

Studio Craft: When is a Copy a Forgery?



Fake Goya painting exposed as a later forgery by pigment analysis and x-ray imaging

Ask the Experts: “I am going to be making a copy of a painting I saw in a museum, and I got to thinking: What makes some copies forgeries and others just studies? Should I be concerned?”

A: We can't give legal advice on what constitutes a crime, but in our experience, making a legitimate copy for educational or personal enjoyment purposes is really common and rarely evokes any consideration of fakery. Usually there's little realistic chance a knowledgeable collector or curator will mistake most modern copies for historical originals just based on appearance. And, most artists making copies are concerned with the original artist's imagery and technique, much more than duplicating the superficial appearance of yellowed or cracked

paint. That said, there are some professional principles every artist needs to consider when it comes to copying the work of others.

Ask yourself a few questions: What is the reason I am copying this painting? How physically similar will my copy be to the original? Who will own the work when it is done? Is there a chance anyone will later try to pass off my copy as the original?



At left, “Jester Playing a Lute” by Frans Hals and at right, an interpretation by his contemporary Judith Leyster. Until the 20th c. Leyster's entire body of work was misattributed to Hals or her husband, despite her obviously distinct style

Artists have always liked making master copies, even very convincing ones, for their own personal enjoyment, and certainly there is nothing wrong with that. Some of the most celebrated artists throughout history have made copies of paintings they admired; Rubens, for example, made copies of important works by Titian while traveling as a diplomat. One snarky professor sarcastically said that every artist should paint a good master copy so that you'll have at least one painting worth hanging in your own home! We don't necessarily agree with that, but copying has a long tradition as a legitimate, respectable training exercise which some say is the best path to mastery.

The use of modern materials and slight differences in style normally eliminate the possibility that a copy

will be mistaken for an original based on appearance alone. Many museums permit artists to make copies on-site for educational purposes, however the copy must have different dimensions from the original so even a very close duplicate can easily be distinguished. Some artists choose to include a small flourish or signature of their own, primarily just for fun, but also to mark the copy.

It's good to pause before accepting a commission when a collector or dealer requests a master copy in the same dimensions as the original. Even if the client is trustworthy and the request is legitimate, artists have gotten in trouble when a copy by their hand ends up changing hands and is offered for sale as historical art. There have also been dealers in forgeries who have commissioned multiple no-questions-asked, exact-scale copies which ended up in museum collections, landing the artists in hot water. Especially if a commission specifies period-specific materials and a patina to mimic aging, we think caution is advisable.

The techniques and objectives of the forger are often different from the legitimate painter copying a work of art. A forger may use materials that match the age and place of origin of the original work, in order to cheat tests of authenticity. Using antique stretchers of the same age as the original, or a panel with worm holes, or scraping down an antique painting are examples of tactics potentially designed to deceive.

After completion, a forgery might be distressed, stained or soiled to create the appearance of age. One famous forgery was painted on a canvas which was flexed to induce cracking; the paint was subsequently removed with a scalpel and pasted to a very old wooden panel. This piece was revealed to be a fake when it was discovered that worm holes in the wooden panel support didn't continue through the priming.

Artists love a good forgery story. The execution is often admirable and ingenious; it takes a lot of skill to copy the work of a respected master. And if we're being honest, don't most of us like to see the experts fooled once in a while? It's important to realize, however, that a successful forgery often depends as much on burglary, falsification of records and other deceptions as to the forger's skill.

Criminals have been discovered inserting fake records of auctions into books in museum libraries to falsify provenance. The scholars and curators who had their reputations damaged over the purchase of a fake weren't just relying on their own opinions, they

were depending on records which were assumed to be trustworthy.

Because of the long tradition of making copies for legitimate reasons, and the difference in techniques and materials involved between new and old works, we don't think most artists really need to worry excessively when making copies in an honest endeavor. If you are considering accepting a commission that could place you in a gray area, however, it may be wise to seek legal advice before proceeding.