

## AUTHENTICATION IN ART

### Dutch Criminal Case

On the 18<sup>th</sup> of October, an important sentence was given by the Dutch court of Overijssel. The court sentenced a man to 9 months in prison for the falsification of both an authenticity report, and a letter acknowledging authenticity by the Van Gogh Museum. It is of the utmost importance that we now finally have jurisprudence on the use and fabrication of falsified authenticity reports in relation to paintings. Over the last couple of years falsification reports have become a major problem in the art market. Many sales of forged art works have been made possible by these reports. It is therefore a big step forward to have a court decide that the fabrication as well as the use of falsified reports is punishable by law. The court confirmed in accordance with statute 225 of the Dutch Penal Code that sellers who intentionally use these reports are just as culpable as the forgers that make these reports. A big and important step forward in battling this increasingly popular form of forgery.

For a link to the court decision and an English summary please visit:

<http://authenticationinart.org/aia-archive/art-law/>

### Old Master Forgery Scandal

Another recent major event in the art industry is the resurfacing of the old master forgery case revolving around an Italian art collector and dealer. A common misconception is that forgeries are largely a phenomenon of the 19<sup>th</sup> and 20<sup>th</sup> century, but this case shows that that the “*clean*” period of the old masters too is riddled with forgeries, ranging from the lowest to the highest price ranges and quality. Many aspects of the case have already been covered extensively by the international media, however, there seems to be one aspect of this forgery case lacking exposure. On this we wish to elaborate, as it struck us as most peculiar. Several of the paintings (a supposed Lucas Cranach, and Frans Hals) were declared authentic based on the technical research done by museum laboratory X (we name the museum lab here X, while the case is still pending and because the interest is for AiA about the mechanisms behind an authentication process). Their authentication led to museums campaigning to get the necessary funds to acquire the paintings. The funds did not meet the asking price, but since the forgers’ authenticity claim was strongly backed by the museum laboratory X, they had a convincing case for selling supposedly genuine art to collectors. Now that the authenticity of the painting has come into question, the museum laboratory X has been asked to research if these claims of inauthenticity are grounded.... A number of questions rise regarding these peculiar circumstances.

Firstly, what will laboratory X discover this time that they didn't discover last time? And if they *do* discover something new, why didn't they find it the first time? Secondly, shouldn't laboratory X researching these claims of inauthenticity be considered a major conflict of interest, since museum laboratory X has plenty of motives to discover nothing to contradict their earlier findings (protecting their image and judgments)? Sadly it's not the first case where the practice of expertise and contra expertise by a different laboratory is ominously missing in the field of technical research of art works. In the April Newsletter of 2015, AiA mentioned a comparable omission with the so called vetting committees for art fairs

<http://authenticationinart.org/pdf/newsletter/Authentication-in-Art-Newsletter-April-2015.pdf>.

At the end of the day we always wonder who is liable and who is paying the price: the museum staff or the taxpayers? This case was not the first instance where this conflict of interest has arisen, and if we do not act with a professional and progressive attitude, it most certainly will not be the last.

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