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WHEN PICASSO MEETS MOZILLA:
THE CREATIVE CRISIS IN VISUAL ARTS RESEARCH

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As digital opportunities emerge in the visual arts – whether for artists to make multimedia work, for scholars to produce digital humanities work, for publishers to go online, or for museums to hold virtual exhibitions - old frustrations with copyright permissions have taken on a new urgency. The visual arts fields are pervaded with a “permissions culture,” a widespread acceptance that all new uses of copyrighted material must be expressly authorized. A survey of thousands of visual arts professionals, supplemented with a hundred interviews, explores the cost to mission of avoiding the U.S. copyright doctrine of fair use, which provides a conditional right to re-use others’ pervasive self-censorship and deformations of mission, including accepting censorship of scholarship by copyright holders, cancelling of exhibitions challenged by copyright curriculum; and dark archives. The biggest copyright obstacle in the daily lives of visual arts professionals is their own expectations and behaviors; self-censorship is endemic. This crisis has exposed a conflict between two values within the visual arts community: reverence for the creativity of the artist, seen as grounded in originality; and the need to re-use copyrighted material in the process of other creative expressions, including new art, scholarship, teaching, showcasing, and archiving. That conflict could be bridged with the concept of fair use.