



NEGATIVE CHARGES

BY MARC SPIEGLER



A BITTER DISPUTE OVER CONTROL OF SEYDOU KEÏTA'S PHOTOGRAPHS HAS MIRED HIS ESTATE IN RECRIMINATIONS AND LAWSUITS, AND LEFT HIS LEGACY IN A STATE OF LIMBO

ART OPENINGS COMMONLY breed chaos, stress and short tempers, but Seydou Keïta's December 2001 debut at the Sean Kelly Gallery proved to be particularly intense. For the show, Kelly had to arrange shipment of half-century-old negatives from the photographer's archive in Mali to New York, where he oversaw the production of lush, new large-scale prints. Keïta planned to sign them at the gallery, but two weeks before the opening, the artist—who was believed to be around 80—died suddenly in Paris from an undiagnosed cancer.

Kelly and Jean-Marc Patras, a Paris dealer who only nine months earlier had signed Keïta to an exclusive contract, briefly considered canceling the exhibition. But with the support of Keïta's family, the gallery mounted an eye-popping—and critically popular—installation of his black-and-white studio portraits from the 1950s and early '60s, distinctive for their backdrops of heavily patterned African textiles.

During final preparations for the opening, Kelly retreated to his office. Suddenly a commotion erupted in the gallery. Geneva collector Jean Pigozzi, a towering man with a booming voice, had arrived in an irate mood. An heir to the Simca automobile fortune and a published photographer in his own right, Pigozzi had played a crucial role in bringing Keïta to international prominence. Spotting Kelly through an open door, the collector strode right past staff at the front desk. "Pigozzi burst into my office, screaming," Kelly recalls. "He said Patras had no rights to Keïta's work. He said he 'owned' Keïta and made various threats."

One of the art world's rare ex-rugby players, Kelly did not back down, but instead challenged Pigozzi to repeat his claims before a witness. The dealer called over Elizabeth Markevitch, an executive with the online art retailer Eyestorm, who had introduced Kelly and Patras. "I never thought Pigozzi would repeat what he had just said," Kelly says, "but he did." Markevitch remembers the scene distinctly: "Pigozzi was out of control, screaming like a kid who had his favorite toy taken away. He left the gallery yelling that we would be hearing from his lawyers."

The striking portraits Seydou Keïta made from the late 1940s to early '60s, including this one of a man and baby in Bamako, remained unknown outside Mali for nearly three decades. Opposite: From left, *Untitled #64*, 1950-55, and a 1949 self-portrait



Seydou Keïta 49 A54

1976

PIGOZZI'S TIRADE WAS AN EARLY SALVO in a battle raging over Keita's estate—a fight spanning three continents and pitting art world players against one another in court. Last July Pigozzi and André Magnin, curator of his Geneva-based Contemporary African Art Collection, were named as defendants in a Paris lawsuit that accuses them of misappropriating 921 of Keita's negatives. The complaint was brought by Patras and the Association Seydou Keita in Bamako, Mali, an organization that comprises local photographer Alioune Ba, Keita's cousin Kader Keita and Patras. They claim to be acting on behalf of the numerous heirs left behind by Keita, a Muslim who had three wives and more than a dozen children.

This was not the first time the group had gone to court seeking the negatives. Shortly after Keita's death, they filed suit against Magnin. But in 2002, a Paris judge declined to rule on the case after Magnin presented two documents: a letter from Keita telling

him to retain the negatives indefinitely and a notarized document from Keita's eldest son, Cheicknè, stating that Magnin handed over the negatives in Bamako at the time of Keita's funeral. In their current suit, Patras and the association have added Pigozzi as a defendant and presented a new statement from Cheicknè reversing his previous claim and asserting that Magnin never returned the negatives. As Patras explains it, Cheicknè's co-inheritors had excoriated him in a family meeting and demanded the retraction.

Though Pigozzi and Magnin's attorneys had not filed their response with the Tribunal de Grande Instance when *Art & Auction* went to press, both men accuse Patras of building his case around documents larded with forged signatures—including Cheicknè's retraction. "Patras thinks he will become a millionaire through our hard work," Magnin says. "But the legal case we are preparing will be bloody for him."

SEYDOU KEITA'S LIFE STORY teems with ambiguities. Even the date of his birth in Bamako is hazy. A popular guess is 1921. His younger brother Lancina swears the photographer was born in 1923. During his teens, a beloved uncle gave Keita his first camera, a Kodak Brownie Flash. In 1948 Keita abandoned the family carpentry trade, and without any formal training, opened a photography studio in

bustling downtown Bamako. His reputation rapidly spread. People of all types came to have their portrait taken, often borrowing props and clothes that Keita stocked on-site. Subjects sat for sessions lasting no longer than 10 minutes. To save on processing costs, Keita rarely shot more than one exposure. Still, over 15 years, he took thousands of portraits—estimates range anywhere from 8,000 to 30,000.

In 1962 Keita quit the studio to become a photographer for the Ministry of the Interior, storing his meticulously organized negatives in a metal trunk. A civil servant in Mali's newly installed socialist dictatorship, he photographed everything from state occasions to arrested prisoners. Some who knew Keita suggest he was given no choice; others say he simply wanted a steadier income. In 1977, having reached Mali's normal retirement age, Keita put down his camera for good.

Keita left the family carpentry trade in 1948 to open a photography studio in downtown Bamako without any formal training. He lent his sitters clothes and often styled their poses. *Untitled #162*, left, and *Untitled #396*, below, are both from 1950–55



"We introduced Keita to the Western art world," says Jean Pigozzi. "Without us, he would have disappeared in the dust of Bamako"





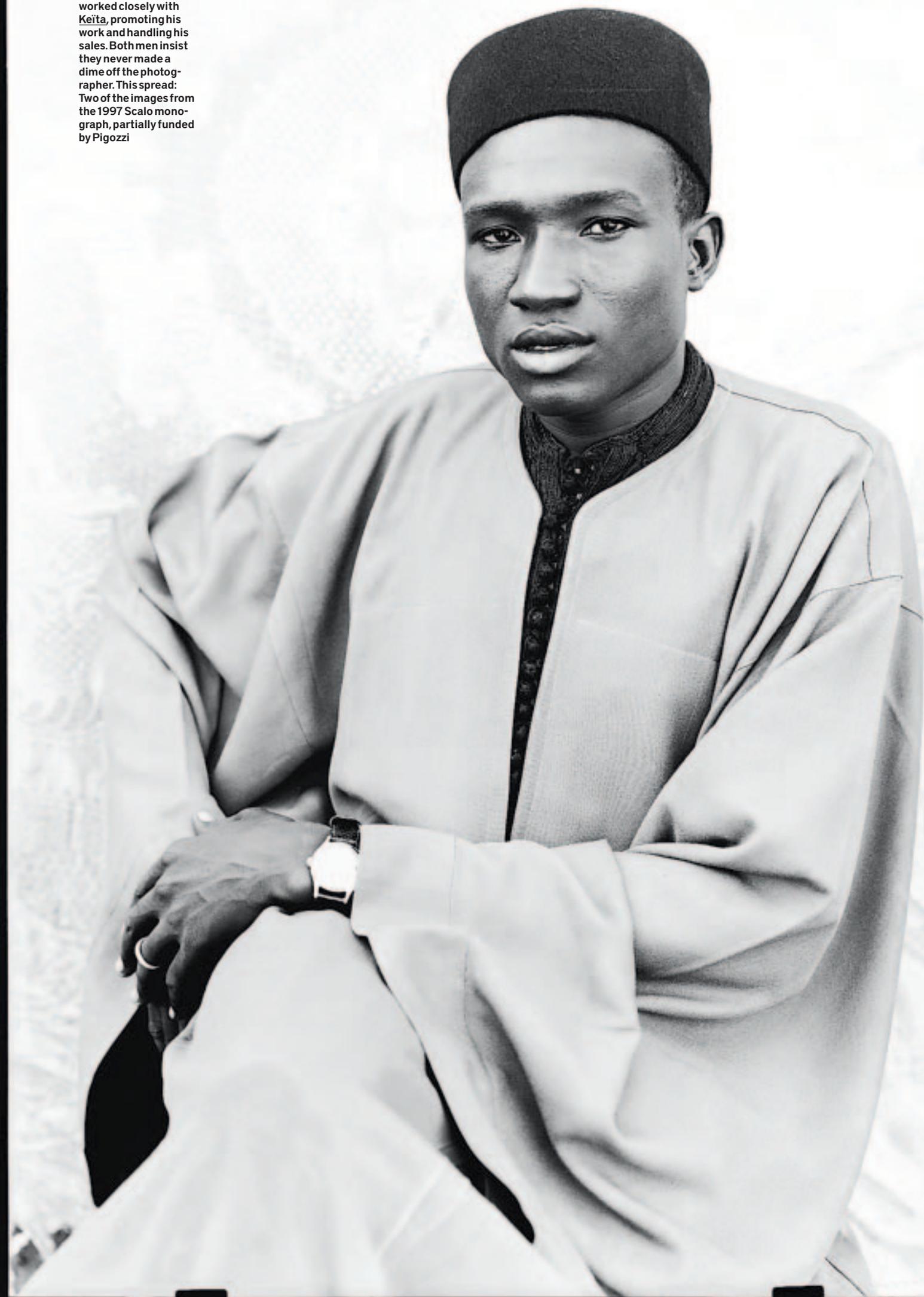
Soydan Käte

1988

52

[Handwritten signature]

Throughout the '90s, Jean Pigozzi and his curator, André Magnin, worked closely with Keita, promoting his work and handling his sales. Both men insist they never made a dime off the photographer. This spread: Two of the images from the 1997 Scalo monograph, partially funded by Pigozzi



Seydou Keita

1995 49A 51

His portraits were largely forgotten, displayed only on the nightstands and mantelpieces of his clients.

More than a decade passed before two developments combined to shake up Keïta's languid retirement. The 1989 exhibition "Les magiciens de la terre" at the Centre Pompidou in Paris, which Magnin helped curate, sparked a newfound interest in contemporary African artists, long ignored in France despite the country's soft spot for tribal art. Around the same time, Keïta's work was discovered in Bamako by French photographer Françoise Huguier, who has long been active in the Third World. Well-connected in France, she arranged Keïta's first official show, at a 1993 photography festival in Rouen and later helped secure him the prestigious *Medaille de Arts et des Lettres*.

She also helped shepherd the first sales of his photographs to institutions and collectors, including Pigozzi, in the early '90s. The catalyst for Pigozzi's interest had been the 1991 exhibition "Africa Explores" at the Center for African Art in New York. Each of the three Keïta pictures in the show were labeled only "Unknown photographer (Bamako, Mali)." The enraptured collector dispatched Magnin to Bamako. "André found him after a few days, sitting on that trunk full of negatives," Pigozzi recalls. "He was not in great shape, practically starving and suffering from cataracts."

Over the next decade, Pigozzi bought hundreds of images from Keïta and promoted museum shows for him and other African artists. Keïta's photographs appeared at the Guggenheim Museum in New York, the Serpentine Gallery in London, the Museum Ludwig in Cologne and the São Paulo Bienal. He had solo shows at designer Agnes B.'s *Galerie du Jour* in Paris and *Scalo* in Zurich. In 1997 *Scalo* published a Keïta monograph, partially underwritten by Pigozzi. Next the collector approached powerhouse New York dealer Larry Gagosian, engineering a two-week show in October 1997 that sold well and drew such celebrities as Michael Douglas. "Because I discovered him, Keïta made a lot of money," Pigozzi says. "We introduced him to the Western art world. Without us, Seydou Keïta would have disappeared in the dust of Bamako."

Demand for Keïta's pictures increased, and Magnin served as his intermediary, traveling regularly to Bamako. When buyers came calling, Magnin arranged for prints to be made in Paris, had them signed by Keïta and collected the money. Often, this was cash business. Magnin recalls Keïta flying from Paris to Bamako with \$70,000 in the pockets of his flowing robes. Both Magnin and Pigozzi insist that they never made a penny off Keïta. "When Seydou realized this, he started crying," Magnin says. "We were staying at the Gramercy Hotel in New York. He took several prints, signed them, and gave them to me."

For the most part, Keïta's business was conducted with a handshake and verbal agreements. "I worked with him based upon a mutual confidence, without a written contract, because in Africa the word of the man means more than anything else," Magnin says. "I never tried to formalize my relations with the artists."

Nevertheless, Magnin and Keïta did sign several agreements. A June 1996 contract for the *Scalo* book designated Magnin as the photographer's representative for decisions related to the publication. A second contract, demanded by *Scalo* chief Walter Keller, established Magnin as Keïta's exclusive agent. "Without that agreement, I was not entirely comfortable with sending revenues directly to Magnin in Paris," Keller explains. Both documents omit

Discovered by Westerners in the early 1990s, Keïta's work was admired for its bold use of pattern and decoration. He not only dressed his subjects in colorful robes and head scarves but also shot them in front of vibrant backdrops, as in the portrait above, *Untitled #420*, 1950-52



"Whoever came offering money, Seydou was ready to work with," says Françoise Huguier. "Jean-Marc Patras promised him more"

any mention of commissions for Magnin. But a third document, dated October 1997, precisely details such arrangements. The "letter of intent" concerns the creation of a foundation, company or "other appropriate structure" to be headed by Magnin, setting his commission at 10 percent to 20 percent of revenues.

Yet no foundation emerged and Magnin says he never collected a centime. But why would the curator suddenly have considered taking commissions? Sources say that at the time Magnin wanted to be more independent. "Magnin said it was too tough working for Pigozzi," Keller recalls. "There was a whole hysteria about Gagosian getting involved and the fact that prices were rising." Magnin denies any rift, but interestingly, video footage from the Gagosian opening captures Pigozzi declaring that he—not Magnin—had discovered Keïta, adding, "I can prove it in front of my lawyers if I have to."

UNLIKE MAGNIN, JEAN-MARC PATRAS arrived in Africa bearing contracts. "I came from the music world," he explains. "And in music, that's how we do things." Patras first made his mark promoting artists such as the Clash and Elvis Costello. During the early '80s, he joined a Paris media group that owned *Actuel* magazine, Radio Nova and Celluloid Records, a triumvirate critical in making "world music" a cultural force in France. Slowly Patras got involved in the contemporary art scene. In 1987 he opened the Galerie Jean-Marc Patras. Two years later, "Magiciens de la terre" inspired him to seek out African painters.

From then on, Magnin and Patras battled for the allegiance of artists all over West Africa. Patras sought artists to represent, while Magnin's mission was slightly more nebulous. He was Pigozzi's buyer, but he also served as a conduit to Western dealers and museums, arranging shows for the artists Pigozzi collected. Yet both galleries and artists

Magnin collaborated with say he refused payment for his services, subsisting on Pigozzi's paycheck. Contrasting himself with Patras, Magnin accuses his rival of "pillaging" Africa's artists for his own financial gain.

In truth, Patras does have a few dissatisfied former artists, including painter Chéri Samba of Congo and photographers Malick Sidibé of Mali and Dorris Haron Kasco of Ivory Coast. "Artists trust Magnin more than Patras," says Kasco. Ardently defending himself, Patras notes that no artist has ever sued him and cites his solid relationship with photographer Samuel Fosso of the Central African Republic, which Fosso confirms. Rejecting Magnin's implication of cultural carpetbagging, he counters, "For Pigozzi, Africa is just a way of positioning himself in the jet set. I am more interested in reframing North and South, not exoticizing the work."

Based on his extensive African contacts, Patras was recruited as a consultant by Eyestorm in late 1999. Elizabeth Markevitch was looking to diversify the Web site's rapidly expanding offerings. "We wanted to make the site much more multinational," she says. "To me, Keita was a god." The photographer soon signed a licensing deal with Eyestorm, and over the next few months, he and Patras started discussing an agreement that would make the Paris dealer his exclusive representative. On February 22, 2001, Keita signed a 10-year

contract and received a \$1,300 advance from Patras. The final negotiations took two weeks. Complicating matters was the fact that Keita, although certainly canny, was barely literate, so the contract had to be repeatedly read to him.

"Whoever came offering money, Seydou was ready to work with," Huguier says. "Patras promised him more money and was shrewd enough to establish local allies, while Magnin made the mistake of not following things more closely."

The photographer's cousin Kader Keita says he played a key role in Keita's switching allegiance to Patras by warning him that dealings with Magnin lacked transparency. "There were never precise records of how many works were sold, to whom and at what prices," says Kader, a former diplomat turned banker. "That's because there was no contract spelling

Jean-Marc Patras had been competing with **Magnin** for artists in West Africa for years when **Keita** signed an exclusive agreement with him in 2001. Patras now works with the **Sean Kelly Gallery** in New York to offer works such as *Untitled #19, 1952-55*, left, and *Untitled #58, 1950-55*, below



Asked about the disputed negatives, Pigozzi says, "Why should we give them back to people who are faking signatures?"



out those details.” Magnin responds that he carefully documented each transaction.

After Keïta signed the exclusive deal with Patras, Magnin came immediately from Paris. “As God is my witness,” Kader Keïta swears, “Seydou said to him, ‘You forged my signature—just be happy I don’t sue you.’ I don’t know if that was true, but Seydou said it. Magnin was kneeling and pleading with Seydou to change his mind. But it was just a ruse to slow everything down.”

Pure slander, retorts an outraged Magnin, declaring that Keïta signed every photograph himself. He accuses Patras and Kader Keïta of harassing the ailing artist until he signed the agreement. Adding fuel to the fire, Magnin alleges that Patras sought to turn Keïta against him by calling the photographer’s house pretending to be Magnin’s secretary and speaking rudely to his family. This may sound fantastical, Magnin acknowledges, but he insists, “There are many versions of this story. Mine is the truth.”

IN THIS CONCATENATION of charges and counter-charges, a simple question remains: Where are the disputed negatives? Given the complexity of the case now before the Tribunal de Grande Instance in Paris and the notoriously slow French legal system, it is likely to take years for a legal ruling to force them out into the open.

Pigozzi tells *Art & Auction* that he has no idea where the negatives are. Yet Walter Keller of Scalo says the collector gave him a different impression when the men ran into each other in New York in December: “I asked why they hadn’t returned the negatives, and Jean Pigozzi told me, ‘Why should we give them back to people who are faking signatures?’”

As for Magnin, when first asked by *Art & Auction* about the negatives, he vows he gave them to Cheicknè, describing their current location as “a secure place.” In Mali or in France? “There are secure places in Mali,” he says, coyly. Yet in late 2003, both Magnin and Keïta’s brother Lancina, a Paris photographer, told the *Art Newspaper* that Lancina had the negatives.

Confronted with this seeming contradiction, Magnin remarks, “Perhaps Cheicknè gave them to Lancina.” In fact, that would make sense, as Cheicknè is a professor working in a remote part of Mali, far from any photo labs or air-conditioned storage facilities. While Keïta was alive, Lancina handled his Paris affairs and dealt frequently with Magnin. The two men traveled together to Bamako for Keïta’s funeral and back again to Paris. Thus Magnin could have handed the negatives over to Cheicknè, yet never lost track of them because they went back to Paris with Lancina.

When that theory is suggested to Magnin, he hesitates for a moment. “The negatives are between the hands of the family, in a safe, maybe in Mali, or maybe in the region of Paris,” he responds. Parse this closely—“the family,” not “the heirs”—and add the fact that Lancina lives in a Paris suburb. It’s oddly

fitting that in this surreal tale filled with contradictions, all three theories—that Pigozzi controls the negatives, that Cheicknè received them and that Lancina possesses them—may well be right.

Wherever the negatives are, whatever documents might have been forged, whoever’s truth is the truest, one thing is certain: This bellicose brawl is damaging Keïta’s market and his legacy. The 2001 show at Sean Kelly sold well, but the dealer alleges that Pigozzi has since been sowing uncertainty among potential buyers, citing Los Angeles collector Richard Stack. Two years ago, Stack spotted some photos by Keïta on Pigozzi’s yacht. When he



The suit filed in Paris by Patras and the Association Seydou Keïta claims Pigozzi and Magnin have 921 of Keïta’s negatives. Their exact whereabouts are unknown, and the slow-moving French judicial system isn’t likely to shake them loose any time soon. Above: *Untitled #278, 1950–55*

“No one wants to touch this kind of situation,” says one source. “Museums can’t afford to risk getting mixed up in these kinds of battles”

mentioned that he had bought Keïtas from Kelly, Pigozzi insisted the works were not legitimate.

The lawsuit in Paris also alleges that Pigozzi has pressured dealers and museums—including the Galleria Massimo Minini in Brescia, Italy, and New York’s Studio Museum in Harlem—into not working with Kelly and Patras. “No one wants to touch this kind of situation,” says one museum executive, requesting anonymity. “Museums can’t afford to risk getting mixed up in these kinds of battles.”

Walter Keller, who is frequently consulted by collectors, says he advises them to hold off on buying Keïta “until these boys finish their cockfighting” and order returns. “The work is part of the national heritage of Mali. It needs to be properly archived,” he says, noting that this drama, sadly, is a distinctly African one. “This would never have happened with an artist from Europe or America—or even Mongolia.”

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