

FAKE PAINTINGS (REPORT TO THE HEAD OF POLICE)¹

Due to the impetuous diffusion of art culture, the mercantile supply and demand system regarding modern art, painting, sculpture, etching and lithography has undergone considerable expansion and continuous growth, giving way to a turnover of hundreds of millions of lira.

In the last ten years, the number of art galleries has multiplied. As well as the number of people who, without being in possession a valid licence, dedicate themselves privately to the modern art market. Around these people, the number of mediators increases.

Generally speaking, the number of art galleries and art dealers worthy of the title is still very limited in Italy today. Actually, what prevails is a sort of improvisation based on incompetence and a desire for easy earnings. Nor is this phenomenon restricted to cities and urban centres. It has spread to the provinces where this market has also managed to penetrate and where, as occurs in capital cities, the buyer, more than gaining possession of an object they like, aim at making a good investment with their money. The desire to pay little for something that one supposes to be worth a lot dominates the relationship between buyer and seller in the modern artwork market.

Two serious degenerations are found herein:

- 1) the introduction into the market of an enormous number of fakes;
- 2) the presence in the market of people without scruples who take advantage of the possibility of receiving merchandise on consignment from large galleries and individuals, who then sell to third parties at a discount and keep the money. When caught, they say they will pay the previously established sum as soon as they are able. In this way, a network of secrecy is created, which proves difficult to attack as the trafficking of stolen goods, but in reality, it is.

The object of this essay concerns the forgery of modern art work, the forgers, the forger's financiers and organisers, and the traffickers of fake artwork.

¹ According to the handwriting expertise of Professor Mario Franco and Cristina Franco, the corrections on the typescript were all made by the Maestro himself except for one (Isabella Far). The typescript dates back to the mid 1960s and, in any case, is prior to what is known as the Pieraccini law, the drafting of which Giorgio de Chirico collaborated on. A few names of people indicated by de Chirico have been omitted, some of whom are still living and have been successively engaged in criminal proceedings. The Giorgio and Isa de Chirico Foundation Archives.

The first observation that needs to be made is the fact that Italy's legislation is gravely deficient with regard to an efficient repression of forgery and the trafficking of fake works of modern art. From a juridical point of view, the problem is certainly arduous due to the fact that the legitimate and dutiful protection afforded by copyright is in conflict with property rights. Is owning a copy of an author's painting allowed? The law does not forbid it. Is selling a copy of an author's work allowed? The law does not forbid it. The law prohibits and punishes the sale of a copy that is presented as an authentic work of art, although it is difficult to prove that the seller or the person who executed the copy acted with criminal intent. It is true that fakes are not always exact copies of authentic paintings or sculptures but often imitations of an author's style. Although, not even this kind of exercise is expressly forbidden by the law, nor does the law forbid that any imitation of an artwork be sold to a third person, if it is declared as such in the act of sale. Another issue regards the forging of an author's signature, for example as in the case of Renato Guttuso who, some time ago tore up a couple of fake drawings that were passed off as his and which bore forged signatures. He found himself accused of damaging someone else's property and had to reach a settlement at his own cost with the owner of the fakes to put an end to the prosecution.

Consequently, it is urgent to call the Parliament's attention to this serious deficiency in our legislation, a deficiency that, if in the past could have had a relevance of 1, today, due to the impetuous growth of the modern art market, has reached a relevance of 100.

What can be done in anticipation of an efficient, severe and repressive legislation up to date with the times? It is obvious that the greater import preventative action takes towards the fabrication of fake artworks and against the traffic of such works, that the task of investigation and denunciation by the police force will become pre-eminent and decisive. Today, it is a well known and irrefutable fact that the modern art market is overrun with fakes. To trace the origin from the dealers, to those who actually produce these fakes and the traffickers, is deemed a typical action to be carried out by the police. To date, this intervention can be judged as rather bland and desultory, and the frequent uncovering and denunciation of fake art peddlers has never corresponded to the unmasking of the material executors of the forgeries, their dealers and financiers.

To get an idea of the scale of the fraud taking place in this field, without considering the even greater damage perpetrated on art culture in general, just think how easy it is to sell for more than a million lira something that could cost at most fifty lira. By multiplying these numbers by tens, hundreds and thousands, a level of billions will be easily reached. Circuits and illicit earnings in the billions of lira are involved in the operation around fakes and for this reason it is necessary to keep in mind that implicit in such traffic are extended networking and bonds of secrecy, and that these means carry down through to the small retailers, constituting a gangster-style high level organization.

Well executed fakes are generally made by putting together various elements characteristic to an artist's style and imaginary world. At times the execution is purely manual, other times the forger pro-

jects parts of an authentic work of art onto the canvas and then traces the image and paints it faithfully. If the painting is meant to be from an early date, the fake is executed on an old canvas, possibly relined, and the old canvas is then stretched on an old frame. Labels of well-known or less known galleries are then applied to the frame; labels which can be authentic or forgeries in themselves. The artist's signature and the name of the work are often written on the back. But it doesn't stop here. A higher level of falsification provides for the manufacturing of a pedigree for the artwork: by presenting it at a public auction where it is bought back at the mere cost of the auction house's percentage, in exchange for the work being published in the catalogue and being accredited a price, in other words, its legalization within the market. Or, it is arranged for the work to be exhibited alongside other authentic works of the artist and of other artists in a gallery and published in the catalogue. Or, it is arranged that the painting is published in a monograph on the artist or, as has recently occurred with Giorgio De Chirico's work, a piece is placed in an international level exhibition (Strasbourg) and in public museums. It is evident that many links in the chain of a fake artwork's pedigree can be established in good faith, through incompetence or for a genuine difficulty in distinguishing a fake from an authentic work. But it is exactly here, with regard to the ascertainment of truth that legislation's deficiency causes things to become complicated beyond remedy at times. An author who recognizes and denounces as fake a work of his that has been officially exhibited or published finds himself up against a number of people, each acting in their own interest, but united equally in support of a hypothesis opposite to his own: the museum director or the author of the monograph, the critics that didn't realize, the owners who were cheated, etc. Consequently, the risk is that in calling legal action based on an author's accusation, the number of testimonies in favour of authenticity of the work becomes greater and more probative than those in favour of its falsity. This is why police action aimed at retracing the origins and discovering the production and marketing centres for fake artwork is fundamental. At the same time, a strong lesson would at least show that the public authority in this field has become more vigilant and assiduous. Furthermore, this would help to awaken in the art amateur and the buyers of artwork, serious collaboration with regard to the identification of forgers and dealers.

For this purpose the police should also explicitly demand the collaboration of the Sindacato Mercanti D'Arte Moderna (national modern art dealers syndicate) (Milan president Ettore Gianferrari) and artists' syndicates adhering to various syndicate confederations, for the immediate denunciation of the presence of forged artworks wherever they are found. The publication of a periodical by these organizations with reproductions of the fake works would be extremely useful. The falsification of modern artwork occurs mainly in oil painting, drawings, less in watercolours and tempera, but now also concerning various etching techniques and art prints. It is known that etching, lithography, xylography, linoleum, drypoint and aquatint, are all printing processes in which an image that an artist has engraved on zinc, wood, stone, linoleum etc, is printed on white paper. In theory, this image could be reproduced infinitely. In practice, the image can not be reproduced over and beyond a number that allows for the attrition suffered by the material on which the artist made the engraving. Although usually, this limit of attrition is never even closely reached. In reality, the number of copies

in a limited edition of prints is relatively low and the lower it is, the greater the value attributed to each single print, numbered and signed by the artist. An artist will usually print five or ten extra copies over and above the official series. These copies are marked "artist's proof" or "author's proof" (not for sale). Upon completion of a limited edition of prints, the printing plates are "crossed-out" (the term used) in order that any further printed copies would be clearly marked with the crossing-out. Although, not only does this not always happen, at times dishonest printers secretly print a number of extra copies, that they later sell with false numeration and signature. It is true that today, by means of a photoelectric procedure it is possible to obtain a new printing plate from an etching that is a true facsimile from which illegal prints, identical in every aspect to the original, are made. These prints are numbered according to an established edition and a forged signature is applied in such a way that it is possible to have two, three or even five or ten reproductions of the same copy, the falsity of which is quite difficult to reveal. If one considers that at the lower end of the scale, a print, numbered and signed by an artist costs at least 10,000 lira and at the upper end, as in the case of Morandi, can reach a million lira, it's not hard to imagine the extent of theft possible in such an exercise. Even here the problem consists entirely in managing to put one's hands on the clandestine organization responsible for this kind of forgery.

Experience tells us that the Italian artists most forged are those whose market quotation is highest. It is also necessary to denounce the case of the heirs of deceased artists who superficially and possibly even due to calculations of a more serious kind, have authenticated as real works that are certainly fakes, therefore allowing their entry onto the market. Here is a list of those artists whose work suffers the most forgery: Giorgio De Chirico, Renato Guttuso, Filippo De Pisis, Ottone Rosai, Mario Sironi, Pio Semeghini, Felice Casorati, Carlo Carrà, Mario Mafai, Scipione, Giacomo Balla, Giorgio Morandi, Umberto Boccioni, Lucio Fontana, Virgilio Guidi, Gino Severini, Ardegno Soffici. Although it would be a grave mistake to think that forgery concerns only the best known and prestigious names. It also concerns lesser known names, as long as the artist has a market quotation that allows for lucrative speculation.

Careful attention must be given to the forgery enacted on the work of maestro Giorgio De Chirico, as this forgery is, without doubt, of great relevance. In the first place, it should be noted that this forgery dates back many years. It began in France between the years 1926 and 1930 when his work had already reached a significant market quotation due to the attention it received by merchants such as Paul Guillaume and Leonce Rosenberg. At this time a number of fakes, often fairly well executed, were fed onto the market, fakes which today, after many years, are imported from France and validated as authentic for having been part of one or another collection. One of such fakes was recently exhibited in a big international exhibition in Strasbourg and even published in the catalogue (one must presume in good faith). The painting belongs to the ... Gallery of Zurich, one of the most important in Europe.

Years ago the art dealers Fratelli Russo, owners of the gallery by the same name in Piazza di Spagna

in Rome, thought that a somewhat safe defence against forgery could consist in a notary public authentication of master Giorgio De Chirico's signature on the back of the canvas of paintings acknowledged by him as authentic, from his early production and especially his more recent production, since such paintings are of a greater number. It must be noted that the kind of guarantee thus devised is quite unique as it seems to be a practice no other artist has ever used. The formula used for the authentication was the following: I certify that I, Mr. Diego Gandolfo, Notary Public of Rome true and authentic the above signature of maestro Giorgio De Chirico, born in Volos, July 10th, 1888 and domiciled in Rome, the identity of whom I am certain, appended in my presence without witnesses, with the title "X.Y." written by De Chirico himself. Thus the notary public authenticated the signature written by De Chirico on the back of the canvas and at times even the title, although he did not authenticate the painting itself nor the signature on the front. Besides the inadequacy of such an authentication, it offered the forgers new opportunities to produce fakes: 1) by trying to obtain a notary public's authentication on the back of a white canvas on which a fake could then be painted. This is the so-called system of the double canvas. The forgers would go to De Chirico or to the Fratelli Russo with an authentic painting placed deftly on top of a white canvas. The maestro would sign and the notary public would place his round stamp on the back of this canvas, although what they saw before them was actually overlapping the authentic canvas. 2) append a fake notary public authentication on the back of a fake painting. It has been proven that Notary Public Gandolfo, who authenticated the greatest number of Giorgio De Chirico's signatures on the back of his paintings, had to acknowledge on a few occasions his own handwriting, signature and stamp as fake. It turns out that the repertory numbers have not always been false, which proves that the forgers were well informed. The writers of this note are not aware whether Notary Public Gandolfo ever proceeded to denounce the falsification of his signature on the back of Giorgio De Chirico's paintings. 3) playing on the multiplicity of equivocal information and the eventuality of errors of evaluation committed due to such confusion, which the maestro himself may have incurred, in order to substantiate the thesis: "No fake Giorgio De Chirico paintings exist", and that it is more than sufficient that the notary's authentication correspond to the inventory number XX in order to ascertain, even if the author is of the opposite opinion, that a specific painting is surely authentic.

Meanwhile, even if for a year now the maestro no longer uses this method of notary authentication, fake Giorgio De Chirico works continue to proliferate and, even those made recently, continue to be accredited on the market by passing from one gallery to the next, where the price goes up at each passage. There are cases of paintings declared false by Giorgio De Chirico that have arrived from France or the United States of America, which have undergone up to 7 passages from one merchant to another before reaching the private buyer who is misled (where he felt guaranteed) even by the documentation of such passages.

Generally speaking, fake De Chirico paintings can be classified in three groups: 1) of antique execution (styled on works of the 30s; in the United States these were made by a certain Corbellini; in France by affirmed artists such as Dominguez, among others) with subjects known as "metaphysical"

or on the theme known as the “archaeologists”. 2) recent (made in Italy, some crudely executed, others by more expert hands using a method of the projection of authentic works in order to copy a piece in its entirety or in some of its detail: various subjects from “horses” to “horsemen”, from “gladiators” to “archaeologists”, a few Venice’s and a few still-lives; 3) very recent metaphysical subjects such as “Italian Piazzas” and “Mannequins” recomposed with elements from various well known works stuck together.

An important fact (indicated for what it’s worth) is, for example, about a photographer by the name of De Pretore of Rome, who maestro De Chirico entrusted in the past to take photographs of many of his works. The photographer claims to no longer have the group of negatives of these photographs in his archive. It is quite a peculiar situation, but since no law exists prescribing the photographers of artwork to guarantee the safekeeping of such negatives, makes it impossible to take legal action against De Pretore. This is another sector in which the legislator should afford greater rigour regarding regulation, although, in the meantime, it could be the police force who makes it the object of their attention. In this way, the police could, from now on, with regard to the above mentioned goal, promote a series of preventative measures:

1. Constitute a list of all merchants or mediators with precedents, however minor, concerning any kind of embezzlement occurring within the art market. In general embezzlers (uncovered cheques, theft, missed payments) tend to orbit near to the sector of the production and trafficking of fake artwork. (The case of ... is well-known, who, arrested, put on trial, and then no-one knows how, freed and is back at work in the art market, basing himself in Cortina d’Ampezzo, Galleria ...; Just like the case of ... and ..., who, tried in France and Italy for fraud in the sector of modern artwork are back on the job in Rome, where other characters of dubious business respectability are, for example, ..., ..., un certain ... with his French partner Monique, the owners of the galleries ..., ..., ...).
2. Prescribe all licences for the public sale works of modern art to a general control to assure they are legally in order. Many gallery owners get away from obtaining a regular licence by hiding the activity of their store under the name “Art Studio”, and in doing so, escape statutory fiscal controls.
3. Provide notice to all owners of art gallery licences and to the so-called “Art Studios” that they are obliged to provide the buyer with a certificate of authenticity regarding the work sold, and in the case of living artists, a photograph of the painting sold with an authentic autograph of the artist.

We are convinced that the mere announcement by the police force that they are preparing to act upon the verification of legal order within the art market as well as pursue in an innovative way forgers, can not but be received with satisfaction by the honest dealers and wreak havoc and worry amongst the dishonest ones. This could create a more favourable terrain with regard to the development of investigative operations and preventative unmasking, which, with painstaking means, can penetrate the circles in question. This activity must be undertaken by the police as if it were a matter of revealing and blocking any one of a number of criminal activities that the police institutionally dedicate themselves to reveal and block.