

AUTHENTICATION IN ART



Milko den Leeuw of Authentication in Art interviewing Julian Radcliffe, Founder and Chairman of the Art Loss Register.

Can you please give a short introduction of yourself?

My background was in the insurance industry at Lloyd's of London and in the security world. I saw at Lloyd's the world's leading insurance market a near bankruptcy of the market due to unprofessional and criminal behaviour, and the revival of the market by the adoption of higher standards. I founded a number of companies including Control Risks the leading risk management company for multinationals and governments and was asked by Sotheby's to lead a feasibility study of a database of stolen art. A not-for-profit organisation IFAR had started but realised that a commercial entity was required.

You have been a fervent advocate of introducing best practices, what are in your opinion the first and most important best practices that should be introduced for the art market in relation to authentication research?

All authentication opinions should be made available to genuine interested parties or even to the public, who should agree no and protected against litigation unless they are grossly negligent or malicious. The risk of litigation may be high in the USA but in the UK the loser has to pay the winners legal costs and this is an effective brake on the threat of litigation by disappointed owners when the opinion does not go their way. Ideally the authentication expert should not have any commercial interest in the outcome so foundations who trade in pictures by the artist concerned or dealers are not ideal.

The art market is regularly referred to as, one of the most unregulated markets in the world. What is in your experience the reason that very few regulations or best practices have been developed in the art market? Particularly seeing that best practices and efficient regulation could help combat many of the problems in art trade and academic research.

There are of course the standard laws in every country which apply to all commercial activities e.g. description of goods, selling fakes, but these are often not enforced by the authorities since the art trade is not important to the normal voter or therefore the politician. The art trade consists of many small businesses and very few e.g. Sotheby's which public companies are and which have to abide by public company standards.

Governments are not interested in regulating the art market specifically and the trade associations are not strong financially or in terms being able to impose standards or discipline their members. It is difficult for them to lobby for their members and to hold them to account.

None of the codes of conduct include the principle of treating the client fairly, which is the foundation of most financial codes and there are many cases where there is confusion as to whether the dealer is a principle for his own account or an agent owing an overriding duty to the client and so not allowed to take any hidden commission.

Related to the best practices there has recently been a lot of discussion about the role of academics working for the art market on the side. Do you believe that academics should be able to work for private entities alongside their public duties at the museums/universities, also keeping in mind that a lot of public authorities are refraining from offering authentication services in fear of litigation?

Yes I believe that it is desirable for academics to be able to work for private entities but the terms, fees, etc. should be public and not linked to the outcome of any particular advice i.e. paid not on contingent fees to prevent their having a direct commercial interest in a positive authentication.

They should be insured and have proper contracts with clear limits of liability. One of

the issues with academics working with the trade is that on antiquities they are asked to authenticate pieces or translate inscriptions etc. and some will do so without concern for the provenance, but their involvement then legitimises the piece and increases its value. That is an area where I think a lot of people would say they should not be working together unless the academics insist on seeing sufficient proven provenance first (see UCL and the Schoyen collection of an example of the kind of situation this can lead to).

At the AiA 2018 Congress the AiA/NAI ADR Board for art related disputes will be launched. How do you see this specialized tribunal improving the legal disputes surrounding art? Do you think that such a specialized tribunal can lead to better judgements when it comes to art related disputes?

A specialist tribunal should be very helpful since the normal legal process is expensive, slow and seeks a yes/no answer when the correct verdict might be grey. Mediation should be a first step and arbitration as a second. The panels should include some lay members who are not from the art trade or lawyers but have experience of other commercial activities from which lessons can be learnt.

Do you see a role for the Technical Art History Database (TAHDA: www.tahda.org) in combating the problems that surround art crime in all its aspects?

To increase trust in the art world, there will be increasing emphasis on research of all types, scientific, forensic, art historical, financial/commercial, provenance, title, condition, authenticity, exhibition, environment and context and the integration of all of this on line is a massive task and requires systems such as TAHDA to do so.

Julian, thank you so much for your time and patience in answering questions for AiA. Oliver Spapens, thank you for your assistance.

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The Technical Art History Database

The Technical Art History Database (TAHDa) will be presented to the field on the third day of the Authentication in Art 2018 Congress, 7-8-9 June, The Hague.

TAHDa is a research management system developed for catalogue raisonné committees, artist estate managers, art historians, scientists, conservators, collectors and traders. For more information on TAHDa visit www.tahda.org and watch the visual promo.

The AiA Congress program:

<http://www.authenticationinart.org/congress-2018/congress-program-2018/>

AiA Congress Registration:

<http://www.authenticationinart.org/congress-2018/congress-registration/>

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