## ART + law

**Corneille's** *Le Cid* was published in 1637. This theater piece in verse, mostly Alexandrine, is the quintessential tragicomedy, and it tells the love story of Rodrigue and Chimène and of the quixotic circumstances that conspired against them in a distant past era. In the story's epilog, all obstacles are lifted and the play's chivalric and glorious ending is ultimately a classically happy one.

One would be hard put to say whether the story of the sale put on by the Salorges Enchères auction house in Nantes on Saturday, March 23, 2019, had more in common with Corneille's *Le Cid* or with in my law school days, and that nostalgia is part of the intrigue here.

Twenty-eight of the 328 lots being offered were *re-cades* and other prestige weapons from the former Kingdom of Dahomey, including some pieces collected by Alfred Testard de Marans, Director of the Administrative Service at the time of the organization of the Dahomey Expedition (see *Tribal Art* magazine, issue 89, page 146: "Restitution: The Tides of History or a Trend of the Times"). That was all it took for the group of European dealers, including Robert Vallois, Bernard Dulon, Alain de Monbrison, and Di-



# 23 March 2019 ...

The Salorges Auction — A TRAGICOMEDY IN THREE ACTS

By Yves-Bernard Debie

Molière's *Tartuffe*, but all of the elements of a tragicomedy were present and prominent.

#### ACT I: PREPARATIONS FOR THE SALE

It was a chilly February 22, 2019, when the catalog titled *Exceptionnel ensemble d'armes courtes africaines (An Exceptional Group of African Short Weapons)* was posted online on the Nantes auction house's website, along with advertisements and notices for the sale on various art news pages.

Within a few hours, and in at most a few days, all interested parties knew about the sale and were already busy discussing which objects might be acquired. The quality of the objects that were to be sold was complemented by the particularly well-documented provenances available for them: "Collected by Corporal Mazier on Pierre Savorgnan de Brazza's exploratory mission to the Middle Congo in 1875; collected by Abbé Le Gardinier at the beginning of the twentieth century; Alfred Testard de Marans Collection, collected at the end of the nineteenth century." Jean-Yves Coué, a now-retired dealer with a specialty in the field, was the expert for the sale. I must ask our readers for their indulgence here for this personal digression, but it was his display window that first caused me to daydream about Polynesian clubs back



dier Claes, who had been behind the creation of the Petit Musée de la Récade in Cotonou, which opened on December 1, 2015, to decide it wanted to acquire the collection and, to that end, entered bids.

Unfortunately, the group had not reckoned on the unforeseen, untimely, and pointless opposition that would arise from a Nantes-based Pan-African association called Afrique Loire, the embassy of the Republic of Benin, and the French Ministry of Culture.

Three days before the sale, a message left by a journalist from Radio Bleue on the auction expert's answering machine announced the coming of the

no applicable legal statute ... exists in France that forbids the sale of tribal artworks, even if they were collected in the course of a colonial military campaign

*recade* in the form of a dog head. Fon; Dahomey, Republic of Benin. Lot 24 of the *Art Tribal* sale at Salorges Enchères of 23 March 2019.

FIG. 3 (above): Bronze butt of a

tragedy (or the farce) that was about to unfold: "I would like to get the opinion of the Salorges Enchères auction house consultant on the Afrique Loire association that wants to have the sale canceled."

Before going any further, let's talk a little law, remembering here, as we have so often previously stated (see *Tribal Art* magazine, issues 69 and 72 about the sales of Hopi masks in 2013), that no applicable legal statute—national or international—exists in France that forbids the sale of tribal artworks, even if they were collected in the course of a colonial military campaign. In other words, the sale of March 23, 2019, was not and could not have been stopped on any legal grounds.

Yet the press, with its unquenchable thirst for the sensational, gave the Pan-African association's tenuous arguments a great deal of coverage, using terms like "restitution," "cancelation of the sale," "war booty," and "vindication of colonialism"....

On March 22, on the eve of the auction, after the catalog had been posted online for a month, the auction house received a call from the embassy of the Republic of Benin in Paris expressing the wish that the twenty-eight Dahomey objects be "withheld" from the sale. Since the purpose of an auction is to

Facing page: FIG. 1 (top): Cover of the first edition of *Le Cid* by Corneille, published in Paris in 1637.

FIG. 2 (left): Folk art sculpture in two-tone wood representing an execution. Fon; Dahomey, Republic of Benin. Lot 35 of the Art Tribal sale at Salorges Enchères of 23 March 2019. sell and his being a bit annoyed at having to make this clear, the auctioneer explained that only the French state could stop a sale, and even then could only do so after due process had been served and a court injunction had been granted. On the other hand, anyone was welcome to attend the auction and acquire the pieces by placing successful bids.

With the exception of a few noisy comings and goings by representatives of the aforementioned association exhorting viewers not to buy these "blood objects," the sale preview that featured a display of the pieces went smoothly. However, at 12:30 p.m. a call came in from the Ministry of Culture. Notwithstanding what one might glean from the press, it was not to demand the removal of the twenty-eight Dahomey objects-the ministry does not have the power to do that-but to inquire as to whether the auction house and the owner of the pieces would be willing to take them out of the sale so that Benin, which would contact them on Monday, could purchase them. Concerned about negative publicity and also already having firm bids in hand from the dealer-philanthropist collective mentioned above, the seller had nothing to lose by pulling these objects from the sale, and he did so on the very afternoon it was to be held.

#### ACT II: THE SALE

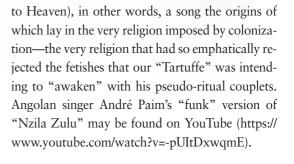
One might have thought that this gesture would have been enough to calm the opposition and that the sale of the 300 other objects could now proceed in the same kind of excited atmosphere that public auctions often engender. That, however, would be forgetting that to the militant, strife is an end unto itself, especially in a case such as this, in which the protagonist is an obscure association that is pleased to find itself suddenly in the spotlight.

At 2 p.m., the doors to the sale room opened and eight to ten militants with a hypocritical Tartuffe-type leading the charge, immediately piled in. Visibly shaken, the auctioneer had no choice but to let this individual speak, and he seized the opportunity to deliver, with fly whisk in hand, a reproachful and holier-than-thou speech punctuated with incantations addressed to a fetish—which he curiously referred to as a "totem"—and by what appeared to be ritual chants. This was all filmed and immediately appeared on social media. The rest of the sale, which was successful despite these efforts, was interrupted repeatedly by attempts to obstruct it until the police finally put an end to it.

Nowadays every good comedy has a musical accompaniment and the theatrics that unfolded in Nantes on March 23 were no exception. It's hard to know why, except, of course, that it may have underscored the tragicomic nature of the discourse, but the militants concluded by launching into song. The spectators present likely imagined that they were hearing the voices of the ancestors and words pronounced eons ago by these peoples whose art was being sold off here, but the song these stern militants were singing was the Kikongo language version of the Christian religious hymn "Nzila Zulu" (The Path FIG. 4 (above): Antique prestige *recade* in wood and metal. Fon; Dahomey, Republic of Benin. Lot 23 of the *Art Tribal* sale at Salorges Enchères of 23 March 2019.

FIG. 5 (top right): Antique prestige sword in wood and metal with blade decorated with animal motifs. Fon; Dahomey, Republic of Benin. Lot 31 of the Art Tribal sale at Salorges Enchères of 23 March 2019.

FIG. 6 (below): Antique prestige *recade* in wood and metal decorated with imagery of a lion attacking a man. Fon; Dahomey, Republic of Benin. Lot 25 of the Art Tribal sale at Salorges Enchères of 23 March 2019.



#### ACT III: THE AFTER-SALE

On Monday, March 25, 2019, the few objects that had not found new owners during the main auction were sold at an after-sale. The only thing remaining to do was to get in contact, through the Ministry of Culture, with the Benin embassy that had solicited the withdrawal of the Dahomey objects in order to acquire them, and this was done the next day.

And what happened next? Well ... nothing. No further word was had from the Benin embassy or from the Ministry of Culture. When the price

to the militant, strife is an end unto itself



of the objects was established based on the other offers for them that had been received—24,000 euros for the twenty-eight objects—the only reply was "That's expensive ...". There was no longer any thought that the sale of these pieces would be preempted or that the promise to buy would be made good. As the French children's song "Ainsi Font" goes: "Three times 'round and then they're gone that is what the puppets do."

Luckily, tragicomedies have happy endings, which in this case was exactly the one that so much was done to prevent. At the end of *Le Cid*, Rodrigue wins the war, kills the pretender to the throne, and marries Chimène with the king's blessing, demonstrating that anything is indeed possible.

So despite the suspense and all of the back and forth, in the end it was the dealers' collective, honoring its bids and with no haggling over price, that acquired the twenty-eight pieces from the former Kingdom of Dahomey and donated them to the Petit Musée de la Récade in Cotonou, exactly as they had intended to do since the beginning of our story. A ceremony is scheduled for September.

"Since the task of comedy is to improve Man by entertaining him, I thought that in the profession I had there could be nothing better to do than to attack the vices of my century by ridiculing them." (Molière, in his first address to the king on the comedy *Tartuffe*, 1664).

With thanks to Mrs. Louise Coué for her account of the sale of March 23, 2019; to Dr. Julien Volper for his identification of the language, the title, and the subject of the song "Nzila Zulu"; and to attorneys Marc Matthys, Julie Vanwalleghem, and Justine Philippart.

### The Petit Musée de la Récade in Cotonou



**Opened on December 1, 2015,** in the popular district of Lobozounkpa, near Cotonou in the Republic of Benin, the Petit Musée de la Récade is the only museum dedicated to the *recades*, the iconic prestige scepters of the rulers of Dahomey. This museum, along with the center of African contemporary art that houses it, combines dialog from the past with a present so promising. Equally strong, at least in terms of the symbolic, is that they have arisen thanks to the efforts and joint sponsorship of the gallerist Robert Vallois and the Collectif des antiquaires of Saint-Germain-des-Prés.

