

# THE ART OF THE FAKE...

## Forgery Is a Crime But Is It Art?

By Deyan Ranko Brashich



The real Rothko: *Elegy to the Spanish Republic No. 35*, 1954-58. The Muriel Kallis Steinberg Newman Collection. Gift of Muriel Kallis Newman, in memory of Albert Hardy Newman, 2006. Courtesy of the Metropolitan Museum of Art.



The fake Rothko: This black-and-white canvas in the style of Motherwell's *Elegy to the Spanish Republic* series, recently stamped as a forgery as part of a civil settlement over its authenticity. Painting courtesy Hughes Hubbard & Reed LLP; Illustration by ARTINFO.

Art is a multi-million, multi-national business headquartered in New York, London, Paris, Tokyo, and any city where serious money is to be found. As in any business where millions of dollars and euros are thrown around like so much pocket change, greed and crime are bound to make the scene and prey on both experts and rubes. "There is nothing more beautiful than a frog in flight, except for Greed" is something that Mark Twain would have said, a nonsequitur that makes sense in the surreal world of art.

"Fraud is the daughter of Greed" so it is no wonder that New York's art world is often subject to criminal investigations by the District Attorney's office and the FBI. Fraud and forgery are plagues that have never been eradicated and remain virulent, especially since the insular art world is notoriously tolerant of fraud. Investigations, convictions, and litigation never answer the age-old question, "What is Art?"

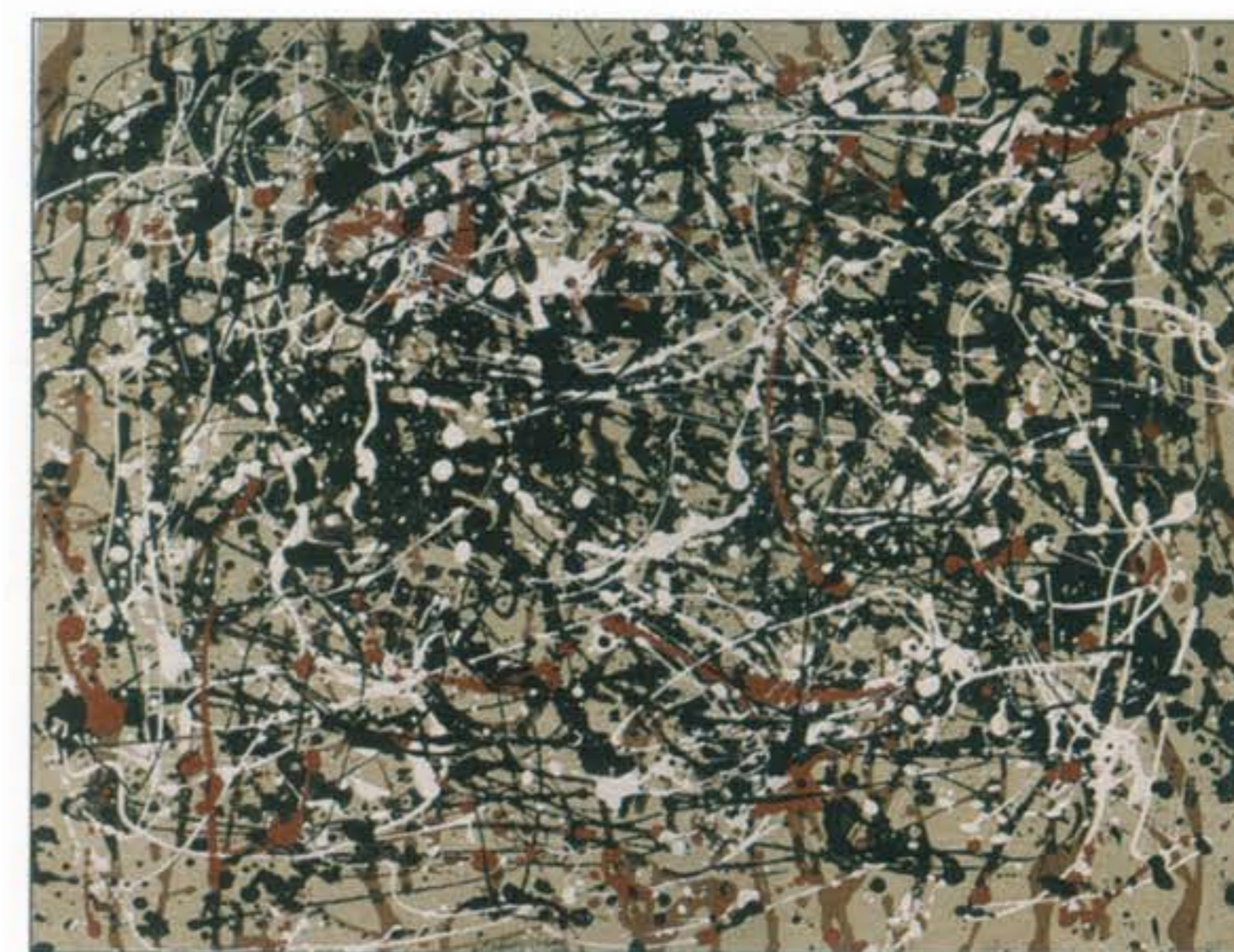
New York's fine arts industry, for that is what it is, is located on Madison Avenue, nestled among museums and in the trendy Meat Packing District in SoHo, also Chelsea and SoHo. On 70th Street, just off Madison Avenue, around the corner from Fifth Avenue's Frick Collection, sits an imposing Italian Renaissance Palazzo, which until recently housed the Knoedler Gallery. The Palazzo, which sold last year for \$31 million, was home to Knoedler & Company founded in 1846. Knoedler had displayed the greats of classic American art—John Singer Sargent, Winslow Homer, and Frederick Church. More recently it featured the modern masters—Jackson Pollock, Milton Avery, Willem de Koon-

ing, Frank Stella, and Mark Rothko. It is now out of business and while shuttered, it continues to be embroiled in litigation and criminal investigations.

For those unfamiliar with the alleged high crimes and misdemeanors, some background. Eighteen years ago, a woman walked into the Knoedler Gallery with a small painting she claimed to be the work of Mark Rothko. Rothko had committed suicide in 1970, and the scandal surrounding the rape of his estate by his executors and the Marlborough Gallery made Rothko's legacy of unsold paintings a matter of public record. In fact, Yale University had published a catalogue raisonné of all of Rothko's 836 known works. For someone to try and peddle a totally unknown and un-catalogued painting was sheer hubris, signaling "small craft warnings" to any potential collector or museum curator.

No matter, sold American! And so it went for nearly twenty years with the woman selling Pollocks, Koonings, and Motherwells with Knoedler reselling fifteen or sixteen of them for a total of \$27 million to \$37 million. The most notable was Jackson Pollock's *Untitled*, 1950, bought for \$2 million and resold for \$17 million.

But there was trouble in Knoedler's Palazzo paradise. Two Motherwell paintings purporting to be from the "Spanish Elegies" series were declared fraudulent. They contained paint and pigments, which were "not developed until ten years after the 1953 and 1955 dates on the canvasses." This past January, Knoedler was sued yet again by a Lichtenstein Trust over Rothko's



The fake Pollock painting in the style of Jackson Pollock's *Untitled*, 1950 and sold by Knoedler & Company to London art collector, Pierre Lagrange.

purported *Untitled*, 1956, a \$5.5 million dollars painting, alleging that "a particular red pigment used in the work was not developed until the 1960s, years after the purported 1956 date of the work."

When Pollock's \$17 million, *Untitled*, 1950 went on the market due to a divorce, Sotheby's and Christie's, the two preeminent auction houses, refused to handle the sale, questioning its provenance. They were right. A forensic analysis revealed that "two yellow pigments used had not been invented until after Pollock's death in 1956."

In the blink of an eye and the strobe of an electronic spectrograph, a \$17 million work of modern art became a worthless collage of paint on canvas. Was it really "art" when it fetched a \$17 million asking price with Pollock's name attached, and was it still "art" without it?

Fraud and forgery are of infinite permutations. Take the case of Gauguin's *Vase de Fleurs (Lilas)*, a minor work by the artist. It sold at auction, complete with a genuine certificate of authenticity from Paris's Wildenstein Foundation, for some \$200,000 to Ely Sakhai, an obscure New York antiques dealer. In May, 2000, both Christie's and Sotheby's featured the painting in their Spring Catalogues. One had been put up for auction by a Japanese collector, the other by Ely Sakhai himself. Obviously, one had to be a fake, a forgery.

The criminal investigation that followed established beyond reasonable doubt that Sakhai had commissioned a forgery, attaching the genuine certificate and peddling it to a gullible collector in Tokyo. The genuine Gauguin was successfully auctioned for \$310,000 in New York, sans certificate. It was just mere chance that the genuine and the fake were put up for auction at the same time, otherwise the scam would have gone undetected.

But this scam was not a one-shot deal. Sakhai pulled the same scheme with Chagall's *La Nègre Maue*, *Les Maries au Bouquet de Fleurs*, and *Le Roi David dans le Paysage Vert*, Laurencin's *Jeune Fille à la Mandoline*, Monet's *Le Mont Kolsas*, Renoir's *Jeune Femme S'Essuyant*, and others. How many other forgeries are out there with genuine certificates of authenticity attached is anyone's guess.

Which brings to mind *His Double Life* (1933, with Roland Young and Lilian Gish) and its remake *Holy Matrimony* (1943, with Monty Woolley and Gracie Fields), two seminal films on what is art. A reclusive painter, Priam Farll, travels

to London to be knighted in recognition of his art. His elderly valet dies, and in a case of mistaken identity Farll assumes his identity to protect his privacy. He marries a widow whose private income allows him to indulge in his art without regard to the income he enjoyed from selling his world-acclaimed paintings. When a sudden reversal of fortune brings an end to his wife's income, Farll, living in obscurity under a pseudonym, is forced to try and sell his paintings. At best they fetch £15 each. An unscrupulous dealer, recognizing the paintings, buys them and resells them as "originals" painted before his death for enormous profit. A wealthy collector being told that her painting portrays a bus that went into service after Farll's supposed death alleges fraud and sues for damages. Enough said. All's well that ends well, go see the movies.

Which brings us back to the question: while not a Pollock, is *Untitled*, 1950 art? Is *Vase de Fleurs (Lilas)*, with or without Wildenstein's certificate of authenticity, art? "Yes", is the answer. The only difference being the price one is willing to pay. Not to say price is immaterial, in fact, it is significant giving a monetary value to the worth of an artist's oeuvre. But standing alone, without Pollock's imprimatur, *Untitled* 1950 is art. Without a true certificate of authenticity, the forged *Vase de Fleurs (Lilas)* is still art. Before being discovered a fraud and a forgery, they were admired and enjoyed a place in the art world, independent of provenance.

Art has two essential elements: form and content. You may add an infinite number of other concepts: "conscious intention," "creation of illusion," "perception of reality," "balance, contrast, emphasis and proportion", "execution", "paradigms of order and/or disorder", "exploitation of tension and release." When you add all of these components to form and content, you realize that there is no single definition for art. Art is where you find it, and how you perceive it.


A decorated Grecian Calyx Krater, once nothing more than a classy wine jug, is now art and is displayed in the Metropolitan Museum of Art. Anything that crystallizes our humanity is art. So those fifteen or sixteen alleged Knoedler forgeries are art, but while art, they may also be a crime. Enjoy them for what they are, not for what someone paid for them.

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