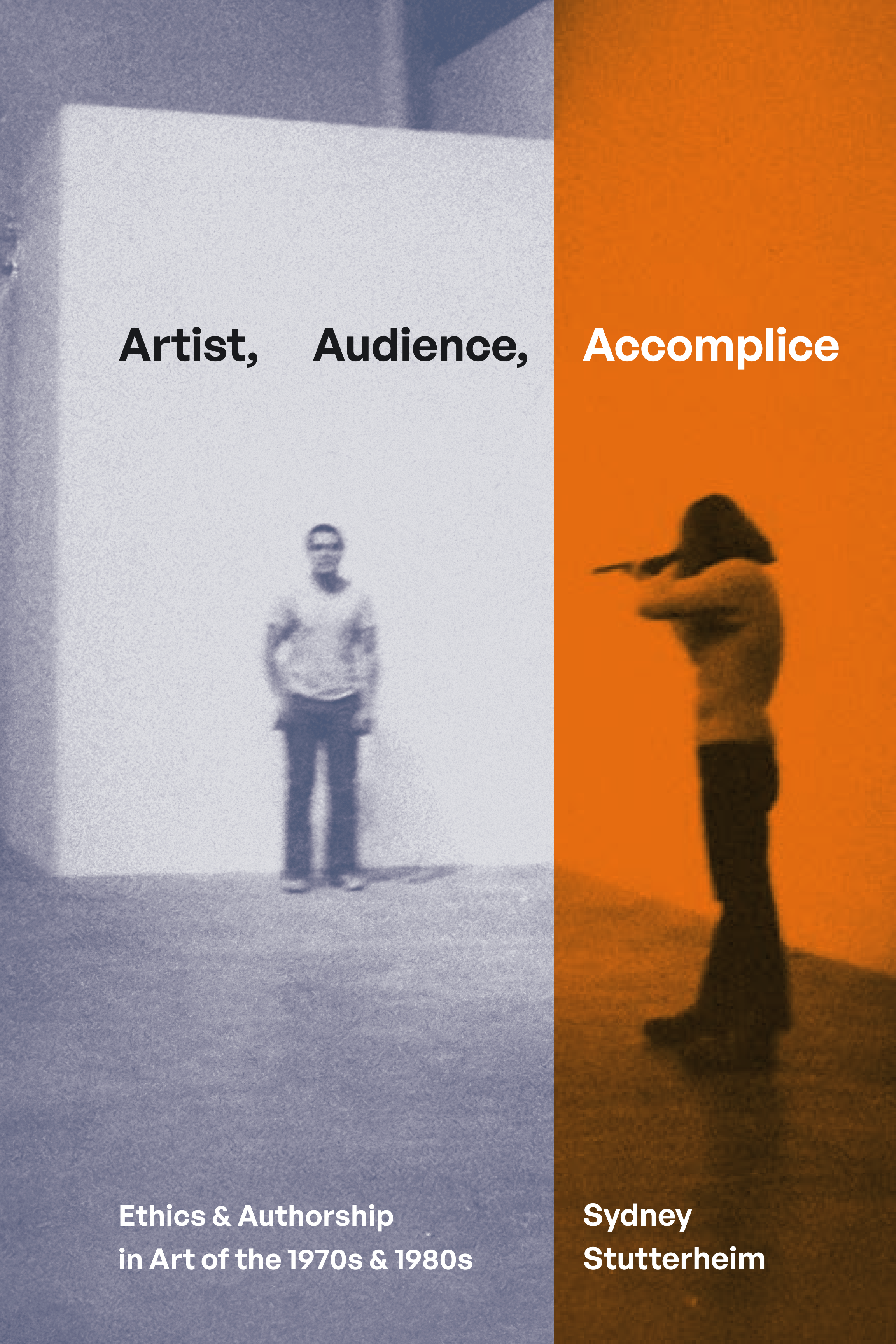

Artist, Audience, Accomplice

Ethics & Authorship in Art of the 1970s & 1980s

Sydney Stutterheim

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Introduction

On the evening of November 12, 1972, artist Chris Burden was arrested by the Los Angeles Police Department (LAPD). According to the police, an anonymous motorist driving down La Cienega Boulevard in Los Angeles reported a cadaver covered in a canvas tarpaulin lying alongside parked cars in the street, which forced oncoming vehicles to swerve to avoid collision. By the time officers arrived at the "crime scene," located directly in front of the Riko Mizuno Gallery, the two fifteen-minute flares that were set around the body to warn oncoming traffic had begun to extinguish, leaving the unidentified subject in a vulnerable position. Shortly thereafter, additional police appeared and a "young deputy [told] people to clear the street, [asking] 'Anybody here see this thing happen?'"[1]

Given the approximately three-hundred-person crowd that had gathered, it seemed peculiar that not even one had witnessed the accident firsthand. According to performance artist Barbara T. Smith—who had been in attendance at the nearby gallery—after an unfruitful attempt at locating eyewitnesses, one officer tentatively approached the body and removed the cloth covering. Finding an unharmed male subject, the officer "asked if he was OK and what he was doing. He told them he was an artist doing his 'piece.' They arrested him."[2] After spending the night in jail, Burden was released on his own recognizance.

Although the legal charge of "causing a false emergency to be reported" for *Deadman* (1972) was directed toward the artist alone, Burden's actions staged in the public domain produced a test revealing the involvement—and potential accountability—of the other people present as well.[3] A network of individuals became embroiled in the subsequent lawsuit and three-day trial that resulted from his performance: gallery associates, friends, attorneys, and even unrelated passersby. By deliberately compelling witting or unwitting auxiliary participants to take on expanded roles beyond that of a traditional viewing audience, such as serving as his witnesses in the ensuing trial, Burden produced a largely unauthorized relay of legal and ethical responsibility to subjects whose presence has been largely overlooked in descriptions or analyses of such artworks.

Artist, Audience, Accomplice: Ethics and Authorship in Art of the 1970s and 1980s corrects this gap. It positions the role of accomplice as a new figure in histories of performance, participation, and appropriation art in the United States and Western Europe during the 1970s and 1980s that allows us to revise the relations of property, agency, and authorship that have been assumed in those fields. Taking the work of Chris Burden, Hannah Wilke, Martin Kippenberger, and Lorraine O'Grady as case studies, I argue that these artists exploit the ambiguities between clearly delineated roles of artist and viewer by mobilizing a range of significant but often discounted auxiliary participants—such as assistants, documenters, romantic partners, and institutional workers—to rethink existing models of the social in favor of a networked yet hierarchical collectivity. Frequently engaging in what can be broadly characterized as illicit artistic strategies, these artists test the limits of authorial accountability and agency by delegating ethically compromised actions to figures who work constitutively alongside the nominal artist in a role that I theorize as the *accomplice*.

The accomplice is a type of agent who shares in the responsibility for artworks that are often centered on tactics of legal or ethical disobedience while the recognition of her or his authorial position in the artistic production is deliberately obscured, diminished, or overlooked. This is evident in a range of projects, including *TV Hijack*, a 1972 performance in which Burden took an interviewer hostage on live cable-access TV while his assistants destroyed the only record of the broadcasted events; and *So Help Me Hannah: Snatch-Shots with Ray Guns* (1978), in which Wilke—with the help of her photographer—used covert tactics to document evidence of gender-based limitations experienced throughout her career. During the 1980s, Kippenberger accumulated a network of studio assistants whose labor he would deliberately undermine or exploit in the service of promoting his public persona, while O'Grady developed a performance character to stage unauthorized, guerrilla-like interventions in art institutions that both exposed the inequities of gender and racial representation perpetuating her exclusions from such spaces and sought potential allies for her cause. Using theorizations of distributed agency across a network—in other words, shared accountability for the ethical or legal consequences of a work—I contend that Burden, Wilke, Kippenberger, and O'Grady used accomplices to make visible the tensions and contradictions of various rights of the subject at stake in the 1970s and 1980s.

In my view, art practices during this time demonstrate a substantial exploration of non-audience participation; additionally, there is a marked interest in extending late 1960s Conceptual art's legal designations of authorship into inquiries about subjects' rights and other conferrals of authority through legal means. The resulting shifts in the nature of the relationship between the artist and auxiliary figures whose contributions differ from those of audiences are demonstrated in this investigation's four main case studies: gallery owners became implicated in potential crimes (Burden), private relations became public in the process of disclosing inequitable access to shared personal history and authorial attribution (Wilke), assistants were hired to be deliberately undermined in an artist's studio (Kippenberger), and an artist's performance character assumed primary responsibility for acts of trespassing into the white- and male-dominated art world undertaken in an effort to seek supporters (O'Grady). While these artists were not alone in making work that explores illicit actions in the context of art during the 1970s and 1980s, a tactic often used to expose the cultural norms around, and acceptance of, violence in daily life, the artists I discuss deliberately use accomplices in their endeavors to expand on questions of responsibility and power over other individuals that were opened up in the 1960s with delegated labor practices and Conceptualist investigations of aesthetic property.

The work of these four artists should also be contextualized as an extension of ideas concerning the increased involvement of audiences and interpretive agency given to performers in the late 1950s and 1960s, such as in Allan Kaprow's Happenings or Fluxus event scores. These works might also serve as a prehistory to post-1989 participatory practices, particularly those that stage projects with antagonistic social relations. However, in many existing discussions of participation in art, the audience or hired labor often acts under the auspices of the artist, behaving as a proxy. In contrast, I present a three-point model of "auxiliary participation," in that the accomplices (1) tend to remain within the domain of authority of the nominal artist while they are not necessarily hired, nor are they centrally visible as performers in the work of art; (2) may not have agreed to the full terms of their engagement (which is often centered on unethical or illicit actions); and (3) participate not because an artist is engaging audiences collaboratively in the creative process but because the artist is producing manipulative situations based on power differentials. The role of the accomplice provides different insights than that of audience participation in that its unique position—neither creator nor viewer—blurs the line between the nominal artist's private domain and the audience's public, through which questions concerning the thresholds of individual rights get staged and evaluated.

At first glance, the centrality of Burden's body in the performative intervention *Deadman* might seem to reassert the physical presence and personal preoccupations of the nominal artist that are said to characterize much of the best-known art of the 1970s and 1980s in the United States and Western Europe. Many of the most iconic images from these two decades ostensibly indicate a pronounced emphasis on the individual subject in art: a shirtless Burden having been nailed through his palms to the rear hood of a Volkswagen Beetle; Wilke's photographic self-portraits in which she glamorously modeled herself for the camera; Kippenberger's mythologized persona that was proliferated across paintings, sculptures, and ephemera using simulations of expressive content; and O'Grady's appearance at the New Museum in the guise of an alter ego, a former beauty pageant queen turned art-world vigilante known as "Mlle Bourgeoise Noire." Returning to a paradigm of the artistic genius or auteur following a period in which the artist's subjective experience was deemphasized in 1960s Pop, Minimalist, and Conceptual art, these images suggest that the creator—and she or he alone—is paramount, in line with the characterizations of the widespread desires for individual satisfaction that dominated the so-called Me and Greed decades of the 1970s and 1980s. However, as this book will demonstrate, this narrative of art practices from these two decades in which self-interested art became predominant fails to account for an important history of participation that evades conventional classification.

Art historian Anne M. Wagner succinctly characterized the slippage between the artist and audience as a general condition of performance and video art during the 1970s, writing: "what was performed in performance, what was observed in video, are the uncertainties that by 1970 or thereabouts had begun to accumulate around 'artist' and 'viewer' as art's two essential correlative terms."[4] Building on Rosalind Krauss's influential essay "Video: The Aesthetics of Narcissism" (1976), Wagner argues that in the case of many examples of performance art around 1970, "their self-absorption (what Krauss called narcissism) is conjoined with an especially aggressive—we can rightly say coercive—posture toward the viewer, by which a new awareness and mode of vision might be urged."[5] While Wagner modified Krauss's reading of narcissism as the dominant feature of such practices, her own analysis suggests—but stops short of—closely examining the expanded levels of involvement on the part of the audience in the related performance practices of the period. Looking to the immediate performance history out of which her opening example emerged (Bill Viola's 1976 *He Weeps for You*), Wagner identifies the period of the early 1970s as the moment when "behavior and coercion meant everything to the making of art, with both the artist and viewer feeling the pressure like never before."[6]

Throughout this decade, artists working in the burgeoning fields of performance and video art became interested in how their role might intersect with the public in other, more surreptitious, ways: whether Vito Acconci confessing private fantasies in *Seedbed* (1972), Laurie Anderson documenting voyeuristic behavior in *Fully Automated Nikon (Object/Objection/Objectivity)* (1973), or Sophie Calle surveilling an unsuspecting subject in *Suite Vénitienne* (1980). These artistic endeavors presented a newly strained relationship between the artist and viewer, while also suggesting an expansion of potential roles for participation that exceed the categorical binary of artistic author and spectator. Reframing Wagner's inquiry through a "third term" outside the artist/viewer dichotomy, I contend that artists during the 1970s and 1980s produced work that precisely began testing the parameters of that relationship. The present study asserts that much art from the 1970s and 1980s indeed needed other people, although these might not be those whom we initially suspect or recognize.

Legality in Concert

Just as the most famous American crime of the 1970s—the Watergate scandal—involved a clandestine network of accomplices who broke into the Democratic National Committee headquarters in June 1972 on behalf of then president Richard M. Nixon, the present study analyzes a concurrent set of art practices in which artists embroiled other individuals in the responsibility for covert and often unethical actions directed by the nominal artist. The very nature of visibility became a primary concern during the 1970s: questions arose regarding who was being represented and what was at stake in attaining or maintaining such observable presence. In the United States and parts of Western Europe, the activism generated by the New Left during the 1960s had begun to splinter by the end of the decade, the result of a post-1968 disillusionment that manifested itself through factionalism and mounting private concerns through the following decade. Given the backdrop of growing neoconservatism and the Vietnam War draft, the nature of individual rights began to gain urgency—whether in terms of women's, gay, or civil rights; intellectual property or privacy legislation; and aesthetic and critical debates over one's self, property, and representation. However, rising calls for representation coincided with a growing mistrust of those same mechanisms, recognizing them as traps that provoke surveillance, categorization, and control as much as enhanced political power. These dual effects of visibility play out in terms of the accomplice, as its entrance as a subject resulted in increased agency but also potential accountability shared with the nominal artist.

While the negotiation of a subject's rights was widely discussed on a social level over the historical period of the 1970s and 1980s, it is important to note that there was also significant legislation passed in US courts during this time regarding the scope of accountability for another's actions, otherwise known as accomplice liability.[7] In legal terms, the accomplice is defined as an auxiliary role in which an individual provides assistance to another in the commission of a crime and therefore shares culpability for the resulting charges: "whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal."[8]

The legal context of the role of the accomplice is critical to consider in light of legislation that was put into effect during this period regarding shared complicity and the twofold aspects of defining a criminal offense.[9] Both an *actus reus* ("guilty act") and *mens rea* ("guilty mind") are required in order to convict an individual—there must be a demonstration of deliberate actions (*actus reus*) as well as the intention to behave in an illicit manner (*mens rea*).[10] In 1971, the National Commission on Reform of Federal Criminal Laws, which was established to study the criminal justice system, submitted its final report to Congress. One of the commission's main proposals concerned the development of a more systematic application of *mens rea*, an argument that was later partially addressed in the Criminal Code Reform Act of 1977. Until this point, common law had stipulated that a principal must be convicted for an accomplice to be complicit as well; in the 1970s, the law determined that an accomplice's indirect involvement could result in complete culpability for another's actions, even if the principal was not convicted.[11]

Although the concept of accomplice liability offers a useful departure point into rethinking the conventional subject positions and forms of agency in art critical and historical analyses, it is important to note that the figure of the accomplice examined in this book only draws inspiration from the potentials of such a paradigm. Thanks to the dismissal of the events around Burden's *Deadman*, none of the artists discussed in this book commit actual crimes. Nonetheless, the fact that a significant number of performances during the 1970s engaged with aspects of criminality in the name of art—a tendency that Acconci discusses in his 1991 essay "Some Notes on Illegality in Art"—necessitates some consideration.[12] The present study is informed by texts that offer legal perspectives on aesthetic questions, which emphasize the need to interrogate the complete range of agents involved in an artwork's production in terms of ethics, authority, responsibility, and ownership.[13] The recourse to conceivably illicit actions in art practices and the way that the framework of art could potentially be used to nullify problematic conduct enacted on another individual demonstrates the fundamental arbitrariness of law—a point that has critical stakes beyond an artistic context.

Legality in Art

At the start of the 1970s, a set of artists working in the United States and Western Europe began undertaking violent, potentially illicit, or otherwise unethical behavior—such as being shot in the arm by a friend, enacting self-mutilation, or becoming the subject of a live audience's physical and emotional demands—in the name of art. While the motivations for such actions might be attributed to the widespread violence and dramatic political transformations that characterized this period—including the ongoing US military intervention in Vietnam; the Kent State shootings; a surge of international terrorism; and the overthrow of military dictatorships in Greece, Portugal, and Spain—early 1970s performance art has nonetheless often been characterized as the culmination of an avant-garde progression in which artists moved beyond well-worn artistic tactics to engage audiences by using spectacular shock effects frequently taking place through the performing artist's own body. *Artist, Audience, Accomplice* complicates such claims by reconceiving unethical or deviant actions as a critical tactic deployed not merely for provocation but also to explore the thresholds of authorial property and agency.

Against the dominant critical analysis that situates potentially illegal artistic actions within a trajectory of increasingly avant-garde gestures, I contend that the possible legal and ethical violations found in the work of these artist case studies provide ways of reconstituting the established roles of art as property and artist as agent in an artwork. At a time when both subject and image were undergoing extreme regulation, the figure of the accomplice put pressure on the threshold of the self as property against the legal boundaries that delineate what belongs to a subject and what belongs to a public. In other words, these artists amended Conceptual art's interrogation of *objects* as artistic property to instead test the boundaries of the authorial agency over *subjects* mobilizing a vast network of previously unseen actors embedded in each work. Artists' perceived illicit or otherwise unethical actions must therefore be understood not as aggrandized provocations for shock effect but rather as tactical investigations of new forms of artistic ownership that no longer occurred exclusively on the level of the object but rather on that of the subject as well.[14]

According to historian Bruce Schulman, the expansive public transformations of American life in the 1960s had, by the following decade, dissolved into small, independent communities driven by personal interests. In his estimation, the long 1970s—defined as the period between 1969 and 1984—marked a turning point in the United States, during which entrepreneurial self-interest and an emerging new political majority in the South and Southwest, which favored small government and reduced social services, gained traction. With diminished faith in authority and the public sphere, Americans began pursuing principles of self-reliance—which materialized in alternatives to the 1960s valuation of social solidarity and collective public obligations toward one's fellow citizens within the national community.[15]

Sovereignty became an integral part of the social, political, and economic discourses of the 1970s and 1980s. In 1973, approximately two hundred Native Americans began a seventy-one-day-long occupation of Wounded Knee in South Dakota; their demands for Indigenous sovereignty and treaty rights led to violent conflict with federal authorities, leaving two dead. That same year, the US Supreme Court ruled in favor of abortion rights in the landmark case *Roe v. Wade*, effectively protecting women's self-governance over their own bodies. Following the Paris Peace Accords that were signed in January 1973, the United States ceased its direct military involvement in Vietnam, and active conscription into the US Armed Forces ended. Yet the concept of personal sovereignty also assumed meaning beyond bodily integrity; self-ownership, or the idea of the self as a form of property, became a crucial part of the ideology behind right-wing libertarianism, neoliberalism, and free-market capitalism that expanded and took hold in the United States by the 1980s.

A similar shift occurred in the history of art. The height of the 1960s was characterized by a supposed democratization of art—as seen in the everyday aesthetic of Pop art and the attempts at integrating audiences in Happenings—that nonetheless maintained traditional formulations of authorial control. By the end of the decade, some artists became less interested in generating work for broad audiences, instead developing ways of engaging a more limited group of spectators while opening the production processes to auxiliary agents. While the types of art practices seen during the early 1970s increasingly involved others in what might at first appear to be more equitable distributions of labor and responsibility—a photographer documenting live performances conducted exclusively for the camera, for instance—the fact that the resulting artwork nonetheless remained credited to a single artist brings up a contradiction that recurs throughout this book and is worth a brief mention. Despite my best efforts to develop a critical language that describes the roles of other auxiliary agents operating within a work of art, it is perhaps impossible to avoid perpetuating the single-author model in some capacity—an issue that is reflected in the "case study" structure of this book. This paradox is undoubtably a product of the ongoing focus in art historical discourse on artistic originality and innovation. However, it also draws attention to the complex power dynamics between the nominal artist and other subjects that continue to affirm traditional formulations of creative expression that are structured centrifugally from a single conceptual center, as well as the fundamental limitations between artistic intentionality and the final effect of one's work. By examining four artists and their accomplices who collectively put pressure on this strict formulation of authorship, my book is an attempt to begin to imagine alternative possibilities.

For the purposes of this study, one of the most important aspects of Conceptual art to emerge was the exploration of legalistic determinations conferring an artist's authority. Both Minimalist and Conceptual art practices often involved few, if not singular, individuals performing delegated tasks conducted in the name of the artist—such as Donald Judd hiring industrial fabricators to produce his three-dimensional objects or Sol LeWitt creating instructional directives that textually declared how to execute his work by others. The limited network of associates involved with a work's execution in these cases expanded the traditional formulation of either singular or collaborative art production, approaching a model in between—one that notably relied on determinations made through legal means. By taking seriously the performative power vested in Marcel Duchamp's readymades—in that naming a work of art becomes the creative authorial act—artists developed strategies for testing out other ways of defining their authorial parameters and legitimacy through labor contracts, certificates of authenticity, and notarized statements.[16] For instance, Robert Morris's prescient *Statement of Aesthetic Withdrawal* (1963), in which the artist sought recourse from the State of New York in formally deauthorizing his work *Litanies* through a notarized statement after failing to receive payment from a collector for said work, stands as an example of the ways in which artists used the law to define their authorial power over aesthetic property in place of concrete material object production.

The legal emphasis of such conceptual projects culminated in 1971, when gallerist and Conceptual art impresario Seth Siegelaub, along with the attorney Robert Projansky, developed "The Artist's Reserved Rights Transfer and Sale Agreement" (ARRTSA). Recognizing the urgent need for legal articulation in artworks that became increasingly immaterial or ephemeral, such as Conceptual and performance art, Siegelaub provided a formal framework for protecting artists' economic interests in their intellectual property. The basic concept of granting artists more financial control over their work that was expressed in ARRTSA became codified in further revisions to the US Copyright Act in 1976 intended to protect emergent forms of intellectual property that arose with new media technologies.

While the ambitions of Siegelaub's groundbreaking document promised new protections for artists, the self-generated, grassroots nature of the contract did not result in systemic change; at the time of ARRTSA's introduction in the early 1970s, many of the artists who signed the agreement ended up becoming blacklisted by collectors, limiting the scope of the agreement's power. It wasn't until 1990—when the US Congress passed the Visual Artists Rights Act (VARA), which granted the clearest and most comprehensive articulation of a creator's rights concerning works of visual art—that a clear and universal legal standard was established communicating the enduring power of artistic authorship over one's creative visual production that persists even after a work leaves the artist's studio and enters the art market. As such, the ambiguity of such questions that remained undefined during the nineteen-year span between the 1971 publication of ARRTSA in *Studio International* and VARA's federal legislation in 1990 marks precisely the period of this book's study, during which the accomplice appeared in art practices that explored similar inquiries about authorial control and rights over aesthetic property.

During the 1970s and 1980s, artists began adopting what resembled highly individualized practices—such as the prominent display of the performer in so-called body art or Neo-Expressionist painting—that belied a network of supporting associates required to execute the work. While the emphasis on legal determinations of authorship that characterized late 1960s Conceptualism largely dropped out of subsequent discussions of art practices that immediately followed, I contend that considerations of legal questions evolved in ways that proved useful for artists who were exploring new models of participation. This recourse to the legal, coupled with the involvement of a network of auxiliary associates, was notably featured in other works from this period as well; in 1978, Tehching Hsieh began his first major durational performance, *One Year Performance 1978–1979 (Cage Piece)*, in which he incarcerated himself in a makeshift jail cell for an entire year. During that time, apart from occasional audience viewing periods, Hsieh interacted with only two individuals, who became necessary figures in the work's execution: an associate of Hsieh's brought daily sustenance, removed the artist's waste, and took a single photograph of the artist each day, while a lawyer notarized the piece and confirmed the successful execution of the terms of the work, including Hsieh's continual confinement.[17] Given that these agents performed tasks within a networked yet hierarchical working model of distributed agency to maintain the incarceration of the artist under his direction, Hsieh's reliance on such figures demonstrates a wider shift in art practices during this time toward non-audience participation as well as an interest in extending Conceptual art's legal designations into inquiries about subjects' rights and the conferral of authority through legal means that relates to the primary case-study artists analyzed here.

Typologies and Responsibilities

Each of the four chapters of this book examines a different typology of the accomplice: *abettors*, *partners*, *assistants*, and *preservers*. The accomplice provides a useful model as it allows us to probe the actions and agents that occur beyond the scope of the typical artist-audience framework, which would otherwise remain undetected. Looking at a distinct set of legal theories in each chapter—chapter 1 expands on the discussion of criminality and accomplice liability, chapter 2 looks at publicity and privacy rights, chapter 3 focuses on intellectual property law, and chapter 4 explores trespassing within tort law—provides a means of drawing out the networks of delegated responsibility from which the accomplice emerges as a key player.

The accomplice paradigm allows for an analysis of a basic question that recurs throughout the book: to what extent is a person responsible for another's actions? As an accessory to a crime who legally shares equal culpability with a perpetrator, a network of *abettors* appears in Burden's work through their (often coerced) involvement with potentially illicit or unethical actions undertaken by the nominal artist. That is, Burden seeks to distribute responsibility for artworks that frequently test the outermost limits of criminal liability using his abettors, but only in a way that maintains sole authorship. Such creative action mobilizes auxiliary agents and is contingent on their participation. In contrast to Burden, Wilke uses techniques of exposure through possible violations of publicity and privacy laws to create *partners* from individuals who refused to engage in equitable relationships, whether personal or professional; she imposes shared accountability to reconfigure the gendered hierarchies of authorial recognition and agency. The *assistants* examined in chapter 3 describe those agents who assume largely traditional roles working in an artist's studio. However, rather than executing directions in the service of the nominal artist, Kippenberger develops a two-pronged and contradictory mode of delegation: giving assistants the opportunity to assume control over their actions while also demanding their obedience to subvert it, often in potential violation of their own intellectual property rights. Exceeding the conventional boundaries of an artist-assistant relationship, Kippenberger creates a centripetal working model in which all output feeds back into his public image. O'Grady's experience of the largely segregated mainstream New York art world of the early 1980s led to her formulation of a self-generated performance persona; Mlle Bourgeoise Noire became her primary operative in pursuit of potential accomplices who took the form of *preservers*. Drawing inspiration from Martin Heidegger's definition of the term as "presenters, critics, and audiences" that O'Grady cited as particularly influential to her thinking about her practice in 1983, the preservers in this chapter describe the prospective allies—including gallerists, curators, art critics, and nonart audiences—whom O'Grady sought to exhibit, document, discuss, or view her work, despite the potential risks involved in the act of preservation for Black artists and audiences in this context.

Given the ways in which the artists analyzed in this book utilize individuals as accomplices, the question of ethics for the projects discussed is complex. While the nature of artworks in which accomplices are used is often necessarily exploitative and based on power differentials, it is *through* such inequitable relations that the accomplice emerges as a viable subject position. The very nature of participatory art—using other individuals as a constitutive part of an artwork—brings up important considerations about ethics, authorship, and responsibility. As art historian Claire Bishop has articulated, the frequent partiality by critics, curators, and audiences toward projects based on collaborative, democratic, and consensual interactions often limits the engagement with artistic strategies in which unethical or self-interested actions are deliberately forged. Therefore, often the assessment of participatory art falls to ethical considerations, such as the extent of equitable collaboration staged in the work, which precludes more nuanced understandings of the potential value of participatory art to ask critical questions about accountability, authorship, and agency that appear in more unequal situations.[18]

Like Bishop, I believe that successful art does not need to follow an ameliorative agenda and that its value does not rest on such aspirations. In *Artificial Hells: Participatory Art and the Politics of Spectatorship* (2012), she emphasizes the need for new language to describe a broader network of what she calls "co-existing authorial positions" in visual art, much like the various constitutive, yet independently recognized, roles found in the worlds of music, film, theater, and fashion—such as director, writer, makeup artist, stylist, and so on.[19] By theorizing a new subject position that is mutually constituted by certain responsibilities held by both artist and audience alike, my research aims to introduce language for expanded authorial models, albeit in hierarchical and distributed terms.

To this end, the accomplice paradigm shows how artists who stage exploitative relations allow us to think about the self and other (as neither autonomous nor collective), shared responsibility, and non-sovereign relations in new ways. In contrast to participatory projects in which equitable collaboration with audiences or traditionally hired labor is performed as a central component, the works described in this book that stage hierarchical differentials between the artist and accomplices arguably perform a critical role in exposing individuals who have typically been left out of such agential possibilities—with the aim that in recognizing them, a possible transformation of power may ultimately emerge. But we might ask, do the accomplices want to be found, and what does finding them actually do for our understandings of these works? In my estimation, the legal framework allows us to trace responsibility in artworks to people who are conventionally invisible in the established binary of artist and audience, thereby destabilizing the artistic author as it is currently understood. By looking for accomplices through a legal lens, the ways in which agency and accountability are dispersed under an artist's authority becomes clearer.

Performance, Participation, and Collaboration

Several scholars have presented models of analysis or provided important theoretical backgrounds that have shaped my conceptualization of the accomplice. Peggy Phelan has argued that the innate power of performance resides in its ability to evade conscription into representation, noting the dual effects of visibility in both negative and positive terms.[20] For Phelan, the exceptional strength of performance art derives from its fundamental ability to resist visual reproduction, and therefore commodification, by remaining "unmarked"—a model that shares certain similarities with the operations of the accomplices. The fact that accomplices first appear concomitantly during a surge of performance work in the early 1970s might indicate that the medium uniquely provided a way to circumvent traditional valuations of presence and representation that served the accomplices as well. Just as Phelan "attempts to find a theory of value for that which is not 'really' there, which cannot be surveyed within the boundaries of the putative real," I use the accomplices to expose a blind spot within current art historical constructions that omit a range of significant but often discounted labor staged through deliberate power differentials.[21]

Body art in the late 1960s and early 1970s has often been portrayed as an extension of critiques introduced by Conceptual art against the commodification of the art object and traditional object-based materials as signifiers of authorial property (a.k.a. "dematerialization") by using the artist's own body as both subject and object, as defined by critic Willoughby Sharp in the inaugural issue of *Avalanche* in 1970.[22] For art historians such as Amelia Jones, body art practices—of which Wilke is a key example—dissolve the hierarchies between artist and viewer to produce an intersubjective engagement that "instantiate[s] the dislocation or decentering of the Cartesian subject of modernism."[23] However, such interpretations elide the ways that many of these performances in fact pivot on distributed forms of responsibility and agency among a wide range of participants and constitute a set of consequences that extend beyond a work's ostensible actions.

Although collaborative authorship or expanded social involvement has been examined in various art historical contexts—notably experimentations with audience participation such as 1960s Happenings and Fluxus event scores and post-1989 US and European participatory and installation art practices—many of these critical debates (for instance, those by curators such as Nicolas Bourriaud and Maria Lind) have centered on projects that reflect optimistically democratic or egalitarian values.[24] Following the work of Bishop and Frazer Ward, I instead focus my attention on authored projects in which the involvement of auxiliary figures is deliberately manipulated.[25]

Despite their typical categorization within the genres of body art, feminist performance, and Neo-Expressionist painting—all of which are thought to center on the physical or conceptual actions of the nominal artist—I contend that the art practices analyzed in this book represent a new subgenre of participatory art, defined by Bishop as artworks in which "people constitute the central artistic medium and material."[26] The omission of the accomplices presents the work of artists like Burden, Wilke, Kippenberger, and O'Grady as total and exclusive, whereas in fact it was more relational and fluid. By restructuring the social parameters of artworks to include auxiliary agents, the theorization of the accomplices in the present study intersects with, yet nonetheless expands, the existing literature on participation.

Bishop developed the concept of "delegated performance," which provides an important model for describing the way that artists use other individuals through deliberately manipulative, aggressive, or otherwise unethical means. Within the framework of the so-called social turn in contemporary art after 1989, delegated performance designates an artist's tendency to hire nonprofessionals to perform in their place. Bishop argues that these practices differ from models of employment often found in other contexts, such as theater, in which individuals are hired by directors to play specific roles in their artistic vision, including writer, makeup artist, stylist, and so on; rather, she considers artworks for which artists largely "hire people to perform *their own socioeconomic category*, be this on the basis of gender, class, ethnicity, age, disability, or (more rarely) profession."[27] However, while Bishop offers a critical examination of hierarchical artistic delegation in which hired performers are subjected to ethically questionable actions directed by the artist—such as her example of Santiago Sierra paying minimum-wage workers to perform demeaning or embarrassing activities as an exploration of exploitative labor practices in economic exchange systems—she specifically distinguishes such tendencies from "a tradition of performance from the late 1960s and early 1970s" exemplified by the work of Burden, Acconci, and Gina Pane, "in which work is undertaken by the artists themselves."[28]

My argument proceeds from the scholarly investigation put forth in Bishop's inquiry; however, I expand her analysis to include alternative forms of participation that emerged in early 1970s performance art and that evolved through the 1980s. The artworks studied in this book digress from existing models of participation in three important ways: (1) the accomplices are not readily visible as key operatives; (2) their involvement is often not voluntary; and (3) they occupy a thoroughly distinct subject position—neither emerging from traditional audiences nor acting as extensions of the artist, as is the case with hired performers who work in the place of or within the domain of the artist. While Bishop describes performance art from the 1970s and 1980s as characterized by artists using "their *own* bodies as the medium and material of the work, often with a corresponding emphasis on physical and psychological transgression," I instead argue that the artists analyzed in *Artist, Audience, Accomplice* notably mobilized the involvement of secondary agents whose participation comes into view because of said transgressive elements.[29]

The historical background for outsourcing—defined as contracting work to others—intersects with participatory art practices throughout the twentieth century. Such a working model diverges from expanded audience involvement in that hired artistic labor is sourced from agents working within the domain of authority of the nominal artist. The context for such forms of delegation can be traced to John Cage's experimental composition techniques, in which a score is repeatable by other individuals and no longer privileges the notion of a singular authentic performance. For artists experimenting in the first half of the 1960s, such as Simone Forti, Yoko Ono, and La Monte Young, scoring became more than the directives on the page as performers were tasked with bringing outside elements into the realm of traditional notation. The tacit agreement between the artist and the performer became expanded and codified by the late 1960s through certificates of authenticity or contractual arrangements seen in Conceptual art practices, which extended to actual legal regulation by the start of the following decade. For example, in the late 1960s, artists such as

Joseph Kosuth, John Baldessari, and Lawrence Weiner began using documentation and information as their artistic material in the production of alternative, language-based forms of artworks. The pieces created by these artists emphasized authorial intention as the primary marker of authenticity while simultaneously probing distributed accountability for the work that was shared among other agents.

Complicating the dichotomy between the "traditional conception of the artist as an autonomous agent" and collaborative authorship, in which authorial recognition is shared among two or more individuals, this book's investigation maintains a focus on hierarchical relationships between nominal artists and their network of accomplices.[30] While artistic collaboration has been the subject of occasional exhibitions, including Cynthia McCabe's *Artistic Collaboration in the Twentieth Century* at the Hirshhorn Museum in 1984; curators Susan Sollins and Nina Castelli Sundell's traveling exhibition *Team Spirit* in 1991; and What, How & for Whom / WHW's *Collective Creativity* at the Fridericianum in Kassel in 2005, these shows focus on jointly or communally authored works. In contrast, my approach to analyzing these artworks is framed, at least in part, by feminist scholarly literature that considers unseen forms of collaboration and labor, often by female artists, whose role in artistic production was obscured.[31] Most notably, Anne M. Wagner's analysis of Georgia O'Keeffe, Lee Krasner, and Eva Hesse in her 1996 book *Three Artists (Three Women)* was an early source of inspiration for this project for negotiating the gender dynamics and social hierarchies in marital relationships between two artists, as was performance scholar Shannon Jackson's cogent analysis of Mierle Laderman Ukeles's work and practice in *Social Works: Performing Art, Supporting Publics*.

Authorship and Ownership

The breakdown of the presumed neutrality between artist and audience in the 1970s was indicative of a larger shift concerning the possibilities of expanded roles for individuals beyond that binary. This marked a radical transformation in existing authorial frameworks, many of which had been well established for centuries, centered on the obfuscation of a vast body of auxiliary labor that affirmed the primacy of a singular, autonomous author. In the twentieth century, the authorial subject became paradoxically disrupted and further reinforced as modernism brought the interrelated issues of authorship, originality, and aesthetic property to the fore of artistic debate. Artists became increasingly recognized for their unique contributions, yet the legacy of the readymade—a creative act centered on the artist's designation of a found object as art—necessitated the legitimating power of the artist's authority more than ever.

While the immediate post–World War II period largely signaled a recommitment to the Romantic conception of the artist-genius by using one's medium to convey personal expression (as in the cultic myth of personality generated around Abstract Expressionists such as Jackson Pollock), during the 1960s artists began exploring means of decentering their authorial role in artistic practices through techniques of delegation and deskilling. For example, artists such as Andy Warhol and Frank Stella developed methods of sharing labor among a variety of individual agents working under the nominal artist's direction, whether in the form of Warhol's Factory assistants or the Minimalist employment of off-site industrial fabricators for the production of work that effaced visible evidence of the artist's subjective input or "hand," thereby eroding the typical authorial hierarchies and recalibrating the authorial function to a largely conceptual role.[32]

The late 1950s and early 1960s also marked a moment of transition from medium-specific works to the formulation of projects involving greater audience participation, such as environmental installations, which in turn necessitated alternative methods of artistic evaluation and theorization.[33] Across performances, Fluxus events or directives, and Happenings, many artists—including George Brecht, VALIE EXPORT, and Yoko Ono—solicited the participation of their viewers, disrupting the presumed passivity of such a role to enact a more invested, embodied exchange. Artists such as Kaprow incorporated the audience into the realization of his Happenings, at times to menacing or otherwise violent ends, applying the viewer's own personal and unscripted reaction to a set of actions or circumstances as the work's primary material.[34] These early experiments with harnessing individuals as what Susan Sontag called "material objects" prefigured the shift to 1970s so-called body art, in which artists such as Pane and Acconci used their own physicality as their principal medium, often with transgressive undertones.[35]

Whether through audiences becoming integrally involved as key actors in Happenings, the viewer's perceptual experience assuming a greater constitutive role in viewing Minimalist objects, or the explicit solicitation of bystanders to become contributors through Conceptualist directives or

Fluxus event scores, the 1960s marked a decade of increased participation by individuals who would be considered something other than the nominal artist. Despite their divergent methods, such artistic paradigms presented a destabilization of the unitary authority of the primary creator in a work of art that was being discussed concurrently by poststructuralist thinkers during the end of the 1960s. Perhaps most famously, the 1967 publication of Roland Barthes's landmark "Death of the Author" essay disrupted authorial sovereignty over a work's meaning, allowing instead for the possibilities of interpretive exchange controlled by the reader or spectator. Barthes posited an alternative model of interpretation—one that undid the universality of an author-imposed narrative, rejected the conflation of artwork and author, and deemphasized individual subjectivity as the ultimate locus of meaning. Despite Barthes's influence in critical theory and beyond, this formulation of the "birth of the reader" maintained a conventional binary between artist and viewer (or author and reader) as the two operative subject positions.[36]

While Barthes and other poststructuralists were against the unilateral singularity of a narrative imposed by an author in favor of what was seen as more equitable interpretive exchanges, some scholars and writers began to question the authority of the author altogether and what was at stake in dismantling it. As Barthes and others interrogated the power held by the author as the sole determinant of meaning, the timing of such inquiries—at a moment when marginalized voices were finally able to assume authorial roles or occupy positions of subjective power, albeit of a still limited scope—felt suspect to many important thinkers, including Linda Nochlin, Nancy Hartsock, Luce Irigaray, and Gayatri Chakravorty Spivak.[37]

By inhabiting a decentered subject position apart from that of both the artist and the audience, the accomplice presents a potential alternative to the paradigmatic binary that might offer an untraditional means of retaining agency and power for those previously underrepresented. Yet dealing with the accomplice's significance requires a different approach than simply acknowledging its presence or restoring such individuals unproblematically to the position of sovereign authorial subjects. Just as Griselda Pollock expressed in 1996 when critiquing the limitations of using a monographic approach to study the work of women artists ("we could not begin to speak of the women artists we would re-excavate from dusty basements and forgotten encyclopedias using the existing languages of art history or criticism"), I believe that exploring artwork with the rhetoric and reality of legality in mind heightens our awareness of previously undisclosed links of responsibility by exposing auxiliary individuals whose role was otherwise unidentified or only partially recognized.[38] Nochlin, Spivak, and others desire not to impart representation onto those previously excluded from such visibility but to show *how* such representations have been heretofore ideologically conditioned to silence certain subjects. Similarly, I do not argue that accomplices should be co-credited artistic authors or occupy equal footing as the nominal author but that their presence allows us to better understand the ways in which existing models of authorship, based on a dichotomous relationship with an audience, fail to allow for other forms of agency and responsibility to emerge in our understanding of art.

Abettors, Partners, Assistants, Preservers

This book charts how the poststructuralist destabilization of the Romantic formulation of the creative author in the late 1960s opened up the possibility for the accomplice to emerge in two directions: white male artists developed the accomplice to posit an alternative form of authorship using other individuals in a manner that retains authorial agency and recognition; while in contrast, the experience of having been an accomplice became a weapon wielded by women artists and artists of color to reclaim forms of power that had been refused or abrogated. Therefore, the selection of my four case-study artists allows for a discussion of discrepancies in the way artists mobilize accomplices based on racial and gender privileges. Both Burden's and Kippenberger's abilities to perform illicit or ethically compromised actions in the name of art speak to the ways in which white men often evade surveillance and legal regulation when compared with artists of other racial and gender identities. For instance, Burden's invocations of criminal liability with his accomplices and Kippenberger's exploitations of his assistants through potential transgressions of intellectual property law to explore questions of responsibility, control, and aesthetic property demonstrate the ease with which such actions could be enacted by those whose experiences rested in positions of power. In contrast, given the gendered disparities in power and authorial recognition, Wilke turned to the law in the form of publicity and privacy rights in her work as part of a strategy for recovering accreditation from which she felt deliberately excluded—a condition all too familiar to the white feminist context in which her work was situated. For O'Grady, deploying her Mlle Bourgeoise Noire performance character became a necessary framework for trespassing—metaphorically breaking and entering—into spaces from which she was still excluded on account of ongoing racism and sexism in the white-run art world on her hunt for potential preserver-accomplices.

In chapter 1, I argue that Burden's often violent or provocative performance and video works produced during the 1970s—including some canonical examples of body art performed singularly for the camera, without a live audience—did not pivot exclusively on the performing artist's body. I instead contend that these pieces strategically brought into visibility a network of previously unrecognized participants, whom I term *abettors*, as a consequence of their shared ethical responsibility. That is, the tactics undertaken in Burden's work from this period were deployed to test the limits of artistic ownership and agency by compelling auxiliary agents to perform actions that would bring about distributed culpability for legal or ethical noncompliance. By focusing attention on the figures whose involvement would not typically be accounted for in traditional narratives of Burden's work, the social and temporal boundaries of the artistic projects become reformulated.

Centering on five primary artworks by Burden that took place over the course of a decade—*Deadman* (1972), *TV Hijack* (1972), *747* (1973), *Doomed* (1975), and *Diamonds Are Forever* (1981)—the artistic exploration of the limits of shared accountability takes on a particular resonance in the context of shifting debates over the scope and definition of individual rights during the 1970s that were being negotiated in both legal and aesthetic domains. Considering performance art literature and contemporaneous legislation regarding accomplice liability in the United States as well as extensive primary and secondary source material, I organize the chapter around the different types of accomplices that perform integral but often overlooked roles in Burden's work, such as his assistants, partners, documenters, security guards, and institutional representatives.

Against the background of second-wave white feminist demands for representation during the 1970s (what Chela Sandoval has referred to as "hegemonic feminism"), chapter 2 focuses on the ways in which Wilke developed various techniques of exposure to reveal evidence of shared responsibility for artistic production by publicly disclosing private behaviors or relationships.[39] The chapter is organized around a set of artworks that employ performance, video, and photography to seek artistic agency and credit from which she felt excluded throughout her career, exploring how claims for female agency in the context of white feminism intersected with debates regarding publicity, privacy, and intellectual property law throughout the 1970s. It is worth noting, however, that Wilke's attempts to repair gender-based inequities by seeking equal recognition to men speaks to her position as a white middle-class artist in the United States guided by a branch of feminism that did not particularly account for questions of class and race.

Wilke's term *snatch-shot*, which she used to subtitle her 1979 *So Help Me Hannah* photographs, encapsulates a key aspect of her broader working practice. I argue that the *snatch-shot* becomes a useful term to describe how she develops a countermodel of photography that reversed the actions of capturing and rendering a model immobile under the camera's objectification and instead used the medium to reveal indications of gendered distributions of artistic authority, labor, and recognition. By staging her sexuality and her frequently nude body for the camera, Wilke solicited male attention as a means of reclaiming authority over its unilateral hold over artistic representation. For instance, in her performance *Intercourse with . . .* (1977), she performed a striptease for the camera that exposed black stickers applied directly on her skin spelling out the initials of notable individuals in her life to draw attention to deliberate exclusions she had experienced and put them on public record. By exploiting the intimate access to her lovers and associates, Wilke indirectly revealed evidence of her presence that had otherwise been obscured in the lives and works of notable art-world figures, such as her former romantic and professional partner Claes Oldenburg.

Chapter 3 investigates Martin Kippenberger's unique, and rather infamous, relationship with his assistants. Following a brief period in which he explored collaborative artistic production, in the late 1980s Kippenberger developed a strategic mode of employment by hiring various artists to work under his authority at his art studio. Yet instead of having these assistants successfully execute tasks following his direction, Kippenberger developed a new formula for artist-assistant relations characterized by the nonproductive and deliberately exploitative participation of subjects as well as a decentralized overproduction and proliferation of images that ultimately, and paradoxically, reaffirmed his personal celebrity.

Considering the enormous artistic output produced by Kippenberger during the late 1980s—paintings, sculptures, installations, photography, posters, drawings, and event invitations—as well as his larger-than-life artistic persona and extensive self-promotion, I analyze how he develops an alternative authorial model that greatly differs from the traditional artist-assistant working relationship. This was achieved by actively soliciting his assistants' subjectivity while also creating various forms of disruption that would thwart their execution of tasks or potentially undermine their intellectual property rights. To this end, he set in motion two interlocking feedback loops of image remediation and social delegation. Rather than harnessing the talents and abilities of the auxiliary forms of hired labor, Kippenberger reversed the helpful but subordinate role that assistants typically played by introducing three forms of disruption that I term *error*, *residual individuality*, and *waste*. In so doing, Kippenberger shifts the central artistic procedure—such as creating a painting—to causing interference between the two major cycles of remediation and delegation, establishing a model of authorship that acts as an interruptive mechanism while also cultivating an expanded public artistic persona.

Chapter 4 examines how O'Grady strategically developed her Mlle Bourgeoise Noire performance character to stage a sequence of prescient public performances over a three-year period beginning in 1980 that critiqued various aspects of the contemporary art world as experienced through the lens of a Black middle-class woman artist. Adapting a term that Mlle Bourgeoise Noire used to describe one of her most famous interventions—*invasion*—I argue that this performance persona became O'Grady's primary operative to conduct various forms of conceptual "trespassings" into art institutions and private spaces in her pursuit of potential accomplices. Her actions as Mlle Bourgeoise Noire strategically targeted a range of shifting adversaries: Black artists making "well-behaved" art that adhered to values set by the white-dominated art world, the art institutions in New York that perpetuated their own hegemonic whiteness, second-wave white feminists who failed to account for the intersectional experience of Black women, and the latent sexism pervasive in the predominantly male art world. By choosing the word *trespassing*, I aim to draw out the more complex ways that O'Grady-as-Mlle Bourgeoise Noire attempted to move undetected—as will be discussed in terms of her curatorial work for *The Black and White Show*, her unsolicited letters to other Black artists, and a participatory work staged at a Harlem parade in 1983 known as *Art Is . . .* —in addition to her more public performative intervention at Just Above Midtown in 1980 and the reprisal of this project at the New Museum in 1981. Given O'Grady's restricted access to the mainstream art world at the time, I argue that unlike performance personas made by white male artists, for instance, for whom acceptance was readily available, O'Grady's development of Mlle Bourgeoise Noire was motivated by a desire to infiltrate mainstream art institutions and discourses to seek out those who might become allies in disrupting the art world's continued segregation, which was reflected in the lack of racial diversity for exhibiting artists and audiences alike.

This chapter differs in that it charts O'Grady's pursuit of auxiliary agents to serve as accomplices in the form of preservers rather than her active mobilization of them—as was true of previous case studies in this book. Instead, I contend that she tactically developed the Mlle Bourgeoise Noire character to perform a similar role to that of the accomplices—sharing in accountability for potential risks while maintaining a hierarchical power structure under the direction of the nominal artist—while she sought out other individuals willing to assume that responsibility on her behalf. This strategic distinction between O'Grady and the other case-study artists discussed in this book can be attributed to the serious consequences at stake for Black artists and their artistic accomplices: that to engage in simulations of, or flirtations with, illicit behavior in the context of the early 1980s in New York would likely result in greater punitive measures, while explicit critiques of the ongoing racism that pervaded mainstream art institutions might result in retaliatory gestures that could have profound personal effects for those involved.

Collectively, these four chapters introduce different formulations of the accomplice that have implications for the shifting hierarchies among artistic subjects and objects, notions of aesthetic property or ownership, and the limits of individual agency. The multiple ways that accomplices are constituted as sharing in the responsibility for ethically or even legally questionable projects demonstrate one of the core issues at stake concerning the possible consequences of expanding one's artistic material to include actual human subjects. I argue that these artists, rather than undermining culture or extant cultural values, invoked alternative models of shared accountability and agency that restructure the role of the author in order to interrogate new potential capacities for the social. By opening the established binary between the categorical subject positions of artist and audience to account for operatives whose presence continually slips out of view, *Artist, Audience, Accomplice* calls for a redistribution of power dynamics, a recalibration of visibility, and a reformulation of existing models of participation. It calls forth allies and adversaries who have been waiting in the margins of history.

Introduction

1 Peter Plagens, "He Got Shot—for His Art," *New York Times*, September 2, 1973, 87.

2 B. Smith, "Art Piece Brings Arrest."

3 The reason for arrest was given in a description of *Deadman* by Burden in his self-published artist book *Chris Burden 71–73*, 54. *Avalanche* magazine editors Willoughby Sharp and Liza Béar issued an official letter defending Burden's performance. The content of this document served to situate the artist's actions for this performative intervention within the context of "an established category of contemporary sculpture" to support the artist's claim that his goal "was self-exploration rather than frivolous exhibitionism." Yet the logic behind the circumstances in which Béar and Sharp, who were based in New York and not present at the time of the performance, would have written such a letter remains unclear until the final paragraph. After general remarks by the *Avalanche* team specifying their relationship to Burden and knowledge of his career as an artist, the letter closes with the following statement: "The intervention of the police was unforeseen and inadvertent. It was an occurrence that the artist did not desire." Willoughby Sharp and Liza Béar, letter, February 1, 1973, *Avalanche* Magazine Archives, II.115. Museum of Modern Art Archives, New York.

4 Wagner, "Performance, Video," 60.

5 Wagner, "Performance, Video," 79.

6 Wagner, "Performance, Video," 60.

7 The primary framework of modern accomplice liability was established in the United States by 1948 with a provision to Title 18 of the United States Code, which deals with federal proceedings for criminal procedures.

8 18 U.S.C. § 2(a) (2012).

9 18 U.S.C. § 2. See Iannelli v. United States 420 U.S. 770 (1975); United States v. Jewell, 532 F. 2d 697 (9th Cir. 1976); United States v. Swiderski 548 F. 2d 445, 451 (end. Cir. 1977); Sanabria v. United States, 437 U.S. 54, 71 n. 26 (1978); United States v. Southard, 700 F. 2d1, 20 (1st Cir. 1983); United States v. McKnight, 799 F. 2d 443, 446 (8th Cir. 1986). Some

examples of state legislation regarding complicity and the accomplice include Hawaiʻi (Hawaiʻi Statutes, Section 702–222: "Liability for conduct of another; complicity," 1972), Washington (RCW 9A.08.020: "Liability for conduct of another—Complicity," 1975), Kentucky (502.020: "Liability for conduct of another—Complicity," created 1974, Ky. Acts Ch. 406, sec. 21, effective January 1, 1975), and New Jersey (2C:2–6: "Liability for conduct of another; complicity," 1978).

10 18 U.S.C. 2 (a) (2012), cited in Girgis, "The Mens Rea of Accomplice Liability," 462.

11 In 1979, the US Court of Appeals for the Second Circuit expanded the notion of shared responsibility in *United States v. Ruffin*, in which a defendant was held liable as a principal for inciting another to commit criminal acts, despite the fact that the defendant could not themselves perform the crime under any circumstances and instead enlisted another person—who was ultimately acquitted—to enact the crime in their place. In 1980, the US Supreme Court further affirmed in *Standefer v. United States* that the criminality of an accomplice did not depend on whether the actual perpetrator was convicted.

12 In Acconci's essay, the artist explains how potentially illicit actions are often neutralized when considered in an art context.

13 For instance, Coombe, *The Cultural Life of Intellectual Properties*; Girgis, "The Mens Rea of Accomplice Liability"; Young, *Judging the Image*; Nead and Douzinas, *Law and the Image*; and Feldman, *Art Works*.

14 A comparable transference also occurred during this period in terms of terroristic violence, in which "targets shifted from property to people—minorities, abortion providers, and federal agents." Kleinfeld, "The Rise of Political Violence in the United States," 161.

15 See Schulman, *The Seventies*.

16 See Alberro, *Conceptual Art and the Politics of Publicity*; and Buskirk, *The Contingent Object of Contemporary Art*.

17 The lawyer was Robert Projansky, who played an integral role in the development of ARRTSA.

18 Bishop, *Artificial Hells*, 19. See also Bishop, "Participation and Spectacle."

19 Bishop, *Artificial Hells*, 9.

20 Phelan, *Unmarked*, 6.

21 Phelan, *Unmarked*, 1.

22 The (largely inaccurate) term *dematerialization* in this context most notably comes from Lippard's influential text *Six Years: The Dematerialization of the Art Object from 1966 to 1972.* See also Sharp, "Body Works," 14.

23 A. Jones, *Body Art / Performing the Subject*, 1.

24 Notably Bourriaud, *Relational Aesthetics*; Lind, "The Collaborative Turn"; and Green, *The Third Hand*.

25 Bishop, *Artificial Hells*; Ward, *No Innocent Bystanders*.

26 Bishop, *Artificial Hells*, 2.

27 Bishop, "Delegated Performance," 91. See also Bishop, "The Social Turn."

28 Bishop, "Delegated Performance," 91.

29 Bishop, "Delegated Performance," 95.

30 Galenson, *Conceptual Revolutions in Twentieth-Century Art*, 201.

31 For example, Chadwick and de Courtivron, *Significant Others*.

32 For a longer discussion of this point, see C. Jones, *Machine in the Studio*.

33 For example, Rosalind Krauss describes the transformed state of art practice as the "post-medium condition." See Krauss, *A Voyage on the North Sea*.

34 The coercion of audiences harkens back to early twentieth-century Dada and Futurist performances as well as André Breton's 1929 statement in his Second Manifesto of Surrealism that "the simplest Surrealist act consists of dashing down into the street, pistol in hand, and firing blindly, as fast as you can pull the trigger, into the crowd." Breton, "Second Manifesto of Surrealism," 125.

35 Susan Sontag famously considered the foreboding aspects of Happenings in her 1962 essay "Happenings: An Art of Radical Juxtaposition."

36 Barthes's text was followed by many important writings on authorship in subsequent years. On February 22, 1969, Michel Foucault gave a lecture at the Société Française de philosophie (later published as the essay "What Is an Author?") in which he analyzed how an author's proper name became associated with a set of discourses rooted in the valorization of personal subjectivity that he termed an *author function*. That same year, Peter Wollen published *Signs and Meaning in the Cinema*, in which he explored ways of ascertaining authorship given the collaborative nature of filmmaking; shortly thereafter marked the publication of Stephen Heath's 1973 essay "Comment on 'The Idea of Authorship,'" which questioned the assumption that an author is always the originator of discourses by bringing up alternative types of creative production in which authorship is either shared or absent.

37 For instance, Norma Broude and Mary Garrard pointed out in their 1982 feminist anthology *The Expanding Discourse: Feminism and Art History* how "some art historians have observed that the death-of-the-author theories emerged, perhaps not fortuitously, just at the time when feminist scholars were attempting to gain a place for women artists within the historical canon" (4). See also Nochlin, "Why Have There Been No Great Women Artists?"; Irigaray, *This Sex Which Is Not One*; and Spivak, "Can the Subaltern Speak?"

38 Pollock, "Preface," in *Generations and Geographies in the Visual Arts*, xv.

39 Sandoval, "U.S. Third World Feminism," 1.