

# Self-Guide

## Art on Trial

While the art world might not be a frequent topic on “Law and Order,” art and artists have enjoyed a long and action-packed history of igniting controversy that often winds up in the courtroom. This guide takes a look at works by artists who have sparked some scandalous scenes and contentious cases.



GALLERY 211

### *The Ecstasy of St. Francis* (1601) by Giovanni Baglione

Caravaggio, the bad boy of the Baroque, was skilled at inciting controversy. He managed to turn the artist of this work, Giovanni Baglione, from an early follower to a decided foe. Baglione was the first artist to emulate Caravaggio’s innovative style, incorporating realistic details, dramatic lighting, and bold composition into this powerful painting of 1601. Yet his Caravaggesque phase ended abruptly in 1603 when Baglione sued his former hero for disparaging poems he claimed Caravaggio had penned. This painting passed through several prestigious European collections as a genuine Caravaggio for centuries until it was purchased by the Art Institute’s benefactor Suzette Morton Davidson in 1959 and finally recognized as a major Baglione.



GALLERY 225A

### *Jean-Marie Fruchard* (modeled c. 1832/35, cast 1929/30) by Honoré-Victorin Daumier

It comes as no surprise in this day and age that political cartoons can raise a ruckus, but this was also true during the turbulent climate of 19th-century France when satirist Honoré Daumier was delighting the new petite bourgeoisie with his clever political caricatures. Of course, they didn’t delight everyone; in 1831, his transformation of King Louis-Philippe into the all-consuming giant Gargantua was seized by police, and Daumier was tried and convicted for “fomenting disrespect and hatred against His Majesty’s government and of offense to the King.” After serving six months in prison, Daumier directed his political critique towards parliamentarians, producing a series of small grotesque busts including *Jean-Marie Fruchard*. Likely he was not making any friends with these gentleman either.



GALLERY 161

### *Zenobia, Queen of Palmyra* (c. 1857) by Harriet Hosmer

Like the powerful heroines that she sculpted, Harriet Hosmer was a pioneering spirit who defied the gender expectations of her day. She pushed to become one of the first women to study anatomy at Washington University and eventually won acclaim for the precision and grace of her marble figures, quite a feat in the male-dominated field of sculpture. Despite, or perhaps due to this praise, Hosmer was publicly accused of relying too heavily on her male assistants who carved the final marble from clay models, a common practice among sculptors of the day. With characteristic defiance, Hosmer responded with a libel suit and an article published in *The Atlantic Monthly*, in which she detailed her hands-on role in creating her powerful works.



GALLERY 273

## ***Nocturne: Blue and Gold—Southampton Water* (1872)**

by James McNeill Whistler

“[I] never expected to hear a coxcomb ask two hundred guineas for flinging a pot of paint in the public’s face.” When Whistler read these words from John Ruskin’s critique of his 1875 painting, *Nocturne in Black and Gold: Falling Rocket*, he risked what little financial stability he had and sued the critic for libel. The artist hoped to win reparations of one thousand guineas plus court costs, but an unsympathetic jury bankrupted the artist, awarding him only a farthing. Yet Whistler did profit in other ways. He was able to publicly promote his interpretive rather than literal approach to the depiction of nature as shown in the Art Institute’s *Nocturne: Blue and Gold—Southampton Water* and assert his belief in the primacy of artistic vision over the views of criticism—opinions he also published in his account of the trial, a pamphlet entitled “Whistler v. Ruskin: Art and Art Critics.”



GALLERY 263

## ***The Weaver* (1936) by Diego Rivera**

For renowned Mexican muralist Diego Rivera, it was his decidedly left-leaning politics that got him into trouble in 1932 when he was commissioned by one of the world’s most successful capitalists, John D. Rockefeller, to create an arresting mural depicting “new frontiers” for the Rockefeller Center in New York. Among the recognizable celebrities Rivera inserted into the immense fresco was a very prominent portrait of Soviet leader Vladimir Lenin. Rockefeller and the building managers ordered Rivera to remove the image, but the artist refused, and the work was eventually chiseled off the wall. Rivera returned to Mexico and reproduced the mural for the Palace of Fine Arts in Mexico City. Never returning the United States, he continued to make both large- and small-scale work including *The Weaver*, that celebrated both his leftist politics and the native accomplishments of his homeland.



GALLERY 395

## ***Golden Bird* (1919/20) by Constantin Brâncuși**

Romanian sculptor Brâncuși was no stranger to scandal. His phallic sculpture *Princess X*, was deemed “indecent” and removed from the 1920 Salon des Indépendants by police, and six years later, his avian abstraction, *Bird in Space*, provoked a U.S. Customs dispute. Rather than recognizing the piece as art and thus duty-free, customs authorities declared it manufactured metal, subject to a 40% sales tax. The work was released on bond, but Edward Steichen, the new owner, appealed the customs declaration. In the ensuing trial, the sculpture’s originality was one of the elements much debated since the work was so similar to Brâncuși’s other bird sculptures, including *Golden Bird*, but Judge Waite decided, “it is the original production of a professional sculptor and is in fact a piece of sculpture and a work of art ... entitled to free entry.”

### ***Looking for more artistic arguments?***

Stop by the museum on April 20 at 12:00 for the gallery talk “The Armory Show: Chicago’s Response” and learn how riled up Chicagoans became when the works of European modernists were first introduced to the Windy City. (Yes, those same works are now among the most beloved in the Modern Wing.) Plus, be sure to check out our blog, ARTicle, for an inside look at art law; look for posts by the legally minded Troy K.