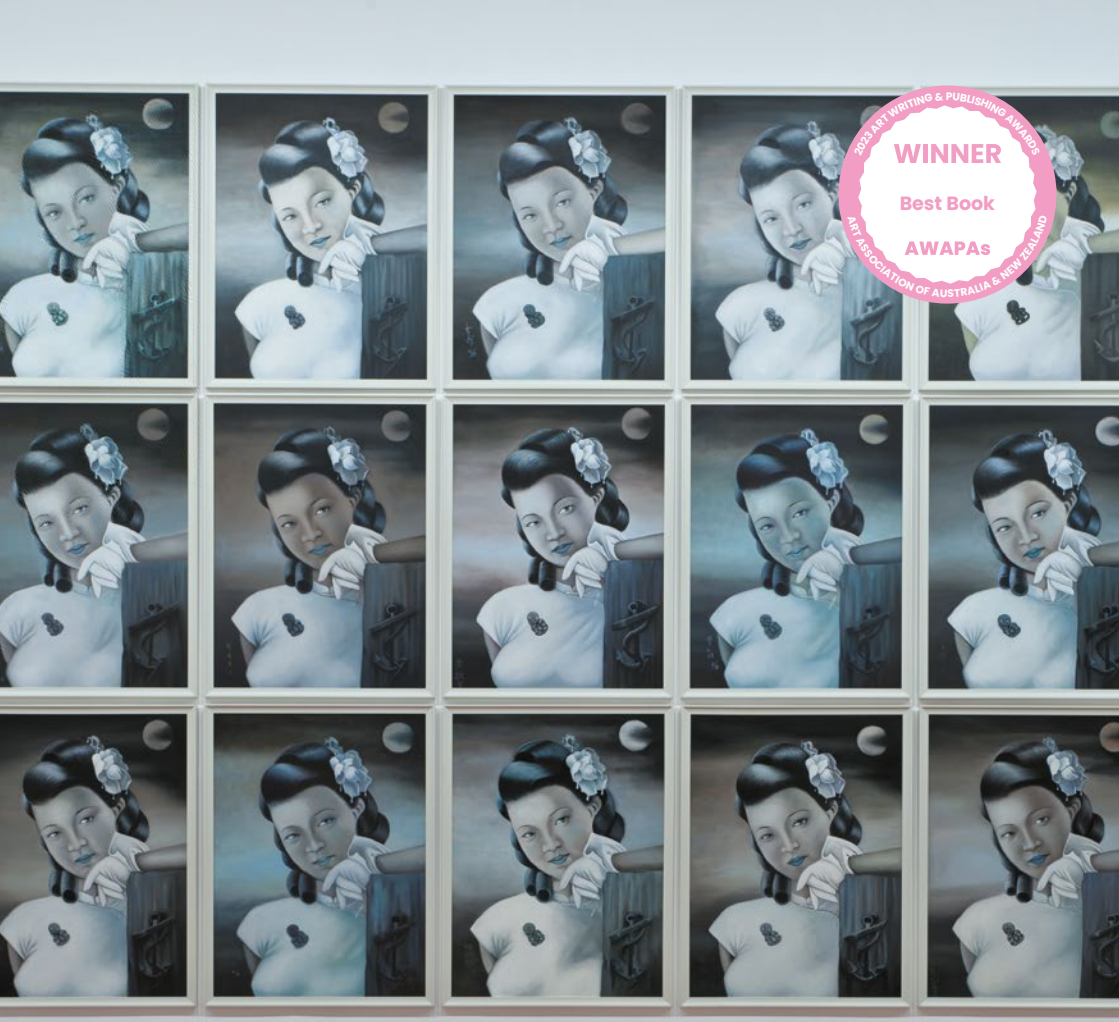


# The Art of Copying Art

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Penelope Jackson
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*For my creative sisters, Amanda and Eleanor.*

# Preface

Copying has existed simultaneously alongside the creation of authentic art since the earliest artists set to work. Copies have enjoyed a different status from authentic artworks and though often acknowledged, very rarely have they been considered collectively as a genre in their own right. My objective is to showcase the variety of examples, examine the motivations for making copies, and reflect on the reception of copies. Spoilt for choice, I chose examples that I have a personal connection with or ones that are considered both significant and topical. Copies fill voids in collections and are very much part of any art history. Readers will know of more examples of copies than discussed here and ultimately I hope they will interrogate them to ascertain a copy's role, its quality and, lastly, if viewing a copy changes their experience and perception of an artwork.

Tauranga, New Zealand — Penelope Jackson

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And last, but not least, thank you to my family who continue to encourage me in my pursuit of writing about art.

# Author Note

I have endeavoured to fairly represent the artists, dealers, galleries, museums, collectors, professionals, and others involved in matters written about in this book, and to seek permission where possible for use of sensitive content. In some cases, the person or organisation did not wish to engage in a dialogue or was deceased.

## A Note About Currencies

Currencies have been given in the country that the crime/event took place or in the currency where the media report was filed.

## A Note About Measurements

All measurements are given height before width.

## Cover Image

Installation of Heather Straka's exhibition 'The Asian' at Dunedin Public Art Gallery, New Zealand, in 2010. (Photo: Bill Nichol).

# Contents

# About the Author

**Penelope Jackson** is an art historian and curator. A former gallery director, Jackson is a founding trustee, and current chair, of the New Zealand Art Crime Research Trust. She is the author of *Art Thieves, Fakers & Fraudsters: The New Zealand Story* (2016), *Females in the Frame: Women, Art, and Crime* (2019) and has contributed to *Art Crime and its Prevention* (2016) and regularly contributed to *The Journal of Art Crime*. Jackson has curated major exhibitions, including: award-winning 'Corrugations: The Art of Jeff Thomson' (2013), 'The Lynley Dodd Story' (2015), 'An Empty Frame: Crimes of Art in New Zealand' (2016) and 'Katherine Mansfield: A Portrait' (2018). In 2020, she was the recipient of a University of Auckland/Michael King Writers Centre Residency. Jackson is based in New Zealand and also enjoys writing short fiction.

# List of Figures

Limitations of space prevent each work discussed being illustrated. However, the ones that are not reproduced here are easily accessed on the Internet.

CHAPTER 1

# Introduction: A Case for Copies

As a teacher of classical studies at a regional New Zealand state secondary school during the 1980s I faced a major challenge – the lack of access to original artefacts dating from the Greek and Roman period of history. The closest experience for my students was a day trip to the Auckland War Memorial Museum, where there were a few Greek vases, fragments of domestic ware, and the trump card – plaster casts of antique sculptures, the most imposing being the *Death of Laocoön and His Sons*. With a height of 2.22 metres, and positioned at the time on a stairway landing, the monumental Hellenistic sculpture of a group of writhing muscle-bound men and snakes, gives the Pacific viewer – and a teenage one at that – little insight into the world in which it was made. In lieu of the marble finish of the original, Auckland's copy has a smooth plaster finish, over-painted in glossy white paint, giving it an odd flattish finish, devoid of texture and colour as seen in the original at the Vatican. Unfortunately, something is lost in translation between the original and the copy made centuries later, or is this perception arrived at because we know they are copies? But arguably for my students, experiencing a copy was better than experiencing nothing at all.

Plaster copies of antique sculptures can be found throughout the Southern Hemisphere; for decades, students at art schools spent at least a year of their undergraduate fine arts education studying and making drawings of plaster cast copies. This was a prerequisite for drawing from life. Their European counterparts were more fortunate, having access to the great sculpture halls in museums and public art galleries. Furthermore



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European historic homes, especially those that collected avidly during the Neo-Classical era, often had superb examples of both original and copies of sculptures. Added to this is the complexity of generations of copies; in other words, copies of copies and how much of the original might change during the process of it being made. This can be complex to measure; yet surely the original artist's intent and delivery is lost especially when size and materials are adjusted, or completely changed, from the original. Or, if the copyist is working from a drawing or a photograph, a degree of detail may well be misinterpreted or altered altogether.

In short, there are four basic premises about copying:

1 A copy is the replication of an image by the original artist or by another
2 Copying has historically been used as a tool for students and emerging artists to learn about process and technique
3 Copying an artwork is legal
4 Copies (or works in the style of an artist) become forgeries when the intent is to deliberately defraud

There are many different kinds of copying and often the correct term is not assigned correctly to an item or process – all copies being lumped together, regardless of agenda, motive and intent. Copying can have negative connotations, but there are many positives to be championed, of which many examples will be showcased in this book. Copying comes in many forms and is produced for many different objectives. Process and intent vary greatly. To demonstrate the wide range of copies, here are three cases showcasing different kinds, and motivations, of copying.

The first one is found in Norwegian crime writer Jo Nesbø's book *Headhunters*. Nesbø's protagonist, the art thief Roger Brown, steals to support his extravagant lifestyle. He helps himself to an Edvard Munch (1863–1944) lithograph, swapping it out with a copy he's printed at home. It took just four minutes to execute the swap.[1] Okay, so this is fiction but the truth is that the technology for making copies is advancing all the time and that Brown's actions are totally feasible and realistic. In fact, in mid-2021 a report emerged from Italy stating that 120 original artworks, owned and displayed at the office of public broadcaster RAI (Radiotelevisione Italiana), had been found to be copies. Original etchings by artists such as Monet, Sisley and Modigliani had been switched out of their frames and replaced with copies. Clearly, the copies were convincing

as some of them had been on display since the 1970s without anyone twigging to their lack of authenticity.

The second copy is located in the Australian town of Ballarat. A large painting, titled *Ballarat*, hangs in a prominent position in the public art gallery.[2] Painted by the English artist James Edwin Meadows (1828–1888), the work depicts the town from a bird's-eye view. Meadows never visited Australia, let alone flew above the burgeoning town that was built quite literally on the proceeds of gold mining. Meadows copied an engraving made by Samuel Calvert (1828–1913) for inclusion in the *Illustrated Australian News* on 11 June 1884. Calvert's work was not completely authentic either for he'd copied a drawing by another artist, A. C. Cooke (1836–1902). In effect, Meadows' interpretation is from a copy of an original drawing; though Meadows' painting is original in a physical sense, its content is not. It is a third generation image of the same scene.

There's another way of looking at *Ballarat*; given it was made by hand, and not a commercial reproduction, it could therefore be considered original. Plus there are no other paintings the same, or similar. Therefore, is it a copy? Perhaps a better way to catalogue *Ballarat* is to think of it as an interpretation, or an appropriation, of someone else's image. In other words, the idea behind the image wasn't Meadows' but the way it is presented was. This is why copying – both the process and labelling – is complex. Meadows' intent was to celebrate and record the thriving town and, interestingly, a British artist was commissioned to undertake the task rather than an Australian, though he relied heavily on Calvert and Cooke who both resided in Australia. Today the painting, which hangs proudly in the town's public art gallery, is incredibly useful as an historical reference especially for the layout of the town and is early architecture.

The third example is located at the Louvre, or rather the original is. You could choose almost any work on display at the Louvre and someone at some stage will have copied it. Randomly, I've chosen *La cruche casseé*, by French painter Jean-Baptiste Greuze (1725–1805), dating from 1771. As the title suggests, *La cruche casseé* (*The Broken Pitcher*) depicts a beautiful young woman carrying a broken pitcher, the contents of which she has hastily gathered in her ruched-up skirt. The subject matter alludes to the loss of her virginity. A quick Internet search reveals several copies worldwide – some are very good, others not so good. Most copies are labelled 'after' or 'copy'. However, one that came up for auction in March 2021 was labelled 'Manner of Jean-Baptiste Greuze'. Such labelling is an oddity given it is clearly a copy of Greuze's original painting, but it does highlight

the different labels associated with copies. *La cruche casseé* was popular with copyists in the nineteenth century; between 1893 and 1903 there were 259 copyists registered to copy *La cruche casseé,* while Jean Massard (1740–1822) and Alfred Revel (d.1865) both made an etching of the painting and these regularly come up for sale. Certainly Greuze's painting was popularised because it was copied. Like many paintings at the Louvre, *La cruche casseé* was copied by emerging artists, including James McNeill Whistler (1834–1903), as a way to learn the craft of painting. Copying in this context was very much about honing one's painting skills. However, if one of these copies was sold as an authentic Greuze then that is a very different story. There's another aspect to looking at the history of copies made of a particular artwork used for copying, and that is an indicator of taste and fashion. As noted, Greuze's *La cruche casseé* was particularly popular during the late nineteenth/early twentieth centuries. This is basic supply and demand indicating taste. Twenty years later, tastes changed dramatically from Greuze's sentimental academic style.

This book goes some way to showcase not only the breadth and depth of the topic of copying, but also that since humans began making art they have also copied and yet copying is not captured in mainstream art history narratives. It used to be that no copy was the same as the next. Technological advancements have assisted in curtailing this nuance. Each chapter of this book interrogates copying in relation to the motivation and intent for making copies. Case studies have been selected on the grounds of being good examples to illustrate these motivations. There are, however, endless examples and readers will know of, perhaps even own, many others.

As suggested, my interest in copying was piqued by living in New Zealand, as well as making regular visits to Australia. Copies are plentiful 'down under'.[3] On one level, this is due to our history of being nations at the edge of the empire. We are now proud Pacific nations who continue to forge our country's identities, including our indigenous cultures. However, our European history includes copies in public and private collections, churches, government buildings, educational facilities, and so on. Some copies have been stored as long as records exist, and have been superseded by authentic original works, are in bad condition, or are an embarrassment since they reflect colonial attitudes to collecting. But copies of art are part of our history and, more specifically, our art history and visual culture. This study looks at copying as a collective, as a genre in its own right.

Copying is a generic overarching term. There are many types of copies and these can be broken down into: legitimate copies, replicas, editions, and handmade prints after an original such as etchings and engravings, knockoffs, commercial reproductions and facsimiles. The various categories are often used interchangeably, incorrectly and ad hoc. At times, the term copy is used to describe a fake or a forgery. This can be deliberate on the seller's behalf for copy sounds better and has more positive and legitimate connotations, especially when compared with such fraudulent terms. Each type of copy represents a different kind of process, intent and motivation. For the sake of clarity, a copy is not an original work of art. It is made after another artwork; in other words, the concept of the image and the process of making it is not that of the copyist. The copyist borrows everything about the image from the original authenticated artist. Copyists will also make slight alterations, especially when it comes to size or media. Some will see the art of making a copy as a form of flattery to the original artist. In fact, economists Françoise Benhamou and Victor Ginsburgh have gone as far to say: 'A work that does not inspire copies is a dead work.'[4] In some instances, copies are used deceitfully; in others, they replace works that are not accessible or are too vulnerable to exhibit.

Copies should not be confused with fakes or forgeries. A fake is something pretending to be what it is not. For instance, fake lawn looks like lawn and has the same function, but it is not lawn in the natural sense of the term or object. Generally speaking, fake art is not made to deceive but it does have the ability to, especially if an amount of time has lapsed since its making and/or information pertaining to its history is lost. Fraudulent art is made with the intent to deceive. The act of trading a forgery, the object, is fraudulent and therefore illegal.

For the most part, my focus here deals with paintings and sculptures to illustrate the motivations for copying. Printmaking is discussed only when it relates to these cases. However, I have not looked at printmaking singularly as an art form as that deserves a book in its own right. In short, however, an artist who makes a limited numbered edition screen-print, for instance, is making original works of art. Historically, printing plates for etchings and engravings were sometimes passed into the hands of another artist, both legitimately and fraudulently. The history of printmaking is layered with copying of different forms. In some cases artists oversaw, and still do, others actually doing the printing. This too is considered original. However, there are multiple cases where prints are made fraudulently. Take, for example, New Zealand artist Dick Frizzell (b.1943), who is

constantly on the lookout for 'knock offs' of his prints. In 2016 his prints appeared on an online auction platform for sale. They were not his work, but rather came from a con artist who photographed the original print and then had it copied onto photography paper. Fortunately for Frizzell, the name of the printer was on the back of the work, making it easy to track down the seller.[5] Fraud aside, the would-be buyer had viewed a digital image of a print of a photograph of an original print. Even with good technology something of the original has to be lost in translation here. In a contemporary context we are more attuned to this kind of behaviour. However, historically plates of etchings and engravings were sold, and reworked. When printed with alterations made to the original plates, these are known and numbered as a 'state'. Take Rembrandt van Rijn's (1606–1669) most celebrated etching, the *Hundred Guilder Print* of 1647–9. The image depicting scenes from the Gospel of Matthew: 19, has several other names, including *Christ Preaching* and *Christ Healing the Sick*, but became known as the *Hundred Guilder Print* for, as the legend goes, that's how much Rembrandt had to pay to purchase one of his prints back. Rembrandt made two states of his work and then in 1775 Irish printmaker William Baille (1723–1810) acquired Rembrandt's copper plate and printed 100 impressions from it. They can be found in collections around the world and are accepted as the third state of Rembrandt's groundbreaking work; stylistically and technically, the *Hundred Guilder Print* has been likened to his painting *The Night Watch* in terms of its influence and significance. Baille went on to cut the copper plate into four, and print and sell them as separate works. And we might ask if, by making four separate works, they should be considered as originals?

Before leaving Rembrandt and printmaking, I want to mention one more type of copying: the counterproof. In 1641 Rembrandt made an etching titled *The Windmill* (which interestingly also cost 100 guilders in his time). It depicts the Little Stink Mill with an adjacent dilapidated cottage on the outskirts of western Amsterdam. In the centuries that followed, Rembrandt's original copper plate was reworked by others; it was legitimately countersigned by the later artists who were well known for their reprints. However, in New Zealand's national museum there is a copy of *The Windmill* that was reworked by the Smith brothers of Chichester, England, to be included in an eighteenth-century art book that was acquired by New Zealand's former Dominion Museum in 1910.[6] However, at some stage plate marks were added to *The Windmill* as can only be assumed in an effort to sell it as an original Rembrandt.[7] A

counterproof print is made from taking an impression off a wet print; to do this you have to have an etched plate, which is usually made after the original. Given it is easier to copy the image directly onto the plate this means that when printed it prints in reverse. In turn, the counterproof is the original way around. In this instance, *The Windmill* looks to be original as the plate's indention on the paper is visible. However, there are tricks to mimic a plate's impression. If the counterproof is put back through the press with a blank copper plate, an indentation will be forced into the paper. Alternatively, a line can be scored around the edge of the image to mirror a plate mark. Counterproofs are usually lighter in tone too given the reliance on reusing ink off the first print. The counterproof is yet another kind of copy, albeit with a different motivation behind its production. In 2016 auctioneers Christie's offered one of Rembrandt's *The Windmill*; it sold for £98,500, confirming, as always, that Rembrandt's work is highly valuable (and therefore of interest to the forger).[8] This example, and those discussed above, goes some way to demonstrate the complexities around printmaking and copies of prints. Rembrandt, and Albrecht Dürer (1471–1528) two centuries earlier, were trailblazers when it came to intaglio printmaking and now art history has shown that their oeuvres are the most copied of all artists.

As a subject the art of copying prints has been studied and publicised through such exhibitions as 'The Art of Copying: Copycat' at The Clark Art Institute in 2014, where the focus was very much on technical and interpretative skills rather than originality.[9] In the exhibition an example from Dürer's *The Life of the Virgin* was shown next to Marcantonio Raimondi's (1480–c.1534) copy of the same image. *The Life of the Virgin* (1502) consists of 19 woodcuts and a frontispiece. It was an instant sellout success for Dürer. Raimondi acquired a set and copied them in the form of etchings. In 1506 he had Dal Jesus – a family-run printing house – to print them. Raimondi's copies were good, which was no mean feat given he was translating woodcuts into etchings. In fact, they were so good that Dürer only realised they were fake copies when he spotted Raimondi's own monogram secreted within the compositions. He'd kept Dürer's famous AD monogram too. Dürer brought legal proceedings against Raimondi:

> The Venetian court ruled that Raimondi wasn't at fault for being such a skilled artist that buyers mistook his work for Dürer's and told Dürer he

should be flattered that such artists wanted to copy his work. The German master was unimpressed with the court's decision.[10]

In fact it was this case that is seen as a pioneer in issues of artistic copyright and intellectual property. However, Raimondi didn't stop copying the work of others; he was banned from using the AD monogram – though not from making Dürer reproductions altogether. Unrelatedly, in 1526 Pope Clement VII had Raimondi imprisoned for his work *I Modi* (*The Positions*), which was an illustrated pornographic manual of sexual positions. Perhaps this was some kind of comeuppance for breaching copyright!

Relatively speaking, copying was accepted up until the eighteenth century, when the idea of copyright was formalised and introduced. The Statute of Anne (1709–10) was initially introduced to protect writers against others copying their publications but soon it became apparent that artists too needed protection from those stealing their original artistic ideas. The great British artist William Hogarth (1697–1764) became fed up with others making inferior copies of his images and selling them. By this time newly developed techniques for making engravings meant that copying was cheap and easy. Hogarth lobbied Parliament for the protection of artists' rights and in 1735 the Copyright Act, colloquially known as the Hogarth Act, was passed. Copyright law is complex but essentially an artist, as a matter of right, has copyright over their original work. Copyright is the automatic right to protection against infringement. However, in America, for example, artists are also encouraged to register their works with the United States Copyright Office. The original artist also has the right to make copies, or adaptations, of their own work (think, for instance, of Raphael's (1483–1520) two *Virgin of the Rocks* – the Louvre version painted in 1483–6 and London's National Gallery one dating from 1495–1508). The length of copyright differs from country to country; in the United Kingdom copyright lasts for 70 years after the artist's death whereas in New Zealand it is 50 years.

There is certainly a role for copies – as demonstrated with my opening example of *The Death of Laocoön and His Sons*. Not all copies should be written off as bad or as an insult to the original artist. Indeed, copying in some contexts is seen as flattery. If we took the attitude that copies are bad, then we would have to discount the monks of the Middle Ages for they copied the Gospels. Admittedly, they added their own personal touches, but fundamentally they copied. Technology put a stop to this practice, with the printing press revolutionising the written word and the

image in the fifteenth century. However, the printing press went on to create copies of a different variety, a form of expression that is continued in contemporary society through high-quality commercial prints.

As copies can be and are often passed off as authentic, they also play a place in the world of art crime. This fraudulent practice is a thorn in the side of the art world. As copying becomes more sophisticated – as does, fortuitously, the ways of detecting copies – there is big money to be made from selling copies under false pretences. Only some such sellers get caught, as in 2006 when Tatiana Khan, a West Hollywood art dealer, sold a Pablo Picasso (1881–1973) pastel drawing titled *The Woman in the Blue Hat* (*La Femme Au Chapeau Bleu*) (1902) to Victor Sands for USD 2 million (see Chap. 9 for more about Tatiana Khan). The quantity of fraudulent sales practice is impossible to measure with any accuracy.

Today, copying is big business; those who desire a Claude Monet (1840–1926) or a Rembrandt can simply order a copy online from Dafen, China (or rather an 'original copy', as a headline read in *Artforum* magazine).[11] A copy will be painted – to your size specification – and couriered to you anywhere in the world. It is cheap and easy. The purist art collector does not support this practice, but ultimately it means that people are engaging with art and purchasing images they want to see on a regular basis, which perhaps should not be scoffed at.

There is an element of snobbery when it comes to original versus copy. We are conditioned to admire and value the original over the copy. Art is meant to be unique and, therefore, original. Sadly, it comes down to value, in a monetary sense. Monetary value is also a moveable feast; a 1998 exhibition in Paris made it clear that Vincent Van Gogh's (1853–1890) copies of Jean-François Millet's (1814–1875) works were possibly more valuable than the Millet's originals. Millet was influential in the nineteenth century, but Van Gogh is an artistic global superstar. An artwork's value can plummet if it is found to be a copy or fake; a case in point is Gottfried Lindauer's (1839–1926) *Portrait of Kewene Te Haho*, which went from NZD 121,000 in 2001 to a fair-value market insurance value of NZD 5000 in 2016 (see Chap. 6: Copies in Public Collections for more about this portrait). In reverse, if a copy is discovered to be an original, the value can change astronomically. Raphael's wee painting *Madonna of the Pinks* (*'La Madonna dei Garofani'*) (c.1506–7)[12] is a great example; in 1991, with a status of being a copy, it was worth an estimated £8000.[13] In 2004, after it was confirmed to be an authentic Raphael, London's National Gallery acquired it for £22,000 (and substantial tax advantages for the seller, the Duke of Northumberland).[14] Since its acquisition, *Madonna of*