

Artistic “License”: Kagan’s Charismatic Dissent in Warhol v. Goldsmith

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Abstract

Our study explores the rhetorical demystification of artistic “license” via an analysis of United States Supreme Court Justice Elena Kagan’s dissent in *Andy Warhol Foundation for the Visual Arts, Inc., v. Goldsmith et al.* (2023). The case question presented revolves around what constitutes transformation in a work of art. The Writ of Certiorari determines the Question Presented: Whether a work of art is “transformative” when it conveys a different meaning or message from its source material (as this Court, the Ninth Circuit, and other courts of appeals have held), or whether a court is forbidden from considering the meaning of the accused work where it “recognizably derived] from” its source material (as the Second Circuit has held). A metaphor sorting chart (see Appendix) derived from the official case transcript provides a framework for analysis.

Keywords: Artistic Cognition, Charisma (Rizz), Demystification/Mystification, Fair Use Doctrine, Fair Use Defense, Transformation

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Introduction

“The soul never thinks without a mental picture.”¹ Attributed to Aristotle, this view of artistic cognition is the underlying premise in arguments crafted by United States Supreme Court Justices in their 2023 decision: *Andy Warhol Foundation For The Visual Arts, Inc., v. Goldsmith et al.* At issue is the work of two individuals depicting American pop icon Prince. Artist Andy Warhol’s creation is inspired by rock/pop photographer Lynn Goldsmith’s snapping of Prince, her work a springboard for a depiction published by *Vanity Fair* in 1984 featuring the color purple. Andy Warhol’s work was used again in 2016, after Prince’s death, this time using orange adjustments, in a commemorative *Conde` Nast* magazine. Goldsmith contested the second use, claiming it was granted one-time licensed publication and therefore was a violation of fair use because it was not transformative.²

While the Court Majority (7-2) ruled against the Andy Warhol Foundation’s (AWF) Fair Use Defense because they did not find Warhol’s work transformative, Justice Elena Kagan offered a compelling counterpoint³, refuting the Court’s logic as an attempt to demystify art, to simplify its meaning and mantra, to reduce artistic entrepreneurship to an avatar status. In short, to strip art and artist of charismatic qualities by quantifying *to what extent* a work may be regarded as bearing originality. Instead, Kagan argues, art is ineffable, its origin of inspiration cumulative and at least partially mysterious—perhaps even serendipitous. (The authors of this study are refining their analytic approach to this selected case serendipitously. Oxford’s 2023 Word of the Year “rizz,” derived from charisma, is the catalyst for a dialog about mystery).

The purpose of this study is to provide a template depicting charismatic arguments about artistic “license.” Ultimate (charismatic) terms including metaphors and other linguistic ways of encoding meaning will be charted. Exemplars including both judicial and literary form, especially derived from Henry Louis Gates, Jr.’s (2019) *STONY THE ROAD: Reconstruction, white supremacy, and the rise of Jim Crow* are considered. Gates, as a literary critic, would agree with Kagan; past works of art should be seen as a form of “structuring principle” leading to new, authentic creations, new ways of seeing and representing. Newness and authenticity define arguments about Warhol’s work in one phrase.

On this 40th anniversary year of Prince’s “Purple Rain” album and film debut, our premise is that not only will this template illustrate issues pertaining to the selected case, but also will provide a dialogic forum for definitions of the meaning of art and the role of artists in illustrating—perhaps even transforming—artistic cognition.

¹ For the authors’ perspectives on art vis-a`-vis this case, see our ECAH Virtual presentation, conducted in an interview style.

² What constitutes transformation denoted by Justitia: “One of the most important questions in applying the fair use doctrine is whether the alleged infringer’s use of the copyrighted work was transformative. This means that the new work has significantly changed the appearance or nature of the copyrighted work. If the use is transformative, this does not necessarily mean that a fair use defense will succeed, but it will weigh heavily in favor of the defendant in an infringement lawsuit. The transformative use concept arose from a 1994 decision by the U.S. Supreme Court. In *Campbell v. Acuff-Rose Music*, the Court focused not only on the small quantity taken from the copyrighted work but also on the transformative nature of the defendant’s use.”

³ Justice Kagan was joined by Chief Justice John Roberts in her Dissenting Opinion, both citing the Majority’s “stifling creativity” and the inherent rhetorical nature of being inspired by previous works. Kagan and Roberts recognized artistic cognition is not a tabula rasa.

Analysis: Garden Acronym

RQ: What Drives Artistic Cognition?

To answer the Research Question, a GARDEN Acronym is introduced.⁴ The acronym includes Genesis, Art aesthetic, Rhetorical rizz, Derivative, Existential easel, and New nexus. Derived from a domain of artistry, the term GARDEN refers to the sphere of artistic cognition via planting, transplanting, or transforming.

The GARDEN acronym is represented through the iconic structure of Versailles. Courtesy of a tour guide's narration,⁵ visitors learn that Versailles is one of the top-ranking tourist sites in the world. Gradually transformed from a hunting lodge beginning in 1661 by King Louis XIV, who liked to be referred to as the "son-god," its elaborate furnishings were lost during the Revolution when King Louis XVI and his Queen, Marie Antoinette, were displaced.

France realized the property, located thirteen miles west of Paris, should be maintained for historical reasons, restoring it to much of its original glory. The vast, 236 feet long, Hall of Mirrors has hosted numerous peace accords, as well as originally providing the setting for elaborate balls, with 17 massive windows, reflected by an equal number of mirrors. This overlooks the massive maze of gardens, spread over 250 acres with as many as 1,400 fountains and other water features, some of which were designed to entertain the royal children, who could, with their mother, pretend they were living on a little farm, tended with lambs lolling about.

Like art, Versailles' transformation was an iterative process. From hunting lodge to palatial headquarters, Versailles is iconicity incarnate. Reframed and replenished by evolving vision, Versailles illustrates artistic cognition. The elements in Versailles' saga of design displacement and subsequent transformation are analogous to the transformative claims made by Petitioner Andy Warhol Foundation for the Visual Arts, Inc. versus the displacement claims made by Respondent Lynn Goldsmith.

G: Genesis - *Art Is "An Iterative Process"* (p. 35)

The letter G premiering the GARDEN acronym means that Versailles is inseparable from the *genesis* of legends and legendary "mirrors" invoked therein. Although creation stories typically begin with a void, upon which the creator fashions life, Kagan argues for a co-creative version of genesis: "For let's be honest, artists don't create all on their own; they cannot do what they do without borrowing from or otherwise making use of the work of others. That is the way artistry of all kinds—visual, musical, literary—happens (as is the way knowledge and invention generally develop)" (Kagan, p. 3).

Just as a garden design is generated via the vision of an aesthetician, works of art are generated by vision as seen and foreseen through the lens cap of a photographer or the line and contour crafting of an artist.

⁴ The GARDEN acronym was devised by the authors.

⁵ Betty Brown and her husband, Roger Brown, toured Versailles July 2015. Their taped audio tour was narrated by Rick Steves.

At issue in the Warhol case is the *genesis* of artistic vision. Photographer Goldsmith claims that Warhol's Prince merely mirrors her photography, reflecting her own image of the pop icon.

Kagan refutes this view, describing an "iterative process" (p. 35) essential to artistic flourishing. Artistic vision accumulates through a folding and unfolding: "Creative progress unfolds through use and reuse, framing and reframing" (p. 34). "That is how art, literature, and music happen: it is also how all forms of knowledge advance" (p. 19). The ancestry of artistic vision "does not happen in a vacuum" (p. 11) but "from building on—and, in the process, transforming—those coming before" (p. 24).

A: Artistry Aesthetic - *Warhol's Prince Is "Reframed" and "Reduced" (P. 9)*

The letter A in the GARDEN acronym means that Versailles is inseparable from an artistry aesthetic. Just as a garden designer envisions how visitors will encounter the experience, an artist reveals through a selected medium a vision and vitality of the subject.

In this aesthetic form is fundamental: "And with the change in form came an undisputed change in meaning" (p. 9). By equating a change in form with a change in meaning, form is not just a formality but a transformation: "The differences in meaning that arose from replacing a realistic—and indeed humanistic—depiction of the performer with an unnatural, disembodied, masklike one" (p. 16). In this sense, Prince, as painted by Warhol, puts on a "mask-like simulacrum" wherein the pop artist is simultaneously "reframed" and "reduced" (p. 9).

This represents a marked departure from the Opinion in which "the majority plants itself firmly in the 'I could paint that' school of art criticism" (p. 18). Instead, Kagan concludes that "Warhol had effected a transformation" (p. 10).

R: Rhetorical "rizz" - *Warhol's Paintings Landed Like a Thunderclap" (P. 5)*

The letter R in the GARDEN acronym means that Versailles is inseparable from rhetorical "rizz" or charisma. Though we usually think of people, not gardens, as charismatic, the qualities of charisma can be applied here, as noted in the etymology of the term: from *kharis* "grace, beauty, kindness" (*Charis* was the name of one of the three attendants of Aphrodite), which is related to *khairain* "to rejoice at" (from PIE root *gher- (2) "to like, want").⁶

Whether grace and beauty stem from a gardener's rake or artist's paintbrush, these qualities distinguish what captures our attention and stimulates our imagination versus what we gloss over. Whereas Justice Kavanaugh in *Oyez* leans toward a demystified interpretation of Warhol's Prince as that which "merely supersedes," Justice Kagan refers to this charismatic quality identifiable in art as something beyond the original. Chief Justice Roberts, in *Oyez*, observes that the two princely versions, in a side-by-side comparison, convey different messages, conjuring different meanings.

Charismatic ("rizz") terms identified in the selected case are defined by rhetorical theorist Richard M. Weaver (1964) as ultimate terms held in high reverence or regard in a culture, often tinged with an aura of mystery. Invoking a charismatic term, such as liberty or destiny,

⁶ See <https://www.etymonline.com/word/charisma>

is itself thought to carry persuasive freight. Such words are attached to having a magnetic power: “The words with the greatest magnetic power, then, all embody core values of the society in which they are used. Such expressions ‘carry the greatest potency’ in all situations and are known as “ultimate terms.”⁷ Weaver defines these words or concepts as occupying the strongest sanction.

Justice Kagan vouches for her view of Warhol’s artistic prowess, which she terms “dazzling creativity” (p. 17). Evidenced in the silkscreen portrait of Prince, it “enabled him to make brilliantly novel art out of existing images” (p. 4). Insofar as “Warhol’s paintings landed like a thunderclap” (p. 5) they also signal “a biting critique of the cult of celebrity” (p. 6).

Rhetorical rizz is seen throughout Kagan’s refutation of Majority logic:⁸ “A thought experiment may pound the point home. Suppose you were the editor of *Vanity Fair* or *Condé Nast*, publishing an article about Prince. You need, of course, some kind of picture. An employee comes to you with two options: the Goldsmith photo, the Warhol portrait. Would you say that you don’t really care? That the employee is free to flip a coin? In the majority’s view, you apparently would” (p. 10). Of this thought experiment Kagan wryly observes, “All I can say is that it’s a good thing the majority isn’t in the magazine business” (p. 10).

Kagan projects what artistic harms may accrue from adopting the Court’s logic: “a copyright regime with no escape valves” would diminish and even suffocate creativity (p. 12) by rejecting the artist’s vision: “The majority spurns all that mattered to the artist” (p. 20). The result is an erroneous ruling: “In belittling those creative contributions, the majority guarantees that it will reach the wrong result” (p. 18).

The effect, according to Kagan “will be dramatic” (p. 25), stifling “creativity of every sort. It will impede new art and music and literature. It will thwart the expression of new ideas and the attainment of new knowledge. It will make our world poorer” (p. 36).

D: Derivative - “*The Resulting Venus of Urbino Is a Prototypical Example of Renaissance Imitation—The Creation of an Original Work From an Existing Model*” (P. 31)

The letter D in the GARDEN acronym also means that Versailles is inseparable from the derivative. Just as gardens are a part of our cultural landscape, dating in literature at least to the Garden of Eden, Goldsmith argues that her landscape is the foundation of Warhol’s photograph, rendering Warhol’s work derivative.

Kagan dismisses the Court’s view with a series of derivative examples spanning the muses of literature, music, and art.

In literature the Justice cites examples from *Frankenstein* to Shakespeare to Ovid (p. 26); she includes romances from *Romeo and Juliet* to *Lolita* to Robert Louis Stevenson’s *Treasure Island* (p. 27). In this line of reasoning the “treasures” of literary works such as *Treasure Island* are not from a tabula rasa, but from deposits in the savings of artistic heritage.

Music, Kagan notes, also is an art form replete with examples: “Or how about music? Positively rife with copying of all kinds” (p. 28). From Haydn to Hendrix, Stravinsky to

⁷ “The Uncommon Sense Revolution” (2023).

<https://theuncommonsenserevolution.com/winning-words-richard-weaver-and-ultimate-terms/>

⁸ See Metaphor Sorting Chart, Appendix, for a detailed listing of case terms.

Beethoven, Clapton to Charlie Parker to Bill Haley (p. 28) Kagan finds examples derived from musical influences inspiring composers.

Returning to painting, Kagan cites examples from Renaissance art's Sleeping Venus depicted by Giorgione to pupil Titian, "But things were not destined to end there. One of Giorgione's pupils was Titian, and the former student undertook to riff on his master. The resulting Venus of Urbino is a prototypical example of Renaissance *imitation*—the creation of an original work from an existing model" (p. 31).

She also draws from Manet's Olympia to support her logic: "It is an especially striking example of a recurrent phenomenon—of how the development of visual art works across time and place, constantly building on what came earlier" (p. 32).

Religious depictions, too, are etched on this canvas, wherein we see how "converting Velasquez's study of magisterial power into one of mortal dread" (p. 33) constitutes a profound difference. She sums this argument: "So too here, presumably, the stolid Pope, the disturbed Pope—it just doesn't matter. But that once again misses what a copier accomplished: the making of a wholly new piece of art from an existing one" (p. 34).

E: Existential Easel - *"It's As Though Warhol Is an Instagram Filter, and a Simple One at That"* (P. 18)

The letter E in the GARDEN acronym means that Versailles is a representation of an existential easel. So too does the photograph and print of Prince come to life on an existential easel. This easel is marked by the artist's ability to "reframe" and "reformulate" (p. 1), the linguistic equation of transforming.

In Warhol's *techne* Kagan views "flipsides" of the existential easel: "this appropriation and his originality were flipsides of each other" (p. 4), resulting in an image "miles away from a literal copy of the publicity photo" (p. 6). Zeroing in on the image created she notes, "That image isolated and exaggerated the darkest details of Prince's head" (p. 8), manifest in "a range of unnatural, lurid hues" (p. 8).

In contrast to what Kagan sees in Warhol's art, she rues that "The majority does not see it. And I mean that literally" (p. 17). Instead, their lens is "an aesthetic gloss" (p. 17). She finds the majority description "disheartening. It's as though Warhol is an Instagram filter, and a simple one at that" (p. 18). With such descriptors Kagan discounts the Majority approach, calling it an "undervaluing of transformative copying as a core part of artistry" (p. 24).

N: New Nexus - *"His Work Turned Something Not His Into Something All His Own"* (P. 35)

The letter N in the GARDEN acronym means that Versailles is inseparable from what seeds a new nexus. Justices Sotomayor and Brown-Jackson ask in Oyez about newness, linking it to importance. This might include a new purpose, character, meaning, and/or message. Whether encoded through a photograph, painting, or garden design, newness compels, projecting anew the scene and seen.

Kagan contends that the majority is "uninterested in the distinctiveness and newness of Warhol's portrait" (p. 1). While Goldsmith claims the easel as her canvas, Warhol claims that

his version of the easel brings forth the new—it is transformed, not merely transplanted. As Marcus Tullius Cicero paints it, “The face is a picture of the mind with the eyes as its interpreter.”⁹

Kagan casts the Court’s current approach as contrary to its prior logic in preceding cases: “This Court has long understood the point—has gotten how new art, new invention, and new knowledge arise from existing works” (p. 11). This view refutes the tableau of Homo Narran as tabula rasa. Kagan’s rejoinder casts Warhol as “a towering figure in modern art not despite but because of his use of source materials. His work—whether Soup Cans and Brillo Boxes or Marilyn and Prince—turned something not his into something all his own” (p. 35).

Acronym Summative:

In sum, the GARDEN acronym provides a template for viewing what drives artistic cognition.

By referring to the iconic Parisian GARDEN Versailles we unearth postulates of transplanting versus transforming our artistic eye. Perhaps a Versailles is not just a Versailles.

Conclusion: Artistry & Charisma Epilogue

We began this essay with Aristotle’s contention that “The soul never thinks without a mental picture.” In the case of Andy Warhol Foundation for the Visual Arts, Inc., v. Goldsmith et al. (2023) the United States Supreme Court exhibits two different “mental pictures” that portray artistic license differently. The Majority privileges the original artist (photographer Goldsmith) with arguments protecting fair use and fair use defense doctrine while the Dissent favors artistic mystique. The encoding of this mystique—its very postulates about artistic cognition—is inseparable from the charismatic language of Justice Elena Kagan’s dissent.

Further research warrants an exploration of this rhetorical contest between demystification and mystification, perhaps in a case analysis centered on the symbolic construction of executive immunity.

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⁹ OCLI Vision <https://www.ocli.net/blog/famous-quotes-about-eyes/#:~:text=%E2%80%9CFor%20she%20had%20eyes%20and%20chose%20me.%E2%80%9D&text=%E2%80%9CThe%20face%20is%20a%20picture,the%20eyes%20as%20its%20interpreter.%E2%80%9D&text=%E2%80%9CAlmost%20nothing%20need%20be%20said%20when%20you%20have%20eyes.%E2%80%9D&text=%E2%80%9CI%20shut%20my%20eyes%20and,and%20all%20is%20born%20again.%E2%80%9D>

Appendix

Metaphor usage in *Andy Warhol Foundation for the Visual Arts Inc v. Goldsmith et al* with a focus on NEW

Section	Page	Tenor	Frame	Category
Syllabus				
		Authored by Reporter of Decisions		
	2	distinct purpose or character	descriptive	relevant new expression
	3	shedding light	imagery makes	illustration/emphasis not literal
	4	parody	point	illustration/emphasis not literal
	4	silkscreen image of photograph	analysis of image	new expression (used twice)
	5	recast, transform or adapt	repetition	new expression (used twice)
	5	stand on its own two feet	descriptive	justification
Opinion of the Court				
		Authored by Justice Sotomayor		
	1	trailblazer	Goldsmith's career	new
	1	shot to the top	Goldsmith's career	like Warhol
	3	self-starter	Goldsmith's career	new
	3	groupies	Goldsmith's career	unique
	9	side by side	use	new expression
	9		creativity	new aesthetics
	10	secondary work	use	new aesthetics
	10		use	new expression
	10	overarching	purpose of two works of art	new or original
	10	narrow	purpose of two works of art	new or original
	10	Warhol	easily recognized	transformation
	12	differences weighed	use	new expression
	13	commercial nature	use	new expression
	13	balancing act	purpose of two works of art	creativity/new works
	14	balancing	purpose of two works of art	judicial application
	15	original creation		new work
	15	supplanting the original	substitution	adds something new
	16	secondary work	use	
	16	matter of degree	purpose of two works of art	original work
	17	shedding light	transformation	new creation
	17	new lyrics	purpose of two works of art	new message
	18	different character	use	new work
	18	enriching public knowledge	use	new, transformative purposes
	19	mimicking makes its point	purpose of two works of art	new purpose
	19	matter of degree	purpose of two works of art	difference new system created for new products
footnote	20	Android platform	use	

	21	sleight of hand	purpose of two works of art	analysis
footnote	23	rap label	purpose of two works of art	new sound and lyrics new aesthetic and message
footnote	25	addition to definition		new expression
footnote	27	Warhol soup can label		new meaning or expression
	28	Warhol soup can label	purpose	new meaning or message
	28			new meaning or message
	28	film and stage adaptations, sequels, spinoffs		add new expression, meaning or message new information, new aesthetics, new insights
	28			and understanding
	29	meaning of classic novel		important new expression added new expression or had a different aesthetic
	29	remix		
	29	version of song	convey	new meaning or message
	29	parody		new meaning or message
	29	Hail Mary	purpose of two works of art	example of books to films analogy
	30	stand on its own two feet	parody versus satire	creativity/new or copying
	30	go back to school		
	31	secondary work	definition	adds a new aesthetic of new expression
	31	secondary work		convey a new meaning or message
	31			new artistic purpose
	32	larger than life figure Prince as a kind of icon or totem/mask	Warhol purpose	transformation
	32		descriptive	
	34	targeting	film adaptation	transformation
	35	target	purpose of two works of art	original or borrowing
	35	stand on its own two feet	purpose of two works of art	original or borrowing
	35	copying the photograph	convey	a new meaning or message
	35	copying the photograph	convey	a new meaning or message
	36	stifle creativity of every sort		thwart the expression of new ideas attainment of new knowledge, make world poorer
	36	snuff out the light	purpose of two works of art	innovation or copyright
	37	miss the forest for a trees	focus of argument	value of copying or value
	37	unbalance theory and tone		adds new meaning or message
	37	escape valves ample space for artists and other creators	focus of argument	a general rule
	37			valuable new works
	37	engine of creativity		

Concurring

Authored by Justice Gorsuch and Justice Jackson

	1	question	narrow	descriptive
	1	Warhol intention	application	new aesthetic
	2	trains our attention	imagery	focus is similar to purpose of art
	2	overlap		
	3	endowed		new aesthetic

4	chain of questions	purpose	focus is similar to purpose of art
4	Prince as icon or in vulnerable light	description	
4	tangle	imagery	purpose of law
5	strike a balance	imagery	really? How do you do that?

Dissent

metaphors are a type of "rizz" using humor to create images of disagreement
 Authored by Justice Kagan and Chief Justice Roberts

1	eye-popping	descriptive	not a physical reaction
1	stepped into his shoes	descriptive	substitution
1	Warhol portrait		newness
1	reframed	descriptive	substitution
2	copying use adds something		new and important
2	go back to school	humor	description of majority opinion
2	does copier's work add?		something new new expression, meaning or message? new expression, meaning or message?
3	different from original photo		
3	building on work of others	imagery	construction
3	breathing space for artists to use existing materials		fundamentally new works
4	avatar	imagery	Warhol as icon
4	flipsides	imagery	opposite viewpoints
5	Warhol paintings		landed like a thunderclap
5	Warhol paintings	creativity	something new
6	miles away	imagery	transformation
7	disembodied magically suspended in space	imagery	
8	out of kilter lines	imagery	exaggeration
8	picture worth a thousand words	humor	
9	reframed	imagery	humorous when considered how art is framed
10	pound the point home	imagery	not with a hammer but with argument
10	flip a coin	humor	description of editorial decision
11	Warhol's addition		new expression
11	creative work does not happen in a vacuum	humor	oxygen is a necessity
11	Court understanding of existing works		new art, new invention, and new knowledge
11	From Gershwin to Sondheim book		even most radically new music builds on existing work
11	themes		songs make history and history makes songs
12	borrowing much of which was well know and used before		few...things... new and original
12	no escape valve		creative process
12	put manacles	imagery	limiting the artist
12	boils on to factors sometimes point in different directions	imagery	limiting the artist
12			Court guidance
13	free-loading filmmaker		would be favored
13	back pocket test		to deal with problems
13 and 14	raw material		transformed in creation of new information,

footnote

				new aesthetics, new insights
	14	original creation		superseded with new work
	14	different character	purpose	added with new work new expression, meaning, or message
	14	first work alteration		new expression, meaning, or message
	14	commercialism significance		transformative new work
	15	does copier's use	purpose	add something new
	15	slicing the baloney	humor	illustration
	15	Google use of Sun code	purpose	does it add something new
	16	Prince portrait from Goldsmith photo	purpose	new purpose or character new messages about celebrity culture
	16	mask like depiction	purpose	
	17	showstopper	purpose	transformation
	17	might not get Warhol all the way home	humor	illustration of fair use
	17	started with old photo	imagery	Kagan quote
	17	Warhol's characteristic style	clear recognition	created a new new thing new expression versus modest alterations
	18	I could paint that	satire	school of art criticism
	18	plants itself	humor	not in a garden
	19	comment on society		dehumanizing culture of celebrity
	19	text as strong suit		precedents' inquiry into new expression
	21	swallow those uses	humor	deprive of protection
	21	blockhead		Johnson quote
	22	equation striking a balance	focus	would write for anything but money
			purpose	new expression, meaning, or message
	22	commercial context	purpose	new work adds something new to copyrighted one
				copier's addition of new expression, including meaning or message
	22	role of follow-on work		newness
	22	oddity of Court Opinion		if newness matters
	23	Warhol portrait licensed to Condi Nast		dismiss newness
	23	commercial context	purpose	convey new meaning or message
	23	2 Live Crew use of Roy Orbison catchy song		significant new meaning, meaning and message
	24	use of code by Google	purpose	new work
	24	there's the rub	humor	quoting Shakespeare
	24	building on	purpose	transforming new creations new construction on something given
	26	build		
	27	monopoly on talking birds	humor	practiced piracy
	28	worth their salt steal others	humor	construction
	28	backbone of your compositions is identical	humor	new notes written by Mozart and Beethoven
	28	I won't point fingers	humor	jazz musicians use of Stravinsky lurking
	29	feeding frenzy	imagery	borrowing from others
footnote	29	launched a thousand ships	humor	use of Bob Dylan pound of acoustic guitars
	30	nothing comes from nothing theme	purpose	Sleeping Venus copied by Giorgione from woodcut

31	riff on master		Venus of Urbino by Titian, student of Giorgione
32	building on what came earlier	imagery	reconstruction transformative painting of Manet's Olympia
33	portrait of Pope copied by Velázquez into Bacon portrait		imitation transformed with new expression,
			meaning and message
34	copier accomplishment	purpose	making a wholly new piece of art from an existing one
34	framing and reframing	imagery	building on borrowed ideas
34	one work builds on what has come before	imagery	construction
34	later works build on that one	imagery	construction
35	use of existing materials	purpose	to fashion something new
35	turns its back	imagery	limiting the artist
35	Warhol as proof		artist working from a model
	Warhol is a towering figure in modern art		use of source materials
35	Warhol accomplishment	purpose	did new work add something new?
35			did it alter the first
	inhibiting writers and artists from improvements		will stifle creativity
36			thwart expression of new ideas and attainment of new knowledge

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