FALSIFYING SPIRITUAL TRUTHS: A CASE STUDY IN FAKES AND FORGERIES

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Once it has been revealed that a work of art is faked or forged, our whole set of attitudes and resulting responses change. Forgery implies the absence of value; but what kind of value are we speaking of? For this essay I intend to examine the problematic nature of forgeries, focusing specifically on the faked and forged works of Ojibway artist Norval Morrisseau. Analyzing a high profile allegation of forgery, I will explore themes of authenticity, authorship, and intent, while attempting to answer the question: how do allegations of forgery change our understanding of a work of art and why does this matter? I will examine how our understanding of the painting changes economically, aesthetically, and spiritually.

Forgery can be defined in contrast to notions of originality and authenticity. In *Crimes of the Artworld,* Thomas D. Bazley defines forgery as the replication of an existing artwork or copying of an artistic style in an attempt to be passed off as an original to acquire financial gain.[1] It is not illegal to copy or imitate an artist's work, but it becomes so when it is produced with the intent to deceive.[2] It is worthy to note the distinction between a fake and a forgery. A forgery is an exact replica of an existing work, while a fake is a work in the style of another artist.[3] Both are illegal when represented as authentic.

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[1] Thomas D. Bazley, *Crimes of the Art World* (Santa Barbara, California: Praeger, 2010), 65.

[2] Ibid., 68.

[3] Bonnie Czegledi, *Crimes Against Art: International Art and Cultural Heritage Law* (Toronto: Thomas Reuters Canada Limited, 2010), 160.

Philosopher Jerrold Levinson has designated fakes into a category of "inventive" forgery, in which the faked work of art is original in the sense that it is not a copy of an existing work, but becomes an imitation when it is attributed to a genuine artist.[4] Most of the inauthentic Morrisseau works circulating in the art market are fakes, including the particular case study I will be examining.

Jean-Baptiste Norman Henry Morrisseau (1932-2007) was a highly acclaimed Ojibway artist. He was one of the first Aboriginal Canadians to illustrate the legends of his people and reach international success doing so. A prolific artist, Morrisseau produced an estimated 15 000 paintings in his lifetime.[5] His works are characterized by the fusion of Anishnaabe spirituality and modern aesthetic forms and colours. He was famously hailed the "Picasso of the North" by Marc Chagall and is considered the founder of the Anishnaabe painting movement, inspiring generations of Indigenous artists after him. However, as his fame rose so did the controversies.

Allegations of faked and forged Morrisseaus have been circulating since 2005, two years before the artist's death. In his final years, Morrisseau attempted to authenticate his works and deny forgeries by signing affidavits and forming the Norval Morrisseau Heritage Society to compile a catalogue raisonnée. However, some of Morrisseau's claims have been questioned due to his declining health conditions, as he was suffering from advanced Parkinson's disease and was not functioning at full capacity. The provenance and authenticity of his works are also routinely subject to allegations of fraud as a result of his erratic personal history. Morrisseau struggled with drug and alcohol addictions and during the 1980s he was living on the streets of Vancouver, exchanging his works for alcohol, resulting in a lack of formal records.[6]

In 2005, Kevin Hearn, of the band The Barenaked Ladies, purchased *Spirit Energy of Mother Earth* (1974) (Figure 1) from The Maslak McLeod Gallery in Toronto. Upon suspicion of forgery, Hearn filed a lawsuit against the gallery claiming that they knowingly sold him a fake, and the case has since become a high profile case of art fraud in

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[4] Jerrold Levinson, "Autographic and Allographic Art Revisited," *Philosophical Studies* 38 (1980), 370.

[5] James Adams, "Art dealer's lawyer denies client sold musician fake Morrisseau painting," *The Globe and Mail,* February 8, 2013.

[6] Greg A. Hill, *Norval Morrisseau: Shaman Artist* (Ottawa: National Gallery of Canada, 2006), 11.

Canada. Hearn's suspicions arose in 2010 when he acted as a special guest curator for the Art Gallery of Ontario and displayed *Spirit Energy of Mother Earth* as part of his exhibition. After numerous individuals suggested that the painting may be a fake, including the head curator of the gallery, the AGO removed the piece after only one week of display.[7]The lawsuit was filed in June of 2012 and court ruling is currently pending on the case. Hearn is suing the gallery for the purchase price of the painting
($20 000), the loss of investment return on the painting ($25 000), and punitive damages ($50 000) as well as pre and post judgment interest on these sums.[8]

The Maslak McLeod Gallery is also being sued by Canadian tenor John McDermott, who filed his lawsuit in 2003. McDermott stated in his claim that the three works he purchased from the gallery were the product of a fraud ring operating out of Thunder Bay.[9] McDermott also named the forger as Benjamin Morrisseau, Norval's nephew, although Thunder Bay police investigations have yielded no results and these allegations have never been proven.[10] Brian Shiller, the lawyer representing Joseph Bertram McLeod, asserts that all of the paintings in question are authentic works made by Norval Morrisseau.[11]

In an attempt to prove the works' authenticity, the Maslak McLeod Gallery is collaborating with members of Norval Morrisseau's family.[12] Collaborations with the Morrisseau family are problematic however, due to their turbulent relationship with the artist. Morrisseau had lost touch with his children and in 2007 signed a public statement dissociating himself from the Norval Morrisseau Family

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[7] Ontario Superior Court of Justice, *Statement of Claim between Kevin Hearn and Joseph Bertram McLeod and Maslak-MacLeod Gallery Inc.,* Court file no. CV-12-455650 (June 8, 2012), 6.

[8] Ibid., 3.

[9] Murray Whyte, "Morrisseau painting not a fake, Toronto dealer says," *The Toronto Star,* February 4, 2014.

[10] Ibid.

[11] Tristin Hopper, "Barenaked Ladies' keyboardist suing in what may be the biggest art forgery case in Canadian history," *The National Post,* February 3, 2014.

[12] Ibid.

Foundation, an organization led by one of his sons, Christian Morrisseau.[13] Morrisseau instead entrusted the authentication of his works to the Norval Morrisseau Heritage Society, a group of academics who have been charged with creating a catalogue raisonée.[14] So far, the Heritage Society has identified roughly 1200 works by Morrisseau.[15] As mentioned, this authentication process is increasingly difficult due to the lack of provenance for hundreds, if not thousands, of Morrisseau's works.

So then, how does our understanding of *Spirit Energy of Mother Earth* change after calling into question its authenticity and what are the ramifications of this shift in attitude? Firstly, if this painting is deemed a fake, it could be devastating to the gallery, as it would place the authenticity of their entire catalogue in doubt. The painting in question, *Spirit Energy of Mother Earth,* would also decline substantially in value; the Ontario Supreme Court has indicated that the painting would decline in value by $19,700, should the painting be proven to be a fake.

In addition to a decline in economic value, a forged work also changes aesthetically. Physically, nothing about the work itself changes, yet our aesthetic reaction to it does once it has been revealed as inauthentic. Pure formalists such as Clive Bell view the artistic merit of a work based on its intrinsic properties alone. Its Significant Form, the combination of line and colour, produces an aesthetic reaction.[16] This doctrine of aesthetic empiricism has largely been dismissed, as critics contend that works of art should not be considered in isolation, as external factors are of equal importance in understanding it. So although *Spirit Energy of Mother Earth* remains the same physically, our aesthetic reactions to it are nonetheless altered or impeded. This is because the consideration of aesthetics is only one element among others for hermeneutic enquiry. Our appreciation of a work of art depends on facts extrinsic to the work such as context, history, and authorship.

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[13] Ibid.

[14] Adams, "Art dealer's lawyer denies client sold musician fake Morrisseau painting."

[15] Ibid.

[16] Clive Bell, "The Aesthetic Hypothesis," in *Aesthetics,* ed. Susan Feagin and Patrick Maynard (Oxford: Oxford University Press, 1997), 16.

The artist, or author, of the painting is of equal importance to the work of art itself in attributing value. As viewers, we ascribe significance to the artist as master-creator and genius. Forgery actually promotes this idea of artist as genius because forgers rely heavily on the author-structure, which constitutes the core of their business. Dealers, auctioneers and collectors also further the cult of the artist by convincing buyers of the value of a unique original production by a famous name in order to ensure a good return on their art investments.[17]

Roland Barthes argued against incorporating the intentions and biographical context of an author in the interpretation of a text, much like a purist formalist view that all external information is irrelevant for aesthetic appreciation. Michel Foucault complicates this argument of the "death of the author" by questioning what constitutes authorship and introducing the different "author functions" that still exist in the ways texts are approached.[18] Taking the writings of Barthes and Foucault into account, how can we view authorship in terms of fakers and forgers?

It has been argued that forgery, once it is recognized as such, has no author, no author-function and no authorship.[19] Fakes and forgeries are authorless in that they conceal their identities. Theirry Lenain holds that because forgeries are authorless, they cannot be considered art because it is impossible to conceive of art without the author-function.[20] The forgers can be considered performers of authorship, but are not authors themselves.[21]

What Lenain fails to consider however, is that many artifacts have unknown authors, yet are still considered works of art. He also fails to consider the concept of collective or communal authorship, an idea held by many Aboriginal communities. In traditional Aboriginal

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[17] Ian Haywood, "Crusaders against the Art Market: Hans vans Meegeren and Tom Keating," in *Faking It: The Art and Politics of Forgery* (Sussex: The Harvesters Press Limited, 1987), 105.

[18] Michel Foucault, "What is an author?" (1969) in *The Art of Art History: A Critical Anthology,* ed. Donald Preziosi (Oxford: Oxford University Press, 1998), 300.

[19] Jonathan Hay, "The Value of Forgery," *RES: Anthropology and Aesthetics* no. 53/54, (Spring – Autumn 2008), 6.

[20] Thierry Lenain, *Art Forgery: The History of a Modern Obsession* (London: Reakiton Books Ltd., 2011), 317.

[21] Hay, "The Value of Forgery", 6.

cultures, signing artworks is not commonplace and the objects are held by the entire community, not a single individual.[22] This demonstrates that aesthetic values are relative to their respective cultures. Collective and communal authorship may not ascribe a name or signature to a work, but it is authorship nonetheless, and the object in question should be considered a work of art.

Let us assume then, that a forged work of art, while authorless, is a work of art nonetheless. Without considering the author-function, why does our aesthetic response still change? One suggestion is that fakes lack artistic intent. Just as forgers may perform authorship, they also inherently perform the intent of the artist. In the case of Norval Morrisseau, the artistic intent is highly spiritual and sacred.

Morrisseau is considered a shaman artist in the Western art world, as he drew inspiration from the traditional knowledge and beliefs of the Ojibway peoples. Morrisseau appropriated sacred traditional Anishnaabe forms from petroglyphs and Midewiwin birch bark scrolls. The act of image making was considered sacred to the shaman society of the Midewiwin, and their religion and culture was manifested through art. Morrisseau's appropriation of such imagery invokes the sacrality of these forms, inviting his works to be read on a spiritual level.

Defining the terms sacred and spiritual can be problematic in that the act of defining can be restrictive or distorting. Defining the sacred also risks collapsing the language about the sacred with the experience of it. However, for the purpose of clarification, I will offer a definition of the sacred given by Ruth Phillips. She argues that from an Indigenous perspective, a sacred object imbues the spiritual presence or personhood of ancestral resonance.[23] This presence dictates certain behaviours with regard to interactions with that object. Defining spirituality can be equally problematic, particularly when seeking a definition of Aboriginal spirituality, since meanings differ cross-culturally. These difficulties are compounded by the fact that most Aboriginal beliefs are conveyed orally, resulting in a lack of written literature of a definitional nature. For this reason I will use art historian James Elkin's definition of spirituality as outlined in his book *On the Strange Place of Religion in Contemporary Art*. Elkins defines spirituality as any system of belief

[22] Ruth Phillips, *Museum Pieces: Towards the Indigenization of Canadian Museums* (Montreal: McGill-Queen's University Press, 2011), 77.

[23] Phillips, *Museum Pieces,* 93.

that is subjective, that is largely incommunicable, often wordless, and sometimes even unrecognized.[24] Spirituality can be part of a religion, but not its whole.[25] I will be using the term spiritual to describe the work of Morrisseau as opposed to religious, because Morrisseau adhered to several different faiths during his lifetime and his works often reflect themes that transcend organized religion.

Many people believe that art and religion are inextricably linked, that art is simply a mode or expression of religion. Elkins, for one, states that art is inescapably religious because it "expresses the hope of transcendence or the possibilities of the human spirit."[26] Furthermore, aesthetic experiences are frequently compared to religious ones. Enshrined in temple-like museums, art is available to those seeking enlightenment. The experience becomes similar to visiting a church. Philosopher Richard Shusterman asserts that despite the commercial aspect of art, it retains its cultural image as "an essentially sanctified domain of higher spiritual values."[27]

Spiritual values are inherently present in Morrisseau's works. His paintings are an exploration of his visions, dreams, and beliefs; as an artist, he is valued for his artistic interpretation of personal spiritual experiences. In his book *Travels to the House of Invention,* Morrisseau wrote, "My art reflects my own spiritual personality. I make peace with the external world, and I recognize the higher powers of the spirit."[28] Claiming to have received visions from spirit guides throughout his life, he suggested that these guides encouraged his art making.[29] Morrisseau called himself a shaman, a figure that transcends the earthly realm and mediates between planes. Morrisseau's "spiritual personality" was drawn from many sources. He grew up in an Ojibway community near Beardmore, Ontario where his grandfather taught him the legends of his people and exposed him to Midewiwin scroll teachings. His Grandmother was a devout Catholic

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[24] James Elkins, *On the Strange Place of Religion in Contemporary Art* (New York: Routledge, 2004), 1.

[25] Ibid.

[26] Elkins, *On the Strange Place of Religion in Contemporary Art,* ix.

[27] Richard Shusterman, "Art and Religion," *Journal of Aesthetic Education* 42 no.3, (Fall 2008), 2.

[28] Morrisseau, *Travels to the House of Invention,* 76.

[29] Norval Morrisseau, *Norval Morrisseau: Travels to the House of Invention* (Toronto: Key Porter Books Limited, 1997), 16.

and she exposed him to Christian beliefs and imagery. Morrisseau later converted to a modern religion known as Eckankar, which aided in the development of his spiritual understandings of soul travel, dreams, and past lives. The artist's awareness of his own spirituality imparts his work with a deeper significance and power. Describing his work, Morrisseau stated, "My paintings are also icons; that is to say, they are images which help focus on spiritual powers generated by traditional belief and wisdom."[30] Morrisseau was working through his own beliefs through his art, recording his visions on canvas.

Fakes threaten the validity of Morrisseau's spiritual experiences by merely imitating the sacred, rather than producing it. The forgers of *Spirit Energy of Mother Earth* employed a number of device to imitate the spiritual foundation upon which Morrisseau created his works. Its title reflects the Anishnaabe belief in the sacred nature of the earth. The forgers may have used this title to echo Morrisseau's sentiment: "My people believe the earth to be their mother and that we are children of the earth. We are all one in spirit."[31] *Spirit Energy of Mother Earth* also imitates Morrisseau's characteristic use of colour. Morrisseau believed that he could cure the world with colour therapy, and that each colour represented a different kind of sickness.[32] He felt his art was an attempt to bring viewers back to their psychic state and to be healed through colour.[33]

Spirit Energy of Mother Earth also employs traditional Ojibway imagery appropriated from petroglyphs and birch bark pictographs. It uses power lines, which emanate from and connect the figures, expressing the spiritual relationships between them. [34] The visual transparency technique known as "x-ray" painting is also used here, illustrating the inner workings of the

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[30] Donald C. Robinson, "Tales of Copper Thunderbird," in Morrisseau, Norval. *Norval Morrisseau: Travels to the House of Invention* (Toronto: Key Porter Books Limited, 1997), 98.

[31] Morrisseau, *Travels to the House of Invention,* 112.

[32] Ibid., 19.

[33] Ibid., 17.

[34] Elizabeth McLuhan and Tom Hill, *Norval Morrisseau and the Emergence of the Image Makers* (Toronto: The Art Gallery of Ontario, 1984), 53.

figures and expressing their relationship to the outer world. [35] It also makes use of the divided circle, a motif representing the sacred megis shell, which is used in Midewiwin ceremonies.[36]

The Midewiwin used art as a visual system of communication and form of record keeping for preserving their traditions.[37] The scrolls were also integral to initiation ceremonies and the imagery mapped out the spiritual journey of the initiate.[38] Through this enactment of ritual through ceremonial art, Mide beliefs were renewed and knowledge was passed on.[39] The scrolls are also considered sacred objects because of the spiritual power they imbue. The Mide scrolls draw their power from the shared belief in the image.[40] The essence of the spirit itself dwells within its pictorial representation and their power is transferred to the shamans through their artistic rendering.[41]

Many Aboriginal community members objected to Morrisseau's unauthorized usage of these sacred symbols, as he was never initiated as a Midewiwin shaman. However, Morrisseau's appropriation of these visual forms was eventually accepted by the Aboriginal community because of his success in sharing his Anishnaabe heritage with the world and fostering a deeper understanding of the complexities of their culture. The Morrisseau reproductions, however, threaten the sacrality of the symbols and undermine Morrisseau's respectful intentions to share his traditional heritage. Morrisseau had an understanding of the images he was producing and knew of their sacred nature. In *Travels to the House of Invention,* he wrote

> Since the coming of the white man, we have fallen very low, forgetting our ancient legends and ancestral beliefs. The time has come for us all to write and to record the story of our people, not only for ourselves but also for our white brothers

[35] Ibid.

[36] Ibid.

[37] Ibid.

[38] Ibid., 50.

[39] Ibid., 53.

[40] Ibid, 13.

[41] Ibid.

> so that they will be able to understand and respect us.[42]

While he broke cultural taboos by showing these images to a larger audience, he did so with respectful intentions. The intent of the fakers and forgers are purely economic. Although Morrisseau's paintings certainly did generate profit, he claims making money was secondary to his mission to share his culture with the world.[43] The Morrisseau forgers are certainly producing these images for economic gain, and by doing so not only threaten the value of the original works but also the sacrality of the images.

Spirit Energy of Mother Earth is visually similar to another painting in the Maslak McLeod collection entitled *Unity of Inorganics* (c.1970s) (Figure 2). The Maslak McLeod Gallery catalogue describes *Unity of Inorganics* as a visual expression of Eckankar beliefs. Eckankar is an Eastern philosophy that believes the soul is eternal and can travel from the body,[44] and it teaches that the soul is on a journey towards self-realization, which can be accelerated through contact with the ECK.[45] The ECK, or life current, is manifested through Light and Sound.[46] Eckankar was established as a modern religion in 1965. Morrisseau was introduced to the Eckankar faith in 1976 and many of his works reflect his belief in the universal concept of the soul that is able to travel to astral planes. Morrisseau claimed that it was not until he came into Eckankar that he was able to understand his shamanistic visions.[47]

The visual similarities between *Unity of Inorganics* and *Spirit Energy of Mother Earth* are striking in terms of colour, form, and subject matter, and would lead one to believe that *Spirit Energy of Mother Earth* also reflects Eckankar soul travel. However, this painting was allegedly produced in 1974 and Morrisseau did not convert to this faith until 1976. The discrepancies between these dates leads me to believe that *Spirit Energy of Mother Earth* is indeed a fake. If these allegations are proven true, this could signal one of the

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[42] Morrisseau, *Travels to the House of Invention,* 100.

[43] Phillips, "Morrisseau's Entrance," 76.

[44] Hill, *Norval Morrisseau: Shaman Artist,* 24.

[45] ECKANKAR, "Basic Beliefs," 2014, http://www.eckankar.org/belief.html.

[46] Ibid.

[47] Morrisseau, *Travels to the House of Invention,* 16.

largest cases of art fraud in Canadian history.[48]

This discussion of *Spirit Energy of Mother Earth* attributed to Norval Morrisseau brings to light the conceptions we bring when engaging with a work of art and how they are challenged when its authorship is questioned. A fake or forgery declines in economic value as a result of our changed aesthetic attitudes, which have been altered by the misattribution of authorship. Even when disregarding the author-function, as some traditional Indigenous communities do, our reception of a Morrisseau painting is still changed because of the falsification of its spiritual content. Although the fake Morrisseau may be original in execution, its concept and spiritual content is fraudulent and thus threatens the authority of the artist's intent. Morrisseau's work has an intangible, inspirational appeal that lies in its inherent spiritual qualities. Regardless of aesthetics and authorship, it is this spiritual artistic intent that characterizes Morrisseau's works, separating them from fakes.

[48] Hopper, "Barenaked Ladies' keyboardist suing."

Figures

Figure 1
Spirit Energy of Mother Earth, 1974 (front and back view). Source: http://norvalmorrisseau.blogspot.ca/2014/03/barenaked-ladies-keyboardist-sues.html

Figure 2
Norval Morriseau, *Unity of Inorganics,* c.1970s

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