

The Plough 1918-2018: Longest Running Forgery Case in the History of Art Oliver Spapens – Authentication in Art Congress 2018

The Plough forgeries constitute the longest-running forgery case in history. For over three decades now the case has been developing and it's still ongoing today.

I will present an overview of the different aspects involved in a forgery case of this magnitude. The ultimate aim is to draw lessons from this case in such a way that forgeries can be more easily combated in the future. In addition I will show that forgeries are not just limited to major artists, but that art groups and artists with a more peripheral status face the same challenges as internationally renowned artists. This talk will be a shortened version of the in-depth research which can be found on the The Plough 1918-2018 website listed in your program.

The Plough is a rural art group from the Dutch province Groningen. The group was established in a public meeting which was held on the 5th of June 1918. Although the interest for this meeting was modest, the meeting would turn out to be a great success. It was at this meeting that the 12 artists present founded the Groninger art circle The Plough. Jan Altink had suggested the name The Plough, as it symbolized their goal to plough through the Groninger art-fields, which in their beliefs had become barren.

A pivotal moment in the history of The Plough was when Jan Wiegers got diagnosed with consumption in 1920. With financial aid from the other Plough members, Wiegers went to a rehabilitation center in Davos, where he would receive treatment. During his time in Davos, Wiegers met the German expressionist Ernst Ludwig Kirchner, a member of the German art group Die Brücke. Kirchner, also suffering from consumption, and Wiegers would regularly work together during their stay in Davos. Wiegers became an admirer of the style of Kirchner and brought his newfound enthusiasm for this particular style of expressionism back to Groningen when he returned in 1921. After Wiegers returned, the expressionism he brought with him would influence the majority of The Plough in their stylistic development.

The peak of international recognition of The Plough came with their 15-year anniversary exhibition. This exhibition consisted of a great overview of 137 pieces of modern art from all across Europe. Besides works of The Plough members themselves, big European artists such as Giorgio de Chirico, Paul Klee, James Ensor, Wassily Kandinsky, Constant Permeke, and Pablo Picasso were shown.

The members of The Plough whose oeuvre is most affected by the forgery case are Jan Altink, Johan Dijkstra, Jan Wiegers and Hendrik Nicolaas Werkman. The forgeries however are not limited to their oeuvres

Fast forwarding to 1991. It is in this year that the Plough Forgery case came to light. A large number of forgeries were offered to auction houses by couples under different names such as Hoogeveen, De Haas and Hillebrandt. The art dealer Renée Smithuis discovered that all these names in fact were one and the same couple, namely Cor and Corrie van Loenen, who were using aliases to mask their identity. Cor van Loenen, a relatively unknown artist from Drenthe would later turn out to be the forger behind it all. When Smithuis warned the auction houses about Van Loenen, they went on and filed six separate criminal complaints on the 6th of June 1991.

These complaints led to a yearlong investigation culminating in a raid of Van Loenen's house on the 13th of July 1992. During this raid, Van Loenen was arrested and 31 paintings were confiscated. Of these 31 paintings, Smithuis and Cees Hofsteenge, who were recruited as experts by the police, declared 28 of them to be fakes. Still, during interrogations at the Amsterdam police station, Van Loenen kept declaring he was innocent. He did, however, admit he was capable of making the forgeries. After four days of interrogation, Van Loenen would be released. The confiscated paintings would be returned to him in January 1993. Soon after, in March 1993, the case would be dismissed due to lack of evidence. What's more: Van Loenen received compensation from the Public Prosecutor's Office for the imprisonment during the interrogation.

The two experts the police had consulted did not agree with the Public Prosecutor's Office decision to drop the case and started an article 12 procedure on the 31st of March 1994. This procedure is a tool available to citizens to have the justice department prosecute a suspect even after the charges have been dropped.

On the 20th of September 1994 it was reported that the Attorney General had advised the court to again drop the case, although he believed Van Loenen had committed a crime, there was no substantial legal evidence against him. In September 1995 the court ordered the case to be dropped due to a lack of legal evidence against Van Loenen. This lack of evidence was partially due to a grave procedural error by the Amsterdam police department, who had failed to submit the forensic report by the Dutch Forensic Institute, declaring the works to be fake.

After the case against Van Loenen was dropped he would come into contact with Johan Meijering, a Groninger collector and The Plough enthusiast. In the period between 1999 and 2002 several transactions were completed between Van Loenen and Meijering. Numerous paintings were sold, traded or used as a substitute for loans between them. In 2002 Meijering learned that these paintings were in fact forgeries, which later turned out to be made by Van Loenen himself. This led to the start of the civil proceedings between Meijering and Cor van Loenen on the 30th of January 2003, when Meijering sued Van Loenen for damages. These civil proceedings are still ongoing today. I'll give an overview of the different parts of these proceedings and explain what happened in the different stages.

The first hearing in the procedure would take place on 31 August 2005 at the Assen Lower Court. Central to the case were 10 paintings sold by Van Loenen to Meijering. The main question was if these 10 paintings could be declared fake. As a result of Meijering and Van Loenen being unable to agree upon an expert, the court appointed C. Buijsert as an expert witness. Buijsert would declare the paintings as fake and estimated their artistic value as being 0, their decorative value 800 euro, which is well under the approximate 26.000 euro Meijering paid for them. Van Loenen however objected to this report. He stated that the first report was too short and did not answer the questions the court had posed. The consequent follow up report contradicted the first report on several instances and was therefore discarded. The Court then decided that based on the failings of this report Meijering's claim failed and declared the paintings not to be inauthentic. This decision is slightly bizarre. The court was of the opinion that the court-appointed expert hadn't done his work properly and that therefore they rejected the claim. A more logical action would have been to appoint a new expert for a second opinion. Meijering would appeal this interlocutory decision.

The first hearing of the appeal of the interlocutory decision at the Leeuwarden Court of Appeal took place on 16 June 2010. The question in the appeal was reduced to the

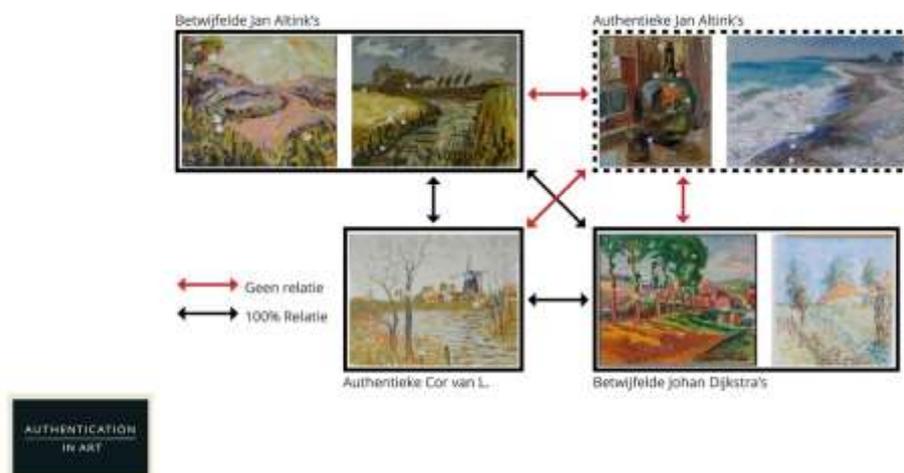
authenticity of 5 paintings instead of 10. The first important recognition by the Court of Appeal is that they recognized the subjective nature of art historical evidence and that feeling and experience play a significant role in the verdicts of experts on the authenticity of the paintings. The Court however discarded all evidence presented by Art-Historians. The main reason for this rejection is the sub-par quality of the evidence presented by them. They stated several facts about the The Plough's oeuvre which were proven by Van Loenen to be untrue. Van Loenen furthermore uncovered several inconsistencies in the statements of the Art Historians. The Court of Appeal however declared both the *Reitdiep* and *Pic de Luc* as forgeries. They did so based on the research done by Milko den Leeuw of ARRS.

These are the two paintings declared fake by the court.

Technical Examination I



Technical Examination II



The research conducted by den Leeuw used XRF. It was based on a protocol including the technical details and settings of the measurement-instrument and the visualization of the measurement-spots to ensure a permanent possibility for a repeating of the measurement, as

can be seen on the photographs depicted. The ARRS-research focused on paint pigments, siccatives, and paint application.

In the research on the authenticity of the doubtful works were included: two original works by Jan Altink, seen in the middle. Two doubtful works possibly made by Jan Altink seen top right. Two doubtful works possibly made by Johan Dijkstra, seen bottom right. And one original work by Cor van Loenen, seen on the left. All four doubtful works were bought from Van Loenen- The painting made by Van Loenen, which serves as a point of reference within the problem definition, was sold by Van Loenen to Meijering as an original. The original Altinks stem from different private collections.

During the research three different white pigments were found in the grounding, namely zinc-, lead- and titanium-white. The application of the three different white pigments in the grounding of a painting affects the durability of a painting. In particular, the addition of titanium-white to zinc-white is contra-productive to the drying process. As a result, a quick-dryer, or siccative, needs to be added. The addition of these quick-drying siccatives to the mixture of the three pigments only serves one goal: influencing the drying process in such a way that an active shrinkage and expansion is created. The shrinkage and expansion of the ground layer is necessary to create a so-called 'natural-looking' craquelure pattern in a short period of time.

The measurements made, showed that the original works of Altink have no or 0% relationship with the above mentioned mixture-technique of paint and siccatives in the grounding. Which makes sense, as a traditionally schooled painter such as Altink would have been consciously aware of the negative behavior of this grounding.

Indicative of a forgery is that this phenomenon of paint-mixing and forced drying can, not only be detected in the grounding, but also in the top layer of the painting. This is most likely a characteristic of the painter. The top layers of the doubtful works and the work by Van Loenen show a similarity in working method and materials. Taking into account the measurements of the doubtful Altinks, a remarkable match can be detected. The paint, pigments and technique of these works show a 100% match with the original work of Van Loenen. Signified by the black arrows in the picture. And a 0% match with the original Altink, as indicated by the red arrows.

Comparing the two doubtful Jan Altinks and the two doubtful Johan Dijkstras there are two remarkable similarities: the used paint pigments and mixing technique show a 100% correspondence with the original work by Cor van Loenen. And a 0% correspondence with the original works by Jan Altink. The Leeuwarden Court of Appeal accepted these conclusions with regard to the two doubtful Altinks.

After the Court of Appeal decided that two paintings were fake, the proceedings were referred back to the Lower Court. The Lower Court awarded Meijering approximately 40.000 Euro in damages immediately and referred the determination of the other damages to a separate damages proceeding. This proceeding is set for judgement on the 21th of June. However the case is far from closed, as Van Loenen most probable will appeal both the normal judgement of the Lower Court, as well as the judgement in the damages proceeding.

This large scale forgery case gets even more bizarre, as the forgeries sold to Meijering came largely from an embezzled collection. The paintings originally belonged to the Zwaneveld

family, a wealthy Groninger family from the gambling business. They owned approximately 120 slot machines. They build up a large art collection consisting of approximately 550 works of Art of which most were supposedly of Plough Artists. They however acquired their collection through Van Loenen, and as later would turn out had bought a collection of fakes.

In 1995 the Zwaneveld imperium and wealth would quickly collapse as a result of a tax fine of 22,7 Million Guilders. The Dutch Tax Office seized most assets of the Zwaneveld's including their Art Collection on the 19th of April 1995. The works were however not given back to the Zwaneveld's after the investigation was concluded. They were returned allegedly to Anna Jansen, who had bought the Collection from Zwaneveld, in which later would turn out to be a sham transaction. Jansen however claims she never received the collection from the Tax Office and the collection disappeared. Although we don't know what happened to the collection, we do have quite a good impression of which works were in it, as Zwaneveld had them photographed before he turned them over to the Tax Office. All photographs have been gathered on the website and are now publicly available. On the screen is a screenshot of the gallery containing these works.

Using these photographs it became apparent that Meijering had bought forgeries, coming from the disappeared Zwaneveld Collection. Van Loenen thus made double profits of his forgeries, first from the Zwanevelts, then from Meijering and other collectors. How Van Loenen acquired the forgeries again is unknown, although his wife stated that he received them from Anna Jansen

The forged works from the Zwaneveld collection are even appearing on the market today, as shown by an undercover sale at an auction by the Dutch Tv-series *Opgelicht!*? or conned in English. They discovered that the forgeries were still being auctioned at smaller venues and were being sold through, most likely, a middleman of Van Loenen.

The question arises: how is it possible that these forgeries are still coming on the market and are being auctioned, even though the widespread forgeries of The Plough works is common knowledge. To answer this question we need to take a look at the actions of the parties, both directly and indirectly, and what improvements need to be made.

The Van Loenen couple could have been identified as the alleged sellers of the forgeries much sooner if the auction houses did a simple identity check. The couple used aliases to sell their works through the various auction houses, and as a result, it was unclear that these alleged forgeries were coming from one and the same couple. Only when Renée Smithuis identified the aliases as being the couple Van Loenen did the auction houses file criminal complaints. If the auction houses had performed an identity check, the sale of the forged works could most likely have been prevented.

A point on which both the auction houses and the galleries have been found wanting is the research on the authenticity of sold The Plough works. Even now – after all that has happened - this research is absent or minimal. The most poignant example of this is a gallery that offered an Altink for sale in its display window accompanied by the text:

“ If this J. Altink is false, then it will be removed straightaway!”

The Plough works have been sold without any proper research being done on their authenticity, even though arranging a standard check for the provenance of a work and a

consultation from an expert is relatively easy. Instead, the selling parties were preoccupied with selling The Plough works, disregarding the verification of the authenticity of the works. If the provenance of the works sold by Van Loenen had been checked in combination with a possible expert opinion, many of the alleged forgeries would have never made it to the market. The most bizarre aspect of it all is that even today, after all the negative press surrounding the forgery case, galleries and auction houses still sell The Plough works without any form of authenticity research.

The most blatant example of this comes from the previous mentioned TV show. When the auction house was confronted with the fake they sold, they started making excuses about time pressure, even though they had sold fake The Plough works in the past and afterwards had to recompense the buyer. They went even further by stating they never sold the work as being authentic, only that it had a workshop stamp on the back of the painting. This very misleading statement suggests that the painting is authentic, but in case the work turns out to be a forgery they can hide behind it.

The absence of a catalogue raisonné represents a big problem when it comes to the authenticity of the Plough oeuvre. A catalogue could have greatly reduced the number of forgeries appearing on the market. Institutes such as the Groninger Museum, The Plough Foundation, and the Johan Dijkstra Foundation all have the common goal to preserve the oeuvre of The Plough. They would be the most suitable parties to create this catalogue raisonné, especially seeing these parties have access to several relevant The Plough archives. The fact that none of them have made an active effort in trying to publish a catalogue, or even an article on the forgeries has been published by these institutions provides opportunity for the forgeries to flourish. A reason for this could be that their own reference oeuvre in the museums is tarnished by these forgeries

In addition, there has been virtually no active involvement from experts in the combatting of the Plough forgeries. A most remarkable aspect is that no scientific articles on the great number of forgeries have been published. Worse even is the fact that the forgeries aren't even mentioned in any scientific articles on The Plough, even though the forgeries make up a significant part of the scientific debate, as it is impossible to draw art-historical conclusions about The Plough's oeuvre without running the risk of the conclusions being based on forgeries.

This is not for the lack of publications on The Plough, this year in light of the 100 year birthday of The Plough a large volume was published with contributions of many prominent The Plough art historians and experts, among them Henk van Os. It seems as if the experts would rather deny the existence of the forgeries than actively address them. They want to talk happily about the significance of The Plough, without actually have to address the problems it seems.

A last point is that when a statement about the authenticity of a painting is made, it is done in such a vague way, such as as the hand doesn't feel right, or with statements it is clear to see it is a forgery. These statements bear no real value, as could also be seen in Court. Also for the stylistic analysis of art works it is important to work with a clear protocol. A solution to this problem are the 2014 Authentication in Art Guidelines on Art & Law which provide a clear model in which an expert can pour his opinion in such a way that it holds up in court.

When purchasing art, one must realize that a certain responsibility lies with the buyer or Caveat Emptor. This responsibility entails that the buyer should research an artwork before purchasing it, especially when the selling party has failed or neglected to do so. This is due to the fact that the origin of art has not been unequivocally established. The origin and condition play a crucial part in determining the value of an artwork. A work of art gets its value because it was created by this or that artist and not a forger or copyist. In other words: because it's an authentic work from the hand of the artist in question.

To verify the authenticity of a work of art, the buyer must determine its status. This is done through art historical research, as well as research into the material properties and used painting techniques. In many cases the buyer won't be trained in assessing and researching the artwork and accompanying evidence. The buyer will therefore have to consult an expert. This consultation is the minimum required due diligence for a buyer wanting to purchase a work of art.

This due diligence also reaches to the legal aspect of art transactions. In the forgery case Meijering never concluded a proper contract with Van Loenen. There were, in fact, contracts, signed by both Van L. and Meijering, but these contracts were drawn up amateurishly and poorly. With transactions involving significant amounts of money, it is no unnecessary luxury to have them recorded by a lawyer or notary, or at least well-documented. Professionally drawn up contracts could probably have prevented legal proceedings, or at least significantly improved Meijering's position during the proceedings.

The Plough Forgery case teaches us 4 important lessons for collectors

1. When purchasing a work of art, an expert must always be consulted, especially when, as with this case, it concerns significant monetary amounts
2. Make sure the transaction is well documented. A well-written contract can prevent many problems
3. In the event that a transaction leads to legal proceedings, keep a professional mindset. Being too personally involved in the legal procedure can damage the case, and can have significant consequences for its duration and outcome
4. Let professional representatives and parties talk to the press. Here, too, the adage that personal involvement can only harm the case holds true

But why is it important that we stop forgeries in these, for the art market, smaller values and artists? Firstly of course to protect our cultural heritage and history from being tainted. But even if you don't care about that, there is a significant economic incentive to prevent these forgeries. Firstly it is approximated that Van Loenen made over 4 million euro in profits from these forgeries, this is a significant amount of money made. This is even a conservative estimate based on the number of forgeries known to us through the Zwaneveld Collection. The true profits made by Van Loenen most probable lay higher, also taking into account that he profited twice over from the Zwanveld Collection

From an economic standpoint maybe most interesting is the fact that the forgeries have a huge impact on the economic value of the works of The Plough artists. The picture behind me shows the average value of Jan Altink's work sold at auction. As you can already see, the value drops significantly after the 2008 Lower Court judgement which failed to declare the works in question as being fakes. Together with Gregory Day from Mississippi University, both correlation and causation was proven between the forgeries of Altink's work and its

decline in value. This proves that forgeries are not just harmful economically for those who buy them, but for the market as a whole.

The problems reach even further than those I have brought up today such as dodgy or incompetent journalism, lawyers who don't know how to handle art related cases, and more improper research on the The Plough forgeries, but there is no time to address these issues today. What the Plough Forgery case shows us is that art world needs to start taking forgery serious, not only for major artists such as Leonardo and Modigliani, but even for smaller art-groups such as The Plough. If we don't recognize this fact throughout the entirety of the art world, as well as on a governmental level and start developing best-practices, legislation and more responsibility for the art market, another The Plough case is only waiting to happen.

I do however not want to end on a solemn note, but want to show some of the developments presented at AiA over the years.

The Guidelines on Art & Law provide a model scientific report that meets the minimum evidentiary requirements for judicial proceedings. As seen throughout the legal proceedings of this case it is essential that evidence in the proceedings involving art is presented in a structured manner by following a protocol. These Guidelines provide this structure.

The Guidelines on Catalogue Raisonné provide a blueprint for every Catalogue Raisonné and the involved research. Especially for corrupted oeuvres like those of the The Plough artists it is important that the maker of a Catalogue Raisonné is diligent whilst doing his or her research. These Guidelines provide the initial tools required to the researcher.

Combining the Guidelines on Catalogue Raisonné with the handbook presented earlier today by the Workgroup Technical Art History provides a solid starting point for the technical catalogue raisonné. The technical catalogue raisonné is the next step in the evolution of the catalogue, ensuring it meets modern standards. This catalogue combines the elements of classical catalogues with new insights provided by the material sciences.

Lastly there is the launch of the Court of Arbitration for Art (CAfA), which will take place after the break.

As shown throughout the The Plough forgery case, incompetence of judges, lawyers, art experts and others involved alike has been extremely harmful to the case, and has resulted in the longest running case in art history. CAfA which is built upon legalist with affinity for art, and art experts with affinity for law, will prevent cases like these from happening in the future. It is a huge step forward if the legal system is properly dealing with forgery cases and there are actual enforceable ramifications for forgers once they get caught. CAfA provides the opportunity for this step, by creating a civil law environment where victims of forgers can be compensated and forgers be financially penalized. But for more on this I leave it to workgroup Art & Law/

I would like to end with informing you about the website, which link can be seen behind me and in the program. On this website documentation and other information about this case has been researched and presented in a structured way. The lessons learned in this case without a doubt apply to other similar cases, maybe not in magnitude, but assuredly in the way the art and legal world handled it.