

**FORENSIC CONNOISSEURSHIP,
JACKSON POLLOCK, AND THE AUTHENTIC EYE**

by

Francis V. O'Connor, Ph.D.

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Note:

This text is a revision and augmentation of the lecture, and contains references in brackets in the text in lieu of footnotes.

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THE PRESENT SITUATION

Over the fifty years I have been studying Jackson Pollock, I have seen or tracked about 700 dubious attributions. Today, about 350 still circle the planet, like the detritus rings of Saturn, seeking the blind to buy them. Recently, the authorities are finally investigating this circulation, which may at least inhibit a few fakers. But to investigate does not mean to eliminate. There is no quick fix, and given the evidentiary problems that exist for declaring even a single painting false, one sometimes wonders if this situation has any solution at all.

But the point here is that fakes exists because the fakers are not afraid of the art world. Indeed, the art world, where the libel laws are against its market while serving to protect its violators, is most certainly afraid of the fakers — as *The New York Times* has recently reported.

[See Patricia Cohen, “In Art, Freedom of Expression Doesn’t Extend to ‘Is It Real?’ - Art Scholars Fear Lawsuits in Declaring Works Real or Fake.” *The New York Times*, June 12, 2012. — See also, my essay “Authenticating the Attribution of Art: Connoisseurship and the Law in the Judging of Forgeries, Copies and False Attributions,” in Ronald D. Spencer, Editor, *The Expert Versus the Object: Judging Fakes and False Attributions in the Visual Arts* (New York: Oxford University Press, 2004), pp. 3-27—as well as a fine introduction to case law on this subject.]

The plan of my remarks this afternoon will be to offer a comprehensive solution to this absurd mess. So, I shall proceed to some general

proposals and some needed definitions — then illustrate how Jackson Pollock painted and why he cannot be imitated — and conclude with specifics about an organization for administering authentications, the training of authentic eyes and forensic connoisseurs — concluding with a final thought on the historicity of authenticity.

GENERAL PROPOSALS

First off, we have to start developing individuals capable of recognizing false Pollocks— and that means — as a first line of defense, the development of connoisseurs capable of the task. At the present time, and within the traditions of art history, Eugene Victor Thaw and myself — as editors of Pollock's catalogue raisonné — are the experts of record.

[See: Francis V. O'Connor and Eugene Victor Thaw, Editors. *Jackson Pollock: A Catalogue Raisonné of Paintings, Drawings and Other Works*. New Haven and London: Yale University Press, 1978 (hereafter cited in text below as JPCR plus volume and item number) — and Francis V. O'Connor, editor, *Supplement Number One - Jackson Pollock: A Catalogue Raisonné of Paintings, Drawings, and Other Works*. Editor. New York: The Pollock-Krasner Foundation, Inc., 1995.]

Indeed, between us, there is nearly a century's worth of expertise. But where will the forensic connoisseurs capable of exercising such expertise about Pollock be thirty years hence? That means, specifically, where will the certified experts be who can declare at law a Pollock-like painting false, be accepted and protected by the law, and form the first line of defense against the fakers? That is going to require an organization capable of administering the authentication process independent of the art world — which I shall describe in detail later.

SOME DEFINITIONS

Let me clarify the vocabulary here. First off, what do we mean today by the term connoisseur? A connoisseur has often been seen as some sort of effete aesthete promoting the precious or esoteric. The Irish novelist and poet, Oliver Goldsmith, said in 1760: "The title of connoisseur in [painting] is at present the safest passport into every fashionable Society . . . sufficient qualification for men of low circumstances to curry favor."

[Quoted at << <http://en.wikipedia.org/wiki/Connoisseur> >>]

In the 1890s, a less cynical Giovanni Morelli (1816-1891) wrote "art connoisseurs say of art historians that they write about what they do not understand; art historians, on their side, disparage the connoisseurs, and only look upon them as the drudges who collect materials for them, but who personally have not the slightest knowledge of the physiology of art."

[See *Della pittura italiano: Studii storico-critical*, Milan, 1897. Various translations and appraisals. See also R. Wollheim, "Giovanni Morelli and the origins of scientific connoisseurship," *On Art and the Mind: Essays and Lectures*, 1973.]

This suspicious portrait of the connoisseur persisted, especially in America. In the sub-culture of the United States, the ideas of art and the connoisseur have long been seen in a moral rather than a practical sense. Art is the root of ideas such as "artificial," "artifice," "arty," "art movie house." — as I once heard John A. Kouwenhoven, the great sociologist of American culture point out in a lecture.

[See Kouwenhoven, John A. *Made in America: The Arts in Modern Civilization*. Garden City, New York: Doubleday, 1948. Kouwenhoven, John A. *The Arts in Modern American Civilization*. New York: W. W. Norton, 1967.]

Indeed, we can assume that many felt that neither art nor connoisseurship was needed for a healthy, moral life. While no one today would say such things out directly, such sentiments remain latent in popular language and habits of thought, and even lurk in recent academic “theory,” the relativism of which has been a recent, ongoing danger to the integrity of the humanities.

On the other hand, the champion of connoisseurship in America was Professor Paul J. Sachs (1878-1965), whose course at Harvard, Fine Arts 15a, "Museum Work and Museum Problems," conducted from about 1922 through the early 1960s, had an enormous impact on the study, exhibition and connoisseurship of visual art. Beginning with the role of the art critic as the initial judge of quality, he went on to see the connoisseur concerned with the art object in itself in respect to issues of provenance, authenticity, and documentation. The art historian was then equipped to place the object in the historical context of all other similar objects an era. This tripartite role might be combined in one or more persons — but its theoretical impact placed the critic’s notion of “quality” first, and determinative as to what was worth studying. This approach had its influence — as was seen all too clearly in the era of American art criticism dominated by Clement Greenberg and his circle of followers from the late 1950s to well after Sach’s death in 1965. While the connoisseur was to know everything about the specific work of art, including how it looked and how it was made, but its facture was not exactly emphasized.

[See Wai Kam Ho, former student of Sachs at Harvard, “Remarks on Connoisseurship” << <http://www.shanghaimuseum.org/ho-remarks.htm>>>]

Indeed, here we might ponder just what Morelli meant by the “physiology of art” — the implicit idea of a work of art’s anatomy — how the artist embodied ideas and feelings in the art object.

When I was a graduate student studying the history of art, the art object was understood as possessing a style that could be related to a particular historical period — Early or Late antiquity — the Romanesque as opposed to the Gothic — Renaissance in contrast to the Baroque — and so on. The recognition of such styles and their chronology was the basis of art historical understanding. Of equal importance was their iconography — the recognition of their symbolism and its sources — as well as their iconology, or overall cultural significance. The idea that each object considered in terms of its style and symbolism was also an object of craft — that it was made in a particular way by the hands of its creator, was of decidedly secondary significance. We might talk of “Hands number 1 through 6,” in respect to a Mediaeval sculpture, but little was made of how to characterize exactly what such hands did within a style. Indeed, the object in itself was considered the separate concern of curators and conservators, not art historians — who had more important, and scholarly things to do. And it did not help to find Erwin Panofsky, in his influential book, *Meaning in the Visual Arts*, explaining the difference between a connoisseur and an art historian: “The connoisseur might be defined as a laconic art historian, and the art historian as a loquacious connoisseur.”

[Erwin Panofsky, *Meaning in the Visual Arts: Papers in and on Art History*, New York: Doubleday Anchor Book, 1955, full quote on connoisseurship, pp. 19-20.]

Further and more important, was that the art considered worthy of historical attention was then entirely mimetic — “realistic” subject matter, sacred or secular, was illustrated. So style, subject and symbolism were favored; facture was tertiary. As for “abstract” art, it was the opposite of realistic art, and as such was simply ignored. (When I suggested writing my dissertation on Pollock at the Johns Hopkins University c. 1962, I was told it would be better to do Delacroix, “the same kind of Romantic” — and they would get me a Fulbright to Paris. If I did Pollock, I would destroy my career.) I didn’t know then that William Seitz’s 1955 dissertation on Abstract Expressionism at Princeton, and mine at Johns Hopkins in 1965 on Pollock (whom Seitz had left out of his}, were the first in the country to deal with recent American abstract artists.

[See Francis V. O’Connor, *The Genesis of Jackson Pollock: 1912-1943*. Unpublished Ph.D. dissertation, The Johns Hopkins University, Baltimore: 1965; substance published and expanded in exhibition catalogue for retrospective exhibition, *Jackson Pollock*, The Museum of Modern Art, 1967, and in subsequent publications and the chronology of the catalogue raisonné— and William, Seitz, *Abstract Expressionist Painting in America*, Cambridge, Mass.: Harvard University Press, 1983 — posthumous publication of his 1955 Princeton dissertation.]

Indeed, the very nature of abstract art, that ignores overt subject matter for subjective meaning, required a connoisseurship focused on the Morellian “physiology” of the art object — or, as the English critic, Clive Bell, so innocently put it, “significant form.” But the connoisseur of abstract art was required to start, not with a tradition of style and content, but with the shaping and handling of the medium itself.

JACKSON POLLOCK PAINTING

Let me demonstrate what I mean by showing how Jackson Pollock shaped and handled paint. Now if there are any potential fakers in the audience seeking a lesson, let me assure them that I shall not make the mistake I made thirty-odd years ago. I had been invited to give a lecture on New Deal cultural patronage at the University of Denver. The next morning, the Dean asked if I would meet with the senior painting class in the Art School. I agreed, curious as to what they might want to know. Well, they wanted to know how Pollock painted. So I told them, mentioning certain specific formal eccentricities and methods he employed. That done, I forgot about those curious students.

At that time I was a member of the committee formed to judge the authenticity of works that would be published in the catalogue raisonné Eugene Thaw and I were just starting to edit.

[The committee consisted of ourselves, along with Lee Krasner, William Lieberman, the curator of the 1967 retrospective at MoMA, and Donald McKinney, the president of the Marlborough Gallery that represented the Pollock estate.]

A good six months after my lecture, an application for inclusion in the catalogue raisonné was made for a six-foot-long poured painting coming from an address in Colorado. Those kids had taken their requested lesson quite literally — and we all had a good laugh responding with a rejection.

Today, having learned my lesson, I shall deal with only three factors relevant to Pollock's creative process, important for the connoisseur's

perception of his work, but impossible to emulate by anyone else in precisely the same way. I'll call them the "three Rs" — Reflectivity — Rasquachismo (or rough vitality) — and above all Regularity.

[Note that I am borrowing the term "rasquachismo" from Hispanic muralists, where it is used to describe the rough but expressive style of some of their wall paintings. See my book, *The Mural in America*, at << www.muralinamerica.com >> in Part Nine, Community Murals.]

Reflectivity

Reflectivity is often used to craft elegant surfaces in a poured Pollock. *Number 1, 1949*, in the collection of the Los Angeles Museum of Contemporary Art, is a good example. It was the first Pollock I had ever seen close up. I had stopped in at the Castelli Gallery, back in the late 1960s, and found a Lichtenstein exhibition. Talking to Ivan Karp, Leo's assistant, I mentioned Pollock and he took me into the stacks and pulled out this magnificent painting. It was evenly painted, but I noticed that Pollock used oil colors that were both matte and gloss, as well as silver — so it sort of glittered and shimmered as it moved in the light. It was also vividly colored but in an overall understated manner. You have to sort of look down and into the painting — there is a certain archeology to it that slowly reveals itself down to the weave of its canvas.

Pollock's greatest triumphs of reflectivity occur in his Black Pourings of 1950-53 — paintings all too often downgraded because of the biased eye of Clement Greenberg. If you look very closely at this detail from a Namuth photograph of *Number 32, 1950* — now in Dusseldorf, Germany [JPCR 2: •••]— you can see the light reflecting from the

surface of the black paint. This is not because the paint is wet, but because Duco crystallizes in the center of each line of paint, while part of the medium soaks into the cotton duck. So each line is reflective at its center, while being matte at its edges. A dramatic detail from the 1998 MoMA catalogue, of what that “C” shaped image to the far left looks like close up. The darkest shapes, that seem to form an eye and mouth on a little monster, are pools of crystalized Duco.

[See Kirk Varnedoe and Pepe Karmel, *Jackson Pollock*, New York: The Museum of Modern Art, 1998, p. 276.]

Almost all the Black Pourings display these effects — and the best one here in New York is MoMA’s *Echo : Number 25, 1951* [JPCR 2:345]— which is currently being restored.

I would like to suggest that Pollock got this idea for reflectivity long before he was ever a painter. Here is a book by the former Theosophist, Jiddu Krishnamurti (1895-1986), Pollock would have purchased at the guru’s camp meetings at Ojai, California he attended about 1926. It was on sale for 25¢, and the cover was decorated with interwoven skeins of silver and gold ink. Lee Krasner told me that he often mentioned Krishnamurti and recalled those camp meetings. Pollock mentions in a letter reading a book by this guru. So we can add this primordial image to Siqueiros’s May Day floats, Max Ernst swinging can of dripping, Hans Hofmann’s experiments, and Janet Sobel — as among the latent “sources” for Pollock’s most famous pouring method — and specifically for his interest in reflectivity.

But if these covers influenced Pollock in respect to reflectivity, why do they not look like a Pollock? That is because they are too neat — the work of a commercial designer, not an artist. Their overall patterning (here flipped back and front) lacks both the specificity, and the seeming carelessness of the forms in a true Pollock — that possess along with an immediate definition and specificity — what I call “rasquachismo,” or “unpolished vitality.” Fakers of Pollocks are always trying too hard to be careful and organized — and of course if the fakers ever try to be even more unpolished, they’ll be even easier to spot.

Rasquachismo

Consider Pollock’s *Number 17, 1949*, [JPCR 2: 243] a work on paper that is typical of his rough style — asymmetrical but balanced; off the edge on upper right, but closed on the lower left. When Ed Harris made his movie in 2000, his producer had art students paint copies of his works for use in the film. Some of these were exhibited at the Pollock-Krasner House and Study Center in May 4-October 28, 2000. But the copyist of *Number 17, 1949* got it all wrong and centered a design that was essentially a-symmetrical — with everything bleeding off the edges. Further, an essential aspect of any Pollock is missing: the clarity of facture that distinguishes each lineation from the other — and adds a certain clarity to seeming chaos. Whenever you look at a Pollock you are invited into his creative process — you can see how the painting was made. Whereas in the copy here, everything is a muddle — as are all the fakes.

Regularity and Fractal Repetitiveness

If Pollock's compositions are rough to the eye, they are also regular to the eye. It is notable that both Rudolf Arnheim, the psychologist of perception, and Clement Greenberg, the influential critic often thought to have "discovered" Pollock, both noticed the regularity. Arnheim mentions that the "evenness of pattern" throughout his paintings, "suggests that something more than *laissez-faire*," was in play.

Similarly, Greenberg states that Pollock's pictures were "knit together of a multiplicity of identical or similar elements."

[Quoted in Pepe Karmel, "Pollock at Work: The Films and Photographs of Hans Namuth," in Pepe Karmel, editor, *Jackson Pollock*, New York: The Museum of Modern Art, 1998, pp. 100-101.]

Further, the critic T. J. Clark, claims that "The large, in Pollock, is made up of an accumulation of the small" — and has recourse to Arnheim's "gestalt" psychology as an explanation.

[See his "Pollock's Smallness," in Pepe Karmel and Kirk Varnedoe, editors, *Jackson Pollock: New Approaches*, New York: The Museum of Modern Art, 1999, pp. 15-35; here p. 23. See also the author's "Jackson Pollock's Monumentality: The Small Poured Paintings, 1943-1950," in Exh. Cat. *Jackson Pollock: The Small, Poured Paintings, 1943-1950*, East Hampton, New York: The Pollock-Krasner House and Study Center, 2006, pp. 1-24; here p. 22 -- and notes 5 and 33 concerning fractals, that will be discussed here below.]

The intrinsic regularity of Pollock's facture is not immediately apparent when looking at any given Pollock because the roughness puts you off; but it is there if you look for it.

Let us take a closer look at *Number 32, 1950*. Since it is in an European collection, it is not as familiar to us as *Autumn Rhythm : Number 30 1950* and *One : Number 31, 1950* [JPCR: 2, items 297 and 283, in The Metropolitan and The Museum of Modern Art, respectively. Yet it is the

clearest work from which to deduce the nature of the artists regular, repetitive actions that lead to the structuring of his forms.

Dancing around the edges of his canvas with a purely idiosyncratic set of gestures strewing out the black duco, you can find three rows of five rough intersections each — the three central intersections the product of a reaching rather than a direct application of paint than the dozen around the edges.

You can see this regularity of his body english as he moved about the canvas in the Namuth films, and it resulted in not only those fifteen clusterings of pourings, but in what Professor Richard Taylor of the Physics Department of the University of Oregon, has recognized as manifestations of fractal geometry. These occurrences in the facture of Pollock's pourings can be read as a very personal "signature" that can be found in all of his work, where his repetitive patterns can be discerned and measured. Indeed, Pollock's "physiology" — to take Morelli's phrase literally — determined by physical restrictions caused by his having been born strangled by the cord — such as a certain lack of manual dexterity — play a role in his fractal signature that makes it all the more distinctive. He paints with his whole body, not just his hands — and that is beyond imitation.

[See Richard P. Taylor, "Fractal Analysis of Pollock's Drip Paintings," *Nature*, vol. 399, (1999) p. 422 ff; "Fractal Expressionism," *Physics World*, vol. 12, no 10, (1999), p. 25ff; and "The Use Of Science To Investigate Jackson Pollock's Drip Paintings," *Art And The Brain*, Journal of Consciousness Studies, vol. 7, no 8-9, (2000). p.137.]

Fractal geometry was first developed by Benoit Mandelbrot in 1977.

[See Benoit Mandelbrot, *Fractals: Form, Chance and Dimension* (1977), and *The Fractal Geometry of Nature* (1982).]

Professor Taylor has successfully applied it to the arts — especially the art of Jackson Pollock — as a supplement to traditional methods of testing works of art. A “fractal” does not have an objective physical reality. Rather, as a mathematical concept, it has *objective utility* in identifying repetitive structures in otherwise seemingly chaotic entities such as clouds, seashores, the branching of rivers and trees, the structures of mountain ranges — and the regularity of an artist’s repetitive gestures when making marks. (Here think of Vincent Van Gogh’s directional dabs as another example — or the patterns of regular striations in a Piet Mondrian abstraction.)

It is sometimes argued that if you cannot see a fractal, then authentication methods using it are suspect. True, you cannot see them, but you can see their manifestations in Nature. Fractals are mathematical descriptions of natural, repetitive phenomena. The branchings of a tree are typical of fractal growth up from the trunk and its roots, and out to the furthest reaches of each of the tree’s ever-ramifying twigs — propelled by the tree’s genetic algorithms.

[See Stephan Wolfram, *A New Kind of Science*, Champaign, Illinois, 2002, p. 1002 and *passim*, for information concerning viewing genetic evolution as comparable to Wolfram’s “cellular automata” which are algorithms that left to devolve long enough can create the biological growth patterns found in leaves or shells.]

Pollock’s pourings are very similar to these ramifying forms, and when you get used to them in a Pollock — they provide another tool with which the connoisseur can perceive falsity in a fake Pollock. So in the

end, along with Pollock's use of reflectivity, roughness and rhythmic regularity, the authentic eye of the Forensic Connoisseur is crucial in spotting, and warning of the absence of, fractal repetivity in a fake.

Let me conclude this part of the lecture with something that flows naturally — for Pollock — from roughness and regularity of his manner of painting: His remarkable specificity of linear imagery.

Compare the painting Ed Harris made in his film *Pollock* (2000) — and Pollock's *Number 2, 1948* [JPCR 2:222], in the collection of the Munson-Williams-Proctor Arts Institute, in Utica New York. In the film you can see Harris dancing about his canvas just like Pollock, and you can get a sense of his motions in his work. But when compared to a Pollock of the same shape, you can also see Pollock dancing along from left to right, but that there is a far greater specificity of design in the six or so areas of intersection — than in Harris' effort. Pollock left nothing to chance, and in his *Number 2, 1948* Utica painting there is clear evidence on the back of the painting of his retouching details for greater clarity of design on the front.

[See the author's essay in "Jackson Pollock's *Number 2, 1949*," in Paul D. Schweizer, et. al. Editors, *Masterworks of American Art in the Munson-Williams-Proctor Institute*. New York: Harry N. Abrams, Inc., 1989, pp. 178-79.]

Similarly, when you look at *Blue Poles : Number 11, 1952* [JPCR 2:367], and the copy The Canberra Museum in Australia made before the painting arrived, to experiment with its installation, you find the same blurring of specificity.

Let me conclude with two of Pollock drawings compared to “fake” drawings done by Professor Taylor’s students at the University of Oregon as part of his experimentations with the fractal theory. None of the students’ efforts matched Pollock’s fractal signature — nor could they, being so crudely centered and outlined. But they resemble any number of the 700 futile efforts I’ve seen pretending to be Pollocks.

So with our terminology clarified, and the inimitability of Pollock’s work demonstrated, let us turn to what is to be done about those 350 fakes still about seeking buyers.

THE FORENSIC CONNOISSEUR

What then is a “Forensic Connoisseur? The word forensic refers to information presented in, and accepted by, a court of law — which for me has a certain ironic twist to it. If I were not just a Ph.D. in Art History from Johns Hopkins — but a medical doctor with a Hopkins MD — I could appear in a court of law and testify to the medical details of a murder or assault. If I were a forensic psychiatrist, I might be asked to render an opinion on the mental state of the accused at the time of the alleged crime. If I were a forensic graphologist, I would be believed as to the handwriting on a document in the case. If I were a forensic linguist, I could analyze the metaphors and phraseology of a text and compare it with a suspect’s literary style. And today, if I were a forensic art conservator, my analysis of the paints used in a fake Pollock would be accepted as evidence. But a art connoisseur’s judgment is not taken that

seriously at law, since his or her opinions do not seem, to persons without visual experience, be based on scientific evidence but only subjective opinion.

Ironically, all of these experts accepted at law, acting within their respective disciplines, do exactly what a connoisseur of art does: they use perceptions of “form” to help in reaching an opinion: the shape of a wound, the body english of a mental case, the formal characteristics of handwriting, the formations of molecules in a paint to be dated. SO: What, in art, is form all about?

[See Francis V. O'Connor, “Authenticating the Attribution of Art: Connoisseurship and the Law in the Judging of Forgeries, Copies and False Attributions,” in Ronald D. Spencer, Editor, *The Expert versus the Object: Judging Fakes and False Attributions in the Visual Arts* (New York: Oxford University Press, 2004), pp. 3-27 — for a fuller development of these ideas.]

FORM AND AUTHENTICITY

Authenticating a work of fine art is a method of judgment based on the perception and interpretation of the form and the facture specific to the artist who created it. Authenticating a work of fine art is thus not much different in essence than authenticating a signature — which is also often part of the process. It is a matter of an empirical perception of form. Such understanding of form should be considered scientific.

The art expert has seen hundreds — maybe thousands — of works by the artist in question, and has absorbed into visual memory the artist’s characteristic form — his shapes, compositional devices, linear rhythms, typical colors, and habits of paint manipulation — and with

Pollock, fractal cues — to the extent that such an expert can tell, at a glance (and usually on the sole basis of a photograph or transparency), that the work presented is authentic or fake.

This can seem mysterious, if not laughable, to the layperson — whose education is almost always based on verbal or quantitative, not visual, criteria of meaning. So, just how does the perception of form work? It is important to stress first off that it has little or nothing to do with subject matter or symbolism, the artist's eccentricities, or with the aesthetic quality of an individual object. Form characteristics are more fundamental and essential to the work. The point: Anyone can achieve a particular subject or symbol; only the artist can paint it his or her way — and that way is revealed through formal and structural details.

Further, the rich human basis of an artist's singularity of form cannot be reduced to the notion of contriving era-specific formats, or styles. Form is not the equivalent of an historic style — Cubism is such a style; each Cubist had a singular form — even Picasso and Braque at their most similar. The artist's singular, characteristic form — his or her “hand,” as it were (comparable to the poet's “voice,” or those cadences and orchestral colors by which we distinguish one composer from another) — constitutes the primary basis for the connoisseur's determination of authenticity.

So: Form is not the equivalent of style or shape. *Form is the manner or personal style of the artist that shapes the characteristics and strategies*

that add up to his or her visual temperament. It constitutes the foundation for any determination of authenticity.

AUTHENTIC EYES

So, that said, where do we find authentic eyes capable of discerning such form? We have to train them — just as the lawyers train their clerks in the fine points of their craft not taught in law school — and medical doctors train their interns by contact with real patients in a supervised setting. And if you think the art world is not quite ready for the age-old nurturance of the apprentice, you are right. It has to be taken out of the hands of the art world and the academy, and placed in the hands of an institution specific to the entire problematic of authentication — including the nurturance of connoisseurs.

Indeed, have not our universities' art history departments wasted a whole generation of scholar-connoisseurs by distracting them with dubious theories of correctness and textuality, while denigrating the primacy of the artist and the work of art — which they refused to “reify” — so art was not studied as a created object — but as an idea to play with — in the full fury of what the great Yale critic and scholar Harold Bloom scornfully called “a cult of resentment.”! This situation, now thankfully waning, has all but destroyed the humanities.

[For detailed information about this situation see Charles W. Haxthausen, *The Two Art Histories: The Museum and the University*, Williamstown, MA: Sterling and Francine Clark Arts Institute / Yale University Press, 2002, and subsequent volumes in this Clark Studies in the Visual Arts series on *Art History*, *Aesthetics*, *Visual Studies* (2002), and *The Art Historian: National Traditions and Institutional Practices* (2003).]

It is the duty of those of us who know what needs to be done, and who have practical experience with Pollock's works — and those expert in the work of other artists — to undo that waste, and to train apprentices as forensic connoisseurs, whose eyes will be certified in their experience — as are forensic physicians and graphologists. Indeed, it is time to institutionalize the process of attribution and authentication

AN ORGANIZATION TO ADMINISTER ATTRIBUTIONS

Recently, Dr. Jack Flam, the director of Robert Motherwell's Daedalus Foundation, has made several important suggestions about solving the authentication mess — with which I very much agree. He would “establish a properly constituted authority — similar to the Financial Industry Regulatory Authority — or, I would add, the Consumer Financial Protection Bureau — with limited immunity from lawsuits, which would oversee the attribution of works by modern US artists. He would also attempt to pass legislation in the US that would give experts and scholars the kind of legal protection they now generally receive in the United Kingdom, where statements about authenticity may be protected as “opinions” and thereby be generally exempt from lawsuits. Further, he would explore laws known as Anti-Slapp (Strategic Lawsuit Against Public Participation) statutes that protect free speech for the public good — that already exist in some of our States.

[See Jack Flam, “Break the silence over fakes: Enforced silence encourages fakes.” *Art Newspaper* (Pub. online, “Opinion,” Issue 234: April 12, 2012, go to: << <http://www.theartnewspaper.com/imgart/oped-authentication-gag.jpg> >> Further, concerning the Financial Industry Regulatory Authority); see Edward Wyatt, “Loans Top a To-Do List: As Critics Watch, Consumer Bureau Plans to Remake the Mortgage,” (concerning the Consumer Financial Protection Bureau), *The New York Times* / Business, July 6, 2012, pp. 1; 6.]

I have been privately promoting, for a number of years, the idea of creating such an organization solely dedicated to sponsoring, administrating, selecting and protecting such authentication committees in each area of art history. This would lift the chilling burden of litigation off experts, and allow them to function freely on a consensus basis. Such an organization can only be created by getting the various elements of the art world — the art history departments, the art dealers, the auction houses, the museums, the professional associations of curators and art historians, the artist's foundations, and major curators and collectors, to unite to create it. Since New York State law requires guarantees of authenticity of art objects, this would be to everyone's advantage — especially the broadening and strengthening of those laws.

In order to think through the creation of such an authority or organization, the following steps might be considered:

1. A conference ought to be organized to research just what would be necessary to create a comprehensive “umbrella” entity that would further and protect the attribution and authentication of works of art. Obviously, such an entity will have to serve the interests of everybody if it was to have any viability. So let us get everyone together to discuss the idea.

2. In general, what is needed is an incorporated, arms length, umbrella organization with a representative board of directors and / or advisory council experienced in the various aspects of the attribution process, and the various the historical periods that process must address.

3. Panels of relevant experts and connoisseurs would review the work. So part of the organization's activities would be to nurture and recruit a large pool of authentic eyes.

4. Along with a conference, we might just want to begin getting the art history departments of the local universities — such as SUNY, CUNY, NYU et. al. — to sponsor courses in connoisseurship so we can begin to authenticate eyes in various fields to man the committees of the organization here proposed — and who would be accepted as forensic connoisseurs in litigations.

5. This umbrella organization would both require releases from those submitting works, and would also protect its experts, and itself, with liability insurance for the decisions made under its auspices. It would also be authorized to fight any lawsuits brought against itself and its member experts.

6. The organization would publish the findings and list the experts involved — for every decision made. Those submitting works for attribution would agree to this in advance as part of the release.

7. Scholars, especially those doing catalogues raisonné, who are at present prevented by the libel laws from publishing negative opinions concerning works of art, would be able to join this new entity for liability protection. Further, after their credentials were approved by an independent advisory committee of senior scholars and experts, they would become part of its pool of experts. Here, the College Art Association, that is already offering such protection, could advise the new organization.

8. Artist's foundations, collectors, auctioneers, dealers, curators etc., would be able to apply to receive decisions. Estates — and those holding the *droit morale* to the extent they would be willing — might be encouraged to transfer attribution rights to this organization.

9. The organization would also work to provide access to various scientific methods to be used as necessary in the attribution process. This would include a panel of conservators to advise the organization about such matters.

10. To the extent possible, such an organization would also lobby for changes in the libel and business laws that would protect informed opinion — and possibly make new law in the course of litigations.

11. Implementation funding might come from public and private agencies for a while, matched by fees, foundations, and the

organizations most in need of such services, such as auction houses, dealers groups, artist's organizations etc. Ideally a permanent endowment would have to be sought, once the organization has proven its viability and utility, and gained the trust of the art world.

AUTHENTICITY & HISTORICITY

I shall conclude with a few ideas about the idea of authenticity itself. It is used these days with two subjects: persons and art works. In 1972, the literary critic, Lionel Trilling, wrote an important little book, *Sincerity and Authenticity*, in which he developed a number of ideas about the similarities and differences between the two words — as they described, for example, human behavior in respect to such subjects as the use of irony. In 1991, the Canadian philosopher, Charles Taylor, in his *The Ethics of Authenticity*, explored the idea in respect to the overall secularity of modernism and its political and economic determinism, and what he calls “instrumental rationality.” While authenticity, when it comes to art, has clear-cut relations to human psychology and ethical behavior, I think the issue is really clearer and less over-determined.

[See Lionel Trilling, *Sincerity and Authenticity*, Cambridge, MA: Harvard University press, 1972, and Charles Taylor, *The Ethics of Authenticity*, Cambridge, MA: Harvard University press, 1991.]

From my point of view, *The authenticity of a work of art lies in its immediate historicity*. The authenticity of the created object, whatever its creation's circumstance, resides solely in the fact that it was made by the artist to whom it is attributed. That is not a variable. That is an historical absolute. — Such historicity inheres in the art object just as it inheres in any historical document — such as an old love letter or the

constitution of a nation. We treasure both for their historicity — and find ways to enshrine them.

So for the art historian — the curator — the critic — the collector — museum goers — the historicity of the art object is all-important. And that fact cannot abide the inclusion of false-attributions because brazen fakers have spooked a timorous art world afraid to act in its own defense. Sincerity is subject to moral contingency; artistic authenticity to absolute historicity. There is something almost genetic in such historicity — in our sense of a connection with the past — and especially with an artist such as Pollock — who so generously and transparently shared a creative process with the viewer that cannot be imitated.

I can think of no better birthday present for Jackson Pollock on this hundredth anniversary, than to take clear, unambiguous, and effectively organized steps to protect his legacy from those who would, as he said, “think it easy to splash a Pollock out.”

© **Francis V. O'Connor, Ph.D.**
250 East 73rd St., Apt. 11C
New York, NY 10021
FVOC@aol.com
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