Feigned or Faux?

by Andrew Acquier FRICS

'Come and have a look at this', my client James beckoned me over. It was a catalogue from a joint venture involving a London museum and an American one celebrating the 200th Anniversary of the 1776 Declaration of Independence. The cover depicted the upper half of an inlaid marquetry eagle or some other bird above a vertically striped shield, the whole on an irregular oval stained softwood ground.

'My carver in Devon made that' said James. 'It was a special commission and now it's a catalogue cover'. Although, on initial investigation, the book did not claim the carving to be of any age, the implication was that it dated from the time that the museums were commemorating. Otherwise, why use it?

Was it a fake or a forgery? No, because no apparent claim was being made for it. But it was a pastiche, a work of art using the style and materials of the period so that the result appeared to be of that time.

But hang on just a minute, a closer examination revealed that the image was repeated within the text and was supposed to have formed a table top of a tripod table from a private collection and made in Connecticut in 1805. James pointed out that the base was crisply and evenly carved and bore no relation to the unsophisticated nature and uneven dimensions of the top. He had sold the piece as a wall hanging to an American collector and was surprised to see that it had reappeared with such a provenance. So it was a fake, as it was not as claimed, but not a forgery, as there was no intention by the original seller to deceive. It was still a pastiche.

James ran a firm in Whitstable, also with an outlet in Colorado at one stage, that took old pine chests, stripped them down and repainted them as 'marine' chests with ropes, anchors and other maritime motifs. They sold well as decorative pieces, the buyer being made fully aware that they were purchasing a revamped piece, the original of which did not exist. James's firm also invented the carved half fish and half ships that used to hang in many pubs in the 1970s and 1980s. Crabtree and Evelyn contracted him at one time to produce hand painted signs for their outlets.

So it was not a great surprise to hear that my client had also approached one of the leading London auction houses. He pointed out to the cataloguers of the ship's figureheads that had originally come from one of his carvers that polystyrene had not been invented in the early 19th century. I also heard about his Dutch painter of naïve beach scenes featuring Jolly Jack Tars, to which she added the signature 'Samuel Snodgrass'. She thought it would be an obvious sign to the buyer that the work was of no age and was amused to find her work, supplied at £20 a pop, appearing in sale catalogues and selling for between £200 and £300. A short biography of the artist appeared in one catalogue!

The final story in connection with these facsimiles and pastiches occurred a number of years ago. My client was walking down Bond Street when he spotted a carving of a deer in the window of an exclusive antiques shop. He recognised it as having been made by his Devon carver for a special commission. He had paid £40 for it and sold it on for £80. He entered the shop and enquired as to the age and the price of the carving. He was told that it was a rare Richard III carving of a roe deer and priced at £6,500. Given that Richard was only on the throne for two years before losing his life at Bosworth Field, this appeared to be a remarkable feat of cataloguing. James then revealed

his involvement. At the time of our meeting, James showed me the letter, written to him by one of the directors of the antique shop, requesting that he should make a stag carving to create a pair. He refused and thought that the matter was at an end. He asked for the roe deer to be removed from the window and understood that this had happened. The next he heard was that an investigative journalist had revealed that Harrods had bought it and sold it on for £11,000, at which stage the buyer had its authenticity checked. A further complication was that the journalist was working for the News of the World, but the editor was apparently a friend of Sir Hugh Fraser, the Chairman of Harrods, and the journalist suddenly found himself without a job. The story was then published in another Sunday newspaper.

The roe deer was not intended to be a fake or a forgery, merely a reproduction, but its fate was determined by those seeking a substantial profit. Since that time I have seen other reproduced pairs. One pair used to flank the top of the stairs in the Savoy Hotel leading down into the River Room before its refurbishment a few years ago.

More recently I was involved in an expert witness case involving a number of allegedly fake Francis Bacon works that had been offered to a consortium led by an experienced dealer. This involved six purported Bacon large scale drawings that had been executed by the artist and given to one of his then boyfriends, Cristiano Ravarino. Ravarino has claimed that between 300 and 600 of these large scale drawings (depending on which conversation was referenced) had been given to him by the artist as Bacon did not wish them to be included with the rest of his known work. Furthermore Bacon had claimed that he did not draw, although a small number of his oil sketches were extant as preparatory studies for finished oil paintings, but nothing in pencil. He had even cut the face out of several portraits with which he was unhappy, indicating how concerned he was as to how his work should be judged.

These six pieces had been offered alongside a basket of works that the dealer had understood had come directly from John Edwards, Bacon's last boyfriend and the inheritor of part of his estate. When John died, his brother David inherited John's estate. A premium price was sought, given the provenance direct from the artist. A deal was struck and money changed hands. At roughly the same time, another group, represented by a second dealer, bought another six large scale drawings from Edwards. The new owners of the first six, who had in place a potential sale to another collector, then submitted their works to the Francis Bacon Authentication Committee and were alarmed when these were rejected. The Committee stated that the style was "inconsistent with all the sketches and paintings currently attributed to Bacon." The consortium then tried to rescind the sale and get their money back.This was refused and legal action commenced.

I was then contacted by solicitors to value all the drawings and the 'basket' collection. It was clear to me from the start that these were works that appeared to imitate Francis Bacon's style, without communicating any feeling whatsoever. Francis Bacon's finished oil paintings have a contortion and tension about them that is unmistakeable. How could it be lacking here? After exercising due diligence and research into comparables, I valued them at a great deal less than the $1,000,000 or so that the new owners had hoped to achieve for each in selling them on. My report was then submitted.

When the case came to court, Martin Harrison, the Chair of the Bacon Authentication Committee and the editor of the artist's Catalogue Raisonne, due to be published later this year, also came to give evidence and stated that the drawings were not by Francis Bacon. There had been a complication in that some of the drawings from the Ravarino source had previously been featured in a court case in Italy and the judge in that trial had declared those particular drawings not to be fakes. The court had also ruled that some of the signatures were by Bacon. In the case where I had given Expert Witness, the judge determined that all the drawings put before the court were forgeries. The London Appeal Court rejected a bid to introduce new evidence in October 2013.

This leads us to another question. How should we assess the paintings produced by an assistant in an artist's studio? They are clearly not fakes or forgeries, but are they to be regarded as genuine works? In the case of, for example, Sir Anthony Van Dyck (1599 – 1641), the artist, once successful, maintained a large London workshop, where he usually made a sketch, which an assistant then enlarged on canvas. Van Dyck then returned to paint the head and other flesh tones and left his assistants to complete the work; specialists in painting clothes were engaged where necessary. So a form of production line was created. In valuing a work by Van Dyck, it is essential to establish how much of the painting is 'autograph'/actually his own work. Before establishing his studio he painted all of the work himself. So the value here will depend on the perceived involvement of the artist as adjudged by experts.

When I worked for one of the leading London firms of auctioneers and valuers, one assignment took me to a house overlooking the Thames near Pangbourne. The clients owned a version of William Powell Frith's 'The Railway Station', which depicts in detail a crowd at Paddington Station in the early 1860s. This was understood to be one of three versions completed by the artist, one of which is at Royal Holloway College; a second is in the Liverpool Museum. This third had been in the

possession of the family for many years. On the basis of an initial appraisal, the family decided to sell and the work was taken to London for auction. On the day before the sale was due to take place, one of the leading picture dealers distributed a paper indicating that this version was not a work painted by Powell Frith, but by one of his apprentices, Marcus Stone. When the painting came under the auctioneer's hammer the next day, enough suspicion had been aroused for many hitherto potential bidders to watch but not raise their hands, which resulted in the lot being unsold. It became evident on further research that Marcus Stone had painted this version under the supervision of Powell Frith, who had then signed it once complete, thus giving it, in his mind, his imprimatur. So is this work to be regarded as a fake, a forgery or a facsimile? Or is it the genuine article? We live in an age when, as did Andy Warhol before him, Damien Hirst has a factory which produces completed works to which he adds his name, and these works are regarded by the market as genuine. Have we changed the way in which we attribute art? And where does Marcus Stone fit into this? His own work was greatly appreciated and he became a collectable artist in his own right. He was successful enough by 1875 to commission Richard Norman Shaw to design for him The Studio House in Melbury Road in Kensington. And in 1993 his version of 'The Railway Station' was put up for auction again, when it made £133,500.

An added complication is that William Scott Morton, an architectural draughtsman, had been employed by Powell Frith to paint the structural elements of the station – these take up almost all of the upper part of the canvas. That means that the two fully attributed versions were only ever 50% painted by the artist in the first place.

Another recent instruction involved an oil painting by Turner. A dealer had bought a work for a nominal sum that he believed was by Joseph Mallord William Turner (1775 – 1851) and then set about trying to prove it. The picture depicted Louis Philippe's yacht entering Portsmouth Harbour. At one stage it was brought to the attention of the six Turner world experts, who all turned it down. My client carried further research, but wasn't getting anywhere. Separate research on two sketches, nothing to do with the dealer owner, then resulted in a change in their attribution to Turner from James Duffield Harding. These were two preliminary sketches for the dealer's finished oil. One by one, with the fresh evidence in front of them, the world experts changed their minds and a paper was written and published by the Turner Society acknowledging and detailing the new find. It was finally accepted that this was one of the paintings inherited by the son of Turner's Margate landlady and subsequently sold in Wales a number of years later. Its value, given the authentication, has increased enormously. I was brought in to provide an open market value for the painting to be used as collateral.

So how can we be sure that a fake is a fake and not a misidentified masterpiece? A great deal currently depends on the opinion of the world specialist, of which there are often more than one, working as a committee. And experts change their minds depending on the evidence placed in front of them. It can work the other way – the Rembrandt authentication committee sits every seven years and takes a fresh look at all the works fully attributed to the artist at that time. If a majority vote decides that a particular work is not genuine, then it is un-Rembrandted. Who the owner is makes no difference. Even the last Duke of Westminster had a previously authenticated painting's authenticity reversed.

Can you be sure that you are looking at the real McCoy? It is all down to the level of scholarship that applies that day. There are often only temporary guarantees of authenticity, rarely definitive ones. You can never take it as read that historic authentication will apply when a painting is reoffered for sale. With increasing levels of professionalism Arts Surveyors are at the forefront of ensuring that owners get the correct levels of identification based on current evidence. ■