

# AUTHENTICATION IN ART

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### What we learned from the Knoedler fakes scandal

Collectors still in the dark even when experts have doubts as reports rarely published

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A purported Jackson Pollock sold by the Knoedler Gallery to Jack Levy

Are collectors “stupid” to spend millions of dollars on a work of art without personally investigating its authenticity? This is what Robert Storr, the former dean of Yale University School of Art argues.

Storr was speaking at a panel hosted by Ifar (International Foundation for Art Research) in New York in July about the issues raised by the Knoedler fakes scandal, which resulted in the illustrious New York gallery’s closure. Knoedler and its former director claim they were duped by the forgeries of paintings by Rothko, Motherwell and Pollock, among others, as much as their customers were.

The question of who should investigate authenticity remains hotly contested. “If you’re dealing with a reputable dealer and getting... promises and information, you should be able to rely on that,” said John Cahill, who represented two Knoedler plaintiffs, at the event. Adam Sheffer, the president of the Art Dealers Association of America, believes that the buyers of the Knoedler fakes could have done more. “They could have worked with the gallery to ask questions... Everyone needs to take responsibility,” he said.

But Sharon Flescher, the executive director of Ifar, noted that “I’m not sure that all the expertise would be available to buyers”. Her comment raise a thorny question: if any responsibility rests on buyers, how can they learn whether specialists have already expressed doubts about the work in question? Most of the specialist opinions on the Knoedler fakes were only disclosed through litigation, years after the sales had taken place. For example, in 2003, Ifar concluded that a painting sold by Knoedler as a work by Jackson Pollock could not be attributed to the artist. Although Knoedler and the painting’s owner received copies of Ifar’s report, the findings only emerged publicly in lawsuits filed almost a decade later. Ifar publishes select cases in its journal, but not this one. Not knowing that the painting was one of many Knoedler had received from the same source, Flescher told The Art Newspaper: “We didn’t even think it was particularly interesting.”

For collectors seeking information on the authenticity of specific works of art, there is no repository of authenticators’ reports, and experts doubt the value of a database that buyers could consult the way they check for stolen art (for example, through the Art Loss Register or Art Recovery Group). For one thing, not all reports are reliable. “What are the qualifications of the person giving the opinion?” asks Flescher. Another concern raised by James Martin, who scientifically tested many Knoedler fakes, is that revealing too many details could become a textbook for criminals. Experts should be careful about how specific they are, “lest they draw a clear roadmap for producing sophisticated forgeries”.

Experts do not want to risk being sued for saying outright that a work of art is fake; their fear of lawsuits keeps fakes circulating, said the art consultant Martha Parrish, who testified at the Knoedler trial. "All the fakes are

roaming around and coming to market again," she says.

Jack Flam, the president and chief executive of the Dedalus Foundation, played a key role in exposing the Knoedler fakes when investigating two Robert Motherwells sold by the gallery. He learned from experts on other artists that they too suspected Knoedler was selling fakes. Pollock expert Eugene Thaw willingly came forward, Flam says, but "everyone else was hesitant". He added: "We [experts] need adequate legal protection."

Legislation to protect experts first proposed in New York three years ago still hasn't been enacted. Some lawmakers fear "it's a slippery slope— [because] medical experts also give opinions" without special protection, says the lawyer Dean Nicyper, who is spearheading the legislative effort. "But the medical world [is not in] crisis."

For art buyers, the most practical lesson from the Knoedler case may be the advice given to a teenager heading to the prom: use protection. That means obtaining a contract that includes "protections at the outset that the seller isn't aware of issues about authenticity", says the lawyer Judd Grossman, who represented a Knoedler plaintiff. "Knoedler hasn't changed the market, but buyers are more willing to get warranties."