

AUTHENTICATION IN ART

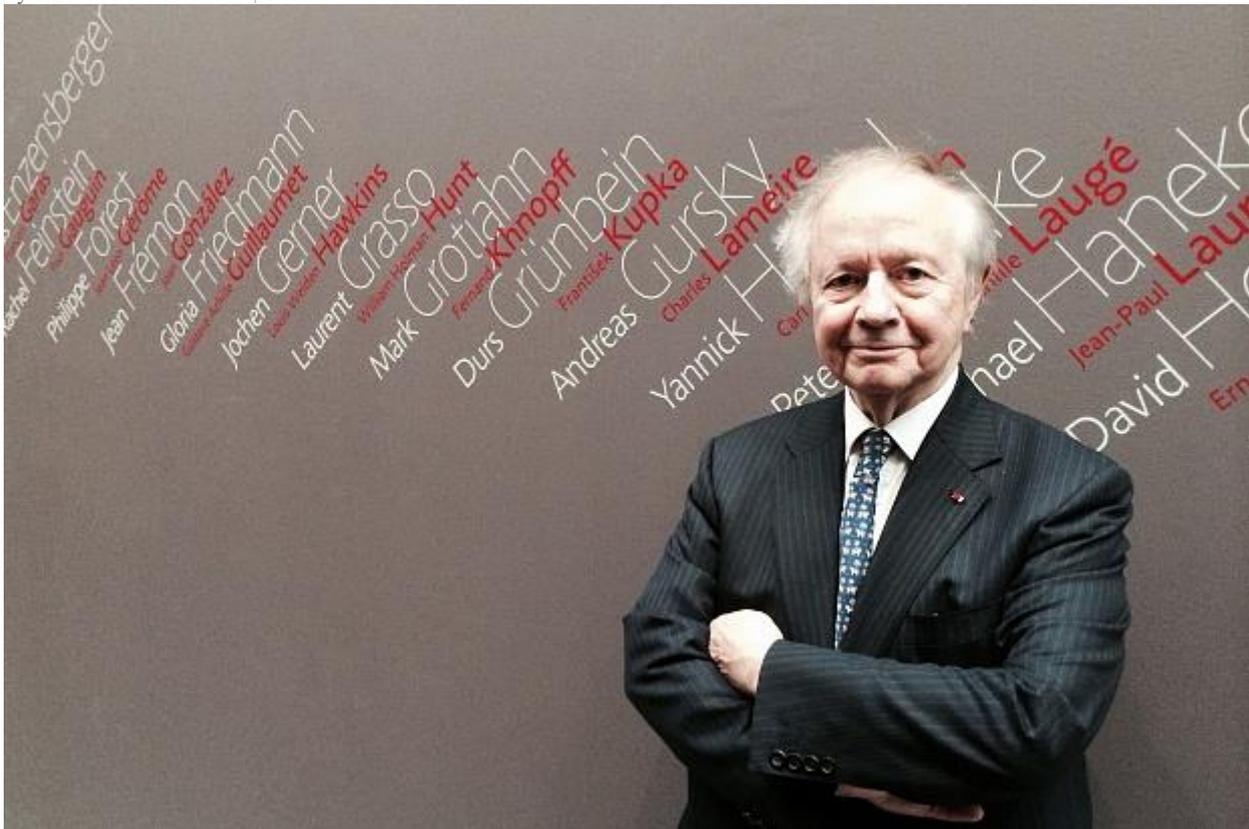
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Judgment against Max Ernst expert Werner Spies overturned in appeal

French court has reversed a decision fining the scholar for authenticating a fake work of art produced by Wolfgang Beltracchi

by ALEXIS FOURNOL | 9 December 2015



Werner Spies. Photo: JEAN-FRANCOIS GUYOT/AFP/Getty Images

In a decision that should bring some relief to art experts, the German art historian and the former director of the Centre Pompidou, Werner Spies, no longer has to pay a fee for mistakenly authenticating a painting as a genuine work by Max Ernst. On 3 December, the Versailles Court of Appeal overturned a 2013 ruling against Spies that ordered him to reimburse the collector Louis Reijtenbagh for a work that turned out to be a fake produced by the forger Wolfgang Beltracchi.

The court said “the author of a catalogue raisonné who expresses an opinion outside of a determined transaction cannot be charged with a responsibility equivalent to that of an expert consulted in the context of a sale”. It also said that it “cannot be required of the author of a catalogue raisonné to subject each work in a catalogue published under his responsibility to the execution of a scientific expert assessment, which requires the removal of fragments of the work and represents a significant cost”.

Spies authenticated the work, *Tremblement de terre* (Earthquake), in a letter dated 2002 and planned to include it in his Max Ernst catalogue raisonné. The painting then appeared in an exhibition of the artist’s work at the 2004 edition of the Biennale des Antiquaires in Paris.

In 2009, the painting was sold at Sotheby’s in New York for \$1.1m. It had been consigned by Reijtenbagh’s company Monte Carlo Art, who sued Spies and the previous owner, the dealer Jacques de la Béraudière, after the forgery was detected. In 2013, the Versailles district court ordered them to repay the full purchase price of €652,883.