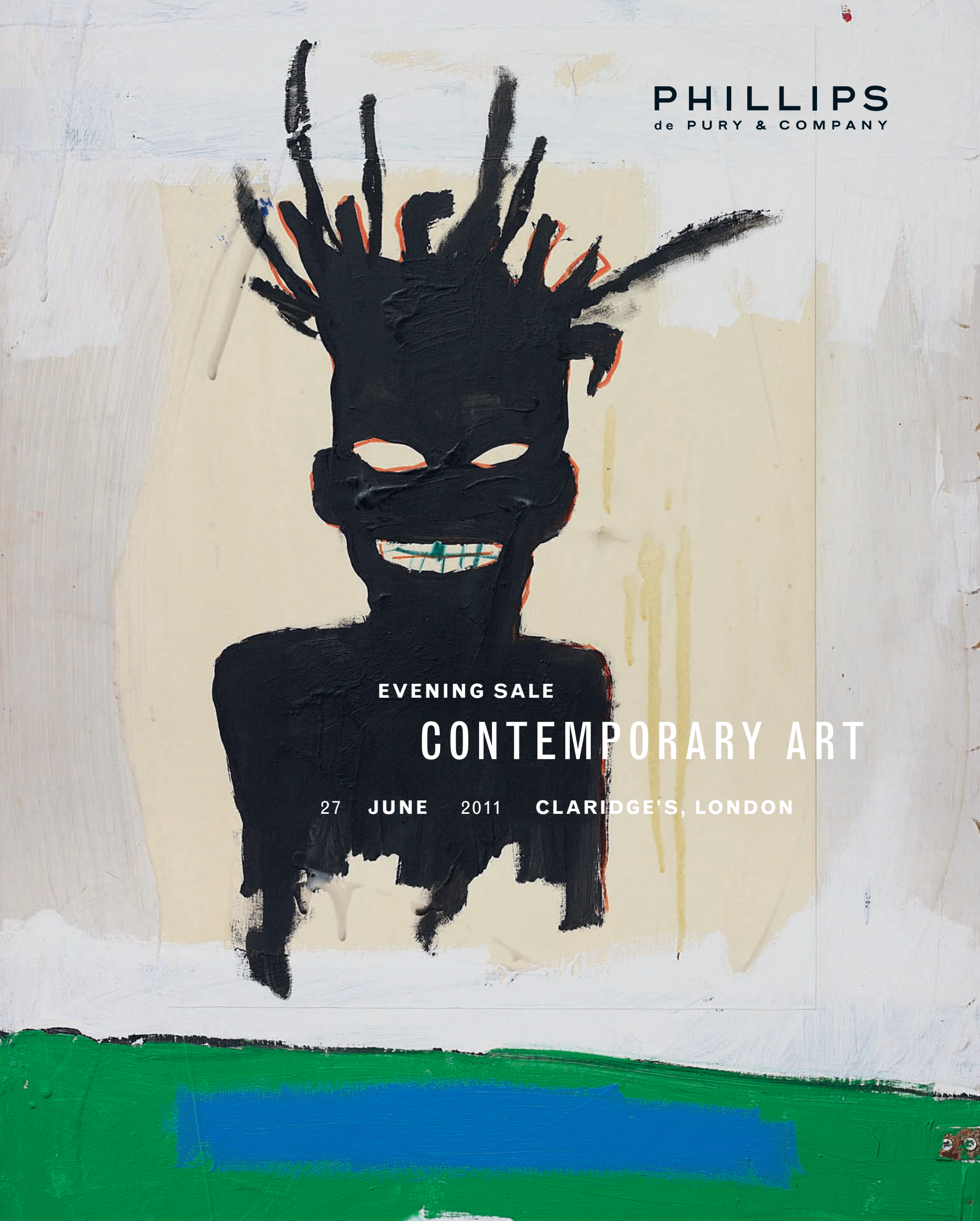
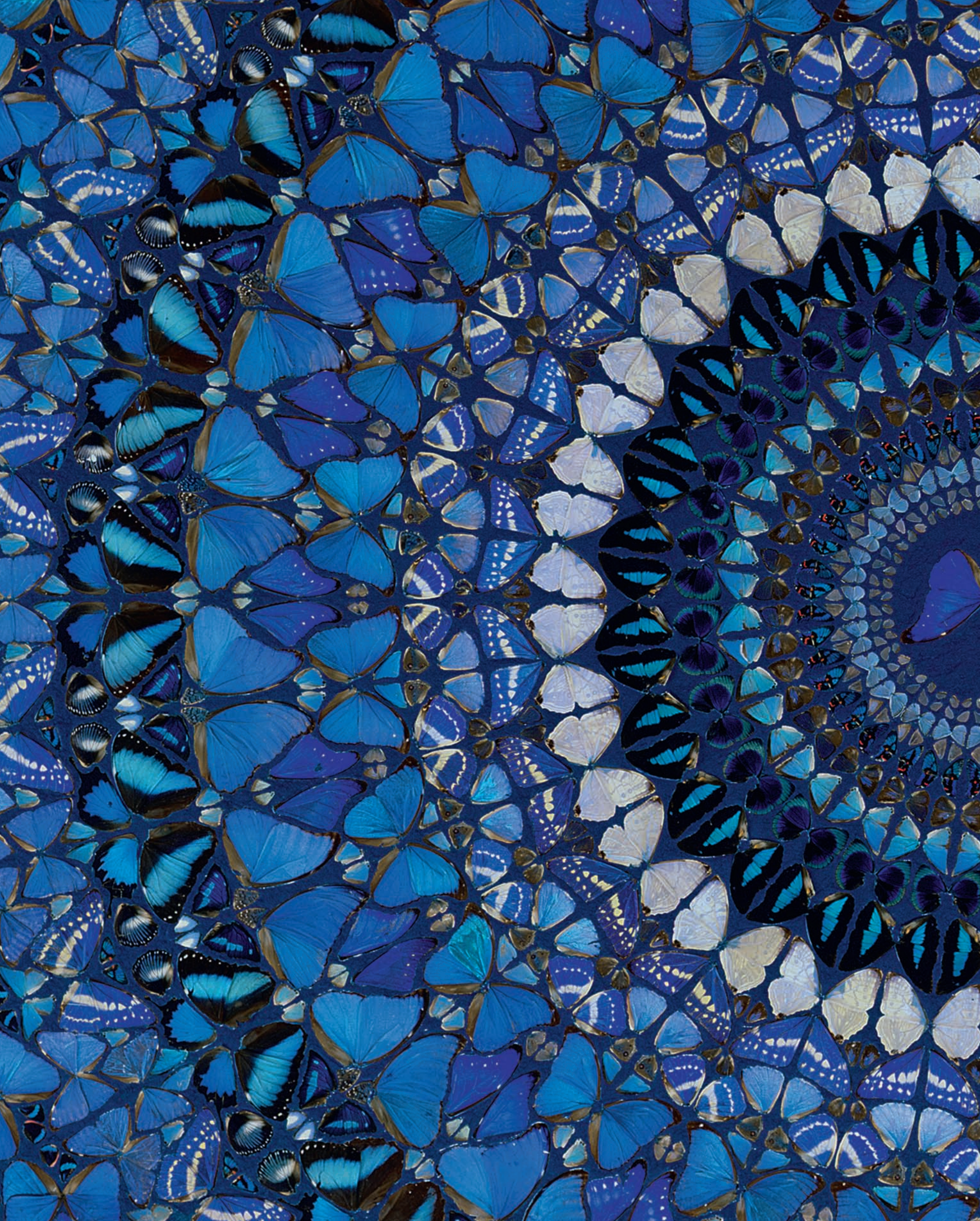
PHILLIPS
de PURY & COMPANY



EVENING SALE

CONTEMPORARY ART

27 JUNE 2011 CLARIDGE'S, LONDON



EVENING SALE

CONTEMPORARY ART

27 **JUNE** 2011 7PM **PHILLIPS DE PURY at CLARIDGE'S**

BROOK STREET, LONDON

LOTS 1–32

Viewing at Phillips de Pury, Howick Place
Monday 20 June, 10am – 6pm
Tuesday 21 June, 10am – 6pm
Wednesday 22 June, 10am – 6pm
Thursday 23 June, closed for private event
Friday 24 June, 10am – 6pm
Saturday 25 June, 10am – 6pm
Sunday 26 June, 12pm – 6pm
Monday 27 June, 10am –6pm

Front cover Jean-Michel Basquiat, *Self-Portrait*, 1985, Lot 8 (detail)
Back cover Urs Fischer, *Thank You Fuck You*, 2007, Lot 6
Inside front cover Damien Hirst, *Confession*, 2008, Lot 20 (detail)
Previous pages Beatriz Milhazes, *O Moderno*, 2002, Lot 9 (detail) and Jean-Michel Basquiat, *Untitled*, 1982, Lot 15 (detail)
Opposite Cindy Sherman, *Untitled Film Still 4*, Lot 5

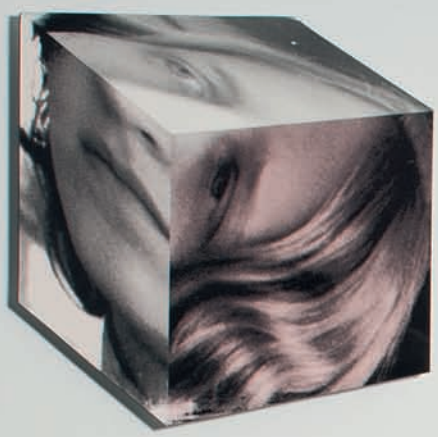
1 **URS FISCHER** b. 1973
Oh, Sad, I See, 2006
Three parts: ACM panels, wood, acrylic paint, gesso and epoxy glue. Each: 48 × 54.5 × 2.2 cm (18 7/8 × 21 1/2 × 7/8 in). This work is unique and is accompanied by a certificate of authenticity signed by the artist.

Estimate £120,000–180,000 $194,000–290,000 €137,000–206,000

PROVENANCE The Modern Institute, Glasgow
EXHIBITED Glasgow, The Modern Institute, *Oh. Sad. I See.*, 3 November– 6 December 2006
LITERATURE B. Curiger, M. Gioni and J. Morgan, *Urs Fischer: Shovel in a Hole*, Zurich: JRP Ringier, 2009, p. 327 and 421–23 (installation views)

"Fischer's artistic practice is broad-based, far-reaching, sharply focused, raw, clever, and disarming."
(B. Curiger, M. Gioni and J. Morgan, *Urs Fischer: Shovel in a Hole*, Zurich: JRP Ringier, 2009, p. 15)

The present lot, *Oh, Sad, I See* (2006), continues a long-running theme in Fischer's work in which he explores the ways in which the principles and practices of historical art movements can be re-envisioned. *Oh, Sad, I See* shows the artist combining Cubism with the RGB colour model associated with the first true production of colour photographs, television broadcasts and, later, computer displays. The complete yet exploded portrait to be seen in this work draws upon the parallel ways in which Cubism and the division of colour perception into three base colours both dissect and reassemble the visible surfaces of the subject. The work wittily exposes the nature of our perception as being predicated upon different systems given to us by art and technology. It also reaffirms our ability to make sense of the visible world, and art's role in that affirmation.



2 **JACOB KASSAY** b. 1984
Untitled, 2009
Acrylic, silver deposit and string on canvas. 122 × 91.5 cm (48 × 36 in). Signed and dated 'Kassay 09' on the reverse.

Estimate £50,000–70,000 $80,600–113,000 €57,200–80,100

PROVENANCE Galerie Rodolphe Janssen, Brussels

Untitled, from 2009, by Jacob Kassay has been made by combining two established artistic methods, painting and silver gelatin printing, in one alchemic manner to create an entirely new form. Rather than working with new mediums, Kassay instead blends these two techniques to create a monochromatic surface which resonates strongly with concepts most notably associated with Robert Morris's situation series.

The occurrence of oxidization at the edges of the picture's surface occurs when the treated canvases are plated. Uncovered areas become chemically burned. At this moment the artist's hand is removed and an element of chance enters the artistic creation. Each canvas becomes oxidized, burnished at the edges and ultimately unique. The dark oxidization in each canvas contrasts with the reflective plated silver. Reflections, shadows and light are cropped and obscured rendering the returned image further even further abstracted.

In both instances the viewer and the surrounding environment are participants in the composition and so complete the composition. The opaque yet reflective surface created by Kassay dictates that every time the work is viewed the composition changes. In Kassay's work the reflection is blurred and more introspective, rather than an awareness of presence in Morris's work. The visible brushstrokes beneath the silver plating blur the surface creating soft reflections of the painting's surrounding environment.

3 **GLENN LIGON** b. 1960
Stranger in the Village #8, 1997
Coaldust, acrylic and oil on canvas. 183 × 244 cm (72 × 96 1/8 in). The work is signed twice, titled and dated 'Glenn Ligon Stranger in the Village #8 1997' on the reverse.

Estimate £150,000–250,000 $242,000–403,000 €172,000–286,000

PROVENANCE Max Protetch Gallery, New York

Stranger in the Village #8 reproduces the opening lines of American novelist and civil rights activist James Baldwin's essay 'Stranger in the Village'. American conceptual artist Glenn Ligon appropriates Baldwin's text in this work as a commentary on the socio-political divide between the African American and the white American in contemporary society.

'Stranger in the Village' comes from Baldwin's collection of essays *Notes of a Native Son* published in 1955. It is about Baldwin's experience of being the only African American person in a small Swiss village in the 1950s. Baldwin compares his feeling of social isolation in this village to the larger African American feeling of unfamiliarity in so-called 'white America'. The essay essentially explores the notion that a white man can never feel like an outsider simply because of his assumed position of authority, and by consequence the black man is destined to be different due to his assigned position of social inferiority. In this sense, Baldwin uses the Swiss village as an allegory for the displacement of the African American subject in the wider Western world. Baldwin further specifies a difference between the African American man and the African man, in that the former has had all semblance of personal and familial history erased by the slave trade, and therefore experiences an even greater social loss. In this text, Baldwin focuses on the African American's struggle for equality as countered by the white American's firm grip on social stature, a position which apparently has only enough room for one.

Glenn Ligon explores race, language and identity issues throughout his work, engaging with various literary works and his own personal experiences to produce large near-abstract works. In *Stranger in the Village #8*, Baldwin's text is repeated until it becomes completely illegible. This is perhaps a commentary on the deaf ears of society on which these critiques fall. Despite being repeated over and over, these words are often not registered, but are rather organized into a private genre of Black political art. Ligon attempts to disrupt this relationship by traversing racial stereotypes in his works, and as a result by allowing the viewer to momentarily see the world through his eyes.

Ligon explains his inclusion of text in his work as an attempt to add content to his abstract paintings: "I started to put text into my work [because] at some point I realized that the text was the painting and that everything else was extraneous. The painting became the act of writing a text on canvas, but in all my work, text turns into abstraction" (the artist, in an interview with Jason Moran, *Interview Magazine*, [n.d.]).

For Ligon it is not the visual presence of the text that is important, but rather the meaning behind the words. Despite the fact that Baldwin's text becomes increasingly blurred towards the bottom of the canvas, for Ligon the intention behind their inclusion is what makes them so important. Further, by allowing the text to move into abstraction, Ligon moves beyond the issue of race and into a more universal exploration of feeling like a stranger no matter where or who you are. *Stranger in the Village #8* is ultimately about breaking down the barrier between all people. Ligon works upon Baldwin's earlier texts written at a time before civil right movements, and modernizes them in such a way that they may be applied to anyone who lives outside of the social norm.

4 **UGO RONDINONE** b. 1964
Get up girl a sun is running the world, 2006
Cast aluminium, white enamel. 457 × 396 × 396 cm (179 7/8 × 155 7/8 × 155 7/8 in). This work is from an edition of 3 plus 2 artist's proofs and is accompanied by a certificate of authenticity.

Estimate £200,000–300,000 $323,000–484,000 €229,000–343,000

PROVENANCE Almine Rech Gallery, Paris
EXHIBITED New York, Ritz Carlton Plaza, Battery Park, *Art on the Plaza*, 21 January–30 April 2007 (another example exhibited); Venice, Church San Stae, Swiss Pavilion, 52nd Venice Biennale, *get up girl a sun is running the world (with Urs Fischer)*, 2007 (another example exhibited)

"What interests me about the 2000-year-old olive trees is the fact that once they are cast bare naked they become a memoriam of condensed time. Through a cast olive tree you can not only experience the lapse of real time, that is lived time, frozen in its given form, but through this transformation also a different calibrated temporality. Time can be experienced as a lived abstraction, where the shape is formed by this accumulation of time and wind force. If my work in general has a nonlinear approach to the world, then the system and concept of time, which has occupied my work since the beginning, gives me a certain sense of grounding."
(Ugo Rondinone, from a press release for Creative Time's project, *Art on the Plaza: air gets into everything even nothing & get up girl a sun is running the world*, New York, 2007)

The present lot, *Get up girl a sun is running the world* from 2006, is a representation of a 2,000-year-old olive tree, like the ones found in the countryside outside Naples, the hometown of Rondinone's parents. The sculpture has been cast in aluminium from an ancient olive tree, then coated in white enamel and set within an urban context. There is an inevitable contrast between the artificial and the natural in a lifeless sculpture being derived so directly from a living organism. The tree's gnarled trunk and bare branches, beautifully sculpted by the forces of nature over the course of two millennia, inevitably suggest life, death and the passage of time.

The tree, frozen in aluminium and painted in stark white and set within an unnatural environment of concrete and glass, also has an air of other-worldliness. Through this, Rondinone explores the nexus between dream, fiction and reality. His contemplation of existence in these terms is always tinged with a poetic melancholia – as early as 1991, he had begun representing a nostalgic Arcadian ideal in a series of monumental Indian-ink drawings depicting the woods, hills, streams and cottages of a pre-modern world, their simple beauty conjuring up a lost innocence. This existential exercise is taken further in Rondinone's trees which, while appearing to arrest the passage of time, in fact reflect upon our transience.

O◊ 5 **CINDY SHERMAN** b. 1954

Untitled Film Still #4, 1977

Gelatin silver print. 76.2 × 101.6 cm (30 × 40 in). Signed and dated 'Cindy Sherman 1977' and numbered of 3 lower right. This work is from an edition of 3.

Estimate £250,000–350,000 $403,000–565,000 €286,000–400,000 ‡

PROVENANCE Metro Pictures, New York

EXHIBITED New York, Whitney Museum of American Art, *Cindy Sherman*, July–October 1987 (another example exhibited); Los Angeles, The Museum of Contemporary Art, *Forest of Signs: Art in the Crisis of Representation*, 7 May–13 August 1989 (another example exhibited); Milan, Padiglione d'Arte Contemporanea, *Cindy Sherman*, October–November 1990 (another example exhibited); *Cindy Sherman: Film Stills*: Washington, D.C., Hirshhorn Museum and Sculpture Garden, March–June 1995 (another example exhibited); Shiga, Museum of Modern Art; Marugame Genichiro-Inokuma Museum of Contemporary Art; *Cindy Sherman*: Tokyo, Museum of Contemporary Art, July 1996–December 1996 (another example exhibited); Rotterdam, Museum Boijmans-van Beuningen; Madrid, Museo Nacional Centro de Arte Reina Sofia; Bilbao, Sala de Exposiciones REKALDE; *Cindy Sherman*, Baden-Baden, Staatliche Kunsthalle, March 1996–March 1997 (another example exhibited); Los Angeles, The Museum of Contemporary Art; Chicago, Museum of Contemporary Art; Prague, Galerie Rudolfinum; London, Barbican Art Gallery; Bordeaux, capc Musée d'art contemporain, *Cindy Sherman Retrospective*, November 1997–January 2000 (another example exhibited); *Cindy Sherman: The Complete Film Stills*, New York, The Museum of Modern Art, June–September 1997 (another example exhibited); Paris, Jeu de Paume; Kunsthaus Bregenz; Humlebaek, Louisiana Museum of Modern Art and Berlin, Martin-Gropius-Bau, *Cindy Sherman*, May 2006–September 2007 (another example exhibited)

LITERATURE P. Schjeldahl and L. Phillips, *Cindy Sherman*, New York, 1987, no. 3 (illustrated); M. Meneguzzo, ed., *Cindy Sherman*, Milan, 1990, p. 19 (illustrated); A. C. Danto, *Cindy Sherman: Untitled Film Stills*, Munich 1990, pl. 3, pp. 20–21 (illustrated); R. Krauss, *Cindy Sherman 1975–1993*, New York 1993, pp. 2–3 and p. 44 (illustrated); *Cindy Sherman: Film Stills*, exh. cat., Washington, D.C.: Hirshhorn Museum and Sculpture Garden, 1995 (illustrated); *Cindy Sherman*, exh. cat., Shiga: Museum of Modern Art, 1996, p. 58 (illustrated); *Cindy Sherman*, exh. cat., Rotterdam: Museum Boijmans-van Beuningen, 1996, pp. 28–29, no. 6 (illustrated); A. Cruz, A. Jones and E. Smith, *Cindy Sherman: Retrospective*, exh. cat., London, 1997, p. 57, no. 4 (illustrated); *Cindy Sherman*, exh. cat., Paris: Jeu de Paume, 2006, pp. 46 and 243 (illustrated)

Barbara Kruger, *Untitled (Your body is a battleground)*, 1989

"I was vulnerable by being this other character. We're all products of what we want to project to the world. Even people who don't spend any time, or think they don't, on preparing themselves for the world out there – I think that ultimately they have for their whole lives groomed themselves to be a certain way, to present a face to the world."
(Cindy Sherman)

Dating from 1977 and part of the initial six 'prototype' images from the series, Cindy Sherman's *Untitled Film Still No. 4* is an important photograph from the body of work for which she is best know and most admired. Over a three-year period, Sherman would go on to create 69 film stills – black-and-white photographs of herself posing in different roles and settings reminiscent of classic film noir still images – however the initial six in which Sherman is wearing the same blonde wig remain the most sought after and pivotal photographs of her career. Grainy and slightly out of focus, these six 1977 film stills were produced when Sherman was in her early twenties and just out of art school. These six images would set the tone for her future work, capturing the essence of her practice: 'self-portraiture' of elaborately constructed, clichéd female identities which raise challenging and important questions about the role and representation of women in society.

In *Untitled Film Still No. 4*, Sherman presents herself elegantly dressed in a matching skirt, jacket and heels in the fashion of post-war America, leaning against what looks like a hotel room door. She is alone in an empty, dramatically lit hallway which recedes in the distance. Her eyes are shut and face drawn perhaps in desperation and contemplation as she ponders whether to knock on the door with her right hand. Beyond the mere descriptive element of the work, the viewer is invited to invent a narrative around this pivotal moment. How did she arrive at this scene? What is her purpose? Is she about to catch her cheating husband in bed with a lover? Or is she longing for her own lover whom she has just left inside the room? None of these possibilities are resolved. Sherman as the artist/photographer and her own actress muse is both revealed yet hidden at the same time, named and nameless.

Claude Cahun, *Self Portrait*, c. 1927, detail

Sherman's work and especially her film still series have for a long time been labelled as feminist. Her art of masquerade is said to have been anticipated by the French Surrealist photographer Claude Cahun and references are also often made to her peer Barbara Kruger. Like both Kruger and Cahun, Sherman reveals gender as an unstable construct, a reflection of a reality in which women adopt several roles depending on the circumstances in which they find themselves. Throughout the film stills, Sherman changes at will between the attractive seductress, the caring housewife, and the glamorous diva; she is not just Cindy Sherman but every woman. Although these personas and characters are the fiction of Sherman's imagination they are instantly recognizable to the viewer. The strength and power of Sherman's film still series comes when the viewer projects his or her fictional imagining and desires upon Sherman's stereotyped, clichéd scene. The viewer becomes implicated in Sherman's world.

Anne Francis in *Girl of the Night*, 1960, promotional still/film still

○◊ 6 **URS FISCHER** b. 1973

Thank You Fuck You, 2007

Cast aluminium, acrylic paint. 153 × 185 × 141 cm (60 1/4 × 72 7/8 × 55 1/2 in). This work is from an edition of 2 plus 1 artist's proof.

Estimate £600,000–800,000 $968,000–1,290,000 €687,000–916,000 ‡

PROVENANCE Galerie Eva Presenhuber, Zurich

EXHIBITED Zurich, Galerie Eva Presenhuber, *large, dark & empty*, 8 September–17 November 2007 (another example exhibited)

LITERATURE Urs Fischer and Alex Zachary, *Urs Fischer: Shovel in a Hole*, JRP Ringier and New Museum, 2009, p. 76, 393 and 394 (illustrated in colour).

Marcel Duchamp, *Bicycle Wheel* (after lost original of 1913)

"Maybe it's an obvious choice but those are the things I relate to. What if I did an Fabergé egg? Would that be better? Even if I have nothing to do with it? I just use stuff that's around me. And those objects, those domestic images, as you call them, are made in human scale, so they can also be related to humans. They're made by humans for humans. They speak about us. They are things you are bound to deal with."
(The artist, in an interview with Massimiliano Gioni, in Urs Fischer and Alex Zachary, *Urs Fischer: Shovel in a Hole*, New York and Leipzig: New Museum and JRP Ringier, 2009, p. 63).

Urs Fischer's sculptural work takes unrelated everyday objects out of their normal contexts and merges them into one new startling object. In doing so, he opens up the concepts of material, structure, habit and transience to question. Fischer's interest in reconfiguring objects is also expressed in the material he alludes to, often by juxtaposing opposites such as delicacy with mass, hardness with softness, the natural with the industrial, the grand with the subtle. "One searches for the links and tangential points of such pairs of characteristics – organic and inorganic, hard and soft, angular and circular – and one finds them both in the attentive and humorous eye that the artist

Robert Rauschenberg, *Winter Pool*, 1959

Urs Fischer, *One More Carrot Before I Brush My Teeth*, 2001

casts on 'things' and in the dialog that he creates between them, which relies upon his use of materials and the way he puts his ideas into practice" (from the press release for the exhibition *Urs Fischer: large, dark & empty*, at Galerie Eva Presenhuber, Zurich, 8 September – 17 November 2007).

The present lot *Thank You Fuck You* is composed of a washing machine, a ladder and a pillow made out of cast aluminium. The three individual objects, that one would naturally not associate within the same context, or at least not within one object, are fully immersed in white enamel, finished with a clean, opaque, almost velvety and seamless surface, covering the object's original materials of wood, metal, feather and fabric. By uniting these components into a single structure and disguising their natural medium, Fischer creates an unusual dynamism and energy between the parts – he is creating, as Fischer termed it, an abstract "situation", in which Fischer divests the objects of their natural, implied functions, making them redundant and thereby creating a whole new object altogether, playing with the opposed qualities of light and heavy, soft and hard, organic and artificial, subtle and grand.

"I don't even think about the object, I think about a situation … about what's going on between elements in a work. Not compositionally, but almost politically, and definitely structurally" (the artist, Urs Fischer and Alex Zachary, 2009, p. 63).

Fischer's analysis of everyday objects with which we interact on a daily basis and may take for granted, makes one associate Fischer's work with artists such as Duchamp, Robert Rauschenberg, Robert Gober, Dieter Roth and Franz West. Fischer offers the viewer a fresh and unique angle on the world and the life of objects around us. By changing the familiar into the unfamiliar, Fischer questions their reality and underlying statements while simultaneously creating new, fascinating works with a unique aesthetic.

Robert Gober, *Untitled*, 2007

7 **WADE GUYTON** b. 1972

Untitled, 2007

Epson Ultrachrome inkjet on linen. 213.7 × 176.2 cm (84 1/8 × 69 3/8 in). Signed and dated 'Wade Guyton 2007' on the overlap.

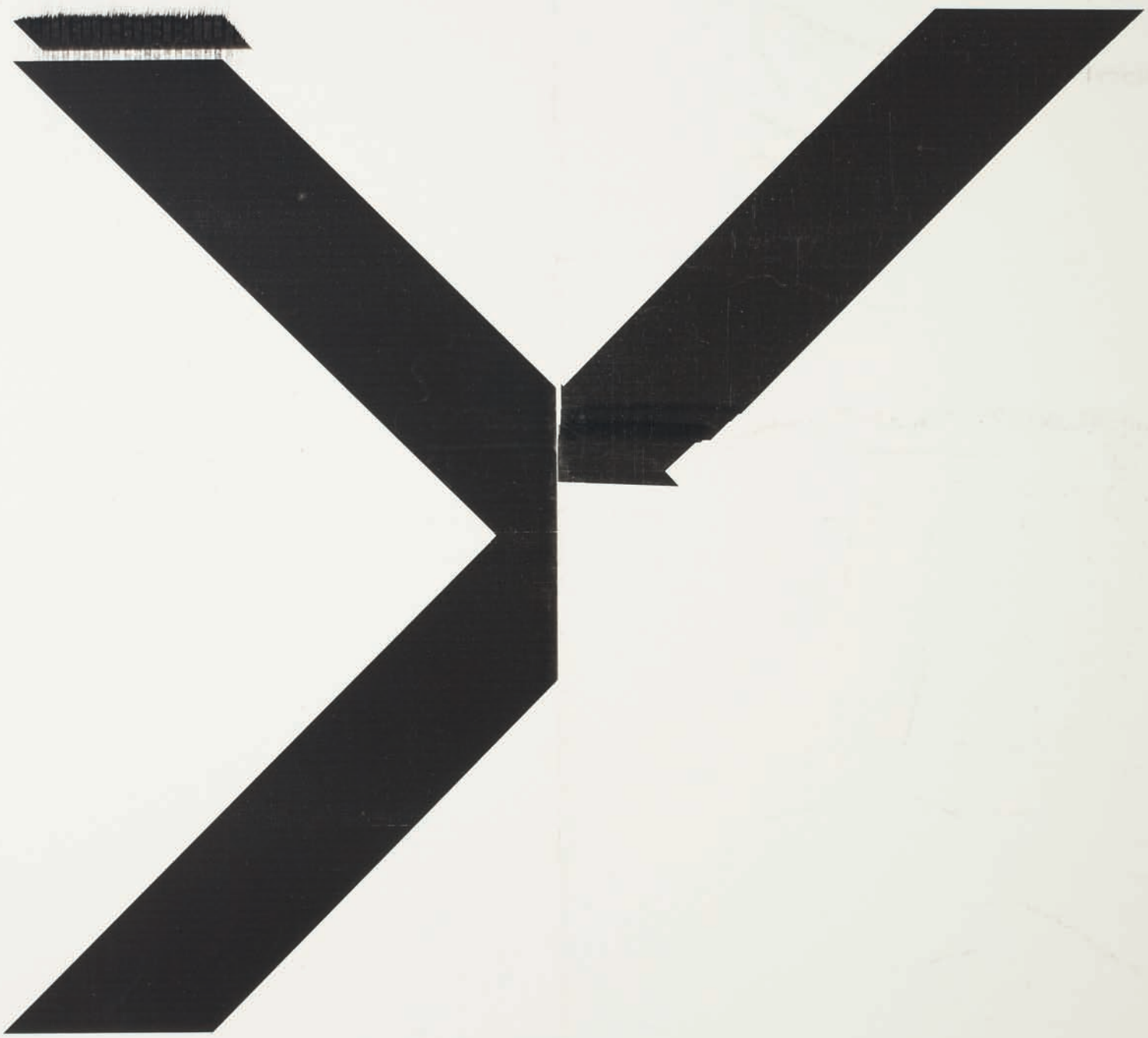
Estimate £150,000–250,000 $242,000–403,000 €172,000–286,000 ‡

PROVENANCE Friedrich Petzel Gallery, New York

"The most perverse twist comes in Guyton's paintings of the Xs, the bulk of which originated from a scan of an earlier drawing to which he added others typed directly in Photoshop. The difference between them is almost imperceptible except that those imported and blown-up from the page reveal a tinge of yellow along the slightly serrated edges, while those appended directly on the computer have perfectly smooth contours and are printed in 'pure' black, not a composite approximation of it.

"Never illustrative, Guyton's paintings speak to an everyday screen culture of scanners and scroll bars, layered windows that slip in and out of view, thresholds of information that only reveal themselves when the jpeg loses focus, the printer falters, or the X gets a jagged edge. Technical failure is aestheticized but not romanticized. We do the best with what we have."

(*Wade Guyton: Color, Power & Style*, Cologne: Walther König, p. 82)



O◊ 8 **JEAN-MICHEL BASQUIAT** 1960–1988

Self-Portrait, 1985

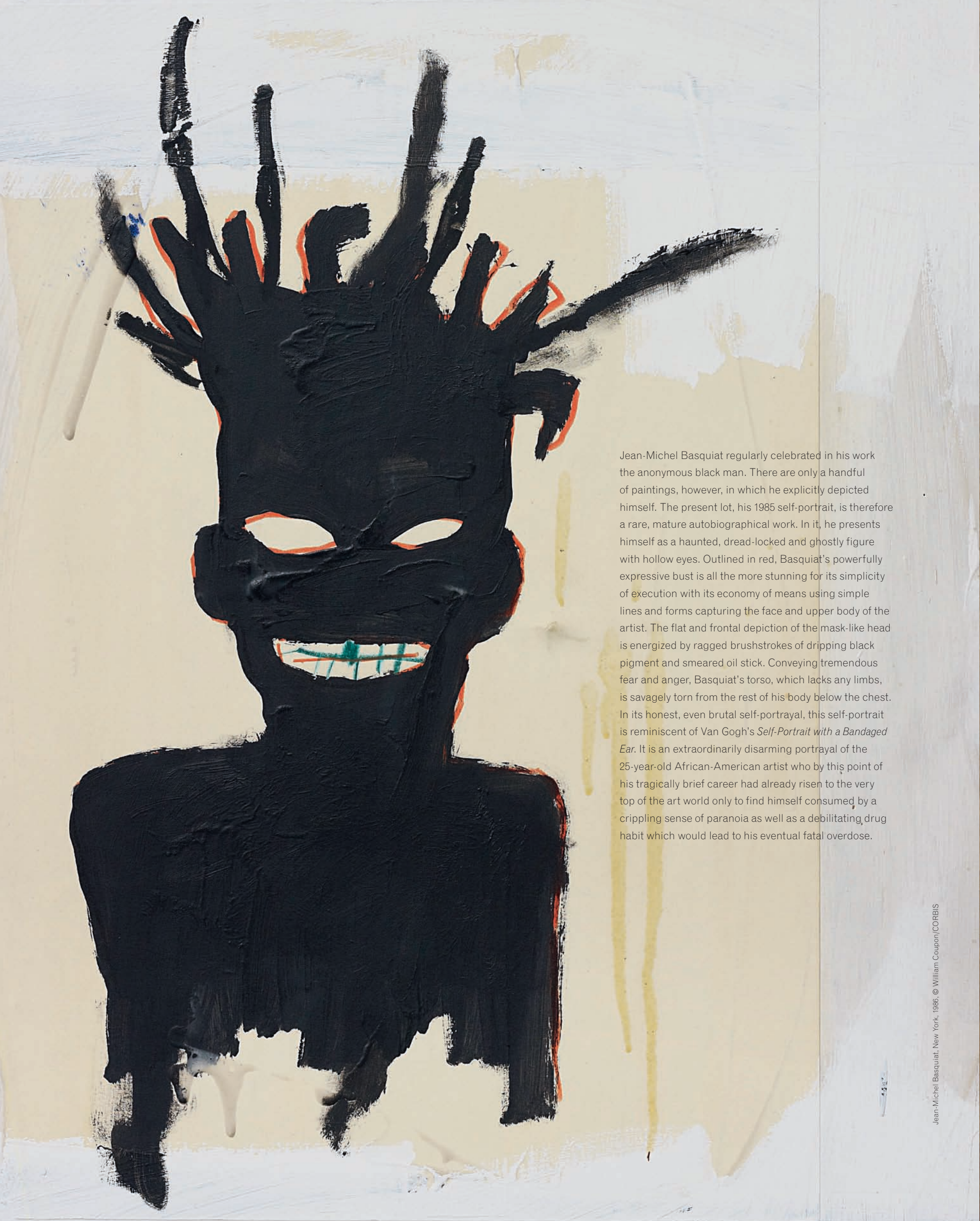
Acrylic, oil stick, crown cork and bottle caps on wood. 142 × 153 × 15 cm (55 7/8 × 60 1/4 × 5 7/8 in).

Estimate £2,000,000–3,000,000 $3,230,000–4,840,000 €2,290,000–3,430,000 ‡

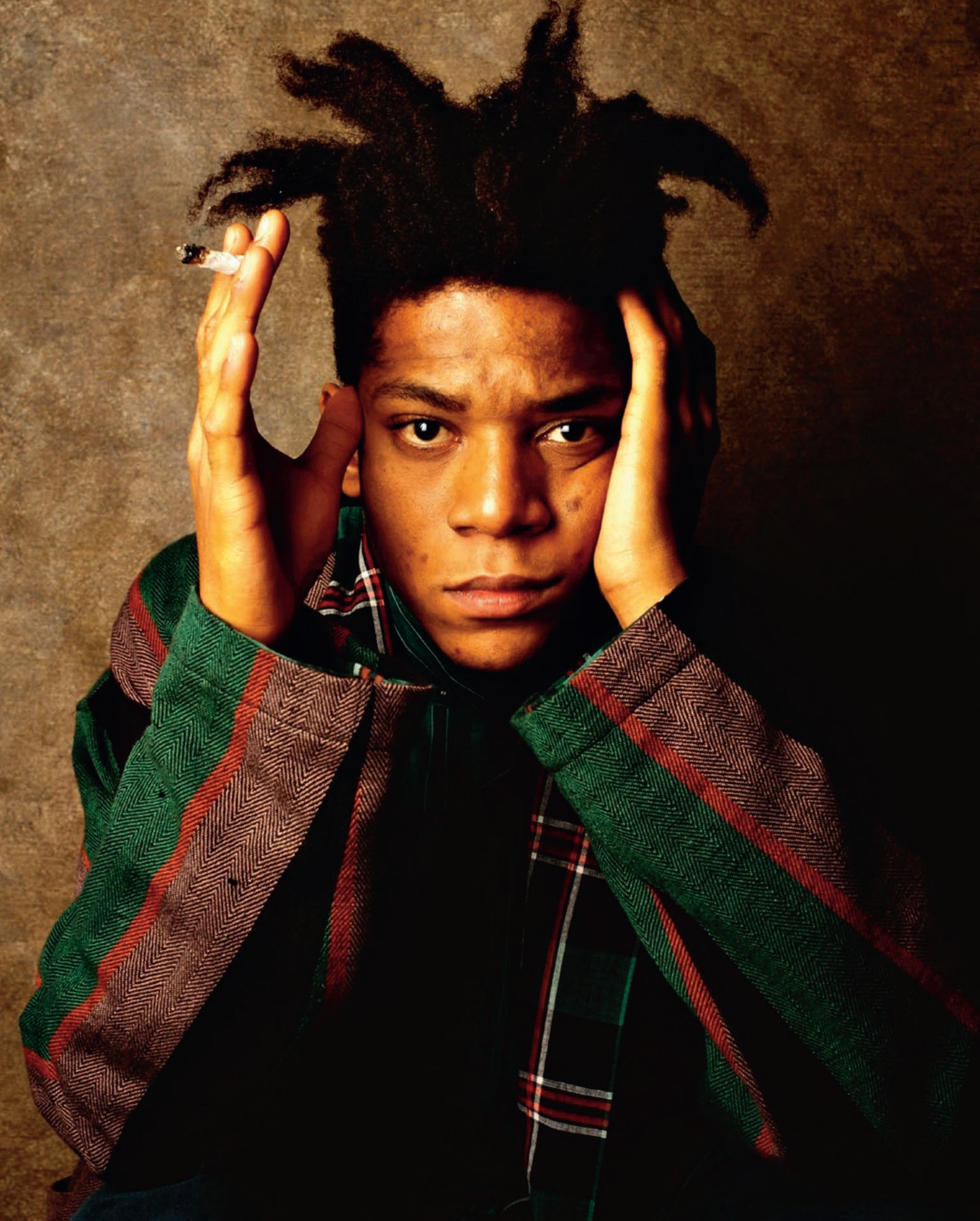
PROVENANCE Private Collection, London

EXHIBITED *Fire Under the Ashes (from Picasso to Basquiat)*: Valencia, Instituto Valenciano de Arte Moderno, 5 May – 28 August 2005; Paris, Musée Maillol-Fondation Dina Vierny, 8 October 2005 – 14 February 2006

LITERATURE E. Navarra, *Jean-Michel Basquiat*, Paris, 2000, vol. II, no. 10, p. 230 (illustrated in colour)



Jean-Michel Basquiat regularly celebrated in his work the anonymous black man. There are only a handful of paintings, however, in which he explicitly depicted himself. The present lot, his 1985 self-portrait, is therefore a rare, mature autobiographical work. In it, he presents himself as a haunted, dread-locked and ghostly figure with hollow eyes. Outlined in red, Basquiat's powerfully expressive bust is all the more stunning for its simplicity of execution with its economy of means using simple lines and forms capturing the face and upper body of the artist. The flat and frontal depiction of the mask-like head is energized by ragged brushstrokes of dripping black pigment and smeared oil stick. Conveying tremendous fear and anger, Basquiat's torso, which lacks any limbs, is savagely torn from the rest of his body below the chest. In its honest, even brutal self-portrayal, this self-portrait is reminiscent of Van Gogh's *Self-Portrait with a Bandaged Ear*. It is an extraordinarily disarming portrayal of the 25-year-old African-American artist who by this point of his tragically brief career had already risen to the very top of the art world only to find himself consumed by a crippling sense of paranoia as well as a debilitating drug habit which would lead to his eventual fatal overdose.



In September 1983, Basquiat's friend and fellow African American New York graffiti artist, Michael Stewart, while vandalizing a station, was arrested by a group of white subway transit police officers and beaten into a coma. Stewart died of his wounds and the ensuing trial and acquittal of the officers by an all-white jury sparked a debate of police brutality and stirred up considerable racial tension. Basquiat, already very unstable through excessive drug use, grew even more paranoid, believing that he could be the next victim. His rarefied position as a black male in an all-white art world made him suspicious of everyone in his immediate circle and his paintings began to reflect a much darker mood in which death and martyrdom, expressed in a simple, economical aesthetic, would take centre stage.

Self-Portrait can therefore be understood as Basquiat's religious diptych, his contemporary Byzantine icon. It comprises two hinged tablets, on the left panel of which he depicts himself as a Christ-like martyr figure while the other panel is a magnificently ornamental found-wooden construction covered with shimmering metallic bottle caps and pure swathes of yellow, red and green paint. This is a scene from the urban gospel which tells of a tormented artist torn between his reality as an African American artist manipulated by the white art world and his ideal as a martyr for the cause of the black man in American society. Highly personal and reflective, Basquiat's splintered sense of self is evident in the built-up angst and aggression of his self-portrait and the tranquil and peaceful beauty of the abstracted right-hand panel. It is a contemporary tabernacle, a reliquary of hope and loss, in which Basquiat communicates with himself exercising his inner most demons.

African tribal power figure, *(nkondi)*

David Hammons, *Untitled (Speakers)*, 1986

O◊ 9 **BEATRIZ MILHAZES** b. 1960

O Moderno, 2002

Acrylic on canvas. 300 × 150 cm (118 1/8 × 59 in). Signed, titled and dated 'Beatriz Milhazes "O Moderno", 2002' on the reverse.

Estimate £650,000–750,000 $1,048,000–1,209,700 €744,120–858,600 ♠

PROVENANCE Stephen Friedman Gallery, London; Private Collection, London

Sonia Delaunay, *Rhythm*, 1938

Beatriz Milhazes' work features in the collections of major museums of modern and contemporary art around the world and she is now recognised as one of the most internationally important artists of her generation. Milhazes was recognised as a key player in the emerging contemporary art scene of Brazil as early as 1998 when a large selection of her paintings where included in the São Paulo Biennial, which Paulo Herkenhoff had curated under the theme of 'Anthropophagy'. Anthropophagy, or cannibalism, was an irreverent concept conceived originally in 1928 by the poet Oswald de Andrade, who equated the appropriation of early Brazilian modernism with the rituals of the Tupi-Guarani natives who consumed many European colonists.

Initially trained at the independently run Parque Lage art school in Rio de Janeiro, which during the 1980s became a central stage for the revival of painting during that decade, Beatriz Milhazes quickly established herself as a leading figure in the so-called Brazilian 'Geração 80'. Similar to contemporaneous events in Europe and the USA, the period saw the return to painterly expression following the more politically and conceptually oriented art of the previous decades. In Brazil this festive mode was further emphasised by the demise of the military regime, which although not entirely defunct, showed a certain willingness towards allowing a political transition towards more democratic forms of government.

Whilst this general celebratory mood installed itself, historical references particularly to Brazilian culture became increasingly common amongst painters. Very much a part of that moment, Milhazes' initial interests focused on the legacy of Brazilian colonial baroque articulating it with the cacophony of imagery stemming from international contemporary culture. If her initial iconography centred on the conjunction of architectural imagery and nature, she soon developed a technique that would define her mode of practice and give an overall coherence to her paintings. This technique combines painting and collage and is characteristic of the acrylic medium itself. The invocation of historical themes is only emphasised by this creative strategy since the transferral of the thin film of paint leaves behind fragments which are in turn reintroduced within the canvas, albeit in distinct locations. The process of layering paint constructs an impression of age, of worn-out surfaces, invoking history through the actual treatment of the medium rather than necessarily through representation. This is not to say that the work is entirely abstract. Milhazes brings together cultural traditions intrinsic to Brazil, whether from the crafts or from the fine arts while acknowledging European modernism particularly the work of Matisse.

In the case of *O Moderno* (2002), we find a conjunction of culturally specific references through the seemingly degraded surface, the patterns that invoke Brazilian popular traditions such as lace handicraft and internationally recognised symbols such as the 'piece sign' at the centre of the composition, itself surrounded by flower-like arrangements that evoke the 1960s. Here the artist cunningly manipulates our gaze through a carefully constructed arrangement of layers. One could read this layering as offering a sense of the passing of time – the centre being the most recent and the extremities the more ancient – which is emphasised by the underlying lace-like patterns, their treatment of colour and the apparent worn condition of their surface. One can conclude that this is a painting that displays key concerns in Milhazes' practice: it reflects the medium's own tradition by presenting to us a sense of disjointed histories that are at times interconnected while at others superimposed.

Gustav Klimt, *The Kiss*, 1907–08, Österreichische Galerie Belvedere, Vienna, Austria

10 **TONY CRAGG** b. 1949

The Fanatics, 2006

High-polished cast stainless steel. 337.8 × 80 × 80 cm (133 × 31 1/2 × 31 1/2 in).
Stamped with the artist's initials, date 'T.C. 2006' and the foundry mark 'KAYSER DÜSSELDORF' on the base. This work is from an edition of 5.

Estimate £300,000–500,000 $484,000–806,000 €343,000–572,000 ♠‡

PROVENANCE Lisson Gallery, London; Private Collection, New York

EXHIBITED London, Lisson Gallery, *Tony Cragg*, 17 May–24 June 2006; *Tony Cragg, Das Potential der Dinge*: Berlin, Akademie der Künste, 16 September–29 October 2006; Duisburg, Stiftung Wilhelm Lehmbruck Museum – Zentrum Internationale Skulptur, 18 January–15 April 2007

LITERATURE Tony Cragg, Christoph Brockhaus and Robert Kudielka, *Tony Cragg: In and Out of Material*, exh. cat., Cologne: Walther König, 2007, p. 250 (illustrated)

Tony Cragg, *Points of View*, 2008, Waldfrieden Sculpture Park, Germany

"As the poet uses the words on the page and the painter the colour on the palette to extend themselves to search for new forms and meanings, the sculptor uses materials as an extension of himself." Tony Cragg

Executed in 2006, *The Fanatics* is a characteristic example of Tony Cragg's sculpture, which is deeply rooted in the British modernist sculpture tradition brought to its heights by Henry Moore. Like Moore, Cragg's work is about form, material and the world at large. In *The Fanatics*, Cragg creates a powerful visual experience through the use of highly abstract, expressive forms that are full of energy and are reminiscent of a tornado. The reflective nature of steel along with swirling shapes, that in places reveal the outlines of human faces, creates the sense of movement, explosiveness and engages the viewer with its fullness of life. The sculpture is striking with its monumentality that adds another emotional, dramatic aspect to it.

Henry Moore, *Hill Arches*, 1972–73, installation view at Hatfield House, Hertfordshire

Umberto Boccioni, *Unique Forms of Continuity in Space*, 1913, Museum of Modern Art, New York

Cragg creates objects that exist outside of the familiar utilitarian world that we live in, that live in our dreams, our sub-consciousness that anyone can somehow relate to. These forms are opened for interpretation, which makes them highly engaging and interesting. They open up the dialogue between the work and the viewer on different levels: visually – through the reflective surface of the sculpture, and mentally – through evoking references to one's personal inner world, their dreams. In the artist's own words:

"There are thousands and thousands of other forms that don't yet exist. These could also be valuable, and they are valuable, because they still could provide meaning, they could still be used as metaphors, they could still be used as language, and they could still be used in thoughts and fantasies and dreams, and so on … and those freedoms that they represent are basically still in our head, and the best way to use our head is to have a great language to work in. And so I think that to improve the visual language that you are working with is what sculptors want to do."

Cragg represented Britain at the Venice Biennale in 1988 and was awarded the Turner Prize in the same year. In 2008, the artist opened Waldfrieden, the major sculptural foundation and a 30-acre outdoor sculpture park in Wuppertal, Germany. He has lived in Germany since 1977 where contemporary art played an important role in reviving post-war society. It became a place where Cragg could fully express himself artistically and was able to transform his favourite medium – sculpture. According to the artist, "we have gone beyond the stage where we can just represent things in sculpture. We have to find new means of expression, a new visual language."

(Sources: Tony Cragg, interviewed by Jon Wood in T. Cragg, C. Brockhaus, R. Kudielka, C. Schneegass, *Tony Cragg: In and Out of Material*, Köln: Walther König, 2007; Tony Cragg in R. Conway Morris, 'Inventing a "new visual language"', *International Herald Tribune*, 14 October 2010, p. 12)

11 **KELLEY WALKER** b. 1969

Untitled, 2008

Four-colour process silkscreen on canvas with Royals magazine. 121.9 × 73.7 cm (48 × 29 in). Signed and dated 'K Walker 2008' on the reverse. This work is accompanied by a certificate of authenticity.

Estimate £50,000–70,000 $80,600–113,000 €57,200–80,100

PROVENANCE Paula Cooper Gallery, New York

Categorized as an appropriation artist – a label not favoured by the artist – Kelley Walker creates works that focus on notions of circulation, signification, and sampling. These methods of democratic distribution are more clearly visible in the way Walker distributes his work rather than in the composition of his medium, as he often sells his work digitally so that buyers can edit or alter them however they choose. As a result, Walker is fully immersed in popular culture in its most current sense. He, of course, owes much of his methodology to earlier Pop artists, specifically Andy Warhol, but he moves beyond Warhol's appropriation of popular culture imagery by allowing his works to be transmitted digitally. This digital distribution transcends earlier attempts at art for the masses by working alongside and in response to public opinion; as the artist says, "sometimes I'll present a work to the public and listen to the responses – then pull it back, shape it, and put it back out" (in an interview with Christopher Bollen, *Interview Magazine*, n.d.).

The current lot is a silkscreen print on canvas featuring perpendicular bricks laid over found images from contemporary visual culture. Walker plays with the concept of mixed media in order to comment on the transitory nature of popular culture, in which its consumers soon forget whatever is current as soon as something new and more exciting appears. In this sense, this work directly calls upon the dichotomy of the obsession with exploring the past and the desire to create something completely new and of the present. In terms of Walker's overall approach, perhaps his real intention is to interact and edit his work based on the public response, a refusal to become covered up and dated by the onward march of modernity.

12 **SEAN SCULLY** b. 1945

Small Horizontal Robe, 2003

Oil on canvas. 101 × 127 cm (39 3/4 × 50 in). Signed, titled and dated 'Small Horizontal Robe Sean Scully 1.03' on the reverse.

Estimate £250,000–350,000 $403,000–565,000 €286,000–400,000 ♠ ‡

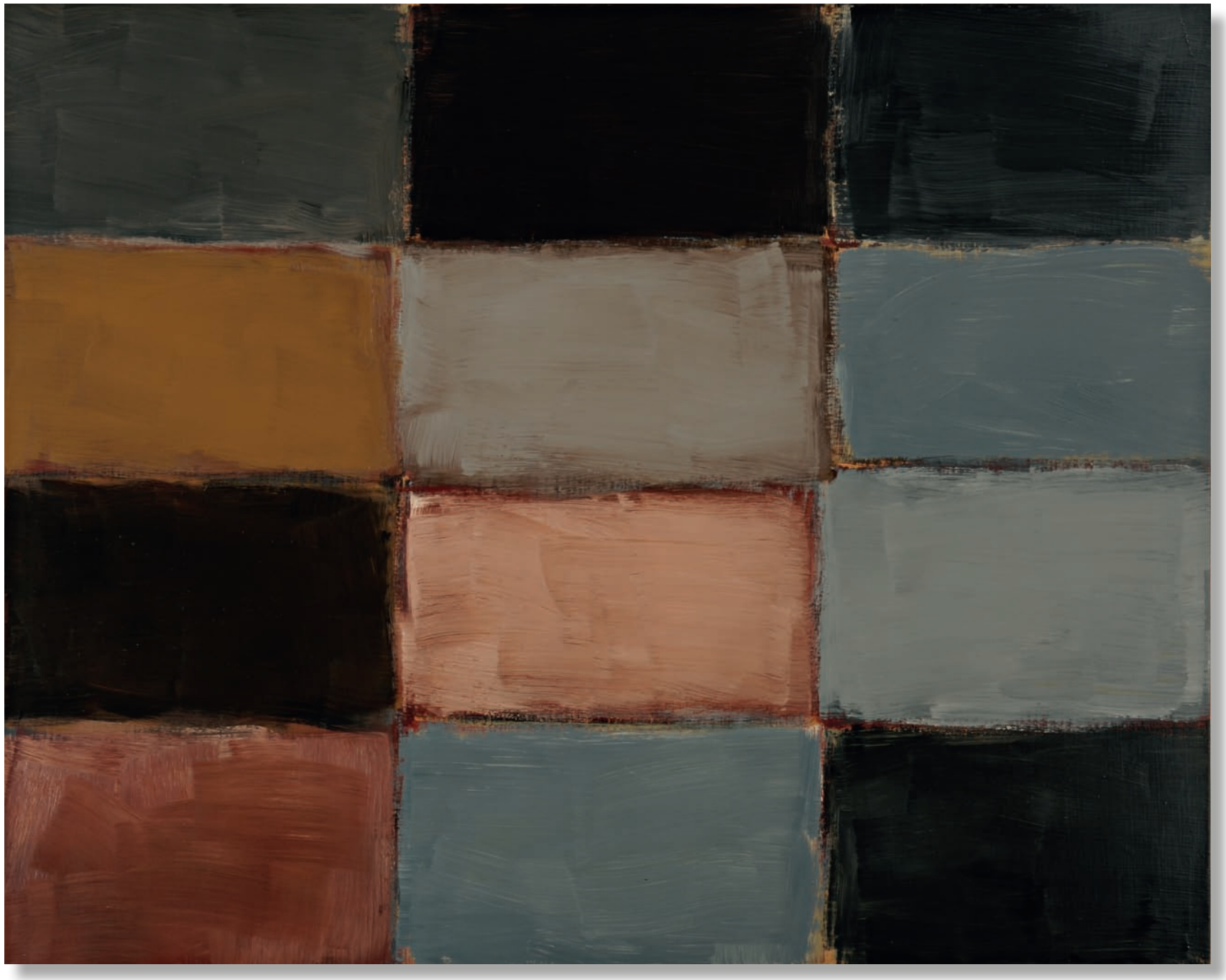
PROVENANCE Galeria Carles Taché, Barcelona

"What I am painting is a simple divisional structure, but you see the way it is painted, what colour it is painted, and how many times it is painted in relation to that simple structure … I've re-established something that I think had been broken – that the abstractionists kept building on abstraction and I think they forgot what it was originally based on. What I did, basically, was I went back to what it was originally based on. Then I just had something that I could compose with. So, in that sense, my painting is completely open. That is why I can make so many different compositional forms. It comes very naturally out of the way I draw and work and paint; one thing leads to another, which leads to another. I'm not really, in that sense, in a corner, which is what happens to a lot of abstract painters – they end up in a corner. People can kind of look at it and enjoy it because it has a kind of open vitality. I'm very free to paint them the way I want to paint them with many, many layers. The paintings, in that sense, are not absolute. There is nothing authoritarian about them.

"As one critic said, which I thought was interesting, they are like intimate paintings on a giant scale. They maintain the connection with painting; they don't give that up. At the same time, the language I use is the language of the contemporary world you can find anywhere, on computer screens, things are arranged in rows and lines; it's simple numerical order. If I stand in the subway in New York and I look down, everything is repeated. That's how we put the world together now. And that is how I put my paintings together. In that sense they are in complete accord with the contemporary world so people can enter them quite naturally …

"They are abstract paintings and they are quite lyrical. But they remind you of things that exist in the world. They remind you of the way the world is ordered … They are traditional in the sense that they make a connection, certainly, with the history of painting. One can think about other painters when one is looking at my paintings. If you want to you can think about Velázquez and you can think about Rothko, but you can also think about Cimabue when you think about Rothko, that is part of Rothko's greatness."

(Sean Scully, interview with R. Eric Davis in *Journal of Contemporary Art*, 1999, www.jca-online.com/scully.html)



13 **ILYA KABAKOV** b. 1933

A Solemn Painting, 2005

Wood, cloth, acrylic, oil on canvas. Overall: 127 × 177.8 × 7.6 cm (50 × 70 × 3 in); canvas: 73 × 105.1 cm (28 3/4 × 41 3/8 in). Signed, titled in Cyrillic and dated 'I. Kabakov "A Solemn Painting (2nd Version)" 2005' on the reverse.

Estimate £200,000–300,000 $323,000–484,000 €229,000–343,000 ♠ ‡

PROVENANCE Private Collection, USA

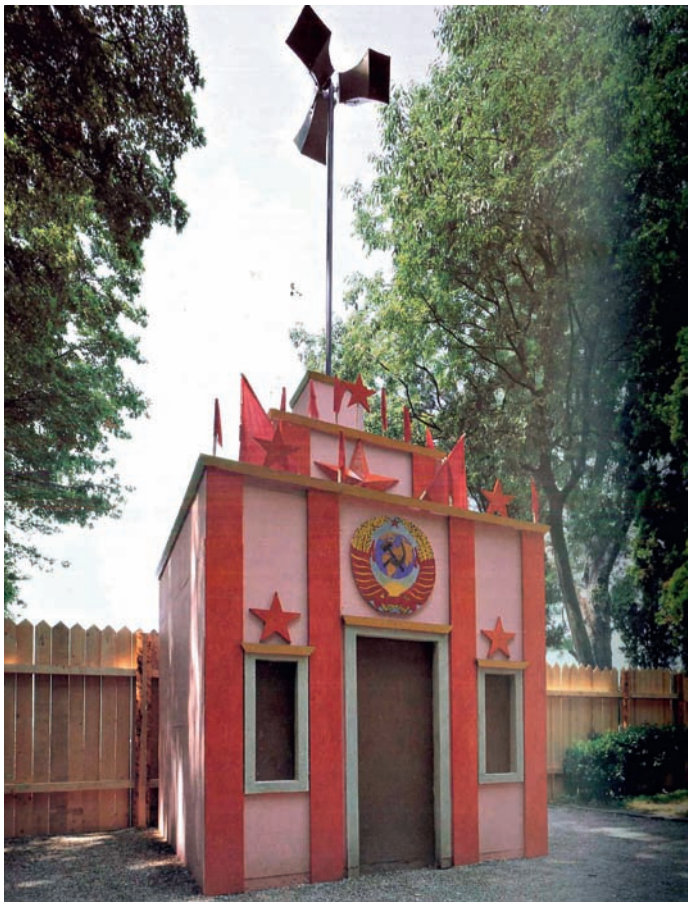
LITERATURE R. Petzinger, E. Kabakov, ed., *Ilya Kabakov. Paintings |Gemälde 1957–2008. Catalogue Raisonné, Vol. 2*, Berlin and Leipzig: Kerber Verlag, 2008, p. 274 (illustrate in colour)

In *A Solemn Painting*, executed in 2005, Kabakov continues to challenge conventional practice through combining traditional painting, in a style that is reminiscent of French Impressionism, with three-dimensional objects, such as the attributes of the Soviet power, which fill the work with conceptual language. Through the use of flags and the red star, Kabakov makes reference to the Communist Russia, in which his personal and artistic identities were formed. Throughout the artist's work, the realism of the Socialist times remained a pervasive influence, even after his emigration from the Soviet Union in 1988. According to Boris Groys, an art critic and philosopher, Kabakov "spent almost his whole life dreaming of the real world outside the Soviet cave… He never really left the cave of communal memories – rather he carries it around with him and exhibits it over and over again" (Boris Groys, 'The Movable Cave, or Kabakov's Self-memorials', *Ilya Kabakov*, Hong Kong, 1998, p. 77).

In the present work, the first version of which was made in 1994, flags act as frames making ideological the otherwise typical landscape view, a traditionally popular subject matter for Russian artists. The same symbols of the Soviet era were used by Kabakov in his design for the installation in the Russian Pavilion at the 45th Venice Biennale in 1993. The artist has been forming and extensively using the medium of installation ever since settling in the West. The objects in his work are used as additional language, always ironic, as means of communicating with the viewer and suggesting philosophical discussion.

In this work, the frame acts as embellishment, the artist's attempt of the "reduction of a 'painting' to a 'thing'". Kabakov employs ornamentation in many of his works, for example in the *Holiday* series, where he uses sweet wrappers as means of countering any ideological meaning in the work. By superimposing something unexpected on a familiar and recognizable object, the artist creates a new meaning, an additional view of the object which opens up to the possibility of further reading. By adding layer upon layer to *A Solemn Painting*, the artist widens the interpretation of the work – it is a bidding farewell to the nostalgic forgone past that only exists in his personal, spiritual world. According to Kabakov, "post-modernism interprets profound structures, but accepts signs, the meanings of which are familiar to everyone. But these signs have not meant anything for a long time already" (Ilya Kabakov in R. Petzinger, E. Kabakov, eds., *Ilya Kabakov. Paintings / Gemälde 1957–2008. Catalogue Raisonné, Vol. 1*, Berlin & Leipzig: Kerber Verlag, 2008, p. 199).

Ilya Kabakov, *Holidays #10*, 1987



View of installation by Ilya Kabakov at the Venice Biennale, 1993

"Because the creation of utopias and their destruction by the forces of reality have never been either exclusively Russian or exclusively Soviet phenomena and because the many facets of the failure of human ideas are fundamental and universal parts of human experience, Kabakov's oeuvre has always been international in character. It is understood all over the world – in America and in Japan, in Europe and in his Russian homeland. One of the reasons for this is that all of the descriptions and observations of human behaviour in his art reflect a strong sense of deep understanding and profound empathy."

(Renate Petzinger, in R. Petzinger, E. Kabakov, eds., *Ilya Kabakov. Paintings / Gemälde 1957–2008. Catalogue Raisonné, Vol. 1*, Berlin & Leipzig: Kerber Verlag, 2008, pp. 12–13)

O◊ 14 **CECILY BROWN** b. 1969

I Will Not Paint Any More Boring Leaves (2), 2004

Oil on canvas. 203.2 × 214 cm (80 × 84 1/4 in). Signed and dated 'Cecily Brown 2004' on the reverse.

Estimate £350,000–450,000 $564,500–725,800 €400,680–515,000 ♠ ‡

PROVENANCE Gagosian Gallery, New York

EXHIBITED New York, Gagosian Gallery, *Cecily Brown*, 22 January–26 February 2005; *Cecily Brown*: Des Moines Art Center, Des Moines, Iowa, 4 August – 1 October 2006; Museum of Fine Arts, Boston, 18 October 2006 – 15 January 2007

Nicolas Poussin, *The Triumph of Pan*, 1936, The National Gallery, London

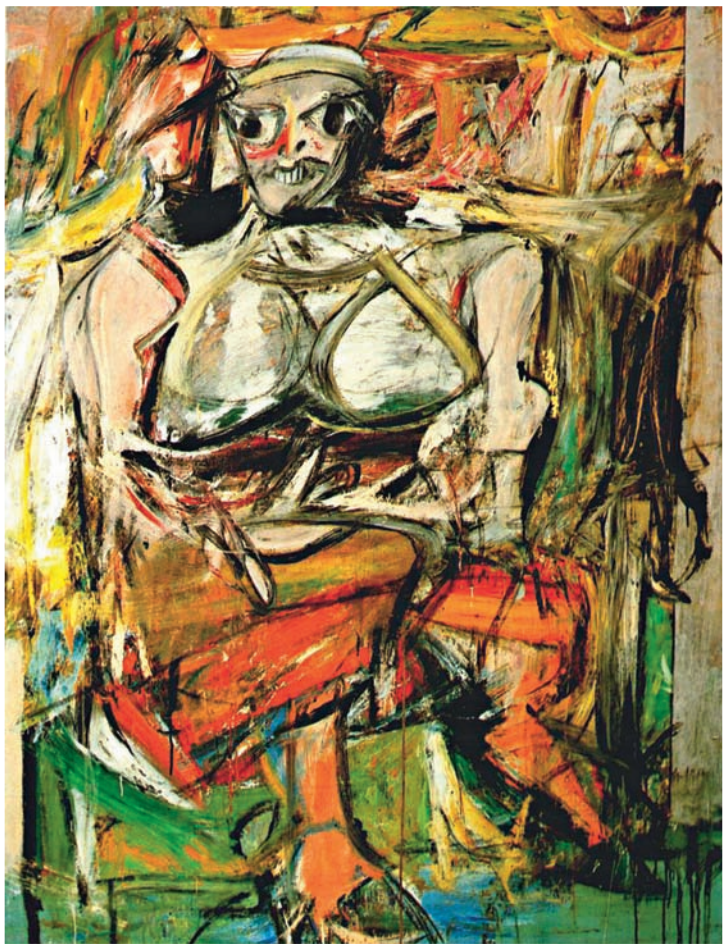
Cecily Brown, alongside John Currin and Lisa Yuskavage, has established herself as one the most prominent figures in the strong resurgence of painting at the end of the 1990s. Brown paints with a freedom that liberates and celebrates the art historic traditions of old master figure painting. She graduated from the Slade Art School in 1993 but was soon to move to New York having felt alienated by the overt cynicism of the Young British Artists. Her arrival to New York was marked by a critically and commercially successful solo exhibition at Deitch Projects in 1997.

The present work, *I Will Not Paint Any More Boring Leaves (2)* (2004), was executed at an important transitional stage of Brown's career. Her earlier works drew partly on pornography, whereas her more recent works eschew overt figuration in favour of frenetic, non-representational mark making. The exploration of form and the tension between figuration and abstraction have always been central to Brown's work. The eroticism is more covert in *I Will Not Paint Any More Boring Leaves (2)*. As in the work by artists she admires, such as Willem de Kooning and Francis Bacon, one can glimpse the occasional limb or hanging cut of meat emerging out of the abstract expressionist foray. The fluid pastel tones and strokes intertwine smoothly with each other, drawing the viewer into the painting in an attempt to navigate the abstract yet enticing work. A subtly erotic take on the abstract expressionist exploration of abstraction and figuration, this work by Brown breaks down the sexual power and energy typically associated with male-dominated painting and gives it a distinctively female character.

As seen in the present lot, Brown has revisited old master imagery in order to give shape to her own vision, one in which human form and vigorous brushwork come together to take forward ideas of classical genre and narrative. Rather than referencing any particular work from the past, *I Will Not Paint Any More Boring Leaves (2)* draws generally on the wealth of art history which have become the fundamental influences to Browns critically acclaimed oeuvre.

"When I first started painting, it seemed very natural to me to want to be in a conversation with old masters I would look at El Greco or Bosch or Velázquez or whomever, and I wanted to emulate them – American painters too. I looked at everything, and I wanted to respond to everything. When I'm looking at paintings from the past, they always seem in the present to me; they resonate. I've never felt the sense of distance from the past that some people seem to. I find it impossible and actually uninteresting to be concerned only with one's own time."

(Cecily Brown in conversation with Lari Pittman, in *Cecily Brown*, New York: Gagosian Gallery and Rizzoli, 2008, p. 25)



Willem de Kooning, *Woman I*, 1950–52, Museum of Modern Art, New York

Francis Bacon, *Three Studies for a Crucifixion*, 1962 detail, Solomon R. Guggenheim Museum, New York

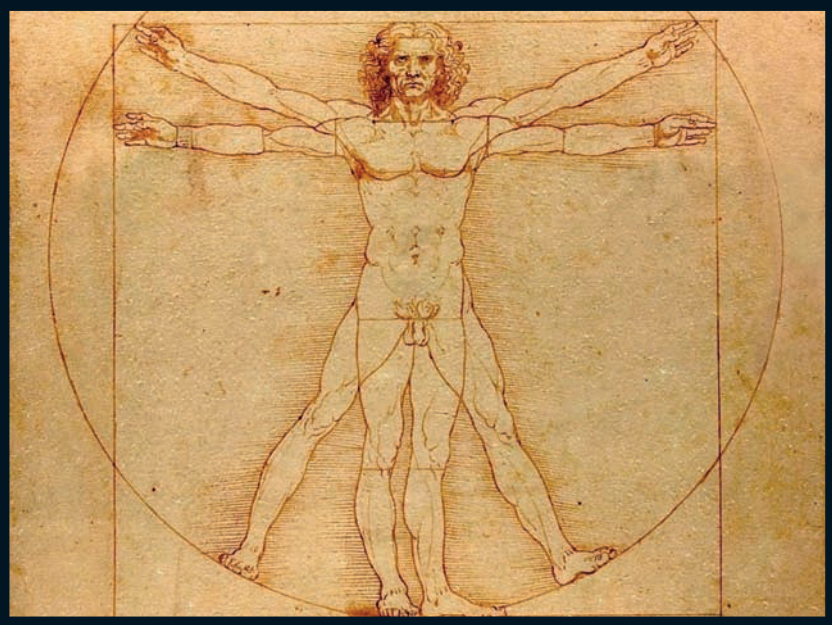
15 **JEAN-MICHEL BASQUIAT** 1960–1988
Untitled, 1982
Coloured crayon on paper. 76.2 × 56 cm (30 × 22 in). Signed 'Jean-Michel Basquiat' on the reverse.

Estimate £400,000–600,000 $645,000–968,000 €458,000–687,000 ‡

PROVENANCE Galerie Fabien Boulakia, Paris; Private Collection, USA; Private Collection, Europe

Leonardo da Vinci, *Anatomical Studies*, 1509–10

Jean-Michel Basquiat, *Untitled*, 1981



Leonardo da Vinci, *Vitruvian Man*, c. 1487

Egon Schiele, *Nude Self-Portrait*, 1910

Drawn at the height of his creative powers, *Untitled* (1982) is one of Jean-Michel Basquiat's most accomplished works on paper, a medium which the artist considered as important, if not more so, than painting. Belying an extraordinary technical ability, his immediately recognizable signature style of naïve, child-like draughtsmanship strikingly depicts here a muscular single figure in an Egyptian style with its head and feet in profile and its torso represented full frontal. Basquiat's masterful colouring adds a heightened sense of drama and angst to a frantic composition which testifies to his existential inner struggle as a lone black artist in a white dominated art world. At just 22 years of age, Basquiat had recently been discovered by the New York gallerist Annina Nosei who provided the artist with a studio in the basement of her gallery and ample supplies to paint and draw. Not yet completely consumed by a debilitating drug habit, Basquiat would over a two-year period create, at his own admission, some of the best and most important works of his short but prolific career.

With a pose reminiscent of Michaelangelo's David, Basquiat's hero is a martyr ready to sacrifice himself for a greater cause. The combative figure, which can be read as a self-portrait since he is dread-locked, stands defiantly like a boxer before a fight, his muscles bulging and his veins pumping. In fact Basquiat's association in his drawn and painted figures with the sacred, martyrdom and heroism is the overarching theme found throughout his work. Issues of race, identity and a lack of black figures in Western art history underlie his desire to depict famous black athletes and musicians, himself, or the anonymous black man as a hero, a warrior-martyr attempting to right the wrongs of history.

As clearly evident in the present lot, the human anatomy fascinated Basquiat. As a child, while recovering in hospital from an accident, his mother gave him a copy of *Gray's Anatomy*. Although self-taught, he was keenly aware of the history of art and Leonardo da Vinci's numerous drawings of the human body. Far from being scientifically accurate, Basquiat's renditions are raw and chilling, powerfully capturing the angst and rage that must have inhabited the tormented soul that he was. In a similar way to an Egon Schiele drawing, the inner struggle of the artist is evident in the raw and spontaneous execution of the subject. The force and physicality with which the coloured pencil has been applied to the paper is reminiscent of Abstract Expressionist painting and the early works of Jackson Pollock, an artist whom Basquiat openly admired and liberally quoted.

"I wanted him to use Albert Einstein, but Warhol suggested Mao Tse Tung as he had recently read in the newspapers that Mao was the most famous living person"

BRUNO BISCHOFSBERGER

16 **ANDY WARHOL** 1928–1987

Mao, 1972

The complete set of 10 colour screenprints on Beckett High White paper. Each: 91.4 × 91.4 cm (36 × 36 in). Each stamped with the artist's copyright stamp and the stamp of the Andy Warhol Art Authentication Board, sequentially numbered A. 171.089 – A. 180.089 in pencil on the reverse and published by Castelli Graphics and Multiples, Inc., New York. These works are aside from the edition of 250 plus 50 artist's proofs and accompanied by a letter provided by the Andy Warhol Art Authentication Board, Inc.

Estimate £300,000–500,000 $484,000–810,000 €343,000–570,000

PROVENANCE Coskun Fine Art, London

LITERATURE F. Feldmann & J. Schellmann, eds., *Andy Warhol Prints: A Catalogue Raisonné: 1962–1987*, New York, 2003, II. 90–99 (illustrated in colour)

The current lot is an important complete set of 10 colour screenprints of *Mao* by Andy Warhol. The year in which these prints were made, 1972, was of worldwide importance – it was the year when President Nixon travelled to China for his controversial state visit with Chairman Mao Tse Tung in the hope of opening up relations between China and the USA. "The week that changed the world", as President Nixon termed it, was widely covered by the media and the official state portrait of Mao could be seen everywhere, not only as part of Mao's propaganda in China but throughout the west as well. This portrait, also reproduced in the Chairman's *Little Red Book*, became the world's most recognisable image and a potent icon of political and cultural power.

Having a keen eye for the public consciousness, Warhol captured this historic moment as he knew it would be relevant for eternity. For Warhol, Mao's fame made his image an irresistible subject. He was particularly intrigued by the parallels between the proliferation of images in China, through communist propaganda, and in America through the mass-media. In both countries, idealised images of famous people were distributed to a wide public. Mao, who suppressed the fame of any other person, seems to have made himself into the Chinese equivalent of a Marilyn Monroe and a Liz Taylor in America.

A similar interest in iconic imagery that made Warhol turn to symbols of popular culture in America, like movie stars, the Campbell's Soup cans and Coca-Cola bottles, made him interested in the 'concept Mao', whose photo he retrieved from a pre-existing popular image.

The *Mao* series marked an important point in Andy Warhol's career. His subjects changed from the glamour of celebrity to more political themes, and in doing so, the images of political leaders, for example, were endowed with a similar graphic styling as the celebrity subjects. In the *Mao* series, the image of the statesman has been turned into the Chinese Communist counterpart of a popular cultural icon. While examining the concept of fame, Warhol is also looking at the powerful role of mass media and propaganda in the creation of a personality cult and the reputations of individuals.

The *Mao* series also refocused on the concept of machine-like repetition of the image made possible by the screenprinting technique. The repetition of the Mao portrait could be viewed as a metaphor for the machinery of the media, whereas the suggested free and loose brushstrokes together with the many colours underline the artificiality behind the image and at the same time undermine the over-empowering feeling Mao aimed to achieve. This contrasts with the desire of the viewer to look beyond the simple depiction of the sitter and see what Geldzahler and Rosenblum refer to as "the consistently artificial constructions we accept and crave, granting them the status of something 'real'"; and they go on to describe Warhol's understanding of how such images work in the public sphere: "Moreover no matter how contrived or 'artificial' an image might be 'originally', Warhol grasped that it gained a powerful force in the category of 'reality' simply through its being adopted and circulated through an iconically obsessed culture" (H. Geldzahler and R. Rosenblum, *Andy Warhol Portraits of the Seventies and Eighties*, London: Thames & Hudson 1993, p. 9).

While Warhol manages to gently touch on political suggestions, he always shies away from explicitly expressing any opinions: "In Warhol's hands, this image could be considered ominously and universally threatening, or a parody, or both" (K. McShine, *Andy Warhol: a Retrospective*, New York: Museum of Modern Art, 1989, p. 19).

17 **ALIGHIERO BOETTI** 1940–1994

Per Provenienza: Composition, 1989

Embroidered tapestry. 108 × 116 cm (42 1/2 × 45 5/8 in). Signed, titled and dated '29-5-89, Per Provenienza Boetti' on the overlap. This work is registered in the Archivio Alighiero Boetti, Rome under number 5055.

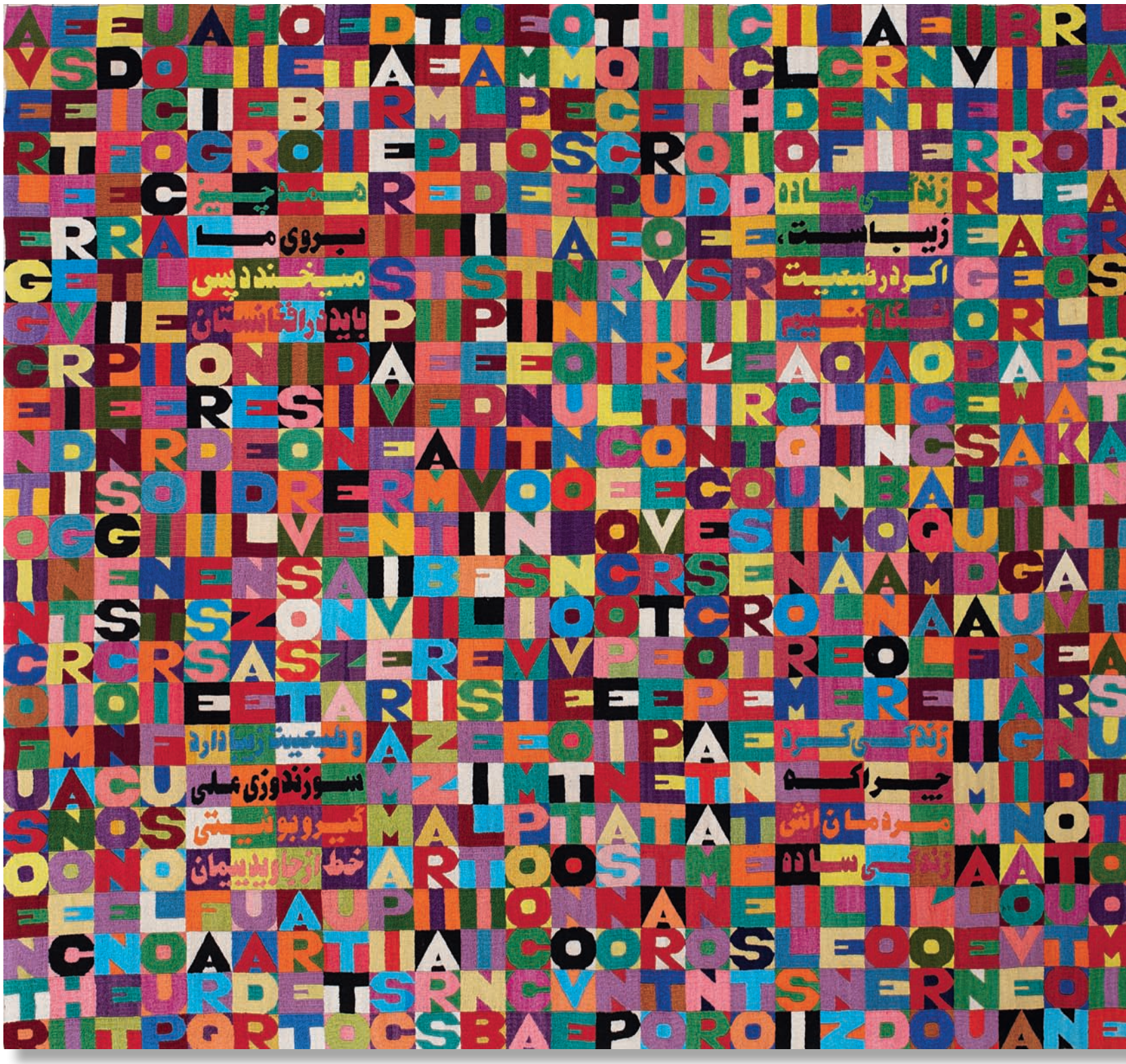
Estimate £150,000–250,000 $250,000–403,000 €172,000–286,000 ‡

PROVENANCE Steve O'Hana, Geneva

"Like no other artist of his day, he imparted decisive, epistemological impulses to contemporary art for more than a decade by applying the delimiting strategies of art to communicative systems and their semantics."
(Jean Christophe Ammann, 'Alighiero e Boetti', *Parkett*, no. 24, 1990)

Italian conceptual artist Alighiero Boetti is known for his interest in the relationship between dualities such as order and disorder, and error and perfection. It was his desire to stimulate a dialectical exchange between the individual and society. The current lot, *Per Provenienza*, is part of his *Arazzi* or tapestry series that he began producing in the latter part of his career. Typified by coloured letters embroidered in grids, what appears at first glance to be a chance collation of letters is in fact a highly organized pattern of short phrases in Italian. It is this careful, almost scientific organization that makes this work so unique.

Boetti's use of linguistics reflects his interest in both the individual and the collective by playing with the organization and meaning of his works. For example, this piece was produced through a collaborative effort between skilled embroiderers in Afghanistan and Pakistan and Boetti, and thus comments on the connectivity of diverse cultures. Yet it also renders the individual capable of reading infinite codes from the work, leading to a self-reflexive examination and interpretation. Boetti has constructed this piece in such a way that the colours of both the letters and their backgrounds vary so that the number of autonomous, individual pieces is virtually infinite.


همه چیز
بروی ما
زیباست،
میخندد پس
اگر در طبیعت
باید در افغانستان
سوزندوزی عملی
چرا که
گیروبولیتی
خط از جاویدیمان

18 **ROSEMARIE TROCKEL** b. 1952

Untitled (Vogelköpfe), 1989

Knitted wool. 99 × 199 cm (39 × 78 1/2 in). This work is from an edition of 3 plus 1 artist's proof.

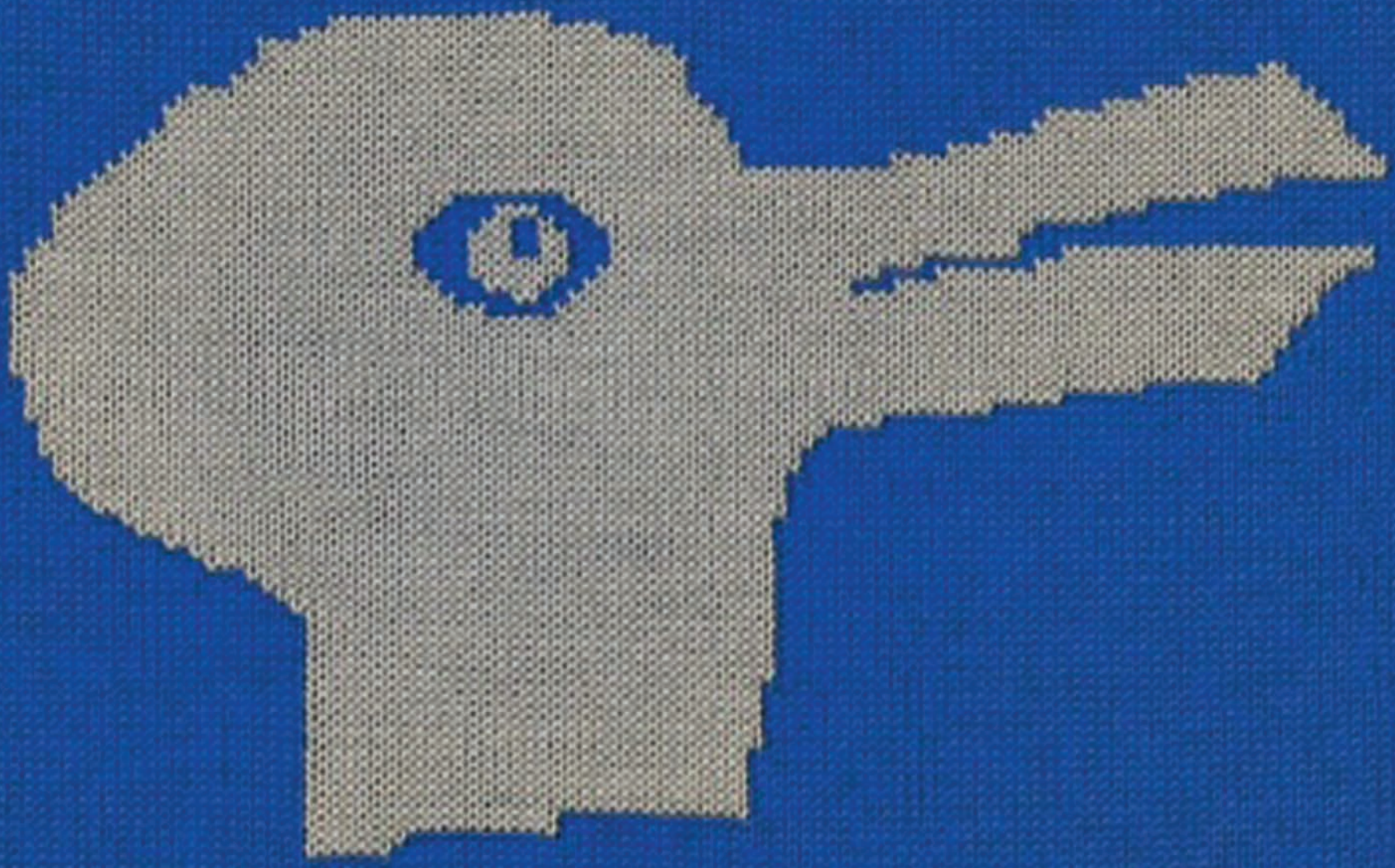
Estimate £150,000–200,000 $242,000–323,000 €172,000–229,000 ♠

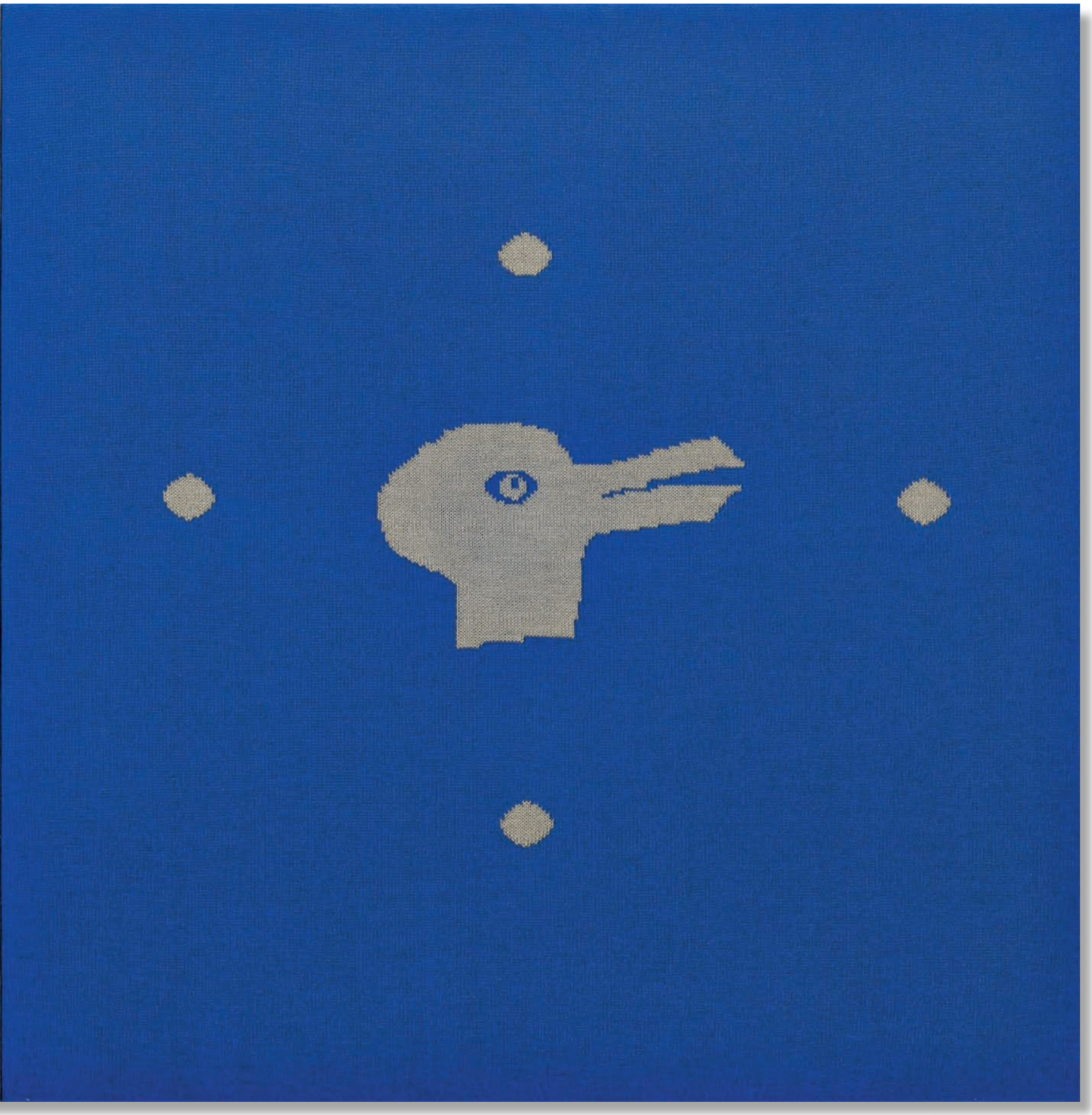
PROVENANCE Galerie Wolfgang Wittrock, Düsseldorf; Private Collection, Germany

"In the 70s there were a lot of questionable women's exhibitions, mostly on the theme of house and home. I tried to take wool, which was viewed as a woman's material, out of this context and to rework it in a neutral process of production."
(The artist, in 'Rosemarie Trockel talks to Isabelle Graw', *Artforum*, March 2003)

Rosemarie Trockel's work examines the myth and the perception of the female in the 20th century. In challenging stereotypes to be found in gender roles, Trockel questions what constitutes our notion of the female both in art and in the domestic world. In her knitting paintings, Trockel experiments with lowly, artisanal materials and skills traditionally associated with women, like wool and knitting. To make these works, she designs motifs on a computer which are then re-produced by a knitting machine, removing any female interaction from the process. The patterns generated this way also reference behavioural routines which determine how we function and which controls how we perceive the world around us.

Belonging to the best-known group of Trockel's work, the knitted wool works aim to identify perceptions of the female and to examine if these are still valid in today's world. While exploring these concepts from a purely female perspective, one would, however, fail to do Trockel's work justice by merely classifying her as a feminist. Rather, she is a sharp and close observer of the world around her who distances herself from systems imposing any kind of social, sexual and gender-related restrictions. In the 70s and 80s in Cologne, Trockel became one of the only successful female artists emerging in an art world dominated by groups of male artists such as the Mulheimer Freiheit and groups surrounding Martin Kippenberger. Since then, Trockel has become an internationally acclaimed and renowned artist through her multifaceted and controversial work, and is now one of the most celebrated German artists of our time.





19 **BEATRIZ MILHAZES** b. 1960

O Conflito, 2001

Acrylic on canvas. 150 × 35.5 cm (59 × 14 in). Signed, titled and dated 'B. Milhazes "O Conflito" 2001' on the reverse.

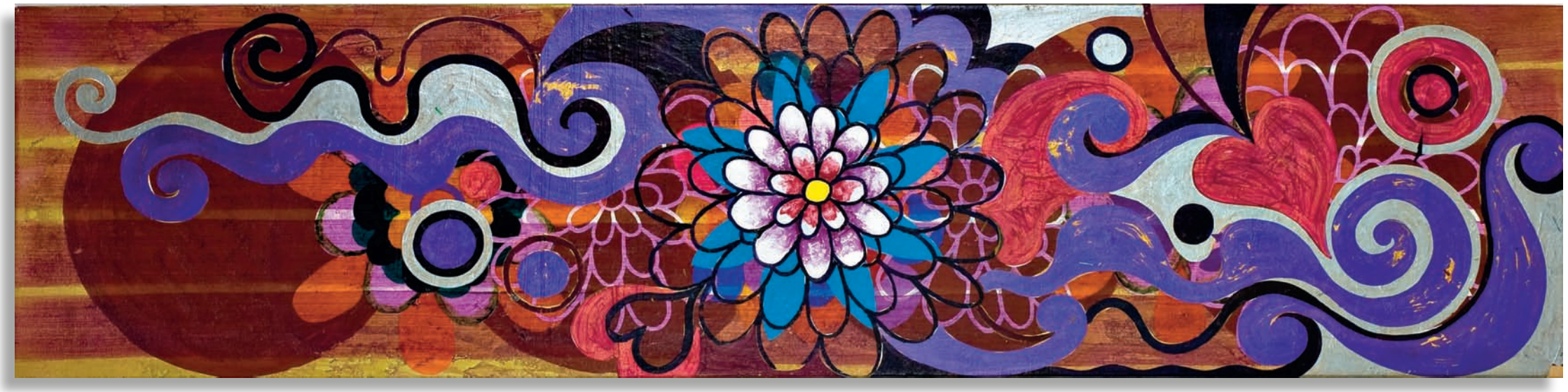
Estimate £120,000–180,000 $194,000–290,000 €137,000–206,000 ♠

PROVENANCE Stephen Friedman Gallery, London

It was not until the end of the 1980s, with the fall of Brazil's military dictatorship, that the contributions of Brazilian artists to society began to be recognised. It was at this time that a fundamental change took place within the art world there, namely that the profession of an artist overcame historic prejudice against manual labour. Beatriz Milhazes' art started to emerge onto the scene in the mid-1980s, when painting had made a significant resurgence after a decade of exile in the 1970s.

Milhazes' work so far brings together cultural traditions intrinsic to Brazil, whether from the crafts or from the fine arts, yet also acknowledges a debt to key figures of European modernism, particularly the work of Matisse: "Everything changed the first time I saw a painting by Matisse. It was a very emotional experience to see the materials, the colors, the format. This kind of art becomes unreachable because of the distance created by history and the reproductions with which we have to resign ourselves. I was looking at the work, eye to eye. I saw the brushstrokes and realized that you can make mistakes, so the sensation grew that I could, myself, paint like this" (the artist, in *Beatriz Milhazes: pintura, colagem*, exh. cat., São Paulo: Estação Pinacotera, 2008).

The present lot, *O Conflito*, with its intoxicating mixture of rich, luscious colours, pulsates with life. The central flower motif unfolds its layered red, purple and blue leaves to reveal a vibrant yellow core, like the exotic blooms of Brazil's tropical rain forest. The present lot depicts as strongly as any of her works the inspiration taken from the cheap floral fabric found on local market stalls, as well as the colourful local crafts and jewellery produced by Brazil's many indigenous populations. The visual excitement to be found in the everyday life of Brazil is a common theme that runs through much of her work and informs her technique at the deepest level.



"The difference between art and life is stop toying around with the idea. With the butterfly paintings I wanted to make something real. It was really important, because it was art."

DAMIEN HIRST

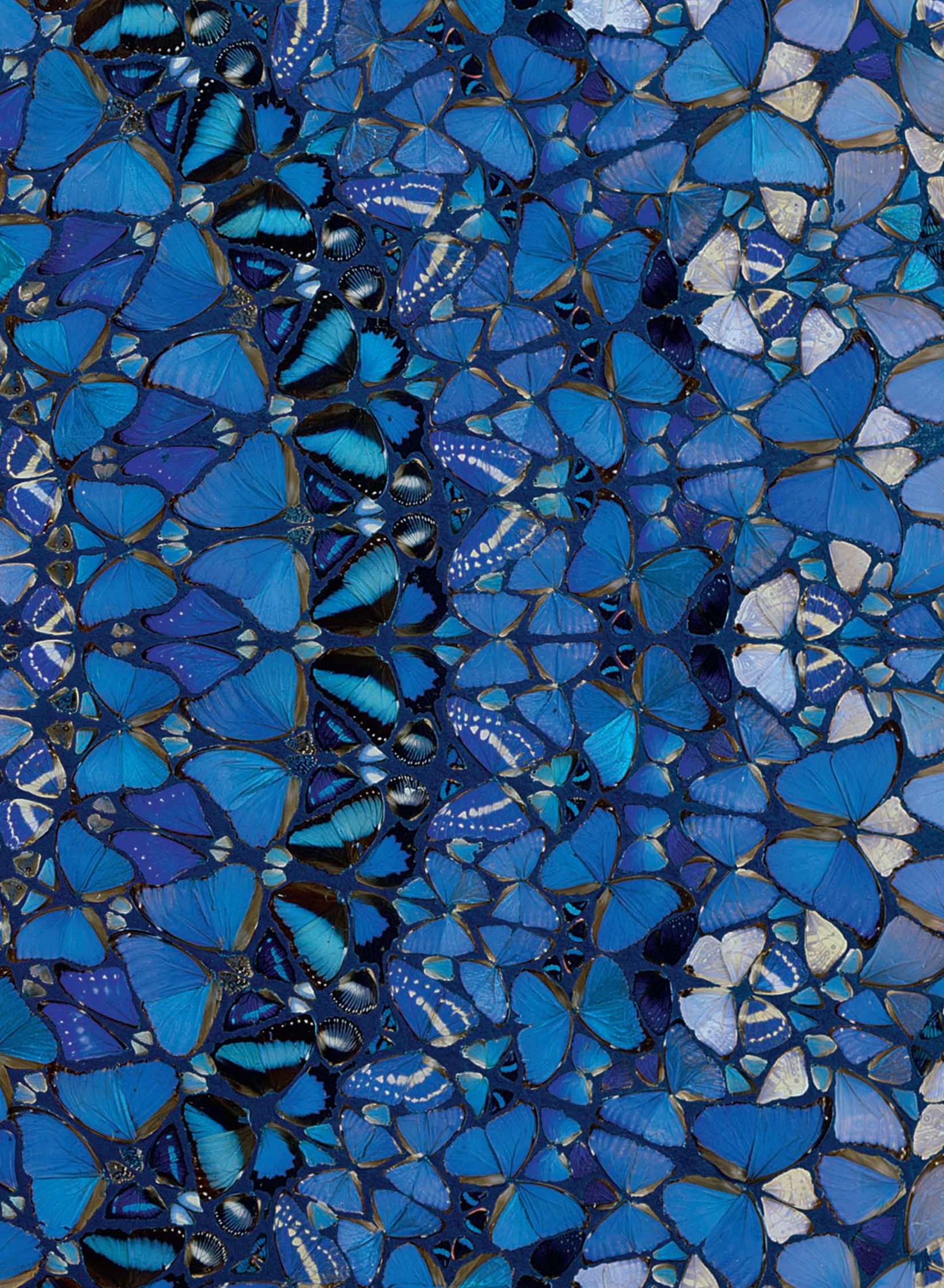
20 **DAMIEN HIRST** b. 1965

Confession, 2008

Butterflies and household gloss on canvas. 105 × 230 cm (41 3/8 × 90 1/2 in). Signed, titled and dated 'Damien Hirst "Confession" 2008' on the reverse.

Estimate £600,000–800,000 $968,000–1,290,000 €687,000–916,000 ♠

PROVENANCE Gift from the artist to the present owner



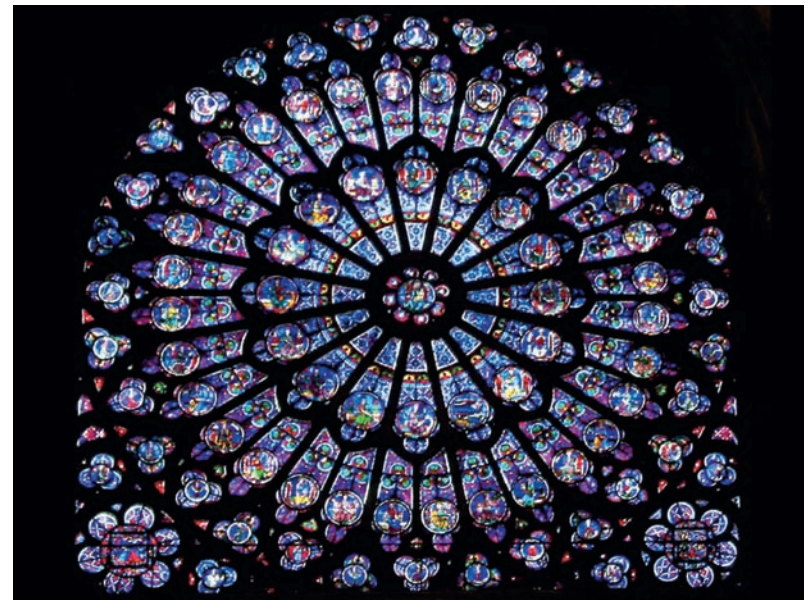
The present work, *Confession*, 2008, is a unique and eye-catching example of a Damien Hirst butterfly painting. This work was created immediately following his hugely successful exhibition *Superstition* at Gagosian Gallery in Beverly Hills in 2007 which comprised solely of butterfly paintings of various shapes, sizes and colours. *Confession* completely envelops the viewer with its glorious display of various blues, ranging from ultramarine to neon to indigo. These all come together in a complex kaleidoscopic form with dazzling intensity, with their meticulous construction conveying a religious splendour. Although no two butterflies are identical in shape, there is an overall sense of balance and symmetry across the work which is a tribute to the artist's control over the complexity of the endeavour.

Hirst has deliberately used the visual language of stained glass windows, such as the rose windows in the cathedrals of Notre Dame and Chartres. In doing so, he boldly invites comparison between his work and the painstaking craftsmanship used to create stained glass windows. There is as well a religious connotation both in this reference to church windows and in the title *Confession*. In the context of Hirst's other work and his frequent references to death and mortality, *Confession* also successfully plays on the adage, dwelt upon by many masters before him, of the promise of eternity, of being welcomed into heaven and of redemption. This of course has been a constant theme and source of imagery for artists in the Christian era which perhaps found its highest expression in the Renaissance in large-scale works such as *The Last Judgement* fresco by Michelangelo in the Sistine Chapel.

Butterflies have been central to Hirst's output since his rise to fame in the early 1990s. For him, the ephemeral life cycle of a butterfly and the brilliant colours they can have, as well as the way they animate the air with their flight, is the ultimate interpretation of love and beauty in nature. Hirst's first butterfly painting was exhibited at the Woodstock Street Gallery in London in 1991 in his first solo exhibition, *In & Out of Love*. The exhibition occupied two spaces. In one, live butterflies worked their way out of pupae hanging from monochrome white canvases; they fed, they mated, they laid their eggs, and then died. The second space contained similar monochrome canvases but with dead butterflies pasted with varnish onto the surface of the canvases. Even at this early stage in Hirst's career, one can see the concerns and themes that have become familiar in his subsequent and highly publicised work.

"I had them [butterflies] in my bedroom … I got wooden frames and nylon mesh and I made a huge box in my bedroom. It took up half the bedroom … I found out where you could buy the pupae and all that kind of stuff and I got them all. I got them all in my bedroom and I bred them in my bedroom. I remember it because I was so cramped. There was only room for my bed and the box, and we were in the same room."
(The artist, quoted in *Damien Hirst*, exh.cat., Naples, 2004, p. 78)

Michelangelo, *The Last Judgment*, 1536–41, The Sistine Chapel, Vatican



Rose window in Notre Dame cathedral, Paris

O◊ 21 **MARK TANSEY** b. 1949

Library (of Babylon), 1994

Oil on canvas in two parts. Overall: 149.9 × 489 cm (59 × 192 1/2 in). Each signed, titled and dated 'Tansey, 1994, Library (of Babylon)' on the reverse.

Estimate £1,200,000–1,800,000 $1,930,000–2,900,000 €1,370,000–2,060,000 ‡

PROVENANCE Gagosian Gallery, New York

EXHIBITED *Visions of America: Landscape as Metaphor in the Late Twentieth Century*: Colorado, Denver Art Museum; Ohio, 14 May–11 September 2005; Columbus Museum of Art, 16 October–8 January 1995

LITERATURE *Visions of America: Landscape as Metaphor in the Late Twentieth Century*, exh. cat., New York: Harry N Abrams, 1994, pp. 172–73; no. 4, p. 230 (illustrated in colour)

Taking on a medium that was declared dead, the American artist Mark Tansey has since the late 1970s rehabilitated figurative painting and created a unique, post-modernist body of work which has redefined our understanding of visual representation. Tansey's large-scale monochromatic paintings are surreal tableaux which combine a plethora of historical and contemporary references into a dramatic narrative of fictional, metaphorical and rhetorical imagery. Executed in a painstakingly detailed style, the resulting representation is as visually rich and intricate as it is deep and layered in meaning and interpretation.

As its title suggests, the main theme of Tansey's monumental 1994 painting *Library (of Babylon)* is the famed Ancient World city state whose remains are found in current day Iraq on the fertile Mesopotamian plain between the Tigris and Euphrates rivers. Referenced throughout Greek and Roman mythology and the Old Testament, Babylon, or Babel as it is known in Hebrew, has long been considered the birth place of Western civilization and been a constant inspiration to artists throughout the history of art – most famously Pieter Bruegel the Elder and his 1563 masterpiece *The Tower of Babel*. Another immediate source for Tansey is the postmodern, existential short story 'The Library of Babel' by Jorge Luis Borges (1899–1986), itself loosely based on the biblical story, in which the Argentinian author conceives of the universe as a vast library containing every book ever written or that will ever be written. Serving as a metaphor for the ultimately vain attempt on the part of mankind to make sense of all this information, this endeavour's eventual futility leads the librarians to despair.

As a painter well-versed in art history, Tansey knowingly and liberally quotes his predecessors in his contemporary rendition of this biblical account from the Book of Genesis in which a united humanity of the generations following the Great Flood and speaking a single language attempt to build a city within a tower in order to reach the heavens. This grand endeavour fails when God decides to come down and scatter humanity across the earth and confuse its language. In addition to Pieter Bruegel the Elder, Tansey's visual references include the subterranean vaults of Giovanni Battista Piranesi's *Carceri*, the complex architectural framework of the Eiffel Tower and the double helix structure of DNA. Sourced from his own overflowing image archive of newspapers and magazines, these diverse visual references are each subject to a lengthy process of distortion and transformation in which a copy machine is used to collage the various elements into a harmonious and dynamic composition filled with strong diagonals and verticals and organic curving and twisting forms.

Giovanni Battista Piranesi, *The Drawbridge (second state)* from the series *Carceri d'Invenzione*, 1749–61

Giorgio de Chirico, *Piazza d'Italia*, 1913

Pieter Brueghel the Elder, *Tower of Babel*, 1563, Kunsthistorisches Museum, Vienna

Executed in a monochromatic, blue-washed, luminous hue over nearly five horizontal metres of canvas, Tansey creates in the present work a striking and stunning landscape full of cultural and allegorical references in a manner reminiscent of the great Surrealist painter Giorgio de Chirico. Both de Chirico and Tansey quote liberally from Plato's *Republic*, in particular his epistemological allegory of the cave. The cavernous vaulted spaces of Tansey's library can be interpreted as caves, the caves which Plato used to explain the role of education in mankind's perception of reality.

In fact, the paradox of reality and perception is at the heart of Tansey's practice. He continually questions the nature of art and the role of the artist. His illusionistic rendering and symbolic references to the larger world of dialectic discourse are in direct contrast to his New York peers who were all exponents of Clement Greenberg's prescriptions for abstraction. Convinced that painting had become progressively devoid of content or reference and hence meaningless, Tansey explores the nature of representation to propose possibilities for painting in which articulate thought and feeling is expressed about our world.

22 **UGO RONDINONE** b. 1964

No. 547 ELFTERSEPTEMBERZWEITAUSENDUNDACHT, 2008

Acrylic paint on canvas. 310 × 250 cm (122 × 98 3/8 in). Signed and dated 'Ugo Rondinone 2008' on the stretcher bar.

Estimate £100,000–150,000 $161,000–242,000 €114,000–172,000 ‡

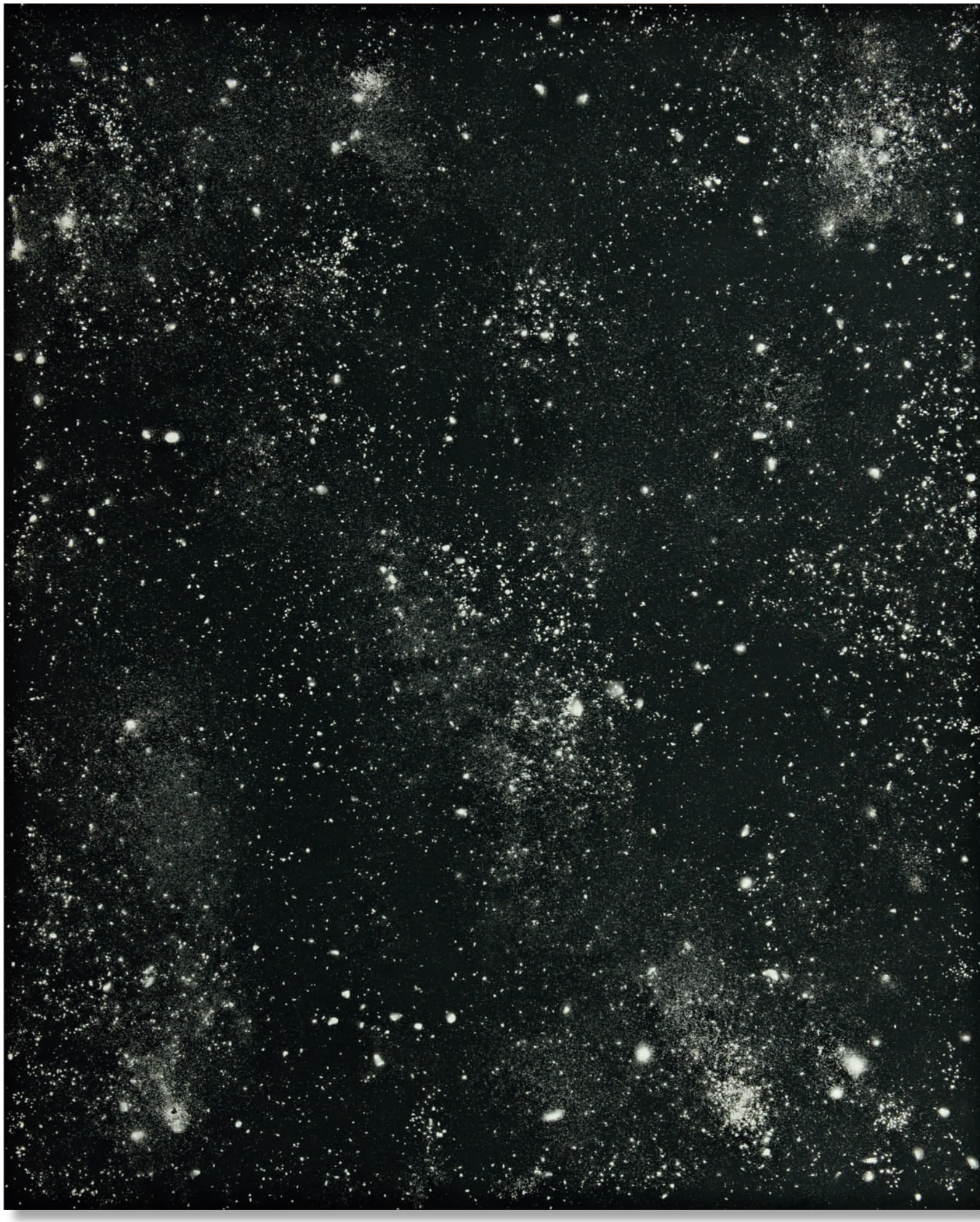
PROVENANCE Galerie Eva Presenhuber, Zurich

"Rondinone's work addresses the nature of subjectivity as it struggles to position itself in relation to the world. This struggle induces feelings of reverie and contemplation, a suspended state of melancholy, longing and desire that is redeemed through poetic and aesthetic engagement."
(Andrea Tarsia in *Zero built a nest in my navel*, 2006)

Swiss artist Ugo Rondinone emerged in the 1980s alongside a generation of artists whose work sought to explore the notion of self as defined by the way in which we occupy both real and fictional space. Rondinone explores these boundaries of reality with great formal and stylistic diversity. His work is not typified by any one medium or style, but is rather made up of the exploration of painting, drawing, photography, video, sculpture, neon and sound. As a result, exhibitions of Rondinone's work more closely resemble a survey of the artist's career, or better yet a window into the chaos of Rondinone's head – a survey of his stream of consciousness – rather than a contained period of stylistic fascination.

The present lot, *No. 547 ELFTERSEPTEMBERZWEITAUSENDUNDACHT*, is part of Rondinone's 'star painting' series, all of which depict abstract paintings of specific starry night skies seen by the artist. The title of this work refers to the day when Rondinone saw the constellation, a specific recording that explains his description of the star paintings as being akin to an entry in his personal diary. The work is seen here on a massive black canvas with white spray paint thickly clustered throughout the work. The white spray paint suggests a black night sky bursting with stars, presenting the viewer with the vastness of the starry horizon they have either already experienced or can imagine experiencing. Within the gallery space, Rondinone often exhibits his star paintings alongside one another so as to allow the viewer to move between the indoor and the outdoor. Rondinone brings the vastness of the night sky onto the gallery walls, playing with notions of reality and allowing the viewer to re-live a dense, heavy, and perhaps sleepless night. The dream-like experience Rondinone creates in this work is akin to that in-between state of consciousness and sleep, it "traverses the boundaries between the dream state and reality through asymmetric settings of symbols…and the manipulation of space and time" (*Ugo Rondinone: The Night of Lead*, at MUSAC Museo de Arte Contemporáneo de Castilla y León).

Ultimately, while the formal and stylistic qualities of Rondinone's work oscillate between rainbow slogans, Frank Stella-like line paintings and abstract acrylic works, the core of all of his pieces refer back to his search for connection, identification, and signification. He equalizes medium in favour of creating works that allow him to explore abstract states of philosophical being.



23 **PETER FISCHLI & DAVID WEISS** b. 1952 & b. 1946

Brush Pot, 2005

Cast rubber. 20 × 21 × 20 cm (7 7/8 × 8 1/4 × 7 7/8 in). This work is from an edition of 6 and accompanied by a certificate of authenticity.

Estimate £30,000–50,000 $48,400–80,600 €34,300–57,200

PROVENANCE Galerie Eva Presenhuber, Zurich

EXHIBITED New York, Matthew Marks Gallery, *Clay and Rubber*, 29 October 2009–16 January 2010 (another example exhibited)

"The heavy black vulcanite rubber invokes a range of associations which sits at odds with the practical uses of the objects assembled, requiring the viewer to look askance at the everyday things that are on view. Industrial, durable, even kinky, the black rubber material gives the forms of these mundane items a disconcerting and fetishised quality, as plain and commonplace things bounce and bend in a way which ill suits their function or purpose … As the objects are divested of any recognised utility, they become charged with an aesthetic and sensory resonance which, both through the anonymising effect of the black colouration, and the simultaneously seductive and repulsive tactile quality of the rubber, presents a disquieting and intriguing image of the domestic world."

(From the press release for the exhibition *Peter Fischli / David Weiss:, Objects and Pedestals*, at Sprüth Magers, London, 2009)

24 **CHRISTOPHER WOOL** b. 1955
Untitled, 2000
Alkyd and silkscreen on rice paper. 166.5 × 118.5 cm (65 1/2 × 46 5/8 in).

Estimate £80,000–120,000 $129,000–194,000 €91,600–137,000 ‡

PROVENANCE Luhring Augustine Gallery, New York; 11 Duke Street, London; Galerie Micheline Szwajcer, Antwerp

"Through process, technique, scale, composition, and imagery, Wool's work accentuates the tensions and contradictions between the act of painting, the construction of a picture, its physical attributes, the visual experience of looking at it, and the possibilities of playing with and pushing open the thresholds of its meanings. They are defined by what they're not – and by what they hold back." (Ann Goldstein, 'What They're Not: The Paintings of Christopher Wool', in *Christopher Wool*, exh. cat., San Francisco Museum of Modern Art, 1998, pp. 263)

The current lot exemplifies American artist Christopher Wool's later abstract work. While not as overtly polemical as his works featuring black block text can be, his purely abstract paintings are more concerned with the relationship between process and erasure, and production and removal. Here, Wool explores the qualities of the painting process by using his characteristic black-and-white palette, with layers of black dots, circles and rollers under a white wash. Rendering the composition as a kind of palimpsest, we can see the partially obscured black lines and shapes emerge through the areas where the white wash has been thinly applied.

In this painting, as in his other abstract paintings, Wool seeks to define his practice by the elimination of all he considers to be unnecessary, such as colour, hierarchical composition and internal form. Wool paints under the conviction that it is easier to define things by what they are not than by what they are. While it appears clear that these abstract works question the very medium of painting, they are in fact more nuanced than that because Wool's questioning of the medium is not met with any easy answers.

"One faces in Wool's work only the arbitrary order of carefully achieved randomness … there is no secure sense of what Wool's paintings mean. They are uniform, deliberate, absolute, and masterful, but entirely resistant to ones natural search for meaning, which they seem to deny." (John Caldwell, 'New Work: Christopher Wool', , in *Christopher Wool*, exh. cat., San Francisco Museum of Modern Art, 1998)

25 **RUDOLF STINGEL** b. 1956

Untitled, 1986

Oil and enamel on canvas in two parts. Overall: 223 × 400 cm (87 3/4 × 157 1/2 in).

Signed 'Stingel 1986' on the reverse.

Estimate £500,000–700,000 $810,000–1,130,000 €570,000–801,000 ♠

PROVENANCE Galleria A, Lugano; Galerie Nordenhake, Stockholm; Private Collection, Sweden

"Rudolf Stingel's work is a new approach, a new attempt […] to fill the gap between abstraction and figuration" (Francesco Bonami)

Although the idea of painting is central to Rudolf Stingel's output, he has refused his work to be defined by the limits of painting. It has become his ambition to release painting from the superficiality of representation and illusion. The present lot, an untitled painting in oil and enamel from 1986, is an excellent example of how Stingel approaches his subject and his materials. While the drama and limitless space in this work evoke the unique aesthetic language of the composite forms of the Baroque and Bavarian Rococo he was exposed to during his upbringing in the Italian Tyrol and Vienna, the painting also references the modern concept of monochromes and the 'all-over' compositions of the Abstract Expressionists.

The writer and curator Francesco Bonami associates the interaction of the painted subject and painting as subject with the struggle between the moment, *kairos*, and eternal time, *kronos*, and argues that this has been crucial to Stingel's work. His paintings, Bonami asserts, relentlessly argue between the specific moment, which leads to figuration and an awareness of existence defined by images and the deferral of mortality, and eternal time, which leads to abstraction where mortality is made redundant as it exists without reality which has been replaced by the ever-presence of nothingness.

"His abstractions and portraits look into each other, forward and backward. Stingel creates a transitive way to recede from abstraction into the subject and to push the subject into a different kind of time. While Richter's blur is an anticipation of a forthcoming, more radical disappearance of the subject, Stingel's impression left by the pattern of the fabric […] are the same as the impression left by the subject on the canvas. Either the patterns can lie underneath the subject or the subject can be hidden within the pattern […] To paint is to act. Yes this action does not necessarily produce a painting. Most of the time, the result is an approximation of an ideal painting that exists in the mind of the painter. Painting must also be an observation. The mere act of painting does not create a Painting but simply some painting. But if the action of painting is used as a lens to observe reality to create another reality, then we have a Painting. Furthermore, it is the understanding, translation and representation of time that determine whether a painting is figurative or abstract."

(Francesco Bonami, 'Paintings of Paintings for Paintings – The Kairology and Kronology of Rudolf Stingel', exh. cat., *Rudolf Stingel*, New Haven and London, Yale University Press, 2007, pp. 13–14)

26 **VICTOR VASARELY** 1906–1997

Binaire FF, 1964

Acrylic on canvas. 195 × 130 cm (76 3/4 × 51 1/8 in). Signed 'Vasarely' lower edge; further signed, titled and dated 'Vasarely "Binaire FF" 1964' on the reverse. This work is accompanied by a certificate of authenticity signed by the artist.

Estimate £120,000–180,000 $194,000–290,000 €137,000–206,000 ‡

PROVENANCE Galeria Siete Siete, Caracas

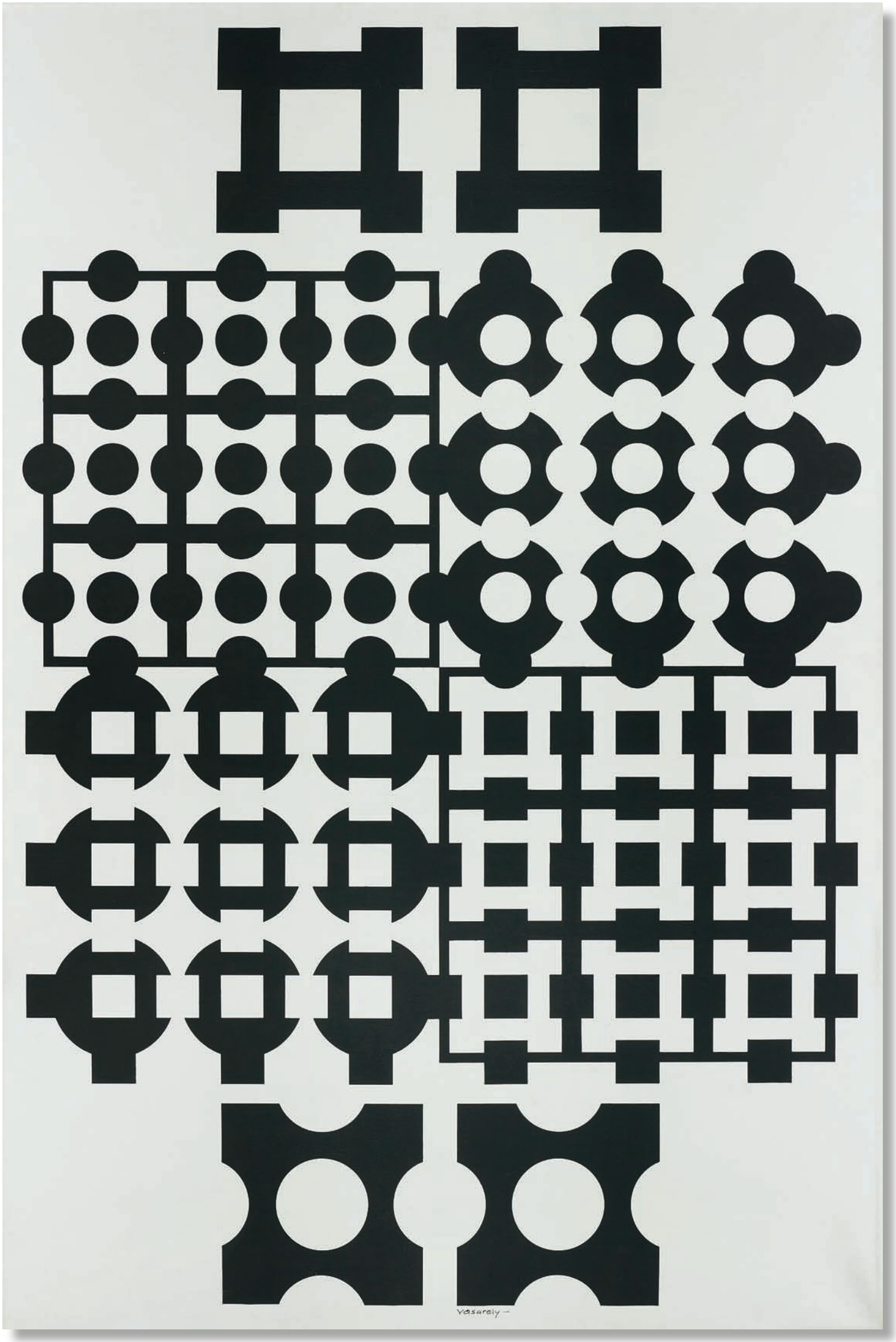
EXHIBITED Boulder, Colorado, University of Colorado, *Victor Vasarely*, 16 March–8 April 1967; Houston, Texas, Contemporary Arts Association, *Victor Vasarely*, 23 April–14 May 1967; Caracas, Museo de Arte Contemporáneo, *Victor Vasaely*, 1977

"The Black & White period (1950–1965) marks a fundamental moment in Vasarely's work, since it is in this two-coloured phase where he develops and defines all the basic elements of what would eventually be known as Op-art, a unique aesthetic and style that would remain forever linked to his name."
(Vasarely: The Official Artist Website)

Binaire FF, from Victor Vasarely's so-called Black & White period, represents a ground-breaking moment in the artist's career. This work, along with others produced during this period, can be credited for laying the foundation for what would eventually become known as Op art. Works from this period are characterized by black-and-white linear compositions, parallelisms, chequerboard deformations, spatial illusions, and undulatory networks, all of which serve to simultaneously attract and disorient the viewer.

These captivating, surface-defying metaphors that Vasarely employs rely entirely on the viewer for their optical activation. This reliance on the spectator is what Vasarely describes as the intrinsic connection between visual kinetics and the perception of the viewer as the sole creator of the optical illusion. As such, the meaning and interpretation of the work surpasses the boundaries of the canvas and becomes a product of a combination of external factors, allowing for an extremely personal and subjective reading of the work. Vasarely's exploration of volume and space was unparalleled at this point, and it was ultimately his experimentation with the infinite possibilities and patterns of optical illusions that moved abstract geometric painting into the realm of kineticism.

Victor Vasarely in his studio, Arcueil, France, 1957


Vasarely

27 **ANDREAS GURSKY** b. 1955

Heidelberg Ost, 1993

Ektacolor print mounted to Plexiglas in artist's frame. 166 × 200 cm (65 3/8 × 78 3/4 in). Signed, titled and dated 'Heidelberg Ost 1993 Andreas Gursky' and numbered of 5 on the reverse. This work is from an edition of 5.

Estimate £200,000–300,000 $323,000–484,000 €229,000–343,000 ♠

PROVENANCE Monika Sprüth Galerie, Cologne; Galerie Rodolphe Janssen, Brussels

"Gursky, in his ultimately nihilistic way, is clearly more interested in another game – a pictorialist celebration of style, craftsmanship, and the perfect photographic image."
(Alberro, 'Blind Ambition', *Artforum*, January 2001, p. 114)

This drive for photographic perfection that Gursky is known for is exemplified by the present lot, *Heidelberg Ost*. Gursky produces works that are all-inclusive, that focus on the equality – in Gursky's eyes – of all aspects of the scene depicted. Large, sweeping scenes of industrial factories, apartment buildings and landscapes are captured on a large scale and then shrunk, edited and manipulated into extreme detail. He is adept at eliminating the central focal point of the image, instead forcing the viewer to absorb the work in its entirety. Because no single viewpoint can be isolated as the eye passes rapidly from one detail to another, Gursky's photographs often take on an aura of isolation and unfamiliarity. His photographic style mirrors the subject matter of his works, as when presented in their totality these modern landscapes become virtually and inherently impenetrable. It is this innate paradox – presenting everything and yet no one thing – that allows Gursky to reveal the structural principles at the core of the visible world.

Heidelberg Ost depicts a distant view of the German city at night. Emerging from near complete darkness, the landscape almost defies Gursky's characteristic style as he allows the black night sky to dominate the photograph. However, despite the fact that we are presented with a unified cityscape, we are still unable to pin-point specific areas or structures in the scene. As Calvin Tomkins wrote in *The New Yorker*, this work recalls the "majestic aura of nineteenth-century landscape paintings, without losing any of [its] meticulously detailed immediacy as [a photograph]" ('The Big Picture', 22 January 2001, p. 62).

In this, as in most of his works, Gursky refutes photography as inferior to painting, not only through his digital manipulations of the photograph, but also through his ability to represent the modern world on such a grand scale. This impressive work is the product of Gursky's own photographic truth – his interpretation of the modern dilemma in the balance between the individual and the whole.

28 **HEINZ MACK** b. 1931

Untitled, 1975

Aluminium foil relief, mirrored glass and aluminium in wooden box. 178 × 234 × 7.3 cm (70 1/8 × 92 1/8 × 2 7/8 in). Incised 'Mack 75' centre right.

Estimate £100,000–150,000 $161,000–242,000 €114,000–172,000 ♠

PROVENANCE Private Collection, Europe

"'I need great ideas, and I believe that if one were to commission from me a plan for a new universe I would be crazy enough to start work on it at once.' This avowal is 250 years old and is from Piranesi – if I didn't know who had first uttered it I would not hesitate to attribute it to Heinz Mack. Just as I would entrust him with the rebuilding of the tower of Babylon. It would probably be a tower of light which he would try to build, more infinite than Brancusi's endless pillar, a vibrating light stele which connects earth to the heavens."

(Wieland Schmied on Heinz Mack, www.mack-kunst.com)

29 **MARINO MARINI** 1901–1980

Cavallo, 1952

Bronze, hand-chiselled and painted by the artist. 46 × 42 × 13 cm. (18 1/8 × 16 1/2 × 5 1/8 in.) Stamped 'MM' on the base. This work is from an edition of 6.

Estimate £400,000–600,000 $645,000–968,000 €458,000–687,000 ‡

PROVENANCE Private Collection

EXHIBITED Kassel, II. Documenta, *Kunst nach 1945*, 1959 (another example exhibited)

LITERATURE E. Trier, *Marino Marini*, Cologne, 1954, no. 19, (another example illustrated); *Kunst nach 1945*, exh. cat., II. Documenta, Kassel, 1959, no. 5 (another example illustrated); H. Lederer & E. Trier, *Marino Marini*, Stuttgart, 1961, no. 79 (another example illustrated); G. Carandente, *Marino Marini*, Milan, 1966 (another example illustrated); P. Waldberg, H. Read & G. di San Lazzaro, *Marino Marini, Complete Works*, New York, 1970, no. 289, p. 366 (another example illustrated); C. Pirovano, *Marino Marini, Scultore*, Milan, 1972, no. 300, pp. 110 and 164 (another example illustrated); *Marino Marini*, London, 1980, no. 142 (another example illustrated); L. Papi, *Marino Marini: Impressioni di Lorenzo Papi*, Ivrea, 1987 (another example illustrated); C. Pirovano, ed., *Marino Marini. Catalogo del Museo San Pancrazio di Florence*, Milan, 1988, pl. 140 (another example illustrated); G. Iovane, *Marino Marini*, Milan, 1990, p. 91 (another example illustrated); M. Meneguzzo, *Marino Marini. Cavalli e cavalieri*, Milan, 1997, no. 69, pp. 134–37 (another example illustrated); Fondazione Marino Marini, ed., *Marino Marini. Catalogue Raisonné of the Sculptures*, Milan, 1998, no. 368b, p. 257 (another example illustrated)

Italian sculptor Marino Marini first produced equestrian works in the 1930s under the influence of mythological representation of horses. Initially the horse and his rider were poised, formal figures standing stiff, motionless and erect, symbolizing for Marini a primeval harmony between man and nature. However, after the Second World War, Marini's sculptures of horses become much more abstract and expressed a distress and anguish which mirrored Marini's own experience and that of the Italian people under Mussolini.

The present work is a post-war sculpture in which a riderless horse writhes in agony. While the sculpture is still figurative, the dominating diagonals and strong angular forms demonstrate Marini's interest in Cubist abstraction. It is interesting to make a comparison to *Guernica*, Pablo Picasso's anti-war masterpiece, in which one of the two dominant elements is a horse who, like Marini's *Cavallo*, writhes in agony as a result of the bombing of the Basque town by General Franco's Nationalist forces. Both Guernica and Marini's *Cavallo* define the role and the power of the artist in the face of political tyranny and violence. They are poignant commentaries on what art can contribute towards the liberation of the human being from the claws of dictatorial power.

30 **THOMAS STRUTH** b. 1954

Pergamon Museum IV, Berlin, 2001

Colour coupler print mounted on Plexiglas in artist's frame. 159.4 × 235 cm (62 3/4 × 92 1/2 in). Signed 'Thomas Struth' on a label affixed to the reverse of the backing. This work is from an edition of 10.

Estimate £120,000–180,000 $194,000–290,000 €137,000–206,000 ♠

PROVENANCE Marian Goodman Gallery, New York

Thomas Struth graduated from the Academy of Fine Arts in Düsseldorf in 1980, where he had studied with both painter Gerhard Richter and photographers Bernd and Hilla Becher. Initially working in black and white in deserted industrial and urban locations, he continued this architectural influence through the 80s and 90s, however evolved his photographic interest to include portraits, rural landscapes and gallery pictures, exploring an interest in all the different genres of photography.

The present lot, a photograph from 2001, is the fourth in a series of six of the Pergamon Museum. It shows a room full of visitors studying architectural antiquities. The Pergamon Museum in Berlin was designed to house the architectural antiquities, particularly the Hellenistic Pergamon Altar and frieze, which had been excavated in Asia Minor in the 1880s. In his photograph, Struth reflects one view of the interior of the gallery in a large size colour photograph. Struth expressed his interest in the relationship between the public and artworks and, in his own words, he "wanted to remind [his] audience that when art works were made, they were not yet icons or museum pieces. When a work of art becomes fetishized, it dies". He felt that the objects in his photographs seemed refreshed and regained an aspect of their original vitality when seen anew like this (see Phyllis Tuchman, 'On Thomas Struth's "Museum Photographs"', *Artnet Magazine*, www.artnet.com/magazine/features/tuchman/tuchman7-8-03.asp).

Here, Struth follows on from his earlier museum photographs with a continued need to have figures respond to other figures, creating a dialogue between the two; the inanimate object in the public space. Through these, Struth searches and reveals the collective experience of exploring and seeing. It also continues his interest in the urban scene, from his urban studies of Naples, Tokyo, Chicago and Berlin in the early 80s, to these museum images in which he has continued to look at the social relations and moods of an urban environment and its inhabitants.

"I said that athletes were better than movie stars and I don't know what I'm talking about because athletes are the new movie stars" **ANDY WARHOL**

31 **ANDY WARHOL** 1928–1987

Muhammad Ali, 1978

Gouache and silkscreen on paper. 61.5 × 61.5 cm (24 1/4 × 24 1/4 in). Stamped by the Andy Warhol Estate and numbered A1094.113 on the reverse. This work is unique.

Estimate £180,000–220,000 $290,000–355,000 €206,000–252,000

PROVENANCE Andy Warhol Studio, New York; Private Collection

Andy Warhol taking a picture of Muhammad Ali and his daughter, 1977

The end of the 1970s witnessed the extraordinary rise of the athlete as a celebrity. It was at that time that Andy Warhol conceived and made his famous group of works *The Athlete Series*, to which the present lot, a portrait of Muhammad Ali, belongs:

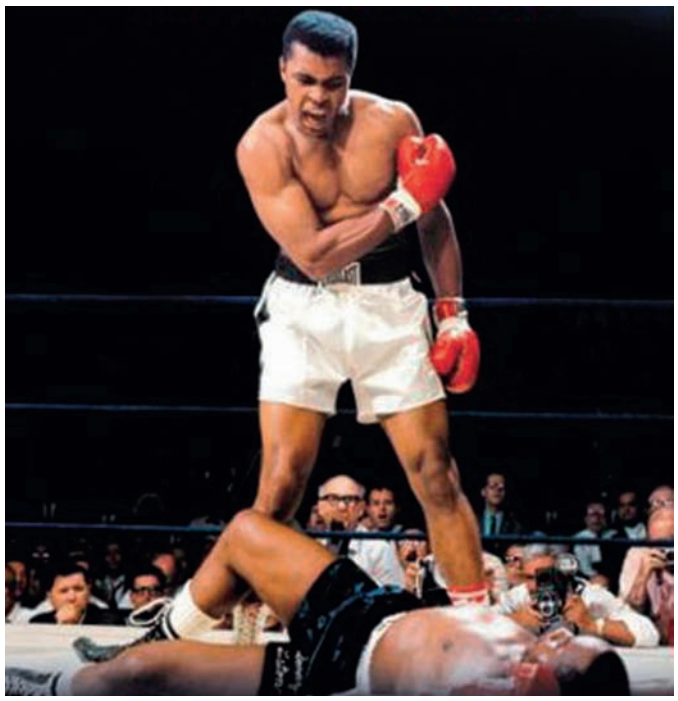
"What began as a desire to unite two spheres of American culture inadvertently captured a significant moment in sports history, the rapid escalation of the celebrity sport star, a phenomenon that continues to provide opportunity and inspiration to people from all backgrounds … Simultaneously, the sport celebrity is the subject of mass marketing, image production and selling 'authenticity'. What could be more Warholian than that? It comes as no surprise that the forces that contributed to the rise of the sports star – television, branding and American leisure activities – are also the key propellants behind Andy Warhol's work."
(*Andy Warhol: The Athlete Series*, London: Martin Summers Fine Art, 2007, p. 71)

The Athlete Series differs from Warhol's regular celebrity portraits in its inclusion of sports stars only who achieved their status through hard work, skill, talent and determination. They represented a cornerstone of the American Dream that appealed to everyone: "Professional sports in the United States also represented the quintessential American Dream. Any person, regardless of race, gender or social stature had the opportunity to rise to the uppermost echelons of the game" (*Andy Warhol: The Athlete Series*, 2007, p. 76).

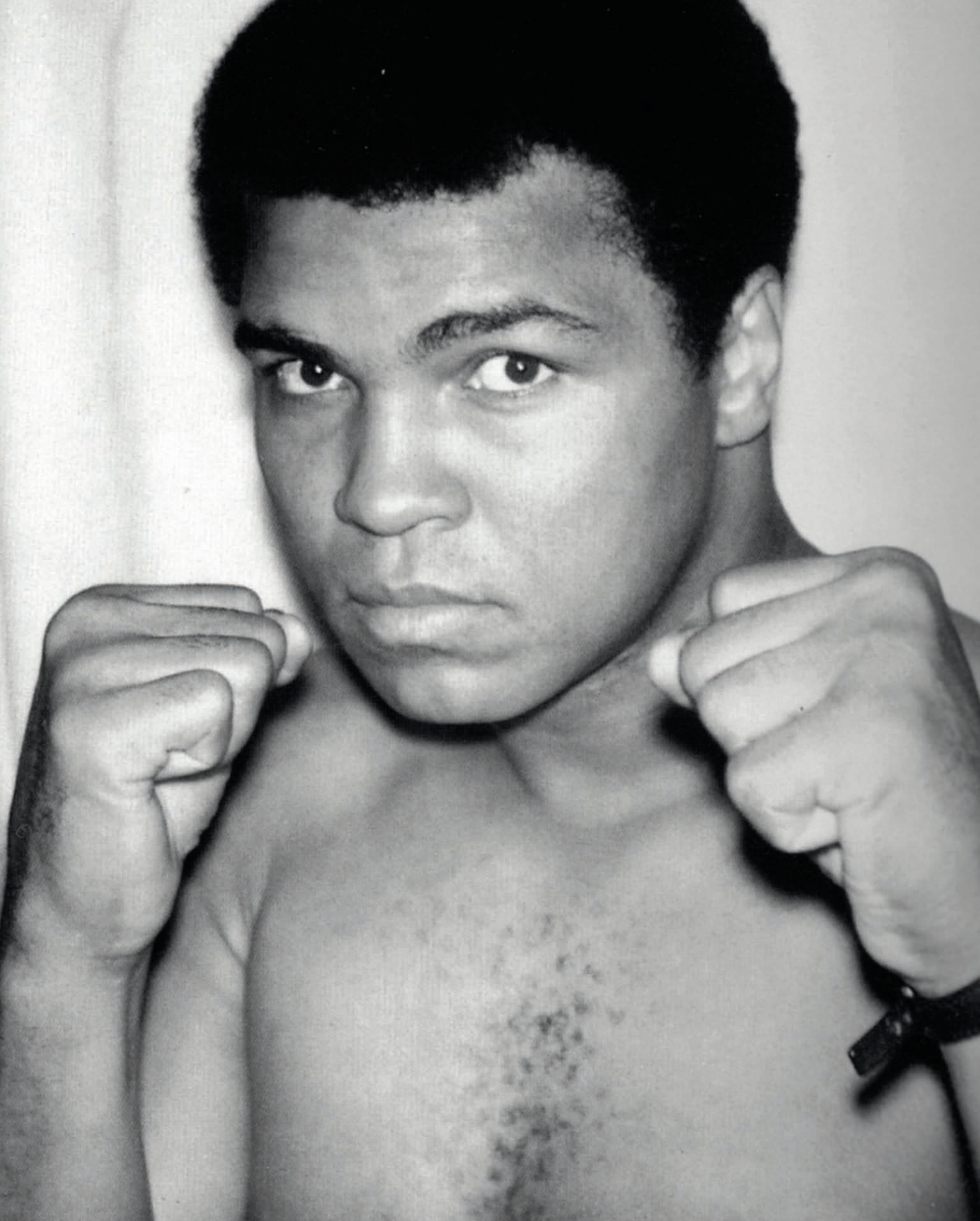
Warhol was in love with fame, with the rich and the talented, and his acute awareness of the workings of the media was matched by the proliferation of images made available through the consumerist mass-media and pop culture in the America of the 60s and 70s. Naturally, the media played a substantial part in the creation of celebrity icons and stars and these idealised creations of the media triggered social aspirations for fame and wealth amongst the wider population: "Fame, according to Warhol, is what makes life livable. One can cool off in the sweet breeze of success" (Suzi Gablik, *Andy Warhol – Portrait Screenprints 1965–80*, Arts Council of Great Britain, 1981).

In this image Muhammad Ali is not depicted as a sportsman but rather as a contemporary icon, idealized and heightened to an almost god-like level. It is also important to note that he is shown as one of the first contemporary black heroes in American art, a fact of interest to Warhol. The boxer is portrayed active and alert, raising his fists, the tools of his trade to which he owes his fame, in a combative pose. Warhol was fascinated by Ali's rise to fame from his humble background to become a star, but the artist was also intrigued by the sheer violence of boxing.

Violence was always an important subject in Warhol's career, as seen in his *Death and Disaster*, and his near-death experience of 1968, when he was shot and from which he never really recovered, made him even more aware of this other aspect of American life. Warhol was also always interested in the media and its voyeuristic relationship with violence but he always achieved to convey a sense of objectivity and detachment in the representation of violence in his art works. In this regard Warhol saw a connection between him and Ali, who stated in the *New York Times* on 6 April 1977: "It's just a job. Grass grows, birds fly, waves pound sand. I beat people up". While playing with the artificial and idealized representation the object, Warhol gives the viewer a unique and potent insight into contemporary American culture and life.



Neil Liefer, *Muhammad Ali vs. Sonny Liston, St. Dominick Arena, Lewiston, Maine, May 25, 1965* (detail)



32 **GEORGE CONDO** b. 1957

Don Diego, 2009

Oil on canvas. 130 × 130 cm (51 1/8 × 51 1/8 in). Signed and dated 'Condo 09' on the reverse.

Estimate £180,000–220,000 $290,000–355,000 €206,000–252,000

PROVENANCE Galerie Jérôme de Noirmont, Paris

"[My] objective is to portray the strangeness that I feel, and the strangeness that I see is the strangeness that is around me … it is in that sense that I call myself a realist."
(The artist)

Condo depicts seemingly ordinary people, then distorts and infuses them with a sense of the grotesque and the absurd, making deliberate ruptures, allowing for discontinuity and exaggerations and thereby conveying the hallucinatory energy of the depicted. His painting style is characterized by a unique combination of influences drawn from Old Master paintings, European history painting, Mannerism, Greek mythological figures and Cubism. With this vocabulary of artistic styles, Condo examines the limits of portraiture in similar ways to Pablo Picasso or Francis Bacon. By adopting techniques, styles and methods from earlier painters and applying these to invented subjects and motifs drawn from his own observation, Condo creates, as he puts it, "composites of various psychological states painted in different ways".

"Sometimes I'm involving a number of images from different paintings, with slight variations at times. I think of them as themes and variations, composites of various psychological states painted in various different ways and a continuation of the overall concept for Artificial Realism … 'the realistic representation of that which is artificial' … is about dismantling one reality and constructing another from the same parts, and that various concrete objects are not attached to their parts alone. I was thinking of Picasso's bull's head made from a bicycle and Duchamp's ready-mades. Essentially what I am painting is the state in which the image-time of one reality is superimposed in a field of another simultaneous presence now becomes a new conjunctive hyper-reality or hybrid image showing the simultaneous presences."
(The artist, in an interview by Ralph Rugoff in *George Condo: Existential Portraits*, exh. cat., New York: Luhring Augustine, 2006)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Urs Fischer, *Thank You Fuck You*, 2007, Lot 6 (alternate view)

GUIDE FOR PROSPECTIVE BUYERS

BUYING AT AUCTION

The following pages are designed to offer you information on how to buy at auction at Phillips de Pury & Company. Our staff will be happy to assist you.

CONDITIONS OF SALE

The Conditions of Sale and Authorship Warranty which appear later in this catalogue govern the auction. Bidders are strongly encouraged to read them as they outline the legal relationship between Phillips de Pury & Company, the seller and the buyer and describe the terms upon which property is bought at auction. Please be advised that Phillips de Pury & Company generally acts as agent for the seller.

BUYER'S PREMIUM

Phillips de Pury & Company charges the successful bidder a commission, or buyer's premium, on the hammer price of each lot sold. The buyer's premium is payable by the buyer as part of the total purchase price at the following rates: 25% of the hammer price up to and including £25,000, 20% of the portion of the hammer price above £25,000 up to and including £500,000, and 12% of the portion of the hammer price above £500,000.

VAT

Value added tax (VAT) may be payable on the hammer price and/or the buyer's premium. The buyer's premium may attract a charge in lieu of VAT. Please read carefully the 'VAT AND OTHER TAX INFORMATION FOR BUYERS' section in this catalogue.

1 PRIOR TO AUCTION

Catalogue Subscriptions

If you would like to purchase a catalogue for this auction or any other Phillips de Pury & Company sale, please contact us at +44 20 7318 4010 or +1 212 940 1240.

Pre-Sale Estimates

Pre-sale estimates are intended as a guide for prospective buyers. Any bid within the high and low estimate range should, in our opinion, offer a chance of success. However, many lots achieve prices below or above the pre-sale estimates. Where 'Estimate on Request' appears, please contact the specialist department for further information. It is advisable to contact us closer to the time of the auction as estimates can be subject to revision. Pre-sale estimates do not include the buyer's premium or VAT.

Pre-Sale Estimates in US Dollars and Euros

Although the sale is conducted in pounds sterling, the pre-sale estimates in the auction catalogues may also be printed in US dollars and/or euros. Since the exchange rate is that at the time of catalogue production and not at the date of auction, you should treat estimates in US dollars or euros as a guide only.

Catalogue Entries

Phillips de Pury & Company may print in the catalogue entry the history of ownership of a work of art, as well as the exhibition history of the property and references to the work in art publications. While we are careful in the cataloguing process, provenance, exhibition and literature references may not be exhaustive and in some cases we may intentionally refrain from disclosing the identity of previous owners. Please note that all dimensions of the property set forth in the catalogue entry are approximate.

Condition of Lots

Our catalogues include references to condition only in the descriptions of multiple works (e.g., prints). Such references, though, do not amount to a full description of condition. The absence of reference to the condition of a lot in the catalogue entry does not imply that the lot is free from faults or imperfections. Solely as a convenience to clients, Phillips de Pury & Company may provide condition reports. In preparing such reports, our specialists assess the condition in a manner appropriate to the estimated value of the property and the nature of the auction in which it is included. While condition reports are prepared honestly and carefully, our staff are not professional restorers or trained conservators. We therefore encourage all prospective buyers to inspect the property at the pre-sale exhibitions and recommend, particularly in the case of any lot of significant value, that you retain your own restorer or professional advisor to report to you on the property's condition prior to bidding. Any prospective buyer of photographs or prints should always request a condition report because all such property is sold unframed, unless otherwise indicated in the condition report. If a lot is sold framed, Phillips de Pury & Company accepts no liability for the condition of the frame. If we sell any lot unframed, we will be pleased to refer the purchaser to a professional framer.

Pre-Auction Viewing

Pre-auction viewings are open to the public and free of charge. Our specialists are available to give advice and condition reports at viewings or by appointment.

Electrical and Mechanical Lots

All lots with electrical and/or mechanical features are sold on the basis of their decorative value only and should not be assumed to be operative. It is essential that, prior to any intended use, the electrical system is verified and approved by a qualified electrician.

Symbol Key

The following key explains the symbols you may see inside this catalogue.

○ Guaranteed Property

The seller of lots with this symbol has been guaranteed a minimum price. The guarantee may be provided by Phillips de Pury & Company, by a third party or jointly by us and a third party. Phillips de Pury & Company and third parties providing or participating in a guarantee may benefit financially if a guaranteed lot is sold successfully and may incur a loss if the sale is not successful. A third party guarantor may also bid for the guaranteed lot and may be allowed to net the financial remuneration received in connection with the guarantee against the final purchase price if such party is the successful bidder.

In this catalogue, if property has ○◊ next to the lot number, the guarantee of minimum price has been fully financed by third parties.

∆ Property in which Phillips de Pury & Company has an Ownership Interest

Lots with this symbol indicate that Phillips de Pury & Company owns the lot in whole or in part or has an economic interest in the lot equivalent to an ownership interest.

● No Reserve

Unless indicated by a ●, all lots in this catalogue are offered subject to a reserve. A reserve is the confidential value established between Phillips de Pury & Company and the seller and below which a lot may not be sold. The reserve for each lot is generally set at a percentage of the low estimate and will not exceed the low pre-sale estimate.

♠ Property Subject to the Artist's Resale Right

Lots marked with ♠ are subject to the Artist's Resale Right calculated as a percentage of the hammer price and payable as part of the purchase price as follows:

Portion of the Hammer Price (in EUR)	*Royalty Rate*
From 0 to 50,000	4%
From 50,000.01 to 200,000	3%
From 200,000.01 to 350,000	1%
From 350,000.01 to 500,000	0.5%
Exceeding 500,000	0.25%

The Artist's Resale Right applies where the hammer price is EUR 1,000 or more, subject to a maximum royalty per lot of EUR 12,500. Calculation of the Artist's Resale Right will be based on the pounds sterling/euro reference exchange rate quoted on the date of the sale by the European Central Bank.

†, §, ‡, or Ω Property Subject to VAT

Please refer to the section entitled 'VAT AND OTHER TAX INFORMATION FOR BUYERS' in this catalogue for additional information.

Σ Endangered Species

This property may require an export, import or endangered species license or permit. Please refer to Paragraph 4 of the Guide for Prospective Buyers and Paragraph 11 of the Conditions of Sale.

❖ Gemstones Originating in Burma (Myanmar)

Jadeite and rubies of Burmese origin and articles of jewellery less than 100 years old containing such gemstones may not be imported into the United States or the United Kingdom. Lots marked with ❖ contain rubies or jadeite of Burmese or unknown origin that may be subject to these restrictions. Buyers wishing to import rubies or jadeite into the United States or the United Kingdom must obtain certification of non-Burmese origin from a gemmological laboratory. There may be costs and delays associated with this process.

With respect to items containing any other types of gemstones originating in Burma (eg. sapphires), such items may be imported into the United States or the United Kingdom provided that the gemstones were mounted or incorporated into articles of jewellery outside of Burma as long as the setting is not of a temporary nature. Loose gemstones of any type originating in Burma may not be imported into the United States or the United Kingdom.

The purchaser's inability to import any item into the United States or the United Kingdom or any other country as a result of these or other restrictions shall not justify cancellation or rescission of the sale or any delay in payment. Please check with the specialist department

if you are uncertain as to whether a lot is subject to these import restrictions, or any other restrictions on importation or exportation.

2 BIDDING IN THE SALE

Bidding at Auction

Bids may be executed during the auction in person by paddle or by telephone or prior to the sale in writing by absentee bid. **Proof of identity in the form of government-issued identification will be required, as will an original signature.** We may also require that you furnish us with a bank reference.

Bidding in Person

To bid in person, you will need to register for and collect a paddle before the auction begins. New clients are encouraged to register at least 48 hours in advance of a sale to allow sufficient time for us to process your information. All lots sold will be invoiced to the name and address to which the paddle has been registered and invoices cannot be transferred to other names and addresses. Please do not misplace your paddle. In the event you lose it, inform a Phillips de Pury & Company staff member immediately. At the end of the auction, please return your paddle to the registration desk.

Bidding by Telephone

If you cannot attend the auction, you may bid live on the telephone with one of our multilingual staff members. This service must be arranged at least 24 hours in advance of the sale and is available for lots whose low pre-sale estimate is at least £500. Telephone bids may be recorded. By bidding on the telephone, you consent to the recording of your conversation. We suggest that you leave a maximum bid, excluding the buyer's premium and VAT, which we can execute on your behalf in the event we are unable to reach you by telephone.

Absentee Bids

If you are unable to attend the auction and cannot participate by telephone, Phillips de Pury & Company will be happy to execute written bids on your behalf. A bidding form can be found at the back of this catalogue. This service is free and confidential. Bids must be placed in the currency of the sale. Our staff will attempt to execute an absentee bid at the lowest possible price taking into account the reserve and other bidders. Always indicate a maximum bid, excluding the buyer's premium and VAT. Unlimited bids will not be accepted. Any absentee bid must be received at least 24 hours in advance of the sale. In the event of identical bids, the earliest bid received will take precedence.

Employee Bidding

Employees of Phillips de Pury & Company and our affiliated companies, including the auctioneer, may bid at the auction by placing absentee bids so long as they do not know the reserve when submitting their absentee bids and otherwise comply with our employee bidding procedures.

Bidding Increments

Bidding generally opens below the low estimate and advances in increments of up to 10%, subject to the auctioneer's discretion. Absentee bids that do not conform to the increments set below may be lowered to the next bidding increment.

UK£50 to UK£1,000	by UK£50s
UK£1,000 to UK£2,000	by UK£100s
UK£2,000 to UK£3,000	by UK£200s
UK£3,000 to UK£5,000	by UK£200s, 500, 800 (eg. UK£4,200, 4,500, 4,800)
UK£5,000 to UK£10,000	by UK£500s
UK£10,000 to UK£20,000	by UK£1,000s
UK£20,000 to UK£30,000	by UK£2,000s
UK£30,000 to UK£50,000	by UK£2,000s, 5,000, 8,000
UK£50,000 to UK£100,000	by UK£5,000s
UK£100,000 to UK£200,000	by UK£10,000s
above UK£200,000	at the auctioneer's discretion

The auctioneer may vary the increments during the course of the auction at his or her own discretion.

3 THE AUCTION

Conditions of Sale

As noted above, the auction is governed by the Conditions of Sale and Authorship Warranty. All prospective bidders should read them carefully. They may be amended by saleroom addendum or auctioneer's announcement.

Interested Parties Announcement

In situations where a person allowed to bid on a lot has a direct or indirect interest in such lot, such as the beneficiary or executor of an estate selling the lot, a joint owner of the lot or a party providing or participating in a guarantee on the lot, Phillips de Pury & Company will make an announcement in the saleroom that interested parties may bid on the lot.

Consecutive and Responsive Bidding

The auctioneer may open the bidding on any lot by placing a bid on behalf of the seller. The auctioneer may further bid on behalf of the seller up to the amount of the reserve by placing consecutive bids or bids in response to other bidders.

4 AFTER THE AUCTION

Payment

Buyers are required to pay for purchases immediately following the auction unless other arrangements have been agreed with Phillips de Pury & Company in writing in advance of the sale. Payments must be made in pounds sterling either by cash, cheque drawn on a UK bank or wire transfer, as noted in Paragraph 6 of the Conditions of Sale. It is our corporate policy not to make or accept single or multiple payments in cash or cash equivalents in excess of the local currency equivalent of US$10,000.

Credit Cards

As a courtesy to clients, Phillips de Pury & Company will accept Visa, MasterCard and UK-issued debit cards to pay for invoices of £50,000 or less. A processing fee will apply.

Collection

It is our policy to request proof of identity on collection of a lot. A lot will be released to the buyer or the buyer's authorized representative when Phillips de Pury & Company has received full and cleared payment and we are not owed any other amount by the buyer. After the auction, we will transfer all lots to our premises at Howick Place, London SW1P 1BB, and will so advise all buyers. If you are in doubt about the location of your purchase, please contact the Shipping Department prior to arranging collection. We will levy removal, interest, storage and handling charges on uncollected lots.

Loss or Damage

Buyers are reminded that Phillips de Pury & Company accepts liability for loss or damage to lots for a maximum of five days following the auction.

Transport and Shipping

As a free service for buyers, Phillips de Pury & Company will wrap purchased lots for hand carry only. We do not provide packing, handling or shipping services directly. However, we will coordinate with shipping agents instructed by you in order to facilitate the packing, handling and shipping of property purchased at Phillips de Pury & Company. Please refer to Paragraph 7 of the Conditions of Sale for more information.

Export and Import Licences

Before bidding for any property, prospective bidders are advised to make independent enquiries as to whether a licence is required to export the property from the United Kingdom or to import it into another country. It is the buyer's sole responsibility to comply with all import and export laws and to obtain any necessary licences or permits. The denial of any required licence or permit or any delay in obtaining such documentation will not justify the cancellation of the sale or any delay in making full payment for the lot.

Endangered Species

Items made of or incorporating plant or animal material, such as coral, crocodile, ivory, whalebone, rhinoceros horn or tortoiseshell, irrespective of age, percentage or value, may require a licence or certificate prior to exportation and additional licences or certificates upon importation to any country outside the European Union (EU). Please note that the ability to obtain an export licence or certificate does not ensure the ability to obtain an import licence or certificate in another country, and vice versa. We suggest that prospective bidders check with their own government regarding wildlife import requirements prior to placing a bid. It is the buyer's sole responsibility to obtain any necessary export or import licences or certificates as well as any other required documentation. The denial of any required licence or certificate or any delay in obtaining such documentation will not justify the cancellation of the sale or any delay in making full payment for the lot.

IMPORTANT NOTICES

Items sold under temporary admission
We wish to draw your attention to changes recently made to items sold under temporary admission (originally called temporary importation). The cancelling or refunding of applicable VAT is now subject to items being exported from the European Union within 30 days of payment, rather than 90 days from the date of sale as previously required. For up-to-date information on this matter, please see the 'VAT and Other Tax Information for Buyers' section below.

Identification of business or trade buyers
As of January 2010 in the UK, HMRC have made it an official requirement for auction houses to hold evidence of a buyer's business status, due to the revised VAT rules regarding buyer's premium for lots with symbols for businesses outside the UK.

- Where the buyer is a Non-EU business, we require evidence of the business status by means of the company identification, Certificate of Incorporation, Articles of Association, or government-issued documents showing that the company exists.

- Where the buyer is an EU VAT registered business, we require the above as well as the business's VAT registration number in the form of a government-issued document or paperwork from the local EU tax/VAT office showing the VAT number.

These details can be scanned and emailed to us, or alternatively they can be faxed or mailed.

If these requirements are not met, we will be unable to cancel or refund any applicable VAT.

VAT AND OTHER TAX INFORMATION FOR BUYERS

The following paragraphs provide general information to buyers on the VAT and certain other potential tax implications of purchasing property at Phillips de Pury & Company. This information is not intended to be complete. In all cases, the relevant tax legislation takes precedence, and the VAT rates in effect on the day of the auction will be the rates charged. It should be noted that, for VAT purposes only, Phillips de Pury & Company is not usually treated as agent and most property is sold as if it is the property of Phillips de Pury & Company. In the following paragraphs, reference to VAT symbols shall mean those symbols located beside the lot number or the pre-sale estimates in the catalogue (or amending saleroom addendum).

1 PROPERTY WITH NO VAT SYMBOL

Where there is no VAT symbol, Phillips de Pury & Company is able to use the Auctioneer's Margin Scheme, and VAT will not normally be charged on the hammer price.

Phillips de Pury & Company must bear VAT on the buyer's premium. Therefore, we will charge an amount in lieu of VAT at 20% on the buyer's premium. This amount will form part of the buyer's premium on our invoice and will not be separately identified.

2 PROPERTY WITH A † SYMBOL

These lots will be sold under the normal UK VAT rules, and VAT will be charged at 20% on both the hammer price and buyer's premium.

Where the buyer is a relevant business person in the EU (non-UK) or is a relevant business person in a non-EU country then no VAT will be charged on the buyer's premium. This is subject to Phillips de Pury & Company being provided with evidence of the buyer's VAT registration number in the relevant Member State (non-UK) or the buyer's business status in a non-EU country such as the buyer's Tax Registration Certificate. Should this evidence not be provided then VAT will be charged on the buyer's premium.

3 PROPERTY WITH A § SYMBOL

Lots sold to buyers whose registered address is in the EU will be assumed to be remaining in the EU. The property will be invoiced as if it had no VAT symbol. However, if an EU buyer advises us that the property is to be exported from the EU, Phillips de Pury & Company will re-invoice the property under the normal VAT rules.

Lots sold to buyers whose address is outside the EU will be assumed to be exported from the EU. The property will be invoiced under the normal VAT rules. Although the hammer price will be subject to VAT, the VAT will be cancelled or refunded upon export. The buyer's premium will always bear VAT unless the buyer is a relevant business person in the EU (non-UK) or is a relevant business person in a non-EU country, subject to Phillips de Pury & Company receiving evidence of the buyer's VAT registration number in the relevant Member State (non-UK) or the buyer's business status in a non-EU country such as the buyer's Tax Registration Certificate. Should this evidence not be provided VAT will be charged on the buyer's premium.

4 PROPERTY SOLD WITH A ‡ OR Ω SYMBOL

These lots have been imported from outside the EU to be sold at auction under temporary admission. Property subject to temporary admission will be offered under the Auctioneer's Margin Scheme and will be subject to import VAT of either 5% or 20%, marked by ‡ and Ω respectively, on the hammer price and an amount in lieu of VAT at 20% on the buyer's premium. Anyone who wishes to buy outside the Auctioneer's Margin Scheme should notify the Client Accounting Department before the sale.

Where lots are sold outside the Auctioneer's Margin Scheme and the buyer is a relevant business person in the EU (non-UK) or is a relevant business person in a non-EU country then no VAT will be charged on the buyer's premium. This is subject to Phillips de Pury & Company receiving evidence of the buyer's VAT registration number in the relevant Member State (non-UK) or the buyer's business status in a non-EU country such as the buyer's Tax Registration Certificate. Should this evidence not be provided VAT will be charged on the buyer's premium.

5 EXPORTS FROM THE EUROPEAN UNION

The following types of VAT may be cancelled or refunded by Phillips de Pury & Company on exports made within three months of the sale date if strict conditions are met:

- The amount in lieu of VAT charged on the buyer's premium for property sold under the Auctioneer's Margin Scheme (i.e., without a VAT symbol).

- The VAT on the hammer price for property sold under the normal VAT rules (i.e., with a † or a § symbol).

The following type of VAT may be cancelled or refunded by Phillips de Pury & Company on exports made within 30 days of payment date if strict conditions are met:

- The import VAT charged on the hammer price and an amount in lieu of VAT on the buyer's premium for property sold under temporary admission (i.e., with a ‡ or a Ω symbol) under the Auctioneer's Margin Scheme.

In each of the above examples, where the appropriate conditions are satisfied, no VAT will be charged if, at or before the time of invoicing, the buyer instructs Phillips de Pury & Company to export the property from the EU. If such instruction is received after payment, a refund of the VAT amount will be made.

Where the buyer carries purchases from the EU personally or uses the services of a third party, Phillips de Pury & Company will charge the VAT amount due as a deposit and refund it **if the lot has been exported within the timelines specified below** and either of the following conditions are met:

- For lots sold under the Auctioneer's Margin Scheme or the normal VAT rules, Phillips de Pury & Company is provided with appropriate documentary proof of export from the EU **within three months of the date of sale**. Buyers carrying their own property should obtain hand-carry papers from the Shipping Department to facilitate this process.

- For lots sold under temporary admission, Phillips de Pury & Company is provided with a copy of the correct paperwork duly completed and stamped by HM Revenue & Customs which shows the property has been exported from the EU via the UK **within 30 days of payment date**. It is essential for shippers acting on behalf of buyers to collect copies of original import papers from our Shipping Department. HM Revenue & Customs insist that the correct customs procedures are followed and Phillips de Pury & Company will not be able to issue any refunds where the export documents do not exactly comply with governmental regulations. Property subject to temporary admission must be transferred to another customs procedure immediately if any restoration or repair work is to be carried out.

Buyers carrying their own property must obtain hand-carry papers from the Shipping Department, for which a charge of £20 will be made. The VAT refund will be processed once the appropriate paperwork has been returned to Phillips de Pury & Company. Phillips de Pury & Company is not able to cancel or refund any VAT charged on sales made to UK or EU private residents unless the lot is subject to temporary admission and the property is exported from the EU **within 30 days of payment date**. Any refund of VAT is subject to a minimum of £50 per shipment and a processing charge of £20.

Buyers intending to export, repair, restore or alter lots under temporary admission should notify the Shipping Department before collection. Failure to do so may result in the import VAT becoming payable immediately and Phillips de Pury & Company being unable to refund the VAT charged on deposit.

6 VAT REFUNDS FROM HM REVENUE & CUSTOMS

Where VAT charged cannot be cancelled or refunded by Phillips de Pury & Company, it may be possible to seek repayment from HM Revenue & Customs ('HMRC'). Repayments in this manner are limited to businesses located outside the UK and may be considered for example for Import VAT charged on the hammer price for lots sold under temporary admission.

All claims made by customers located in another member state to the UK will need to be made under a new mechanism from 1 January 2010. The process prior to 1 January 2010 is no longer in operation.

If you are located in an EU member state other than the UK you will now need to apply for a refund of UK VAT directly to your local tax authority. This is done via submission of an electronically based claim form which should be accessed through the website of your local tax authority. As a result, your form may include VAT incurred in a number of member states. Furthermore, from 1 January 2010 you should only submit one form per year, rather than submitting forms throughout the year.

Please note that the time limits by which you must make a claim have been extended. When making a claim for VAT incurred in another EU member state any claim will still be made on a **calendar year basis** but must now be made no later than **30 September** following that calendar year. This effectively extends the time by which claims should be made by three months (e.g. for VAT incurred in the year 1 January to 31 December 2010 you should make a claim to your local tax authority no later than 30 September 2011). Once you have submitted the electronic form to your local tax authority it is their responsibility to ensure that payment is obtained from the relevant member states. This should be completed within four months. If this time limit is not adhered to you may receive interest on the unpaid amounts. If you are located outside the EU you should apply for a refund of UK VAT directly to HMRC (the rules for those located outside of the EU have not changed). Claim forms are only available from the HMRC website. Go to http://www.hmrc.gov.uk/index.htm, and follow Quick Links, then Find a Form. The relevant form is VAT65A. Completed forms should be returned to:

HM Revenue & Customs
VAT Overseas Repayment Directive
Foyle House
Duncreggan Road
Londonderry
Northern Ireland
BT48 7AE

(tel) +44 2871 305100
(fax) +44 2871 305101

You should submit claims for VAT to HMRC no later than **six months** from the end of the 12 month period ending **30 June** (e.g. claims for the period 1 July 2009 to 30 June 2010 should be made no later than 31 December 2010).

Please note that refunds of VAT will only be made where VAT has been incurred for a business purpose. Any VAT incurred on articles bought for personal use will not be refunded.

7 SALES AND USE TAXES

Buyers from outside the UK should note that local sales taxes or use taxes may become payable upon import of lots following purchase. Buyers should consult their own tax advisors.

CONDITIONS OF SALE

The Conditions of Sale and Authorship Warranty set forth below govern the relationship between bidders and buyers, on the one hand, and Phillips de Pury & Company and sellers, on the other hand. All prospective buyers should read these Conditions of Sale and Authorship Warranty carefully before bidding.

1 INTRODUCTION

Each lot in this catalogue is offered for sale and sold subject to: (a) the Conditions of Sale and Authorship Warranty; (b) additional notices and terms printed in other places in this catalogue, including the Guide for Prospective Buyers, and (c) supplements to this catalogue or other written material posted by Phillips de Pury & Company in the saleroom, in each case as amended by any addendum or announcement by the auctioneer prior to the auction.

By bidding at the auction, whether in person, through an agent, by written bid, by telephone bid or other means, bidders and buyers agree to be bound by these Conditions of Sale, as so changed or supplemented, and Authorship Warranty.

These Conditions of Sale, as so changed or supplemented, and Authorship Warranty contain all the terms on which Phillips de Pury & Company and the seller contract with the buyer.

2 PHILLIPS de PURY & COMPANY AS AGENT

Phillips de Pury & Company acts as an agent for the seller, unless otherwise indicated in this catalogue or at the time of auction. On occasion, Phillips de Pury & Company may own a lot, in which case we will act in a principal capacity as a consignor, or may have a legal, beneficial or financial interest in a lot as a secured creditor or otherwise.

3 CATALOGUE DESCRIPTIONS AND CONDITION OF PROPERTY

Lots are sold subject to the Authorship Warranty, as described in the catalogue (unless such description is changed or supplemented, as provided in Paragraph 1 above) and in the condition that they are in at the time of the sale on the following basis.

(a) The knowledge of Phillips de Pury & Company in relation to each lot is partially dependent on information provided to us by the seller, and Phillips de Pury & Company is not able to and does not carry out exhaustive due diligence on each lot. Prospective buyers acknowledge this fact and accept responsibility for carrying out inspections and investigations to satisfy themselves as to the lots in which they may be interested. Notwithstanding the foregoing, we shall exercise such reasonable care when making express statements in catalogue descriptions or condition reports as is consistent with our role as auctioneer of lots in this sale and in light of (i) the information provided to us by the seller, (ii) scholarship and technical knowledge and (iii) the generally accepted opinions of relevant experts, in each case at the time any such express statement is made.

(b) Each lot offered for sale at Phillips de Pury & Company is available for inspection by prospective buyers prior to the auction. Phillips de Pury & Company accepts bids on lots on the basis that bidders (and independent experts on their behalf, to the extent appropriate given the nature and value of the lot and the bidder's own expertise) have fully inspected the lot prior to bidding and have satisfied themselves as to both the condition of the lot and the accuracy of its description.

(c) Prospective buyers acknowledge that many lots are of an age and type which means that they are not in perfect condition. As a courtesy to clients, Phillips de Pury & Company may prepare and provide condition reports to assist prospective buyers when they are inspecting lots. Catalogue descriptions and condition reports may make reference to particular imperfections of a lot, but bidders should note that lots may have other faults not expressly referred to in the catalogue or condition report. All dimensions are approximate. Illustrations are for identification purposes only and cannot be used as precise indications of size or to convey full information as to the actual condition of lots.

(d) Information provided to prospective buyers in respect of any lot, including any pre-sale estimate, whether written or oral, and information in any catalogue, condition or other report, commentary or valuation, is not a representation of fact but rather a statement of opinion held by Phillips de Pury & Company. Any pre-sale estimate may not be relied on as a prediction of the selling price or value of the lot and may be revised from time to time by Phillips de Pury & Company at our absolute discretion. Neither Phillips de Pury & Company nor any of our affiliated companies shall be liable for any difference between the pre-sale estimates for any lot and the actual price achieved at auction or upon resale.

4 BIDDING AT AUCTION

(a) Phillips de Pury & Company has absolute discretion to refuse admission to the auction or participation in the sale. All bidders must register for a paddle prior to bidding, supplying such information and references as required by Phillips de Pury & Company.

(b) As a convenience to bidders who cannot attend the auction in person, Phillips de Pury & Company may, if so instructed by the bidder, execute written absentee bids on a bidder's behalf. Absentee bidders are required to submit bids on the 'Absentee Bid Form', a copy of which is printed in this catalogue or otherwise available from Phillips de Pury & Company. Bids must be placed in the currency of the sale. The bidder must clearly indicate the maximum amount he or she intends to bid, excluding the buyer's premium and value added tax (VAT). The auctioneer will not accept an instruction to execute an absentee bid which does not indicate such maximum bid. Our staff will attempt to execute an absentee bid at the lowest possible price taking into account the reserve and other bidders. Any absentee bid must be received at least 24 hours in advance of the sale. In the event of identical bids, the earliest bid received will take precedence.

(c) Telephone bidders are required to submit bids on the 'Telephone Bid Form', a copy of which is printed in this catalogue or otherwise available from Phillips de Pury & Company. Telephone bidding is available for lots whose low pre-sale estimate is at least £500. Phillips de Pury & Company reserves the right to require written confirmation of a successful bid from a telephone bidder by fax or otherwise immediately after such bid is accepted by the auctioneer. Telephone bids may be recorded and, by bidding on the telephone, a bidder consents to the recording of the conversation.

(d) When making a bid, whether in person, by absentee bid or on the telephone, a bidder accepts personal liability to pay the purchase price, as described more fully in Paragraph 6 (a) below, plus all other applicable charges unless it has been explicitly agreed in writing with Phillips de Pury & Company before the commencement of the auction that the bidder is acting as agent on behalf of an identified third party acceptable to Phillips de Pury & Company and that we will only look to the principal for such payment.

(e) Arranging absentee and telephone bids is a free service provided by Phillips de Pury & Company to prospective buyers. While we undertake to exercise reasonable care in undertaking such activity, we cannot accept liability for failure to execute such bids except where such failure is caused by our wilful misconduct.

(f) Employees of Phillips de Pury & Company and our affiliated companies, including the auctioneer, may bid at the auction by placing absentee bids so long as they do not know the reserve when submitting their absentee bids and otherwise comply with our employee bidding procedures.

5 CONDUCT OF THE AUCTION

(a) Unless otherwise indicated by the symbol ●, each lot is offered subject to a reserve, which is the confidential minimum selling price agreed by Phillips de Pury & Company with the seller. The reserve will not exceed the low pre-sale estimate at the time of the auction.

(b) The auctioneer has discretion at any time to refuse any bid, withdraw any lot, re-offer a lot for sale (including after the fall of the hammer) if he or she believes there may be error or dispute and take such other action as he or she deems reasonably appropriate.

(c) The auctioneer will commence and advance the bidding at levels and in increments he or she considers appropriate. In order to protect the reserve on any lot, the auctioneer may place one or more bids on behalf of the seller up to the reserve without indicating he or she is doing so, either by placing consecutive bids or bids in response to other bidders.

(d) The sale will be conducted in pounds sterling and payment is due in pounds sterling. For the benefit of international clients, pre-sale estimates in the auction catalogue may be shown in US dollars and/or euros and, if so, will reflect approximate exchange rates. Accordingly, estimates in US dollars or euros should be treated only as a guide.

(e) Subject to the auctioneer's reasonable discretion, the highest bidder accepted by the auctioneer will be the buyer and the striking of the hammer marks the acceptance of the highest bid and the conclusion of a contract for sale between the seller and the buyer. Risk and responsibility for the lot passes to the buyer as set forth in Paragraph 7 below.

(f) If a lot is not sold, the auctioneer will announce that it has been 'passed', 'withdrawn', 'returned to owner' or 'bought-in'.

(g) Any post-auction sale of lots offered at auction shall incorporate these Conditions of Sale and Authorship Warranty as if sold in the auction.

6 PURCHASE PRICE AND PAYMENT

(a) The buyer agrees to pay us, in addition to the hammer price of the lot, the buyer's premium, plus any applicable value added tax (VAT) and any applicable resale royalty (the 'Purchase Price'). The buyer's premium is 25% of the hammer price up to and including

£25,000, 20% of the portion of the hammer price above £25,000 up to and including £500,000 and 12% of the portion of the hammer price above £500,000.

(b) VAT is payable in accordance with applicable law. All prices, fees, charges and expenses set out in these Conditions of Sale are quoted exclusive of VAT.

c) If the Artist's Resale Right Regulations 2006 apply to the lot, the buyer agrees to pay to us an amount equal to the resale royalty provided for in those regulations and we undertake to the buyer to pay such amount to the artist's collection agent. In circumstances where (i) we are on notice that the resale royalty is payable or (ii) we have not been able to ascertain the nationality of the artist, we will identify the lot with the symbol ♠ next to the lot number and will invoice the resale royalty to the buyer. If we subsequently determine that the nationality of the artist does not entitle him/her to the resale royalty on the lot, we will arrange a refund to the buyer of the amount of the royalty paid to us. If, after a sale in which we did not collect the resale royalty on a particular lot, we become aware that information provided to us prior to the auction concerning an artist's nationality was incorrect and the artist is entitled to the resale royalty on the lot, the buyer shall pay the resale royalty to us upon receipt of an invoice.

(d) Unless otherwise agreed, a buyer is required to pay for a purchased lot immediately following the auction regardless of any intention to obtain an export or import licence or other permit for such lot. Payments must be made by the invoiced party in pounds sterling either by cash, cheque drawn on a UK bank or wire transfer, as follows:
(i) Phillips de Pury & Company will accept payment in cash provided that the total amount paid in cash or cash equivalents does not exceed the local currency equivalent of US$10,000.
(ii) Personal cheques and banker's drafts are accepted if drawn on a UK bank and the buyer provides to us acceptable government-issued identification. Cheques and banker's drafts should be made payable to "Phillips de Pury & Company Limited". If payment is sent by post, please send the cheque or banker's draft to the attention of the Client Accounting Department at Howick Place, London SW1P 1BB and ensure that the sale number is written on the cheque. Cheques or banker's drafts drawn by third parties will not be accepted.
(iii) Payment by wire transfer may be sent directly to Phillips de Pury & Company. Bank transfer details will be provided on the Invoice for purchased lots.

(e) As a courtesy to clients, Phillips de Pury & Company will accept Visa, MasterCard and UK-issued debit cards to pay for invoices of £50,000 or less. A processing fee will apply.

(f) Title in a purchased lot will not pass until Phillips de Pury & Company has received the Purchase Price for that lot in cleared funds. Phillips de Pury & Company is not obliged to release a lot to the buyer until title in the lot has passed and appropriate identification has been provided, and any earlier release does not affect the passing of title or the buyer's unconditional obligation to pay the Purchase Price.

7 COLLECTION OF PROPERTY

(a) Phillips de Pury & Company will not release a lot to the buyer until we have received payment of its Purchase Price in full in cleared funds, the buyer has paid all outstanding amounts due to Phillips de Pury & Company or any of our affiliated companies, including any charges payable pursuant to Paragraph 8 (a) below, and the buyer has satisfied such other terms as we in our sole discretion shall require, including completing any anti-money laundering or anti-terrorism financing checks. As soon as a buyer has satisfied all of the foregoing conditions, he or she should contact us at +44 (0) 207 318 4081 or +44 (0) 207 318 4082 to arrange for collection of purchased property.

(b) The buyer must arrange for collection of a purchased lot within five days of the date of the auction. After the auction, we will transfer all lots to our premises at Howick Place, London SW1P 1BB, and will so advise all buyers. Purchased lots are at the buyer's risk, including the responsibility for insurance, from (i) the date of collection or (ii) five days after the auction, whichever is the earlier. Until risk passes, Phillips de Pury & Company will compensate the buyer for any loss or damage to a purchased lot up to a maximum of the Purchase Price paid, subject to our usual exclusions for loss or damage to property.

(c) As a courtesy to clients, Phillips de Pury & Company will, without charge, wrap purchased lots for hand carry only. We do not provide packing, handling, insurance or shipping services. We will coordinate with shipping agents instructed by the buyer, whether or not recommended by Phillips de Pury & Company, in order to facilitate the packing, handling, insurance and shipping of property bought at Phillips de Pury & Company. Any such instruction is entirely at the buyer's risk and responsibility, and we will not be liable for acts or omissions of third party packers or shippers.

(d) Phillips de Pury & Company will require presentation of government-issued identification prior to release of a lot to the buyer or the buyer's authorized representative.

8 FAILURE TO COLLECT PURCHASES

(a) If the buyer pays the Purchase Price but fails to collect a purchased lot within 30 days of the auction, the buyer will incur a late collection fee of £50, storage charges of £10 per day and pro rated insurance charges of 0.1% of the Purchase Price per month on each uncollected lot. Additional charges may apply to oversized lots.
(b) If a purchased lot is paid for but not collected within six months of the auction, the buyer authorizes Phillips de Pury & Company, upon notice, to arrange a resale of the item by auction or private sale, with estimates and a reserve set at Phillips de Pury & Company's reasonable discretion. The proceeds of such sale will be applied to pay for storage charges and any other outstanding costs and expenses owed by the buyer to Phillips de Pury & Company or our affiliated companies and the remainder will be forfeited unless collected by the buyer within two years of the original auction.

9 REMEDIES FOR NON-PAYMENT

(a) Without prejudice to any rights the seller may have, if the buyer without prior agreement fails to make payment of the Purchase Price for a lot in cleared funds within five days of the auction, Phillips de Pury & Company may in our sole discretion exercise one or more of the following remedies: (i) store the lot at Phillips de Pury & Company's premises or elsewhere at the buyer's sole risk and expense; (ii) cancel the sale of the lot, retaining any partial payment of the Purchase Price as liquidated damages; (iii) reject future bids from the buyer or render such bids subject to payment of a deposit; (iv) charge interest at 12% per annum from the date payment became due until the date the Purchase Price is received in cleared funds; (v) subject to notification of the buyer, exercise a lien over any of the buyer's property which is in the possession of Phillips de Pury & Company and instruct our affiliated companies to exercise a lien over any of the buyer's property which is in their possession and, in each case, no earlier than 30 days from the date of such notice arrange the sale of such property and apply the proceeds to the amount owed to Phillips de Pury & Company or any of our affiliated companies after the deduction from sale proceeds of our standard vendor's commission, all sale-related expenses and any applicable taxes thereon; (vi) resell the lot by auction or private sale, with estimates and a reserve set at Phillips de Pury & Company's reasonable discretion, it being understood that in the event such resale is for less than the original hammer price and buyer's premium for that lot, the buyer will remain liable for the shortfall together with all costs incurred in such resale; (vii) commence legal proceedings to recover the hammer price and buyer's premium for that lot, together with interest and the costs of such proceedings; or (viii) release the name and address of the buyer to the seller to enable the seller to commence legal proceedings to recover the amounts due and legal costs.

(b) The buyer irrevocably authorizes Phillips de Pury & Company to exercise a lien over the buyer's property which is in our possession upon notification by any of our affiliated companies that the buyer is in default of payment. Phillips de Pury & Company will notify the buyer of any such lien. The buyer also irrevocably authorizes Phillips de Pury & Company, upon notification by any of our affiliated companies that the buyer is in default of payment, to pledge the buyer's property in our possession by actual or constructive delivery to our affiliated company as security for the payment of any outstanding amount due. Phillips de Pury & Company will notify the buyer if the buyer's property has been delivered to an affiliated company by way of pledge.

(c) If the buyer is in default of payment, the buyer irrevocably authorizes Phillips de Pury & Company to instruct any of our affiliated companies in possession of the buyer's property to deliver the property by way of pledge as the buyer's agent to a third party instructed by Phillips de Pury & Company to hold the property on our behalf as security for the payment of the Purchase Price and any other amount due and, no earlier than 30 days from the date of written notice to the buyer, to sell the property in such manner and for such consideration as can reasonably be obtained on a forced sale basis and to apply the proceeds to any amount owed to Phillips de Pury & Company or any of our affiliated companies after the deduction from sale proceeds of our standard vendor's commission, all sale-related expenses and any applicable taxes thereon.

10 RESCISSION BY PHILLIPS de PURY & COMPANY

Phillips de Pury & Company shall have the right, but not the obligation, to rescind a sale without notice to the buyer if we reasonably believe that there is a material breach of the seller's representations and warranties or the Authorship Warranty or an adverse claim is made by a third party. Upon notice of Phillips de Pury & Company's election to rescind the sale, the buyer will promptly return the lot to Phillips de Pury & Company, and we will then refund the Purchase Price paid to us. As described more fully in Paragraph 13 below, the refund shall constitute the sole remedy and recourse of the buyer against Phillips de Pury & Company and the seller with respect to such rescinded sale.

11 EXPORT, IMPORT AND ENDANGERED SPECIES LICENCES AND PERMITS

Before bidding for any property, prospective buyers are advised to make their own enquiries as to whether a licence is required to export a lot from the United Kingdom or to import it

into another country. Prospective buyers are advised that some countries prohibit the import of property made of or incorporating plant or animal material, such as coral, crocodile, ivory, whalebone, rhinoceros horn or tortoiseshell, irrespective of age, percentage or value. Accordingly, prior to bidding, prospective buyers considering export of purchased lots should familiarize themselves with relevant export and import regulations of the countries concerned. It is solely the buyer's responsibility to comply with these laws and to obtain any necessary export, import and endangered species licences or permits. Failure to obtain a licence or permit or delay in so doing will not justify the cancellation of the sale or any delay in making full payment for the lot.

12 DATA PROTECTION

(a) In connection with the management and operation of our business and the marketing and supply of auction related services, or as required by law, we may ask clients to provide personal information about themselves or obtain information about clients from third parties (e.g., credit information). If clients provide us with information that is defined by law as 'sensitive', they agree that Phillips de Pury & Company and our affiliated companies may use it for the above purposes. Phillips de Pury & Company and our affiliated companies will not use or process sensitive information for any other purpose without the client's express consent. If you would like further information on our policies on personal data or wish to make corrections to your information, please contact us at +44 20 7318 4010. If you would prefer not to receive details of future events please call the above number.

(b) In order to fulfil the services clients have requested, Phillips de Pury & Company may disclose information to third parties such as shippers. Some countries do not offer equivalent legal protection of personal information to that offered within the European Union (EU). It is Phillips de Pury & Company's policy to require that any such third parties respect the privacy and confidentiality of our clients' information and provide the same level of protection for client information as provided within the EU, whether or not they are located in a country that offers equivalent legal protection of personal information. By agreeing to these Conditions of Sale, clients agree to such disclosure.

13 LIMITATION OF LIABILITY

(a) Subject to sub-paragraph (e) below, the total liability of Phillips de Pury & Company, our affiliated companies and the seller to the buyer in connection with the sale of a lot shall be limited to the Purchase Price actually paid by the buyer for the lot.

(b) Except as otherwise provided in this Paragraph 13, none of Phillips de Pury & Company, any of our affiliated companies or the seller (i) is liable for any errors or omissions, whether orally or in writing, in information provided to prospective buyers by Phillips de Pury & Company or any of our affiliated companies or (ii) accepts responsibility to any bidder in respect of acts or omissions, whether negligent or otherwise, by Phillips de Pury & Company or any of our affiliated companies in connection with the conduct of the auction or for any other matter relating to the sale of any lot.

(c) All warranties other than the Authorship Warranty, express or implied, including any warranty of satisfactory quality and fitness for purpose, are specifically excluded by Phillips de Pury & Company, our affiliated companies and the seller to the fullest extent permitted by law.

(d) Subject to sub-paragraph (e) below, none of Phillips de Pury & Company, any of our affiliated companies or the seller shall be liable to the buyer for any loss or damage beyond the refund of the Purchase Price referred to in sub-paragraph (a) above, whether such loss or damage is characterised as direct, indirect, special, incidental or consequential, or for the payment of interest on the Purchase Price to the fullest extent permitted by law.

(e) No provision in these Conditions of Sale shall be deemed to exclude or limit the liability of Phillips de Pury & Company or any of our affiliated companies to the buyer in respect of any fraud or fraudulent misrepresentation made by any of us or in respect of death or personal injury caused by our negligent acts or omissions.

14 COPYRIGHT

The copyright in all images, illustrations and written materials produced by or for Phillips de Pury & Company relating to a lot, including the contents of this catalogue, is and shall remain at all times the property of Phillips de Pury & Company and, subject to the provisions of the Copyright, Designs and Patents Act 1988, such images and materials may not be used by the buyer or any other party without our prior written consent. Phillips de Pury & Company and the seller make no representations or warranties that the buyer of a lot will acquire any copyright or other reproduction rights in it.

15 GENERAL

(a) These Conditions of Sale, as changed or supplemented as provided in Paragraph 1 above, and Authorship Warranty set out the entire agreement between the parties with respect to the transactions contemplated herein and supersede all prior and contemporaneous written, oral or implied understandings, representations and agreements.

(b) Notices to Phillips de Pury & Company shall be in writing and addressed to the department in charge of the sale, quoting the reference number specified at the beginning of the sale catalogue. Notices to clients shall be addressed to the last address notified by them in writing to Phillips de Pury & Company.

(c) These Conditions of Sale are not assignable by any buyer without our prior written consent but are binding on the buyer's successors, assigns and representatives.

(d) Should any provision of these Conditions of Sale be held void, invalid or unenforceable for any reason, the remaining provisions shall remain in full force and effect. No failure by any party to exercise, nor any delay in exercising, any right or remedy under these Conditions of Sale shall act as a waiver or release thereof in whole or in part.

(e) No term of these Conditions of Sale shall be enforceable under the Contracts (Rights of Third Parties) Act 1999 by anyone other than the buyer.

16 LAW AND JURISDICTION

(a) The rights and obligations of the parties with respect to these Conditions of Sale and Authorship Warranty, the conduct of the auction and any matters related to any of the foregoing shall be governed by and interpreted in accordance with English law.

(b) For the benefit of Phillips de Pury & Company, all bidders and sellers agree that the Courts of England are to have exclusive jurisdiction to settle all disputes arising in connection with all aspects of all matters or transactions to which these Conditions of Sale and Authorship Warranty relate or apply. All parties agree that Phillips de Pury & Company shall retain the right to bring proceedings in any court other than the Courts of England.

(c) All bidders and sellers irrevocably consent to service of process or any other documents in connection with proceedings in any court by facsimile transmission, personal service, delivery by mail or in any other manner permitted by English law, the law of the place of service or the law of the jurisdiction where proceedings are instituted at the last address of the bidder or seller known to Phillips de Pury & Company.

PHILLIPS
de PURY & COMPANY

PHOTOGRAPHS

AUCTION OCTOBER 2011 **450 PARK AVENUE**

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IRVING PENN *Black and White Vogue Cover (Jean Patchett), New York*, 1950. Platinum palladium print. **Estimate** $200,000–300,000

AUTHORSHIP WARRANTY

Phillips de Pury & Company warrants the authorship of property in this auction catalogue for a period of five years from date of sale by Phillips de Pury & Company, subject to the exclusions and limitations set forth below.

(a) Phillips de Pury & Company gives this Authorship Warranty only to the original buyer of record (i.e., the registered successful bidder) of any lot. This Authorship Warranty does not extend to (i) subsequent owners of the property, including purchasers or recipients by way of gift from the original buyer, heirs, successors, beneficiaries and assigns; (ii) property created prior to 1870, unless the property is determined to be counterfeit (defined as a forgery made less than 50 years ago with an intent to deceive) and has a value at the date of the claim under this warranty which is materially less than the Purchase Price paid; (iii) property where the description in the catalogue states that there is a conflict of opinion on the authorship of the property; (iv) property where our attribution of authorship was on the date of sale consistent with the generally accepted opinions of specialists, scholars or other experts; or (v) property whose description or dating is proved inaccurate by means of scientific methods or tests not generally accepted for use at the time of the publication of the catalogue or which were at such time deemed unreasonably expensive or impractical to use.

(b) In any claim for breach of the Authorship Warranty, Phillips de Pury & Company reserves the right, as a condition to rescinding any sale under this warranty, to require the buyer to provide to us at the buyer's expense the written opinions of two recognized experts approved in advance by Phillips de Pury & Company. We shall not be bound by any expert report produced by the buyer and reserve the right to consult our own experts at our expense. If Phillips de Pury & Company agrees to rescind a sale under the Authorship Warranty, we shall refund to the buyer the reasonable costs charged by the experts commissioned by the buyer and approved in advance by us.

(c) Subject to the exclusions set forth in subparagraph (a) above, the buyer may bring a claim for breach of the Authorship Warranty provided that (i) he or she has notified Phillips de Pury & Company in writing within three months of receiving any information which causes the buyer to question the authorship of the lot, specifying the auction in which the property was included, the lot number in the auction catalogue and the reasons why the authorship of the lot is being questioned and (ii) the buyer returns the lot to Phillips de Pury & Company in the same condition as at the time of its auction and is able to transfer good and marketable title in the lot free from any third party claim arising after the date of the auction.

(d) The buyer understands and agrees that the exclusive remedy for any breach of the Authorship Warranty shall be rescission of the sale and refund of the original Purchase Price paid. This remedy shall constitute the sole remedy and recourse of the buyer against Phillips de Pury & Company, any of our affiliated companies and the seller and is in lieu of any other remedy available as a matter of law. This means that none of Phillips de Pury & Company, any of our affiliated companies or the seller shall be liable for loss or damage beyond the remedy expressly provided in this Authorship Warranty, whether such loss or damage is characterized as direct, indirect, special, incidental or consequential, or for the payment of interest on the original Purchase Price.

PHILLIPS de PURY & COMPANY

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DESIGN

AUCTION SEPTEMBER 2011 **LONDON**

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HANS COPER *Swinton School Wall*, 1962 **Estimate** £50,000–70,000

SALE INFORMATION

AUCTION at the Ballroom, Claridge's, Brook Street, Mayfair, London W1K 4HR
Monday 27 June 2011, 7pm

VIEWING at Howick Place, London SW1P 1BB
Monday 20 June, 10am – 6pm
Tuesday 21 June, 10am – 6pm
Wednesday 22 June, 10am – 6pm
Thursday 23 June, closed for private event
Friday 24 June, 10am – 6pm
Saturday 25 June, 10am – 6pm
Sunday 26 June, 12pm – 6pm
Monday 27 June, 10am –6pm

WAREHOUSE & COLLECTION LOCATION
110–112 Morden Road, Mitcham, Surrey CR4 4XB

SALE DESIGNATION
When sending in written bids or making enquiries,
please refer to this sale as UK010411

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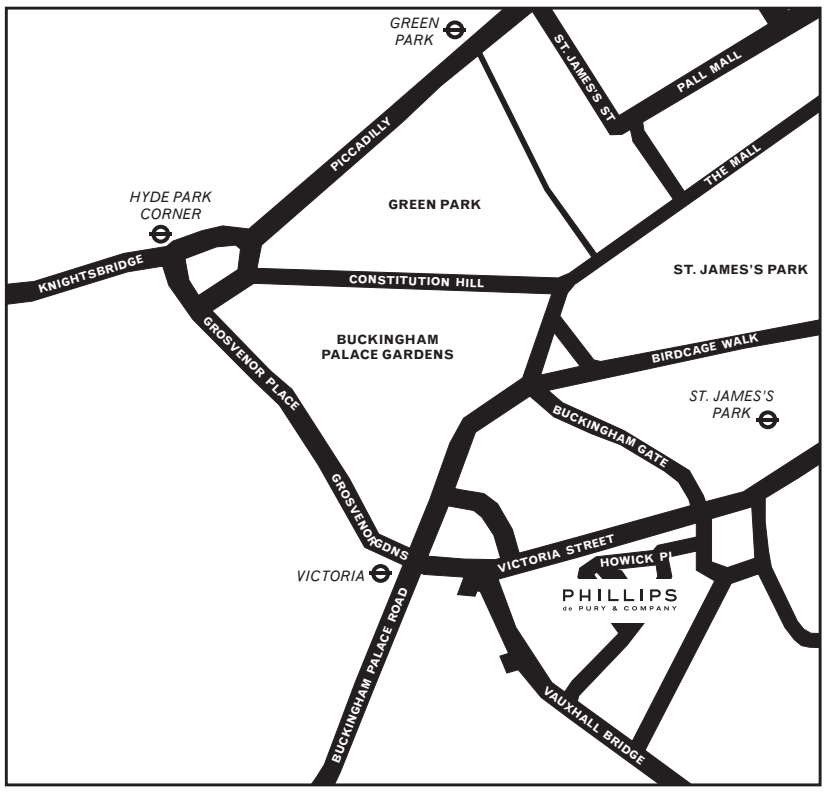

Back cover Urs Fischer, *Thank You Fuck You*, 2007, Lot 6
Inside back cover Mark Tansey, *Library (of Babylon)*, 1994, Lot 21 (detail)
Opposite Victor Vasarely, *Binaire FF*, 1964, Lot 26 (detail)

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