Panel 1: The Process of Authentication

Moderator:
Sherri North Cohen, ARIS Insurance Corp.

The Science Behind Authentication
James Martin, Founder, Orion Analytical, LLC

The Connoisseur
Laurence Kanter, Chief Curator and Lionel Goldfrank III Curator of European Art, Yale University Art Gallery

Discerning Provenance
Elizabeth Gorayeb, Specialist, Impressionist and Modern Art, Sotheby's

Pippa Loengard: Good morning, everyone. We're going to get right back into things with our first panel discussion of the day. Sherri North Cohen is going to be our moderator, and we have Larry Kanter, Liz Gorayeb and Jamie Martin, so it's going to be a wonderful morning. Sherri is the Director of Underwriting at the ARIS Title Insurance Company. She has experience with Holocaust claims and title issues. She's going to describe her position more, in addition to a little bit about what ARIS does, and its title insurance role in the process that we're discussing today. We'll then start the panel. Sherri?

Sherri North Cohen: Thanks, Pippa. I head up the underwriting team at ARIS Title Insurance Corporation. We are a New York-based and regulated title insurer that focuses solely on covering the ownership or title risk for the global fine art and collectables market. I'm delighted to be here today to talk about and moderate a panel on the authentication process. This promises to be an insightful discussion about the nuts and bolts of how experts with different qualifications, backgrounds and skill sets authenticate fine art.

Before we get started, I want to explain how I fit into today's discussion. I come to the issue of authentication with a unique perspective. At ARIS we underwrite only the art market title or ownership risk, and are very clear about this point. In fact, our policies expressly state that we don't cover authentication, authorship or attribution. That being said, however, the reality is that aas part of the process of underwriting the art market ownership risk, we do look at authenticity. Just like a collector or a museum, as an insurance company, we rely on the reports and conclusions of leading experts in the field, as well as the letters and certifications issued by industry-recognized artists' estates, boards and foundations. In short, we go through, as an insurance company, the same steps in the process as if we were in the stream of commerce as a buyer or even a merchant. And the reason that we do

this is really twofold. First, if a work is a fake or forgery, and somehow not what it was represented to be, we have a moral hazard. A fake or forged work has a fake or forged provenance, which impacts our capacity to underwrite the ownership risk. We like to call authenticity the second cousin of title. Our due diligence in underwriting protocols give the insured—and particularly lenders who are using the art as collateral—an additional lens and layer of comfort as to the authenticity.

Without further ado, I'd like to introduce our panelists in the order in which they're speaking. The first will be Laurence Kanter. He is the Chief Curator and the Lionel Goldfrank III Curator of European Art at the Yale University Art Gallery. He is going to be discussing what it means to be a connoisseur. Elizabeth Gorayeb, the Vice President and Head of Research of Impressionist and Modern Art at Sotheby's, will be discussing the auction house's perspective, and their due diligence and research process. Then finally, James Martin, the founder of Orion Analytical, will discuss the science behind authentication.

Laurence Kanter: Thank you, Sherri. I wonder if I can begin with two disclaimers considering the audience. First, that nothing I say is meant to be written down or taken seriously. Second, I'm not sure I'm speaking directly to the topic this conference, perhaps, intended. Naively, I thought it might be useful to speak about connoisseurship as a practice of unmasking falsehoods in the art market, but I realize now that if I had done so, Mr. Cahill might have had me in the dock on any number of court cases tomorrow. Instead, I'm going to make a different kind of presentation about connoisseurship—one that tries to explain what the discipline can do, not necessarily what it always does or regularly does. It proceeds from a reality expressed in the Guidelines of the College Art Association (CAA) Standards for Authentication and Attribution, that were shared with you briefly before, where it says, for example, that: "Art-historical documentation, stylistic connoisseurship, and technical or scientific analysis, which complement each other, are the three necessary aspects of best practices for authentication and attribution."[1] I think Jamie Martin later is going to re-present that concept to you in a much more picturesque analogy as the three legs that support a stool on which the authenticity of a work of art rests. Of those three legs, the oldest and creakiest must surely be connoisseurship. Unofficially, the discipline dates back to Neolithic times, when man first began to perceive and remember similarities between objects. Officially, it may be said to trace its beginnings to the publication in 1719 of the first and, in many ways, still the most penetrating discourse on connoisseurship, written by the artist Jonathan Richardson the Elder. This was just under a century before the opening of the first public art museum, and nearly two centuries before the appearance of art history as a fully established academic discipline. Richardson's subtitle explained his intention of *showing how to judge first, of the Goodness of a Picture, second, of the Hand of the Master, and third, Whether 'tis an Original or a Copy*. The premise of this very sophisticated essay presupposed

1. *Standards and Guidelines: Authentications and Attributions*, COLLEGE ART ASSOCIATION, http://www.collegeart.org/guidelines/authentications (last visited Feb. 11, 2012).

that connoisseurship was of special importance to collectors, and therefore that it was intricately bound up with the market for works of art. Buyers and sellers equally have a clearly defined need for dependable standards of identification, authentication and qualitative discrimination. Richardson's purpose was to codify the means for arriving at these standards and make them accessible to any reader. But he was fully aware that many a collector has neither the leisure nor the inclination to become a connoisseur himself, and that he will therefore be influenced by "arguments in favor of the honesty and understanding of the man he relies upon, not at all relating to the intrinsic worth of the thing in question."[2]

The situation today is a little different than it was in Richardson's day. If anything, connoisseurship seems to more and more people to be a science too obscure to apprehend. Vacillating theories of artistic identity, and a sometimes bewildering variety of opinions expressed about a single object, have not driven collectors and art historians to seek the means to judge for themselves, as Richardson might have hoped. Instead, it seems to have driven collectors and the art market generally into an unstable situation, where the value of a work of art, or at least its commercial value, is not necessarily intrinsic to the work itself, so much as it is to its reputation. Value is founded not upon what a work of art is, but upon what has been said of it. We will return to this point because it is, to a large degree, the driving engine of the art market today, and in some respects, it is the motivating principle for this conference. Subliminally, or perhaps now one can say expressly, it is this issue which may account for the dramatic increase in reliance on, or at least hope for, a supposedly objective, measurable, reliable alternative for identification and authentication, such as the forensics and provenance researches that you are about to hear explained.

It is also the root of a growing academic suspicion, disapproval, and even scorn for connoisseurship, that began to be aired openly in the 1920s that has been gathering momentum since, and that reached epic and divisive proportions in the 1980s and 1990s resulting in the CAA guidelines that were summarized for you earlier.

Ironically, it was a figure who is himself now a focus of controversy who most cogently appreciated the awkward dual nature of connoisseurship as a service needed by the marketplace, but also as an intellectual discipline wanting to be part of a more serious and elevated discourse. In the last decade of the Nineteenth Century, Bernard Berenson assumed for himself the task of rationalizing and systematizing the topography of what was then the most confusing field of art historical research, as well as the most fashionable and expensive field of art collecting: Italian Renaissance painting. Berenson was not alone in this endeavor, but he was so much more successful and more respected than any of his peers that his name has come to be synonymous with the methods of visual analysis peculiar to the connoisseur. That this was so is of course to be attributed to the caliber of

2. Jonathan Richardson, *The Connoisseur: An Essay on the Whole Art of Criticism as it Relates to Painting*, *in* THE WORKS OF JONATHAN RICHARDSON (1792), 103.

his genius, but equally—and let it not be forgotten or misconstrued—to his integrity. This integrity, permitting the peaceful coexistence of scholarship with the marketplace, was accepted as a matter of principle by Italian scholars, including Berenson's brilliant archrival, Roberto Longhi. Up until perhaps a decade ago, it formed the basis of nearly all academic art history in Italy. In Italy, it is senior professors holding respected chairs at major universities who guide the buying and selling of works of art, who shepherd the collecting patterns of public institutions and private individuals—a situation that could never exist in this country.

In fact, Berenson's reputation in the more prudish Anglo-Saxon world—from which he emerged and where he was initially embraced with such enthusiasm—has grown decidedly cooler over time. The most gifted connoisseur of the generation following his own, Richard Offner, wrote condescendingly of scholars from the "outgrown past" when "the student extended himself over the various schools and all the length of their evolution,"—a thinly-veiled reference to Berenson, "whose exquisite sense of value" and "consciously exalted taste," fueled by a certain "fashionable snobbery . . . mingled with hero-worshipping sentimentalism," led him to believe that all "pictures bearing the stamp of a known style" could and should be "labeled with a name best known of those who painted in it." By this, Offner meant that Berenson, or to be fair, the more dilettante connoisseurs of his era, were insufficiently critical in their judgments in the interest of establishing and bolstering the value of works of art. In outspoken and self-righteous indignation—I should add, of course, that Richard Offner was a professor at New York University's Institute of Fine Arts; this may explain some of his attitude—he proclaimed that "sanctioned authorities have been . . . dividing their allegiances between . . . two kinds of truth: the truth which represents a conformity to fact, and the truth inspired by practical convenience [that is, the marketplace]—without differentiating in every case as to its kind or object." From this conviction that money and truth cannot breathe the same air in a single room was born generations of mistrust, enforcing the isolation of connoisseurship from the modern discipline of art history and its relegation to the menial task of shoring up a tainted market for works of art.

But why should this be? The art market is neither a regulated nor a rational market. Buyers and sellers may capitalize on or be victimized by fantastic fluctuations in value based on changes in taste or changes of a scholar's opinion—sometimes the opinion not even of a scholar whispered at the right moment in an auction room. Furthermore, even where knowledge or hearsay is a prime determinant of value, there are no punitive sanctions—except, I'm told in France—for what in many other markets would constitute insider trading. Frankly, it is scarcely to be wondered that with so much at stake and so little enforceable control, the presumption should arise that no pronouncement can be entirely disinterested or can be guaranteed to be dependable. Has a buyer any security in such a free-for-all? Yes, I believe. That's my disclaimer. That security lies in the fact that connoisseurship is not the divining rod pseudoscience it is sometimes accused of being. It is not a purely subjective expression of equivocal opinion. It is an

objective, forensic approach to unearthing a fixed historical verity that proceeds from the belief, best articulated by Berenson, that "whereas all that remains of an event in general history is the account of it in document or tradition, in art, the work of art itself is the event, and it is the only adequate source of information about the event."

Like any other discipline, connoisseurship can be practiced well or badly, as even Jonathan Richardson had noted three centuries ago when he said, "the divergence of view when it occurs does not always happen from the obscurity of the science, but frequently from some defect in men." And like any other discipline, connoisseurship sometimes produces demonstrable results that can be checked, confirmed, elaborated or refined by others. Sometimes, it produces results that are, shall we say, more exploratory. Let me offer you some quick examples.

Of great frustration to many is the fact that there exists no handbook or user's guide of connoisseurship recipes. All attempts to produce such a how-to manual—beginning with Richardson continuing through Roger de Piles or Giovanni Morelli and beyond, even Berenson and Richard Offner themselves—have proven inadequate at best, ludicrous at worst. This is in part, I believe, because the fundamental purpose of connoisseurship has always been confused with its most practical application: attributionism. Two of the three goals stated explicitly by Jonathan Richardson, authentication and identification, are things that paying customers want the connoisseur to tell them. The academic coefficient of these interests is taxonomy, or "mere taxonomy" as it is now dismissively labeled.

Richardson's third point, how to judge of the goodness of a picture, is far more telling and far more elusive. This small panel appeared at public auction in London thirteen years ago, identified in the sales catalog as attributed to—I guess that's a disclaimer in its own way—Zanobi Strozzi, a minor Fifteenth Century painter in the orbit of Fra Angelico. This identification was questioned by no one in the sales room, not even by the successful bidder who acquired the panel for a truly paltry sum. Looking so hard for the standard clues of identification—authentication in this case was not an issue—everyone except the buyer had overlooked the painting's astonishing quality. Even the buyer had failed to realize that the particular quality of the painting led to one, and only one, possible attribution for it: Fra Angelico, himself.

Only Fra Angelico, in the early years of the Fifteenth Century, could paint delicate string courses that recede so convincingly into space as these; only he could render the four feet of a wrought-iron candelabrum standing so firmly on a perfectly foreshortened ground; and only he could conceive the device of painting votive candles on the candelabrum, each burned to a different height, in order to convey two elements of the narrative that could not be portrayed more literally within the scene: the fact that crowds of worshippers had recently abandoned the chapel, and that time had passed in which the two protagonists could have fallen asleep. Once formulated in these terms, rather than in more superficial terms of comparing ears or noses to other works by the master—conventional tools of the

most simplistic kind of connoisseurship—the arguments for identifying this work as Fra Angelico's are compelling and in this case can be shown to be more than mere rhetoric.

Removing the panel from its frame revealed a champfered gold margin that securely identified it as the missing fifth element of one of Fra Angelico's best known and most admired narrative cycles, an identification subsequently confirmed, if confirmation were needed, by X-rays of the continuous wood grain across the various members of the cycle—if you notice, each one of these panels has the same chaffered borders. The identification increased the monetary value of the painting somewhere between 100 and 200 times, but that was not the purpose of the exercise. Connoisseurship in this case was attempting to establish a different, more comprehensive standard against which to measure all of Fra Angelico's works, including some that are widely assumed to be by his hand but that can hardly withstand the same scrutiny as this wondrous panel. It is not simply a judgment that the painting is good, but rather that it is good in a specifically Fra Angelico way. It is also an articulation of what that specific way is.

A less dramatic, but no less exciting story, concerns a small painting that appeared three years ago in a New York auction. I guess three years is within the statute of limitations; should I continue with this story? Even though it was overshadowed in the sales rooms by a colossally important and beautiful terra cotta by Donatello, this fragmentary angel commanded a handsome sum nearly three times the auction house's high estimate, and that high estimate was itself a very substantial amount of money to begin with. It was attributed in the catalog, in expertly evasive fashion, to a "Sienese follower of Cimabue" and several scholarly authorities were cited dropping every known name from the Thirteenth Century in Siena—there were only about four known names—most prominently among those four known names was the frankly mediocre, if admittedly rare, Guido di Graziano. The buyer could not have cared less whether the artist was anonymous or named, or whether the name was correct or incorrect: he simply thought the painting had quality. And how right he was.

The painting had so much quality in fact, that it is impossible to believe that the ploddingly efficient Guido di Graziano had anything to do with it. It is rare in the Thirteenth Century to find an angel's wing modeled with colors that suggest volumes, highlights and shadows, rather than merely formulaic feather patterns; a wing that disappears behind the halo as though it were receding in space rather than pressed flat against the picture plane. It is rare to find a facial expression as moving as this, or patterns of gilding and engraving as elegant as these. And it is all but unique to find among the stylized patterns of gold illuminating the draperies—which we call chrysogony—one ray that is not a sharply delineated bar or vector, but a carefully scalloped ellipse with an undulating profile that actually represents the fringed hem of the angel's garment.

This conceit is, for the years around 1270, a revolution in visual thinking that recurs in only one other surviving painting; the earliest known work of Duccio, the "Crevole Madonna." Coupled with the fact that the two punch tools used to

decorate the gilding of the angel's halo also belonged to Duccio—they are deployed as well in the documented masterpiece of Duccio's early years, the "Rucellai Madonna"—strongly suggests to me that we have here to do with a previously unrecognized, youthful work by Duccio, the greatest of all medieval artists. I needn't remind you of the excitement generated just a few years back by the Metropolitan Museum's spectacular acquisition of the small "Stoclet Madonna" by Duccio, supposedly the last certain picture by the master in private hands. I'd like to think that the discovery or recovery of another facet of his career is an event of no little consequence.

Unfortunately—or perhaps fortunately from a lawyer's point of view—no smoking gun of proof is likely to emerge in this instance, and the contention of authorship is just as likely to foster partisan bickering as wide acceptance. This is a painting that lies within the unexplored margins of a great artist's career, unlike the Fra Angelico we just saw, which is firmly ensconced amidst works that have never been doubted. But that, after all, is the real purpose of connoisseurship. It is to enable us to retrieve moments of history that are documented only by works of art. That the practice of connoisseurship, may be useful for other things as well, is merely icing on the cake. Thank you.

Elizabeth Gorayeb: I am very humbled to be here with so many of you, both lawyers and experts, whose opinions I rely upon to do my own job, so thank you very much for listening to me. I'm here to talk about a very particular consignment that we had at Sotheby's not too long ago involving work by the artist Paul Gauguin. This is a sculpture called "Head of a Tahitian Woman." It dates from around 1890–1892 during those years when Gauguin was in Tahiti. Now, it's very rare to see a sculpture by Gauguin at auction. Even though he was trained as a wood carver, he really got his bearings as an artist as a wood carver before he became a painter, but it's really his paintings that we know best. This sculpture came to us from a gentlemen who bought it from Sotheby's in London in 1961.

It was brought to us with a very interesting story. The story was that it was being consigned by a member of the Dominican order. And the history was that Gauguin had created this work because he promised the daughter of a friend back in France that he would bring her a souvenir or a doll from Tahiti when he got back and this is what he brought her. So property of the Dominican Order, we're assuming that this little girl grew up to join the Dominican Order, and later consigned it to Sotheby's. It had never been recorded, it had never been seen before and our lucky purchaser bought it in 1961 for just over 11,000 pounds. Two years later, the sculpture was published in what is to date the only *catalogue raisonné* of Gauguin's work by a Johns Hopkins professor named Christopher Gray. Christopher Gray published Gauguin's sculpture and ceramics in a book in 1963. When Christopher Gray published this book, he relied on Sotheby's data. He basically reproduced what we had in our catalog. He said, "Private Collection, France." He was assuming that this little girl was in France. Frank Partridge is the dealer that purchased the work at Sotheby's Auction House.

We know Gauguin's paintings very well so seeing one of his sculptures is

usually very rare, but the very clear commonalities between the sculptures and the paintings were very clear to our purchaser, the experts who sold it to Sotheby's in 1961 and Christopher Gray. There didn't really seem to be very much doubt that this was a work by Gauguin. One can see when comparing the profile of a drawing that Gauguin did in 1899 to this work that it was originally done in the early 1890s—there is very detailed attention to line and facial features of the works are both very similar.

Our consigner came to us last year with a Gauguin and we said, "All right, this is fantastic. We sold it to you, and there are so many similarities between your work and Gauguin's carved works—the few carved works that are known—and his paintings and his drawings, so we'll put it in our sale. The one thing that we do have to do is . . . ."[3]

There is a new governing body that holds the moral rights. The new governing body of Gauguin's work is a committee based in Europe, and the committee members are scattered throughout Europe and the United States. As a security measure and because the market expects it we go to them for works by the artist, particularly sculptures because the Christopher Gray publication is considered outdated in a way, and we need their blessing in order to sell the work in our sales. So, without any real concern, we approached the committee. At an auction we usually have about a month from consignment to the publication of our catalog, so we beg, plead and cajole a lot of experts to get back to us as soon as they possibly can. And very kindly, the person at the committee got back to me and said, "Hmm, well, we have our doubts." So that put a hold on everything. She said, "We have our doubts, and we'd like to study this further." To our consigner, "study it further" was not a good enough answer for a work that he wanted to sell and make a lot of money on. So we scrambled to try to help the committee make a determination. First of all, we consulted an expert at the Museum of Natural History who specialized in bones and shells and was able to tell us the origin of the coral and the land seashells that appear around the neck of the sculpture that supposedly Gauguin had strung himself. We also were, again, very attentive to some of the details that were used on the sculpture. If you think of a forgery of a Gauguin work, you might not necessarily think about the fact that Gauguin was very meticulous. In this case, if you see the bodice or the shirt that is represented on the sculpture, it's not some naked Tahitian beauty—it's actually a very realistic portrait of one of the very modestly dressed women of the time that he was encountering in Tahiti. We also compared it not only to the known bronzes of Gauguin, but also to some of the woodcarvings that we had access to in the city. Luckily for us, in New York City, there are a few collectors who have very prized Gauguin woodcarvings. We compared the grain of the wood and the cut of the wood to other works that we had access to within that limited period of time. I very diligently reported it all back to the head of the committee. She was very encouraging and said, "Good job. Nice work." In addition to the shell expert, we

3. The speaker was interrupted by a protestor at this time.

had a wood expert bore a little hole in the bottom of our sculpture and take a sample of the wood to tell us what kind of wood we were dealing with. We were not dealing with French wood, as one would think that a forger in France might. We were dealing with Polynesian wood, so we were assured on that point. But the one thing that we really needed to do was convince our panel in France about the character of Gauguin and this story about the little girl to whom he gave the sculpture. Although it's not really emphasized, Gauguin was a very odd character. He was also an unrepentant and pretty well known pedophile during his day. Here you see a picture of Gauguin: I believe that's him in the foreground with a cello. In the background is a young woman named Anna; she's known as Anna the Javanese. She was a girl that he took up with when he came back from his first trip to Tahiti in 1894. He met this girl who was thirteen and pretty much took her under his wing as his lover and his muse. Here's a painting he did of Anna; it's called "Anna the Javanese." You see he depicts her with a little monkey: as a symbolist, Gauguin was very fond of putting little elements of symbolic details in his paintings and the monkey is supposed to represent wild, unabandoned sexuality, which is also supposed to be embodied in this thirteen-year-old Javanese girl who he was sleeping with.

In other pictures of Tahitian women, Gauguin also incorporated animals and in one photo on the left there is a little fox in the background. The fox is a very important detail in a lot of the works of Gauguin because not only did it come to be his emblem and sometimes his signature, but it was also a sign and figure in Polynesian folklore of female sexuality and perversity. When you look at the back of our sculpture, at the bottom of the hair of our figure are two little foxes that have been intertwined. Why would Gauguin create this work and give it to a little girl, when it's so clearly sexualized, if he didn't want to seduce her? The film *The Wolf at the Door*, with Donald Sutherland, came out in 1986. It famously portrays Gauguin's relationships with young girls. He was known to host salons with his friends on Thursday nights, and he would encourage his friends who had teenage daughters to bring them. Some of them grew up to write memoirs and account for the fact that he would molest them. So it almost seems that this sculpture, to apply pop psychology, was a fetish object that he was using to seduce his potential next victim, this young woman.

I returned to the idea of her being a member of the Dominican Order and decided to write to the Dominicans to see if they knew anything about a girl who knew Gauguin and perhaps had a sculpture that she sold for a lot of money. The Dominicans in the United States didn't get back to me, but I found several monasteries in and around the south of France. I wrote to all of them and, very diligently, they got back to me. They all said, "Your emails have been making the rounds throughout the south of France, and we just want to tell you that we've never heard of this person; we definitely need a name. Do you have any type of name?" I didn't; I was just hoping that this scandalous story might resonate with someone. I dug up Sotheby's in London ledgers from the 1960s, which one thinks would be easy because we're one company, but no—unfortunately the ledger had

been stored in a basement that had been flooded several years ago, so we only had parts of the ledger. But we did find the name of the Dominican; it was actually not a woman, it was a man named Father Rezouski. So now I was left with this and I went back to all my new friends in the south of France and I asked, "Have you ever heard of Father Rezouski?" And yes, they had.

In fact, before Father Rezouski became a priest, he was an artist and also a Polish prince. He was very good friends with all of the illuminati of the early Twentieth Century in Paris. He was good friends with [inaudiable], and wrote her biography. He traveled in very elitist circles. Father Rezouski apparently does not appear anywhere in the Sotheby's data on well-known consignors. He was a one-off. No one at Sotheby's had ever heard of him. I decided to see if maybe Christopher Gray, in his own archives at Johns Hopkins, knew of Father Rezouski. I went to Johns Hopkins; I dug out Christopher Gray's papers; I sorted through all of the data that he collected for his *catalogue raisonné* and I found an index card, which appears to have been transcribed from a conversation that he had with a Sotheby's employee. At Sotheby's, we can't give the names of our consignors to anyone—it's guarded. But if you're a scholar, and if you're nice to us, writing a book and you promise you're not going to reveal the name, we might help you. I shouldn't say that with our Sotheby's lawyer present here, but sometimes we'll help you. It seemed to me that Christopher Gray had a conversation with someone at Sotheby's on Bond Street and they gave him the following name: Jean Dolent. He wrote it down twice, as if somebody was dictating it to him. I asked, "Jean Dolent, who is that?" I did a little bit of research and found out that Jean Dolent was a writer at the time of Gauguin and a friend of Gauguin. He hosted salons at his house. And guess what? He had a daughter who was borne to him in 1884, and her mother died in childbirth.

He was raising his daughter on his own. A poor father in the 1890s or 1880s raising his daughter on his own is probably not going to be very cognizant of his friend trying to molest her. With that information, I started looking up as much as I could about Jean Dolent and his daughter, Jeanne, who went by the name Jeanne Fournier. I found that someone had written a Ph.D dissertation in France on the life of Jean Dolent. I tracked this Ph.D candidate down, and he gave me information about Jeanne Fournier. He said, "As a matter of fact, after the death of her father, there was a sale of his collection," and I found the sale catalog. Here it was in 1919, and indeed, there was a Gauguin: a wooden bust sculpture of a young Tahitian girl. I found this and contacted my Ph.D student friend in France and asked, "Have you ever heard of this sculpture? Did she have this sculpture?" And he said, "Yes, as a matter of fact, she donated that sculpture, I think, to a Catholic charity." I said, "Oh my goodness, this solves it." I wrote back to my friend at the Gauguin Committee, and she said, "Okay, we all agree. You win. You can have your certificate." We sold the sculpture at Sotheby's for $11.3 million in May. We were extraordinarily happy. We didn't know how much this would bring, and it ended up bringing quite a hefty price. But it was many pieces of a puzzle that had to be put together in a fairly quick amount of time in order to please our consigner,

and also in order to get the ball rolling for this committee who understandably didn't want to make a determination on something that they didn't have very much information on. That's my story. I'll pass the microphone over to Jamie Martin.

James (Jamie) Martin: Good morning. I analyze materials, with much of my work focusing on art, artifacts and architecture from ancient Egyptian to present time. I analyze materials for corporations—things from fire suppressants to contaminants and gyroscopes for guided missile systems—and do forensic evidence work for insurance claims, lawsuits and civil and criminal investigations.

I'd like to talk this morning about authenticity studies. When a painting or object makes its way to me, some of the impetuses for authenticity studies are often an optimistic attribution. Hypothetically, for example, someone finds a painting in their attic that looks like a Jackson Pollock and assumes the painting is related to an original work by the artist. They can quit their job, educate their children, buy a new house in the Caribbean, retire, et cetera, et cetera. There are the intentional misattributions where someone helps a work along. They may add a signature. They may create a body of provenance to support the attribution, knowing full well that the work is not what it's represented to be. Fakes and forgeries, like John Myatt, and buyers' remorse have become increasingly common since the market crashed in 2007: as another example, a husband buys an object at auction, comes home and his wife says, "What the heck did you just do? Take it back." If the husband takes it back and raises an issue of authenticity, and later offers to settle it quietly, then maybe he can just make the problem go away and get his money back. I like to think of scholarly studies of authenticity as a three-legged stool, of which connoisseurship is the first and foremost leg, provenance research is the second—the documented history of the work—and materials analysis would be the third. Is the physical substance of the work at the very least consistent with the claim that the work is by a particular artist, from a particular time, a particular place or some claimed attribute? For example, take the Star-Spangled Banner: it went through a war; there's gunpowder residue in the fabric itself. Or, at a minimum, that the physical evidence is not inconsistent with the claim or claimed attributes. In terms of an investigative approach, we always begin with the most powerful analytical tools that we have, which are our eyes, our sight. For example, on the left you see a detail of a genuine Jackson Pollock painting.[4] We can examine its color, its texture, its gloss, its opacity—features that suggest to us what kind of paint that might be. The slide on the right is an infrared photograph of a work that was submitted as Modigliani.[5] If someone were to stand up and stand on his head, he would see a Modigliani portrait upside down. But unfortunately it's painted over an early Nineteenth Century portrait of a woman. And we're not aware that Modigliani was reusing early Nineteenth Century canvases for his portraits. So an infrared photograph is a very helpful tool.

We look for differences, especially when we consider taking samples to analyze

4. Referring to slide presentation.
5. Referring to slide presentation.

the materials. This is a Gauguin painting from the Clark Art Institute in normal light on the left and in ultraviolet light (black light) on the right.[6] One can see that in some of the yellows and flesh tones, Gauguin used a pigment called saint white, which fluoresces brightly. This can be seen in the sky, as well. That simple examination helps us to know where to sample, and in the case of restoration, where not to sample. We look for anachronisms. In the work on the left, which was signed and dated 1912, we find a Phillips head screw under the paint.[7] Phillips head screws were introduced in 1936, so that anachronism obviously rules out that work as being a work painted in 1912. Adventitious materials: materials that become part of the object, not intentionally, but perhaps as a mistake or an oversight. This is a work that was dated 1936, and all the paints and pigments could have been consistent with that date except that painstaking examination with a microscope showed one fiber in this work, and this work was about thirty by forty inches. That fiber had been completely embedded in the original paint, and the fiber was polypropylene, which wasn't discovered until 1958. Thus, while the paints themselves could be consistent, the adventitious material could not.

We discriminate restoration, so we don't confuse it with original and mistake it for original work, thereby coming up with an errant date. Therefore, we work with magnification: in this case, a stroke of black retouching that fills a paint loss. In the case on the right: an ultraviolet photograph that shows numerous campaigns of restoration, as well as numerous varnishes.[8] About ten years ago at a professional meeting, people started to remark that unscrupulous restorers were breaking fluorescent tube lights. They were gathering the phosphor from the lights and mixing it with varnish, which would cause the varnish to fluoresce uniformly, so you couldn't see restoration. It was a very effective way to prevent us from seeing how much altered the work was. So, we collect evidence using a microscope, surgical tools and CSI supplies. We examine the microstructure—in other words, the layering. How is this thing built up? This could be a painting or this could be corrosion on bronze—it could be almost any cultural property you can imagine. In this case, this is actually a railroad station where Teddy Roosevelt was sworn to office.[9] The slide on the left shows a paint cross-section from the clapboard dated 1872; the slide on the right shows cross-section from the 1910 edition. If we compare the cross-sections, we can see which paint layers were applied to the 1872 structure. If we go to the first layer before that, we find the color of the building at the time that Roosevelt was sworn to office. I understand that the train station's has since been repainted that color.

We analyze the composition using a whole range of different tools. This is a thing that was featured in a Forbes online article, "How to Spot a Fake."[10] This is

6. Referring to slide presentation.
7. Referring to slide presentation.
8. Referring to a slide presentation.
9. Referring to a slide presentation.
10. Stephanie Fitch, *How to Spot a Fake*, FORBES (Dec. 3, 2008), http://www.forbes.com/2008/12/03/collecting-forgery-art-forbeslife-cx_sf_1203fake.html.

called a Raman microscope. A Raman microscope is capable of analyzing materials without taking a sample. If you picture in your mind's eye a millimeter, and if you divide that into a thousand parts, this microscope can analyze a particle one-one-thousandth of a millimeter across. It's truly trace analysis and nondestructive. The picture in the middle is a copy I made of Vermeer.[11] I started out my life as a fine art painter, training at a Nineteenth Century-style atelier, and I think that's part of what makes me good at detecting fakes of paintings.

We test age, usually indirectly, by looking for anachronistic materials or techniques. This is a Martin Johnson Heade fake as part of an FBI investigation. An analysis of white pigment from different locations shows the presence of a titanium white pigment that was not available during Heade's lifetime. Thus, evidence of a work that was created after his death. In some cases, we can measure the lapsed time that materials that were used to make an object ceased to live. We do not look at when the object was made because a piece of wood can be harvested and reused years, decades or centuries later; the same holds true for parchment, textiles, paper, et cetera. Thermoluminescence is one for dating fired ceramics. Radiocarbon dating is used to date carbon-based materials.

As hard as we work to detect anachronistic materials, the people who perpetrate frauds try to stay a step ahead of us. A short while after thermoluminescence became popular for dating fired ceramics, forgers determined, correctly, that if they got ahold of ancient bricks and cut them into pieces—as you see in these high resolution CAT scan images of this dog—and if they reassembled the pieces, if one was to take a sample and analyze by thermoluminescence, it would show a date of about a thousand years ago. We test the surface and usually we find that they've taken some of that brick, mixed it with Elmer's glue and smeared it on the surface. That's one of the first tests we do.

Case studies: we heard about the Sakhai case before, and this concerns the painting that miraculously showed up the same week in New York in two different auction houses. This is when the public became aware of what was going on.

My firm tested a large number of the Sakhai fakes, both the genuine works and the copies for the U.S. Marshals Service so that the works could be offered at auction. The U.S. Marshals Service occasionally posts its sales in the *New York Times*, so readers can pick up a red Corvette, or a cigarette boat in Miami or, relevant to this discussion, fake paintings. We looked at a large number of these paintings and these are two works by Lawrenson overlaid showing how meticulously they copied the signature.[12] If you look on the slide on the right, you can see the "r" of "Lawrenson" and you can see that white paint was used as whiteout to cut that letter precisely. These fakes were meticulous. If there was a flyspeck in the center of the genuine, there was a flyspeck in the center of the fake. There was a brush hair in the center of one work; a brush hair in the center of the fake. Why? So, that if one was to take photographs of the fake and send them

11. Referring to a slide presentation.
12. Referring to a slide presentation.

back to the United States, the photographs would look identical to photographs of the original. It would be indistinguishable.

I worked on this case for the FBI that concluded the summer—it was a Clementine Hunter art forgery case. There was a huge number of fakes produced over several years and we ended up looking at more than twenty works, and one feature that we found in all the fake works was cat hair. The FBI seized image cards from the Toye house, and there were hundreds of photographs of cats in the house, including photographs of cats perched on Mr. Toye's drafting table, while he was painting. So it's not surprising that we would find cat hair in all the fakes.

We talked a little bit this morning about the German forger ring, the so-called Jäger ring. I've had the fortune in some ways of detecting two of these fakes. These were probably the best fakes I've ever seen in my life. The execution of the works was so meticulous that it confused scholars, and some scholars at this point have not backed away from their attributions. In this case, we found that some of the pigments and binders were consistent with period, which suggests that they had taken great care to purchase paints that were labeled as having time-appropriate pigments. But what they probably didn't realize is that manufacturers, to cut costs, will often top off or enhance their paints with small amounts of organic pigments to make them a bit stronger in color, thereby saving money. That's what we found in this case: small amounts of material. This is Mr. Beltracchi on the left, and this is a photograph of his wife, dressed as the Grandma Jägers from many decades ago in what appears to be a period photograph that shows some of the fakes that he produced.[13] This was very, very compelling provenance, and it's not surprising that so many people were fooled by this.

An artist that I've done an enormous amount of work on is Jackson Pollock. A number of years ago I was asked to look at the Matter paintings. This was a group of somewhere between twenty-four and thirty-two paintings that were found on Long Island and they are said to have been found in this brown wrapping paper, on which was written notations about Pollock years, the number of works, experimental works attributed to Jackson Pollock, et cetera. When this hit the news back in 2005, it spread around the Internet very quickly. NPR did a story—you can still hear it, you can still search NPR. You can listen to the story online. You can listen to the art historian who authenticated these as Jackson Pollock works, and it bears quick mention that the CAA guidelines stemmed in part from this investigation because the art historian got it completely wrong, and that three of the people who drafted the authentication standards were members of the Pollock-Krasner board.

They had Harvard look at three paintings. My firm ended up looking at more than twenty of the paintings. In addition to looking at the paintings, I made two trips to Pollock's studio. I sampled and analyzed paint samples from the paint cans left in the studio at the time. I made a survey of the floor to determine what paints and pigments were used at that time. The floor was an architectural record of

13. Referring to slide presentation.

Pollock's paints, dating from about 1948 to 1953. I examined known works. In what was one of the best days of my life, I contacted the Guggenheim and asked if I could examine the paintings in the show *No Edges Beyond Limits*. I forgot the name of it. It's a fabulous show at the Guggenheim. They said, "Sure, come out, but come on a day when the museum is closed," and a guard met me and left me alone in the exhibit for eight hours, absolutely alone with a microscope and a camera. I was alone with Jackson Pollock for that long. We also examined the warehouse records that were supposed to represent when these works were put into storage and taken out and we found major inconsistencies between that and the story.

More importantly, what we found were many material anachronisms. The timeline on the bottom: the green indicates from about 1940 to 1956—these were years when Pollock was alive. The white arrows indicate where on the paper label the works were to have been produced. The red lines to the right indicate the used states of the materials we found in the paintings. So unless you believe in wormholes or time travel, Jackson Pollock did not paint these works. One material in particular was a pigment developed by BASF, which is a huge international chemical company. It's called Ferrari Red because it was so expensive that its first use was on red Ferraris. We found this on twelve of the works. That pigment was not discovered until about 1981; it wasn't patented until 1983. Based on scholarly work that a fellow I taught with at the FBI did, it wasn't used in automobiles until about 1989. So we know it probably didn't make its way into artists' paints until the 1990s, which was inconsistent with the story that these works were put into storage around 1970. That work is thoroughly documented in the IFAR Journal.[14] The controversy surrounding it and some of the other so-called scientific analysis—fingerprint analysis and such—was covered in *ARTnews*.

I'll end with this slide. It's rare that scientific analysis would unilaterally establish the age or attribution or authenticity of a work. But this may be the only time in my career it will ever happen. There is a work I won't name—and I won't talk specifically about it—that I examined over a period of about four months and all of the materials I found could be consistent with the attribution, but there were lingering questions. There were some impurities in the paint that I couldn't make sense of. I didn't have a comparative database for the artist. About a year after I concluded this study and put it on hold, I was sitting at a conference in Munich with synthetic organic pigments. At this conference, a scientist from Austria stood up and talked about his exhaustive study of works by the artist. He started flashing infrared spectrum on the screen and I perked up because I recognized the infrared spectra. They contained the same impurities I found in my paint samples. I got permission from my client, the owner of the work, to exchange data sets. We did. We discovered that the same paints were used on my painting as were used in some of the paintings that he studied. But only paintings from one year. He was able to

14. INTERNATIONAL FOUNDATION FOR ART RESEARCH JOURNAL, http://www.ifar.org/ (last visited Feb. 12, 2012).

trace the impurities of paints that were bought from one colorman shop in that year. Based on this, the *catalogue raisonné* of the artist not only certified that this work was by the artist, but it established the date and the specific year. When it was offered for sale I think it made three or four times the estimate. It was an exciting night all around.

Thanks for your attention.

Cohen: Thank you Laurence, Elizabeth and James for those fascinating presentations. I'll now open it up to questions from the audience. Please remember to identify yourself and press the little microphone button.

I'll get started.

Questions and Answers

Cohen: From my perspective, I'm always interested in the commercial aspect, and Liz, you told such a fascinating story of that sculpture. How long did it take you from the point that you had the sculpture on consignment to the end result? If everyone else could chime in on the typical versus the outlier in terms of the process and how long it takes you. I love the story; it takes a connoisseur two seconds to make their decision versus the very laborious, scientific process.

Gorayeb: It took a while to actually get the work. We gained physical access to it about a month before we went to press with our catalog. In that period of time, I was told that we couldn't proceed because we couldn't get a certificate. I actually went and took it out of our sale and planned on reoffering it when the determination could be made. When it became apparent that the committee was in no rush to make a determination—about a month before the closing of our next catalog—I went into action, doing my scavenger hunt around the south of France and looking into archives. I would say it took about two or three weeks to get the information back.

Cohen: That's amazing! Wow, I'm impressed. Laurence, do you want to talk about your process and the timeline?

Kanter: I wish I could give you a simple answer. The point of the process is that it's different for every painter, different for every artist. Of the two pictures that I showed you today, well, the Fra Angelico was an overnight Archimedes-in-the-bathtub sitting up and saying "Eureka!," not sleeping the rest of the night, and then asking the collector if he would pull it out of the frame for me the following morning at coffee. I guess that's a twelve-hour cycle? The other one took months. I'm sorry to say that I was one of the people who walked past it in the auction room and didn't look at it twice. When I saw it cleaned, its quality was instantly apparent, but it took another week to realize that that fringe was meaningful and that is what the meaning was. If a painting is a fake, you can often tell at a glance, but sometimes they're much more confusing. If it's a secondary or mediocre work of art, you can usually tell within a few minutes of research exactly which mediocre name should go with it. If it's a great work of art, it can take years. It depends on how long you live with it and how many layers of misinformation you read through in your own mind before you arrive where you need to be.

Martin: In the case of science, it really depends. There have been works that

I've examined and in the first paint sample I found a conclusive anachronism. In the case of the Jägers, there was one painting that it wasn't until the thirty-fifth and last sample I analyzed that I found the problem. These cases can go on for a few days. In the case of the Matter investigation, I think it went on for eight months. So, it really varies.

Audience Member: Hi, this is John Cahill asking the question. Professor Kanter, do you have the sense, to the extent you have access to the information, that there is any increasing anxiety among professional art historians about offering opinions because of the perception of litigation?

Kanter: It's a funny question. I may earn the eternal enmity of all my colleagues in the profession when I answer it. By and large, professional art historians are no longer interested in that kind of information. Identification of works of art is no longer a meaningful, active part of much of the study of art history. In museums, of course, in the marketplace, it is our daily bread and butter. There's a dividing line, almost a gulf, amongst students branching off in one direction or the other. I find that the critical problem is not that scholars are willing or reluctant to offer opinions, but that the access of students to learning the tools of being able to make informed judgments is shrinking. Because of the sort of segregation of disciplines within art history, students have very little opportunity to learn how to do these things, and they are processes that can be learned. Some of it is purely forensic. I don't mean that in a derogatory sense. Some of it is mechanical, some of it is more imaginative and creative, but it's all a learnable sequence of steps. And as those learning opportunities evaporate, I'm afraid everyone else is at the mercy of incomplete preparation. You get what you pay for, literally, with unprepared opinions.

John Cahill: Why is that?

Kanter: I wish I knew. I like to blame it on Richard Offner, who is one of my great cultural heroes, I have to stop and say, but he was a man of really stiff-backed, puritanical views. And he expressed them in such elevated, portentous language that academics around the globe have come to embrace them as a reality. I think, frankly, it has more to do with how many universities now teach the history of arts away from collections of works of art. It is so much easier to understand what has been written about a thing, especially conceptually, than it is to understand how to pull a thing apart with your eyes if you have no access to the thing. Whereas once upon a time one was trained on the floors of the Victoria and Albert Museum, now you're trained in the halls of the University of wherever-it-might-be, without access to original works of art. I suspect that as that snowball keeps rolling, the process gets more and more extreme.

Audience Member: Hi, Irina Tarsis from Cardozo School of Law. I have two questions with one addressing the entire panel. First, could you comment on your reaction to the closing of the Andy Warhol Foundation authentication board? Second, the data sets that Mr. Martin mentioned—whenever there is a work that's being researched by scientists in a private collection, does this data set travel with the work of art? Or, every time a new collector needs to approach a scientist and

get a new set, is there a database where all the findings that you have accumulated are stored? Thank you.

Martin: I'll take the last question first: data sets. Most of the work I do is done within a very lengthy legal document that includes strong confidentiality provisions, and there are really good reasons for that. It is to protect the buyer, the seller and a whole host of other people. So, generally, the data sets that I have don't travel with the works. In the case of the Jackson Pollock investigation, all the work I've done on the floor, all the work that I've done where I've traveled to museums on my own time and own expense to sample known Jackson Pollock paintings to find out what he was and wasn't using, I've never published that and I won't. If I were to publish that, it would provide a roadmap for creating fake Jackson Pollock paintings, and I have a very strong feeling against doing that. Having said that, if a qualified scientist that is investigating a work calls me, I have no problem sharing that data with him. Where there are large data sets of information available, the scientific analysis can shift from finding a problem, finding an anachronism and finding evidence that a work is not what it is purported to be to building support that a work is, in fact, correctly attributed, as in the case of that last work I looked at. But generally speaking, large data sets of known artists are few and far between.

Gorayeb: To answer your question about the Andy Warhol Foundation, I don't deal with the Andy Warhol Foundation but I can tell you from what I know that if I were a member of the Andy Warhol Foundation, I would be quite relieved. From an auction house perspective, we really depend on outside experts to make determinations about things—for better or for worse. When there is no outside expert, the onus falls on the auction house and it is a frightening thing in this society where people will sue you. For the auction house, it's pretty terrible that we have lost yet another person to foist the blame upon if a determination is made that is incorrect. But, there are certain people like the consignor of the Gauguin, who didn't understand why I was going to an outside committee. He said to me, "You can see that it's real. Everyone who knows Gauguin can see that. Why are you bothering? Why are you giving them so much power?" The market has given these committees so much power, and when the market makes a decision collectively, that's when someone is or is not empowered. Now that the Andy Warhol Foundation is off the hook, it's really up to the market to decide who is going to be the next expert on Andy Warhol.

Cohen: Laurence, do you have any comments on the Warhol Foundation or is that too far removed from your world?

Kanter: I can only say this as a parallel to the problem of the Andy Warhol Foundation, and that's a remark I began with: much of the value of works of art is based on what people say about them, not what they are. A collector who is determined to act based on a certificate that accompanies a work of art is not really looking at the object, he is looking at what the object represents or stands for. In my field, of course, I have the luxury of laughing at that because I work primarily with rare objects, it's not remotely like the market for contemporary art. A

collector who would be satisfied with ten examples of the master of x, y, zed is not really a collector—he's collecting labels. But, of course, the market for contemporary works of art is so active, so wealthy, that these become much, much more meaningful problems than they do for the master of x, y, zed.

Cohen: One of the things that I find so fascinating—we've clearly heard from three experts in the field that take very different approaches—is what happens when the provenance research, the science research and the connoisseur don't agree? Does it depend on the artist, the period, the type of art? Are there some categories that are better suited for scientific analysis and does a certain approach take precedence?

Gorayeb: I think in order for us to sell a work of art that for whatever reason has been disputed, we as an organization need to come to a consensus on whether or not we believe in the work, and we have to assess the risk of what would happen if we brought the work to auction and those claims of authenticity, or lack of authenticity, took on a greater force than our own expertise. Often times, we get unsolicited dossiers by people thinking that they have the lost Monet, and it comes with all these X-rays that they have done and all this research that they've put together. Our assistants in the department have told me that the thicker the dossier, the faker it is. I think it really depends on the marriage of all three. You need the connoisseurs, you need the scientific backup and you need the documents in order to assure someone who is going to pay millions of dollars for a work of art that they are actually buying the genuine article.

Martin: I can't improve on that answer so I won't try.

Kanter: I would like to add one thing: It's that each of the three of us knows the limits of our discipline, which is to say how far the evidence that we can assess brings you to the answer you are looking for. Jamie started by saying he can show you when an object is inconsistent with its claims, but he can't demonstrate by consistency that it is what it says it is. The same can be said of provenance research, and the same must be said of connoisseurship. Everything that a connoisseur does is based on a set of visual data that is assumed to be accurate, but is really just the cumulative results of the work of everyone who's done this research before that person. That's why people change their mind after ten or twenty years because new ideas come to light, new theories are tested. There is no foolproof, hard answer to a given question. There are simply ways to eat away at the edges until you get closer and closer to the center of it all.

Audience Member: Hi I'm Paul [surname inaudible]. I'm also at Lynn Cahill. My question is for Mr. Martin. Going along with what Mr. Kanter said, when you have something that you can't prove is a fake, do you ever have instances where you still inherently feel that there's something inconsistent about it even though you scientifically can't prove it, and what sort of obligations do you feel to your client at that point?

Martin: That's probably one of the most difficult questions I've ever been asked and I would have to think how to respond to that. When a work comes to me, generally, it comes to me with connoisseurship information. I request and I

assume I'm given all the relevant provenance. Generally speaking, questions have been raised about authenticity, so I know that there's a question looming. There are many times when I have a sense that something is not right, but I just don't have—as we were talking about before—a scientific database to compare it to. That is, it's difficult sometimes to interpret the data conclusively, so there's a hanging suspicion. What I try to do in that case is just to convey very clearly to the client that I see something that raises questions, and I don't have a conclusive answer for you. Full stop. And then I allow them to decide if further work is warranted; if they want me to go further—to try to find that one polypropylene fiber in a work that's thirty by forty inches—or to leave the work for another day.

Audience Member: Have any of you been on an authentication panel for *catalogues raisonnés*, and where does the authentication process fit into the publication of *catalogues raisonnés*?

Gorayeb: What do you mean by "where does the authentication process fit into?"

Audience Member: Well, when a *catalogue raisonné* of foreign arts is being prepared, presumably they need to deal with all of the different components of things that you were discussing, like the connoisseurship and the scientific analysis. Do you know anything about the authentication process in that context? Or can anybody address that?

Gorayeb: I've never been on a committee involved in a *catalogue raisonné* process. I think all committees are very different. In some cases, normally in France, you might have one person working on a *catalogue raisonné* and there's just a passive understanding that it's never going to be published because so many new pieces of information can come to life. Other *catalogue raisonné* projects sometimes are stymied by competing *catalogue raisonné* projects, so it's a very difficult question to answer. It really depends on the artist and the body of the committee.

Kanter: I have written several *catalogue raisonnés* myself, but I have to suggest that I think that the way you phrased that question implies a work of a relatively recent artist from the Nineteenth or Twentieth Century. With old masters, I think caveat emptor applies, which is to say a *catalogue raisonné* is not a scientific document—it is the comprehensive opinion of the scholar who wrote it. Essentially, you're buying what Richardson said: you're buying your assessment of the capacities and honesty of the person who wrote the *catalogue raisonné*. Unfortunately, it becomes an easy document to consult. If a picture or an object is listed in the *catalogue raisonné*, suddenly it has validation, whereas in reality that validation is simply a scholar's opinion. The fact that it appeared in a book that's comprehensive makes it somehow more valid. That's all there is to it. I've written them for artists who have ten surviving works. That's not hard. And I've written them for artists who have 200 surviving works. That's a little more work. But it's the same underlying process. Frankly if it was written by a committee, I think it's likely to be worthless. Then you don't have one opinion that you can accept or throw out, and nowhere to stand to make your own judgment.

Audience Member: Hi, my name is Peter Stern and this is a question for Jamie. Jamie, on a percentage basis, roughly speaking, what would you say is the percentage of instances when you've done your research that you can reach a relatively conclusive, or close to conclusive decision?

Martin: As a scientist, I'd have to answer that I would have to examine my data set and report back to you.

Peter Stern: Well, is it relatively infrequent, or . . . ? In particular, suppose I have a client and I am recommending your work—what can I say is the probability that your research will lead to a conclusion?

Martin: You could inform your client that I'll give it my best effort and I will be as diligent as I can be. If the methods that I use are able to detect an anachronism, I will report that. That's all I can promise.

Audience Member: Hi, my name is Hallie Keeper from the University of New Hampshire School of Law, and this is a general question for the panel. You all talked about private art market dealing with these authentication issues. Are public museums inquiring about authentication issues or is this mostly a private market question? Secondly, for whom are we authenticating works of art? Is it for the public good or more for private investors and art producers?

Kanter: Yes. Museums are continually reevaluating their holdings. Fakes have been found hanging on the walls of major public museums. We've also found great masterpieces languishing in storage. It's not so much a question of trying to unmask something. There's no exchange of value involved because these are stewardship issues; the works are not going to come onto the market. It is really a question of knowing what we're working with. In museums, we feel an obligation to stand behind the information that we offer to the public. We want that to be clean to the extent that we can ascertain that it is. Some museums are very active in this way; some are incredibly passive. But all museums feel an obligation to undertake exactly the sort of analysis you're asking about.

Martin: When we do work for museums, we use the same methods and the same approach. But generally, it's more of an investigative approach to aid the art historian in determining the age of the object, perhaps to support or advise as to the exchange of technical information or trade patterns—if we found a particular pigment that would indicate a particular trade route, for example, that could be helpful to a museum. The second part of your question was for whom we are doing it. My way of thinking is this: first and foremost, I'm doing it for the work of art. Secondly, for the artist. Thirdly, for the greater humanity, my client et cetera. But it's primarily for the art and the artist.

Gorayeb: I think it's pretty obvious for whom we're doing it. We're doing it for our clients so we can sell a work. Oftentimes when we get consignments from museums, we're taking for granted that a work is authentic because we're thinking that a museum has already done their job and they've researched it. That's not always the case, and I've had some surprises. I think in that case it would be a combination of both for the public good, but mainly, from our perspective, it's for sale.

Audience Member: Hi, my name is Laurie Frey. I'm a student here at Columbia. My question is for Mr. Martin. You mentioned, regarding the Pollock matter, that the Guggenheim would allow you to come in and examine all of their paintings. I was wondering, in doing the research—you mentioned that there were a large number of data sets—how open have institutions been to allowing you to come in and do your research, and do you find that some places are hesitant to allow you to come in and look at their works?

Martin: Well I benefit from the fact that I was first trained as a museum conservator. I worked in museums and I know a lot of conservators who have senior positions in museums around the country. It's often fairly easy to get technical information about a work of art, especially in the United States, but also abroad. But there are limitations. I don't know of a museum that has ever allowed me to do this, nor have I ever asked, but I can anticipate the answer to the question, "May I bring a painting to the museum and compare it to 'X'?" That's simply a practice that museums generally don't allow, with few exceptions. The principal reason being that they get calls from collectors all the time asking, "Can I bring my Gauguin and compare it to your Gauguin?" And they've gotten burned in the past. They said, "Sure, come on in." The person compares, walks away, the conservator makes an off-handed comment and then it shows up in a dossier of the work for sale. "So-and-so said this was the most beautiful example of a Gauguin." After that point, they don't allow such side-by-side comparisons. There are real limits. They're protecting themselves and their reputation, and protecting themselves from lawsuits.

Audience Member: Hi, I'm Jen Dohne. I'm with the Joan Mitchell Foundation. I guess my question is mostly for Elizabeth. We don't authenticate, but we do get requests from auction houses all the time to take a look at something, or look through our archives and say whether or not there's anything we have that could corroborate provenance. One of the things that we've been talking a lot around in the office that strikes me as interesting is: where does the flag go up? Or, where does the gut feeling come in? All of you have talked about something that starts with a gut feeling, and sometimes we get people that send us things that are laughable, and I'm just wondering where is the line for you when something comes in? Because sometimes, in the instance of an auction house, we see something that has passed through your doors, and it has gotten to a certain point, and then it comes to us and we can't say anything. So I'm just wondering—where do the flags happen?

Gorayeb: That's a very good question. To be honest with you, a lot of times the flag is the person who's coming and presenting you with the work. Somebody who is a seasoned collector coming to you and saying, "I bought this at a small auction house in Europe," and you know that they're a serious art collector and they know what they're doing. In that situation, we'll certainly investigate it. If it's someone we've never heard of who comes to us with an elaborate story of picking up something at a yard sale, then of course we'll be skeptical. But it's really, really hard to say. Usually, before we approach foundations and ask for

opinions, all of us as a group of "experts" in our department look at a work and assess it based on its comparative merits to other works that we've sold, and to works that we know. But we're always looking for outside opinions. The more information that we can collect, the better. I understand that you guys don't necessarily want to give opinions—I absolutely sympathize with that—but I think it's really a group effort. Hopefully the people who are contacting you are doing that kind of client profiling before they actually waste your time and approach you. But that's really the first step—we have to consider the source before we do anything.

Audience Member: Hi, my name is Meg [surname inaudible] with Goldman Sachs. My question is actually for you, Ms. Cohen. I was wondering if you could talk a little bit about what has to come to you to establish the three prongs of the stool, if you will, so a collector can have title insurance.

Cohen: We can talk offline, but it's a little bit far removed. We do look for the same things. We're looking for the bill of sale to secure the ownership piece, but we also look at authenticity—in other words, we look for a certificate. We look at the same sources whether it's the *catalogue raisonné* record, the sales record—the traditional art historical perspective. Then there's another piece that ties closer to the title element. Just like any other asset or property, we check to see whether there are liens against the work; whether it's been used for loan collateral; whether someone hasn't paid their taxes; whether someone has been involved in a state dispute—a divorce—so there's a whole sort of spectrum of risks that we look at in terms of our underwriting. We sort of divide it into two halves—one being the art historical component, and the other being what we call the classic liens and encumbrances.

Pippa Loengard: I want to thank this wonderful panel for their incredible presentations and their patience. I think they deserve a huge round of applause.