

BOOK REVIEW

Review of Anne Laure Bandle, *The Sale of Misattributed Artworks and Antiques at Auction*. 416 pp. Northampton: Edward Elgar Publishing, 2016.

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The role of auction houses in the art market has grown rapidly over the last few decades. The excitement of an art auction depends on the sale of luxury goods, glamorous participants and settings, rapid competitive bidding, and the possibility of acquiring a masterpiece. This excitement dims, however, when unanticipated revelations of questionable authenticity and provenance of an object occur after the close of an auction. Anne Laure Bandle's book, titled *The Sale of Misattributed Artworks and Antiques at Auction*, covers the topic of contractual law focusing on auctions and current controversies surrounding misattributed artworks. Awarded the Walther Hug Prize 2017 for its advancement of legal studies, her book reveals the author's deep understanding of the commercial transactions of art sales. Bandle completed her legal studies at the University of Geneva in 2015. She is now a lecturer on copyright, art, and entertainment law at the University of Fribourg; a guest lecturer at the London School of Economics and Political Science; director of the Art Law Foundation; and is a practicing attorney. Bandle's monograph focuses on the legal issues surrounding such an unanticipated and unfortunate discovery of a misattributed artwork, often known as a "sleeper," and highlights the disparity between the supposed objectivity of an auction house and the existence of many overlapping and conflicting relationships in their commercial and advisory operations.

Divided into four closely related sections, the book provides a thorough overview of the issues of misattribution, legal statutes, recourses, and possible outcomes. There are redundancies in the author's text, though these mostly serve to facilitate the reader's understanding of this contentious topic and allow each section to be read independently. For readers short on time, a brief introduction precedes each section and an 'Interim Conclusion' follows. In Part 1, the author defines "sleepers,"

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discusses relevant issues, and outlines the impact of artworks erroneously attributed. Attributions are established, or confirmed, through scholarly investigations of an artwork's authorship based on media, technique, style, context, and provenance. Proper attributions contribute to a buyer's ability to evaluate the desirability of a purchase, set the range for bidding, possibly boost the returns to a seller, and enhance the reputation of an auction house. Attributions are also a major factor in ensuring the stability of art markets. Yet, as the number of sales at auction houses and the volume of objects increases, there is less time available for auction houses to expend on researching consigned art objects, heightening the risk of a misattribution.

Art market transactions differ from typical commercial transactions, as outlined in Part 2. An auction house may advise buyers and sellers, serve as a direct or indirect agent for either or both parties, and/or be a party to the final transaction, in addition to setting the rules of the transaction (in alignment with governing law) and presenting itself to the market as a reliable and objective expert. The author covers the applicable legal statutes of Switzerland, England, and the United States. Beyond identifying the laws, Bandle considers the scholarly and juridical interpretations and implications of these regulations. She follows this discussion with detailed comparative and critical analyses in Part 3. Although the applicable laws of the three jurisdictions have many similarities, there are important differences, especially in regard to agency.

In the final section, Part 4, the author makes two proposals to facilitate the legal resolution process. Her first proposal is for the addition of a contractual provision, which is to be issued by the auction house to the seller, serving as a guarantee of the auction house's determination of authenticity. While not a blanket guarantee, such a stipulation would foster more critical research by an auction house, enhance market stability, and expedite the resolution of those misattributions that will still occur, though hopefully with less frequency and magnitude. The additional expense would be offset by fees paid by consignors and possibly by a decrease in legal costs. The second recommendation is for the addition of contractual clauses that, in cases of grievances, stipulate the use of alternative dispute resolution processes, such as negotiation, mediation, and arbitration.

The audience for Bandle's book includes art market specialists, legal scholars and students, art historians, collections committees and acquisition staffs in museums, and anyone interested in purchasing a work of art from an auction house or selling one there. The book is well researched with regard to the role of auction houses in the art market, case law, and scholarly opinions on legal statutes; it is also very accessible. Bandle manages the complexities of the regulations with ease, while enlivening the text with references to cases of "sleepers," such as the drawing *La Bella Principessa* attributed to Leonardo da Vinci (57f), two paintings attributed to Sir Anthony van Dyck (17), and Nicolas Poussin's *The Destruction and Sack of the Temple of Jerusalem* (80), which was originally attributed to Pietro Testa (1f).