

Exploring Appropriation:

***Addressing Appropriation in Artistic
Practices and in the K-12 Setting***

BY ALYSSA PEZZUTI

Introduction

WHAT IS MY STUDY?

APPROPRIATION

- My study addresses the topic of referencing an image without infringing on copyright, while also addressing the negative stigma surrounding the word appropriation specifically in the teaching context and in contemporary art.
- Through the process of creating a painting I address topics of appropriation within my studio practice by using well known images as subject matter for my paintings.

Introduction

WHAT WAS MY INSPIRATION?

COOLIDGE, FAMILY, AND MEMORIES

- My family and my artistic practice inspired this study.
- My grandfather was a big fan of Coolidge's work and Coolidge's work was always referenced at many family gatherings.
- My work has surrounded the idea of appropriation because of my outright use of photos as a reference. From there I decided to see how far I can push the boundaries of using existing imagery in my own artistic practice.

RESEARCH QUESTION

Given that contemporary art changed the way artists use a photo or an existing image as a reference, to what extent does an artist have to modify or manipulate the reference image enough so that it constitutes appropriation effectively without infringing on copyright?

SUB-QUESTIONS

- How do I use and address appropriation in my own art practice?
- How can an art educator go about teaching appropriation in the (K-12) classroom setting?

Methodology / Data Collection

METHODS USED TO UNDERTAKE THE STUDY

SELF STUDY

Reflection of journal excerpts and photo documentation.

ARTISTIC BASED PRACTICE STUDY

Creation of painting made in connection of my own artistic themes and the topic of appropriation.

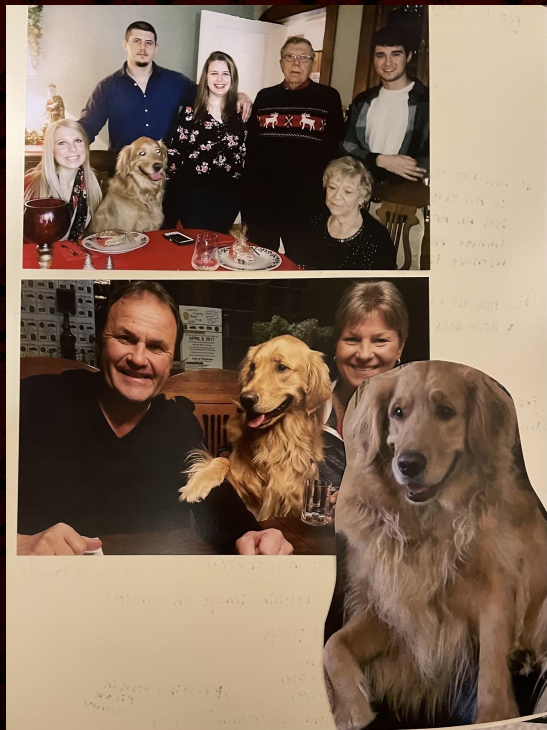
CASE STUDY

Collection of interviews on appropriation from peers, (K-12) art educators, and college art education professors.

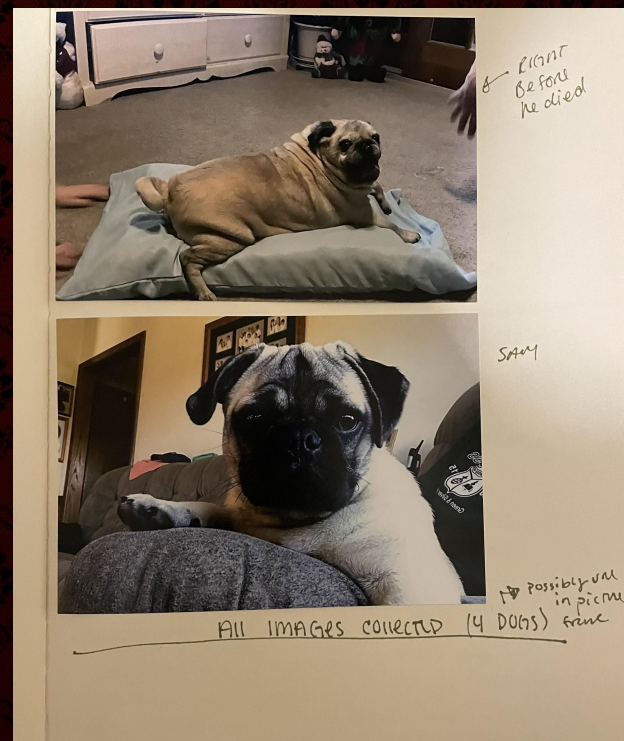
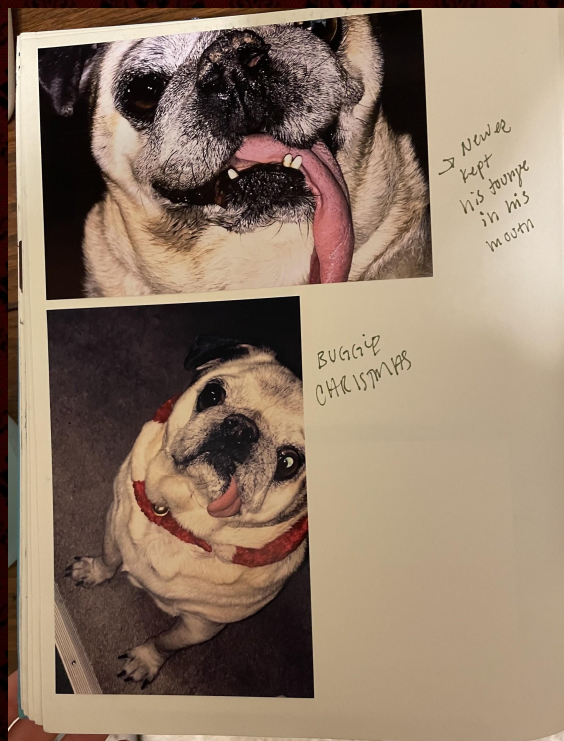
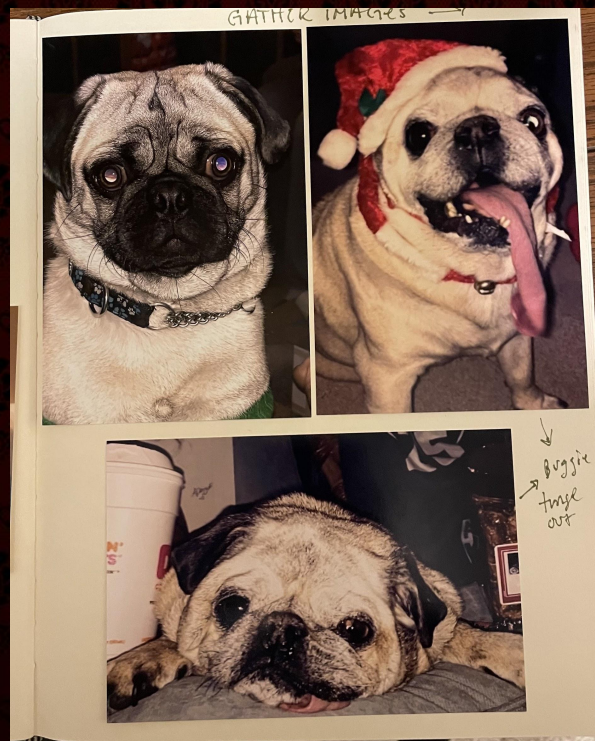
ACADEMIC LITERATURE

Pre-existing written works of literature that validate the information on appropriation in the study.

SKETCHBOOK PLANNING



SKETCHBOOK PLANNING



CASSIUS MARCELLUS COOLIDGE WORKS



Coolidge, *A Friend in Need*, 1903



Coolidge, *Poker Game*, 1894

Interviews

PARTICIPANTS

- 5 College Students (Fine Arts Painting/ Art Edu)
- Kristina Toolan (K-12) Private School Art teacher at Holy Cross High School
- Christina Hopkins Public School Art teacher Thomas R. Proctor Jr. Sr. High School
- Greg Lawler and Chris Crillo, College Fine Art Professors at Pratt Institute

INTERVIEW QUESTIONS

- What is your definition of appropriation?
- Do you think appropriation has a negative connotation, if so why?
- When dealing with appropriation, at what point does appropriation infringe on copy-write?
- If you are a teacher, do you talk about appropriation in your classroom? Why or why not?
- If you are a teacher, do you teach from photographs why or why not?
- Do you think that working from photographs to create artwork is copying? Why or why not?
- If you deal with appropriation in your artwork are there any specific ways you avoid copying or imitating?
- Can you name any specific artists that successfully used appropriation by re-contextualizing an image or work of art?
- Can you name any specific artists that deal with appropriation that slipped copy-write infringement?
- What role do you think that appropriation has a place in Contemporary Art?

LIT REVIEW

LISA PON

"Appropriation Back Then, In Between, and Today" (2012)

- History and evolution of how artists have been borrowing ideas from one another for centuries, allows one to understand that appropriation is not a new concept but it has evolved.
- Contextualize appropriation historically grounding it into specific examples of some of the most well known artists pointing to how they have taken ideas from and have been influenced by other artists.

JENNIFER GREGOR, AND MARK HANCOCK

"Appropriation as Art: the Arts and Copyright Fair Use" (2017)

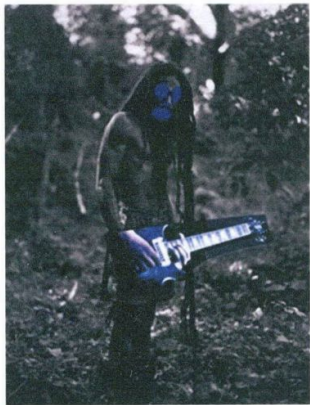
- Determination of fair use:
 - 1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
 - 2) the nature of the copyrighted work;
 - 3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole;
 - 4) the effect of the use upon the potential market for or value of the copyrighted work.

LIT REVIEW

MARYAM PARSIOON

"What's Yours is Mine: The Richard Prince Enigma, Appropriation Art and the Law" (2018)

- Explains that "appropriation in art is a postmodern practice that incorporates an already existing work, image or object into the secondary work". (Parsioon, 2018, p.30-31).
- Brings up artists like Duchamp and Warhol.
- Postmodernists questioned and rejected the idea of authorship which paved the way for the current appropriation art movement today.



(Left) *YES Rasta* photograph by Patrick Cariou;
(Right) *Graduation, Canal Zone* painting by Richard Prince.

LIT REVIEW

JEANNINE M. MARQUES

"Fair Use in the 21st Century: Bill Graham and Blanch v. Koons" (2007)

- Pinpoints specific supreme court cases, "Bill Graham vs. Dorling Kindersely" and "Blanch vs. Koons".
- This text helps provide the background or foundation of fair use as well as clear works that are copyrighted .



Andrea Blanch, *Silk Gucci Sandals*, 2000 (left) Jeff Koons, *Niagara*, 2000 (right)

LIT REVIEW



Above: Brown & Bigelow's most common ace of spades and joker c.1945-1980s.

MOIRA F. HARRIS

"It's a Dogs' World According To Coolidge" (1997)

- Sir Edwin Landseer, was credited for transforming these cherished pets into anecdotal genre scenes where the canine characters revealed their emotional ties to the human members of the households.
- "Between 1906 and his death in 1934, Coolidge painted 16 paintings of dogs for Brown & Bigelow" (Harris, 1997, p. 1).

LIT REVIEW

SHERRI IRVIN

"Appropriation and Authorship in Contemporary Art" (2005)

- The crucial difference between the artist and forgery being that the artist bears ultimate responsibility for the objects he or she chooses to pursue in their work leaving it interpretable while a forger's central objective is to directly copy.
- Originality has directed pressure on the artist by society, resulting in the artists' choice to decide what ideas or concepts they want to accept or deny.

AUSTIN KLEON

TED Talk called "Steal Like An Artist" (2012)

- All creative work builds on what came before it. One can understand that every new idea is simply a mashup or remix of previous ideas like a genealogy of ideas.
- "There is no such thing as good art or bad art, only art worth stealing and art that isn't. And everything in the world is up for grabs" (TED, 2012)
- The key to creative theft is that "imitation is not flattery", and that it's an artist's job to turn the idea into something different or better "transformation is flattery" (TED, 2012)

LIT REVIEW

OLIVA GUDE

*"Postmodern Principles In Search of
a 21st Century Art Education" (2004)*

- Speaks about the outdated nature of the 7 principles of art and the 7 elements of art in art education.
- She develops a "curriculum based on generative themes that related to the lives of the students and their communities; studio art projects based on diverse practices of contemporary art making and related traditional arts; arts as investigation understanding the art of others and seeing their own art-making, not as exercise, but as research that produces new visual and conceptual insights" (Gude, 2004, p. 8).

Post-Modern Principles of Art

- Appropriation
- Juxtaposition
- Recontextualization
- Layering
- Interaction of Text &
Image
- Hybridity
- Gazing
- Representin'

Documentation & Journaling

APPROPRIATION RESEARCH (STUDIO BASED)

IDEA

I will begin this research by making my own oil painting. I want to understand how an artist appropriates references another work of art without infringing on copyright. Appropriation is debated in the art world and can be quite controversial. However I believe that there are ways artists can successfully appropriate without copying or stealing from another artist. I have set out to create an oil painting that references Coolidge's "Dogs Playing Poker" in a way of paying homage to my dogs and family dogs that have passed.

SCHEDULE

- EACH week I plan on spending 2-3 days in the studio working. Whether it be painting or writing. I plan on keeping this sketchbook to document the process & progress I make as I develop the work. I will also not things that I do purposefully in the painting as well as parts of Coolidge's painting that I plan on referencing and what I plan on changing.
- The days I plan on working in the studio are Thursdays + Sundays, for up to 2-5 hrs.

FEB 11, 2021

QUESTIONS TO CONSIDER

- What is appropriation?
- Is it good or bad?
- Does it have a purpose in Contemporary art?
- How do artists reference other artists?
- Isn't the evolution of Art rely on Appropriation?

WRITER'S RESEARCH QUESTION / SUBQUESTIONS

Q: How HAS contemporary art changed the way artists use a photo or an existing image as a reference, AND to what extent DOES AN ARTIST HAVE to modify or manipulate the referenced image enough so that constitutes appropriation effectively without infringing on copyright?

- SA: ① How do I use appropriation in my own art practice?
② How does one go about teaching appropriation in the classroom?

FEB 14, 2021

STUDIO

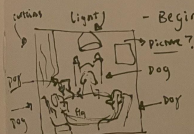
(3 hrs prep)

- Gesso Canvas 2x5
- Gather imagery to reference
- SAND CANVAS / ADD LAST COAT Gesso

FEB 25, 2021

BEGIN DRAWING / SKETCH

(7-9pm)
(2 hrs in studio)



- Begin loosely sketching image on canvas

- 4 DOGS

- Sam

- Gerdner

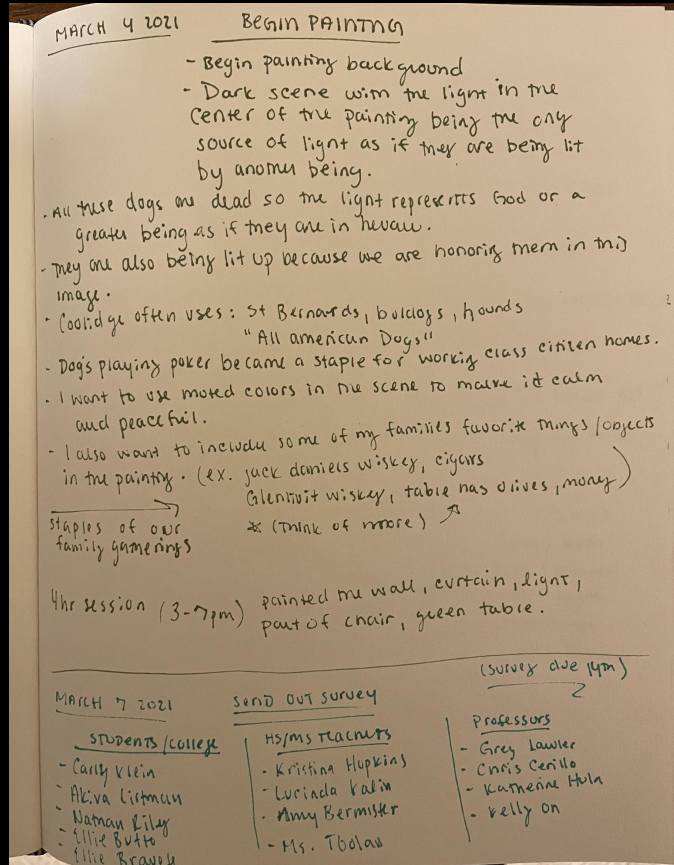
- Ginger

- Gunter 2 or Sam? (Pick)

if possibly atm in picture frame



Documentation & Journaling



Documentation & Journaling

MARCH 11 2021

PAINTING PROGRESS

- worked from about 4pm - 8:30pm, it was a good work day I made heavy progress on the chairs in the front of painting. I was trying to make them look like bar chairs old, and vintage, with deep red colors.
- I added pokerchips to the table as well as the outline of the Jack Daniels bottle.
- I directed the light to shine more towards the dogs, centered over only them.
- I added more color (deep blue) to the wall, and added a picture frame.
- Next time I want to work more on the details of the poker table as well as the details of the dogs.
- I haven't really decided what I will put in the picture frame yet?
- Also I need to get a maul stick because I keep putting my hand in the paint.

MARCH 14 2021

PAINTING PROGRESS

(7 hrs)

- Today I worked from 1pm - 7pm it was a heavy studio day but I feel like I got alot accomplished. Today I planned on working more on the background but instead I felt more drawn to work on the pug (sam) when I began working.
- I actually found it pretty hard to orient a dog into a human shape or form sitting up in a chair it was strange.
- I mainly focused heavily on looking at pictures of sam and trying to make the pug look like him as much as possible. (pugs are difficult to paint).
- overall it was a good work day.



Documentation & Journaling

MARCH 18TH 2021

PAINTING WORK DAY (4-7) 3hrs

- TODAY MY MAIN FOCUS WAS to get the dog on the right done (ginger). This dog was our shirley and was very scruffy and dirty.
- She was super old and passed away last year.
- I also began to work on the golden retriever in the center. I chose to put Gunther in the center of the painting because he is the biggest and has the craziest personality.
- Today was a heavy work day on the dogs and I also began adding more details to the objects on the tables, (cups, poker chips etc.)
- Next painting session I want to begin and finish Gunther 2.

MARCH 21 2021

PAINTING WORK DAY (1-5) 5hrs

- MY main goal today was to finish Gunther 2 which I did. I also gave him glasses because he became blind at the end of his life before he died. (So did Ginger so I might do a different type of glasses for her).
- I added more details to the poker table like the whiskey glass Sam is holding as well as the Jack Daniels bottle, which is one of my fave whiskeys. I also gave Sam a cigar to smoke because I come from a heavy Italian family and when my play poker my dad always smoking.
- Don't know what I am going to do in the picture frame yet maybe my parents old dogs?
- Next time I want to work on the picture frame + details.



Documentation & Journaling

MARCH 24 2021

Progress

- Today I worked on adding details to the scene to make it look more realistic and fun.
- I added details to the whiskey bottle, another glass of whiskey and an eye glass to ginger.
- I also added the first layer or underpainting to the picture frame on the wall. I need to remember to make the picture frame darker because it is in the shadow.
- I also began to fix Gingers arm it looked a little out of proportion and funky. I need paint to dry before I move on and add the finishing details.
- I decided on putting my two other dogs that started to all up in the picture frame as like a snow or meme of lineage.
- I also created a Δ shape of dogs at the center as a reference to the holy trinity because this is a way of paying respects to my dogs all at once.
- Next time I sit down to paint I want to add halos to all three of the dogs (I think).



MARCH 26

PAINTING PROGRESS (3-27:30) 4 1/2 hrs

I FINISHED!!! WAHOO!

- Today I worked on finishing the picture frame at the top of buggie and Gunner I.
- The picture was challenging because it had to be dark in the shadows.
- I also finished the details in the table by adding more shadows.
- I finished Gingers arm, turns out I needed more of the shoulder snowy.
- Lastly I added halos to all of the dogs because I come from a christian household and we believe that my all together now in a better place. Heaven.
- Overall I learned a lot from this painting especially how to incorporate inspiration from another artist but still making a statement your own and tying it into my own practices as an artist.
- I will write more about my overall process later.

Data Analysis

CATEGORIES AND LAYOUT

- Copyright and Fair Use
- Originality and Authorship
- Appropriation and Artists
- Appropriation in My Own Work
- Teaching Appropriation in the Classroom Setting



Pezzuti, Untitled, 2021 (Detail Photo)

COPYRIGHT & FIAR USE



Pezzuti, *Untitled*, 2021 (Detail Photo)

-Copyright is the right of the author, artist, composer or creator to control the use of their work by others. This means that their work may not be duplicated, copied, and or used without the creators permission. Through the “registration of copyrights [on specific works it] can help [an] artists protect their rights” (Gregor, 2017, p.166).

-“Fair use of copyrighted materials to advance intellectual creativity. Creative progress occurs by building on the work of predecessors. And certain areas of intellectual activity require critique, review, and examination of prior work. Fair use is the mechanism for achieving this balance” (Gregor, 2017, p. 163).

-There are “three categories—**classical**, **personal**, and **personal productively**” (Marques, 2001, p.332).

COPYRIGHT & FIAR USE CONTINUED . . .

EXERCISING YOUR RIGHTS AS ARTISTS

- I explored fair use under the categories of personal productive fair, and classical fair use.
- I exercised my right of fair use under classical fair use because as long as the artist, whether big or small transformers the image or idea in such a way fair use is sufficient.
- In my painting I placed my own family's dogs in a joint setting staying away from Coolidge's original dog breeds which in and of itself constitutes for fair use, but I also created my own setting.
- The setting is in a dark and dim room which I took influence from Coolidge.
- Lastly I added halos around the dogs heads in my paintings which juxtaposes this idea of good and evil.

APPROPRIATION & ARTISTS

ART & LAW

-One of the most well known lawsuits he was involved in was “Rogers v. Koons, the court held Koons’ String of Puppies did not constitute fair use. The issue was whether Koons’ use of photographer Art Rogers’ Puppies photo to create Koons’ String of Puppies sculpture amounted to infringement”(Parisoan, 2018, p. 37).

-Koons claimed that his sculpture was a parody critiquing society as a whole, and under the fair use clause social criticism is allowed. The verdict was that the “court rejected Koons’ arguments and held the work was not a parody of Rogers' photo. The Court was heavily criticised for acting as art critic and focusing too much on the amount taken rather than whether Koons’ work was transformative”(Parisoan, 2018, p. 37).

-“An undeniable polarity exists between the values of art and law. Further complicating and enhancing the polarity, the terms ‘appropriation’, ‘derivative’, ‘originality’ and ‘transformative’, conjure different meanings in the context of art history and legal jurisprudence” (Parisoan, 2018, p. 33).



Jeff Koons, *String of Puppies*, 1988,



Art Rogers, *Puppies*, 1985

ORIGINALITY & AUTHORSHIP

-Duchamp who “is considered the father of appropriation art and is credited with giving it legitimacy” placed a readymade object, more famously known as a men’s urinal and re-presented it as a work of art in a gallery(Parisoon, 2018, p. 31).

-This was a radical piece of art during the 1900’s because Duchamp broke the barriers of what was being done in the art world and re-contextualised a urinal.

- “Borrowing from the work of other artists has been a time-honoured practice throughout much of art history: painters, for instance, have often repainted the works of others in order to explore the application of their own style to a familiar composition and subject matter”



Marcel Duchamp's *Fountain*, 1917.

ORIGINALITY & AUTHORSHIP CONTINUED . . .

FORDGER VS. AUTHOR

- An artist's motive has a lot to do with the determination of whether the work is plagiarized or not.
- To understand this “the forger, we might say, cares about the wrong things, or fails to care about the right things. She is obsessed with a particular project, producing a successful ‘replica’, and all her thinking is driven by this” (Irvin, 2005, pp.131-132).
- While the “the artist, on the other hand, has true artistic motivations: she genuinely cares about the art world and wants to make some kind of contribution within it” (Irvin, 2005, p.132).
- The motive for my own process for this painting revolved around family and the idea of honoring the members of my family. The dogs in the family were over the same importance as people and by creating this painting my family can now have a tangible object to commemorate or remember them all in one image, a depiction of a memory that did not pre-exist as a photo like my usual works.
- In a TED talk when Kleon states “nothing is completely original. All creative work builds on what came before. Every new idea is just a remix or a mash up of one or two previous ideas”(Kleon, 2012, 6:39).

APPROPRIATION IN MY OWN WORK

PHYSICAL PROCESS

-As a reference for these paintings I would use tangible old photographs as reference images, sometimes manipulating the image and sometimes not. For my own practice the action of taking the photograph is part of my painting process, setting up the image I am going to paint.

-By using these photos to create paintings I am able to shift the dynamic and relation to which photos are used for in my own life and artistic practice.

MENTAL PROCESS

-My ideas and thoughts were well planned because of the reflective process of keeping a sketchbook

-Allowed my mind to think critically through the process of a painting rather than only at the beginning. And being able to come up with new ideas because I was able to explain the reasoning of why I made each decision.



Pezzuti, *Untitled*, 2021 (Detail Photo)

APPROPRIATION IN MY OWN WORK CONTINUED . . .

INFORMED MY ARTISTIC PRACTICE

-My grandfather on my dad's side of the family would always mention when showing us these images of Coolidge's paintings and would ask us why he didn't include pugs in the paintings of dogs, which was his only dog breed he would own.

-Thinking about my grandfather's statement, I now am able to recognize that it became my true inspiration for the whole piece. Coolidge's work seemed to be the only artist that my family could recognize. Therefore, I knew I had to incorporate Coolidge's poker game into my next painting of my family's dogs.

-Working with appropriation in your art can bring up many different ideas and concepts that one might not have thought of before. It allowed me to reflect on myself, and recognize my family history as a part of my artistic identity

-I became inspired me to create more art that brings up the topic of appropriation, as well as also educating myself further on laws surrounding the art, that will better influence my teaching practice as an art educator.

TEACHING APPROPRIATION (K-12)

PHOTOS AS REFERENCES



HYBRIDITY: Art teacher Mathias Schergen led students of Jenner Elementary School in making the 2000 multi-media installation, "Memory Museum," as a tribute to the closing of the old school and the change in the community as gentrification displaced public housing. The installation included arranged found objects and student art and writing as well as video interviews of school and community residents. Photo courtesy of the Contemporary Community Curriculum Initiative.

-As for PrattMWP college professor Gregory Lawler he explains that "the use of photographic references or optical devices as an aid to the visual artist goes back to the renaissance. It is one of the many tools available to the artist. And the intention of the artist is the primary question. What are they trying to do? And how is the process part of the content or meaning of the work?" (Lawler interview, 2021)

- High school teacher Christina Hopkins stated that "if the photograph was taken by the student to create their artwork I think that it is acceptable to use a reference, working from observation and their own ideas is always preferred. If the photograph the student is working from was not taken by them I think it can be a great tool for practicing and skill building but cannot be publicly shared "(Hopkins, Interview, 2021).

TEACHING APPROPRIATION (K-12) CONTINUED . . .

K-12 CURRICULUM

-In my own experiences in elementary and middle school, I was never taught the word appropriation or any other postmodern principles, nor was it ever mentioned by my teachers. In high school one teacher showed my class a youtube video of the Artist Andy Warhol and explaining that he used appropriation in his artwork but that was the extent of this conversation.

-A significant number of responses included teaching appropriation only in high school, Kristina Toolan a high school teacher states "students are encouraged to work with their own original ideas. We discuss the differences between drawing inspiration from other artists' work, plagiarism, and the importance of given credit to their sources" (Toolan, Interview, 2021).

-I found that the term plagiarism is often taught in school subjects like English when writing papers, while appropriation is less often talked about in subjects like Art.

-Appropriation is a part of art and its culture, ideas surrounding appropriation, plagiarism, and copyright can be introduced as early as elementary school so that later on if students want to pursue a career in the arts they are already familiar with these terms.



Pezzuti, *Untitled*, 30 x 32, 2021

Findings

MAIN POINTS AND ARGUMENTS

*Disclaimer *

The following findings are based on results of a limited study.



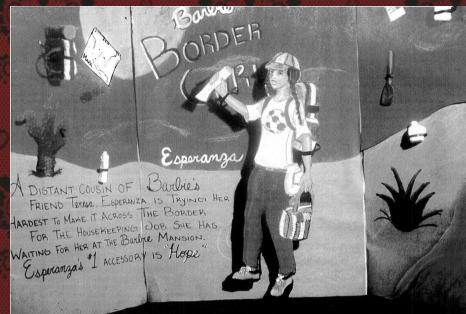
Pezzuti, *Untitled*, 2021 (Detail Photo)

FINDINGS

- Copyright is set up to protect artists and their work, while fair use was designed as a way for artists to feel inspired and continue to work as creative beings.
- It is important for artists to be aware off the logistics regarding copyright and fair use so that they can go about protecting their rights as artist and also be creative by creating what they want within their rights.
- I have found that many people have the wrong definition of appropriation resulting in a negative connotation surround the term.
- “Appropriation art [is] borrow[ing] images from popular culture, advertising, the mass media, other artists, and elsewhere, and incorporates them into new works of art” (Parsioon, 2018, pp. 30-31). Nowhere in this definition is it defined with ill intentions of the artist.
- I found it important to remind myself of this definition while creating my artwork. Reminding myself of this allowed me to feel free to make my own decisions during the painting process. It is important to now that borrowing ideas and images is allowed as long as the artist make it their own in some way attributing new meaning by changing its context.

FINDINGS

- I found through my own experience and through interviews with K-12 teachers, and college students like myself that appropriation is often not taught in K-12 academic setting.
- Building off of the last finding, I found that college students are not education on the logistics regarding art and law. Art and law is not a required course for students to complete, yet colleges are suppose to be preparing these students to become professional artists .
- I found that “nothing is completely original. All creative work builds on what came before. Every new idea is just a remix or a mash up of one or two previous ideas” (Kleon, 2012, 6:39).
- I found that it is important to create art that is meaningful to yourself even if other people do not like it or support it.
- Lastly, I found that the lack of knowledge surrounding appropriation largely stems from the educational experiences happening in grades K-12. Many art educators are not informed on ways to teach appropriation successfully. Instead art educations briefly mention appropriation in relation to plagiarism to simply stay away from imagery that is not yours



RECONTEXTUALIZATION: The familiar image of a fashionable accessorized Barbie® doll takes on new meaning when recontextualized with the reality of poor Mexican women seeking to come to the United States to find employment. *Border Barbie* by preservice teacher Gina Ibarra for Spiral Workshop 2002.

Photos courtesy of University of Illinois at Chicago.

Conclusion

RECOMENDATIONS BASED ON FINDINGS



Pezzuti, *Untitled*, 2021 (Detail Photo)

CONCLUSION

- I recommend and invite artists to become inspired. Do not let the idea of appropriation frighten one from creating.
 - I recommend artists take advantage of fair use to create work that might be controversial, breaking barriers of specific standards.
 - I recommend that artists reflect on the term appropriation within the context of their own work. There are many ways for artists to use existing images or themes and create new contexts surrounding them. Appropriation creates challenges for artists like myself and many renowned or well known artists in the world use appropriation in their work successfully.
 - I recommend that young artists like myself in college, high school, and even middle school take it upon themselves to familiarize oneself with copyright and the laws because there are not enough classes that teach artists about the legalities of art.
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CONCLUSION

- I recommend that colleges begin to implement a required course regarding art and law preparing students for professional artistry.
- I recommend that artists constantly keep their creative senses out for inspiration, and remind yourself that the idea originally means different things for people.
- I recommend that art educators in the K-12 setting receive added professional practices learning how to successfully concepts like appropriation into a curriculum.
- I recommend current art educators and future art educators in the K-12 setting, to consider implementing topics like appropriation in their curriculum. Taking Olivia Gude's postmodern principles and incorporating them into at pedagogy can help create an an open ended and evolving curriculum.



APPROPRIATION:
Students recycled catalog images to create Surrealist characters who comment on consumer culture. *Spoiled Brat* by high school student Tiffani McDuffy created at Spiral Workshop 2001. Photo courtesy of University of Illinois at Chicago.

I INVITE YOU TO BE CREATIVE

- Constantly keep your creative senses out for inspiration, and remind yourself that the idea originally means different things for people.
- Create art that is meaningful to yourself.
- Educators can go beyond the traditional pedagogy and evolve your teaching curriculum and implement the postmodern principles of art.



Pezzuti, *Untitled*, 2021

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