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Portrait of the art underworld: interview with an "art lawyer"

by LISA CAVION

"Why can't you do something sensible like going to law school?!" A few of us will remember this sad injunction, its delivery accompanied, maybe, by a subtle suggestion that we weren't, maybe, budding Cindy Shermans and, anyway, weren't we really more comfortable with Kenneth Cole than Keith Harrington? Wouldn't it be more responsible, really, they suggested, to put the gesso away and break out the books?

But what if you don't really have to choose? For those of us who want balance, Bonnie Czegledi—who practices art law in Toronto from a gorgeous new office with its own art gallery—is an inspirational figure.

Ms. Czegledi can empathize with some of the general misunderstandings concerning art as a professional practice. "I think the art world has been very much a secretive world, and generally people aren't very well versed in [it] and how it works. It can be intimidating, perhaps, to people who are outside of it—I think that can be the case even for judges."

Art "is a strange world," she laughs. Before getting involved in art law, she says that she herself had no idea. "I thought I'd be doing artist-gallery representation agreements and be surrounded by pretty pictures. I learned!" Instead, it's all about "fraud, fakes, stolen property, money laundering. It was surprising... [Now] I get calls from other lawyers, [saying] 'I have this case, I don't know what to do with it! I've never heard of this kind of thing happening!'"

Perhaps this ignorance is particularly likely in North America, with a culture steeped more in the language of business than of aesthetics. But the well-heeled set often considers art a serious investment vehicle. It is also, in times of war or international upheaval, a form of currency: "They can devalue the frank, they can devalue gold, but you can always get money for paintings. Paintings will be used to spice up drug deals, as down payment. But it's hard to think of it that way because we love art, and it has a much greater symbolic value to us than currency."

Lawyers may get involved with art because its twin significances make it a significant site of cultural contestation—who can make it, keep it, own it, and benefit from it, legally, are issues with both material and moral implications. Law has a role to play in developing cultural rights and defending them where they exist. For instance, art is often coveted and looted for both material and

cultural value. Nazi-looted art-much of it believed to have been destroyed as Degenerate Art-continues to resurface, and art lawyers may find themselves in the difficult position of having to do provenance research on artworks to verify their pedigree.

More recently, a nightmare took form in Iraq when the U.S. State Department failed to protect the National Museum in Baghdad from looting, despite petitioning from cultural property experts around the world. "The two main resources of Iraq are oil and antiquities," said Ms. Czegledi. Three days of looting cleared the museum; the valuables, the decoy fakes, even the small items that could only have been accessed by knowledgeable insiders-"it all went. I remember waking that morning and just grieving," she said.

"You see looting in all kinds of places where there is economic despair, where there are sanctions. As long as people buy, there are going to be problems of looting of archaeological sites," she says. Criminal proceedings may be advanced against looters, but there are significant difficulties in amassing the necessary evidence in times of war or economic upheaval.

This suggests that lawyers also have a role to play in advocating and developing better national and international practices for control of contraband. Canada has obligations under a 1970 UNESCO Convention to prevent illicit import, export or transfer of cultural property, but our bilateral agreement instantiating this commitment in trade with the U.S. has lapsed.

The art world is fraught with legal pitfalls closer to home as well. Contracts between artists and galleries control of the reproduction of an artwork, loan arrangements for exhibits and to firms, creating artists' wills, and gifts to public exhibitions involve "lots of special special considerations that non-artists don't think of."

Herself a life-long painter, Ms. Czegledi scoffs at the idea that art isn't a "responsible" endeavour. "Art is humanity's cultural heritage," she says. "Contemporary art is the cultural heritage of the future, and we're moulding history right now. What we will leave behind is our art."

And as lawyers, she argues, we can play a role in supporting artistic practice. "It's critical that we support art," she says. "Support is what helps create art-it's not just a great artist."

This month, Ms. Czegledi is presenting a seminar at the Royal Ontario Museum, "From Collector to Criminal", that examines the collector as both succour and scourge of artists-and art lawyers. In the meantime, she also points out that art is a very new field, and suggests checking out graduate programs in art law like the one in Lyons (in French).

Exploring a new area of law, contributing to the preservation of human heritage, and maybe even getting to see some nice art? How very sensible.