

# Aesthetic Investigations

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## Reanimation and Copyright. Rob Scholte's Work. Part II.

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**Abstract:** A viable way to defend the rights of later picture makers to use and change the works of their predecessors is by reference to the artistic merit of the later works. Rob Scholte intentionally infringes on copyright law by making new works, and it is the artistic merit of his work that should give him that liberty.

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### I. PERCEPTION AND DEPICTION

We need our perception to find our way in the world around us. We walk inside the images there; the images of perception are processes—not snapshots. Nor are they merely visual. What we see is something we have often already *heard* coming, and whatever we touch we will already have an idea of how it will feel, based on how it looks. We experience the images of perception from their insides. As a consequence, we do not give due attention to the images that they are, and forget about them once we have done our thing in them. Who remembers what the world looked like when they got out onto the street this morning? Situations that we find ourselves in are images and this seems quite obvious.<sup>1</sup> Yet, we do not normally acknowledge this fact. Of course, we don't. Why would we? It is evident that whenever something happens an image of it comes along.

People turn the images of perception into fixed images, by making photos of almost anything. The world is filled with these pictures, as well, not just with the images of perception. Rob Scholte, with a clear sense of humour, presents images that we mostly do not realise noticing. Images that slip

through our fingers permanently. What Scholte does can best be understood as reanimating images. He does not depict, i.e. capture or take them, as a photographer does.

A perception is a process. For instance, when passing a tree we see it and we hear it. We see how high it rises. We see its colours, its form. Perhaps we touch its bark. We see the leaves move in the wind. From the vehemence of their movements we see how hard the wind blows—as we already heard and felt. Writing things down explicitly like this turns perception into a sequence of separate events, which it isn't. Perception is a dynamic process, consisting in the whole of the world that surrounds us, delivered through all of our senses and our imagination. Perception, also, is a *thick* process, which means that whatever happens in it may have a consequence for our actions. When we see a cat being run over we will normally feel sorry. We are morally engaged in the world of our perceptions. Not only do we perceive it through all of our senses—and our imagination<sup>2</sup>—we also perceive it as the embodied persons, moral agents, that we are. From a photograph of the tree, little of this agential, and often also moral entanglement would show. A photograph is *thin*.

The image in a photo is exclusively visual. The image of perception, in contrast, consists of elements available to all of our senses, as well as memories and anticipations thereof. The full dynamics of perception is replaced in a photograph by a two-dimensional flat and still visual surface. Looking at a photograph, you don't feel the urge to respond—because it is, simply, impossible to do so. The point is: events form images. Perception is a coherent whole of images.<sup>3</sup>

We make the images of perception all by ourselves, it seems, just by moving about. Yet they also form a continuum: each one image transmogrifies into the next. When you watch the tree and then the cat, you also see the images in between. We change the images of perception by moving our bodies. Moreover, what is in our perceptions moves, as well. All this from the inside of the images.

Nothing in our perception decides where one image stops and the next begins. Not even the spectator. You can really only delimit perception by depiction; by making a photo of the tree and then one of the cat. A photograph provides a subdued image, reducing the dynamics of real perception. Of course, more can be said about photography, but I'm interested here in the difference between thick and thin images. What we perceive around us is connected to us seeing it. Someone who sees you while you are watching the street may be standing next to you—together, you may watch something. The world of perception is filled with meanings—for you, as much as for the others. A picture removes that dynamic, as well.

In the first part of this article, I mentioned copyright as a central theme in Rob Scholte's work. When we see the copyright sign we know what that means: apparently, something is protected by law. You may not copy it. Rob shows in many of his works that he views copyright as a problem. He



and how he makes us see it, too; about the core of his artistry. I'm not so much interested in his societal criticism or his art historical considerations; nor about the fact that Rob shows images that the art world looks down upon, like embroidery; but about the fact that he reanimates their soul—as well as ours. He makes us present again—to meaning.

## II. THICK IMAGES, THIN PICTURES, THICK ART

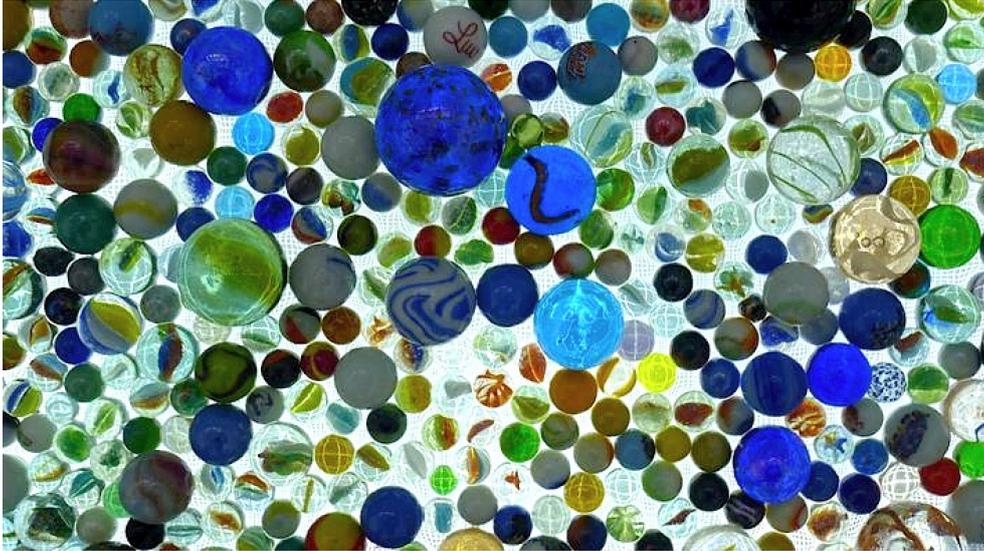
A perception in the presence of the perceived is a thick perception. One can do things with the things and persons that one perceives: simple or complicated things, like touching them tenderly or aggressively, addressing them angrily, look at them longingly, etc. If we do these things while watching a photograph of the other they would stop short at the surface of the picture. The perception of a photograph is thin. I think that art practice, generally, is concerned with the thinness of pictures and that artists are devoted to making images thick again.<sup>5</sup>

A de-piction normally fixates and overpowers the way we perceive the model's original image. A painting, in contrast, may add something to that image, and the way it does this differs from how a photograph, rather, subtracts from the model. A photo decontextualises, it cuts off the context of an event but retains its reality—in its visual aspect. A painting, rather, presents a new, thick image.<sup>6</sup>

Something special happens when we perceive an image of perception: we take care of the image, retain its meaning, keep it alive. Spectators should be watching voluntarily, or at least have the idea that they do so. If they are forced, this will connect a measure of irritation, and disciplinary force, to the image. Watch duty irritates.<sup>7</sup> Photos also discipline their spectators—works of art liberate them.

An image can become outdated—from irrelevance. When this happens, we merely notice it on account of its redundancy or its inaccessibility—we are no longer animated by it. It doesn't work any more. An outdated image leaves us indifferent. Such images must be reanimated if they are to mean something again. Who better than artists to do this?

Artists should not only not be punished for reusing an image and bringing it to life again, they should be admired and rewarded for it—at least they should be appreciated. Jeff Koons reanimated a photograph by Art Rogers. Rogers should have been glad. In the final verdict, Rogers was handed the last copy of Koons' *German Shepherd puppies*. I can imagine a good reason for Rogers to be happy about that: Koons' sculpture had reanimated his—outdated, rather banal—photograph. I hope he sees in the sculpture a liveliness restored to his photograph. This aspect of copyright, too, Scholte is concerned with: the right of images, or pictures, to an interested audience. Think of his panels of matchbox labels, his marble panels, and so on (see figures 1 and 2).



**Figure 2:** Rob Scholte: Light your first currency.

### III. MARBLES, FELT PENS, TOTEM POLES

Marbles, felt pens, totem poles: seeing these words together reminds one of childhood. And rightly so. Marbles are glass balls with internal colour effects—or so we could describe them objectively. If you want to grasp the image of marbles, however, you will have to search your memory for the many hours spent playing with them with your friends and other opponents. There and then, you experienced the image in its full glory—the image of every single marble—the sound of them bumping into each other. The unimportant marbles, but also the most powerful, and valuable ones. The game wasn't just about winning or capturing the mightiest marbles, and elevating yourself above the others. It assumed the magic presence of each and every one of them. We did not even realise this at the time; that was how much we were engulfed in the process. It is quite a feat to reanimate that image, as Rob does in his marble light boxes.

I'm also thinking of Scholte's panels with matchbox labels. I used to collect these myself. Collecting, in a sense, is weird behaviour, even though for everyone—including the collector—it seems as though the end of the collecting, the completeness of the collection, is inherently reasonable (which it is not, I think). 'I don't have that one yet. Do you want to swap?' Meanwhile you are bathing in the reality that each of these images has in store for you—and in their type. Rob reanimates these images we all but forgot how much we cherished them.

Felt pens. I remember the first ones I got at Santa Clause, early morning december 6th of some year back when. Finally, I could do away with my pencils, and start using felt pens—which colour swifter and clearer. You could not erase them which was a disadvantage, but with coloured pencils



**Figure 3:** Rob Scholte: *Made in China*. 2004

this was difficult already. I felt slightly guilty for smuggling like this. Colour pencils have something more real, more authentic; they betray the flaws of the drawer—which was why I wasn't too fond of them. Felt pens were liberating simply because they were technology: expressionless, cold. Rob confronts me with two other images that I used to feed upon without realising it. I always went straight for the end result: drawing, forgetting those things in my hands. I also forgot, and again now regain this through Rob: these pens were packaged in transparent thick plastic sleeves.

Scholte shows that image in full glory: coloured pens and their caps (figure 3). I revisit the ancient challenge of finding a cap with each pen, to prevent it from drying out. Mostly, lazily, I failed to find the cap with the appropriate colour, which, later on, caused new problems when a pen did dry out and you would throw away the cap of another—still good—pen. Rob adds an extra image that I must've missed of necessity: with series of felt pens you can make nice colour combinations. I may have imagined that image, but I don't think I did; at least, it never sank in. Seeing Rob Scholte's felt pens,

one also realises how these images blend in with art history: with the colour experiments of the likes of Goethe, Itten, Kandinsky or Peter Struycken (and with rainbows). They are not naive images—no matter how vulnerable they are in their everyday smallness. This series is called *Made in China*, the political economic dimension is clear—as I said, this is not my subject matter.



**Figure 4:** Rob Scholte: Pots. 2008

Next, totem poles: magic piles whose grandeur has always seemed unfathomable to me. Totems and ritual dancing: an incomprehensible image for me, city dweller. But the objects that are piled into Rob's totem poles themselves are images too. The image of these totem poles consists of plant pots glued together into a new image, painted in colours that produce yet another image (figure 4). The magic is still too grandiose and out-of-place for me, I think, but the images are there and, also, include the surroundings of the exhibition: you look through them and see the people behind them; on the wall, you see the shadows of the lighting in the exhibition space. We too dance around these totems. Their meaning is site-specific.

#### IV. EMBROIDERY

Sometimes, artists who process other peoples' images reanimate these images. In all cases, though, they respectfully guard them. They do what spectators always already do. They keep their meanings alive. Thus, Rob Scholte, in *The Embroidery Show*, at Museum De Fundatie (Zwolle, 2016), shows images that others made by hand, stitch by stitch. Are these embroideries ready-mades? Marcel Duchamp chose his 'unassisted ready-mades' only when they were visually indifferent to him. Duchamp tried to find something without meaning—something clearly not an image (mark the paradox). Scholte is not after this, with the embroideries, I think. In fact, I think he never is. Duchamp ironised the status of works of art with his ready-mades: as if something is a work of art only because it is on a pedestal in a museum. Of course, Duchamp's works mean more than that, but I'm interested in the contrast now.

Rob Scholte doesn't care for meaninglessness. He is interested in the meanings of images and in who is in control of these. But one can see that Scholte's embroideries can be viewed against the background of the ready-mades too, because he too does not create works from nothing, but uses things that have already acquired meaning elsewhere, and—as in the case of Duchamp—this includes everyday objects. Other than Duchamp, though, Scholte clearly uses images that have meaning already, which meaning he presents afresh.



**Figure 5:** Rob Scholte: View of Amsterdam (Embroidery).

How does one normally appreciate a work of embroidery? We all know which people normally embroider: housewives mostly, of a certain age—and less and less of them, it seems. Embroidery is working from a recipe: you choose a design you like, select the proper yarn and start by making the first



**Figure 6:** Rob Scholte: Praying Hands (Embroidery).

stitch, then the next, and so on. This requires dedication, but not genius. It is as simple as ABC.

What is the embroiderer doing all these hours? She sets herself in an easy chair, puts her stuff handy, pours in a cup of tea. Then, admiringly, she scrutinises the picture that she chose—because she liked the painting so much. Yes, she is going to cooperate with the painter, putting a knot in her first thread and finishing that colour—she works on the front, where she sees the image occur slowly. When the thread is finished, she connects it with another one, at the backside, and so on. After approximately 10, 15 hours of embroidering her satisfaction grows and grows. Meanwhile, she ponders about her life, thinks about the kids that are about to return from school, about the woman next door and her alcoholic husband, about the nice grocer four doors away. I'm getting carried away.

A whole life accompanies the embroidery, but you can't see that from the result. What you see, is a cloth competing with a beautiful work of art, and, instinctively, you wonder where that pretension is based on. Embroidery is

kitsch, isn't it? In the embroidered *Street of Delft* after Vermeer's painting you cannot possibly discern Vermeer's subtle treatment of the paint on the original canvas. Creativity? Relief of the paint, precision, detail? The painter's individual style—which Han van Meegeren so masterfully forged? An art connoisseur will shrug his shoulders: there's nothing artistic to embroidery. None of that. The embroidery does not come near the original, it's not even a forgery, does not even violate its copyright.

And yet, like this, we fail to do justice to the image; to the many hours of dedication of all these women, and the little practice they participate in; to all these women who admire each other's work knowing who hides in it.

We require a Rob Scholte to actually get us to *see* that dedication. He noticed how these little works live on their backsides. There, you see how the threads move about randomly; there, you see the knots. On the back side, you see the image wrestling to come about. On the backside, you can imagine the hardship of image making—more than in the finished image displayed on the frontside. The back side does not expose or brusque the embroiderer; rather, it shows her loving dedication. And for the embroiderers themselves, the backside has always been an image, as well; they merely never showed it to the others.

Who then is the maker of these images? Let us ponder this question as if we enjoy the image that we are being shown, and gladly obey our duty to watch. Vermeer did not make the embroidery; the embroiderer did not make the image; Rob Scholte did not make the backside. The image is there and in Rob Scholte's embroidery it is managed and reanimated. Scholte confirms the watch duty side of copyright law, and he teaches us, as well, to appreciate our images. Honour to whom honour is due.

Rob Scholte does not make pictures, of things, people or events. He makes images, by reanimating existing ones—though sometimes he makes new ones, as well. A good artist tells *in his work* how it is that we should appreciate it. Rob Scholte is a good artist. He is not committed to a style. His style is a way of seeing. He sees images and, for us, brings them back to life.

## V. CONCLUSION

What I'm saying is this: copyright is legitimated aesthetically. And what this means is that another artist's work should be allowed to infringe on the copyright of an original artist's work if and only if the later work reanimates the original, and that includes reanimating it as something new.<sup>8</sup> I don't mean that copyright is *merely* an aesthetic matter. But, perhaps, judges and lawyers are not the right persons to decide whether a later, formally similar work successfully reanimates an original. To assess that, we need art criticism, but since when are art critics of one voice? My view here is that the debate among critics should be about the subjective properties of the relevant

works—whose subjectivity can be shared among people. Copyright infringement is not an open and shut case. It is at the heart of art practice.<sup>9</sup>

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### NOTES

1. So I do not mean the image to be exclusively visual. I merely concentrate on the visual aspect here because Scholte's works are in visual arts.
2. Imagination can be stipulated as the mental power responsible for holding the data of our so various senses together—the mental counterpart of proprioception.
3. Philosophers asked wrongly: Where then are those images of ours? Are they in our brains as mental representations? As Wittgenstein said: 'The concept of the "internal representation" is misleading, because it uses the concept of "*external* representation" as a model ...' Wittgenstein 1953, 196:d In our brains we don't find pictures, only brain processes—and only when we use specialised instruments. The images are there where we amass them, in reality. Cf. Gibson 1986, Noë 2005, 2006, and McDowell 1994, etc.
4. See figure 1, Gerwen 2016b, 309.
5. My view varies on Adorno's distinction between picture and image, see Adorno 1973.
6. The power of photography to prove that something has really taken place convinces us that photographs are important, but that does not remove the fact that they also inhibit the dynamics of that reality.
7. See Gerwen 2016b.
8. Nothing much is added by this latter phrase, though, since even downright appropriationism can be understood as reanimating work into something other than it was, it seems. See Irvin 2005.
9. This text, and Gerwen 2016b on Rob Scholte's work are based upon presentations at openings of exhibits of Scholte's works: in the Willem Kerseboom Gallery, Amsterdam, September 13, 2009; and in KuuB, Art dealer Meijer and Gallery Wed, Utrecht, March 2, 2014. These texts process Gerwen 2016a.

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