

What's Wrong With This Picture? An Examination of Art Historians' Attitudes About Electronic Publishing Opportunities and the Consequences of Their Continuing Love Affair with Print

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In 2006, Rice University Press published two Mellon-funded studies on scholarly publishing in the field of art history. This article examines the two studies and investigates art historians' reactions to electronic publishing as an alternative to print. The problems of permissions and image color quality are questioned: are they reasonable objections to digital media, or merely convenient justifications masking a deeper resistance to electronic publishing? The article argues that, notwithstanding the declining print publication opportunities for art history monographs and the limited numbers of respected art history journals, art historians want to continue their love affair with print. It then concludes that art historians are jeopardizing the long-term vitality of their field by staying on the other side of the digital divide.

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The Picture

In March 2006, the J. Paul Getty Museum hosted a symposium entitled "Looking at Landscapes: Courbet and Modernism."¹ Getty Publications decided in early 2007 to forego print and to publish the symposium papers as an online-only publication,² reasoning that it would be faster and cheaper to bring this material to its scholarly audience in this format than if traditional print publishing were used. Moreover, Getty editorial staff felt that an online-only publication would be acceptable in quality and still meet the primary goal of the project—contributing the material to the scholarly record. In addition, the hope was that digital technologies would achieve the following: greater accessibility of the material to a wider audience, more in-depth exploration of the images selected by the symposium scholars including the ability to magnify painting details, and expanded usability of the material through active links within the papers to other Web sites.

Once the decision was made to proceed as an online-only publication, the Getty determined that it wanted the publication to be governed by the Creative Commons License Deed Attribution-Noncommercial-No Derivatives 3.0.³ To ensure that the publication was available over time, the images needed to be cleared for long-term access, downloading, and printing. Ninety images were identified for the publication.

In the late spring and early summer of 2007, Getty Publications sent out letters to all of the people and institutions that controlled high-quality digital files or transparencies of the paintings. Unless a publisher has access to high-quality digital files or transparencies, it is necessary to obtain them from another

source. Moreover, it is a common business practice among art history publishers to license images rather than to justify reproduction and distribution under fair use.⁴

After about four weeks, the responses began coming in. Almost without exception, the responses reflected old practices—transparencies or digital files of the images are leased for a short period of time to allow the publishing house to create its own reproduction copy for its publication after which the loaned transparency needs to be returned; digital files are to be destroyed or erased. Image holders still requested two "copies" of the publication, although all those who granted permission identified the use as a Web publication, and they were aware that the publication would be downloadable and printable at no charge, and that no print copies would be produced. A time limit of between one and five years was included in almost all of the license agreements. Seventy-five percent of the image holders required payment.⁵ The rights for three images were denied because the publication would be available on the Web without any restrictions, and one of these denials specifically rejected the Creative Commons License.⁶ There were no responses to four letters despite repeated attempts to contact the last known image holders. About half of the images were licensed through Art Resource, a for-profit fine art photo stock house which represents many private collectors and museums in licensing activities. Approximately one-third of the images were controlled by non-U.S. entities.

The symposium papers were published on the Getty's Web site in November 2007, eighteen months after the exhibition closed and twenty months after the symposium was held.⁷ The Web publication is a modest text of eighty-eight pages with eighty-two images, two additional images of details from one of the paintings, and five boxed spaces noting "image to come." It is a PDF document and can be printed in its entirety or on a chapter-by-chapter basis. The image resolution is 72 DPI.



Figure 1: Portrait of Gustave Courbet. Photographer: Unknown maker, French. c. 1860-1865. Albumen silver. 3 7/16 x 2 3/16" (8.7 x 5.6 cm). The J. Paul Getty Museum, Los Angeles. Reproduced with permission.

Despite the Getty's hopes for use of digital technology functionality in an online publication as described above, the images cannot be separated from the text, and they cannot be enlarged or downloaded. There are no live links within the document.

Gustave Courbet died in 1877; all the works of art reproduced in the Courbet online publication are from the nineteenth century, and thus in the public domain.

Is Something Wrong with This Picture?

The Getty used the Courbet symposium papers to explore the concept of an online art history publication. Questions were anticipated about permissions, but it came as something of a surprise to everyone involved that most of the image holders did not have a specific image license for Web publications. While the licenses included restrictions on resolution, downloading, and printing, many used contract terms more appropriate to print. It was disappointing, although less surprising, that most image holders did not accept the Creative Commons License. The resolution restrictions were an issue, but far and away the greatest problem was the limited length of term. In order to get the symposium papers on the Web, the Getty accepted a five-year cap with the hope that something might change within those five years to make renewals unnecessary or, at least, not involve an additional cost.⁸

Ever since machines offered the opportunity to make copies of works of art, there have been questions raised about the effi-

cacy of these mechanical reproductions.⁹ Today, there are not just mechanical reproductions of works of art; there are also opportunities to make digital reproductions of works of art and to distribute them via the Web. Digital technologies raise questions and concerns among art historians about whether electronic publishing is good for art history and whether it is good for them professionally.

Two Recent Studies

In 2006, two important and comprehensive studies were released on the topic of publishing in the field of art history, and numerous colloquia and symposia on the subject were held.¹⁰ Rice University Press published two companion studies about art history scholarship: *The State of Scholarly Publishing in the History of Art and Architecture* (referred to herein as the McGill Study)¹¹ and *Art History and Its Publications in the Electronic Age* (referred to herein as the Ballou and Westermann Study).¹² These studies were funded by the Andrew W. Mellon Foundation. When taken together, they provide an important snapshot of the state of scholarly publishing in the field of art history along with insights into art historians' attitudes about electronic publishing. They offer a number of recommendations for actions that, if accomplished, could expand scholarly publishing opportunities, both print and electronic. The most interesting thing about the two studies, however, is the disconnection between the McGill Study's findings and the Ballou and Westermann Study's conclusions and recommendations.

The data, the surveys, and the interviews in the McGill Study suggest that art historians are not particularly interested in electronic publishing. They may accept it, but they are not committed to it. Electronic publishing, when discussed and considered for publication of art history monographs, is simply not embraced or supported in any meaningful way.

Yet, three of the four primary recommendations in the Ballou and Westermann Study advocate an increase in electronic publishing opportunities without any recognition that

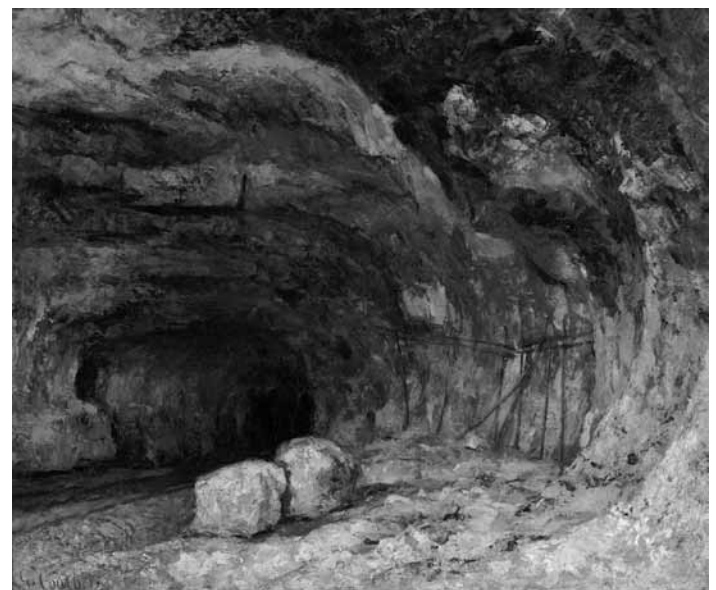


Figure 2: Grotto of Sarrazine near Nans-sous-Sainte-Anne. Gustave Courbet. c. 1864. Oil on canvas. 19 11/16 x 23 5/8" (50 x 60 cm). The J. Paul Getty Museum, Los Angeles. Reproduced with permission.

art historians want to stay in a print world.¹³ Indeed, Ballon and Westermann do not even discuss the consequences to the long-term vitality of art history scholarship as a result of this love affair with print media.

The State of Scholarly Publishing in the History of Art and Architecture

The McGill Study collected data on the trends in art history publishing and doctoral programs, and conducted research among university press editors, publishers, and art historians at various stages in their academic careers, including art history department chairs. This study is chock full of statistics about art history publishing and assessments about trends and the reasons behind them. In order to provide some context for the arguments and conclusions in this article, some of the McGill Study's findings are set forth below [text quoted directly from study]:

- From the perspective of university-based art historians, shrinking opportunities to publish scholarly books are experienced as jeopardizing the intellectual vitality of art and architectural history.¹⁴
- The "crisis" in scholarly publishing that affects all scholarly disciplines has hit art and architectural history especially hard. The reasons for this are clear: texts in this field require illustrations, and illustrations create costs that don't exist for books in other scholarly fields.¹⁵
- Between 2000 and 2004, the number of arts-related titles published by university presses declined by 16%.¹⁶
- The most recent two years for which data are available (2002-03 and 2003-04) show that the number of Ph.D.'s awarded in the field has risen yet again, to 260 in '02-'03 and 259 in '03-'04. This represents an increase of 104 Ph.D.'s per year over the rate that prevailed in the field just eleven years earlier (156). That's a 66% increase since the early 1990s.¹⁷

In the discussions with younger art history scholars, McGill identified various concerns but found little commitment to electronic publishing opportunities as a way of increasing publication opportunities.

The younger scholars briefly discussed the possibility of electronic publishing as a way of addressing some of the publication issues in the field. At present, a significant drawback to e-publishing is that traditional [print] publications are reviewed and cited far more often than e-publications. ... There was general agreement, however, that the electronic article is a useful format, especially when users are able to browse and search e-articles interactively.¹⁸

Mid-career and senior scholars recognized the concerns of younger scholars, but their issues were different.

While mid-career scholars were unsure of the role electronic publications might play in the field of art and architectural history, most agreed that 1) electronic publications are likely to play an increasingly important role, and 2) the book will continue to be an important medium for art history scholarship. ... But the question to which scholars continued to return was the extent to which electronic publications (of any type) would be taken seriously by tenure committees.¹⁹

These mid-career and senior scholars, despite their willingness to discuss electronic publishing opportunities, also recognized "the printed book as standing at the pinnacle of the scholarly publishing hierarchy."²⁰

According to McGill, the art history department chairs discussed electronic publishing only briefly, and during the discussion there was no consensus about the possibilities it might offer.²¹

On the question of the role of electronic publishing and print-on-demand, the McGill Study's survey of academic presses found "there was absolutely no consensus among these editors as to whether the cost of publishing books online is less expensive, as expensive, or more expensive than regular publishing."²² Moreover, "editors were split as to whether or not print-on-demand would become a viable option for printing books with high quality illustrations over the next five years or so."²³ These editors cited a number of concerns about online publishing including the cost of obtaining permissions, problems with color quality, and the shelf-life of digital files.²⁴ In this section of the report, McGill departs from a primarily factual narrative to point out, in capital letters, that none of the advocates for online publishing discussed the problems or ongoing costs related to conservation of digital files.²⁵

Finally, McGill conducted face-to-face interviews with six senior editors at four major university presses, resulting in "... general agreement that the current crisis in art history publishing is more than just a part of the general crisis in scholarly publishing, due to the additional costs associated with publishing in this field."²⁶ What is the basis for those additional costs? "Permissions fees are one half of the additional cost burden associated with art history publishing. The other half is reproduction costs."²⁷ McGill notes,

One source explained that since about 1990, the world of copyright has changed, causing image costs to spiral upwards. The phenomenon of third-owner copyrights, along with the attachment of restrictions (e.g., no cropping allowed) has made the use of images more difficult. The problems are especially acute in the areas of 20th-century and contemporary art history. Even older material that ought to be considered in the public domain is being "held hostage" by the holders of the objects who ask for fees. Photographs of art works are also being copyrighted.²⁸

Arguably, copies of works of art in scholarly publications would qualify as fair uses under Section 107 of the Copyright Act, one of the limitations on the exclusive rights of copyright holders. Fair use would reduce reproduction costs and the time spent obtaining permission. As one editor pointed out, however, "The concept of 'fair use,' for example, is applied fairly liberally in the sciences, but not nearly as generously in the humanities."²⁹ As noted previously, it is a longstanding practice in art publications to seek permission and clear images for publications even if the use would be a fair use. Of course, one still needs access to a high-quality, high-resolution digital copy of the image, and fair use does not mandate that the owner of the art work or the digital copy of it must provide it upon request.

The editors interviewed were critical of electronic publishing for art history monographs. McGill states that "... the option of electronic publishing is one that they tend to hold at arm's

length. For some, there are viability concerns about the medium per se, while for others, a digital product is simply less desirable than the book as a vehicle for art history scholarship.³⁰ Some editors were concerned about how electronic publishing would affect the press's reputation, and others thought that there would not be any cost savings. But, once again, the deepest concerns came back to illustrations. As stated by one editor, "good art history books make people vividly aware of important art works through well-done visuals and illustrations. Illustrations ... are the key to good art history. As far as e-publishing is concerned, [...] art history may well be the last discipline to get there."³¹

In summary, the McGill Study identifies unique issues facing scholarly publishing in art history, particularly in the academic sector where print publication of a scholarly monograph is usually considered necessary for tenure. While electronic publishing opportunities were raised and discussed, albeit not in any significant depth, there seemed to be little excitement voiced about them, and the technical problem with color management in digital media was identified as a matter of great concern. More importantly, there are no documented experiences of cost savings, improved, if not better, image quality, or faster publication to counterbalance the misgivings about electronic publishing. Under these circumstances, it is no wonder that there is little acceptance of electronic publishing by the art history academic community.

Art History and Its Publications in the Electronic Age

Ballon and Westermann participated in the interviews described in the McGill Study and supplemented that work with other articles and studies. Yet their primary conclusions and recommendations latch on to the encouraging comments about electronic publishing and ignore the negative responses or the entire lack of conversation on the topic. Indeed, they seem to be in a state of denial about the feelings expressed by art history scholars and publishers—feelings and opinions about electronic publishing that range from ambivalence to deep-seated resistance. They fail to suggest ways to counteract art historians' attachment to print media and instead focus on predictable ways to increase electronic publishing opportunities, proposing an "if we build it, they will come" model. Whether it is hope that electronic publishing will be accepted, or their own experiences with shrinking print opportunities, Ballon and Westermann recast the data and statements contained in the McGill Study. Their spin, however, raises questions. Will their interpretations and recommendations be accepted and acted upon to bring about sufficient change to expand and improve art history electronic publication opportunities? If so, will these increased opportunities lead to greater acceptance and utilization by art history scholars and publishers of digital media? Or, by failing to face the fundamental obstacle to electronic publishing in art history—the resistance to the format because it lacks the physical permanence, substance, and picture quality of a print book—will this study remain an interesting artifact of scholarship and not change anyone's mind about electronic publishing? Will the field continue to treat electronic publishing as nothing more than a substandard, print substitute rather than a potentially viable and valuable medium for monograph publications?

Ballon and Westermann make the following recommendations: "(1) improve access to images for scholarly publishing;

(2) launch electronic extensions of the scholarly journals of record; (3) form a consortium for the publication of art and architectural history online; and (4) develop the benefits of electronic, museum publications to become more productive sites of scholarly collaboration."³²

To put the disconnection between the McGill Study's factual findings and the Ballon and Westermann Study's recommendations in perspective, it is necessary to highlight some of the latter's interpretations [text quoted directly from study]:

- The rapidly improving quality of digital images and modes of electronic publication offer expanded publishing opportunities to scholars and potential economic benefits to academic publishers, in print as well as electronic media.³³
- We confirmed the retrenchment of publishing of monographs but found emerging publication opportunities.³⁴
- We also found a **remarkable responsiveness** (emphasis supplied) among art historians to electronic communication. Yet e-publishing programs have not emerged and taken advantage of the field's rapidly growing sophistication in the use of digital images and electronic research techniques.³⁵

Ballon and Westermann clearly want to promote electronic publishing in art history. They provide an action-oriented plan of things to do to accomplish this. Unfortunately, while their plan recognizes the problem of permissions, it calls for initiatives that do not address art historians' more fundamental criticisms and dissatisfactions with electronic publishing.

Rights, Risks, and Revenue

It is always easy to blame a problem on the lawyers. Clifford Lynch, long time advocate for easing copyright restrictions on uses of works in scholarship, states, "We seem to have a disturbingly well developed culture in our universities that is very risk-adverse about these (intellectual property) issues. I don't know quite where it came from, but it's clear when you listen to general counsels that many of them are really taking a very risk-adverse position about the issues having to do with copyright and fair use."³⁶ In the case of the image permissions and costs problem, however, blaming it on the lawyers is too simplistic.

The Chronicle of Higher Education's 2006 article entitled "Picture Imperfect" summarizes the McGill and Ballon and Westermann studies and discusses Susan Bielstein's book *Permissions, A Survival Guide: Blunt Talk About Art as Intellectual Property*.³⁷ The article describes the art history publishing situation and, as evidenced by its title, narrows in on the difficulties encountered when trying to obtain permission and the increasing costs for images once such permission is granted—costs that are rising not just for electronic publications, but also for print.

Bielstein claims that many museums and other collecting institutions charge unwarranted and excessive copyright and use fees for digital surrogates of works of art that are in the public domain.³⁸ The permissions situation for public-domain images is particularly aggravating given the Bridgeman Art Library decision in which the United States Second Circuit District Court found that the slavish reproduction of two-dimensional works of art that are in the public domain is not sufficiently original to qualify for copyright protection.³⁹ This decision was not

appealed, but many museums and other image holders do not agree with it, nor have they changed their reproduction policies to comply with it.

Ken Hamma, former executive director for digital policy at the Getty, has repeatedly called on museums and other cultural heritage institutions to make available without restriction, digital copies of public-domain works in their collections because to do so is a fundamental part of the institution's mission.⁴⁰ Furthermore, as demonstrated in Simon Tanner's 2004 study *Reproduction Charging Models & Rights Policy for Digital Images in American Art Museums*, art museums operate image reproduction departments for reasons other than money.⁴¹ In text and charts, Tanner identifies the top three "primary driving factors for providing [reproduction] services" by all museums—private, public, and private non-profits—as:

1. Serve public and educational use
2. Promote the museum and its collections
3. Serve publishers and/or commercial picture use⁴²

Interestingly, in the top ten areas of museum revenue, image sales constitute the least amount.⁴³ Furthermore, lest one think that all works in the museums' collections are equally marketable in the permissions or retail markets, Tanner's findings indicate that rights and reproductions follow their own power law. He notes, "Most of the museums report that they have a top 10 list of images that attract the most attention."⁴⁴ For what it is worth, museums are aware that for most peoples' needs, copies of works of fine art are somewhat interchangeable—one Monet is as good as another.

It is true that obtaining permission in advance of publication for copyrighted works will ensure there are no infringement claims in the United States and abroad. It is also true that copyright law is more restrictive, and people seem to be more litigious, than in the past. It is, however, by no means cut-and-dried, black-letter law that copying an image for educational and scholarly purposes is not fair use or fair dealing in other countries, notwithstanding industry practices.⁴⁵ U.S. copyright law has a specific limitation on damages for infringements if undertaken in good faith as fair uses.⁴⁶ Moreover, as noted above, there is the Bridgeman decision that makes uncertain the legal success for an infringement claim for use of a public-domain work without permission.

Still, costs for image reproductions have increased dramatically over the past years.⁴⁷ While there is no question that museums control the copies of works in their collections through on-site photography policies and rights and reproductions restrictions, it is difficult to accept that these factors are the basis for the resistance by art historians to electronic publishing. For example, if museums were to make images more easily available for online-only publications, would that change the minds of the many people McGill interviewed? It is difficult to answer that question given that we do not have much experience with easily available, cheap or free images of works of art. There is the ARTstor Images for Academic Publishing (IAP) project, but that does not seem to have changed anything yet.⁴⁸

So who are the people making and enforcing image reproduction policies? Chances are good that the museum directors and curators are art historians, not lawyers. The fact is, rather than making the images available for scholarly publishing, museums continue to charge each other for the rights to use

images.⁴⁹ Lawyers do have a tendency to be risk averse, but why are the leaders of the art history profession putting up so much resistance to such a simple solution (making high-resolution digital copies of public-domain works of art freely available without restrictions) to such a big problem (time consuming and expensive reproduction permissions for electronic publication)?

The Academic Portal Through Which All Must Pass

Ballou and Westermann's gloss on the McGill Study miscasts, if not outright ignores, the most crucial evidence about the problem: the citadels of art history scholarship are not "remarkably responsive" to electronic publishing activities. Museum directors, curators, special collections librarians in art research libraries, and art history editors and publishers, have degrees in art history, and many of those degrees are doctorates. In order to receive the degrees, students are taught by other art historians with PhDs. As the McGill Study documents, those holding PhDs in art history, particularly those in tenured faculty positions, are not interested in electronic publishing.⁵⁰ They want print and they want books. In her article "Publishing Paradigms in Art History," Catherine Soussloff asks the reader, "Is there any other thing more important to an art historian and teacher than the [print] art book?"⁵¹ If the answer to Soussloff's question is "no," and there is no reason to believe otherwise, there does not appear to be any reason to think that art history scholars will support electronic publishing in any meaningful way anytime in the near future. Without such support, it seems unlikely that there will be the critical mass of people in leadership positions making decisions and establishing policies to ensure that a sufficient number of image resources are available for successful electronic publishing efforts.

Bielstein stated that museums should make available high-quality digital copies of works in their collections at little or no cost for academic publishing efforts.⁵² To do so would probably require only minimal effort, at least for images already digitized with acceptable metadata, and there probably would be little or no economic loss. Hamma makes an articulate case that doing so is fundamental to museums' missions.⁵³ Tanner's study demonstrates that with few exceptions, museums do not generate enough revenue from image licensing to offset all of the costs incurred in the process.⁵⁴

One explanation for the ongoing resistance to loosening the controls over images is that museum and art library leaders believe they are protecting future revenue opportunities, or ensuring that the works are used only for acceptable purposes that provide context and meaning for the work. Good curation and stewardship are equated with control of source material. Institutional rights and reproduction policies are set by institutional leadership and can change overnight if there is a willingness to do so.⁵⁵

Incentives and Deterrents for Electronic Publishing

Is electronic publishing for art history faster, better, and/or cheaper? If so, are these sufficient incentives for art history scholars, art museums, and art libraries to embrace electronic publishing?⁵⁶

Is it faster? The Getty's experience with the Courbet symposium papers indicates that it was faster. It would have taken at least four to six months or more for a print publication.

Is it better? The consensus among those involved in the Courbet project is that the online publication is NOT better than it would have been if printed. Image reproduction and paper standards vary among publishers, but a PDF with a low resolution digital file will not satisfy those concerned with print quality. Moreover, it seems fair to say that, despite the improvements in desktop printing, a low-cost printer will never be able to provide the quality of a high-end commercial printer.

Color matching is frequently cited by art historians as a major drawback to electronic publishing.⁵⁷ Technical reasons are given for these problems, and solutions are being studied at the Rochester Institute of Technology (RIT) which is the only university to offer an interdisciplinary graduate degree in this specific field.⁵⁸ Recognizing that color management in digital imaging was a problem that needed to be remedied if digital publishing were going to be improved and embraced by multiple segments of the scholarly world, the Andrew W. Mellon Foundation funded a major study entitled *Defining Digital Capture of Cultural Heritage – Benchmarking American Museum Practices and Defining Future Needs*.⁵⁹ Suffice it to say, substantial work is being done to improve color management solutions. Of course, not all art history publications need the same level of picture quality. Once again, art historians are justifying their behavior by invoking a problem that will, most likely, go away, at least to a large extent. In addition, they are applying one high standard for print quality to all art history publications without recognizing that some art history publications may not need the highest quality image reproduction.

Is it cheaper? Referring back to the Courbet project at the Getty, it appears that the initial online publication posted on the Getty's Web site in 2007 was cheaper than it would have been if done in print. That said, and as noted earlier in this paper, the permissions costs after the initial five-year terms are unknown. Other costs, however, either remained the same as for print, or were less.

As indicated by the limited amount of published research on the subject of costs, people tend to be cautious in their opinions about whether online publishing is cheaper than print; they do not assume it is either cheaper or more expensive. In one of the few comparisons of print, print plus online, and online-only costs, an American Psychological Association study shows that when keeping all other variables constant, it is cheaper to publish in print only, most expensive to publish in print plus online, and about 30 percent more expensive than print only to publish online.⁶⁰ This comparison of costs, however, attributed all storage and network costs to online publishing. Assuming the publisher already has a Web site, the staff to operate it, and the infrastructure to keep it up and running, it seems reasonable to think that over time it should be possible to reduce the costs of online projects.

Under this analysis, electronic publishing for art history is faster, not yet better—but improving—and not yet cheaper, but costs could be reduced or allocated over multiple activities.⁶¹ The experiences to date are not particularly compelling or persuasive, but if one assumes electronic publishing will be faster, better, and/or cheaper over time, what can justify art historians' desire to stay on the other side of the digital divide, and what are the consequences of doing so? Stated another way, can art history as a discipline grow and extend itself beyond the narrow confines

of academia and the museum world without maximizing electronic publishing opportunities?

Art History PhDs: Supply and Demand

According to Bielstein, there were on average 220 art history PhD degrees awarded annually in the United States for the years 1996-2003,⁶² and there are approximately 6,500 full-time art history academic positions in four-year U.S. colleges and universities.⁶³ Assuming that not all American art history PhD recipients choose or find tenure-track academic positions in the U.S., it seems as though the supply of art historians compared to the demand for teaching jobs should be fairly stable, but not particularly vibrant or robust.⁶⁴ Is job security a part of the rationale for not expanding publishing opportunities through the use of digital media? After all, if a surplus of art history scholars for the academic marketplace exists, why make it easier for there to be more?

Paul Courant captures the essence of the academic and publication relationship. He contends, "'Publish or perish' ... is more virtuous than sadistic. Publish or don't waste our time. If we can't retrieve what you have learned, you have violated your implicit scholarly oath."⁶⁵ How does Courant's statement apply in a world where for many people, if it isn't digital it doesn't exist? Is the fact that art historians continue to resist expanding opportunities through electronic publishing a violation of their scholarly oaths?

Herman Pabbruwe, chief executive officer of Brill Academic Publishers, participated in the colloquium "Art History and Its Publishers." In comments on the uses of digital technologies, he stated,

I'm flabbergasted to see how little the computer is used in art history today. In the early 1970s, art history started using computers for icon and other classification systems. Since then very little has happened. Pattern recognition, making use of large semantic search tools—it's not happening in art history and that surprises me. The power of computers could add an enormous amount to the wealth of literature that has been published over the years and will be published.⁶⁶

Is it possible that art historians are adverse to computer and digital technology in ways other than publication formats?

Conclusion

Many studies have been conducted about the ill effects of being on the "wrong" side of the digital divide. In the field of art history, it appears that the fetish for the printed book and a reluctance to incorporate digital technologies into the field of study are badges of honor rather than obstacles to be overcome. The field, however, is small with a greater supply of professionals than there are employment opportunities for them. Art history is only one discipline within the greater world of art. Visual cultural studies and new media art, while still somewhat in flux as disciplines, are capturing the interests of both students and publishers.

Notwithstanding the facts and figures in the McGill Study, the overall art history publication market seems to be stable. Soussloff notes that

The art history book today costs at least three times what other kinds of scholarly books cost to make. In addition, overall, costs of books rose 82 percent from 1986 to 2003. Yet, the sales of art books have not decreased, despite the so-called crisis in publishing of recent years in other humanities fields. ... For most art-book publishers, including trade publishers, the recent drop in sales to libraries has been balanced by the individual sales on the internet, through outlets such as Amazon.com. For the nonacademic public, the museum store also remains a primary outlet for art books. The digital marketplace and the museum store are the principal reasons that art books continue to be published.⁶⁷

These comments imply that, while publication of art history scholarly monographs by university presses has declined, a fairly stable art book publishing business continues despite rising costs.

Anecdotally, while working on this article, I heard colleagues, publishing professionals, and fellow students express two consistent responses on the subject of art history and electronic publishing:

1. Art historians will embrace electronic publishing when they need to do so.
2. The resistance to electronic publishing will change over time as those who grew up with the Internet and digital technologies enter the art history field and assume leadership positions.

Certainly such assessments about the situation seem reasonable. But, one has to wonder just how bad it will get for art history scholars before the need to accept, adopt, and support electronic publishing emerges. In the meantime, the experiments are few and the criticisms are many. Like other media expansions of the past such as radio to television, using electronic publishing does not mean that print books will go away. With two options, however, publishing resources will be distributed differently with some going to print and others to electronic formats. The determination of what is or is not good "publishing" needs to be based on the substance of the content and not the packaging. Art historians should think about the state of their scholarly research and communications and consider a world where there are only a few scholars and publishers left. Given their positions in the world of art publishing, Ballou and Westermann undoubtedly understood this. Instead of pointing out the realities and consequences of fewer publishing opportunities, they instead chose to recommend actions that promote adoption of the technology. Perhaps they are right. The fundamental problems, however, are *not* permissions and color management, or even documentation that online distribution is faster, better, and/or cheaper. The real issue is the field's leadership (or lack thereof) concerning experimentation with digital media and collaboration with others to maximize its usefulness to art history.

Art historians should be encouraged by institutional leaders to push digital technology to advance the field, and not cling to romantic notions of permanence and legacy associated with printed books. While there is no substitute for leafing through a beautiful art book or standing in front of an original Courbet painting, for many people that may never happen. Is it not better to provide greater access to Courbet's works through networked distribution than to forego providing the access altogether? Is it

not better to ensure the long-term vitality of the art history field and support the scholars by expanding publishing opportunities through the use of electronic media? Would not the field be served better if there were more opportunities to use digital technology to examine, test, and share research concepts?

Artists and their works need to be the subjects of study by art historians, but that will only happen if there are sufficient publication options. The irony is that without a dynamic and growing publication marketplace, fewer and fewer art historians will have the opportunity to add their voices to the art discourse. The likely result is that when publication opportunities diminish and permissions become more complicated and expensive, only commercially viable artists and their works will be published and publicized. The World Wide Web contains unvetted commentary—some good, some bad. The voices of authority, those with knowledge of context and period, design and composition, history and influence, i.e., the scholars, will be talking amongst themselves, and only a few will be able to reach a wider audience through publications. Should this be the result, the question will not be: "What's wrong with this picture?" The question will be: "What picture?" Let us hope this does not happen.

Acknowledgments

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The opinions expressed herein are my own and not necessarily those of the J. Paul Getty Trust.

Notes

1. See: <http://www.getty.edu/art/exhibitions/courbet/events.html>.
2. Getty Publications felt that print-on-demand technologies were improving greatly over those available as little as a year ago; however, the print-on-demand option was eliminated for cost and operational reasons.
3. The Creative Commons license used can be found at <http://creativecommons.org/licenses/by-nc-nd/3.0/>. The Getty's decision to use the Creative Commons license was based on three factors: (1) it is easier to use a standard license than to create and negotiate a customized one; (2) the publication is intended to be available for use by scholars, students and teachers, and so it is better to state that up front rather than have to respond to individual inquiries; and (3) the Getty wanted to explore responses to the Creative Commons license from image holders in order to evaluate continued use.
4. The question of fair use of copyrighted works in art book publications is rarely discussed because publishers need to obtain high-quality transparencies or digital files from which they can create the images for publication. Moreover, the business practice of paying for these materials is part of an entrenched culture. Whether this still makes sense is discussed later in this article.

5. The average license fee per image was \$150, and this was slightly less than the amount budgeted. Of course, the rights obtained were substantially less than those requested, and the licenses will need to be renewed or extended before the five-year term expires. It is unclear, at this time, whether the licensors will require additional payments.

6. The museum that initially denied permission later granted permission along the narrower lines of the other image holders; however, it took a number of e-mails and phone calls to colleagues to expedite the rights clearance.

7. See <http://www.getty.edu/art/exhibitions/courbet/publications.html>.

8. It is important to note that the Getty, as an institution licensing copies of images of works in its collections, has not endorsed the Creative Commons license model as a standard licensing mechanism for similar purposes. While the Getty's rights and reproduction policies would permit approval of requests for image reproduction of public-domain images for this type of Web publication, the Getty would have charged a fee for the digital file and granted permission for five (5) years Web use.

9. Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction," <http://www.marxists.org/reference/subject/philosophy/works/ge/benjamin.htm>.

10. In addition to the two major studies from Rice University Press that are the basis for the discussion set forth in this article, there was a colloquium on the subject at the Clark Institute of Art in Williamstown, Massachusetts, and a symposium at the Getty Research Institute jointly sponsored by the College Art Association and the Getty. Opinions and information gathered at these meetings are included in portions of this article relevant to the specific topic.

11. Lawrence McGill, *The State of Scholarly Publishing in the History of Art and Architecture* (Houston, TX: Rice University Press, 2006), <http://cnx.org/content/col10377/1.2/>.

12. Hilary Ballon and Mariet Westermann, *Art History and Its Publications in the Electronic Age* (Houston, TX: Rice University Press, 2006), <http://cnx.org/content/col10376/1.1/>.

13. The first recommendation relates to breaking down barriers to access and distribution of images in all media—print and electronic—and, therefore, cannot be characterized as solely about electronic publishing.

14. McGill Study, *Overview of Research Findings*, 1.

15. McGill Study, *Overview of Research Findings*, Section 3.1: *Art History is Different*, 5.

16. McGill Study, *Overview of Research Findings*, Section 1.1: *Art History Publishing*, 3.

17. McGill Study, *Art History Ph.D.'s*, 3.

18. McGill Study, *Focused Discussion With Younger Scholars*, Section 2: *The relative "value" of different types of scholarly work, in relation to advancing the field and to tenure and promotion*, 4.

19. McGill Study, *Focused Discussion with Mid-Career and Senior Scholars*, Section 2: *Electronic Publishing*, 4.

20. *Ibid.*, 5.

21. McGill Study, *Meeting with Art History Chairs*, 3.

22. McGill Study, *The Role of Electronic Publishing and Print-On-Demand*, 1.

23. *Ibid.*

24. *Ibid.*

25. *Ibid.*, 2.

26. McGill Study, *Changes in the University Press Publishing Environment*, 1.

27. *Ibid.*, 4.

28. *Ibid.*, 3.

29. *Ibid.*

30. McGill Study, *Electronic Publishing and the Future of the Book*, 1.

31. *Ibid.*, 2.

32. Ballon & Westermann Study, *Primary Recommendations*, 1.

33. Ballon & Westermann Study, *Executive Summary*, 1.

34. Ballon & Westermann Study, *Introduction*, 1.

35. *Ibid.*

36. Clifford A. Lynch, "Copyright Law, Intellectual Property Policy and Academic Culture," in *The Center for Intellectual Property Handbook*, ed. Kimberly M. Bonner and the staff of the Center for Intellectual Property (New York: Neal-Schuman, 2006), <http://www.cni.org/staff/cliffpubs/Lynchcopyrightlaw.htm> and <http://www.neal-schuman.com/db/3/533.html> (accessed December 9, 2007).

37. Susan Howard, "Picture Imperfect," *The Chronicle of Higher Education* 52, no. 48 (August 4, 2006): A12-A15.

38. Susan Bielstein, *Permissions, A Survival Guide: Blunt Talk About Art as Intellectual Property* (Chicago: University of Chicago Press, 2006), 38-47.

39. *Bridgeman Art Library, Ltd. v. Corel Corp.*, 36 F. Supp. 2d 191 (S.D.N.Y. 1999), http://www.law.cornell.edu/copyright/cases/36_FSupp2d_191.htm (accessed December 9, 2007). The "slavish reproduction" referred to in the decision includes expert photographs of works of art that faithfully and professionally reproduce the underlying work.

40. Kenneth Hamma, "Public Domain Art in the Age of Easier Mechanical Reproducibility," *D-Lib Magazine* 11, no.11 (2005), <http://www.dlib.org/dlib/november05/hamma/11hamma.html>.

41. Simon Tanner, *Reproduction Charging Models & Rights Policy for Digital Images in American Art Museums* (London: King's Digital Consultancy Services, 2004), http://www.digitalconsultancy.net/pubs/USMuseum_SimonTanner.pdf (accessed December 9, 2007).

42. *Ibid.*, 17.

43. *Ibid.*, 19.

44. *Ibid.*, 33.

45. *Supra.*, endnote 4.

46. 17 USC § 504.

47. McGill Study, *Costs of Publication*.

48. Gretchen Wagner, "Finding a New Angle of Repose," *Educause Review* 42, no. 6 (2007), <http://connect.educasue.edu/library/abstract/SharingVisualArtsIma/45225?time=1197227428>.

49. In the Courbet symposium papers example, almost all of the images came from other museums; only a few were controlled by private collectors. When these museums need images of works in the Getty's collections, the process and economics reverse. How much money is being made (or wasted) in these transactions? This hand-in-glove situation was whimsically described to the author as "kissing in a circle." Personal communication, December 2007.

50. McGill Study, *Meeting with Art History Chairs*.

51. Catherine M. Soussloff, "Publishing Paradigms in Art History," *Art Journal* 65, no. 4 (2006): 36. The author understands from the context of the article that Soussloff was talking about print art books.

52. Bielstein, *Permissions*, 4-5.

53. Hamma, "Public Domain Art in the Age of Easier Mechanical Reproducibility."

54. Tanner, *Reproduction Charging Models*, 39.

55. Author's comment: Public-domain images could be made available easily for scholarly publishing if museums and libraries wanted to do so, and fair use could be tested more aggressively if the clients, and not the lawyers, set the priorities and accepted responsibility for decisions. But copyright law is not going away, and it is unlikely to be amended to be more scholar-friendly. By blaming the law and the lawyers, people, including artists and their representatives, are ignoring the fact that they control the images, and they can make them available.

56. In 2008, the American Historical Association (AHA) released its *Closing Report for the Gutenberg-e Project*. This report provides a candid assessment of the ten-year Mellon-funded project under which thirty-five scholars with PhDs in history received grants to create electronic monographs of their dissertations. Although the project was stated to be a success, a number of problems with electronic publishing are identified and the "lessons learned" are explained. In short, the AHA concluded that electronic publishing is not faster and not cheaper than traditional print publishing, and it recognized that "online publications need a print analogy to minimize the risk to authors." <http://www.historians.org/prizes/gutenberg/Background.cfm> (accessed June 2, 2009).

57. McGill Study, *Electronic Publishing and the Future of the Book*.

58. "MS in Color Science," press release, Rochester Institute of Technology, <http://www.rit.edu/news/?v=45477>.

59. Roy S. Burns and Franziska S. Frey, *Direct Digital Capture of Cultural Heritage—Benchmarking American Museum Practices and Defining Future Needs* (Rochester, NY: Rochester Institute of Technology, 2005), http://www.cis.rit.edu/museumSurvey/documents/Benchmark_Final_Report_Web.pdf and <http://www.sciencedaily.com/releases/2005/08/050821231459.htm>.

60. Richard Fidczuk and Linda Beebe, "Today's Journal Cost: Print vs. Online," *The Serials Librarian* 52, no. 3/4 (2007): 345-46.

61. While there are many models for electronic resource licensing, a pricing model for the electronic monograph was not explored for this article nor were any models found in the literature review. For the Getty, the Courbet symposium papers are only available online, and there is no charge for access or printing. It is important to note, however, that electronic publishing does not necessarily mean "free publication." It seems reasonable that a workable pricing model will be developed, further rendering the high-cost argument less viable.

62. Bielstein, *Permissions*, 7. This figure is slightly different from the numbers quoted in the McGill Study which were 260 in 2003 and 259 in 2004.

63. Ibid.

64. For example, if a faculty member expects a thirty-year teaching career, and the age of all faculty is distributed equally

over that entire period, meaning every year approximately 210 faculty members retire (6,500 total faculty divided by thirty years), then by and large almost every person awarded an art history PhD should be able to find a faculty position in a higher education institution. Of course, this oversimplifies the situation as some colleges and universities do not require PhDs for adjunct and non-tenured, albeit full-time, positions, so art historians with master's degrees might be taking some of the 6,500 positions. Also, if the expected teaching career is forty years instead of thirty, then only about 160 of the scholars awarded PhD degrees annually should expect to get a teaching job, and approximately 35 percent should not expect to find teaching jobs. If this is the case, then scholars with art history PhDs do not have good expectations for employment in academia.

65. Paul Courant, "Scholarship and Academic Libraries (and Their Kin) in the World of Google," *First Monday: Peer-Reviewed Journal on the Internet* 11, no. 8 (August 2006), http://www.firstmonday.org/issues/issue11_8/courant-index.html (accessed October 31, 2007).

66. Douglas Armato and others, "Art History and Its Publishers," *Art Journal* 65, no. 4 (Winter 2006): 48.

67. Soussloff, "Publishing Paradigms in Art History," 38.

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