

LAW, ETHICS, AND THE VISUAL ARTS

Since its first publication in 1979, *Law, Ethics, and the Visual Arts* has been the foundational text in the field of art law. This thoroughly reorganized and updated sixth edition takes a fresh look at primary materials and commentary from previous editions, extending the book's analysis with significant changes in format and content to reflect changes in the field. The book has multiple uses and audiences: a text for courses in law schools and graduate programs, a reference work for lawyers and museum professionals, and a lively read – filled with engaging legal stories and colorful anecdotes featuring the broad cast of characters in the art world. Complementing their own observations, the authors include excerpts from judicial opinions, scholarly and popular articles, international treaties, and statutory law. *Law, Ethics, and the Visual Arts* offers a cornucopia of examples, questions, issues, and lessons for students, artists, dealers, collectors, attorneys, and any reader curious about today's complex world of the visual arts.

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Law, Ethics, and the Visual Arts

Sixth Edition

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To the Memory of John Henry Merryman (1920–2015)

and

For Jody Maxmin, William Krisel, and Edward Rewolinski,
whose love and lessons have sustained me, through happy and
dark times, for more than 50 years; and for Anthony and
Celeste Meier, who have made me family; and for my
indefatigable co-author, Simon J. Frankel. SKU

For my parents, James and Louise Frankel, particularly
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Preface

In 1971, two Stanford University faculty members, John Henry Merryman (a legal scholar) and Albert E. Elsen (an art historian), co-taught the first art law course offered at an American law school. The course has remained a part of Stanford's curriculum ever since and served as the progenitor of similar courses at law schools across the country. The materials Professors Elsen and Merryman assembled for that class – judicial opinions, excerpts from scholarly articles and news stories, treaties, statutes, and original commentary – appeared in 1979 as the first edition of *Law, Ethics, and the Visual Arts* (“LEVA₁”). Many consider Professors Elsen and Merryman's efforts in the 1970s as the moment when “art law” coalesced into a distinct field of legal practice, scholarship, and legislative activity.

In 1987, Professors Elsen and Merryman published the second edition, LEVA₂. Following Professor Elsen's death in 1995, Professor Merryman published LEVA₃ (1998) and LEVA₄ (2002); for LEVA₅ (2007), he invited Stephen K. Urice, a long-time professor in the field, to join as co-author. When Professors Merryman and Urice began work on the sixth edition – this book, LEVA₆ – they realized the work needed substantial revisions to reflect adequately the expansion of the field of art law. To assist, they invited Simon Frankel to join them as a co-author. Mr. Frankel had long been involved in art law, museum law, and related fields as a practicing lawyer, and had taught art law at numerous law schools in the Bay Area for decades. Unfortunately, Professor Merryman died in 2015, after revisions were planned but before most of the work on this edition occurred.

As discussed further in the Introduction that follows, LEVA₆ provides a comprehensive set of materials for a course in art law offered in the curricula of a steadily increasing number of law schools, arts management programs, and departments of art history, archaeology, and anthropology. LEVA₆ is, however, intended to be more than a textbook. It is meant to offer interesting, engaging materials addressing the many ways law and ethics interact with and affect the visual arts. The authors hope LEVA₆ will serve a broad audience that is intrigued by the people and institutions who comprise the art world and who congregate, not always congenially, at the intersection of law, ethics, and the visual arts.

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