

Modigliani

THE EXPERTS BATTLE

Lawsuits and charges of slander multiply as two scholars compete to be recognized as the ultimate authority

BY MARC SPIEGLER



Marc Restellini has been working on a Modigliani catalogue raisonné for seven years. "I expected this to be hard," he says, "but not to be so crazy."

BEHIND MARC Restellini's imposing wood desk in his Left Bank office, just off the boulevard Saint-Germain in Paris, an expanse of butcher paper stretches across the wall and around the corner, covering half the adjoining wall as well. Affixed to the brown sheet are several hundred playing-card-size images of paintings by Amedeo Modigliani, arranged chronologically up to 1920, when the artist died of tubercular meningitis at the age of 35.

Seven years ago, the Wildenstein Institute of Paris—an art-history research institution founded by the family of dealers—announced Restellini as its collaborator in producing two new catalogues

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Christian Parisot, seen here with Modigliani's daughter, Jeanne, at an exhibition opening in Spain in 1983, is also writing a catalogue raisonné.

raisonnés, one dealing with Modigliani's paintings and the other with his drawings. In the course of the project, Restellini, 39, has rejected as false hundreds of paintings that were brought to him for examination. "There must be at least a thousand fake paintings," he says. "We have dossiers and dossiers filled with known forgeries. A lot of the owners did not even bother submitting their works to me."

All the paintings taped to the butcher paper will be included in the catalogue. Only a half-dozen more await a final decision. In each case, Restellini's ruling could have a multimillion-dollar impact: Modigliani's 1917 masterpiece *Reclining Nude (on Her Left Side)* sold at Christie's New York last November for an artist's record of \$26.9 million.

Considering the high stakes, it's hardly surprising that Restellini has been beset from all sides since the announcement of his project. His selection as author of the catalogues raisonnés caused debate because he was only 32 at the time. While he had mounted five exhibitions involving Modigliani—three of them in Japan—only two were dedicated entirely to the artist. After studying and then lecturing at the Sorbonne, Restellini became an independent curator, organizing exhibitions for small museums all over the world. In 2000 he was appointed artistic director of the Musée du Luxembourg in Paris, an institution that functions under the auspices of the French Senate. Late last year he left to found the Pinacothèque de Paris, an entrepreneurial private museum that he hopes will be the first in a chain of venues for touring exhibitions.

Since undertaking the Modigliani project, Restellini has been sued—once successfully—by collectors. He has engaged in a public feud with fellow Parisian art historian Christian Parisot, who inherited from Modigliani's daughter the *droit morale*, or moral right, granted an artist's heirs by French law, to authenticate works by the artist. And he has clashed with powerful dealers, including Ernst Beyeler and David Nahmad, in disputes over certain works.

Over the last three years, Restellini's project has been both scaled back and delayed. The drawings catalogue has been abandoned altogether, and the paintings catalogue, originally scheduled for publication in 2002, has now been postponed to late 2005 or even 2006. "I expected this to be hard, but not to be so crazy," he says. "I've never regretted undertaking this catalogue raisonné, but we are constantly taking hits full in the face."

BORN IN 1884 TO A FAMILY OF SEPHARDIC JEWS in northern Italy, Modigliani moved to Paris in 1906, settling first in Montmartre and then moving to Montparnasse in 1909. A central figure in the era's artistic and literary avant-garde, he painted incisive portraits of many of its members—Diego Rivera, Picasso, Juan Gris, Jacques Lipchitz, Moïse Kisling, and Chaim Soutine among them—before turning to the long-necked nudes for which he is now most famous. Commonly called *le peintre maudit* (the cursed painter),

Modigliani led a life marked by epic indulgence in drugs, drink, and womanizing—so cinematic in its highs and lows that it has inspired an upcoming Hollywood film.

While events surrounding the forthcoming catalogue raisonné have also turned dramatic, initially Restellini was embraced by dealers and auction houses as the ultimate expert on Modigliani. They welcomed his promise of extensive reliance on scientific testing and were reassured by the Wildenstein Institute's history of publishing definitive catalogues raisonnés for artists such as Redon, Monet, Gauguin, and others. The Modigliani market needed irreproachable expertise: fakes accumulate around every high-priced artist, and the painter seemed to attract even more than the usual number. "Some artists have a history of controversy, and Modigliani is a prime example," says David Norman, Sotheby's cochairman for Impressionist and modern art worldwide and head of that department in New York. "He's very popular,

and his signature style is easy to fake, so there's always been a high degree of forgery, just as with Renoir and Rodin."

Compounding the problem of forgery is the legacy of Léopold Zborowski, the Polish émigré who was Modigliani's last dealer. "Zborowski can be both a good and a bad provenance," explains Marc Blondeau, the Geneva-based art adviser and private dealer. Aside from being a notoriously bad record-keeper and accumulating crippling debts, Blondeau says, Zborowski is widely suspected of deploying Modigliani's good friend Kisling to "finish up" unfinished works, thus capitalizing on the market spike that followed the painter's early death and the suicide of his 21-year-old lover, Jeanne Hébuterne, two days later.

"I remember getting one of his paintings from an excellent French collection for Sotheby's Paris, but worrying because the provenance went back to Zborowski," recalls Blondeau, who headed the auction house's French operation for 12 years before going private. "I accepted it for sale but maintained the



Modigliani in his Montparnasse studio, 1915–16, when he was a central figure in the Parisian avant-garde.

right to later withdraw it. Then I asked three major dealers for their opinions. None of them would give me a decision. They all asked, 'What do the others think?' I pulled it out of the sale at the last minute."

Blondeau's problem stemmed from the fact that the painting does not figure in the art market's Modigliani bible: Italian author Ambrogio Ceroni's *Amedeo Modigliani, Peintre*, first published in 1958 and last updated in 1970, the year its author died. But Ceroni only approved works he had seen, which means that the book misses many authentic Modiglianis. "Ceroni is so well respected because he was extremely conservative, so every work in there is almost certainly right," says Kenneth Wayne, curator of modern art at Buffalo's Albright-Knox Art Gallery, who organized the traveling exhibition "Modigliani and the Artists of Montparnasse" in 2002. "But Ceroni never traveled to the States, so paintings in American museums were often not included—such as *Girl with Blue Eyes*, which belongs to the McNay Art Museum in San Antonio." Nor did Ceroni have access to the long-lost archives of Paul Guillaume, Modigliani's first dealer, an invaluable resource now available to scholars. Finally, the provenances provided by Ceroni—who was a banker, not an art historian—would not meet the standards of today's catalogues raisonnés, since he often failed to trace a work back to the artist's studio or dealer, noting only its current owner.

Despite these deficiencies, Ceroni's work rules the market by a universal pact among high-end dealers. Unless a Modigliani has a perfect provenance, not being listed among Ceroni's 337 paintings will slash its market value by half or even two-thirds. "The drama here is that I could find a Modigliani in an attic tomorrow, with a letter from Modigliani attached to it, and people would still hesitate," explains a major Parisian dealer who requested anonymity. To prove the point, he calls over a colleague who wandered into his gallery.

"Someone just offered me a beautiful Modigliani, but it's not in Ceroni," says the dealer. "What do you think?" The colleague wavers momentarily, then warns his friend: "Don't touch it."

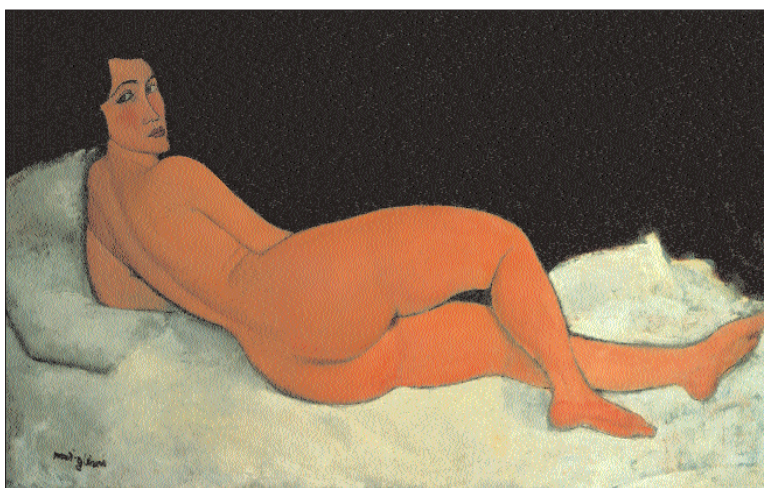
The problems in Modigliani's market are exacerbated by the scant scholarship concerning the artist, especially when compared with his School of Paris peers. Even fundamental information such as precisely where and when he exhibited was lost until Wayne pieced together Modigliani's exhibition history for his show's catalogue. Wayne demonstrated that Modigliani, far from being unknown outside France, exhibited in Zurich, London, and New York. Such lacunae exist in part because the artist's life was short and chaotic, leaving little material for study. And some of the important material that did survive re-

mained unknown for years, such as the Guillaume archives and the works that fueled Noël Alexandre's groundbreaking 1993 publication *The Unknown Modigliani: Drawings from the Collection of Paul Alexandre*, a 600-page treasure trove drawn from the archives of his father, the Parisian doctor who was the artist's earliest and most fervent patron.

Other art historians have published Modigliani catalogues since Ceroni, including Parisot, the German scholar Joseph Lanthemann, and the Italian art historian Osvaldo Patani. Lanthemann listed 420 paintings in his 1970 catalogue; Patani pared it down to 349 in 1991. But because all of these books included works other experts considered dubious, none ever inspired enough confidence to supersede Ceroni. Restellini predicts that his catalogue will include 400 paintings, compared with Ceroni's 337.

While dealers and auction-house experts are waiting until

Restellini's tome appears before deciding whether to accept it as the definitive reference, individual collectors are reacting immediately to his decisions—especially when works have been rejected. "I wouldn't say Restellini was naïve, but he probably did not expect all this controversy," says Paris dealer Manuel Schmit. "He took on an artist where all these owners have certificates from various other experts. And when he rejects their



Reclining Nude (on Her Left Side), 1917, set a record for Modigliani when it sold for \$26.9 million at Christie's New York last November.

COURTESY CHRISTIE'S IMAGES LTD., 2003

painting, it suddenly drops in value from \$3 million to the price of the frame."

RESTELLINI IS ALSO BEING CHALLENGED BY A competitor. Christian Parisot, a longtime professor at the University of Orléans, says he will publish the fourth volume of his ongoing Modigliani catalogue raisonné this year. The 56-year-old Parisot's connection to the artist dates back to 1973, when he met and befriended Modigliani's daughter, Jeanne, while doing research for his doctorate in art history.

Sent after the death of her parents to live with an aunt in Modigliani's native Livorno, Jeanne returned to Paris at age 19 and became involved in promoting her father's legacy, publishing the 1958 biography *Modigliani: Man and Myth*. She died in 1984, leaving Parisot in possession of the Amedeo Modigliani Legal Archives, a collection of about 100 items—mostly letters and postcards—related to the artist. Parisot has published virtually all of these documents, some repeatedly, in his 38 books and catalogues devoted to Modigliani, Hébuterne, and their circle.

He has also arranged 42 exhibitions centered around the same group. One of these, a 2002 traveling show in Spain, comprised of Hébuterne's drawings from Parisot's own collection, turned controversial. It was interrupted in Segovia when police, responding to a complaint filed by French lawyer Luc

Prunet, Hébuterne's great-nephew, seized the works as alleged fakes. Charo San Juan, who coordinated the exhibition for the firm L&D, says that the case was returned to France and then dropped. According to Parisot, further police investigation proved Prunet wrong, and a Barcelona exhibiton of the same material will take place this year.

Parisot also inherited something more important than the archives from Jeanne Modigliani: her *droit morale* over her father's work. The *droit morale* was intended to ensure that an artist's heirs would have significant control over their ancestor's legacy. In practice it often proves nettlesome; the children of an artist are not automatically experts in his work.

Jeanne Modigliani didn't grow up in her father's atelier; she was barely a year old when she was sent to Livorno. Yet as an adult she was active in authenticating Modiglianis. "Jeanne was impossible because she signed authentication certificates in a very subjective way, without doing serious research," Blondeau recalls. "She even authorized people to produce bronze reproductions of her father's work, despite the fact that he only worked in stone." Speaking in her defense, Parisot points out that she had the legal right to produce eight copies of any of her father's sculptures. Although the practice of reproducing sculptures in materials other than the original is legal, it is regarded by many as unethical.

Restellini contests the very basis of his rival Parisot's legal authority, pointing out that Modigliani—who was not married to Hébuterne—never officially recognized Jeanne as his daughter, meaning that she had no *droit morale* to bequeath to anyone. "That's pure slander," retorts Parisot. In 1923, he says, Jeanne was recognized under French and Italian laws as the couple's only rightful heir, with both sets of grandparents signing the documents.

Restellini and Parisot have a long history, starting with an exhibition Restellini created as a graduate student, for which he requested a text from Parisot. Restellini says that Parisot's text was "inept" and labels the decision to collaborate with the older scholar an "error of youth." In recent years the two men have disparaged each other in the press, each claiming to be the *real* Modigliani expert.

Parisot maintains that Restellini has been co-opted by the Wildenstein family's art-dealing interests. Restellini refuses any comparison whatsoever with Parisot, likening him to Holocaust-denying historians. "What Parisot's doing isn't art history," Restellini says. "It destroys and deforms everything Modigliani did. Someone once approached me saying they had the archives of [Modigliani expert] Joseph Lanthemann. They offered the documents to me if I would authenticate a Modigliani that they owned. Parisot had already published it as authentic, but I had it tested and it's clearly fake." The painting, *Nu couché*, Restellini explains, shows traces of titanium, a paint additive foreign to Modigliani's works. Asked to explain that discrepancy, Parisot labels the presence of titanium inconclusive, speculating that it could be in the painting's varnish. "We tested multiple layers and found traces everywhere," Restellini replies. "That painting is riddled with titanium. It's not the varnish."

Three years ago, with the financial support of his Italian publisher, Canale Arte, Parisot announced the foundation of the Modigliani Institute, with offices in Paris and New York. Its mission was to clarify matters surrounding the artist. Gilt-edged invitations were sent to the art press, auction-house experts, and dealers. But most invitees stayed away; few articles



Blue Eyes (Portrait of Madame Jeanne Hébuterne), 1917, one of many portraits Modigliani painted of his last lover.



Léopold Zborowski, Modigliani's last dealer, 1917–18.

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about the new organization appeared, and several of those that did questioned the standing of Parisot's committee members. Currently, that committee is composed of Parisot; Claude Mollard, who was among the founders of the Centre Georges Pompidou; Frédéric Pfannstiel, son of Arthur Pfannstiel, who wrote the first Modigliani catalogue, in 1929; arts journalist and prolific author Gérard-Georges Lemaire; Masaaki Iseki, director of Tokyo's Metropolitan Teien Art Museum; and Franco Tagliapietra of the Accademia de Venezia, author of *Ritratto di Amedeo Modigliani*.

Despite Canale Arte's investment of \$50,000 to launch the institute, its Manhattan office closed after one year. Parisot says this was because too few people visited the premises to justify its Madison Avenue rent. Its Paris outpost, meanwhile, is a slightly weather-beaten storefront near the top of a steep residential street in Montmartre. On rough shelves around the main room are stacked catalogues from shows that Parisot has curated. The office space would fit inside most corporate elevators. Yet Parisot wears his penury with pride. To him, the low-budget decor signals his independence—especially when compared to Restellini's project, which is based in the Wildenstein Institute, a mansion brimming with art in the city's chic eighth arrondissement, only minutes from the Champs-Élysées.

THOUGH PARISOT PORTRAYS him as a pawn of the market, Restellini regards himself as a scholar who speaks truth regardless of the consequences. Certainly, he has risked making powerful enemies. One of the very few works included by Ceroni that Restellini has not slated for his catalogue is *Comte Wielhorski*, a portrait belonging to the Swiss gallerist and collector Ernst Beyeler, who traces its provenance to the legendary Swiss collector Josef Müller.

According to Beyeler, the only issue is that the subject of the portrait is not Count Wielhorski. "It's just the title that is wrong," Beyeler told *ARTnews*, "maybe because of an error by Ceroni. That's clear to us now when we see the other portraits of Wielhorski." Restellini tags the work's chances as slim. "We've seen five fakes painted in the same cramped style," he explains. "I asked Beyeler to send me the work more than a year ago for examination. So far, he hasn't." After being informed by *ARTnews* of Restellini's stance, Bernd Dütting of Galerie Beyeler called the issue a "misunderstanding" and said the painting would be sent to Restellini for analysis.

Restellini also clashed with the powerful Nahmad art-dealing family based in New York and London, after he rejected a painting of theirs due to an anomaly in the painting's chemistry. But after seeing three indisputable Modiglianis with the same characteristics, Restellini reversed his ruling. Even before this episode, his relations with the Nahmads were strained. "Soon after my catalogue raisonné was announced, David Nahmad convoked me to a meeting," he recalls. "He told me he didn't really see the point of doing a new catalogue raisonné, but if I wanted to take Ceroni and add five more paintings, that

was fine with him. Now, he tells people that all the new works I've added are fakes."

Nahmad says he does not recall the meeting. "If Restellini can convince us that a few paintings are valid with photographic evidence, it's fine with me," he says. "But adding 30 new Modigliani paintings is too much—it's ridiculous!"

Restellini's relations with auction houses have at times been equally difficult. In 1997, for example, Christie's asked him to evaluate *Beatrice Hastings assise*, a Ceroni-certified portrait of the lover who preceded Hébuterne. Restellini declared the work a genuine Modigliani that had been badly compromised by extensive overpainting. "It had been transformed by someone else to make it more marketable," he recalls. "I showed Christie's the

original work's photograph from the Paul Guillaume archives and said I could never include the painting as it stands today, because to me that is fake. They auctioned it anyway, for \$2.6 million." Margaret Doyle, Christie's public-relations manager, says: "While somewhat restored, the painting's condition was not atypical of works by Modigliani, and therefore the house stands behind Ceroni's attribution."

Restellini says he has taken steps to avoid the appearance of conflict of interest. He has no personal contact with owners, who must send their works to the Wildenstein Institute. Rather than relying on other people's judgments, he has vowed to see every work himself. If the purported provenance arouses doubts, he requires laboratory tests: infrared analysis of the paint layers to identify overpainting, for example, or testing for elements such as titanium. Following the usual practice when dealing with owners of works submitted for a catalogue raisonné, he sends the owners an exhaustive disclaimer stating that he "need not state the reasons on

which [his decision] is based and in no event may [his decision] give rise to any claim whatsoever."

All these steps, however, have not insulated Restellini from lawsuits over rejected works. One case started in June 1997, when—only months after undertaking the catalogue raisonné—Restellini faxed the following letter to Phillips in London, on the very morning of the house's premier summer sales: "I hereby confirm that lot 56 of the sale, *Jeune Femme brune*, cannot by my opinion have come from the hand of Amedeo Modigliani. This painting will therefore not be included in the forthcoming catalogue raisonné of his works that I am preparing with the Wildenstein Institute. Could you please convey this information [to the audience] at the moment of the sale?" Phillips yanked the piece—estimated at £800,000 to £1 million (\$1.3 million to \$1.7 million)—from the sale.

The owner of *Jeune Femme brune*, Chicago financier and industrialist Moshe Shaltiel-Gracian, immediately demanded that Restellini justify his decision. Restellini refused, at that point and to this day. Shaltiel-Gracian then sued the Wildenstein Institute—on whose letterhead the fax was written—first in New York, where the case was dismissed, and then in Paris, where the parties are still awaiting a ruling. One major debate is about why Restellini sent the fax in the first place.



A 1916 portrait of Paul Guillaume, Modigliani's first dealer and an assiduous promoter of his work.

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Shaltiel-Gracian says Restellini took it upon himself. Restellini says Phillips requested his opinion.

The court case puts Restellini in an ambiguous position vis-à-vis the Wildenstein Institute. The institute has given him two assistants, unlimited access to its archives, and a promise to publish the catalogue raisonné; yet, from a legal standpoint, it holds that Restellini is a freelance contractor and therefore the institute cannot be held responsible for his decisions. In the case involving *Jeune Femme brune*, it immediately notified the judge that it assigned all potential liability to Restellini.

In an e-mail to *ARTnews*, Guy Wildenstein writes that Phillips “asked Mr. Restellini for his opinion of the work proposed for sale and, with respect to the request of Phillips, Mr. Restellini gave his opinion. This was not an action of the Institute but of the author-expert.”

Citing the fact that the case remains unresolved, Restellini declined to comment. But in legal filings obtained by *ARTnews*, he argued that the late Daniel Wildenstein had himself proposed the project and later vaunted Restellini’s expertise to the press, and that the project had been undertaken as a partnership.

In another case, Swiss collector Edgar Bavelier sued Restellini after he rejected two works for the planned drawing catalogue. In early 2001 a court-appointed expert found one of the drawings to be legitimate. But before the judge had imposed any penalty, the case became moot: the Wildenstein Institute had abandoned the drawings catalogue. The tactic spared both the Wildensteins and Restellini more legal fees: Michel Dutilleul-Francoeur—the lawyer for Bavelier, Shaltiel-Gracian, and other Modigliani collectors—says he had two more rejected-drawings cases in the pipeline.

Restellini concedes that the lawsuits influenced the decision to drop the drawings catalogue. “Drawings are so much harder to authenticate because you can’t do the same sorts of materials tests,” he explains. “And if you get sued every time you reject a drawing, it’s impossible to work sanely. It’s a catastrophe for Modigliani that we had to stop that project, but, in the end, I can’t be the white knight of the Modigliani market.” And there were other factors driving the abandonment. For one thing, Restellini says, he was being barraged with calls from owners who wanted drawings authenticated, sometimes at any cost. “I was dealing with constant attempts to coerce me, including death threats,” he recalls. “Someone even sent a check for two million French francs [\$350,000] to my mother. I sent it to my lawyer’s office and had him write the collector a cease-and-desist letter.”

IN ONE SENSE, RESTELLINI HAS MADE HIMSELF A lightning rod in this affair by insisting on being the sole decision maker for the catalogue raisonné. “This whole debacle could have been avoided if the Wildensteins had just established a committee,” says one New York dealer in Modiglianis. “That makes the decisions much harder to contest, and it leaves the process much less open to corruption.”

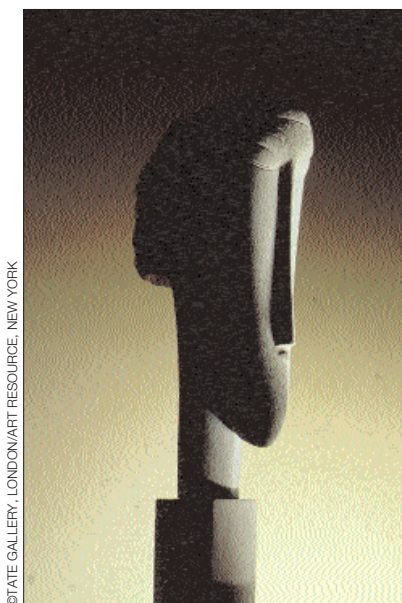
Such a group of experts is commonly appointed these days. “Committees are great to have at the beginning of a catalogue raisonné, especially in the case of difficult works,” says Marie-Christine Maufus, Wildenstein’s publications director. “But for Modigliani, it’s too late in the process. Almost all the works have been surveyed, and the structure of the book has been established.” Furthermore, she says, setting up a committee now and having its members review all of Restellini’s past decisions would take time—further slowing a process that already lost much momentum after Daniel Wildenstein died in late 2001.

Wildenstein and Restellini had planned to spotlight the newly authenticated Modiglianis in a major exhibition timed to coincide with the publication of the catalogue raisonné. So, in the late 1990s, Restellini started pulling together a show for the Musée de Luxembourg, which became the highly popular 2002 exhibition “Modigliani: L’Ange au Visage Grave” (Modigliani: The Sad-Faced Angel). In hindsight, Maufus says, it is clear that everyone involved underestimated the complexity of the catalogue raisonné because Ceroni seemed such a solid foundation. “Research always engenders more research,” she explains. “Marc Restellini had a lot of enthusiasm for trying to pull off both the show and the catalogue raisonné for 2002. But there was far too much work left to do on the catalogue, so I decided to slow down its pace.”

That meant that 30 non-Ceroni works were being presented to the world with the imprimatur of Restellini and the Wildenstein Institute but without detailed provenances or arguments for their authenticity. Furthermore, the exhibition catalogue deliberately omitted to note which pictures were in Ceroni’s catalogue; Restellini said he wanted viewers to judge the paintings on their own merits. “The idea of the Musée de Luxembourg show was to validate these works based upon our research,” says Marie-Christine Decroocq, Restellini’s closest collaborator within the Wildenstein Institute. “We have all the details necessary to prove their provenances, but we’re holding them back for the catalogue raisonné. Yes, we have every intention of transparency, but it will come at the time of our choosing.”

Today, many dealers and auction-house specialists suggest that Restellini would have done better to postpone the exhibition until the catalogue raisonné was ready. “Before that show, people were willing to give Restellini the benefit of the doubt,” explains one European auction-house specialist. “But that exhibition catalogue damaged his reputation.” As things stand now, says another auction-house expert, “I can’t imagine anyone serious buying a non-Ceroni piece that Restellini approved unless it had a perfect provenance.”

There’s no guarantee that even a masterful catalogue raisonné by Restellini would quiet the querulous Modigliani milieu. “I don’t think he was the wrong man for the task,” says Michael Findlay of New York’s Acquavella Galleries. “But I guarantee he will have a lot of rocks thrown at him when his book finally comes out. When the stakes are so high, venality runs rife.”



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This abstract limestone head, ca. 1911–12, reflects Modigliani’s interest in African sculpture.