Framing the Picture:  

by

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While many have investigated media constructions of “newsworthy” crimes, the overwhelming focus of these analyses has been upon violent crime in its myriad forms. In marked contrast, this thesis examines the Canadian print media’s construction of art fraud - the offence, its victims and offenders - and, in particular, its response to acclaimed artist Norval Morrisseau’s reports of victimization. It finds that, just as art fraud is not thought of as normal “crime news” and bracketed away elsewhere, the victims of art fraud tend not to be regarded as “ideal victims.” The Canadian print media rarely framed art fraud as a “crime against culture”; more commonly, it was depicted as a low-risk crime that pays, with its perpetrators cast as charming rogues or artful dodgers and the most notorious depicted as “heroes.” This curious portrayal may promote schadenfreude, have incentive effects for some and discourage others from reporting experiences of criminal victimization.
For Zippy
(July 14, 2003 - April 20, 2011)
Acknowledgments

The task of writing a thesis, I am told, can be greatly eased by the presence of a devoted partner, legions of friends who are enthralled by one’s topic of research and, at least on occasion, liquor. One might therefore presume that, as a single teetotaler who possesses the sociability of a hedgehog, I would have been greatly disadvantaged in my endeavor. Happily, this was not the case. I was blessed to have Professor Sally Hickson as my supervisor and benefitted enormously from her wisdom, perspicacity, wit and total kindness. A graduate seminar that I took with Professor Dominic Marner during my first term at the University of Guelph enthralled me; Professor Marner transformed a small classroom into a space of enchantment, stimulated my intrigue with the social construction of art and encouraged me to follow my interest onto unusual terrain. I am also greatly indebted to Professor John Kissick for his encouragement and for bringing to my attention writings that emphasized the import of considering art fraud as a cultural phenomenon that is shaped by temporally co-present events and conditions.

On a personal level, I wish to acknowledge the comfort that was daily provided by my bichon frise, Earnest, who is never troubled by my halting speech or endless musings. I also wish to thank my sister Ronnie, who has long dedicated herself to keeping me humble and who constantly inspires me with her indefatigable industry, fortitude and determination. Finally, but most of all, I wish to thank my best friend - my mom - who has always been in my corner, believing in me and cheering me on.
# TABLE OF CONTENTS

ABSTRACT

DEDICATION

ACKNOWLEDGMENTS........................................................................................................iv

INTRODUCTION....................................................................................................................1

CHAPTER 1: REPORTING CRIME, CONSTRUCTING CRIME NEWS.........................21
News Values...........................................................................................................................22
Media Constructions of Crimes of Deception.................................................................49
Conclusion..............................................................................................................................61

CHAPTER 2: THE PRINT MEDIA AND ART FRAUD: PILOT STUDY.....................62
Reporting “Art Fraud”: Infotainment v. Crime News......................................................67
Reporting Art Fraud: The Impact of Simplification......................................................71
Simplification: Canonization and the Canon.................................................................79
Conclusion..............................................................................................................................86

CHAPTER 3: THE CANADIAN PRINT MEDIA’S CONSTRUCTION OF ART FRAUD....87
Findings: Mass-Mediated Canadian Art Fraud.................................................................92
Read All About It: “Art Fraud” as a Mediated Construction........................................98
The Incidence of Art Fraud: Counting Crime & What Counts as Crime.....................115
Crime Stories: The Crime That Pays?...........................................................................121
Art Fraud: A Victimless Crime?......................................................................................127
The Artist as Victim - and Trickster.............................................................................144
Norval Morrisseau and Symbolic Reconfigurations of Alleged Victimization...........148
Schadenfreude.................................................................................................................165
Conclusion............................................................................................................................184

APPENDIX 1....................................................................................................................187

BIBLIOGRAPHY.................................................................................................................204
INTRODUCTION

The term “ideal victim,” as coined by victimologist Nils Christie (1986:18-19), invites attention to the evaluative work that accompanies allegations of criminal victimization, bestowing the public status of “bona fide victim” upon some and denying it to others. In introducing the term, Christie memorably exemplified this category of persons, who are most fully accorded victim status, with reference to “the little old lady on her way home in the middle of the day after having cared for her sick sister. If she is hit on the head by a big man who thereafter grabs her bag and uses the money for liquor or drugs - in that case, we come, in my country, close to the ideal victim.”

Within this articulation, the “ideal victim” is endowed with attributes that are starkly antithetical to those of the offender. Thus, while the “little old lady” is described as having occupied herself in an altruistic act of care-giving, the conduct of the loutish “big man” is more notably selfish. The brutality of the criminal event that Christie employs in illustrating the ideal victim would also seem noteworthy for it implicitly credits lay understandings of crime as invariably involving the violent predations of the polluted upon the pure (Baines, 2009; Gekouski, Gray & Adler, 2012; Greer, 2003, 2007; Ion, 2011; Jaksic, 2008; Jewkes, 2011; Peelo, 2006; Rock, 2007).

Research makes evident that while incidents which approximate such prototypical images of crime and its victims are privileged in media reports of criminal victimization, other “types” may be positioned “in the shadows” (Rock, 1986). For example, a recent analysis of news articles which addressed the brutal murder of Canadian teenager Reena Virk maintained that “[b]y emphasizing her ‘differentness,’ Reena Virk was presented as an unidentifiable Other and as less than an ideal victim”; according to its authors, “traditional conceptualizations of the ‘ideal victim’
are both racialized and gendered, and are also based on the individual victim’s class and sexuality” (Kilty & Fabian, 2010:139, 149; for similar assertions see Chuang, 2012; Cole, 2007; Covington, 2010; Fournier et al., 2012; Goulding, 2001; Greer & Jewkes, 2005; Gruenewald, 2009; Hesterman, 2009; Landor & Eisenchlas, 2012; Mathieu, 2012; Nguyen, 2012; Tulloch, 2007; Walklate, 2007; Wardle, 2007; Wilson, 2011). Yet, if many have investigated media constructions of “newsworthy” and “non-newsworthy” crimes and their victims, the overwhelming focus of these analyses has been upon violent crime in its myriad forms (e.g., Altheide, 2009; Bjornstein & Kaufman, 2010; Faucher, 2009; Gekovski, Gray & Adler, 2012; Gruenewald, Pizarro & Chermak, 2009; Hugill, 2010; Kosnick, 2011; Kupchik & Bracy, 2009; Littlefield, 2011; Marin, 2011; Miller & McMullan, 2011; Mopas & Moore, 2012; Presser, 2012; Smolej, 2010; Spencer, 2012; Taylor, 2009; Tuber, 2009; Wood, 2012). In marked contrast, this thesis examines the response of the Canadian print media to alleged art fraud and, in particular, to claims of widespread counterfeiting in relation to the works of Norval Morrisseau - a Canadian artist who is frequently described as the “Father of First Nations Art” (Brydon, 1997; Cotter, 2001; Dewdney, 1978; Mackenzie, 2006; Simard, 2001) and was famously dubbed, by artist Marc Chagall, as the “Picasso of the North”\(^1\) (Beitz, 2012; Fuhrmann, 1997; Litwin, 2007; Stevens, 2011).

\(^1\) Although this descriptor has been used repeatedly in the Canadian press in relation to Morrisseau, it would seem noteworthy that various Aboriginal artists have been likened to Picasso and presented in this way. For example, while Stoffman (1998) reports that the late Karoo Ashevak is “often referred to as the ‘Picasso of the North’”, the subtitle of Burr’s (2010:665) interview with famed Navajo painter R.C. (Rudolf Carl) Gorman is notably entitled, “Conversing with the Picasso of Indian artists.” While it must remain speculative, the commonality of this practice would seem suggestive of a strategy of “legitimation” that is contingent upon the symbolic assimilation of the indigenous artist.
To the best of my knowledge, no previous research has attempted to scrutinize media renderings of art fraud - the offenders, the offense and its victims - or considered the media as a potent “intermediary agent of reality construction” (Rock, 1973:46) that imbues this phrase with meaning. Rather, it would seem that these tasks number among the numerous tracts of “terra incognita” that endure in criminology’s “ill-mapped world” (Rock, 2007:38). Although the reasons for this neglect must remain speculative, it may be that the scholars who have examined “media-made criminality” (Reiner, 2007; Reiner & Greer, 2012) have appreciated, no less than the journalists whose writings they scrutinize, that crimes of violence furnish much greater opportunities for dramatic story-telling. As Goodey (2005:242) has remarked, “like the tabloid press, victimology can be accused of focussing on headline-grabbing crimes that evoke more interest than financial crimes which conjure up images of staid accountants.” In addition, given the “tendency for crime reporting to become an act of classifying deviancy” and an exercise in imposing order upon disorder (Rock, 1973:39-40), it may be that reclassifications of the “news” are most likely when established countering narratives are perceived as readily applicable to the topic at hand. For example, the vocabulary of science, as expressed in the language of statistics, has assuredly emboldened and embroidered many an attempt to refute media depictions of crime as the province of distinctive persons (e.g., immigrants, racialized groups) or as rising exponentially in its incidence (e.g., Beckett and Sasson, 2000; Belackova, Stastna & Miovsky, 2011; Best, 2001, 2004; Bjornstrom et al., 2010; Dixon, 2008a, 2008b, 2007; Entman, 2004; Entman & Gross, 2008; Faucher, 2009; Gies, 2008; Graber, 1980; Horsti, 2007; Johnson & Dixon, 2008; Kupchik & Bracy, 2009; Leishman & Mason, 2003; Marsh, 1991; Mastro, Blecha & Seate, 2011; Mawby, 2010a; Mears & Stewart, 2010; Mears, Mancini & Stewart, 2009; Park,
Holody & Zhang, 2012; Reiner, 2007, 2003; Somner & Ruhrmann, 2010). Feminist frameworks have also served to promote critical second readings that challenge media constructions of female offenders and/or victims as either “villains” (“bad”) or “fools” (“mad”) (e.g., Barron & Lacombe, 2010; Birch, 1993; Carter et al., 1998; Chesney-Lind, 1999; Chesney-Lind & Eliason, 2006; Faith and Jiwani, 2002; Grabe, Trager & Lear, 2006; Heidensohn, 2000; Meyers, 1997; Miller & McMullan, 2011; Morrissey, 2003; Naylor, 2001; Noft et al., 2010; Nyaswanza, 2006; Taylor, 2009; Wanzo, 2008; Wilcox, 2005; Wykes, 1995, 1998, 2001; Wykes & Gunter, 2004). In relation to art fraud, however, a host of factors may combine to discourage inquiry at its invitational edge. Among these factors, one may contemplate the methodological obstacles that are alluded to in Scott’s (2011:178) lament that “[i]n Canada, there is no systematic way of documenting the various and complex crimes that fall under the guise of fraud” and “there are competing definitions of what should be included in this crime.”

“Fraud” in the art world is not a singular act and may involve, for example, “owners of art writing

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2 The Canadian Criminal Code outlines the crimes of fraud under s.380. This section of the Canadian Criminal Code specifies that: “(1) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security (a) is guilty of an indictable offence and liable to a term of imprisonment not exceeding ten years, where the subject-matter of the offence is a testamentary instrument or the value of the subject-matter of the offence exceeds five thousand dollars; or (b) is guilty (i) of an indictable offence and is liable to imprisonment for a term not exceeding two years, or (ii) of an offence punishable on summary conviction, where the value of the subject-matter of the offence does not exceed five thousand dollars.” In the Supreme Court of Canada’s 1993 decision in R. v. Theroux (79 C.C.C. [3d] 499 [S.C.C.]), the wrongful act or actus reus of this offence was noted to contain two elements - “dishonesty” and “deprivation,” with the latter established by “proof of an act of deceit, falsehood, or other fraudulent means” and the former provided by “proof of detriment, prejudice, or risk of prejudice to the economic interests of the victim caused by the dishonest act” (Barnhorst and Barnhorst, 2004:351).
bad checks to dealers; owners inflating the value of art in insurance claims for stolen art, for tax
deductions, or for use as collateral in a loan; dealers underpaying artists; dealers engaging in
consignment fraud;...dealers misrepresenting their merchandise to potential purchasers....; the use
of art to launder money and to avoid paying income tax; dealers acting in concert to keep bids
down when buying at auctions; and scholars assisting in the sale of a work of art to a museum
where the scholar has an undisclosed financial interest in the sale” (Barrett, 1996: 345). However,
unlike France, which possesses specific laws that address art fraud (Vigneron, 2008), Canada
treats art forgeries in a manner akin to faked documents with offenders prosecuted for such
criminal offences as falsifying signatures, false advertising, and/or engaging in an act of
intentional misrepresentation (Czegledi, 2010a:159-184; Czegledi, 2010b). Canada is assuredly
not unique in this regard; indeed, in ruling that those who would wish to estimate the incidence of
art fraud are denied use of the “routine tools available to criminologists,” Alder, Chappell & Polk
(2011:191) pointedly observe that “[t]here are no ‘official statistics’ regarding fraud in the art
market because no policing agency in Australia (or any other English speaking country) records
art fraud as a separate entity from other forms of fraud” (see also Chappell & Polk, 2009). In
addition, despite media reports that have flamboyantly pronounced “Canada a hub for art fraud,
theft” (Quan, 2010) or charged in ominous tones that “the world of art fraud and counterfeiting is
dark and complicated” and populated by “the same people who deal with arms, drugs and women
and children” (Czegledi as quoted in Banerjee, 2009; see also Grant, 2012; Murfitt, 1995), a
recent statement by Interpol would challenge the basis of such claims by emphasizing that extant
statistics on all forms of art crime are notoriously unreliable and incomplete and that “it is unlikely
that there will ever be any accurate statistics” (International Criminal Police Organization, 2012).
The problems posed by “competing definitions,” however, would seem equally formidable inasmuch as judgments of “art fraud” may derive from very disparate understandings of what the terms “fraud” and “authenticity” connote. Thus, while some may be content to anchor their use of these terms to laws which detail the criminal offences of forgery and fraud or address the

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3 “Art fraud” has been imbued with different connotations across historical time and space. However, the term’s plurality of meanings is hinted at in Lenain’s (2011:13) assertion that, since the mid-19th century, art forgery has “become the object of an anxious and ever growing preoccupation.” He observes that while Reisner’s (1950) early bibliography on this topic contained approximately 850 entries, later compendiums prepared by Koobatian (1987) and Jacobson (1988) featured more than 1,800.

4 In delineating the criminal offence of “forgery,” Section 366(1) of the Canadian Criminal Code specifies that: “Every one commits forgery who makes a false document, knowing it to be false, with intent (a) that it should in any way be used or acted on as genuine, to the prejudice of any one whether within Canada or not, or (b) that a person should be induced, by the belief that it is genuine, to do or to refrain from doing anything, whether within Canada or not.” The meaning of the term “document,” for the purposes of this section of the Criminal Code, is defined in s. 321 as “any paper, parchment or other material on which is recorded or marked anything that is capable of being read or understood by a person, computer system or other device, and includes a credit card, but does not include trade marks on articles of commerce or inscriptions on stone or metal or other like material.” The meaning of a “false document” is provided in s.366(2) which notes that “[m]aking a false document includes (a) altering a genuine document in any material part; (b) making a material addition to a genuine document or adding to it a false date, attestation, seal or other thing that is material; or (c) making a material alteration in a genuine document by erasure, obliteration, removal or in any other way.” Further, s. 321 specifies that a “false document” includes “(a) the whole or a material part of which purports to be made by or on behalf of a person (i) who did not make it or authorize it to be made, or (ii) who did not in fact exist, (b) that is made by or on behalf of the person who purports to make it but is false in some material particular, (c) that is made in the name of an existing person, by him or under his authority, with a fraudulent intention that it should pass as being made by a person, real or fictitious, other than the person who makes it or under whose authority it is made.” In addition, Section 366(3) specifies that “Forgery is complete as soon as a document is made with the knowledge and intent referred to in subsection (1), notwithstanding that the person who makes it does not intend that any particular person should use or act on it as genuine or be induced, by the belief that it genuine, to do or refrain from doing anything.” As such, conviction for the criminal offence of “forgery” rests upon establishing proof, beyond a reasonable doubt, that an individual “(a) knowingly made a false document with (b) intent that it be used (c) as if it were genuine in such a way that someone is prejudiced” (Barnhorst and Barnhorst, 2004: 355-356. Section 367(1) provides that “Every one who commits forgery (a) is guilty of an indictable offence is
issues of trademark and copyright (e.g., Bensimon, 1996; Benhamou & Ginsburgh, 2002; Berryman, 1994; Betts, 1970; Brown, 1990; Cahill, 2012; Carver & Chalifour, 2004; Cohen-Hattab & Kerber, 2004; Czegledi, 2010a, 2010b; Debattista, 1992; DiFonzo, 2012; Feldman, 2003; Fincham, 2009; Gerstenblith, 2012; Hill, 2008; Hillman-Chartrand, 1996; Lydiate, 2012; McAndrews, 2010; Massy, 2008; Mackenzie, 2005; Pask, 1993; Reeves, 2011; Said, 2012; Schultz, 1999; Siehr, 2011; Smith, 2008; Spencer, 2005, 2010a, 2010b; Stern, 2004; Wallace, 2010), scholars in such fields as aesthetics and anthropology may approach the topic in very different ways (e.g., Abel, 1984; Alder and Polk, 2004; Alexander, 2001; Bendix, 1997; Bowden, 1999; Cebik, 1989a, 1989b; Cohen 2012; Davies & Higgins, 2009; Dutton, 1993; Eaglestone, 2009; Eksteins, 2012; Goodman, 1976; Lazzaro, 2006; Lenain, 2011; Phillips, 1997; Price, 2007; Scharfstein, 2009; Trilling, 1972; Wood, 2008). Thus, one might consider Irvin’s (2005:123) suggestion that with the appearance of “appropriation art” in the 1960s, we witness an “artistic trend” that would appear “to give substance to the theories of Foucault and Barthes” or Yolan’s

liable to imprisonment for a term not exceeding ten years; or (b) is guilty of an offence punishable on summary conviction.”

In various ways, it might appear that Walter Benjamin’s (1936/1968) famous prophesy about the “strange and estranging effects of technology under the command of commercial impulses” (Bullock, 2003: 43) are coming to fruition. However, while Benjamin intuited that technology would serve to “demyystify” art, with mechanical reproduction “emancipating” the work of art from its parasitical dependence on ritual, “detaching” the reproduced object from the domain of tradition” and, by “permitting the reproduction to meet the beholder or listener in his [sic] own particular situation,” “reactivating” the object, Tehranian’s (2013:93-94) charges that Benjamin “underestimated” law’s capacity to function as a “powerful countervailing force” against the demystification of art and the “demyystifying tide of mechanical reproduction.” Thus, in his recent book, Infringement Nation, Tehranian’s (2013:93-94) argues that when copyright law is strictly applied, it “prohibits any kind of reproduction, whether manual or mechanical,” “controls exhibition of works through public performance and display rights” and “carefully patrols a creative work’s cultural value through the derivative-works doctrine.” In addition, he
(1981) bold claim that “there is an element of theft in all art; even the most imaginative artist borrows and reconstructs the archetypes when delving into the human heart.” Yet, allegations of “fraud” that arise in evaluations of the status of indigenous artworks should make evident that pronouncements on the “death” of the “author” may be entirely premature. In this context, assessments of an artwork as “fraudulent” or “authentic” are especially likely to be factious and combative (e.g., Barker, 2000; Blundell, 1993; Blundell and Phillips, 1983; Bosch & Rentschler, 2009; Brown, 1998, 2003; Cho, 2008; Coleman, 2004; Coombe, 1991, 1993a, 1993b, 1997, 1998; Croteau, 2008; Cummings, 2011; Delgado-Simmons, 2011; Golvan, 1992; Handler, 1991; Johnson, 2000; Kingfisher, 2004; Marcus & Myers, 1995; Moore, 2008; Myers, 2002; Oster, 2012; Phillips, 2006; Pupchek, 2001; Scott, 1997; Vanovac, 2012; Ziff and Rao, 1997).

In illustration, one may consider the 1990 *American Indian Arts and Crafts Act*, a truth-in-advertising statute which imposes stiff penalties for creators and sellers who knowingly make false claims about the heritage of putatively “Indian artworks.” Viewed in one way, it is a truth-in-advertising statute which imposes stiff penalties for creators and sellers who knowingly make false claims about the heritage of putatively “Indian artworks.”

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observes that the unmooring of copyright from “ownership” “enables the exertion of control over a creative work to be distant and omnipresent.” Thus, while conceding that there exists a “vast disparity between copyright law and copyright norms,” he insists that Benjamin’s anticipations of what would unfold in an “age of mechanical reproduction” were overly bold. In illustration, he directs attention to the procedural rules of the U.S. *Copyright Act* and insists that while these rules may seem “banal technicalities,” they have a “profound and substantive impact on ...[America’s] copyright regime.” Moreover, he maintains that the registration system that this Act employs “reifies the divide between highbrow and lowbrow works, sustaining the aura of art according to a cultural hierarchy policed by legal formalities” (Tehranian, 2013:xvi).

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A precursor of this Act was enacted by the U.S. Congress in 1935, with the establishment of the Indian Arts and Crafts Board as an agency of the U.S. Department of the Interior and the adoption of criminal penalties for the sale of goods that, with “willful intent,” misrepresented imitation arts and crafts as “Indian produced.”
laudable prophylactic measure which seeks to guard against art fraud and, in doing so, preserve
and protect the cultural integrity of America’s indigenous peoples. 7 From a different vantage
point, it is perceived to revitalize the racialized and imperialistic categorization of people that
prevailed in times past and to encourage further trade in this debased currency (Grant, 2002,
2006). Thus, in noting that this Act “surfaced in the U.S. Congress as an attempt to keep non-
Native people from claiming Indian descent and exploiting the high market value of ‘Indian art’”,
Everett (2008:xvi-xvii) acknowledges that its provisions may have afforded “Indian artists” with
“some protection against Indian impersonators.” Nevertheless, she charges that the Act must be
considered vexatious inasmuch as it further entrenches “an onerous definition of ‘Indianness’ that

7The efficacy of this law in furtherance of this goal is subject to debate. For example,
Black (2011) notes that of the 649 complaints received by the U.S. Arts and Crafts Board
between 2006-2010, less than a quarter (150 or 23%) were credited by that agency as involving
violations of the Act’s provisions and only 117 cases were referred to law enforcement agencies
for investigation; most commonly, those who were believed to have violated the Act’s provisions
were sent warning letters with no further action taken (Black, 2011; see also Rowland, 2005).
Moreover, while a 2011 report by the U.S. Government Ability Office suggests a sizeable
penetration of fraudulent works within the “Indian arts and crafts” market, it acknowledges that
extant estimates of the breadth and depth of this problem remain “outdated, of a limited scope, or
anecdotal” (Black, 2011; see also Santa Fe New Mexican, 2009). Kamerick (2012) praises 2010
amendments to this Act which “authorize all federal law enforcement officers to conduct
investigations of those who fraudulently market arts and craft as Indian-made in violation of the
act” and increase penalties for violators, with a fine of $250,000 imposed for a first-time violation
by an individual in a sales transaction of $1,000 or more and a maximum fine of one million for a
first-time violation by a business. However, she acknowledges that the federal Indian Arts and
Crafts Board, “which is a part of the U.S. Department of Interior,” confronts continuing
enforcement problems. She quotes a “senior project manager” with the Board as reporting that
“Our biggest issue is having people come forward and bringing enough information to create a
case.” She notes that inasmuch as the Board possesses “limited resources”, “[m]uch of the
responsibility falls on the artists to determine whether something is their work or not.” Moreover,
she notes that the legal counsel to the IACA insists that the problem of fraudulent Indian artworks
remains of immense proportions: “It’s not like 10 percent are fake...Most are fake and artists are
paying. There are a lot of people out there to sue” (in Kamerick, 2012, emphasis added; see also
Dits, 2007).
has been established by “outsiders”: under the Act, those who seek to exhibit their work as “Indian art” must prove their “Indian” identity by establishing that they number among the enrolled members of one of the 557 federally recognized tribes in the United States and/or by “blood quantum’ (i.e., the process of documenting one’s Native ancestry in order to meet a legally set minimum fraction of one’s heritage).” In Canada, where legislative efforts to define “Indians” through the imposition of foreign criteria can be traced back to pre-Confederation times

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8 Legislative efforts to define “Indians” in what was to become Canada can be traced to section V of the 1850 Act for the Better Protection of the Lands and Property of the Indians in Lower Canada; these endeavours have uniformly represented the imposition of foreign criteria and an often heavy-handed negation of the ways in which First peoples defined themselves. One might consider in this context The Great Binding Law, or Gayanshagowa, which recorded the Constitution of the Iroquois Confederacy (a “League of Nations” that was originally established around 1450), which clearly specified in relation to the issue of “clans and consanguinity” that “[t]he lineal descent of the people...shall run in the female line. Women shall be considered the progenitors of the Nation. They shall own the land and the soil. Men and women shall follow the status of the mother” (in Blair et al., 2003:28). However, Canada’s Indian Act notably imposed and enshrined the patrilineality of European law. Thus, from 1876 until April 17, 1985, when its eligibility system was altered by the proclamation of Bill C-31, the Indian Act privileged male lineage in its determination of who was an Indian: “An Indian was defined as any male person of Indian blood reputed to belong to a particular band; any child of such a person; and any woman lawfully married to such a person” (Wherrett, 2002:179). In consequence, while a non-Indian woman who married an “Indian” man gained this status for herself and the offspring of her union, an “Indian” woman who married a non-Indian man lost her status as an Indian and her descendants were viewed as non-Indians for the purpose of entitlements or benefits. To like effect, “Indians” who pursued higher education, desired the ability to vote, or sought entrance into professions could be “enfranchised” - a term which would certainly seem a misnomer, given that the “enfranchisement” of “Indians” under the Act entailed a systematic process of disenfranchisement. While Elliott (2005:20) observes that “[u]nder the 1985 changes, almost every person who had status and lost it before 1985 was entitled to reinstatement” along with “many of their children and grandchildren” and notes that there is “no longer any legal provisions for losing status under the Indian Act,” he maintains that certain provisions remain vexatious. For example, he points out that under the provisions of Bill C-31, not all persons who are currently eligible for “Indian” status are equally able to transmit this status to their children. While the children of those who possessed “Indian” status prior to April 17, 1985 are endowed with “Indian status” and, regardless of whom they marry, can pass this status onto their children, children who have merely one “Indian status” parent can only transmit this status to children if they produce progeny with a spouse who also has Indian status. These changing legal definitions would seem
(Alia, 1994; Burrows, 2010; Hill, 2010; Palmater, 2011; Trepanier & Creighton-Kelly, 2011),
similar claims could undoubtedly be raised in relation to the Igloo trademark, which has been use
in Canada since 1958 and is registered with, and administered by, Canada’s Department of Indian
Affairs and Northern Development (Blundell, 1993; Crandall, 2000, 2005; Hollowell, 2004). As
Cardinel-Schubert (1997:132) bristled when the Canada Council opted to abide by “the
ethnological dictums” preferred by an American museum, “Native people know who they are,
and there is no need for a registry or sanction by an institution of a people.” Her remarks also
to suggest that Germaine Arnaktauyok (born 1946, Igloolik, NWT), an acclaimed Inuit artist
whose work is prominently featured within Hessel’s (2002) Introduction to Inuit art and whose
many accomplishments include the design of the tailside of the “toonie” that was issued by the
Royal Canadian Mint to commemorate the 1999 inception of Nunavut, legally ceased to be an
“Indian” in the late 1970s when she married a Caucasian man and that her children from that
union are other than “Indian.” Moreover, if under the 1985 regulations, Arnatauyok became
“eligible” to regain the “Indian” status that she had lost under the sexually discriminatory
provisions of the pre-1985 Act, the application of the Act’s post-1985 provisions may result in a
situation in which Arnatauyok’s grandchildren will only have “Indian” status if they are the
progeny of a union in which Arnatauyok’s children partner themselves with an “Indian” spouse.

9 Scott (1997:20) notes that while “[u]sers of the igloo tag are registered,” the use of the
tag has never been rigorously policed by Indian Affairs and Northern Development and fakers
quickly developed ways of circumventing the tag system. For example, she reports that fakers
speedily “developed their own labels, employing misleading terminology, and using Inuit words
and acronyms for ‘Eskimo’ to identify the ‘artist.’” Hollowell (2004:79) additionally finds that
“[n]ot all Inuit artists use igloo tags, nor do all shops or galleries.” In consequence, it is not,
perhaps, surprising that in 1983, the Inuit Tapirisat of Canada, a national Inuit association, called
called for “strict federal rules to control the sale of ‘fake’ Inuit art,” which it claimed was “threatening
the multi-million-dollar native art industry” (Canadian Press, 1983), and demanded that the tags
“used on imitations should not be allowed to use such words as ‘Inuit, Eskimo, Arctic or
northern.” It also recommended that: the tags used on imitation art “should identify the artist, the
materials used, the number of copies [made] and whether machines were used” in the production
process; permission from the Inuk artist be obtained prior to “[c]opies created by non-Inuit”; and
that imitation Inuit artworks be housed in separate display cases, rather than juxtaposed with
“authentic Inuit work” (Globe and Mail, 1983a). In the mid-1990s, a report on Native Arts, Crafts
and Fakelore: Legal and Administrative Options and Recommendations (Denhez and Noonan,
1994) that was prepared for the Royal Commission on Aboriginal People, addressed the issue of
“imitation” art. Somewhat ironically, however, this report pointed approvingly to American
legislative efforts and suggested that they were worthy of emulation.
allude to the dual ways in which appropriation may occur within a context of systemic colonization: “when someone else speaks for, defines, describes, represents, uses or recruits the images, stories, experience and dreams of others for their own” as well as “when someone else becomes the expert on your experience and is deemed more knowledge about who you are than you yourself” (Todd in Alexander, 2001:185-186).

Additional complexities are revealed by contemplation of the now-infamous Australian case of Elizabeth Durack/Eddie Burrup. Thus, if the “Australian art world swooned when they saw the

10 In the Australian context, Overington (2012) observes that “[t]he issue of indigenous identity - who’s in, who’s out, and who decides - has long been the subject of bitter debate in the indigenous community.” In that country, the federal government applies what is “colloquially known as the ‘three-part test”: “an Aboriginal person must be of Aboriginal descent; must identify as an Aboriginal person; and must be accepted by the Aboriginal community in which they live” (see also Daily Telegraph, 1998).

11 Among other cases which reveal similar complexities, one may consider the controversy that has surrounded American “Indian” artist Fritz Scholder. Thus, Kennicott (2008) points out that while Scholder’s paintings, such as “Indian No. 1” and “Indian with Beer Can,” undoubtedly depart from the “sentimentalized, kitschy Indians that are still on sale in galleries in Santa Fe and other Western art centers” by directly addressing “darker issues, including alcoholism, that [have] haunted Native American society,” his works have been dogged with allegations of fraud. According to Kennicott (2008), these allegations are due, in part, to Scholder’s bold declaration that he is “no more an Indian than the man in the moon” and goading assertion that “Fine art is still the best racket around.” Moreover, Kennicott (2008) charges that even though Scholder has disclaimed Indian status at various times, he has nevertheless cultivated a public identity of himself as an “Indian” for reasons of self-interest. “Scholder couldn’t reject the label [“Indian artist”] entirely,” Kennicott (2008) argues, nas much as “the only thing that prevents paintings such as “Indian with Beer Can” from veering into the realm of caricature is the stabilizing and legitimizing presence of an Indian artist. If painted by a white artist, they would be dismissed as hate speech.” Controversy has also encircled numerous other “Indian” artists. For example, a 1998 article in The Australian featured a headline which sneered “‘Aboriginal’ artist born in Indian, says report” and began: “An artist, selling work as indigenous painter Sakshi Anmatyerre, may have claimed a false Aboriginal heritage”; according to this report, Anmatyerre had “changed his name by deed poll in 1992 from Farley Warren Patrick French” and had been born in Calcutta (Taylor, 1998). A year earlier, the media directed attention to the winner of Australia’s 1996 National Aboriginal Art Prize, Kathleen Petyarre, with the thrust of this
work of Aboriginal painter Eddie Burrup, whose haunting canvases depicted Aboriginal
Dreamtime\textsuperscript{12} legends,” the disclosure that Burrup was “a figment of the imagination of an 82
year-old white woman” greatly “embarrassed the cognoscenti and infuriated the nation’s
indigenous artists” (Maynard, 1997). Yet, the question of whether or not Durack’s “Aboriginal”
controversy captured in the title of an article which appeared in The Guardian: “My brush with
aboriginal art, by hoaxster.” This article, along with others, recorded claims made by Petrayrre’s
boyfriend, Ray Beamish, who charged that Petyarre’s prize-winning renderings of the “‘sacred
women’s dreaming’ ritual” were best credited to Beamish’s artistry and imagination and that “in
fact,” these works “were the painful expressions of a balding, gap-toothed” Welshman. (Glaister,
1997; see also The Times, 1997). Although Petyarre was subsequently exonerated following an
inquiry by the Museum of the Northern Territory (Guardian, 2001), controversy has also
surrounded Bindi Cole, a Melbourne artist who identifies herself as “Aboriginal white.” Cole’s
2008 exhibit, “Not Really Aboriginal,” featured photographs of the artist and others with their
faces painted black and featured an accompanying text that began, “I’m not black. I’m not from a
remote community”; it also proceeded to issue a challenge to racial essentialism: “Does that mean
I’m not really Aboriginal, or do Aboriginal people come in all shapes, sizes and colours and live
in all areas of Australia, remote and urban?” (in Overington, 2012).

\textsuperscript{12}In noting that “[t]he religious life of Aboriginal people centres on the Dreaming,”
Caruana (1993:10) identifies “Dreaming” as a “European term used by Aborigines to describe the
spiritual, natural and moral order of the cosmos” and the allied term “Dreamtime” as referring to
“the period from the genesis of the universe to a time beyond living memory.” In introducing
these concepts, he emphasizes that they “do not refer to the state of dreams or unreality, but rather
to a state of reality beyond the mundane.” According to Caruana, “The Dreaming focuses on the
activities and epic deeds of the supernatural beings and creator ancestors such as the Rainbow
Serpents, the Lightning Men, the Wagilag Sisters, the Tingari and Wandjina, who, in both human
and non-human form, travelled across the unshaped world, creating everything in it and laying
down the laws of social and religious behaviour.” However, he emphasizes that “The Dreaming
is not...merely a guide for living, an agent of social control, or simply a chronicle of creation,
restricted in time to a definable past.” Rather, he insists the Dreaming is best understood as
providing indigenous peoples with an “ideological framework by which human society retains a
harmonious equilibrium with the universe - a charter and mandate that has been sanctified over
time.” In addition, Caruana (1993:15) reports that the regulations which govern “the ownership of
and rights” to Dreamings in traditional societies extend to their use in artworks that are intended
to enter the public domain: “An individual artist to whom a work is attributed will be the owner
of, or have other rights to depict the subject. In this way, the prerogatives of artists to use sacred
designs and to depict religious subjects are regulated. Ownership of the designs is akin to
copyright over them; the use of designs belonging to others without the appropriate permission
constitutes a major breach of Aboriginal law” (see also Coleman, 2001, 2004, 2005; Sutten et al.,
1997).
paintings and/or her employment of an Aboriginal male alter-ego constitute “art fraud” remain hotly disputed. Some commentators respond with unalloyed outrage and argue that Durack’s feigning of an “Aboriginal” style of art and/or creation of a fictive persona constitute *prima facie* evidence of the most blatant form of cultural appropriation. Durack, they charge, is guilty of “appropriation of voice,” the “theft of culture” and “the ultimate act of colonization” (Akersmann, 1997; Associated Press, 1997; Betti, 1997; Brook, 1997; Daily Telegraph, 1997a, 1997b, 1997c, 1997d, 1997e; Ewing, 1997; Farnsworth, 1997; Graham, 1997; Jopson & Burke, 1997; Marcus, 1997; McCulloch, 1997a, 1997b; Nicholls, 2000; Spielmann, 1997a, 1997b). Among a subset of her critics, Durack’s actions have been imbued with even greater significance. Anticipating that her conduct will inspire emulation, they warn that a severing of the indexical connection between a style of art and an identifiable people will lead to the crass commodification of the former and the possible extinction of the latter (e.g., Dauber, 2000; Nicholls, 2000; Nolan, 2004). A grim spectre of cultural genocide is envisaged, with non-Aboriginal artists busily churning out, in Fordist fashion, “aboriginal” art or its simulacra.13

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13 In illustration, Bennett (1997) argues that, in general, “[i]ndigenous art has been poorly served by Western intellectual property laws because indigenous art production has [historically] taken place in the context of a different systems of names, one that places the accent on collectivities rather than individual creators.” According to Bennett, Durack’s creation of the Eddie Burrup persona “disturbs the meaning of indigenous artistic traditions as part of a distinctive culture and history while weakening their continuing availability to indigenous artists as a means of contributing to the ongoing development of a distinct culture”; in addition, it is Bennett’s contention that Durack’s act simultaneously damages the market for indigenous artworks. “If members of elite white settle families can produce indigenous art that, masquerading under a false name, seems indistinguishable from the real thing,” Bennett charges, “the value of indigenous names as a sign of cultural authenticity is undermined.....Its consequences for indigenous communities...are serious. It limits their ability to exercise effective control over the ways in which resources can be commercially exploited to benefit the indigenous community.” In complementary fashion, Nichols (2003) points out that “[t]he growth in status and value of Aboriginal art in recent years has prompted a new breed of fraudsters to try and
At the same time, however, some have been equally forceful in their defence of Durack and her actions. On occasion, the phrasing of this support has suggested an echoing of D.H. Lawrence’s famous directive to “trust the art, not the artist.” For example, Myers (2002:332) queries rhetorically, “why can’t white artists paint ‘Aboriginal art’?”, “[W]hat [happened] to the claim...that this art is valued just because it is good art (not because it is good Aboriginal art)?”

capitalise on the popularity of the distinctive paintings that depict stories of one of the world’s oldest races.” While the Aboriginal and Torres Strait Islander Commission estimated the worth of the indigenous arts industry to be A$200 million at the beginning of the new millennium and to be growing yearly at a rate of 10 percent, Nichols (2003) emphasizes that this situation has not resulted in a notable improvement in the lives of Australia’s Aborigines and Torres Strait islanders. Rather than experiencing a financial windfall, she reports, indigenous peoples in Australia continue to experience disadvantage, “dying 20 years younger than other Australians amid high rates of unemployment and alcohol abuse.” Moreover, she asserts that “while indigenous work now basks in the international spotlight, many artists are still not reaping the gains,” with many “exploited and denied a fair share of the wealth being generated by their creations.” Perry (2007) also directs attention to the exploitation of Australian indigenous artists by “carpetbaggers” - “dealers out to make easy money.” According to Perry (2007), while one artist was paid A$150 by a dealer “for a painting that took a week to produce and was worth $1,500,” other dealers “paid for funerals in return for [the artist’s] relatives producing art, sometimes worth A$30,000 or 15 times the cost of a funeral.” Other indigenous artists, Perry (2007) reports, have been “forced to live in ‘squalid conditions’ in motels situated “in the outbacks of Alice Springs” and churn out paintings, “paid very little and charged rent they could not afford, keeping them in a ‘debt-trap obligating them to produce more paintings.” While McGillick (1997) observes that “75 percent of Aboriginal artists [in Australia] are now represented by agents, just like white artists,” he maintains that Australia’s indigenous artists continue to confront a “glass ceiling” which only a few, such as Rover Thomas and Emily Kngwarreye, have managed to break through and that the earnings of the “best Aboriginal artists” in that country are comparable to “what a mediocre white artist might earn.”

14 Reflective of this stance, Morgan’s (1997) “Black or white, judge the art, not the artist” suggests that while what Durack did “was mendacious in the extreme,” “Aboriginal society is not separate from white society and nor is indigenous culture hermetically sealed off from Western culture.” He insists that even though “the public presentation of Aboriginal art is a source of great pride for a people who for so long were prevented from representing themselves to the wider world,” “no Aboriginal artist wants to be patronised by white society. The reconciliation process is not helped by critical condescension.” One might also consider in this context Carl Beam’s reflections upon the Art Gallery of Ontario’s 1984 purchase of one of his paintings: “I realized that when they bought my work it wasn’t from Carl the artist but from Carl the Indian....At the time, I felt honoured, but now I know that I was used politically - Indian art that’s made as Indian
For others, censure of Durack is best equated with racialized cultural edicts that would restrict all but African-American musicians from playing jazz or the blues (Rudinow, 1994; Young, 1994, 1995). Illustrative of this vantage point, Coleman (2005:25-26; 2004:20-40) argues that the concept of a distinctive Aboriginal “voice” is mawkish and nonsensical at best and she lingers approvingly upon Coombe’s (1993:253) contention that “the claim that ‘the appropriation of voice’ will destroy indigenous culture is a form of essentialism in the sense that the voice which is appropriated is understood as unified and singular, and a form of Orientalism in the sense that the group is conceived of as homogenous, timeless, and defined by unchanging traditions.”

According to Coleman (2005-25-26), while there are “two different claims associated with the notion of an authentic culture voice,” both of which “associate the word authentic with true,” neither claim stands up particularly well to scrutiny. The first of these theories, which she dubs a “correspondence theory of authenticity,” is described as building upon the contentious premise that “[r]epresentations of Aboriginal people by non-Aboriginal people...should accord with how Aboriginal people view themselves, or would like to be portrayed...[with] ‘identity’...interpreted as a kind of subjectivity... [a]nd ‘authenticity’ interpreted in terms of ethnicity.” In a begrudging acknowledgement of Young’s (1994) warning of how representations of minority populations may serve to perpetuate and entrench negative stereotypes, Coleman (2005:28) concedes that cultural appropriation may induce harm and, with almost palpable reluctance, reports:

So we might think a danger of not representing Aboriginal people as they view themselves is that the sheer volume of representations of Aboriginal people will lead to Aboriginal people no longer knowing what they think of themselves, or

is racially motived and I just can’t do that. My work is not made for Indian people but for thinking people” (in Gessell, 2010a).
what is authentically Aboriginal. Non-Aboriginal people, who, in addition to making representations about Aboriginal culture, represent themselves as Aboriginal, may therefore be seen as particularly dangerous as some Aboriginal people may mistakenly believe in a false or inauthentic representation of himself or herself (Coleman, 2005: 28).

Nevertheless, Coleman’s (2005:27) assessment of what she identifies as an “essential theory of authenticity” is unreservedly scathing and she rebukes those who would insist upon breathing life into the “Romantic tradition” of viewing art and culture as an expression of “‘the being’ of a group”¹⁵ and, in so doing, decry the “use of cultural forms by outsiders” as axiomatically fraudulent or “inauthentic.” She scornfully discounts this conception of authenticity as inherently racist and as sharing with all racist doctrines the twinned presuppositions that there are distinctive “races” and that these racialized identities are legitimately imbued with “moral distinctions or other distinctions with moral implications.” Buttressing her arguments with reference to Rudinow’s (1994:126) earlier refutation of the “myth of ethnic memory” and his challenging of the notion that “mere membership in the ethnic group confers special access to the lived experience of ancestors and other former member,” she thunders:

> Genetic make up does not give you access to other people’s experiences, and even if it did, one would wonder how the gene was so selective about which memories to record. Genes simply do not remember. But even if they did, the concept of “race” is itself dubious and has been criticized as an artificial construct without foundation in science. The degree of genetic variation within a given “racial” group exceeds that between “typical” members of different groups, with respect to genetically determined physical characteristics. Furthermore, the probability of

¹⁵In illustration, one may contemplate Cardinal-Schubert’s (2002, emphasis added) assertion that: “We have finally come to a point in our history as First Nations of sharing our art as a contemporary expression, derived from our cultural memory - our hidden history: a composite knowledge of icon, symbol and concept; of interpretation and visioning; of experimentation and experience; of movement, and of new creation - ever aware that we take responsibility for our creations, to guard them and to use them well.”
finding any particular genetic difference occurring between members of a “racial”
group is roughly the same as for any two human peoples (Coleman, 2005:31-32).
“If indigenous and other people’s claims over art forms are to be taken seriously,” Coleman
(2005:32, emphasis added) fumes, “they need to be articulated in a way that does not involve race
as a significant element of its argument.” Thus, while Dante’s 14th century *Divine Comedy*
identified “falsifiers” as the group who would be banished to the torments and tortures of the
*malebolge*, it appears that Coleman (2005) would more contentedly consign essentialists and,
perhaps, post-colonial theorists, to that site. She pronounces Durack’s work unequivocally original
and indisputably “authentic from a ‘Western’ perspective” and, in doing so, emphasizes that while
Durack’s paintings contain representations of Aboriginal peoples or spirits, they do “not use any
significant Aboriginal designs, nor abuse copyright laws in any way” (Coleman, 2005:102).
Moreover, while acknowledging that Durack sought to give artistic verisimilitude to her alterego
by endowing him with a lavishly detailed, but entirely fictitious, biography, she declares that “it is
an accepted practice in the Western tradition for artists to use a false identity, or pseudonym”
(Coleman, 2005:86).

An especially robust and spirited defence of Durack is contained on a website managed by her
estate. Among other claims, it charges that Durack’s creation of Eddie Burrup is entirely
congruent with “several well-documented traditions” - specifically, “creative females resorting to
the use of a male pseudonym in order to communicate original work and ideas”; “a writer or actor
creating, or recreating, a character and in the process becoming that character”; and “artists
employing allegory or satire in order to comment on the follies and mistakes of those with power
and influence” (“Elizabeth Durack,” 2012). According to this source, criticism of Durack is also
best viewed in a historical context and, pointedly noting the “long tradition” of “censorious
response to innovators,” it sees fit to liken Durack to such famous iconoclasts as Galileo Galilei.
In addition, postmodernists might offer equally felicitous interpretations of Durack’s actions and,
perhaps, construe Durack’s conduct as an admirable exemplar of the types of transgressive
crossings and purposive disruptions of identity categories that Butler (1990) has championed.
However, regardless of the merits of any one of these arguments, this amalgam of claims and
counterclaims reveals that allegations of art fraud can be weighted with significance and serve as
the point of departure for much larger debates. They also suggest that it is possible to
conceptualize the crime and the victim(s) of art fraud in very disparate ways. In this thesis, I seek
to identify the frames that were employed by the Canadian print media between January 1978 and
December 2012.

According to Entman’s (2002:392) widely-cited definition, “frames”:

- **define problems** - determine what a causal agent is doing with what
costs and benefits, usually measured in terms of common cultural
values;
- **diagnose causes** - identify the forces creating the problem;
- **make moral judgments** - evaluate causal agents and their effects;
- and **suggest remedies** - offer and justify treatments for the problems
and predict their likely effects.

In his writings, Entman (1993:52) outlined that “to frame” is “to select some aspects of a
perceived reality and make them more salient in a communicating context, in such a way as to
promote a particular problem definition, causal interpretation, and/or treatment recommendation
for the item described.” However, unlike Herman and Chomsky’s (1988) “propaganda model” of
the media, which asserts a “near-seamless relationship between media messages and the interests
of capital” (Hugill, 2010:20; see also Klaehn, 2002; Mullen & Klaehn, 2010), “frame analysis”
does not begin with the presumption that news articles are systematically “filtered” in ways which
“inevitably” privilege a “single ideological position” and seek to deracinate all other world views
(Street, 2001:16, 37). Rather, as Gies (2011:170) reports, “[f]raming analysis”: “analyses news as
predominantly a process of storytelling”; recognizes that a “frame” need not be “expressly
articulated” and “may consist instead of a ‘meta-communicative’ prompt embedded in the text”;
anticipates that “[t]he dominant frame may well be one that does not show up as the most prevalent
in a quantitative analysis”; and understands a “frame” as “something which transcends a particular
theme or motif.” Moreover, while “frames” are understood to be rhetorically powerful and to
impact the ways in which the public perceives the issue that is reported upon, “framing,” or “the
process by which a communication source, such as a news organization, defines and constructs a
political issue or public controversy” (Nelson, Oxley & Clawson, 1997:568) is envisaged as an
odyssey that is more serpentine than certain. Thus, while conceding that “media messages are
articulated within ‘distinct ideological limits’ and ...necessarily provide ‘frameworks’ for
evaluating issues that tend to tip in favour of established authority,” it views the “‘professional
ideology’ of news production” as important and eschews the “conspiratorial view of the media”
(Hugill, 2010:21).
Examinations of the “professional imperatives” (Chibnall, 1977:23) that guide press-reporting on crime in Canada, the United States and the United Kingdom have repeatedly suggested the folly of supposing that these dicta encourage a faithful rendering of the incidence and dynamics of crime (e.g., Carrabine, 2008; Chadee & Ditton, 2005; Cohen, 2002; Ditton & Duffy, 1983; Ditton et al., 2004; Greer, 2005; Marsh, 1991; Reiner, 2001; Reiner et al., 2000, 2001, 2003; Roshier, 1973; Sacco, 1995; Schlesinger et al., 1991; Williams and Dickinson, 1993). For example, in noting that “newsmen” are tasked with producing a “certain quantity of what is called ‘news’ every twenty-four hours,” including days on which “nothing much has happened,” Breed (1955:331) early emphasized how this role obligation encouraged journalists to engage in a “persistent search in the drab episodes of city life for the romantic and picturesque, its dramatic accounts of vice and crime” and to accord prominence to such incidents. While the frenetic quality of this quest may have abated in more recent eras with the rise of “supermarket journalism” (Mawby, 2010a, 2010b) and the concomitant ability of journalists to “simply ‘buy’ their stories off the shelf from the press offices that are responsible for ‘managing the media’ about a particular crime or event” (Wilson, 2011:xx), journalism’s cynical mantra, “if it bleeds, it leads,” continues to resonate both its disdain for coverage of the mundane and prosaic and rapt readiness to endow statistically atypical incidents with especial lustre (e.g., Allen & Savigny, 2012; Cooper & Roter, 2000; Dowler, Fleming & Muzzatti, 2006; Ericson, Baranek & Chan, 1987,1989, 1991; Cooper and Roter, 2000; Katz, 1987; Kerbel, 2000; McCormick, 1995; Mopas & Moore, 2012; Weitzer & Kubrin, 2004).

As Reiner (2002:307) observes in his commentary upon the news media’s tendency to position the extraordinary as ordinary, “[f]rom the earliest studies (e.g., Harris 1932) onward, analyses of news
reports\textsuperscript{16} have found that crimes of violence are featured disproportionately compared to their incidence in official statistics. Indeed, a general finding has been the lack of relationship between patterns and trends in crime news and crime statistics.”

\textit{News Values}

Building upon the research of Galtung and Ruge (1965) and Chibnall (1977), Jewkes (2011:45) identifies twelve “new structures and news values that shape crime news.” To wit: “threshold,” “predictability,” “simplification,” “individualism,” “risk,” “sex,” “celebrity or high-status persons”; “proximity”; “violence or conflict”; “visual spectacle or graphic imagery”; “children”; and “conservative ideology and political diversion.” With reference to the first of these values, \textit{threshold}, she reports that “[e]vents have to meet a certain level of perceived importance or drama in order to be considered newsworthy” (Jewkes, 2011:46), even though the thresholds established will predictably vary depending on whether a newspaper caters to a highly localized readership or targets a national and/or international audience. With regards to the second, \textit{predictability}, it is Jewkes’s (2011:46-47) contention that while “rare, extraordinary or unexpected events” will hold much allure for those who craft crime news, news organizations will also appreciate the routine structure of events such as a criminal trial inasmuch as these patterned occasions afford them the opportunity to preschedule the placement of their personnel and equipment. Moreover, she argues that the media’s valorization of “predictability” encourages journalists to ignore the possible

\textsuperscript{16}See, for example, Beckett, 1997; Beckett and Sasson, 2000; Chiricos et al., 1997; Cumberland et al., 1995; Davis, 1952; Peelo et al., 2004; Reiner, 2001; Reiner et al., 2000, 2001, 2003; Roshier, 1973; Sacco, 1995; Surette, 1998.
distinctiveness of events and treat incidents that are only facilely similar as interchangeable in their meaning. Observing that “journalists will usually have decided on the angle they are going to report a story from before they even arrive at the scene,” she argues that this pre-determination of a story’s structure must be considered fateful inasmuch as “[h]aving set the moral framework of a debate, those who work in the media will rarely do a U-turn and refashion it according to a different set of principles” (Jewkes, 2011:46).

Simplification, the third “news value” that Jewkes (2011:48) identifies, refers to the news media’s privileging of “brevity, clarity and unambiguity” in its reports. While the professional socialization of those in the humanities and social sciences may encourage their practitioners to regard any object, behaviour or event as a type of intra-psychic and/or socio-structural palimpsest that demands laborious and exacting examination, the training of journalists commends the adoption of a far more parsimonious approach (Blundell, 1988; Demers & Nichols, 1987; McKercher & Cumming, 1998; Stephens, 1997; Taras, 1990). As Breed (1955:331) laconically remarks, journalists “are not rewarded for analyzing the social structure, but for getting news.” According to Rock (1973:38), the “craft training” of reporters encourages them to “get the news” by selecting expeditiously, and often precipitously, from among an array of potent symbols, those “which [ostensibly] signify the importance of certain events and help to explain those events.” For example, Kellar’s (2011:73) analysis of the Canadian mainstream media’s coverage of protest activity at the June 2010 Toronto G20 summit charges that even before the event occurred, “the national news in Canada used their front pages to demonize protest organizers” and, in its aftermath, deployed a series of negative typifications to describe those who had participated in
“direct action and militant resistance to the hierarchical and oppressive status quo.” Thus, he observes, the media speedily identified the protesters as “violent anarchists,” “terrorists” and “thugs,” classified their actions as the “meaningless vandalism” of “dangerous hooligans” and symbolically buttressed these derisory and delegitimising labels by publishing “‘most wanted’ pictures of alleged vandals” (Keller, 2011:73-74, emphasis added). Through the invocation of such compact, evocative and symbolically fertile terms and images, the protestors were easily positioned as interchangeable with a host of other readily-recognizable and despised “folk devils” (Cohen, 1972). This stylized rendering of protest activity, which is markedly consistent with the frameworks employed elsewhere by the mainstream media in their coverage of political demonstrations (e.g., Halloran et al., 1970; Solnit & Solnit, 2008; Thomas, 2000) suggests how the media can recycle previously-employed symbolic structures in its characterization of emergent events, with emphasis accorded to features which are congruent with its pre-established parameters and incongruous elements downplayed or ignored. In illustration, one may note Donahue’s (2000:1) charge that the mainstream media’s depiction of the 1999 protest against the World Trade Organization (WTC) in Seattle, Washington as the “Battle of Seattle” aided in directing attention towards the actions of “violent anarchists” and well away from the relatively peaceful behaviour of the roughly 50,000 demonstrators who had gathered on that occasion. However, as Halloran et al. (1970:26) observe of media coverage more generally, in order to meet the “demand for a single, unambiguous, newsworthy image,” “events will be selected for news reporting in terms of their fit or consonance with pre-existing images and the news of the event will confirm earlier ideas. The more unclear the news items and the more uncertain or doubtful the newsman [sic] is in how to report it, the more likely it is to be reported within a general framework that has already been
established.” The media’s preference for simplification additionally finds expression in its
collection of the *dramatis personae* of criminal incidents. For example, in elaborating upon her
charge that the “mass media are inclined to deal in *binary oppositions*,” Jewkes’ (2011:49,
emphasis in original) contends that “stories involving crime and criminals, including terrorists, are
frequently presented within a context that emphasizes good versus evil, folk heroes and folk devils,
black against white, guilty or innocent, ‘normal’ as opposed to ‘sick,’ ‘deviant’ or ‘dangerous’ and
so on.”

The seminal work of Cohen (1972) on “folk devils and moral panics” suggested that the media’s
reduction of complex phenomena to a simplistic form is especially unlikely to inspire challenge
when marginal persons or groups are assigned responsibility for unsettling events; in these
circumstances, there may be little incentive for socially distant readers to probe further or pursue
alternative and more sociologically-sophisticated explanations. As Schutz (1944:500) maintained
in his discussion of the “stranger,” inasmuch “[t]he social reality of everyday life is...apprehended
in a continuum of typifications, which are progressively anonymous as they are removed from the
‘here and now’ of the face-to-face situation,” our typing of those who are socially distant from us
is likely to dehumanize those persons and proceed in a way that “does not apprehend the unique
person as he [sic] exists within his [sic] living present. Instead it pictures him [sic] as always the
same and homogeneous, leaving out of account all the changes and rough edges that go along with
individuality.” Should those who are subject to negative typifications within news reports be
appalled or aggrieved by their depiction as “dangerous” or “aberrant” or “daemonic,” their ability
to protest against their casting as such may be limited. As Rock (1973:43) points out:
One of the interesting consequences of press reporting is that the authority of newspaper accounts is almost invariably greater than the countering assertions proffered by deviants themselves. Quite frequently, deviants are poorly organised members of the least powerful social strata and their capacity to defend themselves is correspondingly limited. Moreover, since deviancy is a discredited activity, the pronouncements of those who justify it are very often discredited.

According to Jewkes (2011:49), the news value of “individualism,” which encourages journalists to report any troubling event as a decontextualized “private ill” rather than as a “public issue” (Mills, 1959), can be witnessed within the tendency of the news media to depict the broader social environment as if an innocuous backcloth to the actions of “irrational” and “pathological” persons who are “impulsive, a loner, maladjusted, irrational, animal-like, aggressive and violent” (Blackman and Walkerdine, 2001:6). For example, while news reports of the December 6, 1989 “Montreal Massacre” lavishly detailed how a gunman had entered a classroom at Montreal’s Ecole Polytechnique, separated the female students from their male peers and, after shouting angrily, “You’re all a bunch of feminists,” fired upon the young women, killing fourteen and wounding thirteen others, the gunman’s actions were more often presented as symptomatic of the shooter’s “paranoia” and “psychosis” than as testimony to the pervasiveness of misogyny and violence against women (Johnson, 1996; see also Meyers, 1997). More recently, news coverage of the December 2012 mass murder in Newtown, Connecticut, that involved the tragic slaughter of elementary school-aged children and their teachers, has continued in this tradition, with the demonization of the gun man (as well as his mother, his first victim) and lesser degrees of attention paid to structural features which undoubtedly contributed to this tragedy, such as the inadequacies of the U.S. mental health care system and the constitutionally-entrenched right of Americans to bear arms. In consequence, while many early writers on the news media may have evinced a
propensity to view journalists as functioning as a “watchdog against the abuse of power, a righter of wrongs, a humbler of hubris and arrogance, a promoter of positive social change, [and] an agent to comfort the afflicted and afflict the comfortable” (Hackett and Carroll, 2006:21), more recent assessments have been far less sanguine. As simply an anticipatory sampler of these more critical approaches to the media, one may consider McNair’s (1993:38, emphasis in original) claim that “[j]ournalists are not necessarily biased towards the powerful - but their bureaucratic organization and cultural assumptions make them conduits of that power” or Althusser’s (1971) emphatic positioning of the media among other social institutions, such as education, religion and the family, that are putatively independent of the state but, nevertheless, serve as “ideological state apparatuses.” Moreover, while Ericson et al (1991:3-4) caution against the temptation to view news discourses as invariably reproducing ideologies that are “in favour of the powerful,” their three-volume study of crime reporting in Toronto provides a rich analysis of how news representations of “order” perpetuate conservative “versions and visions” of “morality, procedural form, and social hierarchy.” Suggestive of this vantage point, which views crime news as “hegemony in action,” Reiner (2002:323, 310-311) observes that even though “[p]rint journalism, especially ‘quality’ newspapers and editorial pages, will often have more analysis than broadcast news,” with “critical stories exposing malpractice by the police or other criminal justice officials ...regularly published,” “this ‘watchdog’ function” is performed in ways that do “not necessarily undermine the legitimacy of criminal justice institutions.” For example, he wryly observes that, “corruption and other police deviance stories have traditionally been set within the ‘one bad apple’ framework, whereby the exposure of individual wrongdoing is interpreted as testimony to the integrity of the system which dealt with it.” “An alternative damage limitation narrative,” he points
out, “is to present scandals as stories of institutional reform. This acknowledges previous malpractice, but safeguards the legitimacy of the institution as it is portrayed as putting things right.”

The news value of “risk” heightens the likelihood that media portrayals of crime and victimization will serve to inculcate what Furedi (2005a:5) describes as a “culture of fear”: a society in which “risk” has become “an autonomous, omnipresent force” and “being at risk has become a permanent condition that exists separately from any particular problem” (see also Furedi, 2005b). Thus, while data from victimization surveys, such as Statistics Canada’s 2009 General Social Survey, reveal that the risk of experiencing criminal victimization is not equally shared by all members of a society and that, for example, in Canada, Aboriginal peoples are considerably more likely than non-Aboriginals to be the victims of both non-spousal and spousal violence (Brazeau and Brzozowski, 2008; Brennan, 2011; Perreault, 2011; Perreault and Brennan, 2010; Perreault & Mahony, 2012), it is routine that media reports will flatten out such undulations in vulnerability or “risk-proneness.” In a faux “democraticization” of risk, victimization may be depicted within “crime news” as a phenomena that is ostensibly untouched by variables such as “race,” class, ethnicity, gender, social class, sexual orientation and so on. While these socio-demographic factors assuredly do impact the likelihood of victimization in Canada and elsewhere (e.g., Cole, 2007; Karmen, 2013; Walklate, 2007), the canard of the “universal victim” discourages recognition of differential vulnerabilities; instead, it encourages all to feel equally susceptible to victimization and summons all to an apprehension of disaster and a diffuse state of fearfulness.
According to Beck’s (1992, 1999) “risk society thesis,” the media’s capacity to “socially explode” the deterritorialized dangers of modern life (e.g., global warming, AIDS, environmental pollution, nuclear warfare, global terrorist networks, international drug cartels) into public consciousness also fosters the belief that “they are no bystanders anymore” (Beck, 1996:32) and encourages the conflation of the terms “public” and “victim.” Garland’s (2001) writings on the “culture of control” also suggest how narratives of the “universal victim” and “universal victimhood” have been deployed strategically by various governments in their attempts to justify progressively more authoritarian and Panopticon-like (Foucault, 1977) systems of surveillance and social control. This may be witnessed, for example, in the “War Against Terror” (Barkun, 2002; Cohen, 2005; Tremblay, 2002) and the “states of exception” (Agamben, 2005) that it has ushered into being in democratic countries such as Canada and the United States. Thus, McCullagh (2002) observes that in the year following the “9/11” terrorist attacks upon the United States, no less than fifty governments worldwide enacted laws or proposed amendments to extant laws that privileged the preservation of national security over the protection of personal liberty. A report by Privacy International and the Electronic Privacy Information Centre (EPIC), an international human rights advocacy group, also discerns four noteworthy and ominous trends within legislation that was not discussed in the text.

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17 According to Agamben (2005:59), “states of exception” occur in times of political crisis and (1) are marked by the interruption of the democratic rule of law, with the paradoxical claim made that its preservation is dependent upon its suspension; (2) represent an “attempt by state power to annex anomic”; (3) inhabit a “grey zone” between illegality and legality; and (4) provide sovereign power with a mechanism that potentially casts all “citizens” as fungible. As he cautions elsewhere, “The very democratic public space is a mask concealing the fact that, ultimately, we are Homo sacer [a human being who, under Roman law, “had been excluded from the human world and who...could be killed without committing homicide”]” (Agamben, 1998:111). Despite the hypocritical dogma of the sacredness of human life,” Agamben (1998:111, 127) cautions that “it is time to stop regarding declarations of rights as proclamations of eternal, metajuridical values binding the legislator...to respect eternal, ethical principles.”
enacted during this one-year period: “the swift erosion of pro-privacy laws, greater data sharing among corporations, police and spy agencies; greater eavesdropping; and sharply increased interest in people-tracking technologies, such as face-recognition systems and national ID cards” (in Cohen, 2005:549). However, as Holstein and Miller (1990:105) observe, inasmuch the “‘victim’ is a categorisation device...an interpretive framework...that provides a set of instructions for understanding relations,” labeling an event an act of “victimisation” must be understood to signify “an act of interpretive reality construction” which “advises others on how they should understand persons, circumstances, and behaviors under consideration” and furnishes guidelines on how to respond to those who are reputed to be the causal agents of disquieting events. As such, one may appreciate the symbolic potency of the construct of the “universal victim” in both stimulating feelings of insecurity and unease and serving as an inspirational referent point in call-to-arms campaigns to do battle against those who are assigned culpability for various social ills.

The sixth news value that Jewkes (2011:51-53) identifies is “sex,” and she emphasizes that while the salience of this news value is particularly on display in the tabloid press, it is also significant within the “broadsheets and other media.” In illustration, she points to research conducted in Strathclyde (Ditton and Duffy, 1983), Birmingham (Smith, 1984) and Northern Ireland (Greer, 2003) which note, for example, that while “crimes involving sex and violence accounted for only 2.4 per cent of recorded incidents” these criminal events “occupied 45.8 per cent of newspaper coverage”; she concludes that “newspapers over-report crimes of a sexual nature, thus distorting the overall picture of crime that the public receives, and instilling exaggerated fears among women regarding their likelihood of being victims of such crimes” (Jewkes, 2011:52). One may certainly take umbrage with Jewkes’s explicit characterization of women’s heightened perceptions of
vulnerability as “exaggerated fears,” given that victimization surveys and police-reported crime statistics in Canada, the United States and Britain have consistently found that women are more likely than men to be the target of sexual violence and that these types of crimes are seldom reported to police (e.g., Brennan & Taylor-Butts, 2008; Karmen, 2013). For example, the most recent Canadian General Social Survey (GSS) on criminal victimization finds that “in 2009, the self-reported sexual assault victimization rate for females was twice the rate for males” (Brennan, 2012) and that the majority (88%) of these sexual assaults were not reported to the police (Perreault and Brennan, 2010:14). Findings from the U.S. Bureau of Justice Statistics’ 2010 National Crime Victimization Survey (NCVS) are markedly similar, with estimates based upon current American victimization rates suggesting that “about 20 million females residing in the United States will be subjected to sexual violence at some point in their lives” (Karmen, 2013:305). Nevertheless, Jewkes’s (2011:52) charge that the “prime example of newsworthiness is arguably the figure of the compulsive male lone hunter driven by a sexual desire which finds its outlet in the murder of ‘innocent’ [female] victims” would seem far less contentious in light of the sizeable body of research which has noted the prominence that the news media accords to cases of “stranger danger” (e.g., Beck and Beck-Gernsheim, 2002; Best, 1990; Craddock, 2004; Pain, 2006; Stokes, 2009, Zgoba, 2004). Her assertion also notably echoes Haggerty’s (2009:171) account of why the mass media is ostensibly “addicted to portrayals of serial killers” and, in particular, his charge that this statistically rare subtype of murder offers the media “rich opportunities to capture public attention by capitalizing on deeply resonate themes of innocent victims, dangerous strangers, unsolved murders, all coalescing around a narrative of evasion and given moral force through implied personal threats to audience members.” As he laconically notes, “Serial killers were apparently ready-made for prime time” (Haggerty, 2009:171).
Given that the news value of “celebrity or high status persons” is witnessed “everywhere in the media,” Jewkes (2011:53) suggests that it should not be surprising that the media will regard celebrity involvement in crime, whether as victims or perpetrators, as being “intrinsically interesting” to its audience and, when presented with an array of such incidents, deem those that are infused with whiffs of sexual deviance to be especially newsworthy. However, while acknowledging that “[c]onvicted criminals can also become media ‘celebrities’ by virtue of the notoriety of their crimes,” her treatment of this curious phenomena, in which the divide between “fame” and “infamy” is effaced, would seem at least somewhat lop-sided for it invites the inference that media renderings of “celebrity criminals” inevitably occasion a “dramatization of evil” (Tannenbaum, 1938). Thus, in illustrating how criminals may be “cast as folk devils by the media” and “deemed newsworthy long after their convictions because the mass media take a moral stance on public distaste and revulsion towards their crime,” she notes that more than three decades after his conviction for the murder of thirteen women, the British media continue to employ Peter Sutcliffe (aka “the Yorkshire Ripper”) “as a side-show, an entertaining if somewhat macabre diversion to fill media space when there is little else of importance to report” (Jewkes, 2011:53). With even greater elan, she depicts Myra Hindley,18 “the Moors murderess,” as the ostensible “victim” of the British press who, reputedly, “waged a systematic and profound retributive campaign” against Hindley that “culminated with front page copy on the day after her death announcing that the ‘devil’ had gone to hell ‘where she belonged’”; according to Jewkes (2011:54), “[s]o successful was the campaign to keep her in prison that it became impossible for any Home Secretary - relying on public mandate as they do - to authorize the release of Hindley”

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18 In 1966, Hindley was convicted of abducting and murdering two children; in 1987, she confessed to killing a total of five children in partnership with her lover Ian Brady.
(Jewkes, 2011:54). Yet, in contrast, one may contemplate the semantics of the sobriquet, “the Barbie and Ken of crime,” that was widely used by the Canadian news media with reference to Karla Homolka and Paul Bernardo or the dubbing of their grim deeds as the “Barbie-Ken murders”; the tone that infuses these descriptors would seem far more admiring than condemnatory. Similarly, Ressler’s (1993:63-64) comments on serial killer Ted Bundy suggest that journalistic constructions of criminals, including those who commit the most repellant and unfathomably violent of acts, are far less singular than Jewkes’ comments might lead one to suppose.

A handsome, intelligent young man who seemed to some people to have considerable sex appeal, Bundy was painted by the media as a smooth guy, respected, clean, a former law student, a Mr. Nice Guy, almost a benign killer, a good lover who would kill his victims quickly.

Far from being the Rudolph Valentino of the serial killer world, Ted Bundy was a brutal, sadistic, perverted man. His last victim was a 12-year-old girl whom he suffocated by shoving her face in the mud during his sexual assault. By his verbal skills, Bundy would habitually lure girls and young women into a position of vulnerability, then bludgeon them with a short crowbar that he had concealed in a cast on his arm, or hidden under the seat of his car. He would then commit gross sexual acts with the unconscious or semi-conscious women, his favourite being anal assaults. After that, he’d kill them by strangulation, then transport the bodies, often several hundred miles. Before leaving them, he would mutilate and dismember them, and sometimes commit necrophiliac acts. After several days, he often returned to the body of a recent victim and sexually attacked the severed body parts - for instance, ejaculating into the mouth of a disembodied head.

This guy was an animal, and it amazed me that the media seemed unable to understand that.

It is apparent that while some “celebrity criminals” are positioned in media constructions of their deeds as folk devils, others may be depicted as romantic and charismatic figures or, in a style reminiscent of the aesthetics of the film noir, be portrayed as outcast heroes who find themselves pursued by modern furies. As an exemplar of these expanded possibilities, one may contemplate
the media’s often-fawning treatment of cheque forger and confidence trickster Frank Abagnale, Jr.,
whose life story has been recounted in a best-selling, ghostwritten autobiography (Abagnale, 2000)
and celebrated in both a Broadway musical and in the 2002 semi-autobiographical crime film,
*Catch Me If You Can* (in which Abagnale was portrayed by “heart throb” Leonardo Di Caprio)
“stand out as media celebrities,” Huer (1990:5) observes that Tom Keating was “[c]elebrated and
lionized in the media and in the book about him by Geraldine Norman, *The Fake’s Progress*” and
that “[o]n the wave of notoriety, not all of it negative, after his activities became known, he even
appeared on BBC television, showing the viewer how forgeries are done” (see also Abbe, 2010;
Ingrams; 2010; Salisbury & Sujo, 2009).

This response to art forgers would not seem peculiar to the British media. In illustration, one may
consider a 2012 feature article in Germany’s *Spiegel* which detailed the “Beltracchi case”\(^1\) and
declared it to be Germany’s “biggest art forgery scandal of the postwar era” and one of that
country’s “greatest art scandals.” While the repeated use of the term “scandal” in the introductory
sentences of this article might lead one to predict that the scandal’s perpetrator would be depicted
in a negative way, the opposite was true. Thus, the article proclaimed the perpetrator - Wolfgang
Beltracchi - to be a “genius,” enthused breathlessly over the “perfection of the works” he had
crafted and affectionately described him as a “hippie-desperado” who was much “admired” by

\(^1\) While this case began with an investigation into 55 paintings that were felt to be
dubious, the court case ultimately considered 14 painting which had been sold as the works of
such artists as Max Ernst, Fernand Leger, Heinrich Campendonk, Andre Derain and Max
Pechstei, allowed the couple to reap more than $21 million and ended in a plea bargained
outcome, with Beltracchi and his wife admitting their guilt before the court and each sentenced to
a term of imprisonment (of six and four years, respectively).
“enlightened art lovers” for having “pulled the wool over the eyes of the art world and, in doing so, exposed a system in which millions are paid for paintings whose authenticity is very difficult to determine - a system that makes erratic decisions about which art is worth a lot and which is worth nothing at all, and that doesn’t even seem to know exactly what art is” (Gorris & Robel, 2012; see also Day, 2012). In like spirit, a 2012 article in the *Guelph Mercury* alternatively gushed over the artistic prowess of self-acknowledged art forger Ken Perenyi, who “[f]or nearly three decades ....made a small fortune forging works by popular 18th- and 19th-century artists,” lauded his business acumen and proffered praise for his development of a “‘new business model’ - openly selling his faked oils as the reproductions of the finest masters” - and provided Perenyi with publicity for his soon-to-be-released autobiography, *Caveat Emptor: The Secret Life of an American Art Forger* (Pegasus Books),” pointing out, with evident awe, that Perenyi’s memoir had already “been optioned by RKO Pictures” (Cohen, 2012f). A large photograph of Perenyi that accompanied the article further reinforced a construction of this “celebrity” art forger as an admirably industrious and successful businessman; it depicted the cheerfully unabashed artist at his holiday home in Florida, contentedly working away at his easel.

In addition, while a variety of on-line auctions sites now notably pander to those who collect “celebrity criminal” memorabilia and ephemera with websites, such as Supernaught.com, tantalizing the connoisseurs of crime with offerings that include hairs from the head of Charles

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20 Contained within this article is an uncritical report of Perenyi’s claim that he is the “‘spiritual heir to the artists he copies.’” ‘These men were businessmen,’ he said; they made multiple variations of a painting and employed other artists in their studio to replicate their work. ‘I am convinced that if these artists were alive today, they would thank me,’ he said. ‘I’m somebody that understands and appreciates their work’” (in Cohen, 2012f).
Manson, dirt from the farm house of Ed Gein and “artworks” created by serial killer John Wayne Gacy, an August 2012 article in the *Montreal Gazette* sounded an off-line appeal to the same constituency. It gave notice of a forthcoming Montreal auction that would feature items formerly owned by the disgraced stockbroker Bernie Madoff, including portions of this fraudster’s “magnificent fine art” collection. While paintings by such renowned artists as Pissarro, Picasso, Rockwell and Matisse were reported to feature within this collection, the article implicitly suggested that their previous ownership by Madoff endowed these works with an especial luminosity (Moore, 2012). Thus, the caption of a photograph that accompanied this article emphasized Madoff’s previous ownership of the items as well as his conviction “for defrauding investors of billions of dollars” and, in doing so, suggested that the auction would provide true-crime’s *afficionados* with a rare and invaluable opportunity. It read: “Items belonging to Bernie Madoff - who was convicted in 2009 of defrauding investors of billions of dollars - were originally auctioned off by the U.S. Marshals Service. It was the only government entity authorized to sell goods seized from Madoff.” One may also consider in this context, a *Daily Telegraph* article that appeared immediately in the wake of the disclosure that “Eddie Burrup” was Elizabeth Durack and insisted that Durack “could only profit from the controversy over her Aboriginal nom de plume” (Daily Telegraph, 1997e). An article which appeared in the *Australian Financial Review* a dozen years later, seemed to attest to the validity of that prediction. In its report on the results of an auction that had been held nine years after Durack’s death and featured 135 of her works, primarily watercolors, the article emphasized that the prices that these works commanded had far exceeded their pre-sales estimates. Although expected to bring between $160,450 to $288,750, they had “grossed $321,550 ($374,605 with buyer’s premium)” with individual paintings selling
for up to three times the amount of their pre-sale “low” estimates (Strickland, 2009). A second news article that reported on this sale and appeared in the *West Australian*, noted admiringly that the auction of Durack’s works “had defied the economic gloom, with buyers snapping up every item for sale.” In addition, it noted that the auctioneer had described himself as “staggered” by the result and remarked, “I thought times were tough but generally things doubled and tripled their reserve, which is amazing” (*West Australian*, 2009). 21

Without any intention of slighting Durack’s prowess as an artist, it would seem folly to ignore the possibility that the prices that her works commanded at the 2009 auction were impacted positively by her notoriety. 22 As “master art forger” and “genuine fake artist” John Myatt remarked, in reflecting upon “his infamy” in a 2012 interview with the *Financial Times*: “The killer question is whether or not being caught as a criminal has boosted my career, and there’s no way round it really - you just have to say it did” (as quoted in Jacobs, 2012). An article on Myatt that appeared in London’s *Express* and was entitled “Portrait of a Master Faker,” noted that he was “hosting a reality TV show in which he paints celebrities” (Express, 2009). A second article, which appeared in the *Birmingham Post*, blared “Art forger pens new musical” and its lead sentence reemphasized

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21 The results of a 2007 Australian auction of 217 works by Durack would also seem to suggest that there may be truth in the adage that tells us that “any publicity is good publicity”: the results of this earlier auction also greatly surpassed its pre-auction estimate of $850,000 (Thomas, 2007).

22 The title of a 2000 exhibition of Durack’s work that was held in London - “The art of Eddie Burrup together with Elizabeth Durack” - may signify that the promoters of this exhibition recognized that Durack’s notoriety enhanced the marketability of her works. In addition, a review of this exhibition by Herd (2000) suggests that some purchasers of Durack’s paintings found the artist’s notoriety to be appealing. For example, Herd (2000) reports that “[o]ne woman, a science teacher from Adelaide, rushed into the [London] gallery, announcing she had come ‘all the way from Australia to get an Eddie Burrup,” and promptly bought a painting.”

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that the theatrical offering had been “penned by Britain’s most notorious art forger” John Myatt, who had “committed what Scotland Yard described as ‘the biggest art fraud of the 20th century’”; in a further cajoling of reader attendance at the “world premiere” of Myatt’s musical offering, it noted the forger’s planned presence at this gala event.

“Proximity,” the eighth news values that Jewkes (2011:54) identifies, is noted to contain both spatial and cultural dimensions: “Spatial proximity refers to the geographic ‘nearness’ of an event, while cultural proximity refers to the ‘relevance’ of an event to an audience.” The first of these twinned elements would suggest that a report of mundane theft from a University of Guelph office or an assault in one of its parking lots, is more likely to appear in an issue of the Guelph Mercury than the Vancouver Province and, that when news reports of such relatively petty crimes are situated within national newspapers, such as Canada’s Globe & Mail or National Post, they are apt to appeal to some other news value (e.g., celebrity). Thus, for example, on May 28, 2012, the front page of the National Post summoned enquiring minds with a headline that shrilled, “Justin Bieber wanted for questioning in paparazzo assault case” (Tucker, 2012) and, in doing so, endowed a relatively minor criminal event with a patina of significance. Moreover, inasmuch as “spatial” and “cultural” proximity may be ineradicably bound together in the situated logic of newsroom cultures, the seemingly interminable acts of petty crime that are committed by starlet Lindsay Lohan may be deemed to be of far greater relevance to a Canadian audience than the egregious crimes against humanity that occur in faraway places such as Darfur. In complementary fashion, one may expect that the cultural patterns of social marginalization and exclusion that exist within a nation will be reflected in the decisions made by its print media when determining which
crime stories merit coverage and what depth of coverage is deserved. For example, it is
Goulding’s (2001:xiii) contention that the Canadian news media’s disinterest in the crimes of John
Martin Crawford, who is currently serving three concurrent life sentences “for raping and brutally
murdering Canadian Native women in the most gruesome ways imaginable” and may be
legitimately described as one of Canada’s “most prolific sex killers,” demands scrutiny:

In a column written at the time of the Crawford trial, Les MacPherson, a popular
columnist with the Saskatoon *StarPhoenix*, asked why reporters from across
Canada were not “climbing over each other to get at the story,” and why it wasn’t
generating anything like the publicity of...the Bernardo trial.” He determined that
geography and a lack of compelling drama were responsible but that crying racism
was an “almost entirely superficial” and “quite wrong” response. “Yes, the victims
were all Indian women, but that’s largely by the way,” he wrote.....

[O]ne wonders what MacPherson considers compelling. There was an abundance
of sex. There was murder and mutilation. There was a depraved, slack-jawed
predator supported at every turn by his devoted mother. There was an unscrupulous
informer who earned more than $15,000 for his efforts to trap Crawford and, in the
process avoided being named as a co-accused in at least one of the murderers at
which he had been present. Finally, there was a world-renowned forensic
anthropologist who, with a handful of bones and a dearth of evidence, eventually
brought a serial killer to trial. It sounds like a fairly compelling drama by any
standard.

According to Goulding (2001:210), MacPherson’s account of why Crawford’s crimes were
“consistently relegated to the back pages of Canadian newspapers, when the story has been
deemed newsworthy at all” is less insightful than a competing explanation that was suggested by
Justine English, a sister of one of Crawford’s victims: “It seems that any time a Native is
murdered, it isn’t a major case. It’s just another dead Indian” (see also Anderson & Robertson,
2011; Grant, 2002). In like spirit, Hugill’s (2010:23) recent analysis of the Canadian news media’s
coverage of the trial of Robert Pickton, the British Columbia pig farmer who confessed to
murdering forty-nine women and was convicted of murdering six (with charges in relation to the
killing of twenty other women stayed by the Crown), charges that the print media’s treatment of
this case was not only “inadequate, misguided or incomplete” but most notably served to rationalize the victimization of these socially marginal women, who were repeatedly identified within their reports as being street persons, sex workers and/or drug-addicts.

According to Jewkes (2011:58), “[t]he news value which is arguably most common to all media is that of ‘violence’ because it fulfills the media’s desire to present dramatic events in the most graphic possible fashion.” However, she maintains that the ubiquity of violence in modern times has heightened the likelihood that any violent or conflict-riddled event will be reported on in a perfunctory way, with cursory follow-up or commentary, unless it contains elements which satisfy other news values, such as “visual spectacle and graphic imagery.” Thus, while Jewkes (2011:59) asserts that violence remains “a primary component of news selection,” she argues that it is only the carnivalesque or truly “spectacular” “acts of violence that have a strong visual impact and can be graphically presented that are most likely to receive extensive media coverage.” Although her comments are most clearly applicable to crimes that are selected for inclusion within televised renderings of the news, the media’s preoccupation with “arresting images” is also clearly discernible in the print media. For example, one may consider the Canadian news media’s December 2012 reports of a Quebec mother accused of killing her three young children and the commonality with which these reports featured a large photograph of the children, in which they appeared poignantly beribboned and bedecked in holiday-style apparel. The image selected for inclusion within these reports seemed entirely evocative of Sir Joshua Reynolds’ iconic portrait of childhood, *The Age of Innocence* (circa 1788) - a painting which has been described as an “archetype of innocence” (Higonnet, 1998:15) and as capturing an image of children and childhood
that Rousseau heralded in his 1762 *Emile* and that Wordsworth would later describe as “blessed.”

In consequence, while Jewkes (2011:60-61) identifies “children” as the eleventh “news value” and asserts that “any crime can be lifted into news visibility if children are associated with it,” regardless of whether they are the victims or perpetrators of a criminal act, the visual images that accompany these news stories may be a vital element of the stories that they seek to tell.

Extrapolating upon Higonnet’s (1998:8, emphasis added) assertion that artistic representations of children are best understood as “visual fictions” and her insistence that it is “[p]recisely because the modern conception of childhood was an invented cultural ideal that it required representations... [that] were more consistent, more convincing, and more beautiful than any lived experienced could ever be,” it is likely that the photographs that are selected to accompany news reports of criminal victimization and which give form to “victims” and “villains” may also serve as “visual fictions.” However, lest my readers be misled, it should be emphasized that the term “visual fiction,” as I am employing it, is not meant to discount or dismiss the suffering that criminal victimization can incur nor impugn the import of these images; both are undoubtedly important. Rather, my description of the photographs that illustrate crime stories as “fictive” is simply intended to emphasize that observed objects are not necessarily what they seem and to underscore that the term “victim,” no less than the term “childhood,” is a social construct, “discursively constituted out of shifting cultural, social, and psychosexual codes, including those encoding relations of power” (Brown, 2002:1). Moreover, just as artistic representations of “ideal childhood” in works such as Sir Joshua Reynold’s *The Children of Edward Holden Cruttenden with an Indian Ayah* (1757-1762) and Arthur W. Devis’ *Emily and George Mason with their*
Ayahs (1794-1795) record, at a sub rossa level, the potency of Eurocentric ideology and its hierarchical positioning of societies and “races,” the visual images that are contained in crime news may, upon inspection, prove to be equally revealing.

“Conservative ideology and political diversion,” the final news value that Jewkes (2011:62) identifies, directs attention to the putatively “symbiotic relationship” that exists “between the media and politicians” and, in particular, the intertwining of media discourse with “populist punitiveness.” Thus, it is Jewkes’ (2011:62) contention that while all of the news values that she identifies evince a “reliance on a broadly right-wing consensus,” this is particularly manifest in coverage of crime and “deviance” where this “agenda emphasizes deterrence and repression and voices support for more police, more prisons and a tougher criminal justice system.” According to Jewkes (2011:62-63), “[t]he concentration of news media on the criminal and deviant activities of people from the working classes and from religious, ethnic and cultural minorities serves to perpetuate a sense of stratified, deeply divided and mutually hostile population” and she charges that “[b]y simultaneously focusing attention on hapless victims of serious crime and calling for tougher, more retributive punishment, politicians not only promote an essentially conservative agenda, but also deflect attention from other serious problems. Indeed, it could be argued that much of what makes up our newspapers is in fact a mere side-show, a diversionary tactic which removes attention from more serious problems in society, particularly those of a political nature.”

Warming to her topic, she sputters that:

The media hysteria which has, in recent years, accompanied victims of HIV and AIDS, lone/unmarried parents, teenage and pre-teenage mothers, child abusers, satanic ritual abusers, video nasties, juvenile delinquents, joyriders, ravers, users of cannabis, ecstasy and other recreational drugs, paedophiles, homosexual members
of parliament (indeed, homosexuals generally), adulterous celebrities, and girls
gangs, might all be reasonably argued to constitute part of the overtly
sanctimonious moral discourse directed at the institution of the family, which has
characterized the media and political agendas since the 1980s. (Jewkes, 2011:63-64)

Although Jewkes’ indictment of the media is compelling in many ways, it would seem weakened
by her readiness to blithely juxtapose news coverage of, for example, the criminal acts of
paedophiles with the (presumably) noncriminal acts of “adulterous celebrities”; while both of these
behaviours may well constitute acts of “deviance” and be the focus of a media-orchestrated or
perpetuated “scandal” (Lull and Hinerman, 1997), one may reasonably query whether media’s
coverage of the actions of “adulterous celebrities” is at all fittingly situated under the rubric of
“crime news” and addressed in that context. However, her use of the phrase “media hysteria” is
especially troubling, inasmuch as the semantics of this phrase implicitly suggest that none of the
topics which she proceeds to list are truly deserving of media’s attention and that media reports on
each and all are best understood as the cabalistic bedeviling of a group and its practices and/or the
purposeful wetnursing of a “moral panic:” a “campaign sustained over a period of time that
appeals to people worried about the risks of a disintegrating social order, that lacks clear moral
guidelines, that politicians and media are eager to act on in order to be seen as suppressing the
threat, and that leaves the real causes of social breakdown (if a breakdown exists) unaddressed”

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23 “Societies,” Cohen (1972:28) observed, “appear to be subject, every now and then, to
periods of moral panic. A condition, episode, person or group of persons emerges to become
defined as a threat to societal values and interests. Its nature is presented in a stylised and
stereotypical fashion by the mass media, the moral barricades are manned [sic] by editors,
bishops, politicians and other right thinking people; socially accredited experts pronounce their
diagnoses and solutions; ways of coping are evolved.” According to Cohen, the emergence of
“folk devils”attests to the attempts of interest groups to reassert dominant values during a time
period that is marked by crisis or social anxiety, with the “danger” that these persons or groups
pose to, for example, “family values,” or “the American way of life” or “democracy” writ large,
magnified within press reports.
(Kendall et al., 2011:11). While it may be reasonable to construe alarmist reports in the media on the dangers of “ravers” and “video nasties” in this way, at least some of the other examples that Jewkes employs would appear to be ill-selected at best. For example, it would seem utterly disingenuous of Jewkes to identify “child abusers” among those who purportedly number among the illegitimate targets of “media hysteria” while simultaneously decrying the “comparatively little media attention” that the phenomenon of child abuse (among other crimes) receives and bemoaning lugubriously that, as a result of this neglect, these crimes “are not subject to public scrutiny, become even more marginalized, even more invisible” (Jewkes, 2011:59).

In addition, given Jewkes’ (2011:59) impassioned insistence that it is “crimes like domestic violence, child abuse, elder abuse, accidents at work, pollution of the environment, much white collar crime, corporate corruption, state violence and government denial or abuse of human rights” that should command media attention because of their human costs, one suspects that she would consider media coverage of art fraud to be entirely unwarranted or, perhaps, simply illustrative of how crime news functions as “a diversionary tactic which removes attention from more serious problems in society, particularly those of a political nature.” Thus, while Jewkes (2011:59) maintains that “much white collar crime” warrants media attention, it seems probable that she

24 The term “white collar crime” was coined by Edwin Sutherland (1940) and defined “as a crime committed by a person of respectability and high social status in the course of his [sic] occupation.” Although Sutherland’s writings addressed socially injurious corporate behaviours that were liable to sanctions, whether through the invocation of the criminal law or through the actions of a regulatory agency, the term has been used in an increasingly broad and inclusive way. For example, while Clinard (1952) early employed the term in directing attention to “illegal activities among business and professional men [sic]” and Hartung (1950) defined these crimes as “a violation of laws regulating business, which is committed for a firm by the firm or its agents in the conduct of its business,” Aker’s (1973:180-181) typology of corporate and white-collar collar crime” includes both “crimes against the public,” whether committed by businesses (e.g., “price-
would consider art fraud to constitute a rather trivial manifestation of capitalism’s effluvia. If so, this vantage point would certainly accord with lay conceptions of “art” as an extravagance that is devoid of practical use-value. It would also resonate claims made by Albrecht (1968:387-388), in his discussion of “art as institution” and, in particular, his charge that while “[s]ocial institutions are usually conceived as essential structures of society, serving ‘basic needs,’...no ‘aesthetic need’ has been located comparable to those of hunger and sex and no one claims outright that art is necessary for bodily survival.” As Michael Findley acknowledges, albeit with palpable reluctance, in his recent book, The Value of Art, “[t]he reason that many people continue to be astonished or enraged when they hear that a particular work has been sold for a large sum of money is that they believe art serves no necessary function. It is neither utilitarian, nor does it seem to be linked to any essential activity. You cannot live in it, drive it, eat, drink, or wear it. Even Plato considered the value of art to be dubious because it was mimesis, an imitation of reality” (Findley, 2012:7, emphasis added).

While Oscar Wilde (1890/2003) airily pronounced in the preface to his multi-layered novel, The Picture of Dorian Gray, that “All art is quite useless,” this epigrammatic comment must be

fixing [conspiring or contract bids on prices for selling to the public”]; “manipulation of stocks or security”; “commercial and political bribery and rebates”; “misrepresentation and false advertising”; “patent and trademark infringements”; “fraudulent grading, packaging, and labelling”; “tax fraud”) or by individual practitioners (e.g., “deceiving or defrauding patients, clients, customers”; “immoral practices in relations with clients,” “unprofessional conduct and malpractice”; “falsification of statements on vital documents”; “obtaining fees, payments, or charges through fraud and deception”). Additionally included within Aker’s definition of this term are “crimes within an organization” that may be committed against the organization (e.g., “theft of funds by employees”; “theft of inventory by employees”) or its employees (e.g., “violation of workplace health and safety laws”; “violation of labour laws”; “discriminatory employment practices”; “harassment”).
understood as *persiflage*; Wilde, himself, was well-aware of art’s power as an instrument of both social control and social change. Thus, in “The soul of man under socialism,” he memorably proclaimed “Art is individualism” and, in identifying it as “a disturbing and disintegrating force,” concluded that “therein lies its immense value” (Wilde, 1891/2001). Nevertheless, it may be expected that lay perceptions of art as “useless” may impact the evaluations that journalists, as well as social scientists such as Jewkes, make in assessing the “newsworthiness” and/or import of art crime in general, and art fraud in particular.

For example, in attempting to account for why social scientists who have an interest in crime have paid “relatively little attention” to the topic of art forgery, van Bemmelen’s (1962:vii) charged that “[f]or the great mass of the population” - a grouping which ostensibly includes the vast majority of social scientists - “real art, especially painting and sculpture, remains a closed book” and it was his contention that this putatively illiterate “mass” is incapable of “reading” or properly appreciating the significance of art fraud as a criminal event:

The plastic arts are regarded as luxury, and in so far as they allow themselves this luxury, the masses buy the most awful rubbish. It is necessary just to look at the displays in the windows of so-called art dealers to see what sort of journey-work is sold there wholesale. It would of course be impossible for there ever to be really good art hanging in every working-class home. The most that can be expected is that a number of middle-class homes will contain good copies of works by great masters, instead of the innumerable moorland paths-with-birth-trees, windmills and Italian harbour scenes that are now displayed on the walls of some many houses as ‘genuine paintings.’ Little enthusiasm can thus be expected from the majority of the population for vigorous action against art forgery....

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25 A standard interpretation of Wilde’s remark links it to his role as an early leader of the Aesthetic Movement and this movement’s embrace of philosopher Philip Cousin’s doctrine of “art for art’s sake” (Schmidgall, 1994:7).
The “thinking section of the population” are also satisfied that only the most serious cases of art forgery are qualified as fraud and punished accordingly; but they also have the feeling that the destruction of taste brought about by the art trade cramming the public with tenth-rate pictures and figures is at least as serious a social evil as art forgery proper. (van Bemmelin, 1962:vii)

In addition, van Bemmelin (1962:vii) maintained that:

The community generally does not have much sympathy for the victims of forgeries. The man in the street finds it sheer madness that such ridiculous sums are paid for works of art. Those who feel a little more deeply about it feel sympathy more for the artists who are no longer there to see how much their work is in demand than for the immediate victim of a forgery. The violent contrast between, for example, the poverty in which Vincent van Gogh lived and the ridiculous amounts now offered for his work does to a certain extent provide a just motive for not having much sympathy for those who find they have bought a forged Van Gogh. (van Bemmelin, 1962:viii)

Although van Bemmelin’s (1962) account is both dated and jarringly elitist, it remains true that art fraud is seldom addressed within the literature of the social sciences. It would also seem incontrovertible that art fraud is seldom presented within this small body of writings as a crime that should command public attention or which demands vigorous policing and the imposition of severe sanctions. Thus, while in the past five decades social scientists have increasingly lambasted journalists for highlighting the ravages of “street crimes” or “crimes of the underclass” in their reports and deflecting attention from the harms incurred by “white-collar crimes” or “suite crimes” (e.g., Chibnall, 1977; Croall, 2001, 2007; Curran & Seaton, 2010; Friedrichs, 2007; Levi, 2006, 2008; McMullan, 1992, 2006; McNair, 1993; Shover & Wright, 2001; Tombs & Whyte, 2003; 2007), detailed the significance of a “criminogenic market structure” (Farberman, 1975) and the profound nexus between crime and capitalism (e.g., Chambliss & Seidman, 1982; Chambliss & Zatz, 1993; Gaetz, 2004; Lowman & MacLean, 1992; Messerschmidt, 1986; Quinney, 1970, 1974, 2002; Taylor, 1999; Taylor, Walton and Young, 1973; Young, 1979, 1999, 2007) and
coined a plethora of attention-getting terms such as “corporate homicide” (Swartz, 1978), “victims without crimes” (Reasons et al., 1981) and “toxic capitalism” (Pearce and Tombs, 1998), they have seldom focused attention on the topic of art crime in doing so and/or lingered on the subtopic of art fraud. Indeed, with scant exception (see, for example, Del Piano, 1993; Chappell & Polk, 2009; Payne, 2012), scholarly articles that address these crimes have more often appeared within periodicals of the humanities, such as the *Journal of Aesthetics and Art Criticism*, than in the disciplinary journals of the social sciences, such as the *Journal of Criminal Law and Criminology* or the *International Review of Victimology*. Moreover, while a recent volume of *Crime Law Social Change* was devoted to the topic of the “art crime prism,” the contents of its guest editor’s introduction would seem inordinately telling. Thus, in stark contrast to the sombre gravitas which customarily imbues the prefaces of special issues that are dedicated to addressing specific forms of crime, Proulx (2011:111) begins by breezily announcing that “art crime” has “decidedly caught the public’s fancy” with a surfeit of films and fictional books featuring “sophisticated art heists and the dashing playboy-thieves behind them,” sees fit to report that “art thieves (unfortunately) rarely look much like Pierce Brosnan” and couples this woeful epiphany with a coy and flippant trill: “And when told that I ‘study art crime,’ if one more person responds with ‘So you’re like that Rene Russo detective character in Thomas Crown, then?’, I think I’ll scream!” Given the insouciant tone that infuses Proulx’s (2011) preamble, one can anticipate that journalistic constructions of art fraud may be equally lighthearted, with this particular crime of deception framed as other than a “real crime” or a “serious fraud” (Levi, 1995) that warrants thoughtful contemplation and somber discussion.

For the purpose of illustration, one may briefly consider two recent cases of fraud that were reported on in a single issue of the Waterloo Region Record, a Southwestern Ontario newspaper with a 6-day average circulation of 64,000 and approximately 240,000 readers weekly (Chamber of Commerce, 2012). The first article, which was headlined “Found guilty: Two men didn’t tell sex partners about HIV” (Caldwell, 2012) and prominently positioned on the newspaper’s front page, directed attention to the conviction of two men who had concealed their HIV positive sero-status from their sexual partners on various occasions in which they had engaged in acts of unprotected sex; in doing so, it pointedly noted that one of the men was “awaiting a verdict” in another trial in which he stood accused of “attempted murder and other charges related to unprotected sex with a developmentally delayed man” (Caldwell, 2012). Although at first blush this report may appear to have little to do with the crime of “fraud,” the “significant risk test” for determining fraud in cases of HIV/AIDS nondisclosure, which was established by the Supreme Court of Canada’s decision in Cuerrier (1998), specifies that an individual who knows that s/he is HIV positive and fails to disclose this status to a sexual partner where there is a “significant risk of bodily harm” has committed this criminal wrong\(^{26}\); as a result, the partner’s consent to engage in the sexual act is vitiated and the HIV sero-positive may face a variety of criminal charges, with aggravated sexual assault reputed to be the most common (Mykhalovskiy & Betteridge, 2012).

\(^{26}\) As Justice Cory wrote for the majority in this case, “the essential elements of fraud are dishonesty...and deprivation or risk of deprivation.” As Verdun-Jones (2007:71, emphasis added) points out, “It is clear that fraud is not confined to the obtaining of property, etc., by deceit or falsehood - forms of behaviour that essentially involve lying on the part of the defendant.”
The second news article, which was situated eleven pages later in the paper, amidst ads that directed attention to “Boxing week blow-out sales” on linens and dish drying mats and “Employee pricing” on “selective vehicles,” reported “Online scam expected to spread beyond porn users: Practice of holding data hostage could target any individual” (LaSalle, 2012). “Visit a porn site,” its lead sentence warned, “and you could have your computer locked down and an online ransom demanded.”

While both of these newspaper articles direct attention to fraud, albeit in very different forms, it is evident that the first is more likely to favour the “folk-devilling” of the offender; as various studies have found, HIV sero-positive persons who fail to disclose their possession of this status to their sexual partners are commonly portrayed within media reports as “evil incarnate,” a “dangerous predator” and a “monster” (Clarke et al., 2006; Grov, 2004; Mykhalovskiy et al., 2012; Persson & Newman, 2008). It may also be expected that this type of construction will be especially pronounced within articles which contain the often-condemnatory comments of crown prosecutors and/or judges. For example, in 1995, an Ontario court of appeal judge opined that it was “difficult to envisage a more dangerous threat than an unrestrained, unrehabilitated HIV-positive rapist” (in Dranoff, 2011:349). To like effect, the 2012 article on the HIV sero-positive men included a Crown prosecutor’s report that at least one of the men was a devotee of a “subculture” that was expressly “dedicated to seeking out and infecting unsuspecting men” with HIV-AIDS (Caldwell, 2012). These characterizations, each of which are attributed to an authoritative source (i.e., a

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27 Although the specific “subculture” went unnamed within this news article, it would seem likely that the prosecutor was referring to “bug-chasers.” For information on this subculture, see LeBlanc (2007) and Moskowitz and Roloff (2007a, 2007b).
judge; a Crown prosecutor), would seem to encourage the bedeviling of the HIV sero-status offender as “evil incarnate” and/or a “dangerous predator.” Moreover, while the 2012 article noted the threat of bodily harm that the offenders’ actions posed to all of their multiple sexual partners, it would seem noteworthy that it singled out the differently-abled man and gave this particular victim focal attention. Thus, reminiscent of the primitive taxonomies of victims that were created by victimology’s “founding fathers” and which assigned lesser degrees of culpability to those whom they described as “the mentally defective and deranged” (von Hentig, 1948) or as “biologically weak victims” (Schafer, 1968), the article implicitly suggested that this victim’s disability not only made him especially vulnerable to predation but rendered the offenders’ conduct as especially egregious.28

In contrast, the second article’s report of a “ransomware” fraud that primarily targeted those who loiter on on-line porn sites may serve to encourage reader perception of “just desserts” and to heighten the likelihood of victim-blaming. As Karmen (2013:132) observes, the belief that “people get what they deserve” and in which “[b]ad things happen only to evil characters” offers far greater psychic comfort than envisaging the alternative: “a world governed by random events” in which bad things can happen to good people. As he remarks of the all-too-human tendency towards victim-blaming: “The belief that victims must have done something neglectful, foolish, or provocative that led to their misfortunes dispels feelings of vulnerability and powerlessness, and

28 A second case of fraud that would seem ripe for the bedevilling of its perpetrator(s) would be a fraud that occurred in western Canada following the horrific murder of Tim McLean on a Greyhound bus. As noted on a CBC website, scammers attempted to capitalize on this gruesome incident by asking the public to donate monies that, they claimed, would be forwarded to McLean’s bereaved family; this, in fact, was not the case and the scammers pocketed the monies themselves (Abley, 2008).
gives the blamer peace of mind about the existence of an orderly and just world” (Karmen, 2013:132). As such, while some victims of deception may be cast in newspaper accounts as “ideal victims,” others may be portrayed as courting or inviting victimization through their own ill-considered, intemperate or reckless conduct.

In his copious writings on the media’s construction of “white collar” financial crimes, Levi (1987, 1995, 1999, 2002, 2005, 2006, 2007, 2008a, 2008b, 2009) has repeatedly emphasized the heterogeneity of these offences and offenders and the disparate levels of publicity they attract. For example, in noting that certain “crimes of deception” are more apt to be defined as newsworthy than others, he stresses that this subcategory of crime “conceals many victim-offender prestige differentials” and, pointing to the extreme variability in “both the social backgrounds of offenders and the economic interests harmed by frauds,” asserts that “it makes a difference whether media are reporting on blue-collar ‘criminal types’ defrauding their criminal friends or bankers; on East European ‘oligarchs’ running banks and laundering money and/or defrauding depositors; or on elite bankers defrauding either their peers or ordinary depositors, some of whom are poor” (Levi, 2006:1039).

People - whether citizens are journalists acting as their proxies - plausibly react to stories about organised criminals stealing our identities to commit credit-card fraud quite differently from the way they would react to:

• stock analysts who advise their clients to buy securities that a different part of their bank is being paid to promote (even when their emails show that they personally judge that the securities are overvalued); or

• fabulously well paid company directors who (usually after taking professional advice asserting that this is not illegal) backdate the beginning of their employment so that their share options gain in value more than they otherwise would (or properly should), or who charge expensive
Extrapolating upon Levi’s remarks, it is evident that while Canada loses an estimated $81 billion yearly (or half the nation’s total health care spending) to “tax fraud,” with tax evasion costing governments worldwide over US$3.1 trillion annually (Canadians for Tax Fairness, 2012), these facts do not compel front page coverage of this form of crime. Indeed, tax fraud may be adjudged to be less newsworthy than other forms of fraud that more closely conform to stereotypical images of crime, criminals and victims - such as the fraud perpetrated by the HIV sero-positive men upon their unsuspecting partners. Thus, while the director of the Tax Justice Network, John Christenson, has charged that tax havens are best understood as “engaged in economic warfare against the tax regimes of sovereign countries” and argued that is essential that the public be made aware of the “colossal damage” that is caused by the operation of this “shadow economy,” which “helps wealthy individuals and corporations escape from contributing to the services that directly benefit them - from the health and education systems that support their workforces, to the roads that ship their goods to markets, to the courts of law that enforce their contracts or to the police who protect their property” (Tax Justice Network, 2012, emphasis added; see also Greenwood, 2012; Saunders & Sidel, 2012), this form of “warfare” remains largely invisible within newspaper coverage of crime (Haugerud, 2012). However, as Levi (2009:51) archly remarks, “[g]iven the diversity of possible offenders and the embeddedness of some of them into the social fabric of respectable society, it would be difficult to fully demonize the whole gamut of fraudsters, even if anyone particularly wanted to. Almost by definition, economic power, prestige and respectability serve as a barrier to entry into folk-devil status, certainly over the longer term.”
Pointing to the solicitous press coverage that was accorded to the perpetrators of the Guinness share-trading fraud and how “the business press acted as uncritical cheerleaders for Enron until the scandal of its insolvency broke and masses became unemployed,” Levi (2006:49) suggests that if the majority of white-collar fraudsters “are, for most of the time, only ‘folk-devils-in-waiting’ because...their actions do offend some sectors of public morality,” their behaviour may nevertheless be perceived by both the public and the press to be continuous with “the routine functioning of capitalism” rather than as a penitentiary-worthy offense. Unlike armed bank robbers, whose breach of the criminal law is starkly apparent to all onlookers, white-collar fraudsters are able to derive myriad benefits from the “subterranean existence” of their practices, which are characterized by their “low visibility to outsiders,” and are further sheathed from public scrutiny and/or condemnation by: “the ‘softly, softly’ approach of the enforcement agencies, media averse to the genuine risks of libel suits, and governments and public almost superstitiously afraid of meddling with the market” (Levi, 2006:49). However, while Levi (2006:1039) notes that it is possible to construe these differences as evidence of media bias against reporting on the misdeeds of the powerful and a desire to “protect elites from public resentment,” he maintains that they may also be explained with reference to “media preference for juxtapositions of ‘the unusual’ as ‘infotainment.’” Thus, in voicing favour for the latter interpretation, he argues that “white-collar and other financial crimes of deception are treated by the mass media as extensions of ‘infotainment’” and, in illustration, notes the commonality with which media reports on these types of crime will focus upon “individual and corporate celebrities in trouble; a drugs, gambling or sex craze taking otherwise successful people off the rails; readily visualizable and often quite short fraud events (like credit-card skimming), preferably connected to ‘organized crime’ or ‘terrorism’;
or long-term concealment of fraud that shows up the business and/or regulatory criminal justice ‘Establishment’ to be incompetent or the offenders to be hypocrites” (Levi, 2006:1037).

In addition, while various victimologists and media scholars have suggested that a positive relationship exists between the socioeconomic status of a crime’s victim and the likelihood that the media will both assess a criminal event to be “newsworthy” and portray the victim sympathetically within its reports (e.g, Buckler & Travis, 2005; Karmen, 2013), Levi (2006) contends that those who possess higher levels of socioeconomic status are not invariably favoured in media reports of fraud. While “many victims of prosecuted frauds (by volume and value) are wealthy individuals and corporations,” he points out, “their plight makes poor populist copy unless it is extreme: a reduction in competitive prowess or in the number of annual foreign holidays lacks sufficient edge for serious ‘newsworthiness,’ though the broadsheets may comment” (Levi, 2006:1041).

Although Levi (2006:1043) reports that the tabloid press is especially unlikely to include stories of “routine cases of deception with institutional victims,” he insists that “all media prefer to emphasize the polar extremes of cases with traumatized victims and, preferably, in combination with offenders whom they can paint as extravagant and uncaring, though ‘fall from grace’ lifestyle stories about pillars of the community will do almost as well.” Moreover, if the creation of “proper ‘folk devils’” requires the co-presence of “truly innocent victims,” Levy (2006:1043) suggests that it would be difficult for journalists to craft their reports of “City fraud” in ways that readily align with these dichotomous constructs; in these cases, he points out, “the ‘suits giving evidence for the prosecution as victims or witnesses may be hard to distinguish from those [who appear] as defendants in the dock.” As he emphasizes, only “some white-collar suspects can be demonized,”
with “hostile images” reserved “for some subtypes of fraud” such as those which involve “widows and orphans” as their victims (Levi, 2006:1055, emphasis added). Moreover, Levi (2009:49) maintains that “to the extent that moral panics require folk devils and consensus about the harmfulness” of their actions, “there can be none unless some individual or (real or perceived) ‘group’ can be identified outwith the ‘normal’ business world to embody the dangers to the ‘purity’ of the normal business class and/or of the wider society.”

In certain cases, Levi (2009:53) reports, “the creation of folk devils is assisted by their being ‘visible minorities,’ whether by colour or dress.” In illustration, he points out that “Nigerians,” notorious throughout the world for their perpetration of ‘411’ email and letter scams inviting us to assist sundry dictators and their families to export millions of dollars” (Levi, 2009:53) are prominently featured among current “folks devils in the West.” In addition, he argues that fraudulent activities that can be linked to ”organised crime,” the “underworld,” and “Mafia-type associations” or which lend themselves to portrayals of “financing terrorism” will be warmly embraced by the media inasmuch as these subtypes of fraudsters are easily outfitted in the symbolic apparel of “gangsters” and “terrorists” and described with reference to stock figures of

29 One may consider in this context an April 2012 headline in the UK newspaper, the Guardian, which proclaimed, “Doctor who admitted research fraud in the US deserves our sympathy”(Deer, 2012) and maintained that the physician was best seen as a victim of the “modern model” of scientific inquiry in which “funders want the answer before they’ll pay to ask the question. The word ‘hunch’ scores poorly with reviewers.” It asked its readers to “Think about his [the physician’s] world, filled with anonymised data that can be fiddled. And fiddled it is. At a conference organised three months ago by the BMJ [British Medical Journal] and the UK Committee on Publication Ethics, for example, a survey reported that 6% of British scientists (anonymously) admitted research fraud, and 13% said they’d witnessed it done.” Moreover, the article emphasized that the doctor’s research “was important, searching for cures from which millions might benefit.” “This was a scientist,” it emphasized, “who deserved to be protected, both from the crueller demands of research and from himself.”
villainy. Thus, Levi (2008a:373) notes that “[o]ne way of enhancing crime seriousness is to associate the activity with ‘organised crime’ or ‘organized criminals’ as if, merely by being organised by a syndicate rather than one or a small group of professional criminals or anarchic ‘pranksters,’ that made the impact much worse.” Even though this assumption, he asserts, is highly debatable, it is nevertheless apparent that “[w]hen technology can be added to gangsterdom,” with stories of Mafioso-type figures and “terrorists” hacking into the computer systems of financial institutions and government agencies, “this makes ideal media copy.”

Levi (2006:1039) suggests that differences in “white-collar crime publicity” may also reflect late modernity’s “cult of celebrity.” For example, he reports that “after some enforcement action, the media tend to focus on white-collar individuals or corporate defendants that their readers and viewers will have heard of, such as middle-class ‘home-maker’ icon Martha Stewart, jailed in 2004 and released in 2006 to public fascination and economic rebirth,” or the (in)famously arrogant Conrad Black; in such cases, the process of folk-devilling may be galvanized by a transgressor’s perceived “arrogance, ‘in your face’ expenditure and greed at the expense of their legal fiduciary obligations” (Levi, 2006: 1044). In relation to the latter, for example, given that “[d]uring much of the period when his actions were under investigation, Black demonstrated the imperious attitude that had characterized his career” (Linden, 2012:8), “Lord” Black’s notable lack of remorse may have fueled continuing coverage of the charges against him. Moreover, in responding to criticisms of his extravagance with the haughty retort that he was “not prepared to reenact the French Revolutionary renunciation of the rights of nobility” (McNish &Stewart, 2004:92), or contemptuously blaming his conviction upon “obtuse judges” and “pre-trial media lynchings” (Black, 2011), it is obvious that Black provided the media with a steady stream of
“newsworthy” sound bites that may have commanded continuing coverage of his trial, conviction and appeals as well as a steady stream of jeers. One may also consider in this context, the folk-deviling of Canadian entertainment mogul Garth Drabinsky, who was not only convicted of fraud “in connection with the 1998 collapse of Livent, his theatre empire” but ostensibly adjudged by the media to be guilty of possessing a “flamboyant personality [that] goes to epic, downright cartoonish extremes” and a readiness to demonstrate that, “[l]ike his old friend Conrad Black,” he “is a man with a huge ego, a relentless urge for combat, a boundless sense of entitlement ... [and] a tremendous gift for denial” (Knelman, 2012).

According to Levi (2006:1045), the media may also recognize that reports on certain subtypes of fraud are more readily flavoured with “populist spice” than others. Thus, he observes that while the relatively plebian acts of “[s]ocial security fraud and illegal immigrants may be treated by the tabloid media as belonging together in the anti-Pantheon of Folk Devils,” the issue of “identity fraud/identity” has also figured prominently in both the mainstream broadsheets and tabloid press and encouraged many to be fearful “about the ability of others (criminals or governments) to reconstruct them from apparently trivial items” (as witnessed by the increased sales of paper shredders) (Levi, 2006: 1043, 1051). However, in the aftermath of a continuous stream of headlines that blare “Scheme to defraud billionaire is a reminder all are vulnerable to identity theft,” shriek “Even the billionaire cofounder of Microsoft isn’t immune to identity theft” (Pennell, 2012) or ominously forewarn that “Fraudsters are out there - everywhere” (Wert, 2012), this response would seem predictable enough. For example, one may consider the cautionary warning that appears in the subheading of the Waterloo Region Record article on the “online scam” and alerts its readers that the “practice of holding data hostage could target any individual” (LaSalle,
2012, emphasis added); akin to the stage directions that actors receive, the subheading may “cue” readers to identify with the victims of this form of fraud; as such, it may heighten the likelihood that they will perceive themselves to be vulnerable to this type of predation. In addition, even though the article emphasizes that frequenters of on-line porn sites face heightened risk, its report that “at least 18 different gangs” are involved in the “ransomware scam” and that the attacks, which “appear to have originated in Russia,” “could also hit mobile phones” within a year, may stimulate reader envisionings of a highly sophisticated crime that is engineered by organized crime and targets a far broader audience.

If, as Levi suggests, some forms of frauds are more easily “seasoned with populist spice” than others, a subset of these crimes may also be more easily peppered with poignancy. For example, focusing upon the plight of defrauded “widows and orphans” can assuredly provide for powerful “human interest” stories. In these types of situations, the principle of caveat emptor (“let the buyer beware”) may be temporarily suspended and the victim of a fraud treated as a blameless,

30 A 2012 headline in London’s Daily Mail suggests the durability of the “widow” as a stock figure of “ideal” victimization. It announced: “The most devious person I’ve dealt with: Judge hits out at conman who tricked widow out of £700,000” (Levy, 2012). This marital status was also accorded prominence in a second article that described a woman’s attempt to restore the impugned identity of her late husband, an art dealer who had been linked with a “fraud scandal”; its headline read, “Widow lashes art ‘fraud’” (Newcastle Herald [Australia], 1999).

31 Desmarin & Schrage (2008:596) point out “[u]nder this principle, the buyer is supposed to bear the risk if the goods turn out to be defective or not to fulfil his expectation.” For example, they note that under common law, if “A buys a picture from B” and both mistakenly believe the painting to be the work of C, “A has no remedy in the absence of representation or warranty” if the painting is later identified to be a modern copy. Moreover, they observe that while in some cases, the “risk” does “shift to the seller,” this is not occasioned by the discovery that an artwork is inauthentic unless the seller has “explicitly or implicitly...given a warranty as to the quality or the description of the product”; if this is the case, they report, “the buyer may bring an action for breach of contract or misrepresentation as soon as a discrepancy arises between the actual and the
innocent or ‘ideal’ victim who neither provoked or precipitated their own victimization. In other cases of fraud, however, the construct of the “deserving” or “appropriate victim” (Weis and Borges, 1973) may hold sway, with emphasis placed upon a victim’s perceived recklessness or intemperate actions. For example, while seniors of modest means who are the unwitting victims of a pension fraud may be sympathetically treated within media accounts of fraud (Congressional Documents and Publications, 2012; Wert, 2012), would-be wealthy individuals who pursue “risky” investments, online or off, may be portrayed as deserving of far lesser degrees of empathy or sympathy (Levi, 1999; Cohen, 2012c; Croall, 2007). As an exemplar of the latter, and in anticipation of the cavalier response that victimization by art fraud may evoke in the media, one may consider the viewpoint expressed by George Savage (1963:276) in his “handbook” for art collectors, Forgeries, Fakes and Reproductions. Thus, in asserting that “it is arguable how far ...people ought to be protected” when they are the victims of art fraud, Savage memorably grumbled:

In France the law was (and probably still is) that fraudulent transactions are not criminal unless they would deceive a man of ordinary prudence - presumably the person referred to in English legal circles as “the man on the Clapham omnibus.” The current fashion for grandmotherly legislation, however, has produced elaborate machinery, erected at no small cost to the taxpayer, to preserve the gullible....[T]aken at its face value legislation is, perhaps, desirable, but a little thought given to the subject leads to doubt. People swindled in this way may lose.... (money) but is not the lesson they learn worth very much more to them? The effect of being deceived, like buying a forged work of art, ought to lead to redoubled vigilance and an ultimate saving of much more...To lose money is a salutary way of learning that a desire to make quick profits, or to acquire something at far below its [sic] value must be tempered with at least a modicum of caution and worldly wisdom. It is impossible to safeguard the gullible and the childish if they persist in venturing into worlds inhabited by those who are neither, and no amount of half-baked sociological or political theorizing will ever succeed in depriving the astute expected qualities.”
and the unscrupulous of their natural prey. (Savage, 1963:276-277, emphasis added)

Within this rendering, the “grandmotherly legislation” which seeks to redress the victimization of those who are the victims of art fraud is presented as being admirably beneficent in spirit but muddleheaded in its logic, dubious in its efficacy and implemented “at no small cost to the taxpayer.” The adjectives that Savage elected to employ in describing those who are “swindled in this way” would also seem noteworthy for they suggest a greedy feast on the rich lexicon of victim-blaming, with those who are the victims of art fraud described as not only “gullible” and “childish” but as the “natural prey” of the “astute and the unscrupulous.”

Conclusion

In embarking upon an empirical study of how art fraud was framed by the Canadian print media, from 1978 to 2012, I recognized that my research was poised at the intersection of two quite disparate bodies of scholarly writings that have addressed media constructions of crime and the meaning of authenticity and fraudulence in art. Although to the best of my knowledge, no previous research has attempted to synthesize this literature, the Australian case of Elizabeth Durack/Eddie Burrup makes evident that allegations of art fraud can provide a catalytic environment for discussions of “who is an ‘Aboriginal artist’?” “what is ‘Aboriginal art’” and “who owns Native Culture”? Yet, it is evident that various “news values,” such as “simplification” and “individualism” may serve to discourage media coverage of such complex questions. In the next chapter, I address how “news values” may impact the presentation of art fraud.
Chapter 2: The Print Media and Art Fraud: A Pilot Study

While the extant literature on how crime is represented in the media has not specifically addressed art fraud, its contents are suggestive and allow one to anticipate that media constructions of this crime may trivialize its import and significance. This perception was strengthened by my preliminary examination of a non-random sample of 70 news articles on art fraud that had appeared in British, American and Australian newspapers and were identified through my use of the Factiva database, using “art fraud” as a search term. Although my examination of these articles was prompted by my desire to develop nascent coding schemes for my larger project, the results of this quasi-pilot study proved useful: even this minute sample of articles made apparent that the framing of art by the print media has only a limited cohesion and resists total unification.

The articles that I examined confronted their readers with uneven depictions of those who perpetrated art fraud, sometimes suggesting that this crime was primarily attributable to the ingenuity of “artful dodgers” who worked alone or in tandem with simply a small number of trusted confederates and, at other times, stressing that art fraud was deeply embedded in the machinations of organized crime and almost “invariably” engineered by transnational criminal organizations. They assigned different degrees of culpability to those who advanced claims of victim status, with depictions of victims that oscillated between the “ideal” and “appropriate victim” and lurched between expressions of sympathy or impatience with the rhetorics of “identity politics” and “victimism.” Art fraud was portrayed as both a “victimless” crime and as deeply

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32 While Karmen (2013:460) defines this term as “[a]n outlook that traces deleterious consequences of past injustices up to the present,” Cole (2007:4-6) argues that it is best
traumatising for its victims; limited in its impact to those who were its direct victims or as profoundly consequential for a nation state or for a specific subset of a population, most often a country’s indigenous peoples. An incident of art fraud could be treated as an event that facilitated the divination of profound truths or portrayed as a relatively inconsequential act that was only of fleeting importance. It was presented as a criminal act, a civil wrong, a “crime against culture,” an epiphenomenon of capitalism, an indictment of the “art world,” as proof that P.T. Barnum was correct in his famous assessment of the pervasiveness of “suckers” and much else. The tone of these articles was also variable and ranged from detachment to amusement to an impassioned engagement that was tinged with a hint of evangelism.

For example, while a headline in the Weekend Australian (2006) announced, “Police opt to hang forgers” and, in doing so, may have facilely suggested that a police force had seen fit to deploy lethal violence as a response to forgery, the article was a light-hearted report of an exhibition on “The Investigation of Fakes and Forgeries” at London’s Victoria and Albert Museum. It noted that the exhibit had been curated by the Arts and Antiques unit of London’s Metropolitan Police and sponsored by the Art Loss Register, “which holds a database of fakes with its list of stolen and

understood as a sneer word that is deployed by those who seek to suppress groups that have railed against their historical and enduring social marginalization and challenged the status quo (e.g., women, the differently-abled, persons of colour, indigenous peoples) by “casting them as a subversive threat to the stability of the nation” and as “bogus victims.” Thus, she observes, “anti-victimists strive to knock victims off their holy mantle” and, in doing so, “forge victimhood (or victimism) as a subject position and then target it for ridicule.” For anti-victimists, she notes, the “True Victim” demonstrates “propriety,” “responsibility,” “individuality,” and “innocence” by, for example, not “exploiting” his/her injury to excuse personal failures” nor engaging in any activity that might have provoked or precipitated their victimization. Moreover, Cole (2007:5) emphasizes that for anti-Victimists, “[v]ictimhood is an individual status even when a group in injured collectively. A True Victim is not a victim by affiliation or by engaging in “victim politics; victimization must be immediate and concrete.”

63
looted items.” The article additionally stressed the intended purpose of the exhibit was to “warn dealers, curators and collectors how far forgers will go to dupe them” and emphasized that attendance at the exhibition was restricted to “industry experts only and is not open to be public”; in so doing, it tacitly implied that the “public” faced a low likelihood of confronting this particular type of fraud and suffering harm from this form of criminal victimization. A second article on this exhibit, which appeared in The Times (London), also suggested that art fraud was a rarefied form of fraud that posed scant risk to the “public.” While noting that “many of the pieces displayed are from active cases” that were under investigation by London’s Metropolitan Police force, the article also directed attention to the exclusionary nature of attendance at this exhibition and emphasized that its contents could not be viewed by all. Thus, it pointedly noted that the “show is for industry experts only - although the Met says that it recognizes the public fascination with the subject and may stage a touring show next year” (Alberge, 2006; see also Greenwood, 2010). The addendum that appears within this sentence would seem revealing: while the exhibition was identified within this article as serving an educative purpose for “industry experts” and a rarefied subgroup of “collectors,” it presented the possibility of a “touring show” as a response to the public’s “fascination with the subject.”

In contrast, the headline of a third article, which appeared in The Washington Times, suggested that “the public” were at grave risk of being victimized by art fraud; it read: “Fooled, fleeced and

33 In observing that “It is not just experts, art dealers, and lawyers who are interested in authentication,” Spencer (2004:xii) reports that “[t]he public has always been fascinated to see a shrewd art forger one-up rich collectors and pompous experts, especially in the case of twentieth-century art. Here many museum goers still feel that they are being taken for a ride. Standing before an abstract or minimalist painting, they think, ‘My kid could do that, or better.’”

64
forgotten: Art forgeries snare unwary at online action sites.” In according prominence to the dangers that lurk on the Internet and, in particular, auction sites such as eBay, the article reported that “[o]ver the past 15 years,” the Internet has “brought flocks of inexperienced buyers into the market and made it easier for counterfeiters to find them, fool them, fleece them and forget them” and stressed that “If you must buy art online, educate yourself first” (Brookes, 2011). A second article, in London’s Guardian, echoed this sentiment in reporting on the dismantling of “multimillion-dollar international art forgery ring” which had “used eBay to target victims worldwide” and “duped hundreds of customers into buying counterfeit prints of works purporting to be by artists including Picasso, Warhol and Dali”; it claimed insistently that “[l]iterally thousands of people in different countries and on different continents may come to learn that when they thought they bought an original work signed by Picasso or Dali or Chagall, they in fact bought a fake” (Keeley & Hodgson, 2008). Other articles offered up depictions of art fraud that suggested an even broader conceptualization of the crime and its victims.

For example, an article that appeared in the Canberra Times under the headline, “Bleak picture of theft and fraud,” reported on the proceedings of an Australian conference on the topic of art crimes and, in doing so, lingered upon the threat that these crimes posed to the heritage of countries worldwide. It began with a sobering report that “[m]any countries have begun to realise how much of their history has been lost to other countries” and asserted that, according to “experts,” “crime related to art and cultural property” had an “inextricable relationship to major and organized crime” with groups such as “the American, Italian and Russian mafia, the IRA and Columbian cocaine cartels” figuring prominently among its perpetrators. Moreover, it emphasized that
“[m]any people suffer” as the result of art forgery: “The original artist can see his work debased and devalued, people who buy fakes in good faith lose their investment and galleries and auctioneers who misjudge art provenance lose credibility and clients” (Watson, 2000). 34 However, while this article framed art fraud as an offence that impacted many in profound ways and could rob a nation of its “history” and heritage, others nevertheless invited their readers to conceive of art fraud as a relatively innocuous form of fraud that, at most, occasioned inconvenience or mild feelings of disquietude rather than “harm.” For example, an article that appeared within London’s The Guardian introduced its subject by noting that, as of the date of publication, “[c]ounterfeit products account for maybe 9 per cent of world GDP, with medicines and engineering components - genuinely vital goods - taking the lion’s share.” Following this preamble, it pointedly queried “Does a fake Renoir matter any more than a hooky Rolex?” (Atkinson, 1996).

34This framing obviously begs the question of what should be done with faked works when they are discovered? While this question was rarely raised or answered within media reports of art fraud, there was no singular answer that was consistently favoured in articles that tackled this question. For example, after the Victorian Supreme Court ordered the destruction of artworks that had been made in the “manner and style” of Robert Dickerson and Charles Blackman and bore forged signatures of these well-known Australian artists, a journalist writing in The Age opined that the court’s decision “may act as an encouragement for artists and the industry to lobby to further strengthen the law to deal with art fakes”; it also confidently pronounced that the court’s ruling “will help foster a certain, confident and trusting art market and ethical art world. It is a win for Dickerson, Blackman, their families, art buyers and the Australian art industry in general” (Abidi, 2010). In contrast, an article that considered this question following the case of Elizabeth Durack/Eddie Burrup insisted that “[t]he great virtue of all literary or artist hoaxes....is that they shatter our cultural complacency, forcing us to examine attitudes we take for granted” and maintained that while “in the first heated exchanges, the experts are embarrassed, the hoaxer is damned, and the works lose all merit overnights,” “‘authenticity’ is not everything. Eventually, one may take a more dispassionate view and learn to judge a work by its intrinsic qualities” (McDonald, 1997). According to this report, the destruction of “inauthentic” artworks impeded this goal and encouraged a fixation with a work’s extrinsic, rather than intrinsic, qualities.
My preliminary analysis of non-Canadian news articles on art fraud made evident that reports of this crime could be framed as “infotainment” rather than as “crime news.” For example, the headline of an article in London’s Daily Mail (2006) - “Forger duped TV art expert out of £20,000 for worthless painting” - seemed to prefigure the gleeful tones that would infuse its report of a forger who had “duped” a “respected gallery owner and TV art specialist” and, indirectly, a wealthy individual who had later purchased the painting from the expert at a “300 per cent mark-up” (Daily Mail, 2006). Within this article, the forger was portrayed as a winsome figure who was far less predatory and reprehensible than his direct victim - the expert who had purchased the painting and later resold it at an exorbitantly inflated price. A second article on this case, which appeared in The (London) Times, also elected to feature as its headline, “Antiques Roadshow expert paid £20,000 for forged art” and to describe the forger sympathetically. Thus, the article stressed that it was the man’s earnest and entirely admirable desire to send his children to the best of private schools, and his need to pay for their school fees, that had prompted him to commit forgery (Leroux, 2006).

The framing of art fraud as “edutainment” or “infotainment” rather than as “crime” would seem curious. However, if “newsworthy” crimes provide for graphic evidence of physical injury and violence (Jewkes, 2011:58-59), the contents of the articles that I examined seemed to attest to the generally non-violent nature of this crime. That is, while on rare occasions these articles included mention of violence threatened, the injuries occasioned by art fraud were commonly reported to be far less tangible than those that are associated with “street crimes,” such as assault and armed
robbery. For example, in reporting on a American case of art fraud that was heard before the Federal Court of Appeals, a 2012 Associated Press article outlined how a Rhode Island art dealer had perpetrated an elaborate multi-million dollar scheme to defraud investors and, in doing so, had saddled his victims with “broken dreams, empty bank accounts, and untold distress” (Associated Press, 2012; see also Department of Justice Documents, 2012). Yet, just as the “crime scene” in which this offence unfolded is not easily set off and demarcated through the use of yellow and black police tape, so too do the wounds that its victims sustained defy capture. Neither the “crime scene” nor the consequences of art fraud are well-illustrated in the types of photographs that are a staple of newspaper reports of crime.

This “lack of fit” may be consequential and especially so when considered alongside of the advice that McKercher & Cumming (1998) proffer to neophyte Canadian journalists in the 2\textsuperscript{nd} edition of their primer, *The Canadian Reporter*. According to the paratext of this book, which is intended for use by undergraduates, its content will facilitate the socialization of its readers into the profession of journalism by providing them with “the essential skills, techniques and principles of journalism as they are practiced in Canada.” As part of its socializing messages, the contents of this text informs readers that crime news can be readily distinguished from other types of reporting by: its focus upon “the dark side of the community” that is replete with “brutality and viciousness”; its unearthing of the “core evils of society”; and its identification of “villains and victims...and sometimes, heroes and heroines” (McKercher & Cumming, 1998:199-200). The description of “crime news” that appears within this text would, in itself, seem to dissuade its acolytes from perceiving art fraud to be a valid and viable subtopic of “crime news.” Moreover, to the degree that newspaper “crime stories” are, by design, highly stylized and, from a journalistic perspective,
“ideally” contain “a strong narrative flow,” “a sequence of events the writer can describe with natural suspense” from a “concrete beginning - an event that triggers a chain reaction leading to a violent or emotional climax”- through to a “finite conclusion - an arrest that leads to the drama of the courtroom” (McKercher & Cumming, 1998:199-200), this preferred format may also discourage the framing of “art fraud” as “crime news.” In the absence of the “essential ingredients” that purportedly constitute “crime” and allow for its formulaic rendering, journalists may flounder in a search of a suitable template in which to report “art fraud.” Thus, when deprived of evidence of overt brutality and confronted by victims and villains who may seem somewhat indistinguishable from each other (i.e., no obvious “perilous Paulines” or swarthy Mafioso-types twirling the ends of their well-waxed moustaches), journalists may refashion art fraud as a noncriminal event and offer up markedly felicitous accounts of the crime and its perpetrators. In illustration, a 2010 headline in Minneapolis Star Tribune announced, “My friend, the Forger: The story of an unlikely bond between a backpacking Minnesota kid and a charming Hungarian who was the art world’s most notorious faker” (Abbe, 2010). In like fashion, an article in The Independent (London) lionized John Myatt and his confederates; according to its headline, this forgery team warranted praise for offering up a “Masterclass in art forgery and fooling the rich” (Ingram, 2010). The frames that were employed in both of these articles suggest that, when searching for a suitable format in which to present incidents of art fraud, journalists may alight on the format of the “offbeat incident story” “which, while it may have little impact on the community, is so interesting and unusual that people want to know about it” (McKercher & Cumming, 1998:210). However, just as a story headlined “dog shoots man” is not truly “crime news,” so too may “interesting and unusual” incidents of art fraud be reconstructed as other than “criminal” events and framed as an “offbeat incident story” or “non-crime crime news.”
Although frauds are, in general, less likely to feature among “crime news” than reports of street crimes, journalists may construe art fraud to be less “newsworthy” than other manifestations of this offense. For example, when compared to frauds that involve the non-disclosure of HIV positive sero-status, and summon a vision of lethal harm, or frauds that target pensioners, and conjure up images of legions of impoverished elderly people (e.g., Wert, 2012), art fraud may be adjudged to possess little populist appeal. Unless an incident of art fraud contains features that resonate with news values such as, for example, “celebrity” status or “sex,” it may be deemed to be of scant interest to the public. In the case of the “duped” “Antiques Roadshow expert,” for example, it would seem noteworthy that both The Times and its more lowbrow counterpart, The Daily Mail, perceived utility in noting the victim’s status as an “expert” on a popular television show in their headlines. To like effect, headlines which announce “Steve Martin is victim of art-forgery ring” (Washington Post, 2011) or “Clooney pranks pal with fake art gift” (Irish Examiner, 2005) may most clearly illustrate the news value of “celebrity.” A headline which appeared in The Times (London) and announced, “‘Playboy cop’ exposes art fraud riddle” (Whittell, 1998) would seem to exemplify the “news value” of sex. The lead-sentence of this article seemed to reiterate this appeal to the prurient in reporting that “[a]n alleged fraud involving £10.9 million and the bogus theft of paintings by Monet and Picasso has been uncovered thanks to a tip-off from a former California policewoman, who made her name shedding her uniform for Playboy.” In addition, this article was repeatedly punctuated with a host of superfluous peregrinations which redirected attention from the alleged art fraud to lurid details of the whistleblower’s past. For example, it noted salaciously that eight years earlier, the “Playboy cop” had performed as an actress in “Picasso Trigger, a 1988 B-movie about a psychotic art collector” who is ultimately best by the film’s hero, acting in tandem with “his team of beauties.” In cases which lack such colourful characters and riveting elements,
however, journalists may adjudge incidents of art fraud to be of little interest to their target audience.

Given lay constructions of “art” as a non-essential “commodity” and its collection as the preserve of the “leisure class” (Veblen, 1912/2007), journalists may predict that the “average reader” of their newspaper will find reports on other types of fraud to be of far greater interest. For example, articles on frauds that target customers of a chain of car-rental agencies or service centres, or those which victimize the elderly or the users of on-line banking services or dating sites, may be expected to resonate with their target audience in general and, in particular, those who may be similarly situated to the victims that these articles describe. In contrast, one may reasonably predict that relatively few readers will identify with the victim of a fraud that is headlined “Russian billionaire victim of €2.9-million-dollar art forgery” (Trend News Agency, 2010). Moreover, if readers with leftist leanings might find much of interest in reports on China’s “fake art industry” which describe the “ruthless efficiency” of workshops in which “young artists, most of them young girls,” labour in sweatshop conditions to produce the 10,000 paintings that a single company may export each month (Indo-Asian News Service, 2006; Xinhau News Agency, 2006), these types of articles may be disfavoured inasmuch as they lack “proximity” and also notably blur the divide between “victimizers” and “victims.”

**Reporting Art Fraud: The Impact of Simplification**

To the extent that the media value of “simplification” holds sway, news coverage of art fraud in general, and art forgery in particular, may be discouraged. Even when tested and/or adjudicated in
a courtroom setting and coupled with the use of forensic testimony, these cases would seem to frustrate the sure placement of acts and actors into the types of reductionist frameworks that are favoured by journalists in their reports of crime. They also seem to rarely provide for the types of grand denouncements that can be pithily encapsulated in newspaper headlines.

Research on the “CSI effect” has noted the public’s rising expectation of science to furnish incontrovertible evidence of an accused’s guilt or innocence and the reluctance of jurors to convict a defendant in the absence of “definitive” forensics (Dowler et al., 2006; Huey, 2010; Shelton et al., 2007). The veneration of science as a secular religion was also suggested by periodic news reports that proclaimed rhapsodically, “Now, ‘chemical fingerprinting’ to end art forgery!” (Press Trust of India, 2008) or heralded the creation of an “[a]nother computer” that reputedly “can spot a fake” (Henderson, 2004) and “tell the mathematical difference between a genuine work of art and a forgery by analyzing features invisible to the human eye” and, by doing so, derive the “statistical likelihood that a particular brush or pen stroke was performed by the artist” (O’Connor, 2004). Other articles reported, with the certainty and unbridled faith of a True Believer that, with further refinement, a combination of infra-red and new computer technology would soon allow for the ready separation of “artists from forgers” (Sunday Herald Sun, 2000). One article described a physicist as being “on a mission to expose art forgery” and lauded his development of a system that can purportedly “determine the age, origin and authenticity of paintings” (Zagorodnov, 2012); another praised fulsomely a team of physicists for their use of “accelerated ion beams to pinpoint the age and origin of material used in pottery, painting, metalwork and other work” and suggested that their tests “can serve as powerful forensic tools to reveal counterfeit art work” (China Weekly News, 2012). Yet, it is evident that “definitive” forensic evidence may only be readily available
and affordable in the fictional laboratories of prime time televisions shows. Moreover, it would seem folly to suppose that in cases of art fraud, determinations of authenticity rest on “conclusive” forensic evidence (Kraus, 2004; O’Connor, 2004; Reeves, 2004; Sachs, 2004; Spencer, 2004b; Stebbins, 2004; Sutton, 2004; Tanock, 2004; Thaw, 2004). In these cases, scientific methods of art detection, be they computer programs, or ion beams or chemical fingerprinting or spectrometry or dendrochronology, seldom furnish ineradicable evidence of an artwork’s status as either “authentic” or “fraudulent.”

For example, Gioconda’s (2008) reports that rather than being unalloyed aid to those who seek to distinguish between the authentic and the fraudulent, “[m]odern technology has...presented a double-edged sword in dealing with art forgeries”:

It serves as an asset to legitimate artists and authenticators, enabling them to identify, market and sell genuine works with greater ease, but the same technology simultaneously enables art forgers to sharpen their skills, and makes it more difficult for authorities to identify and prosecute them as they evade detection across jurisdictions....Advanced forgers use cutting-edge software to mimic an artist’s every brush stroke with precision and then sell their phony merchandise through fluid online distribution networks where quality control procedures are often lacking or non-existent. These sophisticated procedures of reproduction and distribution can make it next to impossible for buyers to detect forged works of art before making a purchase.

Moreover, Sutton (2004: 30) pointedly reports:

The general public often misunderstands how most decisions about authenticity have been made. Although scientific and technical studies (Ex rays, infrared photography, micrographs, nuclear autoradiography, pigment sampling, canvas research, investigation of grounds, dendrochronology, etc.) have advanced scholarship and can expose the material inconsistencies of latter-day forgeries, they have played a relatively small role in changing opinions about individual paintings’ authorship and authenticity. Material inconsistencies can exclude a work from Rembrandt’s oeuvre, but scientific examination cannot provide a touchstone of
proof that a painting is by the master. Nor can scientific examination assign a rejected work to one of his pupils or followers.

Spencer (2004c: xi, xiii emphasis added) echoes these remarks and cautions that it would be folly to suppose that, in determinations of authenticity, scholars in the hard sciences have now displaced art historians and usurped their role as the primary definers of an object’s status.

The art-minded public, unfamiliar with the attribution process, may [believe] that attributions are made and fakes disclosed as a result of scientific evidence. In fact, few are based on scientific tests; the majority are based on the connoisseurship of an expert....[W]hen we examine the process of attribution, we find very few decisions supported by science.

For example, in observing that “[a]uthenticity” in matters of art “can be difficult to litigate,” Cohen (2012c) stresses that even though “[p]igment dating is generally viewed as reliable, ... it is not necessarily the deciding factor” in courtroom settings (see also Henderson, 2005). Thus, in a series of recent civil cases in which Long Island art dealer Glafira Rosales was sued by multiple customers for the return of monies that had been paid for allegedly fraudulent works by such Modernist masters as Jackson Pollock, Willem de Kooning, Robert Motherwell and Mark Rothko, the testimony of experts was notably fractured, polyvocal and polysemious. Their pronouncements also left various questions about the disputed artworks unanswered, including: “If they are real, why do some contain pigments that had not been invented at the listed time of their creation? If they are fakes, who are these preternaturally talented forgers who have been able to confound experts? And if they are real but stolen, why haven’t their owners come forward to claim them now that the story is public?” (Cohen, 2012d). In like fashion, if the 2005-2012 Jerusalem trial of antiquities collector and industrial designer Oded Golan, “accused of forging an inscription on a small stone coffin” (i.e., the “James Ossuary) resulted in his acquittal, Burleigh (2012) observes
that science and scientific testimony fared more poorly and, that at the conclusion of the trial, the judge’s ruling could be interpreted in different ways. As she notes:

Prosecutors relied on a parade of archaeologists and other scholars. These men and women were accustomed to addressing respectful colleagues and students. They had no experience defending their conclusions against the highest-paid lawyers in Tel Aviv. Like scholars and scientists everywhere, their work doesn’t reach a level of precision that can withstand legal cross-examination. They acknowledge doubts. Their opinions don’t always agree on the particulars, even when they arrive at a consensus. And while the scientists for the state conducted their investigations and testified for free, the defence paid for-hire scientists, who were willing to say the objects at issue were entirely authentic. In the end, the judge explicitly declined to rule on the authenticity of the objects. “The prosecution failed to prove beyond all reasonable doubt what was stated in the indictment: that the ossuary is a forgery and that Mr. Golan or someone acting on his behalf forged it,” the judge stated. “This is not to say that the inscription on the ossuary is true and authentic and was written 2,000 years ago...[T]here is nothing in these findings which necessarily proves that the items were authentic.” But that’s a fine point. Supporters of the ossuary and the other objects that had been discredited by the state’s investigation hailed the acquittal as a legal stamp of approval.

In more mundane cases of alleged art fraud, the testimony of experts may be equally factious and contentious and inspire a spiraling swirl of claims and counterclaims (see, for example, Gurstein, 2003; Ward, 2004).

In illustration, one may contemplate evidence sworn to by a New York University professor, “who was accepted by the court as an expert witness in art matters,” in a 2005 Rhode Island criminal trial. In this case, in which art dealer Rocco P. DeSimone stood accused of art fraud and tax evasion, the court heard evidence that DeSimone had agreed to sell three paintings, which included Monet’s “Canal at Zaandam,” for a New York art dealer. In their reports of this transaction, both the New York art dealer and DeSimone agreed that while the former had desired $3 million for the painting by Monet, the latter had informed her that his prospective purchaser was only willing to
spend a lesser amount ($2.7 million) and that she had agreed to sell the painting at this reduced price. However, while the prosecution alleged that DeSimone, while acting as a “middleman,” had sold the painting for $4.6 million and improperly “pocketed the difference” instead of turning over all of the proceeds to the New York dealer, the defence maintained that the anonymous “prospective purchaser” that DiSimone had referred to in his conversations with the New York dealer was, in fact, DiSimone himself. After his purchase of the painting, the defence argued, it was entirely legal for DiSimone to sell it to another at an increased price and to claim the profits. In addition, while the prosecution charged that DeSimone, as the middleman in the sale of the painting, had engaged in an act of tax evasion when he listed income from the sale of painting as a “capital gain,” which provides for a lesser rate of tax, the defence maintained that inasmuch as DeSimone was the “owner” of the painting and not a “middleman,” his doing so had been entirely legitimate.

In this case, the expert testimony of the professor, Victor Wiener, endorsed the contentions of the defense, maintaining that it was “common in the art world for a consignee to buy the work, then sell it at a profit,” that “[i]t happens every day” and that “there is nothing illegal or unethical about the practice” (Morgan, 2005a). However, while the article that discussed this case was headlined, “Professor bolsters art dealer’s defence,” the pronouncements of courtroom experts rarely seemed to go unchallenged.35 Indeed, it was infrequent that media reports on a courtroom adjudication would suggest a resolution of the dispute and this was especially marked in articles which covered

35 It would seem noteworthy that a later article on this case was, perhaps not unexpectedly, headlined “Jury returns split verdict in Johnston art fraud trial” (Providence Journal, 2005; see also Morgan, 2005d).
civil proceedings. In these cases, news reports almost invariably noted that, after the verdict had been delivered, the lawyers of the disfavoured litigant had denounced the verdict as entirely unjust, vowed fervently to appeal the court’s ruling and/or threatened a deluge of additional lawsuits.

These types of impassioned responses obviously problematicize the casting of litigants into the dichotomous categories of “villains” and “victims” and, as such, may possess little appeal for journalists who take seriously the value of “simplification.” More generally, however, if “newsworthy” crimes facilitate the ready placement of individuals into the putative discrete and non-overlapping categories of “offender” and “victim,” honouring this divide may prove especially elusive in cases of art fraud, regardless of whether they are adjudicated within criminal or civil courtrooms. For example, in the case of DeSimone and the New York art dealer, their candidacy as occupants of either role was, at the time of Morgan’s (2005a) report, more obviously tentative and fluid than certain and fixed. One may also consider in this content a news wire article that reported on a court judgement that had been delivered in England (Reuters, 1995). In this case, the famed auction house Christie’s had been ordered to reimburse one of their patrons for the monies that she had spent on a “forged” Egon Schiele painting (approximately $140,600), with interest paid on this amount and to additionally cover their disgruntled customer’s legal costs (which were estimated to be close to $156,200) (Reuters, 1995). It would seem noteworthy that, even though the court ruled against Christie’s, this venerable institution did not concede “guilt” nor engage in a mea culpa show of contrition. Rather, in a prepared statement that was provided to the press and included within the article that addressed this case, Christie’s maintained, “We find ourselves in the unusual position with a judgment against us which accepts that the painting was originally created by Egon Schiele, but goes on to say that the restoration carried out many
years ago - referred to in the judgment as overpainting, particularly the monogram - amounts to forgery. We will be considering with our legal advisers what action to take” (Reuters, 1995).  

In cases that are not adjudicated within a courtroom, distinguishing the “offender” from the “victim” may be even more complex. For example, a 1999 article in The Sydney Morning Herald was tellingly entitled, “The latest Aboriginal art ‘crisis’: A thicket of claims.” Its report, which appears in abbreviated form below, makes clear that allegations of art fraud can be enveloped in a spiraling swirl of claims and counterclaims:

In Saturday’s Weekend Australian, a front-page article by Susan McCulloch-Uehlin alleged: “One of Australia’s most important Aboriginal artists, Turkey Tolson Tjupurrula, has revealed that scores of works sold under his name are painted by his female relatives under commission from a major Alice Springs art gallery owner and another dealer.” The claims were supported by a statutory declaration, signed by Tjupurrula. The day the story appeared, a second statutory declaration signed by Tjupurrula was sent from the gallery at the centre of the allegations....This one contradicted the first, stating: “I was asked to sign a piece of paper about my paintings. I was told what the paper said by a man speaking Lritja. I did not understand the story he said. I have had the story in the paper explained to me. The story in the paper is not true.”

....For her part, McCulloch-Uehlin is adamantly her story was thoroughly researched and verified. The original statutory declaration was based on “a series of interviews I had done with Turkey since February. It was prepared by a lawyer with the help of an interpreter with language qualifications. And we have some of what he said him [sic] on tape.” Adrian Newstead, the director of Coo-ee Aboriginal Art Gallery in

36 This posture of disdain was especially marked in articles which addressed the launching of tort actions. For example, a recent news report addressed the filing of a civil lawsuit that accused a Sotheby’s of breach of contract, fraud and negligent misrepresentation and alleged, in part, that the auction house had forged a document in an attempt to “cover up the fact that it had damaged a painting of Robert Cecil, the spymaster for Elizabeth I and James I.” In this case, a spokesperson for Sotheby’s was noted to have dismissed the allegation as utterly baseless and to have declared: “Sotheby’s was not responsible for any damage done to the painting while it was in Sotheby’s possession and we believe the lawsuit to be meritless” (Swaine, 2011).
Sydney and the president of the Australian Indigenous Art Trade Association (art.trade) - a news organisation devoted to ethical trading in indigenous art - claims any public impression of a crisis in the industry is “fueled by the Murdoch press.”...He believes that unfair, racist standards are applied to Aboriginal art “fakes.” The scandals ignore nuances, such as the fact that it is common and acceptable practice under Aboriginal law for family members to collaborate on paintings....Adding further complication is the fact that, as Newstead puts it, “Aboriginal people are far more clever at manipulating the people they work for than they are given credit for.” Michael Hollow, on the other hand, claims Tjupurrula still doesn’t fully understand what is going on: “He has got no clue....When I asked Hollow whether he thought Tjupurrula was manipulated by McCulloch-Uehlin, he said, “Im not saying he was manipulated. I’m just saying you can get five different answers to the same question. It depends how you ask the question” (Smee, 1999)

Simplification: Canonization and the Canon?

In various ways, the media value of “simplification” may serve to perpetuate the greatness of a select canon of white European male artists as sacrosanct. Inasmuch as the news value of simplification commends the reduction of events to simple formulae, it may encourage journalists to privilege incidents of alleged art frauds that involve the works of long-revered artists, such as Rembrandt and Da Vinci and Michelangelo, and disfavour those that target lesser known artists and/or those whose candidacy as a “master” is subject to dispute.\footnote{One may consider here that, in 1992, the \textit{Miami Herald} encapsulated its report that forgeries of works by Cuban painter Wilfredo Lam were on the increase in a single sentence article that was composed of a scant 26 words.}

Given that the possession of a postgraduate degree in fine arts is nowhere a prerequisite for writing an newspaper article on art fraud, it would seem reasonable to suppose that journalists who write

\footnote{One may consider here that, in 1992, the \textit{Miami Herald} encapsulated its report that forgeries of works by Cuban painter Wilfredo Lam were on the increase in a single sentence article that was composed of a scant 26 words.}
stories on this topic will bring highly variable amounts of background knowledge on art and its history to the task; as McKercher & Cumming (1998:312) observe, even journalists who routinely write articles in the section of newspapers that are expressly dedicated to coverage of the “arts” are most likely to “learn the craft by practising it.” For both the neophyte “art critic,” as well as the generalist practitioner of journalism who is charged with writing on art fraud, the discomfort of this situation may be reduced by seeking shelter in entrenched cultural hierarchies that distinguish between “high” and “low” art and basking in the warm glow that surrounds “masters” and their “masterpieces.” The divide between “high” and “low” art provides comfort and security and, perhaps most importantly, the semblance of certainty. Similarly, harking to familiar mantras of what is, and is not, worthy of adulation would seem entirely consistent with the media’s valorization of “simplification.” As an article in Harper’s magazine enthused long ago:

Certain things are not disputable: Homer, Shakespeare, Dante, Raphael, Michael Angelo [sic], Handel, Beethoven, they are towering facts like the Alps or the Himalayas. They are the heaven-kissing peaks, and are universally acknowledged. It is not conceivable that the judgement of mankind upon those names will ever be reversed (Harper’s, 1867 as quoted in Twitchell, 1993:37)

As the above quotation suggests, even those who are unable to spell the name of Michelangelo correctly may still perceive that he is fittingly positioned among the Famous Artists who, ostensibly, reside on Mount Parnassus and whose works represent art’s apotheosis. In complementary fashion, even the most well-schooled of journalists who write on art fraud may believe that the names of certain artists are most likely to resonate with the lay public than others. That is, a consciousness of the generalist audience that they are writing for may also encourage journalists, regardless of their degree of education in art and its history, to believe that even though their readers may be more familiar with the “art” of Kat von D than Kandinsky, they may
nevertheless be credited with the ability to associate the names of Van Gogh and Degas with Great Works of Art. In consequence, just as Warhol and Duchamp employed Da Vinci’s iconic Mona Lisa in their individual attempts to dissolve the divide between “high-brow” and “low-brow” culture, journalists may evince vestiges of similar views on the power of iconic images and the artists who created them.

Although a book review in the Daily Telegraph (London) of Wynne’s biography of Hans van Meegeren, I was Vermeer: The legend of the forger who swindled the Nazi, began with the assertion that “[t]here are many splendid candidates for a book on art forgery” and positioned in first place among these “splendid candidates,” Michelangelo, “who faked ancient sculptures to impress Lorenzo de’ Medici” (Davies, 2006), it was exceeding rare that newspaper articles on art fraud would depict Famous Artists in ways that seemed to traduce them. Despite the quip that tells us that “mediocre artists borrow while great artists steal” (GoodReports.net, 2006), Great

38

The exception would appear to be in reviews of recent books that direct attention to changing attitudes towards “fakes.” For example, Finn’s (2012) review of Thierry Lenain’s Art forgery: The history of a modern obsession reports the author’s claim that during the Renaissance, “art forgery was both possible and practised” with “erstwhile ‘forgers’ such as Michelangelo and Andrea del Sarto...lauded as witty masters, not miscreants” and that “widespread copying...[that] would nowadays amount to ‘crass swindling’ was considered normal, being a mandatory part of an artist’s education.” Similarly, she points to Lenain’s report that it was only in the mid-18th century that “forgery began to be portrayed as deserving of contempt and condemnation, a practice peopled by failures, crooked restorers and marginal types unable to cope with the artistic debates of the debate.”

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Although this aphorism has been attributed to a wide gamut of people, including Picasso, Dali, Stravinsky and John Lennon, Praeger (2007) identifies it as a paraphrasing of T.S Eliot’s comments upon Paul Massinger: “One of the surest tests [of the superiority or inferiority of a poet] is the way in which a poet borrows. Immature poets imitate; mature poets steal; bad poets deface what they take, and good poets make it into something better, or at least something different. The good poets wields his theft into a whole of feeling which is unique, utterly different than that from which it is torn, the bad poet throws it into something what has no cohesion. A
Artists were overwhelming described in reverent tones, with the frequency of their identification as a “Master” in itself suggestive of an act of homage and the sacralization of the artist. In consequence, while two recent books (Keats, 2013; Lenain, 2012) have urged consideration of the Great-Artist-as-Forger, it would appear that journalists either perceive this construct to be blasphemous or regard the arguments that underwrite it to be unintelligible to readers who are unschooled in the historical methods of art’s production. It is also possible that, inasmuch as the construct of Great-Artist-As-Forger challenges dichotomous thinking and effaces the divide between the polluted and the pure, the noble and ignoble, journalists who pen articles on art fraud may feel it prudent to leave the reputation of Great Artists unsullied. For example, while numerous articles reported on allegations of forgery in relation to Rembrandt’s paintings, none mentioned the reputed willingness of this artist to apply his signature to the work of his students (Spencer, 2004: 203-204; Sutton, 2004:36-37). As such, news reports on art fraud may not only privilege cases which involve works by Great Artists but allow for their deification by sustaining the mythology which surrounds them and elects to “remember” them as “geniuses” who laboured alone.40 As Zerubavel (1996:284-286) has argued in his writings on “social memories,” “[t]he act of good poet will usually borrow from authors remote in time, or alien in language, or diverse in interest.”

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40 Lest it be presumed that it is only journalists who protect the reputations of Great Artists in such ways, Keats (2013:12-13) reports that while Vasari “admired Michelangelo’s skill at counterfeiting drawings” and believed that the artist had “demonstrated his genius by counterfeiting a Donatello relief” so well that it seems as if by Donatello’s hand, save that there may be seen in it more grace and more design,” “Thomas Hoving was a tougher customer, preferring to brand Vasari a liar than to accept Michelangelo’s chicanery. ‘The idea that one of the single most gifted artists in Western civilization gained renown because of his gifts as a forger and confidence man stretches the limits of credulity,’ Hoving wrote in False Impressions. ‘He was a man of unquestionable Christian morality who would never have stooped to fakery’” (emphasis added).
remembering” does not occur in a “social vacuum”; rather, “the way we remember the past” and those who inhabited it are “actually filtered (and therefore inevitably distorted) through a process of interpretation that usually takes place within particular social surroundings.”

In cases of alleged art fraud that involve contemporary artists, however, far lesser degrees of reverence may be shown. For example, one article, which appeared in The Scotman in 1998, featured a headline that declared didactically, “Painters without ability can be forged at will. Van Gogh? He’s easy peasy” (McLean, 1998). According to its author, while “Rembrandt or Vermeer can hardly be forged, or at least not very well (and didn’t Van Meegeren prove that?)...painters without ability can be forged at will” (McLean, 1998). While articles on frauds that involved the works of such canonical figures as Rembrandt and Vermeer could occasion lugubrious lamentations that reanimated the dead and described them as being “injured,” “insulted” “wronged” and/or “damaged” by the forgery of their works, it was notable that a 2008 article in California’s Orange Register, which reported on the arrest of a man who had allegedly made “hundreds of thousands of dollars” by selling imitation Damien Hirst artworks on eBay, replete with bogus certificates of authenticity, did not suggest that the man’s reputed acts had negatively impacted Hirst’s artistic legacy nor identify Hirst as a “victim” (Edds, 2008). Indeed, articles that mentioned Hirst in connection with “art fraud” more commonly identified the artist as a perpetrator, rather than as a victim of this offense. For example, a 1147 word article that appeared in 2012 in the Irish Daily Mail explicitly commended the forgery of Hirst’s artworks and suggested that they were to encouraged rather than discouraged. Its headline announced: “MOVE OVER DAMIEN! How our man spent 150 knocking out Hirst ‘artworks’ the old fraud’s selling for €130,000.” While the headline of this article identifies Hirst as an “old fraud” by “direct
definition” (Rimmon-Kenan, 1983:59), its contents continue this disparagement by offering up step-by-step instructions for the fabrication of some of the artist’s most famous works. Thus, it claims gleefully that a cunningly accurate copy of the Hirst’s “hallucinatory head’ painted skull” can be created with relative ease: “The trick, I soon discover, is to slather Homebase own-brand paint on nice and thick, like a celebrity chef ladling custard on to a Christmas pudding, then let gravity do most of the work. Frankly, it’s simple stuff” (Graff, 2012). The article also emphasized that while Hirst’s genuine “Love is a loaded pistol” would cost its purchaser €51,000, a putatively indistinguishable, “do-it-yourself” version would cost €23.40 and simply entail the purchase of a few, readily-accessible items: “frame, local shop, €15.75; Pritt stick, €2.75, red card, €2, backing foam, € 2.75, all from local art shop, butterfly sticker (from a €5.99 Ikea packet)” (Graff, 2012).

A more generalized disdain for contemporary art and artists was on display within an article that originally appeared in 2002 the Miami Herald and was widely reprinted in various newspapers including The Weekend Australian, the Washington Post, the Gazette (Montreal) and the Kitchener-Waterloo Record. Its contents, which appear in abbreviated form below, suggest that newspaper depictions of “art fraud” should not be thought of as not simply an amalgam of the opinions that journalists receive from their informants; rather, they may be influenced by a journalist’s own beliefs on what constitutes “art.” Although the author of the extract is an award-winning humorist and his writings are obviously infused with levity rather than solemnity, it would seem presumptuous to suppose that his comments are not meant seriously; as E.B. White suggested, if humor attempts to amuse, it may also be employed to communicate a “heightened truth - a supertruth” (in Raskin, 1998:103).
Headlined, “Flush with inspiration: A cultural update from the United Kingdom where public funds are going to waste,” the article reported:

Over the years, the public has learned to tolerate modern art, but only to the degree that it has nice colors that would go with the public’s home decor. When examining a modern painting, the public invariably pictures it hanging over the public’s living-room sofa. As far as the public is concerned, museums should put sofas in front of all the paintings, to make it easier to judge them. This kind of thing drives your professional art snots CRAZY. They cannot stand the thought that they would like the same art as the stupid old moron public...Which leads us to the latest development in the British art world....I am looking at a story about it from the London Telegraph. Here is the key sentence: “The Tate Gallery has paid 22,300 pounds of public money for a work that is, quite literally, a load of excrement.”

Yes. The Tate Gallery, which is a prestigious British art museum, spent £22,300 - or roughly $35,000 - of British taxpayers’ money to purchase a can containing approximately 1 ounce of an artist’s very own personal ...OK, let’s call it his artistic vision. The artist is an Italian named Piero Manzoni, who died in 1963, but not before filling 90 cans with his vision. According to the Telegraph, “The cans were sealed according to industrial standards and then circulated to museums around the world.” Now, if somebody were to send YOU a can of vision, even sealed according to industrial standards, your response would be to report that person to the police. This is why you are a normal human, as opposed to an art professional. The art museums BOUGHT it. The Telegraph states that, in addition to the Tate, the Museum of Modern Art in New York and the Pompidou Museum in Paris have paid real money for cans of Manzoni’s vision....

I’m picturing a British citizen, a regular working guy who’s struggling to get by on what money he has left after taxes. He wakes up one money, grabs his newspaper, and goes into the bathroom. While he’s in there, he reads about how art snots have spent tax money - more money than he makes in a year - on this “art.” The guy becomes angry, VERY angry. He’s about to hurl the paper down in fury, but then, suddenly, while sitting there...He has a vision. And as he does, it dawns on him that he has a golden opportunity here, a chance to make, at least, some serious money. I’m talking of course, about art forgery. (Barry, 2002)

It requires no especial perspicacity to intuit that Barry would likely regard much modern art with consternation rather than approbation and, perhaps, applaud the suggestion by his counterpart with the Irish Daily Mail (Graff, 2012), that recommended “forgery” as a signifier of disdain. However, if the a priori assumptions that journalists hold about art may be suspended and remain quiescent...
when they pen articles on art fraud, the opposite may also be true: the definition of “art” that a journalist begins may well impact the “art fraud” that s/he discerns, envisages as problematic and considers worthy of commentary.

Conclusion

My review of the scholarly literature which has examined the media’s coverage of “white collar” crimes in general, and “crimes of deception” in particular, led me to hypothesize that the media’s treatment of art fraud would be both selective as well as parsimonious. While my pilot study was based on a convenience sample of articles on art fraud that had appeared in the non-Canadian print media, the results of my investigation suggested that art fraud could be framed as other than a criminal act and as more “entertaining” than vexatious. In addition, if the news value of simplification encourages journalists to position individuals within a “crime story” into the putatively dichotomous categories of “offender” and “victim,” cases of art fraud may frustrate their attempts to do so due to the problematics that inhere in determinations of authenticity. Cases of art fraud, it would seem, are often unwieldy, with claims prompting counterclaims and more questions than answers. Moreover, the news value of “simplification” may lead to a disfavouring of art fraud as a potentially “newsworthy” event, it may also encourage journalists to privilege cases that involve long-revered artworks and artists; in these cases, the disconcerting conundrums of “what is art?” and “what determines authenticity?” are more easily sidestepped and replaced with comforting “truths” that provide for the semblance of certainty.
In undertaking an investigation of how the Canadian print media’s constructs art fraud - the
offence, the offenders and its victims - it is my intent to add to the scholarly literature on mass-
mediated representations of crime. To date, the print media’s representation of art fraud has
escaped scrutiny. Although many reasons may have contributed to this neglect, it is my contention
that this situation warrants redress.

To locate articles in the Canadian print media that addressed art fraud, I employed the Factiva,
ProQuest, CIBA and Lexis Nexis Academic databases, using five two-word combinations (i.e.,
“art”+ “fraud”; “art”+“forgery,” “art”+ “counterfeit”; “art”+ “fake”; “art” + “hoax”) without date
specifications. This resulted in my identification of 4,657 articles that had appeared in an English-
language newspaper or magazine between January 1978 and December 2012; however, simply
432 of these articles derived from an English-language Canadian periodical. This number was
further reduced to 386 by my elimination of articles which were dedicated entirely to a review of
a book, film or television program which featured a fictional incident of art fraud (e.g., Barfoot,
2012; Bush, 2006; Canada Wire, 2003; Doruyter, 2000; Eagen, 2000; Guelph Mercury, 2004;
Morton, 2012; Tong, 2004; Ward, 2003) or recorded an actor’s professed desire to portray a
“mastermind” art forger or his/her nemesis in a film or on stage at some time in the future (e.g.,
Brownstein, 1991; National Post, 2000a). Although I first printed each of these article from these
databases, I early recognized that this method would, on its own, frustrate any attempt to
contextualize their contents and connect these mass-media representations of crime with
temporally co-present conditions. As such, I next examined the original newspaper, most
commonly on microfiche, in which each article had appeared. In conducting this research, I used thematic analysis and a form of content analysis that was tempered by the cautionary advice provided by Reiner (2002) to those who would investigate “media-made criminality.”

In seeking to identifying how “art fraud” was constructed within media reports, I tended to each article’s description of acts, alleged offenders and “victims,” appreciating that “[t]he process of... assembling news is facilitated by symbols which signify the importance of certain events and help to explain those events” (Rock, 1973:38). In doing so, I categorized each article by the criminal acts that were alleged to have occurred and recorded whether or not the article made mention of police involvement, the laying of criminal charges or the filing of civil lawsuits for wrongdoing and/or findings that sustained these allegations. Given that there was approximately twice as many articles that described charges laid or lawsuits threatened as there were articles that reported on the results of criminal trials or civil proceedings and that the latter rarely lined up with the former, I distinguished between “alleged” and “adjudicated” claims of victimization. Moreover, inasmuch as my sample of articles contained numerous reports of cases in which designates for “juridical persons” (e.g., the National Gallery of Canada, the city of Seattle, the National Museum of Rome) were described as embroiled in disputes with experts over the authenticity of an artwork in their possession and as hotly refuting any imposition of “victim status,” I felt it useful to identify these situations through the use of the term “putative victimization.”

In examining each article, I noted whether or not mention was made of a victim of the act or event which the article described. For my purposes, the identification of a “victim” was signaled by the journalist’s use of the term itself or via reference made within the article to harm, injury, or loss,
threatened or sustained. I considered whether an article presented the victim as a “specific victim” (e.g., a purchaser, artist, collector, gallery owner, corporation) or, as suggested by the case of Elizabeth Durack/Eddie Burrup, a “nonspecific victim” (e.g., a crime against culture). Further, aware that claims of victimization may not be validated by the results of court proceedings, I distinguished between “victim claimants,” whose claims were not tested in a courtroom, “adjudicated victims,” whose allegations of harm were supported by the verdict of court proceedings and “uncredited ‘victims’,” whose claims of harm were not. I employed a similar division in distinguishing between “alleged offenders,” “adjudicated offenders” and “exonerated ‘offenders’.” With the expectation that the narrative structure of nonfictional “crime stories” within newspapers and magazines might resemble that of their fictional counterparts, I also employed a modified version of Klapp’s (1962) schema of heroes, villains and fools for the purposes of secondary classification. In his work, Klapp suggested that this schema represents three dimensions of human behaviour. That is, heroes are praised and set up as role models, whereas villains and fools are negative models, with the former representing evil to be feared and/or hated and the latter representing figures of absurdity inviting ridicule. Klapp’s categories seemed useful as a heuristic device for they anticipate the possibility of very different representations of victims. However, a preliminary review of articles suggested the utility of an additional, hybrid category - the “trickster”- which straddles those that Klapp outlined.

On the assumption that the placement of an article within a newspaper/magazine would furnish one suggestive indicator of how the media conceptualized “art fraud,” I additionally tended to the section of the newspaper/periodical in which each of the articles within my sample had been positioned. Due to the fact that Canadian newspapers/magazines do not employ uniformly-named
divisions and, for example, a section that is laden with celebrity gossip, speculation on who would win the major prizes at a forthcoming award show and movie/book reviews could be entitled “Arts” in one newspaper, “Entertainment” in a second and “Life” in a third, articles that appeared in similarly themed, but disparately-named sections, were grouped together. Finally, prompted by Levi’s (2008) report that frauds which can be linked to “organized crime” or “terrorism” are likely to attract the attention of the print media, I coded whether or not each of the news articles that I examined referred to “organized crime” or “transnational crime.” Following Albanese’s (2012) report that these “are not two distinct types of criminal conduct” and are best recognized as “overlapping in nature in terms of the crimes committed, the offenders involved, and in how criminal opportunities are exploited for profit,” I included both types of reports within a single category.

41 It is to be expected that the way in which journalists employ this term may not be identical to its definition by social scientists have defined this term. However, there are also discernible differences in the way that social scientists have defined this term. For example, Hagan & Linden (2012:537) define “organized crime” as “white collar crimes committed with the support and encouragement of a formal organization and intended at least in part to advance the goals of that organization”; according to these scholars, the term “organized crime” is synonymous with the term “corporate crime” and the terms can be employed interchangeably. Yet, a second definition, favoured by Albanese (2012), defines “organized crime” as “a continuing criminal enterprise that rationally works to profit from illicit activities that are often in great public demand. Its continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials.” While there is overlap in these definitions, there are also differences. For example, while the latter suggests that the existence of organized crime is dependent upon market forces (i.e., “great public demand”), the former suggests that it arises due to a formal organization’s perception of how best to “advance the goals of that organization.” Similarly, while the latter suggests that “force, threats, monopoly control, and/or the corruption of public officials” are an integral part of “organized crime,” the former does not suggest that this is the case.

42 In offering up a classification of “transnational crime” Albanese (2012) emphasizes that these crimes, “which are characterized by motives of gain and profit,” the provision of illicit goods or services and the “infiltration of business or government operations” should be considered as distinct from “international crimes,” which involve crimes against humanity that may or may not involve multiple countries.”
Within my study, the unit of count was individual newspaper articles. Given my interest in discerning how art fraud was framed within Canadian newspaper reports, I reasoned that my research objective was best accomplished by positioning myself in the role of a curious but naive reader who lacked background or foreground information on the events that the article described. Thus, while articles by one or multiple journalists could address interrelated events with, for example, one article reporting that a dealer’s gallery was under investigation by police, two others noting that this individual had been arrested, a fourth recording that the dealer had entered a plea of not guilty at a preliminary hearing, and later articles furnishing information upon the individual’s conviction and sentencing (or, alternatively, reporting an acquittal), I purposefully examined the contents of each *ex nihilo*. Conscious that the readers of newspapers, unlike the readers of mystery novels, cannot flip to later pages to determine how a crime story ends and discover whether or not a police investigation resulted in a suspect’s arrest, conviction or exoneration, I purposefully sought to replicate, as closely as possible, the conditions under which readers confront news of art fraud.

At various points in the pages that follow, I report on the percentages of, for example, charges laid or lawsuits filed or persons sentenced to a term of imprisonment. However, in doing so, I wish to emphasize that these percentages employ, as their base, the N of my sample of articles. For example, in noting that less than one in ten articles reported upon an individual’s conviction for art fraud, my intent is to note the rarity of these types of reports in the Canadian print media’s coverage of art fraud, 1978-2012; it should not be construed as “documenting” that in the vast majority of art frauds that occurred in Canada during this time period, the perpetrators escaped criminal justice sanctioning. Given that my research did not draw upon Uniform Crime Reports, I
cannot comment knowledgeably on the proportion of Canadian police investigations on art fraud that led to the identification of a suspect and/or an arrest. Similarly, since I did not examine court records, my reports on the types of sentences that those who are convicted of art fraud receive does not reveal sentencing patterns per se. Rather, my data speak to mediated sentencing patterns or the types of sentences that were most commonly reported in the accounts of art fraud that appeared in Canadian newspaper.

In addition, it should be noted that my tallies of how many Canadian news articles reported on, for example, the arrest of a person for art fraud or on the imposition of a custodial sentence following conviction, were often impacted by multiple reports of the same event that were authored by different journalists or which appeared as “follow-up” stories by the same journalist(s). For example, while my data set included nineteen articles which noted that civil lawsuits has been launched in response to putative art fraud, four of these articles addressed the same incident. Nevertheless, my identification of multiple articles on an identical incident did encourage me to pause and contemplate critically, the details of these incidents and ponder why these cases, and not others, were considered so especially newsworthy.

**Findings: Mass-Mediated Art Fraud**

The relatively small number of articles that my search of the four databases yielded warrants commentary in light of Bishop’s (2011) report that a specialist art crime unit, that involved the Quebec and Montreal police forces acting in partnership, operated in Canada between 2004-2008, “investigated 450 art crimes, made 20 arrests and seized more than 150 stolen or forged artworks
valued at $2 million.” Bishop (2011) additionally noted that an average of 90 cases of art crime have been investigated yearly since the 2008 creation of a “national art crime enforcement unit” that is staffed by two RCMP and two Quebec provincial police officers and acts in collaboration with Interpol and the Canadian Border Services Agency. It may be that these units prefer not to publicize what they do or that the bulk of art crimes that they investigated involved crimes of theft rather than fraud. However, it also seems possible that their investigations into art fraud were simply not defined as “newsworthy.” This was also suggested by a second article (Arpin, 1995a) which focused attention on the activities of a three-member unit of the Montreal Urban Community police that tracked art crime full-time. Although this article reported that investigations by this unit had led to “about 100 prosecutions going through the court system” in 1995 (Arpin, 1995a), there were merely 8 articles in Canadian newspapers in that year which mentioned the topic of art fraud. Moreover, arguing against the possibility that journalists may have waited for the results of court adjudications before reporting on these cases, the number of articles that appeared on the topic of art fraud in the following year was also low, with less than a dozen articles appearing in Canadian newspapers.

In parallel fashion, despite Prickett’s (2012) recent grumble in the Globe and Mail that “No week goes by in which I do not read of a dealer being sued for some gargantuan amount, usually for selling counterfeit work or fixing a price,” my data would suggest that this journalist was not reading Canadian newspapers. While Prickett’s comment invite her readers to infer that the customers of art dealers are extraordinarily litigious, the contents of the news articles that I examined would not provide corroboration for her claim: simply 19 of the 386 articles in my sample (4.9 percent) mentioned civil suits, whether threatened, launched or adjudicated, in their
headlines and/or contents. In addition, it should be emphasized that this number includes multiple reports on a singular case and is not limited to lawsuits that were launched against a “dealer.”

Moreover, while Prickett’s (2012) remark implicitly suggests that civil lawsuits against art dealers have become increasingly common, my data would not provide corroboration for Olson’s (1991) “litigation explosion” hypothesis. My examination of the Canadian print media’s coverage of art fraud between 1978 to 2012 finds instead that, during the entirety of this time period, reports of civil actions were a rarity and their occurrence did not increase over the passage of time nor cluster in recent years. In addition, while Prickett’s (2012) reports that lawsuits against art dealers invariably involve a “gargantuan amount,” the contents of Canadian newspaper articles would suggest otherwise. For example, while a 2012 article reported that a “flood of fake Chinese art has defrauded hopeful but naive Canadian investors” and led to a “mob of angry purchasers” gathering on the front lawn of the home of a Vancouver gallery owner to demand refunds, it also noted that, prior to this action, simply one of the dealer’s disgruntled customers had sought redress in a civil action and had done so in a “small claims court”; in that year, the maximum amount of monies that could be awarded by a small claims court in that jurisdiction was $25,000 (Canadian Bar Association, 2012). Although $25,000 is assuredly not an insignificant amount of money, it would seem at least somewhat hyperbolic to describe a lawsuit that is capped at this

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43 According to the website of the British Columbia Branch of the Canadian Bar Association, “Small Claims Court is meant for ordinary people to handle their cases with or without a lawyer. The court forms include directions about how to make a claim and have it heard by a judge, and the rules and procedures are less formal and simpler than those found in Supreme Court.” It additionally emphasizes that “Small Claims Court only takes cases where the value of the claim, not including interest and court costs, is $25,000 or less. If your claim is for more than $25,000, you can still sue in Small Claims Court if you give up the extra amount. For example, if someone owes you $27,000, you can decide just to sue for $25,000 in Small Claims Court, but you must give up the other $2,000 of your claim. You may get interest and court costs on top of the $25,000 claim limit” (Canada Bar Association, BC Branch, 2012, emphasis added).
amount as involving a “gargantuan amount” and this would seem especially true when considered against a backdrop of articles which routinely mentioned far-larger amounts in their headlines (e.g., “TV art-selling couple charged with multi-million-dollar fraud” [Canadian Press, 2007b]; “Art lovers lose millions buying fakes” [Gazette, 1981]; “Phony prof nets millions” [Gazette, 1999]) or within their contents.

Although Figure 1 indicates that newspaper coverage of art fraud increased over the period under scrutiny, most notably in the last decade, this increase may reflect limitations of the electronic databases that I used to locate articles on art fraud; it seems possible that these electronic databases more fully record the contents of recent newspapers than earlier ones. For example, it is evident that there were far fewer articles in the earliest years addressed by my study (i.e., 1978-1983) than in subsequent years. At the same time, however, it is also apparent that the increase in the number of articles has occurred in a more fitful than linear manner, lurching from 25 articles in 2007 to simply 5 articles in both 2009 and 2011 and then climbing to an unprecedented high of 39 in 2012.
While the reasons that underlie these yearly differences must remain speculative, the general increase that has occurred over the passage of time would seem at least partially attributable to a growing number of articles on Internet-based art fraud and, in particular, reports which allege the sale of counterfeit art on the popular on-line auction site eBay, which was founded in 1995 and went worldwide in 2008. While news reports of Internet-based art fraud were extremely rare prior to the new millennium, 41 of the 186 articles (22.0 percent) that appeared in Canadian newspapers from 2000-2012 focused attention upon art frauds that occurred in this setting, with a profusion of headlines that announced, for example, “B.C. painter finds cut-rate copies online” (Brethour, 2007a); “Portrait of a crime: Internet blamed for proliferation of phoney artwork”
In addition, the news value of “proximity” may best explain many of the spikes that occurred between the years under scrutiny. Thus, when compared to incidents of art fraud that occurred outside of Canada, those which occurred within the country and, especially, within Toronto or Montreal, were more likely to result in multiple articles that either directed attention to the same criminal event or furnished a rough chronology of the case’s evolution through the various stages that are involved in the administration of criminal justice. The news value of proximity was also apparent in relation to reports of art fraud that occurred beyond the country’s borders but involved Canadians as their alleged perpetrators. In these cases, it was common that the news value of proximity would be established immediately in the story’s headline. For example, in its report of a young Canadian who was arrested for art fraud in the United States, a Toronto-based newspaper tellingly entitled its report “Ex-metro student charged in art fraud” (Canadian Press, 1990) and, within the article’s contents, noted that the man had earlier studied in that city. In reporting on the exact same case, a Calgary-based newspaper accorded prominence to the man’s “roots” and directed attention to the man’s earlier residency in that city with a headline that announced, “City man faces art fraud rap” (Calgary Herald, 1990). As an exemplar of the import of “proximity” more generally, one may consider that the 2012 arrest of the former Chief Executive Officer of the Art Gallery of Calgary for fraud generated no
few than nine articles (i.e., Calgary Herald, 2012a, 2012b; Canadian Press, 2012a; Lederman, 2012; Massinon, 2012; McCoy, 2012a, 2012b; Wood & Martin, 2012a, 2012b), almost all of which appeared in Calgary-based newspapers, and that these multiple reports on a single event accounted for almost a quarter (24.3 percent) of all of the newspapers that addressed art fraud in that year.

Read All About It: “Art Fraud” as Mediated Construction

Despite headlines that proclaimed Toronto to be “an internationally known clearing house for fake and stolen art” (O’Neill and Priest, 1991) and an “international centre” for the “distribution of fake paintings by world famous artists” (O’Neill, 1991) or identified Montreal as a “a gate way to both Europe and the United States” in the transport of fraudulent/stolen artworks (Ha, 2000) or declared “Calgary ‘perfect’ for fraudulent art” (Canadian Press, 1980), approximately half (51.1 percent) of the articles on art fraud that appeared in Canadian newspapers between January 1978 and December 2012 described events that occurred beyond Canada’s borders. The headlines that were employed by Canadian newspapers could assuredly suggest otherwise. However, while a headline in the Kitchener-Waterloo Record (2000) boldly announced “Mob links alleged in art fraud,” its contents were derived from an American news magazine and addressed FBI reports of a link between New York’s Gambino family and the selling of forged art. Similarly, articles with equally riveting captions that announced “Cleric investigated in art-fraud case” (Globe and Mail, 2000), “Oldsters guilty in counterfeit art fraud” (Edmonton Journal, 2007), “Art forger admits to ‘1,000 to 2,000' bogus works: Jailed for six years” (Day, 2012), “Forgeries of Chinese antiques flood market” (Toronto Star, 1992) or “Fake Picassos used as collateral” (Globe and Mail, 1988)
described events that had occurred in Italy, England, Germany, Hong Kong and France respectively.

While the aphorism “If it bleeds, it leads” emphasizes the prominence that both the broadcast and print media afford to crime in general, and violent crime in particular, less than a third (29.5 percent) of the articles within my sample had appeared in the front sections of Canadian newspapers that feature “national,” “international” or “local” news. Art fraud was additionally mentioned within 17 articles (4.4 percent) that provided obituaries, most often for a former Ontario Provincial Police Commissioner who was noted to have “cracked the Great Canadian Art Fraud Case of 1964” (Cooper, 2005) and “Solved [the] Group of Seven art fraud” (Safieddine, 2005) or Ojibway artist Norval Morrisseau, with obituaries on the latter frequently alluding to the forgery of his works. For example, an obituary of Morrisseau that appeared in the *Calgary Herald* (2007) reported that “[h]is style was widely imitated and as prices for his work rose, so did forgeries”; to like effect, its counterpart in the *Toronto Star* noted that “[t]hrough the ‘70s and ‘80s, the painter’s ‘eccentricities’ - binge drinking and often a hand-to-mouth street existence - were the despair of his friends and buyers of his work who were uncertain of the authenticity of his paintings” (Goddard, 2007). While roughly one in six (16.1 percent) articles on art fraud were positioned within a section that had “business” or “finance” as its announced focus, fully half (50.0) were located within the portion of Canadian newspapers that were dedicated to the “arts”/“entertainment”/”culture.”

Compared to articles elsewhere, those that were positioned within the front-end “news” sections were most likely to feature brief reports that summarized the results of criminal justice
proceedings or, albeit less frequently, civil proceedings (e.g., “Art frauds bring 8-month sentence” [Canadian Press, 1993a]; “Three Quebec men will face tax charges in $4-million art scam” [Canadian Press, 1993b]; “Collectors sue gallery over disputed painting” [Gessell, 2009]). These articles ranged in size from 125 to 1699 words with the majority between 200 and 210 words in length. The tone of lengthier articles that addressed art fraud was most likely to be lighthearted than sombre or serious and this was especially true when the article was positioned on the front page of a newspaper.

For example, a 1266-word article that appeared on the front page of the Ottawa Citizen in 2005 addressed the findings of a survey that had been undertaken by ARTnews, “the world’s largest-circulation fine arts magazine” and reportedly queried “more than 80 dealers, museum curators, art historians, conservators and collectors around the world to come up with a list of the 10 most faked artists”; its headline lamented, “In the world of art forgery, Canadian artists don’t rate” (Butler, 2005a). Although a 1017 word variant of this story that appeared on the same day in the Calgary Herald featured a headline that declared, somewhat inexplicably, “Imitation is flattery for most faked artists” (Butler, 2005b), both versions emphasized that “[n]o Canadian artists made the list, which is either a cause for national pride or a humiliation, depending on your perspective.” Both also recorded the journalist’s attempt to amend this situation by asking the curator of Canadian art at the National Gallery of Canada to identify the most-forged Canadian painters and the curator’s report that “Tom Thomson probably tops the domestic fakery list, followed by the Group of Seven, Emily Carr and Canadian impressionist James Wilson Morrice, with Jean-Paul Riopelle a recent edition.” In like fashion, while a 2007 headline in the Globe and Mail announced “B.C. painter finds cut-rate copies online” and directed attention to the existence
of a “string of Chinese websites” that sold counterfeit art, this 851-word article described “Canadian artists” as being “unaccountably popular” on these websites, where they reportedly constituted “nearly a quarter of the 4,000 artists whose works were being counterfeited” (Brethour, 2007, emphasis added). Although this description may be evocative of what Lipset (1990:69-70) described as the “self-deprecating ‘little man’ ‘Canadian’ folktype, it was notable that art fraud was rarely framed as a phenomenon that was intertwined with issues of cultural heritage and/or nationalism. Only a scant number of articles (less than 2 percent) constructed art fraud in this way and, almost invariably, this occurred within articles that twinned the topic of art fraud with the theft of antiquities by clandestini in distant climes (e.g., e.g., Banerjee, 2009; Bishop, 2011).

44 Among the rare exceptions was an article which appeared in 1990 in the Toronto Star under the headline “The Cokey Smyth forgeries” and directed attention to the discovery of a forgery that, the article acknowledged, had been reported on more than two decades earlier in an issue of the Royal Ontario Museum’s periodical Rotunda. Thus, the article noted that while “[f]or years, one of the principal treasures in the Canadiana collection of the Royal Ontario Museum was a set of over 50 sketches of early Canada” that were drawn in the 1830s and bore the signature of “the celebrated 19th century artist, W. H. Bartlett,” “[i]n the summer of 1968, in the pages of the ROM’s Rotunda (Vol. 1, No. 3), Mary Allodi, now curator of paintings in the Canadiana department of the ROM published a full report of the newly discovered and true identity of the artist, and recorded the ironic twist to the end of the story” - that the artist was John Richard Coke Smyth and that an unknown forger had inscribed the name of W.H. Bartlett on the paintings. The article asserted emphatically that the forger could not have been either Bartlett or Smyth. The former, it pointed out, “was then at the height of his fame and had no cause to sign drawings that were not his” while the latter “would scarcely sign Bartlett’s name and lose credit for his own work.” While the article speculated that “[w]hoever had signed the signatures...had probably signed them [W.H.Bartlett] in the belief that the works would...command a higher price” inasmuch as Smyth’s works were “constantly undervalued,” it insisted that “[w]hat the forger failed to realize was the true value of the sketches” as “a unique document’ that portrays the Canada seen by [Lord] Durham.” In suggesting the importance of this forgery, it also stressed that “[t]he famous ‘Report’ that Durham published in 1839....is now considered one of the major documents in the history of Canada, and has been called ‘The Magna Carta Of Canadian Liberties” (Jones, 1990).
For example, a 2005 Canadian Press article began by noting that even though “[a]rt theft may conjure up images of a suave movie villain creeping through a dark gallery or last year’s bold daylight robbery of Edvard Munch’s *The Scream* from a Norway museum,” “[m]ost art heists...are far more subtle, involving forged documents, fake prints or smuggled cultural artifacts that slowly make their way into the hands of private owners or museums.” However, this news report did not proceed to suggest that art fraud threatened *Canada’s* heritage or culture; rather, it directed attention to a “memorable Philadelphia case” in which “the FBI set up a successful 1997 sting to recover a 1,500-year-old Peruvian ‘backflap’ - a piece of gold armour worn by warriors - looted a decade earlier from a Mochu lord’s grave in northern Peru,” addressed the “pervasive looting that experts say has ravaged nearly all of Peru’s ancient archaeological sites” and noted the especial vulnerability of archeological sites that are located “in poor or unstable countries - including Iraq and Afghanistan” to looting.\(^45\) In like fashion, while a 2012 article in the *Vancouver Sun* dubbed the James ossuary - a small, inscribed stone coffin that is regarded by some as a fraudulent artifact and believed by others to have contained the bones of Jesus’s brother James and to furnish “the first archeological evidence of Jesus Christ’s existence” - the “fraud of the century,” it nowhere suggested that the status of this object might be of especial interest to the

\(^{45}\) According to Miles (2008:149-152), the first legal recognition of cultural property as a special protected category in times of social unrest is contained in *General Orders No. 100* (aka the “Lieber Code”), a legal code that was developed in 1863 at the prompting of President Lincoln and intended to regulate the conduct of Union soldiers towards their enemy combatants. She reports that this code has formed the basis of various international agreements, such as the Hague Conventions of 1907 and 1954, that address the status of cultural property in times of war. However, while the 1954 Hague Convention recognizes the long history of art being seized as a “spoil of war” and, in particular, the rapacity of the Nazis, Miles emphasizes that the “[d]eliberate plundering of art in wartime has not ended” despite attempts to restrain it through the use of international agreements and that “[a]rt and architecture, broadly defined to include also archaeological sites, are still vulnerable to plunder, aerial bombing, ground explosives and destructive occupations, and ideological attacks.”
three-quarters (76.6 percent) of the Canadian population who identified themselves as Christians on the 2001 Canadian Census (Statistics Canada, 2010). Although Canada’s history and national identity are marked indelibly with the imprimatur of Christianity and, in terms of the country’s past, “it is impossible to imagine Quebec with no Roman Catholics, Ontario with no Anglicans or Presbyterians, the Prairies with no evangelical Protestants, and British Columbia and the Atlantic region without the Church of England” (Bibby, 1993:25), the article established a far more banal nexus between the object and its target audience: it pointed out that, a decade earlier, “[t]ens of thousands...[had] lined up in freezing Canadian weather” to see the item when it had been on display, “with a sly caveat about its authenticity,” at the Royal Ontario Museum (Burleigh, 2012).

While Canadian news articles on art fraud included reports of forgery in relation to such well-known Canadian artists as Maud Lewis, Emily Carr, Marcel Barbeau, Jean-Paul Lemieux and Marc-Aurele de Foy Suzor Cote, the names of Canadians artists rarely appeared within the headlines of these articles. Among those whose names did appear, Quebec abstractionist painter Jean-Paul Riopelle was the most frequently identified, followed by the Group of Seven artists. However, if Riopelle was described as “arguably Canada’s greatest living artist” (Mitchell, 1997), the forging of his work was consistently framed in economic, rather than nationalistic, terms. For example, an article entitled “Seeing red over Riopelle” gave prominence to the fact that a large painting by the artist had “sold for an unprecedented $1.6 million at Sotheby’s New York in May 1989, still a record for a Canadian painting” and noted that “[i]n the 1980s, Riopelles were considered blue chip investments having the potential for excellent returns” (Mitchell, 1997).
selling on eBay,” did include a comment from the artist’s agent that described the forging of Morrisseau’s paintings as a “cultural catastrophe,” the headline of the article suggested otherwise: “Old art scam surfaces on-line: Buyers beware” (Ross, 2007). Partially reflective of the large number of articles that described events that occurred outside of Canada, the headlines of Canadian news article on art fraud most often featured the name of non-Canadians artists in their headlines. Thus, they summoned attention to “Fake Picassos used as collateral” (Globe and Mail, 1988) or an “Unreal Dali deal” (Butler, 2005c); offered a “Portrait of a reluctant Van Gogh detective” (Bohuslawsky, 1997); or announced “Van Gogh Sunflowers seed doubt” (Prittie, 1997).

To like effect, articles that reported on the police’s discovery of a cache of paintings that included the forged works of both Canadian and non-Canadian artists almost uniformly gave prominence to the latter in headlines that blazoned, for example, “Fraud raids net fake, real Picassos, Chagalls” (Platiel, 1991) or “Miro, Miro, on the wall: Sam Olan’s sale of fake masterpieces promised the fairest bargains of them all” (Plews, 1987).

Within articles that did frame art fraud as a “crime against culture,” there was little to suggest that the Canadian print media conceived of frauds that targeted the art and artistry of Canada’s indigenous peoples as a threat to Canada’s culture and heritage. Indeed, articles of this sort were only conspicuous by their absence. However, with the exceptions of news reports that addressed allegations of forgery in relation to the paintings of Norval Morrisseau, only three articles between 1978-2012 acknowledged the existence of fraud in relation to the artworks of Canada’s indigenous peoples. The first article, which was headlined “Inuit urge strict curbs on ‘fake’ art”
and appeared in the *Globe and Mail* (1983), reported with a distinct economy of words that the Inuit Tapirisat of Canada, a national Inuit association, had called upon the federal government to enact “strict rules” that would curtail “the sale of ‘fake’ Inuit art”; noted the association’s claim that fraudulent Inuit artworks were “threatening the multi-million-dollar native art industry” and recorded the association’s demands that the tags that accompanied these works be prohibited from using words such as “‘Inuit, Eskimo, Arctic or northern’; clearly identify the artist, the materials used, the number of copies made and whether machines were used” in the production of these imitation works; prevent imitators from copying authentic Inuit artwork without the express permission of the artist; and ban the juxtaposition of imitation and authentic Inuit works in display cases (*Globe and Mail*, 1983a). However, the Inuit Tapirisat’s suggestions, and the concerns that had prompted them, seemed to fall on deaf ears. While the issue of fraudulent indigenous art in Canada would be addressed in depth a decade later in a report prepared for The Royal Commission on Aboriginal People, *Native Arts, Crafts and Fakelore: Legal and Administrative Options and Recommendations* (Denhez and Noonan, 1994), the findings and recommendations that it contained were not mentioned in a single newspaper article on art fraud that appeared in the Canadian print media in the roughly two decades that followed between its release and the end date of the time period that my study focussed upon.

Although a second article, that appeared in 1997 in the *Winnipeg Free Press* announced “Aboriginal artists fear flood of imitation works: Multimillion dollar Canadian industry threatened” (Redekop, 1997), its lead sentence seemed almost unintelligible (i.e., “Move over, 

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46 To be more specific, this article was a mere 153 words in length.
red-serged Mounties on ballpoint pens”) and the sentences which followed immediately thereafter were equally bemusing. Thus, the article declared that,

Soft stone carvings and dream catchers - aboriginal arts and crafts - are becoming the new international souvenirs of Canada. The problem is the global popularity - and profitability - is attracting imitation works mass produced in places like Taiwan and Germany, flooding the market and threatening a multimillion-dollar industry.... The items are then flogged at airports, handicraft sales and souvenir shops around the world, robbing the Canadian industry of millions of dollars.

This preamble, it may be noted, effectively effaced any divide between indigenous art and indigenous crafts and positioned both as, most fundamentally, “tourist art.” This curious construction was also bolstered by the inclusion of comments from a “local native artist” who was ostensibly catapulted into the role of spokesperson for “native artists” within this article. It reported that while “as an elder and teacher,” the “local native artist” was troubled by the duplication of “many sacred items, like ceremonial pipes, and drums and dancer staffs,” her “biggest fear” was that “imitators will inundate the market and make aboriginal art seem tedious and commonplace.” As such, the article not only employed colonialist terminology to categorize the woman that it positioned as a putative spokesperson for “native artists,” but implied that the constituency that she spoke for was content with the positioning of Aboriginal art as an ethnographic curiosity. Thus, according to this article, the primary fear of “native artists” was that “imitation works” would threaten the marketability of indigenous “goods” at “airports, handicraft

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47 In querying, “What exactly does a native Indian mean?” Ojibway artist Robert Houle (2003) has argued that the use of this phrase is both “offensive and odious.” In publically lambasting an Ottawa Citizen art critic for referring to Norval Morrisseau in this way, he pointed out that “language is a very powerful tool” and denounced the “persistence in this country’s media to categorize us in this particular, racist manner.” “My concern,” Houle wrote, “is that it belittles and undermines our efforts to be recognized for who we are as a people, Anishnabec, on our own terms.”
sales and souvenir shops around the world.” The article emphasized that “imitations can be insidiously real-looking: stone carvings made from soapstone resins mixed with a polymer, and mass-produced using moulds” and recorded the “local native artist’s” grim prophesy that if imitation art “floods the market, in two years (interest in aboriginal art) could be dead.”

Moreover, in observing that “Ottawa has kicked around the idea of offering some protection, perhaps by helping set up a kind of marketing board system similar to what Inuit artists have,” the article reported that discussions on this issue had “fizzled” due to various factors. However, positioned in first place among these factors appeared the claim that “Manitoba aboriginal artists aren’t organized.” While the article briefly noted, in the form of an aside, that “[t]here may also be problems determining who qualifies as an aboriginal artist,” and that one “can’t just go by status numbers because there are also off-reserve and Metis people making Indian art,” it ended with a report that the “local native artist” had pointed approvingly towards the protections that the United States affords to “native” artists and stated, “They’re quite strict in the States compared to here. You have to have at least 50 per cent aboriginal blood before you can enter an aboriginal crafts fair” (emphasis added). As such, this article’s relegation of Indigenous art to the status of a “craft” sandwiched its contents.

More than a decade later, the construction of Aboriginal art as a “craft” was resuscitated in a second Winnipeg Free Press offering which appeared under the headline, “‘Native American’ art in name only” (Simard, 2012) and was written in a markedly folksy first-person style. It began:

I’ve been spending a lot of time on Ebay, an online marketplace where you can buy and sell vintage and handmade goods. I’ve found some great stuff on the site and opened my own vintage shop - which is a chance to clean out my closet and get rid of old treasures. But now I’m thinking of creating some handmade goods of my own to sell on Ebay. The hardest part is figuring out what to make; I love to
sew, bead and even paint. People buying and selling goods on Ebay are from all over the world, but, for some reason, I’ve noticed “native style” goods seems to be among the most popular. I’ve got to get in on this.

According to the author of this article, her exploration of what eBay offers when one types “‘native American’ into its search bar” led to her discovering that while there were “more than 43,000” items listed on that site under this category, “just a fraction of those items are actually made by native American hands.” Nevertheless, Simard (2012) writes that “[a]fter some digging,” she felt confident that “[m]ost artisans selling handmade native American items on eBay are open about not being native American themselves” and did not misrepresent their goods as authentic. She additionally offers praise for those who produce these works, reporting that these “artisans” “are putting their own creative twist on traditional items, like a dream-catcher mobile made out of white porcelain, or a beaded ponytail holder with a modern look.... You could call it a gentle cultural appropriation, or “cultural borrowing” if you like. It doesn’t offend me, but then again, I’m not out there trying to make a living making native art.” She also speculates:

There probably isn’t harm meant. Artists just seem to find us inspiring. It could even be seen as a positive thing. It’s better for people to embrace our cultural items than to see them as “primitive” or worthless. It means we are not a forgotten people and are an acknowledged and valuable part of today’s world.

Can I get a hey-ya!

Simard does, however, report that she thinks it “lame” “when huge retailers like clothing store Forever 21 use our iconography with impunity” and declares, “Forget about land rights. If we could have copyrighted ‘native style’ into the treaties we signed, we could all be very wealthy today.” While Simard’s (2012) repeated use of the pronouns “us” and “we” suggests that she is Aboriginal, her directive, “Forget about land rights,” is nonetheless jarring for it seems to make light of the on-going struggles that indigenous peoples have confronted and confront in relation to
establishing control over their lands and resources. However, according to this article:

The real problem with this situation is we need to get our aboriginal artists more integrated into this digital world, so they too can get their work out there. There’s a whole world out there wanting to buy our handmade goods and art; all we have to do is make it available to them.....We’ve got to get our aboriginal artists savvy in marketing their work, not just locally, but internationally. Our aboriginal artists, by and large, also seem to be underselling their stuff. They have been for generations, which is a shame. We need to value our art just as much as everyone else does (Simard, 2012, emphasis added)

In consequence, while the first article in the Winnipeg Free Press identifies a lack of organization among aboriginal artists as having forestalled an effective solution to the problems that imitation art poses and commends the adoption of a law that would establish “Indianness” by blood quantum, the second article seems to suggest that the “real problem” can be countered effectively by the enrolment of indigenous artists at the Acme School of Digital and Marketing Savviness.

Articles that addressed fraud in relation to indigenous art in tangential ways were even more trivializing of this issue and its import. For example, the possible framing of imitation “indigenous” art as a “crime against culture” was countered in a lengthy Globe and Mail obituary that recorded the death of Elizabeth Durack and presented her painting “as alter-ego” Burrup as an entirely innocuous act. Thus, it imbued the fact that the artist had been “brought up close to aboriginal life in the remote northwest of Australia” with profound significance, noted that Durack had been “bewildered” and utterly “taken aback by the Burrup controversy, because even though she entered indigenous art exhibitions as the man she claimed to be, there was no deception” and emphasized that even though “some Aborigines in the Kimberley region of Western Australia protested at her use of a black alter-ego, others, including senior men from the Nyoongar people supported her, believing she was possessed by the spirit of an Aborigine artist”
Other articles that addressed “fake” indigenous art did so by coupling the Australian case of Elizabeth Durack/Eddie Burrup with a report on the exposure of “Wanda Koolmatrie,” the award-winning author of the “autobiography” *My Own Sweet Time*, as simply the *nom de plume* of Leon Carmen, a 47 year-old white man. These articles were equally disdainful of the idea that artistic works that involved elaborate “racial”/gender masquerades on the part of their creators could constitute crimes against culture.

For example, a two-sentence news item in the *Winnipeg Free Press* was entitled “Aboriginal hoaxes” and began: “Just a week after an acclaimed aboriginal painter was found out to be white, the author of the award-winning autobiography of an aboriginal woman has disclosed he is a white man who made it all up” (Associated Press, 1997). More expansive articles on these “Aboriginal hoaxes” appeared equally or more profoundly antagonist to the possible framing of these acts as crimes against culture for they suggested that both Carmen and Durack were best seen as victims of political correctness. Thus, an article which appeared in the *Kitchener-Waterloo Record* emphasized that when Carmen’s book was believed to have been authored by “Koolmatrie,” it had “won critical acclaim and a national literary award as the best first work by an Australian woman writer” and recorded, at length, Carmen’s claims to have written his book

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48 For non-Canadian newspaper accounts which linked these two cases, see Australian Associated Press General News, 2004; Canberra Times, 1997; Daily Telegraph, 1997; Daly, 1997; Goodman, 1997; Guardian, 2001a, 2001b; Naglazas, 1997; Powell, 1997; Record, 1997; Russell, 1997; Slattery & Legge, 1997)

49 In April 1997, Carmen’s solicitor announced that his client had returned the $5000 Dobbie Award after being informed that the prize was “legally gender-specific.” He maintained that his client’s return of the prize monies, coupled with the fact that his client had “not personally” submitted the novel for consideration of the award, furnished evidence that Carmen had “no intention to defraud” anyone (Daily Telegraph, 1997).
under the name and identity of Wanda Koolmatrie [in order] to break into the Australian literary scene”:

Carmen said politically correct publishers and awards judges discriminate against white men in favour of female, Aboriginal, and immigrant-descended writers. “I created a character and breathed life into her. I can’t get published, but Wanda can,” Carmen said. Critics hailed it as a masterpiece. “This is the lively, gutsy story of an urban Aboriginal girl making it in the tough city counterculture of the mid-‘60s,” one reviewer said. “This heartwarming comic odyssey cries out for a sequel. It could be the start of a new genre.” Carmen did write a sequel, but the publisher insisted on meeting Wanda Koolmatrie. Carmen said that was one reason he went public with the hoax. (Associated Press, 1997a; see also Hamilton Spectator, 1997; Kesterton, 1997)

A second article, which appeared in the *Toronto Star* and described the actions of Durack and Carmen as “white lies” that had “rocked” Australia’s literary and art communities, made reference to a number of other cases, including an “identity switch” that had occurred in the 1980s, when “‘B. Wongar,’ the ‘Aboriginal’ author....turned out to be Streten Bozik, a Ukrainian immigrant” and, in doing so, evinced a similar disdain for “victimism” (Associated Press, 1997c). Thus, it repeated Carmen’s charge that “publishers and awards judges discriminate

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50 This sympathetic response was not restricted to articles that appeared in the Canadian print; articles on Carmen’s hoax that appeared in the British and Australia print media were equally infused with anti-victimism rhetoric. For example, a 2004 article in the *Herald-Sun* which connected Carmen’s “autobiography” of “Koolmatrie” to Norma Khouri’s “autobiography” *Forbidden Love* began: “The storm over Norma Khouri’s book follows a familiar pattern: pose as tragic victim and watch the dollars roll in. All autobiographies contain little lies, but Norma Khouri’s may be one of many now that are one big lie. Khouri, whose best-seller *Forbidden Love* was last week accused of being a hoax, had the usual formula for success in a world starving for fashionable victims. It goes like this: trade as a woman, if possible, who is from some tribe or oppressed minority, and has survived the cruelty of whites/colonialists/Right-wing thugs/rich guys. And if you aren’t any or all of the above, then fake it. Next, write a book that tells of your woe, or trades on it. Garnish with New Age mysticism…and showtime! Teary readers! Big sales!” (Bolt, 2004). In illustration of his charges, Bolt (2004) points to an assortment of authors who have “willingly put on tribal markings” and “pull[ed] long faces”: “Mudrooroo Narogin (formerly Colin Johnson) became our “first Aboriginal novelist” with *Wild Cat Falling* with an Aborigine driven, like him, to crime by a racist society. Only later did we
against white men in favor of female, Aboriginal, and writers who are first or second generation Australians” and lingered upon the effusive praise and “critical plaudits” that “Koolmatrie’s” “autobiography” had received from those he had “hoodwinked” (Associated Press, 1997c). As such, while Carmen himself acknowledged that his act had been primarily motivated by self-interest, the article implicitly portrayed Carmen’s creation of Koolmatrie as an “entrapment hoax” - a “didactic and punitive” act that is intended, from its outset, to be exposed and to “culminate in some epiphanic gotcha” (Hsu, 2005).

In general, however, it bears emphasis that art fraud was rarely framed as a “crime against culture” in any of the articles that appeared in Canadian newspapers within this time period under scrutiny. While articles on art fraud that have appeared in Canadian newspapers since the new millennium have been increasingly likely to describe the Internet as a conduit for art fraud, these find that Narogin, by then a Professor of Aboriginal Studies and official “stolen generations” victim, was in fact the abandoned son of a British mother and African-American father. B. Wongar also told of black suffering through the eyes of an Aborigine - horror tales of the ‘stolen generations’ and of Aborigines fried in nuclear tests - with few realising these were the imaginings of a Serbian migrant, Streten Bozic. There are many more - such as the tragic, irradiated poet of Hiroshima, Araki Yasusada, who turned out to be an English professor in outsticks America; the green guru Chief Seattle, whose Indian pieties were in fact penned by film scriptwriter Ted Perry; Helen Derndenko, the daughter of a nice Ukrainian concentration camp guard whose parents are actually English; and Binjamin Wilkomirski, who claimed in his prize-winning autobiography to have been a Jewish child in Auschwitz when, instead, he was raised by a rich couple in Switzerland.” According to Bolt (2004), while these types of fraudulent accounts may be a “hoot, exposing some of our cultural lions as gullible buyers of fake tears” they should also serve to warn against a “pandering to self-pitying rage against the System” and a “romanticising of victimhood that keeps true victims in their place.” Moreover, he reports that while Forrest Carter’s (1976) *The Education of Little Tree* purported to tell of how, “as a half-Cherokee orphan betrayed by white society’s ‘powerful monsters’” “Little Tree” had “learned a tribal wisdom that heals from his Indian grandparents,” this book, which sold a half million copies and accrued enviable royalties for its author, was not, in fact, “the ‘memoir of a Cherokee boy’”; instead, it was “the fantasising of a former Ku Klux Klan leader, Asa Carter.”
articles seldom suggested that it may simultaneously serve to bolster the commission of crimes against culture, by facilitating the sale and conveyance of artworks that have been looted from archeological sites or acquired as the “spoils of war” from a country during times of political upheaval and/or social unrest. It is also noteworthy that Simard’s (2012) article on the high proportion of non-“native” “native” artworks on eBay did not present their presence on this site as a threat to indigenous cultures nor identify the Internet as a vehicle which may expedite and exacerbate the commission of crimes against cultures. Rather, articles that directed attention to on-line art frauds almost invariably presented on-like fakery as an impediment to the practice of consumerism and emphasized the risks that the Internet poses to those who pursue on-line shopping (e.g., Calgary Herald, 2000; National Post, 2000).

In doing so, these articles implicitly suggested that the problem posed by the presence of “online fakes” was qualitatively akin to the problems posed by “panholders” or beggars who solicit “spare change” on a city’s downtown streets: as a threat to the rights of propertied shoppers to reign supreme in public space and enjoy a mental or cognitive “space of safety.” Thus, paralleling Hermer and Mosher’s (2002:13) florid description of shoppers who are confronted by beggars as “vulnerable victims held hostage in their daily travels through public by disorderly individuals,” articles that addressed the phenomenon of on-line art fraud commonly emphasized the risks that “innocent” shoppers confronted on Internet sites that sell art and stressed how exposure to these “dangerous” predations in public space had “infected” and destabilized the shopper’s sense of comfort, well-being and security. For example, a 2005 article in the Edmonton Journal began with the report that while art fraud” was “[o]nce aimed largely at wealthy buyers,” it has now “infiltrated middle-class living rooms via Internet art sites and online auctions, say art experts in
Canada and the U.S. Call it art fraud for the masses.” Even though this article acknowledged that no Canadian figures were available on the number of consumer fraud complaints that derive from Internet auctions, its report that on eBay alone, there are more than 360,000 items listed in its art category, with an artwork selling “every 14 seconds” (Butler, 2005) seemed intended to evoke images of legions of unhappy “average” Canadians who discovered, to their immense surprise and chagrin, that their “original” painting was not, in fact, original.

Somewhat ironically, however, even though articles on on-line art frauds were more likely than those that described off-line frauds to democratize the threats that these crimes posed and present its victims as “art lovers” or “shoppers” writ large, with headlines that announced “Protect yourself from art fraud” (Carrier, 2005), such universalizing frames were not always deployed successfully. For example, while articles that chronicled the attempts of self-styled vigilantes to “protect innocent bidders” against art fraud could rally their readers to join up with the “volunteer watchdogs [who] patrol [the] Web for scams” (Cribb, 1999) and, in doing so, stress that this “new breed of watchdog” (Criss, 1999) could protect the “masses” from peril, they could also emphasize the need for such grassroots activism by pointing ominously towards “the spectacular case in 2000 when a fake Diebenkorn painting was nearly sold for $135,000 on eBay” (Hafner, 2004). Given that the ability to spend $135,000 on eBay on a single artwork requires an enviable degree of liquid assets, it was nevertheless apparent that the term “masses,” as it was used within such articles, did not refer to the proletariat and, instead, was being deployed in a very novel but, perhaps, purposive way.
Since 1962 Statistics Canada has collected data on “all criminal incidents that are reported to, and substantiated by, Canada police services” (Brennan, 2012) and it is routine that, in the summer of every year, Canadian newspapers will offered up condensed and simplified summaries of the findings of these Uniform Crime Report surveys. However, the topic of art fraud never appeared among the print media’s annual updates of “Crime in Canada” in any of the years under examination. The absence of information on art fraud within the news media’s annual reports on crime would seem regrettable for it may serve to suggest that art fraud is other than a “crime” and invite the perception that its occurrence poses lesser degrees of harm to Canada and to Canadians than other offences, such as the possession of marijuana, which are singled out within these yearly reports. However, it would assuredly be unfair to fault the Canadian print media for this omission inasmuch as this situation may simply reflect what Statistics Canada makes most readily available. Thus, while a quick perusal of Statistics Canada’s website allows one to quickly learn that its 2011 Uniform Crime Survey recorded 89,801 incidents of fraud (Brennan, 2012), this figure is not broken down into subcategories that would allow the curious to distinguish how many of these incidents involved art fraud, as opposed to “identity fraud” or other forms of this offence.

Perhaps for this reason, only one news article, which appeared in 1980, offered up Canadian statistics on this subtype of fraud and did so under a headline that declared boldly, “Fraud offences up 18 percent in crime study” (Globe and Mail, 1980). The contents of this article, however, were less than truly edifying about the incidence of art fraud in Canada at that time.
Thus, while the article reported that “[f]raud offences, such as writing bad cheques, using stolen credit cards and selling art forgeries as originals, were up 18.4% last year to a total of 3,804,” it provided no information on the proportion of these frauds that involved “selling art forgeries as originals” or whether the number and/or percentage of this subtypes of fraud had increased, decreased or remained constant. Moreover, inasmuch as these statistics were based upon incidents investigated by a single Ontario police service, the Ontario Provincial Police, one may query the extent to which they can be generalized beyond the jurisdiction of that specific police service.

Rather than proffering Canada-wide statistics on the incidence of art fraud, newspaper reports on the incidence of this offence proffered the opinions of “experts” on this topic. Unfortunately, what resulted seemed akin to the images that are obtained when shifting the lens of a kaleidoscope. Experts could sometimes suggest that art fraud was a relatively rare event and, at other times, maintain that it impacted scores of Canadians. Those who claimed or were simply imputed by the media to possess expertise on the topic of art fraud could stalwartly insist that art fraud was the most rarified form of art crime or its most common manifestation and of pandemic proportions. For example, a 1997 article which minimized the prevalence of art fraud gave credence to the claims of a Canadian professor of criminology and, in doing so, emphasized that this scholar’s “PHD thesis from the Universite de Montreal was the first in North America on art forgery”; according to his report, “[i]t is easier to steal a work of art and resell it than to fool someone for the sake of a fake....You cannot sell fakes by the thousands in a short period of time” (Bensimon as quoted in The Financial Post, 1997; see also Bensimon, 1996). Other articles, however, insisted in their respective headlines that “Phonies are rife in the ‘down and dirty’ art world, says
fakebuster” (Hume, 1996) and maintained that the “art world” was an incubator of “frauds and forgeries, double-dealing and rip-offs” and extraordinarily adept at the “art of deception” (Hume, 1998).

On occasion, individual members of Canadian police services were forwarded as being the most authoritative source of information on the incidence of art fraud. For example, one article bestowed luminosity upon a detective-sergeant with the Montreal Urban Community police and, in doing so, stressed that this police officer investigated “art crimes full-time” and received “dozens of complaints each year about ripoffs of various kinds, including fakes - most often of Quebec artists” (MacDonald, 1999). Others articles, however, accorded primary to comments voiced by the Canadian Conservation Institute’s chief of analytical services or the curator of Canadian art at the National Gallery and credited their respective reports that “art fraud is more common in Canada than the public would likely to believe” (Pugliese, 1992) and “fairly widespread” (Butler, 2005). These disparate estimates of the incidence of art fraud hint are not only frustrating for those who seek sure information on the commonality or rarity of this offence but suggest the problematic ownership of “art fraud” as an area of expertise. It is to be expected that criminologists, police officers, “fake busters,” forensic scientists and art historians will possess different stocks of knowledge and may well vary in their conceptualizations of what “art fraud” is and is not. Moreover, journalists could assign “expert status” to those who had been convicted of art fraud and suggest that their experientially-based knowledge trumped the expertise of all others.

For example, news articles on art fraud which featured the comments of “notorious fakers”
routinely forwarded their claims as being as or more compelling than those that were advanced by scholars, police or self-proclaimed “fake busters.” Thus, an article in the *Globe and Mail* (1991b) reported that Eric Hebborn had gleefully identified the National Gallery of Canada as being one of the numerous museums which had purchased his fraudulent artworks and repeated, without any expressed reservation, his claim that *Boy with a Dog*, an art work attributed to 17th-century Italian artist Stefano della Bella and purchased for $3,100 by the National Gallery of Canada in 1973, numbered among his fakes (*Globe and Mail*, 1991b). Although a second article that appeared on the same day noted that the National Gallery had refuted the forger’s charge, with a spokesperson for the gallery commenting to the press that “It’s mischievous of Hebborn to make the claims he does,” this countering claim appeared in a different Toronto newspaper - the *Toronto Star* - and under a headline that suggested at least some degree of equivocation on the question of whose claim was best credited: “Canada’s gallery will keep ‘fake’ art” (*Canadian Press*, 1991).

Given this situation, it not surprising that newspaper reports on the magnitude of art fraud in Canada defy unification. For example, while a 2005 article noted that the curator of Canadian art at the National Gallery of Canada had insistently maintained that this institution “had never been burned by a fraudulent painting” (*Butler*, 2005), this assertion would seem to suggest a certain lack of institutional memory. Not only does it contradict Hebborn’s report but it also contradicts the report of an “expert” who, two years earlier, had lectured on the topic at the behest of the National Gallery. Thus, in a 2003 article which reported on the gallery’s hosting of a public lecture on “fakes, frauds and copies,” the gallery’s featured expert had expressed his certainty that the National Gallery of Canada “*must* have had fakes. The Louvre, the British Museum, the Museum of Contemporary Art in New York all have had their troubles with fakes. Why would
the National Gallery be different?” (Bensimon in Starnes, 2002, emphasis added).

While the Canadian print media demonstrated a marked degree of generosity in its assignment of “expert status” and appeared content to affix this label to both the reputable and disreputable, they could also deploy unnamed experts in their reports on art fraud. Thus, articles could emphasize that “experts report” without identifying who these individuals were and the basis for their claims. Nevertheless, the comments of these ectoplasmic experts could give urgency and a semblance of solidity, objectivity and suprapersonal authority to even the most alarmist of claims. For example, a journalist who reported on the conviction of an offender for art fraud scoffed at the significance of this event and insisted that while the man’s conviction “may have temporarily shut down one fake art spigot,” “experts agree that there is such a large number of phony canvases that the few prosecutions have practically no effect.” According to these unnamed experts, collectors are additionally “plagued with a situation whereby the objects in the salesroom can fall into several categories” which are not easily disentangled and encourage “duped collectors” to become witting or unwitting agents of fraud (Plews, 1987, emphasis added). Thus, in directing attention to the inducements to criminality that collectors confront, the article pointedly noted that artworks:

can be completely genuine, backed by an honest provenance, or they can be sold as reproductions or copies of work. They can be misattributions - cases of mistaken identity - restorations, or they can be questionable, in which case there is a genuine disagreement among authorities about their authenticity and age. Or they can be fakes. The problem is further aggravated when quite innocent copies get into mischievous hands and then, with a little adjustment of their appearance and a little falsification of records, they can be passed back into the pipeline of the genuine article. Complicating the issue are the duped collectors who suddenly find a worthless fake on their hands. Do they shrug off the loss, or try to pass it on as an
However, while this article relied upon the opinions of unnamed “experts” to bolster its presentation of art fraud as a “plague” that was endemic to the art world and of epidemic proportions, others articles seemed equally intent on challenging this depiction of the crime.

For example, while a 2010 headline in the *Financial Post* proclaimed “Art crimes are on the rise, and Canada is implicated” (Kaplan, 2010), the majority of the article seemed dedicated to countering this assertion. Thus, while noting that the Art Loss Register had recently identified Canada as a “hotbed for stolen art,” the sentence that followed dismissed the authority of this data source and noted that according to Mark Durney, “the founder of Art Theft Central, a database tabulation information of worldwide art crimes,” “the art world is given to hyperbole.” The article additionally noted that Durney had been equally dismissive of “a much-publicized FBI report that claimed art world theft is a US$6-billion industry and the fourth largest criminal enterprise after drugs, money laundering and guns”: “There’s a lot of exaggeration in the world of art crimes, like the number $6-billion that gets tossed around.” “In reality,” or at least the version of reality that found favour with Downey, “most art crimes are part of an interrelated ecosystem of illicit industries, and illicit art is used as collateral for money or drug laundering” (in Kaplan, 2010).

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51 In answer to this question, one might consider the report of Jack Cowart, executive director of the Lichtenstein Foundation, that is charged with preserving the legacy of artist Roy Lichtenstein, who has stated that during the years that this organization has authenticated works by the artist, he “regularly noticed that collectors informed that they had a fake would later quietly sell it as genuine. ‘And then we’d find somebody else would send the same work to us six months later’ asking for it to be authenticated” (in Cohen, 2012).
When framed as “crime stories,” news reports on art fraud were commonly a one-day phenomena. Thus, while 31 articles reported that police, in Canada or elsewhere, were investigating a case of suspected art fraud, the results of these investigations were rarely addressed in follow-up stories and this especially true in relation to police investigations initiated outside of Canada. In like fashion, while 95 articles announced that police had laid charges against an individual or individuals for art fraud, articles which reported on the results of criminal proceedings were less common (N=32), with convictions ostensibly far more newsworthy than acquittals, and articles that recorded the sentences imposed rarer still (N=16). In consequence, if sentencing in Canada is underwritten by various objectives that include denunciation (i.e., “the attempt to censure an individual for culpable criminal conduct...[and] to denounce the crime of which the offender has been convicted” [Roberts, 2001:190]) and general deterrence (i.e., “the attempt to prevent crime by creating fear of punishment among the general public. Potential offenders are said to be deterred by being made aware of the punishments imposed on criminal offenders” [Roberts, 2001:190]), neither of these objectives would seem particularly well-served by the way in which Canadian newspapers fashioned their reports on art fraud as a “crime story.” Within these “whodunnits,” the reader was commonly deprived of the opportunity to learn if the butler did, in fact, commit the crime and, if so, what punishment, if any, the butler received.

News reports on the sentencing of those who had been convicted of art fraud also suggested that the courts, along with the journalists who covered these criminal justice proceedings, viewed the perpetrators of art fraud with an admixture of admiration and amused toleration rather than
condemnation or opprobrium. Thus, an article which featured the enticing headline “Painting scam nets forger $103,000” (Reuter, 1990) noted, in its concluding sentence, that a man who had pled guilty to “peddling as many as 200 forgeries to unsuspecting buyers, including the New Brunswick Museum, over a three-year period” had been assigned a fine of $4,000, “placed on probation for a year and ordered to repay any victims that come forward in the next year.” A second article on this case, which also pointed to the disparity between the income that the man had earned from the forgeries and fine that the court had imposed, identified the man as “a business administration graduate” from a Canadian university and seemed to suggest that he had put his studies to good use (Globe and Mail, 1990e). More generally, however, art fraud was presented as a low-risk crime that pays. For example, in reporting on the sentencing of “two California grifters” to a prison term of seven years, one article noted that by the time that police “nabbed the couple...they’d already sold US$20-million in forged goods” through their televised auctions and that the police had been able to locate only a fraction of their profits (Kaplan, 2010). The lead sentence of a second article, which reported on the conviction of a Canadian man for art fraud announced: “A 76-year-old one-time millionaire with a criminal record spanning more than half a century has been placed on probation for trying to swindle people in a fake-art scam” (Oakes, 1987).

Despite the rarity of news reports which included information on the sentences that Canadian

52 On occasion, this framing could be presented very boldly; for example, a non-Canadian newspaper article on art fraud was memorably entitled, “Forged art Works: High Return at Low Risk” (August, 1991) and reported that while “[t]he Mona Lisa’s quizzical smile may be too familiar to tempt a former, experts says skilled copycats are victimizing modern masters with virtual impunity in a boom market for fakes” (emphasis added).
The headlines of reports that directed attention to sentencing decisions elsewhere also reinforced the depiction of art fraud as a low-risk crime that pays. For example, articles on the sentencing of a middle-aged man and his octogenarian parents who had jointly perpetrated “one of the largest, longest lasting and most diverse art scams ever in Britain, forging paintings, sculptures, carvings and statues” (Reuter, 2007) and, in the process, netted about £1.5 million, gave prominence to the suspended sentence that had been imposed upon the 84 year-old father in both their headlines and in the caption lines of accompanying photographs. Thus, the headline of an article in the Guelph Mercury blared “Man given suspended sentence in art forgery case” (Associated Press, 2008s) while a second article, located in the Kitchener-Waterloo, announced, “High-quality fake art earns 84-year old man suspended sentence” (Associated Press, 2008b). In a third article on
this case, which declared “Art forgeries a family affair” (Reuters, 1997), a large photograph featured the 84 year-old woman being assisted into the courthouse; the photograph was captioned “Suspended Sentence” - even though the woman had been sentenced to a year’s imprisonment and it was the woman’s husband who had received the suspended sentence (see also Satter, 2008). To like effect, if articles on John Myatt would invariably point out that Scotland Yard had called his crimes “the biggest art fraud of the twentieth century,” they would also note that he had been sentenced to a year’s incarceration but served only four months and/or report that while his collaborator, John Drewe, had received a sentence of six years, Drewe had also been released after serving one-third of his sentence.

While “crimes” are public wrongs and “torts” are wrongs that are committed against the “private interest of an individual, corporation or government” (Boyd, 2002:7), the media’s framing of civil actions that involved allegations of art fraud would also seem to frustrate the ability of tort law to function as a vehicle of denunciation, education and deterrence (Linden et al., 2004). Even though reports on civil actions (N=19) could occasionally note the complexity of the issues that were involved in the proceedings, these incidents rarely inspired more than a single news article and, most commonly, detailed the launching of a lawsuit rather than its resolution. For example, while a 1999 headline in the Ottawa Citizen announced, “Bizarre battle rages for Dali’s fortune: A strange war is brewing in New Brunswick courts,” this “bizarre battle” did not command widespread attention among the Canadian print media. Within the Ottawa Citizen article, the combatants in this “strange war” were identified as being two non-profit agencies, the Salvador...
Dali Pro Arte Trust and the Fundación Gala-Salvador Dalí,\footnote{Within the Ottawa Citizen article, the latter was identified as the beneficiary of Dali’s estate upon his death; noted to operate Spain’s Dalí Museum; and reputed to enjoy the backing of the Spanish government. It identified the former as established by Robert Descharmes, who was noted to be a friend of the late artist as well as an expert on his work and the “central figure” in both the Salvador Dalí Pro Arte Trust and Demart, “a company set up by Pro Arte Trust to control licensing of Dalí’s work” (Young, 1999).} that largely echoed each other in their claims to be dedicated to fighting forgeries of Dali’s work and protecting his legacy.

However, while their dispute was noted to involve “an arcane legal battle over trust law between two distant charitable organizations,” neither the newspaper that hosted this article nor any other Canadian newspaper during the period under scrutiny, elected to revisit this battleground to detail the “weapons” that these adversaries had deployed; similarly, the Canadian press did not identify which “combatant” had been vanquished or emerged victorious. During the time period scrutiny, there was only four articles which reported on the results of civil proceedings and, with one exception, all derived from wire services (e.g., Reuters), referred to events that had occurred outside of Canada and described the besting of a juristic person by a natural person in ways that suggested the triumph of David over Goliath. However, given that Canadian newspapers seldom reported on the results of cases that were brought before criminal or civil courts and that it was even more rare that these articles would record the sanctions that these forums had imposed, they may encourage the perception of art fraud as an “offence without consequence.”

In addition, it would seem noteworthy that news reports on art fraud could challenge the normative framework which defines certain acts as “offenses” and, for example, emphasize the arbitrariness of legal determinations of “authenticity.” Thus, in noting that two Canadian museums would soon be exhibiting works that were “created - directly or indirectly - by the great French
sculptor Auguste Rodin,” an article in the Globe and Mail expounded on the putative illogic and nonsensical quality of legal definitions of “originality” when applied to bronze sculptures (Thorsell, 2001). It directed attention to the process through which bronze sculptures are made, pointing out that they are “fashioned in industrious foundries from molds that are taken from plaster casts, which are in turn taken from studio plasters or clay models sculpted by the hand of artist.” Although it noted that it is theoretically possible to view the studio model as being the “only original work of art, because everything after that is a copy,” it emphasized that a multiplicity of “original” works are produced in the making of a bronze sculpture:

More than one plaster cast may be made from the negative mold of the studio model - for exhibition as an ‘original’ cast or reference. But another is almost always made for the foundry, from which an ‘original’ bronze sculpture is manufactured. Even then, this ‘foundry plaster’ may be duplicated as insurance against damage, or for reuse. So by the time we get to the birth of the bronze, four or five authorized ‘original’ plasters may exist.

In reporting that the first bronze cast of a sculpture is “deemed to be an ‘original’” in a legal sense, even though it is “already removed from the studio model by two or three degrees of separation,” the article stressed that the second bronze to be cast is equally credited in law as an “original,” with the content of national laws specifying disparate numbers of later casts that can also share in this status. For example, it pointed out while American laws would legitimize the description of the tenth bronze sculpture as an “original,” French law would do so for the twelfth by allowing for “four proofs and eight numbered casts” and assigning the status of “reproductions” to subsequent casts, beginning with the thirteen. The article additionally suggested that it is likely that Rodin, himself, would be utterly bemused by the way in which the law determines the authenticity of his sculptures and wryly observed that “[l]ong before the French law was codified, Rodin authorized many more than 12 bronze ‘originals’ of many of his
studio models, to cash in on their popularity.” In consequence, this article implied that inasmuch as the legal definitions of an “original” bronze sculpture were variable, fluid and at least somewhat capricious, these laws should command contempt rather than obeisance.

Art Fraud: A Victimless Crime?

A comment made by Rock (2007:38) in another context would seem equally true of almost half (48 percent) of the news articles on art fraud examined: “The crimes they described were curiously intransitive, as if they lacked an object and impact.” Thus, despite headlines which announced “Paintings were fake: Toronto art dealer jailed for five years” (Claridge, 1986) or “Man jailed 2 years for art fraud plan” (Toronto Star, 1991) or “$400,000 fraud case woman may be sent to Britain for art trial” (Globe and Mail, 1978), news articles on art fraud frequently described acts without mentioning a victim. When coupled with news stories that featured reports of “putative victimization,” in which alleged victims hotly rejected the imposition of victim status, more than three out of every five news stories implicitly presented art fraud as a “victimless crime.”

This framing of crime was uniformly deployed within newspaper accounts of exhibits that featured “notorious fakes,” such as the 1989 “Artful Deception: The Craft of the Forger” exhibit at the Edsel & Eleanor Ford House near Detroit or the 2004 “Fake/Not Fake exhibit in Bruges, Belgium or the 2004 “Authentic Fakes” exhibit in Sienna or the 2010 “Fakes and Forgeries: Yesterday and Today” at the Royal Ontario Museum; within these reports, art fraud was presented as more obviously “entertaining” than harmful to either individuals, institutions or nation states (e.g.,
For example, in 2012 attention was directed to the exhibit “Faux Real,” that had opened on April Fools’ Day at the University of Cincinnati’s Dorothy W. and C. Lawson Reed Jr. Gallery and cast a spotlight on the works of “convincing art forger” Mark A. Landis. Reportedly, for “nearly three decades” Landis had “dressed as a Jesuit priest or posed as a wealthy donor, driving up in a red Cadillac” when

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In *Fakes and Forgeries* (Minneapolis Institute of Arts, 1973), the exhibition catalogue of the Minneapolis Institute of Arts’ July 11-September 29, 1973 exhibit “Fakes, forgeries and other deceptions,” the primary purpose of this exhibit is announced to be “educational; that is, to familiarize the public with various forms of forgery and fraud in the fine arts and to demonstrate the basic methods of detection used by museums and collectors.” In addition, it reports that the exhibition was intended “to engage the viewer in a personal dialogue with works of art, both real and fake, and to explore the subtleties and nuances of perception, intuition, and scholarly knowledge that make any encounter with art a dynamic experience.” Yet, in various ways, the contents of this exhibit’s text calls to mind comments that were famously voiced by Charles Dickens upon viewing the 1847 public hanging of Maria and Frederick Manning outside Horsemongers Lane Gaol and his lament that this spectacle was marked by “levity” rather than “sorrow,” “abhorrence” or “salutary terror.” Contrary to its stated intent, the catalogue’s contents seem to celebrate, rather than a denounce, art forgery. It offers up a gallery of rogues in its beginning pages and describes, for example, Elmyr de Hory, as having “the unique distinction of being a forger whose biography was written by another forger of perhaps even greater infamy, Clifford Irving.” It additionally notes that detection of de Hory’s work is difficult “because he forged modern masters, using color slides and reproductions in art books as source material and working in unproblematical contemporary media which are, of course, compatible with that of the original work.” However, given that the first sentence of the biography that it proffers reports that “[b]ecause of the threat to the reputations of his victims posed by publicity, de Hory has never been prosecuted for forgery,” one may well ponder the message that the Institute’s “lesson” on “fakes and forgeries” imparts. Given that the announced purpose of this exhibit was to educate its audience, one might presume that it was intended to serve as a form of preemptive general deterrence by simultaneously heightening would-be offenders’ perception of the risks that they face in committing art fraud and alerting potential victims to the need for prudence and vigilance in, for example, purchasing artworks. However, if this was the envisaged end, the exhibition’s catalogue would seem singularly ill-designed for it seems to emphasize that art forgers are rarely sanctioned and that the process of sanctioning proceeds haphazardly or capriciously. Thus, it offers up brief sketches of innocent persons who were unjustly tarnished with allegations of forgery alongside of brazen forgers who were seemingly impervious to sanctioning and most obviously benefited from their wrongdoings. Moreover, it could be argued that the catalogue’s contents may function as a “how-to” manual, which serves to alert neophyte forgers to what they must do, at a minimum, in order to evade detection.
donating his “copies of Picassos and other works of art to unsuspecting museums” in no fewer
than twenty American states (Cornwell, 2012). Although these reports noted that Landis had never
taken money for his forged artworks nor been arrested, they also suggested that forgers could be
viewed most affectionately by those that they sought to deceive and, indeed, be rewarded with
exhibitions that gave prominence to their works (for coverage of this case within U.S. newspaper,
see Virginian-Pilot & The Ledger Star, 2012; Weekend Argus, 2012). 55

In like spirit, an interview with the director of an exhibition that featured “some of New
Brunswick’s most notorious fakes” included her description of the forgeries as “quite delightful,
really pleasant pictures” and suggestion that “the fun is guessing which is real and which is the
fake” (Canadian Press, 1990). A second interview with the former head of New York’s
Metropolitan Museum of Art reported his description of the majority of the forgeries that he had
encountered while at the Met as “hilarious” (Toronto Star, 1986a). A third article, which reported
on a 1987 lecture on “fakes, frauds and forgeries” that had been given at the Royal Ontario
Museum by a “prominent Toronto art lawyer,” relayed “one of the funniest anecdotes” that had

55 One may also consider Nelson’s (2012) report on the exhibit, “Desire paths to a
fictional world: Celebrating 25 years of Peter Hill’s superfictions” at the Margaret Lawrence
Gallery and his unabashedly admiring assessment of its artist. Thus, while Nelson (2012)
describes Hill as a “would-be charlatan,” he argues that if “‘art,’ according to Picasso, ‘is a lie
that tells the truth,’ we should have a lot to learn from Peter Hill. He has been lying about his art
for 25 years. He lies about events; he lies about authorship, about institutions, magazines and
identities. He makes up stories of famous artists and his contact with them. In his quarter century
of fibs, he has concocted every kind of artful deceit, from setting up false labels to confidence
tricks in explaining himself.” Nevertheless, in crediting Hill’s own depiction of his genre as
“superfictions” - or an “artistic falsehood, a bit like a hoax, but which isn’t conceived to fool
people,” Nelson (2012) discerns “three truths” within Hill’s work: “First, this compulsive fraud is
witty and his specious evidence amusing. Second, he is a genuinely learned and original artist.
And third, his lies tell many truths about the underlying assumptions of the international art
scene.”

129
been told by the lawyer. Thus, it noted that following the incarceration of Bernard Leach, “a famous English ceramicist,” at Featherstone jail, the prison’s “craft and art divisions...had become so skilled in their pottery work” that prison officials refashioned this “prison hobby” into a profitable enterprise. However, based upon the media’s account of the story that the lawyer had told about Leach, it did not appear that the lawyer’s inclusion of the story was intended to demonstrate the utility of incarceration in encouraging pro-social behaviour nor the benefits of training programs within these settings. Rather, it seemed most obviously intended to entertain, with a detailing of how the wily Leach and his fellow prisoners had bested their jailers: “Working from pictures, the prisoners managed to produce pots that were identical copies of a Leach series glazed in a particular green glaze. Before the real origins of the pots were discovered, the Featherstone craftees had managed to successfully swindle five main auction houses in London, including Christie’s and Sotheby’s” (Rochon, 1987).

The framing of art fraud as a “victimless crime” that had afforded much “entertainment” value was also suggested by other articles. For example, it was clearly discernible in two Toronto Star reports that provided independent reviews of a single exhibition that was tellingly entitled “April Fool, Folk Art Fakes and Forgeries” and held the Hirschi and Adler Folk Gallery in New York. The first review reported the curator’s contention that art fakes and forgeries “add spice” that injects life with zest and his belief that “it would be a dull world if everything was exactly as it is purported to be.” Moreover, if many articles that reported on art fraud were less serious and somber than light and airy, the second report on this exhibition, which appeared approximately two weeks later, seemed to be inflated with helium. It reported:
Rhode Island sculptor Armand LaMontagne was ignored by curators at a museum when he tried to tell them that some of the furniture in their collection was not right. So he made a reproduction of a 17th century “Brewster” armchair, aged it chemically and gave it to a friend in 1970. The chair was spotted on the porch of the friend’s cottage by a dealer and the fake “Brewster” worked its way up the antiques ladder until it was eagerly acquired by Henry Ford museum buyers in Michigan, who thought they were stealing a “rare” chair for $9,500. La Montagne got a big charge out of the fact the museum illustrated his chair on the cover of a book cataloguing its collection of 17th-century American furniture. In 1977, he went public and everyone, well nearly everyone, had a good laugh (Skoggard, 1988).

In another article, which guesstimated “the proportion of all art sales involving fakes” to be anywhere from 8 to 15 per cent of the total,” it was reported that “[t]he art world even has a joke about the French painter Camille Corot - it is said that of the 2,000 canvases he painted, 5,000 are in private art collections” (Plews, 1987). While it may be true that the “art world” is extraordinarily familiar with this joke, its inclusion would seem unfortunate; its presence suggests that this “world” is untroubled by art fraud and, indeed, finds it uproariously amusing.

Nevertheless, the framing of art fraud as a veritable hoot was also discernible in news coverage of the proceedings of criminal and civil trials. For example, an article which addressed a trial in which a gallery owner and director were charged with 104 counts of mail and wire fraud and accused of “misrepresenting the involvement of surrealist Salvador Dali and celebrity artists Tony Curtis, Anthony Quinn and Red Skelton” was headlined “The lighter side of going to court” (Globe and Mail, 1990). Although this case involved a number of alleged victims, the article noted the testimony of only one - Skelton- who had reportedly testified that he “was satisfied” with the gallery’s marketing of reproductions of his work and gave primacy to the 77 year-old comedian’s quip that “I would have been 78, but we spent a year on Maui.”

Articles that were positioned in the “business” section of Canadian newspapers were more likely
than those positioned elsewhere to feature juridical persons as the alleged victims of “art fraud” and describe, for example, how the actions of three men “may have bilked Ottawa of up to $4 million in taxes for hundreds of works of art and artifacts that were donated to museums, churches and charities” (Canada Press, 1993b, emphasis added). Yet, articles that were situated in this section also implicitly suggested how the rulings of Canadian tax courts make “art fraud” a protean construct. Thus, while a 2003 headline declared “No bulk discount on art donations” (Drache, 2003) and suggested the illegitimacy of tax-driven “buy-low, donate high” “art flips,” especially in relation to “heritage” artworks, an article that appeared a year later announced “Art valuation ruling overturned” and noted that the Federal Court of Appeal had overturned a decision

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56 Court rulings in other jurisdictions, that were not addressed within Canadian media reports on art fraud, additionally suggest the fluidity of this construct. For example, the 2012 case of Gilbert v. Indiana, 09-cv-6352, addressed whether an American artist, Robert Indiana, who is perhaps best known for his “LOVE” sculpture (which was originally designed for use as an image on a Christmas card in the 1960s and features a slanted letter O and the “LO” positioned atop of the remaining letters), could be forced by Mr. Gilbert to authenticate a work that he neither created nor liked. The court heard that, in 2007, Mr. Gilbert had worked with Mr. Indiana to produce numerous items that featured Mr. Indiana’s iconic image with a Hindi script. Later, Mr. Gilbert, working with a partner in Germany, created a block letter version in English and marketed the version as Mr. Indiana’s creation. After selling the design for $100,000 and providing the purchaser with a certificate of authenticity which purportedly documented that the design was Mr. Indiana’s work, the buyer demanded that he provided with a certificate of authenticity from the artist himself. While Mr. Gilbert obtained the required certificate from Mr. Indiana, the artist “later explained he had not created the object, thought it looked like a refrigerator and signed the document only as a souvenir”(Caher, 2012). Finding himself unable to sell the design at auction, Mr. Gilbert proceeded to sue Mr. Indiana, alleging that he had been a victim of breach of contract, tortious interference and other actionable offenses and, maintaining that the English work was derivative of the Hindi work, asserted a “Lanham Act claim.” The presiding judge in this case found that Mr. Gilbert’s claim that Mr. Indiana had endorsed the English design was a “Grand-Canyon-like leap that cannot be made,” maintained that the argument that the English version was derivative “misunderstands the basic requirements for a derivative work under the copyright laws,” and ruled against the plaintiff with the finding that “public policy dictates that a contract cannot be used to deceive the public.” In response, Mr. Indiana’s attorney praised the court’s decision and suggested that it affirms that “a living artist should have the right, and does have the right, to say what is and what is not his work and cannot be coerced by contract into acknowledging something he doesn’t like” (in Caher, 2012a, 2012b).
of the Tax Court of Canada (Drache, 2004). Articles that were located in this section could also
direct attention to tax provisions that were reputed to encourage and facilitate the commission of
art fraud. For example, a 1995 article in the *Montreal Gazette* observed that “[u]nder current tax
laws...someone who buys a work of art by a living artist doesn’t pay capital gains on its eventual
resale” (Arpin, 1995) and noted that while this provision may have been intended to stimulate the
sale of art, it had inspired some to participate in an elaborate tax scam that functioned in the
following way:

Doctor A would invest in a painting for $300 and agree to leave it with the gallery,
which would offer to find a buyer at a higher price. A little while later, the gallery
would call up and say the painting had been sold for $500....But instead of paying
Doctor A $500, the gallery would offer him a painting worth $500. When that was
sold to Doctor B for $800, Doctor A would be paid with a painting worth $800.
When the value of paintings became fairly sizeable, some victims specified that
they wished to hang their trophies in their homes, instead of leaving them at the
galleries. It escalated like that until investors wound up with a room full of art they
thought was worth $30,000 to $40,000, when in fact it was worth closer to $3,000
or $4,000 [Arpin, 1995]

Nevertheless, the depiction of this “scam” invited its reader to ponder whether the gallery had
engaged in a “criminal” act or simply shown entrepreneurial ingenuity and exploited extant
loopholes in Canada’s tax laws. Moreover, it also problematicized the status of the investor and
invited questioning of whether the doctor was most fittingly cast as a “victim” or, alternatively, as
someone who had wittingly participated in a conspiracy to defraud Canada Revenue but was
bested by his shrewder accomplice.

While the “business” portion of newspapers also included articles that could detail how the
economic downturn had left “China’s fake market pinched” (Globe and Mail, 2008) and further
efface the divide between those who perpetrate art fraud and those who are its victims, articles that
were situated in the “entertainment” section of newspapers were even likely to be characterized by a denial of a victim and/or of injury. Within articles that appeared within the “entertainment” section of newspapers, those who bought forged art were generally described as reaping tangible or intangible profits from their purchases. For example, one article reported on an individual who had unknowingly sold a forgery to a dealer “for slightly under $8,000” and how, in turn, the dealer had resold the item “for $18,000 without knowing that it was a forgery” (Fox, 1986). A second reported that each of the “faithful copies of 18th and 19th-century landscapes” that had been forged by a “well-known Quebec forger” “were purchased for $1,000 by a broker, who resold them for 15 times more” (Ha, 2000). Two other articles emphasized that while a British gallery owner had spent approximately $42,000 for a forged painting, he had resold it without difficulty “for three times that price” (Canadian Press, 2006b; Associated Press, 2006). To like effect, other articles, which addressed the charge that the version of van Gogh’s “Sunflowers” that was purchased for approximately $50 million in 1987 by the Yasuda Fire and Marine Insurance Co. of Tokyo may be a fake, pointed to the intangible benefits that its purchasers enjoyed, regardless of its disputed status. For example, one article pointedly emphasized that “Van Gogh is Japan’s favourite artist with some Japanese so taken with him that they even ask to have their ashes scattered on his grave,” noted that the purchase “has given the Yasuda company such prestige and profit at home that it has donated $37.5 million (U.S.) toward a new wing for the Van Gogh Museum in Amsterdam” and concluded that “With an entire nation eager to believe in the Yasuda Sunflowers, and with so much face to be saved, connoisseurship and professional expertise may have to take a back seat for a while yet” (Prittie, 2006).

Additional articles within the entertainment section which featured interviews with “master
forgers” and/or gave admiring accounts of their actions, reiterated these themes. They also uniformly credited the forger’s perceptions of his victims as “appropriate victims” and as either complicitous or credulous. An interview with “master forger” David Stein, for example, reported that one of Stein’s “most lucrative contracts was to paint a collection of Impressionist and modern masterpieces for Saudi Arabian arms dealer, Adnan Kashoggi. Stein went to Kashoggi’s New York apartment in 1984, laden with illustrated art books from which the world’s then richest man picked his 37 favorites” (Gruszner, 1990); a second interview with Stein noted his claim that the district attorney who had prosecuted him in 1977 “has since become my lawyer and good friend” and his characterization of the “art supermarket” as both “immoral” and “crazy”: “I wish you could see it here in New York. Quality has little to do with it - hype has a lot to do with it. As long as it’s signed, designer-labeled with an art star, they’ll buy it...The signature is what they look at first. Because that’s what their friends will see when they put it on the wall. They may never even look at the painting. People are told what they should bow down to. Forty million for a van Gogh? The whole thing is absurd” (Plews, 1987).

In like fashion, an article which reported on the death of Eric Hebborn, announced in its headline, “Master art forger once sold copy of Da Vinci with telephone hidden in painting’s detail” and lingered upon claims that Hebborn had advanced in his autobiography, The Art Forger’s Handbook, including his charge that “some of the paintings had been specifically commissioned from him by unscrupulous dealers” and assertion that “I always sold paintings without ever attributing them to anybody...I waited for them (art experts) to give their own attribution to them” (Globe and Mail, 1996). Another article, which gave prominence to art forger Tom Keating, described his production of fakes as “a self-styled vendetta against the greed and hypocrisy of art
dealers” and noted that Keating had always left “clues to his fakes - using materials from the
wrong period, or writing his own name or the work FAKE on the canvas that would show up
under X-ray analysis” (Globe and Mail, 1979). It recorded the artist’s claim to be a socialist,
observed that “there is a joey touch of class warfare in his easy-going manner” and implicitly
credited Keating’s insistent claim that he should not be faulted for the credulity of others: “All my
fakes are terrible, he [Keating] said in 1976. People must have been blind to think the great
masters did them” (Globe and Mail, 1979). These themes also resonated in news reports which
detailed the offences of lesser-known art forgers.

For example, articles which reported on the arrest and conviction of Pierre Luisi, “the Lizard,” a
“self-taught artist who churned out Riopelles and a smattering of Albert Rousseaus, Rene Richards
and Leo Ayottes” and reputedly “did his best work on his Lasalle kitchen table” (which appeared
in a photograph that accompanied the article) offered accounts that were equally sympathetic to
the forger and contemptuous of his victims. Thus, one article began with a report that, following a
boastful businessman’s purchase of one of Luisi’s forged Riopelles, the “giddy owner” and
“budding collector” had “decided to do something special,” tracked down Riopelle and “arranged
to “have his picture taken alongside the artist and the great colorful abstract.” However, to the
businessman’s chagrin, the artist had declared the painting a fake, “flipped it over and in large
black letters wrote on the back: ‘This is not my work’”; below this declarative, the artists had
reputedly “signed his name in a grandiose flourish and handed it back to the crushed owner.” “An
hour later,” the article noted, the humbled businessman had contacted the police (Arpin, 1995a).
Positioned below this introductory report, with its thinly-veiled expression of contempt for the
putatively haughty businessman, the article noted that, upon questioning by police, the “irascible
Luisi had declared: “I tried selling my own paintings, which I signed ‘Da Luisi,’ but people preferred to invest in big-name artists, so I decided I’d give them names.” The article additionally noted that while Luisi had subsequently been charged with eleven counts of fraud, these charges “did not mention the businessman’s $16,000 acquisition” nor those of others who were equally desirous of concealing their cupidity. The framing of this case of art fraud as, most primarily, “infotainment” was also suggested by its structure: it ended with a report that “[t]hree months after the episode in Riopelle’s studio, the artist telephoned the art squad again. He told incredulous officers that a second collector from Montreal had asked to be immortalized next what turned out to be another fake Riopelle” and that the artist “was not amused” (Arpin, 1995a).

A second article, which reported on the conviction of a Ontario man for three counts of attempted fraud, appeared equally admiring of the offender and unsympathetic towards his victims. It offered up a winsome description of the convicted man that depicted him as “an on-again off-again millionaire businessman, would-be art dealer, one-time opera impresario and 77-year-old bad boy.” The article was also notably punctuated with a variety of comments that seemed to excuse or rationalize the man’s behaviour. These included, for example: “Poor Sam. Deep in his heart, he probably liked [his victim], but what he liked more was that warm feeling of prestige that money gave him. What was he supposed to say? ‘Nice, aren’t they? Of course, you know they’re not real. You didn’t? Or: ‘I’m a businessman. Pig iron, paintings - they’re all the same to me.’ Not likely” (Plews, 1987). Other descriptions of the man’s conduct within this article were even more unabashedly admiring:

Sam’s performance was amazing. He was lofty and poetic, witty and relaxed, severe and logical in turn. He showed them photos of his home in Palm Beach, of
his Rolls-Royce Silver Wraith (“It used to be the Queen Mother’s”)....Sam’s performance was inspired. First, the sympathy routine. He told them that his wife had just died. True, Marie had succumbed to a pancreas infection, but that was years ago. He had no family now, he said (Sam must have forgotten about his sister, his daughter and his cousin), and he felt it was time to sell off his art collection. It was painful to part with, yes, especially the Kandinsky which he’d picked up in Paris. But they were such a nice, young couple that Sam wanted - well - he wanted “to plant the seed of art appreciation in them.” These works would be the great beginning of that art collection. He’d even throw in a silkscreen for free. (Plews, 1987, emphasis added)

A lengthy feature report on “Fame, fortune and forgery” in a Sunday edition of the Calgary Herald, provided an equally sympathetic report of a 22 year-old Calgary forger who, after pleading guilty to six counts of fraud by wire, was serving a two-year prison sentence in an American prison. It noted that at the time of the man’s arrest, the would-be purchaser of five forgeries that the man had painted, which included a forgery a stolen Picasso, had already deposited $8 million dollars in a Swiss bank account for him to collect in payment and gave centrality to this forger’s claim that the “[p]eople that I dealt with didn’t even care that the picture was stolen; they just wanted it and would pay anything to get it.” Moreover, the article concluded with observations voiced by the offender’s mother, a “Calgary waitress” who “concedes her son had a rough upbringing as a child and because of his parent’s marital problems, he spent some of her younger years in a group home” and ended with her comment, “Martin did wrong. But he really didn’t hurt anybody...” (Collins, 1992).

Regardless of the section in which newspaper articles on art fraud were positioned, both alleged and adjudicated victims were most often identified as simply a “customer,” “art buyer,” “gallery patron,” “collector” or a “connoisseur”; when multiple victims were involved, it was common that the victims would be summarily described as “investors” (e.g., Nuttall, 2012). On occasion, these
anonymous victims, who were generally described as being the purchasers of forged art, would also be described with reference to their occupation and, in such cases, this additional detail would invariably hint at wealth and/or high status (e.g., “’doctor’ [Oakes, 1987]; “co-owner of a construction company” [Toronto Star, 1994]; “professors” [Bishop, 2011]; “a very prominent person” [Arpin, 1995]; “20 well-heeled Quebec health professionals” [Arpin, 1994]; “prosperous professionals who thought they had spotted a good investment in art” [Lehmann, 1991]). Nevertheless, it was routine that victims of art fraud were described in unflattering ways that suggested their casting as “fools.” Thus, they were described as: “hapless buyers” (Johnson, 1978), “someone quite gullible” (Barry, 1993) or as “credulous buyers with a bit of spare cash who know little about art and whose knees go weak at the prospect of owning a ‘genuine’ lithograph, drawing or etching by modern masters such as Picasso, Dali, Chagall and Miro” (Butler, 2005a). “Start with some ‘venture capital,’” one article began, “and add in a bit too much self-assurance and a bit too little knowledge of the arts, blend in the usual human quota of greed, and the result is an instant art connoisseur, ripe for the taking” (Lehmann, 1991). Another article noted sardonically that while a woman had fallen “head over heels in love” with painting that was reputed to be a “masterpiece” by the Austrian artist Egon Schiele and, acting on this ardour, purchased it without demur in 1987 for hundreds of thousands of dollars at a Geneva auction, “her love was sorely tested when Schiele expert Jane Killir questioned the painting’s authenticity, opening the door to years of legal wrangling” (Reuters, 1995).

Alleged victims were additionally depicted as “almost blinded by their own desire for icons of affluence, for wall power” (Plews, 1987) and as “rich, culture-hungry” individuals with “newly acquired wealth” who were “too rich or gullible to know good art from bad art” (Hume, 1998a)
and whose interests in art were “reflections of social climbing and romanticism about names” (Landesman, 1999). They were faulted for having “no knowledge” and purchasing art “for speculative reasons, seeing them solely as an investment” (Ha, 2000) or with the intent of making “a quick buck by giving paintings to a charitable organization in exchange for an income-tax receipt” (MacDonald, 1998) or described in even more scathingly terms as “grinning sugar daddies” who sought some “socially acceptable outlet for showing off, for proving they’re in the same league as covetous popes and rapacious robber barons” (Hailwood, 1998).

One article, for example, recounted a story “about the reaction of a rich collector upon being told his very expensive Impressionist canvas was likely fake: “I don’t care, the collector responded. I’m sure not going to tell anyone and I doubt if many people will know or care” (Hume, 1996). Another implicitly mocked Sylvester Stallone, “the star of the Rocky and Rambo movies,” for having purchased a $1.8 million painting “sight unseen” after an art broker had told him that it would be an “excellent investment” and suing the broker after he belatedly found out that “25 to 30 percent” of the painting had been restored or retouched (Toronto Star, 1989). A third article, which was headlined “Dispute over Morrisseau painting heads to court: Member of Barenaked Ladies sues Toronto gallery over whether artwork is a fake” (Miller, 2012) also demonstrated the “news value” of high status persons (Jewkes, 2011) while portraying the celebrity’s alleged

57 Also suggestive of the value placed upon “celebrities,” other news article featured the names of celebrities in their headlines (e.g., “Elton John alleged art fraud victim” [Herbert, 1998]; “McEnroe duped in art investment scam” [Vancouver Sun, 2009]) or noted that the victims of an art fraud had, for example, included “actor Jack Nicholson, movie producer Kathleen Kennedy, and Paul Stanley of the rock band Kiss” (Kitchener-Waterloo Record, 1997). Similarly, despite November 2012 headlines in the Vancouver Sun and Waterloo Region Record which shrilled “Aide to Imelda Marcos charged with art sale fraud” and “Marcos’ ex-staff accused of taking art,” the contents of these articles seemed to acknowledge, albeit begrudgingly, that Marcos’
victimization as an occasion that allowed for the unmasking of a “connoisseur” as a mercenary philistine. Thus, the article reported that Kevin Hearn, “the keyboardist for the Barenaked Ladies,” had purchased the painting in question in 2005 after being advised “that Morrisseau was very ill and would probably die shortly, which would increase the value of the painting” and had only been moved to question the provenance of his purchase in 2010, “when he was a ‘celebrity guest curator’ of a show at the Art Gallery of Ontario.” Moreover, while noting that Hearn’s court filing indicated that he had experienced the incident as “humiliating and embarrassing,” the article additionally reported that as compensation for his injured feelings, Hearn sought “punitive damages of $50,000 as well as the $20,000 purchase price of the painting and $25,000 to cover his investment return on the painting” (Miller, 2012) and, in doing so, suggested the “victim” was rapacious. The contents of a fourth article, located in a humorist’s column, explicitly mocked the adult son of a Toronto billionaire for his purchase of what was purported to be a painting by Rubens:

Most of us have no idea what to buy our fathers for their birthdays, so when young David Thomson gave his dad Ken a Rubens the guilt we always feel when we present the old man with a pair of socks was multiplied 120 million times because that’s how many dollars David laid out for it. Now, however, we can all feel 120 million times better because when our daddies say, “What kind of child are you? David Thomson bought his father a Rubens, and all you gave me were these lousy socks,” we can reply, “True, but at least you got real socks.”

connection to this case was somewhat tenuous; thus, the lead sentence of the former coyly backtracked to clarify that the individual charged was “[a] former secretary to Imelda Marcos” (Waterloo Region Record, 2012, emphasis added). However, if the latter reported that “There is no suggestion Marcos had anything to do with the conspiracy” (Hughes, 2012), it nevertheless was accompanied by a large photograph of Imelda Marcos which, somewhat ironically, simultaneously established and declaimed her connection to this case: “Former Philippine first lady Imelda Marcos, who purchased a vast art collection, is not believed to be involved with the theft” (Hughes, 2012).
So many questions are flying around about the Rubens that when David drops by the homestead just in time for supper his father probably fixes him with a chilly eye, wondering what the heir is going to blow the family billions on next. “The Sphinx!” David will announce, proudly lifting it out of the trunk of his car. “The dealer in Cairo said we should keep kind of quiet about it, though, because all the tourists who drive out to have their picture taken beside it will be pretty disappointed when they discover it has disappeared. I thought it would look nice in your den. (Slinger, 2002).

Only two purchasers of putatively forged artwork were both named and sympathetically portrayed by the Canadian news media in the years under observation. The first alleged victim, a woman, was repeatedly identified in media reports as a “66 year-old widow” and noted to have purchased a painting from an art dealer with the intent that the painting be resold, at a profit, to raise money for a charity. Although the woman was additionally identified within one article as “an Officer of the Order of Canada” (Globe and Mail, 1988b), it was the woman’s marital status that was made focal in headlines that announced “Yorkville art dealer who swindled widow jailed four years” (Oakes, 1988) and stories that described the woman as “the sole support of her three children” and “living on the remaining $150,000 left to her by her husband” (Globe and Mail, 1988a). Articles on this case were also anomalous in acknowledging that the costs of art fraud were not solely economic. For example, one article observed that “The widow, 66...was so devastated by losing $100,000...she seriously considered killing herself. She said the experience caused her considerable financial, emotional and physical stress that is still affecting her” (Oakes, 1988). Another noted that the woman “has had difficulty sleeping and developed high blood pressure” (Globe and Mail, 1988b).
The Canadian print media was also notably sympathetic to second purchaser, who had launched a deceit-and-misrepresentation lawsuit against a Toronto art dealer who had sold her a painting by Norval Morrisseau that, she alleged, was fraudulent. This woman was identified in the article’s headline as a “retired teacher” and, within the body of the article, was described as a “64 year-old retired school teacher” and “the adoptive mother of an Ojibwa boy, and a breast cancer survivor” who, in her pursuit of an “honourable cause,” had made the wearying 300-kilometre journey from her home in Sarnia to her courthouse in Toronto “close to 10 times in the past year and a half” (Adams, 2012). More generally, however, the purchasers of fraudulent art were not credited as suffering significant injury or harm. For example, the author of one article scoffed, “The victims in this case, for the most part, are prosperous people who need only cut back on the balsamic vinegar and jet-holiday weekends for a while to make good their loss” (Lehmann, 1991). Similarly, while a second article reported that “[a]rt dealers, leading auction houses and collectors were fooled” (Bennett, 2002) by one “master art forger,” it notably did not describe the victims as being subject to criminal wrongs or as being harmed in any meaningful way by the forger’s “foolery.”

Further encouraging the perception of art fraud as a “victimless crime,” articles could emphasize the extrinsic value that forgeries could potentially possess. For example, one article reported on an English pawnbroker who had purchased a painting “believing it to have been painted by Britain’s best-known art forger” and his chagrin upon discovery that it was a forgery of a forgery; had it been a “real forgery,” the article stressed, the pawnbroker could have reaped rich rewards (Reuters, 1992; see also Hatch, 1991). Other articles implicitly support for Desmarin and Schrage’s (2008:561) remarks on the marketability of forgeries. Thus, while Desmarin and Schrage (2008:562) describe an especially robust market for “van Meegeren fakes,” with this
The forger’s rendering of Vermeer’s *Last Supper* noted to have sold at auction for $88,000, an article in the *Toronto Star* reported that “fake masterpieces” by the “famed forger Kujau” can bring up to “60,00 marks ($40,000)” (Jones, 1990). When considered alongside of reports of the “official exhibition” of the paintings of “Master forger David Stein” at the Wright Hepburn Webster Gallery in New York or the Kunsthal’s exhibition of the “real and fake” works of Hans van Meegeren in Rotterdam, these articles suggested that, as long as the “dupes” that bought forgeries did not react precipitously and destroy them, they could still accrue bountiful benefits from their purchases.

**The Artist As Victim - and Trickster**

Reports of artists who alleged that they had been victimized by art fraud were relatively rare and accounted for approximately 7 percent of the articles examined (e.g., Armstrong and Reid, 1992; Freed, 1998; Kelly, 1998). However, artists who identified themselves as a victim of art fraud were generally treated deferentially by the Canadian print media during 1978-2012. For example, a 1988 article which reported on the launching of a lawsuit by Canadian wildlife artist Robert Batemen, described Batemen as “recognized as Canada’s top wildlife painter.” Moreover, it described his lawsuit as an attempt to curtail “the most flagrant sellers of the so-called ‘bargain Batemens’ (“cheap cutouts from calendars and books slipped into frames”) and as attesting to his public spiritedness. Thus, it quoted Bateman’s lawyer as observing that his client was “a very moral man...The thought that people are being misled about the nature of these products is extremely offensive to him” (Globe and Mail, 1988f; see also Globe and Mail, 1992d; Grant, 1992). Moreover, artists who alleged that gallery owners had sold their work on consignment but
not paid them or paid them far less than the percentage agreed-upon were treated far more empathetically than the purchasers of forged artworks.

For example, one article (Hume, 1998a) detailed various factors that increased the vulnerability of artists to victimization. Thus, the relationship between artists and dealers was described as a dependent one, with the dealer acting as “mom and dad to their artists” and the artist encouraged to “operate simply on faith.” In addition, the article reported that “there’s a lot of fear that if you question a dealer, you could jeopardize your career. There are so few dealers compared to artists - it has been a patronage relationship.” Moreover, it suggested that the training of artists and their occupational preoccupations could combine to make them less than savvy business persons, noting that “[i]n Canada, where there’s so much government involvement in the arts, artists have tended to abdicate their financial responsibilities. For them, it’s more about filling out grant applications than making deals.” Articles which identified artists of having been victimized by fraud could also direct attention to characteristics of the artist which suggested an especial vulnerability. For example, a headline announced “Morrisseau moves to authenticate art: Committee created to vet the works of the now-ailing artist” (Adams, 2005). Nevertheless, master art forgers were not the only persons who portrayed as “tricksters”; on occasion, artists whose works were allegedly forged could also be cast in this role.  

Moreover, the casting of artists as fraudulent “tricksters” is not limited to those who forge paintings. For example, in 2012, a review of Damien Hirst’s retrospective exhibit at the Tate Modern Gallery began, “For more than 20 years, pretty much everything Damien Hirst has made, done or said has received media attention. But attention is different from respect, and if you ask the man in the street, he’ll tell you that Hirst became a billionaire by cynically exploiting our collective greed and stupidity” (Dorment, 2012). This article additionally suggested that this impression was courted and promoted by the artist himself: “For reasons that I don’t understand, ...[Hirst] insists on presenting himself as a fraud who is somehow pulling the wool over the eyes
For example, a 1987 *Globe and Mail* article on art fraud which depicted the art world as a “subculture that has managed to blur the difference between copies and the real thing” and as “flirting with forgery,” reported that the “surrealist painter Chirico actually copied pictures from his earlier and more successful period that stretched from 1917 to 1925” (Rochon, 1987). The lead sentence of a 2010 *National Post* article implicitly cast Damien Hirst in the “trickster” role: “Thievery in the art world seems to be running as rampant as the price artists like Damien Hirst are receiving for their work” (Kaplan, 2010). Other news articles explicitly cast surrealist artist Salvador Dali as the quintessential “trickster.” For example, in its report on galleries which had been charged with false advertising in relation to their selling of “Dali” prints, one article suggested that Dali’s own behaviour was the First Cause, in an Aristotelian sense, of these alleged wrongdoings. According to this article, which was accompanied by a large photograph of Dali looking even more Mephistophelian than was normal for the artist,

> [t]he devaluation of Dali’s signature is partly the fault of the artist himself. As recounted by Meryle Secrest in her book, *Salvador Dali, a Biography*, in the ’60s Dali agreed to sign bank pieces of paper, which then were sold, either as autographs or possibly filled in with images by people other than the artist. It was of the public.” A second review of this exhibit was more emphatic in its characterization of Hirst as a fraudster. Pointedly entitled: “Moral vacuity and rancid opportunism: Sorry Damien, but you’re a fraud!” it queried rhetorically, “[W]hat are we to make of Damien Hirst? Does he stink artistically...? Or is he a shrewd commentator on modern Western civilization? Is this ill-shaven, weak-chinned fellow a charlatan? A copyist? A warped genius? An introverted elitist? A hypocritical anti-democrat? Is he even an accomplished satirist, making millions of pounds from the world’s gullible rich?” (Letts, 2012). Nevertheless, the journalist left his readers with little doubt of his own evaluation of Hirst in reporting that many of the works that were on display were owned by “foreign plutocrats, including American Larry Gogosian and other such schmucks,” and pronouncement that Hirst has been the undeserving beneficiary of “an insular, metropolitan elite” that includes “culture supremos, from Manhattan billionaires to that tremendously pompous transatlantic chinstroker who reviews art for the Daily Telegraph” and who have collectively “cooed over and collected” his works for two decades. The article concludes with the comment that one can “hardly blame” Hirst “for capitalising on the world’s foolishness” (Letts, 2012, emphasis added).
an easy way for Dali, the great magician of art, the man whose mustache became the symbol of an art movement, to make money literally with a brief wave of his hand. And it should be added, it was this cavalier attitude on his part toward his own art that prepared the ‘spiritual’ ground for all manner of legerdemain involving the Dali name (Lehmann, 1991).

Not unexpectedly, however, the presentation of Dali a “trickster” and a participant in fraud was especially pronounced within book reviews of Catterall’s (1992) *The Great Dali Art Fraud and Other Deceptions* (e.g., Hemmings, 1993; Taylor, 1993a). Thus, Taylor (1993b) thundered that:

Dali’s own cupidity, his willingness to sign his name to anything in exchange for money, triggered the practices that ultimately lead to fraud. Dali not only signed images which he had no hand in printing, but also, as is so often popularly rumoured, blank sheets of paper that would have images printed on them later. He was the pioneer of a practice that plagues the art world to this day - issuing photomechanical reproductions of paintings in signed and numbered editions as though they were original prints. It did not take long for unscrupulous art dealers to go further.”

In general, however, those who created non-mimetic art were likely to be portrayed as “appropriate victims” of art forgery. For example, an 1988 article in the *Toronto Star* began,

“With today’s incredible prices for a bit of colour slapped on a bit of canvas, it’s no surprise that today’s villain rushes past the nearest bank and heads for the art gallery” (Wicks, 1988). However, the casting of an artist as a “trickster” was not always determined by the style of their art. Instead, it could also signify the culmination of a process in which an artist’s claims to victimization were not credited by the media as factual and/or compelling.
Victimologists have repeatedly noted that not all persons who alleged victimization by a criminal act as credited as bona fide victims. For example, Karmen (2013:175) observes that when confronted with an individual who alleges victimization, police may not only credit a false report but also “disbelieve the account of someone who really is telling the truth” and categorize their report as “unfounded.” While both types of errors can occasion harm - on the one hand, to innocent persons who are forced to confront the indignities that are involved in being positioned as the accused in criminal proceedings and, on the other, to wronged persons whose claims of victimization are denied - the dynamics of “unfounding” may be rooted in cultural stereotypes of different subgroups within a population. The result may be a situation that is eerily similar to the situation described in Orwell’s (1945/2003) *Animal Farm* and which describes a democracy in which “all are equal” but some are more obviously equal than others.

In their pioneering study of how a Canadian police department evaluated allegations of rape, Lewis & Clark (1977) detailed how the evaluative criteria that were used by police in adjudging a case to be “founded” privileged reports of victimization that were brought forth by the elderly, the married and the gainfully employed and disfavoured those that involved women who were young, divorced or living in a common law relationship and either marginally employed or unemployed. For example, they noted that none of the allegations of rape that were made by women who were “prostitutes” were credited by the police as factual. However, if some have suggested that the stereotypes that police deploy demand that an “ideal victim” of a “real rape” (Estrich, 1986) be a virgin who is attacked in her home while baking an apple pie and crocheting a flag, the police are
not obviously not the only authoritative body that can minimize or negate claims of victimization in fateful ways.

In illustration, one may consider news articles that addressed the issue of art fraud in relation to acclaimed Ojibwa artist Norval Morrisseau. Although my original search of the various databases identified an “exclusive” article in the *Globe and Mail* (Dafoe, 1999) as the first to use the term “forgery” in connection with Morrisseau, my reemployment of these same databases, using the artist’s name as a search term, and later examination of all of the articles that this secondary search yielded, led me to discover that Morrisseau’s claims of being a victim of art fraud first appeared more than a decade earlier, with articles throughout the 1980s and early 1990s mentioning Morrisseau’s report of “leeches who give him drugs and alcohol and then steal his art” or being “ripped off time and time again” (Hume, 1991) or noting that the artist “feels he has been exploited and been too trusting. ‘I’ve got to get away from those guys who call themselves agents.… ‘One guy takes me out on the far and says he’ll keep me fed and clothed so long as I paint; another guy puts me in a penthouse with an elevator and tells me to paint. ‘Why would I trust these people? When one of them says, ‘I’ve got to pay my bills, I’ve got kids to feed, can’t you give me your paintings?’ I find it hard to say no. But they just take them and I never see the money’” (Globe and Mail, 1987b). However, given the contents of the articles that recorded Morrisseau’s claims of victimization, it was not particularly surprising that they were not unearthed by my earlier search of these databases: they were marked by a notably skeptical tone and strongly suggested that the artist was other than a reliable historian. As one journalist put it,

59 The articles that were not identified in my initial search of the databases are not included within the reported N of my sample.
“Morrisseau is most comfortable wearing a reality with not a lot of starch in its collar” (Masters, 1987b).

Within these early articles, which were ostensibly prompted by a journalist’s learning of Morrisseau’s relocation to Vancouver and of his “wandering downtown streets, sleeping in parks and alleys and selling his sketches for the price of a bottle of liquor” (Canadian Press, 1987), it was routine that Morrisseau’s troubled history of substance abuse and living on the street were accorded primacy, with headlines that variously pronounced, “Street life suits Morrisseau” (Canadian Press, 1987); “Drink of tequila started painter on road to despair” (Toronto Star, 1987c); “Native artist roaming city trading his art for bottle” (Vancouver Sun, 1987); and “Booze drags a great artist back into the gutter” (Vancouver Sun, 1987). However, if research on criminal victimization has found that persons in the types of situation that these articles described are especially vulnerable to experiencing exploitation and victimization, with their location in these settings in itself often indicative of a history of ill-treatment, abuse and predations of various sorts, it also notes that disclosures of victimization by the socially marginal are especially likely to be discounted (e.g., Bao, Whitbeck & Hoyt, 2000; Baron, 2003, 2006; Feldman, 2004; Ferguson, 2009; Fowler, Toro & Miles, 2009; Gaetz, 2004; Hagan & McCarthy, 1997; Johnson & Chamberlain, 2011; Kidd & Kral, 2002; Kladowsky, 2006; Main, 1998; Mayer, 2001; O’Reilly-Fleming, 1993; Whitbeck et al., 2001). This reaction certainly seemed to permeate the media’s response to Morrisseau’s claims of being a victim of fraud, with the articles that recorded his claims suggesting a posture of disbelief.

It was routine that these articles would depict Morrisseau as either a bald-faced liar or, more
charitably, suggest that due to his alcoholism and/or substance abuse, he was simply unable to distinguish between fact and fantasy. Thus, articles would note, for example, that “[a] day after telling reporters he’d given up alcohol and begun to paint once more, acclaimed native artist Norval Morrisseau, 55, was admitted yesterday to the intensive care ward of a Vancouver hospital with delirium tremens following a mid-day drinking binge” (Masters, 1987) and proceed to list other discrepancies in his claims.

If you press him for facts, he’ll pick one story and stick obstinately to it. For example: According to a newspaper report, after he got out of the hospital last spring, Morrisseau spent 10 days recuperating with a family and an Alcoholics Anonymous member on an island off the B.C. coast. Morrisseau shrugs at this. “I never went anywhere,” he says. “I was here in Vancouver.” Not so, says Galal Helmy, an art dealer in Jasper, Alta., where Morrisseau lived from 1985 until early 1987. Helmy says Morrisseau returned there in June 1987 and stayed until last December, when he came back to Vancouver. You can also not dislodge Morrisseau from his claim that he has two secret patrons, one of whom lives in Vancouver and may have bought as much as $300,000 worth of his work in the past year. “I’ve got all kinds of bread in my pocket,” Morrisseau says. “If I told you how much bread I got in my pocket you’ll flip out and tell me to go to the nearest bank.” Nevertheless, he is living in a basement room of the house of friends in East Vancouver (Masters 1987).

He [Morrisseau] said he has stopped drinking, but the gallery proprietor said she believed he had been drinking prior to the interview. “I don’t drink any more,” Morrisseau insisted. “I’m sober. You better believe it. I stopped drinking four days ago and don’t need it any more.” Moments later he said he needs drink “to inspire my head” (Canadian Press, 1987a).

He talks of planning a wall mural for a Toronto Transit Commission subway station, for which he would be paid $100,000. (However, Marjorie Wallens, a spokesman [sic] for the TTC, says the commission had only brief discussions with an agent for Morrisseau, and that the money would have to be raised privately) (Godfrey, 1987).

Articles also characterized the artist as being “mischievous” and hinted that Morrisseau may have enjoyed bamboozling his earnest interlocutors. For example, the article that was the first to use the
term “forgery” in connection with Morrisseau emphasized that Morrisseau had both denounced “the gallery owners, finaglers and forgers who exploited him as ‘a lot of leeches’” and, paradoxically, suggested that his “many imitators” were “good shamans-in-training” and had invited his interviewer to “imagine the work they’ll do when they are real shamans!” (Dafoe, 1999). Other articles reported the while artist had railed against his imitators, he had simultaneously maintained that “he doesn’t mind people copying his work ‘if they need the money’” (Dambrofsky, 1986) or, for the same reason, had permitted his apprentices to sign his name upon works that they had painted (Goddard, 2004, 2006a, 2007; Godfrey, 1987).

Moreover, articles that encased Morrisseau’s reports of exploitation suggested that journalists often perceived utility in revitalizing the construct of the “noble savage” (Brody, 1971; Clifford, 1992; Francis, 1992; Kingfisher, 2004) in describing Morrisseau. However, inasmuch as the story of Norval Morrisseau, as it was constructed within the pages of the Canadian print media, was in itself suggestive of terra nullius, with the artist’s life routinely partitioned into a “practically forgettable ‘pre-history’” and a “memorable ‘history” (Zerubavel, 1996:287) and with various individuals (e.g., Jack Pollack, Dr. Joseph Weinstein, John Vernon, Galal Helmy, Gabe Vadas) credited for his “discovery” or “rediscovery,” this may have been predicted.

While almost uniformly lauding Morrisseau for the splendor of his art, it was common that articles with the Canadian print media would portray Morrisseau as “primitive” - as someone who was “erratic in his behavior, punching through the walls of his house and relieving himself on the floor, and drinking shaving lotion on Sundays when the liquor store was closed” (Godfrey, 1987). He was described as having violent mood swings, dressing in “tattered clothes,” smelling “acrid” (Canadian Press, 1987) and, if spotted on a city street, easily mistaken “as another terminal city
“Morrisseau has six adult children from a 1957 marriage and has, on occasion, claimed to have fathered as many 14 children” (Dafoe, 1999; see also Adams, 2007, 2008; Huffman, 2007; Milroy, 2006). However, while a recent biography (Stevens, 2011) reports that, beginning in his teens, Morrisseau became a cross-dresser and, in his adult life, “was a two spirited persons with strong attraction to both men and women” who observed “few boundaries” in his sexual behaviour, only one article suggested that the artist was other than robustly heterosexual and did so in the context of reviewing a documentary film on Morrisseau which had suggested that one of the artist’s early agents “may have introduced him....to cocaine and the homosexual underworld” (Stoffman, 2005). Nevertheless, in observing that “[o]ver his lifetime Norval garnered far more press than [any] other Canadian artist,” Stevens (2011:6) intimates that it was the artist’s “dissolute adventures” that fueled this coverage and “kept him in startling headlines and explanatory magazine articles.”

The oxymoronic character of the “noble savage” construct was especially notable within articles which cast Morrisseau as a trickster. Thus, one article pointed to the artist’s lack of formal training, his deep immersion in “the spiritual side of life,” his rejection of “modern tokens of identity or status: he carries no personal identification and has no bank account” and disinterest and lack of identification “with contemporary native issues: “I don’t think about land claims or any of that stuff. Indians who are into that are, it’s like The Edge of Night. They’re always worrying about whether they’ll get plenty of bread if they win this or that claim. I don’t think about that. All that counts is art” (Globe and Mail, 1987b). However, it also noted with evident bemusement, that “the founder of what is known as the Woodland school of painting seems to have no nostalgia for
a simpler wilderness life” and quoted Morrisseau as saying, “If I had my choice....I’d buy a condo in the city” (Globe and Mail, 1987b). Yet, if Francis (1995:5) has emphasized that the “imaginary Indian” has always been Janus-faced, with the profile accorded prominence less revealing of “truth” than the needs of those who summon this figure into being, it would seem that the Canadian print media has long preferred to characterize Morrisseau and his art in simplistic and misleading ways.

For example, Blundell and Phillip’s (1983) analysis of the Canadian media’s response to both “Woodland School” painting in general and, in particular, the works of Norval Morrisseau, suggests the longevity of a “discourse of authenticity” which insists that “for Aboriginal art to be considered ‘authenticity’ it has to be recognizably ‘tribal.’ If it is not, then the artist is thought to have been assimilated, rendering the art object ‘inauthentic’” (Kingfisher, 2004:23; see also Edwards et al., 2006; Phillips, 1988, 1989; 2004a, 2004b, 2005b, Phillips & Phillips, 2005). In an article that bears the whimsically queries, “If it’s not shamanic, is it sham?” Blundell and Phillips (1993:118) identify the Canadian media’s response to both the Woodland School and Morrisseau as being “at best,” “one of enthusiastic misunderstanding.” Based primarily on their examination of seventy articles that appeared on the topic of the Woodland School and Morrisseau within Canadian newspapers and news magazines since 1962 and were housed in the library of the National Gallery of Art, they report that “[t]he works of Morrisseau and other members of this school have commonly been treated...as surviving remnants of a dying culture which Indians are attempting to revive through their artistic activities” and they argue that “these ‘survivalistic’ and ‘revivalistic’ views misrepresent both the aesthetic qualities and the intended meanings of Woodland School art.” The media’s adoption of a “survivalistic perspective,” they write, reveals
itself in an insistence that the art of the Woodland School/Morrisseau is best viewed as “the last flowering or remnant of a tribal tradition,” and in the depiction of the artists as “surviving primitives.” The “revitalistic perspective,” as these authors describe it, builds upon the survivalistic vantage point and “not only presents Woodland art as a survival from the past but asserts that it is in danger of being lost and must be retrieved and revived,” with “Indian culture...preserved and given renewed vigor by the production of traditional arts and crafts” (Blundell & Phillips, 1983:121-123).

Blundell and Phillips (1983:121) report that the Canadian news commonly adopted a “survivalist perspective” in their assessments of Morrisseau and of the Woodland School, with Morrisseau frequently described as a “shaman” who produced “primitive art.” “Rarely have Woodland artists been presented as living in the twentieth century,” they observe, “Instead, they have been romanticized at the same time that the demise of the Indian culture has been proclaimed.” Nevertheless, they suggest that a “revivalistic perspective” was also discernible in media reports that slavishly insisted upon describing Morrisseau as painting “Ojibway ideals for posterity,” inaugurating “The New Age of Indian Art” or as a singularly heroic figure” whose fated destiny was “to promote Indian culture through Indian art.” In contrast to these views, Blundell and Phillips’ (1983:118-119) evaluation of the degree to which Morrisseau’s painting “resembles traditional Ojibwa art” stresses that “[e]ven Morrisseau’s earliest work...shows numerous signs of divergence from traditional prototypes.” Thus, they report that:

[B]oth stylistic and thematic developments in Morrisseau’s work present a great contrast with aboriginal Ojibwa art. Where traditional Ojibwa images are schematic, Morrisseau’s painting is richly descriptive; where prehistoric motifs communicate as symbols, Morrisseau’s art communicates through narrative. Contemporary artwork is, furthermore, public, consisting of easel paintings and
prints made for sale on the open market. In contrast, aboriginal art was intentionally enigmatic and private, often hidden on rock surfaces or enclosed within medicine bundles. These contrasts...should make it clear that Norval Morrisseau is not a “primitive artist”....Nor is Morrisseau a tribal artist living in a small-scale society and creating within a strictly defined set of artistic conventions. To regard him in either light is to do him a fundamental injustice, for both the “naïve” and the “tribal” labels obscure his real achievement - the creation of a new and viable synthesis out of styles and images from two artistic and cultural worlds (Blundell & Phillips, 1983:118-121).

In addition, they argue that Morrisseau’s style is best viewed as a “synthesis” rather than a “revival” or “renewal” of Ojibwa art and/or “tribal” tradition and, in exacting fashion, detail that as Morrisseau’s paintings developed, his works departed progressively from traditional Ojibwa art and that the artist:

continued to invent new motifs which often provide a visual form for traditional and sometimes personal ideas which had not previously been expressed graphically. The best known of these invented motifs, the divided circle, is related to such shamanistic articles as rattles and drums rather than to traditional two-dimensional sources. Furthermore, Morrisseau’s characteristic use of pools of vibrant colour divided by heavy black outlines is an innovate tradition to painting which is not found in earlier Ojibwa art. As Morrisseau’s art developed through the 1960s, a far more fundamental break with traditional art became evident. Images and motifs such as the Thunderbird, which are found in traditional Ojibwa art as isolated symbolic images, were incorporated by Morrisseau into fully-described narrative compositions....[Moreover,] [a]s Morrisseau’s work matured his thematic range expanded. Whereas his early work depicted primarily totemic and legendary beings and shamanistic experiences, social and political themes occur in the paintings of the 1970s....Such themes depart radically from the traditional iconography of aboriginal Ojibwa art, but they are important aspects of the modern Western secular tradition. Equally modernist has been Morrisseau’s recent exploration of his own psychological states through the genre of self-portraiture. Morrisseau often paints himself in the moment of visionary experience, so that the work is anecdotal rather than iconic. In contrast to earlier Ojibwa artists who would have recorded the actual vision or located symbolically in graphic designs the nexus of cosmic forces where such visions could be achieved, Morrisseau recounts specific incidents. The artist steps outside the frame to tell a story; he brings visionary experience into pictoral perspective (Blundell & Phillips, 1983:118-120).

According to Blundell and Phillips (1983:129), if the ages-old association of Indian art with
“primitivism” may “condition” media responses to this genre of art and, by so doing, encourage journalists to scrutinize the art of the Woodland School for its “iconographic links to the past,” it simultaneously discourages them from engaging in a critical analysis of Woodland School art’s aesthetic qualities. In addition, they charge that this entrenched association places Indian artists in a “double-bind: if they paint in an ‘Indian-looking’ style, they may reinforce the view that they are surviving primitives; if they paint in a more recognizably modernist style, they may be excluded from the only institutions which are presently willing to exhibit art produced by Canadian Indians” and find, to their chagrin, that their efforts are less commercially viable or financially rewarded.

It is assuredly true that the strength of at least some of Blundell and Phillips (1983) assertions have been weakened by events that have occurred since the publication of their article. Writing in the early 1980s, it would obviously have been impossible for them to anticipate that, for example, in 1986, the National Gallery of Canada would purchase their first work by a contemporary Canadian artist and that such purchases would increase, with growing momentum, during the new millennium (Soulliere, 2008:124). Their comments also predate such noteworthy events as the 1988 boycott, led by the Lubicon Lake Cree, of the Glenbow Museum’s exhibition The Spirit Sings: Artist Traditions of Canada’s First Peoples, the publication of works such as Jean Blodgett’s (1983) Report on Indian and Inuit Art at the National Gallery of Canada, Lee-Ann Martin’s (1991) The Politics of Inclusion and Exclusion: Contemporary Native Art and Public Art Museums in Canada; the 1992 Report of the Task Force on Museums and First Peoples, Turning the Page: Forging New Partnerships Between Museums and First Peoples (Assembly of First Nations, 1992); and Gerard McMaster’s Mandate Study 1990-1993: An Investigation of Issues Surrounding the Exhibition, Collection and Interpretation of Contemporary Art by First Nations
Artists; the increasing activism of the Society of Canadian Artists of Native Ancestry (SCANA) in relation to the placement of Aboriginal art within several Canadian institutions; the 2003 opening of Art of this Land, a reinstallment of the National Gallery of Canada’s Canadian galleries and the 2006 exhibition of Morisseau’s work by the National Gallery of Canada, in the first-ever solo exhibition of a First Nations artist by that gallery (for detailed histories of the import of these developments and others see Nemiroff, 1996; Phillips, 2011). However, if it would be presumptuous to suppose that the Canadian news media’s treatment of the Woodland School has remained entirely constant since the time of Blundell & Phillips’s (1983) report, it was notable that in the decades that followed and are the subject of my investigation, the Canadian print media continued to describe Morisseau as the Ojibway peoples’ “modern-day messenger recording their story” in undiluted form (Dambrofsky, 1986) and, almost invariably, as a “shaman.” Moreover, if this descriptor additionally appeared in the title of the National Gallery of Canada’s belated exhibition, “Norval Morisseau Shaman Artist” and its accompanying catalogue, Stevens (2011:214) scoffs at the “mythic theme of Norval as a ‘shaman artist’” and, in rhetorically querying “Was he a shaman?” furnishes, as an answer: “Not in any traditional sense. Who would have the authority in 1985 to appoint Norval the Grand Shaman of the Ojibway? The answer is no one.” Stevens (2011:214) remarks:

Hype is a great marketing tool for the art world and the shamanism label was valuable to Norval and art gallery owners in promoting his work. A traditional shaman was intimately connected to an extended clan family with a clan symbol that might be Sucker, Crane, Caribou, Loon and so on. Norval, a Metis, both biologically and in name had no clan symbol, just an adopted one, the Loon. The facts were that Norval had divorced himself from his own extended family. His associations were with Euro-Canadians and fawning apprentices. The other thing about a legitimate shaman: such a person would never admit to having such powers. The so-called UrbanShaman concept as applied to Norval is simply a construction of very fragile sticks. And one might say that if Norval was a shaman, he was the only one in 15,000 years of American Aboriginal history that was a...
Beginning with a 2001 article in the *National Post* that was headlined “Morrisseau fakes alleged: Probe launched as native Canadian artist identifies paintings as forgeries” (Whyte, 2001), the Canadian print media began to describe Morrisseau in ways that suggested his recasting from a “trickster” to a figure of pathos or a “fool.” Thus, it was suggested that due to Morrisseau’s history of substance abuse, he was ill-equipped to identify accurately which of his paintings were forgeries and which were not: “Given Mr. Morrisseau’s past, coupled with the likelihood that he has produced at least 5,000 during his career, it would seem likely he might not remember them all” (Whyte, 2001). In the final years of Morrisseau’s life, when the artist visibly battled Parkinson’s disease and the aftermath of a stroke, these types of claims were redoubled. Thus, Morrisseau was described within news articles as a “helpless old guy, his jaw sagging with a bit of spittle running down a lower lip” (Goddard, 2006a), “an incredibly pained individual, with torments that go well beyond alcohol problems” (Goddard, 2004), unable to communicate clearly (Adams, 2005c; Stoffman, 2005) and “besieged by lawyers, dealers, buyers, sellers, gallery owners and critics” who, for self-interested reasons, were “all prepared to brawl over exactly how many of the 9,000 works that have been attributed to him are in fact his own” (Goddard, 2006a). Within these articles, Morrisseau was described in ways that suggested his unwitting positioning at the centre of a “[a] fierce brawl...with charges related to forgeries, market manipulation and issues of authentication being hurled back and forth across the country” (Adams, 2005a). For example, one article grimly noted that “For a guy who’s had such a flamboyant disregard for money all his life, Morrisseau is sure being treated now as a major money-spinner whose value will increase enormously when he goes to meet the spirits he’s been painting for all these years” (Goddard,
Yet, on occasion, the earlier construction of the artist as a “trickster” could find expression.

For example, in 2005 Morrisseau’s agents announced the establishment of the Norval Morrisseau Heritage Society (NMHS)\(^{60}\) and declared that this “committee of authentication” had been purposively forged in an attempt “to help establish an authorized inventory of the works of Norval Morrisseau and stanch the flood of alleged fake Morrisseau paintings that have entered the art market in recent years” and were “being produced in an almost factory-like manner by unidentified artists in B.C. and Northern Ontario” (Adams, 2005a). Although these allegations would later expand to include “seemingly wild accusations that organized crime is churning out Morrisseau fakes from ‘factories’ in Thunder Bay” and claims that “these ‘artists’ are being paid in illegal drugs and that money-laundering is involved” (Gessell, 2007a, 2007b), countering claims

\(^{60}\) These types of organizations would seem limited in their effectiveness. For example, Richard Grant, the executive director of the Diebenkom Foundation, has commented to the press that organizations such as his own, which are “charged with protecting an artist’s legacy” and “patrolling for fakes” confront tasks that are “something like a game of Whac-A-Mole”: “You put it down, and then five, seven years later, poof!, and there it is again” (in Cohen, 2012b). Moreover, Cohen (2012b) charges that in the United States, the “resale of fakes is a persistent and growing problem without a good solution, with “no clear rules for what happens to phoney art after it is identified” as such. For example, she notes that while “the Federal Bureau of Investigation can seize forgeries in criminal cases, these represent only a tiny portion of the counterfeit art that is in circulation” and that “[a]rt whose authenticity is disputed occupies a special sort of limbo.” Pointing to a 2011 lawsuit that was brought against Knoedler & Company by an irate customer who charged that this company had sold him a forged Jackson Pollock painting for $17 million, she observes that while the FBI is investigating whether this painting may form part “of a large cache of forgeries,” “no charges have been brought and the gallery maintains that the work is authentic” and asks, “So what happens to a $17 million painting that some people consider a fake?” While noting that the publicity that was garnered by this particular case would likely discourage buyers from investing in the disputed painting, known as “Silver Pollock,” “nothing in criminal law would necessarily prevent the owner from selling it today as a Pollock.”
suggested that the formation of the NMHS was best understood as a strategic move by interested parties to undermine the resale market for Morrisseau’s work and ensure that purchasers only bought Morrisseau’s paintings from his “authorized dealers.” Thus, in an article which described this war of words, a journalist pointedly recalled how, two years earlier, Morrisseau had told him, “with a twinkle in his eye, “I try to help (other artists) out” (Goddard, 2006b).

The media’s response to Norval Morrisseau’s claims of victimization is troubling. Although it may be expected that media representations of crime victims will always be partialisms that impose “active status” upon only some of the multiple statuses that any victim may occupy, it is evident that in the case of Morrisseau, the media elected to activate statuses that encouraged the discrediting of his reports. For example, one might have supposed that emphasis would have been placed upon Morrisseau’s status as “one of Canada’s most celebrated painters and an important influence in the development of North American art” (Kennedy, 2007) or as the “founder of the Woodland School of Anishnaabe Art” (Hill, 2008), or as “the first Indian artist to break the professional white-art barrier” (Toronto Star, 1987) and/or as the recipient of numerous prestigious awards (e.g., the 2008 National Aboriginal Lifetime Achievement Award, the Centennial Medal, the Order of Canada, several honorary doctorates and membership in the Royal Canadian Academy of Arts). Instead, articles that recorded Morrisseau’s claims of victimization were more likely to emphasize that the artist was, for example, an addict and/or former addict to drugs and alcohol, an “ex-con,” and as suffering from a neurological disorder that is linked with cognitive disorders and, in its later stages, dementia. In addition, articles on Morrisseau often noted that his agent/spokesperson was a former street person whom the artist had informally adopted after “abandoning” his wife and biological children (e.g., Dafoe, 1999; Gessel, 2007c;
It would also seem noteworthy that Morrisseau’s allegations of forgery did not prompt discussion of any of the issues that were raised by the case of Elizabeth Durack/Eddie Burrup. None of the articles that addressed allegations of art fraud in relation to Morrisseau included even the briefest of comments from a Canadian organization and/or governmental department that is expressly concerned with the promotion and protection of Aboriginal art or with the broader issue of cultural appropriation. In like fashion, despite repeated claims that Morrisseau was the victim of criminal wrongdoing, none of the articles that reported Morrisseau’s claims of victimization or the NMHS contained even a single comment from a member of a police organization or mentioned that, between September 2008 - December 2010, the Royal Canadian Mounted Police conducted an investigation of art fraud in relation to Morrisseau’s works and reputedly interviewed “hundreds of witnesses and suspects...including eye witnesses to forgery production and participants who disclosed their roles in the fraud” (“Norval Morrisseau Legal”, 2013). Instead, one found the suggestion that the “primitive” quality of the acclaimed Aboriginal artist’s paintings made them remarkably “easy” to forge.

For example, a 2012 article in Saskatoon’s Star Phoenix was headlined “Easy steps to tell if your Morrisseau is a forgery” and began, “If you want to collect art forgeries, a good place to start is with paintings attributed to the late Norval Morrisseau.” It emphasized that “Morriseau was a self-taught and hugely prolific artist whose stylized paintings would be relatively easy to duplicate” (MacPherson, 2012). With this very thin veneer of solemnity, it announced:
For those contemplating the purchase of a purported Norval Morrisseau painting, here are a few tell tale signs that might reveal a fake:
Check with a fingertip to see if the paint is still tacky. Morrisseau died in 2007. Any paint applied to him should have completely dried by now.
Sniff the painting. If the yellows smell like lemon and the purples like grape, it probably is forged. Morrisseau did not work with smelly markers. Morrisseau typically painted stylized human and animal figures drawn from his dreams, from his religion and from aboriginal legend. He is not known ever to have painted a portrait of Elvis on black velvet.
Check the signature. There should be a double “r” and double “s” in “Morrisseau.” Morrisseau usually worked with acrylic paints, but he often applied them to unconventional surfaces such as birch bark, plywood and cardboard. Be very suspicious, however, of any alleged Morrisseau painting rendered on a cocktail napkin.
Don’t trust any art dealer selling Morrisseau paintings from the back of a van in a parking lot. Watch out for the numerous prints of Morrisseau’s work that might now be passed off as original. If the dealer pulls it out of a Mister Print bag, it probably is a reproduction.
Any painting that depicts Kung Fu Panda almost certainly is not by Morrisseau. Kung Fu Panda was released in 2008, a year after Morrisseau’s death. An expensive work of art should come with provenance, or a record of ownership. If previous owners have names like Ben Dover or Sheila Blige, both the provenance and the paintings are suspect. After you have paid for it, make sure your genuine Morrisseau is never exposed to independent appraisal (MacPherson, 2012).

In like fashion, while allegations of fraud in relation to Morrisseau’s artworks have featured in numerous civil court actions including Kevin Hearn v. Joseph Bertram McLeod and Maslak McLeod Gallery Inc. (2012, Ontario Superior Court of Justice, CV-12-455650), Goldi Productions Ltd., John Goldi and Joan Goldi v Ritchie Sinclair (2011, Ontario Superior Court of Justice, Small Claims Court - Brampton, SC-11-00005519), Kinsman Robinson Galleries v Ugo Matulic (2010, Ontario Superior Court of Justice, CV-10-477123), Sun Nat Kim v Ritchie Sinclair (2010, Ontario Superior Court of Justice - Toronto Small Claims Court, SC-10-0010945), James White v Ritchie Sinclair (2010, Ontario Superior Court of Justice, Toronto Small Claims Court, SC-10-109226), Joseph Otavnik v Art Dealers Association of Canada (2009, Ontario Superior Court of
Although victimology as a discipline may have “moved far away from simple stereotypes of vulnerability and victimization, away from the little old lady who represented Christie’s ‘ideal victim’ (1986), and towards a more nuanced appreciation of crime and its effects” (Rock, 2007: 54), these “simple stereotypes” and the stock figures of victimization would seem to be on display in the Canadian print media’s construction of art fraud and its victims. For example, given the notable parallels between Christie’s “little old lady” and the 66 year-old widow who purchased an expensive painting with the intent that it be sold for a charity fundraiser, the sympathetic press coverage that this case received might well have been predicted. However, media constructions of the “ideal victim” may, as Levi (2006) has suggested, be offence-specific. While those who possess characteristics that are suggestive of high social status may be accorded preferential treatment by the press when they allege victimization by violent crime, this would not seem true of those who are victimized by what may be construed as a “crime of privilege,” such as art fraud. Just as art fraud is not thought of as normal “crime news” (Katz, 1987) and bracketed away elsewhere, the victims of art fraud tend to be regarded as other than ideal victims. For example, it is evident that the media’s depiction of those who purchase forged artworks reveals victim-blaming and echoes the “techniques of neutralization” (Sykes and Matza, 1957) that are used by confidence men in discounting the significance of their deeds and warding off imputations of moral blameworthiness (see, for example, Maurer, 1940).

Goodey (2005:242) has noted that white-collar crime is “misconstructed as ‘victimless’ because it is difficult for people to raise much sympathy for crimes committed against big business,” and
suggested that “[w]hile we can feel pity for individual victims of fraud who have lost their life savings, or the small shop whose accountant fiddles the books, most people are hard-pressed to feel sympathy for financial institutions.” Godfrey’s division of the victims of fraud into two categories, “rich” financial institutions and individuals of humble means, is an obvious simplification. However, her suggestion that the latter are more likely to inspire feeling of “pity” and/or “sympathy” than the former implicitly acknowledges that, in relation to fraud, there may be an inverse relationship between social class and the likelihood that the media will frame these individuals as “ideal victims” and/or “sympathy worthy” (Clark, 1987). It is assuredly possible that the delimited descriptions that the media provided of these often-anonymous “purchasers” was intended to spare these victims from the pangs of embarrassment that might follow upon public disclosure that one has been “duped” or “conned.” It may also reflect the norms and conventions of the “art market” itself which encourage secrecy”; as Meyer (1973:xiii-xiv, xivi) observes, “The art market is a closed world” which is “chary of journalists” and “whose denizens seek to keep important information strictly within it. Prices, the names of dealers and customers, the routes of supply - all these matters tend to be cloaked the chiaroscuro language of the trade” (see also Beckett, 1995:161, for a similar portrayal of the art world as “highly secretive”). However, it may also suggest a technique of depersonalization that allows for, and promotes, a denial of the victim and of injury. Thus, if the “etiquette” that surrounds the bestowing of sympathy commands our demonstration of empathy towards those who are near to us, there may be narrower “sympathy margins” (Clark, 1987) for those who are presented in impersonalized ways in the media; they can be more easily understood as victims of their own affectations and/or ignorance. Indeed, given that the articles examined typically provided scant information, if any, on those who purchased forgeries and lingered, instead, on the large amounts of monies that had been spent on these
artworks, the media’s construction of art fraud may function as an inducement for schadenfreude, a reveling in the misfortunes of others.

Although it was originally anticipated that the structure of articles on art fraud would align with fictional accounts of crime and, for example, assign “hero” to police officers whose investigations led to an arrest and “villain” to those who engaged in forgery, the contents of the articles examined defied these expectations in various ways. For example, while individual police officers were occasionally singled out and praised for unearthing a counterfeiting ring and/or posthumously lauded for “cracking” a high-profile case, these types of articles were extremely rare. Far more often, articles would suggest that Canadian police services were ill-equipped to investigate these types of crimes or simply record their appeals for those who might have purchased paintings by certain artists from a particular art dealer to come forward and identify themselves (e.g., Canadian Press, 1989; Johnson, 1978; Kaufmann, 2012; National Post, 1997; Toronto Star, 1986c). For example, a 2011 report in the Sudbury Star (2011) advised its readers to “be alert for fake art”:

If someone approaches you looking to sell an original art print, give them the brush off, warns Greater Sudbury Police. Police say a group of individuals identifying themselves as art students are believed to be in the city attempting to sell art which they claim to have created themselves. The art is actually prints originating from China and not genuine original artwork. Police say the group may be operating out of a white Ford rental van and could be staying at local campsites. Anyone who is approached by the art-selling group is asked to contact police.61

To like effect, a report on a collaborative investigation that involved Interpol, the Royal Canadian Mounted Police, the U.S. Federal Bureau of Investigation and York Regional Police and led to the

61 For reports on the “student fraud” in non-Canadian settings see, for example, Australian Broadcasting Corporation (2008).
recovery of more than $1.5 million in artworks and the arrest of seven individuals for attempted fraud, possession of stolen property over $1,000 and conspiracy to break and enter implicitly credited the non-Canadian police agencies for these accomplishments and suggested that the contributions of Canadian police were relatively minor. Thus, while the article contained numerous quotations from a Canadian “staff-inspector of intelligence services,” the comments that were featured suggested the staff-inspector possessed little knowledge of art and/or art crimes: “There were a lot of vases stolen. Most of them looked like junk to me but they were very expensive items with a cultural value”; “We found two paintings that were identical. I would think that one of them has to be a forgery. There probably is a lot of stuff that is forged” (Cernetig, 1986). Similarly, an article which described a joint investigation by the FBI and RCMP that led to the arrest of a Calgary art forger began with a sentence that accorded primacy to the efforts and energies of the former; it reported: “Martin Kantelberg’s dreams of making millions on phoney art were dashed when FBI agents swooped down and arrest him at San Francisco’s International Airport” (Collins, 1992). Canadian police services were rarely depicted as “swooping” down on those suspected of committing art fraud; more commonly, their investigative efforts were depicted in ways that conjured up the flight of Icarus, who attempted to soar to the sun on wings of wax. Thus, the headline of an article that profiled a Canadian police officer who specialized in art crimes read, “It’s tough fighting fakes” (National Post, 1997); the title of a second article with a similar focus described its subject as a “reluctant van Gogh detective” (Bohuslawsky, 1997).

Other articles seemed to invite an inference of police ineptitude at best and, at worst, police skullduggery and complicity in the perpetration of art-related crimes. For example, articles which reported on allegations that the property unit of a Canadian police force had mishandled six
limited edition prints that had been seized as evidence in an art fraud investigation, emphasized that these works had “hung on the unit manager’s office walls [for] months after they should have been returned to the owner” and, following their removal from that location, were reported to have been inexplicably destroyed, “frames and all” (Rankin & Duncanson, 1998a, emphasis added; see also Rankin & Duncanson, 1998b). It additionally suggested that the police actions that had led to the arrest were far less than exemplary:

On Jan. 19, 1995, 13 Toronto police officers came knocking on the door of the west-end sports memorabilia shop and seized everything in sight. Investigators touted the bust in a press release as “art fraud,” and announced they had seized more than $2 million worth of lithographed sports prints and other sports memorabilia. The owner and his two partners were charged with defrauding the public. Their names were splashed in the papers and on television. But none of the items seized was proved to be anything other than the real thing. Nothing the business did was fraudulent either. The owner does not want his name or the name of his business appearing in this story. Although cleared of all wrongdoing, he said he fears that any story connecting his firm to the police might harm its reputation in a business where reputation in everything.

According to this article,

The investigation had been launched after artist James Lumbers complained that a company had sold a brochure-sized reproduction of his painting of football great Joe Montana without her permission. Lumbers was a personal friend of then-Toronto police chief William McCormack. One of Lumbers’ works, entitled On The Beat, depicts a ghost-like image of McCormick in full uniform standing over the shoulder of a rookie officer who is helping a child with a bicycle instead of tending to several minor traffic infractions. Lumbers donated the print to the force’ police Museum Nov. 18, 1993 - the same day he was awarded the title of honorary police chief. The work hangs on a wall at police headquarters (Rankin and Duncanson, 1998:B1).

Another article described a Metropolitan Toronto police officer who, at the time, was noted to be investigating 15 art crimes and charged with handling “anything involving art theft or art fraud,” as having lacked the ability to “tell a Riopelle from a Rubens” at the onset of his duties (Toronto Star, 1994). Although the title of a third reported, “Paintings missing: Cops seek ill-gotten art,” its
content did not suggest that this quest was animated by any degree of vigour. Thus, in describing the police’s attempt to locate two paintings that the former CEO of the Art Gallery of Calgary had “allegedly purchased with money purloined from the exhibitor,” the article quoted a Calgary city police officer as saying: “We just haven’t been able to locate them....If they were to fall into my lap, great, but at this point, our investigation is closed” (Kauffman, 2012). A fourth article, which reported on the conviction of a “master art swindler” and, in doing so, pointed out that the man was “no newcomer to art fraud” and had earlier received a 4 years prison sentence for art fraud, stressed that in the latter case the “police never did find the actual forgers, the ones who put brush to canvas. Nor did they this time” (Hanlon, 1994, emphasis added). To like effect, while an article praised a retired police officer for the creation of a four-member Quebec police squad that was dedicated to investigations of art thefts and counterfeits, it pointedly contrasted the size of this unit with Italy’s Carabinieri 300-member paramilitary police art squad “that works full time on recovering stolen works” (Banerjee, 2009).

Unexpectedly, it was “master forgers” who were most often positioned as “heroes” and depicted as “artful dodgers” who “exposed” the pretensions and follies of art collectors and those who pandered to them. In illustration, a year-end article in the Globe and Mail, which noted the passing of various luminaries and divided them into such categories as “politicians,” “performers,” “literary figures,” “behind the scenes (arts),” “notorious” and “innovators,” elected to position Eric Hebborn, “the English-born painter who turned his talents to art forger” in the final, rather than the penultimate category (Downey, 1996). Similarly, fraudsters who doctored institutional archives in ways that provided for the authentication of forged works were commonly described in ways that suggested admiration rather than opprobrium. For example, in its report on a scheme in which art
forgers allegedly “tampered with archives at the Take Gallery and other important museums” in order to “‘authenticate’ forged works that command hundreds of thousands of dollars,” one article noted that “[a]rt dealers have marveled at the ingeniousness of the scheme,” with one describing it as “the most brilliant play” (Glauber, 1996, emphasis added). Articles that provided reviews of exhibitions of ‘fake art’ were also unanimous in offering up profuse praise for the forgers and the artworks that they had created. For example, a journalist who covered the opening of an exhibition of 100 fake “masterpieces” that was held in Swiss shopping mall seemed awestruck to report the presence of a “major celebrity” - “Konrad Kujua, the Western German who became notorious for forging the Hitler diaries.” It is therefore not, perhaps, surprising that this article also accorded prominence to the assessments that Kujua made of the “masterpieces” that were on display and talents of those who had painted them. Thus, the article noted Kujua’s effusive praise for the works of Jean-Muller von Rohrbach as well as his suggestion that Rohrbach’s work was a sound investment for any serious collector of art: “He can certainly paint. If you buy a lithograph signed by Dali, it will cost you 30,000 to 40,000 marks ($18,000 to $22,000) and you don’t know if he really did sign it. Then there are thousands of numbered lithographs, but most are forged.” Echoing this assertion, the article additionally pointed out that “None of the Dali imitations at the exhibition - whether by Rohrbach or other artists - costs more than $4,200 and most are about $2,600.”

It was also unanticipated that those who dedicate themselves to the study of art would commonly be mocked and vilified as “elitists” (Hume, 1996) who “spouted” “a tremendous amount of hokum” including “the idea that our aesthetic sense is outraged if an item proves to be in some way amiss. We’d never reach this conclusion on our own; we have to be told” (Hailwood, 1998).
One article insisted that art was no less a commodity than “hog bellies” and pronounced empathically that “the reality is that behind the glitz is a $10-billion (U.S.) Worldwide business.”

This article additionally depicted “art experts” in a way that conjured up images of “Eustace Tilley,” the top-hatted dandy in a cutaway coat who peers out at the world through his monocle from the cover of anniversary issues of *The New Yorker* or, perhaps, “Rich Uncle Pennybags,” the moustached elderly gentleman who serves as the logo for the board game *Monopoly* and was reportedly modeled on J.P. Morgan, the famed financier (Orbanes, 1999). Thus, within this article, a haughty “art expert” was noted to have “sniffed” with disdain, “Investing. Now, there’s a word we all hate” (MacDonald, 1998).

On the presumption that journalists do not deploy the tools of their craft - words - artlessly, it would seem that the words that they selected to describe art “experts,” “historians” and “curators,” were designed to mock those who occupied these roles. On occasion, this discrediting was overt. For example, the title of a 1997 *Globe and Mail* article both queried, “Whose work is, it anyway?” and helpfully furnished, as an answer: “Only the experts know for sure. Well, actually not. The question of whether an art work is by the Master is one for fierce debate. An art lover has to ask: Is there a con in connoisseurship?” (Gopnik, 1997). On other occasions, the delegitimation of “experts” was more covert and subtle but no less barbed. For example, a report

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Ekserdjian (1996) had voiced a similar claim in insisting that “[t]he pleasure people derive from reading about successful forgers derives from a fear and loathing of experts.” “Both Eric Hebborn and Tom Keating,” Ekserdjian noted, “clearly despised the bow-tied snootiness of the art world, and delighted in cocking a snook at it. They particularly resented the fact that all the so-called experts could not paint or draw themselves.” According to Ekserdjian, “only the most-pin headed of connoisseurs” believes themselves “infallible” or “the study of the visual arts” to be an exact “science.”
on the sentencing of the British family of forgers noted earlier (see pages 120-121) reported that their “biggest sale was the Amama Princess, a statuette depicting one of the daughters of Queen Nefertiti, the mother of King Tutankhamen” and that “[a]fter being authenticated by experts at Christie’s and the British Museum, it was sold for £440,000 - now about $870,000 to the Bolton Museum in 2003” (Satter, 2008). Although the term expert did not appear in quotation marks within the article, given the context in which it was used, the presence of this typographical prod-in-the-ribs would seem to be implied. Moreover, in cases of “putative victimization,” the lampooning of experts was routine with articles frequently noting “how easily the experts were duped” (Contenta, 2006)63.

While criticism of “expert” posturings was a constant within feature articles that highlighted the viewpoints of “master forgers,” this theme was also revisited in other “special features” items. For example, a lengthy Toronto Star interview with historian Modris Eksteins, which queried him about the contents of his recently-released non-fiction book, Solar Dance, stressed the instability of expert pronouncements on the authenticity of art and recorded his disparaging assessment of “experts” in the field of art:

> These are the experts and they flip-flop. What kind of expertise is that? Even those who resolutely proclaim authenticity or fraud oddly pull the rug out from underneath themselves. The director of the National Gallery in Berlin is so adamant that it’s all fraudulent. He knew, he could tell just by looking at a van Gogh painting, what was fraudulent and what was genuine....Turns out, in 1929 he

63 This posture would not seem unique to Canadian journalists. For example, an article in the York Press which advertised the 2011 exhibition of John Myatt’s “Legitimate Fakes” at Gastle Galleries, in Castlegate, York, saw fit to include as an enticement: “This is the chance to gain access to something that was good enough to fool the best artistic minds in the world but you don’t have to pay £25 million for it” (York Press, 2011).
bought at least one if not two fraudulent paintings. He was the foremost bureaucrat of art in Germany. What does that tell us about experts? What does that tell us about certainty? It’s a story that has ramifications not only for Germany, not only for the Weimar republic, but for all of us” (as quoted in Scriver, 2012).

In complementary fashion, when experts refused to amend their earlier pronouncements on the authenticity of a work in light of new evidence, they were implicitly likened to either the curmudgeonly troll who zealously protects “his” bridge in the folktale *Billy Goat Gruff* or, alternatively, the vain-glorious monarch in Hans Christian Anderson’s *The Emperor’s New Clothes*, who was unable to acknowledge a fact that was clearly discernible to a child (e.g., Cornwell, 2012; DeLean, 1998; Globe and Mail, 1984c; 1988e; 1992b; Toronto Star, 1986a, 1986b; 1989). For example, a markedly enthusiastic review of Eric Hebborn’s autobiography *Drawn to Trouble: The Forging of an Artist*, which appeared in 1991 in the *Globe and Mail* reported, with palpable disbelief, that despite Hebborn’s admissions, “the experts are not convinced” and that “[t]he Royal Museum of Fine Arts in Copenhagen has refused to believe his claim to have produced a drawing accepted as the work of the Italian artist Piranesi.” By electing to end with a report that Hebborn believed that “the art establishment is reluctant to investigate his claims because its reputation is at stake,” the review also tacitly suggested agreement with Hebborn’s assessment of the situation (Reuters, 1991). More boldly, an article headlined “39 Rembrandt’s fakes, art experts say” (Vromen, 1989) emphasized the unwillingness of “[m]any museums” to credit the findings of the Amsterdam-based Rembrandt Research Project, which was noted to employ, in part, X-rays “to search for clues as to whether, for example, Rembrandt’s

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64 This image is also overtly on display in K. Bazarov (1977), “Emperors with no clothes.” Art and Artists, 12(4), July:34-36.
usual method of painting first the background and later the detailed figures in the foreground had been used,” or the evidence that the group presented in the “820-page third volume of its Corpus of Rembrandt Paintings.” Thus, the article reported that a spokeswoman for the Norton Simon Museum of Art in Pasadena, California had issued a statement which noted that her institution did “not endorse the methods of the Rembrandt Research Project” and that others, “including the Metropolitan (Museum of Art) have flatly refused to accept the judgment of the project and re-label paintings.”

While experts in the “pure sciences” were invariably treated more deferentially than those whose expertise was in art history, news articles on art fraud seldom referred to the involvement of the former or made mention of the collection and/or use of forensic evidence. Although one article was headlined “Art forgers don’t stand a chance when conservation scientists go to work” and applauded the ability of scientists at Communication Canada’s Canadian Conservation Institute to distinguish fraudulent from authentic art and, in a modicum of time, “send a multi-million-dollar piece of art plummeting in value to that of a garage-sale painting” (Pugliese, 1992), such bold expressions of unbridled faith in scientism to combat art forgery were extremely rare. When they appeared, they were most likely to suggest the news value of “proximity” (Jewkes, 2011). For example, while in 2005, the Guelph Mercury afforded front page placement to an article that detailed how a technique, known as PIXE, or “Particle-Induced X-Ray Emission spectrometry” was now being used by “French physicians in a giant laboratory” located in the Louvre to “authenticate world-famous pieces of art” (Konieczna, 2005), the headline of this article was notably entitled, “U of G [Guelph] physicist Louvres his job: X-ray technique he helped develop now used to detect art forgeries.” Not unexpectedly, the article centred on the contributions made
by Iain Campbell, the University of Guelph physics professor (Konieczna, 2005). However, it was more common that articles would simply report, in fleeting fashion, that “[a]lthough authenticity tests are available, dealers usually still rely on a practiced eye” (Toronto Star, 1992) or record that at even at the auction houses of the highest echelon, such as Sotheby’s in London, which sells “around 100,000 lots a year and employs 400 experts worldwide,” “You cannot carbon date every item” (Watson-Smyth, 1999).

It was also common that news articles would report, with evident regret, that in disputes over the authenticity of an artwork, the opinions of experts in the “soft sciences” most often trumped those of “real scientists.” For examples, articles which noted that scientific tests had been performed on an object in an attempt to determine its authenticity often lamented that other “experts” had viewed the results of these tests as being suggestive rather than conclusive. Within these renderings, experts were portrayed as vociferously countering experts and, in the process, elevating tergiversation into an art form. For example, an article which reported on expert evaluations of a “mysterious sandstone tablet” emphasized that “[o]n one side are arrayed some of the leading scholars of inscription and language, convinced that the writing on the 11-inch-long stone of undetermined provenance is a forgery” and “[o]n the other stand some of their equally distinguished colleagues, as well as scientists at the Geological Survey of Israel” yet “[o]thers, recognizing the political implications, are sitting squarely on the fence” (Posner & Jacobovici, 2003). Similarly, a 1989 article in the Financial Post which queried “Is it by Tom Thomson?” in its headline suggested that, despite the use of forensic testing, no definitive answer was likely to be forthcoming due to recalcitrance of “two fine-art experts”:

176
A double-sided panel, said to be painted by the late Canadian artist Tom Thomson and purchased three years ago by an art dealer for $80,000, is now worthless because two fine-art experts have suggested it is not genuine. This despite the fact that a dozen other experts - including A.J. Casson, the sole surviving member of the Group of Seven - vouch for its authenticity. Also, an analysis by Canada’s leading centre for forensic sciences supports claims that it is genuine. (Financial Post, 1989)

In like fashion, a 1997 article in the *Globe and Mail* by the visual arts editor of that newspaper lamented:

Given the doubts aroused by many of the more traditional attributional arguments that rely on the subjective judgments of connoisseurs, it’s not surprising that experts have called on a battery of scientific tests - X-radiography, dendrochronology, infrared reflectography, autoradiography, spectroscopy, paint-sample analysis - to help sort out the muddle. And sometimes they do the trick. If chemical analysis of a paint sample from a 17th-century work shows substances that weren’t invented until 200 years later, or if study suggests that the work was painted on wood from a tree only recently cut down, it’s certain to be a fake. But sometimes the scientific evidence isn’t quite so clear cut, so that even when science has spoken, the art experts can choose not to listen. “Science sharpens the eye,” Van de Wettering has said - but the sharp-eyed connoisseur always has the final word. (Gopnik, 1997, emphasis added)

A fourth article, which gave prominence to a Toronto man’s attempt to resolve the status of a painting which been bequeathed to him by his late art-dealer father, was particularly vitriolic in its portrayal of art experts and suggested their perfidy. Within this article, the topic of art fraud was introduced in a notably circuitous manner with an introduction that seemed most obviously intended to appeal to the populist rags-to-riches fantasy: “It’s the stuff of dreams, and headlines: Picasso Found in Dusty Attic; Aunt Emma’s ‘Rembrandt’ Declared To Be Real Thing.”

According to this article, however, due to killjoy “experts,” and their peculiar combination of unbridled arrogance and cowardly timidity, a headline which sought to telegraph the results of this man’s endeavors would be forced to report: “Dad Bequeaths van Gogh - But Experts
Unconvinced” (Gopnik and Brodney, 1999). The phrasing of the second headline, and the absence of quotation marks around the artist’s name within it, would appear significant for it explicitly suggests that the work that the man inherited is authentic. As such, the second part of the headline seems to invite its readers to infer that “experts” are acting in a way that is both mean-spirited and perverse and unjustly depriving the man’s son of reaping the benefits of an extraordinarily valuable painting; as the article repeatedly emphasized, while the painting is worth “in the dozens of millions of dollars” if adjudged to “authentic,” a “fake” is “almost worthless.”

Reinforcing this construction, this article noted:

The work in question is an eminently van Goghian landscape, all swirling sky and cypress trees. On the surface, there’s plenty to interest the eye. The brushwork is well varied, not the mechanical daubing of a clumsy forger, colour and style are perfectly credible. Nothing screams a fake. It’s not a wildly exciting picture - it feels dutifully radical, rather than radically inspired - but even van Gogh had off days.

According to this article, while there was “only one stumbling block” to the man’s achievement of bountiful rewards from the painting that had been bequeathed to him by his father, that “stumbling block” was “about a mile high.” Thus, it noted that while the painting’s provenance was “unusually well-documented,” its documentation led “right back into the hands of van Gogh’s most famous forger,” Otto Wacker, who had been imprisoned for “trading in forged van Goghs.” Nevertheless, the article stressed that while giving testimony at Wacker’s trial, the eminent art historian H.P. Bremer had expressed his belief that the painting in question was a “rare original” among Wacker’s cache of van Goghs. Moreover, the article implied that the status of this particular painting had long befuddled scholars. It reported that prior to Wacker’s arrest, an expert in van Gogh’s work, Baart de la Faille, had seen fit to include the painting in his compilation of
“the first complete catalogue of van Gogh’s work,” he had later “scrambled to write an addendum” “dismissing” the painting (along with others) in the aftermath of Wacker’s trial, reinstated it in the 1939 edition of his catalogue and, in succeeding editions, “demoted the work.”

Moreover, while noting that de la Faille’s successor, the “eminent van Gogh expert Jan Hulsker” had been content to see this particular painting banished from inclusion in the most recent edition of the van Gogh catalogue, it emphasized that the “92 year-old” Hulsker had “never seen the painting in the flesh” and, with a tone of incredulity, observed that Hulsker was “comfortable” in pronouncing the work a forgery even though he had only examined “a printed reproduction” of it.

A feature box, that was set alongside of Hulsker’s disparaging assessment of the painting within the article, also seemed to invite its readers to contrast the techniques that Hulsker was content to rely upon in his evaluation with those that were available to earnest and fair-minded scientists. It read:

**TOOLS OF THE TRADE:**

**Documentary evidence**: Contracts, letters, receipts, owners’ inventories and other period documents can all help sort out who painted what, when.

**X-radiography**: X-rays of a painting can reveal what lies below the visible surface, whether it’s an underlying image from an earlier work now painter over; corrections that betray an artist hard at work creating; or a way of laying down the paint that gives away the hand of the painter.

**Support analysis**: Studying the wood or canvas that a picture was painted on can help to trace the date and place it was created. Sometimes, the fabric or boards from a disputed work can even be exactly matched to the support from a certified original.

**Infrared reflectography**: Using a special video camera to view a painting by infra-red light, an expert can uncover underdrawing that may help identify the author of a work.

**Paint sample analysts**: Tests run on the paints used in a work can sometimes determine if it could be a given artist. A picture painted with Prussian Blue, for instance, could hardly have been painted by Michelangelo; he died 200 years before the pigment was invented.
In a possible attempt to underscore this difference, the article additionally included a comment from the venerable scholar which seemed to indicate a rather grand sense of self and/or his belief that subjective assessments constitute objective “truths”: “Just by looking at a painting, or at a reproduction, we can say, ‘This couldn’t be.’ So that’s that. There are no further proofs.” It also emphasized that this expert’s opinion was profoundly consequential: “with such big guns trained against the painting,” the article reported mournfully, “art historians aren’t desperate to leap to its defense.” Proceeding on in this elegiac tone, it rued that in the absence of a “white-knight scholar” who was willing to do battle against Hulsker, the painting was fated to be “just one more among the thousands of art-historical orphans that turn up on experts’ doorsteps every day - dubious bastards sent packing despite their claims to illustrious parentage” (Gopnik and Brodey, 1999). This rendering of art fraud, which anthropomorphized paintings with uncertain status as friendless “orphans” who were fated to wander uncertainly through the perilous annals of history, suggested that art’s “eminent experts” were best understood as arrogant and unconscionable villains.

While emphasizing that by the wave of an expert’s magical wand, a painting could be transformed from something that was “virtually worthless” to a veritable pot of gold, the article did not proceed to ponder how this magical feat is accomplished or acknowledge that in order to create “magic,” the “magician must overcome scepticism and disbelief (Prus and Sharper, 1991:212); in the absence of an audience which is captivated or enchanted by the “tricks” that a “magician”

A Calgary Herald preview of a November 2000 episode of Witness, a news program, suggested a similar construction of art’s experts: as obstreperous individuals who deprived individuals of realizing the full benefits of their inheritance. Thus, the review noted that the episode “looks at art fraud by exploring a 75-year-old mystery. Is the painting an art dealer left his son and daughter a Vincent van Gogh or one of a group of forgeries that rocked the art world? Winnipeg’s Monica de Jong and her brother Michael certainly hope it’s real” (Blakely, 2000).
performs, perceives them to be wondrous and compelling, and believes in the reality of the
illusion that the magician has created, there is no “magic.” As such, while news articles on art
fraud were apt to present art experts as “incompetent” narcissists rather than as “corrupt” (Wraight, 1966, 1974), they seldom entertained a third possibility, advanced by Huer (1990:23-24): that art may be “un-expertisable,” with expertise in this subject “simply impossible to attain, not because of any defects in the expert, but because of the intrinsic nature of art itself.”

In addition, changes within the legal landscape that may predictably dissuade experts from challenging established views of an artwork’s authenticity were not acknowledged within Canadian newspaper reports on art fraud. Yet, these changes would seem significant and worthy of note. For example, legal scholars that address art law have repeatedly noted within their professional journals that “[e]xperts have been sued for expressing negative opinions that make artwork unmarketable, for expressing positive opinions that are relied on by purchasers but later called into questions, for omitting a work from a catalogue raisonné, and even for declining to

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66 While rare, the construction of art experts as corrupt was on display in a January 1998 Toronto Star article which featured a headline that announced, “The art of deception: Fraud and forgeries, double-dealing and rip-offs: Welcome to the world behind the gallery walls” (Hume, 1998). It proclaimed the fraud and theft charges which had been laid against the co-owners of a Toronto gallery to be “merely the latest episode in a continuing tale of woe” and pronounced that the alleged failure of men to pay gallery artists over $100,000 was “small potatoes to the rap sheet that cold be compiled against JoeDuvenn, alias Lord Duveen of Millbank, who just about invented the modern art market” and who worked “ in cahoots with the legendary Bernard Berenson, then the world’s leading Renaissance scholar,” and who was paid “the equivalent of more than $200 million” between 1911 and 1937 for the services he rendered.”

67 It is Huer’s (1990:25, emphasis in original) contention that “[i]n many ways, the increasing involvement of ‘scientific’ machines and techniques in art authentication, hailed by some as the new savior in art expertise,” only succeed in making “art” “irrelevant” “[f]or these machines and techniques can only see material things, not artworks.”
express an opinion on whether a work is authentic or not” (Wallace, 2012). They have also pointed to the potential chilling effects of this situation (see, for example, Findley, 2012; New York Law Journal, 2012). For example, almost a decade ago, in attempting to account for why experts are increasingly loathe to render an opinion of an artwork’s authenticity, Spencer (2004:xi) argued that this situation has arisen “chiefly because of the experts’ fear of legal liability.” He additionally identified scholars as being “perhaps the most vulnerable” due to the “lack of clear-cut standards and procedures for authenticating works of art”:

> They are on the front line of defense against fakes and mistattributions, especially those scholars who undertake a monographic study of an artist, or who author a catalogue raisonné of the artist’s work. It is scholars who most often become the recognized authorities to whom everyone else turns for informed opinions, and until early in the twentieth century, they were able to give such opinions without inhibition. However, because of concern for legal liability, they are no longer able to do so as freely as in the past. Further, since scholars are seldom economically independent, they are most vulnerable to the threat of litigation. Many oeuvre catalogues are stalled because of the consequences of listing known fakes, or omitting them, which is pretty much saying the same thing (Spencer, 2004:xvii)

More recently, Cohen (2012e) has reported that as the result of several high-profile civil suits in the United States, scholars in that country have increasingly opted to “censor themselves for fear of becoming entangled in lawsuits,” with various American organizations, including “[t]he Andy Warhol Foundation for the Visual Arts, the Roy Lichtenstein Foundation and the Noguchi Museum” ceasing to authenticate works. She also emphasizes that this is not a distinctly American phenomenon and observes that it was “the possibility of legal action” that led to the January, 2012 cancellation of a planned forum on at London’s Courtauld Institute of Art on a “controversial set

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68For example, Wallace (2002) notes that “[t]he claims against have been varied - product disparagement, negligence, negligent misrepresentation, breach of contract, fraud, and more recently under the federal Lanham Act.”
of some 600 drawing attributed to Francis Bacon.” According to Cohen (2012e), this situation has also impacted those who would attempt to catalogue an artist’s works, with those who do so becoming “targets of lawsuits,...bribes and even death threats” and the status of the *catalogue raisonné* shifting, as a result, from a tome which can legitimately boast of being “the definitive, scholarly compendium of an artist’s work” to a less authoritative “online guide” that must advertise itself more humbly as simply a “work in progress.”

Somewhat ironically, it may be noted that in 2002, the *Toronto Star* found itself at the receiving end of the situation that Cohen (2012e) describes. Thus, following its publication of an obituary of Jean Paul Riopelle which had noted that Riopelle’s works “had often been stolen or forged” and, in doing so, made reference to the conviction of a man in 1994 for selling forged Riopelles, the newspaper reportedly received notice of a libel suit from the man’s lawyers and later, a “statement of claims that sought damages - including special, aggravated, and exemplary and punitive damages - totalling $2 million.” According to the *Toronto Star*’s report of this situation, the man’s lawyers had charged that the paper had represented their client in ways that “diminishes his reputation in the minds of fair-minded members of the community” and “have no purpose nor informative value other than to create an air of sensationalism.” The statement of claims additionally alleged that the man had “suffered damages and losses” as a result of the newspaper’s article and “had his character, credit, reputation and business undertaking brought into disrepute, scandal and contempt” (*Toronto Star*, 2002). Although the results of this litigation were not reported within the *Toronto Star* or any Canadian newspaper during the time period under scrutiny, its filing did not seem to result in the Canadian print media adopting a discernibly more
empathic stance towards experts, who find themselves tasked with pronouncing upon an artwork’s authenticity.

**Conclusion**

My examination of the Canadian print media’s peculiar construction of crime, criminals and victims in the world of art fraud, from 1978 to 2012, reveals that art fraud is not generally positioned as normal “crime news” and, more commonly, is bracketed away elsewhere. It also finds that unlike conventional crime news, the depiction of “heroes” and “villains” within news reports of art fraud can reverse the traditional occupants of these roles, with those who “police” art fraud cast as “villains” and those who participate in art fraud and, especially, those who are the most notorious practitioners of this crime, cast as “heroes.”

Although my research did not measure the impact of the Canadian print media’s construction of art fraud from 1978-2012 upon its audience and my comments must be understood as being entirely speculative, the framing of art fraud within these stories would seem unlikely to inspire confidence in the workings of the Canadian criminal justice system or in the abilities of experts to police art fraud effectively. Indeed, the opposite would seem more true. That is, the Canadian print media’s construction of art fraud may serve to discourage those who are victims of this offense from reporting their victimization to Canadian police agencies. Among victims who naively believe that no divide separates “crime” and “mediated crime news,” the Canadian print media’s representation of art fraud from 1978-2012 may be especially downheartening. Based upon the Canadian print media’s representations of this crime from 1978-2012, these victims may, quite reasonably,
anticipate that their reports will, at best, result in the offender receiving a sanction that is relatively light, such as a suspended sentence or a fine. They may also reasonably fear that their reports may lead to the ennoblement of their transgressors in the press as “heroes” - whether as “charming rogues” or as “artful dodgers” - and to their own positioning, within these reports, as the fitting recipient of scorn, derision and mockery. My research does make evident that the press rarely regards the victims of art fraud as “ideal victims.”

The Canadian print media’s construction of art fraud as a crime that, in the main, pits ingenious forgers against dim-witted rubes who purchase artworks by Famous Artists in a hot-footed pursuit of “conspicuous consumption” (Veblen, 1912/2007), would seem consequential in at least two ways. First, while at first blush, it might seem that this framing provides for the media to convey, with a mighty harrumph, their disapproval of materialism and/or consumerism and/or the commodification of art, it was apparent that, below this veneer of defiance, the Canadian print media’s treatment of art fraud did not truly accomplish this goal. Indeed, within its reports on art fraud, the names of Rembrandt or Utrillo or Van Gogh enshrined a conceptualization of “art” that was vibrantly logocentric and understood the power, as well as the value, of art to derive from its “brand names.” Thus, whether in suggesting that a forged Dali could be a “better investment” than the real McCoy, or celebrating “notorious fakes” in exhibitions, or decrying the reluctance of experts to authenticate an artwork that had been bequeathed to a legatee and, in so doing, putatively denying the beneficiary the “true value” of their inheritance, these depictions reduced art to a branded product. It also evidently allowed for the names of “master forgers” to imbue their works with value, with a “real fake” by Stein or Myatt understood to be worth far more than a forgery of their forgeries. Second, this framing serves to foster an understanding of art fraud as a
“private ill” rather than as a “public issue” (Mills, 1959). As such, it discourages consideration of art frauds as “crimes against cultures.” Finally, the Canadian print media’s response to both the issue of “imitation” indigenous art and to allegations of fraud in relation to the works of acclaimed Aboriginal artist Norval Morrisseau are equally troubling. Even though the terms “colonialism” and “postcolonialism” are sometimes employed as “temporal concepts” or with reference to presumably “discrete” historical periods in which the latter superceded the former in a “naive teleological sequence” (Glibert and Tompkins, 1996:2), the Canadian print media’s construction of art fraud from 1978 to 2012 revealed vestiges of colonialism’s discourses, power structures and social hierarchies.
Appendix 1: Newspaper Articles

7. Adams J. (2005c). “Paint brawl: As a planned retrospective by the National Gallery, and the native artist’s own failing health, put a premium on the value of his paintings, a fierce battle has erupted over the work of Norval Morrisseau - involving allegations of concerted deception, market manipulation and forgeries being produced in almost factory-like manner.” *Globe and Mail*, 23 April: R1.


33. Bishop, T. (2011). “The fine art of robbery: With financial institutions dried up, the pilfering of art and antiquities has developed into a $7-billion-a-year industry, creating a new generation of cops and robbers.” *Vancouver Sun*, 3 December: D1.


190
122. Downey, D. (2007). “Prolific and brilliant Ojibwa painter was called ‘the Picasso of the North’; Like the great Spanish artist, he could draw spontaneously, never lifting his pencil until the image was complete. He is the only native artist to have held a solo exhibition at the National Gallery of Canada.” *Globe and Mail*, 5 December: S8.
137. Eksteins, M. (2012). “A world in question: In 1932, when art dealer Otto Wacker stood accused of selling forged Van Goghs, he was not alone. The very notions of legitimacy and authority were also on trial.” *National Post*, 12 November: A13.


275. Landesman, P. (1999). “Master strokes: It is the art con of the century - spawned by an unremarkable painter who used simple household emulsion and K-Y jelly to produce hundreds of forgeries in the styles of nine modern masters that, for nine years, fooled art experts around the world.” *Hamilton Spectator* 23 July: C1.


287. MacPherson, L. (2012). “Easy steps to tell if your Morrisseau is a forgery.” The Star Phoenix (Saskatoon, Saskatchewan), 10 November:A3.
302. Moyes, J. (1996). “Scotland Yard probes huge art fraud: Some works are thought to have been fraudulently ‘authenticated’ by conspirators.” Vancouver Sun, 8 June: F10.
316. Ottawa Citizen (2006a). “Fake art display to show dealers need to be wary.”
366. Singer, Z. (2012). “The artful dodger: To hear him tell it, Michel Luc Bellemare is a National Gallery artist, a PhD, a genius. But in Ottawa’s small art community, he’s a scandal, a man who lies about his credentials to advance his career. As Zev Singer discovers, in a world where deception isn’t always frowned upon, the line between fraud and art isn’t so clearly drawn.” Ottawa Citizen, 31 December. 3
BIBLIOGRAPHY

Abbe, M. (2010). “My friend, the forger: The story of an unlikely bond between a backpacking Minnesota kid and a charming Hungarian who was the art world’s most notorious faker.” Star Tribune (Minneapolis, MN): IE.
Adams, J. (2012b). “Enough with the blue chip - let’s blue sky: As Canada’s supply of top-drawer prewar fine art shrinks, auction houses need to get serious about contemporary work.” Globe and Mail, 26 November:L5.

204
and Newsweek coverage of domestic social issues, 1975-2000.” Social Science Quarterly 88(3):
690-706.
University Press.
crime.” Journal of International Affairs, 66(1).
38.
10(2):185-216.
Alia, V. (1994). Names, numbers and northern policy: Inuit, project surname and the politics of
December: F2.
43(3): 30-68, 245.
Allen, H. & H. Savigny (2012). “Selling scandal or ideology?” European Journal of
Behavioral Scientist 52(10): 1354-1370.
newspapers. Winnipeg, MB: University of Manitoba Press.
November,A6.
http://www.apnewsarchive.com/1991/Forged-Art-Works-High-Return-At-Low-Risk/id-ca5b666ad477118ee4faade7ead713c2


Bennett, W. (2002). “This art show won’t feature the real thing: Artist jailed for fraud will show 200 of his ‘genuine fakes’.” Vancouver Sun, 7 September:A12.
Bishop, T. (2011). “The fine art of robbery: With financial institutions dried up, the pilfering of art and antiquities has developed into a $7-billion-a-year industry, creating a new generation of cops and robbers.” Vancouver Sun, 3 December: D1.


Brownstein, B. (1991). “Gary Busey has energy to burn after surviving motorcycle crash; Actor is in Montreal to star in Canvas, a thriller about art fraud.” Gazette (Montreal, Quebec). 2 November:E3.


Daily Telegraph (Sydney, Australia) (1999). Aborigine fury over fake art. 11 February: 16.


220
*Express* (U.K. 1st edition). 2009. “Portrait of a master fake: He was behind the ‘biggest art fraud of the 20th century’ and is now hosting a reality TV show in which he paints celebrities. Here, John Myatt reveals his astonishing story.” 31 January: 44.
Flood, J. (1992). *As if other/As if Indian: Reader response to appropriation of the Native voice in contemporary fiction of northern Ontario.* PhD dissertation, University of Toronto, Department of Curriculum, Ontario Institute for Studies in Education.


223
[American case]

224


Gopnick, B. (1997). “Whose work is it, anyway? Only the experts know for sure. Well, actually not. The question of whether an art work is by the Master is one for fierce debate. An art lover has to ask: Is there a con in connoisseurship?” Globe and Mail, 22 November: C1.


Higginson-Murray, J. (2006). “‘Picasso of the North’: Norval Morrisseau’s long-overdue solo exhibition at the National Gallery is a triumphant display of styles, colour and heritage coming together.” Ottawa Citizen, 3 February: B3.


INTERPOL. 2012. Stolen works of art: FAQ’s. Available at: <www.interpol.int/Public/WorkOfArt/woafaq.asp#faq1> (accessed 17 February 2012)


Khomami, N. (2011). “Our brains respond differently to ‘fake’ art: Being told that a work of art is fake alters your response to it, researchers at Oxford University have found.” *Telegraph*, 6 December.


Landesman, P. (1999). “Master strokes: It the art con of the century - spawned by an unremarkable painter who used simple household emulsion and K-Y jelly to produce hundreds of forgeries in the styles of nine modern masters that, for nine years, fooled art experts around the world.” Hamilton Spectator 23 July: C1.


235


Maclean’s. (2008). “Finally, a book about...war and art forgery.” 121 (35/36) 8 September: 89.

MacPherson, L. (2012). “Easy steps to tell if your Morrisseau is a forgery.” *The Star Phoenix* (Saskatoon, Saskatchewan), 10 November:A3.


Milroy, S. (2006). “‘What’s a dead white guy doing in the middle of our gallery?’ Rescuing them from the basement, the ROM has organized its native collections through the lens of their white collectors.” *Globe and Mail*, 21 January: R5.


Moyes, J. (1996). “Scotland Yard probes huge art fraud: Some works are thought to have been fraudulently ‘authenticated’ by conspirators.” *Vancouver Sun*, 8 June: F10.


http://www.norvalmorrisseaulegal.com/#!/


Perry, G. (2007). “Forgery is the sincerest form of flattery.” The Times, 4


Robb, P. (2006). “The power of art: Too often, an education in art or music or considered to be a frill or luxury that appeals only to an elite group.” Ottawa Citizen, 8 April: B7.


http://www12.statcan.gc.ca/english/census01/Products/Analytic/companion/rel/contents.cfm


*Toronto Star* (2006b). “As we talked in a conference call, we came to realize that there were certain works that could not be left off the list.” *Toronto Star*, 1 July: H12.


Utton, D. (2009). “Portrait of a master fake: He was behind the ‘biggest art fraud of the 20th century’ and is now hosting a reality TV show in which he paints celebrities. Here, John Myatt reveals his astonishing story.” The Express, 31 January:A44.

252


