

# AUTHENTICATION IN ART

AiA Art News-service

## THE CONVERSATION |

# Is your artwork genuine and who can you trust to advise you?

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Big Blue Lavender Bay, one of the three paintings at the centre of trial. AAP

Image/Genevieve Gannon

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Felicity Strong does not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.

For the best part of four weeks, two paintings in the style of the late Sydney artist Brett Whiteley sat in courtroom three of the Victorian Supreme Court. The paintings, Big Blue Lavender Bay and Orange Lavender Bay, were part of Australia's largest art forgery criminal trial.

The accused were two Melbourne-based men: Peter Gant, who has previously faced [a number of civil and criminal cases relating to his art dealing business](#); and London-trained art restorer Mohamed Aman Siddique. The prosecution alleged a joint criminal

enterprise relating to the creation and sale of the two paintings, as well as a third painting, Lavender Bay through the Window, its whereabouts unknown.

Last week, after three days of deliberation, the jury [found both men guilty](#) of two counts of obtaining financial advantage by deception and one count of attempting to obtain financial advantage by deception.

The guilty verdict has potentially serious consequences for the Melbourne art scene and more broadly for Australian art market – although both men’s defence barristers have indicated they will appeal.

More broadly, the judgement calls into question the current art authentication processes in the secondary market in Australia. Legitimate questions can, and should, be asked as to how these paintings – described in court as “anaemic” – could be sold as paintings by Brett Whiteley for a combined price of A\$3.6 million.



Orange Lavendar Bay, one of the three forgeries attributed to Brett Whiteley. AAP

## Who authenticates art?

The first problem is the lack of a certification system or specialist qualifications in Australia. Often certificates of authenticity are provided by galleries, art dealers or artists' estates, who have a clear financial stake in the outcome.

An owner could hire a trained art conservator to run materials analysis on a suspect work of art, but this expensive option is usually only taken when there’s potential for legal action.

As there’s no certification required in Australia, theoretically anyone could write a certificate of authenticity. In practice, there are generally certain experts whose opinions the secondary art market will take as verification for a particular artist’s work; such as someone who’s undertaken research for a *catalogue raisonné* (a full catalogue of an artist’s body of work).

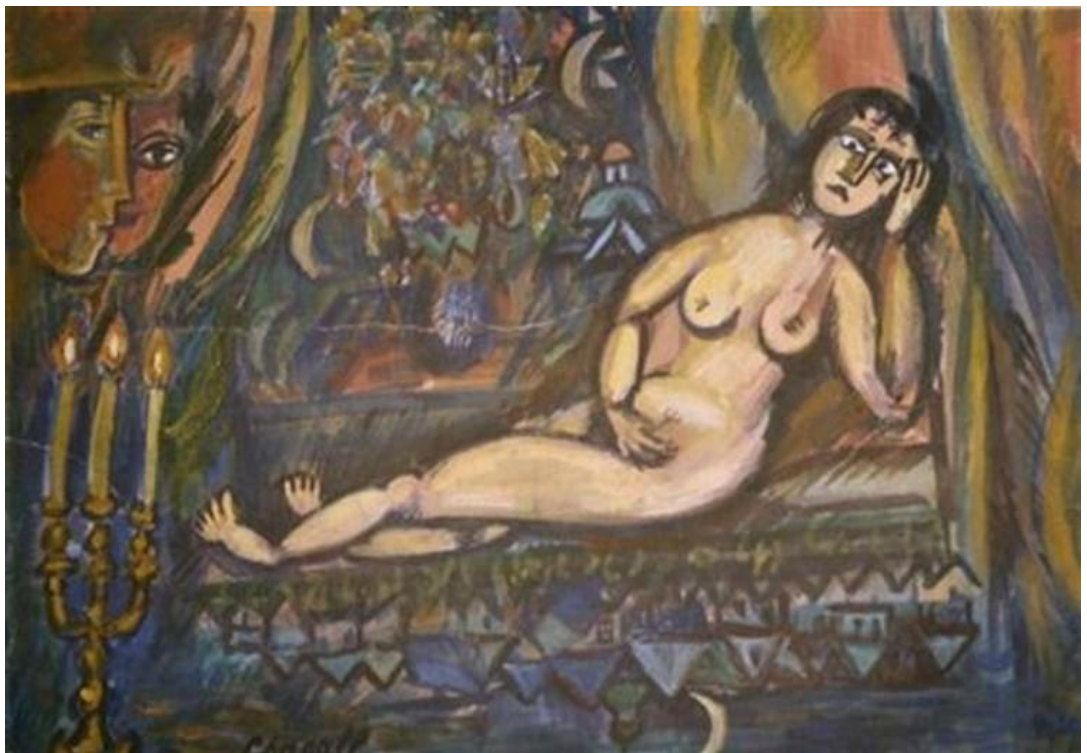
Other countries approach the process of authentication differently. America has artist foundations made of experts and family members, who are considered the authority on that particular artist. However in recent years, an increasing number of these

foundations, such as [the Andy Warhol Foundation](#), [Roy Lichtenstein Foundation](#), and [the Pollock and Krasner Foundation](#) have stopped authenticating works of art for fear for litigation.

This has left gaps in the authentication of those artists' oeuvres and potential for exploitation by art forgers.

In France, some committees and artist estates hold the *droit moral*, or the moral rights, to an artist's work and can legally challenge an attribution in court. Whilst the system has its benefits in defining the person or body who has the ultimate right to determine authenticity, the power vested in these bodies makes it difficult to mount a challenge when there are conflicting opinions.

These bodies also have the power to destroy a work they consider inauthentic, as one collector recently found when the Chagall Committee [refused to return a painting he asked them to evaluate](#). The owner of the painting lost a recent court case to stop the destruction of the work, for which he paid £100,000 in 1992.



The Chagall Committee ruled that Nude 1909-10 is a forgery.

This drastic action may deter collectors from seeking to authenticate works of art, which could limit the detection of new fakes entering the art market. It could also see works destroyed that later could be found to be authentic. The [Van Gogh Museum's rediscovery of Sunset at Montmajour](#) is a cautionary tale; previously dismissed as a forgery, it was confirmed as an authentic Van Gogh when reexamined with modern technology.

Even when a body doesn't hold *droit moral*, it can still exercise immense influence over the acceptance of a work as authentic. The Wildenstein Institute, which publishes the definitive *catalogue raisonné* of Claude Monet's works, has twice refused to include the

work [Bords de la Seine à Argenteuil](#), despite authentication by experts at the Courtauld Institute of Art in London and [the matter ended up in court](#).

The work's exclusion from the Wildenstein's *catalogue raisonné* means a huge difference in the potential price if the work is ever sold.

Other artist authentication committees have caused the authenticity of works of art to fluctuate, with the Rembrandt Research Project downgrading the total body of authentic Rembrandts [from 600 to around 250](#).

At the National Gallery of Victoria, one of the three Rembrandt paintings in the collection was downgraded from a self-portrait to a [portrait from the studio of Rembrandt](#).

While there is no easy solution to the problems of authentication, the Melbourne trial indicates that Australia needs to get its act together. The Australian government certifies valuers who examine [works donated to the public from private collections](#). A similar system for authenticators, with a requirement to declare any financial interest, would give collectors – and the art market – peace of mind.

Although the money involved here is loose change compared to other international art forgery scandals, (Knoedler art dealer [Glafira Rosales' forgery scam](#) was worth US\$80 million and [Wolfgang Beltracchi's forgeries](#) were sold for US\$22 million), the ripple effect of the guilty verdict will be felt in the Australian art market for years to come unless it come to terms with the problem of art authentication.