

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, Case 8 (2022-2023) <i>A Young Teacher</i> by Rebecca Solomon	
Statement from Expert Adviser	Statement of the Expert Adviser to the Secretary of State that the painting meets Waverley criterion three. See below
Statement from the Applicant	Statement from the applicant referencing the three Waverley criteria against which the Committee will consider whether an item referred to it is of national importance. a) <i>Is it so closely connected with our history and national life that its departure would be a misfortune?</i> b) <i>Is it of outstanding aesthetic importance?</i> c) <i>Is it of outstanding significance for the study of some particular branch of art, learning or history?</i> See below
Note of case hearing	See below
Press release	A press release was issued by the Secretary of State on 2 nd November 2022: https://www.gov.uk/government/news/pre-raphaelite-painting-by-rebecca-solomon-at-risk-of-leaving-the-uk
Recommended price	£314,880
1st Deferral period	1 st February 2023
2nd Deferral period	23 rd May 2023
Note of outcome	

RCEWA – A Young Teacher, Rebecca Solomon

Statement of the Expert Adviser to the Secretary of State that the painting meets Waverley criterion three.

Please note that images and appendices referenced are not reproduced.

EXECUTIVE SUMMARY

1. Brief Description of item(s)

A Young Teacher was painted in 1861 by Rebecca Solomon (1832–1886). The image features the Pre-Raphaelite model Fanny Eaton as well as two currently unidentified English children. The scene, set in a domestic Victorian interior, portrays Eaton as the young girls' Indian nursemaid being taught, or playing at being taught, how to read by the older child.

Jewish artist Rebecca Solomon was one of the most successful women artists of her day, specialising in socially conscious genre paintings, and campaigning for women artists' rights. Jamaican-born Fanny Eaton modelled for several Pre-Raphaelite artists, such as Solomon's brother Simeon, as well as members of the original brotherhood, including Dante Gabriel Rossetti and John Everett Millais. She is one of the few identifiable people of colour in the art scene of 19th century Britain.

This small oil painting (61 x 51 cm) is signed with monogram and dated 61 lower left. It is arguably the finest known work by Solomon. It is in good condition overall but requires cleaning.

2. Context

Provenance

Cyril and Agnes Baynes, Isle of Wight, gifted in 1964 to their gardener and housekeeper, [REDACTED] by descent to him.

Selected Bibliography

The Critic, 23 November 1861, p. 524

The Spectator, 30 November 1861, p. 1313

Athenaeum, 23 November 1861, p.639

Solomon, A Family of Painters, exhibition catalogue for the Geffrye Museum and Birmingham City Art Gallery, 1985, p. 62 Pamela Gerrish Nunn, 'Rebecca Solomon's "A Young Teacher"', *The Burlington Magazine* 130, no.1027 (October 1988), pp. 769-70

Roberto C. Ferrari, 'Rebecca Solomon, Pre-Raphaelite Sister', *PRS Review*, Volume XII, No. 2, Summer 2004, p. 23, 28, 32

Robert C. Ferrari, 'Fanny Eaton: The 'Other' Pre-Raphaelite Model', *PRS Review*, 2014, p. 12

Shola von Reynolds, 'Fanny Eaton: The Black Pre-Raphaelite Muse that Time Forgot', *An Other*, 7 March 2016, [https://www.anothermag.com/art-](https://www.anothermag.com/art-photography/8453/fanny-eaton-the-black-pre-raphaelite-muse-that-time-forgot)

[photography/8453/fanny-eaton-the-black-pre-raphaelite-muse-that-time-forgot](https://www.anothermag.com/art-photography/8453/fanny-eaton-the-black-pre-raphaelite-muse-that-time-forgot)

Jan Marsh, *Pre-Raphaelite Sisters*, 2019, illustrated p.107

Exhibition history

- London, French Gallery, Winter Exhibition, 1861, no. 77
- Liverpool, 1862
- London, National Portrait Gallery, Pre-Raphaelite Sisters, 2019, no.75

3. Waverley criteria

The item meets Waverley Criterion Three (Scholarship), being of outstanding significance in relation to the history of women artists and Jewish art in 19th century Britain, as well as to the history of art and Empire. It provides a highly nuanced and sensitive perspective on gender, ethnicity, and the social concerns of its era and fills a significant gap in public collections in the UK.

DETAILED CASE

1. Detailed description of item(s) if more than in Executive summary, and any comments.

What does it depict?

The painting shows a nursemaid of colour with her two English charges. She is seated at the small writing table of a middle-class library or drawing room. The intimate composition focusses on the close-knit figure group at the centre, confined

by the dark background wall with fitted bookcase and the detail of a framed lithograph by Aimé Lemud, depicting the medieval German poet Wolfram von Eschenbach playing the organ to his friends (1838). An illustrated book lies open on the table. Only the younger child, safely held on the woman's lap, looks at the pages. The older girl, standing on the right, leans into the group and points to the pages while looking at her sister. The woman in turn gazes calmly at the older girl. While contemporary critics interpreted the scene as the older girl teaching the nursemaid how to read (*The Critic*, Nov. 23, 1861, p. 524), it seems more likely Eaton's character is humouring the girl who gets to point out a text passage to the others. The overall atmosphere is one of tenderness and care. While mixed-race model Fanny Eaton was born in Jamaica as the daughter of Mathilda Foster, a woman of African descent who was probably born into slavery, Solomon portrays her here as an Indian Ayah, a high-status domestic worker who has come to Britain with her employers to take on a maternal role for the children. Her fashionable dress is European, but the shawl deliberately evokes Asian or Middle Eastern habit.

What does it tell us about that period?

Rebecca Solomon's painting provides a unique key to Victorian social history, particularly in regard to middle class aspirations and attitudes to women's learning, as can be seen in the presence of the leather-bound books and the European print on the wall. The two girls are brought up in this environment, expected to value reading over toys.

The image also illustrates the status of non-white domestic employees from across the British empire who settled in Britain, and sheds light on attitudes to race and to ethnic representations in London during the 1860s. Ayahs were highly regarded, as can be seen in the intimacy and affection displayed in the scene. Yet, the limitations of this regard are evident in the fact that the nursemaid will never have access to the same privileges as the two children she cares for.

The painting tells us about the careers of female models in Victorian and Pre-Raphaelite art, here that of a woman of colour. The artist has made Fanny Eaton the main character of the scene with a strong element of portraiture in her features, which is not as pronounced in the depiction of the children. The fact that Solomon has asked a Jamaican woman to pose as the Indian nursemaid raises several questions, and whether this lack of differentiation is intentional or not requires further investigation.

Solomon's picture, as well as her biography, also exemplify the status of women's art in Victorian Britain and the challenges women artists encountered, including in

relation to teaching, production and exhibition. The painting and its favourable critical reception show that the opportunity to work and exhibit as a fully professional artist was indeed available to a number of women during this period. It warrants further research into the networks of women artists at the time and the relevance of gender in the commercial art world. Solomon appears to have been keen to tour her paintings beyond London in order to sell them, including to Manchester, Birmingham, Glasgow and Liverpool (The present picture is likely to have been sold in Liverpool.).

The image arguably gives insight into a specifically Jewish-British perspective on urban life and culture during the 19th century. It enables debate about cultural and social stigma as it has been argued that Solomon's empathy with her sitters arose from her own experience (Anita Kirchen, *Finding their Voices: Jewish Women Artists in the 19th and 20th Centuries*, Diss. Florida Atlantic U, Boca Raton, 2003, pp.98-99).

Who made it/painted it/wrote it?

Rebecca Solomon was born in 1832 into a wealthy Jewish family who were well-integrated into London's society, while maintaining their Jewish heritage and identity. Solomon became a professional artist like her brothers Abraham and Simeon, sharing studios with them at different stages of her life. Denied access to the Royal Academy Schools, Solomon studied at the Spitalfields School of Design and with her brother Abraham. She developed her skills and career by working as a background painter in the studios of John Everett Millais and Edward Burne-Jones and by painting copies, including a version of Millais's *Christ in the House of His Parents*. She also worked as an illustrator.

Solomon specialised in genre painting, both of modern-life scenes and historical subjects. The close association of her family with various artists of the Pre-Raphaelite circle influenced her art, but she retained a unique style.

Despite the restrictions placed on her professional life due to her gender and possible stigmatisation she endured due to her Jewish background the artist received critical acclaim in her lifetime – she exhibited almost annually for 17 years at the Royal Academy and her work was shown at the British Institution and the Dudley Gallery. Solomon's patrons included Lady Angela Burdett-Coutts and Charles Prater and she received commissions at home and abroad. In 1859 she joined 37 other women artists in a campaign for the Royal Academy to open classes to women and was associated with women's rights campaigners including her fellow artist Barbara Bodichon. Solomon is also known to have given to philanthropic endeavors.

Solomon never married. Her career and reputation suffered substantial damage when her brother Simeon was arrested on charges of homosexuality in 1873 and 1874. Although she appears to have continued to paint and exhibit, she seems to have experienced significant financial hardship. Research in this is ongoing.

Rebecca Solomon died on 20 November 1886 in a road accident.

Today most of her work remains in private collections and is difficult to trace. Notable exceptions are two works in the Museum of the Home (prev. Geffrye Museum) and one in the Aberystwyth University School of Art Museum and Galleries.

No. of comparable items by the same artist already in the UK, in both public and private collections?

Private collections:

- The Governess, 1854, oil on canvas Edmund J. and Suzanne McCormick collection (listed as private collection on the website but collection given in Solomon book, which may still be correct)
- A Fashionable Couple, c.1856, oil on canvas - private collection (listed as being with Gavin Graham Gallery in Solomon book, presumably no longer there)
- The Friend in Need, c.1856, oil on canvas - private collection
- Love's Labour Lost, 1858, oil on canvas - private collection
- Behind the Curtain, 1858, oil on canvas - private collection
- Peg Woffington's Visit to Triplet, 1860, oil on canvas - private collection
- Imogen from Cymbeline, 1865, oil on canvas - private collection
- With J.E. Millais (copy of), Christ in the House of his Parents, 1866 oil on canvas? - private collection
- The Birthday Gift, undated, oil on canvas - private collection

Public collections:

- The Appointment, 1861, oil on canvas, Museum of the Home, Acc.no. 61/2005
- The Lion and the Mouse: Sweet Mercy is Nobility's true Badge, 1865, oil on canvas, Museum of the Home, Acc.no. 30/1980
- The Wounded Dove, 1872, watercolour on paper, Aberystwyth University School of Art Museum and Galleries, Acc.no. WD383

2. Detailed explanation of the outstanding significance of the item(s).

Significance of figures associated with the item(s): maker/client/owners?

Both the artist and the model of *A Young Teacher* are figures of outstanding significance for academic research and public engagement.

Women artists are consistently underrepresented in public collections across the UK and have in turn for a long time received limited academic and public attention compared to their male counterparts. Despite the best efforts of stakeholders such as Arts Council England, the Art Fund and individual national and regional museums, work to redress this imbalance, especially in the field of historic art, is slow and mostly reactive to the art market.

Rebecca Solomon is of particular interest as a pioneering artist. Her work as a campaigner for women artists adds to her outstanding relevance. Yet, despite her connection to the Pre-Raphaelite circle and the positive reception of her work by contemporary critics, Solomon's legacy has until recently been largely obscured, both due to the scandal caused by her brother's arrests, which implicated her by association, and because much of her work remains in private collections. This nuanced and sensitive painting provides an exceedingly rare opportunity to reintroduce her work into the canon of British art history.

Furthermore, the painting allows a more detailed exploration of Solomon's links with the Pre-Raphaelite movement and indicates Dante Gabriel Rossetti's influence on her taste and artistic choices in particular: Lemud's lithograph is said to have been Rossetti's favourite print. Its inclusion in Solomon's painting suggests her acute awareness of his interest in this image as well as in French prints in general. She will have intended it to be recognised, at least by an inner circle, or it may have hung in a particular room which could be recognised by other members of the cultural sphere Solomon moved in.

Solomon's Jewish heritage is not overtly present in her subject matter, but it has been assumed that, despite her family's links with the wider art world and cultural networks, her own experience of marginalisation was the root of her artistic sensitivity. *A Young Teacher* will add to a growing body of Jewish art history in Britain.

The nascent study of Solomon's work, tangible in a current PhD project at Birmingham City University as well as the inclusion of her work in exhibitions like the National Portrait Gallery's *Pre-Raphaelite Sisters* in 2019, would be greatly enhanced by keeping this painting in the UK.

Fanny Eaton has attracted significant academic and public interest in recent years as one of very few named women of colour in Victorian London and its art world. University College London's project *Black Londoners 1800-1900* defines this significance:

*Our knowledge of the black presence in Victorian London is still seriously underresearched. Information on the lives of black women is particularly lacking. However, we will probably never know how many black people lived in London during the Victorian era as information held in many nineteenth century archives such as the national census do not usually record a person's ethnicity, or the colour of their skin.*¹

Eaton's move from domestic service into modelling mirrors that of other Pre-Raphaelite 'stunners', but as the daughter of a former slave and a mixed-race woman, her experience is fundamentally different. The perception of her ethnicity in the artistic circles of her day is significant, too. Not only in *A Young Teacher*, but frequently in paintings by other artists Eaton was made to pose in a variety of non-white roles which had nothing to do with her own heritage or identity. This is notably the case in Simeon Solomon's *The Mother of Moses* (Delaware Art Museum). What sets *A Young Teacher* apart is a greater sense of individuality, commitment, and empathy.

Eaton's presence in *A Young Teacher* adds substance to the ongoing reconsideration of Victorian perceptions about both race and beauty in academic writing, as well as museum displays and exhibitions, and highlights the complexities of ethnicity in British art. As indicated above, the picture elicits a closer examination across the board of the obvious tension between the empowerment of the sitter – the presence of a woman of colour in the pantheon of idealised women in Victorian, especially Pre-Raphaelite art – and their being exoticised and fetishised in pictures like William Blake Richmond's *The Slave* (Tate) for which Eaton also modelled.

Significance of subject-matter?

The subject matter of *A Young Teacher* adds to the outstanding significance of the object and complements the arguments made above. Through an artistic lens Solomon's picture offers a rare insight into the social history of South Asian women in Victorian London. The legacy of women's migration within the British Empire is an

¹ <https://www.ucl.ac.uk/equiano-centre/projects/black-londoners-1800-1900>

important and developing field in British (art) history that finds expression, for example, in Farhanah Mamoojee's *Ayahs' Home Project*.² The painting adds a key example to its study. Of particular importance is the fact the Ayah is a main character of the composition rather than an ancillary figure.

The overall subject of education for women at the heart of this painting makes it highly relevant and accessible. It needs to be read against the background of the emerging women's rights and suffrage movements in Britain in the mid-19th century.

Significance of materials/process/usage?

Hardly any works by Solomon exist in public collections in the UK, while her work is keenly sought after globally. This complex picture is one of Solomon's best works, aesthetically and technically, and produced at the height of her career. As a small work aimed at a middleclass market, ultimately beyond the public gallery space, it shows her working method both on a practical and intellectual level.

Is/are the item(s) of local/regional/national importance?

The item is of national importance as it fills a current gap of representation in British art and enables the development of methodologies in its study. Several national and regional museums in the UK are currently seeking to acquire work by Solomon and would make excellent custodians of this remarkable work.

Summary of related items in public/private ownership in the UK

Works by Rebecca Solomon listed above.

Fanny Eaton has been identified as in several works such as the afore mentioned *The Slave* by William Blake Richmond (Tate) and *The Mother of Sisera* by Albert Joseph Moore (Tullie House Museum and Art Gallery). She features in the background of Dante Gabriel Rosetti's *The Beloved* (Tate) and may have modelled for *Uncle Tom's Cabin* by Edwin Long (Russell Cotes Art Gallery & Museum). The Fitzwilliam Museum looks after two drawings of Eaton by Solomon's brother Simeon.

² <https://tap.bio/@ayahshome>

RCEWA – A Young Teacher, Rebecca Solomon

Applicant's statement

Please note that images and appendices referenced are not reproduced.

Is the item closely connected with our history and national life?

The painting is an imagined genre scene rather than a record of a historical episode related to national life. It is one of many depictions of a well-known model, Fanny Eaton (1835-1924), in a book-lined room with two children. Born Fanny Antwistle in Jamaica to Matilda Foster, a former enslaved woman, Eaton settled in Britain with her mother in the 1840s, taking up work as a housekeeper and cook. She modeled for many Pre-Raphaelites in the 1850s and 1860s, including Joanna Boyce Wells, Simeon Solomon, Dante Gabriel Rossetti, John Everett Millais, and Albert Moore. Rebecca Solomon was one of a small number of Pre-Raphaelite women artists. Beginning in 1846, she studied at the recently founded Spitalfields School of Design in London; the more prestigious Royal Academy schools, where her brothers Abraham (1825-1862) and Simeon (1840-1905) trained, did not accept women as students until 1860. Rebecca nonetheless exhibited regularly in London from 1858 until 1873, when she became ostracized after the arrest of Simeon for “homosexual offences”--a scandal that effectively ended both of their careers. While a skilled painter, Solomon is not among the best known or highly regarded of the Pre-Raphaelites.

Is it of outstanding aesthetic importance?

The painting demonstrates the artist's technical accomplishment, but it is not of outstanding aesthetic importance in her *oeuvre* or in the broader field of Pre-Raphaelite painters. Paintings by her of similar quality are found in public UK collections as well as in private collections.

Is it of outstanding significance for the study of some particular branch of art, learning or history?

The work is not of outstanding significance in that both model and painter are well represented in UK collections. While the painting is important for the study of race and gender in the nineteenth century, this should be considered in the context of the multiple, highly accomplished representations of Fanny Eaton in public UK collections, including:

- Joanna Boyce Wells' sketchbooks in the British Museum, which include several sketches of Fanny Eaton
- Simeon Solomon, *Habet!* (1865), oil on canvas; private collection, on loan to Bradford Museums & Galleries
- Simeon Solomon, three graphite on paper studies of Fanny Eaton at the Fitzwilliam Museum, University of Cambridge
- Ford Maddox Brown, *Elijah Restoring the Widow's Son* (1868), watercolor on paper; Victoria & Albert Museum
- Dante Gabriel Rossetti, *The Beloved* (1865-66), oil on canvas; Tate Britain
- Frederick Sandys, studies in the British Museum and Victoria & Albert Museum
- William Blake Richmond, *The Slave* (c. 1886), oil on canvas; Tate Britain
- John Everett Millais, *Jephthah* (1867), oil on canvas; National Museum Wales, Cardiff
- Albert Moore, *The Mother of Sisera Looked Out at a Window* (1861), oil on canvas; Tullie House Museum & Art Gallery, Carlisle

Rebecca Solomon's career was short-lived, but exemplary examples of her work similarly exist in UK collections, including: *The Appointment* (1861; Museum of the Home, London); *The Lion and the Mouse: Sweet Mercy is Nobility's True Badge* (1865; Museum of the Home, London); and *The Wounded Dove* (1873; Aberystwyth University School of Art Museum and Galleries).

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, note of case hearing on 14 September 2022: *A Young Teacher* by Rebecca Solomon (Case 2, 2022-23)

Application

1. The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest (the Committee) met on 14 September 2022 to consider an application to export *A Young Teacher* by Rebecca Solomon (1832-1886). The value shown on the export licence application was £302,400. The applicant clarified that the full price of the painting was £314,880 which represented the hammer price at auction (£240,000) plus the buyer's premium (£72,000) and the overhead premium (£2,880). The latter two amounts included irrecoverable VAT. The expert adviser had objected to the export of the painting under the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of women artists and Jewish art in 19th century Britain, as well as to the history of art and Empire.
2. Six of the regular eight Committee members were present and able to inspect the painting. They were joined in person by three independent assessors, acting as temporary members of the Committee. The Chairman explained that the binding offers mechanism was applicable for this case.
3. The applicant was informed that there is currently an interim process in place for Committee hearings. The Committee is still holding hybrid meetings but any Committee members, including the independent assessors must attend in person so they can inspect the object prior to discussing the case and voting. Any Committee members or independent assessors that are not able to attend in person and view the object are not able to vote.
4. The applicant confirmed that VAT would not be payable in the event of a UK sale. The applicant also confirmed that the owner understood the circumstances under which an export licence might be refused.

Expert's submission

5. The expert adviser had provided a written submission stating that the painting provided a highly nuanced and sensitive perspective on gender, ethnicity, and the social concerns of its era and fills a significant gap in public collections in the UK.
6. The painting tells us about the careers of female models in Victorian and Pre-Raphaelite art, here that of a woman of colour. The artist made Fanny Eaton the main character of the scene with a strong element of portraiture in her features, which is not as pronounced in the depiction of the children. The fact that Solomon asked a Jamaican woman to pose as the Indian nursemaid

raises several questions, and whether this lack of differentiation is intentional or not requires further investigation.

7. The image arguably gives insight into a specifically Jewish-British perspective on urban life and culture during the 19th century. It enables debate about cultural and social stigma as it has been argued that Solomon's empathy with her sitters arose from her own experience (Anita Kirchen, *Finding their Voices: Jewish Women Artists in the 19th and 20th Centuries*, Diss. Florida Atlantic U, Boca Raton, 2003, pp.98-99).

8. Women artists are consistently underrepresented in public collections across the UK and have in turn for a long time received limited academic and public attention compared to their male counterparts. Rebecca Solomon is of particular interest as a pioneering Jewish artist. Her work as a campaigner for women artists adds to her outstanding relevance. Yet, despite her connection to the Pre-Raphaelite circle and the positive reception of her work by contemporary critics, Solomon's legacy has until recently been largely obscured. This nuanced and sensitive painting provides an exceedingly rare opportunity to reintroduce her work into the canon of British art history.

Applicant's submission

9. The applicant had stated in a written submission that they did not consider that the painting met any of the three Waverley criteria. In relation to the first Waverley criterion, the applicant noted that the painting is an imagined genre scene rather than a record of a historical episode related to national life. It is one of many depictions of a well-known model, Fanny Eaton (1835-1924), in a book-lined room with two children. Born Fanny Antwistle (or Entwistle) in Jamaica to Matilda Foster, a former enslaved woman, Eaton settled in Britain with her mother in the 1840s, taking up work as a housekeeper and cook. She modelled for many Pre-Raphaelites in the 1850s and 1860s, including Joanna Boyce Wells, Simeon Solomon, Dante Gabriel Rossetti, John Everett Millais, and Albert Moore. Rebecca Solomon was one of a small number of Pre-Raphaelite women artists. While a skilled painter, Solomon is not among the best known or highly regarded of the Pre-Raphaelites.

10. Regarding the second criterion, they stated that the painting demonstrates the artist's technical accomplishment, but it is not of outstanding aesthetic importance in her oeuvre or in the broader field of Pre-Raphaelite painters. Paintings by her of similar quality are found in public UK collections as well as in private collections.

11. In response to the third criterion, they noted that the work is not of outstanding significance in that both model and painter are well represented in UK collections. While the painting is important for the study of race and gender in the nineteenth century, this should be considered in the context of the multiple, highly accomplished representations of Fanny Eaton in public UK collections.

12. The applicant added their disappointment in the lack of ethnic diversity

within the Committee for this particular case. They also added that there is now a global network of research that would allow for this painting to be used for further research without having to stay in the UK.

Discussion by the Committee

13. The expert adviser and applicant retired and the Committee discussed the case. The Committee unanimously agreed that this painting was extremely important in the context of diversity and representation of Black and Asian figures in 19th century Britain, as well as noting the lack of professional, female Jewish artists of this period in British public collections. Other members of Solomon's family were also artists, which added a further dimension to the analysis of her work. They discussed the multi-faceted portrayal of the Black woman, as an Indian Ayah, but also representing a pre-Christian, Old Testament Jewish figure which appealed to the Pre-Raphaelites. Additionally, they commented on the surge of public interest in the sitter, Fanny Eaton, and her story over the last several years.

14. The Committee recognised that the painting was of uneven quality and not Solomon's best work, however, the story of both the artist and the sitter was gripping and seeing it in person highlighted different aspects of the painting including the intimacy of the scene. There were elements of the painting which could generate multiple layers of research. In particular, they discussed the characteristics of this painting within the context of the Victorian notion of Englishness. In addition, they considered the painting's subtle nuances of race and gender of outstanding significance. Finally, they noted the German print on the wall in the background, the subject of which had great relevance to the Pre-Raphaelites and their connection to Europe. They concluded that further research into this painting was crucial, especially in relation to themes of Englishness and 'otherness'. They agreed that there were several avenues for research that would benefit from having a British perspective.

Waverley Criteria

15. The Committee voted on whether the painting met the Waverley criteria. Of the nine members, all nine voted that it met the third Waverley criterion. The painting was therefore found to meet the third Waverley criterion for its outstanding significance to the study of women artists and Jewish art in 19th century Britain and the history of art and Empire.

Matching offer

16. The Committee recommended the sum of £314,880 as a fair matching price.

Deferral period

17. The Committee agreed to recommend to the Secretary of State that the decision on the export licence should be deferred for an initial period of three

months. At the end of the first deferral period, if the Arts Council received notification of a serious intention to raise funds with a view to making an offer to purchase the painting, the owner will have a consideration period of 15 Business Days to consider any offer(s). The Committee recommended that there should be a further deferral period of three months that would commence following the signing of an Option Agreement.

Communication of findings

18. The expert adviser and the applicant returned. The Chairman notified them of the Committee's decision on its recommendations to the Secretary of State.

19. The expert adviser agreed to act as champion if a decision on the licence was deferred by the Secretary of State.

Subsequent developments

20. Following the hearing, the applicant was made aware that one of the independent assessors had mentioned during the private discussion of the case that he had previously been further involved with this painting, in addition to having valued it seven years ago which he had stated during the plenary hearing and which the applicant requested be recorded in this note. His involvement raised the question of whether he was biased and should not, therefore, have participated as an independent assessor in the hearing for this application.

21. The independent assessor was asked to clarify his involvement and confirmed that he had been instructed to bid on the painting on behalf of two public national institutions at the Sotheby's auction 'Women Artists' on 23 March 2022 at which auction the present owner bought it; and he confirmed that at the time he had signed the declaration of no interest for the purposes of this case hearing, and at the date of the hearing, he was not connected with either of those national institutions nor was he aware of either of those institutions making enquiries with a view to purchasing or in the process of purchasing the painting.

22. The Chairman of the Reviewing Committee in consultation with his predecessor, who had presided over this case hearing, concluded that there was no bias, actual or perceived, in the role of the independent assessor, given both the wording of their undertaking, and their subsequent confirmation that they had had no further dealings on behalf of those institutions after the auction in March 2022. The Chairman wrote to the applicant informing them of their decision and as a gesture of goodwill offered the option of a rehearing of the case with himself as a new Chair and three new independent assessors, but maintaining the other permanent Committee Members. If the applicant did not wish to take this up, the original decision would stand and the matter would proceed accordingly.

23. The applicant decided not to accept the goodwill offer as they did not want to delay the case any further and therefore the original decision stood.