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The Artist Peter Doig Wins a Case Involving a Painting's Attribution

By GRAHAM BOWLEY and LORI ROTENBERKAUG. 23, 2016



This artwork was at the center of a legal dispute over who painted it. CreditWhitten Sabbatini for The New York Times

The celebrated artist Peter Doig did not create a 40-year-old landscape painting, despite the claims of the former corrections officer who owns it, a federal judge ruled on Tuesday. As a result, he was not responsible for destroying the plaintiffs' plan to sell the work for millions of dollars.

The ruling, after seven days of heated and sometimes bizarre testimony in federal court this month in Chicago, would appear to end one of [the stranger art authentication cases](#) in recent history. It had pitted Mr. Doig, a well-known artist whose works routinely sell for \$10 million, against the owner of the painting and that man's art dealer. They had accused Mr. Doig of falsely denying that he had created the work as a young man in Canada, thus scuttling their efforts to sell it.

"Peter Doig could not have been the author of this work," Judge Gary Feinerman said.

Mr. Doig, who was not in court but called in to hear the ruling, said from Rome by telephone that he felt angry that he had been forced to prove he had not painted the work.

"I feel a living artist should be the one who gets to say yea or nay and not be taken to task and forced to go back 40 years in time. It was painstaking to piece this together," he said.

Mr. Doig, 57, who was born in Britain and grew up in Canada and Trinidad, has created haunted, magical landscapes that have made him among the world's most popular artists.

During the trial, the former corrections officer, Robert Fletcher, sought to prove that the painting, an untitled acrylic on canvas of a rocky desert scene, signed "Pete Doig 76," was an early work by Mr. Doig.

Mr. Fletcher said he met Mr. Doig in the 1970s, when, he said, the artist was attending Lakehead University in Thunder Bay, Ontario, about 900 miles northwest of Toronto. According to Mr. Fletcher, they met again when Mr. Doig was serving a brief sentence for LSD possession at a nearby correctional center, where Mr. Fletcher saw him create the painting. Later, serving as Mr. Doig's parole officer, Mr. Fletcher said he had helped the artist land a job and bought the painting for \$100.

Five years ago, a friend noticed the painting hanging on Mr. Fletcher's wall and told him that the work was by a famous artist.

In 2013, Mr. Fletcher and Peter Bartlow, the Chicago art dealer who agreed to help him sell the painting, filed suit in United States District Court for Northern Illinois, arguing that Mr. Doig was denying authorship because of a vendetta against Mr. Fletcher. Seeking nearly \$8 million in damages and a court declaration that the work was authentic, Mr. Fletcher testified during the trial

that he felt disrespected by Mr. Doig because the artist did not show any gratitude to Mr. Fletcher for setting him on a path toward fame and riches.

Photo



The artist Peter Doig. CreditJeremy Sutton-Hibbert/Getty Images

Mr. Doig told the court that he had never attended Lakehead nor been incarcerated. Instead, he and his lawyers said the work in question was painted by another man, Peter Edward Doige, who died in 2012. One of Mr. Doige's sisters produced evidence at trial that her brother was at Lakehead University, and testified that he was an inmate at the correctional center, that he liked to paint and that the signature on the work was his. And a former art teacher at the corrections center recalled watching it being painted by Mr. Doige over at least five weeks between 1976 and 1977.

That the case ever went to trial surprised many in the art world. Authentication disputes tend to involve the works of dead artists. In this case, a very alive Mr. Doig found himself forced to prove that he did *not* create something.

To show that he had not been in prison in the 1970s, Mr. Doig dredged up a school yearbook; his mother's letters about his appearing in "Romeo and Juliet" at his Toronto high school and working on oil rigs in western Canada; and friends' written testimony about his skiing in Utah.

The plaintiffs' response was to take up many hours of the trial with somewhat unorthodox efforts to demonstrate similarities between the painting and Mr. Doig's works.

The plaintiffs had also argued that rather than hiding [youthful drug use](#) — which Mr. Doig has admitted — or a prison past, the artist was embarrassed by the painting because he had used it as the basis for many other works.

The plaintiffs' case was weakened, art market experts said, because they could produce only one expert witness to authenticate the painting as a Doig. That witness, Mr. Bartlow, proved problematic: He was one of the plaintiffs, and — as revealed during the trial — had a 25 percent interest in any proceeds.

The judge's ruling said any similarities between the desert scene and Mr. Doig's paintings were "purely coincidental."

William F. Zieske, a lawyer for the plaintiffs, said they were disappointed by the ruling and had not decided yet whether to appeal. "I still think the painting may be authentic," he said.

Had the decision gone against Mr. Doig, its effects would have reverberated throughout the art world, experts said. Such a decision could have set an uncomfortable precedent, potentially emboldening others to claim that a seemingly familiar painting on a living room wall was in fact by a big-name artist.

"Other artists will be breathing a big sigh of relief," said Nicholas M. O'Donnell, a Boston art lawyer.