



## ...the e-newsletter of the Ethnic Arts Council november/december 2008

### Estate Sale at the de Young?

#### **A messy family feud could impair the future of the New Guinea art collection**

*By Wolfgang Schlink*

The John and Marcia Friede collection of New Guinea art (aka the Jolika Collection) has often been acknowledged as the world's most important. The de Young Museum of San Francisco houses part of the tribal treasures in a special wing named after the collectors. Over the years the Friedes have graciously donated more and more art objects to the museum and promised the balance of their 4,000-piece collection. A lavish two volume book was co-published by the de Young and the Friedes when the museum reopened in 2005. A major revelation was that many of the artworks, once they had been carbon dated, proved to be considerably older than previously thought. The exceptional New Guinea art display is the crown jewel of the museum, outshining its neighboring Africa collection. While the launch of the New Guinea exhibition brought up the inevitable and complex problems of cultural patrimony and illegal export, no major controversy has emerged so far. It is a must for any art connoisseur to spend time at the Friede collection when visiting the City by the Bay.



And maybe it is time to go soon as a sequence of events, worthy of a storyline for a daytime TV drama, casts a shadow over the ownership of the Friede collection and its future whereabouts. At the heart of the issue is a feud of three brothers over the estate of their late mother Evelyn A.J. Hall, art collector, philanthropist and sister to publishing tycoon Walter Annenberg. Apparently John Friede had been Mrs. Hall's preferred son. She had supported his business projects and collecting endeavors with large sums of money which his two brothers considered loans. The band of brothers reached a settlement in October

of 2007, when John Friede agreed to pay his siblings \$30 million in case there was not enough money in the estate to satisfy their inheritance claims. John Friede collateralized his settlement promise to the tune of \$30 million with his New Guinea art collection. The estate itself is in probate since 2005 awaiting a ruling from the IRS that will determine its ultimate size. So far, so good?

Enter the de Young: According to the museum, John Friede - only a very short time before the brotherly collateral of 2007 - had renewed his long term gift agreement of the entire collection with the museum and already transferred ownership of some 140 artifacts to the de Young. Now the museum - surprise! - is a bit nervous about its current and future rights to the collection.

And, add Sotheby's to the cast of the drama: The auction house has lent John Friede \$25 million. This loan has not been repaid and is - surprise again! - also secured by artworks from the New Guinea collection. The auctioneers are keen to ascertain that the collateral is unimpaired.

Meanwhile the legal tug-of-war involves courts of law and numerous attorneys in three states. For a short time in September 2008 it seemed that John Friede's brothers and Sotheby's were ready to take possession of large parts of the artworks housed at the de Young. That move was blocked by a San Francisco court. The legal positions of the involved parties could not be further apart. Financial maneuvering has created a Gordian knot



that is difficult to cut through or to untangle. Ultimately, a happy outcome is dependent on the final size of Mrs. Hall's estate. Until then an asset-backed security, as the world has so painfully learned in recent months, is only as safe as the sound ownership of the underlying asset, in this case a tribal art collection. A next court ruling is expected for mid-December 2008.

John Friede, by his own admission, has always pursued the art of collecting as a passion for the hunt. Now the hunter may have become the hunted. A collector who made a point of publicly thanking his banker for providing crucial liquidity to acquire some of the best pieces of the collection may have walked the financial tightrope one time too many. Scholars, researchers, collectors, ethnic art aficionados, and particularly the de Young keep their fingers crossed that the unique collection will not be broken up over a messy inheritance quarrel.



*Photos: Mask, 19<sup>th</sup>/20<sup>th</sup> c., West Sepik Coast, PNG; Bird pestle, prehistoric, Central Highlands, PNG*

*Photography: John Bigelow Turner and Dianne Dubler*



## In Paris: A Pre-Columbian Problem

### Repatriation vs. proper provenance?

*By Wolfgang Schlink*

Mexico and France had their fair share of wars over the years, triggered by the Central American country's default on international loans or fuelled by Gallic colonial ambition. Almost forgotten is the "Pastry War" of 1838/39 fought over the destroyed bakery of a French citizen in Mexico City. Better known is the "Maximilian Affair" (1862-1867) that - on 5 May 1862 - gave us the Battle of Puebla and by extension the *Cinco de Mayo* commemoration day. So far the score of Franco-Mexican conflicts is somewhat of a tie: At the conclusion of the *Guerra de los pasteles* Mexico agreed to pay 600,000 pesos as reparation for the trashed *pâtisserie* while the 1867 execution of Emperor Maximilian I - immortalized in several paintings by Édouard Manet - marked the final act of France's retreat in the Franco-Mexican War.



More recently, on 12 September 2008, the combat theatre shifted to the auction rooms of Paris. Up for sale at Drouot-Montaigne were pre-Columbian works of art, many of them important, a few of world-class status. The documented provenance was impeccable: Two American private collectors and the renowned, late French tribal connoisseur Jacques Kerchache, founding father of the Louvre tribal exhibition and major advisor to the Musée du Quai Branly. This time the weapons of choice were not guns or machetes, but a last minute court order that suspended the sale of all Mexican-origin lots from the Binoche/Bergé auction. Mexico claimed to defend her cultural heritage (citing a national law of 1827) while French pre-Columbian art expert Jacques Blazy invoked an act of "terrorism" by the meso-Americans. Indeed, the latter did a seemingly overzealous job claiming artifacts not just from their very own territory. Even a Mayan vase from Guatemala and a terracotta figure from Honduras were banned from the auction. Well, modifying a point of view so popular in these pre-election days, you can see Guatemala from Mexico. Honduras? Not so much.



The dawn raid on auction day came as an unwelcome surprise. Among the impounded art were the important ceramic red “Venus of the Chupicuaro” (photo, bottom page 2) and two spectacular funerary masks from Teotihuacan. The auctioneers claim that several weeks earlier they had submitted the catalog to the OCBC - the French bureau to combat the trafficking in cultural goods - and to the Mexican embassy for clearance. Top international collectors - in town for the Parours-des-Mondes tribal fair - were caught off guard.



Mexico’s move of September 12 was the second act of the 2008 Parisian drama “Pre-Columbia Interrupted”.

At a Gaïa auction in May a stone mask (100-300 AD) of Argentina’s Tafi culture (photo, left) was up for sale. The auctioneers had submitted their catalog for clearance to the OCBC, the ICOM (International Council of Museums) and to all pertinent American embassies. A Paris court gave the green light for the sale considering the UNESCO Convention of 1970 and other international laws protecting cultural heritage. Argentina’s repatriation claim - based on a national law of 1913 - was repudiated. Yet, on auction day the Argentinean embassy managed to impound the Tafi mask using means of international legal intervention. Undeterred, the brave auctioneer took a calculated risk and called out the lot. A telephone buyer acquired the mask at a hammer price of €125,000. The intrepid collector, of course, has yet to take possession of his Tafi treasure.

The implications for the art market are considerable. Control of authenticity and provenance is a good thing. Yet spectacular commando-style raids are not likely to instill confidence in submitting collectors or the market at-large. Christie’s, Paris, have discontinued their pre-Columbian sales, and Sotheby’s have significantly scaled back. The result of the prevailing uncertainty will boost the pre-Columbian “underground”, a market where recently looted artifacts mix with innumerable fakes. Neither a preferred outcome for serious collectors, nor for countries trying to safeguard their cultural heritage.

Back to the highlights of the September 12 “mini auction” of 62 non-Mexican artifacts: A most unusual lot (photo, right) changed hands for a hammer price of €30,000. The eerie, enigmatic “Profile of Paracas” (Peru, 300 BC-200 AD) - an embalmed, almost life-like human silhouette of skin, hair, teeth and bones - had been kept for years in the Kerchaches’ living room. Move over, Damian Hirst.



Two wooden “vomit spatulas” (1,000-1,500 AD) of the Taino (Dominican Republic) culture, each adorned with a carved Zemi deity, topped the sale at hammer prices of €117,000 and €87,000. The buyer was the French government (for the Musée du Quai Branly) exercising its national pre-emptive purchase privilege. Go figure: One nation is attempting to torpedo the auction while another is eager to purchase from it.

Against all odds Paris auctioneers Binoche-Renaud-Giquello and Gaïa plan to continue their pre-Columbian auctions, yet Mexican and Argentinean art may be absent for a while.

*Photos: Binoche-Renaud-Giquello(2) and Gaïa(Tafi mask)*

*Selected books on issues of cultural property:*

*Who Owns Antiquity? By James Cuno, 2008; Who Owns The Past? By Kate Fitz Gibbon, 2005*



## ...calendar

- **Los Angeles Asian & Tribal Arts Show**

**Show:** **November 15-16, 2008**, Santa Monica Civic Auditorium, Sat 11AM - 7PM, Sun 11AM - 5PM  
EAC members Dimondstein, Garaway, Hamson, Johnson, Krieger, Murray, Strusinski, and Solomon are among the exhibitors. Lecture program by Fowler Museum curators.

**Preview:** **November 14, 6-9 PM**, to benefit the Fowler Textile Council.

**Ticket sales and show info:** 310.455.2886 and [www.caskeylees.com](http://www.caskeylees.com).

- **Bowers Museum, Santa Ana**

**Lecture: Dinka.** By Carol Beckwith and Angela Fisher,  
**November 16, 2008, 1.30PM.**

The renowned Africa photographers of "Africa Adorned" and National Geographic fame present an evocative and passionate lecture of the Dinka of southern Sudan and their unique relationship with their land and animals. Reservation required at [lkahn@bowers.org](mailto:lkahn@bowers.org).

**Exhibition: Passages - Photographs of Africa by Beckwith and Fisher,**  
**November 15, 2008 - April 19, 2009.** A vivid documentation of vanishing African tradition and rituals.



*Photo: Carol Beckwith and Angela Fisher*

- **The Getty Villa, Malibu**

**Exhibition: Jim Dine - Poet Singing (The Flowering Sheets), October 30, 2008 - February 9, 2009**

The Getty Villa goes contemporary in an art project where ancient meets modern. Jim Dine's installation combines poetry, sound, and life-size statues inspired by ancient Greek sculptures.

**Event: The artist will be present to discuss his work on November 7, at 7.30PM.** Free, tickets required, call 310.440.7300.

**For more of Jime Dine's art,** see EAC member Leslie Sack's exhibition, [www.lesliesacks.com](http://www.lesliesacks.com)

## ...ethnic travel 2009

- **South India Beckons**

**January 11 - 23, 2009.** Organized by the Bowers Museum Collectors Council. A trip to the heart of India, Tamil Nadu and Kerala. Exceptional Hindu temples, the world heritage site of Mahabalipuram, Kathakali dance performances, bazaars, antique and textile shops are only part of the program. Small group. For pricing and a detailed itinerary contact Heidi Mueller at [heidiart@verizon.net](mailto:heidiart@verizon.net).

- **Nias Art and Culture, Sumatra Indonesia**

**May 30 - June 12, 2009.** A detailed itinerary is available in November 2008 from EAC member/trip organizer Phyllis Hischier at [hischier@earthlink.net](mailto:hischier@earthlink.net). The group will be accompanied by renowned Indonesian art expert, author, and lecturer Dr. Jerome Feldman. Limit 8 travelers.

- **The Lesser Sundas and Asmat – Voyage to the Forgotten Islands**

**September 24 - October 15, 2009.** See [http://web.mac.com/phyllis.hischier/Site/Asmat\\_2009.html](http://web.mac.com/phyllis.hischier/Site/Asmat_2009.html) for a detailed itinerary. On the agenda are stops in Bali, Sumba, Solor, Alor, Leti, Tanimbar, and the Casuarina coastal villages of Irian Jaya. This trip is also organized by Phyllis Hischier.

**Note:** The above travel opportunities are **not** programs of the EAC, but listed for information only.

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Comments, suggestions? Please contact Wolfgang Schlink, editor EAC e-news: [wolf@tribalearthgallery.com](mailto:wolf@tribalearthgallery.com)