

UNIVERSIDADE DE LISBOA

FACULDADE DE LETRAS

PROGRAMA EM TEORIA DA LITERATURA



## **Fakes in Art**

Maria Teresa Gonçalves

Doutoramento em Estudos de Literatura e Cultura

Teoria da Literatura

2013

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Dissertação orientada por:

Professor Doutor Miguel Tamen

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*To my parents.*

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## **Abstract**

Knowing a work of art is fake influences one's opinion about it. Moreover, it has important effects on the lives of people who are interested in art. These claims will be made in articulation with the following: judgements about art are not much different from judgements about actions that are unrelated to art. Art forgery is not a special case within the judgement of actions and intentions. Opinions about works of art, particularly about the intention to deceive, are moral descriptions.

Keywords: Art Forgery – Attribution – Intention – Value – Aesthetics –  
Market

## **Resumo**

Saber que uma obra de arte é falsa influencia a nossa opinião acerca dessa obra e tem consequências importantes na vida das pessoas que se interessam por arte. Defender-se-á também que opiniões sobre arte não são muito diferentes de opiniões a respeito de acções que nada têm a ver com arte. As falsificações em arte não constituem um caso especial da avaliação de acções e intenções. Opiniões sobre obras de arte, particularmente sobre a intenção de enganar, são descrições morais.

Palavras-chave: Falsificações em Arte – Atribuição – Intenção – Valor –  
Estética – Mercado

# Introduction

This dissertation is about how in our relationship with art, being sure that what one is looking at, buying, selling or showing is authentic makes all the difference. It will be claimed that information such as by whom and when an object was made is crucial in the judgement museum visitors, collectors, curators, art experts and dealers make about artworks every day all over the world. To demonstrate the relevance of such information, the intentions and actions of experts and art forgers are considered with the purpose of assessing the effects they have on the art market. My main claim is that finding out one has seen, sold or bought a fake art object is decisive in one's judgements about art because valuing art is not separable from judging intentions and actions. Opinions about authenticity in art are, necessarily, opinions about intentions and actions. And those are moral opinions. Ultimately, the art market provides ample evidence for such assertion.

The five chapters of this dissertation focus on the not so distinct aspects, at times, of the actions of art experts and forgers. The problems addressed are often interrelated. What follows is a summary of the contents of each chapter.

Chapter 1 examines the role of the trained eye of the art expert in the attribution of a work of art and how that talent is developed. The combination of

scholarship, experience, sensitivity to detail and an alert mind are the attributes an expert has to display so as to be recognised as such by his peers. Moreover, the chapter highlights the unscientific nature of the process of attribution of artworks. There is not a universally established protocol as far as judging art is concerned. There are, however, some procedures which are usually followed by connoisseurs. The chapter ends with the suggestion that the scientific tests available to analyse works of art do not override the trained eye of the expert.

The description of the attempts to make connoisseurship a scientific subject is the object of chapter 2. I show the inadequacy of theories which presuppose that our relationship with art can be defined as an activity whose effects may be predicted. In my approach to the problem, explanations that restrict the appreciation of artworks to the identification of patterns and recurring elements in identical objects are refuted. In this context, the method of connoisseurship developed by the art historian and doctor Giovanni Morelli is looked at closely. He believed that artists could be identified by the minutiae that are usually overlooked in paintings, rather than by larger elements. Morelli's interest in anatomy informed his method. He argued that the way an artist renders hands, fingernails or ears is what should be examined in the attribution of artworks.

In chapter 3 the talents of experts are again brought to the reader's attention. The problem of attribution, or rather, of the consequences of the change of status of a work of art for its market value, is considered in conjunction with the growing reluctance on the part of experts to openly express their opinions about artworks for fear of litigation. In a market that lacks regulation and heavily relies on trust to work smoothly, less scholarship being produced and less experts willing to be clear about the authenticity of works will allow the proliferation of forgeries. The chapter also addresses the relationship between supply and demand and its implications for the

production of forgeries. Forgers are aware of the kind of objects that are scarce at a particular time. Hence they forge what is sought-after by collectors. Still, fakes are products of the period in which they were created – and that cannot be disguised. The transition to chapter 4 is made through the introduction of the influence that the knowledge about the authenticity of the objects one looks at has on one's relationship with art. Thus, I show how the judgement of art forgeries is a moral problem.

Chapter 4 turns to the relationship between authenticity and value, and the implications of distinct descriptions of authenticity for the establishment of the question of forgery as a moral problem. The classic debate about the physical properties of aesthetic objects is reviewed, as well as the theory that judgements are the attribution of intentions and properties to objects. In what follows the latter view is endorsed. In the evaluation of the intention to deceive as the key factor to describe art forgery as a moral issue, the seriousness and prevalence of art crime are also examined. They are contrasted with the glamorised depiction currently favoured in the media, which tend to treat art criminals as gentlemen who are interested in objects that are not subjected to market rules. The final section of the chapter puts emphasis on the fact that art is a commodity. The last topics covered in this chapter are the good performance of the art market despite recession and the rejection of the theory of art-as-an-investment.

Trust as the main mechanism to sustain a market driven by self-regulation is dealt with again in chapter 5. Furthermore, the chapter returns to the topic of silence, now seen as an ingredient which still prevails among people dealing with art when it comes to uncovering fakes. The practice, naturally, backfires; it has disastrous consequences for the way safety within the market is perceived. Trust and intention close the chapter, and the dissertation, through the account of the confessions of forgers who had trouble proving their intention to deceive.

## 1. Judgement and Attribution of a Work of Art: What Do Experts Look at?

Thomas Hoving joined the Metropolitan Museum of Art in 1959 as a curatorial assistant. The post involved working for the medieval department and for The Cloisters, “the enchanting museum in Fort Tryon Park at the north end of Manhattan that had a vast endowment granted by John D. Rockefeller Jr., for the purpose of collecting and exhibiting art of the Middle Ages” (Hoving 1996, 115). As it often happens with junior members of staff everywhere in the world, job descriptions do not quite match the actual functions, and Hoving’s first months at the Metropolitan were filled with all the tasks that being the personal executive assistant to the museum’s director entail.

James J. Rorimer, the director, was a medievalist and a man obsessed with fakes, which he could sometimes swear were physically attacking him in dealers’ shops (Hoving 1996, 115). The obsession does not seem to have worked much to his advantage, particularly to the sophistication of his skills as a detector of forgeries in his field of work. He would easily miss a medieval fake, dismiss as forgeries<sup>1</sup> objects whose authenticity did not offer any doubt and suspect pieces for years, possibly

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<sup>1</sup> The words “fake” and “forgery” will be used indistinctly to refer to objects made or altered with the intention to deceive. Typically, authors within fields such as art history, philosophy of art and art criticism in general follow this procedure. Conversely, police authorities and legal professionals make a clear distinction between these words. The word “fake” is synonymous with something that has been tampered with for the purpose of deception, for example by adding a signature or creating a false provenance; “forgery” is an object created in direct imitation of an existing piece, or style, with the intention to deceive.

putting together conspiratorial arguments about authenticity without being able to make a decision on their status. Yet, Rorimer had the peculiar talent of excelling at spotting fakes that were unrelated to medieval art. According to Hoving, the director's displaced talents could only be owed to the fact that he "was a scientist not a connoisseur" (1996, 116). James Rorimer trusted ultraviolet analysis more than his own "eye" to decide whether a marble or alabaster sculpture was old, restored or made from different-aged fragments. But he knew that the comfort derived from ultraviolet scrutiny was limited as experienced fakers, ironically because of a very illuminating paper on the virtues of the lamp published by himself before World War II, could elude it. This was an extra motive for paranoia.

Probably driven by the anxiety of running an institution contaminated by so many unsuspected fakes, which would eventually emerge and ruin the museum's reputation, and by extension his own, or rather because he felt that being obsessed with fakes might hinder his judgement, in 1960 James Rorimer hired a young German scholar for six months to scrutinise every object in the medieval department and The Cloisters. With Erich Steingraber and the "Steingraber lessons" (Hoving 1996, 134) Thomas Hoving learnt how to really look at objects and focus on the always revealing blend of wear, usage and age. Steingraber believed in intensive training of the eye through the accumulation of experience, examples, comparison and the use of the most effective tool against art forgery: common sense. The description of the period spent with the German expert sounds rather disciplined, systematic and much like spring-cleaning:

For six months, in the evening or the early morning, or sometimes both, we'd take objects out of the cases in the Treasury and the early Christian and Byzantine galleries and, as he described it, "tear them apart". During public hours we worked on the sculptures and paintings that were not in cases. And we pored over the material in the storeroom.

After the medieval department had been scoured, we attacked the thousands of objects in The Cloisters. There was virtually nothing we didn't lay our hands on. (Hoving 1996, 128)

These muscle-building sessions have proved invaluable in the following years as the foundations for the development and refinement of Hoving's traits and career as a fakebuster. The traits that define an expert and allow him to see what the common art lover does not see are the subject of the following pages.

Making a living out of looking at art objects is an activity that belongs to an immensely disparate family of formally uncertifiable, yet respectable, and in some cases, highly regarded jobs where practitioners come to be viewed as authorities through the repeated production of proof of proficiency in the tasks they have to perform. Thus, talent is simultaneously displayed and developed. Stated another way, only by amassing successful instances of execution of certain tasks that can be included in one's job description can one develop and, for that matter, perfect a talent that, when shown, is proof of that accumulation of experience. In this respect being an expert is not much different from being a plumber or an engineer. But the similarities seem to end when connoisseurs are regarded as such if besides the combination of scholarship, years of experience, the alertness and mental frame of a detective and an acute sensitivity to detail, i.e. what could generally be described as a trained eye, they have some characteristics, such as intuition or insight.<sup>2</sup>The last two traits are often less easily paraphrasable without running the risk of sounding vague. In fact a trained eye, intuition and insight are, mostly, different ways to mean the same. These traits are commonly seen among art professionals as the ultimate test

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<sup>2</sup> It is interesting to note that in the last decade, roughly speaking, the amount of publications, workshops, seminars and television programmes promoting and coaching the development of intuition in more scientific areas such as risk analysis or financial management has been steadily increasing. The main goal of all of those materials seems to be the rescue of an ability that, it is generally claimed, so far had been removed from too many jobs. Sometimes the topic is approached within a wider label: emotional intelligence. And surprisingly a whole industry of self-help materials, promising to enhance and teach how to use something that has most likely ever been present in the exercise of both scientific and less scientific professions, thrives.

that distinguishes the real connoisseur from the crowd of competent observers. Philip Mould has recently referred to the attribute that, because of not being transmissible, unlike other tools of the trade, accounts for the modest number of art experts as the “ability to read what *should* be there but has been obscured or even lost as a result of damage or intervention” (Mould 2010, 7). Mould is discussing the fundamental importance of condition when judging a work of art, particularly paintings. Assessing condition necessarily implies analysing wear, usage and age, three aspects mentioned earlier and to which I will turn next.

To most of us, bumps, chips and scratches just indicate that objects are not in pristine condition and, because of that, are not as valuable as they could be. Conversely, pieces that seem flawless do not look suspicious to the vast majority of people who are interested in art in a non-professional way and may suppose that that condition is synonymous with high value. In the former case we tend to think that the flaws indicate wear and tear, and in the latter that the objects are well preserved as a result of care or sheer luck. To the art expert, the distinctions are not as definite as the scenarios that have just been built here as they depend on key factors such as the authenticity of the signs of wear, usage and age. If thorough and perceptive observation reveals that what initially appeared to be genuine signs of handling or accident are, in fact, forged ways of suggesting that an object has had a long life serving a certain function, then the conclusions regarding value will be much different from the ones drawn by the untutored eye of the average art lover. The same happens if excellent condition is nothing but a blatant sign that the object was recently produced with the intention of being passed off as old.

Looking at art objects as part of the process of attribution involves, among other relevant criteria, looking for clues that disclose function. One should bear in mind the modern architectural principle that states that form follows function. If



they are scrutinised properly it will eventually be clear what they were made for. Once the marks of usage have been interpreted so as to reveal function, the essential aspect to focus on is consistency. In other words, a very reliable clue about the authenticity of an art object is the matching of the signs of wear with the object's usage. In addition, style has also to be taken into account when determining authenticity and, in some cases, authorship. The obvious statement that art objects are always a product of the times in which they were created is too often forgotten by forgers. They cannot help but give away their attempts to make a piece look from a certain period by the inclusion of anachronisms, funny details, supposedly erudite elements, a mixture of all these or simply general stylistic features, e.g. the representation of female features in portraits, which cannot escape the cultural atmosphere from which they originated.<sup>3</sup> The unmasking of this type of forgeries may take time, critical distance, as art history and connoisseurship have repeatedly proved, but the signs that a faker's contemporaries may not be able to detect slowly emerge, and what deceived a generation of experts is likely to appear ridiculously phoney to the next.

A good forger<sup>4</sup> has to master several skills to evade the trained eye of the connoisseur and the screening of the scientific tests available at the time he makes his forgeries. He has to merge art history, technical abilities, wide knowledge of materials (e.g. pigments, oils, varnishes, woods, canvasses, paper, stone) and market analysis tools. The stories of successful forgeries that remained unknown as such for

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3 This subject will be dealt with in a more detailed way at the end of chapter 2 and in chapter 3.

4 In Thomas Hoving's opinion Wolfgang Helbig (1839-1915), archaeologist, and Francesco Marinetti (1833-1895), art dealer, are the two most brilliant examples of the combination of all the traits that are fakebusters' worst nightmare. They were "the exuberant coming-together of hand and mind, theorist and practitioner. One was a powerful, respected art dealer and a superb forger. The other was a learned archaeologist who either wrote the 'programs' for the fakes himself or recruited the right specialist so that his fakes contained a minimum of art historical errors." (Hoving 1996, 257-258)

a long period of time tend to share the following element: success is owed to collectors' laziness to do careful, and occasionally time-consuming, investigation before buying an object, haste to buy, the proliferation of bargain hunters and also to a perceived market need of certain kinds of objects. In more respects than one collectors, because of what is known in the art world as "need greed and speed", make forgers. Even the most experienced collector – and experts are by no means exempt from faulty judgement – may be deceived by his own eagerness to find a piece which is in short supply. Clear discernment is further hindered if in addition to the excitement of thinking that one has found what one believed to be very hard to find, it is unbelievably cheap. In those circumstances most people fail to see what has been made to match their thrill and can only see what they want to see, dismissing some commonsensical questions such as "Isn't it surprising that the exact object that I have been dreaming of for years has been offered to me for such a low price?". The disproportion between supply and demand can actually generate whole market segments for specific fake items that are coveted by collectors at a particular time. In that sense, the market encourages forgers in their activities and multiplies the possibilities of one being duped.

Commenting on the effect that the sudden appearance of supposedly precious objects has on scholars and, consequently, on the production of fakes, Sepp Schüller tells a well-known story among those who have done research in art forgery. The episode is a good example of how forgeries may be promoted as a result of false attribution and scholars' excitement. Briefly, it is the story of a pot with an inscription that attracted needlessly complex theories:

The 'sensational' discovery of a pot inscribed M.J.D.D. was much ridiculed. A member of the French Academy of Inscriptions deciphered the initials, after much study, as those of *Magno Jovi Deorum Deo* – 'To the great Jupiter, God of Gods'. He

did not notice that the pot was not antique, but modern, and not dedicated to Jupiter, but to mustard. For the letters were merely an abbreviation of Moutarde Jaune de Dijon – ‘Yellow Dijon Mustard’! (Schüller 1960, 162)

Besides scholars’ delight in extraordinary findings, forgers have another powerful weapon to use as motivation for the production of fakes: the acquisitive impulse and competitiveness of both private collectors and museums and the fact that, in the case of specific objects (e.g. furniture), too many people look for pieces that are in a near perfect state of preservation. This obviously drains the existing supplies of genuine works and makes forgers look at scarcity as a promising business opportunity. As a result, collecting trends and the making of corresponding fakes definitely go together. Also, as a consequence, there are countless stories, similar to the one quoted above, supporting the recurring evidence that links acquisitive urge to the intention to deceive. One of my favourites, as it provides enough points for discussion regarding the obliteration of common sense on the part of the person being deceived, and the relaxed way the forger passes off his fraudulent production, takes place in France in the nineteenth century. It involves a crafty document and letter faker, Vrain Lucas, and a member of the French Académie des Sciences, Monsieur Chasles.

Knowing the scholar could not resist indulging in the collection of autographs and letters, Lucas wove a fascinating story about the near miss destruction of an invaluable bundle of documents. He managed to persuade Monsieur Chasles that he had bought the collection of a conspicuous collector of letters, a certain Comte de Boisjardin. The unfortunate gentleman had died in a shipwreck on his way to America in 1791 but the documents had miraculously been rescued in mint condition. By then Monsieur Charles had been too cleverly lured to be alert and ask the right

questions. In *The Genuine Article* John FitzMaurice Mills and John M. Mansfield clarify the extent of the deception and the faker's imaginative bursts:

The items Lucas thrust on the learned scholar included: a lengthy letter to Lazarus from Mary Magdalene, a letter from Cleopatra to Julius Caesar telling the great Roman that their son Cesarion was flourishing, a passport signed by Vercingetorix, and letters from such as Attila, Alexander the Great and Joan of Arc, also love notes from Laura to Petrarch and a poem by Abelard. More surprising than all this was that all the letters, except one from Galileo, which was in Italian, were in eighteenth-century French. Mary Magdalene's script began:

'Mon très aimé frère Lazarus, ce que me mandez de Petrus l'apostre de notre doux Jesus'; furthermore this epistle was supposed to have been written from Marseille. (Mills and Mansfield 1982, 82-83)

Lucas was taken to court, spent two years in prison and paid a fine of five hundred francs. The gullible scholar who, it seems reasonable to presume, was not exactly starting his collection, suspended all common sense at the prospect of owning such a precious set of documents. What in normal circumstances would sound objectionable or highly implausible, and cause the prospective buyer or expert to react either by asking relevant questions on authenticity or by dismissing the object right away as a forgery is, under the spell of potential authenticity, totally ignored or, to be more precise, not seen. At this point, I believe the meaning of the phrase "normal circumstances" might need elucidation. The phrase is used to describe situations that involve the observation of art objects, or of objects with collectable value, without the interference of factors that tend to cloud one's critical judgement. The pressure of acquisition (which is very common in the case of museum experts), the excitement of having found something supposedly rare and authentic, and the higher perceived value induced by the event of having found what seems like a bargain are the classic reasons for buying art without asking the right questions.

Those are the weaknesses every forger and conman count on when they cheekily push extraordinary pieces, such as a pot of mustard or a letter written by

Cleopatra in French, to people who are used to dealing with this kind of objects. Their confidence stems from trust. As Philip Mould rightly puts it, “the eye is disturbed by the aura of authenticity.” (Mould 2010, 164)

Earlier in this discussion (see p. 10) I have referred to intuition as one of the traits that distinguish real art connoisseurs from good observers and, I would now like to add, from experts in scientific tests currently applied to works of art. By intuition I did not mean some ineffable characteristic, nor do I intend to engage in a technical discussion of the term. The word is used as a general synonym for the connoisseur’s capacity to spot details that are missed by most people and, more importantly, to attribute meaning to those details in a unique way. The talent of being able to tell almost instantly if a piece is authentic or a fake is probably the one that is most described as a result of refined intuition.<sup>5</sup>

Generally, the authenticity of a work of art is established by the expert’s trained eye and not, unlike what might be expected, by sophisticated scientific analysis. Scientific tests do not replace the apparently subjective criteria used by connoisseurs. Such criteria are sometimes difficult to describe and, above all, challenging to validate in court when needed. In the last decades, more and more museums and institutions who deal with art have invested in the creation or improvement of scientific departments, which seems to contradict the argument for the superiority of the trained eye regarding the attribution of artworks. It is not a contradiction but a recognition of scientific analysis as an important complementary technique to the work of connoisseurs. Most experts agree that scientific tools are

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<sup>5</sup> Frequently, the words “intuition” and “instinct” are used interchangeably among art professionals. In *The Art Detective*, Philip Mould criticises the excessive use of “instinct” suggesting it works as exemption on the part of dealers from having to specify their response to the objects they have just seen. Mould’s point is particularly interesting as it dismisses the often elevated status of instinct as observation: “One of the words most overused to describe attributing and judging a work of art is ‘instinct’. There is certainly a place for it, but it is too often a mere catchall for the basic process of observation, releasing you from having to articulate your visual responses, which, in the case of an art dealer like myself, are in perpetual professional use.” (Mould 2010, 91)

very helpful in the process of refuting the authenticity of an object, revealing overpaint, additions and restoration works, but do not replace acute observation skills perfected by years of contact with fakes and genuine works.<sup>6</sup> Many fake objects pass all scientific tests as forgers have found ways of eluding them. There is no method or equipment of scientific analysis to establish the authenticity of works of art. Therefore the expert's knowledge and intuition cannot be dispensed with since they are the most reliable tools to judge art objects, despite the fact that mistakes are likely to be made as it happens in all activities which largely depend on human precision.

Interestingly, even forgers occasionally show respect for some experts' ability to spot a fake. Christian Goller, a superior forger who was tracked by the no less superior connoisseur Hubertus Falkner von Sonnenburg (1928-2004) when he accepted the directorship of the Doerner Institute in Munich in 1974, declared his admiration for the latter's talent while he bragged about how he could fool any scientific test available at the Institute, but could not dupe Sonnenburg: "Sonnenburg's eye, that's something else." (quoted in Hoving 1996, 248)

Sonnenburg studied art history in Munich, where he did his doctorate, but was not seduced by academic life. Instead he chose to work as a restorer to be as close as possible to originals. To enrol at the Doerner Institute and become

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<sup>6</sup> Ronald D. Spencer interviewed Eugene Victor Thaw about the process of attribution of a work of art. Thaw is a collector, retired art dealer, president emeritus of the Pollock-Krasner foundation and editor of the four-volume *Jackson Pollock: A Catalogue Raisonné of Paintings, Drawings and Other Works*. New Haven: Yale University Press. 1978. The interview, entitled "The Authentic Will Win Out", focuses on how curators, art historians, conservators, art dealers, auction house experts and collectors reach a consensus over the attribution of a work and also on how misattributions are corrected over time through the art market's mechanism of self-correction. When Spencer questioned him on the relevance of scientific testing in the attribution of art, Thaw answered: "The more scientific toys made available for the examination of works of art, the more I am convinced that there is no substitute for a trained human eye. Scientific tools are very useful for examining and repairing the physical condition of artworks, and they are useful dating material components. But when it is not a matter of clearly fraudulent pigments or other materials, when the question of yes or no is based on subtle criteria, here there is no substitute for a connoisseur's eye." (Spencer 2004, 76-77)

apprentices, students had to produce a piece that would show their talent and guarantee them a place at the Institute, at the time, the late fifties, considered the best conservation laboratory in the world. Sonnenburg showed his talent through an ambitious piece: he painted a fifteenth-century Madonna “inspired by Van Eyck, no less” (quoted in Hoving 1996, 236), and was accepted as a student. For years he worked to fulfil the ambition of being a conservator who could master art history, science and an actual training in painting. After some years at the Doerner Institute, some time in London and fifteen years at the Metropolitan Museum, Sonnenburg returned to Munich as director of the institute where he had created his Madonna. There he had also discovered many fakes, even while he was only an apprentice doing chemical analysis and other tests for clients who brought pieces to be examined. Under his direction the institute became a successful example of how connoisseurship and science could work together, combining the expertise of art historians, restorers and scientists to unmask fakes. He possessed a rare blend of traits and knowledge in such a broad range of areas that made him into a fierce expert and sleuth. He accomplished what James Rorimer, to return to the beginning of this chapter, could never have: attribution with the mind of a detective, the knowledge of an art historian and the help from science.<sup>7</sup>

Yet some experts’ reactions, or rather the verbalisation of some experts’ reactions to artworks is frequently exotic to the point of inspiring suspicion on those who watch them. Those who are less acquainted with the ordinary rituals of connoisseurship, and other modes of behaviour easily recognisable to someone who moves within the art world, may question the experts’ ability to judge a given work of art. This is especially true if visual perception and physical analysis are summed up

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<sup>7</sup> For a detailed account of Hubertus von Sonnenburg’s activities see Hoving, 1996. “Guardi Is Still Alive”. *False Impressions the Hunt for Big-Time Art Fakes*, chap. 16: 235-255. New York: Simon & Schuster.

in comments of the following kind: “My stomach doesn’t feel right”, “By now I should have a headache”, “I didn’t faint, which means it is a fake”,<sup>8</sup> “There is something wrong with it”. Or the opposite of these, for the more cheerful event of having seen an authentic work. Although it is unarguable that a connoisseur’s ability to detect forgeries and likewise identify genuine pieces is the result of continuous and empirical contact with an artist’s work, communicating immediate visual perceptions that originate certainty in such a way so as to sound consistent and persuasive may not be an easy task. I am not suggesting that the comments quoted above cannot match right attributions because they are the description of physical reactions, but rather that one tends to expect physical analysis to be followed by not so physical a description. They can be the expression of the sharpest talent and the clearest grasp of an artist’s body of work, which is mostly the case. However, the art market values them differently depending on their provenance, in a similar manner to the objects at which they are aimed. In fact, only respected experts can afford to vent somewhat disconcerting remarks about their stomach or their vasovagal reactions as a verdict on the authenticity of an object, instead of lengthy erudite justifications, and still be respected. An expert whose reputation were not sound would most likely have to offer less theatrical opinions, favouring more conventional appraisals.

Typically the authentication of a work of art follows a series of procedures that may vary in order and amount of attention given to certain aspects of the object being examined and, of course, depend on individual styles of clustering and processing information. But essentially they cover the same topics. It should be noted that by “typically” I do not mean to exclude more exuberant experts from the group

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<sup>8</sup> The comment is based on a real episode chosen by Ronald D. Spencer to show the potential conflict between experts’ reactions and the duty to produce objective evidence for legal purposes: “It is said of James McNeill Whistler that when someone showed him an alleged Velázquez, he dismissed it after a glance, and when its owner protested his curtness, he declared, ‘I always swoon when I see a Velázquez.’ ” (Spencer 2004, xv)



of people who examine works of art following a systematic method. I only wish to imply that the former may be allowed to express conclusions in a quite disconcerting manner, whose welcome reception is not available to all experts.

Although there are some recommendations issued from internationally recognised institutions for the work done in the field of authentication and attribution of art objects, there is no universal and formalised system to authenticate art described by art professionals as accurate and comprehensive. Thus, there is not a set protocol to which one can refer to when specific actions or decisions have to be accounted for, or which illuminates the experts' liability in the process. The IFAR<sup>9</sup> (International Foundation for Art Research) is probably the most respected institution as regards the clarification of questions of authenticity concerning a wide number of artists. All the work is done independently of the existing authentication committees and boards that deal with individual artists and, in some cases, referring clients to those boards. The Foundation guarantees unbiased research and production of authentication reports – as opposed to certificates of authenticity which are not issued (nor is market appraisal provided) – where a substantiated, but not necessarily definite, opinion is presented. As the Foundation's fee is the same whether the work is thought to be authentic or fake, the clients may be assured that less commendable interests are not involved in the process. The IFAR's experts follow a three-step approach when working on authentication and attribution

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<sup>9</sup> The IFAR was created in 1969 in New York as a response to the loss of confidence in the art market on the part of collectors who had been victims of fraud. At its core were the goals of offering protection to collectors when buying from dealers while simultaneously shielding its experts from liability when producing opinion, thus combining the required conditions for objective and independent work. Fear of costly litigation (especially in the USA) has in the past as much as now impacted the production of valuable scholarship negatively, delaying or preventing research on works that run the risk of remaining misattributed or deemed authentic despite being outright fakes. Some scholars have resorted to absurd language twists so as to be protected from legal action. I will come back to this problem in chapter 3, providing examples and a lengthier discussion in the main text.

For extra information on the scope of the activities of the IFAR, its establishment and other issues concerning the institution see Sharon Flescher, 2004. "The International Foundation for Art Research", *The Expert versus the Object: Judging Fakes and False Attributions in the Visual Arts*, ed. Ronald D. Spencer, 95-102. Oxford and New York: Oxford University Press.

projects. The procedure, in the following order, makes use of connoisseurship (the expert's trained eye and acquaintance with an artist's body of work), the analysis of documentation that will help establish or confirm provenance (this includes historical evidence and archival research comprising sales, exhibitions and catalogues) and, finally, physical and technical examination. This last step can involve scientific work such as pigment analysis, infrared reflectography, X-ray tests, thermoluminescence, observation under ultraviolet light or simply demand close visual inspection of the object so as to assess some of its physical properties, which can be done, for example, by magnifying a section of the work that is thought to be particularly relevant.

The inexistence of a universally recognised formal method for the examination of art objects has not precluded, however, the wide acceptance of a kind of observation endorsed by most experts, from the more academically inclined to the more hands-on type, which has given proof of effectiveness. Analogously, the method of observation and its practitioners have built a reputation as successful through the consistent application of a basically empirical analysis of works of art. Subjecting objects to sophisticated scientific tests is neither a priority nor an assurance of infallibility. It is a costly operation not available to all institutions, let alone individual collectors and art dealers. Besides, as it has already been stressed, it is usually regarded as a backup resource for the trained eye of the expert to rule out, rather than establish, authenticity and authorship. Countless curators, art historians, fakebusters and art dealers alike describe the moment of examining a work of art as quickly going through a mental checklist, in which sometimes the points to be run through overlap and prompt simultaneous questions. On the one hand, the questions seem to jam one's ability to answer and, on the other hand, they may the very red

flags on the work's flaws or incongruities.<sup>10</sup> Most of the times the connoisseur's seemingly confusing first impression of an object, because of being crammed with also apparently disjointed pieces of information, is his definite impression. Even the connoisseurs who carry out their research in a supposedly unflustered manner, whose checklist is detailed, done methodically, reviewed and even followed in writing, more often than not find out that the first impression on the work being scrutinised prevails. The point I am trying to make is that first impressions persist not despite thorough checklists, but because of numerous strict checklists used previously. IFAR's experts, who have to actually write a report stating their opinions about the objects they are requested to examine, and all the other experts who may or may not have to put their impressions in writing have come to be seen as experts because of successfully following what, in essence, could be called identical checklists. Where the outcome differs is in the degree of orthodoxy adopted by each group of experts when rendering their views on the objects.<sup>11</sup> What clients and, at times, courts of law expect from reports written by IFAR's experts is the reassurance of conventionality, which may be scarce in the case of experts who are not under the

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10 Thomas Hoving's account of the conversations he had with several fakebusters about the first look at an art object presents the experience as a moment where all the senses are saturated with data: "The fakebusters I've interviewed all describe a kind of mental rush, a flurry of visual facts flooding their minds when looking at a work of art. One fakebuster described the experience as if his eyes and senses were a flock of hummingbirds popping in and out of dozens of way stations. Within minutes, sometimes seconds, this fakebuster registered hosts of things that seemed to call out to him, 'Watch out!'" (Hoving 1996, 20)

11 Bernard Berenson is known for his flamboyant expression of conviction about the quality of art objects, particularly of pieces of the early Florentine Renaissance, a period so familiar to him that from every piece of visual information in a new work he observed would stem an endless flow of connections, incongruities and subtle aspects that would go undetected by the less experienced eye. Unable to clearly articulate his reasons for thinking that a work was authentic or fake he would instead produce statements such as "I have a curious ringing in my ears", "I feel woozy and off balance" or "I was struck by a momentary depression" (paraphrased by Hoving 1996, 19-20). In fact, these were symptoms of the evidence he had collected perhaps within seconds of looking at an object with a degree of certainty that was difficult to match. Thomas Hoving describes his talent: "Without thinking about it, Berenson could see that the hair on the forehead of a figure of Saint James in a certain picture was too curly for the artist, or not curly enough. Or the cerulean in the sky of the picture by, say, Fra Angelico, wasn't quite as deep as in other panels. Or the placement of objects on the windowsill in a painting supposedly by Carlo Crivelli was too perfect and precise to be truly by the master." (Hoving 1996, 20)

obligation of producing a written report and also in the case of those who work for institutions where formality is not an asset in itself.

After reading a large number of accounts made by art professionals who examine, appraise and occasionally are in charge of buying art objects as a relevant part of their job description, one is under the impression that the process has its parallel in the three-step approach adopted by the IFAR, which I presented briefly. The widely held views outside the art world about the authentication of art objects depict that series of actions as a blend of clairvoyance and gambling with bizarre pronouncements about the objects under assessment. One would have thought the main feature of such objects is the power to cause an impressive assortment of physical reactions in those who are expected to make a judgement about them. Most descriptions of actual attributions made by art professionals make it very clear that reducing the activity to a cause and effect event, in which a certain kind of art objects causes a particular type of physical response to a specific group of people, could not be further from the truth. Although there may be the odd comment on the status of the object in the form of a declaration that does not sound very apt for the occasion, without an accurate explanation to support the claim, experts follow clear rules when they judge artworks. There is a long list of aspects that must be methodically checked in a more or less rigid order, much time and care is invested in the whole process, and thorough research has to be done so as to avoid the fatal mistake of “need, greed and speed”. Curators managing large acquisition budgets and art consultants buying pieces on behalf of clients are in an particularly delicate position. They are answerable to too many people to run the risk of buying expensive items fuelled by a rush of adrenaline,<sup>12</sup> only to realise later that they have been fooled.

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<sup>12</sup> Philip Mould, a prominent London art dealer, praises the benefits of taking risks in his profession while combined with a judicious and extensive investigation on the prospective

The common trait of the accounts mentioned above is the importance ascribed to resisting hasty observation, motivated by accumulated instances of successful verdicts. Overconfidence can be intoxicating, notably when in the presence of a prospective resplendent original work, and make one's brain idle about asking the right questions or impatient to skip some steps of the process.

Aware of the huge responsibility involved in this task, Thomas Hoving outlined a checklist during his appointment as director of the Metropolitan Museum of Art that all curators in charge of acquisitions should use while looking at a work of art. As the purchases frequently involved making decisions about spending millions of dollars and subsequently justifying the spending to a board of inquiring trustees, curators had to cover fifteen points. Hoving underlines the critical importance of eleven and offers a sample report of the content of each section, as well as an extra suggestion to be followed if the evidence collected for each of the eleven sections fails to support the first impression about the work. When that happens, a "Doubts List" must be made and dealt with minutely until all the queries are settled with a sound explanation. I summarise Hoving's lengthier description of the checklist (Hoving 1996, 21-22) below paraphrasing its eleven items:

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acquisitions involving eye-testing them for style, technique, restoration, market value and, naturally, gathering all the available information on provenance. Simultaneously, advice from specialists on the artist or the kind of object in question are asked and considered. After the purchase, restoration work may be required to return the piece to its fair place and value. In "The Mystery of the Missing Gainsborough" (chapter 2 of *The Art Detective*), Mould detailedly tells the story of the discovery and acquisition, in 2006, of a very early work by Thomas Gainsborough (1727-1788), *Cornard Wood*. It goes without saying that it is not the story of the painting hanging in the National Gallery dated circa 1748, but the more amazing account of how Gainsborough painted, at the precocious age of ten, what could be called a first *Cornard Wood*. This is a typical story of what in art world jargon is known as a "sleeper", an authentic painting that has been turned down at auction and that can be bought for a small part of its true value. It was bought on a phone bid from London to Los Angeles and catalogued by the auction house as "Follower of Salomon van Ruisdael". It had an estimate of \$2,000-\$3,000. Mould believes it is now worth £400,000. He summarises the excitement of running the risk of investing in a painting always merged with the collection of comprehensive and reliable information: "Few things bring oxygen to the brain better than financial risk. Admittedly this normally applies *before* you have committed, and in the case of this painting it was *after*, but the principle remains the same providing you can muster honesty of response." (Mould 2010, 92)

First: The phrases and words that come to mind immediately after glancing at the new work should be written down, no matter how odd or slapdash they might seem. Thus the first impression is registered.

Second: The object must be described in a detailed and even erudite way so as to make sure that all its surface is scrutinised.

Third: At this point exhaustive notes on condition should be taken, paying attention to every visible flaw or, I would add, to its absence, not at all a trifling detail.

Fourth: All the questions about the object's use should be contemplated.

Fifth: The two previous items should be connected, i.e. condition must reflect use.

Sixth: Style or styles must be described noting inconsistencies or any other atypical features.

Seventh: By now the object can be dated and hopefully be found to be in agreement with style.

Eighth: All the documents related to the work must be assembled always bearing in mind that it is very easy to fake them.

Ninth: Tracking all the elements that prove that the work has a provenance, and that there is a logical connection between all the archival evidence (e.g. published references, exhibitions, catalogues, collections, sale receipts), is a crucial step.

Tenth: The piece should be subjected to all the appropriate scientific tests available. Not surprisingly, Hoving advises curators to interpret all the results of the scientific analysis by always minimising what they find.

Eleventh: This last task falls under the general heading "Talking to People". Curators were supposed to survey the market about the object, listening to rumours,

asking questions, talking to art dealers, auctioneers and scholars about their intuitions on the object. From these conversations may emerge clues, stories or people that are worth following to solve some doubts, or additional evidence that will back the decision of buying the work.

Lists of this sort are not intended to be infallible grids of assessment that will, through gradual refinement, bring the attribution of works of art closer to becoming a science. Looking at art objects, even with the aid of sophisticated equipment, either professionally or in a more dilettante manner, will remain a human activity. And that relies mainly on abilities developed and perfected by the amassing of experience, knowledge, success and failure, not least by the unique nature of each piece one looks at. Effects and conditions cannot be predicted let alone replicated as in a scientific experiment. In that respect the insightful connoisseur and the average art lover are much in the same position, the significant difference being the former may attract more praise and respect for his gut feeling than the latter, even if he is proven wrong. Making mistakes and changing one's mind because of a shift in one's gut feeling is the ultimate evidence of the fallibility of human judgement about art.

## **2. Attribution: Luckily It Is Not a Science**

The last decades have witnessed, on the one hand, a growing anxiety about finding clear answers to doubts about the attribution of works of art and, on the other hand, the frustration facing increasing uncertainty despite, or due to, the existence of more and more advanced technology covering the analysis of a broad number of physical properties in an art object. This description suggests that at a time prior to the emergence of the scientific tools available today, the hope that the attribution of works of arts might become an exact science was held out and was shattered. To further complicate matters, and to the despair of those who have to deal with disappointment, things like the change of opinion about the authenticity of works of arts happen, sometimes, ironically, as a result of the application of sophisticated methods in the analysis of those works. It is not unusual, for example, that doubts raised about an object until then deemed authentic, lead to detailed analysis and subsequently to a radical change of judgement. The work may thus be considered a fake, which does not necessarily mean that it will not recover its initial status (again, as a consequence of further examination). This kind of research may take decades and still be inconclusive, failing to soothe the crowd of believers in the power of technology to finally solve all our worries about art. More often than not



these are the same people who are strongly suspicious of the experts' methods and actions, and who resist the idea that art and its effects cannot be understood and predicted as it happens, for instance, with medicines. Whereas in the case of medicines it can be assumed that a given substance X produces the effect Y, and that that effect is replicable, when it comes to works of art not only is it impossible to predict their effect on those who see them, but also it is the least of concerns for people who are interested in art. If the calculability of effects were determinant, and likely to be established universally, our relation with art would be a kind of catalogue in which the connection between a specific class of works and a particular type of physiological reactions could be ascertained with a high degree of accuracy.

In 1990 Peter Atkins, a chemistry professor at Oxford, presented a project which exhibits the anxiety mentioned at the beginning of this chapter and presupposes that sometime in the future it will be possible to characterise “aesthetically effective physical properties of artworks scientifically, and so generate art to order” (Phillips 1997, 171). Atkins's enthusiasm was received with shock by the art world. Regardless of its plausibility, the intention of eliminating unpredictability, as well as its non-utilitarian nature, from aesthetic experience, and the assumption that most people share the same need, is strange enough to be met with outrage. Why would one wish to obliterate from one's relationship with art some of the very aspects that compose it and that distinguish it from, say, chemistry or fluid mechanics? Underlying the anxiety of converting art into a laboratory concoction, there seems to be a strong faith in the intermittently popular trend in art theory that argues that the aesthetic value of artworks is derived from their intrinsic properties and not from the descriptions attributed by the people who interpret them. I intentionally use the word “interpret”, and “intentionally” for that matter, to claim the inherently unscientific character of the process of describing works of art. Art

objects do not intend anything we do not want them to, nor say things inadvertently or, no less bizarrely, show signs of having a temperamental nature by resisting our interpretation. We do all of the above and much else by attributing intentions and abilities, namely linguistic, to objects which allow them to live with and through their interpreters.<sup>13</sup>

In *Exhibiting Authenticity*, David Phillips makes a brief account of Atkins's theory<sup>14</sup> quoting the author on the goals of the project:

His argument assumes that aesthetic response is associated with a special kind of physiological change in the brain, set in motion by some physical characteristics in objects: "The initial achievements of predictive aesthetics will be the identification of the essential stimuli that conspire to induce physical and chemical activities that are recognised as constituting response to art". He goes on to explain that the effect might not be a response just to single stimulus, but might arise even for visual art in some way from comparative properties of successive moments of perception. He points out that one of the explanations for the power of the golden section . . . , is that the time it takes the eye to scan the height and width successively is in almost exact proportion to a major sixth in music. Then he speculates that perhaps we now have a much better candidate than the golden section for the kind of specifiable physical stimulus we seek, in the mathematical patterns known as fractals: "A single golden section may ignite a single region or circuit . . . of the receptive brain. A single fractal image is sure to transmit as many rhythms and inevitably to stimulate any brain." (Phillips 1997, 171)

Atkins's project is one which coincides with advances in technology and science, relevantly with neuroscience,<sup>15</sup> a circumstance that tends to encourage the nurturing of plans of extensive application of state-of-the-art equipment and

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<sup>13</sup> A discussion of the topic is offered by Miguel Tamen, 2001. *Friends of Interpretable Objects*. Cambridge, Massachusetts: Harvard University Press. The argument that inanimate objects come to life through interpretation, particularly in places where museums and collections are valued by groups of people who may be seen as friends of the objects being interpreted, is presented in an original and erudite way. Bill Brown (Dean of Humanities, University of Chicago), quoted in the blurb, says: "This book should be read by art historians, anthropologists, curators, literary critics, and anyone who has ever shouted at a car or kicked a door." Those who believe shouting at a car and kicking doors are clear signs of delusion and going to museums will hopefully stop being such an uncontrolled activity where people allow themselves the extravagant pleasure of being surprised and, worse, the inordinate delight in changing their minds about objects, would benefit immensely from the reading. There is a chance that they might stop sighing for a world where whole careers are fashioned around the relevance of fractal images in models for predicting stimulus to works of art, and where there are university departments with names such as "Predictive Aesthetics".

<sup>14</sup> Atkins presented his model in a paper entitled "The Rose, the Lion and the Ultimate Oyster". *Modern Painters*, Winter 1990: 50-55. The excerpts quoted above by Phillips can be found in this paper, on pages 53, 55.

<sup>15</sup> The 1990s was the decade when neuroimaging was applied to problems of human cognition, including perception, memory and attention.

methods to areas that clearly are not in need of a scientific status. Creating a method to program and anticipate responses to art objects is probably the most eccentric goal regarding our relationship with art, but in the history of connoisseurship there is no lack of attempts to convert informed opinion and vast reliable experience into exact science. I am, of course, not arguing against the relevance of some of those attempts in the achievement of an intellectually respected place, instead of an image of shamanic divination combined with insights resulting from special perceptive faculties, which was the commonly held view on what we now call connoisseurship until the eighteenth century. They had the merit of, by trying to systematise connoisseurship through more or less rigorous suggestions of procedure, contributing to the dissipation of suspicion about the figure of the connoisseur and his activities. Such efforts provided connoisseurs with some guidelines to do a thorough job and most likely be shielded from accusations of making unsubstantiated claims. The point I am trying to make is that despite all the virtues of those contributions to the establishment of connoisseurship as a vital resource to the study of art, there is some anxiety to describe it as an aspiring exact science underlying many of the pages written in the last two hundred years on the topic. The anxiety should be discounted, for fear of neglecting the necessarily unscientific nature of our relationship with art.

This is not the place to present an overview of the history of connoisseurship. Nevertheless, a few authors should not go unmentioned as their work has influenced many attributions, art criticism and even less formal assessment of works of art. Giulio Mancini (1558-1630), a doctor from Siena who became the chief physician to Pope Urbano VIII in 1623, is unanimously referred to as the first author to admit the possibility of connoisseurs that were not artists, i.e. painters, in a book aimed at noble amateurs called *Alcune considerazione appartenenti alla pittura come di*

*diletto di un gentiluomo nobile e come introduzione a quello che si deve dire.* It was shortened to *Considerazione sulla Pittura* when it was published, which only happened in 1956.<sup>16</sup> Both the exact date of writing (1621?) and the influence of Mancini's ideas on his contemporaries are uncertain, although the book is supposed to have had "a wide circulation in manuscript" (Ginzburg 1980, 17). Mancini was famous for his swift and apt diagnoses, and said to be able to detect the stage of a disease with a just a quick glance at the patient. The fact that several of the early authors to develop theories on connoisseurship were men of science and, interestingly, many of them physicians, has been amply remarked. To these authors, medicine and art may have looked similar in their reliance on the analysis of signs that can be observed on a particular individual and linked to a more general classification but that can never be generalised with certainty. A patient's symptoms and certain features in a painting share the conjectural nature which makes the knowledge about medicine and art indirect, inasmuch as it is based on the interpretation of signs, sounds, textures and other clues. In that respect doctors and connoisseurs have to develop analogous skills to hunters or detectives. Listening to a patient's chest, observing a brushstroke, reading footprints, realising that the hair found at the scene of the crime is unusual<sup>17</sup> or interpreting ash in an ashtray is very much the same. They are examples of paying attention to what seem to be negligible details for most people but are in fact revealing pieces of evidence that will allow a verdict after being put together and correlated.

Roughly until the eighteenth century, and even supposing that Mancini's writings were circulated and read by a considerable number of noble amateur art

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<sup>16</sup> This is the complete reference: Mancini, Giulio. [1621?]. *Considerazione sulla Pittura*. Edited by A. Marucchi and L. Salerno. 2 vols. Rome: 1956.

<sup>17</sup> The example obviously evokes Edgar Allen Poe's, *The Murders in the Rue Morgue*, first published in 1841.

lovers or potential connoisseurs, found not among artists as customary at the time, if one wanted an opinion on an art object, namely on a painting, one would ask a painter or a jury of painters. Among art critics (e.g. Giorgio Vasari) the assumption about this talent being the exclusive trait of artists did not cause any perplexity. Peer judgement was the proper way to judge art. Only in the eighteenth century did the figure of the lay connoisseur gain relevance, not without mockery,<sup>18</sup> though:

The figure of the connoisseur as an informed and impassioned amateur, a tastefully opinionated aesthete, fully emerged only in the early eighteenth century. William Hogarth realized its full satirical potential when he published a story in the daily paper that ridiculed the connoisseur's pretensions. Addressing the potential client in superior tones, the seller exclaims, 'Sir I can tell you are no connoisseur; the picture, I assure you, is in Alesso Baldminetto's [probably Alesso Baldovinetti] second and best manner, boldly painted and truly sublime'. Then, after spitting in a dirty handkerchief and rubbing it into an obscure passage of the very dark picture, the seller skips to the other side of the room and cries out in rapture: 'There's an amazing touch! A man should have this picture a twelve-month before discovering half its beauties!' (Sutton 2004, 31)

Despite all the sarcasm that the figure of the connoisseur has inspired, particularly regarding the often bizarre pronouncements made when assessing a work of art, a common concern is the object of both the more serious outlines of the techniques to be followed in a professional approach to art and of derisive representations of such an activity. Authenticity has always been the core issue since the early theoretical drafts of the principles of connoisseurship, from Mancini to current bibliography on the topic. Hogarth's ridiculous expert struggles with the name of the painter but, somehow, he knows that his job description implies guaranteeing "Baldminetto's" authenticity to prospective clients. Only his supposed

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<sup>18</sup> In the same essay Peter Sutton quotes another popular example of the contempt with which art critics and lay connoisseurs were met: "Rembrandt and the young Jan Lievens might enjoy the praise of an art lover . . . , but Rembrandt delighted in ridiculing the judgments of art critics. In his famous drawing in the Lehman Collection . . . , a pompous lay connoisseur is sprouting ass's ears as a young man offers his own crude critique of the expert's judgment by defecating out of sight behind the panel" (Sutton 2004, 31). Sutton is referring to Rembrandt's *Satire on Art Criticism* (1644), in the Lehman Collection at the Metropolitan Museum of Art, where a connoisseur is commenting on portraits brought to him by people possibly expecting to hear a learned opinion. Meanwhile, behind the portrait being examined by the connoisseur, depicted as ignorant by means of his ass ears, a man insultingly defecates, unbeknown to the connoisseur but conspicuous to the viewer.

experience, gained through the observation of numerous “Baldminettos”, authentic and fake, allows him to address the client remarking on the latter’s ignorance and by contrast on his own expertise, thus vouching for the painting’s authenticity.

Mancini was not less aware than later writers of the centrality of the notion of uniqueness when discussing paintings; the difference between a painting by Botticelli or Titian and copies was already indisputable, relevant for the market and also, to a large extent, a good reason for the existence of the connoisseur. Naturally, it goes without saying that underlying all this is the fact that since the Renaissance individual achievements and enterprises had progressively moved to the foreground.

To tell originals from fakes Mancini believed that attention should fall on the identifiable aspects of a certain period but primarily on details which were likely to unmask individual character, similarly to what could be done with handwriting.<sup>19</sup> Hair, eyes, beards, the folds, glints and hanging of drapes do not differ in their telling value from specific strokes of the pen and the flourishing of writing. Mancini’s claim was not that authentic paintings portrayed these elements accurately but rather that they were depicted in such an unhesitant manner, regardless of their relation to physical reality, that they would be attributed to a certain author whose imagination run through all of them. In this sense, it is reasonable to assume that imperfection of certain elements, easily identifiable as being produced by the hand of the same person, would be a valuable recurring aspect to separate authentic paintings from fakes. Likewise, locks of hair, the shape and wrinkles of eyes, the density of beards, the folds, creases, glints and hanging of drapery too perfectly drawn and painted as

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<sup>19</sup> When Mancini wrote his *Considerazione sulla Pittura* graphology was becoming a popular subject. Carlo Ginzburg refers to Camillo Baldia, a doctor from Bologna and Mancini’s contemporary, the author of “a chapter which is probably the first European text on graphology” (Ginzburg: 18). The revealing title of Baldia’s book, *Trattato come da una lettera missiva si conoscano la natura e qualita dello scritte*, and the connection I am making might suggest that Mancini was interested in detecting character, in the psychological sense, in character as a synonym for letter. The analogy is made for the purpose of showing that both handwriting and specific elements in painting are impossible to replicate.

an attempt to imitate the hand of an imperfect master, would constitute a reliable clue to reject the object as fake. Accuracy, in these circumstances, would equate lack of true character whereas apparent heedlessness would be the mark of confidence and resolute style. At the time Mancini presented his theory on the importance of certain details in both painting and writing to distinguish originals from fakes, graphology had not yet developed to be granted a respectable position as a valid tool, for example, in criminal investigation. However, his analogy touched a crucial point which invalidates the aptness of trying to make connoisseurship an exact science: the centrality of the uniqueness of works of art. Medicine, criminal investigation, footprint reading, ancient divinatory rituals and several other forms of conjectural knowledge are by the same token, naturally with distinct degrees of precision of their respective predictive methods, concerned with and dependent on the individual nature of their objects of study or interest. People, animals and natural elements allow generalisation only up to a certain point, leaving a broad gap to be filled with exceptions and events that resist categorisation. Bodies and natural elements exhibit signs, clues, which need trained interpreters, occasionally aided by equipment, to make sense of what they see. However, poor interpreters operating sophisticated equipment will not guarantee reliable diagnoses or forecasts. Relying on the typical, on the common, and hoping that piece of information combined with precise tools will assure a thorough picture of the individual is little short of a fantasy. In this regard, doctors, detectives, hunters, soothsayers and art connoisseurs' activities use quantification as an auxiliary means, since quantifying would imply the eradication of the individual, i.e. of what needs to be described qualitatively. Experience, it has already been stated in chapter 1, is the most effective way to develop the necessary talents to be proficient in assessing the unique, the individual, within the wider universe of elements with which it shares some characteristics. Moreover, all of the

abovementioned people achieve recognition and earn the trust of their peers and audiences, so to speak, by displaying a substantial record of successful descriptions of the particular that stem from the study of what is common, coloured by the subtleties or bluntness of the exceptional.<sup>20</sup> Frequently that is a diffused and difficult mental process to ascertain.

Not missing clues and reading them in a special way, an expression whose vagueness may be mitigated by the consideration of activities such as compiling seemingly minor details so as to establish equally unnoticeable (to the layman observer) connections between them, really is the gist of the problems detectives, soothsayers, hunters, doctors and art experts have to solve. Combining the talents of more than one of these professionals, Ivan Lermolieff, an obscure Russian scholar and art expert, published between 1874 and 1876 a much controversial theory on a method of attribution of paintings that promised to correct the numerous misattributions which were tarnishing the reputation of even the most respectable museums. His essays were published in the German art history journal *Zeitschrift für bildende Kunst*, always translated by Johannes Schwarze who was as unknown as the author himself. Briefly, Lermolieff defended that one of the reasons why there were many misattributions, particularly of Old Masters, was that the wrong aspects were being valued. Instead of focusing on the commonly striking aspects of a painting by a certain author, which in his opinion were the easiest to imitate, one should redirect one's attention to small details, to features which would stand out as

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<sup>20</sup> The entertainment industry, especially in the USA, has produced a nauseating number of television series where the plot, with minor variations, revolves around a mysterious disease that puzzles doctors, or a crime that seems to defy the sharpest investigators and state-of-the-art equipment and forensic scientists. Invariably, all the mysteries are unveiled by the insightful but rather unorthodox doctor and the equally brilliant, almost always on the verge of psychic, detective or forensic scientist. Interestingly, despite the fact that there is the intention of dazzling the viewer with scientific jargon, shiny aseptic laboratories located in impregnable glass buildings, complicated links between pieces of evidence and apparently meaningless clues, the denouement consistently comes in the form of an intuition on the part of the protagonist doctor, detective or forensic scientist.



typical of the school or style usually associated with the painter. He suggested that ear lobes,<sup>21</sup> fingernails and the various shapes of fingers and toes should be scrutinised carefully as there one would find a less constrained expression, in the sense that in those aspects the artist would feel less restricted by the formal and aesthetic conventions of his time. I shall return to this topic further as it raises good points for discussion and allows the opportunity to introduce Lermolieff's critics.

In 1880 Lermolieff published *Die Werke italienischer Meister* where his method is fully disclosed and discussed. The book is a dialogue between two characters, an Italian art scholar and his Russian pupil, Lermolieff. The former guides the latter through the Borghese and Doria Pamphili galleries in Rome; the major paintings in the galleries of Rome, Dresden and Berlin and some undisputed attributions are the topics of their conversations. They question contemporary approaches to the authentication of paintings, dispute accepted attributions and propose alternative ones. Typically, the Italian reattributes the painting and the Russian provides the supporting evidence. In the process, art historians are attacked for their verbose style, the tendency to make attributions following rigid and stagnant procedures, for being too concerned about provenance and documentary evidence in general, whereas art connoisseurs are more flatteringly portrayed as

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<sup>21</sup> It is hard not to think of Arthur Conan Doyle's "The Adventure of the Cardboard Box" (1892), even if the author was not acquainted with "the Lermolieff method" at all. There has been one strong attempt made by Enrico Castelnuovo (1968) at establishing a direct connection between Morelli's writings and the piercing observations and techniques Doyle credited Holmes with. I believe Castelnuovo stretches his point too far as there is not enough and sound evidence that may prove such direct influence. Yet, the fact that the story involves a pair of ears sent to an old lady and Holmes's prescient reading of clues, in this case the very ears, is at least a coincidence. I quote the passage where Holmes makes his reasoning clear to Watson:

"As a medical man, you are aware, Watson, that there is no part of the human body which varies so much as the human ear. Each ear is as a rule quite distinctive, and differs from all other ones. In last year's *Anthropological Journal* you will find two short monographs from my pen upon the subject. I had, therefore, examined the ears in the box with the eyes of an expert, and had carefully noted their anatomical peculiarities. Imagine my surprise then, when, on looking at Miss Cushing, I perceived that her ear corresponded exactly with the female ear which I had just inspected. The matter was entirely beyond coincidence. There was the same shortening of the pinna, the same broad curve of the upper lobe, the same convolution of the inner cartilage. In all essentials it was the same ear.

Of course, I at once saw the enormous importance of the observation. It was evident that the victim was a blood relation, and probably a very close one." (Doyle 2009, 896)

those who actually studied what really matters in a painting: its physical features. Some years later, presumably a decade later, although uncertainty remains concerning the exact year, Giovanni Morelli (1816-1891), a doctor from Verona who had always shown a strong interest in anatomy,<sup>22</sup> reveals he is the author of all the writings, including the supposed translation from Russian into German. Morelli's device of using a Russianised anagram of his name as a pseudonym, forging an identity for a German translator of a text allegedly written in Russian about a reliable and discriminating way of telling original paintings from fakes, surely must have been more than a coincidence. All of these facts add to the hypothesis I would like to suggest that Morelli's diversion manoeuvre aimed at his readers actually intended to prove his theory, i.e. certain details should not be overlooked at the risk of missing their revealing value in the overall picture. The fact that he was a physician, despite never having practised, and a politician who chaired several commissions on art after 1873 (e.g. the commission responsible for the legislation forbidding the export of art treasures from Italy), a man of science with a growing interest in art, probably made him feel confident to violently criticise the methods of art experts who worked trusting their general impression and intuition of a painting. That was a practice which Morelli despised for being an aesthetic approach to art, which he believed should be studied scientifically.<sup>23</sup> His books are filled with diagrams, drawing of ears, hands and other features attributable to specific painters and the method was used in connoisseurship by some influential art historians as Bernard Berenson, Julius von Schlosser and John Davidson Beazley. Concealing his identity is more than a minor

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<sup>22</sup> Morelli's theories and obsession with classification are very much likely to have been influenced by the period he lived in Paris and had contact with the work of the French comparative anatomist Georges Cuvier (1769-1832) and, most importantly, the relationship with the anatomist Ignaz Döllinger (1770-1841), his professor at the University of Bavaria in Munich.

<sup>23</sup> Before writing under the pseudonym Ivan Lermolieff, Morelli had already published a mock iconographical study in 1836 using the name Nicholas Schäffer. Under the same pseudonym he also published *Das Miasma Diabolicum* (1839) that has been described as a caricature of the aesthetic discussion of art Morelli so much mistrusted.

detail or a joke; it is an example of his claim that personality and distinctive style are more easily found where one does not intend to show it. Here I am paraphrasing Edgar Wind in his essay “Critique of Connoisseurship” included in *Art and Anarchy* which collates the six Reith Lectures given in 1960. When Wind’s book was published, in 1963, the method Morelli had developed was still used in most European schools of art history and adopted even by those who had declared it a form of charlatanism, like Max J. Friedländer. Connoisseurship had by then become a consistent activity as far as its methods were concerned, and experts shared techniques and procedures whose results could be explained in such a manner so as not to be confused with epiphanies induced by altered states of consciousness, supernatural powers or pompous unintelligible speech. Morelli intended to make the attribution of paintings, through visual dissociation and incisive observation of apparently irrelevant details, an activity that would thus be exempt from the suspicion of being obscure and idle. In the words of Edgar Wind, Morelli believed his method “transformed attributions from inspired guesses into verifiable propositions.” (Wind 1963, 35)

To achieve that, one should look at a painting refraining from following a common tendency to grasp the general impression and focus on elements such as colour, composition, proportion, expression, gesture, historically recognisable aspects of style and any other features that are traditionally aesthetically significant. Morelli believes those are the aspects painters learn from each other and that obey to artistic conventions of the period they lived in. Therefore they will not be very helpful in detecting the hand of a master. Besides, those will be the exact same items forgers and restorers will devote their energy to copy as flawlessly as possible. On the contrary, neither the artist nor the forger are very likely to invest much attention in the execution of fingernails or ear lobes, relaxing and thus revealing themselves.

Wind summarised Morelli's argument by stating that "our inadvertently little gestures reveal our character far more authentically than any formal posture that we may carefully prepare" (Wind 1963, 40). The psychological tinge underlying Morelli's theory did not go unnoticed by Freud, also interested in details as clues for repressed feelings. He comments on Morelli's method, and on his initially hidden identity, in the widely discussed "The Moses of Michelangelo":

Long before I had any opportunity of hearing about psycho-analysis, I learnt that a Russian art-connoisseur, Ivan Lermolieff, had caused a revolution in the art galleries of Europe by questioning the authorship of many pictures, showing how to distinguish copies from originals with certainty, and constructing hypothetical artists for those works whose former supposed authorship had been discredited. He achieved this by insisting that attention should be diverted from the general impression and main features of a picture, and by laying stress on the significance of minor details, of things like the drawing of the fingernails, of the lobe of an ear, of halos and such unconsidered trifles which the copyist neglects to imitate and yet which every artist executes in his own characteristic way. I was then greatly interested to learn that the Russian pseudonym concealed the identity of an Italian physician called Morelli, who died in 1891 with the rank of Senator of the Kingdom of Italy. It seems to me that his method of inquiry is closely related to the technique of psycho-analysis. It, too, is accustomed to divine secret and concealed things from despised or unnoticed features, from rubbish-heap, as it were, of our observations. (Freud [1914] 1997, 134)<sup>24</sup>

In Freud's comment one can sense that the relevance assigned to Morelli's method does not surpass the fact that its author had concealed his identity, surely not thought by the former to be a trifling detail. In the analogy between psychoanalysis and the observation of ear lobes and halos to attribute paintings, Freud interestingly draws both techniques together by means of a verb, "to divine",<sup>25</sup> which would almost certainly make Morelli wince. The mere insinuation that his

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<sup>24</sup> The story of the publication of "The Moses of Michelangelo" deserves a short note. The text first appeared anonymously in *Imago* in 1914. Following the reading of the April number of the *Burlington Magazine* of 1921 (vol. xxxviii), specifically of a paper by H. P. Mitchell on two bronzes attributed to Nicholas of Verdun, in 1927 Freud added a postscript to the original article to support the interpretation of Moses's posture and expression defended in 1914. The quotation above is from *Writings on Art and Literature*, published in 1997 with a collection of essays from *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, edited by James Strachey. Volume XIII (1913-1914), *Totem and Tabu and Other Writings*. London: The Hogarth Press and The Institute of Psycho-Analysis. 1955.

<sup>25</sup> I have no intention to imply Freud is using the verb "to divine" to describe the work of the psychoanalyst as unscientific, or to speculate about the putative reasons why he chose this verb and not another which would avoid familiar attacks from the critics of psychoanalysis.

method might not be an accurate scientific tool, but an aid to intuition, would probably make Morelli count Freud among those who form opinions based on general impressions, disregarding involuntary gestures, habits and phrases that denounce one's character. In other words, Morelli might have missed Freud's true interest in symptoms that provide a profuse amount of therapeutic material that conventional and rehearsed behaviour alone cannot supply, being a weak and less neglectable version of what artistic conventions and schools of painting are to Morelli. The latter disdained artistic conventions, for they did not encourage spontaneous expression and promoted imitation, and trusted visual dissociation of details produced outside the constricting rules of convention to find the true hand (in more than one sense) of a painter. The former used conventional behaviour as a first layer of meaning to be unearthed, not to be dissociated from inadvertent speech and actions. Although diverging in the need for dissociation, they agree upon the existence of hidden information that will only be unveiled through the skilled work of someone who recognises the value of detail. Details, symptoms, clues, fingerprints, the flourishes of writing, the footprints of animals and tea leaves are all part of a group of things that acquire a special meaning when noticed and interpreted by the right people. To an extent, these are all Freudian slips or imperfect crimes, as they always are. And in that sense, Mancini, Morelli, Freud, Holmes, graphologists, hunters and soothsayers belong to same group of people: those who interpret details that are unremarked by most people.

I would now like to consider closely the problem of visual dissociation of details as an essential principle of Morelli's method of attribution of paintings. As scrupulous as the examination of fingernails and ear lobes may be, isolating them from the big picture, literally, cannot allow general perception which is undetachable from the appreciation of art. As fascinating, and unambiguous as evidence for strokes

of genius, as details may be, looking at fingers, toes and ear lobes separated from their owners obliterates the continuity of gazing. And that is the movement from where awe, indifference, or dislike, when one looks at artworks arises.

Perusing disembodied ears, fingers, toes and hands as a means to reach an artist's identity is not much different from trying to understand a trail of thought by reading a quotation from a whole text. The price of eliminating context is, too frequently, filling the gaps of missing information with liberal and often erroneous interpretations. In the case of art objects, Morelli's method does not only involve the risk of wrong interpretation through insufficient quotation but also, on a more technical note, the actual change in visual perception. Phenomena such as the "horizontal-vertical" illusion, which makes us perceive a vertical line longer than a horizontal line of equal length due to the asymmetry of the eye movement system, or the way we judge the size of an object in relation to the amount of background texture covered by the object, may not have interested Morelli,<sup>26</sup> but should definitely not have been discarded by the supporters of a formalist approach to the observation of works of art. As late as the 1960s they still endorsed Morelli's method, possibly shielding themselves behind the comforting argument that it was scientific.

However, to Morelli's credit one must emphasise the extraordinary number of reattributions he made. The most famous is Giorgione's *Sleeping Venus*. The painting had long hung in the Dresden Gemäldegalerie as a copy after Titian by Sassoferrato until Morelli questioned the description in the gallery's catalogue and scrutinised the painting. Another revolutionary reattribution is that of the *Magdalen* of Correggio that also hung in the Dresden gallery, as a twin figure to the Sistine

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<sup>26</sup> Wilhelm Wundt (1832-1920), the founder of experimental psychology, presented his findings on the "horizontal-vertical" illusion in 1858. Thus it is not utterly unrealistic to consider the possibility that Morelli might have been acquainted with these studies.

Madonna, proved by Morelli to be a late seventeenth-century copy.<sup>27</sup> In the essay “Critique of Connoisseurship” Edgar Wind, critical of Morelli’s views of the study of art only in the last section of the essay, cannot curb his enthusiasm about the number of reattributions:

In the Dresden Gallery alone, forty-six paintings were renamed because of Morelli’s discoveries, and in other museums the upheaval was on a comparable scale. His friend, Sir Henry Layard, did not exaggerate when he wrote that Morelli had caused a revolution. (Wind 1963, 38)

Wind’s praise goes beyond Morelli’s results as far as attributions are concerned, despite the criticism that his approach to art resembles a diagnosis of twitches and spasms (Wind 1963, 41), more than an appreciation of artistic production from which aesthetic sensibility cannot be absent. The structure of Wind’s essay allows the suspicion about the fear of attacks on the defence of a method based on the analysis of fragmentary information in the 1960s to gain consistency. Morelli’s disembodiment of specific elements in a painting is saved from the plausible harsh criticism of Wind’s contemporaries, as well as from previous invectives, by the stratagem of justifying it as being a Romantic inclination. Schlegel, Novalis, Morelli, Rodin<sup>28</sup> and later Henry Moore would, according to Wind, be members of the same family of fragment and ruin lovers as a more spontaneous form of expression than unmutilated works. In the fragment one could find the original

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<sup>27</sup> In the famous essay “Giovanni Morelli and the Origins of Scientific Connoisseurship” Richard Wollheim discusses the validity and shortcomings of Morelli’s method: “There can be no doubt that Morelli made some very revolutionary attributions, some of them indeed so revolutionary that, paradoxically, they now seem banal in that we cannot imagine how anyone could have thought otherwise. The so-called *Magdalen* of Correggio which was throughout most of the nineteenth century the ornament of the Dresden gallery, twin only to the Sistine Madonna, he showed to be a late seventeenth-century copy.” (Wollheim 1974, 186-187)

<sup>28</sup> Anatole France and Vollard were horrified at what Rodin considered finished works. The former is said to have referred to Rodin as an artist who collaborated too much with catastrophe, to paraphrase Appolinaire closely in *Chroniques d’Art 1902-1918*. Vollard’s opinion was not much different. Wind mentions that in *Souvenirs X* Vollard says he “had seen Rodin smashing up statues to obtain fragments.” (Wind 1963, 46)

thought and inchoate creative impulse, since in preliminary sketches, more than in finished paintings, sculptures or texts, the true original would reveal itself uncorrupted by the demands for perfection or enacted imperfection, depending on the artistic conventions in vogue. On this point I believe Wind conveniently sides with the Romantics and twentieth-century artists displaying residual Romantic symptoms. This position serves the double purpose of exempting him from justifying the complete dismissal of context in the observation and appraisal of works of art, and allowing an endorsement of Morelli's method in the 1960s that could be reconciled with his acknowledgement that connoisseurship had by then evolved to become a respected craft (Wind 1963, 34). By then, it was already distant from the derisory descriptions of an activity equated with the propensity to induce epiphanies followed by the utterance of unintelligible pronouncements.

I believe Wind's defence of Morelli's thesis of the unplanned brushstroke, the uncontrollable nervous twitch (visible in crucial elements like the shape of hands, fingers and ears), described as traits by which the author gives himself away, is a way of deflating his own yearning for hard scientific tools applied to connoisseurship and the suspicion that our relationship with art does not comply with such methods. A psychoanalytical approach tinged with a residual Romantic flavour is as far as Wind allows himself to go regarding his anxiety about the possibility that connoisseurship may never be viewed as an accurate and reliable activity, quite close to science but not as predictable. That is his nervous twitch, his spasms giving himself away:

The technique of whittling down a picture almost to its vanishing point for the purpose of obtaining a pure physiognomic cipher has given a firm basis to the connoisseurship of painting, and it would be foolish to think we could do without it. No laboratory test, however helpful, can entirely replace the morphological tests of Morelli: in the end the "hand" must be recognized by its graphic character, in whatever stratum of pigment it may appear. Hence the opinion occasionally voiced by art historians that Morellian analysis may be going out of fashion is as chimerical a



thought as to suppose that palaeography might become outmoded in the study of manuscripts. (Wind 1963, 49)

Wind's prophecy about the unfadable interest and validity of Morelli's method could not have been further from the path followed by connoisseurship, even at the time he made the statement quoted. However, albeit for the wrong reasons, he was absolutely right about one thing: laboratory tests cannot replace other kind of testing, the sharp test of the eye perfected through experience. The eye recognises the "hand", to use Wind's words, precisely because it was trained to do the opposite of what Morelli advocated. The "hand" and, literally, the hands are identified clearly because attribution cannot be described as a sequence of two basic actions: finding certain morphological elements and juxtaposing them with a corresponding typology reached by the collection of a repeated number of similar instances in the work of a specific artist. One cannot deny that attribution does depend on, among many other elements (more often than not, belonging to assorted and apparently unrelated groups of topics), the identification of a distinctive general graphic character. The emphasis here, of course, is on the word "general", which might never have been used by either Morelli or Wind without compromising the thesis of the inevitable Freudian slip of the hand, if one does not mind the corruption of the expression. Unequivocally, the seductive nature of Morelli's method lay in the comfort of knowing that the artist could not avoid betraying himself. It was only a matter of looking for the right signs of disclosure, which would already be conveniently catalogued according to each artist's most common forms of unintentional self-revelation. In Morelli's and his followers terms, ear lobes, hands, fingers and toes escaped the rigidity of artistic convention making the connoisseurs' task of distinguishing genuine works from fakes far easier. Thus the expression "general graphic character", which I used earlier, would never be used in the context of the

application of Morelli's method, since it implied being guided to find what one was conditioned to find under the influence of the orthodox theory for a specific artistic period and author. Supposedly, forgers and restorers alike tended to concentrate on the general impression, on the conventional features of a period or artist, neglecting the morphological items mentioned above. True as it may be, and no good forger ignores the relevance of achieving a convincing impression of period and style, the argument exhibits an obvious flaw: the assumption that artists give themselves away consistently and without significant variations of the kind that always happen depending on such contingent circumstances as mood, intention or even pressing commissions. Morelli's method does not allow for radical changes of style to happen and be attributed to the same hand. On the contrary, changes of course and singularities risk being dismissed as having been produced by a forger or unscrupulous restorer. At its extreme, this thesis denies the possibility of evolution within an artist's body of work, which not only contradicts the very nature of creative production but also exposes another weakness of the argument: ignoring context has the important consequence of overlooking the influence of an artist's peers in his work, which may be determinant to understand it thoroughly.

I would now like to return to the reasons that led Morelli to pay special attention to certain aspects of the human body and to how his reasons were misunderstood not only by his critics, but also by some of the supporters of his method. It should be reaffirmed that Morelli's focus on hands, ear lobes, fingernails and toes was the result of the faith in the richness of these features as the repositories of spontaneity and individual style of a painter. It was in those aspects that painters felt less restricted by the artistic conventions of their time and would, thus, not fail to reveal themselves. And that did not mean he believed authenticity could be established through the observation of unimportant details, quite the opposite.

Details, and that very type of details, mattered in so far as they were relevant for the artist. This central principle of Morelli's theory was frequently, and disastrously, misunderstood by critics and enthusiasts of the method alike. Bernard Berenson, a confessed Morellian at the beginning of his career, defended the merits of scientific connoisseurship as designed by Morelli saying hands must be examined carefully as "the hands . . . do not attract so much attention as any features of the face, excepting the ears, because the hands are not the rivals in expression of any of the features."<sup>29</sup> (quoted in Wollheim 1974, 183)

Berenson totally misreads Morelli, who did not suggest details should be considered because they were trivial, or that only what was traditionally seen as trivial should be given extra attention. On the contrary, the anatomical items elected as significant by Morelli's method, especially the hands, were far from trivial. They were distinguished, like the face, as the most characteristic and individual parts of the human body, which meant they were also the ones artists found most difficult to represent. Ear lobes, hands, toes and fingernails were analogous to fingerprints, to the extent that they allowed a direct link between an artist and his work that documentation on provenance most frequently failed to provide. Morelli has always been highly suspicious of documentary evidence as a reliable means to complement visual analysis when making attributions. However, one should not extrapolate his mistrust of documentation in a particular process to a general reluctance about the role of art history. Connoisseurship did not exist independently of art history; his objection was aimed at the lack of objectivity of the former. Hence his contribution with a method that questioned the accuracy of attributions and impressed so many connoisseurs. Berenson was certainly among them.

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<sup>29</sup> The quotation is from Bernard Berenson, 1902. *The Study and Criticism of Italian Art*, "Rudiments of Connoisseurship", Second Series, 134. London: George Bell and Sons.

Morelli's approach to connoisseurship and his willingness to challenge the conventional attributions given to Italian paintings by earlier art historians and museum curators had a dramatic effect on Berenson. After studying Morelli's explanation of his specific approach in 1889 and briefly meeting with him in 1890, Berenson became his most dedicated disciple. Berenson referred to Morelli as his "revered master." He expressed the belief that the brilliance of Morelli's scientific approach to art was comparable to if not greater "than Winckelmann's to antique sculpture or Darwin's biology." (Mazaroff 2010, 37)

As his career progressed so did the admiration for Morelli's methods, which Berenson later dismissed with the criticism that their precision and scope of application decreased in the inverse proportion to the quality of the artist they were applied to. Nevertheless, Berenson's waning enthusiasm for the procedures devised by Morelli cannot be understood as a result of disinterested opinion. Undisputed information about the way he literally plundered<sup>30</sup> collections throughout Italy in the early twentieth century, aided by the method of Morelli and by his own theory of pure visibility, does not allow such reading. Berenson's theory of pure visibility, in a nutshell, advocated that artworks should be observed isolated from a wider body of work and forms should be studied in their relation to each other within the same painting, without being compared to similar or very different aspects in the work of the same painter

Max J. Friedländer produced a different type of criticism. In his opinion, Morelli's method was incomplete and his assessment overlooked quality. But the harshest criticism was directed at the results achieved by the use of the method.

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<sup>30</sup> Richard Wollheim, probably the only modern critic of Morelli who examined his method seriously and thoroughly, comments on Berenson's use of the method in the already quoted essay "Giovanni Morelli and the Origins of Scientific Connoisseurship": "It was, of course, an irony quite unforeseen by Morelli, that the first and most sustained employment of Morellian method should have resulted in the systematic sack of Italian collections: I am thinking of the operations guided by Berenson in the early part of this century." (Wollheim 1974, 184)

On this problem I would like to add that Morelli is not innocent of what Wollheim describes as "irony". I prefer to call it greed, as Morelli was involved as a dealer in the selling of Italian paintings to English collectors for too long, and in a dubious manner, to be seen as a man whose reputation remained unsoiled. In the words of Mazaroff: "In return for commissions, he authenticated, estimated the value, and sold paintings not only from outside sources but also from his own collection. Sometimes he exaggerated the importance of the paintings in his collection, leading scholars to question in hindsight the objectivity of many of his attributions." (Mazaroff 2010, 37)

Friedländer argued that Morelli's results were reached by intuition, exactly like with every other connoisseur, while he purported to produce them by the use of science when, actually, what he did was to collect evidence to support his intuitive judgement.<sup>31</sup> The first criticism is unfair as Morelli never claimed the method was complete, in the sense classic scientific methods are, dispensing with subjective impressions. In spite of the anxiety about the need for an accurate tool to deal with art objects, Morelli's intention was to grant intuition some respectability by offering it the safety of a rigorous procedure, not overriding it. Of course both the criticism and Morelli's proposal of a scientific-but-not-that-much method encourage discussion. The former because it clearly is a misinterpretation of the scope of the method; the latter for it is likely to be the scanty result of the wish of a man of science<sup>32</sup> to grasp a kind of judgement and certainty that the very method proves to be impossible to fully illuminate. As for the second accusation, Friedländer does have a point. Morelli's method is restrictive regarding the assessment of quality as it seems to be more apt to judge the quality of execution of the aspects it focuses on, instead of a more general appreciation of the painting which enhances the effect and relevance of the elements being considered, in context. As Wollheim puts it:

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<sup>31</sup> I chose not to discuss this attack further than quoting Friedländer on the topic. I think this argument is more revealing of a personal animosity than of an intellectual difference: "It could probably be proved statistically that Morelli by applying his method – which he, not exactly logically, described as an 'experimental' one – made as many mistakes as Mündler depending on intuition. Nay, he would have made even more mistakes if he had applied his method consistently. The decisive factor is something that he too owes to intuition; and if we look closer, we shall find that he has utilized the much-praised method – the observation of measurably similar forms, notably the ears, the hands, the fingernails – less for the purpose of arriving at a verdict, than in order to provide evidence subsequently. He points to the individual forms in order to convince the reader of the justness of his attributions: but he, like every successful expert, has formed his opinion from the 'accidental' impression of the whole picture. He had a presentiment of this, and has even hinted at it, when on one occasion he assesses the value of his method – fairly accurately – as being an ancillary device, a means of checking." (Friedländer 1942, 166-167)

In a single blow Friedländer suggests Morelli might not be a model of intellectual honesty and defeats his own attack by mentioning Morelli's explanation of the scope of the method and its articulation with intuition.

<sup>32</sup> Morelli openly ascribed his interest in scientific connoisseurship to the fact that he had been trained as a scientist unlike, for example, his famous professional enemy Wilhelm Bode, the director of the Berlin Museum, who Morelli condescendingly forgave for not realising the importance of his method as he had studied law.

There is no acknowledgement of qualitative judgements that make reference to such things as the inter-relations between the significant parts or the all-over properties of the work. It would be hard to say that Morelli thought all such judgements irrelevant, but, in so far as he appreciated their existence, he would not seem to have believed that they played any very significant role in empirical connoisseurship. (Wollheim 1974, 194)

To conclude the discussion on the many misunderstandings of Morelli's method, I suggest we come back briefly to the interest shown by Freud in what he believed to be similarities in technique and effect between psychoanalysis and Morelli's view of connoisseurship. Freud's assumption that the connection lies in the fact that both activities pay attention to commonly "despised or unnoticed features" (Freud [1914] 1997, 134) is not less misleading than Berenson's, as far the importance Morelli attached to details is concerned. The fact that details were perused because they mattered and not because they were trivial or irrelevant cannot be stressed enough if one is to read Morelli correctly and in all fairness, regardless of the many limitations of his method. The strongest objection one might have is to its founding principle, namely that science is instrumental in making attributions in art. In reality the process amounted to the analysis of fragments of paintings dissociated from any context. Freud's interest in art was not that of a typical art lover, attentive to style, colour effects, the representation of light or how a particular object could be related to an artist's oeuvre and his contemporaries. He was drawn by details which could help unveil the artist's feelings, state of mind and not identify the individual, in the sense they do for Morelli, like a unique signature. Jack J. Spector summarises the distinction in the well-known essay "The Method of Morelli and its Relation to Freudian Psychoanalysis":

Whereas the analyst, assuming that beneath the formal surface lie the depths of emotion, looked *through* the detail, and used it as a peephole onto secrets of the mind, the connoisseur, assuming that in art the formal surface is the main thing, looked *at* the detail, and grouped it with other details to establish the artist's stylistic identity. (Spector 1969, 68)

The information they derived from form was so distinct that it practically is enough to distance them in their approach to art. Freud's concern could hardly be further from the value of isolated static forms to the composition of the puzzle that will reveal the motivation of the artist who created the work, as he was more intent on interpreting "large dynamic . . . (one might even call them dramatic) postures and gestures" (Spector 1969, 66). Morelli approached form not in a symbolic way, as Freud did, but with the eyes of someone who was aware of the studies done in graphology and physiognomy as tools to understand character. In other words, biography seems to bring them together but, in fact, it is only a common element treated disparately. For Freud it is a starting point which the work of art confirms through the symbolic relevance of its features; for Morelli it is a finishing line reached through the scrutiny and matching of elements in the work to a catalogue of schemata. Admittedly, one could argue against this saying both authors direct their attention to the individual and not to man as a species or social group. That is true. Yet the point I am trying to make is not that both Freud and Morelli looked at art objects ignoring a Marxist or Darwinian point of view, but rather that they looked at individuals as creators oppositely. Additionally, it should be remarked that Freud's misreading of Morelli and, consequently, inaccurate analogy with psychoanalysis, influenced many misunderstandings of Freud's own theories on art and also led to some unfortunate interpretations of artworks.<sup>33</sup>

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<sup>33</sup> I cannot resist quoting Jack J. Spector on the numerous examples of absurd analysis of works of art resulting from a wild application of Freud psychoanalytical theory: "In 1925, Groddeck interpreted the *Sistine Madonna* of Raphael as a family constellation, with some queer overtones." (Spector 1969, 79)

For an extensive interpretation see Georg Groddeck, 1933. *Exploring the Unconscious: Further Exercise in Applied Analytical Psychology*. London: Daniel.

But the best example chosen by Spector is the thesis suggested by one of Freud's followers, the reputable psychoanalyst Richard F. Sterba who applied psychoanalysis to Gothic architecture, seeing in arches unequivocal substitutions for the womb: "The arch can be regarded as the product of an inhibitory impulse, of an attempt at release from the compulsive reminiscence of the primal intra-uterine situation." (quoted in Spector 1969, 80)

Easy as it may seem today to demolish the validity of his arguments and the aptness of the method, it suffices to read some modern bibliography, and the unwavering excitement that pervades the articles published in the press<sup>34</sup> every time

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Following the same pattern of interpretation, Gothic towers and other elongated elements are readily identified with phalluses.

34 Recently the Royal Society of Chemistry proudly published the news of how the results of scientific analysis were being used in court to dismantle a ring of forgers: “The trial of four people accused of running one of the biggest art forgery rings in post-war Germany has begun, with prosecutors expected to rely heavily on science-based testimony to make their case.” (Stafford 2011) The same case was reported in the online edition of the *Antiques Trade Gazette*: “Four people have gone on trial in Germany on charges linked to a multi-million pound art fraud exposed as a result of scientific testing on paint. Wolfgang Beltracchi, 60, is thought to be the ringleader in a plot which saw a host of well-known collectors defrauded over 44 fakes purporting to be by artists including Max Ernst, Heinrich Campendonk. Raoul Dufy and Fernand Leger, among others . . .

. . . Scientific investigation by Dr Nicholas Eastaugh, of London firm Art Access and Research, who was called in by one buyer after they became suspicious, discovered pigments not available to artists at the time the pictures were supposed to have been created.” (*Antiques Trade Gazette*, 12 September 2011)

The verdict was reached on 27 October 2011 with prison sentences and parole for four defendants. They were charged with earning millions on fake art. The works were carefully researched and declared authentic by experts unaffiliated with the four forgers, allowing the paintings to slip into the international market. The works were presented to prospective buyers as the secret stash of a wealthy German businessman who died in 1922. The story was spiced up with the fact that the owner had hidden his collection from the Nazis and only recently had the paintings been found. Of course, as it happens with this kind of scam, the details regarding provenance were unclear. What is surprising is that auction houses, museums and collectors (among them is the actor Steve Martin) were all duped out of a total of \$22 million. After being sentenced to six years in prison, Beltracchi enjoyed his five minutes of fame declaring he was very proud of his artistic skills and of the lesson he had taught greedy dealers, who do not check works properly before selling them. Additionally, he had the sympathy of the press who has called for an exhibition of his best Campendonk and reported that he is already well-liked in prison, especially by prison officers whose portraits he paints. The light-hearted tone of some articles published about this case shows that art crime is still seen as glamorous and much less damaging than other crimes. The problem of the glamorisation of art crime and the dismissal of the fact that *it is* organised crime and should be treated as such will be discussed later. Further reading about this case can found in: *Mutual Art*. “Fakes, Forgeries and Phonies, Oh My!”. 16 November, 2011. <http://www.mutualart.com/OpenArticles/Fakes-Forgeries-and-Phonies-Oh-My-/E6518276ADECA1E6>; Georgina Adam, 2011. “The Art Market: Record Breakers and Fakers”. *The Financial Times*, 30 December. <http://www.ft.com/intl/cms/s/2/e592783a-2743-11e1-864f-00144feabdco.html>.

Earlier in 2011 the press welcomed a partnership established between Bonhams and Cranfield University in Bedfordshire to develop a scientific tool based on forensic knowledge to help identify fake porcelain pieces: “Cranfield and Bonhams have inaugurated a joint forensic science research project to bring authentication techniques into the new millennium. The new Cranfield/Bonhams collaboration combines major advances in the ability to identify ever-smaller proportions of trace elements, with essentially non-invasive sampling, associated with identifying a coherent range of authentic objects to provide the core data. This will be particularly useful in the field of Chinese art which has become one of the hottest sectors of the global art market in recent years, and nowhere more so than in the demand for fine antique porcelain . . . Forensic science often manages to identify small differences in very rare elements in an object. These ‘trace elements’ can often identify an object’s place, and sometimes date of origin, if a good database already exists for similar objects. ‘Trace elements’ analysis is regularly used in many kinds of detective work, from establishing the original source of premium organic foods, to researching ‘scene of crime’ evidence.” (CPI Financial, 12 May 2011)

On the same subject see also *The Engineer*. “Forensic Experts Developing System to Identify Fake Art”. 19 May, 2011. <http://www.theengineer.co.uk/sectors/military-and-defence/news>; *Antiques Trade Gazette*. “Bonhams Announce Partnership with Cranfield University to Help Identify Fakes”. 23 May, 2011. <http://www.antiquetrade gazette.com/news/7916.aspx>.



there is some advancement in science applicable to the examination of art objects, to realise that the anxiety to turn the study of art into a scientific subject has not dissolved. The announcement made by a member of staff from a reputable museum about a discovery resulting from the use of a sophisticated piece of equipment specially designed to make the mysteries of art less the privilege of a few is met with the same enthusiasm. In both scenarios, the discrete remark that the study of art and awe-inspiring institutions like NASA share the same techniques and tools is enough to revive in some people the wish to convert our relation with art into the object of science. Andrew W. Brainerd, one of the founders of one of the largest international law firms in the world (Brainerd & Bridges) and an art collector, offers in “The Sciences, and the Rise of Reason”, the last chapter of *On Connoisseurship and*

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In May 2012 the Cranfield/Bonhams partnership was shortlisted for the Annette Giacometti Prize, launched in 2011 to recognise initiatives contributing to raise awareness about art forgery. Since 2011 the university and auction house have worked together to produce a series of research papers and a lecture programme in partnership with Harvard, Winterthur and the Chicago Art Institute. The project has already expanded the research and testing to eighteenth and nineteenth century Meissen snuffboxes. Colin Sheaf, Bonhams’s deputy chairman, referred to the results of the collaboration as potentially determinant in the way art authentication will be done in the near future: “This award has come at a very early stage in our research programme which shows just how valuable the results are likely to be for the whole industry in due course. We are very optimistic that this will bring one element of art authentication into the 21 st century.” (Antiques Trade Gazette, 8 May 2012)

Finally, to end this already too long note, I would like to refer to the piece of news that has caused an immense stir, especially within the scientific community. I am thinking of the announcement made by researchers from Dartmouth College (USA) of the effective application of a computer model to the detection of fake artworks. Their work was published in the *Proceedings of the National Academy of Sciences* on January 4, 2010. Here is a brief description of the discovery: “A new method of image analysis developed by three Dartmouth researchers may help art historians distinguish more easily between authentic artwork and forged copies, according to Daniel Graham, a post-doctoral researcher in mathematics and one of the tool’s developers. The model, which uses a technique known as ‘sparse coding’ to quantify artistic style, was also co-developed by Daniel Rockmore, a mathematics and computer science professor, and James M. Hughes, a third-year PhD student in computer science. The technology models how people interpret art by capturing features that are particularly relevant to the human visual-processing system, Graham said. It breaks down an image into a simpler set of components, called basis functions, Hughes said. Graham described the process as similar to separating a work of literature into letters of the alphabet.” (Ma 2010)

On the same topic, “sparse coding”, see also Julie Rehmeyer, 2010. “Teaching a Computer to Spot a Bogus Brueghel”. *Science News*, 11 January. <http://www.sciencenews.org/view/generic/id/53831>; *Antiques Trade Gazette*. “New Scientific Technique for Spotting Fakes Using ‘Visual Signature’”. 18 January, 2010. <http://www.antiquetrade gazette.com/news/7399.aspx>; *News in Tech*. “Mathematical Model Can Oust Art Fakes”. 5 January, 2010. <http://www.newsintech.com/2010/01/mathematical-model-can-oust-art-fakes/1177>.

*Reason in the Authentication of Art*, a version of the abovementioned anxiety commonly found in recent publications on the relationship between art and science:

As factual data cannot be supplied by inference or intuition, guess, or occult or esoteric perception, the existence of such data, however much or little of it there may be, can only be ascertained and dealt with by the realism inherent in scientific method, a term which we may probationally extend to all of the sciences, there remaining always the question, as to what is, and what is not, a science . . .

In ruder times the level of sophistication of the public was not given to the questioning of authority, nor for that matter to seeking confirmation of the usefulness of “science” as an instrument of daily life. But the vision of a placid, unquestioning public comfortably accepting the services and statements of professionals such as, e.g., priests, lawyers, accountants, medical doctors, art experts and scientists, is no longer an expectable part of Western civilization in the twenty-first century. (Brainerd 2007, 535-536)

One of the implications of Brainerd’s position seems to be that realism, at least in a strong sense, one might assume, is absent from activities that rely on intuition, here included in the same category of shady and unreliable forms of perception. The art experts’ gut feeling developed through the accumulation of experience with factual and other less objectively describable elements, as we have seen in chapter 1, is in Brainerd’s view useless without the guarantee provided by science. It is the expression of opinion without the evidence to support it (Brainerd 2007, 536). That was precisely Morelli’s reservation about connoisseurship that did not rely on scientific tools.

Yet, there is one aspect of Morelli’s theory that his modern descendants seem to have gradually abandoned. Even the most reluctant to trust the expert’s eye, agree that the observation of isolated aspects of an art object occludes and transforms the meaning they have in context. Drawing an analogy from graphology and its aptness to reveal individuality, the uniqueness of a certain handwriting emerges not from the consideration of the repetition of the form and length of specific letters but from the way they interrelate and constitute recurring patterns, from which it is reasonable to infer the same origin. Morelli’s method fails to allow the relation between elements

in a painting, or in different paintings by the same author, to be enhanced in favour of the attention given to each aspect and its repetition in identical shapes and lengths. Ear lobes, fingernails and toes may be part of gestures, actions and movement that will not be apprehended as such, at least not thoroughly, if they are decomposed into their ingredients.<sup>35</sup> Not only that, but similar elements in a distinct painting by the same author will not be correlated except for their empirical properties, assessed through the comparison with a catalogued series of features associated with the painter in question. Individual style surfaces as a description of the sum of identical items removed from context, ignoring the relevant variations of such items and, more importantly, the stable interrelations between them. In other words, individual style emerges from a truncated context where attribution cannot depend on the heresy of general impression, even if it implies suppressing the properties whose relations contribute to make a certain general impression a specific characteristic of a particular painter.

Let us now turn to a re-examination of the problem of artistic conventions and its relation with forgery. As indicated earlier in this chapter, Morelli's disregard for artistic conventions stems from a strong belief in the constrictive effect conventions in vogue in any epoch have in artistic production. The argument about the importance of morphological items such as hands, ear lobes and toes is fundamentally rooted in the claim that those are the elements whose representation is as close as it can be to spontaneous and free expression. Additionally, Morelli

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<sup>35</sup> The comment, of course, evokes all the theories of perception, e.g. the Gestalt, that argue against the fragmenting approach to perception and art through the interpretation of disconnected details. Associationist psychology in the 1890s was still very influent and it extended to art studies with fervour and disastrous consequences. I deliberately avoid a discussion of the topic as this is not crucial to the point I am trying to make about Morelli. In the 1930s there was still the need to reject the theory that works of art could be understood by adding up dissociated parts and that the whole is equivalent to the sum of the parts: "A work of art is not merely an assemblage of parts; its essence lies in the ordered relation of those parts. The first impact of a work of art on the spectator, before he has become occupied with detail, is of the greatest value for enabling this relation or system of relations to be grasped." (Constable 1938, 15)

defends that forgers and poor or dishonest restorers invest their energy in achieving a persuasive general impression and almost invariably neglect the execution of features that demand minute work.

I would like to argue against Morelli, contesting both points of his position and showing why bearing in mind the conventions of an historically period is an essential part of the process of attribution of a work of art and, in parallel, of the detection of fakes. The problem of forgery will naturally be treated at length. Here I only offer a short glimpse of some of the questions involved in the extensive discussion on art forgery.

No man-made object can avoid displaying signs of the times of which they are products. Even when there is the intention to deceive the observer, there will be subtle clues that give way the period in which they were created. In the case of paintings, it may be a material that was not available at the time the work was supposed to have been painted, an expression on the face of a figure that looks too modern or that portrays canons of beauty that were not popular in the period it is purported to belong to, or the presence of objects that had not yet been invented. Or maybe it something that is more difficult to describe: the lingering general feeling that something is not quite right in a painting that was allegedly created in a time that should convey a different kind of impression and atmosphere. Commonly, these may not be obvious to contemporaries of the period when the painting was produced as they are too familiar to seem odd. But as time passes anachronisms and other inadequacies will gradually become easier to detect. Eventually it will seem hard to believe that such an object fooled so many people, including experts. Stated another way, as fashions and conventions shift what is out of place will be conspicuous.

Furthermore, I believe it does not make any sense to differentiate between hands, toes and fingernails and everything else in a painting presupposing that the

former are free from the burden of artistic conventions and the latter are nothing but their predictable outcome. Everything that comes out of an artist's hand will bear the mark, as discreet as it might be, of the age in which it was made, which means one cannot isolate an area where conventions are identifiable and another where they are elided. It should perhaps be noted that I am using the word "conventions" in a broad sense, as a synonym for recognisable traits of an epoch. I am not making a finer distinction which acknowledges the idiosyncrasies of coexisting, and opposing, artistic trends and currents. I hope I have made clear that Morelli's view of artistic conventions as an appendix to what really reveals an artist's purest expression is not defensible.

To complicate matters further, in the case of the painters to which Morelli applied his method, mostly Italian masters, it is hard to say who painted which parts of a painting. It was common for masters to hand the job of painting particular elements or whole sections of a painting to talented apprentices from their studios. As the criteria for the selection of aspects to be handed to apprentices depended on each painter and the way his studio worked, it is very risky to assert that hands, ear lobes, fingernails and toes are the features to look for if one wants to make a safe attribution as Morelli contended.

Finally, regarding the argument that forgers and restorers favour the tasks that do not demand meticulous work, and hence tend to neglect the perfect drawing of the morphological elements mentioned above, I would say that forgers and restorers do not differ from original and honest authors in one respect: they are all people who live in a specific period of time and cannot escape displaying symptoms of what may typically be associated with that period. Nevertheless, it is not trivial to remark that they do diverge in their intentions. Consequently, forgers and clumsy or unreliable restorers may try too hard to draw and paint as they believe an

accomplished painter would do, giving themselves away by failing to apply relaxed and imperfect brushstrokes, for instance. Making a persuasive forgery or restoration does not necessarily mean being proficient at dealing with a predefined set of details, all of which involve minute work, in contrast with another aspect of the task that does not imply being that fastidious since what needs to be done is creating a convincing general impression. In Morelli's terms this would be a recipe for making a good forgery. The problem is that everything in a forgery has to look persuasive so that it can be successful. In other words, everything implies meticulous work to the extent that everything has to contribute to produce the effect of a believable general impression.

A typical case of a general good impression that would not have prevailed if closer attention had been given to details - not of the kind elected by Morelli - which disclose anachronisms, and the true period of origin, is the fake restoration of the supposed medieval frescoes of the church of St Mary at Lübeck and at Schleswig Cathedral. This is also an excellent example of how forgeries often thrive on our laziness and eagerness to find what is scarce or what would be a perfect discovery at a particular time. I would like to conclude the discussion on the importance of looking at details in context in the process of attribution of a work of art with a brief account of the case of the forged frescoes at Lübeck and at Schleswig. Before turning to the description of the forgery of the frescoes, it should be stressed that I am not trying to extend the criticism of Morelli's method, devised to be applied to paintings on canvas, to every work of art. The point I wish to make is that favouring a comprehensive examination of art objects that combines empirical observation with documentary evidence and, if it is justified, the use of scientific analysis equipment is a much safer way to confirm or reject the opinion about the authenticity of an object. And that is a verdict that cannot be reached without privileging the often-suspected

general impression. In reality, the putative vagueness of the expression “general impression” derives from the certainty, built of the articulation of a series of specific aspects that look right, reached through the combination of several mental processes that cannot be fully illuminated and fragmented, or explained sequentially. The residual bad reputation of the expression is one of the last symptoms of an inferiority complex towards the hard sciences that has afflicted the arts and the humanities for too long, sometimes promoted within less confident circles of these subjects.

Let us then address the case of the fake frescoes of the church of St Mary. On 29th March 1942 there was a heavy air raid on Lübeck that burnt out and destroyed part of the church. As a result of the heat, thick layers of the whitewash peeled off the interior walls revealing underneath fragments of, until then, unknown medieval frescoes. Suddenly, under the high windows of the nave, on pillars and vaulting, Gothic frescoes emerged. In July 1948 Dietrich Fey and his assistant, Lothar Malskat, began the restoration works which lasted until 1951. In the summer of 1950 it was decided that it was worth searching for similar paintings in the choir. None had been found until that date but the first discovery fuelled the excitement about the possibility of finding some more paintings. Otto Kurz’s ironic comment reminds us of the principles guiding forgers when it comes to the criteria to choose which kind of object to forge: scarcity, academic greed and the unabated interest shown in an object.

In Germany the discovery of medieval wall paintings is always celebrated as a major event. They are invariably admired, whether or not they have artistic merit. (Kurz 1948, 325)

Fey’s restorations were considered exquisite and his reputation was impeccable, allowing him and Malskat to work freely and without any control by art

experts or the ecclesiastical authorities. When the church reopened to the public in 1951 – the year that commemorated the seven-hundredth anniversary of its founding – with huge pomp, the frescoes were admired and described with countless awestricken sentences by laymen and reputed experts. Eminent members of the German National Trust praised the frescoes ecstatically as one the most important discoveries ever made in Europe, even after some doubts had been raised about the quality of the restoration and the accuracy and consistency of the figures represented. People in responsible positions like the Director of the Lübeck Museum, Hans Arnold Gräbke, made statements that soon would sound terribly embarrassing:

Ideas hitherto current as to the original aspect of Gothic brick interiors will have to be revised in the light of the merits of the work here recovered. (quoted in Schüller 1959, 107)

Fey was elevated to the status of national hero for his superb work. St Mary's church now exhibited rows of Saints of impressive size, ornaments and beasts of such magnitude that no other religious building in Germany could rival it. There was such national pride about the frescoes that postage stamps were issued to celebrate the occasion.

But the praise had not been evenly bestowed. Lothar Malskat had done all the work and resented the lack of recognition. On 9th May 1952 he publicly announced that the twenty-one figures of saints in the choir, the much-revered Gothic frescoes, were in fact his original and modern creation. Furthermore, he declared that very little of what could be seen was original, except for small traces of the sandals of some of the saints and the bare feet of very few of them. Malskat's confession was not taken seriously, as it often happens when forgers make revelations out of bitterness and destroy art experts' fantasies and, occasionally, academic careers based on



supposed extraordinary findings. It was known that Malskat and Fey were not in good terms; the confession was received as a sign of jealousy. After all Fey was at the time, partly because of the frescoes, the great specialist in restoration in northern Germany. The work he had carried out in Schleswig Cathedral and in other churches in Germany helped him establish a reputation that was nothing but confirmed with the magnificent work done on the frescoes, whereas Malskat was a modest and unknown assistant. To be heard he had to provide incontrovertible evidence for his crime.

Adding to the information about the fake frescoes in the choir of St Mary's, Malskat said that for years he had been forging drawings and paintings in the style of Degas, Matisse, Chagall,<sup>36</sup> Rousseau, Vlaminck, Barlach and several other painters at Fey's request. His revelations began to gain some credibility, in spite of the continuous scorn from the press. Eventually he contacted the public prosecutor who ordered a search to Fey's house. On 9th October 1951, Fey was arrested and a considerable number of fakes in the style of old and modern masters were seized.

Fey's arrest awoke memories of a previous incident. In 1948 he had already been accused of forgery but managed to get away with it:

At Bremen he had sold paintings and drawings by Cézanne, Gauguin, Matisse, Rodin, Corinth, Kokoschka and others, which turned out to be fakes. Fey had spent only two days under arrest; he declared that he had inherited the works of art from his father and had been unaware of their spurious character, and so the case against him was dropped. (Kurz 1967, 326)

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<sup>36</sup> There is a story about a fake done by Malskat in the manner of Chagall that led the latter to sign the canvas, unsure of having painted it himself. The painting depicted a wedding and it seduced a dealer who, impressed by the artistic merits of the forger, decided to engage in a dubious experiment. He showed the painting to Chagall, already an old man, and told him that he had found one of his paintings unsigned. After examining the canvas, Chagall apparently agreed the work was good but, as he had produced so much throughout his career, he could not remember having painted that particular canvas. Yet he signed it. It is said to have been sold to a private collector as a curiosity for a huge sum some time after this episode.

Fey resorted to a typical alibi used by forgers and swindlers even today, as it is not that simple to prove that the person in possession of fake objects is aware of their fraudulent nature. But in Fey's case the revelations made by his assistant kept growing in amount and gravity, which led to his arrest until January 1953. He was then released provisionally and arrested again in 1955, when he was sentenced to eighteen months imprisonment. Malskat was sentenced to twenty months and both men were forbidden to work as church restorers for three years.

Let us leave the legal aspects of this case aside and come back to the details that are relevant to the point I intend to make by including this story in a section about the attribution of works of art. The account of Malskat and Fey's forgery throws light on the importance of looking for the right signs that identify an epoch and the anachronisms that denounce the real period in which an object was created. Ultimately this story closes the discussion on the flaw of Morelli's thesis concerning the observation of details detached from context. Some of Malskat's figures might pass for genuinely medieval, but when looked at in context and articulated with adjacent details they could not be anything but modern fakes.

After revealing that the frescoes in the choir of the church of St Mary were not medieval but his original modern work, Malskat aggravated the experts' disappointment and embarrassment when he proudly confessed that the paintings in the nave, the experts' last source of comfort, had also been his creation. His allegations were investigated and confirmed by a commission of experts who examined the fake frescoes now with less dazzled eyes. Before Malskat had confessed to his crime art historians and several eminent experts in medieval art had studied the paintings fascinated by their Byzantine and French influences, establishing relations between the frescoes and illuminated manuscripts and suggesting literary sources to the iconography. They even went as far as identifying the head of one of

the saints with the master who had executed such brilliant work and attributing particular sections to the master's helpers, in contrast with more exquisite parts which revealed the hand of the master. Malskat and Fey had given the world what was scarce and what experts were eager to find: medieval frescoes in good condition.

Malskat found a formula to make his frescoes look authentic. He painted garments using long flowing lines, S-shaped figures, applied long curves to noses and one eyebrow and short curves to the other eyebrow, eyes and mouth. But in the traces of an original Madonna that was not clear enough the formula did not work very well, as Otto Kurz points out:

The original fresco was not distinct enough to show that the Christ Child was stroking the cheeks of his mother, as is often the case in medieval paintings. Malskat misunderstood the gesture and rendered it as a kind of Hitler salute given with the left hand. (Kurz 1967, 327)

The inadequacy of the gesture, most likely due to ignorance about medieval iconography, was also the result of the time Malskat lived in, and of the images and gestures that more or less consciously influenced him and were part of a repertoire of visual references that he could not help but give away. A similar mistake had already been made and readily spotted in the restoration of the frescoes at Schleswig Cathedral done by Fey and Malskat in 1937.

The paintings in the cloisters at Schleswig dated from the thirteenth century and had been extensively restored from 1888 to 1891 by August Olbers (1860-?). The extension of the restoration no longer allowed for the paintings to be considered medieval art. But Fey and Malskat were not discouraged by such trivial facts. Germany and the rest of world would have their medieval frescoes even if with a slight nationalist flavour, much appreciated in 1937. Thus Malskat painted the

Apostles as “long-headed Vikings because one did not want Eastern round-heads.”<sup>37</sup>  
(quoted in Kurz 1967, 328)

Furthermore, Malskat painted at Schleswig probably one of the most amusing anachronisms ever found in fake medieval art and that caused many respected German scholars to work on plausible theories for years. On one of the frescoes a biblical scene represents Herod and the murder of the Innocents. Right beneath it there is a frieze of eight medallions with eight turkeys. The mistake was promptly noted. The turkey could not have been known in the thirteenth century for it is an American bird brought to Europe only in the sixteenth century. The most absurd theories were proposed, and it was accepted that the Vikings had been to America long before Columbus and had taken live turkeys into their boats as food for the long journey. As some of the turkeys had not been eaten and were brought alive back to Schleswig, they had been admired as rare animals and depicted in the frescoes of the cloisters.

When the presence of the turkeys was thus justified, August Olbers stepped forward and stated he had originally painted the turkeys – four of them. Since the original frieze from the thirteenth century was destroyed he had decided to paint four foxes and four turkeys as symbols for Herod’s character. Olbers was by then an old man and was dismissed as silly and confused. Fey, seen as a specialist in medieval church restoration, and his eight anachronistic turkeys prevailed, supported by the preposterous but conveniently eulogistic theories about Viking feats.

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<sup>37</sup> The quotation is from an interview with Malskat in *Hamburger Abendblatt*, 24-25 January, 1953.

### 3. Reattribution and Value

In July 2011 the British press reported with mixed feelings that *The Procuress*, hanging in the Courtauld Institute of Art in London, was actually a forgery<sup>38</sup> by Han van Meegeren and not a seventeenth-century anonymous copy of a 1622 brothel scene by Dirck van Baburen.<sup>39</sup> The discovery was the result of the scientific tests commissioned for a BBC One show, *Fake or Fortune?*,<sup>40</sup> created and presented by Philip Mould, an Old Masters dealer, with the assistance of journalist Fiona Bruce. The painting had been donated to the Courtauld Institute in 1960 by Geoffrey Webb,<sup>41</sup> a British officer who ran the operation of restitution of looted Nazi art. Apparently Webb was offered the painting by the Dutch authorities<sup>42</sup> as a gift for helping in the restitution of works of art. He had always been of the opinion that *The*

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38 On the findings about this painting published by the British press see especially Dalya Alberge, 2011. "Master Forgery: 17th Century Work Exposed As a Fake". *The Daily Telegraph*, 2 July. <http://www.telegraph.co.uk/culture/art/art-news/8612890>; "No, It Is a Fake". *The Art Newspaper* 226. 1 July, 2011. <http://liathach.televisual.co.uk/asset/GetText.exe>.

39 There are two versions of *The Procuress*. One at the Rijksmuseum in Amsterdam, until 1949 considered the prime picture, and another version from an English private collection, auctioned by Christie's in 1949 and since then accepted as the original. Its quality and sounder provenance allowed it to prevail over the Rijksmuseum's painting. In 1950 the newly established original was bought by the Museum of Fine Arts in Boston, where it still hangs.

40 The investigation is featured in episode three of *Fake or Fortune?* broadcast on BBC One on 3 July 2011. For a synopsis of the episode see <http://www.bbc.co.uk/programmes/b012fvfh>.

41 Geoffrey Fairbank Webb (1898-1970) was Slade Professor of Fine Art and head of the Monuments and Fine Arts section of the Control Commission during World War II. When the war broke out he joined the Navy and worked for Naval Intelligence at the Admiralty. At the time he was also working in the historical section of the War Cabinet Office.

42 There have been rumours that Webb was given the painting by Dutch intelligence officer and art specialist Jean Vlug in 1945, but the suggestions have failed to be confirmed.

*Procuress* was a fake by Van Meegeren, among other reasons, because it had been recovered in 1945 from the Dutch forger's villa in Nice. However, the circumstances of the export from France to the Netherlands are very obscure. For decades, influential experts and curators have argued about the origin of the painting, making the attribution a long story of on and off support of the thesis of a forgery by Van Meegeren or of an authentic seventeenth-century work. In 2009 the *Art Newspaper*<sup>43</sup> reinforced the thesis of the authentic copy after Van Baburen, with curators at the Courtauld Institute and the National Gallery concurring and stating that the painting is most likely to date from the seventeenth century and also that it might have been owned by Vermeer. The exciting possibility that that very painting might have hung in Vermeer's house in Delft has probably led experts to overlook signs that would cause the investigation to go in a different direction. It is a fact that one of Vermeer's early paintings is of a procuress<sup>44</sup> and that *The Procuress* by Baburen appears in the background of two of Vermeer's paintings, *The Concert* (circa 1664, stolen in 1990 from the Gardner Museum, Boston) and *A Young Woman Seated at a Virginal* (circa 1671, National Gallery, London). Furthermore, Vermeer's mother-in-law, Maria Thins, owned a painting depicting a procuress. It is thought that she might have brought it to Delft later and given it to her daughter when she married Vermeer in 1653. But the whereabouts of that painting remain a mystery. The same might be said about the provenance of the copy in the Courtauld Institute until 2011. All the investigation about provenance was unable to track down its life consistently and reliably, which left the door open for the seductive thesis of a Vermeer ownership. However, the research conducted in 2011 for the BBC One show

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43 For detailed information on the history of the painting's provenance and attribution see Martin Bailey, 2009. "Courtauld 'Fake' Exposed As a Real Dutch Period Piece". *The Art Newspaper* 216, 1 October. <http://liathach.televisual.co.uk/asset/GetText.exe>, accessed 6 January, 2010.

44 Vermeer's *Procuress* is dated 1656 and is in the Gemäldegalerie Alte Meister in Dresden.

detected the presence of modern Bakelite (phenol formaldehyde resin) mixed into the paints, hardening them so as to forge age. Not only is this a modern material but also Van Meegeren's hallmark. The research was developed by the Courtauld's conservation head, Aviva Burnstock. Working with a Dutch expert and using forensic tests she studied materials, such as paint pigments, seized from the Han van Meegeren studio in 1945. To complement the tests the Rijksmuseum allowed minuscule flecks of paint to be taken from the painting listed as a copy of Baburen's *Procuress* in its collection. The evidence collected from the tests done to both paintings confirmed that the Rijksmuseum's painting is a seventeenth-century copy and the Courtauld's is a fake.

One cannot dismiss the fact that all the episodes of *Fake or Fortune?* follow an effective design pattern aiming at the gradual increase of the audience's interest. They cleverly combine introductory factual information, live investigation, exciting first-hand findings, setbacks, the collaboration of prominent names related to the art world and the occasional guided tour to scientific laboratories. All this edited in such a manner that one could well be watching an episode of a detective story series featuring Philip Mould and Fiona Bruce as senior art sleuth and assistant, respectively. Nevertheless, the invariably mysterious tone and the atmosphere of growing suspense do not dim the merits of the show. As far as more serious or academic topics are concerned, there is a tendency to assume that they should be approached in a way that excludes any thrill. Such belief has proved difficult to overthrow. *Fake or Fortune?* is a good example of how the words "serious" and "exciting" can refer to the same object. With this lengthy description of the virtues of the programme I do not intend to turn this section of my text into a television review. My aim is to discuss the problem of reattribution starting with an example that prompts some questions that are relevant not only to this specific case but also to

most reattributions. Although many adjacent topics ensue from those questions, I suggest the following should be considered. Firstly, why has the object duped or misled experts for so long? Secondly, how do reattribution and deattribution change the object's value? And thirdly, what does it mean to acknowledge authenticity of artworks today, when research is more and more a demand and a very much-justified precaution taken by collectors, auction houses, art dealers and museums?

I have already hinted earlier at the main points to bear in mind if one is to answer the first question, even if shortly. There is an endless list of fake paintings, drawings, sculptures, archaeological findings, pieces of furniture, ceramics, manuscripts and anything that has collectible value since as early as any of these objects have been created and coveted for their beauty and, more importantly, scarcity. Among all these objects there is no lack of examples of mediocre forgeries that today one finds hard to believe have duped experts and experienced museum curators and dealers, who did not hesitate to spend frightening amounts of money to buy what they thought were authentic and rare pieces. The problem is not characteristic of a particular period. It recurs in every age, regardless of the information available about the object or class of objects under consideration.

It should be remarked that for the last two decades, as the means of visually evaluating artworks have evolved and the resources to access and circulate information fast have become easily available, the risks of buying a fake because of lack of information on suspicious provenance or problematic condition have slightly diminished. Surely this may sound surprising or even downright pessimistic. But the fact is that as convenient as digital imagery is in the viewing of art objects, as comfortable and time-saving as all the information available online about a particular object, collector, exhibition and museum collection is, forgers are also aware of the advancements. The ability to do research on an object through quick



access to the digital archives of museums, libraries databases, price records, provenance, articles written about it and potential authentication issues often allows facts to be instantly established. Twenty years ago that would take weeks of tedious research running between archives and sometimes travelling long distances to check details that today would appear absurd to be verified directly. Yet, it is not only experts, curators, auctioneers, art dealers and cautious collectors who can zoom in on the high quality images of paintings or other art objects, share those images among them and discuss their opinions and doubts. Forgers are saving time as well and refining their techniques and tricks. If one believes current estimates, which indicate that up to 30 percent of the works in the art market are fakes, an explanation that imputes all the mistakes to the experts' lack of experience or negligence cannot but appear simplistic.

It goes without saying that authenticating and buying artworks sight unseen is rare. Except maybe for some gullible collectors, or collectors who have art advisers whom they trust unconditionally, in this age of sophisticated technical analysis and matching forgers who use resources that have become more and more inventive and difficult to uncover, no one risks buying art before physically seeing it. The same applies to experts' opinion. Few, if any, would risk offering a conclusive pronouncement based on a photograph, regardless of its quality and level of detail. The time saved in the preliminary investigation done remotely is time allocated to viewing the work carefully. It is then that the details collected at a distance are summoned up and, in a sometimes seemingly disorganised and illogical way, help a trained eye to be sure why the work does not feel right despite its impeccable provenance. Or why it feels absolutely right, although there are some odd facts that need clarification or gaps that must be filled in by further investigation. Or none of this happens, and what emerges from the viewing are too many doubts that will only

allow the expert to go as far as saying “The work is possibly by”. Either way, this is an activity where error will always be present. Art history, scholarship and technical analysis may progress immensely; however, as attribution relies on human judgement, the only certainty is that mistakes are likely to be made and corrected. Due to constant research being done disclosing new facts and invalidating previous evidence, and to an increasingly demanding art market where security is more and more an asset as valuable as the goods being transacted, attribution is more than ever an activity that offers temporary authenticity. But that is a subject to be treated in the answer to the third question I proposed earlier. Let us come back to the first question and the reasons why unconvincing fakes deceive so many penetrating eyes, sometimes for a long while.

The story of the fake *Procuress* at the Courtauld is a typical example of how an object’s identity might only be established with a higher degree of certainty after some time has elapsed over the first doubts and inconclusive or contradictory information that comes to light. Additionally, the investigation may suffer from the interference of widespread wishful thinking, not to mention the fact that one will always see things as they are commonly seen in one’s time. My claim, of course, is not that the experts assigned the task of attributing a painting or other objects act carelessly or choose to ignore relevant clues to the research. What I mean is that the cases where an especially exciting and purportedly genuine object is found at the exact time when it would be most welcomed by the art world are not that rare. It has been like this for centuries. Stated another way, it is not uncommon for such objects to appear when all the parties who share some professional or even amateur interest in art seem to converge to support a theory which favours either the authenticity, or the attribution of those objects to a particular author to the detriment of another. Often, the wish to announce an extraordinary find clouds judgement.

Again, I am not suggesting that in general it happens because experts, curators, scholars and auctioneers are greedy and dishonest, although in some rare cases that is a fact and one that greatly influences the market and helps careers to progress.<sup>45</sup> Academically popular explanations combined with trends in collecting, perceived scarcity of certain objects and available means to conduct research, contribute to strengthen some paths in the investigation done about authenticity and attribution at a particular period of time. As a consequence, the tendency and, at the same time, the risk is to concentrate on finding evidence that supports the thesis that seems sounder and sometimes more seductive in terms of the general impact it would have in the art world. In the process, unintentionally, significant facts and clues that might lead to radically different conclusions are overlooked or misinterpreted. Until, not infrequently for contingent reasons, they draw someone's attention and are re-examined, revealing new evidence that makes experts change their mind. Trivial aspects such as the fact that some years have passed and the object is looked at with the critical distance of the eyes of the following generation may be enough to revise the overall opinion about it.

The problem of how "fresh eyes", to quote Friedländer's phrase,<sup>46</sup> are determinant in detecting a fake and how, on the other hand, the unavoidable

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45 An example of a far from honest and straightforward professional conduct is the well-known case of Jiri Frel (1923-2006) curator of Greek and Roman art at the J. Paul Getty Museum (Los Angeles, California) from 1973 to 1985, when he was fired for impropriety. Frel was responsible for the acquisition of thousands of items, most of which have been proved to be fake or problematic. Among them is the Getty's famous kouros. Moreover, Frel has collected an astonishing number of donations that were part of a dishonest scheme that involved accepting gifts from dealers in exchange for persuading the trustees to buy fake items, whose appraisal was done by Frel and his staff, for very high values. He was also involved in acquiring pieces that had been excavated in Italy and then smuggled into Switzerland to the Getty's collection unbeknown to the museum board. A detailed account of Frel's fraudulent activities can be found in Thomas Hoving, 1996. "The Curious Spurious Kouros". *False Impressions: The Hunt for Big-Time Art Fakes*, 279-310. New York: Simon & Schuster.

46 The expression is used by Max J. Friedländer in a remark about the style of forgeries and how their success is rooted in a relationship between the forger's perception and that of his contemporaries: "Since every epoch acquires fresh eyes, Donatello in 1930 looks different from what he did in 1870. That which is worth of imitation appears different to each generation. Hence, whoever in 1870 successfully produced works by Donatello, will find his performance no longer passing muster with the experts in 1930. We laugh at the mistakes of our fathers, as our descendants will laugh at us .

modernity of the forgeries of ancient pieces is what assures their success for a long period of time is presented by Otto Kurz in *Fakes*. In a long section devoted to modern forgeries of Greek and Roman sculpture, Kurz tells us that since the late fifteenth century generations of industrious forgers have worked hard to make sure the demand for antiquities of this epoch is met. The models for the Greek forgeries are already inadvertent distortions of the originals since they are comprehensive reconstructions of the original items found by Cretan excavators, who committed to turn small fragments of what might have been animals or human figures into whole terracotta reliefs and huge frescoes. The reconstruction frenzy led to the partial rebuilding of palaces. As works grew from tiny fragments of stone they ended up creating a new style of sculpture. Eventually, photographs and casts of these reconstructions appeared in art history books, museum publications and scholarly writings and became accepted as originals. The crucial fact that they are very creative reconstructions became an inconsequential detail.

Few students of ancient art realise to what extent our idea of Cretan art is based on fanciful archaeological reconstructions and modern forgeries . . .

. . . Hence the general struggle to capture the celebrated archaic smile.<sup>47</sup> Hard as one may try to catch it, the facial expression of archaic sculptures remains elusive.

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. . . Discussions and polemics regarding forgeries are seldom of long duration. This is the typical sequence of events: the work emerges from obscurity, is admired, then seen through, condemned, and finally sinks into limbo. Behind it are left nothing but silent shame among those that were concerned in the episode, and superior smirks among those not so concerned.” (Friedländer 1942, 260-262)

<sup>47</sup> Alceo Dossena (1878-1937) the famous Italian forger of Greek, Roman, medieval and Renaissance sculptures tried to portray that smile. His *Fighting Athena* (Cleveland Museum) is an attempt to reproduce the goddess exhibiting a believable classical smile. But the result is awkward in any context: her face is irregular and disfigured by an unnaturally hooked nose and her lips are too full and curved in a face whose expression is essentially frozen. The discussion about the aptness of calling Dossena a forger or a copyist who never intended to deceive anyone has to be delayed. If he remained innocent for most of his life as a sculptor manipulated and put to work by his dealers, Romano Palesi and Alfredo Fasoli, for their sole benefit is a matter that has been dealt with by several authors but about which there is no conclusive information. It is true that he died penniless and that he could not even pay for his wife’s funeral expenses in 1927. The episode caused Dossena to consult a lawyer and tell him that he did not think it fair to have worked so hard to produce so many imitations of ancient pieces and not even be given a loan by his employers. This triggered the scandal and full disclosure of the dishonest affair that allegedly had been going on for years behind his back. However, there are some reasons to believe that he was not completely innocent about the destination of his pieces, namely the Savelli tomb commissioned by Palesi and Fasoli who tried to sell it to Ellen Frick in 1921. It was eventually bought by the Museum of Fine Arts in Boston in 1924 for \$100,000.

It is impossible to reproduce the appearance of something the meaning of which is not known. (Kurz 1967, 122)

Inevitably, as it has already been pointed out, creators both honest and deceitful, cannot disguise chronology. However skilful they may be in aging the pieces they intend to pass off as ancient, modernity – the word is used here as a synonym for whichever age they are contemporary with – will be betrayed in the bodies, expressions, materials and seemingly minor details (more often than not, anachronisms). Having said this, there seems to be some comfort in identifying one's own ideals and paradigms in artworks supposedly produced in the past. It has the peculiar effect of quietening doubt and appeasing even the more inquisitive minds. Experts have not been proved to be immune to such tendency. The best example of how that critical blindness also afflicts art experts at times has to be the so-called Vermeers by Han van Meegeren.

Today hardly anyone who is vaguely acquainted with Vermeer's work would be persuaded, let alone fascinated, by the crude figures of *The Supper at Emmaus* (1937), *The Washing of the Feet* (1941) or of *The Adulteress* (1943). *The Washing of the Feet*<sup>48</sup> is truly embarrassing in what concerns the excitement of the Dutch government about its acquisition and the experts' acceptance of such a clumsy painting as a Vermeer. The problem is that once a first object of a group is recognised as being member of a class, every similar object will be accepted into that class. That was what happened with this new class, the religious paintings of Vermeer. Once *The Supper at Emmaus* was extolled and authenticated by Abraham Bredius the

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<sup>48</sup> There are many intrusions of contemporary characteristics of the 1930s and 1940s in *The Washing of the Feet*. The figures are geometricised and their general attitude is defined by the total absence of devotion, combined with a twentieth-century emotional detachment. Besides, there is no sense of composition and balance at all. The table is minute to accommodate so many people who are squeezing in what seems to be a tiny room; Christ's torso is too short and lacks fluidity; his right hand, which should be blessing Mary, is depicted in such an odd position that in fact it looks as if Christ is worried that Martha might hit her sister in the head with the bread platter; Lazarus's hands seem to belong to someone else who could be under the table, so disconnected are they from his body.

following paintings did not cause much anxiety. After all they shared the same features, style and type of composition found in the first painting. Questioning the criterion of resemblance<sup>49</sup> would mean doubting the extraordinary find of these unknown Vermeers.

Returning to the interest in Greek and Roman pieces and to how most of them are modelled from copies and bad reconstructions of fragments, Otto Kurz reminds us that since the Renaissance busts of Greek and Roman philosophers were indispensable in most libraries or art galleries (Kurz 1967, 128). Given the abundance of these pieces, not many could be genuine. However, respectable institutions like the British Museum bought some fake busts to enlarge their collection of classical sculpture as originals. In other cases, following the decline in popularity of portrait bust, they were gradually removed from the places where they fulfilled a decorative function and integrated what became vast collections of classical sculpture. The transition generally occurred without thorough investigation about the authenticity of the object for rarity was not an issue. Only much later were some of these busts reassessed and redescribed as modern copies of classical originals, whose authenticity is in some cases dubious. The typical mistakes made by forgers were clear marks of artificial corrosion and far from ancient facial features that, evidently, were never found in genuine classical portraits. Both of these mistakes were already very obvious at the time the busts were bought as authentic pieces.<sup>50</sup>

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49 In 1960 the editorial of the *Burlington Magazine* notes the resemblance between Van Meegeren's Christs and between Christ and several other figures, mostly female. They all resemble Greta Garbo, surely an icon at the time the forger painted his Vermeers. The text can be found in "Forgery on Television" (editorial). *The Burlington Magazine* 102, no. 692 (November 1960): 465.

50 Here I follow Kurz closely. The example he gives of a bust that was surprisingly mistaken for an ancient piece is the portrait of Julius Caesar bought by the British Museum in 1818: "The forger was inspired by the popular portrait busts which are generally as likenesses of Caesar. But as realism was thought to be the foremost virtue of Roman portraiture, he exaggerated the features of his prototype to get a stronger effect. The cheeks are more hollow, the nose is sharper, and the lines of his face have been deepened. Thus the lofty nobility of Caesar's portraits have been changed to an expression of some severity. Iris and pupil have been indicated, a practice unknown in stone sculpture before the time of Hadrian, which disposes of the bust as a contemporary portrait. Nevertheless it

The last point of this discussion, the reassessment of art objects and their reclassification according to the results of the latest research they were subjected to, allows us into the second question: how do reattribution and deattribution change the object's value?

To introduce some topics for debate, let us return to *The Procuress* of the Courtauld Institute. What effect did the discovery that the painting is after all a fake by Han van Meegern, and not a seventeenth-century copy, have on its market value? The painting is not for sale. We are considering its market value for the sake of argument only. Interestingly, in this particular case the reattribution would not make much difference if the painting were to be sold. Financially, as Van Meegeren has ascended to the status of the iconic forger who managed to fool Goering, the two paintings would have equivalent value. What would beyond any doubt make a huge difference is a Vermeer provenance. If it had been undisputedly proved, supported by documentary evidence, it would add considerable value to the seventeenth-century copy after Baburen. Still, it should be said that this is not the typical effect of reattribution or of deattribution; the latter can push artworks into a kind of limbo in what concerns market value. This case did not cause much stir in the art market nor did it shake the prestige of the Courtauld Institute, as the painting in question had not been initially labelled as a very highly appraised piece in the Institute's collection. *That* would be a totally different story.

If it had been the case, the museum's image would probably have suffered some damage. The expertise of the people who approved the acquisition would most likely be questioned. Nevertheless, the older the acquisition, the higher the probability of being excused on the grounds of lack of reliable information, evidence

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used to be one of the most popular effigies of Caesar. It has been reproduced in numerous historical works as his authentic likeness." (Kurz 1967, 128-129)

and complementary means of analysis, i.e. scientific tools. Also, it might generate an atmosphere of insecurity among collectors who owned works by the artist now found to be represented by a fake work in a prestigious museum. Likewise, major auction houses would operate in an extra careful mode. Running the risk of jeopardising their reputation for not double-checking the authenticity of the items they sell and having clients claiming huge refunds plus compensation, or even taking the case to court for breach of contract, is a luxury they cannot afford. Trust is the main ingredient in all the transactions involving art. If it dwindles, all the participants will be affected, from modest to prominent collectors, museums, dealers, scholars, auction houses and eventually museumgoers, who will start doubting the authenticity of the works on display. With the art market currently being one of the most lively and resilient to recession, there is growing awareness of the significance of assuring the authenticity of the assets that change hands for impressive amounts of money. Jack Flam, art historian and president of the Dedalus Foundation, shares this position:

The authenticity of the artworks being sold today must be dependably protected, or we risk seeing the creation of a peculiar kind of bubble in which extremely expensive works of art can suddenly become worth virtually nothing. (Flam 2011)<sup>51</sup>

For such a radical change in value to happen doubts about the authenticity of a work must arise “in the context of numerous private decisions by experts, scholars, dealers, and buyers and sellers” (Spencer 2004a, 189). Decisions about authenticity of artworks are reached, as it has been stated earlier, by observing at least two out of three possible steps: the analysis of the work relying on connoisseurship, research on

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<sup>51</sup> There no is indication of page number because the quotation is from an electronic publication. So as not to burden the text with a long web address, all the quotations from electronic sources, both in the text and in footnotes, only include the author and the year of publication. The complete reference can be found in the reference list.



provenance and, occasionally, scientific tests. When conclusions and opinions are disputed, either because experts disagree among themselves, owners feel they have been wronged or simply because new facts come up that justify revising a previous opinion expressed about a work, reattribution may be the first consequence, followed by a change in market value. Actually, these are practically simultaneous events. All it takes is the information on the new status of the object to circulate for the market to update its value; often it dispenses with an official opinion to be known.

One tends to equate reattribution with a downgrading of the work that has been re-evaluated, which one might think would be due to the fact that there is more news being published about artworks that were found not to be by the artists they were originally attributed to. In reality, it is not so much a question of the amount of information about reattributions being publicly known as of the actual number of works being downgraded, mainly as a result of being considered fake. In my view, that makes two aspects of dealing with art today more conspicuous than ever before: the number of forgeries has not decreased at all and forgers have become more resourceful and sophisticated. There are other reasons relating to the nature of some objects, especially contemporary works, which pose far more complex questions of authenticity that are not solved by following the three steps mentioned above. I am thinking of artists such as Tracey Emin, Damien Hirst or Terence Koh, who use perishable materials whose replacement is part of maintaining the characteristics of the piece when it was first exhibited. These works draw attention to issues of authorship, intention and authenticity that have to be approached anticipating the difficulty of a “yes/no” answer. That has, incidentally, more often than not inflated the prices for the works and created a grey area as far as the authentication of contemporary art is concerned.

In the previous paragraph I have mentioned the tendency to associate the process of reattribution with the downgrading of a work. Maybe it should be added that it is perceived as such among the general public. It is not necessarily so among art professionals, who know from experience that works can either be downgraded or upgraded. When the discovery involves great painters and commands high prices the news is usually shared with non-professional audiences. Recently the *Daily Telegraph* published an article entitled “Top Finds and Fakes in the Art World” where reattributions are organised in two groups: the first, of fakes, which implies the works are downgraded, and the second, of finds, which upgrades them. The most thrilling examples are those where an extraordinary work has languished for a time long enough to allow all sorts of stories to be imagined before being found to be the work of a famous painter, preferably in some implausible and unfitting place. Not infrequently the accuracy of the details about provenance is hard to check, and where trace of a work’s history is lost, gaps appear. Thus the romantic plots about farmers who know nothing about art and have a Van Gogh hanging in the living room to cover a hole in the wall, and such like, abound. I quote one of the examples listed in “Top Finds and Fakes in the Art World” that lacks the romantic features but fits the classic description of an artwork that was upgraded as a consequence of reattribution:

In 2004 a painting of an angelic virgin resting on a cloud, thought to be by a little-known contemporary of Goya, was attributed to the master himself. The discovery was made in Malaga when an art restorer cleaned the painting. He found previously hidden features that he believed bore Goya’s artistic style. His theory was confirmed by scientific tests with the experts saying the work was probably painted by Goya in 1781 when he was 35. It had been bought for a nominal sum but experts said it could be worth up to £2 million. (Squires 2011)

If the painting had been put up for sale at auction and introduced in the catalogue as a work by a minor artist contemporary of Goya, and thus sold for a

fraction of its real value, it would be a classic example of a “sleeper”. This is how works by major artists that have been misattributed and sold for much less than they would be worth, had they been attributed to its true author, are called among art professionals. Finding sleepers is a strong motivation for any bargain hunter but, in truth, there are not that many such sleepers surfacing at auction or in small galleries. When they do appear, time makes sure they are rightly attributed. New experts become interested in details that were missed, connoisseurship evolves, owners have it reappraised and eventually it is awoken, so to speak.

As for downgrading, despite being mainly an effect of finding that an object is not genuine, that does not cover all the reasons why works may be classified as less important than they used to be. There is a very debatable practice adopted by cataloguers in auction houses when there are doubts about the authorship of a work. Sometimes when there is the possibility of attributing an object to a well-known artist but comprehensive research would not be concluded in time for the catalogue to be printed, or when the process of arguing for the authenticity of the work is costly and slow, downgrading it is a way of avoiding a tough argument. The underlying principle is the market will value the work in due time. Again, some surprising buys and exciting discoveries may be made because of this practice.

On the other hand, as reattribution has such a strong impact on market value, experts have sometimes been put in the distressing position of not feeling free to evaluate a work without being pressured not to reattribute it to less relevant names in the art world. One might think that this is likely to be more common among greedy dealers and owners of very expensive art objects, but the truth is museums have also been known to reject or ignore the opinions of reputed scholars and connoisseurs for fear of losing prestige and visitors.

The way museums establish a reputation and a prestigious image, which attracts not only visitors but also generous donations, is by assembling as many works by reputed artists as possible and exhibiting them attractively. The most common ways to expand a museum collection are acquisitions and donations. These actions may be interdependent; donations are likely to increase if the museum is already known for its good permanent collection. The impact that the management of museum acquisitions has on the art market is a very curious one. It is widely accepted that the art market is a market that defies economy, since it thrives during recession;<sup>52</sup> it has steadily behaved well in times when other businesses contract and barely survive. When museums buy a much coveted and expensive piece, they take it out of the market, most of the times forever. On the one hand, they slow the market down but on the other hand they stimulate it only by showing interest in a specific work, even if they end up not buying it. To some extent, museums as gatherers and keepers of shared wealth make their acquisitions priceless to visitors and worthless from the market's point of view. Except in the rare case of deaccessioning<sup>53</sup> where

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<sup>52</sup> Recently the *Financial Times* published an article about the performance of the art market in 2011, highlighting the impressive figures for sales of art – when other markets have been severely hit by recession – and the expected emergence of China as the world's number one market. In the first half of the year total worldwide sales hit a record of €6.0 billion (\$7.8 billion), up to 34 percent from 2010, according to the French web site Artprice.com. Contemporary art leads the auction sales; Middle Eastern art, nineteenth-century painting, Russian art and European sculpture are the segments that performed poorly, especially in the second half of 2011. Georgina Adam comments on the turnover: “The figures are not complete as I write but it is clear that this year has been the biggest grossing ever for sales of art at auction. The stats come from Artprice, a site that tracks auction house results: just before Christmas it had already recorded a total of \$10.7 bn for this year, beating last year's \$9.5 bn. A large chunk of this increase is due to China, which in 2010 already accounted for 33 per cent of the global art market . . . This year's total could still climb, as Artprice did not yet have the full sales when it reported these figures.” (Adam 2011b)

<sup>53</sup> Deaccessioning is the sale of artworks from a museum's permanent collection. The practice is seen and regulated differently in Europe and in the USA. In Europe, most museums are state-financed and prevented by national law from deaccessioning. In the USA deaccessioning is not illegal, provided that any terms accompanying the donation, if the work was donated, are respected. Yet the practice is controversial. The code of the Association of Art Museum Directors states that funds raised from the sale should not be used for purposes other than further acquisitions, since selling off any holdings for profit would betray both the donor and public's trust (as museums get tax-deductible donations). In recent years the public-access argument against strict deaccessioning laws has gained ground. Briefly, it claims that more and more museums are facing financial hardship. Furthermore, often they cannot display a vast number of the objects they own for lack of space, which means that

works get back in the market – often generating a mixed reaction of excitement, greed and suspicion about their true relevance – museums, especially major museums with big budgets for acquisitions, greatly contribute to keep the balance between supply and demand lively enough for the market to flourish. Naturally, the same might be said about prominent collectors. The obvious distinction between museums and collectors is that the latter make sure the works reappear in the market. Frequently, not long after a museum has bought a piece by a specific artist, collectors feel confident to sell works by the same artist. The interest shown by the museum works like a validation boost for the importance of an author or of a group of similar authors, just like the name of some collectors adds value to works when they are sold. Solid provenance is not only about reliable documentation but also about prestigious ownership, which might actually be an extra assurance that thorough research has been done to verify the authenticity of the objects that are being sold. Of course that does not make a work immune to doubts about its authenticity. Nor does it offer full protection against forgery even to the most cautious collectors, including museums. If Thomas Hoving was right there are still many fakes hanging on the walls of the great museums worldwide (Hoving 1996, 328-333). The picture is not as dismal as it seems if one thinks that eventually, maybe as a result of some trivial incident, there will be signs that trigger investigation. Let us take, for example, the discovery of an odd detail during cleaning or restoration, or the spotting of a dodgy label on the back of a canvas that had remained unnoticed by the previous curator and suddenly becomes conspicuous as the painting is being packed to be loaned to another museum. Doubts are also expressed through more methodical approaches like the publication of academic

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they are put in storage not allowing the public to appreciate them. The supporters of deaccessioning defend that the combination of such two circumstances makes a strong case for more flexible laws.

research papers on particular objects. Interestingly, those are not necessarily the most productive forms to question the authenticity of artworks. The prevalent feeling, mainly in the USA, among scholars and experts who might produce and express informed and unbiased opinion about a specific work, either on owners' request or in court, is that most of the times it is not worth the pressure they find themselves under for doing their job. The numerous risks of legal liability<sup>54</sup> for holding an opinion on authenticity have led more and more experts to avoid being involved in authentication cases. Ultimately, if the situation does not change in the near future, attribution in the visual arts will suffer from lack of scholarship and thought-provoking discussion that stimulate the re-examination of artworks and strengthen protection against forgery. Currently in the USA, it is not only individual experts that hesitate to offer opinion about the identity of a work. Authentication boards and foundations have increasingly adopted a similar position following the recent wave of high-profile lawsuits against such institutions.<sup>55</sup>

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54 In the USA the most common causes for legal action taken against experts or foundations who are responsible for the authentication of artworks are the following: failure to exercise reasonable care; product disparagement; breach of contract; common law fraud and negligent misrepresentation; false advertising under state consumer protection laws and the U.S. Lanham Act; claims of defamation. For a detailed description of the implications of each see Ronald D. Spencer, 2004. "The Risk of Legal Liability for Attributions of Visual Art". *The Expert versus the Object: Judging Fakes and False Attributions in the Visual Arts*. Edited by Ronald D. Spencer, 143-187. Oxford and New York: Oxford University Press. Spencer's essay includes an example of an English case of failure to exercise reasonable care which is very illustrative of the principles generally followed in the UK to determine negligence when owner and expert have a contractual relationship.

55 The Andy Warhol Art Authentication board has announced in December 2011 that it is disbanding in 2012 because of the enormous cost of lawsuits. The same reason led the Pollock-Krasner Foundation to cease its activity after completing the catalogue raisonné of Pollock's work. However, that has not prevented it from being sued a number of times afterwards over disputed works. Even keeping silent can be risky, as the lawsuit brought against the authentication board of Jean-Michel Basquiat proves. The owner of *Fuego Flores* (1983) sued the board for not issuing an opinion, demanding that it either reach a decision on the work or pay damages of up to \$5 million. The growth in litigation and the freezing effect it has had in scholarship prompted the IFAR to hold a debate on the problem in December 2011. The increasingly clear perception that issuing a negative opinion about a work can expose a scholar to the owner's anger, and thus be sued on the basis of an emotional reaction regardless of its legal justification, has made experts more and more reluctant to speak freely. Jack Cowart, one of the speakers at the debate hosted by the IFAR and executive director of the Roy Lichtenstein Foundation, declared: "I wish the world were a different place, but until it is, we politely opt out [of authentication]." (Burns 2012)

It cannot be denied that scholarship can create market demand and contribute to enhance the work of an artist while paying less attention to an equally accomplished other. Conversely, it may question the relevance or authenticity of works that had for long been admired as iconic examples of an artist's excellence. Consequently, artworks may be reattributed, deattributed, reclassified as being "possibly by", when doubts cannot be solved, or considered fake. In any case their market value will suffer. But it is not always true that they will be practically worthless, although that is the most common outcome. Of course if a long deemed superb work by Rubens, for example, is found to be a fake it will thenceforth have zero market value as a Rubens. However, it might have some value as a competent fake or as curiosity. This is an extreme example. But the art market is filled with examples of works whose value dramatically decreased following doubts raised by scholarship or experts opinions, and which recovered after some time has elapsed and the doubts have been cleared or simply died down. Other times the recovery is due to trends and periods of popularity of particular kinds of objects and artists. All it takes to create such tendencies and fuel the market is a small group of wealthy collectors driven by the goal to buy a particular item before any other member of the circle does. At auction, record prices have often been reached due to the emotional attachment of two people to the same object, equating desire and price with value. That shows that prices really are what people are willing to pay, to describe the effects of collectors' motivation briefly. Although a lengthy discussion about the role of auctions in the art market may be out of place in this chapter, where the main focus should be the correlation between reattribution and value, I believe the remark of the art economist Don Thompson is very apt here:

How does a work . . . come to be worth \$12 million, or \$140 million? This has more to do with the way the contemporary art market has become a competitive high-stakes game, fuelled by great amounts of money and ego. The value of art often has more to do with artist, dealer or auction-house branding, and with collector ego, than it does with art . . . The market is driven<sup>56</sup> by high-status auctions and art fairs that become events in their own right, entertainment and public display for the ultra rich.

Perceived scarcity also produces inflated prices. It does not have to be real scarcity; it can occur when an artist's primary dealer withholds her work and announces the existence of a queue of high-status buyers. It isn't that anyone believes the artist's work might never again be available, it is a combination of fear that prices will go up, plus the "I will pay to have it now" approach of the wealthy young collector. (Thompson 2008, 246)

I would like to conclude these observations about the price of artworks and auctions by paraphrasing a story also told by Don Thompson (Thompson 2008, 75). The episode is simultaneously a good example of how branding makes prices go up irrationally, regardless of quality, and of how reattribution (although this case is not a classic instance of the process) may radically alter the value of an object. A. A. Gill, well-known television and restaurant critic for the *Sunday Times*, owned a painting of Stalin by an anonymous painter. He had paid £200 for it and humorously used to say that looking at it was an incentive to hard work. When in February 2007 Gill took it to Christie's to be sold in a midweek auction it was rejected with the justification that the auction house did not deal in Hitler or Stalin. Gill was not deterred and asked if the painting would be accepted if it were by Damien Hirst or Andy Warhol. The answer was that if it were the case, Christie's would love to have it. Gill then called Hirst and asked if he could paint a red nose on Stalin. Hirst agreed and signed it. The red-nosed Stalin signed by Damien Hirst was welcomed by Christie's with an estimate of £8-12,000. It was sold for £140,000.

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<sup>56</sup> On a more technical note Thompson offers the following explanation for the way auctions influence prices in the art market: "Art prices are propelled by what is known in economics as a ratchet effect. A ratchet turns in only one direction, and then locks in place. A price ratchet means that prices are sticky in a downward direction but free to move up . . . In an auction, a form of ratchet is at work when the first five items sell for double their estimate. The higher-quality items that follow must be worth more, because these lesser works sold for so much more than their estimates. The ratchet also works for the most expensive lots. If the record price for a Mark Rothko has always been twice that for the best Klimt, and a Klimt suddenly sells for more than any Rothko, how much will be paid for the next great Rothko? The answer may be \$73 million – the three-times the previous auction record achieved at Sotheby's in May 2007." (Thompson 2008, 247)



Let us now return to the inhibition to express opinions and be involved in authentication issues that the growth in litigation is causing, especially among American scholars. The consequences of the increasing number of lawsuits are not only affecting the free expression of opinion publicly but even the circulation of information within academic circles. Experts hesitate to give their opinion to colleagues studying other artists, particularly if they are doing research for a catalogue raisonné. Some foundations have avoided giving opinion by delaying the gathering of information for catalogues raisonnés, or declining to engage in further research on works that might be included in already published catalogues. As a systematic compilation of all the works known by an artist, presented in a chronological order with details such as date, dimensions, provenance and references, it provides the definite corpus of an artist's oeuvre. It is a scholarly work done independent of the market and created over a long period of time through the study of works submitted by individuals and institutions. Most catalogues include a descriptive analysis of the work, covering relevant aspects such as provenance, attribution history, exhibition history, condition and in some cases essays about the artist's life and production. It is a standard reference tool used by scholars, critics, dealers, collectors and auction houses whenever there is the need to verify provenance, attribution and other aspects regarding an artist's work. It goes without saying that judgements about inclusion change; works may be added and removed from the catalogue as scholarship progresses. Not being in the catalogue, or rather not being in the catalogue *anymore* is currently one of the reasons why owners of items that were excluded intimidate experts. Inasmuch as the exclusion has a negative impact on the work's market value, owners exert pressure to have it reincluded in the catalogue threatening with costly and time-consuming litigation. Maybe the fact that in the American legal system the plaintiff does not have to pay for

the fees of the successful defendant encourages litigiousness, inflicting an enormous loss of time and money on the individuals and foundations involved. Even if they know they are likely to win the lawsuits, they cannot afford being a defendant. Allowing scholars to speak freely and publish their opinions will not only benefit art history, but will also contribute to make the art market more reliable due to the circulation of unbiased and circumstantiated information. Jack Flam, president of the Dedalus Foundation, shares this point of view and suggests the law in the USA should change:

There is a basic asymmetry in the system. You can say with impunity that a work is by Motherwell and it is not actionable. But, if I say it is not genuine, you can sue me. [Foundations and scholars] are even constrained from giving free opinions to colleagues about whether there have been problems with certain dealers. Now is the time for legislation to protect free speech for scholars and writers of catalogues raisonnés. Without courage, honesty and open communication, forgeries will distort art history and pollute the market. (Burns 2012)

The situation in the UK and other European countries is less threatening to experts. The ever more frequent coverage of authentication issues in the British press, with the mention of huge sums of money as well as the rise in the number of law suits in the USA (roughly in the second half of 2011), has engendered reluctance in British scholars to give their opinion in public. Nevertheless, it would be very hard to bring a successful claim against someone who states their opinion in good faith, publicly, in the UK.

It should be noted that, to further complicate matters regarding authenticity, silence is a position deliberately – and in not such good faith – taken by dealers, curators, auctioneers, collectors and less honest scholars than those who have been feeling coerced into keeping their judgement on artworks private. For as long as art has been a lucrative business, based on trust and subject to errors of evaluation, there has been an acknowledged perception among art professionals that always disclosing

the truth about a forgery, sharing all the facts so that it will not reappear in the market, is not a practice taken for granted. It is not only a question of not wanting to make a damaging financial loss public, but essentially a way to protect one's prestige and reputation. Admitting to having been duped inevitably casts doubt on one's skills as an art connoisseur.<sup>57</sup> And in this respect art professionals and collectors apparently do not deal with their embarrassment much differently. Ultimately, the silence about fakes or about objects that do not look quite right will undermine the confidence in an already unregulated business where trust must remain a key asset. Furthermore, it is not unknown for those who work in such a complex market to hush up suspicions about potential forgeries and also to manipulate the fear of a competitor to have his reputation tarnished. Amplifying doubts about specific works in which he deals, or has shown interest in buying, is all it takes to weaken the confidence of the public in his competence and honesty.

Recent studies and statistics in art crime, covering forgery, theft, vandalism, trafficking and illegal excavation, continue to show very clearly that: many art crimes are never reported and this type of crime is still not taken seriously by the average citizen. In some countries it is now starting to be considered by governments a serious threat to a country's cultural heritage and economy. And it should. The International Association for Research into Crimes Against Art has recently reaffirmed the threat posed by art crime declaring that it is the third highest-grossing criminal offence worldwide, behind only drugs and arms trafficking. The three kinds of crime are seldom unrelated, commonly with stolen art objects serving as payment for arms or drugs. It is far easier to go through customs at airports carrying a rolled canvas than a suitcase full of money.

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<sup>57</sup> Embarrassment is the main reason why it is not very difficult to sell fakes in Japan. Most Japanese buyers are ashamed when they realise they have been defrauded and will not go to the police, let alone sue the dealer or auction house from whom they bought the item.

Dealers and auction houses do not report art fraud if it does not affect them directly. Whenever there are strong doubts about a work, rarely is it taken to the police art squad. It is returned to the consignor and withdrawn from the catalogue, only to reappear some time later on dealers' walls, or to be put up for auction more discreetly when heated discussions about it have faded and no one remembers there had been authenticity issues.

In the case of theft and vandalism, victims also avoid reporting their losses because they fear it would attract attention to the vulnerability of their holdings, which might expose them to further attacks. This is the most common reason given by museum officials and private collectors for their silence about this form of art crime. Museums have another important reason to take into account: widespread news of theft may alarm prospective donors.

Private collectors who knowingly have bought stolen works, or authentic works with money that was dishonestly accumulated or not declared on tax returns, do not report theft or vandalism for the obvious reason that it would draw the government's attention. The same applies to collectors of smuggled objects, usually antiquities or pieces made of materials whose trade is forbidden, e.g. ivory, since reporting the crime would alert the authorities of the countries from which the pieces were originally smuggled.

The previous description risks being interpreted as an attempt to depict the art world as a corrupt place ruled by gangs of slippery professionals and equally cunning clients, all driven by values that could not be further from the edifying virtues that, to some people, art together with very few other things is capable of inspiring. My aim is not to recapitulate the arguments offered by the opponents of the thesis of art as a path to moral improvement – or the claims of the supporters of such thesis, for that matter. My claim is just that dealing with art is as corrupt and shady as any other

business that involves vast sums of money and ego. It is an industry reliant on trust and reputation. For that principle to stand, the problems have to be tackled without fearing an open discussion. Unless that happens, only the dishonest members of this large group of individuals and institutions will benefit. Typically when the art market is going through a strong and heated period forgeries appear, taking advantage of the general enthusiasm and high demand for specific artists or segments. That is also fertile ground for temptation on the part of some art professionals to sidestep investigating authenticity thoroughly, once they see the opportunity to make more money.

That said, I believe that all the problems presented in what largely constitutes the answer to the second question of this section – how do reattribution and deattribution change the object's value? – bring us to the third and last question: what does it mean to acknowledge authenticity of artworks today, when research is more and more a demand and a very much justified precaution taken by collectors, auction houses, art dealers and museums?

Attribution in the visual arts presupposes research carried out for some time by a group of people about an artist's work. The result is a consensus of opinion among art experts and scholars. At present, attribution is more and more a process that offers temporary warranty. Over time, due to the emergence of new facts, the availability of a wider range of research tools (academic and technical) and the widespread use of means that allow fast exchange of information, art experts and scholars change their mind. Currently they appear to be changing their mind more often than they used to. The reality is that in the past their doubts and intuition were less supported by the means to make changing one's mind seem like a reasonable behaviour and not a whim, particularly in court, if that was required. The increase in the amount of information available and the fact that the access to it has drastically

changed may, of course, have actually contributed to a tendency to revise one's opinion more often than in the past. That is a possibility that cannot be discarded. In any case, the legal implications of changing one's mind about attribution have definitely changed. Attributing a work to an artist today and in the late nineteenth century or early twentieth century entails different consequences for sellers, buyers and donors.

I do not have the legal expertise on the subject, nor do I intend to turn this discussion into a technical enumeration of distinctions in the process of attribution of works in the visual arts in the past and now. In my approach to the problem only the practical consequences affecting sellers, buyers and donors will be considered. Occasionally, specific examples and cases may be provided to illustrate the scenarios addressed throughout the discussion.

It cannot be stressed enough how challenging proper attribution is, even for the best experts and scholars. Working for a major museum or auction house puts extra pressure on the task of studying an object and producing a reliable judgement about it, what with the public scrutiny and the large sums of money involved. In January 2009, the Prado Museum in Madrid announced that Goya's name would be removed from the painting *The Colossus*, one of his most famous and admired works. It had long been attributed to the great Spanish painter and is now said to have been painted by one of his assistants. Another example is the painting *Portrait of a Man* owned by the Metropolitan Museum of Art for more than sixty years. It has been attributed, deattributed and reattributed to Velázquez. Initially, it was thought to be a dubious Van Dyck. Then in 1917 the German art historian August Mayer deemed it a Velázquez. But in 1924 he reattributed it stating that the work was a self-portrait by Velázquez's pupil and son-in-law Juan Bautista Martínez del Mazo. Shortly after Mayer, apparently under pressure from the dealer Joseph Duveen, reaffirmed his

conviction on his original opinion. However, in 1974 scholars questioned the attribution again and downgraded the painting to a Velázquez's workshop piece. Eventually, in 2005 Jonathan Brown, a leading Velázquez scholar, had no doubts in pronouncing the painting a Velázquez. It was exhibited as such in 2009 at the Metropolitan.<sup>58</sup>

The examples above illustrate a common pattern of changing attribution that has no consequences other than the museums being under the spotlight and the disappointment when the work is downgraded. As far as the number of visitors is concerned, a piece of news of this kind may actually stimulate the public's curiosity and thus draw more people to the museum.

The scenario would be much different if the painting being successively attributed, deattributed and reattributed were a donation. This is a problem that is more relevant in the USA. As a consequence of a change in attribution the Internal Revenue Service might want the new attribution to be reflected in the income tax liability of the donor, or the donor might claim a refund of taxes paid for the work valued at the time of the donation. In a very clear essay about the legal consequences of reattribution, Ronald D. Spencer explains that under American law donors can only rely on the value of the work at the time of donation to determine charitable deductions:

You may not consider unexpected events happening after your donation of property in making the valuation. You may consider only the facts known at the time of the gift, and those that could be reasonably expected at the time of the gift. (Spencer 2010)

Typically, both in Europe and the USA, resolving conflicts that arise from a change in attribution that prompts buyers or sellers to claim damages often rests on

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<sup>58</sup> On this topic see Karen Rosenberg, 2009. "Revealing the Hand of Velázquez". *The New York Times*, 2 December. <http://www.nytimes.com/2009/12/02/arts/design/02velazquez.html>.

the consensus of art experts and scholars at a specified period of time. Usually, the period taken into account is time of the sale and the subsequent five years in the case of auction houses such as Sotheby's and Christie's. Nevertheless, claiming refunds has proved to be much more complex than having a warranty of authenticity to show when one finds out that one has not made a good deal. Scenarios of forged and misattributed works can be very entangled. From dishonest dealers, to dealers who have been duped themselves and afterwards sold the work in good faith, or dealers who have gone bankrupt or who have passed way when the buyer learns that the work is not genuine, there is an array of circumstances that do not make restitution of losses to the buyers the most common ending in case of misattributed or forged works.

Even in the optimistic and legally protected scenario where sellers provide a warranty of authenticity, which is expected by buyers nowadays but was not such a common demand some decades ago (especially when buying from small dealers), there are situations that limit the warranty. It goes without saying that questions of proof are quite complex, even more so if we are dealing with works that date back hundreds of years. Yet, a high burden of proof is still placed on the buyer. Again, I quote the previously mentioned essay by Ronald D. Spencer to make my point clearer. Spencer details the circumstances under which buyers could not claim the seller had breached his warranty:

Both Christie's and Sotheby's limit their warranty of authenticity if their catalogue description corresponded to the generally accepted opinion of scholars and experts at the date of sale, <sup>59</sup>or fairly indicated there was a conflict of opinion among

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<sup>59</sup> If we think of an unhappy buyer who tries to get a refund based on a change in the consensus of experts after the date of sale, there is no doubt that he would not be successful in his claim. But Spencer thickens the plot by suggesting the following extra details to this hypothesis: "Suppose the buyer obtained expert opinion several years after his purchase, identifying paint in the picture which could not have been available to the artist at the presumed date of creation. And assume, further, that such scientific testing for that particular paint was feasible at the date of sale but



scholars and experts. The warranty is further limited if authenticity can only be demonstrated by means of, either a scientific process not generally available or accepted for use at the time of sale, or a process that was unreasonably expensive or impractical or likely to have caused damaged to the art. (Spencer 2010)

Talking about a consensus of experts in matters of authenticity begs the question of who judges the experts. The question has been frequently asked lately, mostly in the context of far from transparent procedures and decisions issued by authentication boards and catalogue raisonné committees. It is not only anxious and perplexed owners who more and more want to see this question answered. Independent scholars have also expressed their concern for the lack of transparency, and sometimes plain abuse of the exclusive power to authenticate works, displayed by some institutions. Cases of works that were refused by authentication boards with no more than a few words abound. Independent scholars fear that the practice will cast doubt on the actual expertise of the professionals involved in authentication projects, and that the ever more common criticism of the existence of conflict of interest within these institutions is actually legitimate. When boards that authenticate an artist's work have holdings of his work, it is inevitable that accusations emerge. That is what happened with the authentication board of the Andy Warhol Foundation. The foundation has over 10,000 paintings, sculptures and drawings, 66,000 photographs, as well as film and video recordings. They run a thriving business and sell a wide range of merchandising. Therefore, they do have a commercial interest that conflicts with their function as the only authenticating authority for Warhol's work. Their harshest critics say they have been turning works down as part of a strategy to increase the value of the works that belong to the foundation. Added to this there is the fact that Warhol is very easy to fake, not to

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was not performed by seller, nor requested by buyer. Thus, the question for the court would be, when all the experts at the date of sale thought the art was authentic and no one had suggested paint testing, could the buyer (several years later but still within the warranty period) rely on paint testing to prove that the seller had breached his warranty. Probably, yes." (Spencer 2010)

mention the practical impossibility of checking the varying degrees of his hands-on contribution to each work. The works produced after he created the Factory in 1962, where workers mass-produced silk screens and prints, are a borderline category that has flooded the market: made in the Factory but by assistants, without the artist's involvement. The board's decisions have been very controversial, particularly for rejecting works on the basis of incomprehensible justifications which led to costly lawsuits. The most famous is the case of the collector Joe Simon whose painting *Red* (one of ten *Red* portraits), a self-portrait of Warhol, got the stamp "Denied" twice. The collector sued the board and eventually gave up, having run out of money. The board's decision read: "It is the opinion of the authentication board that said work is not the work of Andy Warhol, but said work was signed, dedicated, and dated by him." (quoted in Adam 2011a)

The already announced disbanding of the board and the inexistence of a catalogue raisonné – not expected to be published in the next twenty years – promises to make the life of owners of unauthenticated works by Warhol much more difficult. On the other hand, the market value of already accepted works is expected to rise.

However, the problem of the conflict of interest remains unsolved since foundations are not strictly regulated to avoid biased opinion motivated by commercial interest. In addition, reliable institutions like the IFAR, which comprises specialists in an enormous number of areas so as to render authoritative and comprehensive opinion, are also liable to criticism. Although they do not hold any financial interest in the rendering of a particular opinion, given that their fee is the same whether the work is considered authentic or not, the name of the experts involved in the authentication process do not have to be disclosed. The experts who prefer to remain anonymous may do so. This practice has been severely criticised and

an urgent change in the regulations for the institution has been called for. If the experts' names are not known, how can the owner of a work, another expert or scholar, or even a judge in court, assess the expert's qualifications and potential biases? The IFAR argues that the reason why some experts do not wish to reveal their names is precisely to avoid their connection to specific institutions to constitute a bias for the client. I do not believe this argument is convincing at all. A strong motive would be hiding from their employers the fact that they are disregarding the guidelines that preclude them from being involved in authentication. Many museums see the connection of their curators with authentication projects as a path to the commercialisation of their knowledge, and an unnecessary risk of liability against the curator and museum. Remaining anonymous is a way to infringe those rules without being made accountable by employers or dissatisfied clients.

Among some art professionals there is a growing sense of urgency of the need to make the already complex and time-consuming process of authentication of artworks much more transparent than it is. The public interested in art has changed in the last decades and with it the pressure on those who work on authentication has greatly increased. Realising how nebulous procedures and biased affiliations may tarnish their reputation and pollute the market, some professionals have sided with clients, distancing themselves from unscrupulous colleagues who make a point of not being transparent. I do not mean to imply that there is a group of people working in the art world who have had a moral epiphany and are no longer capable of wrongdoing. My argument is more pragmatic. While I do not dismiss moral rectitude as a cause for change, I think that what became evident is that everyone will benefit from transparency. Businesses that are based on reputation will not prosper with rumours of dishonesty. Besides, the current number of competitors is not compatible with careless or dubious management.

Art is more popular than ever before. Education is now available to more people than a century ago and as result art attracts the curiosity of more and different kinds of people than in the past. It has become a democratised commodity with new museums being opened around the world every year. It is no longer odd for news services on television to open with a report of record sales at art auctions – clearly a sign that one of the reasons why art is a popular subject is because it is expensive, thus conveying the notion of being a luxury good that reflects social status. Furthermore, collectors are more aware of the risks of buying forgeries, albeit sometimes still strangely naive when actually closing a deal. All of these reasons make the attitudes of less transparent and downright authoritarian institutions which hold the power to authenticate the works of specific artists seem increasingly unacceptable. Not only unacceptable but also out-of-sync with the present. Obscure or insufficient explanations are no longer perceived by the average person interested in art as a synonym for ineffable knowledge, especially if one is in the position of a client who is submitting a work for authentication or of a prospective buyer. Committees<sup>60</sup> of independent experts are obviously preferable to family-run institutions that have the monopoly of decision in matters of authentication, and may be compromised by family ties<sup>61</sup> and financial interests. The suspicion that official

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60 An argument can also be outlined against the dangers of potential arrangements being made among members of a committee. Despite the fact that total independence is hard to prove, it is unlikely that a group of people with no institutional affiliation, family ties or financial interest in the work they are asked to judge will not do a serious job. Their motivation to do otherwise is very weak compared to the one found within institutions that hold clear financial interest in the works they judge. The possibility of manipulating the market is stronger in the latter case. Arrangements made among members of a committee are not impossible but they are more remote; a group of people not connected by strong bonds, which may be an assurance that silence about the arrangement will not be broken, are less bound to risk their reputation.

61 In June 2011 the Wildenstein Institute in Paris made the headlines of several art publications for less commendable reasons. In the context of the research done for the first episode of *Fake or Fortune?*, produced by the BBC One, a painting deemed to be by Monet, *Bords de la Seine à Argenteuil*, was brought to the Institute for authentication with evidence – gathered by experts outside the Wildenstein Institute – which supported the painting’s authenticity. The painting was bought by the British art historian David Joel in 1992. Since then he had unsuccessfully attempted to establish it as an authentic Monet several times. The opinion about the painting’s authenticity is

authenticators are authenticating less because the fewer works they accept, the more others are worth, has loomed over some institutions too frequently in recent years to be dismissed.

It would be inaccurate to refer to market manipulation only in the context of authentication. Actually, it happens more often in the appraisal stage. Although the present chapter is not devoted to the discussion of the problems raised by the appraisal of artworks, I will refer to this topic succinctly. Again, those holding any financial interest in the objects they appraise are potential manipulators. Highly questionable practices are known to occur at auction houses and to be found among dealers and collectors. This is not the place to detail those movements and their implications. I will only mention one of the most notorious market manipulators, Bernard Berenson. John E. Conklin explains how he took advantage of his talent as an expert:

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shared by a number of reputable experts including Monet scholars Professor John House (The Courtauld Institute of Art) and Professor Paul Hayes Tucker.

The Wildenstein Institute is responsible for the publication of Monet's catalogue raisonné. Monetary value assigned to the artist's work by auction houses is, of course, dependent on attributions being verified by inclusion in the catalogue. The painting submitted to the Institute was rejected. It had already been rejected by Daniel Wildenstein decades ago. This time it was rejected by his son, Guy Wildenstein, who did not want to dishonour his father's memory by reversing the attribution. The relevance and soundness of the new evidence presented was totally overlooked and the decision was made on the basis of an emotional consideration, introducing a strong bias to the integrity of the Institute's rulings. It also raised speculation as to what degree of independence input its committee members actually have. The case is reported, among many others places in Tom Sutcliffe, 2011. "They Didn't Give the Whole Picture". *The Independent*, 20 June. <http://www.independent.co.uk/arts-entertainment/tv/reviews/the-weekends-tv.html>.

Following the rejection, Philip Mould declared that what is needed in the authentication process is a committee of experts and not a dynastic system, where the people who should be producing opinions on paintings are not necessarily the ones who are more qualified to do it. Recently, talking about the flaws of authentication to the *Daily Telegraph*, and namely the inconsistencies in the case of *Bords de la Seine à Argenteuil*, Mould affirmed: "That such power rests in the hands of just one family demonstrates how frail the process of art authentication can sometimes be" (Middleton 2012)

Dr Bendor Grosvenor, art historian and director of art dealership Philip Mould, interviewed about authentication for the same article, summarised the obstacles of reattribution: "For a previously disregarded work to be declared authentic, or a previously accepted work to be downgraded, a lot of people have to be proved wrong. And there's one thing people in the art world don't like, it's being proved wrong." (Middleton 2012)

Art historian Bernard Berenson sometimes overpraised artworks in which he had financial stake, even vouching for paintings that he knew had undergone significant restoration so as to be made more appealing to buyers. He earned substantial commissions from the sale of paintings by dealer Joseph Duveen, collecting more than \$8 million from Duveen during the twenty-six years of their partnership. There is no proof that Berenson ever knowingly gave a false attribution, but one biographer claims that Berenson and Duveen sometimes overestimated the quality of paintings. Moreover, Duveen financed much of Berenson's art criticism, which he then used to justify the prices he charged wealthy collectors. (Conklin 1994, 44)

I would now like to return to the problem of authentication and market value, but in the explicit circumstance of disputes over authentication which end up in court. When this does happen, the court decision does not always agree with the experts' opinion. The courts have endorsed the three basic lines of inquiry followed by art professionals in the determination of authenticity of works of art: the investigation of provenance, the physical examination of the object through the application of connoisseurship and the use of scientific tests. Where experts and judges most disagree is about the value of signature. Courts have relied too much, and certainly much more than art professionals, on signature in decision-making. At times disregarding the credibility of experts who do not appear to be objective enough in their justifications or who, according to the judge's criteria, did not take enough time to examine the object being assessed.

Manifold cases have seen judges dismiss expert opinion. The art market appraisals and fluctuation of value of artworks seldom reflect court decisions. In fact, courts and people whose job depends on the proficiency to judge, sell and buy works of art, coexist tensely. The former tend to believe the latter are not clear and methodical enough; the latter often see the former as unable to comprehend all the subtleties and complex factors that have to be kept in mind when one examines artworks. The paradigmatic example of the gap between these two territories is the famous court decision concerning a work by the American sculptor Alexander Calder

(1898-1976) and a group of art dealers who sued the seller claiming they had bought a forgery and asked for the restitution of the value of the sale, \$500,000.

In 1959 Calder created a mobile from twenty-seven metal blades and some steel wire. He called it *Rio Nero*. In 1962 Klaus Perls, Calder's exclusive dealer in the USA, sold the work. Five years later Perls reacquired the mobile and sold it to a collector who hanged it in his house until he died, in 1987. In 1991 the owner's daughter sold the mobile to some art dealers who eventually sued Perls. After trying several times to assemble and hang up the piece without success, they assumed Perls had sold a fake. In 1993 the case is taken to court. In court, after examining the mobile for some minutes, Perls concludes that the mobile he had sold is not the same as the one presented that day for examination; some of the blades were wrong, they were not the ones Calder had originally used. Despite Perls's reputation and credentials as an expert in Calder's work, having seen and scrutinised literally thousands of pieces by the artist for more than twenty years, the judge did not appreciate the fact that he had observed the mobile for only a few minutes. Besides, he had not paid much attention to the "AC" signature. The seller's expert, Linda Silverman, director of Sotheby's Contemporary Art Department, unlike Perls analysed the work for an hour and a half, addressing the signature with special care. The judge then determined that the work was not a forgery; it was the original *Rio Nero* but it had been misassembled and mishandled, which caused it to lose its delicate balance. For that reason, it could not hang properly.

In spite of the court's decision, *Rio Nero* was removed from the catalogue raisonné. The mobile reportedly languishes in the basement of one of the dealers who sued Perls. It is unsellable. Its market value plummeted because the confidence in Perls's eye prevailed, impervious to legal pronouncements. Examples of the opposite can be found, i.e. cases where the court decides that an object is fake and

the market still views it as genuine, valuing it accordingly. I forbear from giving another lengthy example for it would be too tedious. I believe the account given above makes for a clear picture of the divergence between courts and what is generally called the art world.<sup>62</sup>

Questions of attribution can be tortuous and very difficult to settle, as I have shown so far. All the expertise, sophisticated technology and documentary research cannot guarantee that attribution is exempt from doubt or error. Specialists disagree about the same object, provenance history more often than not is difficult to trace, artists cannot identify their own work<sup>63</sup> or might even reject<sup>64</sup> it. With so many

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62 At this point it is relevant to note that disputes over authentication are particularly complex under French law. In France, many of the rights held by artists pass to their heirs, allowing them to assert authority over the works in authentication cases. The heirs, holders of the artist's *droit moral*, are heard in authentication proceedings along with experts and have the right to bring a lawsuit to establish or deny the authenticity of a work purportedly by the artist. In Britain and America the parties in litigation call expert witnesses upon whose testimony judges base their ruling. In France, courts appoint their own expert, someone knowledgeable on artistic issues and aware of how the art market looks at matters of authenticity. What makes the French system complicated is the scope of the *droit moral*. Ronald D. Spencer clarifies the implications of such right: "Where a dispute over authentication arises in France, or where French law applies, the holder of the artist's *droit moral*, or moral right, possesses the right of attribution. The holder of the *droit moral*, then, has the legal right (that is "standing") to challenge in court the authenticity of *any* work said to be by the artist, whether the holder's opinion has been formally sought or not. As a practical matter, this has encouraged owners of an artist's work to have the holders of the right of attribution authenticate their works, and the art market to accept the holder's opinion." (Spencer 2004a, 194)

63 When George Bracque was already old and ill he was brought two paintings for authentication. They are now considered fakes but as the artist signed them, they were included in the catalogue raisonné as works from the Cubist period. In "The Authentic Will Win Out" Ronald D. Spencer interviews Eugene Victor Thaw, editor of the four-volume catalogue raisonné of Jackson Pollock and former president of the Pollock-Krasner Foundation. The quotation is part of Thaw's answer to a question about the art market's self-correcting mechanism after new information on artworks emerges: "The multivolume catalogue raisonné of the paintings of George Bracque has, to my knowledge, two clearly apparent forgeries in the volume of the works of his Cubist period. They are paintings which were brought to Bracque for authentication when he was old and ill. He signed them on the back of the canvas. By that time, however, Bracque couldn't distinguish a clever forgery from his own early work and, saintly personality that he was, did not want to disappoint the petitioner. Because he signed and certified them, the compiler of the catalogue could not legally refuse to include them, and they are now published for all time in the standard book. But the few times they have appeared at auction, they have brought diminishing prices, as the rather small world of serious major buyers learns the truth on the market grapevine." (Spencer 2004b, 74)

64 Cases of artists who deliberately reject their own work are rare. Giorgio de Chirico, known to be immodest and not very dependable, was the protagonist in a story that ended up in court involving a repudiated painting by its author. To summarise it, around 1930 De Chirico decided to make a fresh start, disowning friends and work produced before that date. He repudiated some of his paintings, declaring them to be forgeries. But in 1947, in Rome, the dealer Dario Sabatello showed him a painting destined for an American collection in Los Angeles so that he could confirm he had executed it. He was furious. He said the work was a forgery and it should be confiscated and burnt. That was when the case got more serious. The dealer took the case to court. His aim was to prosecute



obstacles to overcome, it does not seem easy to lessen the chances of error when it comes to art. Never overlooking details during investigation, as irrelevant as they might seem, is the core principle to be observed by everyone dealing with art, from curators, auctioneers and experts to dealers and collectors.

I believe the questions suggested in the beginning of this chapter have been satisfactorily discussed, albeit not exhausted, as my primary aim was not to treat each problem technically or thoroughly. Rather than do that, I intended to suggest topics for discussion that gain relevance when connected and contrasted. They are truly helpful in building a wider picture of what the attribution of works of art entails, particularly paintings and sculpture. Still, a question that precedes them seems to have been evaded. Otherwise stated, why do we worry about authenticity when we go to museums, buy at auction, sell works to other people interested in art, judge works of art for a living or buy on behalf of someone else? What changes when one learns that an object is not genuine, or the opposite, when one knows that a work thought to be a forgery is after all authentic? In chapter 3 the discussion essentially revolved around the changes in market value that affect artworks when attribution is questioned or reversed. I deliberately omitted all the other changes that occur when one realises a particular art object is fake. The commercial value is only one of the things that changes and, naturally, it may strongly impact the lives of the people whose professional activity depends on buying and selling art. But those who do not have a commercial interest in art are also disturbed by that kind of information, which is a clear indication that it must be a different sort of problem. What I want to suggest is that our relationship with art is influenced by the knowledge about the

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either De Chirico or the former owner of the painting, who might have sold it to him aware of the fact that it was a fake. The court appointed a committee of experts who traced the painting's complicated history of ownership and collected incontestable evidence that proved the painting was genuine. The court fined De Chirico for 330,000 lire for repudiation of his work. He paid the fine but continued to deny he was the author of the painting.

authenticity of the objects we look at. It is not just one more piece of information about them, a trivial fact that proves to be immaterial in our appreciation of artworks. This seems to me to be the most important fact in our relationship with art. That is what makes us radically alter our descriptions of art objects.

In chapters 4 and 5 I will attend to the problems that make our judgement of forgeries a judgement of intentions and actions. In other words, the following chapters will deal with the reasons why our description of forgeries is a description of a moral issue. Thus I expect to demonstrate that the question of the importance of authenticity is never evaded

## 4. Authenticity and Value: What Is Wrong with a Forgery?

The title of the present chapter intentionally echoes that of Alfred Lessing's essay "What Is Wrong with a Forgery?" (1964),<sup>65</sup> in the form of an answer that radically differs from Lessing's. My position on the subject had already been hinted at the end of chapter 3. In chapter 4 I would like to clarify my reasons for parting with the supporters of the thesis that if no one can tell the difference between a genuine object and a forgery there is nothing wrong with the latter.

Introducing the problem in this manner, might lead one to think that the discussion will be restricted to the cases in which there are two objects that can be compared, one being the original and the other a fraudulent copy of it. Before proceeding any further it is perhaps useful to establish that it will not be the case, as copies<sup>66</sup> constitute only a small part of the assortment of objects that may be classified as forgeries. Also for the sake of clarity, it should be added that nowhere in Lessing's argument is it suggested that his view applies to forgery understood in a strict sense, i.e. copy. In fact, none of the examples given in "What Is Wrong with a Forgery?" is a classic case of a copy of an original work. Nevertheless, that does not

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<sup>65</sup> The article first appeared in the *Journal of Aesthetics and Art Criticism* 23, no. 4 (Summer 1965): 461-472. It was reprinted in Dennis Dutton, 1983. *The Forger's Art: Forgery and the Philosophy of Art*. Edited by Dennis Dutton. Berkeley: University of California Press. I used the reprint of Lessing's essay included in the volume edited by Dennis Dutton.

<sup>66</sup> Except when otherwise stated, the word "copy" will be used as a synonym for "counterfeit object". There are, obviously, copies made for study purposes and among those some may end up, and have ended up, been sold as authentic works (sometimes unbeknown to the author, other times with his involvement). But for now the distinction is not necessary.

allow the assumption that Lessing's considerations on the nature of the opinions expressed about a certain object after one knows that it is not genuine are not applicable to the cases in which the object is a copy. The core of Lessing's argument lies in the effect the status of the object has on the production of judgement, not on the judgement produced as a consequence of a putative comparison between an original and its copy. And so does my treatment of the matter.

Let us now briefly mention examples of kinds of objects which fall under the description of forgery. I deliberately omit from this list all the types of forgery in the performing arts, as they are not directly relevant to the progress of my argument. Although some of the issues raised by forgery in the non-performing arts overlap, there are some features of forgery that are specific to the performing arts that may demand a finer distinction.<sup>67</sup> Yet my approach to the topic will not require such distinction.

Besides copies and unauthorised reproductions, a wide variety of objects can be categorised as forgeries: works that have suffered fraudulent restorations, spurious signatures added to authentic works, amended signatures, alterations (e.g. new details or figures painted over the original work, in the case of painting;<sup>68</sup> the

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67 The special case of forgery in the performing arts has been widely treated. Some of the most relevant contributions to this discussion were made by Nelson Goodman, "Art and Authenticity"; Monroe C. Beardsley, "Notes on Forgery"; Michael Wreen, " 'Is Madam? Nay, It Seems' " and Joseph Margolis, "Art, Forgery, and Authenticity". All the essays appear in Dennis Dutton, 1983. *The Forger's Art: Forgery and the Philosophy of Art*. Edited by Dennis Dutton. Berkeley: University of California Press. A different insight into the issue is developed by Margaret P. Battin et al., 1989. "Creativity and Fidelity: Performance, Replication, and Reading". *Puzzles about Art: An Aesthetics Casebook*, chap. 4: 105-147. Boston: Bedford/St. Martin's.

68 Altered portraits are a typical example of this type of forgery. For a long time one of the paintings that delighted visitors in the Uffizi Gallery was a self-portrait attributed to Leonardo da Vinci. It was actually an eighteenth-century forgery. The picture of a female saint had been skilfully transformed into Leonardo.

Another example worth mentioning is the portrait of a Dutch girl, painted in the seventeenth century, transformed into King Edward VI (1537-53): "The girl's face was used for the sterner features of the young king, but it was painted over and extended by a domed Tudor forehead. Her large starched collar was altered into a smaller one of more fanciful cut. The carnation she held in her hand became a dagger. Her full skirt was narrowed and cut off below the knees to make place for the princely legs. Sixteenth-century ornaments, a feathered beret, and the royal coat of arms completed the change." (Kurz 1948, 25)

combination of materials from different periods, in the case of furniture and wooden sculpture), the amalgam of elements from different works,<sup>69</sup> split-up originals produced as a whole (this has been a common practice among art thieves who try to disguise stolen goods and introduce them in the market in a less recognisable form), pieces produced from fake casts, in the case of bronze, and all the fakes without an original. The latter kind of forgery comprises paintings and other fake objects made “in the manner of”, so to speak, or in the style characteristic of a certain period. In this category are also all the cases in which objects are forged and attributed to specific authors, and the ones which involve the invention of an author and a whole biography. This type of forgery is mainly found in literature.<sup>70</sup> In painting the

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69 This type of forgery mixes several original works. It is an instance of an original fake, to the extent that it is not copied from a specific original, and in that sense it is original, but, of course, it is a fake since it tries to pass off as authentic. Nevertheless, it is an original fake of a different kind from the ones that purport to represent the creative achievement of an artist in a particular period of his career which never existed (e.g. Han van Meegeren's Vermeers). Sepp Schüller found good examples of this kind of forgery where details from distinct originals are collected so as to make an original fake: “The travelling exhibitions of forgeries which started from Holland contained a sham Holbein, a portrait in which the head and the hands had been copied from two different originals. It was this fact which led to its identification. Forgers of ‘Gauguins’ produce new South Sea scenes by ‘lifting’ typical figures from his various representations of standing and squatting Tahitian women.” (Schüller 1960, 150)

70 In Britain, the eighteenth century was most fertile in literary forgery. Virtually all the books published after 1945 about forgery, and which treat the counterfeiting of different kinds of objects separately, give some attention to a now famous set of examples of literary forgeries. They have all been exhaustively covered by most authors who wrote about forgery. I would only like to cite two that aptly illustrate the circumstance of literary forgery not as a copy or a fraudulent alteration but as the invention of an author and his production. Again, these are examples of original fakes that, similarly to those paintings that are not copies but objects that correspond to fake periods of an artist's career, and also to fake archaeological finds that forge entire civilisations, intend to rewrite history.

The first example is that of the medieval Scottish poet Ossian created by James Macpherson (1736-1796). Macpherson became famous as the editor, translator and rescuer of manuscripts that would have been lost if it were not for his industrious research. Ossian is purported to have been a prince who had composed epic poems in Gaelic based on oral tradition. In 1760 Macpherson published *Fragments of Ancient Poetry Collected in the Highlands of Scotland and Translated from the Gaelic or Erse Language*. The identity of the editor and translator of this volume initially remained unknown but it was soon discovered, and his work was hailed as a groundbreaking cultural contribution. To make the edition of *Fragments* more convincing, Macpherson produced scholarly footnotes. The reception was very enthusiastic and led to the publication of the six-volume epic poem *Fingal*, in 1762, and the eight-volume *Temora*, another epic, in 1763. He had the admiration of Goethe – who is known to have been a collector of forgeries, especially counterfeits of antique coins; he thought counterfeits would make him more appreciative of the originals through comparison – and respected historians such as Edward Gibbon, but could never persuade Thomas Percy or Doctor Johnson, for whom accepting Ossian's poems as authentic was absurd. For a more comprehensive account of the reasons presented by Percy and Johnson to reject the authenticity of the poems see Aneirin Lewis, ed. 1957. *The Correspondence of Thomas Percy and Evan Evans*. Baton Rouge:

invention of an author poses more difficulties, for the research conducted about a work once it enters the market tends to be detailed and involve more people looking into distinct aspects relating to it. The predominant form of forgery, when it comes to paintings without an original, is the creation of either a series of works with a recurring theme, or of a single work that is known to have been mentioned in documents written by the artist himself or by someone close to him, but that has never been seen.

Forgery will therefore be considered as a general category which entails deception, the intention of passing off a fake object as authentic regardless of there being an original and a copy. The problem has received some philosophical attention, particularly in the second half of the twentieth century, and may roughly be outlined as a dispute between two parties. One that believes that what defines what counts as

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Louisiana State University Press; James Boswell, 1970. *The Life of Johnson*. Edited by Frederick A. Pottle and Charles H. Bennett. New Haven: Yale University Press.

Thomas Chatterton (1752-1770) died at the age of seventeen after swallowing a lethal amount of arsenic. During his short life he produced a stream of fake documents in an attempt to see his literary talent recognised and, it has been said, to gather financial support for his mother. His forgeries, the second example of fabricated authors and of their literary production, cover many genres and forms: poetry, prose, drama, letters, treatises and drawings. These texts were supposedly written by two Bristolians, Thomas Rowley, a fifteenth-century monk invented by Chatterton, and William Canynge, his patron. William Canynges (Chatterton omitted the final 's' of his name) had been Mayor of Bristol and Chatterton "elevated him into a great patron of art and literature, who had gathered around him a circle of poets and painters with names taken from tombstones or the realms of imagination." (Brown 1992, 85)

Bristol's history, Chatterton's native city, inspired the creation of fakes in 1768 and 1769 which he kept sending to editors to no avail. In desperation he tried to interest Horace Walpole claiming to have found genuine manuscripts in a chest in St Mary Redcliffe, Bristol, which proved the authenticity of the texts. The debate about the authenticity and, for some critics, the merit of Chatterton's production went on for almost two decades, with Horace Walpole and Thomas Warton leading the group of those who rejected Chatterton's finds, presenting linguistic and documentary evidence, and condemning forgery in general on moral grounds. The controversy reached its height in 1782. Warton wrote in *An Inquiry into the Authenticity of the Poems Attributed to Thomas Rowley* (1782): "Insignificant as it may seem, the determination of these questions affects the great lines of the history of poetry, and even of general literature. If it should at last be decided, that these poems were really written so early as the reign of king Edward the fourth, the entire system that has hitherto been framed concerning the progression of poetical composition, and every theory that has been established on the gradual improvement of taste, style, and language, will be shaken and disarranged." (quoted in Haywood 1987, 58)

In the same year Jacob Bryant and Jeremiah Milles published massive and erudite tomes in defence of the authenticity of the so-called Rowleyan poems.

an object is a sum of physical properties.<sup>71</sup> Thus, knowing an object previously thought to be authentic is actually a forgery will not make any difference, since those properties remain unchanged. Another that defends that judgements about art are descriptions of a relationship with intentional objects, which are valued differently if one knows they are not authentic. Henceforth I will refer to these theories as the “first theory/position/philosophical family” and, likewise, “second theory/position/philosophical family”.

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<sup>71</sup> I am aware that this statement might raise the valid objection that not all art objects are physical objects. Despite being a simplification of a complex problem, at this stage in the discussion it is a necessary one. My goal here is to circumscribe the notion of physical identity to what ordinarily is accepted as such. I deliberately leave out fine distinctions that might be made between the arts, and within them, between the works of art that are, or are not, physical objects. I believe the problem was well identified and solved by Richard Wollheim in *Art and its Objects* (1968). Wollheim distinguishes between works of art that are physical objects one can point out to (e.g. Goya's *Perro Semihundido* – my example, not Wollheim's) and all the works of art, whose status as such is not disputed, but that do not have a physical correlate. In Wollheim's words: “In the case of certain arts the argument is that there is no physical object that can with any plausibility be identified as the work of art: there is no object existing in space and time (as physical objects must) that can be picked out and thought of as a piece of music or a novel.” (Wollheim [1968] 1987, 208)

Wollheim's examples of works that pose difficulties of this sort are novels, poems and things like operas, ballets, plays and pieces of music. There are, obviously, numerous features that are unique to each one of these objects. That is not the relevant point. What should be stressed is that there is a unifying element in the consideration of all these items: the absence of a physical object one can point out to, without having to provide further explanations about the special usage underlying the action of pointing out to a copy of a novel or a poem, or of referring to specific performances of operas, ballets, plays and pieces of music. The problem remains, though. If these are not physical objects, there should be an adequate way of classifying them that allows discussions within the scope of aesthetics to be free from ambiguity. Wollheim rightly claims that this “is essentially a logical problem” (Wollheim [1968] 1987, 220). It is highly implausible, for instance, that anyone believes his copy of *Crime and Punishment* is Dostoyevsky's novel in the same sense Goya's *Perro Semihundido* hanging in the Prado Museum is.

The answer Wollheim suggests to overcome the logical obstacle these objects constitute is a classification under the terms “type” and “token”: “I shall characterize the status of such things by saying that they are (to employ a term introduced by Peirce) *types*. Correlative to the term ‘type’ is the term ‘token’. Those physical objects which . . . can out of desperation be thought to be works of art in cases where there are no physical objects that can plausibly be thought of in this way, are *tokens*. In other words, *Ulysses* and *Der Rosenkavalier* are tokens of those types.” (Wollheim [1968] 1987, 220)

Still, not being a physical object, in the sense of being something that displays a set of unique physical properties, does not mean it does not have any physical properties. Again, Wollheim's examples clarify the issue: “There is nothing that prevents us from saying that Donne's *Satires* are harsh on the ear, or that Dürer's engraving of Saint Anthony has a very differentiated texture, or that the conclusion of ‘Celeste Aida’ is pianissimo.” (Wollheim [1968] 1987, 225)

Finally, I would like to add that all the quotations are from the partial reprint of *Art and its Objects* included in Joseph Margolis, ed., 1987. *Philosophy Looks at the Arts*. Philadelphia: Temple University Press. First published 1962. This volume reprints sections 4-10, 15, 16, 18-20 and 35-38 of *Art and its Objects*. For the complete text see Richard Wollheim, 1968. *Art and its Objects: An Introduction to Aesthetics*. New York: Harper and Row.

If one endorses the first position, the criterion of the physical identity of art objects is a sufficient condition to the production of aesthetic judgement. Within this theory, changing one's mind about an art object as a consequence of learning that it is not genuine cannot be justified on aesthetic grounds, given that that piece of information is of the same kind and importance as facts such as the artist's biographical details, the place and conditions of production, the price it might have fetched at auction, where it was exhibited or its ownership history. Those who are ready to concede that all these facts matter, go only as far as claiming that they matter but not as aesthetically relevant items. They are additional information that may help one understand, for example, how the art market works, or have a broader knowledge of the history of art, but should not be contemplated in the production of judgement about works of art. As contributions to the process of judging art, they can only be distracting since they may promote confusion between aesthetic properties and properties pertaining to a different kind of discussion.

The first difficulty of such theory lies in the definition of aesthetics, a hard task in any circumstance and not a very productive one, if one's purpose is to set clear-cut boundaries between what counts as a topic within the scope of aesthetics and what does not. The second difficulty, derived from the first, is that arguments asserting the inconsistency of a change of opinion about an object, because its status is not that which one thought to be, are built in reference to concepts that cannot be illuminated without the vocabulary of moral philosophy and of the history of art. The notions of authenticity and deception are meaningful insofar as they tell part of the story of our relationship with art throughout the centuries. Changes in the way people have responded to forgery at different times in history cannot be ascribed only to changes in aesthetic preferences, isolated from how people judged a certain kind of behaviour at a particular time, and from the role the notion of uniqueness has played in the way



people value artworks. Therefore, arguments against the relevance of the notion of authenticity in the appreciation of art are vulnerable to objection. More to the point, the very arguments that defend that denying value to an art object because it is a fake does not make any sense, and is a snobbish judgement, since it disregards artistic merit, are themselves evidence to the fact that moral claims and aesthetics intertwine. To state it differently, describing as snobbish the action of valuing distinctively an art object produced with the intention to deceive, and another to which such intention cannot be attributed, is an instance of moral judgement. If the thesis of the value of art as something to be found in the assessment of the physical properties of artworks would hold, it should be possible to fight positions that do not rely solely on the physical identity of objects to produce judgement using an aesthetic counter-argument. Instead, ordinarily, the supporters of this theory attack the conflicting opinion with a moral justification, supposedly useless in the appreciation of art.

For the sake of argument, let us imagine that the theory of the triviality of authenticity became popular among some of the people who deal with art in their professional lives, who collect it or who take pleasure in going to places where it is displayed. Important moral and economic consequences would follow. There would be implications that extend far beyond the academic exercise of building and demolishing theories about the value of art. Here, special attention should be paid to the phrase “among some of the people”. Assuming there would be no consistent principles being followed in the appraisal, selling, buying and exhibiting of artworks, and that one could not rely on authenticity being a shared concern, art would eventually have a less special status among the things people cherish as examples of scarcity, authenticity and representation of creative achievement.

This step in my approach to the question of authenticity, as a piece of information that could be dismissed in aesthetic judgement, might open the door to one objection. It could be argued that the hypothesis devised above, to back the implausibility of such theory of art suggesting guidelines for the art market, is as theoretical as the position it intends to challenge. I agree that the scenario of an art market where there would be no consensual practice with respect to authenticity is hardly conceivable, mostly for three reasons. First, if there were no consensual practice among people who deal with art, trust, a vital element for the art market to work, would not exist either. Second, as a result of the first reason, fakes would flood the market, but now as an acceptable commodity, which in turn would lead to the definition of new rules as far as prices are concerned. Third, scarcity would no longer drive the art market. That would cause a slowdown in a business that, despite the current worldwide recession, is thriving. Still, I believe my hypothesis of an art market where authenticity would be unevenly valued serves the purpose of laying bare the discrepancy between the argumentative exercise of trying to prove that authenticity influences judgements about artworks for the wrong reasons, and a longstanding practice that shows the opposite. Authenticity matters not because one is a snob but because one appreciates uniqueness, the original creative impulse of a certain artist at a specific time, and not a simulacrum of that impulse and, of course, because one does not like to be deceived. This discussion seems to have excluded artists from the consequences the proliferation of fakes have on their lives. It cannot be stressed enough how fakes affect everyone who is interested in art, or who has a relationship with art that involves financial risk. In what specifically concerns artists, fakes illegally exploit their intellectual property and moral rights, not to mention the legacy of confusing information they leave, which almost always shakes the market's

confidence. <sup>72</sup>Artists whose work has been associated with issues of authenticity know how difficult it is to restore confidence to the market.

Again, my point is valid for any sort of forgery. The use of the word “uniqueness” in the previous paragraph should not be taken as permission for the commonly called original fakes to be accepted as less reproachable. While they are originals in a very special sense, given that they are not copies of an original work, the main feature that defines a forgery, the intention to deceive, is what defines these objects as well.

That being said, debates about the unfair treatment given to forgeries that amount to hours of hard work, and show that forgers actually have talent and sensibility, have become increasingly popular over the last decade, notably in the non-specialist press. The arguments generally reflect a romanticised notion of art crime<sup>73</sup> combined with the erroneous belief that art prices should correlate with quality. The fallacious reasoning that often follows is: as there cannot possibly be any relation between the absurd prices of some works and their quality, the production of forgeries is justified; sometimes they are so good that no one will be able to tell the difference. The point being missed here is that there is not necessarily a correspondence between prices and quality. Prices depend on factors such as the relation between supply and demand, and trends set sometimes by a few major collectors.

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<sup>72</sup> Alexander Calder is an example of an artist who has always been among museums and collectors' favourites. However, in the last twenty years his market was affected by the prevalence of fakes. Now that the Calder Foundation, established in 1987 by Alexander S. C. Rower, wields control over his work, confidence has been restored and the market for Alexander Calder is strong. Reports from the 2012 spring auction at Christie's (New York) confirm it: “Twenty-four works by Calder, estimated to fetch at least \$29 million, amassed a total of more than \$65 million . . . At Christie's, his previous record of \$6.4 million tumbled twice. Firstly, an all-white mobile, *Snow Flurry*, more than doubled estimates to sell for \$10.4 million to a Chinese-speaking buyer. That record was then surpassed by a large standing mobile, *Lyly of Force*, 1945, which again doubled the estimate, selling to London and New York dealer Daniella Luxembourg for \$18.6 million.” (Gleadell 2012)

<sup>73</sup> The subject deserves a closer examination. In the present chapter I will only touch briefly upon it, saving some points for a more thorough treatment in chapter 5.

I will now show that, on the one hand, this tolerance towards art forgery overlooks consequential facts. On the other hand, I will demonstrate that the reason why it is defended that authenticity should not be a determinant property in the judgement of artworks in this kind of discussions, and in the theory that defends that changing one's mind about the value of an object when one learns it is fake does not make sense, is of a similar nature.

The first observation that I would like to make concerns the effects of tolerance towards art forgery due to misconceptions about this type of crime. As I have pointed out earlier (in chapters 2 and 3), forgery, and all art-related crime, have close links with organised crime. Contrary to the widely held view, there is nothing gentlemanly and flamboyant about it. It is not perpetrated by sensitive, albeit misunderstood artistic geniuses, or opportunist thieves (in the case of art theft and smuggling), but by international gangs. The facetious tone adopted by the media to report news about art crime does not convey the right message with regard to the seriousness of the issue. Treating art crime as light entertainment akin to a Thomas Crown-like heist has become too commonplace. Moreover, art-related crime is still thought of as far less important than violent crime because people are not aware of the heavy social cost it represents. For the average citizen, art crime is a remote problem affecting rich people who can afford it. The direct links with drug and arms trafficking, and with money laundering (usually from the former illegal activities) are rarely highlighted outside the more professional circles dealing with art or the police art squads.

On 6 January 1995, the painting *Rest on the Flight into Egypt*, an early Titian, was stolen from the stately Longleat House, in Wiltshire. It was worth an estimated £5 million. The owner, Lord Bath, was offered a £1 million by the insurers but never used the money, in the hope that the painting would be recovered. Eventually, it was

retrieved by detective Charles Hill, former head of Scotland's Yard art squad. Bunny Smedley, arts editor of the online *Electric Review*, comments on the reasons why art crime is less likely to inspire empathy than crimes that people fear more directly:

Most people have no personal experience of owning fine art. Lord Bath's loss seems less real than the loss of a car or a mobile phone, and less important than violent crime. Art is generally stolen either from institutions or from those who are assumed, rightly or wrongly, to be very rich. Either way, there is a feeling that people can afford to lose whatever it is that they have lost. No one is going to riot over an aristocrat losing one of his pictures.<sup>74</sup>(Wade 2005)

A parallel connection can be drawn between the reasons mentioned above and the ones people ordinarily appeal to when it comes to art forgery. Again, charming tales of forgers who have tried to set up an honest career, and were discouraged by the repeated rejection of a cliquy milieu, proliferate. Revenge is then alleged to be the primary motivation for forgery, concealing the real motivation:<sup>75</sup> financial gain.

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<sup>74</sup> Wade's comment echoes Charles Hill's outspoken description of the dominant view among police forces, including art detectives, some years ago: "The police won't say so, but what they think is 'What's so important about pictures, anyway?' The attitude is, 'You've seen one, you've seen 'em all.' Which is a difficult argument to counter, when you're dealing with complete ignoramuses. You can take the high road all you want, and all they'll do is write you off as some sort of aesthete who thinks pictures are what it's all about." (Dolnick 2005, 26)

Edward Dolnick attributes that belittling attitude towards art more to the ingrained macho culture within the milieu than to ignorance. Furthermore, the victims of art crime are not always given the same sympathy police readily offer victims of other crimes. Dolnick's account of the attitude of art squads is far from laudatory: "Ordinarily, the police are quick to sympathize with crime victims. But a little old lady who has been knocked on the head is an entirely different creature from Lord Pifflepuffle, whose estate has a hundred rooms and whose grounds stretch a thousand acres, and who has lost a painting purchased by his great-grandfather a century ago. When the loss is a painting and there are dozens more still on the walls, the well of sympathy can run pretty dry . . . In rare circumstances – if the stolen painting was a national treasure, say, or if the thieves shot someone – the hunt for the missing artwork may become a priority. More likely, the police will reason (silently) that Lord P. was a toff who should be glad he got off so lightly. He was rich, the painting was probably insured, and, in any event, there are bigger fish to fry." (Dolnick 2005, 26-27)

Fortunately, throughout the last decade art squads around the world have realised that the fish to be fried are found among art criminals.

<sup>75</sup> Numerous studies developed by criminologists about the chief motivation for fraud have been published in the last ten years. Broadly speaking, they concur that there are three main factors in all kinds of fraudulent activity: a supply of motivated offenders, the availability of suitable targets and the absence of capable guardians. This is not the place to discuss the variety and complexity of fraud. On the one hand, my knowledge of the appropriate legal terms to make accurate distinctions between all the categories involved in such a technical discussion falls short of the requirements needed to perform the task satisfactorily. On the other hand, for the purpose of my discussion of the problem of art forgery as a form of fraud, it suffices to focus on the legally established definition of fraud, and on the typical psychological traits of fraudsters and their motivations. The aim of this note is primarily to substantiate my claim that art forgers should not be considered harmless individuals, rather than

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exhaust the outline of the fraudsters' psychological profile and motivations. As entertaining as the plots of most art forgery cases might be, they always denote an intention to deceive and a loss of some kind suffered by the victim, if the intention was successfully converted into action.

From a legal point of view, fraud means "obtaining something of value or avoiding an obligation by means of deception" (Duffield and Grabosky 2001, 1). One tends to think of greed and dishonesty as the main triggers to commit fraud. However, the explanation is simplistic when contrasted with the profile of the perpetrators. Besides, not all dishonest people commit fraud. Grace Duffield, a psychologist with the Australian Security Intelligence Organisation, and Dr Peter Grabosky, Deputy Director of the Australian Institute of Criminology, have identified some psychological factors that might be seen as markers for fraud, although they do not constitute a comprehensive explanation for it. Additionally, they have examined the possibilities of linking four general categories of fraud to some of the psychological factors that may be associated with each.

Financial strain resulting from a single circumstance or a combination of causes known as "the hypothesis of the three Bs – babes, booze and bets" (Nettler 1982, 74) features in practically every example of fraudulent activity. The causes of the financial strain may be ego-motivated, e.g. wanting to possess something one cannot afford, to show it off, or feeling threatened by the loss of something currently owned that is simultaneously a sign of material wealth and power. The other source of financial pressure – the three Bs – is usually a combination of factors that may be a consequence of lifestyle choices including compulsive gambling, drinking and/or drug use, and paid sex. Another important circumstance that has been referred to as a major stress-inducing factor, frequently leading individuals to fraud, is relationship breakdowns, particularly in the case of expensive divorce settlements and tough custody battles.

Another aspect that seems to apply to most fraud perpetrators is the pleasure they take in manipulating others; in some cases it seems to be a stronger motivation than the final outcome of their scams, as it gives them a sense of superiority over their victims. Closely linked to this feeling of empowerment is the rationalisation of their motives. They excuse themselves resorting to justifications that attempt to legitimise and trivialise their actions. They use what criminal psychologists call "neutralisation techniques". The following excuses have been mentioned in most studies comprising interviews with fraudsters or reports of the most common examples of neutralisation: "they can afford it", "they had it coming", "you can't cheat an honest man". Viewing the victim as culpable to some extent apparently is a justification many conmen use, assuming most people are dishonest given the opportunity. Almost every art forger fits this description. The exercise of neutralisation, supported by the typically short prison sentences faced by art forgers, tends to decriminalise art crime in the eyes of the public. Adding to this, the likewise decriminalising tone of the media when it comes to art crime strengthens the image of the art forger as a sort of unheard voice within a corrupt system. Ultimately, this it-serves-them-right kind of excuse is equivalent to the rationalisation done by the forgers.

Wolfgang Beltracchi, who forged about fifty artists and an uncertain number of paintings over a period of thirty-five years, earning millions and duping collectors and museums, fits the profile of the fraudster who does not see himself as a criminal. In a long interview to the *Spiegel* he proudly states that he has made a confession about the whereabouts of the paintings that were the subject of trial. As for the rest of the paintings, since no one has asked, he did not say where they are. I quote an excerpt of the interview where Beltracchi decriminalises his behaviour:

"Spiegel: Have you thought about whether what you did is right?"

Beltracchi: Of course. But I never decided to become an art forger. I was aware of my talent at an early age, and I used it foolishly. This developed over the years. In my heart, I don't see myself as a criminal.

Spiegel: You are one, though, from a legal point of view as well as morally. You deceived people and made millions through fraud.

Beltracchi: In my fourteen months of pretrial detention, I met real criminals: murderers, child molesters, people convicted of manslaughter. I didn't injure anyone, nor did I steal from or rob anyone." (*Spiegel Online International*, 3 September 2012)

R. H. Blum studied conmen behavioural patterns in depth and found that in some individuals there is a strong thread of antisocial personality disorder; they enjoy acting deceptively and show no genuine remorse for their actions, offering justifications that resemble the neutralisations indicated earlier. The following quotation from a conman's statement reflects the idea that the victims get what they deserve: "The victim has the same responsibility as the victimiser. If the victim never wanted anything from you, he'd never go so far as to get in the condition to be conned." (Blum 1972, 46)

Finally, fraudsters, notably those who have a narcissistic personality, tend to "surround themselves with sycophants or organisational conformists who are easily dominated" (Duffield and

Portrayed as relatively harmless criminals, much like pranksters who taught arrogant art dealers and extravagant collectors a lesson, forgers are excused and not considered unscrupulous individuals who make money taking advantage of other people's good faith. Not infrequently, they have been praised for exposing a system where millions are paid for works whose authenticity is hard to determine, and which makes erratic decisions about quality. Overall, this lenient attitude as far as art crime is concerned does not help to raise awareness about the gravity of the damage it may cause, not only to individual victims, but, if one considers the organised criminal activity of powerful rings, also to a country's economy.

The reasons adduced in the preceding paragraphs demonstrate how tolerance towards art forgery and art-related crime in general, stemming from wrong ideas about the harmful consequences of these offences, at its root, can be related to arguments that object to authenticity being decisive when one judges works of art. There is some affinity between the accounts that accept art forgery as a response to the absurd prices being paid for objects of disputable quality, and the theories which have difficulty in explaining one's change of mind about the value of an object formerly thought to be genuine. In both cases authenticity is analogously valued as an expression of snobbery: in the former, as an overrated feature that distorts the assessment of quality and increases prices; in the latter as an element that should not interfere in one's opinion about art objects since aesthetic preferences are independent of authenticity.

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Grabosky 2001, 4). Among the celebrated art forgery cases in recent years, the one involving John Drewe and John Myatt is probably the best example of an operation led by a narcissist with delusions of grandeur (Drewe), easily dominating a man (Myatt) who turned to fraud to solve a temporary financial problem, and then let it escalate. The story will be the object of a short remark in chapter 5.

On the topic of art forgery and theft, from the point of view of field investigators and criminologists, it is worth seeing Robert E. Spiel Jr., 2000. *Art Theft and Forgery Investigation: The Complete Field Manual*. Springfield, Illinois: Charles C. Thomas Publisher.

Having considered various points that ensue from subscribing to the theory in which authenticity is construed as an irrelevant property in the action of attributing value to a work of art, one is now in a better position to examine the alternative theory – the second – and some of the meaningful implications it has on one’s relationship with art. More to the point, as the discussion develops it should be clearer how authenticity is a decisive fact in all the circumstances where the production of judgement about a work of art is associated with a business transaction. Besides, it should also become apparent that, the cases where financial risk is not an issue are not impervious to the importance of the status of the object either. The main difference lies, largely, in the exceptionally cautious attitude that has to prevail in the assessment of art in the former case. But, obviously, one may be as disappointed as, say, the collector or the art dealer who spent money in an object that turned out to be fake. Or, one may well imagine being more disappointed than those who share some financial concern about the object, simply because one likes it more than they do. What I would like to suggest with the previous remark is that, from changing one’s mind about an object, due to a new piece of information about its status, does not necessarily follow a change of taste. One may still like it despite being a forgery, or hate it because it is a forgery; that seems to be a contingent event. What seems to change in a more consistent manner is how one evaluates the intention underlying the production of the object. Most of us will not look at an object that was found to be a forgery in the same way we used to before being aware of such fact. Surely, looking at something differently may mean knowing more details about it that make it easier to understand why it is not authentic.

But the central point here is that, one normally does not overlook the intention to deceive from which the object originated. That is a practice one judges identically in diverse contexts. One does not make an exception in terms of the



judgement of actions and intentions because they occurred in an art-related context. That is not the same as saying that, all the contexts to which one ascribes an analogous moral value may be said to have an equivalent impact in one's life. It is reasonable to assume that finding out that, for instance, a close friend has betrayed our trust and deceived us in such way we would not think possible coming from that person, has a stronger impact in our lives than knowing that the painting purported to be from the *Ocean Park* series by Richard Diebenkorn that used to hang in the Kemper Museum of Contemporary Art (Kansas City)<sup>76</sup> is a fake, as many of the works coming from the Knoedler gallery were recently found to be. Yet, it may be argued, that it would not be the case if one were a representative of the Diebenkorn estate. In any case, the example aims at demonstrating that in contexts where moral judgement is elicited we do not, or more accurately, we cannot discriminate aesthetic criteria from other principles, say, social or political. Expecting we should be able to do it will always prove to be fruitless. Thus, the discussion about the relevance of authenticity will be more productive if it focuses on how it bears upon our relationship with art, as I have suggested earlier.

Dennis Dutton defends a position that partly touches on the objectionable issues in the line of reasoning followed by Lessing about authenticity– to go back to the beginning of this chapter – and the proponents of variations of that theory:

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<sup>76</sup> The example is taken from the long list of fake works purported to be by artists such as Pollock, De Kooning, Rothko and other major twentieth-century artists. This painting was sold by the gallery to the Kemper family who later donated it to the museum. It entered the museum's permanent collection in 1997. As early as 1995, there were rumours about suspicious works by Diebenkorn at Knoedler. Richard Grant, Diebenkorn's son-in-law and head of the Diebenkorn Foundation, contacted Ann Freedman, the gallery's director for thirty years, and told her that they had no records of any of the seven paintings in the series acquired by the gallery. She was uncooperative and refused to reveal the paintings' provenance. When in 2006 Grant learned that one of the paintings had been sold to the Kemper Museum he notified them of the suspicions. Shortly after, the painting was quietly removed and put in storage. The gallery is now closed and being investigated by the FBI. It had been in business since 1846. For further details on the story see Patricia Cohen, 2012. "Artist's Family Says Gallery Ignored Warning of Fakes". *The New York Times*, 6 May. <http://www.nytimes.com/2012/05/07/arts/design/knoedler-now-in-dispute-over-diebenkorn-drawings.html>; Michael Shnayerson, 2012. "A Question of Provenance". *Vanity Fair*. May Issue. <http://www.vanityfair.com/culture/2012/05/knoedler-gallery-forgery-scandal-investigation.html>.

Insisting it should make no difference whether a work is forged or not is simply naive: it asks us to turn our backs on our cultural heritage and the value our culture places on originality.<sup>77</sup>(Dutton 2009, 184)

I would add that, it is not only a question of placing value on originality, which we do, although not in a sense that accommodates a special sort of originals: the original fakes, i.e. forgeries that are copies of which there is an original, as it has already been pointed out. It is a matter of placing value on intention, in a moral sense, and on action, in the process of creation and in the subsequent stages art objects go through when they enter the market. And this brings us to the survey of the second theory, which presupposes that the physical properties of art objects are not sufficient condition to the production of judgement. Works of art exist in a specific time and are appreciated by people who, through their descriptions, make it clear that aesthetic criteria are not a special kind of criteria unrelated to all the other things that make us who we are.

Within this theoretical framework, judgements about works of art are the result of the attribution of properties and intentions to objects whose value depends on factors such as authenticity, decisive in this perspective on our relationship with art, but seen as additional in the theory which avers value emerges from the

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<sup>77</sup> The quotation is from a section where Dutton summarises Leonard B. Meyer's arguments against the possibility of separating aesthetic criteria and cultural beliefs, and the importance of originality in Western civilisation. Overall, Dutton agrees with Meyer, although he takes the opportunity to imagine a society that would not assign any weight to originality and would, consequently, not disapprove of forgeries. The hypothesis exhibits a preliminary flaw: one cannot affirm forgeries would be accepted since there is no way to ascertain whether the concept would be available, or if it would denote what it does to us. For a comprehensive understanding of Meyer's argument see Leonard B. Meyer, 1967. "Forgery and the Anthropology of Art". *Music, the Arts and Ideas: Patterns and Predictions in Twentieth-Century Culture*, chap. 4: 54-67. Chicago: The University of Chicago Press. Meyer's essay is not a response to Lessing. His strongest attack is directed at Clive Bell's defence of art as a special category that should be judged independent of cultural history, style history and the status of the objects: "Great art remains stable and unobscure because the feelings that it awakens are independent of time and place, because its kingdom is not of this world. To those who have and hold a sense of the significance of form what does it matter whether the forms that move them were created in Paris the day before yesterday or in Babylon fifty centuries ago?" (Bell [1913] 1949, 37)

Bell's question prompts another question: why are objects formerly found moving seen as unimpressive and worthless, or at most, examples of curiosities?

assessment of intrinsic qualities alone. Observations about topics such as the achievement a certain work represents in the oeuvre of its author, how it compares to other works created in the same period by other artists, the fact that one is viewing it because it was recommended by someone one holds dear, or, as mentioned earlier, some biographical information about the author that might illuminate an aspect of the work, are thought to be relevant in the second theory and detrimental in the first.

In this account, it has already been stressed that, the physical identity of artworks is not sufficient to ensure the production of aesthetic judgement. Or, to put it another way, aesthetic judgement is not synonymous with the analysis of the physical properties of the object, for the evaluation of the physical properties is itself shaped by the relative importance of the ingredients indicated in the previous paragraph. Maybe the observation concerning the assessment of the physical properties of artworks requires clarification. By assessing physical properties of artworks I want to suggest that objects are judged on the basis of what is available to perception. Again, perception is used here not in the technical sense found in a scientific or philosophical discussion of the problem, but in the ordinary sense, as an equivalent to “what is available to the senses”. Perception is informed and altered by all the disparate but relevant factors that come together when one judges a work of art. It follows from what has been said that, changing one’s mind about an artwork, when and if one knows it is a fake, is not only aesthetically justifiable but, in most cases, the decisive piece of information for the attribution of value to it. Let us take, for example, the case of a museum whose curator of contemporary art is about to pay a large sum of money for a painting purported to be by Rothko. Shortly before the deal is finalised doubts about the authenticity of the painting arise. If the curator did not change his mind about the purchase, despite knowing he could be spending the museum’s budget on a potential forgery, his actions would not be consistent with his

job description. One does not expect a museum, which intended to buy a genuine Rothko, to buy a likely fake one justifying the decision as the display of conviction in a theory of art that explains this particular change of mind as an example of snobbery, considering the physical properties of the painting remain unchanged. It is a fact that the physical properties of the painting have not changed, but the fake Rothko could not be exhibited in the museum alongside objects which were acquired according to other criteria besides their physical identity. The fake Rothko would not be part of the class of objects on display in the museum that are the realisation of an idea developed by a specific individual, at an exact time and under particular conditions. Against such reasons, it could be argued that the fake Rothko could perfectly meet these criteria if it were an original fake, thus qualifying to be shown with authentic paintings. Yet, the main obstacle would persist: it would be an object created with the intention to deceive. And that would separate it from all the other objects on display that were not produced with such purpose. This statement might also face some opposition, given that doubts about some of the paintings on display, presumed to be genuine, might arise after the acquisition of the fake Rothko. Bearing that in mind, if the doubts were justified, the fake Rothko would, in reality, be a product of deception much the same as the objects whose authenticity would be questioned and denied. However, there would still be a fundamental distinction between them: the fake Rothko would have been bought by the curator who not only knew what he was buying, but also justified his decision on grounds that did not consider the intention to deceive, whereas the other objects were bought under the assumption that they were authentic.

The hypothesis could be further complicated if, for instance, it would be concluded that Rothko had allowed the forgery to be passed off as his own work, or that he had forged it himself. The latter case prompts a question that is hardly new:

can one forge one's own work? The answer is "yes, but". It can be done essentially in the form of copies but more imaginative possibilities may be suggested. Suppose that after Rothko had painted *No. 10* (1950) he accidentally damaged it. Realising the painting is ruined, and cannot be included in the forthcoming exhibition, he secretly decides to paint a copy that will be passed off as the original idea he had for *No. 10*. This is a forgery in a special sense. It is not a version of the original painting, as it purports to be the original painting.<sup>78</sup> However, it would still be by the author of the original painting, which means questions of attribution would not be an issue. But, still, Rothko's intention could negatively influence the value of the painting in the market.

The former scenario, where Rothko would allow a forgery to be passed off as his own work by, for example, signing it or producing documents that would help

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<sup>78</sup> W. E. Kennick's answer to the question "Can a painter forge his own work?" is the following: "If *N* makes a slavish copy (as opposed to another version) of one of his own pictures and passes it off, e.g., sells it, as the original, as Rubens is said to have done on at least one occasion, he is as guilty of forgery as someone other than *N* would be were he to copy a work of *N*'s and pass it off as an original *N*. The copy is, to be sure, the work of *N*, but it is not the work of *N* it purports to be. Indeed, it is not an (original) *N* at all – except in replica." (Kennick 1985, 5)

Rubens employed numerous pupils and colleagues in the work done in his studio, a common practice at the time. It is therefore hard to say which of the pictures currently attributed to Rubens were really painted by him. Many were, for sure, painted by his best pupil, Anthony van Dyck (1599-1641). Additionally, Rubens apparently did not care much for distinctions between originals, copies and works done in the "style of". In a letter to Sir Dudley Carlton, in 1618, Rubens writes about a copy of *The Last Judgement* executed by a pupil of his: "As this reproduction is not yet quite completed, I am going to retouch it throughout myself. So it can pass for an original if necessary . . . I have retouched them [other copies] to such effect that they can hardly be distinguished from the originals . . . they are perfect miracles at the price." (quoted in Schüller 1959, 147)

The story of Michelangelo's *Sleeping Cupid* (1496) has been repeatedly told, so I will try to abridge it. In the fifteenth century there was an avid market for classical art, especially sculpture. The young Michelangelo worked on a statue of Cupid so as to imitate the much appreciated antique look. The figure was greatly admired by Lorenzo de' Medici, who persuaded him to bury the work in sour ground. The treatment with acidic earth would make it look more convincingly ancient. When the sleeping figure had acquired the desired look it was taken to Rome, reburied in a vineyard and 'discovered'. Lorenzo de' Medici then introduced Michelangelo to the art dealer Baldassare de Milanese, who sold the piece to Cardinal Riario San Giorgio as a classical sculpture. But it did not take long for the Cardinal to realise he had been fooled. He returned the sculpture and demanded his money back. Yet, that was not the end of the story for the Cupid: "There is some suggestion that the unfortunate Cupid was then given a little knocking about by Baldassare to give it the expected 'bits missing look' and was then yet again buried and the 'discovery' trick played once more. Condivi records how a short time later, in some weird way, the Cupid passed into the hands of the Duke Valentino, and then became the property of the Marchioness of Mantua." (Mills and Mansfield 1982, 182)

forge a convincing provenance, does not raise any doubts. It is clearly a forgery, only with a juicer plot because the supposed author is involved in the deception.

I would now like to return, albeit succinctly, to the problem of perception in aesthetic judgement. The classic text on the topic is Nelson Goodman's essay "Art and Authenticity" (1976).<sup>79</sup> Goodman questioned the very outline of the problem of authenticity, claiming that it was often based on the wrong premises. Ordinarily the issue was introduced like this: if there are not any discernible differences between an original work of art and a forgery (whether it is a copy or not), then it cannot be affirmed there is an aesthetic difference between them. Goodman drew attention to several germane points that should be taken into account in the examination of such questions. After covering the legitimate objection that some differences may only be discernible to experienced eyes, in some cases with the help of specialised equipment, Goodman centres his investigation of the problem in the role perception plays in judging artworks.

He aptly remarks that, not being able to identify any differences between two objects when one observes them for the first time does not at all rule out the possibility of discovering important details in a future inspection. Perception can be sharpened by experience. Goodman's observation is naturally supported by practice; that is what connoisseurship is about, as I have shown in chapters 1-3. Artworks are attributed, deattributed and reattributed exactly because they are looked at numerous times, by different people who, singly or together, discover differences that were not discernible in previous inspections.

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<sup>79</sup> There are two versions of this essay. The first was published in 1976 as chapter III of *Languages of Art: An Approach to a Theory of Symbols*. Indianapolis: Hackett Publishing. The second version appears in Dennis Dutton, 1983. *The Forger's Art: Forgery and the Philosophy of Art*. Edited by Dennis Dutton, 93-114. Berkeley: University of California Press. In the second version, Goodman substituted section five, "Selections from Problems and Projects", which does not alter the gist of the argument, for "The Task", included in the first version.

More importantly, I believe Goodman throws lights on a part of the problem that is overlooked by the theories of art in which every matter is subsidiary to the physical properties of artworks. He argues that the aesthetic properties of a painting include all those that can be identified by looking at it, as well as all those that determine how one is to look at it. In the case of forgeries, a painting being a forgery is a property that determines how one is going to look at it. Thus, looking at two paintings knowing one is authentic and the other is a forgery influences the way both objects will be looked at. The knowledge of that essential distinction constitutes an aesthetic difference, to the extent that one will not judge the paintings as one did before learning one is a forgery and the other is not. From this it does not follow that one will be able to point out the characteristics that allow such distinction to be made. But it does follow, from possessing new details about both paintings, that future viewings may be informed by the intention to find some different features between them that would make their status more obvious. As Goodman puts it:

Although I cannot tell the pictures apart merely by looking at them now, the fact that the left-hand one is the original and the right-hand one a forgery constitutes an aesthetic difference between them for me now because knowledge of this fact (1) stands as evidence that there may be a difference between them that I can learn to perceive, (2) assigns the present looking a role as training toward such a perceptual discrimination, and (3) makes consequent demands that modify and differentiate my present experience in looking at the two pictures. (Goodman 1983, 97-98)

In Goodman's arguments, however, there is one thing that it is not clear: Goodman's position about forgeries as objects created with the intention to deceive. The comment is hardly new. The fact remains that, his arguments about the changes in perception caused by knowing one is looking at a forgery do not allow the inference that it will likely be valued negatively. Goodman does not comment on the effects of, let us call it, refined perception on the attribution of aesthetic value.

Still, Goodman has built an argument against fundamentally empiricist views of art, namely of forgery. Writings in aesthetics in the fifties and sixties, both in the UK and America, were strongly marked by contributions that enhanced the perceptual nature of aesthetically relevant properties, omitting or rejecting any considerations of intentional attributes in the establishment of aesthetic value. Monroe C. Beardsley is among the authors who held strongly to the view that forgeries cannot be dismissed on the grounds that they do not possess aesthetic value, since it derives primarily from perceptual properties. If it were not the case, Beardsley contends, there would not be good forgeries still hanging in museums despite the expertise of curators and art historians. Yet, Beardsley admits that in the discussion of the topic of forgery it must always be emphasised that forgery involves deception and “hence forgery is of necessity an intentional action” (Beardsley 1983, 225), a fact that in Beardsley’s terms is serious enough to be taken into account, since forgeries misrepresent the history of production of artworks. On this matter Beardsley sides with Goodman. Conceding the intention to deceive has serious implications does not preclude Beardsley to give up on the thesis that morally reproachable intentions are not incompatible with commendable aesthetic value. In fact, he could not go that far. If he did, that would mean abandoning the principle on which such compatibility is founded: aesthetic value derives from perceptual properties;<sup>80</sup> all the other qualities are either irrelevant or admitted only as far as they might be converted into perceptual information. In Beardsley’s words:

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<sup>80</sup> In all fairness, Beardsley acknowledges that paintings have properties that may not be exactly classified as perceptual: “Paintings do have various semantic properties, namely, they are capable of representing the world.” (Beardsley 1983, 229)

But the statement is not clarified. Beardsley does not explain if “representing the world” may be read as saying something about the world that is not perceptible in a narrow sense, by means of allusions or quotations that evoke something else, for example. Again, the concession does not shake Beardsley’s conviction in the putative value of forgeries.



I cannot see how there can be two objects of very different aesthetic value, one a forgery and one not, and yet they are indistinguishable to the naked eye . . . I reject the idea that there can be two indistinguishable paintings very different in value and very different in meaning. Since the meaning of a painting must be a function of its pictorial properties. (Beardsley 1983, 229)

So far the discussion has presented two sets of opposing explanations concerning the importance ascribed to authenticity in aesthetic judgement. As stated earlier in this section, I am particularly interested in the implications, including those of a more practical nature, each position has in our relationship with art. Some of those consequences have already been treated. What I propose to do now is to recapitulate some of the arguments offered earlier, linking them with the role of art criticism in the production of aesthetic judgement. Moreover, art criticism will be considered in articulation with the topic of taste.

In the first philosophical family, declaring “The painting is beautiful” or “The sculpture is unbalanced” implicitly means that beauty and lack of balance are objective attributes independent of perception. This view of our relationship with art has variations regarding specific issues such as the notions of perception, value and what should count as an aesthetic property. All these try to provide justification for the noticeable fact that people do change their mind about an object after learning it is a fake. The claim that people change their mind, presented so plainly, as I have done so far, risks sounding too vague. The formulation is deliberately prosaic; my aim is not to undertake a technical analysis of the mental phenomena involved in the process. I only want to establish that it is a fact that people who have some relationship with art may praise an object before knowing it is not authentic, and dislike it once they realise they had been praising a fake; or they may still like it but they will likely change their mind about buying it. This does not accord with the theory that presupposes the attributes of art objects to be intrinsic qualities derived from their physical identity, not dependent on contingent factors like the context in

which they are viewed, information about the conditions of production, biographical details of the author or authenticity. Normally, the arguments offered by the proponents of this kind of explanations focus more on proving that changing one's mind about an object because one has found out that it is fake should not happen, than on explaining why it does happen. The more radical versions of the theory turn the matter into a moral issue, dismissing the change of mind as a symptom of snobbery. Attacking the priority assigned to authenticity on the grounds that it stems from a snobbish assessment of works of art does not solve the difficulty. In truth, what it does is what it wants to deny: admitting to the fact that the judgement of actions and intentions is relevant to aesthetic judgement. Those who contend that art should be appreciated without regard for any other principles besides aesthetic value often expose the flaw in their argument, by approaching the competing position precisely from a moral point of view.

In the second philosophical family, works of art are beautiful or unbalanced as a result of one's relationship with them. Beauty or lack of balance are properties of an experience that takes place within a context whose description reflects the variable influence of such dissimilar factors as one's knowledge about the works one is judging, the comparison one makes with objects of the same class, an interest in the objects as a prospective investment, the fact that someone one admires has praised them highly or, on the contrary, disparaged them, one's mood at the time of the viewing, the conditions under which the objects are seen and even the conflict or accord of the works with one's ethical, religious and political values.

I do not intend to assert that the existence of conflict or harmony between aesthetic judgement and ethical, religious, and political principles is a necessary condition to our relationship with art. What I mean is that, our appreciation of art objects may be influenced by other things we value; there is no such thing as a purely

aesthetic judgement. The discussion of what counts as an aesthetic property has fuelled arguments that, not surprisingly, have often ended with disappointing solutions. My claim is that in our relationship with art many ingredients mix in unpredictable ways when we make a judgement: we may admire a work that is in total opposition to our political beliefs and hate another that is not, or the other way around. There is no identifiable rule even within an individual's set of opinions.

For those who believe that aesthetic value is dependent on perception – the implication being that there cannot be any statements relative to art objects in themselves since the author of such statements cannot be detached from them – having information about the authenticity of an object is not just one more element that will be considered when producing an opinion about it. Being aware that a work of art is a forgery certainly alters the way it is perceived. I would go so far as saying that this is the kind of information that may exclude it from the group of objects one files under the label “works of art”, although it partakes of some the common characteristics displayed by the things we are used to calling “art”. The classic reason that has been given to argue against this claim is: the physical identity of the object remains exactly the same, and it does not make any sense to change one's mind just because one has learnt that it is a forgery. I believe this argument does not hold at all. On the one hand, the criterion of physical identity does not suffice to value a work of art positively. On the other hand, the second part of the argument – “just because one has learnt that it is a forgery” – is objectionable in its very formulation. It is not *just* because there is an extra piece of information that can be added to the description of the object, but precisely because there is *that* piece of information about it. If we buy a painting supposedly by an artist we admire and for some reason we realise that we have bought a fake, we are likely to be more than disappointed. Apart from all the considerations regarding financial loss, which are far from

negligible, we will feel that we are victims of an intention to deceive. In the process, we will surely judge the intention and as a consequence our initial judgement is altered. It is true that the shape, the colours and the texture of the painting have not changed. But by then we would not be looking at the same object, to the extent that our assumptions have changed.

Let us elaborate further on the example. Suppose the painting we had bought was esteemed to be a rather atypical example of the artist's production at the time it was purported to have been created, which has excited the critics' interest and prompted them to write about it profusely. Let us also add to the scenario a false provenance that traced the painting's ownership to collectors whom we feel share our tastes and appreciation of this painter. Or, even if they do not, and have bought it only to make a profit out of it, because they are major collectors, they guarantee a trail of prestigious ownership. Finally, among the critical texts written about the painting we find details of the conditions of production that move us or that in some way evoke events in our own life, e.g. the artist created the work when he was recovering from a painful physical injury; that makes us think of our father, an amateur artist, who painted as a way to cope with a painful physical condition. Admittedly, the dramatic tinge of the biographical data, and the effect it might have had on this collector was not innocently suggested, since empathy might contribute to a less thorough investigation prior to the acquisition of the work.

When it becomes clear that everything we assumed about the painting was forged, the damage goes far beyond the realisation that the object that has been hanging on our wall is not authentic. The problems raised by this kind of actions are more acute. The fake painting in the example constructed above corrupts the understanding of art history, the knowledge about the oeuvre of a particular artist, the history of the reception of his work, affects the market, and influences prices. Art

market prices heavily depend on the relation between supply and demand for the work of particular artists, and on fads that erupt and wane for the most irrational motives. Infecting the market with news of false scarcity of an equally fake work in the oeuvre of an artist, will corrupt the whole system.

As mentioned at the beginning of this chapter, I strongly disagree with Alfred Lessing's answer to the question "What is wrong with a forgery?", as well as with other philosophers who, for a diverse array of reasons, also agree with Lessing on this matter. What followed the introductory paragraph of the present chapter might have led the reader to believe that Lessing's justifications coincide with those I dispute. That is only partially true. Lessing does endorse the philosophical theories that distinguish between the aesthetic properties of artworks (e.g. balance, harmony, expressive power) and nonaesthetic features (e.g. authorship, the historical period in which it was produced, authenticity). But he accepts that a forgery is morally wrong since it implies deception (Lessing 1983, 64). Nevertheless, he refuses to give up the core of his thesis and maintains that whatever might be wrong with a forgery, it is not so aesthetically. The way Lessing sketches his arguments suggests that a forgery is ordinarily described as an aesthetically inferior work passed off as a superior one. Lessing's chief objection is that if, in fact, a forgery is inferior, which in his terms is not necessarily the case, it is so because it lacks the originality and creativity evinced by the original work. A forger is guilty of appropriating someone else's ideas, which for Lessing, although it presupposes conscious deception, is an action that is not incompatible with the production of a work that deserves to be praised. I believe his argument can be decomposed into six major assumptions. First, aesthetic value depends on perceptual physical properties. Second, forgeries are morally wrong. Third, the intention to deceive should not determine how forgeries are valued. Fourth, forgeries are not necessarily aesthetically inferior to original works. Fifth,

although what forgeries lack is the originality and creativity of authentic artworks, there are cases in which that does not imply the former are inferior to the latter. Sixth, assuming aesthetic judgement is intertwined with moral principles is a form of snobbery.

In an example provided to show how the definition of forgery as the intention to pass off something inferior as superior is inadequate, Lessing affirms:

Although, strictly speaking, passing off a genuine De Hoogh as a Vermeer is also an immoral act of deception, it is hard to think of it as a forgery at all, let alone a forgery in the same sense as passing off a Van Meegeren as a Vermeer is. The reason is obviously that in the case of the De Hoogh a superior work is being passed off as a superior work (by another artist), while in the Van Meegeren case a presumably inferior work is passed off as a superior work. (Lessing 1983, 65-66)

Conceived in this way, deception is a piece of ancillary information that, should it be considered in the aesthetic judgement, will amount to snobbery:

It appears to be generally assumed that in the case of artistic forgeries we are dealing with the absence or negation of *aesthetic* value. If this were so, a forgery would be an aesthetically inferior work of art. But this . . . is not the case. Pure aesthetics cannot explain forgery. Considering a work of art aesthetically superior because it is genuine, or inferior because it is forged, has little to do with aesthetic judgment or criticism. It is rather a piece of snobbery.<sup>81</sup>(Lessing 1983, 58)

Several issues are confused in the quotation here. Lessing's understanding of aesthetic value, as a quality dependent only on the physical identity of objects, presupposes that if a given object is a forgery, it should not make any difference.

In this light, as it has been mentioned, forgeries should not be thought of as inferior to authentic works, based solely on their status. If they are valued as inferior it should be because they lack aesthetic merit, an attribute that is derived from the perceptual properties grasped by the observer. The problem is that Lessing's theory does not explain common reactions to forgeries. To most people, regardless of their

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<sup>81</sup> On this point Lessing draws heavily on Arthur Koestler, 1955. "The Anatomy of Snobbery". *The Anchor Review I*. Edited by Melvin J. Lasky, 1-25. New York: Doubleday.

having a professional interest in art, the fact that they have been looking at a fake object is not irrelevant. Of course, it is plausible to shield Lessing's position from this sort of attacks by saying that that is exactly the point: his purpose is to prove that "pure aesthetics", to use his phrase, does not deal with such questions, as they belong in discussions that take place within legal contexts or debates that traditionally occupy moral philosophers. My objection to this justification is that, what one is led to suppose Lessing means by "pure aesthetics" – the study of matters relative to works of art based on their physical identity, to put it very briefly – is something that is not supported by the actual production of what might be broadly considered to be aesthetic judgement. Unquestionably, forgeries are within the purview of law and moral philosophy. I would not have a quarrel with Lessing over that. But my agreement does not originate from the same reasons. It is reasonable to assume that Lessing feels that all talk about aesthetic judgement does not really take place within the scope of aesthetics if it comprises moral considerations, or any other that, in his terms, would be outside the limits of aesthetics. On the contrary, I believe all talk about aesthetic judgement, by definition, involves moral considerations as well as many other assorted things that help describe a work of art beyond the examination of its physical properties. Judgements are of necessity made by people, and people do not attribute intentions to things, or other people, making use of only one kind of criteria. That is not who we are or how we make sense of the world. Everything that converges to make each one of us a unique individual is conveyed in all our judgements and social interactions, whether they are prosaic or intellectually sophisticated. We cannot be an individual who alternately makes strictly political, aesthetical or moral judgements. Accordingly, I do not think there is such thing one might call pure aesthetics.

Conversely, arguing in favour of the notion of pure aesthetics does not hide the flaw in Lessing's position. The fact remains that forgeries fail to assure the same kind of experience authentic objects do, prompting equally distinct reactions from viewers. Dismissing the property of being a forgery, as an attribute that should not be dealt within aesthetics, still does not eliminate the evidence that people do revise their opinion about objects once they know they are fake. And, what is more, in their justifications rarely do they appeal to any talk about having found differences in physical properties, although, obviously, that might happen as a result of a closer examination done by an expert, or technical analysis conducted with specific equipment. There were expectations about the nature of a certain object that were betrayed. Quite simply, people feel they have been lied to, and that is not compatible with maintaining the assumptions about that object. It is not the same object. Therefore, its description changes. However, in Lessing's treatment of the topic one cannot find an attempt to solve the difficulty that this fact poses to theories that rely too heavily on the physical identity of objects. Instead, we are offered the disconcerting justification that aesthetics does not deal with that kind of questions because they are not even judgements. One is left under the impression that as the theory was upset by an undoubtedly complex problem, to which it cannot provide a solution without compromising its foundations, the only way out is describing it in an undignified manner. Changing one's mind is thus seen as snobbery, which amounts to saying it is an unjustified attitude. That is only unjustifiable because, for Lessing, what would count as a reason to describe the same object in a different way, after learning new facts about it, can only be something to do with its physical identity. If that is not the case, the explanation would have somehow to concede that there might be something more to aesthetic judgement than perceptual properties.



The description of such changes of opinion as instances of snobbery is easily refutable, given that maintaining that an object is as commendable as it was before one came to learn that it is a fake is a typical case of inverted snobbery. But what I hope I have made clear is that it is not possible to accurately talk about pure aesthetics. Even if, for the sake of argument, the concept were defensible how would pure aesthetics illuminate, for instance, the rejection of fake objects after they have had their physical identity examined? Testing pigments, analysing the threading of canvas, using dendrochronology to date wood, resorting to infrared radiation to detect and study underdrawings, or screening artworks for the presence of certain types of organic binding materials (e.g. egg, oil or resin) or inorganic pigments (such as lead white or ochre) with FTIR (Fourier transform infrared) microscopy are only a few of the many methods currently available to scrutinise the physical properties of works of art. Within Lessing's conceptual framework, these would have to be accepted as aids to what he defines as pure aesthetics, contrasting with appraisals done by critics who often change their mind about the artworks they reviewed for reasons that, in his terms, are not legitimate. In "What Is Wrong with a Forgery?" Lessing directs an especially harsh attack at art critics, namely at Abraham Bredius and all of those who praised Han van Meegeren's forgeries of Vermeer and then, rightly, revised their opinion. Lessing grants that it is embarrassing for experts to make a mistake, but he appears to reject the occurrence of this sort of mistakes if they go beyond what he calls "misidentification" (Lessing 1983, 59). In other words, if art critics and experts describe an object openly praising it or, on the contrary, harshly debunking it, changing their mind when new facts about that object come to light should be out of the question, since their previous judgement was the expression of aesthetic assessment. Lessing's surprise about such a justified change of mind opens the door to a quite puzzling conclusion: when producing judgement

about works of art one should allow some room for any change of direction, just in case. Ultimately, art criticism could not be much more than a series of factual, verifiable statements about the physical characteristics of artworks. Art critics do offer their personal opinion on the objects they review – that is what criticism is about – drawing the attention to features that might not be noticed by the unprofessional art lover, possibly discussing theoretical points that illuminate aspects attributable to the work such as style, theme or even its relation to similar works. The form a critic's personal opinion about an artwork takes is, obviously different from the one, say, an informal conversation between two people who do not have enough information about the paintings they are viewing at a museum may take. Critics make informed judgements about artworks by identifying and describing features such as specific shapes, colours, composition and variations of light. This type of analysis does not exist in isolation; it is relative to a wide variety of criteria. Through art criticism one expects to understand to what extent the work of an artist is ordinary or exceptional within his oeuvre, the artistic movements it can be associated with, or how the conditions of production influenced the work. Some of those links would probably not be made by the average person who is interested in art, but who does not possess comprehensive knowledge of the history of art. Art criticism, unlike what Lessing's account suggests, is supposed to offer informed opinion. It is not hard science, inspiring the reassurance of the predictability of effects. Nor should it be. Art criticism will never appease the anxiety of those who expect it to settle disagreements about the value of artworks.

Margaret P. Battin presents the problem clearly in *Puzzles about Art: An Aesthetics Casebook*. The passage I quote below is from a discussion about the advantages of having a panel of art experts judging art, contrasted with those of

choosing a public vote in the specific case of the widely debated dispute over Richard Serra's *Tilted Arc* (1981) location:

In weighing the advantages of having a panel of experts judge art against those of appealing to a public vote (or equivalent evidence of public approval, such as the sale of tickets), we must consider that there is no generally accepted methodology for arriving at critical judgments. This seems to be the case even though the history of aesthetics is richly endowed with different rules, principles, and canons that have dominated aesthetic evaluation at different times in the past and that still may be applicable to judging some art. Therefore, to resolve disputed cases like the one involving *Tilted Arc*, two stages of justification may be required: justifying the method of arriving at critical judgments may have to precede justifying the critical judgments themselves. (Battin et al. 1989, 199-200)

The work, a gently curved three point five meter high arc of rusting mild steel, was commissioned by the federal government for the plaza of the Jacob Javits Federal Building in lower Manhattan. From the outset, the installation of the work in the plaza generated controversy. Following the complaints mostly from workers in the buildings surrounding the plaza, who stated that the steel wall obstructed passage through the plaza, a public hearing in 1985 voted that *Tilted Arc* should be relocated. Serra famously opposed the decision affirming that “to remove *Tilted Arc* . . . would be to destroy it”<sup>82</sup> for it was a site-specific sculpture. Serra also clarified that his sculptures were “not objects for the viewer to stop and stare at” (quoted in Battin 1989, 182), complying with the more traditional examples of sculpture. Instead, he wanted to make the viewer interact with the sculpture. Eventually, on 15 March 1989 the sculpture was dismantled and taken for scrap. Later that year, in May, it was cut into three parts and consigned to a New York warehouse.<sup>83</sup>

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<sup>82</sup> Serra is quoted in Margaret P. Battin, 1989. *Puzzles about Art: An Aesthetics Casebook*. Bedford/St. Martin's: Boston, 182. The statement is taken from Richard Serra's testimony at the hearing in 1985.

<sup>83</sup> On the moral and political implications of the decision to destroy the work see Richard Serra, 2006. “Art and Censorship”. *Ethics and the Visual Arts*. Edited by Elaine A. King and Gail Levin, 185-194. New York: Allworth Press. The paper is based on a speech given by Serra in Des Moines, Iowa on 25 October, 1989. It is a penetrating analysis of the consequences of the legal protection granted in the USA to proprietary rights as opposed to the moral rights of authors, ratified by the Berne Convention but not recognised by the USA. The international policy regarding the moral

The preceding remarks about the nature of art criticism, and the example of the destruction of *Tilted Arc*, may seem to have taken us away from Lessing's thesis about the irrelevance of authenticity in the appreciation of artworks. I do not think they have, although the case of *Tilted Arc* raises the issue of how public art funds should be spent, a question that does not occupy Lessing. And then again, the contentiousness involving Serra's sculpture is not that removed from the kind of problems Lessing's position stems from. I suspect Lessing would side with those who thought it absurd that the entity who commissioned the piece should be the same who ordered its destruction. Interestingly, but for the wrong reasons, he would have sided with Serra himself, Frank Stella (who defended the work appealing to the idiosyncratic character of the reasons that were being presented to move the work), Holly Solomon (an art dealer who claimed the sculpture should stay in the plaza on the basis of Serra's value in the art market) and many others. None of these people appealed to what, in Lessing's terms, would be purely aesthetic reasons. The artist drew attention to the breach of contract on the part of the GSA (General Services Administration), the government entity who selected the sculpture, and to how the agency had yielded to pressure from the public, destroying artworks it had commissioned. Ultimately, Serra evinced his apprehension about the pernicious

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rights of authors is incompatible with the American copyright law, which only recognises economic rights. Serra gives a brief account of the events that led to the destruction of *Tilted Arc* and of the legal framework that allowed such decision, but the main point of the article is the disclosure of the hidden political agenda that may prevail over freedom of expression under such legal framework. Serra's arguments are largely an answer to an acerbic article by Hilton Kramer published in the *New York Times* about the collapse of moral standards in contemporary artistic production. Kramer's article was prompted by the cancellation of Robert Mapplethorpe's photography exhibition at the Corcoran Gallery in Washington. Kramer applauded the cancellation on the grounds of being a protection against the violation of public decency. For a thorough comparison of the arguments involved in this dispute, see Hilton Kramer, 1989. "Is Art above the Laws of Decency?". *The New York Times*, section 2, 2 July.

The most comprehensive text on international copyright law for the arts is Simon Stokes, 2012. *Art & Copyright*. Oxford: Hart Publishing. The book was first published in 2001. The second edition updates chapters 5-7, which deal with current issues such as art and the internet, copyright and visual search engines, image sharing, film copyright, performers' rights, and commissioned artworks and moral rights.

consequences such pressure would have on the freedom of creative expression, which is incumbent on the government to ensure and protect. This surely is a discussion within the limits of aesthetics, inasmuch as it accommodates problems that cannot be understood with the help of a single set of tools. Or rather, the tools used to understand them cannot be said to belong to a single field. It is precisely the overlapping of factors that cannot be isolated when one produces judgements about art that Lessing rejects, but which I think he fails to prove. In our relationship with art we do not temporarily erase all the things we value that are not directly relevant to the assessment of the physical properties of the objects we view. We cannot do that, nor do we want to. Put informally, we are not light travellers when it comes to forming opinions about art. To extend the analogy with the traveller a little further, it could be said that we carry many items to the process of judging an artwork, such as the impact our first visit to a museum had on how curious we became about art, how an old aunt who could only paint flower vases made us, in a convoluted way, dislike Van Gogh, or the vivid memory of an art professor who enthusiastically talked about Pollock's work. We like or dislike books, films, paintings, sculpture and music for an odd assortment of reasons other than the ones available to perception. Every one of the following contingent facts is assigned some weight in critical judgement: a recommendation from a friend, a documentary seen on television about an author we then discover, a splitting headache the day we viewed the artwork, read the book or heard the piece of music by a certain author, or the context in which we read an article that questions or reaffirms the authenticity of a given work.

Among the people who felt *Tilted Arc* should be removed from the plaza the most heard assertions denounced shock that such object should be considered art,

typically wrapped in the conclusion that, if it were so, then anything could be art.<sup>84</sup> Underlying the shock, one may sense, is the akin notion of art in which such views originate; artworks are objects which possess a set of characteristic (e.g. unity, complexity, harmony, intensity), usually judged within a canon of figurative examples. Or at least they have to be comparable to the work of an already established and generally admired non-figurative group of artists. Furthermore, works of art must unequivocally be products of effort, of long hours and toil. When it does not seem to be the case, objects, especially contemporary works, elicit comments such as “Anyone could do that” or “My two-year-old son does that all the time”. The art object is valued as a display of skill and virtuosity created in a style and shape that are recognisable, and whose composition is also governed by identifiable rules. The ability to relate to audiences through unusual media, particularly if the amount of effort and skill invested in the production of the object is minimal, is regarded as insulting by those who endorse a concept of art that may be associated to the representational theory of art in its less liberal versions.<sup>85</sup>

A common family of arguments favoured by the detractors of contemporary art is that all the talk about art and the value of artworks is not of much use, for the things we do with (and to) art are not radically different from those we do with food or clothes. They may all be summed up as a matter of individual taste, therefore being a subject about which critical discussion is fruitless. Being a private matter, which it is, in the sense that wine tasting or clothes fitting also are, it is at the same time an activity that is usually performed in public spaces. Artworks are produced to

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84 The people who objected to the location of *Tilted Arc* were in reality disputing the assumption that it was art at all. They were not arguing against its location as a consequence of the prevalence of the institutional art theory – as devised by George Dickie or Arthur Danto – in the commissioning and selection of the work. Their reasons were of a more ontological nature.

85 I am of course excluding the neo-representational theory of art and its attempt to offer a comprehensive theoretical framework which would explain the problems, and the interest, raised by contemporary art.

be shown in public contexts. If that did not encourage discussion and disagreement, it would not be a good example of the way we relate to art. Even in the less common cases where art objects are only available to the appreciation of an individual collector, carefully stored and not shared with a larger audience, there was a moment before the piece was owned by that collector when it had a more public exhibition (e.g. at a gallery, at auction). The hypothetical scenario in which the work was taken from the artist's studio straight to the collector's house who is not willing to show it to anyone, which reduces the possibility for wider discussion, is in reality the one that generates more bewilderment. We expect artworks to be shared and encourage discussion. Why would there be museums if art were not intended to be shared? There could be appropriate storage facilities instead, if the salient feature of our relationship with art were preservation in controlled environment.

Surprisingly, the relativist argument about art comes from those who tend to advocate the existence of a universal concept of beauty. Clearly, the difficulty is to articulate a more essentialist notion of beauty with all the incompatible instances that cannot be justified by such family of theories. Making use of a relativist explanation seems to be an effective means of escape but it only complicates matters further. While there is no doubt about the impossibility to reach agreement in the case of a dispute about taste in art, it certainly is possible to debate the topic following principles and rules. The point is that there will never be a reasoned conclusion whose truth can be demonstrated, but that does not at all equate with saying that it is futile to engage in discussions about art – or about taste in general, for that matter. One may argue that a change of taste will not happen as a result of careful consideration of an incisive and coherently presented critical judgement by a respected art critic, for example. But, again, that does not prove that it is impossible to carry out a meaningful discussion about art objects. It merely confirms what we

already know: debates about art may be inconclusive in a strong sense, since they do not identify properties liable to quantitative assessment in the objects they appreciate. However distant two opinions about the same object might be they both may be defensible, hence true in a special sense, a weak sense, as one might call it. The same principle applies to two identical opinions about the same object but which contribute to an opposing verdict. Take for instance the case of a film by a certain director who has been praised for his skill to write witty dialogues, and create emotional tension by using subtle details that have become his signature style of film-making. His latest film does not exhibit any of those features. The director has departed from his usual way of developing plots and portraying characters, and has instead made a film that could be described as trivial and boisterous when contrasted with all his previous works. One viewer might have liked it precisely for this reason, because he was fed up with the repetitive pattern the director had been following. Another viewer may highlight the very same aspects to justify his disappointment at the film. However, both said true things about the film. This digression about a film that prompts conflicting reviews supported by the same reasons is not as distant from Lessing's essay as it appears to be. If Lessing were right, the opinions about the film could not be that distinct; its aesthetic value would emerge from a series of characteristics that would lead to similar opinions. If it did not happen, to Lessing, it would be a sign that judgement had been compromised by non-aesthetic criteria of evaluation. He puts it bluntly in the following excerpt:

It is indeed serious and regrettable that the realm of art should be so infested with nonaesthetic standards of judgment that it is often impossible to distinguish artistic from economic value, taste or fashion from true artistic excellence, and good artists from clever businessmen. (Lessing 1983, 63)



I believe Lessing's disappointment is self-inflicted. I would add that it can only ensue from stubborn wishful thinking that something one could call pure aesthetics existed. Pure aesthetics conceived in this manner would be a sanitised entity, free of all the confusing vapours that cloud judgement. The distinctions Lessing finds impossible to make, and that allegedly perturb aesthetic judgement, are in themselves evidence to the fact that there is no such thing as pure aesthetics. Underlying the theory of the corruption of pure aesthetics one detects a whiff of nostalgia for a time when artworks were valued simply for their aesthetic properties, and when artists did not soil their hands with money. Briefly, there seems to be a longing for a golden age when art was an elevated activity practiced only by people who could not care less about money, and judged by people who did not change their mind when trivial facts, such as evidence suggesting an object thought to be genuine is forged, surface. The bad news for Lessing would be there was never such a time. The second piece of bad news would be art is a commodity whose market that does not always follow similar patterns of behaviour to other markets, as it is currently the case, with the art market thriving despite worldwide recession. The contrasting movements of the financial markets and the art market, notably the contemporary art segment, deserve some reflection.

The art market has performed exceedingly well in 2011 and in the first semester of 2012 when compared with the market for other assets. The explanations offered by classic economics are not always very useful to understand why people pay more than it would seem reasonable in recessive periods for art objects. The economy in Europe and in the USA has flatlined for more than a year. Nevertheless, total art sales worldwide have been hitting historical records over the last year and a half, since the first semester of 2011. In the 2011 edition of Art Basel Miami Beach, one of Ai Weiwei's furniture works, *Grapes* (2008), made of seventeen antique stools

from the Qing dynasty (1644-1911) sold for \$575,000; a glass cabinet by Damien Hirst displaying a collection of surgical instruments – from a large series of similar pieces – fetched \$2.5 million. In May 2012, Sotheby's (New York) sold Edward Munch's *The Scream* (1895) for the highest price realised by any work of art at auction, \$120 million. The average observer might be shocked by these figures. Are people spending money on artworks following the same principles they would apply to the acquisition of bonds? They cannot be. And if they are, maybe they are not aware that art is not actually a good investment, contrary to popular belief. It will not appreciate, at least not as fast or as much as inexperienced collectors might think. There are huge transaction costs (e.g. auction house commissions, insurance and storage, value added tax and capital gains tax when the work is sold) and most works will never resell for as much as their original price. The figures presented earlier seem to contradict this claim. One naturally assumes that the works mentioned, if they were resold, originally must have been bought for a much lower price. That is true, but the number of really profitable resales is surprisingly low. However, because the transactions involve impressive sums, those are the ones that make the news and that skew the true picture. Inexpensive art will definitely not accrue value and only a small percentage of expensive art will. Sketched out like this, the problem elicits two questions. First, how has the misconception that art is a good investment become so popular? Second, if art is not a good investment, as many economists have demonstrated, why do people continue to buy art justifying their decision with the investment argument? The two questions are connected. Given that in the answer to these questions some points will inevitably intertwine, I choose to address the issue in a joint reply.

News about impressive sales figures reached at art auctions has made media headlines since the 1980s. The impact of such news, combined with inaccurate

information published by authors who overlooked some relevant factors in their analysis of the art market, led to the belief that contemporary art is a lucrative way of diversifying investment. On this problem Don Thompson says:

When writers claim that contemporary art as an investment has outperformed the larger art market over the past quarter of a century, or that contemporary art has done better than gold or UK government bonds, they are usually citing a research study called the Mei/Moses Index. Jianping Mei and Michael Moses are researchers at New York University who have developed an index measuring price trends for art. The Index has a few flaws, the main one being that it measures only paintings which have sold at least twice at auction. The Index does not include work that auction houses have refused to accept for resale, which means that only successful artists – those with rising values at auction – are counted. This is analogous to looking only at stocks from the FTSE 100 or S&P 500 that have increased in value and concluding that investment in shares is a good thing. Because the prices of these are opaque, the Mei/Moses Index does not include private sales, dealer sales, or sales at art fairs.

Mei/Moses also includes auctioned art which fails to reach its guarantee as having been 'sold' to the auction house at the guarantee price. This is technically correct, but hardly reflects a work's real market value. The index is at best a measure of the profitability of highly successful artists, and greatly overstates the return from an ordinary art portfolio.

Mei/Moses and most other art-as-investment indexes do not consider taxation when they calculate the returns to be made from art. They disregard it for the very good reason that investment in the most expensive art is skewed by the existence of tax havens . . . Transactions negotiated in London or New York can be finalized in centres where the sale is untaxed, and ownership goes unrecorded. Subsequent sale at a profit can also go unrecorded. (Thompson 2008, 261-262)

The misleading picture of the contemporary art market as a good investment that emerges from trusting the Mei/Moses index, or similar sources, is not the only reason that persuades people to buy art as a supposedly profitable commodity. Buying a beautiful object, which may have been disputed by several prospective buyers, appears to be a powerful enough reason to disregard evidence which shows that art is not such a rewarding investment. In the last three decades, art has gradually become a symbol of social status. The collectors who are drawn to acquire art for social motives are also the ones who tend to be more influenced by the volatile fashion trends of the art market. Bidding strongly at auction is not necessarily a good indication of how moved a collector is by a specific object. Often, the thrill of the hunt mingled with the prestige factor drive the bidding. Prices may go sky-high because of

the competition between inflated egos. When sales are applauded at auction, what exactly is being applauded? The buyer's taste? His wealth? Quality and artistic value do not always correlate with price but "when the auction the hammer falls, price becomes equated with value, and that is written into art history." (Thompson 2008, 196)

Art, especially modern and contemporary art, is now an asset-class investment which protects the art market from the threats that affect the rest of the global economy. That is one of the reasons why it may thrive during a widespread recession. Besides, the number of collectors has been rising steadily since the 1990s and art is becoming a globalised commodity. More and more people are curious about art and have access to places where art is displayed.<sup>86</sup>The number of museums has increased and the digital media now allow one to browse through the collections of major museums worldwide. It may be argued that viewing a painting on a computer screen is not even remotely comparable to viewing it on location. That is true. But that surely is a vehicle for making works of art available to be seen by far more people than in the past. I am not suggesting that more and more people have a thorough knowledge of art due to digital technology. My point is that art, similarly to other subjects, has become more visible and easier to be shared. And that may bring new and different buyers into the market, which is not the same as saying that buyers are more sophisticated as far as knowledge about the works they buy is concerned. Some collectors, namely those who buy art trusting they are diversifying their

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<sup>86</sup> Sarah Thornton establishes a connection between economic growth, education, the number of people who buy art and also the number of artists who are likely to be working in countries where there is an atmosphere that encourages the increase of the supply of artworks: "When nations grow richer, their citizens become more educated and have fewer children. Once they reach a certain level of affluence, they also start to buy art. Their first instinct is to seek out the traditional sort made in their own country. As they become more confident they often grow more adventurous as well, buying unfamiliar work from other countries and less traditional contemporary art produced at home that expands the boundaries of taste.

. . . Not only will there be more art buyers, but more people will become artists too, so the supply is bound to grow." (Thornton 2009, 15)

investment portfolio, may not even like what they buy. They intend to rotate their collection, selling overvalued works and buying undervalued items in the hope they will appreciate quickly. That, as it has been stated, rarely happens. New collectors are probably persuaded to buy art as an investment because bonds and cash do not always pay very high returns. Like real estate, artworks are thought of as reliable assets that will not be lost if the financial markets collapse, unlike bonds. Moreover, even if they do not accrue value as fast as one believed they would, they can always be sold if one of the three Ds – death, debt and divorce – hits the owner, albeit for less staggering prices than one had expected. Traditionally, those are the most common reasons for selling before enough time has elapsed after the acquisition, so that works are likely to be sold at least for the price they were originally bought. Selling under these circumstances lacks the exaltation and bravado of buying; it is associated with misfortune and embarrassment. In any case, the notion that buying contemporary art is an activity that may be detached from one's artistic preferences and that may be more like buying a house, or luxury goods as symbols of social status and social aspirations, is rather new. Sarah Thornton makes a similar point, adding that new collectors made the market more dynamic, generating higher liquidity:

In a digital world of cloneable cultural goods, unique art objects are compared to real estate. They are positioned as solid assets that won't melt into air. Auction houses have also courted people who might previously have felt excluded from buying art. And their visible promise of resale has engendered the relatively new idea that contemporary art is a good investment and brought 'greater liquidity' to the market. (Thornton 2008, xvi)

Thornton's approach to this issue highlights a point which is seldom mentioned by most authors: greater liquidity was generated by the belief that reselling artworks is not only easy, but also highly profitable. Seen in this light, the hypothesis that higher liquidity made from a growth in the number of transactions

fostered the notion that art is profitable, gains strength. New collectors cause liquidity to increase and that promotes the idea that art is a good investment, which, in turn, attracts more collectors. The proponents of the art-as-an-investment thesis consider the matter the other way around: art is lucrative and that attracts more collectors, whose transactions generate higher liquidity. There is a fundamental difference in the inversion of causes and effects in the two accounts: the latter creates a distorted view of the art market as an effective investment vehicle. Surprisingly, in spite of the fact that there is now enough evidence that shows that the art market is not the best choice if one wants to invest, it has not lost its allure. This is especially true for contemporary works. Art buyers' spending patterns are even more striking when contrasted with buyers of other assets commonly regarded as potential good investments, and which eventually may prove to be less attractive than it was originally estimated. Yet, the erroneous belief that art is a lucrative investment does not seem to be an entirely satisfactory explanation for the fact that the art market behaves differently from the markets for other assets. I will now explore some of the factors that make the art market an interesting challenge to classic economics.<sup>87</sup>

It has been demonstrated by experienced economists that, in the long run, one's investment in art may only do about as well as one's holdings in bonds, and it comes at a greater risk. The collectors who are aware of such disadvantages usually do not worry too much about them. Instead, they value other aspects involved in buying works of art: if one has nowhere else to store one's income, buying art is not such a bad idea. It is definitely more pleasant to look at artworks than to look at

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<sup>87</sup> For further reading on the inner workings of the contemporary art market and its unique relationship with economics, see Noah Horowitz, 2012. *Art of the Deal: Contemporary Art in a Global Financial Market*. Princeton: Princeton University Press.

bonds. <sup>88</sup>Bonds lack the immediate reward factor, and in that respect they are less valuable. As Don Thompson puts it:

Of course there is no emotional or psychological benefit from hanging stock certificates on your wall. The economist John Picard Stein once tried to quantify emotional or psychological returns and concluded that they were equal to a return on investment in art of 1.6 per cent a year. That makes the art-market investment slightly more favourable than owning stock. (Thompson 2008, 260)

The pleasure derived from looking at artworks, particularly among new collectors, is more and more indistinguishable from the wish to acquire prestige through their purchases. As collectors spend irrational amounts of money on contemporary art, competing for status and making prices mount, the theories which establish a close connection between our appreciation of beauty and the squandering of money on completely useless objects might not seem that absurd. Such theories, albeit seductive, are not cogent when it comes to clarifying the special behaviour of modern and contemporary art collectors. On this point, I am very reluctant to endorse the claims of authors such as Dennis Dutton, whose outlook on the problem is dominated by an evolutionist approach. Dutton extended Darwin's theory to art and found similarities between the way individuals exhibit adaptive qualities and their relationship with art. In Dutton's view, the most effective way for individuals to show they possess adaptive qualities such as money, health, imagination or strength is to be seen wasting them, to show they can (Dutton 2009, 156). Therefore, being seen using these resources in an efficient and useful manner is by far a less powerful sign of one's capacity to succeed. Although natural selection favours efficiency and

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<sup>88</sup> Viviana Zelizer, a sociology professor at Princeton, makes a similar point, stressing the cultural value of money underlying current transactions involving art objects. Buying art now is less about financial sharpness than about social and cultural boastfulness: "A dollar is not a dollar. The dollars spent in Miami are 'cultural dollars', and that makes them obey their own rules." (quoted in Gopnik 2011). For a comprehensive understanding of the author's view on the subject, see Viviana A. Zelizer, 2011. *Economic Lives: How Culture Shapes the Economy*. Princeton: Princeton University Press.

economy, Dutton claims that in what concerns sexual selection, courtship, and our relationship with beauty in general, there other principles at stake: costliness and waste. According to Dutton, we respond to works of art following our innate impulse to value expensive and useless things, which have some bearing on social status. Capitalism and consumption patterns developed after World War II are dismissed in Dutton's explanation. At its core, Dutton's thesis evinces a strong belief in deterministic justifications for human behaviour to which I do not subscribe. However, it should be noted that Dutton tries to shield his position from the objection that it does not account for the complex variety of human responses to the same issues by granting that, despite being built to act in ways that can be traced back to the Pleistocene, we are not doomed to act in such ways. What really matters, Dutton contends, is that we should be aware of the way we are built: some impulses are part of human nature and cannot be attributed to other sort of justifications. Thus, we may resist our impulses or act to fulfil them, proving there is a Pleistocene individual in all of us. I am still not convinced by this argument. I believe it fails to explain much of our actions and intentions, and could ultimately be invoked to excuse every kind of behaviour. It might be a dangerous variation of the multitude of slave-to-biology theories that attracted followers at the end of the twentieth century.

We may now more easily understand how the theories that link extravagant spending on objects whose practical use does not correlate with price have been associated with the way contemporary art market collectors behave. In the previous paragraph, I advanced the hypothesis that contemporary art buyers' spending patterns may be connected with more than erratic choices. Of course, for some collectors, there is an element of perceived social status. And here the phrase "conspicuous consumption", coined by the economist Thorstein Veblen in *The Theory of the Leisure Class* (1899), does apply to some collectors' behaviour. But one



cannot generalise either the behaviour or the motives. In fact, many major contemporary art collectors want to remain anonymous, largely for security reasons. Moreover, the association made by Veblen about the effect expensive goods have on one's aesthetic judgement may be legitimate as far as collectors who buy specific artworks because someone has recommended they should, for instance, are concerned. I suppose the case of collectors who are still unsure about what they like, and start a collection acquiring items that do not seem to belong together, falls under this category as well. In Veblen's words, conspicuous spending shapes taste, although not always consciously:

The superior gratification derived from the use and contemplation of costly and supposedly beautiful products is, commonly, in great measure a gratification of our sense of costliness masquerading under the name of beauty. Our higher appreciation of the superior article is an appreciation of its superior honorific character, much more frequently than it is an unsophisticated appreciation of its beauty. The requirement of conspicuous wastefulness is not commonly present, consciously, in our canons of taste, but it is none the less present as a constraining norm selectively shaping and sustaining our sense of what is beautiful, and guiding our discrimination with respect to what may legitimately be approved as beautiful and what may not. (Veblen [1889] 2007, 86)

Nevertheless, Veblen's theory cannot be applied to a large number of collectors who admit to buying expensive works they do not even like. The modern and contemporary art market workings are manifold, and are not illuminated by evolutionist theories of art, or by a combination of the former with economic theories that fail to capture the behaviour of contemporary consumers.<sup>89</sup> And in the case of the art market the analysis must take into account apparently irreconcilable factors, such as a growth in sales despite the general tendency to avoid risky investments in recessive periods. This leads us, again, to the second question posed earlier in this

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<sup>89</sup> I am alluding to the appeal Dennis Dutton makes to Veblen's arguments about conspicuous consumption to reinforce his own thesis about human characteristics found throughout the times, as evidence for adaptive traits, and how they determine our response to beauty (Dutton 2009, 154-155).

discussion: if art is not a good investment why do people keep on buying expensive works, apparently convinced that they are diversifying their investment portfolio? The thrill of the competition against other collectors and vanity seem rather insufficient as an explanation to describe the resilience of a whole market. Having money to burn is, in some circumstances, a good enough reason for those who have it to just do so. But in the particular case of the contemporary art market, those who have money to burn see some advantages in converting it into items that they may not even like. Besides the prestige factor, there are some attractive features in buying art that may make it seem like a good investment. This said, most experts advise prospective buyers against acquiring art in the expectation of making a fortune, or of seeing quick returns over a short period of time. Still, there has been some research which suggests that in general the price of paintings, especially of works by mid-career artists, tends to keep pace with inflation. This may be an appealing way of protecting one's savings from losing their value in real terms, and at the same time having something beautiful to look at. If one is spending a lot of money in something in the hope that it will accrue value, it might as well be something one likes, unless one does not intend to live with it. This would be an odd remark some decades ago, when the art market was mostly made of people who were shocked at the notion of treating art as a commodity like real estate or bonds. Maybe their shock indicated fear that what was their exclusive territory was not insulated from the invasion of newcomers with a radically different attitude towards owning works of art. The fear was not unfounded. Today, not all art buyers are art lovers. <sup>90</sup>There is a new breed of

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<sup>90</sup> John Reade, director of Art Futures, an art brokerage business based in Hong Kong, sketches the profile of his clients: "Ninety per cent of them have never bought fine art before. They are a new breed of investors; they may be lawyers, accountants or other professionals. About ten per cent are art lovers." (Lo 2011)

In the same article, Rebecca Lo reports on Hong Kong's recently acquired status of Asian art hub and preferential location for many new art companies: "Hong Kong, with its low taxes, no import duty, zero estates tax and no royalties to be paid upon purchase, has the makings of a perfect storm for

buyers who are not collectors in the more traditional sense; they acquire art for other purposes than admiring it. If they do start a collection, usually with the help of an art consultant, they need a lot of reassurance and education on how to buy so as not to fall for forgeries. Since they are new to the circuit of auctions, gallery openings and art fairs, their purchases may not reflect a clear direction in matters of taste. That is not a priority. Some of these new collectors buy artworks to rent to companies that regularly refurbish their premises. Thus, collectors generate cash quickly. Currently, this is a common motivation for buying contemporary art among new collectors, along with the preference for works by mid-career artists with proven track records. Emergent artists are too risky to invest in, and famous ones are beyond what most new buyers would like to spend. To summarise, so far, two primary arguments have been proposed as the chief reasons why collectors, especially new ones, regard contemporary art as an investment. First, art may be a safe way to protect one's savings from losing their real value. Second, more and more companies prefer to rent artworks to decorate their offices instead of buying.<sup>91</sup> This trend pays the owners of the works a regular dividend from the income generated that is free from capital gains, while the works may appreciate, albeit slowly.

The arrival of new money, essentially from the BRIC (Brazil, Russia, India and China) countries, has had an unusual effect on the market: scarcity no longer means that prices will increase. A good example of this phenomenon is the cooling down of the market for Old Masters; it is less exciting to compete for so few works, when one can choose from modern and contemporary artists who produced so much, in such a

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selling art. With China now the world's second largest economy and the largest market as of March 2011, Hong Kong's proximity to the Chinese mainland makes it an ideal base for an art brokerage house." (Lo 2011)

<sup>91</sup> Banks, financial institutions, wealth management companies, public relations firms and advertising agencies are the best clients for this leasing scheme, normally managed by art brokerage businesses.

variety of styles and media. <sup>92</sup>Incidentally, the same trend seems to be affecting the demand for the work of dead artists in general. Until recently, an artist's death could even be a convenient event, <sup>93</sup>from the point of view of the people who keep their mind on making a profit when dealing with art. It meant the supply of works was cut off, therefore increasing demand and creating scarcity. What is more, it implied there would then be a finite body of work, an oeuvre that could be analysed and valued as a whole, without the anticipation of what new information forthcoming exhibitions would bring. Nowadays the trend is shifting. New collectors of contemporary art prefer to buy works by established living artists, or by newcomers that will soon make them be seen as tastemakers, instead of followers. Blake Gopnik justifies new collectors' interests:

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<sup>92</sup> Some art critics and historians believe the real reason why new collectors do not value rarity is much less elaborate. The truth is they are not educated, so they feel more comfortable buying what looks familiar and trendy. Ivan Lindsay, contributing editor at Spear's Press, writes: "Rarity is not attractive to today's new collectors, who have little cultural knowledge. They seek familiarity, abundance and track record – hence the bizarre success of Damien Hirst's Spot paintings, currently filling all Gagosian's galleries, which were mass-produced by an army of assistants. Apparently Hirst continues to recommend those done by Rachel." (Lindsay 2012)

Hirst's massive recruitment of assistants to execute the series of paintings known as the Spot paintings has raised harsh criticism from fellow artists and some art critics. The fiercest attack came from David Hockney. At the opening of his exhibition at the Royal Academy of Arts in London in January 2012, visitors were struck by posters that read "All the works here were made by the artist himself, personally". Talking about the works in 2007, Hirst's statements had already been received with shock. Nick Clark recalled his description of the process of production of the paintings shortly after David Hockney has openly criticised him: "As soon as I sold one [a Spot painting], I used the money to pay people to make them. They were better at it than me. I get bored. I get very impatient." (Clark 2012)

Hockney's comments reopened an old discussion: apprentices have been used by artists for centuries and a lot of great work was achieved with the help of assistants. It is not always easy to pinpoint which part of the work was executed by the master or by his apprentices.

<sup>93</sup> In 1898 Mark Twain was living in Vienna. Recovering from a long depressive period, that year he wrote *Is He Dead?*, a comedy in three acts about a group of poor artists in Barbizon, France, who realise that staging the death of a friend is the perfect solution to drive up the prices of his paintings. Twain chose a real painter, Jean-François Millet (1814-1875), to be the main character of a plot that involves cross-dressing, a fake funeral, lovers' deception and other contrivances devised to make the plan succeed. From the 1870s through the 1890s, Millet was a favourite artist among American collectors. Some scholars believe that might have led Mark Twain to think the play would be a hit. Still, it was too unconventional for its time and was never published or appeared on stage. It was first published in 2003 and had its world premiere on stage on Broadway, at the Lyceum Theatre, in December 2007. Twain's text was adapted by playwright David Ives and directed by Michael Blakemore. For the original text see Mark Twain, 2003. *Is He Dead?*. Edited with foreword, afterword and notes by Shelley Fisher Fishkin. Berkeley: University of California Press.

It's simply way more fun to shop for works by artists you can still party with. Also, when you make headlines by spending vast sums on newcomers, you can become a tastemaker yourself, instead of having to wait for the art historians to sort matters out. (Gopnik 2011)

Veteran collectors are usually past that eagerness to be recognised as tastemakers and more interested in being described as cultural patrons. If one owns ten paintings by Gerhard Richter, one belongs to a special family of collectors: the ones who not only like a particular artist but who also support him, and the arts in general. For some of these collectors, especially in America, being associated with the patronage of the arts is a strong incentive to buy art; it is an investment in their image as people who care about higher values and do not belong to the same circle of those who squander millions on yachts and cars. In other words, it is another way to distinguish old collectors from new collectors. The former will seldom sell the works they have bought, the latter may only be buying artworks to sell them as soon as they feel some profit might be made. I am not suggesting that there is a morally right way to be an art collector. My aim is to depict instead two clear and, at times, conflicting attitudes towards acquiring art coexisting in the art market today.

Moreover, on this matter I strongly object to the view about the behaviour of those I have referred to as “old collectors”, which has recently attracted supporters among some sociologists<sup>94</sup> and a few art critics. In a nutshell, it contends that spending huge sums on art, either by acquiring works or by supporting cultural events, is, in fact, a way of laundering money that was made through less noble-minded businesses. Not illegal businesses, it should be noted. Still, in the context of this explanation, these are businesses which deal with commodities that generate filthy lucre. Furthermore, the critics of “old collectors” claim that as such profit

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94 The sociologist Viviana Zelizer defends this thesis fiercely. For an overview of her argument see Viviana Zelizer, 1994. *The Social Meaning of Money: Pin Money, Paychecks, Poor Relief and Other Currencies*. New York: Basic Books.

results in guilt, it is redeemed by supporting the arts. Clearly, this is a contemporary variation of the view of art as a rarefied field of human activity that could never be appreciated by the less sophisticated minds. They share the shock at the possibility that art may be treated as a commodity, but disagree about the merits of a democratic access to it. Whereas the older version of the theory does not have much faith in the benefits of art being available to everyone, the contemporary version finds it hard to accept that if everyone is able to appreciate art, which does not mean the myth of the indigent artist and contemplative collector prevails. Interestingly, the advocates of such position do not seem to be as horrified at new collectors' attitude towards art as they are at old collectors'. The former are probably considered hopeless, since they represent a generation that cannot discriminate between profit and more elevated values. Again, the disapproval stems from the same idealised perception of what our relationship with art should be: an experience that cannot be soiled with money. In other words, underlying this description, there is an understanding of our relationship with art as an activity that occurs in a world that is detached from the market rules to which art is necessarily subjected. This would mean art would not be a commodity. The truth is, there has never been a period in history when art was treated like that. Whether or not there was money involved, artworks were exchanged as forms of payment, created to order, commissioned to meet specific requirements and, ultimately, treated like other commodities.

Finally, the discussion about the performance of the art market in recessive periods is worth a short reference to the surprising performance of the antiquities<sup>95</sup> market. According to market experts, collectors' growing interest in antiquities is closely linked with the resurgence of popularity of contemporary art. The connection

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<sup>95</sup> I am using the term in a general sense. Although many artworks are antiquities, not all antiquities are artworks. My use of the word here encompasses both categories, i.e. ancient artworks and collectables that are not described as artworks.

is not obvious. The current success of this segment of the art market<sup>96</sup> can be attributed to three main reasons. First, broadly speaking, antiquities are still undervalued – although the prices have soared tenfold in the last decade – and have so far been sought after by a small group of collectors. Compared to other artworks, antiquities have the advantage of demanding a small investment, if one is willing to buy art that is not terribly expensive. Second, a new and wider range of collectors is driven by the fact that those objects have literally stood the test of time. Thirdly, more and more collectors want to juxtapose contemporary and ancient art in their homes. Isabella Poerio, a retired architect and art collector, throws light on this recent trend:

If your art is all of the same era and style, your house feels like a gallery. Young art rejuvenates the old, while the old gives weight to the young – it is an essential combination. (Wilkinson 2011)

The paramount consequence of the rush to antiquities was the quite predictable diminishing supply. What is more, museums have also been following the trend and are buying more antiquities than ten years ago, which adds to scarcity. Unlike the atypical case of some contemporary artists, in which scarcity does not seem to influence prices, a low supply of antiquities is pushing up the prices. And, of course, when supply is scarce, fakes mushroom.

As it happens with other works of art, one is never too cautious about checking authenticity before buying antiquities. However, besides the usual concerns with provenance, rarity and condition, buying ancient objects can be riskier and more complex than buying other artworks. Whereas the chronology of most artworks

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<sup>96</sup> In the second semester of 2011 auction records were set at Christie's and Sotheby's for the sale of antiquities. According to Max Bernheimer, head of Christie's International Department of Antiquities, since 2006 sales have quadrupled from \$10.2 million to \$42.7 million. For more details on the auction sales that have drawn attention to the antiquities market in 2011, see Tara Loader Wilkinson, 2011. "Pricing the Priceless". *Wall Street Journal*, 14 March.

may be established, accurately dating objects which were produced several thousand years ago can be very difficult, although there are some objects that can be aged-tested through reliable methods and equipment.<sup>97</sup> Forgers are well aware of how daunting the task may be, even for the most knowledgeable experts, and are not discouraged from flooding the market with fakes. Collectors and experts alike are more exposed to the possibility of being duped by fake antiquities than by other fakes. Moreover, there is another problem facing the antiquities market: the trade in illicit antiquities. Although now the illegal export of antiquities is strictly controlled, smugglers always find a way to keep the trade active. In recent years, many illegal excavations have been found in countries where coveted ancient objects abound, e.g. Turkey, Peru, Egypt and Afghanistan. In the case of illicit excavations, the problem is not solved by stopping the process. Usually, when such sites are found

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<sup>97</sup> Furniture and wood objects in general, for instance, are relatively easy to analyse, in spite of the level of sophistication that some forgers have reached. Some decades ago, collectors looked for details such as wormholes to be sure they were buying authentic pieces. Soon forgers found convincing ways to reassure furniture collectors. They used worm-eaten pieces of wood for the construction of new pieces, or took the trouble to breed worms themselves for the purpose. Alternatively, the less subtle forgers used a method that was much in vogue in the late nineteenth century for the fabrication of wormholes. Small holes could be made in new pieces of wood using a shotgun. In the early twentieth century, dental drills have been popular as well to simulate holes. Connoisseurs use needles or hair to determine whether the holes have been made by worms or by the regular line of the perforation of a lead shot or of a drill. Genuine wormholes are irregular, due to the burrowing of grubs inside the wood. They devour the wood leaving a series of channel filled with wood dust, which cannot be replicated by gunshots or drills. Thomas Hoving explains how he learnt to detect fake wormholes with Erich Steingraber, the German scholar he met in 1960, his second year as curatorial assistant at the Metropolitan Museum of Art: "Steingraber taught me that wormholes made by real worms are L-shaped. The test is, you pluck out a hair and push it into a wormhole and see if it bends. Punched holes don't bend." (McPhee 1982, 97)

Authenticating antique sculpture, on the other hand, remains a challenge to experts. Forgers have devised tricks that elude connoisseurs and scientific methods of analysis such as thermoluminescence. Thermoluminescence testing shows approximately when the object was last fired, in the case of terracotta sculpture. This allows forgers to make new objects out of old but transformed materials. Progress may be in sight, if some of the shortcomings of the current methods of analysis are overcome by the application of computed tomography scanning to sculpture. The unusual role of CT scanners was proposed by Dr Marc Ghysels, a former interventional radiologist, in March 2011 in Vienna, at the European College of Radiology's annual meeting. Dr Ghysels claims that CT scans are especially useful for terracotta objects since they can reveal whether previously fired clay objects were later carved, reshaped or otherwise transformed by forgers. Connoisseurs are sceptical of the method's accuracy and advantages. In the case of ivory it is useless. There is no scientific test that will tell us much about the authenticity of an ivory object. Ultraviolet rays can be used to distinguish old from new ivory. The fluorescence of the surface of old ivory looks yellow under the lamp, whereas new ivory looks bright purple. The problem is that artificial ageing a new ivory work, by colouring, does not affect its fluorescence. The test is of some use to detect restorations, but to spot more cunning tricks the only reliable tool is the eye of the expert.



countless objects have already been smuggled out of the country to destinations and owners that are hard to trace. This results in the loss of cultural heritage to the countries from which the objects originate and financial damage to the buyers. Many trusting buyers have been forced to return items that were found to have been illegally exported, losing much money.

These observations about antiquities, in a discussion about the behaviour of the modern and contemporary art market during economic recession, allow us into one of the subjects of the next chapter: the importance of trust in a market that is not regulated. Throughout the present chapter my intention was to demonstrate that everyone who has some kind of relationship with art is not impervious to the status of the objects they view in museums, buy, sell or write about. A consistent trend is discernible as far as the authenticity of artworks is concerned: it is never considered an immaterial piece of information, although there are distinct and overlapping implications of such fact to museums, auctions houses, collectors, artists, experts and dealers. For none of these people is valuing authenticity a display of snobbery, because authenticity is value.

My argument has been developed based on the premise that valuing authentic artworks, as opposed to rejecting forgeries, shows that judgements about art are judgements about intentions and actions. If this were not the case, the physical properties of objects would be sufficient condition to the production of aesthetic judgement. But that is not how we deal with art. We do not expect to be deceived. When that happens we feel entitled to change our mind about an object we previously extolled. Our trust has been violated and that is a deal breaker, often literally.

## **5. Trust, Silence and Implausible Confessions**

In the early days of Christianity priests and monks took a very active part in the forgery of serviceable documents, fraudulent miracles and improbable relics that should have tested the credulity of the simplest pilgrim or believer. It is possible that the earliest preachers were more credulous than deceitful, believing some of the implausible stories they were telling. However, it was not long before lying for the glory of God and the comfort of stray souls led to the practice of extensive manuscript, document and art forgery, and also to the traffic of relics. From the late fifth century to the late eight century, the production of forgeries in Europe is massive. Thus, pious frauds have proliferated to supply the wants of Christians who were eager to see or hear about new miracles and recently found relics. While the dissemination and acceptance of apocryphal stories does not need much else than gullibility, the design of fresh miracles and the manufacture of relics cannot be performed without the conscious practice of fraud. Without much regard for truth and probability, before the eight century, Christians were busy producing all sorts of fakes: miracles, legends, letters, remains of martyrs and relics of saints. A miraculous cross is said to have appeared in the sky at the most critical period of Constantine's life, foretelling his victory in battle and conveniently determining his conversion.

Buried martyrs were usually detected by their extraordinary perfume; stories about the aromatic scent of their sacred bones filled folios. Both martyrs' remains and relics were endowed with curative powers. Among the most popular stories there is that of St Stephen, who had been stoned to death. It was believed that when his coffin was opened, such a divine odour was smelt that it instantly cured the various diseases of those who were present. Astonishing relics of the apostles and other relevant Christian figures, of the Virgin Mary and of Christ, were made and sold to believers who chose to trust their authenticity and uniqueness. Among them can be found a tuft of St Peter's Beard, a piece of the broiled fish Peter had offered Christ, drops of St John the Baptist's blood, a lock of Mary's hair and a piece of the sponge that had been filled with vinegar and handed up to Christ. These were very effective sources of power and profit to the church.

From the fifth to the eighth century, a period ridden with religious forgeries, the interest of forgers shifts mainly to documents. The difference is that now they have expanded their scope; fake documents from this period include promotions, land grants, various privileges and imaginative money-making scams.

From the eleventh to the fourteenth centuries the demand for relics peaks again, encouraging the production of fake items that were somehow pieces of holy evidence. And again, the most ludicrous objects were sold to people who did not seem to care whether they were genuine, or shameless forgeries. Thomas Hoving offers an amusing description of one of those relics with curative properties, which the faithful would not dare to doubt:

There are some amazing accounts of the 'wondrous' goings-on of a wooden figure of Christ of the fourteenth century, an English contraption called the Boxely Rood. The statue shed tears, rolled its eyes, and foamed at the mouth. It generated a host of miraculous cures. The power of the Rood lasted for about fifty years, it would seem, until some unknown fakebuster sneaked into its sanctuary alone and had a good look. He discovered certain engines and old wires and a bunch of rotten sticks in the

back which got the Rood crying, rolling and foaming. Thereupon the Rood was retired from miracle-making. (Hoving 1996, 42)

Miracle-making devices such as the Boxely Rood were no less trusted than the fake letters supposedly exchanged between Christ and the King Abgar of Edessa.<sup>98</sup> The king suffered from an incurable illness. He heard of the miraculous powers that Jesus had and decided to write to him and ask for healing. Christ is purported to have replied and the letter was given to the king by his court painter. Apparently the painter is the author of the first portrait of Christ on linen which would later become iconic, both in Byzantium and in the West. A good account of the plot of the letters, and of their effect is, again, given by Thomas Hoving:

The king wrote Christ imploring him to come and cure him from a mysterious disease. Christ replied that he was busy, but that apostle Taddeus was nearby and might be able to help. The king invited Taddeus, who promptly cured him. This miraculous happenstance impelled Christ to write and say that Abgar was thrice blessed, since the king had believed Christ without seeing him, had believed Taddeus would help him, and had been fixed up by the apostle. By the end of the fourth century the tale had become embroidered with the appearance of a portrait of Christ. The first letter from Christ had been delivered to Abgar by his court painter, who had painted Christ's portrait on cloth. This would become the basis for the proliferation during Byzantine times and in the West in the twelfth through fourteenth centuries of all sorts of 'holy' images of Christ on linen, supposedly painted while Christ was alive. (Hoving 1996, 39)

To a modern reader the stories below seem good examples of funny tales attesting to the naiveté of the faithful. One is surprised that such forgeries went unexposed for such a long time and typically responds to similar accounts with a condescending smile; in these sophisticated times only very gullible people would be fooled by such crudely woven scams, one might think. The truth is that tales of the same nature are easily found in every period in the history of art and forgery. What

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<sup>98</sup> The letters are usually referred to as the Epistles of Abgar. They were popularly read, being widely distributed and translated from Syriac into Greek, Latin, Armenian, Arabic and other languages. The city of Edessa was located in northern Syria. Today it is in southeastern Turkey and is known by its modern name, Urfa. Edessa was the centre of the Syrian Church and the birthplace of classical Syrian literature.

changes is the type of objects forged and the craftiness of forgers, who always keep up with collectors' interests. Being aware of the latest trends in collecting is a key factor for any prolific and competent forger. On the one hand, the demand for a specific sort of objects or artist sends forgers the message they need to make their business flourish – in that sense, collecting encourages forgery. On the other hand, that is the very same message that allows experts and art squads to be alert to the possibility of coming across items whose supply was supposed to be short and that, unexplainably, appear in the market in large quantities. Naturally, that is no guarantee against art forgery, especially because it may have a perverse effect on the behaviour of amateur collectors and experts alike. Despite all the clues that point to the fact that an object is likely to be fake, it is tempting to believe it is authentic, either because it is rare, or because it would illuminate some mysteries in an artist's production, or in the history of a country or civilisation.

In fact, this a classic scenario as far as archaeological forgeries are concerned. Whole civilisations have been forged, along with their forms of living, economic activities and artefacts, to support the theories underlying the fraud. Usually, the finds are conveniently announced after there has been a considerable amount of speculation, uncertainty and academic writing produced about them. The figures on art crime in general are not very accurate, due to the number of unreported offences against art objects, and the lack of interest and knowledge in this type of crime that can still be found among criminologists. <sup>99</sup>However, archaeological forgeries seem to

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<sup>99</sup> The criminologist Thomas D. Bazley shares this view: "Aside from data problems, another impediment to studying art crime is the unique environment in which a criminologist is likely to find him/herself. Some knowledge and interest in art and art history are necessary prerequisites if one wishes to study crime within the art world. This type of background and interest is not universally found among criminologists; folks who are more likely comfortable when dealing with homicide, drug use, rape, prisons, and other topics that reflect the less charming aspects of humankind." (Bazley 2010, x)

The last sentence of the quotation could suggest that Bazley believes art crime, somehow, might be described as an instance of more charming aspects of human behaviour, if contrasted with

be the ones which attract more professionals within this field, when compared with the number of other art professionals involved in art fraud. For some reason, archaeologists are more easily seduced to participate in criminal activities related to their field of work than other people working with art. The most prevalent offences among archaeologists are the smuggling of archaeological finds, inaccurate dating and even burying forged objects in places that, when excavated, would represent extraordinary discoveries.<sup>100</sup>

Two of the problems I will look at closely in this chapter – silence and trust – were so far introduced through the account of amusing pious frauds, the relationship between supply and demand and the production of fake artworks, the unreliable statistics available to study art crime, and how archaeologists appear to be more prone to criminal behaviour involving art objects than other people dealing with art. At first glance, these are loose facts about art forgery. What makes them converge into a more cohesive discussion? They share an important motif: trust or, more exactly, the violation of the essential element in a world that has been described as a game of smoke and mirrors. In 4 B.C., the Middle Ages and today, forgers and other dishonest agents count on the gullibility of the potential victims to successfully

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violent crimes. That is not his line of reasoning. Conversely, he underlines the urgency of bridging the gap between criminology and art history (Bazley 2010, ix-xi), and the seriousness of art crime, especially art theft: “In an international survey of world governments conducted by the United Nations regarding transnational crime problems, the theft of art and cultural objects was ranked number three in terms of prevalence and seriousness (out of a total of 18 crime categories), just behind money laundering and terrorist activities.” (Bazley 2010, 3)

For a comprehensive understanding of the losses that art crime represents worldwide see Freda Adler *et al.*, 2009. *Criminology*. New York: McGraw-Hill.

<sup>100</sup> The most notorious archaeological forgery is the story of the discovery of “Piltdown Man”. In 1912, at a meeting of the Geographical Society of London, Charles Dawson, a solicitor and amateur fossil hunter, claimed that a workman from the village of Piltdown had found a fragment of a human skull at the gravel pit some years earlier and had given it to him. He added that he had visited the site several times afterwards and had found further fragments of the skull, which he took to his friend Arthur Smith Woodward, keeper of the geological department at British Museum. Other artefacts were subsequently found at Piltdown, allowing Dawson and Woodward to affirm that the skull represented an evolutionary missing link between apes and man. Although the story was strongly challenged from the outset, it was long before chemical and physical dating proved that the skull and all the other finds were modern. More than twenty people, including Dawson and Woodward, were accused of being involved in the forgery. The classic book on this fraud is by J. S. Weiner, (1955) 2003. *The Piltdown Forgery*. Oxford: Oxford University Press.

execute their plans. Furthermore, they count on their silence when they realise they have been duped. Given that the trade in the art market is principally based on a system of confidence and that there is no regulatory body, fighting art crime is far from easy. Besides the high number of opaque transactions, there are two other major obstacles that have to be overcome: the tacit silence surrounding such shady deals and the speed at which information is transmitted when silence does not prevail or is broken. The faster one announces a work is missing or is likely to be a forgery, the higher one's chances to retrieve it or to prompt thorough research about it.

Currently, forgery and theft are the main crimes that plague the market. To deter criminals and insulate the market against general discredit, there is not much more that can be done besides checking the existing art crime databases<sup>101</sup> to see whether the work one is interested in is listed in one of them, verifying provenance and the artist's catalogue raisonné, if there is one. Additionally, consumers have

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<sup>101</sup> Art crime databases represent the ongoing efforts to track certain types of crime. While they are a useful statistical tool, allowing researchers to have an overview of the prevalence and frequency of specific offences, their primary purpose is to aid in the investigation and recovery of stolen art and discourage its trafficking. Shortly after the offences are reported to the authorities, details can be made available to collectors, art dealers, museums, auction houses and investigators. Often the description of the objects is accompanied by a photograph, making identification easier. There are six major databases, which can be accessed online (either freely or by specific organisations only) operated by police authorities, governments and private institutions: Art Loss Register (the world's largest database of lost and stolen art; operating since 1991), National Stolen Art File (it is a computerised index of stolen art and cultural objects as reported to the FBI), Stolen Works of Art Database (operated by the Interpol), London Stolen Art Database (operated by the Scotland Yard), Stolen Art Database (operated by the Italian Carabinieri) and Trace Looted Art (it focuses on reports of artworks that were looted by the Nazis). There are many other databases that can be easily accessed online. The list of databases created to fight art crime has been growing steadily in the last decade, with a very even distribution between national government agencies, local police agencies and private sector databases. Remarkable efforts have been made by art squads and governments of countries such as Mexico and Chile, whose budget allocated to fight this kind of crime is fairly modest, and also by countries where art crime did not use to be a concern, like Canada. Because crimes involving works of art were very rare in Canada, until as recently as late 2010, there were no specialist art theft investigators – let alone an art forgery unit – in the Toronto police force, the Ontario Provincial Police or the Royal Canadian Mounted Police. Apart from a small art theft unit in Montreal, there was no one keeping track of art related crimes in Canada. With no specialist law enforcement, investigators or prosecutors that provide an efficient deterrent against art crime, Canada has been art criminals' paradise. Thieves, forgers, black market dealers and smugglers have had a better chance to be successful, and avoid prosecution, in Canada than almost anywhere else. Adding to the lack of law enforcement in Canada, art criminals have taken advantage of the general tendency among victims of art crime to keep quiet about it.

some resources to verify art dealers' reputation through the Association of Art and Antique Dealers (LAPADA) in the UK, and the International Fine Print Dealers Association and the Art Dealers Association of America, in the USA. To be a member of these associations, dealers must operate by a code of ethics and have years of experience and acknowledgement of their expertise by their peers.

Yet, none of the previously mentioned procedures ensures that one is buying an authentic work. Stolen works may not be listed in art crime databases because theft may not have been reported, authenticity certificates can and have been abundantly forged, fake works may have been included in an artist's catalogue raisonné, and a dealer's impeccable reputation does not make him impervious to being duped by a convincing forgery. Matters can be further complicated in countries such as France, where certificates may be produced by an artist's family member whose expertise in the oeuvre of the artist is often highly debatable. Certificates have been issued or denied by family members, as representatives of the artist's estate, based on pronouncements like "I think I have seen this painting in the artist's studio" or "I do not remember seeing it in his studio".<sup>102</sup> On the surface, such statements do

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<sup>102</sup> The criterion has also been used by some American authentication boards, generating controversy and, more importantly, throwing the authority of those institutions into doubt. Collectors are less and less willing to accept that a decision about a painting's authenticity should depend on whether a studio assistant, or a friend of the artist, remembers seeing it lying on his workbench or not. The proliferation of good forgeries and the growing number of lawsuits faced by the organisations and people who used to authenticate artworks on behalf of prospective buyers and sellers compounds the problem. The high costs of lawsuits and the financial risk for the future of such institutions have led some to close their doors. The most prominent case is that of the Andy Warhol Foundation. The Foundation dismantled its authentication board following the lengthy and costly lawsuit by the collector and filmmaker Joe Simon, who contends Warhol's self-portrait in his collection was wrongly branded fake by the board.

Thus, the authentication of works of art in America is now a more serious issue than it has been until fairly recently. With some authentication boards with their doors already closed and others threatening to follow suit, dealers and experts are concerned that the situation might become even more complicated. Bob Haboldt, a respected Old Masters dealer, comments on the effects of the lack of regulation in the art market: "The situation is becoming nightmarish. Pretty soon, people will be going to auctions with their art advisors *and* their lawyers." (Esman, 2012)

The problem has reignited the old dispute between those who swear by scientific analysis as the ultimate solution to the problems of the authentication of artworks and those who believe that reliable experts are still the best way to deal with the issue. It is in this setting that Milko den Leeuw, a Dutch restorer, has been drawing attention to his research project, which he claims offers the



not appear to be less reliable or valid than those attributed to reputable art experts and discussed in chapter 1. In reality, assessing the status of a work of art through the intensity of one's physical reactions to it, as some experts are known to do, seems to be a less appropriate criterion to judge art than believing to have seen a certain work in the artist's studio. There are, albeit, important differences between the two guiding principles. Representatives of an artist's estate who are entitled to produce certificates of authenticity sometimes do so without any other credentials except familial affiliation. Comprehensive knowledge of the artist's oeuvre may or may not be part of the process, whereas flamboyant experts who declare a painting authentic because they have fainted, or because their stomach felt right, are allowed to do it by their peers. To put it differently, the accuracy of the decision of the former does not ensue from reiterated peer validation and entails a high risk of being arbitrary. On the other hand, the latter might proclaim a painting fake or genuine, because they

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definitive method for authenticating works of art. He believes it will be an answer to the "flawed established authentication process currently in place". (Esman, 2012)

Den Leeuw is a pictologist – he studies the construction of images – and defends every work of art should be authenticated according to a specific sequence of scientific testing which will gradually reveal the building process of the image under scrutiny. He suggests that first a given work must be subjected to chemical analysis, which will determine its age. Then infrared light, X-ray and ultraviolet should follow and reveal its different layers. Dan Leeuw is very confident about the importance of his method to overcome the flaws of the process of authentication and hopes it will be universally adopted.

In fact, the basics of Den Leeuw's supposedly new method have been standard practice since the 1930s, at least in museums. Since then, art history has been combined with scientific testing. The main difference is that Den Leeuw proposes this should be the universally adopted method, which he hopes will happen in 2013 at a conference he has organised to discuss recent developments in authentication. I do not think this will happen. Although it cannot be denied that the art market is unregulated and that, therefore, there are more risks in dealing with art than in other fields, trying to eliminate the pitfalls through the use of science is not the answer. As I have defended earlier, this is not an activity where science would provide positive proof. Typically, scientific tests may be effective in determining what artworks are not, but not what they actually are. And even then, proof has to be articulated with the expert's eye. Moreover, applying such a method to every work of art which has to be authenticated would be terribly costly and would make authentication a very lengthy process. Collectors, auction houses and museums are not often willing to wait a year or more for a verdict about a work's authenticity. It would freeze the market. Additionally, the questions that afflict the enthusiasts for art as science would remain. Who would pay for the whole process? Who would select and supervise the experts? Will the judgements be definite? What guarantees would there be against lawsuits?

I believe that, if and when the market changes the way it operates, it will be through self-regulatory principles, and not because of the approval of a standard method of authentication at a scientific conference.

did or did not experience some apparently unrelated physical reaction, as a result of years of experience and sound judgement sanctioned by their peers. In both cases, however, trust is the fundamental factor at play. There is no way to be absolutely sure one is buying a work whose status will not be questioned and eventually changed. Of course, that also does not mean it will not be reversed, as discussed in chapter 3. Such contingencies make the art market a special case among other fields and businesses. Although there are many businesses where trust may be decisive when finalising a deal, there is no other where the lack of regulation does not paralyse transactions, and where the sums involved keep rising sometimes depending on events that could be seen as unreasonable explanations for the market's fluctuation. The fact that art is the only commodity that appreciates due to the prestige of its owner<sup>103</sup> is a good example of the type of factors that must be considered when dealing with art, and that are seldom mentioned in other business transactions. The art market has found its own way of regulating the delicate process of establishing, maintaining and losing a reputation. And once established, reputation feeds on itself. This statement is valid as a description of all the agents who make the market work and is validated, among other ways, by the high prices commanded by certain artists and paid by collectors, museums and dealers. Buyers' willingness to pay such prices reflects both their judgement about attribution and reputation, and their recognition of the quality of the judgement of critics, art historians, other collectors, museums

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<sup>103</sup> I anticipate the objection that the same applies to memorabilia. In fact, some items that belonged to famous people, or relate to important historical events, fall under the same category as some artworks and are sold at auction following the principles that rule the sale of art in general. A relevant difference is that standard procedure concerning the verification of provenance is less strict in the case of memorabilia than in the case of painting or sculpture, for example. Often that is a consequence of the trivial fact that the path followed by the former is not recorded, unlike what happens with the latter. Memorabilia and objects that evoke relevant historical moments attract collectors because they create the illusion of bridging the gap between past and present, between the original owner and the prospective owner. Hollywood memorabilia and pieces of the Berlin wall have been sold for huge sums of money, and few questions were asked. Memorabilia, it goes without saying, have the extra allure of having been physically connected to someone one admires, which adds a fetishistic dimension to the demand for this kind of objects.

and dealers. Despite the recurring criticism about the ridiculous prices currently being paid for works of art, and the debatable relationship between market value and quality – invariably invoked by the authors of this sort of remarks – the truth is that whenever an artwork is offered for less than the going rate for that specific artist, or series of works by such artist, it raises suspicion. First, it cannot be stressed enough that the shock and criticism about the prices of artworks stems from a misconception about the workings of the market and the correlation between quality and price. Prices are determined by a complex, and occasionally erratic, relationship between supply and demand, and by trends that may be set by contingent factors such as the recently acquired celebrity status of a particular artist, collector or dealer. Second, the whole argument against the prices of art today is generally founded on the notion that art is synonymous with toil, which leads to the belief that the harder the effort the higher the reward should be. Naturally, that vitiates the entire discussion, since there is not necessarily a connection between the effort put into creating a work of art and the price it will command at auction or at a gallery.

Given what has been depicted so far, I do not believe it would be an exaggeration to affirm that sound judgement and trust are the chief ingredients that fuel the art market. Nevertheless, there is a third ingredient that is too pervasive and stands in the way of making the art market a place where the exercise of cautious assessment and trust, by those who share some interest in it working as free from pernicious factors as possible, would be self-evident. I am, of course, referring to silence. It is true that it is not a new element that those dealing with art have to take into account when buying or selling artworks. With varying degrees of intensity, it has always been present in transactions involving art objects, which may serve as proof that in spite of it the market still works quite well. In reality, currently it is one of the few businesses that has not frozen due to recession, as it has already been

shown. But this is not incompatible at all with saying that silence is damaging to the confidence of all the potential buyers and sellers of works of art. What is more important, it is worth addressing the issue that silence is common within the art world, notably among the people one would have thought would benefit from breaking it. Why are people who have reliable information about a suspicious work often not willing to share it and make the market a safer place to do business? There are two major sorts of reasons why unequivocal forgeries, the theft of works of art, or well-founded suspicions about the authenticity of art objects go unreported, or are not even talked about openly. Security and reputation are the justifications provided by most people who admit to not having complained after being lured into buying a fake object or after being victims of theft. Surprisingly, on the basis of the motives for choosing to be silent about art-related crimes, or about information that could lead to investigation that might allow crime to be prevented, is trust. Or rather, the fear that it might be broken because it becomes public that one was duped by forgers, dishonest dealers or careless auction houses. Theft seems to prompt a similar psychological mechanism: victims avoid reporting losses for they are reluctant to draw attention to the vulnerability of their collections and tend to be embarrassed for not having been discerning enough to avoid risks, criminologists and police authorities in general claim. This is true of private collectors and museums<sup>104</sup> alike,

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<sup>104</sup> Recent studies conducted by criminologists report that museums generally do not keep accurate records on art vandalism, as most attacks involve little damage, whereas in the case of theft the decision not to report losses stems from fear of copycat thieves. Insurance companies tend to adopt a similar protocol for more perverse reasons: not publicising the infrequency with which art vandalism actually occurs, allows them to profit hugely from the policies they sell to protect museums against losses from such acts. Therefore, a distorted view of the frequency and seriousness of vandalism against artworks has emerged due to the combination of museums' apparent unconcern for their own holdings, and the opportunistic approach of insurance companies to the lack of reliable data on art crime. Admittedly, the art market continues to thrive, albeit at times shaken by news of forgeries or of works whose authenticity arises doubts. But some of its agents, sometimes involuntarily, act against their own best interests. Eventually this leads to a deflated picture of the prevalence and seriousness of art crime in general and art forgery in particular, broadly seen by those who are less acquainted with details concerning the art milieu as some mischievous prank played by educated gentlemen on other gentlemen who refuse to acknowledge the former's talent. Criminologist

although museums have an additional reason for not reporting losses: they fear such news will scare donors and attract more thieves.<sup>105</sup> Still, in both cases, silence stems from the intention to preserve reputation and trust in one's ability to make the right choices. There is a particular group of collectors who rarely report art-related crimes to the police for reasons that also have to do with reputation, but in a radically different way. That is the case of collectors of antiquities smuggled out of countries whose government would retrieve them, or of collectors who have intentionally bought stolen art, or also who have legitimately purchased art with money that was made through dishonest means or with income that was concealed on tax returns. The intention here is not to keep quiet about deception so as to be shielded from judgement that might question one's actions. Instead, the intention is to remain silent in order to deceive, being aware that one's actions are morally and criminally accountable for. In this respect, they are in a similar position to forgers.

Fraud by dealers and auction houses paradoxically is not made public by other dealers and auction houses, for example, to maintain collectors' confidence in the market. This obviously has the opposite effect, since it eventually backfires and affects those who decided to remain silent. It forces them to deal with questions of

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Thomas D. Bazley, who considers art crime to be "the most costly form of crime and certainly one of the most pervasive, white-collar crime" (Bazley 2010, x) emphasises the discrepancy between the lack of literature in criminology devoted to art crime and the prevalence of such offences: "The literature in criminology has been relatively silent on crimes that affect art and those who create, own, and/or have custody of art objects. This relative lack of attention is all the more surprising when confronted with the highly ranked position that art crime occupies in international crime estimates." (Bazley 2010, ix-x)

One cannot help thinking that the silence of those who are affected by art crime determines the silence of those who do research about it. However, Bazley believes that it is also a question of motivation and specialised knowledge on the part of criminologists, who seem to be more at ease investigating violent crimes, as it has already been pointed out at the beginning of the present chapter.

<sup>105</sup> These reasons have already been discussed in chapter 3. Additionally, in the case of European museums there is a practical reason why information is often undisclosed: many of the most treasured paintings in the permanent collections of the great museums in Europe are not insured against theft. The justification underlying such policy is that public money should not be spent twice. The public has already provided the funds for the purchases; theft is a matter for guards and security cameras. Damage, particularly fire, is the main concern when it comes to making decisions about buying insurance for works in great museums such as the National Gallery or the Tate in the UK.

authenticity raised by objects that entered the market as a result of the forgers' sense of laxness regarding the circulation of fake works. When dealers and auction houses are the victims of forgery, silence also seems to be common behaviour. On the one hand, they keep the knowledge that they were duped by forgers to themselves to protect their expertise and reputation from being questioned. On the other hand, silence is the means through which dishonest dealers and auction houses place forgeries in the market again. Sometime after all the talk about a particular object being wrong has died out, it is put up for sale once more, usually with a fake provenance.<sup>106</sup> Thus forgeries may circulate without ever being exposed. Elaborate networks of artists, dealers, appraisers, experts, critics and auction houses may make it truly difficult to determine who is responsible when a buyer is defrauded and involve expensive and endless lawsuits. Nevertheless, this should not be a reason to choose silence, especially when what one is choosing is not only not to pass useful information to one's peers, but also to be an accomplice to an action of which one is also a victim. It may be argued that there is no contradiction in simultaneously being

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<sup>106</sup> Works whose authenticity has been questioned or which were the object of criminal cases that ended with the seizure of the pieces, or even their destruction ordered by the judge in charge of the case, occupy a delicate sort of legal limbo both in the USA and the UK. While it is undeniable that the resale of fakes is now a persistent problem, which is more and more detrimental to the confidence the art market depends on, no clear-cut answer has been found to tackle it. In France, Switzerland and other countries that recognise the moral rights of an artist, heirs or foundations which oversee the authentication of the works of that artist can ask the courts for permission to destroy fakes. Or, in circumstances where a dispute about authenticity is settled in court, the judge himself orders the destruction of the objects in question. One may claim that with respect to undisputed fakes, destruction is the only safe way to ensure they will not be placed in the market again. However, the system has an obvious drawback: authentic works may mistakenly be destroyed. Given that research on the status of artworks may reveal that what were uncontested fakes are actually authentic pieces, destruction always entails the possibility of making irreparable mistakes. Let us take, for example, the three J. M. W. Turner paintings that had been discounted as fakes and were reclassified as genuine in September 2012 in the UK. Had the law in the UK established the compulsory destruction of forgeries and the paintings would have been shredded. Although both buyers and the police mostly trust that the market guarantees its own surveillance, the number of fakes being resold or resurfacing the market and halted before being resold calls for effective deterring measures to be taken. Experts have reported being asked to reauthenticate the same pieces they previously signalled as fakes; auction houses also state that objects whose sale has been cancelled, reappear sometime after being returned to the owner, often through a new and credulous owner. Many scholars and prominent legal experts such as Ronald D. Spencer insist that the best solution is to conspicuously mark the objects as fakes so that they will not be sold to unsuspecting buyers: "Stamp it, by all means, so that any subsequent owner knows that it was considered a fake, but don't destroy works. If destruction becomes routine, a genuine work will mistakenly be consigned to the shredder at some point." (Cohen 2012)

a victim and the author of a similar offence one has suffered, since the former may be the cause of the latter. True as it may be, in the case of art-related crime, the number of victims that commit the same crime as a form of revenge is rare. The motivation to keep information about forgery or theft secret is usually associated with the intention to protect one's reputation and assure the security of one's property. Occasionally, that intention is not the only motivation behind the silence about art forgery and theft. Put differently, the victim is not exactly a victim, since being silent is an instrumental factor in the crime of profiting from the dodgy nature of a transaction that did not go exactly as planned.

As far as experts are concerned, their chief reasons for not voicing doubts about the authenticity of artworks or for censoring themselves when they are positive about a work's status have been addressed earlier, in chapter 3. Commonly, experts fear being embarrassed and having doubts cast on their connoisseurship. But especially in the USA they increasingly fear litigation they cannot afford. As prices have risen, so have risks. Therefore lawyers recommend silence if experts come across a suspicious work or even a fake that has been misattributed. Some American experts and authentication boards have found non-committal ways of expressing their opinion about the authenticity of art pieces. Alexander Rower, Alexander Calder's grandson and the chairman of the Calder Foundation, prescribes a safe formula to be used whenever one finds a fake:

You can't just go out there in the world and say, 'That's fake'. But it is a fair thing for me to say to an art dealer, 'Have you presented this work to the Calder Foundation?' And if he says no, I say, 'You really should'. (Cohen 2012)

While it is legitimate under such circumstances to avoid a straightforward answer to the question "Is it authentic?", one can also easily see the correlation

between the reluctance to speak publicly about the authenticity of artworks and the rise of art crime. This tendency may keep forgeries and misattributed works in circulation and encourage further production and sale of fakes.

The ethical dilemma is not exclusive to American experts, it is only more acutely felt in the USA because it represents a financial burden which European experts and scholars do not have to deal with. Lawsuits targeting the authors of opinions about the authenticity of art pieces are quite rare in Europe and have very few chances of being successful.

Let us now consider the effect of silence on the rise of art crime. The FBI has recently estimated that international art crime is now worth more than \$6 billion annually,<sup>107</sup> which is far from being a modest figure. The figure has doubled from around \$3 billion a decade ago. This has fuelled the debate between those who argue that loud media coverage is greatly responsible for the increase in this type of crime, and the advocates of the opposite view: the volume of crime itself has not risen, but rather the public's awareness of it and the focus of police authorities on the problem have intensified. The former feel that most art crime stories featured in the news highlight how easy and how sexy it is to be involved in art forgery and theft; snobbish experts and dealers had it coming for rejecting talented but unprivileged artists, museum security is lax, despite taxpayers' efforts – theft and vandalism will force them to be more efficient. Although these are broadly valid points regarding the way art crime is depicted in the news, it is dangerous to embark on their endorsement to sanction silence as suitable action against art crime. What needs to be questioned is the way some media still look at art crime, not whether they should be silent about it. Those who claim that what has increased is the attention currently drawn by art

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<sup>107</sup> The figure refers to 2011. The statistics for 2012 had not yet been published at the time of printing this dissertation.



crime, stress that that is due to the impressive prices artworks command now. When works are valued at \$100 million they are likely to generate interest and lead people to associate glamour to such objects. That is precisely the reason why art crime should not remain unreported and silent – it is neither petty, nor sexy.

The good news is that art forgers and thieves may be smart and greedy but often they are not good businessmen. Despite the fact that art crime should be taken seriously, what with its connection to drug and arms trafficking and the global economic damage it represents, as it has been repeatedly stated, forgers cannot keep quiet for a long time and thieves are not as sophisticated as they appear to be. The former are usually betrayed by vanity and the latter by greed. Many forgers have proudly confessed their crimes stating that they are evidence for the flawed knowledge of experts. Many thieves have stolen priceless works and are thus stuck with objects they will never sell on any legitimate market.

What follows is a description of the actions and intentions of some forgers who confessed to their crime, albeit neither in the most conventional manner nor for the reasons popularly believed to be frequent.

Henceforth the reader should not expect lengthy accounts of the achievements of the most notorious art forgers, punctuated by whimsical details that give their scams the flavour of a detective story with all the ingredients to be made into a crafty and lively film.<sup>108</sup> Nor should he hope to be offered thoroughly accurate technical descriptions of the methods and means each forger utilised to accomplish their purpose. Hundreds of pages have been written about forgers such as Han van

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<sup>108</sup> Art forgery is indeed a popular topic nowadays. Several stories of forgery and theft of works of art have appealed to scriptwriters and directors for the last few years and have been made into television series or films. Some have already been released – e.g. *Loving Miss Hatto*, directed by Aisling Walsh and released in the UK in August 2012 – others are now being developed – the script for *Genuine Fakes*, based on John Myatt's true story as a forger, is now (December 2012) being written – and, surely, others will be produced, catering for the curiosity of film audiences about supposedly flamboyant crimes devised by educated gentlemen in a gentile atmosphere.

Meegeren (a favourite among authors doing research on art forgery), Elmyr de Hory, Tom Keating, Clifford Irving, Eric Hebborn, and more recently the pair John Myatt and John Drewe.<sup>109</sup> Their motivations have been minutely researched, documented and well presented in essays and books where the authors display serious work on technical matters concerning the process of forging the objects which gave notoriety to the forger they are writing about, accurate knowledge of historical events and precise documentation of sources.

Therefore, I will examine briefly the cases of forgers whose confessions were not believed, or whose intentions seem to be less predictable than those that are traditionally attributed to fraudsters in general and to art forgers in particular. Naturally, the examples chosen and their protagonists have some aspects in common with the stories of the famous forgers mentioned above. Motivations and artifices are akin, the conditions under which forgery scams succeed do not differ radically, and the perpetrators share some psychological traits. However, the point I wish to make is not that the forgers I selected or the episodes cited are worth looking at because they are more bizarre instances, which have not been extensively explored, of the same family of problems. That would be an exercise of the same sort as the one that I believe has been made so far, regarding the protagonists of art forgery. Except that it would be a very short history of less well-known and, in some cases, slightly more

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<sup>109</sup> For a comprehensive understanding of Van Meegeren's activity as a forger see Jonathan Lopez, 2009. *The Man Who Made Vermeers: Unvarnishing the Legend of Master Forger Han van Meegeren*. Boston: Mariner Books. The reference book on Elmyr de Hory is still Clifford Irving, 1969. *Fake! The Story of Elmyr de Hory, the Greatest Art Forger of Our Time*. New York: McGraw-Hill. About Clifford Irving's own story as a literary forger see Stephen Fay, 1972. *Hoax: Inside Story of the Howard Hughes-Clifford Irving Affair*. London: André Deutsch. Tom Keating's autobiography, written with the invaluable contribution of the journalist Geraldine Norman, remains the most interesting book about him: Tom Keating, Frank and Geraldine Norman, 1977. *The Fake's Progress: Tom Keating's Story*. London: Hutchinson. To learn more about Eric Hebborn his own writings are also the richest sources: Eric Hebborn, 1991. *Drawn to Trouble : The Forging of an Artist*. Edinburgh: Mainstream Publishing Projects; Eric Hebborn, 1997. *The Art Forger's Handbook*. New York: The Overlook Press. The extraordinary story of John Drewe and John Myatt (reformed forger now turned television presenter for programmes about art on Sky Arts channel) is recounted by Laney Salisbury, Aly Sujo, 2009. *Provenance: How a Con Man and a Forger Rewrote the History of Modern Art*. New York: The Penguin Press.

eccentric, forgers. What the examples of forgers' confessions, and descriptions of less typical details involving the forging of artworks, I have selected show is that the effects of the intention to deceive are crucial to what most of us think about and do with artworks. Regardless of other motivations, deception underlies the actions of all forgers.

With minor variations, easily explained by personal inclinations and specific conditions to which some decisions may be ascribed, forgers are driven chiefly by the same sort of motivations. A rather predictable combination of ambition for fame<sup>110</sup> and financial gain, vanity and, in some cases, a certain degree of delight in a hoax – a mixture of resentment against a milieu perceived as biased and blind to their talent – and revenge. Criminologists have registered gratification derived from outwitting an opponent as a common justification for fraudulent behaviour among art criminals. Some fraudsters really believe they are being mistreated<sup>111</sup> by the art establishment,

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<sup>110</sup> There is one example of a forger who has confounded museums and police authorities. He is very likely to be motivated by the wish to be famous but has been acting in the most bizarre fashion. His name is Mark A. Landis and he is a lifelong painter and former gallery owner. Apparently he has been operating for twenty years but only in 2008 did his fraudulent activity begin to unravel. Unlike most forgers, he does not appear to be interested in making money through his scam. A peculiar kind of satisfaction is his major motivation. Landis –often under his own name, although for the last three years as Father Arthur Scott, a Jesuit Priest, or as a collector named Steven Gardiner – donates his works to museums without asking for anything in return. He turns down tax write-off forms and authorities are not sure whether he has actually broken any laws. To convince museums he is a philanthropist, he concocts elaborate stories about health concerns and the wish to honour the memory of his late parents for whom he cannot afford to endow a museum. He has never attempted to sell any of his forgeries, which has allowed him not to be criminally charged. Yet, his donations have cost time and money to museums which have to have them examined. On this case see Randy Kennedy. 2011. "Elusive Forger, Giving but Never Stealing". *The New York Times*, 11 January. <http://www.nytimes.com/2011/01/12/arts/design/12fraud.html>. And also James C. McKinkley Jr. 2102. "Prolific Forger Gets an Exhibition with His Name Attached". *The New York Times*, 30 March. <http://artsbeat.blogs.nytimes.com/2012/03/30/prolific-forger-gets-an-exhibition-with-his-name-attached/html>.

<sup>111</sup> The resentment harboured by Van Meegeren about contemporary critics of his has been vastly noted, as well as the disgust he felt towards artists such as Van Gogh, Gauguin and Mondrian. In his opinion, they were responsible for the betrayal of the culture heritage of the Netherlands and the corruption of the notion of art; their paintings looked like scribbles of children or idiots. Moreover, due to these so-called artists Holland was opening the doors to "international art communism" (Lopez 2009, 94) – whatever that was. Such horror, according to some authors, may have been crucial in his decision to forge Vermeer: "Given that Van Gogh and Gauguin had, as Van Meegeren said, 'annexed the pages of art history' with their 'art-anointing language', couldn't Van Meegeren justifiably turn the tables, reopen the history books to a point before the modernists came along, and then add to the great tradition as a true artist should?" (Lopez 2009, 95)

others simply rationalise their intentions and actions so that they should be morally acceptable. Claiming that they have created works that are as commendable as those of the artists or styles they fake, and that the critics who have rejected their work cannot tell them apart, is a way to obscure the intention to deceive and divert the attention from the criticisable nature of their behaviour. Of course, there are cases where financial hardship may be stated as the main cause for fraudulent practices. But when it comes to art crime, even according to forgers' own confessions and justifications, that is seldom the reason why they choose unorthodox means to be part of the art market. Moreover, the argument that the prices of genuine artworks are ridiculous and that one can have the very same aesthetic experience by looking at a copy, or at a piece created in the style of the original artist, for a fraction of the price will always have supporters. This is the sort of argument that simultaneously appeases the consciousness of collectors and dishonest dealers; it makes art forgery seem a kind of Robin Hoodish way of introducing common sense in a business where it is lacking. Only thus may convicted forgers such as John Myatt become popular and be thought of as pranksters who misbehaved imaginatively. If he were a convicted drug dealer, who had recently come out of prison, the probability of being hired by a television channel to host a primetime show would be very low. Myatt embodies what the average person who does not know a lot about art crime thinks an art forger is: a nice talented person who, for some reason, was not very lucky and eventually was pushed to a less honest path, but who has already paid his debt to society. That would not be totally inaccurate, if he stopped benefitting from his

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Of course there were practical factors that played a key role in his choice and made Vermeer a very appealing name to be forged: he was dead for centuries and not much was known about his work. In the late nineteenth century he emerged as a great master, but not many connoisseurs could say they were experts in his works. As the interest in Vermeer's paintings grew, the lack of balance between supply and demand became apparent. Those were the conditions that allowed Han van Meegeren to succeed.

criminal activities. He believes at least 120 of his forgeries are still in circulation and he declared he has no intention of signalling them:

If I ever saw one of my paintings again I would just smile to myself and say nothing. What's the point? The person selling it would lose a lot of money if I revealed it to be a fake, and that would be an immoral thing to do. (BBC News Magazine, 3 June 2012)

The point is, one could affirm in answer to Myatt's expression of futility, that the putative collector he has in mind has already lost a lot of money, albeit he might not know it yet. The immoral thing to do has been done. Myatt's position attests not only to the tacit code of silence that undermines the art market but also and mainly to the belief that, as far as art crime is concerned, intentions and actions should be judged under a special moral set of rules. Put differently, art forgery tends to be regarded as a particular kind of deception for it is generally done by a special group of people. Namely, it is seen as an activity performed by gentlemen who have aesthetic interests and other elevated concerns that could not possibly be confused with the vile intentions of common criminals. In reality, most legal systems corroborate a similar view – the legal frames still have many gaps and the penalties for art crime are relatively light.

All the reasons indicated above concur in endowing forgers with charm and imagination, talents that allow them to rebel against what people like to describe vaguely as “the establishment” – an unfair and restrictive entity. Art forgery is thus romanticised and portrayed as a glamorous form of criminality to which moral judgement is applied tolerantly. The intention to deceive and the action through which it is accomplished acquire lighter shades, to use a colour metaphor, if compared with other crimes where deception is the main offence, e.g. making or using a false credit card, a crime which is punished in the USA with a monetary fine,

a prison sentence of up to fifteen years in prison or both. There is no record of an art forger having spent fifteen years in prison, regardless of the extension of the damage of his fraudulent activities.<sup>112</sup>

People like entertaining stories, intricate plots, and admittedly art crime scams, mostly the ones involving colourful characters with cunning minds, have managed to captivate people's imagination and win their sympathy. Despite the nature of the offences they are involved in, art criminals and the very pieces they forge or rob tend to have a patina of loveliness. It seems hard to imagine that it is a very dirty business. How could such a romantic activity like creating beautiful objects that are identical to the ones people admire in museums around the world, to works that have been praised in books about art, so similar to the pieces that are coveted by so many art lovers, and sold for such high prices, be harmful? I trust that at this point I have managed to demonstrate that the answer lies in the moral value of the intention to produce objects which are identical to a set of given artworks or styles.

I would like to conclude with a few observations about forgers' confessions that were not believed. I concede that the topic risks seeming somewhat loose, now that the previous paragraph could close this text. I deliberately saved these descriptions as the last items to be attended to. They add an extra ingredient to the running argument about the relevance of the intention to deceive. Forgers who protest they have always had the intention to deceive, who are proud of their skills

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<sup>112</sup> John Myatt was convicted for conspiracy to defraud. In 1999 he was sentenced to a year in prison but was released after four months on good behaviour. John Drewe, the ringleader who recruited Myatt to produce the fake paintings and who provided all of Myatt's works with fake provenance, received six years. Like Myatt, he was jailed in 1999 for masterminding one of the biggest art frauds of the century, amassing more than £1.8 million by commissioning paintings and passing them off as rediscovered works by major artists. From 1986 to 1994, Drewe manufactured false stamps, letters, receipts, dealers' catalogues and razored out pages of catalogues in museum archives, replacing them with images of their fakes. A few people rang alarm bells, notably Mary Lisa Palmer, Director of the Giacometti Association in Paris, who spotted a Giacometti fake in a Sotheby's catalogue in 1991. But it would take another four years and further investigation before the net closed on the forgers. The turning point came when Drewe's ex-wife collected and handed to the police hundreds of incriminating documents she had found in their house, together with Drewe's forging kit.

and have a hard time proving they are criminals, are an interesting case of protagonists in art crime stories who do not try to launder their motivations for forgery. That is to say, they do not rationalise their intentions and actions in order to arise moral sympathy. And that may be disconcerting for those who were deceived. Besides being proved wrong, which might make them feel their expertise is being questioned, there is a sense of awkwardness – forgers are supposed to embellish their schemes, not be frank about dodgy behaviour. That really ruins the script one had anticipated. That simply is not how the plot of art crime stories is supposed to be built.

Let us then turn for a moment to a few accounts of intentions to deceive, made by their authors, which had to be supported by persuasive evidence.

The sculptor Giovanni Bastianini (1830-1868) had always found inspiration in the great artists of the Renaissance to create his own work. He is said to have produced astonishing works, capturing the spirit of the Renaissance like no other sculptor working in Florence at the time was able to. From 1848 to 1866 he was under contract to the Florentine dealer Antonio Freppa. Bastianini made an impressive life-size bust of the poet Girolamo Benivieni, a friend of the Dominican preacher Savonarola. The piece changed his life and encouraged debate among experts for years. Freppa sold the bust to Count Novilos, a connoisseur who passed it to Count Nieuwekirke. The latter was a protégé of Princess Mathilde Bonaparte, who persuaded the Louvre to acquire it for fourteen thousand francs. Rumours about the authenticity of the work started to circulate because Freppa resented not having been given his agreed-upon percentage of the price paid by the Louvre.

Critics wrote that the work could only have come out of the hands of a genius whose level of talent could no longer be found. Among them was Eugène-Louis Lequesne, a sculptor who repeatedly called Bastianini a liar and challenged him on

specific technical matters, e.g. the kind of clay used was too porous to be recent, the aging of the bust was not fake. Art historians and experts agreed with Lequesne. Bastianini was tired of trying to demonstrate how he had accomplished his forgery. Eventually, he refuted the accusation that he had not made the bust by exhibiting the first plaster cast of the head, which he had kept, and asking some witnesses who had seen him at work to confirm his story.

Alceo Dossena, to whom I have referred in chapter 3, is another example of a man who made use of unconventional means to establish the truth. I will not return to the discussion about whether he was always innocent concerning the deals involving the pieces he produced, exploited by greedy dealers or if, on the contrary, he played an active role in the swindles. On the one hand, as I have stated earlier, the details about his putative intention to deceive are unclear. On the other hand, the point I am trying to make is that he was not taken seriously when he said he was the author of works that had been acclaimed as masterpieces. Following an altercation with his dealers over money, he decided to uncover the true origin of the pieces so many experts were praising. Dossena worked with equal confidence in stone, wood and terracotta. Not only did he possess the skill to use very distinct materials, but he could also excel at imitating the typical styles of the Renaissance, the Middle Ages and earlier periods.

Dossena's revelations caused nothing short of outraged reactions and contempt from experts, museum directors and art historians. How dare this simpleton try to convince everyone he has the talent to make such superb objects? The best minds within the art world had authenticated too many of those artworks to be insulted. Apparently, many of them devised vicious plans to disgrace Dossena. At last, Dossena decided that perhaps the best way to set the record straight was to be filmed while working. A member of the film crew then said:



Dossena worked so hard, and his results were always so unexpected that the camera could hardly keep up with him – half an hour later he had modelled in clay the figure of a goddess, some sixty cm. high, in the Attic style. (quoted in Mills, Mansfield 1982, 193)

Our last forger is the author of what amounts to whole civilisations. Brigido Lara, born in Mexico, <sup>113</sup>created more than forty thousand fake pre-Colombian pottery pieces. Some of his works were described as the most expressive and moving figures of the period he so outstandingly forged. Lara sold his work as genuine antiquities. Buyers did not ask many questions since taking the pieces out of Mexico was illegal.

Thomas Hoving tells how the gifted forger's activity was disrupted:

Lara and his thousands of creations most certainly would never have come to light had he not been arrested in 1974 as a smuggler of precious national patrimony. He was apprehended by the Mexican police near Vera Cruz with a large pre-Columbian terra-cotta statue of the finest Classic Style. He was jailed but kept insisting that he wasn't a smuggler of antiquities but the creator of the piece he was carrying under his arm and thousands of others like it as well. At first the authorities laughed, but after months of protesting, Lara finally managed to persuade them to let him have the clay and instruments he needed. Overnight he made a statue in his prison cell that was even better than the one with which he'd been caught. He was released and was hired by the Mexican authorities as a restorer and maker of replicas to sell in museum shops. (Hoving 1996, 331)

Lara currently is a sort of consultant for his own forgeries. The activity has proved to be more demanding than he initially expected. He identifies examples of his work in museums<sup>114</sup> and private collections. His claims are still frequently dismissed, forcing him to ask clients "to test for the presence of one ingredient he always supplied to his clay mixture – Resistol 850, the common household glue of Mexico." (Hoving 1996, 331)

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<sup>113</sup> The date of his birth is uncertain.

<sup>114</sup> In 1971 the Los Angeles County Museum of Natural History presented a large exhibition entitled *Ancient Art of Vera Cruz*. Lara later recognised many of the exhibits as his work. Also, in the Museum of Fine Arts in St Petersburg, Florida, there is a large pre-Columbian terracotta seated figure dated A.D. 600-900, which has been signalled by scholars as one the finest examples of the period.

Lawyers and judges agree that proving fraud in court is difficult. Often, it is impossible to demonstrate beyond reasonable doubt that the defendant intended to deceive the victim. In the specific case of art forgers, even when they admit to having produced an object with the intention of passing it off as having been made by someone else, deliberately profiting from the action, the conviction is not certain. The judge may not be convinced, the jury (in the legal systems where there is one) may be confused, experts may resist the idea that the defendant really is as ingenious as it seems. From the stories included below one can see that intention is difficult to prove outside the courtroom as well. Bastianini, Dossena, Lara, and many others who were not covered in this short description of hard endeavours to prove dishonest intention, indirectly answer one of the main questions underlying this dissertation: “Does it matter, if no one can tell the difference?”. My argument, although for different reasons, has been that it very much does.

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