

## **CRSA Guidelines for Issuing Scholarly Opinions about Authenticity**

The Catalogue Raisonné Scholars Association recommends the following standards and guidelines for scholars asked to issue an opinion about “authenticity” (whether a work of art is by a particular artist).

### **Qualifications for issuing opinions**

First and foremost, the scholar will have comprehensive firsthand knowledge of the entire body of the artist’s work from the beginning to the end of the artist’s career, in all media. This will be useful even if the scholar specializes in only one medium or phase of the artist’s oeuvre. Careful study of the objects themselves will be crucial.

An opinion will be based on a complex mix of stylistic, documentary, and technical considerations. After the scholar has established the documented body of work through careful study of primary sources and provenance research, the goal is to find whether the new work has a strong relationship to other objects within the known corpus. It should fit convincingly within the chronological unfolding of that artist’s career. Special attention should be paid to the following:

- The appropriateness of the new object’s provenance to the overall patterns of ownership of documented works
- Documented anomalies (very early or late works, experiments, anomalous commissions, copies of his/her works or other artists’ works, collaborations with other artists)
- Knowledge of the workings of the artist's studio, including the collaboration of studio assistants where applicable, copy practices by students and other followers
- Materials (art materials, frames, display furniture, labels, mounts, backing, etc.)
- Preliminary work: sketches, notes, diagrams, negatives, contact prints, casts, etc.
- Documents (letters of the artist & his/her circle, journals, exhibition and sales records, photographs of works, etc.)
- Markings of the artist and atelier: signatures, monograms, inscriptions, stamps, etc.
- The artist and the art market, during his/her lifetime and afterwards—dealers, auctions, agents
- Collectors and patrons (purchase or gift, private and museum)
- Works sold at auction & auction catalogues
- The posthumous history of the artist and works (exhibitions, publications, dealers, owners)

Similar guidelines should be followed by scholars giving opinions about dating, rarity, or other qualities pertinent to the historical importance and/or monetary value of the piece.

The process will be affected by many variables such as the era of the artist and the artist's preferred media (especially if multiples such as prints, photographs, or sculpture are involved). Each scholar must develop the skills and knowledge unique to the understanding of that artist's body of work.

Scholars should follow ethical practices of research for the sake of pure knowledge, especially those scholars employed by a commercial gallery or an artist's foundation that has a strong presence in the art market. These ethical practices include keeping names and materials provided by the owners confidential unless the owners have indicated otherwise, as well as being scrupulously accurate about dating, rarity, etc., or any other factor that might affect the monetary value of the work.

### **Procedures for issuing opinions**

The CRSA recommends the following practical guidelines:

- Giving an opinion can expose the scholar to certain risks and liabilities. A scholar should give an opinion only when requested in writing to do so by the owner of the work. He or she has the right to turn down requests.
- When giving an opinion a scholar might use an opinion request form (examples of which may be requested from the CRSA), which helps to protect the scholar from legal action, financial responsibility for shipping and insurance, and other impositions on the scholar. Bear in mind that a negative opinion can provoke an angry reaction, and even a signed agreement does not guarantee protection from a frivolous lawsuit. A cautious, reasonable approach to forming and issuing opinions is always advisable.
- "Error and Omission" insurance policies to cover legal costs are available for independent scholars, although expensive and difficult to get. Those employed by an organization should make sure that their employer will cover their legal expenses or insurance.
- The owner makes the object available to the scholar at the scholar's convenience. The scholar determines whether he/she can form an opinion from a photograph, in which case the opinion states it is from a photograph.
- The scholar's opinion is put in writing to the owner. This is primarily for the scholar's own records. Each scholar can decide on the extent to which

an opinion is explained, but attorneys advise that less discussion in writing is preferable. The owner might be forewarned that this will be the case.

- He or she should keep complete records of every work looked at and every opinion given.
- If scientific analysis is advised by the scholar, the owner arranges for it from a reputable conservator recommended or approved by the scholar, and supplies the results to the scholar.
- A scholar may decide to ask a fee as is reasonable for his/her own compensation or protection.
- A committee decision or consensus is necessary when the scholars involved are equally co-authoring a catalogue raisonné. If no such committee is in place, and the owner desires an opinion from more than one scholar, he or she is responsible for obtaining each one. Everyone issuing an opinion, however, is encouraged to engage in collegial discussion or exchange of information as is appropriate to scholarly practice.