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The painting can be fake, but not the feeling': an overview of the Vietnamese market through the lens of fake, forgery and copy paintings

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Keywords: Vietnamese art, Vietnamese art market, Vietnamese artist, fake painting, forgery artwork, plagiarism art.

JEL Classifications: D31, D53, Z11.

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Abstract

A work of Vietnamese art crossed a million-dollar mark in the international art market in early 2017. The event was reluctantly seen as a sign of maturity from the Vietnamese art amidst the many existing problems. Even though the Vietnamese media has discussed the issues enthusiastically, there is a lack of literature from the Vietnamese academics examining the subject, and even rarer in from the market perspective. This paper aims to contribute an insightful perspective on the Vietnamese art market, and hesitantly the Vietnamese art as well, through the lens of fake, forgery and copy artworks. 35 cases of fake, forgery and copy paintings were found on the news and from the experts' wisdom. Through the examples, we argue that the Vietnamese art market is a temporary reaction to the immaturely rising of the Vietnamese art and the economy. Therefore, the art market is unable to function healthily unless the Vietnamese art and the economy developed.

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I. Introduction

On 2nd April 2017, the painting *Family Life* by Le Pho was sold at US\$1.2 million during an auction by Sotheby's Hong Kong, becoming the first Vietnamese painting ever to cross the million-dollar mark in the international art market. According to the public press, the sale directs Vietnamese art toward its adulthood with many hopes but also worries (Uu, 2017; Bay, 2017).

Vietnamese art market, fine arts especially, has been an often-circulated topic for the Vietnamese media because of the worldwide popularity of Vietnamese paintings. Vietnamese artworks started to gather attention from the international audience after the country shifted to the socialist-oriented market economy and opened itself to the world in 1986. From the reminiscence of an owner of a well-known gallery in Hanoi, many galleries were opened in the 1990s due to the high demand for Vietnamese arts from international buyers (Trang, 2018). For international buyers, the Vietnamese painting becomes popular because they portray Asian subjects with European techniques and materials, which is familiar but otherworldly (Taylor, 1999). However, regardless of the fame, there are still many problems concerning the sustainability and development of the Vietnamese art market: the lack of an orthodox and robust art system with curators, art consultants, wealthy domestic buyers, art investment funds, legal system; the questionable ability to evaluate an artwork from audiences and buyers; and fake, forgery and copy arts (Trang, 2018; Phan, 2017; Doan, 2016; Minh, 2017; Dang, 2017).

The current problems which prevent the Vietnamese art market from growing can be understood through the following two stories about a famous Vietnamese painting and popular Vietnamese artists. The first story is about the willingness to diminish artistic dignity for the benefit, even from the top Vietnamese artists. According to Minh Thi (2017), among the top four Vietnamese artists who settled in France, only the works of one person continue to see surging prices. The other three started printing and mass-producing their paintings after the early success, thus, shooting themselves in the feet.

While the previous story is arguably about the professional ethics of the artists, the second story of *Thieu nu ben hoa hue* (Young Woman with Lilly) by To Ngoc Van (Case No. 20, Appendix 1) shows how the Vietnamese art market functions without any regulations, even with the involvement of the national museum. The painting was initially in the collection of Duc Minh – a Vietnamese famous art collector. Duc Minh lent the picture to the Vietnam Museum of Fine Arts for an exhibition, but the Museum copied it without any formal consent. Later on, Duc Minh wanted to donate his collection to the Museum on the condition of having his section there, but the Museum turned down the request. When Duc Minh passed away, one of his sons sold the painting for US\$15,000. The buyer brought the artwork overseas and later sold it. Since then, there is no information on the whereabouts of *Thieu nu ben hoa hue* (NLH, 2014). According to Ha (2017), a copy of *Thieu nu ben hoa hue* was sold overseas for US\$200,000 before being brought back to Vietnam later at US\$400,000. The monetary motivation drove the artists in the first story and the owners in the second story and they were supported by the lack of a

regulated system from the authority. However, the stories are the outcomes of a complex socio-economic context of a young country which had been through two long-term wars and their aftermaths.



Figure 1: *Thieu nu ben hoa hue* (Young woman with lily) – To Ngoc Van (NLH, 2014)

Even though the first fine-arts school established in 1925, the Vietnamese art market did not take off until the change of the economy through *Đổi Mới* (*Renovation*) in 1986. Before that, the Vietnamese economy was the victim of the war. During 1955 – 1975, most of the resources were gathered to focus on supporting the war in the South, and for the first ten years of peace after 1975, Vietnam struggled to recover from the war aftermath with the centrally-planned economy. According to Pham and Vuong (2009), the Vietnamese per capita income during this period was around US\$125-US\$200, and only since 1981, the progress of Vietnam economy set in motion. After 1986, the centrally-planned economy became a market economy with significant achievements that have virtually improved the livelihood of Vietnamese people. According to Vuong (2014), from 1991 to 2000, the average annual growth rate of the economy was 7.5%; after the World Trade Organization full membership initiation in 2007, the foreign direct investment peaked at US\$71.7 billion in the next year. Currently, Vietnam's GDP per capita is around US\$2,300, and the economy continues opening and engaging with the world (Vuong, 2014, 2018).

As Vietnam is still setting up their cultural, economic and political position in the global context, Vietnamese art is still a teenager despite receiving much attention. In comparison with the world, the luxurious status of a work of art has been fortified by Leonardo da Vinci's *Salvator Mundi* at US\$450 million. According to Horvitz (2009), the total size of the art market is around US\$70 billion with the fine art segment alone in 2007 worth US\$12 billion. However, it is notable that besides the public auction, there is only a few information on the other forms of transaction, hence leaving the total size of the art market remains unexplored. The price of a painting is also unpredictable. For instance, Bach and Vuong (2015) told the story of a painting *Daniel in the Lions' den* by Peter Paul Rubens, which was first purchased by Christie's London in 1882 for US\$2,292. However, the art was doubted to be the work of Jakob Jordaens which put its price at only US\$682 in 1963. Two years later, there was evidence to authenticate that Rubens is the author of the painting and its price shot up to US\$243,755.

The Vietnamese art and Vietnamese art market are minors in comparison with the international counterparts, but as Vietnam is a rising economy, the Vietnamese art market is an unexplored territory that worth examining. However, there has been only a limited number of studies examining Vietnamese art and its problems.

II. Literature Review

1. The international art market

The Vietnamese art market operates on a smaller scale but is still under the influence of the operation of the global art market.

The international art market is well-established, but its nature is ambiguous. Horvitz (2009) introduces some essential suggestions to define an art market: (1) profits might not be the primary motivation for the market, there are historical and even psychological values when it comes to a work of art; (2) the information on the art market is limited; and (3) it makes the art market categorize into different segments with its characteristics and its self-definition on an investable artwork. Scholars continue to explore this ambiguous system of the international art market. Bocart and Oosterlinck (2011) discover that before the artwork is found to be fake, it is less likely to be auctioned at Sotheby's or Christie's. However, the fakes' discovery does not affect the chance to be sold as an artwork, but the price reacts "negatively with a lag." David, Oosterlinck, and Szafarz (2013) suggest that because of the lack of transparency in price formation makes the art market inefficient. Also, Kraussl, Lehnert, and Martelin (2016) find out speculative bubbles in four different fine-arts market segments from 1970 to 2014 using a combination of right-tailed augmented Dickey-Fuller test and forward recursive regressions.

Despite the ambiguity of the market, a work of art is still widely considered a fine investment. Campbell (2009) suggests that having artwork in the investment portfolio would generate a small diversification benefit for the investors. Petterson and Williams (2009) argue that the investment in art is long-term and has a positive effect on the wealth growth of high net-worth individuals.

The fake does not affect the market much (Bocart & Oosterlinck, 2011) but fake, forgery and copy arts are probably the most debated aspect because there has been long a philosophical debate regarding the aesthetic values. On the market aspect, determining whether a painting is fake or authentic can decide its values. Benhamou and Ginsburgh (2002) distinct between copies and forgeries by their intention. Copies tribute and interpret the originals; thus, copies' values come from their relationship to the originals. On the contrary, forgeries or fakes are made to deceive. They advocate for a healthy market

for the copies, which still retain their artistic values compared to the original. Similarly, Grasset (1998) also distinguishes the problem of fake from a different perspective: aesthetics, art history or market. He suggests fake arts might be a problem to the latter but does not affect the aesthetic perception of the audience.

2. Vietnamese art market

In the realm of academia, scholars rarely explore Vietnamese art. Among those who focus on this particular topic, most of them agree that contemporary or modern art in Vietnam started since the establishment of the Indochina School of Fine Arts in 1925. In such environment, the Vietnamese ideology and French style blended together as a patriotic expression of Vietnamese against colonial rulers (Taylor, 1997, 2007, 2011; Safford, 2015). However, a recent research (Van Doan, 2017) argues that before the Indochina school, three artists: Le Van Mien (1873-1943), Nam Son (1890-1973) and Thang Tran Phenh (1890-1972) already distinguished themselves from the era as individual artists, and they should be seen as the foundation of Vietnamese contemporary art. It is notable that Nam Son was one of the founders and teachers of the Indochina School of Fine Arts; moreover, in 1923, Nam Son and Thang Tran Phenh joined one of the first art exhibition in Vietnam, and in 1930, Nam Son's china-ink painting was exhibited in Paris (Quoc, 2014). According to the Art Expert A - an interviewed artist, the Indochina School of Fine Arts was the result of cultural assimilation and acculturation from the French colonialization. Before the Indochina school, there were other crafting schools such as Thu Duc school, Binh Duong school, or a crafting school in Dong Nai – which became Dong Nai College Of Decorative arts. However, the Indochina school was the biggest and had an endorsement from the French colonial authority. The French founder – Victor Tardieu – with his progressive ideals put transformed the Vietnamese students (Taylor, 1997). Therefore, the foundation for Vietnamese art was built by the individual efforts, and after 1925, the Indochina school was the final push that helped Vietnam arts to flourish.

The establishment of the Indochina School of Fine Arts is viewed differently between Vietnamese and Western scholars. While Vietnamese consider the colonial school as the beginning of a new era for Vietnamese art, the Western refuses the school's contribution to Vietnamese culture and regards them as the tools of colonial and cultural assimilation (Taylor, 1997; Safford, 2015). Safford (2015) carefully examines the impact of Indochina School of Fine Arts to contemporary art in Vietnam and concludes that the East-West hybrid style and the medium of lacquer set up by the colonial art school established the modern identity of Vietnamese arts.

Identity is an essential aspect of Vietnamese art that has been examined in details by scholars. The Vietnamese national spirit and character is the center of Vietnamese artists' works from the beginning until now, and the distinctive style and content emerged in the international market in the 1990s with "surge in sales of paintings and the proliferation of privately owned commercial galleries" (Taylor, 2007). Taylor (2001) suggests different opinions are essential for the Vietnamese art to situate itself in the international art market. However, she concludes that the Vietnamese artists are subjected to the Vietnamese ethnicity and national identity deriving from Vietnam regardless of their current nationalities or residencies. Thus, their arts "resolutely subjected to national definitions within the global art world." Recently, Taylor (2005) suggests such identity might censors the riskiness of creativity and drives Vietnamese artist to play safe. She also advocates for the position of Vietnamese art in the world, rather than an outlier.

Other researchers argue that the Vietnamese-ness collective culture has created a particular individual identity for Vietnamese artists when they try to find a mix between the traditional character and new, experimental forms of art (Kraevskaia, 2009; Leigh, 2001). Moreover, Taylor (2011) argues the artists in Vietnam have always come from the middle-class and intellectual elites despite the economic situation or political atmosphere in the country. The author suggests the class of Vietnamese artists is the “key players in the movement towards civil society,” who continuously help to define and to strengthen Vietnamese art, cultural and social values. The cultural identity of Vietnamese art also contributes to healing the aftermath of the Vietnam War (Granzow, n.d.)

On the other hand, forgeries and fakes are also significant to the development of Vietnamese art. Taylor (1999) explores the case of Bui Xuan Phai and his paintings of Hanoi’s Old Quarters to understand why there were so many fake paintings of his in the market. She argues that the demands for Phai’s paintings were created mostly by the symbolization from the West about Vietnam – an “authentic” Asian country – and thus, Phai’s paintings and its nostalgic Old Quarter images came close to the ideals and fulfilled such demands regardless of whether they were authentic or fake.

Alternatively, Bosch (2004, 2009) looks at the forgery and fake from the systematic and legal problems of Vietnamese art. She argues that the Vietnam artists, while inheriting a great traditional culture and possessing a strong aesthetic value, still lack professional skills, practices and art specialists like curators or consultants to create a fully formed art world. More importantly, Vietnamese artists were not protected by legal documentation and practices, which resulted in the violation of intellectual property law or the reliance on foreign dealers to can make ends meet.

Finally, Tran Khanh Chuong (cited in Nghia, 2012) suggests the beginning of the Vietnamese art market after *Đổi Mới* had significant effects on the artists; the opening introduces both opportunities and problems to the Vietnamese art.

Most of the literature on the Vietnamese art has been produced by non-Vietnamese academics, and they show great insights and analysis. However, they mainly focus on sociological themes such as history or national identity. Even though the Vietnamese art market has become more dynamic along with the growth of the economy, the research is not updated and lack significant work on the Vietnamese art market. Moreover, the standard methodology of those research is qualitative with substantial analysis of specific cases and paintings. The method is arguably weak when generating an overview of the Vietnamese art market. Hence, this paper aims to tackle those problems with data collected through the news media and personal insights from Vietnamese artists and art experts.

III. Materials and Methods

Materials

Besides public auction, the traditional forms of trading in the Vietnam art market often lack media coverage information for analysis. However, purchases or auctions with a twist of forgery, fake or plagiarism often caught the media attention, and the media in return would report such news with insights. Thus, keywords such as “forged painting,” “fake painting,” “forgery artwork,” “fake artwork,” and “Vietnamese art market” were employed to find the data and resources for this research. Using Google search engine, we explored most of the news coverage from Vietnamese or international online newspapers on Vietnamese fake paintings. Eventually, the study records 35 cases of forgery painting (Appendix 1) dating back to 1983 up until now.

There are differences in the type of transactions. 18 cases were sold auctions (5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 24, 26, 27, 28, 32), 8 cases in which the paintings were exhibited (1, 8, 9, 25, 29, 31, 33, 35), and 8 cases were direct trading (2, 3, 4, 10, 20, 21, 23, 30). The prices of the fake paintings sold in auction cases are among the highest, ranging from US\$12,500 to US\$535,207. The high price and the information gathered from the auction cases supported the argument that auction is still the most common way of trading in the art (Horvitz, 2009). On the contrary, the prices from the direct selling are mainly estimation or unknown.

Most of the information on the cases were found on the Internet and news media. Incidents that happened from 2016 onwards have more information while for the older the example, the less the information. The two cases in 1997 and 1983 contain limited information. There are also 7 cases which have confirmation from the interviewed expert (26, 28, 29, 32, 33, 34, 35), and the media did not report the 4 cases (33, 34, 35, 36).

Among thirty-five cases, the most evident examples will be described in detail as follow:

An Lac (Peacefulness) by Nguyen Truong An plagiarized A di da phat (Amitabha Buddha) by Nguyen Khac Han (1)

The lacquer painting *An Lac (Peacefulness)* by young artist Nguyen Truong An won a prize of five million Vietnam Dong (around US\$250), and it was exhibited from 22 August to 6 September 2017 at the Ho Chi Minh City Museum of Fine Art.

However, the painting was found to plagiarize a woodcarving painting *A di da Phat (Amitabha Buddha)* by Nguyen Khac Han – which won the gold medal of Vietnam Fine Art Exhibition in 2015. Le The Anh, a lecturer, recognized the plagiarism because he had closely monitored Nguyen Khac Han's works and techniques. Only until the revelation by The Anh was posted on Facebook and reported by news media, the Museum responded by removing *An Lac* from the exhibition. According to the Vice President of Ho Chi Minh City Fine Arts Association, Nguyen Truong An admitted his wrongdoing and sought forgiveness through an apology letter (Thi, Tuan & Thuy, 2017).



Figure 2: *An Lac* - Nguyen Truong An painted in 2017 (Diep, 2017a)



Figure 3: *A di da Phat* – Nguyen Khac Han painted in 2015 (Diep, 2017a)

The fake paintings of Pham An Hài (2, 3, 4; Appendix 2, 3)

The collector C.H.L bought five paintings in May 2017 for the price of 285 million Vietnam dong (around US\$12,497) from Bao Khanh – who has a close relationship with artists and is an acquaintance of the painter Pham An Hai. The collector sent the paintings to a frame-maker, and the frame-maker found out they were fake. He contacted Pham An Hai immediately.

Out of the five paintings, a painting named *Du am pho co* (The repercussion of the Old Quarter) was still at Pham An Hai's house. Nguyen Ro Hung drew two other arts, but his signature was removed and replaced by Pham An Hai. There is no information on the last two paintings.

Pham An Hai later called the collector to tell him the truth, and he also published the story on Facebook so that it could help others avoid the fake.



Figure 4: Fake Pham An Hai's *Du am pho co* (Viet, 2017)



Figure 5: Authentic Pham An Hai's *Du am pho co* (Viet, 2017)

Trừu Tượng (Abstract) by Thành Chương and 17 paintings of Vũ Xuân Chung (8, 9, 10)

A painting named *Trừu Tượng (Abstract)* with a signature of Ta Ty exhibited in the exhibition “*Paintings Returned From Europe,*” organized by Fine Arts Museum in Ho Chi Minh City and the paintings were from a collection of Vu Xuan Chung.

The painting was introduced to be drawn by Ta Ty in 1952 but Thanh Chuong – a well-known modern painter, when he came to the exhibition, recognized the painting as his own, which was drawn in the 1970s. After the accusation from Thanh Chuong, Jean-François Hubert – a famous Vietnamese art expert – sent a doctoring image to the media to claim the authenticity of the painting. Nonetheless, it was later confirmed that Thanh Chuong drew the painting through a draft of the art that he showed to the public. Both Chung and Jean-François Hubert had no comment about it. *Trừu Tượng* is one of 17 paintings that Vu Xuan Chung bought from Jean-François Hubert.

The Ho Chi Minh City Museum of Fine Arts firstly concluded that the signed authors did not paint 15 paintings and two paintings have forgery signatures of painters Ta Ty and Sy Ngoc. Thus, they temporarily hold the arts to examine and required action from the authority. However, on 22 July 2016, the Museum returned the painting to Vu Xuan Chung (Quan, 2016; Bay, 2016c); and in 2017, according to New York Times, Chung was able to sell one of those paintings for US\$60,000 (Paddock, 2017).



Figure 6: *Truu Tuong* - Thanh Chuong (signed Ta Ty) (Khoa, 2016)



Figure 7: The doctoring image from Jean-François Hubert (Vy, 2016)



Figure 8: Thanh Chuong showed the draft of *Truu Tuong* (Vy, 2016)

Mơ về một ngày mai (Dream of the following day) by To Ngoc Van (5)

The painting *Mo ve mot ngay mai* (Dream of the next morning) by To Ngoc Van (Oil on canvas, 47.5 x 40 cm, painted circa 1940, Signed 'To Ngoc Van' on lower right) auctioned at Christie's Hong Kong. The auction house estimated the price of the painting at US\$9,000 – US\$11,000USD and hammered at US\$44,591, according to their website. However, a Vietnamese newspaper wrongly reported the sold price is US\$350,000 (Thi, 2017). The painting was believed to be acquired directly from To Ngoc Van in Hanoi, 1943 by Claude Mahoudeau, and before the auction, it belonged to a private collection of a European diplomat. Jean-Francois Hubert guaranteed the authenticity of the painting.

An Vietnamese art expert named Pham Long reported that the painting plagiarized *The Young Beggar* by Bartolome Esteban Murillo, a 17th-century Spanish painter. Some papers were filed to report the suspicious plagiarism, but the result is still unclear.



Figure 9: *The young beggar* (Left) and *Mo ve mot ngay mai* (Right with signature) (Diep, 2017b)

Thiếu nữ uống trà (Young women having tea) by Vũ Cao Đàm (15)

The auction website Auction.fr posted the painting *Thieu nu uong tra* (Young women having tea) by Vu Cao Dam, gouache and ink on silk, 59x80 cm, on 12 May 2016. The estimated price of the painting is around US\$18,000 to US\$25,000. Art expert Ngo Kim Khoi determined this posted painting is fake. The real painting has the size 78x114cm, which exhibited at Cernuschi Museum from 20 September 2012 to 27 January 2013.



Figure 10: *Thieu nu uong tra* – Vu Cao Dam (fake); auctioned at Auction.fr, May 2016 (Bay, 2016b)



Figure 11: *Thieu nu uong tra* – Vu Cao Dam (real). Exhibited at Cernuschi museum, September 2012 – January – 2013 (Bay, 2016b).

The website Xuongtranh.vn (21)

In early 2018, website *xuongtranh.vn* posted and publicly sold many fake and copy paintings. After that, many painters complained about the outrage situation on Facebook: the original paintings were still at their house, but the copies were already for sale on *xuongtranh.vn*. A few days after that, *xuongtranh.vn* publicly apologized and took off all the paintings.

Methods

The details of the cases will be analyzed and discussed. Moreover, the opinions from Vietnamese artists are included in the discussion. The research utilized the work of Joseph Proglor (1991) on editing the interview record. All the interview data will be deposited and open-access, based on the principles suggested by Nature Scientific Data (Vuong, 2017).

IV. Results: Induction from the cases

Thirty-five cases of fake and forgery Vietnamese artworks draw a realistic painting of the Vietnamese art and the Vietnamese art market.

The paintings in the thirty-five cases have significant economic values, but the accusation that they are fake have no actual consequences. The result suggests the finding of Bocart and Oosterlinck (2011) applies to the Vietnamese art market. 17 cases are suspected. Besides the statement from the experts, there is no concrete proof to substantiate their authenticity. The most expensive suspicious painting is Le Pho's *Gia dinh* (The Family) (19; Appendix 12) with the price of US\$535,207; and *Phong canh* (Paysage) by Nguyen Gia Tri comes second at US\$381,559 (27). However, the economic losses because of the false claim are unclear. Only in the case of *Song Da* (Da river) (18; Appendix 17) and *Thieu nu uong tra* (15) paintings, the auction houses had to take action for the fake claim. They eventually apologized and repaid the money to the buyer. In the *Song Da* case, the news briefly reported the information as because the painting was claimed to be fake, so the auction house had to take action. While in the *Thieu nu uong tra* by Vu Cao Dam, the real version was shown and presented as evidence, so the auction house was unable to do otherwise. Moreover, the incident of *Song Da* happened in 1997, when the customs of the Vietnamese art were still new to the international market and auction houses. In the later auctions, occurred from 2008 onwards, only a few Vietnamese artists and art expert showed confusion with the paintings based on their knowledge and familiarity with the painters' style. Thus, the auctioned paintings from 2008 have no hard evidence like *Thieu nu uong tra*. Therefore, the accusations would possibly make the painting controversial but could not avert the auction and generate any apparent action. The case of *Mo ve mot ngay mai* by To Ngoc Van (5) is notable because regardless of its obvious similarities with the painting *The Young Beggar* by Bartolome Esteban Murillo; there is no response from the auction house; and as of 3 May 2018, the link of the lot on Christie's website is still accessible. From the Vietnamese side, The Vietnam Fine Arts Association did send a document to Vietnam Ministry of Culture, Sports, and Tourism, but so far there has been no response. (Diep, 2017b).

In term of direct trading, the most expensive case is a painting of Le Pho (23) purchased in Hong Kong by a Vietnam actress with US\$210,000. According to the news, people know the art is not authentic but because its provenance has been justified through several auctions, dismissing its authenticity is hard (Bay, 2016a). In 2017, the case of *Co gai tho* (The rabbit girl) by Nguyen Phan Bach (28) showed that the buyer might not care about the authenticity of a painting. Regardless the works of Nguyen Phan Bach and a French artist are strikingly resembled, at least 80% - 90%, the painter clumsily defended himself against the plagiarism accusation by saying his painting is a remake of the original version, and *Co gai tho* is about the idea, not a specific girl (Lucy, 2017a, 2017b). Nonetheless, according to Lucy (2017a) and the Art Expert A, the CEO of Playboy Vietnam still paid US\$25,000 for *Co gai tho*.



Figure 12: Left: The French artist's painting. Right: *Co gai tho* – Nguyen Phan Bach (Lucy, 2017a)

Beside the monetary worth, paintings also possess aesthetic, cultural and even philanthropic values but the way that these allegations were settled has diminished such values. The painting *An Lac* by Nguyen Truong An (1) was a prize-winning artwork and even exhibited by Ho Chi Minh City Museum of Fine Arts. However, only during the exhibition that an audience found out it plagiarized. There was no apparent action from the Ho Chi Minh City Fine Arts Association. The Vice President rationalized the painter's mistake by his young age and his capacity to learn and grow in the future (Thi, Tuan, Thuy, 2017)!? Prior to the case of *An Lac*, the plagiarized works: *Binh minh tren cong truong* (Dawn on the construction site) by Luong Van Trung (29; Appendix 18) and *Bien chet* (The dead sea) by Nguyen Nhan (31; Appendix 20) both participated in Fine Arts Award but eventually punished for plagiarism.

The case involves painter Pham An Hai (2, 3, 4) expresses the painter's paralyzed position in the matter. He only contacted the buyer and then informed the public on his personal Facebook. Even though he preferred stronger actions but the legal system concerning the intellectual property of artworks was not strong and developed enough for him to take further legal actions as he wanted (Viet, 2017). Conversely, the *xuongtranh.vn* case (21) shows a more positive signal for Vietnamese artists with the help of social media. After the artists' posts on Facebook, the website willingly removed the fake paintings. Nonetheless, there were no proper penalties to punish. Moreover, in the Vu Xuan Chung's collection case (8, 9, 10; Appendix 6), after the incident with one of the painting and later the whole 17 paintings were stated to be fake, Chung even still able to sell a painting for US\$60,000 (Paddock, 2017). Painter Le The Anh (Lucy, 2017a) expressed his concern for how most cases are resolved: "... the thief came and apologized is good enough. The reason is they are family. All the frustration can only be expressed through drinking. I think it is not good. It makes us all cowards and maintaining the bad attitudes."

The presence of foreign auction houses or experts does not help Vietnamese art avoid fakes in the international auctions. Famous auction houses like Christie's and Sotheby's appear in 13 cases, Christie's

in 4 cases (5, 6, 7, 18; Appendix 4, 5) and Sotheby's in 7 cases (11, 12, 16, 17, 19, 24, 27; Appendix 7, 8, 10, 11, 12, 14, 17). Two other international auction houses are Auction.fr from France (15, 22; Appendix 13) and Lasarati from Singapore (26; Appendix 16). Only the painting *Song Da* (18) had a conclusion while in other cases, the allegations remain unproven. It is also notable that all the suspicious instances happened quite recently, from 2008 to 2017, he showed a doctored image to prove the painting was authentic but Thanh Chuong soon disclaimed. The so-called Vietnamese art expert Jean François Hubert wrote the lot essay to authenticate three hammered paintings from Christie's Hong Kong auctions (5, 6, 7). In Vu Xuan Chung cases (8, 9, 10), there was a conflict of interests when he sold the paintings and authenticated them himself. The painting *Truu Tuong* (the authentication by substantial evidence (Lucy, 2016b; PV, 2016). According to the Art Expert A, the attention from the international auction houses does increase the price of the Vietnamese paintings, but the quality of the work is still low that prevents further development regardless of the attention.

V. Implications

The rising economic value of Vietnamese artwork in the international market draws a lot of attention from the foreign actors. However, most of the cases involving foreign experts or auction houses have no conclusive decision regarding the controversial nature of the painting, except the case back in 1997. According to Taylor (1999), due to the ambiguity of Bui Xuan Phai paintings, Sotheby's and Christie's put away 60 percent of the arts which were ready for auction. From the research data, 7 cases involved Bui Xuan Phai's paintings. It suggests the international actors have accustomed to the controversial nature of Vietnamese art. Therefore, unless there is substantial evidence, the auction house would not remove any painting just because of a mere possibility. Another speculation is the auction houses allow the sale because Vietnamese paintings still possess aesthetic value that deserves to be evaluated regardless of its uncertainty.

The 'nonchalant' attitude towards fake and plagiarism in Vietnamese art as the Vice President's statement in the case of *An Lac* (1) stresses a problem resulted from the effect of cultural additivity in Vietnamese culture (Vuong et al., 2018). Such attitude is also a direct result of self-copying. As above mentioned, there were three Vietnamese who lived in France mass produced their painting (Minh, 2017). In Vietnam, according to the Expert B (An, 2016), the Vietnam Museum of Fine Arts asked the artists to replicate their paintings for overseas exhibitions or to maintain the arts during the war. Even though the copied version was marked up and signed, there is still a problem of too many unverifiable copies being dispersed. The Art Expert A has witnessed his peers self-copying many times. For instance, he shared the story about the Vice President of Vietnam University of Fine Arts, who copied his painting multiple times (34). In his opinion, it shows that Vietnamese artists are not serious, and have no self-discipline. At the moment, the situation comes to the point of no return, but there are a few individual efforts from experts to raise their voices and strive for the international standard. Nonetheless, the lack of legal and authoritative supports keeps proposing a challenge to keep the Vietnamese art clean. In a similar case of plagiarism from a high-status professor in China, the professor lost his job, reputation and even got banned for life from joining an award (Leng, 2018). Indeed, there is an ongoing philosophical debate on aesthetics and copy, especially in the context of Eastern culture (Han, 2018); but it does not tone down the seriousness of the actions of copying or plagiarism, and the consequences of the indifferent attitudes toward them in Vietnamese art environment.

Fake, forgeries and copies are still an ongoing problem for the Vietnamese art market. However, on a "bright" side, it is a potential reason why Vietnamese galleries or museums do not face the issue of the

art heist. Hypothetically, we suggest a few ideas for this phenomenon. Firstly, the Vietnamese art market is relatively small, and the value of the Vietnamese painting is inexpensive compared to the international painting. The art theft in the world targets high-valued paintings typically for ransom or resale. For instance, the heist of Leonardo Da Vinci's Mona Lisa in 1911, Edward Munch's The Scream in 1994 or the stolen 500 million-dollar worth of artworks from Isabella Stewart Gardner Museum in Boston. Hence, considering the current status, it would take some more years to put the Vietnamese art on the targeted list. Secondly and strangely, the plagiarism issue is also prevention from the art heist. In the case of Pham An Hai (2, 3, 4), he suspected when he posted his new paintings on Facebook; someone copied and sold them. It is debatable that in the Vietnamese market, a copied painting would generate equal, or sometimes better profits than a stolen original painting. Finally, Vietnamese art buyers often have a close relationship with Vietnamese artists, and they create a closed ecosystem of Vietnamese arts that relatively foreign to the outsider, such as the case of Pham An Hai, the buyer believed the seller because the seller is an acquaintance of the artist, and even the frame-maker also knows the artist. Moreover, some of the experts who made false statements about the paintings are the son of the painters Bui Thanh Phuong is Bui Xuan Phai's son, or To Ngoc Thanh is To Ngoc Van's son. Thus, with such a closed network, the trading of stolen artworks would be implausible.

Another reason is the scarcity of Vietnamese buyers, since, there are not so many Vietnamese people who are famous for investing in art. Only a few local businessmen are famous for their art collection such as Bui Dinh Than or Duc Minh, owner of a prominent gallery in Ha Noi; or Nguyen Van Lam whose café was the frequent gathering place of artists. Both of them were friends with famous painters before *Đổi Mới* and throughout the years, accumulated valued collections. Nevertheless, they never really intended to invest in arts or kept the artworks to generate wealth, partly due to the rigidity of the economic atmosphere before *Đổi Mới*, and partly because of the intimate relationship with the painters. Only after *Đổi Mới* that occurred the booming of demands for Vietnamese artworks followed by their commodification. However, the art system is still underdeveloped. The story of Co gai tho (28), the actress's painting of Le Pho (23), the Pham An Hai's paintings (2, 3, 4) and the Vu Xuan Chung cases (8, 9, 10) tell the easygoing-ness of the buyers. They either do not seem to care about the authenticity of the painting or have too little knowledge to evaluate the painting. The Art Expert A regards the financial benefits as the priority of the market; therefore, the artist is willing to copy himself, and the buyer is willing to trade. Such ongoing problem is not solely the outcome of the market.

The art system in Vietnam lacks critical actors to formulate a healthy environment. For instance, the voices of the Vietnamese art experts regarding the fakes or the situation of Vietnamese art "lost in time like tears in the rain" (Deeley et al., 1982). Even though many Vietnamese painters and experts voiced their opinions, their influences are relatively nominal. Moreover, the way that the authoritative figures refused to acknowledge the severe implications of plagiarism is disturbing. The Vietnamese buyers have no professional support from the curator or the art consultant. C. H. L (3, 4, 5) and Vu Xuan Chung (8, 9, 10) bought the paintings merely based on the reputation of the sellers. The Vietnamese collectors also rarely made money from their collections unless they put it on auction. According to Paddock (2017), Mr. Chung even paid the Ho Chi Minh City Museum of Fine Arts about US\$1,300 to exhibit his collection. In the case of Duc Minh and *Thieu nu ben hoa hue* (20), the Museum copied the painting without notifying the owner, which shows that there is more trouble renting the art for exhibition than the money or reputation the owners could get. Most of the documents and decisions from the authority are only reactions to the events; there is no regulation. The rise of Vietnamese galleries or auction houses

like Chon or Ly Thi seems like a positive sign, but according to the Art Expert B, the daughter of painter Nguyen Van Ty came to Chon's auction and confirmed the auctioned paintings were not her father's works (32). Chon is also the agency for the auction of *Pho cu* (13) and *Co gai tho* (28). In the case of Van Tho (25), he sent his the original painting to Gallery Viet Fine Arts to sell, but the gallery swapped the original with a fake one (Huong, 2016). The incidents of the Vietnamese auction houses and galleries prove that the Vietnamese art needs decent figures.

The lack of the prominent figures in the art system is the outcome of how Vietnamese people perceives art. Art or painting is more of a decorative item than as an investment. Many working artists make end meets by contract drawing. For instance, Thanh Chuong has drawn 600 paintings for Daewoo hotels in Hanoi (Thành Chương vẽ, 2002). Such paintings might become valuable assets in the long run, but rarely anyone can foresee how the fate of a painting might turn out without sufficient knowledge. The Art Expert A thinks art is philosophy, art is the soul of the artist, but both subjective and objective elements in the current situation push the quality of the Vietnamese art down. Moreover, the perception of Vietnam arts is a misconception and lacking vital knowledge. For instance, he pointed out the misunderstanding about the prestige of the Vietnamese lacquer painting. In reality, the position of the Vietnamese lacquer painting in the international market is exceptionally humble.

Perhaps, not only the people but also the Vietnamese artists still have many things to learn about art as well. Napier and Vuong (2013) suggests that since the mid-1990s, Vietnamese people have a profound lesson to learn: " Money = hard work" first, and the "being rich" part comes later, if at all." And art does not bring the "being rich" part to both the artist and the investor quickly and easily. For the artist, "creating is living doubly" (Camus, 2005), and to improve the Vietnamese art market, the artist is the pioneer. For the investor, as the GDP per capita of Vietnamese people is just around US\$2,000, to spend a fortune on art or even care about art is unpractical. But if the GDP per capita rises to US\$5,000 and the number of the super-rich population increases, the Vietnamese art market will possibly live up to its potential.

VI. Conclusion

The demonstration of the data in the research has confirmed the problems of the Vietnamese art that the media and the experts have discussed. The data also exposes more severe symptoms such as self-plagiarism. Moreover, significant evidence was established to support our argument that the Vietnamese art market is still in infancy rather than adulthood because the market is only an undeveloped outcome of the early success of the economy and the Vietnamese art.

The Vietnamese art market will not likely to grow unless the Vietnamese art can develop. Firstly, the Vietnamese art is chaotic: the artists do not hesitate to copy and plagiarize, the auction houses keep selling controversial paintings for the benefit, and the buyer does not know to evaluate the value of art while there is no consultants or experts to help them. Secondly, the attitude towards plagiarism and fake is deeply rooted in the culture of the education, which for a long time, highly encouraging the imitated and replicated thinking than the original and critical thinking. Finally, considering the current status of Vietnam economy, investors are more interest in investments that generate quick income. Therefore, the enduring value of an authentic artwork is often overlooked because of the enduring nature of art.

There was always something romantic and personal when we talked about art, but not about the market. Nonetheless, the two are intertwined, and the art needs a market to perpetuate. In the international market, the Vietnamese art has a modest position. Thus, the Vietnamese art needs a well-functioned Vietnamese art market to continue the legacy from the Indochina artists and promote the Vietnam aesthetic.

***Note:**

Expert A: Bui Quang Khiem (Hanoi College of Arts);

Expert B: Nguyen Hai Yen (a retired art critic who spent her entire life studying Vietnamese fine arts while working for The Vietnam Museum of Fine Arts).

Appendix 1: 35 cases of fake, forgery and copy art in Vietnam

PDF File (deposited at OSF; DOI: 10.17605/OSF.IO/R572M)

Appendix 2: Case 2 - Nguyen Ro Hung's copied painting with Pham An Hai's signature 1



Figure 13: Nguyen Ro Hung's copied painting with Pham An Hai's signature 1 (Viet, 2017)



Figure 14: Nguyen Ro Hung original painting 1 (Viet, 2017)

Appendix 3: Case 3 - Nguyen Ro Hung's copied painting with Pham An Hai's signature 2



Figure 15: Nguyen Ro Hung's copied painting with Pham An Hai's signature 2 (Viet, 2017)



Figure 16: Nguyen Ro Hung original painting 2 (Viet, 2017)

Appendix 4: Case 6 - *Thuyen tren song huong* (Boats on the Perfume river) – To Ngoc Van. Auctioned at Christie's, May 2016.



Figure 16: The auctioned *Thuyen tren song huong* – To Ngoc Van. Auctioned at Christie's, May 2016. (Anthony, 2016)



Figure 17: The *Thuyen tren song huong* – To Ngoc Van hang at the Vietnam Museum of Fine Arts (Anthony, 2016)

Appendix 5: Case 7 - Lady of Hue – Le Van De. Auctioned at Christie’s, May 2016.



Figure 18: *Lady of Hue* – Le Van De (An, 2016)

Appendix 6: Case 9 - Vu Xuan Chung Collection





Figure 19: Paintings in Vu Xuan Chung's collection (Khoa, 2016)

Appendix 7: Case 11 - *Fac Thao* (Opera Singers) – Bui Xuan Phai. Auctioned at Sotheby's, October 2008.



Figure 20: *Fac Thao* – Bui Xuan Phai. Auctioned at Sotheby's, October 2008 (Luong, 2008)

Appendix 8: Case 12 - Cheo Actor – Bui Xuan Phai. Auctioned at Sotheby's, October 2008



Figure 21: *Cheo Actor* – Bui Xuan Phai. Auctioned at Sotheby's, October 2008 (Lucy, 2016a)



Figure 22: Where *Cheo Actor* supposedly copied from (Lucy, 2016b)

Appendix 9: Case 13 - *Pho Cu* (Street of the Past) – Bui Xuan Phai. Auctioned at Chon's, July – 2017



Figure 23: *Pho Cu* – Bui Xuan Phai. Auctioned at Chon's, July – 2017 (Khanh, 2017)

Appendix 9: Case 14 - *Pho Co Ha Noi* (Ha Noi's Old Quarter) – Bui Xuan Phai. Philanthropy auction, October 2016



Figure 24: *Pho Co Ha Noi* – Bui Xuan Phai. Philanthropy auction, October 2016 (Thi, 2016)

Appendix 10: Case 16 - *Canh pho Nguyen Binh (Village)* – Bui Xuan Phai. Auctioned at Sotheby's, April-2008



Figure 25: *Canh pho Nguyen Binh* – Bui Xuan Phai. Auctioned at Sotheby's, April-2008. (Ly, 2008)



Figure 26: *Canh pho Nguyen Binh* – Bui Xuan Phai. Hang at Vietnam Fine Arts Museum (Ly, 2008)

Appendix 11: Case 17 - *Truoc gio bieu dien* (Cheo Actors) – Bui Xuan Phai. Auctioned at Sotheby's, April – 2008.



Figure 27: *Truoc gio bieu dien* (Cheo Actors) – Bui Xuan Phai. Auctioned at Sotheby's, April – 2008. (Ly, 2008).



Figure 28: *Truoc gio bieu dien* (Cheo Actors) – Bui Xuan Phai. Hang at Vietnam Fine Arts Museum (Ly, 2008)

Appendix 12: Case 19 - Gia dinh (The Family) – Le Pho. Auctioned at Sotheby's, September 2017.



Figure 29: Gia dinh – Le Pho. Auctioned at Sotheby's, September 2017 (Thuy, 2017)



Figure 30: *Ra chôi* – Mai Trung Thu. Auctioned at Auction.fr, May 2016 (Trong, 2016)

Appendix 14: Case 24 - *Giang sinh* (the Nativity) – Le Pho. Auctioned at Sotheby’s. April – 2016.



Figure 30: *Giang sinh* – Le Pho. On the left auctioned at Christie’s, May 2011 and then November 2015. On the right auctioned at Sotheby’s, April – 2016 (Bay, 2016a)

Appendix 15: Case 25 - *Ong gia cong nhan* (The old worker) – Van Tho. Hang at Gallery Viet Fine Arts.

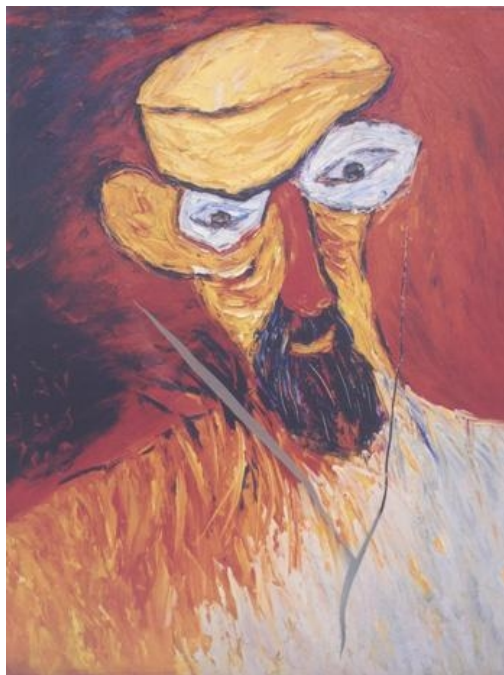


Figure 31: *Ong gia cong nhan* – Van Tho (An, 2011)

Appendix 16: Case 26 - *Trong vuon* (In the garden) – Nguyen Gia Tri. Auctioned at Larasati, July 2015.



Figure 31: *Trong vuon* – Nguyen Gia Tri. Auctioned at Larasati, July 2015 (Long, 2015)



Figure 32: *Vuon xuan Bac Trung Nam* (The Bac Trung Nam garden in spring) – Nguyen Gia Tri. Where the expert suspected the auctioned *Trong vuon* copied from (Long, 2015)

Appendix 17: Case 27 - *Phong canh* (Paysage) – Nguyen Gia Tri. Auctioned at Sotheby's, September 2017.



Figure 33: *Phong canh* – Nguyen Gia Tri. Auctioned at Sotheby's, September 2017 (Lucy, 2017c)

Appendix 18: Case 29 - *Binh minh tren cong truong* (Dawn on the construction site) – Luong Van Trung



Figure 33: *Binh minh tren cong truong* – Luong Van Trung painted in 2005 (Tranh sao chép, 2005)

Figure 34: *Brigada* (The group of workers) - Cuznhexov painted in 1981 (Tranh sao chép, 2005)

Appendix 19: Case 30 - *Cau chuyen tram trung* (A hundred eggs story) – Dam Van Tho



Figure 35: *Cau chuyen tram trung* – Dam Van Tho painted in 2017 (Lucy, 2017b)



Figure 36: *Khoa than 5* (Nude 5) – Nguyen Dinh Dang painted in 2002 (Lucy, 2017b)

Appendix 20: Case 31 - *Bien chet* (The dead sea) – Nguyen Nhan



Figure 37: *Bien chet* – Nguyen Nhan painted in 2017 (Thanh, 2017)



Figure 38: The picture *Dieu dung vi bien chet* (Distress because of the dead sea) – the group of journalist PVT – Thanh Quang. Where the *Bien chet* plagiarized from Thanh (2017)



Figure 39: The painting *Song chet* (The dead river) – Le The Anh. Where the *Bien chet* plagiarized from Thanh (2017)

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