

Analysis

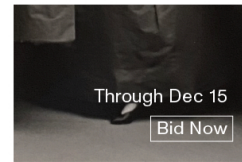
# How Scholars and Curators Helped Create an International Art Market for Pioneering American Modernist Marsden Hartley

The market for the artist's work, once confined to the US, has become much more widespread.

Eileen Kinsella, September 30, 2019



Marsden Hartley, *Adelard the Drowned, Master of the "Phantom"* (1938-39), Courtesy the Louisiana Museum, Denmark



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Two stunning paintings by the American Modernist Marsden Hartley were the first things curator Mathias Ussing Seeberg encountered when he visited "America Is Hard to See," the Whitney Museum of American Art's inaugural permanent collection show at its new location in 2015.

Seeberg, a curator at the Louisiana Museum of Modern Art outside Copenhagen, described the show as a "complete revelation" about American art. But it was Hartley's vibrant colors and bold brushstrokes in the two 1914 paintings—*Forms Abstracted* and *Painting, Number 5*—that stayed with him.

"My first feeling, aside from that they were brilliant, was kind of embarrassment that I didn't know this artist," Seeberg told artnet News in a phone interview. "I felt this gap in my knowledge of American art needed filling."





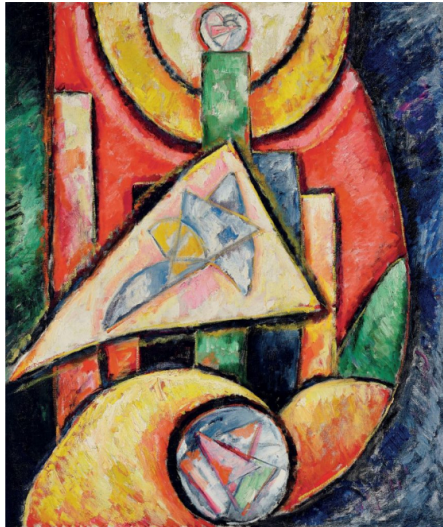
Marsden Hartley, *Himmel* (1914-15). Photo: Jamison Miller. Gift of the Friends of Art. Image courtesy Nelson Atkins Museum of Art.

"I saw in Hartley's work—especially in the later work—the seeds of what later became Abstract Expressionism," Seeberg said. "It showed me there is definitely a lineage where you can look at Hartley and see Guston and Rothko and Pollock."

That initial lightning bolt—further solidified after the curator saw more works by Hartley at the Brooklyn Museum and the Metropolitan Museum of Art—was the impetus for "Marsden Hartley: The Earth Is All I Know of Wonder," a major retrospective organized by Seeberg that just opened at the Louisiana Museum last week (September 19), and which runs through January 19, 2020.

In all, there are 140 works on view, roughly 113 of which are paintings. (The rest are mostly pastels.) It is the first major show of the artist's work in Europe in nearly six decades, and it also illustrates his major influence on contemporary art.

Included in the show are videos and essays by artists such as Karin Mamma Andersson, David Hockney, Alex Katz, David Salle, Dana Schutz, Tal R., and Shara Hughes, each of whom draws something from Hartley.



Marsden Hartley, *Abstraction* (1912-13). Image courtesy Christie's.

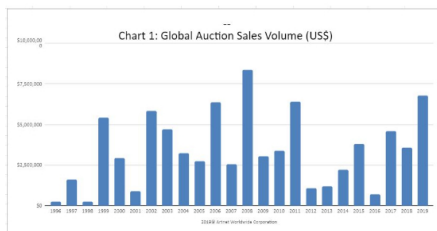
### A Pioneering Modernist

Hartley was born in Lewiston, Maine, in 1877, to parents who immigrated from England. After studying art in Cleveland in his teenage years, he moved to New York City in 1899 and attended painter William Merritt Chase's art school before transferring to the National Academy of Design.

He met photographer and dealer Alfred Stieglitz in 1909, and following a solo show at Stieglitz's New York gallery, traveled to Europe with the photographer's support. While living in Berlin in 1913, he was associated with (and showed works alongside) Expressionist artists such as Wassily Kandinsky and Franz Marc. When he returned to the United States in 1915, he began moving away from abstraction towards expressive landscapes, still lifes, and unconventional portraits.

"Hartley has always been at the forefront of collectors' interests in American Modernism, particularly the Stieglitz Group, which included Georgia O'Keeffe, John Marin, and Charles Demuth," says New York dealer and American art specialist Hollis Taggart.

Hartley's early introduction in Paris, through American writer Gertrude Stein, to Picasso, Matisse, and Cezanne, afforded him a certain cachet in America, which has endured until today, Taggart says.



Global auction sales for Marsden Hartley from 1996-2019. Source: artnet Analytics

In the American art market, Hartley has never been ignored or entirely undervalued, and his star has especially been on the rise as of late. This past May, a decade-old auction record was broken at Christie's New York when *Abstraction*, a work from 1912-13, sold for \$6.7 million.

(The previous record, also set at Christie's New York, came when a

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bidder paid \$6.3 million for the 1915 painting *Lighthouse* in May 2008.)

Among the best-known Hartley works are his Berlin paintings. First shown in the US at the 1913 Armory Show, they continue to be prized by institutions and private collectors alike, with private sales bringing in even higher prices than the \$6.7 million record.

These bold, decorative works "contain Hartley's unique iconography and reflect the way he was influenced by the pageantry of the German army officers and parades," Taggart says.

"These Berlin paintings are personal, which I think add to the mystique and interest," continues Taggart, noting that Hartley encoded homo-erotic elements into the works. (While in Germany, Hartley fell in love with a German officer named Karl Freyberg, who was killed in the First World War.)

"A subtle homo-erotic undertone comes through in these works, and later, far more obviously, in Hartley's Maine pictures in the 1930's and 40's," Taggart says.



Marsden Hartley, *Morgenrot* (1932). Courtesy of the Louisiana Museum of Modern Art, Denmark.

### A Scholarly Turn

But the market has broadened since historians have begun to focus on other periods of the artist's work.

Eric Widing, deputy chairman at Christie's and an American art specialist, joined the auction house at a time when American Modernism was first getting a closer look from scholars. At the time, O'Keeffe's exuberant, blooming flowers tended to dominate the scene.

"Hartley didn't catch on as early because he changed his style often," Widing says, adding that his subject matter was not as immediately appealing to viewers.

Widing believes the turning point was a 2003 show at the Wadsworth Atheneum in Hartford, Connecticut, spearheaded by Elizabeth Kornhauser (now a curator at the Met), titled "Marsden Hartley: American Modernist."



Marsden Hartley, *Lobster Fishermen* (1940-41). Photo: The Metropolitan Museum of Art/Art Resource/Scala, Florence. Courtesy of the Louisiana Museum of Modern Art.

Kornhauser "treated his whole career as worthwhile and basically revived the interest in the later work, which has a coarser, darker palette and is considered tougher by collectors and scholars alike," Widing says. "She deserves a lot of credit for transforming people's understanding of the work."

Widing says Kornhauser was not immediately certain of her success; when she was preparing for the show, he says, she confided in him that she was concerned no one would come see it.

Both of them were surprised when a packed crowd filled out Christie's Rockefeller Center headquarters for a lecture on the artist ahead of the exhibition. At the time, there was a dearth of information on the artist, according to Widing, and collectors traveled from cities such as Minneapolis and St. Louis for the event. And since then, interest has only broadened.

"For years, the market for American Modernism was largely domestic," Liz Sterling, chairman of Sotheby's fine arts division, told artnet News. But there is a recent shift towards overseas appreciation of his work, she noted.

"I think we're at a moment when there is great curiosity that goes beyond niche categories."







The ruling was handed down on December 9 in the Southern District of New York by Judge Lorna Schofield, who wrote that Abbott Labs "demonstrated it has superior title" to the work.

The decision came after a three-day bench trial—in which a judge, rather than a jury, hears the case and rules—that was conducted by videoconference last month.

The case took unexpected twists over the past few years after an insurance appraiser raised doubts about the authenticity of the painting in Abbott Labs' collection. The fact that the replacement forgery went undetected for so long—roughly 29 years—was a key legal factor.

The most recent owner, New York collector Carol Feinberg, purchased it from Berry-Hill Galleries in 1993 for a reported sum of \$351,000. The current fair-market value of the work is roughly \$1 million, according to one American art expert.

Dealers at Berry-Hill Galleries purchased it from another source, who bought it from an art restorer named Robert Bruce Duncan, who allegedly stole the picture from Abbott Labs.

In 2002 and 2003, the Feinbergs lent the work to Hartley exhibitions at the Wadsworth Atheneum and Berry-Hill Galleries, suggesting they were unaware of provenance issues. It was those high-profile exhibitions that eventually helped Abbott Labs track down the artwork.

When Feinberg first learned of the issue, she and Abbott Labs attempted to settle the case amicably, even keeping the identity of the painting secret. But at some point, the gloves came off. Amid settlement talks, Feinberg went to a Chicago court in search of declaratory judgment ruling that she was the rightful owner of the painting. She also sought at least \$100,000 in damages for "slander of title," according to a January 2019 report in the [Art Newspaper](#).

Abbott Labs then filed its own suit against Feinberg in New York in 2018, seeking the return of the work. Feinberg's case was ultimately transferred to New York, effectively uniting the dueling claims.

Only Feinberg's lawyers dispute that Duncan, the restorer hired by Abbott Labs in 1987, stole the picture and replaced it with a forgery. Her defense team further delved into art history to argue that Abbott Labs never had legal title to the work.

Feinberg's claims went into the weeds about famed modern art dealer Alfred Stieglitz, who was Hartley's representative in the 1930s and '40s, raising questions about whether Stieglitz had title to the work when he initially sold it. (Abbott Labs bought the work in 1960 from art dealer Albert Landry, who obtained it from the estate of Stieglitz.)

But despite Feinberg's efforts to diminish the credibility of Abbott Labs' claim, judge Schofield rejected her overtures.

The trial included testimony from the highly respected forensic analyst Jamie Martin, a key witness in the high-profile Knoedler Gallery forgery scandal.

Court papers note a number of potentially important witnesses who are deceased. Duncan and Feinberg both died in 2019, and several of Abbott Labs' former attorneys also died in the period since the forgery was discovered in 2016.

What's more, American art expert and gallery owner John Driscoll, who had been deposed in the case, died in April [from the coronavirus](#). Lastly, Luciano Liparini, an artist identified as the possible forger of the fake Hartley, died more than 20 years ago.

"Despite the passage of time and unavailability of some witnesses and other evidence, plaintiff has met its burden of proving that it holds superior title to the painting," Judge Schofield wrote.

After the 1987 theft, Duncan allegedly sold the work to a buyer with a falsified story, claiming he had acquired it from a person who brought it to him for an appraisal. He said it had previously been held by the H.V. Allison Gallery in New York.

Abbott Labs is actively investigating the whereabouts of several other missing works and attempting to recover them.

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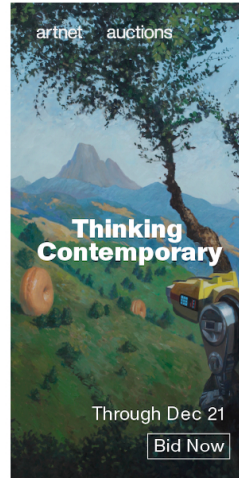
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A California Man Has Pleaded Guilty to Peddling Fake Richard Hambleton and Barkley Hendricks Paintings

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Jason Harrington will pay \$1.1 million in restitution.

Eileen Kinsella, August 10, 2021



Richard Hambleton attends Fashion's Night Out: Dinner to Preview the Richard Hambleton Exhibition at the Armani Ristorante on September 10, 2009 in New York City. (Photo by Neil Rasmus/Patrick McMullan via Getty Images)

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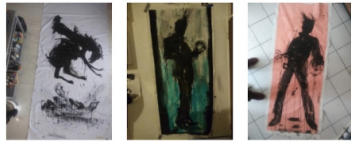
A California man has pleaded guilty to selling \$1.1 million worth of fake art that he claimed was the work of the late Canadian artist Richard Hambleton.

Hambleton, who died in 2017, rose to prominence in the 1980s with his graffiti and street art, and later became known for his life-size canvases of a shadowy man.

Jason Harrington, who is 38, admitted to selling forged paintings of the figure known as *Shadowman*, to at least 15 galleries between 2018 and 2020.

The record for a Hambleton painting at auction is \$553,350 (set in 2018), according to the Artnet Price Database. One *Shadowman* work sold for more than \$396,000 at auction in 2019.

Harrington lied to buyers about the provenance of the works, according to a statement from the U.S. attorney's office for the southern district of California. Harrington gave buyers a forged letter purportedly signed by the work's previous owner. On one occasion, he orchestrated a phone call between a prospective buyer and someone falsely claiming to have obtained the art from Hambleton.



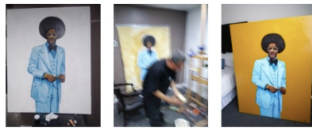
(Pictures of Harrington's forgeries in progress, which featured Hambleton's Shadowman.)

Image via US Attorney's Office

Harrington altered publicly available photographs of Hambleton to make it appear like purported sellers knew the artist, according to court documents.

He also admitted to attempting to sell a fake Barkley Hendricks painting. According to court records, Harrington falsely told a gallerist that he had inherited the painting from his uncle. The gallery refused to purchase the painting, however, after Hendricks's widow saw it and determined it was a forgery.

"Forged artwork harms investors, corrupts the integrity of the art market, and damages the historical-cultural record," said acting U.S. attorney Randy Grossman. "This case reflects the federal government's full commitment to effectively investigate and prosecute complex art fraud crimes."



(A series of photographs obtained by law enforcement from Harrington's files depict the forgery in progress.)

Image via US Attorney's Office

Harrington "created multiple fake paintings, devised elaborate cover stories to authenticate them, targeted unsuspecting buyers, and sold over a million dollars of forged artwork," said FBI special agent-in-charge Suzanne Turner.

As part of his plea, Harrington agreed to pay at least \$1.1 million in restitution. He will appear for sentencing on October 22 and could face up to 20 years in prison.

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The court's release is unusual, as it comes in the wake of a civil settlement.

**Eileen Kinsella**, October 27, 2021

Andrew Valmorbida at the "Future-Shock" exhibition in New York in 2012. Photo: Alli Harvey/Getty Images.

### RELEASED DETAILS OF ART ENTREPRENEUR ANDREW VALMORBIDA'S 'SERIALLY DISHONEST' DEALINGS

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