

Hollander: The International Law of Art for Lawyers, Collectors and Artists

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BOOK REVIEW

The International Law of Art for Lawyers, Collectors and Artists. By BARNETT HOLLANDER. London: Bowes & Bowes, 1959. Pp. 387. \$12.75.

To a world, preoccupied with the existential aspects of life, this book about the transcendentals of law and art, comes as a welcome diversion. Appropriately, the lawyer's concern for order and the artist's penchant for symmetry strike a common note: they both vault the barriers of boundary and time. Just as art is truth shining forth, law is the effulgence of justice.

The author, a New York lawyer, has drawn with aesthetic sensitivity and legal precision from the Civil Law and the Common Law, both judicial and legislative authorities, sounding the *leitmotiv* of his composition which is the universal concern of all cultures for the preservation of fine art, whether produced by a hostile or a friendly hand.

Although he had planned to set forth the law of visual and pictorial art, the writer exceeded his original objective to embrace a wide variety of graphic and ultragraphic media, including poetry, Meissen porcelain, Dresden china, jewelry and snuff boxes. Having devoted the first chapter to "Art and Cultural Property in the Law of Nations," he filled the following fourteen chapters with concerns which are technically outside of the province of international law, e.g., "Auction Sales of Works of Art," "Sales, Warranties and Representation," "Experts," "Fakes, Forgeries and Frauds," and "Art in Criminal Law."

For the student of equity jurisprudence, this text is replete with chancery's concern for the protection of the integrity of artistic work from plagiarism and forgery. An interesting facet of comparative equity is reflected in the juxtaposition of the French case of *Rosa Bonheur v. Pourchet*¹ with the English classic, *Lumley v. Wagner*.² The French court issued an affirmative injunction ordering an artist to deliver a painting to her patron from whom she had accepted a commission. In the English case, the court declined to issue a decree for affirmative relief, but it enjoined an operatic *diva* from singing for one *entrepreneur*, while she was under prior contract to another for the same evening. The Gallic accent on the positive stands in contrast to the more subtle adoption by the English courts of negative means to a positive end.

Twenty-one appendices, mainly trial transcripts and legislative histories, lend authenticity to this exposition. Certainly this is the only text on the law of art, as the author observed in his preface. As a unique reference work, it deserves the attention of the lawyer, scholar and student of humanities, each of whom will appreciate the author's depth of research and extensive documentation.

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¹ C. de Paris, 1^{er} Ch. (July 7, 1865).

² 1 De G. M. & G. 604, 21 L.J. Ch. (1898).

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