

Art Markets and Politics

Podiumsdiskussion und Workshop des Forums Kunst und Markt/Center for Art Market Studies am Institut für Kunstwissenschaft und Historische Urbanistik an der TU Berlin | Panel discussion and workshop of the Forum Kunst und Markt/Center for Art Market Studies at the department of Art History and Urban Studies of the TU Berlin



Podiumsdiskussion Workshop

**Kulturgutschutz - Ein Gesetz
und seine Folgen**

Freitag | Friday, 04/11/2016, 18:15–19:15 h

**Art Markets and Politics. State Control
and Trade in Global Perspective**

Samstag | Saturday, 05/11/2016, 10:00–17:00 h

Ort | Location: Technische Universität Berlin, Hauptgebäude | Main Building,
Senatssitzungssaal | Senate Room H 1035, Straße des 17. Juni 152, 10623 Berlin

Konzeption | Concept: Dr. Dorothee Wimmer, Dr. Thomas Skowronek, Prof. Dr. Bénédicte Savoy
unter Mitwirkung von | in collaboration with Lukas Fuchsgruber M.A.

Freitag, 4. November 2016

Podiumsdiskussion | Panel Discussion

Kulturgutschutz – Ein Gesetz und seine Folgen

Nach kontroverser Debatte wurde das deutsche „Gesetz zur Neuregelung des Kulturgutschutzrechts“ verabschiedet und vom Bundesrat gebilligt. Am 6. August ist es in Kraft getreten. Was steht tatsächlich in diesem Gesetz? Welche Kunst ist betroffen? Die Podiumsdiskussion versammelt Expert_innen aus Kulturpolitik, Jurisprudenz und Wissenschaft.

Cultural Property Protection – A Law and its Consequences

After a controversial debate, the German “act reforming the cultural property protection legislation” has been passed and approved by the Federal Council. It has taken effect on 6th August. So what does the law actually say? What kind of art is affected by it? This panel discussion brings together experts from cultural policy, law and sciences.

18:15 Begrüßung | Welcome

Dr. JOHANNES NATHAN

Forum Kunst und Markt, TU Berlin, Nathan Fine Art, Zürich/Potsdam

Auf dem Podium | On the Podium

NIKOLAUS BERNAU

Architektur- und Museumshistoriker, Journalist (u.a. Berliner Zeitung), Berlin

Prof. Dr. KILIAN HECK

Professor für Kunstgeschichte an der Universität Greifswald, Erster Vorsitzender des Verbandes Deutscher Kunsthistoriker e.V., Bonn

Dr. MIRIAM KELLERHALS

Rechtsanwältin für Urheber-, Kunst- und Wirtschaftsrecht, Berlin

Dr. MARIA OBENAU

Dissertation zum „Verzeichnis der national wertvollen Kunstwerke“: Entstehung, Etablierung und Instrumentalisierung 1919-1945, Berlin

Moderation

Prof. Dr. JULIA VOSS

Stellvertretende Feuilletonleiterin der FAZ, Fellow am Wissenschaftskolleg zu Berlin

19:15 Empfang | Reception

Die Podiumsdiskussion ist auf Deutsch. | The panel discussion is in German.

Samstag, 5. November 2016

Workshop

Art Markets and Politics. State Control and Trade in Global Perspective

10:00 Begrüßung | Welcome: Bénédicte Savoy (Berlin) | Dorothee Wimmer (Berlin)
Einführung | Introduction: Dorothee Wimmer (Berlin) | Thomas Skowronek
(Berlin) | Lukas Fuchsgruber (Berlin)

Sektion I Staatliche Strukturen

Section I Governmental Structures

Moderation: Dorothee Wimmer (Berlin)

10:15 Lynn Catterson (New York): A Dealer, the Nobility & the Art Market in
Post-Unification Florence

10:45 Caroline Flick (Berlin): Lizenzierung: Die Händler und die Reichskammer der
bildenden Künste

11:15 Kaffeepause | Coffee Break

11:30 Emanuele Sbardella (Berlin/Rom): Politics, Polity and Policy: Aspekte des
Numismatik-Kunstmarktes im Nationalsozialismus

12:00 Mittagspause | Lunch Break

Sektion II Rechtliche Rahmenbedingungen

Section II Legal Framework

Moderation: Thomas Skowronek (Berlin)

13:30 Léa Saint-Raymond (Paris): The Artist's Resale Right in France: Origins and
Consequences on the Art Market

14:00 Deirdre Robson (London): The Law of Unintended Consequences?
US Federal Taxation and the Art Market

14:30 Piotr Stec | Alicja Jagielska-Burduk (Opole | Bydgoszcz): Restitution or the
Return of Cultural Objects. A Transnational Perspective

15:00 Kaffeepause | Coffee Break

Sektion III Politische Systeme und Transformationen

Section III Political Systems and Transformations

Moderation: Martin Hartung (Zürich)

15:30 Meggie Morris (San Diego): Unusual Suspects? Madrid's Contemporary Art Fair
(ARCO) and Spain's Cultural and Political Agenda in the 1980s

16:00 Ahmad Rafiei (Lubbock): The Place of the Market in Iranian Post-Revolutionary Art

16:30 Iain Robertson (London): United Kingdom, China and the Gulf States:
The Impact of Political Systems and Ideologies on Art Markets Today

17:00 Ende des Workshops | Close of the Workshop

Tagungssprachen sind Deutsch und Englisch. | Conference languages are German and English.

Einführung | Introduction: Art Markets and Politics.

State Control and Trade in Global Perspective

Dorothee Wimmer (Berlin), **Thomas Skowronek** (Berlin), **Lukas Fuchsgruber** (Berlin)

Der fünfte Workshop des Forums Kunst und Markt/Center for Art Market Studies fragt in einer globalen Perspektive nach dem Eingreifen der Politik in das Kunsthandelsgeschehen: Welche Möglichkeiten eröffnen bzw. verwehren politische Systeme Kunstmärkten mit ihren unterschiedlichen Staats- und Regierungsformen (Monarchie, Diktatur, Demokratie etc.)? Welche Instanzen und Institutionen sind an diesen politischen Vorgaben und Maßnahmen in welcher Form und mit welchen Konsequenzen für den Handel beteiligt? Wie reagieren Kunstmärkte auf diese staatlichen Kontrollen und Eingriffe?

The fifth workshop of Forum Kunst und Markt/Center for Art Market Studies investigates the intervention of politics into the dealings of the art trade from global perspective: What opportunities do the art markets gain and lose in different political systems and the resulting diverse forms of government (monarchy, dictatorship, democracy etc.)? Which authorities and institutions are involved in specifying the political guidelines and measures? How are these institutions specifically involved and what are the consequences for the trade? How do the art markets react to these acts of state control and intervention?

Dorothee Wimmer studied art history, history, Romance studies, and German philology in Freiburg i. Br., Paris, and Berlin (FU). In 2003 she earned her PhD with distinction from the FU Berlin. From 2003 to 2005 she was a volunteer at the Neues Museum Weserburg Bremen, and in 2006 a research fellow at the Centre allemand d'histoire de l'art in Paris. She has lectured in Bremen and Berlin (FU and TU) since 2004. In 2011, she took over the chair of the Richard-Schöne-Society for Museum History and in 2012, together with Bénédicte Savoy and Johannes Nathan, she founded the Forum Kunst und Markt at TU Berlin, which she has since directed. In 2015 she was awarded a Library Research Grant at the Getty Research Institute in Los Angeles, USA. Her research focuses on the history, theories, and practices of art collecting and the art market, the relationship between art, politics, and economics, as well as the intermediality of text and image.

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Thomas Skowronek is a literary scholar with teaching and research experience in literary studies, art history, and cultural poetics. He studied Slavic Studies and History in Marburg, Moscow and Berlin. In 2013 he received his PhD from Humboldt-University. His dissertation was awarded as the best dissertation of the year by the German Association for East European Studies (DGO). He was research associate at the Department of Slavic Studies, Humboldt-University Berlin (2004-2011) and short-term Fellow at the Leibniz Graduate School "History, Knowledge, Media in East Central Europe". Since 2013, he has been post-doctoral Fellow and coordinator

within the research group (B-3) "Oikonomia/Economy" at the Excellence Cluster TOPOI (2013-2016). In his current research, he focuses on methodologies of art market studies and the Polish Neo-avantgarde. Other main research areas are the materiality and poetics of governance in early modern Russia (1500-1750). Forthcoming publication: *Marktgestalten in Sorge. Kunstgalerien und ökonomische Ordnungen in Polen und Russland (1985-2007)*. Köln: Böhlau (Spring 2017).

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Lukas Fuchsgruber is an art historian who is currently working on a PhD thesis about the creation of the Hôtel Drouot auction house in Paris in 1852. This research was funded by the Studienstiftung des deutschen Volkes and the German-French Doctoral College "Construire les Différences". His master thesis was about the German art dealer and art historian Otto Mündler in Paris. From 2011 to 2014 he participated as an author and researcher in "Art TransForm", a German-French research project (DFG/ANR) on transnational artist formation in the nineteenth century. Since 2014 he has been collaborating with the Forum Kunst und Markt/Center for Art Market Studies and is now coordinating the Forum's young researchers initiative.

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Sektion I Staatliche Strukturen
Section I Governmental Structures

Moderation: Dorothee Wimmer (Berlin)

A Dealer, the Nobility & the Art Market in Post-Unification Florence

Lynn Catterson (New York)

Prior to the unification of Italy, the laws regarding the protection of cultural patrimony varied widely from region to region. At one extreme were the centuries of longstanding Roman laws which considered objects of cultural value held in private hands to be protected from export. Collectively, these objects belonged to the civic whole. At the other extreme, particularly in Piedmont and Sardegnna, was the unwillingness to compromise the property rights of the individual.

With the unification of Italy, there was a gradual, albeit uneasy, rapprochement towards a "Ministry of Education - Directorate General of Antiquities and Fine Arts", whose centralized oversight would determine which monuments and objects of art were protected from export. When the capital moved from Turin to Florence in 1865, the Florentine nobility resented their change in status in the newly coalescing state, from that of citizen to taxpayer. Along with this, their assets in the form of fine art — often times, in reality, market-ready copies and fakes — were in danger of being added to the growing lists of state protected patrimony. In turn, this would have a sizable impact on the art market, at a time when the provenance of an object was considered the most important factor in establishing value. And objects in the possession of the descendants of Florentine nobility, with alleged storied provenances dating back to the Renaissance, were far and away the preferred objects of desire by private and intuitional collectors.

Drawing upon material in the state archive of the Florentine dealer, Stefano Bardini (1836-1922), this paper focuses on his relationship with the nobility and examines the strategies employed by Bardini in order to undermine and evade the ever-tightening laws. With remarkable success, Bardini would continue until his death to mediate the sale of objects from the descendants of ancient Florentine nobility for export outside of Italy to America and every major city in Europe.

Lynn Catterson, originally trained in the sciences, received her Ph.D. in Art History at Columbia University in 2002. Her research stems from an interest in Italian Renaissance sculpture with a focus on the marketplace and how 15th century sculptors satisfied consumer demand for antiquities. Lately, she is working on the art market in 19th century Florence from the point of view of production and social network via its preeminent dealer, Stefano Bardini. Drawing upon material from the state archive of Bardini, this project has received support from the Frick Center for the History of Collecting, the American Philosophical Society, the SMB-PK in Berlin, and CASVA in Washington, DC. The main goal of the Bardini project is to create a digital research platform to unite the material in Florence with corresponding archival material from individuals and institutions with whom Bardini transacted art; the structure of the digital project would mirror that of the network of the late 19th century art market. In the interim, an edited volume on the supply side of the art market, several articles, and a book on various aspects of the phenomenon of Bardini are forthcoming.

Lizensierung: Die Händler und die Reichskammer der bildenden Künste

Caroline Flick (Berlin)

Den wohl weitreichendsten Eingriff in den deutschen Kunstmarkt stellt die Etablierung der Reichskulturkammer dar, obwohl sie nicht einmal zu diesem Zweck aufgestellt wurde. Mit der Reichskammer der bildenden Künste erlegte sie als Zwangskörperschaft den in ihren Geltungsbereich gezogenen Kunsthändlern eine Lizenzierung auf. In einem ersten Teil soll das Modell der Handelskammern skizziert werden, um im zweiten Teil den Umbau nachzuzeichnen. Die Lizenz wird – politisch unkorrekt – als wirtschaftspolitische Marktreglementierung betrachtet, um die strukturellen Bedingungen dieses Eingriffs zu erfassen. Die liberale Gewerbefreiheit unterwirft nur wenige Berufe der Lizenzpflicht, etwa bei Gütern mit Gefährdungspotential. Die Lizenzen werden von Berufsgruppen oder Behörden vergeben, die sie an Leumund und Fachprüfungen binden und in geregelter Gremienarbeit prüfen.

Im Umbau der Weimarer Republik zu einem totalitären Staat zeigt sich eine entsprechende Instrumentalisierung. Die Kunstkammer sollte die Produzenten regulieren und bezieht mit den Kunsthändlern den Vertrieb derer Waren ein, wirkt aber auf den gesamten Kunstmarkt zurück: Denn die Berufspraxis setzt eine Mitgliedschaft voraus. Damit ist ein Lizenzzwang etabliert. Der Meldepflicht folgt die Kooptation durch undurchsichtige Gremien. Einspruchsmöglichkeiten bestehen nur nominell. Fachprüfungen unterbleiben und der Leumund wird auf persönliche Eigenschaften reduziert. Durch Berufsverbote wird nur Lizenzierten Marktzugang gewährt. Ausschlüsse sichern den Vertrieb nur genehmer Kunst und den Zugriff auf das zwangsweise immens erhöhte Angebot. Markt und Profite werden allein den Lizenzierten garantiert, die für die neuen Nachfrager zu loyalen Zulieferern werden, während die Abwanderung der Nichtlizenzierten zugleich Kapital, Ware und Nachfrage abzieht. Bei Ausdehnung des Lizenzzwangs re-rekrutiert die Reichskulturkammer sie jedoch als Zulieferer und erschließt damit weitere Handelsware. Der Preisverfall führt auf dem Kunstmarkt zugleich zu neuen Preisspitzen, die mit dieser Reglementierung nicht abgefangen werden, während die ökonomische Sicherung der Lizenzierten einzig durch externe Faktoren wie künstlich erhöhter Nachfrage und Kriegswirtschaft erfolgt.

Caroline Flick studierte Geschichte und Literaturwissenschaft in Marburg und Berlin und promovierte 2003 über den Architekturkritiker und politischen Schriftsteller Werner Hegemann (1881-1936). Sie arbeitet als unabhängige Wissenschaftlerin in Berlin, wo sie seit 2006 in der Folge einer Einzelbildrecherche Material zum Berliner Auktionshaus Hans W. Lange (1937-1945) sammelt. Erste Ergebnisse 2011 wurden in der Ausstellung „Gute Geschäfte“ gezeigt, weitere sind im Netz zugänglich. Aufgrund ihres Interesses an den Verfahren der Entziehung im NS-Staat und der Sozialgeschichte der Akteure befasst sie sich seit 2014 intensiver mit dem Verhältnis von Kunstkammer und Kunsthandel, zuletzt in „Struktur, Besetzung, Alltag. Die Landesleitung der Reichskammer der bildenden Künste in Berlin“ (2016) für den von Anja Tiedemann herausgegebenen Sammelband „Die Kammer schreibt schon wieder“.

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Politics, Polity and Policy: Aspekte des Numismatik-Kunstmarktes im Nationalsozialismus

Emanuele Sbardella (Berlin/Rom)

Anhand der Fallstudie einer Münzsammlung, die 1938 dem als Juden geltenden Alexander Hauser entzogen wurde, wird der Versuch unternommen, einige Aspekte des nationalsozialistisch geprägten Kunstmarktes aufzuzeigen. Wie zahlreiche andere Wiener Sammlungen zur gleichen Zeit wurde auch die hier in Betrachtung stehende Münzsammlung zunächst aufgrund von „Listen brauchbarer Stücke“ aufgeteilt, dann von verschiedenen Museen erworben und schließlich von einem Münzhändler versteigert. Bei der Behandlung dieses Falles zeichnen sich nicht nur allgemeine Züge des sich unter dem NS-Regime entfaltenden Kunsthandels ab, sondern auch einige Spezifitäten des numismatischen Gebiets.

Um die Interrelationen und wechselseitigen Durchdringungen von (Kunst)Politik und Kunst(Markt) im Nationalsozialismus zu erfassen, wird die Frage nach den ineinandergreifenden Strukturen des politischen und wirtschaftlichen Lebens in einem totalitären Regime aufgeworfen. Dabei wird die These vertreten, dass die in Frage stehenden Beziehungen zwischen *State Control* und *Trade*, ausgerechnet auch im Falle eines Totalitarismus, nur dann richtig aufgefasst werden können, wenn man das Politische als multidimensionales Phänomen begreift. Grundlage für die Entwicklung dieses theoretischen Ansatzes ist die Übernahme einer lexikalischen Begrifflichkeit, nach welcher drei Ebenen des Politischen zu unterscheiden sind: *Politics*, *Polity* und *Policy*.

In dem Vortrag wird der Wert der Sammlungsmünzen und der Prozess der Bewertung der Münzsammlungen unter die Lupe genommen, welcher erst unter den gesetzlichen Rahmenbedingungen (*Polity*) und aufgrund weitgehend konvergenter Interessenlagen von Museumsdirektoren, Münzhändlern und Münzexperten (*Policy*) entstehen konnte. Die der Handlungsweise der beteiligten Akteure zugrundeliegenden *Policies* können dabei nebeneinandergestellt werden, sind aber auch mit der allgemeineren *Politics* des NS-Regimes vergleichbar.

Emanuele Sbardella ist ein italienischer Kurator und Kunsthistoriker. Er hat 2007 sein Studium der Kommunikationswissenschaft und Philosophie in Rom abgeschlossen und promoviert zurzeit an der Technischen Universität Berlin bei Prof. Savoy. Ziel seiner Dissertation, die von der Studienstiftung des Deutschen Volkes gefördert wird, ist die historische und topographische Erfassung der „numismatischen Landschaft“ im Nationalsozialismus, insbesondere der Beziehungen zwischen Münzkabinetten und Münzhandlungen. Zu seinen jüngeren Forschungen zählen u.a. seine Studien über das Münzkabinett des sog. Führermuseums (Masterarbeit, 2015) sowie über das Geldmuseum der Reichsbank (Vortrag Wien, Mai 2016). Sbardella gehört zum *International Network for Young Scholars des Forums Kunst und Markt* (TU Berlin), ist Mitglied des *Arbeitskreises für Provenienzforschung e. V.* (Hamburg) sowie des *TIAMSA - The International Art Market Studies Association* (London).

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Sektion II Rechtliche Rahmenbedingungen

Section II Legal Framework

Moderation: Thomas Skowronek (Berlin)

The Artist's Resale Right in France: Origins and Consequences on the Art Market

Léa Saint-Raymond (Paris)

The effects of the artist's resale right, also known as *droit de suite*, became a key issue for economists in 2001, when the European Union directive 2001/84/EC created a right for artists to receive royalties for the works they created and which were resold in Europe. J. D. Stanford, in 2003, and V. Ginsburgh, in 2003 and 2005, showed the negative consequences on the volume of trade and on the increase of transaction costs. F. Benhamou, in 2006, laid stress on the inefficiency of the law for the artists' welfare. All these papers analyzed the recent applications of the *droit de suite*, leaving aside its first implementation, at the beginning of the 20th century. My paper's aim is to understand the origins and consequences of the artist's resale right when it was created in France.

The history of the French *droit de suite* lasted 15 years and involved a dense network of art critics, artists, dealers, auctioneers, lawyers and politicians, from 1904, when the writer and lawyer Jean Ajalbert decided to investigate on the artists' rights, through 1919, when the National Assembly adopted the act. Surprisingly, many artists disagreed with this project before the outbreak of the Great War, whereas the law was adopted very quickly in September 1919. This research will thus reconstruct the polarization of the artistic field around this issue, in order to understand how the unanimity finally emerged.

The comparison of auction prices for the same living artists between 1919 and 1920 should give some evidence of the impact of the *droit de suite* on the art market. Unfortunately, the buyer fee at auction increased at the same time, from 10 to 17.5 per cent of the hammer price. This workshop will thus be the opportunity to discuss whether it is possible, or not, to disentangle the effects and to draw conclusions about the consequences of the resale right on the art market and on the trade.

Léa Saint-Raymond is a doctoral candidate in art history at the university Paris Ouest Nanterre La Défense and member of laboratory HAR (History of arts and performances). Alumna of the École Normale Supérieure, agrégée in social sciences, she received a double master's degree in art history (Université Paris-Sorbonne) and economics (Paris School of Economics). Supervised by Ségolène Le Men, her dissertation focuses on the secondary art market in Paris between 1852 and 1939, more specifically on the building of reputations for living artists during auctions. She is an active member of Artl@s, a digital humanities project in art history directed by Béatrice Joyeux-Prunel. In this research team she is managing the exhibition catalogues database and she is also co-responsible for the project "Spaces of Art in Paris".

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The Law of Unintended Consequences?

US Federal Taxation and the Art Market

Deirdre Robson (London)

If laws such as export controls obviously impact art market developments, how fiscal law has influenced some art markets is perhaps less recognised in Europe than it might be. Although it would be too simplistic to argue for causal links between the fiscal and actual developments in the New York art market, this paper will argue that US tax law had unintended consequences.

Starting with the 1917 Revenue Act, successive Tax Codes not only set nominal tax rates but allowed tax exemptions for charitable deductions and tax-exempt status for non-profit institutions. From the 1920s onwards, it was typical for American art museums to be chartered as educational charities to take advantage of tax deduction provisions. It can be argued that an unintended consequence of an act to encourage private philanthropy was that some art museums, particularly those without a core collection and/or focussing upon modern art, became major players in the market for modern art in a way unknown in Europe. Modern art museums such as the Museum of Modern Art in New York played a, if not the, key role in developing both the market for modern art in general and some styles or schools in particular. For wealthy Americans, collecting art, courtesy of the US government, became not just a means to public approbation, but a tax-efficient way of financial planning. This surely impacted upon collector behaviour and acquisition choices, with 'name' private collections ipso facto museum inventory, rather than intended for recycling via sales rooms.

If an unintended consequence of U.S. tax law was to help create a market for modern art mid-century, in which the modern art museum was a major player, tax 'reforms' introduced by the Reagan Administration in the mid-1980s could be seen to raise further questions as to unintended consequences. It can be argued that major collectors might have, as a result of these 'reforms', re-considered not only overall collecting strategies but also the final destinations of their collections. American art museum directors lamented a significant fall in gifts and bequests, while important auction sales of private collections seemed to become a more visible part of the New York art market, whereas in the post war era public sales had tended not to be a major feature of the New York art market.

Deirdre Robson received her Ph.D. from University College London with a focus upon the New York market for modern art in the 1940s and 1950s. She has been Senior Lecturer at the University of West London and Associate Lecturer for the Open University for some years, and was recently promoted to Academic Quality Lead in the London School of Film, Media & Design. She has several publications to her name on the topic of the American art market and art collecting: the most recent is "Industry: Art Angel? Pepsi-Cola's "Portrait of America" Art Annual as an Early Instance of Corporate Art Sponsorship," which was selected as the winner for the Carl Bode Award for Outstanding Article Published in the Journal of Popular Culture from the Popular Culture Association/American Culture Association. Her current research interests include cultural geography and art institutions, corporate collecting, and the gendering of the art market in the United States.

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Restitution or the Return of Cultural Objects.

A Transnational Perspective

Piotr Stec / Alicja Jagielska-Burduk (Opole / Bydgoszcz)

Restitution or the return of cultural objects to their country of origin is an issue of great importance for cultural heritage protection. However, it influences the national and international art and antiquities markets as well. Although the art market has its own rules and creates an exceptional ecosystem for entrepreneurship and business relations, it is restrained by the laws concerning cultural heritage. The proceedings and claims for restitution or the return of cultural objects pose risks for investors and collectors. Art market transactions are always burdened with the risk of the object's provenance. As a consequence, soft law rules, good practices, and professional experience have a great significance for all participants in the art market.

The problem is even broader and embraces such issues as war losses, "Entartete Kunst" and cultural objects purchased from refugees. Additionally, the adoption of the EU directive 2014/60 concerning the return of cultural artefacts illegally transported abroad from the territory of a member state, was an opportunity for the EU. The changes resulting from the directive will lead to significant modifications in the legal system of the art and antiquities market. However, they are more concentrated on informational duties and the role of data-bases than strengthening and securing positions of buyers and sellers.

Piotr Stec (LLM, PhD & Habilitation University of Silesia Faculty of Law and Administration) is Professor extraordinarius at the Opole University Faculty of Law and Administration, and legal advisor and member of Katowice Chamber of Legal Advisors. Since 2011 he has been the dean of the faculty. Research interests: intellectual and cultural property law, domestic and comparative private law, problems at intersection between private and public law.

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Alicja Jagielska-Burduk (PhD, MBA, legal counsellor) is the head of the Cultural Heritage Protection Law Centre at Kazimierz Wielki University in Bydgoszcz and chief editor of Santander Art and Culture Law Review (www.artandculturelaw.ukw.edu.pl). 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.

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Sektion III Politische Systeme und Transformationen
Section III Political Systems and Transformations

Moderation: Martin Hartung (Zürich)

Unusual Suspects? Madrid's Contemporary Art Fair (ARCO) and Spain's Cultural and Political Agenda in the 1980s

Meggie Morris (San Diego)

Despite the growing popularity of art fairs within the international art market over recent decades, there is still only a limited amount of scholarship devoted to them. This dearth of academic attention is surprising, especially when considering how art fairs offer unique experiences for viewing and consuming a broad range of artists and works, how these fairs simultaneously uphold and break down traditional hierarchies within the art world, and how they promote specific understandings of the cities and societies that host them. My current research project hopes to contribute much needed scholarship on art fairs by examining a particular case study: ARCO, the annual Contemporary Art Fair in Madrid, Spain. Essentially, I am interested in understanding how this art fair developed its defining features, what it contributed to the position of contemporary art in Spain as well as the position of Spanish contemporary art outside the country, and how it both revealed and contributed to the dominant cultural and political agenda of leaders and institutions in Spain during the 1980s, a time when the country was still undergoing significant political transition.

This presentation will outline what my primary research questions are as well as what observations I have been able to make thus far. According to some of its original organizers, ARCO was intended to generate habits of collecting contemporary art in Spain by encouraging the public viewing, buying, and selling of works in Madrid. However, questions still remain about the success of this intention. Did the Spanish art market, especially the contemporary art market, improve after the appearance of ARCO? What were some of the notable differences between the art market under democratic governments in the 1980s and the dictatorship that existed before? Also, what impact did the format of the art fair have on both the art market and the Spanish public involvement in the arts, in comparison to other modes of selling art, such as auctions or galleries? For politicians in Spain, ARCO was an opportunity to showcase the revived cultural status and political modernity of Madrid to an international audience. How did this opportunity manifest in the fair and its accompanying events? Does the interest that politicians showed for ARCO accurately reflect the interest and policies they had for contemporary art at the time? And ultimately, how does the relationship between ARCO and politicians speak more broadly to the changing cultural policies enacted in Madrid in the early years of democracy?

Meggie Morris is a San Diego-based art historian, writer, and teacher whose main research interests include the role of the visual arts in the development of political and cultural policies, particularly in 20th century Spain, as well as the various practices of illustration, film, comics, and other media that negotiate the categories of popular culture and fine art in modern and contemporary Europe and the United States. More recently, her research interests have also included the functions of art fairs within the global art market. In 2014, she completed her doctorate in Art History from the Institute of Fine Arts at New York University. As a graduate student, Meggie presented at

numerous conferences around the United States and worked as an Adjunct Professor at institutions such as Parsons The New School for Design in New York City. As an independent scholar, Meggie has contributed chapters to multiple publications in both English and Spanish, and is currently working on the first full-length, English language book on the Spanish art fair, ARCO, as it developed with new governments in Spain throughout the 1980s and 1990s.

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The Place of the Market in Iranian Post-Revolutionary Art

Ahmad Rafiei (Lubbock)

In the shifting dynamic between politics and the market in Iranian Post-Revolutionary Art, the role of the political and financial art institutions is foregrounded. This is particularly true when it comes to artistic content and style. Because of the Western lack of understanding of the nuanced relation, these institutions have with both the artist and governmental agencies, most scholarly studies either have reviewed the arts as propaganda during the Ayatollah Khomeini Period or as a tool against political restrictions since the Khatami presidency.

Based on the nature of relations between the art and political institutions, it is clear that the arts after revolution can be categorized into three distinct periods; 1980 - 1990, 1990 - 2000, and 2000 to the present. During the first period, Hozeh-i Honari, an art institution established in 1979, is the only art market and it has an inseparable connection with the political ideology of the new system. Alternatively, the Nongovernmental Market that supports the independent artists, and also the rise of the technocrats in Iranian political system, are the characteristics of the second period. The third period is marked by an enormous conceptual shift occurring almost a year after the first Tehran International Painting Biennial of the Islamic World in 2000. At this point, it becomes more difficult to see the direct influence of political ideology in the artworks.

This investigation not only considers the influence of market in the age of globalization in shaping the state's approaches towards the arts and artists since 2000, but also explains how the new artistic forms, visual achievements, and modern art institutions, should be contextualized by considering the political economy during the two first decades of the Islamic Republic of Iran.

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United Kingdom, China and the Gulf States: The Impact of Political Systems and Ideologies on Art Markets Today

Iain Robertson (London)

This paper starts from the premise that art is a commodity; that it is created, distributed and consumed on the art market, and that that is a representation of visual culture. It does not deny that there are other definitions of culture. It acknowledges, but does not refer to, at least two other systems of exchange: the gift and the ritual.

The paper seeks to define the impact of globalisation on the visual cultural commodity called art. It defines art markets in terms of broader economic interpretations: developed, emerging and frontier. It acknowledges the wildly divergent levels of risk and return in each market in what is essentially a neo-classical economic model. The debate moves on to consider other models, which are now arising in competition to that of 'pure' globalisation. The institutional model places great emphasis on (at least acknowledges) the impact of organisations and intangibles such as: history, power relations and individuals on markets. The hybrid, the institutional / globalisation model, aligns the art world with its market and is arguably more descriptive of the current international art market than the neo-classical model. This model (the institutional) typifies the behaviour of developed markets, such as the UK, personified in international art centres such as London. The implications of BREXIT on the future behaviour of the London market is conjecture; but the model may certainly be subject to revision as a result of this act.

The paper then goes on to look at other models that are favoured by emerging market territories. The outside-inside model in which the state and its instruments (organisations) exercise control over the market and its 'players'. These models have been pursued by emerging markets (China and the Gulf States) over the last decade. The next model under examination is the inside-outside model in which the state uses quasi-commercial instruments to acquire foreign 'entities' (state-owned and private owned). In the final example, the inside model, the state once again uses commercial organisations as instruments of government to re-accession or accession art that the state has identified. This model is the antithesis of the globalisation model. It is a model that is applied by China today. The acquisition of trophies by the state procurement agency is a feature of Qatar in particular.

The paper will elude to actual states and states of affairs in the art market today.

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