

## Fake or Fortune – or going up in flames?

An art lover has been told his £100,000 'Chagall painting' is to be destroyed because the work is a forgery. Why can't he be allowed to hang it on the wall?



'In this country, if you buy something in good faith, it is your property' Philip Mould, far left, and Fiona Bruce, right, of the BBC's Fake or Fortune show, and art historian Bendor Grosvenor, with *Nude 1909-10*, attributed to Marc Chagall Photo: BBC

By Tom Rowley

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Philip Mould is a mild-mannered chap, usually seen on our screens on a Sunday evening gently musing on the provenance of this or that painting. So it is a surprise to find him decrying an entire nation with the sort of force not seen since the Napoleonic wars. "It doesn't do the reputation of French culture any good at all," he fumes. "It smacks of Robespierre and dark past times. It has got to stop."

He is talking, of course, about the decision to destroy a painting long thought by its British owner to be the work of Marc Chagall, and now denounced by a committee of experts, including two of the artist's granddaughters, as a forgery. Archaic French laws mean the fake may now be burnt in the presence of a magistrate.

Unsurprisingly, Martin Lang, the Yorkshire businessman who paid £100,000 for the painting, is

less than happy about this turn of events. “They could chop it up or they could burn it,” says Lang. “There would be no reprieve.”

Since the BBC disclosed the fate of his painting, *Nude 1909-1910*, in the latest episode of its *Fake or Fortune* series on Sunday, Lang’s protests have been echoed across the art world – not least by Mould, the art dealer and historian who presents the programme with Fiona Bruce, the newsreader.

Mould is enthusiastically endorsing efforts by Lang’s MEP, Edward McMillan-Scott, to grant a stay of execution. McMillan-Scott fired off a missive to Michel Barnier, a European Commissioner calling for “no action” to be taken until “some less drastic solution” is found. Lang is also investigating whether he might have a legal claim against the Chagall Committee, arguing that his human rights have been infringed.

Yet few experts hold out much hope of clemency. “The law in this country is if you buy something in good faith, it is your property,” says Dick Ellis, who founded Scotland Yard’s Art and Antiques Squad, and is now a director of the Art Management Group consultancy. “Notwithstanding that you’ve bought a fake, it is your fake. In France, the law lets the artist’s descendants destroy it. The mistake was letting it go to France.”

Martin Lang may be inclined to agree. Until last summer, the painting had hung undisturbed in his hallway for more than 20 years, since he bought it in 1992 from a Russian émigré in London who wanted to offload it on behalf of an anonymous Russian owner. The 63-year-old never knew its provenance, however, and so decided to let the BBC programme investigate.

Lang travelled with Fiona Bruce to Chagall’s birthplace in Belarus but drew a blank, and so he sent the painting to Paris for authentication. Now, he may never see it again. “It is a ridiculous method of enforcement,” he says. “Even if it is worthless, it has huge sentimental value.”

It is not the first time such drastic action has been taken. Last year, a watercolour and a drawing – both supposedly by Joan Miró, the Spanish artist – were destroyed after their owners’ appeals were rejected by the Paris Court of Appeal.

Such destruction is becoming so common that lawyers now advise collectors against sending art to the Continent to be checked. “It is a long-established practice in France,” says Pierre Valentin, an art specialist at the law firm Constantine Cannon. “It is to protect the market for an artist and to prevent others from selling the painting as an original. But there is clearly a tension between that and the property rights of the person who has acquired a canvas, sometimes by paying a big price.”

As in the latest case, the decision often rests with an artist's descendants, who are indefinitely allowed to exercise the "moral rights" of their forebears under French law. Similar committees decide whether works apparently by Edgar Degas, Pablo Picasso and Man Ray are genuine. Yet, as Valentin puts it, "The children, grand-children or great-grandchildren of an artist are not necessarily the best experts."

Mould argues that the system ought to be reformed. "The son of a brain surgeon is not someone you would trust to work on your brain," he says. "After all, they hold a very powerful right: they can turn something bought for £5 in a flea market to £1 million. Conversely, as in Martin's case, they can turn £100,000 to nothing."

He also opposes the permanence of the verdict. While researching the programme, he discovered works by Gainsborough and Turner that were once believed to be forgeries – and would have been destroyed had the French system applied here – but are now thought to be authentic.

In a previous episode, he and Bruce persuaded an authentication committee that Interior of the Café Teddy by the French artist Edouard Vuillard was genuine, even though the committee had previously rejected it twice. "This is a terribly dangerous precedent," he says. "What appears fake in one generation is not necessarily so in the next."

For the process of authentication owes rather more to consensus than to science. Even large institutions can be deceived. It emerged on Sunday that more than three quarters of Chinese paintings from the Ming and Qing dynasties at the Victoria and Albert Museum in London are either forgeries or copies. "We put captions beside them stating that they were either 'traditionally attributed to' a certain artist, or 'possibly by'," the museum's deputy director, Beth McKillop, explained. There are also doubts over many of the 500 Chinese paintings owned by the British Museum.

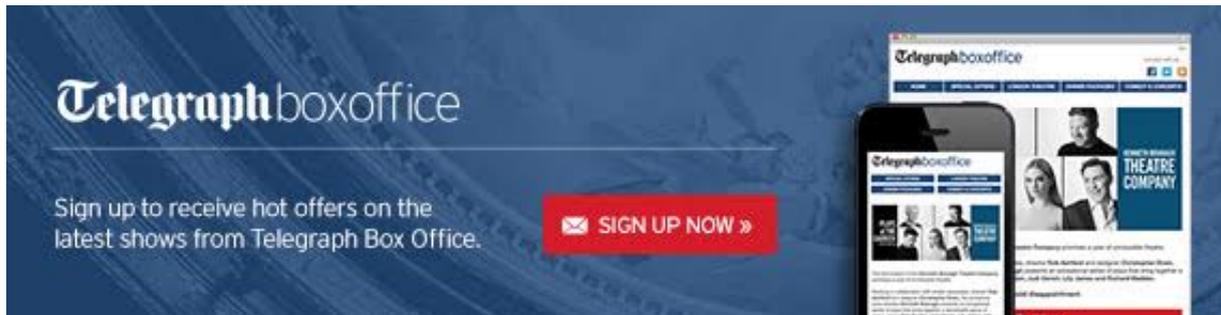
William Chubb, an actor who formerly advised on Old Masters at Christie's, was caught out last year when he bought an oil painting "signed" by an obscure American impressionist, James Carroll Beckwith. He paid a few hundred pounds to the auction house and sent it to a restorer. "He called me back with bad news: it had been deliberately painted to look dirty," he says. "It had been produced in the last 50 years to look as if it was a painting of the late 19th century. I have a relatively experienced eye and so does the person I took it to, but neither of us spotted it until the restorer took out the cleaning agent."

The auctioneers promptly offered a refund – in order, Chubb suspects, to avoid the stigma of handling a fake. Yet many ordinary art owners are much less troubled by this prospect. Hugh Scully, the former Antiques Roadshow presenter, proudly keeps an "Emmanuel Villanis" bust on

the mantelpiece of his home in Cornwall – even though he knows it was made in the Seventies, six decades after the French sculptor died.

Scully had picked up the fake for £30 several decades ago, at a time when busts of similar dubious authenticity were being sold for several thousand pounds. “I would hate anybody to come into my house and think they could smash it because it’s a forgery,” he says. “People have often proudly showed me their fakes. Having a copy of a great painting is a tribute to the original, a tribute to the artist.”

For now, Martin Lang will have to hang another painting in his hall. But he would rather have his “Chagall” back, whoever really painted it. “It can be admired on its own merit,” he says. “It is not a Chagall at this moment in time, but it does have a story to tell.”



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