is and no matter how long a gallery worked with him and thought they knew him."<sup>104</sup> Further, she decided to remove every trace of the artist from her gallery, and shall seek ways to remember and honor Blum.<sup>105</sup> Jacques' decision to cancel the artist is a precedent in the art industry since artists were never held accountable for their actions. However, numerous famous ones still bask in their fame and are held on a pedestal by the art world. By canceling the artist, Jacques consciously chose to

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<sup>100</sup> Tschinkel, Larry Rivers: "An American Master"

<sup>101</sup> Seymour, "Alison Jacques 'Removes All Trace' of Late Photographer Saul Fletcher-and Calls on Art World to Follow Lead."

<sup>102</sup> Ibid.,

<sup>103</sup> Ibid.,

<sup>104</sup> Alison Jacques Gallery, "Remembering Rebecca Blum."

<sup>105</sup> Seymour, "Alison Jacques 'Removes All Trace' of Late Photographer Saul Fletcher-and Calls on Art World to Follow Lead."

honor her friend, a domestic abuse victim. Her moral responsibility towards Blum and society was to punish unacceptable behavior rather than celebrating the artist and enforcing his actions. It is worthy to note that Fletcher's work, *Untitled #142 (Landscapes)*, was sold at Sotheby's New York, October 1, 2020. The photograph set achieved \$6,300 against an estimate of \$10,000 - \$15,000, 37% below its low estimate.<sup>106</sup> Even though the motive for selling the work is unknown, perhaps, because of the scandal, the seller did not see a cultural or economic value in the work and decided to liquidate it.

In the last case, Fletcher is quickly canceled by the gallery since he was relatively unknown compared to the previous artists. After the many accounts detailing the personal and professional lives of Picasso and Rivers, it is evident that both of those lives were enmeshed. It is up to the stakeholders to acknowledge such devious behavior by artists and choose how to act. Even if it is from a mere market speculation perspective, those involved in dealing and appraising the work are morally complicit. This leaves this chapter questioning the solutions to be implemented by the stakeholders of the art world in promoting and preventing egregious behavior committed by artists.

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<sup>106</sup> artnet Price Database Fine Art and Design. "Larry Rivers."

## VI. CHAPTER THREE — DEALERS AND SPECIALISTS IN THE FRAME – THE SPECTRE OF CALL-OUT CULTURE

### a. What is call-out culture, and what role does it play in the art world?

Following Chapter Two's examination of sexual and emotional abuse by artists, unfortunately, it extends throughout the artworld. The art world is notorious for toxic workplace environments in which verbal, sexual, and racial abuse are considered a tacit norm of the industry. This chapter investigates the notion of call-out culture, a variant of cancel culture that is a rising phenomenon on social media platforms, mainly Instagram. Additionally, this chapter examines another form of abuse, racial capitalism, evident in the heightened demand for artworks by Black, Indigenous, and People of Color (BIPOC), in which dealers, specialists, and collectors are complicit.

Instagram is arguably one of the most powerful tools in the twenty-first century to garner social capital and increase an individual or an institution's influence. To a certain extent, Instagram democratized the art world by allowing artists to bypass reliance on gallery representation but still reach a global audience, thus increasing their opportunities for museum exhibitions and collectors. However, as Instagram is a platform for visual artists and influencers, it is also a powerful platform for the call-out and cancel cultures. Cancel culture and call-out cultures are used interchangeably since they refer to the public criticism of individuals or entities who said or behaved acted in a disgraceful manner that is unacceptable.<sup>107</sup> While the fear of cancelation and being called-out can be demoralizing, as noted by Maryam Ajayi, CEO of Dive in Well, however, she reflected that call-outs are an act of service for a higher good.<sup>108</sup> In

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<sup>107</sup> Douthat, "10 Theses About Cancel Culture."

<sup>108</sup> Bunch, "Reframing Cancel Culture: Why Calling Someone Out Is an Act of Service."

other words, call-out culture is positive that holds the power to create positive change for the greater good.<sup>109</sup>

Further, Adrienne Maree Brown, an American author, women's rights activist, and a Black feminist, argued that call out and cancellation are rooted in social justice movements, and its importance as a tool for marginalized communities to voice their concerns hold those in power accountable.<sup>110</sup> Anonymity, paired with powerful social media, provides marginalized stakeholders who suffer the consequences of verbal and sexual abuse in workplace environments a safe platform to voice their concerns anonymously without fear of repercussion. Thus, call-out culture is critical to bringing awareness to those who have done harmed. However, depending on the degree of harm done, call-outs provide the chance for reparation and reconciliation.

#### **b. Hostile Work Environments**

Pace Gallery has been under scrutiny from employees' numerous complaints regarding many issues of physical and verbal abuse by executives in the company. Most of the complaints involved the sales office, where employees worked under Douglas Baxter and Susan Dunne's supervision.<sup>111</sup> Whom both worked at Pace for nearly two decades.<sup>112</sup> Unfortunately, Baxter and Dunne are industry leaders, as their efforts contributed to the expansive growth of Pace Gallery. Their work was instrumental in shaping the careers of Fred Wilson, Maya Lin, and Joel Shapiro.<sup>113</sup> It is disappointing to witness influential figures in the artworld fostering toxic and

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<sup>109</sup> Ibid.,

<sup>110</sup> Henley, "Writers Call for a More Nuanced Alternative to 'Cancel Culture.'"

<sup>111</sup> Small, "Pace Gallery Positions Itself as the Art Business of the Future. But Employees Say an Abusive Work Environment Keeps it Mired in the Past."

<sup>112</sup> Ibid.,

<sup>113</sup> Ibid.,

hostile work environments. Since their actions normalize toxic behavior in the industry, influencing the rest of the stakeholders to conform and adopt toxic behavior.

Working with Dunne or Baxter seemed like an excellent opportunity for many employees to learn the industry's ropes; little did they know about Pace's toxic culture. In one of the allegations by a former employee detailing when Baxter threw a phone at him.<sup>114</sup> Another in which Baxter scolded a former intern in 2008 since the intern could not get him his favorite sandwich for lunch because the restaurant ran out of it.<sup>115</sup> From these accounts, Baxter's failure to anger management was acceptable behavior in Pace's organization. It could be possible due to his influential status in the industry outweighed this unacceptable behavior. In another account, a prospective employee was interviewing for a sales position at the gallery, in which the H.R. personnel asked a standard set of questions, except for their last question asking the interviewee on how they would handle Baxter's "difficult personality."<sup>116</sup> H.R. was aware of Baxter's abusive personality. Resolving employees' conflict and maintaining a professional work environment is part of H.R.'s duties. Instead of remedying the situation and holding Baxter accountable for his abuse, the H.R. decided that employees must adapt to toxicity. This form of neglect is dangerous because it perpetuates and reinforces egregious behavioral patterns in workplace environments. Many employees do not have a positive outlook on how the company will deal with other allegations of workplace abuse, as noted by a former employee, Joseph de Leon, who voiced his concerns to two H.R. persons and a CEO for six months.<sup>117</sup> De Leon indicated that if the company is committed to structural change, they would rid it of abusers and

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<sup>114</sup> Ibid.,

<sup>115</sup> cancel the damn galleries, "Douglas Baxter."

<sup>116</sup> cancel the damn galleries, "Douglas Baxter 2."

<sup>117</sup> Small, "Pace Gallery Positions Itself as the Art Business of the Future. But Employees Say an Abusive Work Environment Keeps it Mired in the Past."

focus on those who contribute positively.<sup>118</sup> The investigation concluded with Baxter taking an indefinite leave of absence following misconduct allegations,<sup>119</sup> and yet no news on the investigation regarding allegations against Dunne. In a company-wide email sent by Marc Glimcher detailing his disappointment of his staff resorting to the media for complaints, he asked his team to allow the company the time to investigate and enact change.<sup>120</sup>

He also indicated that change takes time rather than insisting on "crucifying someone in the town square THE NEXT DAY."<sup>121</sup> While Mr. Glimcher has a valid point that enacting change takes time, but these issues have been in the company for over twenty years in which H.R. was aware of. Many of the employees that worked under abusive executives are most probably suffering from workplace trauma. If not for social media, it seems very unlikely that Pace would have started an investigation to hold their executives accountable. In this case, call-out culture aims for positive change by the overlooked stakeholders and now is demanding justice. Call-out culture can be intimidating to those in certain positions of power as it can strip them of their power by tainting their reputation and ultimately resulting in their unemployment. A collector noted that they would not deal with Pace gallery anymore, and an artist is rethinking their relationship with the gallery because of the allegations.<sup>122</sup> This is a clear example of relational accountability when two different types of stakeholders contributing to Pace's ecosystem are rethinking their relationship with an organization that fostered a culture of abuse—guided by their moral responsibility and deterrence of being complicit in unethical

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<sup>118</sup> Ibid.,

<sup>119</sup> Small, "Pace Gallery's Longtime President Is Taking an Indefinite Leave of Absence Following Misconduct Allegations."

<sup>120</sup> Ibid.,

<sup>121</sup> Ibid.,

<sup>122</sup> Ibid.,

industry practices. When individuals decide to sever relationships based on abusive practices, it amplifies the need for structural change that organizations should address.

The Instagram account @cancelartgalleries, alongside multiple accounts, are spearheading the movement by exposing unacceptable industry practices at numerous organizations. @cancelartgalleries garnered over 12.4k followers; the vast following indicates a critical issue that needs to be addressed and remedied. Another mega-gallery that has been under scrutiny on @cancelartgalleries is Hauser & Wirth, in which many allegations reflect on the industry's tacit understanding. Tacit knowledge involves the unspoken rules of how things are done in a specific setting, in which it develops from "the irrational, ceremonial and maneuvering nature of organizational life."<sup>123</sup> The allegation indicated that most individuals who work at Hauser & Wirth were initially interns or previously worked at other galleries. In turn, they lack awareness of how a functional workplace looks like.<sup>124</sup> Many of the allegations posted on @cancelartgalleries demonstrate a pattern of the industry's tacit understanding that abusive and manipulative behaviors are rewarded and encouraged. The individual's moral agency is a relational affair in an organization or an industry rather than an isolated set of perceptions or beliefs.<sup>125</sup> In other words, stakeholders adopt behaviors that are normalized and considered to be an industry standard.

Structural change is critical; holding abusers accountable and focusing on rebuilding the culture will end toxic cycles. The allegations criticized rampant issues of hierarchy and classicism in the gallery system. Many are directed towards Christina Cary, who started as an intern and worked her way to an Associate Director at Hauser & Wirth. During the various roles

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<sup>123</sup> Painter-Morland, "Redefining Accountability as Relational Responsiveness," 5.

<sup>124</sup> cancel the damn galleries, "Hauser & Wirth Workplace Environment."

<sup>125</sup> Painter-Morland, "Redefining Accountability as Relational Responsiveness," 2.

she occupied at the gallery, she was verbally abusive towards interns; she would call them nicknames and bully those who identified as queers for the way they dressed.<sup>126</sup> Further, the complaints made their way to the Operations Director at the time, yet Cary only got promoted. Another account details that she is one of IBM's former CEOs, Frank T. Cary's grandchildren, alluding to her family's social and financial status as a prerequisite to promotion in the industry.<sup>127 128</sup> There are over twenty posts dedicated to Hauser & Wirth's problematic internal affairs. Yet the gallery has neither responded to any of the allegations nor issued a statement affirming or denying the allegations. Lastly, an anonymous individual mentioned that @cancelartgalleries would not receive many of the labor abuse stories at Hauser & Wirth since the staff signed an "Iron Maiden" NDA.<sup>129 130</sup> The former employee consulted an attorney that was not encouraging legal action due to the strength of the NDA and Hauser and Wirth's financial ability to pursue legal action.<sup>131</sup> This is a critical issue when organizations fail to implement accountability measures to promote a healthy work environment. Instead, they have employees sign strict NDAs upon hire to restrict their ability to seek and demand justice. Suppose organizations are confident in their ethical practices, they will limit NDAs to confidential material that pertains to their success and clients, rather than controlling their employees from voicing their concerns.

Lastly, another positive outcome of call-out culture took place in the last quarter of 2020. @jerrygogonian on Instagram, a famous art world meme account with 85.9k followers, started anonymously, but the identity has been exposed in early 2020 to be Hilde Lyn Helphenstein.

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<sup>126</sup> cancel the damn galleries, "Allegations towards Cristina Cary 3."

<sup>127</sup> cancel the damn galleries, "Allegations towards Cristina Cary 1."

<sup>128</sup> cancel the damn galleries, "Allegations towards Cristina Cary 2."

<sup>129</sup> cancel the damn galleries, "Hauser & Wirth NDA 1."

<sup>130</sup> cancel the damn galleries, "Hauser & Wirth NDA 2."

<sup>131</sup> Ibid.,

Helphenstein's vision to tell complex art world stories from her experience as a former gallerist in L.A. into a much simpler form, a meme.<sup>132</sup> In October 2020, Helphenstein posted on her feed and stories seeking accounts of women sexually harassed and abused by, now a former director, Sam Orlofsky.<sup>133</sup> Helphenstein's post encouraged survivors to come forth, even if they signed an NDA during their term at Gagosian, indicating that allegations regarding sexual harassment or sexual assault are not breaching the NDA because recent statutes emerged as a result of the #metoo movement.<sup>134</sup> @jerrygogosian's approach was different from @cancelartgalleries. The former did not post the stories publicly; instead, she sought affirmative action by encouraging survivors to share their incidents of sexual harassment committed by Orlofsky to seek justice. Gagosian proactively sought outside counsel to lead the investigation against Orlofsky's misconduct, which resulted in his termination.<sup>135</sup> This prompted Larry Gagosian to write letters for the staff condemning sexual misconduct and encouraged staff to express their concerns when egregious behavior occurs.<sup>136</sup> Gagosian is arguably the world's top art dealer, by actively responding to unacceptable behavior regardless of his employee's influential status, it reflects positively on the gallery and an attempt to inspire change in the industry.

While the notion of justice served by social media in actively punishing those who have done harm is appealing, however, it should not end there. Organizations should proactively collaborate with call-out culture regarding ethical and non-acceptable behavior; it sets precedence within the rest of the ecosystem. The question remains in how those institutions seek

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<sup>132</sup> Art in America, "Memeing the Art World, Part 1."

<sup>133</sup> Kinsella, "'Gagosian Fires a Top Director Following an Investigation Into Allegations of 'Unacceptable and Repugnant' Behavior.'"

<sup>134</sup> Gogosian, "Have you ever been verbally or sexually abused...?"

<sup>135</sup> Kinsella, "'Gagosian Fires a Top Director Following an Investigation Into Allegations of 'Unacceptable and Repugnant' Behavior.'"

<sup>136</sup> Ibid.,

to repair the damages, for example, the employees who were affected by said abuse.

Additionally, what is the action plan to prevent future abuse from happening, and what steps the organization can adopt to promote moral responsibility in the workplace? Organizations must seek to dismantle toxic hierarchical environments and focus on empowering the stakeholder in reaching their potential. Lastly, it is encouraged for institutions to focus on reparations to heal whoever was affected because of a toxic work environment. On the one hand, accountability seeks justice with structural change; on the other hand, relational accountability aims to prevent toxic behavior in an organization. In other words, it remedies the issue at its core to provide room for an ethical and empowering culture.

### **c. Racial Capitalism in art dealing and collecting**

The artworld is not synonymous with equity and inclusiveness. When art institutions published statements on Instagram of commitment to diversity and equity in Summer 2020 to respond to Black Lives Matter protests, they received significant backlash by users for issuing blanket statements. The issue with diversity statements became a desired sociological condition to feed our hunger to witness institutions, increasing the number of employees of color on their payroll.<sup>137</sup> "Once, diversity was a means to an end, but it became an end of itself."<sup>138</sup> The notion of diversity is problematic at its core since it is deemed as a prized status, in which White institutions seek to fulfill the primary requisites of diversity, for example, by increasing the number of artworks by Black, Indigenous, and People of Color (BIPOC) artists in an institution or private collections.<sup>139</sup> Leong refers to these actions as the "thin" version of diversity as it only improves the superficial appearance of diversity by drawing attention to numbers and

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<sup>137</sup> Leong, "Racial Capitalism," 2169.

<sup>138</sup> Ibid.,

<sup>139</sup> Ibid.,

appearances without structural change.<sup>140</sup> It is encouraged that individuals and institutions to focus on long-term initiatives of diversity, coined as the "thick" diversity model. Leong argues that the "thick" model is not an end in itself. However, it acts as a prerequisite to "cross-racial interaction, which fosters inclusivity and improves cross-racial relationships, thereby benefitting institutions and individuals of all races."<sup>141</sup> The "thick" diversity model encourages structural change within individuals and organizations, rather than superficial change, which is more harmful as it does not address racism.

Lehmann Maupin Gallery has been amongst those scrutinized in cases of verbal abuse and racial capitalism. Racial capitalism is defined as "the process of deriving social or economic value from another person's racial identity. A person of any race might engage in racial capitalism, as might an institution dominated by any racial group."<sup>142</sup> Racial capitalism issues are conspicuous in the art world, from increased collecting practices of racially diverse artists to galleries suddenly signing up BIPOC artists. Numerous of Lehmann Maupin's former staff indicated to David Maupin's racist remarks in meetings. Whenever the gallery held meetings to consider adding artists to their programming in which the directors pitched emerging BIPOC artists from the Lower East Side galleries, David responded that he did not want the roster to turn into a "ghetto."<sup>143 144 145</sup> Even though about half of the artists on Lehmann Maupin's roster are BIPOC, one questions the allegations' nature versus the gallery's motive. Note that one of the allegations indicated to one of those incidences occurred after the gallery held exhibitions for

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<sup>140</sup> Ibid.,

<sup>141</sup> Ibid.,

<sup>142</sup> Ibid., 2153

<sup>143</sup> cancel the damn galleries, "David Maupin 1."

<sup>144</sup> cancel the damn galleries, "David Maupin 2."

<sup>145</sup> cancel the damn galleries, "David Maupin 3."

Nicholas Hlobo and Wangechi Mutu.<sup>146</sup> Mutu had one exhibition with the gallery in 2017. Hlobo had four exhibitions between 2016 and 2019; the allegation of Maupin's racist remarks seems to have taken place between 2016 and 2018, which is relatively recent. Does the gallery primarily believe in their artists and their vision, or are they interested in hopping on trends to satisfy a demanding collector base for emerging and mid-career BIPOC artists? When BIPOC artists become "collectible," it denotes the economic value assigned to BIPOC by influential figures in the art world who predominantly are White. Which affirms the current state of racial inequality as the value of nonwhiteness is determined by how BIPOC artists will be economically beneficial for White institutions.

**d. Market Trends in flipping Black Artists' works and Capitalizing on Artist Tragedies**

Matthew Wong, a self-taught Canadian artist who committed suicide in late 2019, has been a market sensation since his passing. Wong's works have been highly sought after in 2020 since collectors are regularly consigning works to auctions. It is undeniable that part of the frenzy to collect Wong's artworks is due to its raw and powerful imagery, once described by Roberta Smith to be a "visceral experience" and "deeply nourishing."<sup>147</sup> Coupled with his talent and market speculation, twenty-four works sold in auction in 2020 with a total sale of \$20,989,330,<sup>148</sup> with an average price of work is \$874,555. *Untitled*, 2013, was the earliest work to go on auction at Sotheby's New York on May 14, 2020, just seven months after Wong's tragic death.<sup>149</sup> The work was estimated between \$10,000 - \$15,000 and achieved \$62,000, four times

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<sup>146</sup> "Artists," Lehmann Maupin

<sup>147</sup> Smith, "A Final Rhapsody in Blue From Matthew Wong."

<sup>148</sup> "Decision Support Tools for Matthew Wong."

<sup>149</sup> artnet Price Database Fine Art and Design, "Matthew Wong."

its high estimate.<sup>150</sup> It is distasteful for an artist's work to be traded mostly following their tragic death. While it signifies the artist's talent, it also shows moral disregard to an artist who suffered from depression, which is likely the cause for his suicide. Even though the market is driven by speculation and a significant portion of artworks are traded as unique commodities for profit. However, it is crucial to be critical of practices that capitalize on an artist's tragedy.

Wong's short-lived – eighteen months career resulted in a minimal supply of his artwork that also contributed to his work's rarity. As discussed in Chapter one, rarity is a primary driver in exponentially increasing the values of art. The statistics mentioned above only reflect the public secondary market; there is a high possibility of more works by Wong were sold privately to avoid public scrutiny. These statistics depict that the market is primarily driven by profits more than promoting artistic expression. Numerous market stakeholders from dealers, collectors, and auction house specialists are complicit in perpetuating distasteful market mechanics by capitalizing over artists' tragedies, such as Matthew Wong. There is a lack of moral responsibility for such business practices. Ideally, instead of holding the stakeholders accountable in such instances as it does not remedy the issue. Still, it could be the beginning of implementing criticism on unethical practices. It is encouraged to promote critical thinking in performing business through an ethical lens of moral responsibility towards the artist's welfare rather than solely focused on self-interest with disregard to the negative consequences it implies to the market. Auction houses and many high-profile collectors do have the power to enact change. For example, Sotheby's and Christie's held dozens of charity auctions throughout 2020 in which the proceeds were directed towards certain reliefs. It is not implied that auction houses lead constant non-profit business practices. However, leaders are encouraged to implement and

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<sup>150</sup> Ibid.,

encourage ethical business practices within public and private sales to set precedence for dealers and collectors to follow suit.

Throughout the last decade, many public and private institutions were scrutinized for the lack of BIPOC artists in their collections. Which, in turn, led said institutions to recontextualize their collections. When artists' works become part of prestigious public collections, it positively reflects the artist's career. In turn, collectors and market speculators who purchased pieces early on by these artists have an incentive to profit in the secondary market. Numerous BIPOC artists have suddenly been subject to the market's attention, from Blue Chip Galleries to Collectors and Museums, which drove the transactions of artworks by said artists to achieve record prices on the secondary market. While the record prices are a celebration for the rising artist, it can damage their career. If the artist is young to the primary market with less than ten years of exhibitions and selling artworks, it is not recommended for their works to go on auction. Since the auction prices are out of anyone's control, in either case of achieving record-shattering prices or if the work is not sold can pose much harm to the artist's market. Young artists' record prices at auction are unsustainable for their market. It leads to a huge price disparity between the primary and secondary markets, especially if they have not been established in the primary market for a couple of years. The debate between many dealers and collectors on whether art flipping serves the artist's best interest continues. On the one hand, Nate Freeman, Senior Art Business Reporter at artnet, argues that in the last three years, sales of artists Njideka Akunyili Crosby, Lynette Yiadom-Boakye, Henry Taylor, and Tschabalala Self, to have skyrocketed.<sup>151</sup>

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<sup>151</sup> Freeman, ““The Swift, Cruel, Incredible Rise of Amoako Bofo: How Feverish Selling and Infighting Built the Buzziest Artist of 2020.”

In less than twenty-four months in which works left the artists' studios, they achieved record prices as high as seven figures at auction.<sup>152</sup> It creates uncomfortable attention on the artist, to make more of the same work to satisfy demand rather than focus on working with scholars to help them achieve a legacy.<sup>153</sup> Also, the Director of Levin Art Group, Todd Levin, argues, "When some collectors who bought this work for significantly lower prices see these kinds of results, they can be tempted to sell, flooding the market, and that can create downward pressure on prices."<sup>154</sup> However, auction house specialists are usually cognizant of not flooding the market with the same artist because the market can be unpredictable, though making headlines and increasing profits is tempting. On the other hand, dealer-flipper, Simchowitz argues that speculation is healthy to the market as it brings awareness and pivots the artist's career,<sup>155</sup> which is a valid argument by Simchowitz as will be discussed in Amoako Bofo's case in the following section. There are many nuances to such dealings that, if done responsibly, can be rewarding to all the stakeholders rather than serving in the collector's self-interest of capitalizing on the artist's racial identity, and in turn, inflicting lasting damage to the artist's career.

"It's all of these wealthy white collectors who are making huge money off of African artists during Black Lives Matter. These people must not care about Black lives at all." Bennett Roberts<sup>156</sup>

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<sup>152</sup> Ibid.,

<sup>153</sup> Ibid.,

<sup>154</sup> Shaw, "“Flippers’ Say Art Dealers Need Them More Than They Think.”

<sup>155</sup> Ibid.,

<sup>156</sup> Freeman, "“The Swift, Cruel, Incredible Rise of Amoako Bofo: How Feverish Selling and Infighting Built the Buzziest Artist of 2020.”

Over the last decade, the secondary market slowly featured works by BIPOC artists. Still, the year 2020 has been a game-changer throughout the auction cycles that occurred before and after BLM movements. Spearheading the sales is Amoako Bofo, a Ghanaian artist who rose swiftly through the ranks in a little over a year. He was struggling to sell works for \$100 to support his family. Whose current primary market prices are around \$100,000.<sup>157</sup> Bofo's debut was in Art Basel Miami Beach and a solo exhibition at the Rubell foundation.<sup>158</sup> Kehinde Wiley was instrumental in Bofo's career after getting ahold of his Instagram and purchasing one of his works.<sup>159</sup> He tipped off four of his dealers in Europe and the United States and noted that Bofo is a great new figurative artist,<sup>160</sup> which prompted Bennett Roberts to schedule a solo exhibition for Bofo, which sold out in less than two days in 2018.<sup>161</sup> Bofo's story is a perfect example of Instagram's power in changing an artist's career overnight.

In 2019, one of the deals presented to Bofo, jointly by Larner of JKL worldwide and the Jose Mugarabi, in exchange for \$1 million, Bofo would supply a total of fifty paintings in 40 x 40 inches portraits of Africans and Black Americans in a similar style to Warhol's society portraits.<sup>162</sup> It is worth noting that Mugarabi owns the world's most extensive collection of works by Andy Warhol, estimated at around 800 pieces;<sup>163</sup> Thompson demonstrates that individuals of significant wealth can greatly influence prices in the art market.<sup>164</sup> Mugarabi's vast collection of Andy Warhol leverages their control of the artist's market value. By seeking twenty-five large

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<sup>157</sup> Ibid.,

<sup>158</sup> Ibid.,

<sup>159</sup> Ibid.,

<sup>160</sup> Ibid.,

<sup>161</sup> Ibid.,

<sup>162</sup> Ibid.,

<sup>163</sup> Thompson, *The Supermodel and the Brillo Box: Back Stories and Peculiar Economics from the World of Contemporary*, 62.

<sup>164</sup> Ibid.,

scale works by a young artist, who paints in a lucrative subject matter, indicates Mugarbi and Larner's awareness of capital opportunity in art by Black people. "I think it was another huge manipulation—a way to get a bunch of works to own so they can make more money," speculated Roberts.<sup>165</sup>

The works of young artists attract many flippers, the common term for short-term collectors that purchase works from the primary market, and within months they offer it in an auction to make a substantial profit. Amongst the notable dealer-flippers is Stefan Simchowitz, who consigned the first Boafo painting to Phillips London. By that time, the word on Boafo spread like wildfire in the art market, having a sold-out booth at Art Basel Miami and a residency at the influential Rubell's museum.<sup>166</sup> Phillips London offered the Lemon Bathing Suit for February 13, 2020 sale, in which it achieved \$880,971 against an estimate of \$39,000 to \$65,000.<sup>167</sup> Simchowitz purchased the painting from Deitch for \$22,500, and in a matter of months, he made a 3,815% return.<sup>168</sup>

Following the footsteps of Simchowitz, the auction market was flooded with thirty-two more works by Boafo with a turnover value of \$6,620,285 million.<sup>169</sup> It is important to note that specialists at auction houses practice a tremendous power in the art business. Thus, they must practice moral responsibility when curating sales and brokering private deals involving young artists. Boafo is one of a handful of Black artists who gained unsurpassed fame in the art market. Moreover, dealers rush to sign on diverse talent to their program; dealers must do so with the

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<sup>165</sup> Freeman, ““The Swift, Cruel, Incredible Rise of Amoako Boafo: How Feverish Selling and Infighting Built the Buzziest Artist of 2020.”

<sup>166</sup> Ibid.,

<sup>167</sup> artnet Price Database Fine Art and Design, “Amoako Boafo.”

<sup>168</sup> Freeman, ““The Swift, Cruel, Incredible Rise of Amoako Boafo: How Feverish Selling and Infighting Built the Buzziest Artist of 2020.”

<sup>169</sup> “Decision Support Tools for AMOAKO BOAFO.”

mindset of empowering racial discourse and integration rather than promoting market speculation based on racial identity. The following examples of other Black artists whose works on the secondary market reflect a high degree of volatility due to increased speculation on Black artists' work

Titus Kaphar started to appear on the auction market in 2013 with singular works in 2013, 2015, and 2017, two in 2018, three in 2019, and nine-teen works in 2020.<sup>170</sup> Turnover in 2020 is \$4,671,865, in which the average price of work sold in is \$245,887 compared to the singular works sold between 2013 to 2017, in which the highest is \$32,000, the lowest is \$4,500.<sup>171</sup> The average price of Kaphar's work on the auction market between 2013 to 2017 is \$5,500. Thus, a price increase of 4370.67%.<sup>172</sup>

Njideka Akunyili Crosby, her work started appearing on the market in 2016, in which two works were sold for a total of \$975,000 with an average of \$487,500 per lot.<sup>173</sup> Her work witnessed a rapid increase in 2017 when eight works appeared at auction for a total of \$7,897,820, with an average of \$987,227, an increase of 1.25% per lot.<sup>174</sup> In 2018, only five lots sold for a total of \$5,985,178, with an average of \$1,197,035, an increase of 17.53% from the previous year.<sup>175</sup> Lastly, in 2020, two lots, \$49,000, an average of \$24,500, a decrease of 97.95%.<sup>176</sup>

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<sup>170</sup> “Decision Support Tools for TITUS KAPHAR.”

<sup>171</sup> *Ibid.*,

<sup>172</sup> *Ibid.*,

<sup>173</sup> “Decision Support Tools for NJIDEKA AKUNYILI CROSBY.”

<sup>174</sup> *Ibid.*,

<sup>175</sup> *Ibid.*,

<sup>176</sup> *Ibid.*,

Toyin Ojih Odutula, in which two lots sold at auction in 2018 for a total of \$76,179, an average of \$37,000, per lot.<sup>177</sup> In 2019, eight works were sold for \$1,008,475, with an average of \$126,059 per lot, an increase of 240.7%.<sup>178</sup> Moreover, seven sold lots in 2020 for a total of \$406,800 with an average of \$58,114 and a decrease of 53.9% per lot.<sup>179</sup>

These figures and statistics are strictly from the secondary public market, indicating the high degree of market volatility for these young artists. As discussed earlier, it puts immense pressure on their career due to the extreme price disparity between the primary and secondary markets. It could affect their longevity in the market due to the heightened demand for their works. These figures indicate the profit that a handful of individuals are emphasizing the value on these artists because of their racial identity more so than their talent.

Accountability is seldom amongst art world stakeholders, especially those who are in power. Which illustrates the need and rise of call-out on social media as it gives a certain degree of power to the majority in voicing their concerns regarding predatory and unethical business practices. Additionally, it constructively critiques the blanket statements produced by individuals and institutions who do not publish an action plan on their commitment to equity, diversity, and inclusivity. The art market needs significant structural change that will only emerge when accountability is proactively practiced; eventually, it will challenge the self-serving industry norms and result in a relational, moral responsibility.

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<sup>177</sup> “Decision Support Tools for TOYIN OJIH ODUTULA.”

<sup>178</sup> Ibid.,

<sup>179</sup> Ibid.,

## VII. CONCLUSION

"The art market as a whole needs more diversity – historians, specialists, critics, dealers, as well as artists. That there's not a single Black specialist at any of the major US auction houses is staggering." Shlomi Rabi<sup>180</sup>

Shlomi Rabi, former Christie's vice president, is one of the few art market leaders who envision and practice a new reality for the art market. By starting his new auction house, Greenhouse Auctions, Rabi is focused on working with small and mid-sized galleries and artists.<sup>181</sup> Greenhouse's mission is to nurture relationships between galleries, artists, and collectors. The auction house aids the galleries and artists in selling inventories by reaching a global network of collectors.<sup>182</sup> Since Greenhouse Auctions is focused on the well-being of artists' careers, they will only publish estimates but no sold prices to protect the artists from having a “burned” artwork, as is the case in public auctions.<sup>183</sup>

As a veteran of the art market with over twenty years of experience, Rabi seeks to establish a new business model that builds and empowers community rather than vanity.<sup>184</sup> Additionally, the auction house does not charge the seller's fee if the work is unsold. However, if the work is sold, the seller keeps 95% of the hammer price. The 5% is donated to the Thurgood Marshall College Fund, which provides scholarships for students in art history programs at numerous historically Black colleges and universities across the U.S.<sup>185</sup> Since the art industry is notorious for hierarchy and classicism, it operated as a barrier of entry to many individuals from

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<sup>180</sup> Carrigan, “A New Online Auction House Wants to Reduce Speculation on Emerging Artists' Markets.”

<sup>181</sup> Ibid.,

<sup>182</sup> Ibid.,

<sup>183</sup> Ibid.,

<sup>184</sup> Ibid.,

<sup>185</sup> Ibid.,

underprivileged communities. Rabi's mission demonstrates his moral responsibility towards disadvantaged communities by implementing change to promote their visibility and presence in all art market sectors.

Another market sensation is seeking a new level of community engagement and structural change by empowering creatives and professionals of color in the art industry. Titus Kaphar's non-profit art center, NXTHVN, provides paid and apprenticeship programs to high school students from New Haven. The apprenticeship programs allow the students to shadow the fellows for an in-depth learning experience about the artist's practice to explore future jobs in the art industry.<sup>186</sup> When Gagosian signed up Kaphar to their program, they were inspired by his passion. They became interested in the idea of giving back to the community and sharing the gallery's expertise with the fellows and apprentices.<sup>187</sup> The gallery is committed to educating the artists about the various logistics for an art exhibition and handling social media branding.<sup>188</sup> Also, introducing the apprentices to the multiple roles within a gallery.<sup>189</sup> Besides sharing expertise, Gagosian is to back the initiative financially since Kaphar and his team are interested in having multiple non-profit centers across the U.S.<sup>190</sup> The collaboration of the influential artist Titus Kaphar with the world's most powerful dealer in helping rebalance the scales of the art industry. This collaboration is critical in highlighting the art industry's challenges on underprivileged communities and working towards an action plan to rebuild with a mindset of inclusivity.

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<sup>186</sup> Freeman, ““It's Not a Side Project, It's Part of My Practice': Titus Kaphar Is Expanding His New Haven Nonprofit-With a Big Boost From Gagosian.”

<sup>187</sup> Ibid.,

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<sup>189</sup> Ibid.,

<sup>190</sup> Ibid.,

Another inspiring initiative that took place in 2020 is a collaboration between gallerist Destinee Ross-Sutton and Christie's, in which Christie's hosted an online selling exhibition "Say It Loud (I'm Black and Proud)."<sup>191</sup> The exhibition featured works by emerging and mid-career Black artists with prices ranging from \$475 to \$43,000.<sup>192</sup> Part of Christie's new initiatives of Corporate Social Responsibility to amplify artists' voices. The sale's mission was to promote further young artists' careers who receive 100% of the sale proceeds.<sup>193</sup> Alongside Ross-Sutton, Christie's Junior Specialist, Celine Cunha, structured limitations on collectors by signing a contract preventing them from reselling the work at auction for at least five years, and eventually, if they sell the work, the artist receives 15% of the profit.<sup>194</sup> Artist's resale royalty is long overdue in the art market. Ross-Sutton witnessed market speculators and flippers buying works from artists at a low price, only to end up flipping it for a profit and thus leaving the artist exposed to the dangers of the secondary market. Suppose art market regulation is to be implemented. In that case, artist resale royalties should be a primary condition, and it would give the artist a certain degree of protecting their market from flippers. Also, they benefit directly from the increasing prices of their works, mainly when they sell for high six figures and seven figures.

The examples mentioned above provide varying degrees of ethical art market responsibility by multiple market leaders. When influential individuals and institutions engage in community responsibility, they should focus on simultaneously building from within the institution and the outside. Additionally, the art world would benefit from an Ethics Committee

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<sup>191</sup> Kinsella, "Speculation on Black Artists Has Gotten So Intense That for Christie's Latest Sale, Its Curator Is Asking Buyers to Sign a Special Contract."

<sup>192</sup> Ibid.,

<sup>193</sup> Ibid.,

<sup>194</sup> Ibid.,

highlighting numerous ethical issues in the industry as they arise but work collaboratively with the stakeholders on solutions and preventative methods., The Ethics Committee could structure certifications in which art world stakeholders would adhere to the rules and guidelines and implement them in their personal and professional lives. The Ethics Committee's job and certification should not solely hold individuals accountable but to promote relational accountability by encouraging individual critical stance on moral responsibility through their actions. Lastly, to challenge the tacit norms of the industry that are otherwise destructive.

## VIII. ILLUSTRATIONS



Fig. 1. Pablo Picasso, *Minotaur Raping a Woman*. 1933, printed 1961, Drypoint, 11 3/4 x 14 3/8 inches. © 2020 Estate of Pablo Picasso. Courtesy of The Met. <https://www.metmuseum.org/art/collection/search/369826> (accessed January 15, 2021).



Fig. 2. Pablo Picasso, *The Minotaur*. 1933, Lithograph, 21 1/2 x 17 1/2 inches. © 2020 Estate of Pablo Picasso. Courtesy of The Art Institute of Chicago. [http://www.artic.edu/aic/collections/citi/images/standard/WebLarge/WebImg\\_000274/182289\\_3267768.jpg](http://www.artic.edu/aic/collections/citi/images/standard/WebLarge/WebImg_000274/182289_3267768.jpg) (accessed January 17, 2021)\*

\*During the finalization of this paper, the website of the Art Institute of Chicago was down. Thus, the work dimensions were derived from another edition of the same print that is on sale.

<https://www.chairish.com/product/2707195/pablo-picasso-the-minotaur-signed-vintage-original-lithograph>



Fig. 3. Pablo Picasso, *Large Nude on a Red Armchair*, 1929. Oil on canvas. 195 x 129 cm. © RMN-Grand Palais (Musée national Picasso-Paris)/Mathieu Rabeau. © Sucesión Pablo Picasso, VEGAP, Madrid, 2019. Courtesy of Museo Picasso Malaga. <https://www.museopicassomalaga.org/en/large-nude-red-armchair> (accessed January 16, 2021)



Fig. 4. Pablo Picasso, *Femme Assise*, 1929. Oil on canvas. 35 7/8 x 28 3/4 inches. Courtesy of Sotheby's. <https://www.sothebys.com/en/buy/auction/2020/impressionist-modern-art-evening-sale/pablo-picasso-femme-assise> (accessed January 16, 2021)

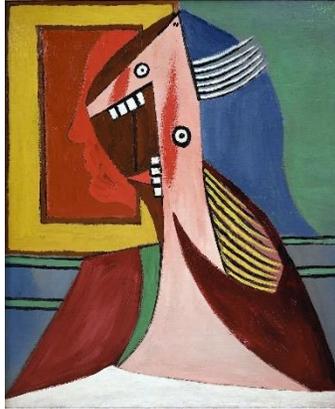


Fig. 5. Pablo Picasso, *Buste De Femme Et Autoportrait*, 1929. Oil on canvas. 71 x 60.5 cm. © 2020 Estate of Pablo Picasso. Courtesy of Sotheby's. <https://www.sothebys.com/en/buy/auction/2020/impressionist-modern-art-evening-sale/pablo-picasso-femme-assise>



Fig. 6. Pablo Picasso, *Femme Lisant*, 1920. Oil on canvas. 100 x 81.2 cm. © Estate of Pablo Picasso. Courtesy of Musee de Grenoble. [http://www.museedegrenoble.fr/981-art-moderne.htm?TPL\\_CODE=TPL\\_OEUVRE&PAR\\_TPL\\_IDENTIFIANT=57&UTB\\_RESET=1](http://www.museedegrenoble.fr/981-art-moderne.htm?TPL_CODE=TPL_OEUVRE&PAR_TPL_IDENTIFIANT=57&UTB_RESET=1) (accessed January 16, 2021)



Fig. 7. Pablo Picasso, *Olga Pensive*, 1923. Oil on canvas. 105 x 74 cm. © Estate of Pablo Picasso. Courtesy of Musee Picasso Paris. [https://preprod.museepicassoparis.fr/fr/collection-en-ligne#/artwork/16000000002058?filters=query%3Aolga%20pensive&page=1&layout=grid&sort=by\\_author](https://preprod.museepicassoparis.fr/fr/collection-en-ligne#/artwork/16000000002058?filters=query%3Aolga%20pensive&page=1&layout=grid&sort=by_author) (accessed January 16, 2021)



Fig. 8. Pablo Picasso, *Mere et enfant au bord de la mer*, 1921. Oil on canvas. 142.9 x 172.7 cm. © Estate of Pablo Picasso. Courtesy of The Art Institute of Chicago. <https://hyperallergic.com/377326/in-search-of-olga-picassos-first-wife-and-muse/> (accessed January 16, 2021)

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