

ABSTRACTS

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Art for the People?

**Questioning the Democratization
of the Art Market**

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A mass market for art? Democratizing tendencies in the art market of the Low Countries during the sixteenth and seventeenth centuries

Filip Vermeulen, Erasmus University Rotterdam

The late sixteenth and seventeenth centuries witnessed the spectacular rise of a mass market for paintings in the newly formed Dutch Republic. Fueled by the immigration of artists from war-torn Flanders and the Dutch economic miracle, the art markets of Amsterdam and Haarlem and other cities in Holland thrived. Painters catered to the seemingly insatiable demand for genre scenes, land- and cityscapes, still-lives and religious compositions featuring a protestant iconography.

Foreign visitors to the Dutch Republic observed with amazement that images were ubiquitous and easy to buy, and that paintings could even be found in the dwellings of farmers. Indeed, auction and dealer records, as well as probate inventories reveal that pictures were available at a variety of prices, ranging from very cheap to exorbitantly expensive. This would suggest that access to art was not only the privilege of the elites, but that it was equally available in some shape or form to the (lower) middle classes. My paper assesses the dynamics that underlie this extraordinary expansion of the Dutch market for pictures, by examining among other the collecting patterns of ordinary citizens. In doing so, I question whether the Dutch Republic was the first mass market for painting in Europe, and whether it indeed provided 'art for the people'.

Filip Vermeulen is professor of Global Art Markets at the Erasmus University, Rotterdam. He teaches various courses in the Master's program Cultural Economics and Entrepreneurship and conducts research on a wide range of issues dealing with the economics of art and culture, with a particular focus on art markets past and present.

The Auction House as an Urban Space in 19th Century Paris

Lukas Fuchsgruber, Berlin

Auctions live of their public nature, it forms the basis of the idea of a fair price generated in front of an audience. Historically, the public of the art auction though was for a long time characterized as closed circles of connoisseurs, as in the economic price model of the auction there is only a need for informed participants, who calculate their risk of participation and by that control the realistic price gain.

A notable shift took place in the art market of the 19th century in France, at the only auction house in Paris, the Hôtel Drouot. Public auctions became a space for a larger public, for an audience that arrived both for the commercial atmosphere and for the art. This was the birth of the art auction as we know it today, as a space of luxury consumption defined by high visibility of its actors, and also a part of the exhibition circuits of art.

There was an order of groups of the public in the monopolist auction house Hôtel Drouot, where the whole variety of auctions of movable goods took place, downstairs the sale of household items, upstairs high price luxury goods. This unique French situation led to an intense public discourse on the auction market, which lets us assess the relevance of the urban space of the auction house for the Parisian population of the 19th century.

This paper presents the historical discourse on auctions as an urban space for a variety of commercial participants and other audience, through texts and images from the 19th century press.

Lukas Fuchsgruber works as an art historian in Berlin. His recently defended doctoral thesis, which was funded by the German Academic Scholarship Foundation, explored art auctions in the 19th century and the creation of the Hôtel Drouot. Recently he worked as a researcher for the Germanisches Nationalmuseum. His current post-doc project is dedicated to how museums handled forgeries economically and materially in the 20th century. Published journal articles deal with the discourse of manipulation and financial speculation in historical texts on the art market. Together with Thomas Skowronek, he also edited a journal issue on theories of art market studies in 2017.

The Production of Art in the Age of Political Practice. Venice Biennale 1970

Clarissa Ricci, Luav University in Venice

The process of democratization through which culture underwent during the 70s involved changes into the whole art system. Many were the protests that occurred during exhibitions, as for the opening of the Venice Biennale in June 1968. Students, artists, and workers' organizations assembled to demonstrate against fascism and the commodification of the Biennale, perceived as an elegant and elitist place where to do business (Alloway 1968).

The protests turned the Biennale into a political liability and, while waiting for national bureaucracy to react, the Biennale's staff gathered into an assembly to plan the following edition. The whole event was redesigned. The exhibition was rethought, its format changed, transforming into a forum: an open and in-progress event where research and experimentation became pivotal topics (Martini, 2011). Although, paradoxically, the sales department continued to work with the intent of protecting artists from galleries and the risk of commodification.

The exhibition's central part was reorganized as a workshop for manual and mechanical reproduction, where artists worked for the entire duration of the Biennale. Furthermore, the democratization process the Biennale underwent meant that, primarily, artists and visitors could directly experience artistic production. The presentation's aim is to investigate the identity of the value changes, both cultural and commercial, that occurred in exhibition practice in Europe during the 70s, immediately after the student protests. The paper will back track to this specific moment in time, utilizing the 1970 Venice Biennale as magnifying glass.

Clarissa Ricci is a Postdoc Fellow at Luav University in Venice (Italy). She completed the Ph.D "Theories and History of Art" from the School of Advanced Studies in Venice in 2014 with a thesis dedicated to the Venice Biennale displays (1993-2003). In 2009-2010 she was a visiting scholar at Columbia University in New York (USA). She has written numerous essays, the latest being *A brief history of the Venice Sales Department 1895-1972. Its origins, operational procedures and decline* (Ricerche di S/Confine, vol. VIII, n.1, 2017), edited a volume on the *Venice Biennale Starting from Venice. Studies on the Biennale* (et.al, 2011) and co-edited with C. Baldacci *Quando é scultura* (et.al 2010). Her latest research is devoted to the understanding of the developments occurred throughout the Italian "Exhibitionary Complex", with specific interest given to commercial platforms and political practices during the 70s. She is a member of TIAMSA (The International Art Market Studies Association) and Editor of the upcoming academic journal *OBOE. On Biennials and Other Exhibitions*.

Moralizing the Art Market: A Socio-Economic Perspective on Online Auctions

Ronit Milano, Ben-Gurion University of the Negev

Recent analyses of the art world show that the market has taken a primary position in generating the narratives of the art discourse, which was led in the past by museums and curators. This shift raises a significant political issue: while conventional curatorial practices are essentially non-democratic, we might assume that a shift towards the primacy of more organic structures, such as the market, conveys a democratization of the art world. Yet democracy is a social rather than economic concept, and the above assumption therefore depends on the prevailing economic approach at a particular time and place, and the political and cultural agenda it serves. This paper aims to offer a qualitative analysis of the contemporary art market as shaped by the neoliberal conditions underlying it, through the perspective of moral economy. Specifically, this study will evaluate the concept of democracy in relation to online auctions, by positioning them, methodologically, at the crossroads of political and social theory.

This paper will comprise three parts: the first will present the current situation of online sales at the two leading auction houses – Christie's and Sotheby's, while discussing this situation in terms of social strata, financial scalability, and the moral issues of equality and distribution of capital. The second part will focus on wider commercial platforms such as Paddle8 and Artsy, investigating how they operate according to cultural intentions different than those applying to top-tier auction houses. As a result, I will argue that wider commercial platforms in the art world represent an alternative economy and design a more open and pluralistic auction market. The third part, however, will theorize the opening of the auction market and discuss both the positive and the negative effects of such liberalization in moral terms, vis-à-vis the concept of democracy.

Ronit Milano is a senior lecturer at the Department of the Arts in Ben-Gurion University of the Negev in Israel. Her book, *The Portrait Bust and French Cultural Politics*, was published in 2015. In the past few years, following a post-doc in Harvard University, her research has been focused on contemporary art. Milano has published articles concerning the political, economic and cultural context of contemporary art and the new role of museums in a changing arena. She is head of the Museum Studies program in her department. She is currently engaged in a new book project on the convergence of symbolic and financial value in the contemporary art market.

The “Dealer-Expert” in Late Nineteenth-Century New York

Leanne Zalewski, Central Connecticut State University

With more information and artwork available through a variety of outlets, is there a place for the traditional dealer-collector-connoisseur? Having worked for a private art dealer for three and a half years, I observed first-hand an “old school” dealer-expert who reminded me of the late nineteenth-century art dealer, Samuel P. Avery. Avery was one of the earliest dealer-experts in the nascent international art market center in New York City. Collectors have much information at their disposal, but may have little time to do research. Such was the case in the late nineteenth-century. Avery served as advisor, expert, dealer, and educator at a time when American collectors and the public were learning about art. He moved fluidly among commercial and educational institutions which today would be considered a conflict of interest. Later the tasks of the dealer-expert such as Avery evolved to become more specialized by the turn of the century, with the rise of the connoisseur class (i.e. Bernard Berenson, Wilhelm von Bode). Increasing numbers of intermediaries became essential conduits of information for collectors. Today, the numbers of intermediaries has increased exponentially. Experts, scholars, museum professionals, and archivists, as well as the internet and art museums and galleries, provide today’s collectors or potential collectors a vast network of information at their disposal. Is the internet a substitute for the dealer-expert? Relying primarily on historical research, this paper explores the history and role of the dealer-expert and ends by drawing parallels with the dealer-expert in the twenty-first century.

Leanne Zalewski is an Associate Professor of Art History at the Central Connecticut State University. As well as extensive museum and curatorial experience, she has an impressive list of peer-reviewed publications, the latest of which “Creating Cultural and Commercial Value in Late Nineteenth - Century New York Art Catalogues” is forthcoming this year.

Wilhelm von Bode and Rudolf Kann. The importance of the advisor-collector relationship in the late 19th Century art market

Michaela Jenisova, Charles University, Prague

For centuries, collecting art was reserved for the members of the aristocracy and the Church. In the 19th century, however, a new type of art collector emerged – the “Nouveaux Riches”, high profile industrialists and financiers who brought a more financial aspect to the democratization process of art collecting.

Now, art collecting was not only a discipline reserved for the aristocracy, it was open to anyone with the financial means, regardless of title, social status or art historical knowledge. More than ever, these new collectors were relying on the opinion of trusted advisors, something Wilhelm von Bode, the prominent German art historian, was well aware of.

My presentation will mainly be focusing on exploring Wilhelm von Bode’s advisory role and his perception of the European art market’s ever changing dynamics. It is based on the thorough analysis of unpublished archival material and notably his extensive correspondence with German banker and prominent art collector, Rudolf Kann. Mr. Kann started collecting in the early 1880s and rapidly built one of the most prestigious European private art collections. His correspondence with Bode spans from 1887 to 1905 with more than 200 letters, all preserved at the Central Archive in Berlin.

Based on this example, it is possible to showcase the tremendous influence Bode had on the art collecting practices and to present a new viewpoint on the advisor-collector relationship in the late 19th Century. Furthermore, my presentation will initiate a discussion on the new powers at play and the level of influence contemporary art advisors have on today’s art market.

Michaela Jenisova Is a History of Art PhD student at the Charles University Prague. Her research focusses on Influence of the American private Art collecting practices on the European Art market at the beginning of the 20th Century. In addition to her studies she has also worked at Christies in Vienna and in Dubai.

Selling Scholarly Knowledge? The Market Reception of the New Connoisseurship

Anne-Sophie RADERMECKER, Brussels

The market for Old Master Paintings has been deeply affected by recent advances in art scholarship. The so-called “new connoisseurship” has challenged our modern obsession with authorship and the artist’s name, two pricing determinants that are known to strongly affect auction results. Consequently, art market players have been constrained to provide more sophisticated lot essays in order to reduce uncertainty and information asymmetry. Transparency regarding attributions has become a key concern when selling old master paintings, with detailed glossaries included in salesrooms’ *Terms and Conditions of Sale* since the late 1970s. For this paper, I shall examine the extent to which salesrooms’ discourse has conformed to new connoisseurship and how they position themselves towards the paradigm of authorship, especially when dealing with old pictures. Two main research questions will be addressed: How do salesrooms promote each attribution qualifier? Is their current attribution system truly transparent and reliable for buyers? More specifically, the study relies on a comprehensive data set of more than 200 lots (paintings executed by Flemish artists born between 1375 and 1568) offered for sale by Christie’s and Sotheby’s in 2015, all attribution qualifiers included. This paper will provide cross-disciplinary research, using both qualitative (critical discourse analysis, interviews with in-house experts) and quantitative methods (hedonic regression) in order to explore the supply and demand for those pictures. Whereas scholars are increasingly inclined to deemphasize the importance of the master’s involvement in his own works, we shall see that the market for Old Master Paintings continues to fuel the need for autograph pictures, with evidence that materialises in the buyers’ willingness to pay. By still focusing on the artist’s name, salerooms tend to sustain a relatively outdated and anachronistic vision of early modern art which indirectly reinforces information asymmetry on this market segment.

Anne-Sophie RADERMECKER graduated with a double master’s degree in Art History (University of Liège, 2012-2014) and in Cultural Management (Free University of Brussels, 2010-2012). From May to June 2015 she enrolled a summer study at the Sotheby’s Institute of Art (London). Since October 2015, Anne-Sophie has been working on a PhD co-directed by Profs. Kim Oosterlinck and Didier Martens, and supported by the F.R.S-FNRS. Her current research is at the crossroads of art history and economics. She focuses on the auction market for Old Master Paintings (1946-2015) and the complex economics of names that rules this market segment. She is also particularly interested in the trade of indeterminate cultural goods (i.e. artworks “without names”), and the Belgian contemporary art market.

Is the age of the dealer drawing to a close or is it more important than ever?

Jack Roberts, Independent Researcher, UK

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Artists manage their studio, employ staff, negotiate prices and undertake communications with collectors - the artist is thus a creator and an administrator. Why then, if artists are adopting the role of administrator, are third parties required to move art from the studio to the consumers? It could be argued that with the digitalization of the art world, where websites help to bring artists and collectors together, the role of the dealer is being written out of the art market - but is this the reality?

From evidence gathered within interviews with leading artists and dealers, I argue that the digitization of the art market makes the role of the dealer increasingly important. The online art market has created greater access but with this access comes an increased level of 'noise'. Dealers are noting that there is an ever-increasing amount of enquiries, all of which need answering but rarely do they result in sales - it is the managing of this noise where the dealer is becoming invaluable.

An increasing role of the dealer is to filter out the noise, passing only the relevant communications onto the artist, meaning that the artist is freed from the nightmare of managing the ever persistent flow of enquiries allowing them instead to focus on the production of art. But the dealer is also becoming increasingly important for collectors - collectors want advice in choosing what to buy. The digital art market has exponentially increased the number of artworks available to the collector, but collectors often don't have the confidence to select art from a website listing thousands of artists and are now placing more value on the expert connoisseurship of the dealers.

I therefore argue that it is the online art market that is reinforcing the need for the 'traditional' art dealer.

Jack Roberts completed his PhD at Manchester Metropolitan University in 2017. His research explores the contemporary art market and how the artist as businessperson fits into this system - he is currently writing a book that maps the artist's role other than as the creator of art. Jack runs his own arts organisation 'Art Addict' (www.artaddict.org.uk), which takes a portfolio approach to operating within the art world: through Art Addict, Jack operates as a primary market dealer, a secondary market dealer with a specialism in prints, a community artist and educator, an arts evaluation consultant and also as a freelance researcher working on his own projects as well as collaborating with researchers and universities around the UK.

Street Art and market practices in the Mural Art series: From a People's Art to Intermurals and beyond

Santiago González Villajos, MA MSc, Lic

Within recent years, the world of Street Art has become one of the major contributors in reshaping the cultural practices of the art market towards democratization. This paper focuses on the critical term of Intermurals as defined by the curator of the 2008 Tate Modern's Street Art exhibition (Schater 2017). His notion of Intermurals is compared to the tradition of Contemporary Muralism as it was shaped by Cockfort & Cockcroft in 1977 from the particular Art World of global artists, organizations and festivals shaped at The Mural Art series (Iosifidis, 2008, 2009, 2010).

Such a comparison allows to establish continuities and differences in relation to the cultural practices of the art market. The paper is specially focused in considering the evolution of market strategies for muralists working also in other media and detecting trends since the 1960s. This task is specially done from the artists's patterns of mobility and connectivity as they can be approached in the results of several network analyses carried out from digital humanities methods for The Mural Art series. They all provide a spatial-temporal model of marketing practices within the Street Art world which also contributes to testing the theories on Street Art and the Intermurals.

Santiago González Villajos, MA MSc, Lic

Associate to the Hispanic Society of Digital Humanities since 2017. Former university professor at the Polytechnic School of Guayaquil (ESPOL), Ecuador, for the area of cultural heritage within the Tourism Degree in 2015. Founder of the CULM project on Street Art, cultural heritage and digital ethonography in La Mancha and Madrid in 2012, that was partially developed within a research group promoted by Goldsmiths University for Matadero Madrid in 2013. In 2011 he obtained his MA in Comparative Art and Archaeology at University College London, after a dissertation on quantitative analyses and GIS for visual culture and iconography. In 2010 he finished courses at the MSc in Archaeology and Territory, University of Granada. He produced an influential independent research work on anthropology of art during his Erasmus at Oxford Brookes University in 2009.

Has the Art Market's Democratization caused a Boom in Private Museums?

Dorothee Wimmer, Technische Universität Berlin

The number of private art museums has risen dramatically over the past two decades. The differences between these privately funded museums are often striking. Alongside spectacularly designed venues that frequently draw international attention with their exhibition openings, acquisitions and events, there are also museum complexes that have a more regional focus. Others bridge regional and global concerns, needs or ambitions. What role do the mechanisms of the contemporary art market play in the development of these private collections which don't form an integral part of state/public institutions, but are rather "functioning" as publicly accessible collections of privately-funded art museums which are run by individuals, private foundations, associations or companies?

In the 21st century the increasing establishment of unique financial and data analytical tools have emerged as a result of increasing digitalization and globalization. It promises potential art investors with diverse ancillary services - information services, investment advice, art funds - all luring into (speculative) art activities as a global/local investment. Has this so-called democratization of the art market in the digital age caused the boom in private museums? Does this include, in consequence, a democratization of the art evaluation and art participation? The lecture will be questioning the background, mechanisms and consequences of this phenomenon.

Dorothee Wimmer is director of the Forum Kunst und Markt / Centre for Art Market Studies (www.fokum.org) which she founded in 2012, together with Bénédicte Savoy and Johannes Nathan, at the Technische Universität Berlin. She studied art history, Romance studies, history, and German philology in Freiburg i. Br., Paris, and Berlin. In 2003, she earned her PhD on the idea of man in French art, literature, and philosophy about 1960 at the Freie Universität Berlin. From 2003 to 2006, she was Academic Trainee and Scientific associate at the Neues Museum Weserburg Bremen, and in 2006, Fellow at the Centre allemand d'histoire de l'art in Paris. She has lectured in Bremen, Berlin (FU and TU) and Heidelberg. From 2011 to 2017, she took over as the chair of the Richard-Schöne-Society für Museumsgeschichte. In 2015, she was awarded a Library Research Grant at the Getty Research Institute in Los Angeles for her book project "Rembrandt in the National Socialism". Her research and publications explore the history, theories, and practices of art collecting and the art market as well as the relationships between art, politics, and economics.

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The Bifurcation of the Art Market – Precedents and Consequences

Stoyan Sgourev

The public policy in the cultural industries is emphasizing “democratization” –the relevance of artistic content to a broader audience, reinforcing connections to middle and lower income groups. However, wealth concentration, transnational financial flows and weak regulatory oversight over the last two decades have contributed to widening disparities between different parts of the art market. The concentration of sales at the high end is telling – fewer than one-quarter of one percent of artworks sold at auction last year garnered one-third of total sales. Market cohesion is decreasing - as the high end continues to grow, the middle and the low end of the market are losing steam. This bifurcation has important consequences. What happens at the very top has little relevance for what happens below, as it is increasingly divorced from connoisseurship and popular taste. Arguably, regular museum goers have rarely had so little voice in determining what high art is and how much it is worth. The amount of money leveraged in support of particular artists is unprecedented, rendering more and more obsolete traditional criteria of aesthetic judgment.

The current situation reminds 17th century Netherlands – of simultaneous democratization of art through increasing sales of inexpensive art, and the constitution of a high end market, dominated by wealthy collectors with a financial-investor profile. An analysis of unique longitudinal data on top art collectors confirms the growing presence of collectors with such a profile in the contemporary art market. There is a configuration of interests and social forces favoring the continued involvement of the ultra-rich in the art market (and the accompanying danger of an oligarchy of taste) and increasing societal interest in art and the art market, reinforcing the process of commercialization that elites both harness and constrain.

Stoyan Sgourev completed his PhD in Sociology at Stanford University in 2004, after which he received a post-doctoral fellowship in the Sloan Foundation at MIT and has held a position as since 2006 has held a position at the ESSEC Business School in Paris, where is now a Professor. He has a very long list of publications and his research interests include Creativity, Art, Creative Industries, Evaluation, Social Networks, Economic History.

KEYNOTE LECTURE, Friday, 6.45pm

Payal Arora

Associate professor in Media and Communication, Erasmus School of History, Culture & Communication, Erasmus University Rotterdam
Founder and Executive Director, Catalyst Lab

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Automating Culture: How Digital Platforms are Shaping the Art World

The art world has entered the platform economy. The art industry is being subjected to similar fears and possible opportunities of automation as other cultural industries such as the music, film and the publishing business. Hence, it is worth asking some key questions here: Can the traditional art intermediaries still compete in the platform economy as data mining companies enter the fray? Has the divide between the high and the popular culture collapsed as user behavior, platform design and engineering staff circulate between these worlds? Do customers no longer care about the aura of the piece before buying it online? In other words, do algorithms rule today and are they making the art world more democratic?

Payal Arora earned her doctorate in Language, Literacy and Technology from Columbia University, Teachers College in New York, a Master's degree in International Policy from Harvard University, and a Teaching Certificate from the University of Cambridge. She is a full member of The Netherlands School of Communication Research (NeSCOR) and is on several boards including Columbia University Earth Institute's Connect to Learn, Technology, Knowledge & Society Association, Soteryx, Makeosity, and The World Women Global Council in New York. She has held Fellow positions at NYU Steinhardt, General Electric, and Rio's Institute of Technology and Society. She has published widely in her field and her teaching has been recognized through a number of best teacher nominations and awards including the prestigious University Education Prize in 2017. Her research focus lies in digital cultures and social inequality, new media activism, edutainment and IT for international development.

Collecting, displaying and using African ivories in 16th century Western Europe

Luís Urbano Afonso

The development of transoceanic voyages during the late 15th and early 16th centuries opened new commercial routes between areas that until then were either underrepresented or entirely excluded from long distance trade. The exploration of the African sub-Saharan Atlantic coast by several European powers, namely by the Portuguese, provided new direct contacts between Europe and Africa. Together with gold and slaves, elephant ivory was one of the most valued African commodities, being exported to Europe both as raw material and as sculpted objects (e.g., oliphants, saltcellars, spoons, pyxides). Elephant tusks were available for trade in many locations of the African coast, while African ivory objects for export were produced in a more limited number of areas, mainly in the ancient Serra Leoa (current Guinea and Sierra Leone) and in the ancient kingdom of Benim (current Nigeria). African elephant tusks enabled European workshops to produce sumptuous vessels and to incorporate inlays of ivory in a wide array of objects, namely in luxury furniture. In turn, ivory objects sculpted in Africa by African artisans not only often mixed European and African artistic traditions, but were also invested with a wide range of meanings when they reached Europe. These meanings varied according to the typology of the objects, their iconography and their artistic quality. Some were ordered with specific geopolitical functions in mind, ending up in princely collections and *Kunstammern*, while others were available in the open market and were currently used in bourgeoisie households, ending up in dumps when broken. This paper analyses the different uses that these African exotic objects had in the 16th century, exploring how they were available not only to the elites, but also to less privileged segments of the population.

Luís Urbano Afonso is Professor at the School of Arts of the University of Lisbon (FLUL) since 1997. Holds a bachelor's degree (1995), a master's degree (1999) and a doctorate (2006) in Art History. Director of the 2nd cycle in Art Markets (FLUL / ISCTE) since 2008 and director of the 1st cycle in History of Art (FLUL) since 2014. Has published 11 books, 8 of which as editor, 35 chapters of books and 38 articles in specialized journals (e.g. *Archivo Español de Arte*, *Artibus et Historiae*, *International Journal of Arts Management*, *Journal of World History*, *Mande Studies*, *Mediterranean Studies* and *The Medieval History Journal*). Main areas of research are Portuguese art produced between c.1350 and c.1550, the processes of acculturation, syncretism and hybridization in overseas art produced between c.1450 and c.1650 and the art markets in the present and in the past.

The Musée d'Art Contemporain Africain Al Maaden (MACAAL) in Marrakech: how to democratise the art world as a private collector in emerging markets or the role of private museums in building museum audiences

Stephanie Dieckvoss

This paper takes the MACAAL in Morocco and its ambitious position within local and global contexts as a case study for issues related to questions about private ownership of culture and public audiences today. MACAAL opened with a “soft” launch in 2016, however repositioned itself already to an international art audience during the launch of 1:54, an art fair for contemporary African art, in February 2018. In its purpose-built structure it presented two exhibitions: a semi-permanent exhibition of works from the private collection of the owners, as well as a temporary display of contemporary African photography “Africa is no Island”, curated by two French curators. In its ambitions the museum embodies some of the issues private museums pose and are faced with today: what is the role of the state in their endeavours? Do private museums replace public institutions in places where there are none? How do they operate within a global art circuit while at the same time responding to local audiences by building those in an environment where art museums are not easily accessible? Do they follow professional standards about mediating access to art?

This case takes Peter Weibel’s notion of the re-privatisation of art history at the core and asks what history of art I constructed in this case and how is this history mediated in a country without public institutions. What art do they show and for whom? It asks in how far an institution such as this understands the role of the museum and if they are interested in building audiences and investing in those or if they remain in the realm of the “ego-seum” as so aptly coined to name the flood of private museums opening around the world.

Stephanie Dieckvoss joined the department of the Creative and Cultural Industries, Kingston School of Art, Kingston University, in September 2017 as senior lecturer and course director for the Art Market and Appraisal (Professional Practice) MA. She furthermore teaches at Central Saint Martins and UAL on Art History, Art Markets and Globalisation; and at Sotheby's Institute of Art Online Faculty and Christie's Education.

Stephanie holds an MA in Art History, an MBA (Public Services) and a PgCert in Art and Design Education and is a fellow of the Higher Education Authority and chair of Contemporary Markets, TIAMSA. In addition to her academic work, she writes as a journalist for Handelsblatt and the Neue Zürcher Zeitung and runs Kunstburo consultancy. Before becoming an academic, she held numerous positions in the professional art market for more than a decade.

***“Everybody loves a good attack?”* Violence by the "people" as a Variable in Art Markets and Lessons From India Today**

Malvika Maheshwari

Since the end of the 1980s, self-styled representatives of a variety of ascriptive groups (religious, regional, and linguistic etc.) have come to routinely damage artwork, disrupt their exhibition, and threaten and assault artists and their supporters in most large and robust democracies like US, UK, France, and India among others. This paper studies how art markets in democracies respond to the increasing outbursts of offence-taking and violent attacks on artists and art works. More specifically, it explains how members of the art world—artists, critics, art dealers, collectors, and auctioneers—tend to shed inhibitions to reap profits in the face of such censorious pressure and violence. Empirically, the focus is on contemporary, emerging art markets in India. The paper draws upon qualitative interviews with more than fifty contemporary art practitioners and dealers, conducted in various cities of India, including New Delhi, Mumbai, Jaipur, Kolkata, among others.

While unsurprising, most conventional accounts of the impact of these attacks on the art market relate to issues like self-censorship, fear, anger, protests or concerns of financial losses. In this paper, I show that there is, however, another, even more pervasive, though much less highlighted aspect of such violence: of pursuing market-induced economic self-interest. Most favored practices underlining it include promoting the alleged artistic “deviance” as innovative, creative, or cutting edge; “staging” controversies to increase visibility, deliberately denying access in one place for higher sales in another, among others. I suggest that these different responses not only reveal that explanations of the unending cycle of violent offense-taking are far more complex than present theories convey (with an overemphasis on “communal politics”) but also that markets themselves have a logic and dynamic of its own, wherein its response to violent offense-taking cannot simply be categorized as favorable or unfavorable for the art world. Significantly, the paper shows that the market’s responses to this new variable—violence—are strikingly different from traditional forms of censorship accepted in liberal democracies like legal battles around obscenity, blasphemy or other such restraints.

Malvika Maheshwari teaches political science at Ashoka University, India. She holds degrees in the discipline from Delhi University, Jawaharlal Nehru University, and earned her doctorate at Sciences Po’s Centre for International Research and Studies (CERI) in 2011. Prior to joining Ashoka, Malvika taught at Sciences Po, and was a research associate at the Centre for Policy Research, New Delhi. Her research interests include freedom of speech and violence, and relationship between art and Indian politics. Her works have been published in journals like *Economic and Political Weekly*, *Raisons Politiques*, *South Asia Multidisciplinary Academic Journal* and the *Arts Politic* among others.

Drawing national boundaries. How contemporary artists from emerging regions get integrated into global art markets

Olav Velthuis, University of Amsterdam

This paper scrutinizes if and how art markets have opened up to contemporary art from emerging countries, and what the role of cultural intermediaries is in this process. In particular, it studies how contemporary art gets classified by these intermediaries. Are the same classification systems applied to art produced in Europe and the United States as to art from emerging regions, suggesting a form of democratization of global art markets, or are different classification systems applied? In this paper I answer these questions by compiling and analyzing a new corpus of 39599 titles of both commercial and non-commercial contemporary art exhibitions. These art exhibitions are part of the cv's of 949 unique artists from four nations in the center (US, Germany, France and the Netherlands) and four in the periphery (Brazil, Russia, India and China). The classification system which the paper focuses on relates to the nationality of the artist, as opposed to artistic or aesthetic classification systems based on e.g. style, genre or movement: when and how is the nationality of the artist staged as a classificatory principle in the title of an exhibition? By means of a quantitative model, I show that exhibitions of art from India and China, and to a lesser extent from Brazil and Russia, have titles which prominently mention the nationality of the artists (e.g. 'Indian Highway', 'China Art Now', or 'Tropicália: A Revolution in Brazilian Culture'). However, the more the career of an artist develops, the less the likelihood that her work will be classified in such nationalistic terms. This suggests that global art markets have relatively porous boundaries for artists from emerging regions: I argue that nationalistic categories serve as cognitive tools. They enable audiences to make sense of the work of artists from emerging regions, which assist in their integration into global art markets.

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Welcome and Introduction to TIAMSA Legal: The Art Market - Legal Challenges and Pitfalls

Alicja Jagielska-Burduk, Philipp A. Nuernberger

TIAMSA Legal was established as TIAMSA's legal subcommittee in late 2017. It brings together TIAMSA members who are lawyers or have a particular interest in law and the art market. The experience and occupation of its members span academia, public service, and art market services such as legal services, insurance, provenance research, and others. Its geographical reach is wide with members from Poland, Germany, Switzerland, the UK, Portugal, and Brazil.

TIAMSA Legal aims at identifying and analysing the most pressing legal issues evolving around and relevant to the art market, and at feeding its findings into the interdisciplinary exchange within TIAMSA and beyond.

To this end, the legal panel brings together experts from different backgrounds to discuss some of the current legal challenges and pitfalls present in the art market. Among them one can point to the still ongoing debate on regulation versus self-regulation as well as around compliance which is fuelled, amongst others, by the lack of transparency and asymmetry of information prevalent on the art market, the challenges of due diligence which constitutes a key element both in determining the ownership, authenticity, and provenance of works of art and is naturally linked to the good will of the purchaser, or the challenges associated with the copying of legal solutions into national laws by national lawmakers implementing **Directive 2014/60/EU on the return of cultural objects unlawfully removed from the territory of a Member State**.

Alicja Jagielska-Burduk PhD, MBA, *UNESCO Chair in Cultural Property Law* at the Faculty of Law and Administration, University of Opole. She is the co-founder and editor-in-chief of the *Santander Art and Culture Law Review*. She specializes in cultural management, encompassing the issues of participation and access to culture and cultural heritage. She co-edited the volume on *Legal Issues in Cultural Heritage Management: A Polish Perspective*, (Peter Lang, 2016). In 2014, the government of Poland nominated her as a mediator at the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation.

Philipp A. Nuernberger, LL.M. (NYU) is a New York qualified attorney based in London and working mainly on cross-border matters. His interest in art and the art market has led him to work on a range of art-related issues such as art transactions (sales, loans, etc.), art market compliance (anti-money laundering, data protection, amongst others), copyright issues, and art-related litigation matters (including around authenticity and around questions of restitution of Nazi-looted art). Philipp has studied law in Germany, France, and the US, and has worked in Germany, France, and the UK.

The Responsible Art Market (RAM) Initiative

Justine Ferland, Art-Law Centre, University of Geneva

Today's art market is proving more important and globalised than ever, but at the same time increasingly challenging for art businesses and individual collectors who face a growing number of operational and reputational risks when dealing with artworks.

Against this backdrop and the growing tide of state imposed regulation, a group of art market businesses and specialists came together in Geneva in 2015 to form the Responsible Art Market Initiative (RAM). RAM is a not-for-profit initiative existing under the auspices of the Geneva-based Art Law Foundation and Art-Law Centre of the University of Geneva. Created by the art market, for the art market, it is the first cross-market initiative promoting self-regulation. It aims to raise awareness amongst art businesses of risks faced by the art industry in Switzerland and abroad and to provide practical guidance and a platform for the sharing of best practices to address those risks.

The distinguishing feature of RAM is its collaborative, inter-disciplinary approach. Stakeholders from the entire spectrum of the art market, including galleries, dealers, auction houses, art advisors and service providers, have joined forces with lawyers, academics and authorities specialising in art related and compliance matters, to ensure issues are addressed holistically. By adopting a cooperative approach to encouraging and sharing best practices throughout the industry, RAM aims to have a greater impact when it comes to reducing risks for art businesses and collectors alike, thereby increasing public trust in the market.

During its first year, RAM developed guidelines on countering money laundering and terrorist financing threats. In its second year, it focused on due diligence and developed an "Art Transaction Due Diligence Toolkit", comprising of practical checklists, "red flag" reminders and detailed explanatory notes (Both sets of guidelines can be downloaded at www.responsibleartmarket.org).

This paper will present RAM's work in more detail and explain how this initiative can help protect all involved parties during art transactions. It will also discuss RAM's projects for 2018.

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Self-Regulatory Frameworks: The Art Basel Art Market Principles and Best Practices

Thomas Steinruck

For more than two decades the "(self-)regulation of the art markets" has been the topic of lots of symposiums, talks and articles. Since many years attempts have been made to introduce (self-)regulatory regimes in the art world, or more precisely in the art business with its diverse art markets. Opinions of different stakeholders vary here-on, they see different reasons why (or why not) such measures shall (or shall not) be necessary to be taken. However, the turnover generated in these markets each year shows that the art markets are not negligible entities compared to other markets and are facing the same threats that are relevant for keeping the reputation of any market up. To be clear: the art business is not at all completely "unregulated", several legal disciplines cover "art law" topics, and other issues that are not art market specific have already been addressed by law. After The Responsible Art Market ("RAM") Initiative has already been introduced, with this presentation two other self-regulation efforts shall be presented: the Basel Art Trade Guidelines (2012) and The Art Basel Art Market Principles and Best Practices (2017). The clear aim of the latter is to maintain "trust" in a sound art market and to prevent any "damage to Art Basel's reputation, its other Exhibitors and the market in general". Section 1 of this code of conduct relates to "Best Practice Guidelines" to define a set of principles that "express Art Basel's perspective concerning exhibitors fulfilling their responsibilities towards artists, consignors, buyers and their industry." Section 2 focusses on the "Legal Compliance Process" in cases of "potential criminal activity by exhibitors". A clear but important point is set within the nature of regulation efforts: self-regulatory frameworks do not set "norms" (in the sense of a commandment or prohibition; legal norms), but "standards". The constitutive moment of sanction for any violation of the norm (as well as for the law), distinguishes norms from the related but different phenomena of conventions and standards. Conventions and standards are also guidelines, something that must be followed, but without sanctions for non-compliance. Ultimately, the topic of regulation comes down to the question of whether one sees it necessary in the long run for the art markets to be "regulated" by external legal norms (i.e. regulation by law) or internal standards (i.e. industry best practices).

Thomas Steinruck is a Graduate of the University of Heidelberg with a degree in History of Art, Musicology and Public Law. He received his Ph.D. from the University of Heidelberg for his doctoral thesis *Business Artists and their branding strategies. Andy Warhol, Damien Hirst, Jeff Koons, Takashi Murakami*. After practical experiences in the Marketing Department of an internationally well-known museum and a Gallery for Contemporary Art, he now works in the Fine Art Insurance sector since 2009.

Preventing, investigating and prosecuting money-laundering in the art market

Saskia Hufnagel

While many commentators have tried to prove the existence of money laundering in the art market, this contribution will content itself to addressing whether the art market has the potential to attract money laundering, pointing out the weaknesses of the market and not whether they are being exploited. To this end it needs to be determined how money-laundering schemes operate, both in general and in the art market in particular, on the basis of the available case law. Lastly, as there currently seems to be a major shift in the regulation of money laundering, the impact of United Kingdom, United States and European Union legislation on the market in the future is addressed, in particular the 5th Anti-Money Laundering Directive in the EU.

When addressing the vulnerabilities of the art market for money laundering, one has to consider, for example, the lack of transparency of transactions in the art market, the fact that high value goods are easily transferred and the lack of applicable anti-money laundering legislation. From a law enforcement perspective it is extremely difficult to prevent money laundering as it is rarely detected and even more infrequently prosecuted. This presentation highlights the challenges and potential legal solutions to create more vigorous prevention, law enforcement and prosecutions in this area.

Saskia Hufnagel is a Senior Lecturer in Criminal Law at Queen Mary University London. She previously worked as a Research Fellow at the Australian Research Council Centre of Excellence in Policing and Security (CEPS), Griffith University, Australia, and was a Leverhulme Fellow at the University of Leeds. During the completion of her PhD she taught at the Australian National University College of Law and between 2009 and 2011 she held a permanent teaching position at the University of Canberra. Her main research areas encompass law enforcement cooperation in Asia, North America, the EU and Australasia, comparative constitutional and human rights law with a focus on terrorism legislation and the policing of art crime. She has widely published on national and international police cooperation, security, comparative constitutional law and art crime. Her publications in the area of art crime include *Contemporary Perspectives on the Detection, Investigation and Prosecution of Art Crime* (Ashgate, 2014, with Prof Duncan Chappell) and the *Handbook on Art Crime* (Palgrave Macmillan), which will be available in December 2018. Dr Hufnagel is a qualified German legal professional and accredited specialist in criminal law.

Legal Implications of Street Art as a “democratized” / “open” form of art

Fernando Loureiro Bastos, Marcílio Toscano Franca Filho

Street art has increased in its prestige as an artistic manifestation year after year. In some places, such art has even taken on the role of being a tourist attraction. Galleries and museums all over the world devote valuable space to street art as a valid form of culture. From a juridical perspective, this presentation about the legal implications of street art as a “democratized”/“open” form of art seeks to analyse the art form, taking into consideration the following aspects: the difficulties of achieving an operative concept of street art; the relevance of six ideas related to developing a legal framework for street art; and the existence of a legal framework for street art creation, preservation and transaction. Considering that a legal concept of street art is not the equivalent of a theoretical concept of street art or, indeed, of an art history concept of street art, every state and even every municipality is permitted to create its own legal concept of street art. It can then act according to that specific legal concept in order to control street art production, to punish it as vandalism, or to protect it as having already become part of a “cultural heritage”. Although it is created in and for open spaces, and is most likely an ephemeral form of art, commercial interest in street art also raises questions about *due diligence* concerning street art transactions, like ownership, authenticity, and even provenance. As expressions of an artistic movement started almost half a century ago, are street art artworks simply “traditional” artworks (“goods”), subject to ownership, commercial transactions and copyright, or should they be dealt with as “artefact” ready for cultural heritage preservation? Or, from a less traditional legal perspective, considering the specific artistic and creative intention of the street art artists, are we in need of the development of new legal categories and new forms of understanding the meaning of street art?

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