

EDWARD STEICHEN

American, born Bivange, Luxembourg, 1897, died Redding, CT, 1973

L'Oiseau dans L'Espace (Bird in Space), 1926

Gelatin silver print, 10 x 8 inches

Gift of the Hollander Family in honor of Morton and Mimi Schapiro, 2012.10.13

Edward Steichen's photograph *L'Oiseau dans L'Espace (Bird in Space)* features the modernist abstract sculpture of the same name by Constantin Brancusi. The photograph emphasizes the sculpture's simplicity, sleekness, and majesty through its composition and dramatic lighting. In 1926 Brancusi shipped the sculpture to New York for an exhibition curated by his friend, artist Marcel Duchamp. While artwork was legally exempt from tariffs, *Bird in Space* was categorized by US Customs under "Kitchen Utensils and Hospital Supplies" and taxed at forty percent of its sale price. The sculpture was released on bond by US Customs subsequent to a court decision over its status as "art." As the owner of the sculpture, Steichen filed an appeal over the decision, an appeal that led to *Brancusi v. U.S.* In November of 1928, the court ruled in favor of the artwork: "The object ... is beautiful and symmetrical in outline, and while some difficulty might be encountered in associating it with a bird, it is nevertheless pleasing to look at and highly ornamental ... it is the original production of a professional sculptor ... and a work of art according to the authorities."¹

This incident calls to mind the famous visit of Brancusi, Duchamp, and the painter Fernand Léger to the 1912 Paris Air Show where on seeing a propeller Brancusi is said to have exclaimed: "Now that is what I call sculpture! From now on, sculpture must be nothing less than that." To which Léger claims Duchamp then turned to each of them and exclaimed: "It's all over for painting. Who could better that propeller? Tell me, can you do that?"²

After their visit to the Air Show, the work of these three artists was transformed almost as if in response to the wonder they experienced on seeing that aeronautic object. Sixteen years later the US courts would finally catch up with this pivotal moment of aesthetic evolution. Both episodes speak to the conceptual redefinition of art in the early twentieth century and the development and legitimization of abstraction in the art historical canon.

—Iñigo Manglano-Ovalle

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1 54 Treas. Dec. 428 (Cust. Ct. 1928). For a discussion, see Stéphanie Giry, "An Odd Bird," *Legal Affairs* (September/October 2002), http://www.legalaffairs.org/issues/September-October-2002/story_giry_sepoct2002.msp.

2 Pontus Hultén, Natalia Dumitresco, and Alexandre Istrati, *Brancusi* (New York: Abrams, 1987), 92.