

# Below Shepherd's Hill

By  
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Bachelor of Fine Arts, University of Massachusetts Dartmouth, 2005

Thesis Submitted in Partial Fulfillment of the Requirements of the  
Degree Of Master of Fine Arts

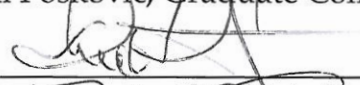
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Ann Arbor, Michigan


April 23, 2015

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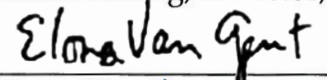
  
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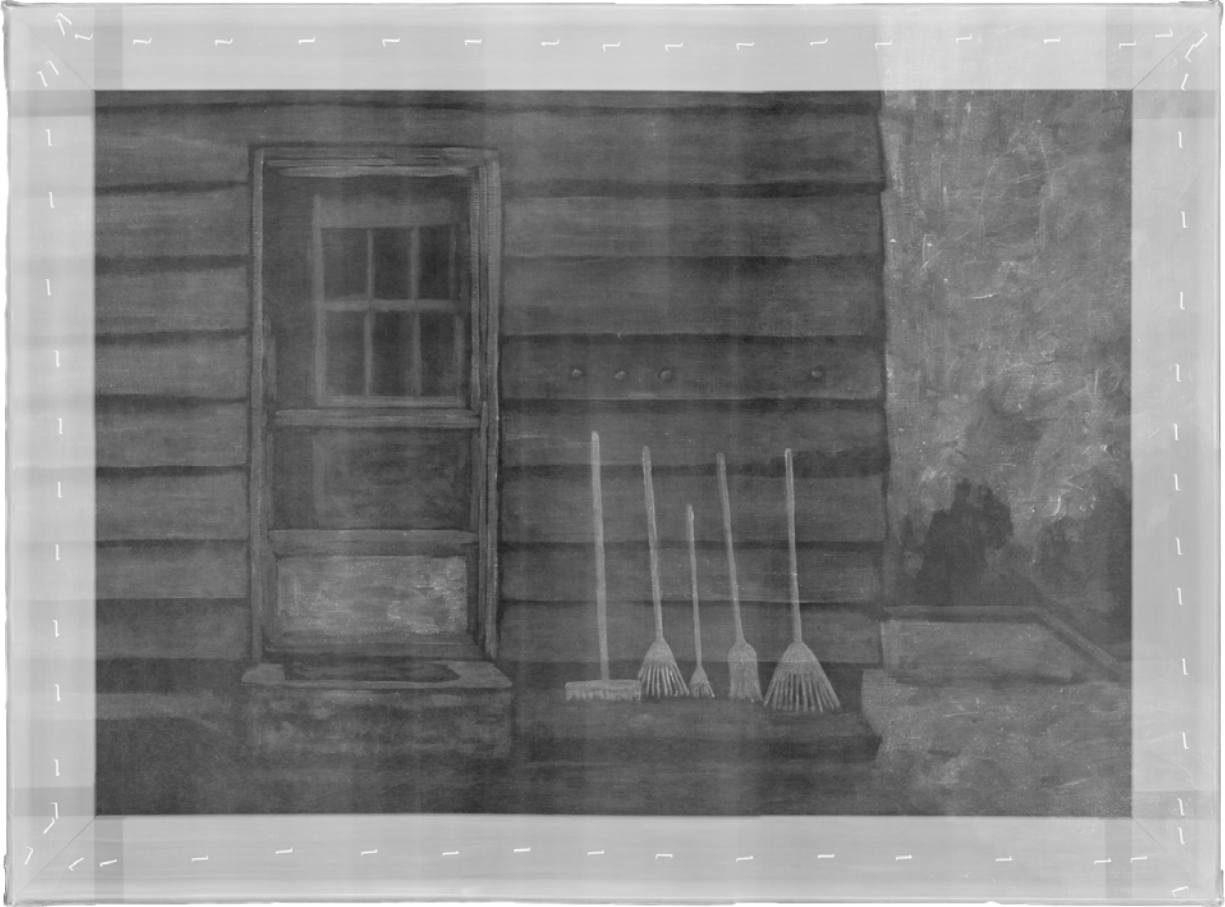
  
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Date Degree Conferred: May 2, 2015



# **Below Shepherd's Hill**

Joshua Nierodzinski



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“The stories of our childhood remain with us as primary experiences against which we judge and decide issues as adults.”

-Gerry Spence



## ABSTRACT

Below Shepherd's Hill is an exhibition of artwork that investigates the methodological possibilities of forensic aesthetics. In particular, it examines the derivative concept of forensic imagination through the narrative potential of painting in conjunction with forensic multispectral photographic imaging. In this MFA thesis project, exhibited in the Russell Industrial Center (2015) the visitor encounters a series of paintings that trigger the affects of an autobiographical event. This MFA thesis discusses the conceptual and artistic framework that informed the creative process and exhibition of this body of artwork.

## KEYWORDS

Carnal Echo, Conservation, Double Painting, Donna Haraway, Enrique Martinez Celaya, Event, Evidence, Exchange, Exhibit, Exhibition, Forensic, Forensic Aesthetic, Forensic Architecture, Forensic Imagination, Francis Bacon, Figure-Ground, Gerhard Richter, Gerry Spence, Gilles Deleuze, Infrared, Locard's Principle, Interpretation, Material Witness, Merleau-Ponty, Milica Tomić, Multispectral Imaging, Narrative, Narrative Installation, New Painting, Motive, Motif, Painting, Photography, Sequence, Slavoj Žižek, Susan Schuppli, Trace Evidence, Truth, Witness, Yang Qian, Ultraviolet, X-Ray





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## Foreword

### *Forensic aesthetics.*

Forensics is concerned with truth, and aesthetics with beauty.

In the final stanza of Ode to a Grecian Urn, John Keats, proclaims “Beauty is truth, truth beauty. That is all Ye know on earth, and all ye need to know.” Although the true meaning of the phrase remains a matter of interpretation, Keats’ closing argument provides evidence of a deep-seated human bias: that truth must appeal to the senses.

The goal of forensic science in law is to determine truth. Through the presentation of evidence that includes witness testimony and material exhibits, forensic science attempts a convincing narrative reconstruction of an event. Truths, especially the ugly ones, must be delivered in a beautiful way to be convincing. The artistic process, for me, is almost always a forensic method, sharing etymological and operative terms with legal processes. Through careful presentation of specific objects in sequence, my goal is to communicate a story. In this exhibition, Below Shepherd’s Hill I collect and present evidence in order to construct narratives that will substantiate the viewer’s affective experience. In both narrative and aesthetic practice, forensics offers a key to understand the relationship of objects, interpreters, and forums, and ultimately, the knowledge of issues that bridge personal and public truths. To achieve that end, this document is also structured to reflect the format of a legal defense.

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10  
11  
12 UNIVERSITY OF MICHIGAN  
13 *Plaintiff,*  
14  
15 vs.  
16  
17 JOSHUA NIERODZINSKI  
18 *Defendant.*  
19

**Case No. 111-AD04416**

**DEFENDANT JOSHUA NIERODZINSKI'S  
TRIAL BRIEF**

Trial date: April 20, 2015

Time: 9:00 AM

Department: A&D

**Honorable Guna Nadarajan**

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## I

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### Opening Statements

24  
25  
26  
27 It is July 24th, 1994. Mid-afternoon. Dudley, Massachusetts. The summer is  
28 in full heat and there is a slight breeze that gently chills the sweat on your body.  
29 A young boy is moving rocks by a half built stonewall when his younger brother  
30 approaches him. They quarrel. The younger brother throws a rock, hits the older  
31 brother in the knee, and runs off toward their house nearby. The older brother  
32 chases him into the house and the younger brother quickly locks the door behind  
33 him. The older brother pounds on the door, "Let me in." The door has a row of  
34 9 small glass panes across the top, just above eye-height. As the older brother  
35 knocks on the glass, the younger brother stares at from the other side of the  
36 door, he steps back toward the living room, and taunts him. "Let me in!"

1 The older pounds on the window-smash! Just as quickly as his hand punches  
2 through the window he recoils and tears his wrist open.

3  
4 The only trace that remains from that event is a small pale scar. French  
5 criminologist, Edmond Locard teaches us that, "Every contact leaves a trace."  
6 It is this exchange principle that forms the basis of forensic science. Forensics,  
7 however, can be much more than science. It involves real and imagined stories  
8 and the creation of forums for the exchange of public knowledge. Today, those  
9 forums are emerging to broaden the scope of forensic meaning and define  
10 forensic aesthetics. The following thesis employs the forensic aesthetic within a  
11 creative studio practice. The artwork produced engages art conservation  
12 techniques in order to construct personal narrative as an act of forensic  
13 imagination.

14  
15 From December 2014 – February 2015, I constructed 6 paintings that are  
16 included in the exhibition, Below Shepherd's Hill, installed at the  
17 Russell Industrial Center in Detroit, Michigan. All the paintings were created  
18 with a method of layered paint that when exposed to extravisible wavelengths  
19 of light will reveal hidden information. Two of the paintings were submitted to  
20 this process, administered by the Williamstown Conservatory of Art, in  
21 Williamstown, Massachusetts. The photographic results were included in the  
22 exhibition in the form of printed transparencies that were mounted to a backlit  
23 light box.

24  
25 The exhibition was arranged in three rooms. The first room contained  
26 vinyl lettering on an 8' x 12' wall. The second room featured paintings that  
27 were arranged in sequential order, to be read counter-clockwise. The third  
28 room featured the photographic images described above. The paintings and  
29 photographs together presents the sequence of events before and after  
30 the window was broken and holds the affect of the event.

31  
32 Through scholarly and artistic precedent, testimony, and material evidence  
33 I will position my painting as a forensic activity. I will address the ongoing  
34 dialogic concerns of painting and photography and introduce the novel use of  
35 conservation forensic imaging for the retrieval of trace evidence involved in the  
36 creation of paintings and their narrative capacity.



# II

## Cases in Chief

*We live in a time of forensic imagination, as evidenced by the current vogue for forensic science in television drama and genre fiction. Forensics in this popular sense returns us to the scene of the crime...at the juncture of instrumentation, inscription, and identification. But forensics is commemorative as well as juridical, and fundamental to the arts as well as to the sciences.*<sup>1</sup>

-Michael Kirschenbaum

The word, “forensic”, conjures a mixture of scientific methodology and macabre. However, in the introduction to the book, *Forensis: Architecture of Public Truth*, Eyal Weizman discusses the word’s etymology “pertaining to the forum”, the Roman forum, that was the center of commerce, politics, law, and art. Weizman is a leading contributor to the Forensic Architecture project at Goldsmiths, University of London along with an interdisciplinary group that includes artists, scientists, and lawyers. Their mission is to “expand the scope of contemporary forensics and challenge its popular role in articulating notions of public truth”.<sup>2</sup> Their work emerges from the 20th century development of scientific and technological interpretations of objects and how those objects affect the way we see. The invention of photography played a major role in the development of scientific and forensic looking. Photographs present truth and lend credibility to events.<sup>3</sup> Truth has come to look a certain way and so aesthetics, relating to perception by the senses, can be forensic. Forensic aesthetic is defined as:

*...the mode of appearance of things in forums- the gestures, techniques, and technologies of demonstration, methods of theatricality, narrative and dramatization; image enhancements and technologies of projection; the creation and demolition of reputation, credibility, and competence.*<sup>4</sup>

1 The term has been applied to the work of filmmaker Michael Haneke<sup>5</sup> as well  
2 as artists, Mike Mandel and Larry Sultan, in their 1997 exhibition and book,  
3 *Evidence*.<sup>6</sup> These images rely on the psychic residue left after a crime or the  
4 tension just before one. Forensic aesthetics are concerned with the how  
5 something must look in order to be accepted, or rejected, by the forum, an  
6 audience, or any assembly that casts judgment. Recently, artists have  
7 begun to directly implement forensic presentation techniques and associate  
8 themselves within its methodology. Serbian installation artist, Milica Tomić,  
9 is one example. In her 2011 lecture titled, *Art and Right to Public Space*,  
10 presented at the Stanford Humanities Center discussed her use of forensics  
11 in art: "I use forensics as a method, of presenting the facts of evidence, the  
12 practice of making an argument by using objects before a gathering such as a  
13 professional, political, legal forum. So, forensic does both: An analytical  
14 form of history writing and a projective practice of forum building."<sup>7</sup>  
15

16 While Tomić focuses her work on the reenactment of historical events,  
17 forensic aesthetics does not have to be restricted to actual crimes, facts, or  
18 evidence. As Greg Battye notes, the forensic gaze is "always concerned with  
19 recording, retaining, investigating and clarifying what has been, and how,  
20 and why. Even [images] predicated on imaginary or fictional constructions  
21 are, ultimately, as much about the world as it is, as they are about how the  
22 world might be."<sup>8</sup>  
23

24 The imaginary, fictional, dreamlike, is the realm of art, not law or science.  
25 The concept of the "forensic imagination" merges the laws of evidence and  
26 testimony but goes one step further to provoke the emotions and stories that  
27 carry truth. Media artist and senior research fellow at Goldsmiths (UK), Susan  
28 Schuppli, positions the concept of forensic imagination within the scientific  
29 skepticism of Donna Haraway.  
30

31 *Contrary to scientific conceptions of forensics as the means of uncovering the*  
32 *unequivocal truth of what transpired, the term forensic imagination is predicated*  
33 *upon enlarging the field of enunciation through the creative retrieval and*  
34 *mobilization of affects. Rather than a search for empirical truths, its objectives*  
35 *are oriented towards an expansion of the object's or artifact's expressive potential.*<sup>9</sup>  
36



1 How can artwork retrieve and mobilize affects? An affect is an emotion or  
2 desire, especially those that influence behavior or action. Emotions and  
3 desire are certainly powerful and invisible forces that influence human  
4 action. It is the job of art to make those invisible forces of love, fear, or  
5 power, visible to the naked eye. Forensic science is also charged to make  
6 the invisible visible, to tease out the unseen history of a person, object, or  
7 event. This can be done through DNA, fingerprints, x-rays, and data trails.  
8 This information is quantifiable, but affects are so easily calculated. If an act  
9 of forensic imagination is measured on its ability to express the motivations  
10 and emotional conditions, then painting is uniquely equipped to provide a  
11 solution. As Gilles Deleuze has noted, “[Is this not a] primary question in  
12 painting? How to make invisible forces, visible? <sup>10</sup> Painters make plain the  
13 hidden and unspeakable aspects of living. In cases of forensic imagination,  
14 the painter acts as an attorney completing what Weizman calls the  
15 “forensic triangle” of object-interpreter-jury. The painter has a unique  
16 function to interpret the evidence and represent their experience but he  
17 or she is also the eye-witness, or more accurately what, again  
18 Donna Harraway, calls the modest witness:

19  
20 *The modest witness is the legitimate and authorized ventriloquist for the*  
21 *object world, ... and so he is endowed with the remarkable power to establish*  
22 *the facts. ... His subjectivity is his objectivity. His narratives have a magical*  
23 *power-they lose all trace of their histories as [mere] stories...in their potent capacity*  
24 *to define the facts. The narratives become clear mirrors, fully magical mirrors,*  
25 *without once appealing to the transcendental or the magical. <sup>11</sup>*  
26

27 The modest witness is an actor of forensic imagination. The eye-witness  
28 becomes the expert witness, uniquely qualified to provide testimony  
29 and bring truth to an event. He or she interprets an object, describes or  
30 identifies a person, including the characterization of experience, from  
31 moment to material, in relation to that event. It is the event itself that  
32 demands interpretation. Slavoj Zizek defines an event as “an encounter  
33 that retroactively creates its own causes; an affect that is stronger, or seems  
34 to exceed, its own causes. As a consequence; it is also something that does  
35 not take place in the world but a change of the frame through which we  
36 perceive the world and engage in it.”<sup>12</sup> An event is an exchange between the

1 body and the world that instigates the dissolution of the interior and exterior  
2 boundaries and expands notions of the self. Events are dissociative and  
3 disruptive markers of significance. For the painter, an event by this definition  
4 leaves a physical and psychological trace or what Maurice Merleau-Ponty has  
5 called the carnal echo:

6  
7 *Through the channel of vision, the world enters the painter, inhabits the painter's*  
8 *interior, and mixes with the painter's carnality- his or her embodied consciousness.*  
9 *In mixing with the painter until it is no longer clear which is the painter and which is*  
10 *the world, the things of the world achieve a sort of doubling, existing simultaneously*  
11 *in the world and "at the heart of vision". The resultant mixture of painter and the*  
12 *world is then expressed, literally pushed out, back into the world as a physical*  
13 *artifact, a painting.*<sup>13</sup>  
14

15 The painter enters into a dialog with the painting that then becomes a  
16 material witness; "an entity (object or unit) whose physical properties or  
17 technical configuration records evidence of passing events to which it can  
18 bear witness. This operative concept is reinforced by philosopher of  
19 science, Isabelle Stengers notion of an "informed material, in the sense  
20 that their {internal} composition becomes progressively enriched by  
21 information." <sup>14</sup> Objects absorb the emotional energy, or affect, of the painter's  
22 lived experience. The objects and the emotional resonance can then be  
23 interpreted, communicated, and felt.

#### 24 **Regarding the Forensic in Painting:**

25  
26  
27 *In interrogating the depths of the world, the seer and painter interrogate the*  
28 *depths of the self.*<sup>15</sup>

29 -Galen A. Johnson

30  
31 Paintings are informed material witnesses. They carry the history of their  
32 creator's affective energy as well as their physical creation embedded in  
33 layers of paint. While some of this information can be seen from the surface  
34 much of the information remains locked in the material, pigments, and  
35 mediums, and in layers covered and erased. Art conservators can use forensic  
36 imaging techniques, like x-rays, ultraviolet (UV), and infrared to look back

1 through the layers of the painting to reveal their history of creation including  
2 the materials used and sequence they were applied. The resulting photographs  
3 reveal hidden information, both intentional and accidental. Here, visible and  
4 extra-visible photographic techniques are incorporated with painting to merge  
5 forensic technology while engaging forensic aesthetics.

6  
7 Beginning in 2004, contemporary Chinese painter, Yang Qian, has been  
8 exploring the potential of ultraviolet light and “florescent material to conceal  
9 images behind the forefront ones, creating an overlapping relationship  
10 among different images... called “Double Painting, [his work] elevates the  
11 concept of layer from stillness to motion”<sup>16</sup> Qian’s work looks to the ongoing  
12 development of imaging technologies that began with the invention of  
13 photographs and film that has been explored by many painters since it’s  
14 invention. It has been argued that photographic image gave birth to modern  
15 painting and in fact it has been at the core of the painter’s mission ever since.  
16 Arguably, the most famous painter to investigate the photographic image is  
17 Gerhard Richter. A particularly relevant example is the 1988 painting cycle,  
18 18 October, 1977 [Exhibit H]. Richter insisted that the painting cycle be shown  
19 together. Each painting provides context for the other and contributes to  
20 telling the story of the state interment and killing of four German protestors  
21 (Red Army Faction/Baader-Meinhof) imprisoned for alleged terrorist actions.  
22 Photographs were later published in newspapers, providing a grisly and  
23 accurate account of their deaths. So, why paint them when we have  
24 photographic evidence to testify? Painter and art critic, Robert Storr, explains:

25  
26 *“In photographs we can see death with a nakedness no other medium affords.  
27 But photography does not allow us to contemplate death. In order to do that,  
28 duration must reenter the equation, for without a measure of time’s passage the  
29 depiction of time arrested becomes tautological, senseless. Painting, which takes  
30 time to make. Time indelibly marked in its skin-restores duration to images of death.”*

31 <sup>17</sup>

32  
33 Painting takes time and inscribes it into the flesh of its layers.  
34 Francis Bacon infamously explored the eroticism of paint and wrestled with  
35 the photograph like no painter since. He directly engaged the “retrieval of  
36 affect” that Harraway calls for however he referred to it as the “visual shock”.

1 This shock echoes the surrealists before him, specifically Buñuel's film,  
2 *Un Chien Andalou*. The squeamish opening scene, literally and figuratively,  
3 presents a slice to the eye that became a motif of visual culture throughout the  
4 20th century and beyond.

5  
6 The task of making the unseen visible is one challenge for the painter.  
7 Another is the challenge of adding motion and time into the still image. To  
8 do this, Bacon blurs and distorts the figure but also calls upon the medieval  
9 Christian tradition of triptychs (Exhibit L) and their consequent separations  
10 in continuous space to add time to narrative passages.<sup>18</sup>

### 11 12 13 **Narrative exhibition making:**

14  
15 The best court cases employ passion and story. Legendary criminal lawyer  
16 and author, Gerry Spence says, "Every argument, whether in court or out,  
17 whether delivered at the supper table or at coffee break, can be reduced to a  
18 story. An argument like a house has structure, and the strongest structure for  
19 any argument is always story".<sup>19</sup>

20  
21 An exhibit in legal procedure is an artifact or document that is part of an  
22 argument presented to jury. Artists are inherently involved with artifact  
23 and documents as well as the design and making of exhibitions, therefore  
24 arguments. "To exhibit" is to hold out, to offer, to display objects or works:  
25 to expose. Fundamentally, exhibition-making is focused on the content of  
26 the works to be displayed and concerns of the ordering of these works as a  
27 sequence, to be understood in relation to each other and in dialogue with the  
28 conditions of the viewing environment."<sup>20</sup> In his book, *Exhibition Design*,  
29 David Dernie cites Brancusi as a forefather of the artists engaged in these  
30 questions of the spatial relationship of artwork. Tate director, Nicolas Serota  
31 goes on to say that, "Brancusi's singular sensitivity to the placing of works  
32 of art in changing environments has had a profound impact on the course of  
33 sculpture and on the display of art in the twentieth century."<sup>21</sup> Only Marcel  
34 Duchamp matches Brancusi's impact on exhibition making and installation  
35 art. Rosalind Krauss notes that the two artists "shared much of the same  
36 attitude toward the structural and temporal statues of objects."<sup>22</sup>

1 Duchamp's closing remark and artistic gesture, *Étant donnés* (Given: 1 The  
2 Waterfall, 2. The Illuminating Gas, French: *Étant donnés: 1° la chute d'eau / 2°*  
3 *le gaz d'éclairage*, directly engages the forensic aesthetic, to reveal what is  
4 not seen, hidden, painful, or taboo. Duchamp's final motion ushered in the  
5 practice of installation art, multi and trans-media arts, with many artists  
6 handing the torch along the way. A notable contemporary heir and exemplar  
7 of the forensic imaginary act is Enrique Martinez Celaya's, *The Pearl*, (2013)  
8 installed at SITE: Santa Fe. Working across and through painting, sculpture,  
9 sound, and text, Celaya engages motives and motifs that shift throughout the  
10 exhibition. The viewer's interpretation is constantly called into question as  
11 they navigate through the forensic landscape. Celaya's sprawling narrative  
12 work is a major inspiration and guiding light for my exhibition,  
13 *Below Shepherd's Hill*.

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# III

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## Exhibits

The following is a sequential photographic presentation of the intended path for the exhibition, Below Shepherd's Hill. The in-situ photographic documentation will be accompanied by additional evidence comprised of personal photographs, working sketches, personal notes, and diagrams.

\*All use of "in-situ" refers to installation site: Russell Industrial Center, Detroit MI

**Exhibit A:** Digital scan of scar on wrist of Joshua Nierodzinski. 2015

**Exhibit B:** Diagram of Exhibition Layout. Digital Image. 2015

**Exhibit C:** In-Situ photographic documentation of entry room. Central free-standing wall. Pine framing lumber, screws, 3/8" Gypsum board, paint. 8' x 12' x 34" Priming vinyl text. 36" x 60". Text reads: On July 24th, 1994 at approximately 3:15 PM Dudley, MA, 17 Fairview Avenue, USA, I had an accident. View of paintings, Shepherd's Hill, in distance.

**Exhibit D:** In-Situ photographic documentation of central room. Triptych, Shepherd's Hill (Right), Knock, Knock, and Bath (Left)

**Exhibit E:** Shepherd's Hill, Oil on Canvas, Triptych ( Each panel, 36" x 68")  
2015

**Exhibit F:** Digital Scan of 4"x 6" color photographic print. Credit: Ora Finn.  
9/25/1988

**Exhibit G:** Digital Scan of 4"x 6" color photographic print. Credit: Ora Finn.  
7/18/1993

**Exhibit H:** Gerhard Richter, Arrest 1, Oil on Canvas 36" x 50"  
(92 cm x 126 cm) 1988

**Exhibit I:** Detail of Shepherd's Hill (Exhibit E)  
Upper Left sections of panel 1 &2)

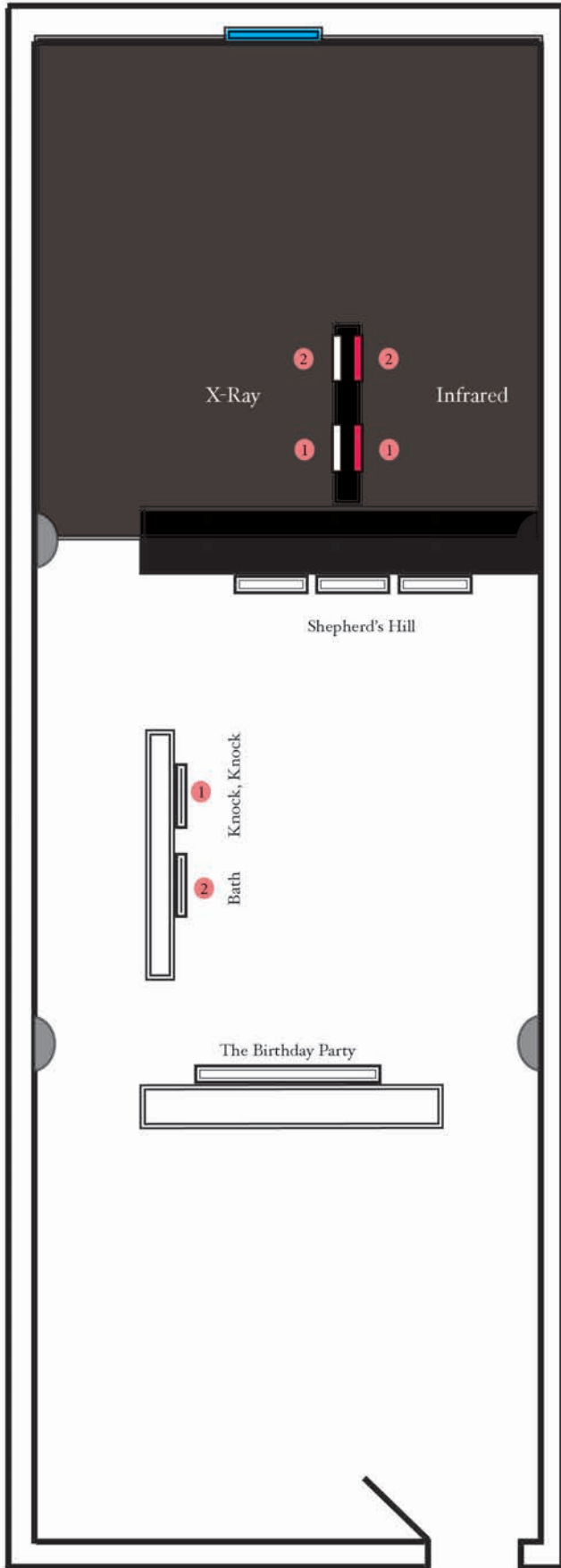
- 1 **Exhibit J:** Francis Bacon, Study after Velázquez's Portrait of Pope Innocent X,  
2 Oil on Canvas, 60" x 46 "(153 cm x 118 cm) 1953
- 3 **Exhibit K:** Detail of Shepherd's Hill (Exhibit E)  
4 Lower left section of panel 3.
- 5 **Exhibit L:** Francis Bacon, Crucifixion, Oil with sand on canvas, Three panels,  
6 78 x 57 (197.5cm x 147 cm.) each , 1965.
- 7 **Exhibit M:** In-Situ photographic documentation of center free-standing wall  
8 in central room. Exhibits N & P
- 9 **Exhibit N:** Bath, Oil on Canvas, 24" x 32", 2015
- 10 **Exhibit O:** Digital Scan of 4"x 6" color photographic print.  
11 Credit: Joseph Nierodzinski 4/18/1986
- 12 **Exhibit P:** Knock, Knock, Oil on Canvas, 24" x 32", 2015
- 13 **Exhibit Q:** Altered digital scan of 4"x 6" color photographic print.  
14 Credit: Ora Finn 4/18/1986
- 15
- 16 **Exhibit R:** Proposal for multi-spectral analysis from Williamstown Art  
17 Conservation Center
- 18 **Exhibit S:** Digital X-ray photograph of Bath, (Exhibit N)
- 19 **Exhibit T:** Digital X-ray photograph of Knock, Knock (Exhibit P)
- 20 **Exhibit U:** In-Situ photographic documentation of exhibits N&P. Ea. B&W  
21 Transparencies 16" x 28"
- 22 **Exhibit V:** Digital infrared photograph of Bath, (Exhibit N)
- 23 **Exhibit W:** Digital infrared photograph of Knock, Knock (Exhibit P)
- 24 **Exhibit X:** In-Situ photographic documentation of exhibits V&W. Ea. B&W  
25 Transparencies 16" x 28" mounted on color lightbox.
- 26 **Exhibit Y:** In-Situ photographic documentation of central room.  
27 Exhibits M & Z.
- 28 **Exhibit Z:** The Birthday Party, Oil on Canvas, 60" x 72" . 2015
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- 34
- 35
- 36





EXHIBIT  
**A**  
IDENTIFICATION/EVIDENCE  
DATE: 2/19/15





**EXHIBIT**

**B**

---

IDENTIFICATION/EVIDENCE  
DATE: 2/01/15

*Below Shepherd's Hill*  
 Russell Industrial Center  
 Building 1  
 Room 133

Scale: 1 in = 6 ft

On July 24th, 1994 at approximately 3:15 PM  
17 Fairview Avenue, Dudley, Massachusetts  
I had an accident.



EXHIBIT

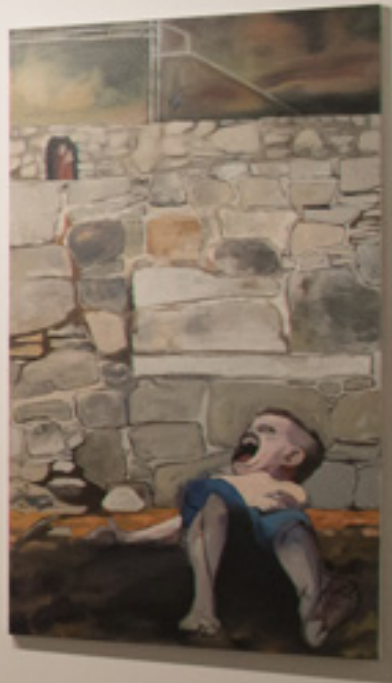
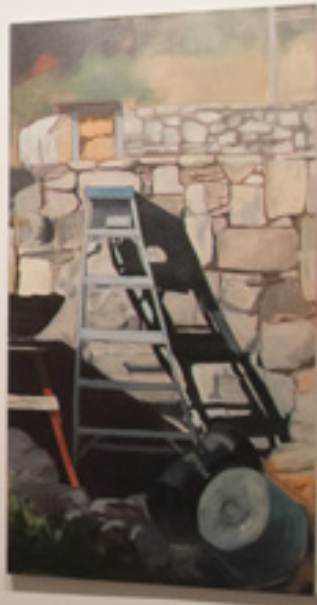
**C**

IDENTIFICATION/EVIDENCE

DATE: 3/21/15







EXHIBIT

**D**

IDENTIFICATION/EVIDENCE

DATE: 03/21/2015



EXHIBIT  
**E**  
IDENTIFICATION/EVIDENCE  
DATE: 02/24/2015





EXHIBIT  
**F**  
IDENTIFICATION/EVIDENCE  
DATE: 08/26/2014



EXHIBIT  
**G**  
IDENTIFICATION/EVIDENCE  
DATE: 08/25/2014



EXHIBIT  
**H**  
IDENTIFICATION/EVIDENCE  
DATE: 04/21/2015





EXHIBIT  
I  
IDENTIFICATION/EVIDENCE  
DATE: 02/24/2015



EXHIBIT

**J**

IDENTIFICATION/EVIDENCE

DATE: 04/21/2015



EXHIBIT

**K**

IDENTIFICATION/EVIDENCE

DATE: 02/24/2015



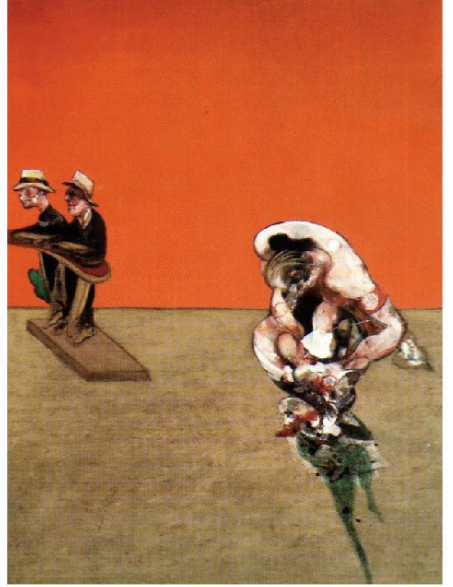
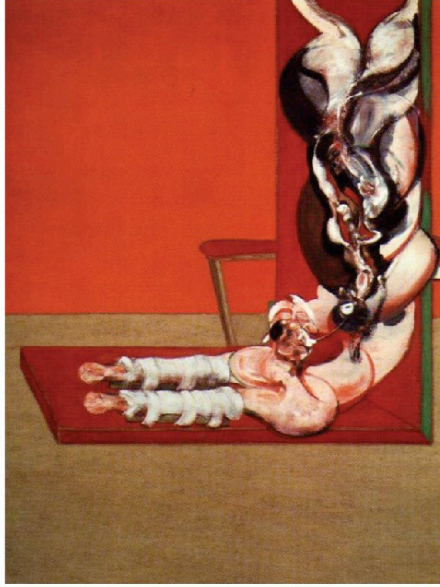


EXHIBIT  
**L**  
IDENTIFICATION/EVIDENCE  
DATE: 04/21/2015



EXHIBIT  
**E**  
IDENTIFICATION/EVIDENCE  
DATE: 02/24/2015





EXHIBIT  
**M**  
IDENTIFICATION/EVIDENCE  
DATE: 04/21/2015



EXHIBIT

**N**

IDENTIFICATION/EVIDENCE

DATE: 04/21/2015





EXHIBIT

0

IDENTIFICATION/EVIDENCE

DATE: 08/21/2015



EXHIBIT

**P**

IDENTIFICATION/EVIDENCE

DATE: 04/21/2015v



EXHIBIT

**Q**

IDENTIFICATION/EVIDENCE

DATE: 08/21/2014

Williamstown Art Conservation Center, Inc.  
227 South Street, Williamstown, MA 01267  
413-458-5741 tel. • 413-458-2314 fax

### Proposal for Analysis

Artist: Nierodzinski, Joshua  
Title: *Unknown*  
Kind: Oil & mixed media on canvas  
Size: 24" x 36" (each)

Date: 2/5/15  
By: C. Puza  
Lab No. 15-AS-002.a-b

Owner: Joshua Nierodzinski  
303 N. Hamilton Street Apt. #2  
Ypsilanti, MI 48197

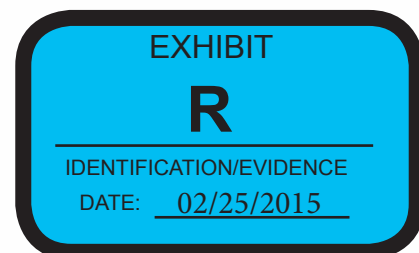
#### Purpose of Analysis

The client has requested IR and UV photography and X-radiographs of two 24" x 36" paintings. Digital and hard copy images will be delivered upon completion.

#### Cost of Analysis

IR photograph:	\$250.00
X-radiograph: (6 films per painting, 12 films total)	\$1,100.00
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Total Treatment Costs:	\$1,350.00

To authorize treatment, please sign the reverse of this form.  
Rates are effective through June 30, 2015. Please see payment terms on the reverse.





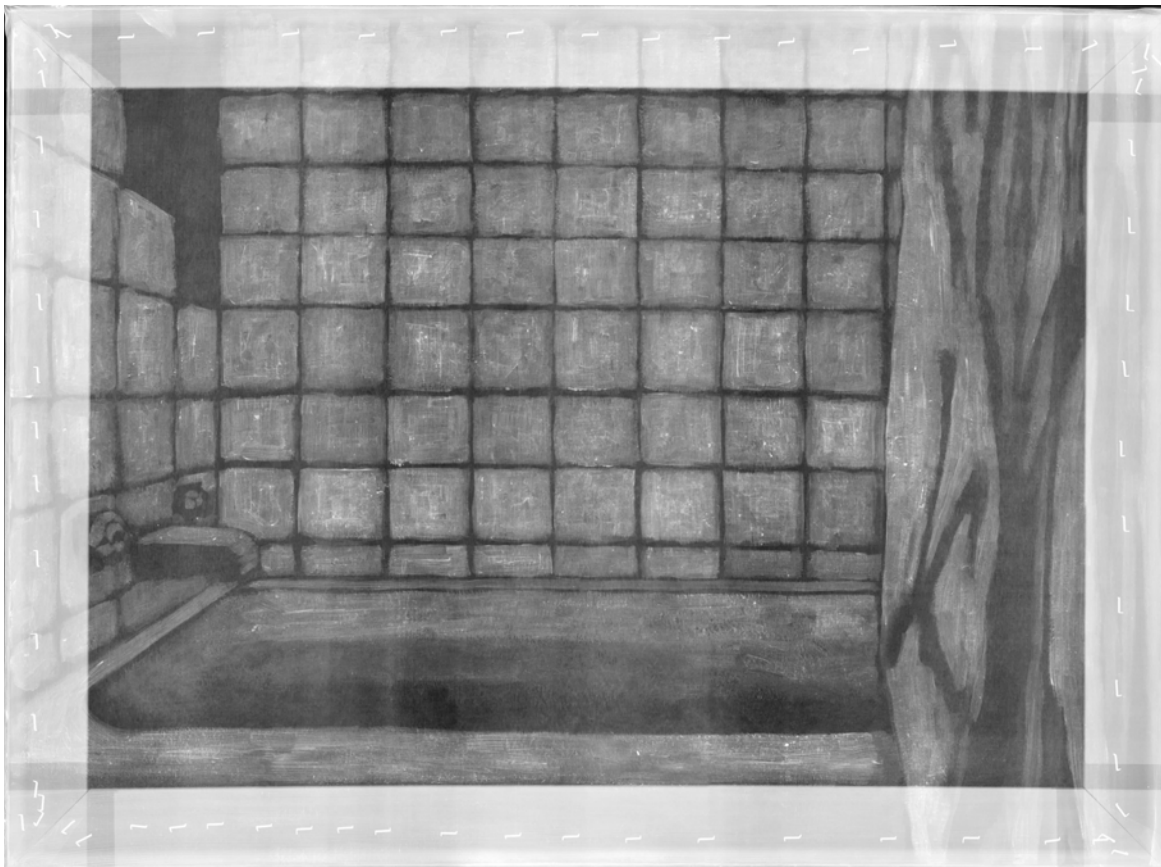
Conditions of Acceptance of Proposal for Treatment:

1. **Authority:** The Owner requests and authorizes the Williamstown Art Conservation Center, Inc. (the "Center") to perform the treatment of your art object(s) in the manner and on the terms and conditions set forth in this "Examination and Proposal for Treatment" (the "Contract"). In addition to the treatment described in this Contract, the Center may also prepare transcripts of records of examination and treatment reports and opinions for the object(s) the Owner submits to the Center (the "Services").
2. **Emergency Treatment:** The Owner understands that treatment is subject to variables and unforeseen treatment needs. While the Center will endeavor to contact the Owner and obtain the Owner's permission before performing emergency treatment not otherwise set forth herein, there are some circumstances and occasions when the Center, in the process of performing the treatment described in this Contract, may deem it critical to perform additional treatment without delay to avoid or prevent damage to your art object. The owner hereby authorizes the Center, in its sole and absolute discretion, in those circumstances when it deems it critical to perform such additional treatment without delay, to perform such emergency treatment at the expense of the Owner.
3. **Ownership:** The Owner represents, warrants and certifies that the Owner is the lawful owner of the object(s) described on the reverse side of this Contract and has full authority to make this request for treatment from the Center and any subsequent work agreed to by the Owner on the terms and conditions hereof; or, if the undersigned is not the Owner, then the undersigned has been duly authorized by the Owner to enter into this agreement and is signing on behalf of the Owner ("Designee"), all as set forth on a separate Power of Attorney given by the Owner to its Designee, or on another document signed by the Owner and duly authenticated granting authority for the Center to perform the Services set forth on the reverse side of this Contract, all as satisfactory to the Center.
4. **Assumption of Risk:** The Owner understands that the treatment of art objects is subject to high risk and that the Center cannot predict or guarantee the success of effectiveness of any treatment, and the Owner specifically assumes any risk of loss or damage resulting from such treatments, unless such loss or damage was the result of the gross negligence or wanton and willful misconduct of the Center.
5. **Liability: Release and Indemnity Provisions:** The Owner agrees that neither the Center nor the Clark Art Institute, their representatives, employees, servants, agents, officers, trustees and assigns, shall be liable or responsible for any losses, claims, causes of action, actions, suits of whatever nature, damages, judgments and expenses (including without limitation attorneys fees and expenses) relating to or arising out of the Center's services for such objects, except in the event of the gross negligence, or wanton and willful misconduct of the Center. The Owner expressly releases, discharges and agrees to indemnify and hold harmless the Center and the Clark Art Institute, and their representatives, employees, servants, agents, trustees, officers and assigns from any and all losses, claims, causes of action, actions, suits of whatever nature, damages, judgments and expenses (including without limitation attorneys' fees and expenses) which may be related to or arise out of the Owner's objects or the Center's Services, except in the event of the gross negligence, or wanton and willful misconduct of the Center.
6. **Limited Insurance:** We encourage the Owner to secure their own insurance coverage for the objects submitted to the Center. For objects in the Center's possession, insurance coverage is limited. If there is no agreed value set forth on the reverse side of this Contract by the Owner, then the Center's insurance coverage for the object(s) is limited to the cost of any restoration, including depreciation or replacement, but not exceeding the Center's available coverage then in effect. If there is an agreed value set forth, then that value will form the basis of the valuation for insurance coverage purposes.
7. **Liability: Transcripts, Reports and Opinions:** If the Owner requests transcripts of records of examination and treatment, reports and opinions concerning objects submitted to the Center by the owner, then the Owner expressly releases, discharges and agrees to indemnify and hold harmless the Center and the Clark Art Institute, and their representatives, employees, servants, agents, trustees, officers and assigns from any and all loss, claims, causes of action, actions, suits of whatever nature, damages, judgments and expenses (including without limitation attorneys fees and expenses) which may be related to or arise out of the release of transcripts, reports and opinions, except in the event of the gross negligence, or wanton and willful misconduct of the Center.
8. **Use Limitation: Transcripts, Reports and Opinions:** The Owner hereby grants permission for the records of examination and treatment to be used by the Center for educational and scholarly purposes, but for no other purposes. If the owner wishes additional copies of such records then will be furnished on request, but only at the Owner's sole expense.
9. **Release:** Objects will be released only to the Owner; or its Designee.
10. **Special Conditions:** In the event of danger arising from natural disturbances, or as a result of prevailing conditions including a threat for military violence, the Center, for the objects listed on the face of this Contract will be free to determine the course to be followed for these objects and storing them, and any such determination will be final and will not subject the Center, the Clark Art Institute, or their agents, offers, trustees, or employees to any liability whatsoever.
11. **Successor Provisions:** The provisions of this Contract are binding upon the Owner, its Designee, its legal representatives and assigns.
12. **The Center has received the object(s) pursuant to the provisions of Massachusetts General Laws c. 255, §31F. The Owner must claim the object(s) within one year of the Center's completion of its work, or the objects may be sold for payments not made hereunder.**
13. **Applicable Law:** This agreement will be construed in accordance with Massachusetts Law, and may only be changed or amended by the written agreement of both parties. If any one or more provision hereof is deemed invalid or unenforceable, then all other provisions will remain in full force and effect.

**PAYMENT TERMS**

Please acknowledge your agreement to the terms and conditions herein, by signing below, and returning this Contract to the Center, along with one half of the total treatment cost. You will be billed for the remaining balance of the treatment cost upon completion of the treatment. Payment will then be due to the Center within ten (10) days of the date of the invoice, or upon delivery of the completed object, whichever comes first. Objects of art will not be released until payment in full is received. If you do not wish to proceed with treatment, please contact the Center (413-458-5741) to arrange for payment of the examination fee and any other work performed to date, and for the return of your object.

By:  Signature Name: Joshua Nierodzinski Print Date: 2/18/15

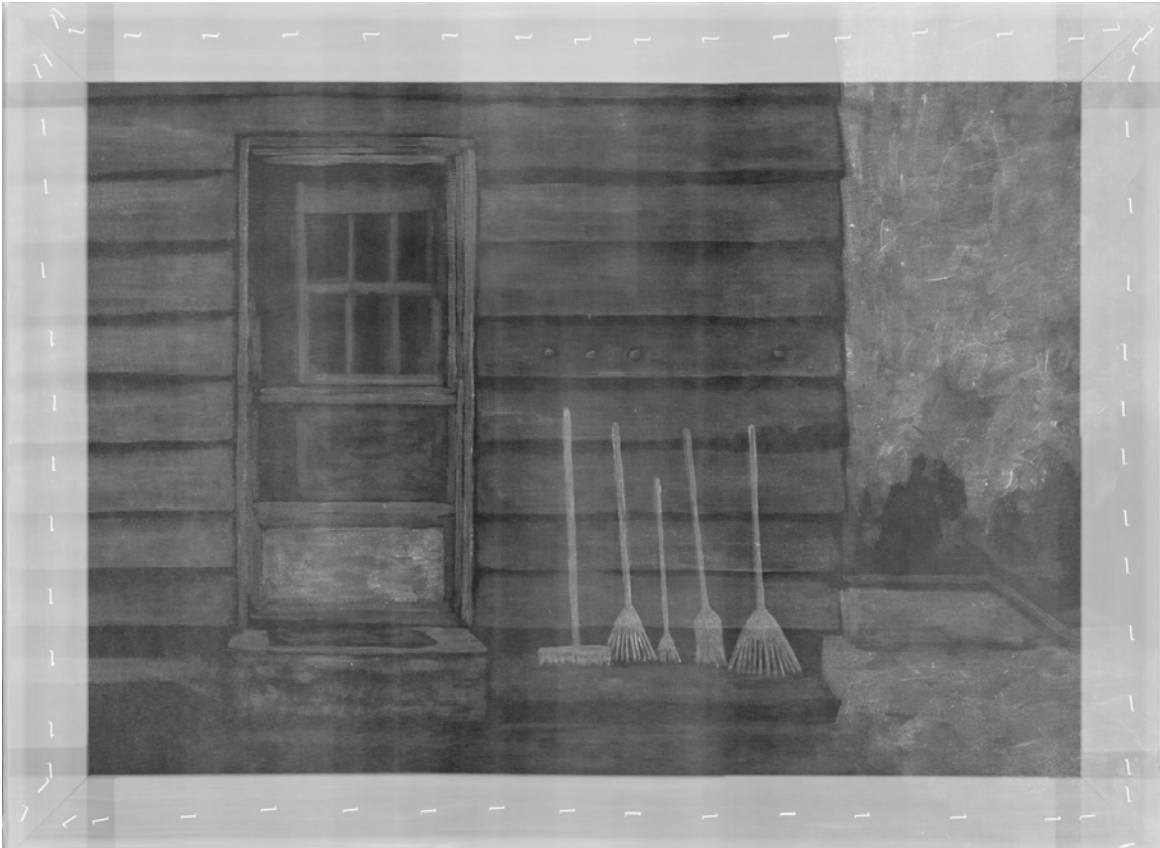


EXHIBIT

**S**

IDENTIFICATION/EVIDENCE

DATE: 02/26/2015



EXHIBIT

**T**

IDENTIFICATION/EVIDENCE

DATE: 02/26/2015







EXHIBIT

**U**

IDENTIFICATION/EVIDENCE

DATE: 03/21/2015



EXHIBIT  
**V**  
IDENTIFICATION/EVIDENCE  
DATE: 02/26/2015



EXHIBIT

**W**

IDENTIFICATION/EVIDENCE

DATE: 02/26/2015





EXHIBIT

**X**

IDENTIFICATION/EVIDENCE

DATE: 03/21/2015







EXHIBIT

**Y**

IDENTIFICATION/EVIDENCE

DATE: 03/21/2015



EXHIBIT

**Z**

IDENTIFICATION/EVIDENCE

DATE: 03/21/2015



# IV

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## Direct Examination

*The following are questions I received while hosting visitors throughout the duration of the exhibition. The approximate questions and answers are reproduced here in an order that typically occurred.*

### **What was the accident?**

When I was about 12, I was playing near a stonewall that my grandfather was building when my brother, Malcolm, came down the hill. He wanted to play but he wanted nothing to do with him. I must have said or done something awful because he threw a rock at me. I managed to dodge the rock but slipped and fell to the ground. My brother immediately ran off and I chased after him into the house quickly locking the door behind him. This particular door had small glass panels in the top. I began to knock loudly on the glass, yelling, "Let me in". In my anger, I punched through the windowpane and as I pulled back I tore my wrist wide open. Malcolm finally opened the door and I bled through the house into the bathroom. I don't remember what was running through my mind as I was bent over the bathtub rinsing my wrist but I felt strangely focused, terrified but calm. My father rushed home from work and brought me to the hospital. The next memory I have is my birthday party later that summer, surrounded by my friends and family.

### **What is Shepherd's Hill? Is Shepherd's Hill a real place?**

Shepherd's Hill is a real place. It is the name of my high school and so the title refers to the period of my life just before adolescence.

1 **What is the group of people doing in the large photo with brooms? Are they**  
2 **erasing the background?**

3  
4 I could be read that way, the broom is a brush, but the scene comes out of a real  
5 life experience. It was my birthday party, after cake and presents; my mom's  
6 friend Judy just started balancing a broom on her chin. My brother and our  
7 friends all decided it was the cool thing to do.

8  
9 **Why are the styles of the paintings different? Why are some of the figures in**  
10 **the infrared images silhouetted and painted in a different manner than the**  
11 **other paintings?**

12  
13 The styles are intentionally varied to present transition and trigger slightly  
14 different affects. Also, some of the paintings are done from memory and others  
15 from photographs. The ones from memory tend to be simplified and frontal.  
16 Both acting like stages and from the perspective of my younger self, or at least,  
17 what I see when I look back from my vantage point now. The silhouetted and  
18 cartoony abstracted figures are half-animal half-human, to depict a becoming,  
19 both from human into animal but also from child into an adolescent boy that  
20 was taking place through the whole period when the accident took place.

21  
22 **What are the images in the backroom?**

23  
24 The images in the backroom are x-ray and infrared photographs of the two  
25 paintings in the middle wall of the center room. The paintings were created with  
26 particular materials in a specific order so that when they were exposed to  
27 certain wavelengths of non-visible light they would reveal hidden imagery.  
28 Art conservators use these imaging techniques to learn more about structure of a  
29 painting as well as how it painted and when I realized that they were considered  
30 forensic techniques I knew that I had to make the association more clear.

31  
32 **How were they made?**

33  
34 I worked with Christine Puza at the Williamstown Conservatory of Art. The  
35 conservatory offers the multispectral imaging service to institutions and private  
36

1 collectors. Christine helped me to plan the layers of the painting and the  
2 materials to use that would react most favorably.

3  
4 **How did you develop the idea of using forensic aesthetics in your painting?**

5  
6 My training as an artist is based heavily on drawing and painting from  
7 observation, looking closely at the world and recording it as faithfully as  
8 possible. On top of that, I have always been interested in the scientific gaze,  
9 photographic truth, and methods of conservation in art. When I was introduced  
10 to the Forensic Architecture project I felt electrified. It is so exciting to see a  
11 group of truly interdisciplinary minds working on meaningful projects that are  
12 not dismissive of art's capacity for making truth. They have opened so many  
13 conceptual and artistic doors for me, that I am only at the beginning of  
14 understanding, never mind incorporating into the paintings.



# V

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## Closing Argument

1  
2  
3  
4  
5  
6  
7  
8 The forensic method is a search for truth. To be convincing, truths, especially the  
9 ugly ones, must be delivered in a beautiful way. The artistic process, for me, is  
10 almost always a forensic method.

11  
12 Painting is an ancient and primary way of investigating the world, one that  
13 has persisted in making truth through material and story. The practice of easel  
14 painting is concerned with representation through observing, interpreting, and  
15 recording the natural world as well as emotional and psychic landscapes.  
16 The painter not only records what is visible but also the invisible, “what has  
17 been, and how, and why”. In these ways, painting is a forensic activity.

18  
19 The concept of forensic aesthetics is still in early in development. The future of  
20 its philosophy and methods has potential to truly integrate across disciplines  
21 because they already share strong etymological and operative history with legal  
22 processes. Painting as an act of forensic imagination can examine how those  
23 parallels between artistic, scientific, legal, notions of forensics can interact and  
24 develop a more nuanced understanding of truth and empathic vision.

25  
26 As I move forward in my studio practice, I do question where the limits of  
27 forensic aesthetic applied to art are? It is certainly not my desire for painting to  
28 follow the rigor of scientific method. I fear that might result in rigor mortis.  
29 And, I do not think painting should be held responsible to exclusively tell the  
30 truth. Perhaps, painting is most vibrant when it is unfinished and inconclusive?  
31 When it keeps secrets? When it is dishonest? These questions require further  
32 investigation. For now, I simply assert that it can tell the truth. In both a narra-  
33 tive and aesthetic practice, forensics offers a key to understand the relationship  
34 of objects, interpreters, and forums, and ultimately, the knowledge of issues that  
35 bridge personal and public truths.  
36

# Citations

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