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NEW PROBLEMS FOR THE POLICE WITHIN THE EUROPEAN ART BUSINESS

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For many years trade in works of art has raised additional problems for the Criminal Police. Let us mention for instance the Dutchman Han van Meegeren who died in prison in 1947, where he landed for having forged like a genius the pictures of Jan Vermeer (van Delft); or Malskat the "unknown master of Gothic," unknown until he made himself known to the police as a forger of pictures of artists of bygone centuries, and who created in the church, Marienkirche, in Lubeck wonderful works of "old" painting. Besides forgeries of old paintings—thefts were of course less frequent in this sphere of art—the criminals directed special interests to the vast sphere of the antique industrial art: pottery, furnitures, antique jewelry. Here we must keep in mind the well known "golden Tiara of Saitaphernes"—the purchase of which the Louvre does not like to be reminded.

This very large sphere of forgeries within the trade of antiques was augmented recently by the special branch dealing with mediaeval wood-carvings. Delinquency in the sphere of the trade in works of art assumes prominence the moment a branch of art hitherto not especially noticed suddenly becomes the object of a passionate collecting activity. The passion to acquire true antiquities makes the prices rise and entices others to deal in these articles.

About 1900 collecting of mediaeval wood-carvings, especially of the Gothic style, was "discovered" for the first time in Central Europe, but, already before the boom arising from this fact forgeries of wood-carvings of this kind had been created. During the third quarter of the 19th century, many statues carved in box-wood executed from North German originals made their appearance in Cologne. The copies had been made to appear old artificially, by simply burning them over the flame of a candle. The manufacturer left it to his clients to consider the work of art as "old," and did not object to their opinion, but charged excessive prices. Already at that time

people paid a multiple of the price offered shortly before. After the first World War demand for wooden sculptures was again rising considerably, and the prices rose accordingly.

Now, between 1918 and 1928, in several European countries, among others also in Paris, sculptures in marble and wood made their appearance. They covered, according to their style, the periods from the archaic masterpiece to Gothic and from this latter style to Renaissance, and highest prices were paid for them. These works were even attributed to definite artists, but in reality they were the work of the sculptor Alceo Dossena of Rome. He had himself passed these sculptures as his own creations, and sold them for modest prices. The buyers, however, earned huge sums by selling the counterfeits, made to appear "old," as authentic works. At that time a fault made by Dossena in the manufacturing of his works remained unnoticed: he made a large antique group of wood which was attributed to an Italian artist. Experts raked their brains, as nobody had ever known that the particular artist had also been a wood-carver—and furthermore it would have been so easy to recognize the work as being only a copy. Dossena, not having had at his disposal sufficient old wood, simply glued together the different pieces of his group. Authentic wood-sculptures, however, were always made of one single block of wood. Dossena died in 1937 a poor man.

Although an increased fear of forgeries has manifested itself within the circles of collectors and dealers on the grounds of certain events (of which I shall speak later), there is no reason to become pessimistic. There are no clues for regular "factories" of old wooden carvings, as they have been described many times in European newspapers; a much greater problem is presented by the sudden increased number of thefts of wooden carvings from churches and dwelling-houses, which shall be referred to in a subsequent paragraph.

At all events, criminalists in Europe now have to acquaint themselves as experts with sculptures—as they had to do hitherto regarding painting.

At first we will make a short survey of the volume and the technique of the mediaeval art of carving: The naturalism of the carving art in antiquity which had for its object the naked body was faced in the 13th century by a sort of symbolism. Sculpture served almost exclusively the religious worship. Rejection of the representation of the naked body resulted from Christian philosophy, so that wood became forcibly a new material which permitted treatment in a way as is shown by Gothic wooden statues.

Sculptures of this kind were mostly part of the side-wings of altar-pieces, and there were only few single figures which, by the way, were in most cases pictures of devotion. During the Reformation in the 16th century, and the Secularization in the 19th century, many altars were destroyed, or at a later period, "renovated" in the styles of the Renaissance, etc. During the last century, pseudo-art was introduced also in new church-buildings in Europe, and valuable carvings were sold under price. That is the reason why "discoveries" of old-Gothic carvings are still possible. The present commercial value of good authentic sculptures (carvings) is about \$2000 (U.S.). In general, no reference material is available regarding existing Gothic carvings or authentic wooden carvings of a later period in Europe, and accordingly no control is possible—as e.g. for picture-collecting and dealing.

Generally known are the names of Veit Stoss, Tilman Riemenschneider, Michael Pacher, and Hans Leinberger. Besides many others, these men are the great masters of the Gothic wood-carving art which reached its peak in the late Gothic. The reason why wood was being used as working material was based on various facts: wood is easier to work upon, it is cheaper, it requires less physical efforts, it is of lighter weight, and it is, above all, an essentially more suited basis for painting than terra cotta. The fact that Gothic wooden sculptures were, as a rule, carefully painted and gilded is of conclusive importance and, at the same time, an expression of religious attitude.

A detailed description of the carving techniques of that time and of all the tricks of the forgers known to us at the present time would reach beyond the frame of this article, and therefore, I will endeavor to bring out in relief the most important characteristics which may be of use to a

criminalist whenever he has to decide on the spot, in the course of a controversy, whether a work of art is "authentic" or "not authentic." A necessity known everywhere but rarely complied with consists in having a work of art examined in regard to its style and from a technical point of view. There are only a few forgeries showing both faults of style ~~and~~ of a technical kind. In most cases it must be ascertained that style and technique were efficiently counterfeited. The technical check concerns the kind of wood, the age of the wood, its condition, its chemical treatment, as well as the holes bored by the wood-worm, the hollowed-out back and the bottom of the statue. Regarding painted statues or figures (the painting is called by experts "setting," and specialized artists of Gothic were called "setting-painters"), it may be said that an experienced forger probably will always imitate the method of work of the Gothic period, by choosing colors used at that time. A technical check of the colors and the gold-cover at any rate seems to be unavoidable. It may happen that a forger makes his work easier by using for certain parts modern material. Still more important than the preceding indications is a check with a view to discover characteristic signs of artificially increasing the wood's age, as well as artificial dirtying of the wood, and gluing together of old pieces of wood, etc.

In case a technical check does not reveal any faults, the art-historian has to make a check of the style of the work in question. It is hard to believe that an expert has equal knowledge in two special branches, which, however, is necessary to lead to the discovery of experienced forgers. This factor has become apparent in a very sensible way in Europe during recent years.

In general there is too often talk of forgeries, where in reality it is a question of *copies*. But even Raffael, Rembrandt, Rubens, and others imitated pictures in the style of their predecessors, and nobody termed these masters up to now as "forgers." The term "forgery of works of art" should be absolutely reserved for cases in which the artist recreates works of others with the intention to mislead. Within the sphere of the trade in works of art, there is frequent talk of forgeries, and even in older literature regarding this subject no difference is made between copies and forgeries.

Thus, it happens that in the event of every controversy among experts the police are called upon to make a decision. But only when the suspicion arises that the artist acted with the intention

to mislead should the Criminal Police interfere officially. This must include at least the attempt to mislead others. The most famous copyist of this century in the field of mediaeval wooden sculptures after Dossena, is no doubt the Italian Giuseppe Rifesser from the valley "Grodnerthal," the home-country of Michael Pacher, and whose "Scandal of the Madonna" brought him to public attention for the first time.

This "Scandal of the Madonna" is in reality a tragi-comedy, but instructive for the confirmation of the preceding arguments. For a number of years, a representative Mr. A., living in Bischofshofen near Salzburg (Austria), was trading in works of art and antiques. For this purpose he often travelled in Austria, Bavaria, and in Southern Tyrol, and, from difficulties he had with the police and Gendarmerie, one may conclude that his methods of business were not too honest. He even saw the inside of prisons. He was mostly under suspicion of having received stolen wooden sculptures, but the elements of suspicion were never sufficient to convict him of a punishable deed. During his business-travels in January 1957, A. noticed in the shop of an antique-dealer in Meran the statue of the Pieta carved in wood which he believed to be a carving of the early Gothic (14th century). He was greatly surprised when he was told that this figure had been executed a rather short time before by a sculptor of the valley "Grodnerthal"—i.e. by the aforementioned Rifesser. The artificial characteristics of age of the figure were especially amazing. A. went to see the carver immediately, and noticed "old" sculptures laid out to dry in the sun in front of the artist's house. Fourteen days later, A. bought two wooden sculptures from Rifesser: a Madonna with the Child, and one without the Child, for an amount totalling 5000 Austrian Schillings. A. tried at first to sell these figures in Salzburg as authentic works, but having no success, he went to the villages of the environs of Salzburg, and in Mondsee situated in the famous Salzkammergut, he finally succeeded in selling one figure. A dealer of that place believed the figure to be authentic, and bought the Madonna without the Child for 5000 Austrian Schillings. An art-dealer of Vienna saw the figure in October 1957 in the shop-window at Mondsee, and bought it for the price of 7500 Austrian Schillings from the antique-dealer who had acquired it bona fide. The Viennese art-dealer, however, being sceptical had his doubts about the authenticity of the "setting" (colors) of the figure.

He therefore consulted the expert of the Art-Section of the "Dorotheum" (State Pawn House) of Vienna: this latter after a rather rough check of the figure considered it to be authentic, and a specialist for Gothic figures as well as a professor of the Viennese Art Academy were of the same opinion, so that the figure was offered for sale at the price of 18,000 Austrian Schillings at the next art-auction in Vienna, and sold during a public sale on 14th March, 1958, for 60,000 Austrian Schillings. The figure was generally believed to be a "Burgundian carving from about 1380."

Some time after this event, A. came one day quite unaware of these happenings to his colleague at Mondsee, and it was only then that he was told what price had been paid for the Madonna in Vienna. On October 10, 1958, A. determined to act, went to Vienna, and presented to the Art-Section of the "Dorotheum" his Madonna *with* the Child. When the expert of the Dorotheum announced that a check would be made of the figure, A. without saying a word took the auction-catalogue out of his pocket in which his Madonna *without* the Child was represented and marked as having been checked by experts, whereupon the Madonna with the Child was likewise declared to be authentic, and by the same experts as in the first case. In the catalogue for the next art-auction this "Burgundian" work was estimated at 100,000 Austrian Schillings, and offered for sale at 35,000 Austrian Schillings. Rifesser had not the slightest idea of all this. An expert of Salzburg finally indicated the error before the auction took place, and immediately afterwards Rifesser came forward.

The Criminal Police of Vienna dealt with the case, and A. was arrested for fraud. It was very difficult to seize two further figures made by Rifesser, and which A. had bought 14 days before being arrested. A. was hiding them in an isolated farm-house in a world famous skiing region of Salzburg, Austria. It was not difficult to guess what he intended to do with these sculptures, but as it was impossible to collect proofs against him for having committed an offence, they were handed back to him. He has already served his term of 20 months in prison, the end of his term was August 6, 1960.

Even the most honest intentions of Rifesser do not offer any guarantee of the fact that dishonest buyers might eventually misuse the "recreations" of Rifesser. Therein lies a great danger, as such a huge number of works by Rifesser exists. He is

also exporting to oversea-countries, and has received invitations from all parts of the world. His prices have of course increased essentially. Viennese art-dealers and art-critics tried in vain to induce Rifesser—on the occasion of a visit and of a press-conference in Vienna on February 16, 1959—to reveal the secret of his manufacture. Rifesser only condescended to mark his “recreations” as coming (visibly) from his work-shop.

Fortunately, no great problems is presented up to now regarding mediaeval forgeries. Conditions became by far more critical when *thieves* also profited from the boom of this branch of art.

Collecting of Gothic sculptures of wood began in Central Europe only about 1900, but soon took hold of larger circles of amateurs. After 1956, in Austria and the neighboring countries, the home-country of the most famous carvers—a collecting mania manifested itself which at first could not be cleared up. The services of the Criminal Police were inundated with complaints regarding thefts, and this as a consequence of this new fancy for works of art. There was a frightening increase of thefts committed in churches, chapels, dwelling-houses, small memorial way-chapels, and cemeteries. Everywhere the thieves had stolen mainly wooden carvings, eventually also sculptures made of stone or metal.

Dealing with these thefts had to be centralized in Austria. Only by taking energetic measures could this new kind of offense be prevented from extending too widely, and this type of thefts is still an element on the repertoire of European malefactors, although these thefts occur within tolerable limits. Adequate measures had to be recommended, and the Archiepiscopal Ordinary of Vienna warned all its dependent clergymen by a circular letter. In particular photographing of all endangered objects, making out of a precise description (for facilitating eventual searches) as well as adequate securing of the objects (fastening, locking of rooms, checks by patrols, etc.) were recommended—measures which should be self-evident. A further custom in the art-commerce complicated the activity of the Criminal Police. Among art- and antique-dealers it is not customary to ask about the origin, the quality and authenticity of an object. This would mean doubting the abilities of the supposedly expert buyer. It can easily be guessed where this misunderstood self-conceit leads, and this is being favored by the circumstances that nobody is equally expert in all fields of art. Since it is not possible for each dealer

to identify the object for the buyer by means of a certificate of origin, this ought to be done in all cases when juveniles or suspicious characters offer for sale authentic wooden sculptures.

Besides, this problem is a very old one. Figures of Saints and Madonnas carved in wood are today attributes to every “good” home. There are considerable exports to Germany, England, and the U.S.A. and such sculptures have recently been seen in the “dream”-apartments of the film-metropolis of Hollywood. In Austria thousands of authentic wooden sculptures are still being exposed to the eventual “grip” of criminals.

Each case offers different prospects of success to the Criminal Police. In the interest of the victims it is important that in all cases the police step in rapidly and that search-activities be developed quickly. In case such figures or statues are handed over from a licensed dealer to others, the rights of property of the prejudiced are being lost, also in case the stolen goods are sold by public sale (auction). Even behind the “Iron-Curtain” this new kind of offense could not be prevented from expanding. Recently wooden sculptures were stolen from a church in Prague, but soon recovered by the police.

I wish to illustrate by the following example of recent time how far also honest and by no means poor people can be driven by the mania of collecting and graspingness. On April 28, 1960, the respectable owner of a saw-mill, also joiner of antique furnitures and, above all, antique-dealer, Mr. R. of Brixlegg/Tyrol (Austria) was arrested. He could be convicted of having stolen three Gothic statues from the church called “Felbertalkirche” in Mittersill/Salzburg, Austria. R. confessed the theft which had been committed in 1957: at that time it was supposed that the statues had been sold to a foreign country. To the greatest surprise of all concerned the statues were discovered at a restaurator’s in Vienna, who had bought them bona fide from R. whom he knew as being a dealer. R. was very well known to all collectors and dealers in Austria. His arrest was quite a shock, for he was living in good financial conditions, was competent in matters of art, and, by the way, old enough to realize that he had done wrong. Of course, precise inquiries were undertaken in order to establish whether R. could be made responsible also for a number of other thefts of wooden statues which had been committed in the provinces of Salzburg and Tyrol.