

How Does a Museum Buy an Artwork That Doesn't Physically Exist?

The Hirshhorn Museum's purchase of a piece by Tino Sehgal reveals a different kind of acquisition process.

By Zoë Lescaze (November 8, 2018)



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THE ARTIST TINO SEHGAL believes there are enough objects in the world. His art involves people, not things, and the process of selling it is entirely verbal. Sehgal does not issue receipts. He does not permit his work to be photographed or filmed, nor does he produce catalogs or even wall labels to accompany his exhibitions. In fact, he eschews all forms of documentation, written or otherwise, in relation to the sale, presentation and care of his work. His pieces, which he calls “constructed situations,” usually involve “players” or “participants” who have been trained by the artist to enact specific actions. At the 2005 Venice Biennale, in a piece titled “This Is So Contemporary,” participants dressed as security guards leapt around visitors to the German Pavilion chanting, “Ooh, this is so contemporary, contemporary, contemporary!” before resuming nonchalant poses. For a 2010 show at the Guggenheim Museum called “This Progress,” a series of increasingly older interpreters guided visitors up the museum’s spiraled rotunda while carrying on free-form conversations that began with the visitor’s personal definition of progress. His most famous work, “Kiss,” from 2002, involves a man and a woman recreating iconic embraces from artworks throughout history, inspired by oeuvres as distinct as those of Auguste Rodin and Jeff Koons, on the floor of an exhibition space.

Despite its lack of physical existence outside of the moment of actual enactment, Sehgal does sell his art — and often for quite a lot of money. His situations, or rather, the right to stage them, can be bought in editions, generally for five-figure sums, and can only be purchased by oral contract at mandatory in-person meetings between representatives from his New York City gallery, Marian Goodman, a notary and the prospective buyer; Sehgal or members of his studio are also usually present. No paper contracts, bills of sale or certificates of authenticity are exchanged. Potentially complicating this transaction further: The artist, who lives in Berlin, rarely makes trans-Atlantic trips in an effort to reduce his carbon footprint.

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It is an understatement to say that the 42-year-old Sehgal is obsessive about his work, from its concept to the lexicon used to describe it. His practice has more to do with theater and acting techniques (many of his players are professional actors) than it does with the tradition of performance art, the de facto description for any kind of live experimentation in the art world. And it's not strictly conceptual art, either, if one goes by Sol LeWitt's assertion that "the execution" of such art "is a perfunctory affair." The reverence Sehgal inspires among curators, collectors and other artists is informed by his particularities: Following an interview for this piece, one slightly panicked museum official wrote to request that any accidental uses of the word "performance" be corrected. (Sehgal feels that term suggests works that are more fleeting and have more of a wall between audience and performer than exists in his art.) "I would hate for that slip-up to offend Tino," the employee wrote. "I think it would be a bit serious, actually."

Asad Raza, an artist and frequent collaborator of Sehgal's, describes the process of purchasing a Sehgal as "almost like a kind of therapy" for those who buy it — an altogether different process than the moneyed art world is used to, even as museums and collectors expand their holdings to include unconventional performance and conceptual art. Last August, the Hirshhorn Museum and Sculpture Garden, part of the Smithsonian Institution in Washington, D.C., announced the acquisition of its first-ever live, experiential artwork: a 2006 piece by Sehgal called "This You," which began a six-week run at the museum over Labor Day weekend. It consisted of a female singer, stationed in one of the museum's outdoor spaces, serenading individual visitors one at a time with a song of her choice (depending on how the visitor inspired her). It's one thing for a collector to agree to Sehgal's terms — certainly there are individuals wealthy enough to spend five figures and have nothing to show for it but the memory of a handshake — but Sehgal's process seems particularly daunting for institutions, especially federally funded ones like the Hirshhorn: How does a government-owned museum buy something without a paper trail? And how do conservators preserve nothing for posterity?

SEHGAL, WHO WAS born in London in 1976 to German and Indian parents, has emerged as one of the most important artists of the past two decades. His works mingle chance and careful choreography, philosophy and irreverent humor. They create worlds in which viewers become essential participants rather than passive spectators. Many of Sehgal's situations are designed for certain contexts, from the interior of the Guggenheim to the aisles of Art Basel, and they respond to the physical and spiritual properties of their settings. A 2012 piece at the Tate Modern's Turbine Hall included 70 participants carrying out choreographed actions and occasionally approaching museum guests to tell highly personal stories, like the British immigrant who, while uncontrollably weeping, described revisiting his unnamed homeland after seven years away. Unlike some of his antecedents in the realm of immaterial art — such as John Baldessari and Joseph Kosuth, who were interested in meaning rather than product — Sehgal does not avoid objects as some kind of Marxist gesture aimed at critiquing the art market. His interest in nothingness is less about skewering commerce than about exploring the potential for art to exist without form. "The experiment at the core of my practice is to see what happens if you don't produce something material but still produce something," Sehgal wrote in an email from Berlin.

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Tino Sehgal photographed in New York City in April, 2018.
Credit An Rong Xu for The New York Times

Still, acquiring one of Sehgal's situations is a bit like adopting a child. It's a lifelong commitment, and the works need continual care to survive. They cannot be damaged like paintings, but a few individuals must assume responsibility for keeping them alive. Unlike a bronze, which can languish in storage for half a century, Sehgal's work must be actively remembered. "If my work would be completely forgotten for 20 years, nobody would have the embodied knowledge to install and rehearse it, that would definitely be a deterioration," he wrote. "So there are risks involved both with material and live works, they are just different kinds of risks."

The Hirshhorn's purchase of "This You" involved selecting three staff members to become stewards of the work. One of them is Briana Feston-Brunet, 34, the conservator of variable and time-based media at the Hirshhorn, who described a long conversation about deciding "who's going to have the responsibility of this artwork," and who is now one of the few people on the planet entrusted with its memory.

The acquisition process began with a phone call to the museum's legal counsel. Feston-Brunet had tried to explain to one of the institution's lawyers that they would be purchasing an artwork for which there would not only be no object but also no written contract. Despite this, the purchase of the piece was faster than usual. Acquisitions often take two years at the Hirshhorn, but final approval and funds for "This You" came through in just a year, in part because Sehgal was making a rare trip out of Europe to New York in the spring of 2018, a visit that spurred the museum to act fast.

The purchase of "This You" culminated in a summit meeting of sorts. ("There was a lot of buildup to this meeting," said Mark Beasley, the Hirshhorn's curator of media and performance, who remembers wondering, as the museum prepared to obtain a work through nothing but a conversation, if it would actually happen.) One bright day in May on the West Side of Manhattan, near the Shed, the arts center slated to open at the Hudson Yards development next year, a group assembled: Sehgal, two members of his studio staff, the Marian Goodman Gallery director, Rose Lord, and Hirshhorn officials, including the director Melissa Chiu, Beasley,

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Feston-Brunet, the assistant curator Betsy Johnson and the museum's lawyer, who also served as a notary. Sehgal was in town to work on "A Prelude to the Shed," a curtain-raiser festival for the space that he co-curated, which included one of his own works. That situation — a dance in a darkened room — was transpiring inside as the official transfer of "This You," a different kind of choreography, unfolded around a table outside. The group talked through the oral contract, which covers the minimum length of the run of the piece (four weeks) and how to loan or resell it (this would involve using the same oral contract as the one used to purchase the work). After the group discussed the conditions, Sehgal recited the contract. Chiu and Lord shook hands.

ART HAS CHANGED over the past several centuries that museums have been collecting it, but the process of buying it has remained more or less the same. Price tags stick to ready-made bicycle wheels the same way they stick to marble Madonnas. Performance and conceptual practices exploded the inventory to some extent, stocking galleries with ideas and experiences in lieu of objects, a gambit that, depending on your level of cynicism, constituted an admirable rejection of art as commodity or an elaborate game of chicken, with artists daring museums, collectors and dealers to blink.

Yet some of the most seemingly out-there, unsellable works of the last century have sold, and the buyers got tangible tokens of their purchases. Yves Klein's late 1950s "Zones of Immaterial Pictorial Sensibility" included plots of empty space that collectors paid for in gold, receiving certificates of authenticity in exchange. Robert Barry's 1969 "Closed Gallery" consisted of announcement cards for shows in three different cities stating that the galleries would be closed during the exhibitions; the artist's patrons paid \$250 for the work, along with three of the original invitations. A decade ago, museum directors and curators had to brace for battle with board members and bureaucrats to acquire one of Sehgal's works. (Glenn D. Lowry, the director of the Museum of Modern Art, once described the process of obtaining "Kiss" as "one of the most elaborate and difficult" acquisitions in the museum's history).

And yet, the transfer of "This You" was relatively easy, or as easy as such a thing can be. Sehgal's canonical reputation has helped matters — he is now collected by museums all over the world. Museums, though, are famously conservative: staid caretakers of cultural heritage, whose administrative protocol, records and paperwork are key to maintaining that heritage. That buying an ephemeral, ever-changing work with no receipt is less problematic now than it was 10 years ago may reflect more than the artist's increased stature. The very nature of ownership has transformed in more prosaic aspects of our lives. "We used to think we bought something and we owned it, and now we buy a phone and they keep on updating it — it's not even ours!" said Chiu. She called this a "very 21st-century idea." At a time of dwindling physical assets, when money itself is more often tied up in investments and credit rather than physical objects, Sehgal's work feels like a sustained metaphor for high-risk commerce, and also of an older kind of exchange, based on a handshake and mutual trust, one not codified on paper. He is both symbolic of our culture and anachronistic in an age where every action is documented nearly up to the minute. The sale of his art seems to offer a hint of how a museum might operate as art itself continues to change and disappear into new levels of intangibility.

Then again, maybe not. In his email to me, Sehgal spoke of his practice with insouciance: "It's quite simple actually," he said.