Multiple Authority Delegation in Art Authentication

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Abstract

In this paper, I expand upon the research on authority delegation begun by Overgaard and myself in our 2016 paper *Authority Delegation*. I argue that *singular authority delegation* – in which a community delegates authority over a given topic to a single expert community – should be distinguished from cases of *multiple authority delegation*. A community engages in multiple authority delegation *iff* that community delegates authority over a given topic to more than one expert community. Furthermore, multiple authority delegation can be further divided into two types: *hierarchical* and *non-hierarchical*. I examine two cases of authority delegation in the art market and argue that these cases model instances of hierarchical authority delegation.

Introduction

It has recently become acknowledged by scientonomists that communities often accept theories without evaluating these theories themselves, but rather delegate that task to expert communities. Thus, it is possible for a community to have a theory on topic x in their mosaic, without them actually having evaluated that theory themselves. In these cases, a community is said to *delegate authority* over topic x to another community. In the paper titled *Authority Delegation*, which I coauthored with Nicholas Overgaard (Overgaard & Loisel, 2016), we suggested the following definition of *authority delegation*, which has since become accepted by the scientonomy community via modification [Sciento-2016-0003]:

Authority Delegation $\equiv$
Community A is said to be delegating authority over topic x to community B <i>iff</i> (1) community A accepts that community B is an expert on topic x and (2) community A will accept a theory on topic x if community B says so.

Thus far, discussion over authority delegation has focused mainly on relationships held between two communities, where either one community delegates authority to another over one topic, or both delegate authority to each other over different topics (Overgaard & Loisel, 2016). However, no research has yet been done on whether a community can delegate authority over *one* topic to *multiple* communities.

In this paper, I will argue that this kind of authority delegation is possible, and that our definition of “authority delegation” should therefore be specified to include two subtypes: *singular authority delegation* and *multiple authority delegation*. I will support my argument with examples from the field of art history – in particular, from the different kinds of authority delegation methods employed by art dealers and auction houses in the field of art authentication. Finally, I will conclude this paper with a list of open questions and possible avenues for future research.

Methods of Art Authentication

In the paper titled *Authority Delegation*, which I coauthored with Nicholas Overgaard, we attempted to reconstruct the contemporary method of art authentication held by the art history community (Overgaard & Loisel, 2016). In that paper, we outlined the three key elements of the art authentication method: *dating*, *connoisseurship* and *provenance*. *Dating* a work of art, through pigment analysis or other kinds of forensic testing, ascertains whether a work is old enough to be considered authentic. *Connoisseurship* refers to the capacity of being able to recognize individual aesthetic ‘fingerprints’ of a given artist when analyzing a work of art. Finally, *provenance* refers to the history of the physical painting, i.e. how it traveled from the artist’s studio to its current owner. Paintings that have successfully met these three types of requirements are usually deemed to be authentic. Because art authentication requires a certain skill-set and access to certain resources, those individuals or institutions who assume expert authority in art authentication – for instance, scholars, connoisseurs, friends and family of the given artist, galleries, art dealers, etc. – assert their authority based on their possession of these skills and resources. For the purposes of this paper, I shall classify these people as a sub-community within the art historical community, called the *art expert community*.

Insofar as it is one of the three requirements of the art authentication method, *provenance* can be thought of as being as part of the authentication method. However, in some circumstances, tracing a painting’s provenance might have nothing to do with authentication. For example, such research is conducted to settle ownerships disputes over works of art looted by Nazis in WWII (Christie’s, 2009). Thank you to professor James Housefield for this note.

Within the high-stakes context of the art market issues of authenticity often become the most pressing. Determining the authorship of a given work of art also determines its value, meaning that in the midst of these debates thousands (if not millions!) of dollars are on the line. Furthermore, the high monetary value that is placed upon artwork means there is an incentive to forge works by famous artists. The proliferation of these forgeries then creates additional complications and difficulties to the process of authentication. The introduction by Ronald D. Spencer to his *The Expert versus the Object* provides a nice summary of the importance of authentication for the art market (Spencer, 2004).

The second community that is of concern in this study is the *art market community* whose primary intentionality is the buying and selling of art. Although this community does not itself make judgements about art authenticity, it is nevertheless very concerned with determining whether or not a work submitted for sale is authentic. The art market community, then, defers authority to members of the art expert community on matters of authenticity, thereby engaging in a relationship of one-sided authority delegation.

Art experts provide evidence of authenticity in two ways: *catalogue raisonnés*, and *certificates of authenticity*. A catalogue raisonné is a published volume (or volume set) that is meant to be the defining collection of an artist's work. Inclusion in the accepted catalogue raisonné of an artist is an indicator that the art expert community who published the catalogue believes the work to be genuine, and auction houses will cite inclusion in a catalogue as evidence of a painting's authenticity. However, it is not always the case that a catalogue can be referred to in order to settle debates of authenticity – catalogues easily become outdated, and the research required to update them takes years. As such, writers of the catalogue or other authorized experts will, in the interim, issue certificates of authenticity guaranteeing that the work in question is genuine, and will be included in an upcoming catalogue. These too act as useful indicators for the art market. We can therefore specify the method of authority delegation employed by the art market community as such:

Singular Authority Delegation

In many cases, the art market recognizes only one individual or community as being the expert authority on a given artist. For example, the Wildenstein institute is widely recognized as being the sole defining authority on Monet (Overgaard & Loiselle, 2016, p. 13). As such, any dealer or auction house looking to verify the authenticity of a Monet will defer to the expertise of the Wildensteins. A work claimed to be by Monet will be considered authentic by the art market if it is in the Wildenstein's catalogue raisonné of Monet or if the Wildenstein institute has certified it to be authentic:

It is also possible for the art market to defer authority to a combined mosaic made up of multiple art experts. For example, two of Picasso's children – Maya Widmaier-Picasso and Claude Ruiz-Picasso – have for many years now acted as independent and sometimes conflicting authorities on the authenticity of their father's work. As a result, auction houses have, for the most part, required certificates of authenticity from both Maya and Claude before considering a work to be genuine. In this case, the art market is delegating authority to a combined Maya-Claude mosaic:

In September of 2012, four of Picasso's surviving heirs – including Claude Ruiz-Picasso, but excluding Maya Widmaier-Picasso – circulated a letter stating that all matters of authenticity were to be settled by Claude (Stolz, 2013). Whether this has altered the art market's method of authentication with regards to Picasso is an open question.

In both of these cases, the art market is delegating authority to a single entity – either the mosaic of a single institution, like the Wildensteins, or a combined mosaic of individual authorities, like the Maya-Claude mosaic. Thus, both of these communities can be said to be engaging in a relationship of *singular authority delegation*, which I shall define as follows:

It should be pointed out that, thus far, there has been no research concerning authority delegation to a *combined* mosaic. This would be an interesting topic for future observational scientonomic research.

Singular Authority Delegation $\equiv$
Community A is said to engage in a relationship of singular authority delegation over topic x <i>iff</i> community A delegates authority over topic x to exactly one community.

Multiple, Hierarchical, and Non-Hierarchical Delegation

In contrast to singular authority delegation, it is evident that a community may, in some cases, delegate authority over a given topic to more than one authority. I propose that we call this a relationship of *multiple authority delegation*. This brand of authority delegation comes in two subtypes – *hierarchical* and *non-hierarchical*:

We can consider hypothetical cases of each subtype of multiple authority delegation. For instance, imagine that community A always delegates authority over topic *x* to expert *E*₁. Now suppose there is a case in which *E*₁, for some reason or other, formulates no theory on topic *x*. If community A in turn accepts no theory on topic *x*, we would identify this as being a relationship of single authority delegation. If, however, community A then turns towards another expert – *E*₂ – and accepts *their* theory on topic *x* *in the absence of* any theory from *E*₁, we would call this an instance of hierarchical multiple authority delegation: the opinion of *E*₁ and *E*₂ are both valued by A, but the opinion of *E*₁ is placed above that of *E*₂. Now, imagine a different scenario in which community A values the opinion of *E*₁ and *E*₂ equally. In this case, community A will treat both experts equally and will refer to any one of these experts for their opinion.

Although the art market normally tends to defer authority only to a single entity, this is not always possible. In the remainder of this paper, I will examine two recent case studies in the history of the art market to illustrate this point: the case of Modigliani authentication, and the case of Renoir authentication. First, I will show that the Modigliani case can only be interpreted as a case of multiple authority delegation. I will then turn to the example of Renoir authentication, and argue that our historical analysis of this case is also aided interpreting it as that of multiple authority delegation.

As mentioned earlier, the process of authentication becomes even more complicated for those artists whose work is frequently forged. This is the case for both Modigliani and Renoir, who are not only extremely famous but also have very distinct styles that are easy to copy (Spiegler, 2004). It remains to be seen whether the extremely high number of forgeries that exist for these artists make them "special cases" in our historical investigation of attribution in the art world.

I should also note that all of the cases I am examining are examples of *hierarchical* delegation. In the *Open Questions* section of this paper, I will discuss whether instances of non-hierarchical authority delegation might exist in the art world. For the time being, however, I will set this question aside.

Case 1: Modigliani

The tale of the Modigliani catalogue raisonné is infamous in the art world for its complexity, drama, and for the difficulties the art market has faced as a result. No less than five catalogues have been published for this artist. Out of the five, the 3-volume set by Ambrogio Ceroni – first printed in 1958, with the last volume published in 1970 – is widely accepted as being the most reliable. Ceroni is renowned for his conservative and meticulous research techniques, and his insistence to examine every single work in person before including it in his catalogue. Because his judgement is highly respected in the art world, any work listed in the Ceroni catalogue is believed to be genuine (Cohen, 2014; Krauss, 2004). Thus, it may be tempting to depict this as a case of *singular authority delegation*:

However, this catalogue is not without its problems. Because Ceroni only included works that he examined in person, it is acknowledged that the catalogue is incomplete. For instance, Ceroni never travelled to the United-States, and thus any of Modigliani's works that ended up overseas are almost certainly missing from the Ceroni catalogue (Krauss, 2004, p.68). Although several other authors have attempted to produce an updated Modigliani catalogue raisonné, none of them have succeeded. Some are even more incomplete than Ceroni's (many contain obvious mistakes and false authentications) and in other cases, the author of the catalogue has a poor reputation in the art world (Krauss, 2004; Spiegler, 2004). The art market, then, is left with a significant problem. Because of the Ceroni catalogue's acknowledged incompleteness, the absence of a given work in the catalogue is not enough to guarantee it isn't authentic.

There is, however, another expert that the art market considers to be a trustworthy authority. From 1997 until 2015, Modigliani scholar Marc Restellini had been commissioned by the Wildenstein institute to create a new catalogue for the artist. A leading publisher in the creation of catalogue raisonnés, the Wildenstein institute is highly trusted in the art world, which lent great credence to Restellini's research. There is historical evidence that the art market did delegate authority to him: in 2012, for instance, after Restellini had acknowledged its authenticity, a Modigliani portrait entitled *Jeune Fille aux Cheveux Noir* was sold by Bonham's auction house, despite the fact that the painting was not included in the Ceroni catalogue (Cohen 2014).

Originally, the Wildenstein Institute commissioned two catalogues from Restellini: one of Modigliani's drawings, and another of his paintings. The drawing catalogue was abandoned in 2011 after Restellini faced lawsuits and even death-threats from dissatisfied art owners and dealers (Spiegler, 2004). According to the Wildenstein Institute's website, work on the second catalogue ceased in January of 2015 (The Wildenstein Institute, 2017).

However, despite the respect he garnered in the art world, Restellini did not manage to completely usurp Ceroni as the sole authority on Modigliani. For example, in 1997 Christie's asked Restellini to evaluate a portrait of Beatrice Hastings which was included in the Ceroni catalogue. Restellini declared that although the painting had at one point been worked on by Modigliani, it was now so badly overpainted that it could no longer be considered authentic (Cohen 2014). As such, he stated that it would not be included in his upcoming catalogue. Christie's, however, decided to sell it anyway as a genuine Modigliani.

Hastings was a friend of Modigliani's and one of his reoccurring portrait subjects.

It appears, then, that between 1997 and 2015 the art market delegated authority to both the Ceroni catalogue and Marc Restellini. However, unlike the case of Picasso's children, they did not delegate authority to a single combined mosaic that contained only the theories agreed upon by both experts. Rather, the art market delegated *first* to Ceroni and only *then* to Restellini – only if the Ceroni catalogue had nothing to say on the authenticity of the painting in question. In other words, this case can be interpreted as that of *hierarchical authority delegation*. Indeed, it appears as though Restellini was not given the same degree of authority as Ceroni. The Ceroni catalogue would be considered the first authority on the topic, while Restellini's opinion would matter only in those cases when the painting was not included in the Ceroni catalogue. The following diagram illustrates the structure of authority delegation between the art market and the two experts between 1997 and 2015:

It is likely that the exact formulation of the method is even more complex than this. For instance, in the case of *Jeune Fille aux Cheveux Noir*, it is likely that Bonhams was compelled to sell the painting as genuine not only because Restellini approved of it, but also because it has very good provenance (the painting had once been included in the Rockefeller collection) (Cohen, 2014). A more in-depth historical analysis would be required in order to properly formulate the method at hand. For the purpose of this paper, however, uncovering the exact details of the method is of no great concern. What matters is that the singular delegation model is insufficient to explain the relationship between Modigliani experts and the art market. Rather, the relationship is best explained as an instance of *multiple authority delegation* – more specifically, that of *hierarchical authority delegation*.

Case 2: Renoir

While the case of the Modigliani catalogue provides us with a very clear instance of multiple authority delegation, the case of the Renoir catalogue is not quite so clear-cut. Yet, I will argue that our historical analysis can be greatly aided by applying the multiple authority delegation model to that scenario as well.

In 1971, François Daulte began publication of the first catalogue raisonné of Renoir's works. Unfortunately, the project was cut short when Daulte passed away in 1998. After his death, his unfinished work was passed on to Daniel Wildenstein at the Wildenstein institute. Since then the Wildensteins have been continuing Daulte's work, although they have yet to publish a catalogue (Findlay, 2004, p. 58). In the intervening years, however, a new catalogue was published by the gallery Bernheim-Jeune. One of the most reputable gallery owners in Paris, the family Bernheim-Jeune has the distinction of having been one of Renoir's major art dealers in his lifetime (Bernheim-Jeune, 2017). They therefore have close ties to the Renoir estate as well as substantial records on his paintings.

It is important to acknowledge that both of these institutions are established and prominent actors in the French art world. The important question for us, however, is which of them are considered authorities by the art market. It is indisputable that the art market does delegate authority to the Wildenstein institute. In 2015, a team from the BBC show *Fake or Fortune* attempted to prove the authenticity of a painting purportedly by Renoir, which had been hanging in England's Picton Castle for several years and *was* included in the Bernheim-Jeune catalogue. The Wildensteins, however, deemed that the painting was not authentic. As a result, it was turned down by Christie auction house (Illis, 2015).

Based on this episode, we can hypothesize two possible models of singular authority delegation between these two Renoir experts and the art market. Here is one possible interpretation:

This interpretation would be plausible if there were evidence of the art market seeking for the agreement between the beliefs of the two institutions. If it were the case that the market would consider a painting to be by Renoir only if the two institutions simultaneously said so, then this would be the case of a singular authority delegation to a combined mosaic of the Wildensteins and Bernheim-Jeune. However, this is not the case. Sotheby's, for instance, cites a painting's inclusion in the Wildenstein's future Renoir catalogue as evidence of a painting's authenticity; while they do also note whether or not it is included in the Bernheim-Jeune catalogue, this is listed merely as supporting evidence. Although the Bernheim-Jeune gallery is well respected in the art world, publishing catalogues and authenticating art is not one of their main goals as an institution, in the same way that it is for the Wildensteins. The fact that the Wildensteins are the leading publisher of catalogues in the Western art world gives their Renoir scholarship more authority than that of Bernheim-Jeune.

For example, the lot notes for Renoir's *Port Du Pornic (La Voile Blanche)* in Sotheby's online auction catalogue contain a section entitled "Authentication" and another entitled "Literature"; under "Authentication" Sotheby's cites the Wildenstein's certificate of authenticity, while the Bernheim-Jeune catalogue is listed under "Literature" (Sotheby's, 2014).

Given that the art market seems to value the expertise of the Wildenstein institute more so than that of Bernheim-Jeune, should we conclude that they are the sole authority? In other words, it possible to interpret this case as that of a singular authority delegation?

Again, I find this interpretation unsatisfactory. Unlike the many disregarded Modigliani catalogues, the Bernheim-Jeune Renoir catalogue does not, as far as I can tell, suffer from significant incompleteness or error. Furthermore, the gallery is a trusted and reputable institution in the art world at large. It seems unlikely that their catalogue would be totally dismissed by the art market. Indeed, there is evidence of Bernheim-Jeune's catalogue being used as a source of authority in matters of Renoir authentication. In 2012, a painting believed to be by Renoir was found in a flea market in West Virginia and put up for sale by the Potomack auction house (Shapira, 2012). The auction house cited the painting's inclusion in the Bernheim-Jeune catalogue as proof of authenticity.

The painting was put up for sale, but never in fact sold by the auction house. Soon after announcing that the painting would be included in their upcoming auction, Potomack was contacted by the Baltimore Museum of Art. It turns out the painting had been stolen from the museum a few years previously. Although the case was contested in court, the painting ultimately returned to the museum. (Royce Bartlett, 2014).

It seems likely, then, that both the Wildenstein Institute and Bernheim-Jeune Gallery are considered legitimate authorities in the art world. Importantly, however, they seem to be delegated different degrees of authority: the Bernheim-Jeune catalogue is being consulted only if the Wildensteins have no opinion on the authenticity of a painting. Thus, the relationship between the art market and the two institutions can be interpreted as that of a *hierarchical authority delegation*. The following authority delegation diagram attempts to make better sense of the situation at hand:

At this point in my research, I do not have enough data to confidently formulate the details of this authority delegation structure. The historical cases I have explored in this section have acknowledged oddities to them. *The Picton Castle* painting, for instance, is unsigned; because of this the painting had to be left out of an auction of the castle's artwork in the 1960's (Illis, 2015). This fact may have caused Christie's to be extra cautious about the painting's authenticity. Furthermore, for the purposes of this paper I have made the assumption that all auctions houses employ similar methods. A more in depth historical analysis, however, would require a detailed comparison of the different authentication methods employed by specific auction houses. These methods would likely vary depending on the size of the auction house, the value of the work at hand, and the individuals involved in the transaction. All of these facts must be taken account before a proper historical hypothesis is formulated. Nevertheless, I hope to have shown in this section that the notion of singular authority delegation is sometimes insufficient to properly explain the intricate relationship that art markets hold with art experts. In cases like these, the concept of multiple authority delegation might be a more useful tool in our historical analysis.

Open Questions

According to the current theoretical scientonomy, *authority delegation* has two subtypes: *one-sided authority delegation* and *mutual authority delegation* (Overgaard & Loiselle, 2016). It is worth noting that all of the examples of authority delegation mentioned in this text have been instances of *one-sided* authority delegation. Since art experts do not seem to delegate authority to the art market community on any matters, I have not had the chance to explore how the relationship of *multiple* authority delegation applies to *mutually* delegating communities. As such, I will leave this as an open question:

? How does the relationship of multiple authority delegation apply to mutually delegating communities?

It is also interesting to note that all of the examples of multiple authority delegation discussed in this paper were those of hierarchical authority delegation, as in all our examples the expert communities were delegated different degrees of authority. In case of Modigliani, the authority of the Ceroni catalogue was valued above that of Restellini; in the case of Renoir, the expertise of the Wildenstein institute was placed above that of Bernheim-Jeune. This raises an additional important question:

? Are there actual instances of *non-hierarchical authority delegation*?

While I will leave this question open, it seems likely that the answer to the question is "yes". We can conceive of a community that delegates authority over topic *x* to several communities and values all of their beliefs equally.

In that case, the delegating community can freely choose which of the expert communities to refer to in any individual case. Further historical and theoretical analysis is required, however, before decisively answering that question.

This question can be further specified for the art market:

? Are there actual instances of *non-hierarchical authority delegation* in the art market?

I tend to think that the answer to this question is “no”. Let us return for a moment to the case of Maya Widmaier-Picasso and Claude Ruiz-Picasso. In the eyes of the art market, both Maya and Claude have equal levels of expertise when it comes to authenticating their father’s work. It would be quite conceivable, then, for an auction house to delegate authority to both of them in a non-hierarchical fashion and arbitrarily choose whose opinion to heed in any given situation. Instead, however, the art market has for many years required certificates of authenticity from both experts. I believe that the reason for this is grounded in practical dicta: namely, the belief that there must be consensus over the authenticity of a given work in order for the art market to function. A mosaic split in the art market community would have an extremely negative economic impact; thus, I believe that there is some sort of mechanism in place to prevent this from happening. Since no research has yet been done on the status or role of practical dicta in scientific mosaics, I will say no more on this subject besides noting it as an interesting and potentially fruitful area for future research.

Conclusion

In this paper, I have argued that not all historical cases of authority delegation involve exactly two communities. In fact, it is evident that in many cases the authority over a certain topic is delegated to more than one community. Thus, I propose two new subtypes of authority delegation: *singular authority delegation* and *multiple authority delegation*. In addition, I have shown that multiple authority delegation often has a *hierarchical* character: different expert communities don’t necessarily have the same authority and, thus, there exists a hierarchy of authorities. As evidence for my argument, I reconstructed the structure of authority delegation in the art market community with respect to the authentication of works of art by Modigliani between 1997 and 2015.

Suggested Modifications

Thus, I suggest the following modification:

[Sciento-2017-0007]

Accept the following definitions of subtypes of authority delegation:

- *Singular Authority Delegation* $\equiv$ community A is said to engage in a relationship of singular authority delegation over topic x iff community A delegates authority over topic x to exactly one community.

Singular Authority Delegation $\equiv$

Community A is said to engage in a relationship of singular authority delegation over topic x iff community A delegates authority over topic x to exactly one community.

- *Multiple Authority Delegation* $\equiv$ community A is said to engage in a relationship of multiple authority delegation over topic x iff community A delegates authority over topic x to more than one community.
- *Hierarchical Authority Delegation* $\equiv$ a subtype of multiple authority delegation where different communities are delegated different degrees of authority over topic x .
- *Non-Hierarchical Authority Delegation* $\equiv$ a subtype of multiple authority delegation where different communities are delegated the same degree of authority over topic x .

[Sciento-2017-0008]

Accept the following reconstruction of the contemporary authority delegation structure in the art market regarding the works of Monet:

- A work claimed to be by Monet is authentic if it is considered authentic by the Wildenstein Institute.

[Sciento-2017-0009]

Accept the following reconstruction of the contemporary authority delegation structure in the art market regarding the works of Picasso:

- A work claimed to be by Picasso is authentic if it has been certified as authentic by *both* Maya Widmaier-Picasso *and* Claude Ruiz-Picasso.

[Sciento-2017-0010]

Accept the following reconstruction of the authority delegation structure in the art market regarding the works of Modigliani between 1997 and 2015:

- A work claimed to be by Modigliani is authentic *iff* (1) it is in the Ceroni catalogue raisonné *or* (2) if it is not in catalogue and has been certified as authentic by Marc Restellini.

[Sciento-2017-0011]

Accept the following reconstruction of the contemporary authority delegation structure in the art market regarding the works of Renoir:

- A work claimed to be by Renoir is authentic *iff* (1) it has been certified as authentic by the Wildenstein institute *or* (2) it has not been dismissed by the Wildenstein institute and it is included in the Bernheim-Jeune catalogue.

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