

The Giacometti Legacy: A Struggle for Control

For more than a decade, Alberto Giacometti's estate has been entangled in fierce personal and legal conflicts, drawing time, energy, and money away from the study of the artist's work.

The establishment of the Giacometti Foundation hasn't brought an end to the lawsuits

BY MARC SPIEGLER

The Cour de Rohan, a series of three courtyards built in the 15th century at the heart of the Latin Quarter in Paris, has a rich cultural history. During the 1930s, Balthus had a studio there. In the postwar years, Georges Bataille threw parties attended by fellow writers Jean-Paul Sartre, Simone de Beauvoir, and Albert Camus. For a time in the 1970s, David Hockney painted there, before decamping to Los Angeles.

In 1989 Annette Giacometti, widow of the Swiss sculptor and painter Alberto Giacometti, bought a building in the courtyard, a three-story house that her late husband's friend Balthus had once painted from his studio window. There she installed the Alberto and Annette Giacometti Association, which she had established as the first step toward a full-fledged Giacometti foundation. But the foundation was still only a project in 1993, when Annette died, and since then the building has become the battleground in a conflict that is stunning, even by Parisian standards, for its length and fierceness. Involving more than a score of lawsuits, these hostilities delayed the creation of the foundation for another decade and cost the Giacometti estate at least \$12 million.

One day in July 2001, a squad of men—including movers, a deputy police commissioner, bailiffs, and a locksmith—descended on the building, bearing a court order to seize Annette's archive. Overseeing the operation was judge Hélène da Camara, appointed in 1999 by the French government to han-

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Alberto Giacometti in his
Paris studio, 1954.
OPPOSITE *Walking Man II*,
1960.

dle Annette's estate and to promote the foundation's existence. Da Camara had rapidly come into conflict with Mary Lisa Palmer, who began to work as Annette's personal secretary in 1974 and has been director of the association for the last decade. Acting on an allegation that Palmer was tampering with the archive, da Camara had been granted judicial permission for its seizure.

The locksmith proved unnecessary; a stunned Palmer admitted da Camara and the men. In the course of a week, the squad removed 138 boxes of books and documents, including all the material collected by Annette for the planned catalogue raisonné of her husband's oeuvre. Each time the police left, they sealed the doors to keep the association's staff out. No sorting of the papers or photocopying was allowed. "The whole experience was terrible," Palmer recalls. "Watching the documents being carried away felt like someone gouging out a part of my body."

The battles surrounding Giacometti's legacy have been complex; they parallel the way he lived. Both Giacometti's personal life and his business affairs exhibited a sort of barely controlled chaos. Born in 1901 into a family of artists near St. Moritz, Switzerland—his father, Giovanni, and second cousin Augusto were renowned painters—Giacometti went to



Hélène da Camara watching the sale of 36 Giacometti bronzes at Christie's Paris, 2002.

Paris to study sculpture under Antoine Bourdelle in 1922 and stayed there until his death, in 1966, leaving only to escape the German occupation during World War II. Sitting out the war in Geneva, he met the 20-year-old Annette Arm. She returned with him to Paris and they were wed in 1949. Theirs was a difficult marriage. In addition to Annette, Alberto had a stream of romantic entanglements, including a long-running and very public affair with a prostitute known as Caroline, who became one of his most frequent models.

In the 1950s, Giacometti's paintings, drawings, and, especially, sculptures captured the art world's imagination. Promoted by the Pierre Matisse Gallery in New York and Galerie Maeght in Paris, he gained renown on both sides of the Atlantic and amassed a fortune. Yet when he died, of heart failure at age 65, the artist left no will. "Alberto was never organized or planning ahead," says Christian Klemm, director of the privately funded Alberto Giacometti-Stiftung (Foundation) in Zurich, which has the world's greatest collection of Giacometti's works. "For example, when he died, his brother Diego—who had worked for Alberto his whole life—had nothing extra to show for it."

Giacometti's estate, both artworks and money, was divided according to Swiss law: five-eighths to Annette and three-eighths to the artist's Swiss family, consisting of his younger brothers, Diego and Bruno, and his late sister Ottilia Berthoud's son, Silvio. (Diego and Silvio have since died, leaving their shares of the estate and their rights to Bruno and to Silvio's children.) Annette ended up with almost 700 artworks, while a group of more than 200 plasters was left undivided, with any revenues from their casting to be shared in the same proportions as the rest of the estate.

Annette, 43 at the time of his death, acted energetically to preserve her husband's legacy. She had the contents of his Paris studio removed and stored, including sections of the walls on which he had sketched or made notes. She also began tackling the problem of dubious pieces that were clouding her late husband's market. These had started to pop up during the mid-1950s, when his prices took off, in the form of both outright forgeries and unauthorized recastings of authentic sculptures.

Hoping to stanch this flow of fakes, Annette started collecting information for a catalogue raisonné immediately after Alberto's death. For more than two decades, as she amassed data, she also pursued forgeries, authenticated works, and requested that sculptures be brought to her by their owners so that frequent anomalies in editioning could be sorted out. "Giacometti was not very strict with numbering," says Franck Giraud of the Paris and New York art consultancy Giraud Pissarro Ségalo. "I've spent 20 years working with his artworks, and I'm still discovering strange things with his sculptures. Sometimes I've found there are two number twos and no number five."

Despite such problems, Giacometti's market has risen consistently for a half century; his works regularly count among the top lots at auctions and are prime attractions at art-fair booths.

In 1988 Annette set out to create a foundation that would formalize the mission she had undertaken. Under French law, art foundations are very difficult to establish. They require the approval not only of the culture minister but also of the interior minister, and permission is not granted easily; problems in the past have made the government wary when assessing a potential foundation's cultural contribution and long-term viability. As an intermediate step to keep the work moving, in 1989 Annette established the Alberto and Annette Giacometti Association, buying the \$2 million building in the Cour de Rohan as its headquarters and donating \$3.6 million to fund its operating costs. The board was composed mostly of academics and writers, including Jacques Dupin, author of the 1963 monograph *Alberto Giacometti*, the earliest on the artist. The British art historian David Sylvester joined in 1993 and remained a member until his death in 2001.

The association's initial constitution specified that it would be dissolved after five years if the foundation had not yet been established. That seemed plenty of time, especially after the association's request for foundation status had met with a warm reception when submitted to culture minister Jack Lang. "Given the quality of the work, the size of the initial endowment, and the quality of the people on the board, I can only give a positive assessment to this request," he wrote in a 1991 letter to Philippe Marchand, minister of the interior, whose approval was also required. But Marchand never followed up on Lang's advice.

The following year, 1992, Annette was put under guardianship after a judge ruled that illness had made her no longer

competent to manage her own financial affairs. In July 1993, she died of stomach cancer, leaving almost everything to the future foundation. Annette's friend, the photographer Sabine Weiss, took over as president of the association not long after Annette's death and still holds that position.

During the next ten years, the association did not dissolve but rather became embroiled in a series of legal battles involving a wide array of players. On two occasions, in 1994 and 2002, Giacometti works were auctioned off from Annette's estate to pay the massive and ever-mounting administrative and legal bills. Both sales ignited still more media controversy and lawsuits—over the choice of auctioneers, the items selected for sale, the handling of the auction itself, and the dispersal of funds the works had generated.

"There was a huge pot of gold here, and everyone dug into it," says one well-informed source in the Parisian art world, who asked not to be identified. "Some dug in with a shovel, some with a ladle, and some with a teaspoon. Perhaps the biggest problem was that there were no direct inheritors to defend the estate from the other people digging in."

Several proposals for foundation status foundered, as successive culture ministers questioned the project's focus, its economic viability, the competence of the association's members, and its plans to have a museum-style exhibition space. Outraged at the continuing delays, in 1998 Lang, who was no longer a minister but was still an important politician, told the French newspaper *Le Monde* that the Giacometti foundation matter "clearly demonstrates the timidity of the government, the protectionist tentacles of the state museums, and the lack of vision among those responsible for cultural affairs."

Less than a month later, Catherine Trautmann, who had been culture minister since 1997, declared herself in favor of the foundation's creation. She had commissioned a study on the matter, which concluded that the association had become an obstacle, due to its tense relations with Giacometti's Swiss relatives and its many ongoing battles. Thus, in 1999 Trautmann appointed Jacques Vistel, former president of the Musée Rodin in Paris, to oversee the birth of the foundation. Yet it was not until December 2003, a dozen years after Lang's upbeat appraisal, that the foundation finally gained approval from the French government. Vistel is president, and Véronique Wiesinger, an art historian he hired in 2000 to research the estate's holdings, is director.

Theoretically, the formation of the Fondation Alberto et Annette Giacometti should have spelled the end of the Association Alberto et Annette Giacometti. Yet the older organization continues to exist, its officers contending that the newly established foundation is a travesty that ignores Annette's true intentions. Their two main objections are that the foundation includes no one from the association and that it has no exhibition facilities.

"Though Annette never formulated it in an explicit way, sadly, there's no question she wanted to show the works in the foundation itself," says Weiss. "She didn't want anything to leave the estate. She even saved the pots that Alberto soaked his painting rags in."

**Bust of Diego, 1955,
sold last November for
\$2.4 million at Christie's
New York.**



**A lithographic portrait of
Annette served as the cover
for Jacques Dupin's 1963
monograph.**





Such imbroglios over an artist's estate are not unusual. In the case of Giacometti, however, the peculiarities of French cultural regulation also played a major role. Because the government makes it so difficult to set up an arts foundation, there are relatively few in France. Only ten are devoted to a single artist, including Jean Arp, Victor Vasarely, Le Corbusier, and Georges Rouault. Commonly, an artist's family pays off its inheritance taxes—often 50 to 60 percent of an estate's worth—with a *dation*, a negotiated process through which major works are transferred to the *Musées de France*, a centralized body coordinating holdings for the country's museums. (In Picasso's case, his works became the core holdings of a new Picasso Museum in Paris.) During the mid-1990s, when it seemed doubtful that a Giacometti foundation would ever materialize, government representatives reportedly toured the warehouses to look over the available works.

"The French museums were against the idea of a foundation," says Klemm, "partly because the French are very *étatiste* [state-centric], and partly because the country had had some bad experiences with foundations."

Indeed, there has been a long history of French foundations' failing to meet expectations or even of their becoming the subject of scandal, such as the embezzlement case that damaged the *Fondation Vasarely* in Aix-en-Provence and the competition among three foundations

for control of the Jean Arp legacy. "Foundations here are seen like a *Légion d'honneur* medal for artists," says veteran art-world journalist François Duret-Robert of Paris, who has a law diploma and specializes in art-world jurisprudence. "While they may help the artist's reputation survive, the cost is often catastrophic. It's like using a locomotive engine to sharpen a pencil: there's so much effort involved to create foundations, but how many people actually visit them? Very few."

Still, art-world observers thought the chances for the Giacometti foundation looked good. The artist's international renown seemed guaranteed to attract sustained interest from academics and the general public. Annette's substantial estate averted the risk that funds might run short. But what many considered most encouraging was the involvement of politician Roland Dumas, a collector who had served as Picasso's lawyer and then as executor of his estate. A powerful Socialist Party leader and a confidant of French president (from 1981 to 1995) François Mitterrand, Dumas was a decorated member of the Resistance, a well-connected lawyer—and a notorious playboy. He served as France's foreign minister from 1984 to 1986 and again from 1988 to 1993.

Dumas met Annette Giacometti in 1970, four years after Alberto's death, and soon thereafter began serving as her lawyer. When she decided to set up the foundation, in 1988, Dumas drafted the papers. He also engineered the acquisition of the building in the Cour de Rohan from politician Claude Cheysson, his predecessor as foreign minister.

But almost immediately after Annette's death, says Mary Lisa Palmer, she sensed trouble brewing with Dumas. At the reading of the will, the notary suggested that in his opinion it would be difficult, if not impossible, to establish the foun-

Annette, 1951. She was only 20 when she met the artist in Geneva during the war.



The Cage, first version, 1950, original plaster with traces of paint.

TOP: ALBERTO GIACOMETTI FOUNDATION/KUNSTHAUS, ZÜRICH/©2004 ARTISTS RIGHTS SOCIETY (ARS), NEW YORK/ADAGP, PARIS; BOTTOM: PER HÜTTNER/FOUNDATION ALBERTO ET ANNETTE GIACOMETTI, PARIS/©2004 ARTISTS RIGHTS SOCIETY (ARS), NEW YORK/ADAGP, PARIS

dation. “Dumas did not contest that interpretation, which I found shocking,” recalls Palmer. “We had always had a very good relationship, right up to the point of Annette’s death.”

Equally distressing to Palmer was the fact that Dumas was named heir to everything, except Annette’s private residence and some furniture, which went to her brothers, Claude and Michel Arm, both residents of Switzerland. In newspaper interviews, Dumas later said this was done because the not-yet-approved foundation could not legally inherit the work. Palmer says she pointed out that the tactic was unnecessary, since a law passed in 1990 made such planned foundations potential heirs. Dumas then petitioned a Paris tribunal for a ruling that made him the executor of the will, rather than its beneficiary—a situation he later claimed to prefer anyway, due to the onerous tax implications of inheriting such a large estate.

Palmer says she was also dismayed by the person Dumas chose to handle the inventory and appraisal of Annette’s estate: his friend Jacques Tajan, founder of Étude Tajan, France’s largest auction house, and also a Mitterrand confidant. Tajan made no pretense of supporting the foundation’s creation. To him, a *dation* seemed the only reasonable solution. His main objection was the presence of Palmer and Weiss. “I thought immediately that it was the wrong group of people to evolve into a foundation,” he explains, sitting in his antique-filled Paris office. “They hardly seemed competent to handle such an enormous legacy.”

Relations were further strained when Dumas decided in 1994 that the estate should auction off works to defray the costs of inventory, storage, and legal fees. Tajan asked Palmer to act as the expert for the auction, offering her a 3 percent commission on the hammer prices. But she refused to take any part in the event, which she thought ill-advised and profit driven. So Tajan chose the works himself, selecting 18 pieces to create a high-profile auction.

All of them sold, for a total of \$7.8 million, well above estimates, but the fallout for Tajan continues to this day. One of the few things agreed on by the old association and the new foundation is that Tajan’s 1994 choices damaged the estate. “The selection of works was clearly inappropriate,” says Wiesinger. “It’s incomprehensible that Tajan chose paintings and unique sculptures when there were posthumous editioned bronzes that could have been sold instead. The selection is even more incomprehensible when you consider that we have so few paintings in the estate. Yet Tajan selected among the best for his sale.”

Adding to the controversy, Tajan broke French auctioneering law by selling a work after the sale. According to him, the international dealers David and Joe Nahmad, who are business partners, had unknowingly gotten into a bidding war with each other during the sale, driving up the price of the sculpture *Nu d’après nature* to Fr 1.8 million (\$330,000). Realizing this afterward, Tajan says, he retrograded the sales price to Fr 1.2 million (\$225,000), the point at which the Nahmads supposedly began bidding only against each other.

“That’s totally untrue,” says David Nahmad. “It’s a joke. Are we stupid men, bidding against each other? Tajan came to us after the sale and offered it to us.” Confronted with the Nahmad brothers’ version of events, Tajan responds only that “the courts will decide.”

The piece was listed as unsold in France’s publication of record on auction matters, *La Gazette de l’Hôtel Drouot*. Tajan

says it was an oversight. But Palmer was surprised to discover the piece in the Nahmad’s Swiss free port two years after it went officially unsold.

“Yes, I sold the piece after the sale,” Tajan admits. “But this had become common practice in the French art market, and the law forbidding it has since been taken off the books.” In fact, during the controversy over the private sale, he publicly divulged similar postauction private sales to several august Paris institutions—including the Louvre and the National Library—in his auction-house newsletter, *L’Optimiste*.

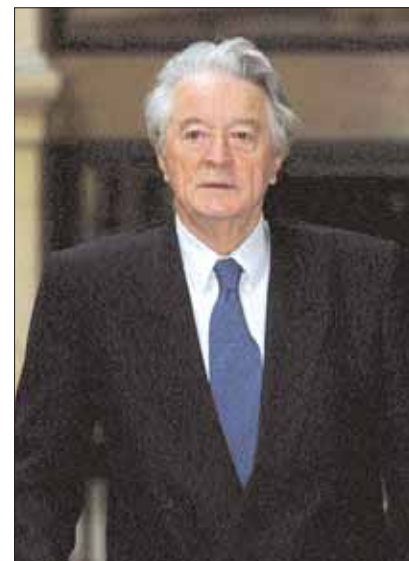
Dumas and Tajan have been summoned to court this month to explain their handling of the estate. Why, for example, did \$1.5 million from the 1994 auction’s revenues stay in Étude Tajan’s accounts for the next five years rather than being handed over to the estate?

“The notary who was supposed to handle the estate’s funds, Pierre Chassagne, was quite ill, and we thought a foundation was imminent,” Tajan says. “So Dumas told me to just keep the money in the meantime, and I set up an in-house account. All the bills for the estate, for things like storage and insurance, came to me. I would show them to Dumas for approval and then pay them out. Involuntarily, I became a central figure in managing the estate.” Such administrative tasks were paid. Tajan reportedly received \$1.1 million from the estate for his various services, and Chassagne himself collected \$2.2 million in notary fees.

In addition, there has been widespread speculation about roughly \$500,000 that Tajan paid to Dumas over the course of the next four years. Tajan says that the sum represented the proper legal fee for consulting work unrelated to the estate. But when investigators for the current case asked Tajan to present evidence of that work in court, Tajan didn’t produce the art-market and legal analysis Dumas had supposedly prepared for Étude Tajan.

Tajan charges that the whole affair is pure prosecutorial grandstanding, an attempt to drag Dumas into court once again after his reputation was sullied in the Elf Aquitaine political-corruption scandal that roiled the French political elite for years. Dumas was sentenced in 2001 to six months in jail for accepting illegal gifts from his mistress, a former lingerie model and a lobbyist for the oil group Elf Aquitaine. As the *New York Times* succinctly summarized, the case “linked politicians and business executives in a vast kickback scheme in which company slush funds were used to buy influence.” But last year Dumas’s conviction was overturned, the appeals court finding that there had not been sufficient proof that he had known the source of the money funding the gifts.

In 1999, with the Elf Aquitaine scandal raging, Dumas asked



Roland Dumas leaving a courtroom in 2001.

the Tribunal de Grand Instance to appoint a new Giacometti estate executor. Today, looking back on Dumas's involvement and the association's setbacks over the years, many art-world observers have questioned whether Dumas ever wanted the foundation to become a reality. Even Tajan does not seem completely sure. "Dumas had a legal mandate as an executor to pursue his client Annette's wishes," he says. "Did he pursue it with zeal? I can't say. But I don't think he tried to torpedo the foundation."

At first, Palmer says, the association was happy to see Dumas leave the picture, because da Camara, Dumas's replacement, brought new energy to the establishment of the foundation. But in honing her strategy for resolving the situation, da Camara targeted what she saw as the primary obstacle: the Association Alberto et Annette Giacometti. Da Camara says she judged the association to be overly aggressive in legal matters and inefficient on the catalogue raisonné work; in her estimation, Palmer and her husband, François Chaussende (a

board member who has also been employed by the association for the last two decades), had collected nearly Fr 700,000 (\$110,000) in combined salaries annually without producing results.

On the financial front, da Camara tried to get court supervision imposed on the association's expenditures. That bid failed, but in 2001 the association's mounting debts forced it into judicial administration, which meant that its expenditures had to be supervised and approved by a second judge, Carole Martínez. Palmer says that the problem was caused by the decrease in revenue from



Véronique Wiesinger, director of the Giacometti Foundation.

the association's portfolio. A financial analysis commissioned by da Camara and obtained by *ARTnews* shows that the association lost money every year from 1994 to 2001, with the exception of 1999. Between 1997 and 2001, it lost Fr 5.6 million (\$750,000), the 2002 analysis states, due in part to unnecessarily high-risk investments. And according to the analysis, the association had withdrawn roughly \$230,000 in 2000 and \$250,000 in 2001 from the endowment to cover its operational losses, contravening the association's statutes.

Da Camara successfully blocked the association's expenditures for a year. Palmer and her husband had already taken a 30 percent pay cut; they worked unpaid for the next 18 months. "She tried to strangle us economically—the only money the association got was for doing certificates of authenticity, and that was peanuts," Palmer recalls. "But we decided to keep working, because if we didn't, then no one would be defending Giacometti's oeuvre."

During that same period, the association lost access to one of its most invaluable resources: Annette's archives. According to documents made available to *ARTnews*, in May 2001 Wiesinger sent da Camara a letter charging that Palmer had removed from one file a document revealing friction between Annette and Palmer. Vistel followed up with a note demanding that da Camara take all measures necessary to protect the documents. Da Camara rapidly requested court authorization to seize the entire archive from the Cour de Rohan building.

For a week Palmer stood by helplessly as movers packed up the documents, photographs, catalogues, and books that she had helped assemble over a quarter century. In an account describing the seizure, sworn to by a bailiff the association had hired to record the events, a state of high tension is described: "Da Camara provoked incidents with Mrs. Palmer and hurled invective at her, refusing . . . that the dossiers be looked over item by item."

The women clashed again in 2002, after da Camara decided that the estate needed to auction 36 more works—all posthumous bronzes, none unique—to cover various debts and operating costs. She chose the newly established Christie's Paris auction room to handle the sale. In a letter to the minister of culture, Palmer attacked the sale as unnecessary. Meanwhile, the national organization of French *commissaire-priseurs* filed suit to block the auction, on the grounds that Christie's was not allowed to be involved in sales mandated to pay estate costs; the *commissaire-priseurs* had exclusively retained that right when France's auction laws changed in 2000 as a result of European Union efforts to create a more coherent legal environment within its member states.

In the end, Christie's held the sale under the auspices of the Hôtel Drouot auction house, with Christie's vice chairman François de Ricqlès—who has a *commissaire-priseur* license—serving as auctioneer. Yet Palmer managed a victory of sorts: the auction was halted after 24 lots, when its total had reached the €6 million (\$5.86 million) sum da Camara had cited in her request for permission to hold the sale; the remaining works were returned to the estate's warehouse. "Mrs. Palmer never wanted us to sell anything," da Camara recalls. "But how was the estate supposed to continue surviving without any money?"

One person stands at the center of this entire affair: Mary Lisa Palmer. An expatriate American, Palmer, 53, has lived for so many decades in France that English words sometimes escape her. She had just finished a course in cultural history at the Sorbonne when Annette Giacometti hired her as her personal secretary. She later completed a law diploma. Sitting in her spartan office, the desks around her piled high with overstuffed files, Palmer is low-key—her hair tied loosely back, wearing little makeup, her tone of voice mostly matter-of-fact.

Palmer's persistence in defending what she considers to be in the best interest of Giacometti's legacy is undisputed. Yet even her supporter Sabine Weiss concedes that Palmer, however well she may know Giacometti's oeuvre, is not an art historian. Palmer has a minimal publication record and no graduate degree in art history, which, according to Klemm, Wiesinger, and others, automatically disqualifies her from the work she is doing.

Palmer's detractors also accuse her of arrogance, citing as primary evidence the fact that she attempted to gain control of the *droit moral*—the right to issue certificates of authenticity, pursue fakes, and authorize new sculpture castings—which Annette Giacometti had shared with the artist's family. Annette's will stated that she wanted Palmer to have "*control du respect du droit moral*"—"control of ensuring the observance of the *droit moral*." But in 1995 a judge rejected Palmer's bid because the language of the will implied that Annette was bequeathing full control of the *droit moral*, a power she did not actually have. Palmer appealed the decision and in 1997 lost again.

The effects of her attempts were disastrous, Vistel says. "When I arrived on the scene, the relations with the Giacometti family in Switzerland were horrible, and that was something I wanted to resolve," he recalls. "The problems were aggravated because Mrs. Palmer decided to continue asking for the *droit moral*. The Swiss family could not accept this, so they were total enemies."

When he was initially assigned by Trautmann to handle the foundation's formation, Vistel says, he was ready to work with Palmer. "I started by suggesting to Mrs. Palmer that she renounce her *droit moral* case, as a way to heal things with the Swiss family," he recalls. "She totally refused to do it, and the association supported her. I decided there was nothing to be done with them."

Tajan also tags Palmer as intransigent and uncooperative. "I think she thinks of herself as the reincarnation of Annette, who herself acted like the reincarnation of Alberto," he says. "The association does not have good relations with anyone. Why? Because those people have been systematically aggressive to anyone getting involved with the estate."

Palmer says that it was Tajan who was uncooperative. She reproaches him for not giving her access to the photographic inventory of Giacometti works inherited by Annette, a source the association requested in order to create a list of "inalienable" works—pieces that should never be sold to fund the operating costs of the estate—after the criticisms leveled by various cultural figures concerning the pieces selected for Tajan's 1994 sale.

Da Camara and Wiesinger both describe working with Palmer as an ordeal, saying Palmer was possessive about the documents stored with the association, even though legally they belonged to Annette's estate. "If she had been nicer, things would have turned out differently," da Camara says. "I can easily imagine that a member of the association's board would have been selected for the foundation's council." Palmer responds that da Camara spent her time trying to destroy the association, not furthering the foundation project.

Even within the association, Palmer didn't avoid strife. Jacques Dupin briefly served as the group's president after Annette's death but quit the post, citing Palmer as the cause. "I cannot envision the prospect of repeated confrontations, daily and over every problem, with Mary Lisa Palmer," he wrote in a 1994 resignation letter to Dumas, calling Palmer an "ambitious woman whose uncontrolled ardor neither compensates for nor excuses her lack of intelligence, rough manners, and vulgar topics of conversation." Dupin was eventually convinced to rejoin the association's board and to become author of the paintings catalogue raisonné.

Finally, the critics charge that Palmer did little in the way of

valuable work. "Annette started working on the catalogue raisonné in 1967, and she did it well, working systematically," Wiesinger says. "But to me it's not clear how much has been done in terms of following up in the last ten years. I went to the Cour de Rohan 35 times, and I never saw the smallest section of written text for the catalogue raisonné. The archives are not computerized, just pieces of paper in file folders. That was how people did it in the '60s, when Annette started, but not today. And why wasn't more published? There was so much material there, and they only came out with one small book," a collection of Giacometti writings and interviews, *Écrits*, published in 1990.

Palmer bristles at these accusations. The association's staff and endowment, she points out, were set up as provisional structures, and its relatively limited resources were stretched thin by multiple legal cases. Nevertheless, she continues, the association was constantly approached by dealers, private individuals, and auctioneers to authenticate works. To do so, Palmer relied on the archives Annette had assembled, with Palmer's aid for the last 18 years of her life. Indeed, Annette's will describes Palmer as having "worked alongside me on the catalogue raisonné, with total devotion and great competence." Palmer says she continued collecting information after Annette's death; Wiesinger responds that she sees scant proof of that in the archive's files.

According to Palmer, the catalogue raisonné was "99 percent finished" when the documents and papers were seized from the association. Dupin, she adds, had estimated a September 2001 closing date for his paintings catalogue. "His estimation was too early, but it seems strange that they seized our papers just before that deadline," Palmer says. Still, no publication date was ever set, nor was a publisher ever attached to the project.

Pursuing forgeries was a major association endeavor as well, Palmer says, citing 28 cases of counterfeit works that the association took part in from 1995 to the present. She was also involved in helping to bring down one of the most infamous faking schemes in recent times, a collaboration between con man John Drewe and forger John Myatt of England, which resulted in their 1999 conviction by a London court. Giacometti was the first artist Myatt faked, and also the highest valued (one painting was sold in New York for \$175,000); police recovered three "Giacometti" paintings and eleven works on paper created for the scheme. Jonathan Searle, one of the Scotland Yard detectives who handled the case, says that Palmer played a key role in the investigation. It started when Palmer reversed her previous authentication of *Nu debout*, a painting owned by a New



Two forged "Giacometti" bronzes seized in 1973.

York private dealer, and had it seized. “She was fanatical in doing the detective work to show why the faked provenances were wrong, much better than people working for some other artist foundations,” Searle recalls. “In Drewe’s correspondence and auction-house records, we found lots of letters complaining that Palmer was refusing to give provenances for their fakes.”

Charles Pineles, director of Susse Frères—the administrative arm of the Susse foundry, which has cast virtually all Giacometti sculptures since 1952—has worked with Palmer for more than a decade, first on Annette’s final casting order and then on issues of authentication concerning sculptures assumed to have been produced by the foundry. That last casting—a joint venture between Annette and Swiss dealer Ernst Beyeler—turned problematic when Palmer rejected the first several wax models as inferior in quality.

“Giacometti would have accepted them, because he was surprisingly laissez-faire when it came to that,” Pineles recalls. “But maybe not Annette, because she could be obsessive when it came to models. She would get out a massive magnifying glass to inspect little details. Given Palmer’s newfound responsibilities at the time, she can probably be excused for being so Draconian.”

The resulting delay led to a lawsuit by Beyeler, whose delivery deadline for the works was missed, ruining a planned exhibition. After several rounds of legal battles, the estate ended up paying Beyeler Fr 100,000 (\$15,000).

The Galerie Beyeler’s Berndt Dütting declined to comment on the lawsuit beyond pointing out that the delay had caused the works to remain unsold for years, in part, he says, because they were not included in the exhibition and in part due to the art-market slump of the early 1990s.

There have been no new castings since then, but Pineles always calls on Palmer when he is contacted about Giacometti pieces. “In the eleven years since Annette died, her knowledge and responsibility have grown immensely,” he says. “She’s heavily involved, and she’s not lazy in her research, in her replies, or in her writing.”

Giving a tour of the foundation’s future headquarters on the rue du Grenier-Saint-Lazare, a short walk north of the Pompidou Center, Wiesinger points out where the institution’s storage areas, research library, and offices will be located after the renovation is completed. The modest space, at the end of a dark, narrow gangway, contains no exhibition fa-

cility, although Giacometti’s works will be accessible for viewing by specialists and scholars.

“There are so many museums in Paris already,” Vistel explains. “The oeuvre of Giacometti is better served by lending works to institutions with the condition that they be shown to the public, not stored away. More important, Annette’s will never stated that she wanted to build a museum.” The foundation plans short- and long-term loans to major institutions in France and abroad—especially the United States, Wiesinger stresses, because the country played such a pivotal role in the artist’s ascendance, starting with his first post-war solo show, in 1948 at the Pierre Matisse Gallery.

This summer Wiesinger started sorting through the archives seized from the Cour de Rohan in 2001. “The files are in total disorder,” she says. “It will take me and my two colleagues six months, working morning to night, just to get them organized.” When definitive information about a piece has been compiled, she says, it will be posted on the foundation’s Web site, an intermediary step toward a catalogue raisonné. Without such a resource, sellers have either consulted Palmer or done their provenance research with the Pierre Matisse or Maeght archives. “The market hates the lack of precise and reliable information on Giacometti,” says art consultant Giraud. “We need a guide desperately.”

The foundation has also forged a working bond with the Alberto Giacometti-Stiftung in Zurich, established in 1965 by a group of private collectors who funded the purchase of works. Housed in the Kunsthau Zurich and headed by Klemm, the museum’s deputy director, the Swiss foundation has maintained good relations with the Giacometti family and

has received further donations from Bruno Giacometti, bringing its current holdings to 72 sculptures, 17 paintings, and 62 drawings. It has also played a major role in the promotion of the artist’s oeuvre by lending works and organizing exhibitions, including the centennial retrospective held in 2001 at the Kunsthau Zurich and New York’s Museum of Modern Art.

Wiesinger and Klemm’s first joint project was to divide approximately 200 plasters left in co-ownership after Alberto’s death. After Wiesinger created an inventory of the plasters while working for the estate, Klemm acted on behalf of the family in the negotiations, which were concluded in April, with the family pledging the plasters it received to the Giacometti-Stiftung. None of this means that there will be new casting any-



The foundation owns the original plaster for *Standing Woman*, ca. 1958.

time soon; that would require unanimous approval from the holders of the *droit moral*, Wiesinger points out, and Bruno, now 93, has steadfastly opposed such a move.

Aiming to play a major art-market role, in April the two foundations announced the formation of the Comité Giacometti, made up of Wiesinger and Klemm, which intends to issue certificates of authenticity and pursue fakes, putting it into direct competition with the association's remaining activities. Despite the establishment of the foundation and the loss of access to the archives, Palmer continues to serve as an expert on the artist.

"Having the archives is one thing, but memory and eye are more important," says Andrew Strauss, head of Sotheby's Impressionist and modern-art department in Paris. "And I have not found Palmer difficult to deal with; she's been very efficient and goodwilled. The market remains harmonized; it has accepted Mary Lisa Palmer's opinion and will continue to do so unless her expertise wavers."

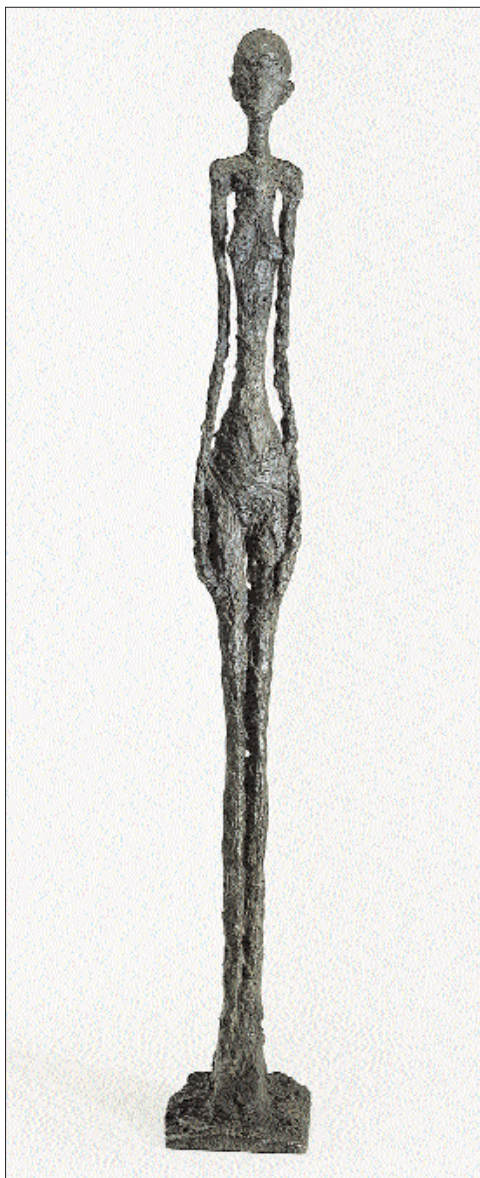
Pineles takes a similar position. Yes, he received a letter from the Comité Giacometti pointing out that it has the *droit moral* and requesting that it be consulted in such cases. Yet he says, "I reserve the right to call on any individual or organization who has the greatest expertise."

In the broader art-market context, Giacometti is not considered to be among the most frequently faked artists. "We don't see so many forged sculptures as with artists like Rodin and Archipenko," says David Norman, cochairman of Sotheby's Impressionist and modern-art department. "Giacometti's surfaces are so agitated and textured that they are hard to recreate believably."

Wiesinger disagrees. "The current situation is catastrophic," she says. "If I had seen certain pieces recently auctioned beforehand, I would have called them forgeries. Recently a piece of decorative work went to auction that was completely bogus, even though the provenance is impeccable. So I hope the foundation will be the prime partner for the market. And if they don't work with us, we can always send a public letter saying we think a work is a fake."

Wiesinger says she will be watching future auction catalogues closely: "If Sotheby's want to base their analysis on the opinion of someone without access to archives or the *droit moral*, let them. But they're taking a huge risk and so are their clients. The Comité Giacometti will pursue forgeries even if they carry a certificate from Mary Lisa Palmer." First, of course, the foundation will have to catch Palmer slipping up.

"She's not stupid, and she's very cautious," says Klemm. "She always founded her opinion on documents and if she didn't see evidence to support an attribution, she wouldn't certify something authentic. I never saw any misattributions by her."



Grande femme debout I, 1962, sold for a record-breaking \$14.3 million at Christie's in 2000.

There is very little that all the players in this story agree on, except this: the legal fights and governmental delays have drawn away vast amounts of time, energy, and money from Giacometti's legacy. On the one hand, it would be hard to make the case that Giacometti's market has suffered. In 2000, for example, Christie's hammered the sculpture *Grande femme debout I* (conceived 1960, cast 1962) at \$14.3 million, making it the most expensive sculpture ever sold at auction; last November the auction house sold a bronze bust of Diego (1955) for \$2.4 million. But scholarship on the artist is another matter. Almost 40 years after Annette started doing her research, Wiesinger says, the catalogue raisonné remains years from completion. And while Giacometti's reputation hardly seems damaged, the millions spent in court could have funded other projects promoting his work; Wiesinger says the archives contain enough new materials for dozens of papers.

Yet for the moment, Wiesinger and Vistel remain embroiled in the various lawsuits stemming from the foundation's past. Annette's only surviving brother, Michel Arm, recently claimed that she was not of sound mind when she signed her 1990 will and that therefore the entire estate should go to him. Meanwhile, this summer the foundation sued da Camara, hoping to recapture part of the \$1.35 million administration fee she received from the estate's funds, a sum the foundation

judged excessive. And Vistel expects to be forced to file a lawsuit against the association, aiming to recover the Cour de Rohan building (which he says would be sold to raise funds) and the \$3 million endowment left by Annette.

"In the end, we will win, because the foundation is here to stay," Wiesinger says. Palmer, however, remains ready to continue the fight. The association recently had its legal standing to intervene in Giacometti forgery cases confirmed in a series of court decisions, and its three-year financial plan has been approved by its judicial administrator.

"There's a lot more bad blood to come," predicts Pineles. "These two groups have developed a destructive little personal vendetta, and unless they come to their senses, I fear they'll be going at it with hammer and tongs for years." n