

Portraiture and ownership...

Ian King

What does it mean when we say we own something? Do the same rules apply to portraits as, for instance when we claim to own a car, a home or a pet? I raise this question because I cannot help but think that, when applied to portraits, the same rules do not in fact apply.

Who, therefore, owns a portrait? Notoriously in art, the concept of ownership is a richly contested subject. I note that even on the National Portrait Gallery's own website they provide some thoughts regarding provenance, transference of ownership and issues such as intellectual property – but within this advice, there is one particular comment that sparked my imagination: “once the painting leaves the artist's studio it begins a life of its own”.

I like this comment, especially for the thoughts it spawned within me; that is, I started to think of a portrait as not simply an object to own, but rather something with a form of identity, and therefore possessing a right to represent itself. Certainly, one can appreciate that a depiction of a person intending to represent and most importantly ‘share’ their likeness with others, does set it apart from other objects or items that you and I might own. The intention to ‘share’ and its facility to ‘represent a likeness’ might suggest that the portrait operates in a ‘cloudy’ area of what we might define as ‘ownership’. Perhaps, in terms of portraits, the understanding of what it means to ‘own’ something exceeds simple claims associated with money and possession.

The artist's claim for ownership is also an important issue. Let me expand my argument. The artist is indisputably instrumental in the production of the portrait. Irrefutably, at the time of painting, the artist is likely to have the strongest claim to ownership – without his or her hand there can be no portrait. The decision of pose, of where to leave daubs of paint and/or angle of lens clearly respects the right of ownership in this process of creation. Yet, what I question is that once the work is completed does this generate a signal of closure within the artist? The NPG comment above suggests that the artist has created an entity that now wants to fulfil its function, that is, that the portrait be shared. If this is so, then this amounts to a type of transfer

of ownership. To whom or where might the artist transfer their ownership? There might be a number of possibilities. Certainly I cannot ignore the sitter. For without the sitter there is no portrait.



Simon Weston by Nicola Jane ('Nicky') Philipps, oil on canvas, 2014. © National Portrait Gallery, London (NPG 6984) Commissioned jointly by the National Portrait Gallery and the BBC, 2013

In a discussion of ownership in portraiture, the rights of the sitter need to be considered. The sitter has a rich number of claims to be the owner here – not least, in contemporary settings, the rights to their own ‘image’ and its use. Of course, the very act of agreeing to ‘sit’, and subsequent rights in death, make this discussion complex and beyond the word count of this paper. Another possible owner is the commissioner.

Can the public own a portrait? I am reminded of the recent, near life-size portrait of Simon Weston in the NPG. Simon Weston was the Falklands veteran who suffered severe burn injuries as a result of his involvement in the Falklands conflict, and it was his portrait that was voted by viewers of a BBC Television programme as being the most deserving of a place in the NPG collection. In these circumstances, who is the owner? Is it the BBC – a public-owned television company? Or perhaps the gallery – a state funded entity? Or is this simply another observation that suggests portraits are not owned like other objects?

I leave until last perhaps the strongest challenge for me to traditions of ownership: can the beholder of the portrait become its owner?. At the beginning of this short article, I was reminded that the purpose of a portrait was to provide resemblance and for this to be shared with an audience. As a member of the audience, I gaze at the image within the frame of the portrait and I note in these few moments that a reciprocal exchange is taking place between myself (as the beholder), and the content of the portrait. Its content and my understanding have met somewhere between, and we held for a brief moment, some form of exchange. For me, I offered appreciation and understanding; and for the portrait, I think (I hope) gained from my interest and attention. It feels that in this brief moment, that I am assuming a form of ownership. However, I am not comparing it to owning a car or a book, for it is completely different – it is both cognitive and emotional. The experience was not about me, and my possession – but rather about my exchange with the portrait. In those few moments I can indisputably claim that I owned that portrait and that is good enough for me.