

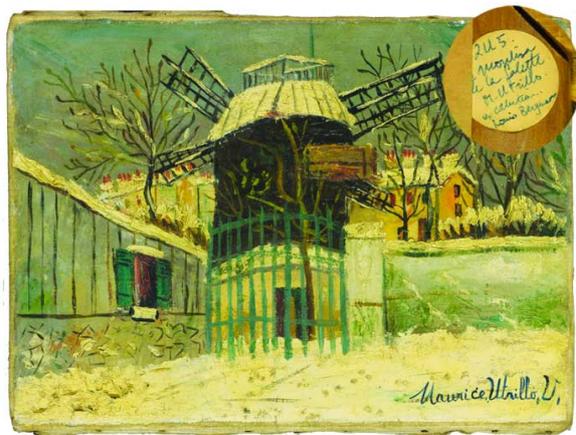
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When is an Utrillo not an Utrillo?

The answer is when the owner of the droit moral says it isn't, despite the assertions of a Princeton professor

By Melanie Gerlis.
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An attempt to sell a work believed to be by the French painter Maurice Utrillo (1883-1955) has highlighted the grey area between ownership of an artist's *droit moral* (moral rights) and the power to authenticate art. Caught in the gap is Theodore Rabb, an emeritus professor of history at Princeton University, New Jersey (and a contributor to *The Art Newspaper*), who had hoped to sell what he believed to be Utrillo's *Le Moulin de la Galette* through Sotheby's earlier this year. The oil painting was inherited by Rabb from his parents, who bought it from London's Redfern Gallery for £600 in 1954. Sotheby's initial response was that, after the work was cleaned, the auction house could sell it with an estimate of \$40,000 to \$60,000. This was, however, pending the opinion of Jean Fabris, the Paris-based owner of Utrillo's *droit moral*.



Theodore Rabb's painting, which he believes to be by Utrillo and, inset, the label on the back that claims former ownership by Louis Bergman

Having seen an image sent by email from Sotheby's, Fabris declared *Le Moulin de la Galette* to be a forgery; consequently, Sotheby's returned the work to Rabb. "The majority of works we send to experts every season are confirmed, but there are invariably a few decisions that surprise us," says Scott Niichel, an assistant vice-president in Sotheby's Impressionist and Modern art department in New York.

The weight of Fabris's decision is entirely in accordance with French law, under which artists have moral rights that protect the integrity of a work, including when and how it is shown and treated, regardless of its owner. When an artist dies, this right is bequeathed either to an heir or to another designated person, or people. In theory, the right does not extend to authentication, but in practice, the owners of the *droit moral* also, by default, become artists' external validators, often compiling their catalogues raisonnés.

Fabris has this authority. Previously a journalist, he later became the secretary to Utrillo's widow, Lucie Valore, and inherited the *droit moral* to the artist's work when she died in 1965. His power has increased since Paul Pétridès, who compiled Utrillo's 1959 catalogue raisonné, died in 1993. (Rabb's painting was not included in this catalogue because it was published five years after the work entered his parents' house in Scarsdale, New York, where it was not tracked down.)



Fabris, through the Association Maurice Utrillo, issues certificates of authentication for the artist's work, for which he currently charges €2,000 plus VAT. Although this may seem a quick way to make a living, Fabris has his work cut out. "Both Cédric Paillier [who co-authored the 2009 first volume of Utrillo's catalogue raisonné with Fabris] and I are needed to issue a certificate, which requires hours of research," Fabris says, adding that "we give our opinion to auction houses and other market professionals for free". There are, Niichel says, "many works of questionable attribution in circulation [dating from] Utrillo's late career". Many experts in the work of other artists charge up front, and regardless of their decision, he adds. Of the work in question, Fabris says there are "several markers" that indicate that it is a forgery, saying he is confident in this decision given his "over 50 years of studying [Utrillo]". Moreover, he says, the authenticity of the signature on Rabb's painting is "doubtful".

Rabb's work seemed to have a good provenance, not least because it was bought before the artist died. A label on the back of the work says that it is "ex collection Louis Bergman"—a major collector of 20th-century French art. Scott Niichel says that this sticker "provided a lead but not concrete provenance", and adds that "the label in no way resembles the more formal gallery and exhibition labels we see on a daily basis". Richard Gault, one of the managing directors of the Redfern Gallery, declined to comment on how the work came to be in the gallery's stock before its 1954 sale.