

## Forgery

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Forgery is one of those topics that philosophers find fascinating but, with a few notable exceptions, don't pursue with anything like vigor, or at least anything like the vigor with which they pursue other topics. That's one reason why I suspect that their interest in forgery isn't due so much to their being philosophers as it is to their being human beings. In other words, I suspect that they, like everybody else, enjoy a virtuoso flim-flam job — provided they aren't the victims. Countless short stories, novels, movies, and situations in real life in which normally decent people cheer for the bad guy to get away with it, to pull the wool over everyone's eyes and make off with the cash, the girl, status, or whatever, are all evidence that the con artist warms the cockles of our hearts at least a few degrees.

Still, in this paper I'm not going to be laudatory, enthusiastic, or appreciative, but instead address the distinctly philosophical question of what a forgery is — investigate the concept of a forgery, as philosophers used to say, and sometimes still do. Only after that question and a few others have been answered should we ask the question that everyone wants to ask straight off: What, if anything, is aesthetically wrong with a forgery? Interesting as that question is, space limitations prevent me from addressing it here.<sup>1</sup>

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1 I have addressed it elsewhere, however: in 'Is, Madam? It Seems!' in Denis Dutton, ed., *The Forger's Art: Forgery and the Philosophy of Art* (Berkeley, CA: University of California Press 1983), 188-224; 'Goodman on Forgery,' *The Philosophical Quarterly* 33 (1983), 340-53; and 'Forgery,' Lawrence and Charlotte Becker, eds., *The Encyclopedia of Ethics, Volume I*, 2nd ed. (London: Routledge 2001), 556-61.

## I

I'm going to begin, however, in a very unlikely spot, namely, Descartes' skepticism about the senses. According to many philosophers, Descartes holds that just as it's possible that a given perception of his is mistaken — that his senses deceive him on a certain occasion — so it's possible that his senses always deceive him.<sup>2</sup> When I was an undergraduate and first read *The Meditations*, I thought that Descartes was obviously right. Later, I discovered that some philosophers think he's wrong, that though it's possible that his senses deceive him on some occasion or occasions, and indeed any given occasion, we can't infer from that that it's possible that his senses always deceive him.

One way to show that Descartes is wrong, according to Gilbert Ryle, a staunch opponent of a great deal of Descartes' philosophy, is by use of logical analogy. We should consider an argument that's structurally identical to Descartes' concerning the senses, Ryle thinks, but that has a premise which is obviously true and a conclusion which is obviously false. Such an argument is invalid, and since it shares its structure with Descartes' argument, it, too, would have to be invalid. Ryle's choice of an analogue argument — and here we start walking back in the direction of forgery — concerns counterfeit coins.

If a country has no coinage, Ryle says, it is impossible for counterfeiters to operate in it:

There would be nothing for them to manufacture or pass counterfeits of. They could, if they wished, manufacture and give away decorated discs of brass or lead, which the public might be pleased to get. But these would not be false coins. There can be false coins only where there are coins made of the proper materials by the proper authorities.

In a country where there is a coinage, false coins can be manufactured and passed; and the counterfeiting might be so efficient that an ordinary citizen, unable to tell which were false and which were genuine coins, might become suspicious of the genuineness of any particular coin that he received. But however general his suspicions might be, there remains one proposition which he cannot entertain, the proposition, namely, that it is possible that all coins are counterfeits. For there must be an answer to the question, "Counterfeits of what?"<sup>3</sup>

An answer to that question would be precluded in principle, according to Ryle, if it were possible that all coins were counterfeits. By analogy,

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2 Whether this reading of Descartes is correct is another matter. I accept it here, if only for the sake of argument.

3 Gilbert Ryle, *Dilemmas* (Cambridge: Cambridge University Press 1954), 94-5

the same holds for perception. It's possible that any particular perception is mistaken, and even possible that most perceptions are mistaken. It's not possible, however, for them all to be mistaken. A deceptive perception must look like, or be like, a genuine perception; and if all perceptions were deceptive, there would be nothing for them to look like, or be like. Descartes, then, is wrong.<sup>4</sup>

## II

First advanced in 1954, this famous argument of Ryle's is essentially the same as one offered in 1978 by Jay Rosenberg, a contemporary American philosopher. Rosenberg was apparently unaware of Ryle's attempted refutation of Descartes (and also of the many articles that essentially repeated Ryle's argument, giving him due credit), but instead of counterfeit coins, Rosenberg focuses on — finally, our topic — forgery. Rosenberg is a bit more circumspect than Ryle, though, for he doesn't claim that it's impossible that our senses always deceive us, a conclusion which is strongly suggested by Ryle's argument, but instead he is content to show that Descartes' argument has its problems, that it fails to establish its conclusion, even if that conclusion is true. As Rosenberg reconstructs it, Descartes' argument is:

My senses sometimes deceive me;  
therefore, it could be the case that my senses always deceive me.

This is structurally identical to the argument:

Paintings are sometimes forgeries;  
therefore, it could be the case that paintings are always forgeries,

which is itself structurally identical to the counterfeit coins argument of one section back:

Coins are sometimes counterfeits;  
therefore, it could be the case that coins are always counterfeits.

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4 Other philosophers willing to invest in counterfeit coins include John Passmore, *Philosophical Reasoning* (New York: Basic Books 1961), 108; Colin Grant, 'Polar Concepts and Metaphysical Arguments,' in H.D. Lewis, ed., *Clarity Is Not Enough* (London: Allen and Unwin 1963), 272; and, in modified form, D.W. Hamlyn, *Theory of Knowledge* (New York: Doubleday 1970), 18-19.

The premise of the forgery argument is true, of course; but does the conclusion follow? No, Rosenberg says, because

the conclusion of [that argument] is false. For a forged painting is a *copy* of some original painting, and it could not be the case that *all* paintings were copies. If all paintings were copies, no paintings would be originals, but if no paintings were originals there would be nothing for the supposed copies to be copies *of*. So the *pattern* [of the forgery argument] is an invalid pattern and in consequence,

Descartes' argument about the senses is invalid, too.<sup>5</sup>

### III

But the philosophical uses of counterfeit coins and forged paintings extend beyond Descartes on the senses. A second, though far less common use concerns the privacy of experience. 'If a man itches, but does not scratch or report his itch,' Anthony Kenny says,

we may call that a private experience; but if he itches and does scratch, why should we call the itch private? If we take "private" in this sense, and ask "Are pains private experiences?", the only possible answer is "Some are, and some are not". And from the fact that some experiences are, in this sense, private experiences, it does not follow that all experiences could be private experiences. "What sometimes happens could always happen" is a fallacy. Some money is forged, but it could not be the case that all money was forged.<sup>6</sup>

Implicit here is the claim that the argument

Money is sometimes forged;  
therefore, it could be the case that money is always forged,

is formally invalid or fallacious, a claim virtually identical to Ryle's and Rosenberg's, and one demonstrated in much the same way, by the falsity of the argument's conclusion. Like Rosenberg, Kenny claims no more than that this shows that the argument

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5 Jay Rosenberg, *The Practice of Philosophy* (Englewood Cliffs, NJ: Prentice Hall 1978), 18-19. The argument contra Descartes is repeated in the third edition of Rosenberg's book (Upper Saddle, NJ: Prentice Hall 1996), 24-5. I imagine that it can be found in the second edition (1984) as well, though I haven't been able to obtain a copy of that edition of the book.

6 Anthony Kenny, 'The Verification Principle and the Private Language Argument,' in O.R. Jones, ed., *The Private Language Argument* (London: Macmillan 1971) 204-28, at 216

Some experiences are private (in the sense Kenny is interested in); therefore, it could be the case that all experiences are private,

is also formally invalid or fallacious. What is suggested, however, is that, just as with the forged money argument, the conclusion is false. Not all experiences could be private, in the sense of having no behavioral or publicly available evidence for their existence.

#### IV

There are a number of problems here, though, and exploring them will lead me to the concept of forgery. For the moment, I'll concentrate on Rosenberg alone.

The first point that's worth noting is that even if the forgeries argument is invalid and the senses argument shares *a* form or structure with it, that doesn't mean that the senses argument is invalid. Two arguments can share *a* form or structure, and one be valid and the other invalid. That, in fact, is a commonplace of deductive logic. One reason that that's possible is that despite Rosenberg's claim about 'invalid pattern[s],' there are no invalid argument forms, no argument forms such that instantiation of them guarantees invalidity.<sup>7</sup> This is in stark contrast with valid argument forms, argument forms such that all substitution instances of them are valid arguments. There are valid argument forms — an infinity of them, in fact. It's only if an argument instantiates no valid argument form that we can declare it formally invalid. Even then, though, it may still be valid. There's no *a priori* guarantee that formal validity exhausts validity.<sup>8</sup>

Second, even if a forgery is a copy, Rosenberg is dismissing, without argument, the possibility of an infinite causal regress of copies. In other words, the possibility that painting A is a copy of painting B, which is itself a copy of painting C, which is in turn a copy of painting D, and so

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7 This is a point that Gerald Massey has emphasized in a number of papers in arguing for a general asymmetry between judgments of formal validity and formal invalidity. Actually, Massey's thesis needs to be qualified and restricted to be perfectly accurate, but pursuing the matter would lead us far afield. For more on the matter, see my 'Most Assur'd of What He is Most Ignorant,' *Erkenntnis* 44 (1996), 341-68, esp. 345-51.

8 And many philosophers, myself among them, think that it doesn't exhaust validity. See, for instance, the article of mine mentioned in the immediately preceding footnote.

on ad infinitum, is ruled out, if only by silence, by Rosenberg. Perhaps there's something wrong with an infinite regress, or at least an infinite causal regress of this sort. Whether or not there is, though, the possibility of such shouldn't be casually neglected. At the least, mention should be made of where a convincing argument for the impossibility of such a regress can be found. As it is, my suspicion is that Rosenberg didn't even see that there's a problem here that needs to be addressed.

But these are the more minor objections. The main problem with Rosenberg's argument is more basic. It's that his first premise is false. He says that a forgery is a copy of a painting. That's wrong, and wrong because he's gotten the concept of a forgery wrong. Many forgeries are copies, but most, I would venture to say, aren't. To cite a famous case, and one that I think is typical of forgery: Van Meegeren's forged Vermeers weren't copies of original Vermeers. Regardless of the truth of my statistical claim, however, the simple fact of the matter is that the existence of a single forgery that's not a copy, or even the possibility of such, is enough to tell us that a forgery isn't necessarily a copy. And if a forgery isn't necessarily a copy, Rosenberg's objection to Descartes' argument collapses.

That doesn't show that Rosenberg's conclusion, that it is impossible that all paintings are forgeries, is false, of course; all it shows is that he hasn't provided us with a good reason for thinking that it's true. Those are two very different things. However, I do think that the conclusion is false; I think that it's possible that all paintings are forgeries.

Suppose that there were no paintings, but that an artistic genius, a well-known sculptor, say, one day announced to the world that the next day he would reveal a new art form, painting. After describing what paintings were, he — let's call him Mr. X — retires to his studio to execute the first paintings. As luck would have it, though, he's kidnapped, and someone else, Mr. Y, executes the first paintings, making sure to attribute them to Mr. X, and even to sign Mr. X's name. The new paintings, the only ones in existence, would all be forgeries.

Not only does a forged painting not have to be a copy of a painting that exists (or did exist), it doesn't have to be a copy of, or in the style of, any painting at all. *Copy of* is not one of the analytical elements of *forgery*; and thus it should be no surprise that it's possible for all paintings to be forgeries.

Ryle's argument for the claim that it's impossible for all coins to be counterfeits, suffers much the same fate, as does Kenny's similar (but unargued for) claim that it is impossible for all money to be forged. Once again, a brief illustration will show why.

Imagine that long ago, there was no money, but that in forming the government of a new country, a group of people hit upon the revolutionary idea of coins as generic vehicles of economic exchange, items

which could be traded for goods and services of all sorts. The group — the government — announces that there will soon be coins of the realm, and describes them to the general public. In exactly one week, they say, coins will be put into circulation. Delays beset the operation of the first mint, but not the production and distribution of coins by a group of scoundrels, the very first of a long line of counterfeiters. Upon hearing of the impending coinage, they decide to advance their own economic interests by counterfeiting. Putting the coins they produced into circulation and representing them as genuine government issue was for them the work of a moment and a labor of love. All coins would then be counterfeits, all money forged.

The notion of a copy no more enters into the concept of a counterfeit than it does a forgery. It's an accidental feature of counterfeits that most counterfeits are copies of existent coins; and equally an accidental feature of forgeries, if it's a feature of forgeries at all, that most forgeries are copies of existent works.<sup>9</sup>

## V

There's at least one thing strongly suggested by a combination of Kenny's remark that

"What sometimes happens could always happen" is a fallacy

and Ryle's remark that

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9 A quick word on Kenny's claims about the privacy of experience. As Kenny uses the term in the quoted passage, a private experience is apparently an occurrent mental state for which there's no behavioral or publicly available evidence. *If* he's suggesting that it's impossible for all experiences to be private in this sense — he never explicitly says as much — I think he's wrong, and for reasons similar to those I've advanced against Ryle and Rosenberg. The claim that people feel pain but never publicly exhibit pain behavior isn't self-contradictory, and a world in which everyone always suppresses the urge to scratch, talk about, or otherwise manifest evidence of his itches or pains would be a very odd world, but not an impossible one. Perhaps its denizens wouldn't have the concept of pain — though I think they could — but that's another matter. The simplest way to see that it's possible for all experiences to be private in Kenny's sense is to consider an admittedly strange world, one in which a single cognitively mature individual exists for a short time. During his brief life, he experiences pain once, twice, or a number of times, but for personal reasons (curiosity about the sensation), ethical reasons (stoicism), religious reasons (a prohibition on certain kinds of behavior), or no reason at all (whim) decides not to exhibit pain behavior.

an ordinary citizen might become suspicious of the genuineness of any particular coin ... but ... he cannot entertain ... the proposition that ... it is possible that all coins are counterfeits

that's correct, however, and that should be noted. Although there are no invalid argument forms,<sup>10</sup> in the sense of an argument form that guarantees that its instantiations are invalid, it's still true that the inference from '(x) <>Ax' to '<>(x)Ax' isn't formally valid. Any NBA player is possibly the best player in the league, but it doesn't follow that it's possible that every NBA player is the best player in the league. Absent the special features of certain terms like 'the best player in the league,' however, there's nothing to be said against statements of the form '<>(x)Ax.' They are, in fact, arguably necessarily true, and thus the inference mentioned impeccable. In effect, Ryle, Rosenberg, and Kenny think that 'forgery' and 'counterfeit' are terms with just such special features, features which prevent the inference from going through; and in effect, I've argued that they're wrong in thinking as much.

## VI

What, then, is a forgery? How is the concept defined? A definition that's in the right direction has been offered by Nelson Goodman. A forgery of a work of art, he says, is 'an object falsely purporting to have the history of production requisite for the (or an) original work of art.'<sup>11</sup>

This is certainly an improvement on Rosenberg's partial and erroneous specification of a forgery, since it doesn't incorporate the notion of a copy and allows there to be forgeries where there are no originals. Indeed, it captures the truth that not all forged works of art are forgeries of works of art. This last remark may sound paradoxical, however, and so a word of explanation is in order.

Some of the best known cases of forgery in the history of art involve paintings that fill in the gaps in a famous artist's career: the forged works are the 'missing period' pieces that everyone supposedly 'knew' existed and were waiting to turn up. Such paintings are not forgeries of paintings — there aren't, and in many cases never were, any 'missing period' originals in the first place — though they are forged paintings. If we want to say that in some sense, such forgeries make reference to other works of art, that they are forgeries of works of art, we should keep Van

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10 A remark that needs qualification; see n. 7 above.

11 Nelson Goodman, *Language of Art* (Indianapolis, IN: Bobbs-Merrill 1968), 122

Meegeren's forgeries in mind when we do so. His forgeries of supposed Vermeer paintings A, B, and C 'make reference' to A, B, and C only post-facto, and so can be called forgeries of A, B, and C only post-facto: it's only because they themselves create the reference class, and 'create' the supposed paintings they're forgeries of, that we can say that they're forgeries of A, B, and C. This, however, is obviously a derivative sense of 'forgery of a work of art.' Goodman's definition, then, not only avoids building the notion of a copy into the very definition of a forgery, but concerns forgery in general, not just a certain subclass of forgery, namely, forged works of art that are forgeries of works of art.

Still, although Goodman's definition is in the right direction, I don't think that it arrives at the destination. The idea of an object purporting to have a history of production is a dark one, but even waiving that point, the definition is too broad.

One reason that's so is that it conflates misattribution and forgery: if we can get the notion of an object purporting to do or to have something off the ground at all, both forgeries and misattributions will falsely purport to have a history of production requisite for the (or an) original work of art. It's also too broad for another reason, though, and a more important one, but one which may not be so obvious. Requisite for a given painting may be being executed in oils and having been painted in 1962: those may be properties of its history of production which are, in some sense, required for its identity, for its being the object, the particular painting, that it is. Other paintings, however, may well falsely purport to have those history-of-production properties. That alone doesn't make them forgeries of the original painting. Merely falsely purporting to have a history of requisite for being the original work of art isn't sufficient for an object to be a forgery of that work. There are many, many origin- or production-related properties of objects, works of art included, but only some concern forgery.

There's also a third problem with Goodman's definition, another problem that has to do with its being too broad. For reasons that will become evident later, however, I prefer to postpone discussion of it until section XIII.

## VII

My own definition of forgery is historical, like Goodman's, and again like him, I take forgery to be an origin-related notion. But, as might be guessed from the above, I think that

- (1) a definition of forgery in general is preferable to a definition of only a species of forgery;

- (2) an adequate definition has to make clear, even if only implicitly, the difference between forgery and misattribution;
- (3) the notion of objects purporting to be, do, or have this or that should be avoided;
- (4) only certain origin-related or history-of-production-related properties of a work of art are relevant to its being or not being a forgery.

Having said as much, I'll lay my definition on the table. After that, I'll explain my view and show how it satisfies the desiderata just mentioned.

A forgery has to be understood as a forged XY, and so the important thing to do is to define a forged XY. As I understand it, a forged XY isn't a genuine XY, but is represented as a genuine XY, and is so represented with the intention to deceive. That, in a nutshell, is my definition. A forged Picasso painting is not a genuine Picasso painting, but is represented as a genuine Picasso painting, and is so represented with the intention to deceive. Further explication of the definition is needed, however.

First, the *definiendum*, 'a forged XY.'

(A) I've defined 'forgery' in terms of the adjective 'forged'; forgery, I'm in effect saying, has to be understood in terms of the 'forged' locution. As philosophers sometimes say, the adjective is logically prior to the noun.

(B) We need both the 'X' and the 'Y' in the definition because forgery involves two things: a source of issue and a kind of thing forged. The source of issue — generally speaking, the creator or originator — is, in the paradigmatic case, a person, and the 'X' in my definition is the place holder for that source of issue. Picasso, for instance, is one source of issue; Warhol is another. The 'Y' in the definition, on the other hand, holds a place for the kind of thing forged. Paintings are one kind of thing, sculptures another. In my example, Picasso is the source of issue, and *painting* the kind of thing forged. But we needn't restrict ourselves to paintings or even works of art of any kind. Checks rather than paintings could be the Ys in question. In that case, if someone engaged in forgery, the falsely represented source of issue would still be the famous Spaniard, but the kind of thing forged would be *check*, not *painting*. We really needn't confine ourselves to Picasso, either, however, or even to a famous person, much less an artist. My checks could be forged as easily as Picasso's.

Next, the *definiens*, 'not a genuine XY, but is represented as a genuine XY, with the intention to deceive.'

(C) ‘Genuine,’ in my definition, functions in much the same way that ‘real’ does, as an logically attributive adjective. A genuine Picasso Y is simply a Picasso Y; a genuine Picasso check is simply a Picasso check, a genuine Picasso painting simply a Picasso painting. ‘Forged,’ then, as parasitic on ‘genuine,’ is also a logically attributive adjective, and a forged XY is thus not an XY at all. A forged Picasso painting isn’t a Picasso painting at all; a forged Wren signature, not a Wren signature at all.

(D) I’ve been concentrating on Xs that are single individuals, but ‘X’ could range over anyone or thing — for example, any group, period, workshop, or company — that could be the creator, the originator, or, more generally, the issuer of something. Forged seventeenth-century Flemish paintings are possible, just as surely as forged Picasso paintings are. Since, by definition, every artifact has a source of issue — a human source of issue — and everything with a source of issue is, in the relevant sense, an artifact, it follows that every artifact is logically capable of forgery, and everything logically capable of forgery is an artifact. The ‘Y’ in question could thus be anything from ‘painting’ to ‘sofa’ to ‘hall pass’ to ‘stamp’ to ‘shirt’ to ‘certificate of merit.’ Whatever it may be, though, it denotes an artifact kind.

(E) And, to emphasize a point just made: no non-artifact kind will do for forgery. Non-artifacts don’t have a source of issue, even though they’re created out of pre-existing materials of some kind, as a result of the interplay of forces. That’s why diplomas, chairs, violins, letters of recommendation, perfumes, diaries, and so on can be forged, but plants, bones, rocks, skulls, and so on can’t be. This isn’t to say, of course, that a natural object, such as a wind-sculpted rock, can’t function as a forged David Smith sculpture. A natural object can be a forgery, a fact which reinforces a point emphasized below, in sections IX and XIII, that a forger need not actually have made the object that is the forgery. Rather, my point is that the ‘Y’ in ‘forged XY’ must be an artifact-kind. Objects like bushes, trees, and bones can’t be forged, though they can be faked. ‘Fake’ concerns intentionally created — and in derivative cases, simply represented — deceptive appearance *simpliciter*, and appearance *qua* kind or *qua* particular object (with particular objects, e.g., the Rock of Gibraltar, being, in effect, degenerate kinds, namely, kinds with only one instance). Fake plants are objects which appear to be genuine plants, but aren’t; and fake fruit (e.g., plastic fruit) isn’t fruit, though it was created to appear similar to real fruit, though probably not with the intention to deceive. Every object, or kind of object, can be faked, artifacts included, but only artifacts can be forged.

## VIII

After that brief explanation, I'm going to do what every philosopher does after he proposes a new definition or theory, namely, extol its virtues. More seriously, three criteria of the acceptability of a definition or theory are, first, its capacity to solve problems; second, its capacity to explain phenomena; and third, its capacity to explain the mistakes of others. And I do think that, as far as all three are concerned, forgery understood à la Wreen, fares pretty well. I'll try to show as much in what follows.

On my definition, neither forging nor counterfeiting has any inherent connection with copying; hence the falsity of the main premise of Rosenberg's, Ryle's, and Kenny's arguments (though the premise is only implicit in Ryle and Kenny), that a forgery or a counterfeit is a copy of a painting or a coin. That's the main place they go wrong. But second, my definition explains why the conclusion of their argument is also wrong; it explains why, in other words, just as all checks could be forgeries, so could all paintings be forgeries, all coins counterfeits, all money forged. For all paintings, coins, and money could be represented as having a source of issue they don't have, and be so represented with the intention to deceive.

As for why they go wrong, well, I see three interrelated reasons. First, *forgery* and *counterfeit* are logically parasitic concepts, namely, on that of genuineness. Thus a forgery — a forged XY, in the logically primitive locution — always has to be understood in terms of a genuine XY, even though it doesn't require the actual existence of an XY. Ryle, Rosenberg, and Kenny mistakenly take this need to be understood in terms of an XY for a requirement that there actually be an XY.<sup>12</sup>

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12 This, incidentally, is a mistake common to many if not all of the polar concepts arguments that flourished in the late 1940s and throughout the 1950s. Typically, such arguments conclude that since *M* and *N* are polar concepts, there has to be something that's an *M*, if anything at all is an *N*, or even (in some arguments) if the concept of *N* shows up in the language. In effect, Ryle's argument, if not Rosenberg's or Kenny's, is a polar concepts argument: the existence of genuine coins is inferred from the existence of counterfeit coins. Come to that, Ryle actually offers two polar concepts arguments, since, by analogy, he infers the existence of genuine or veridical perceptions from the existence of non-genuine or deceptive perceptions. Geared though it is to prove something of more widespread, longstanding, and central philosophical interest than the counterfeit coins argument, this second argument unfortunately fares no better. The reason is much the same: the concept of a deceptive perception may be polar to and parasitic on that of a veridical perception, but a deceptive perception is not, of necessity, a copy of a veridical perception, and it needn't be like or resemble a veridical perception, in a relational sense of either of those terms.

Second, many counterfeits and forgeries are copies, and this empirical fact may have misled the notorious three into thinking that being a copy is part of the very concept of a counterfeit or a forgery.

Third — and this is related to the first point — in a sense, there does always have to be an answer to Rosenberg's question, 'forgeries of what?' and Ryle's question, 'counterfeits of what?' But all this means is that there's always an 'XY' in question, that forgeries are always forged XYs, and counterfeits always counterfeit XYs, e.g., Rembrandt paintings, U.S. hundred-dollar bills. It doesn't mean what Ryle and Rosenberg apparently take it to mean, that *forgery* and *counterfeit* are relational concepts. They think that 'forgery' is like, for instance, 'father.' A father is always the father *of* someone; the term 'father' is genuinely relational. Thus if someone is a father, the question, 'The father of whom?' is always a proper question, logically speaking, and the correct answer has to be an existent individual or individuals, and someone other than the individual in question. But 'forgery' and 'counterfeit' aren't like that. They're not relational terms. 'Forgery of' is more like 'thought of' than 'father of': the sentence 'Fred is thinking of Superman' or 'Fred had a thought of Minerva' could well be true even though neither Superman nor Minerva exists. Thoughts require intentional objects; they're always about something. In a loose sense, so, too, do forgeries require intentional objects; they, too, always have to be about something, in the sense of making conceptual reference to something. They're always a forged something or other. But that's all.<sup>13</sup>

## IX

This is connected to another advantage of my definition: its ability to explain, to put it paradoxically, how the work of a non-existent person can be forged. A poem can be represented as an Ossian poem, for example, and not be an Ossian poem, and be so represented with the intention to deceive. But Ossian does not exist, and never did exist. The forger, in this famous real-life case of literary forgery, made up the supposed author just as he made up the poem.

What about self-forgery? Can a person forge his own work? Does that follow from my definition? More importantly, if self-forgery is possible, does that present any problems for my definition?

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13 Much the same holds for perception, incidentally: to perceive, in the sense that Descartes is interested in, requires only an intentional object.

To answer the second question first: William Kennick, for one, does think that a person can forge his own work. If X makes a copy of his own painting, Kennick says, and passes it off as the original work, 'he is as guilty of forgery as someone other than [X] would be were he to copy a work of [X's] and pass it off as an original.'<sup>14</sup> It seems to me that there are two ways to handle Kennick's case, however, and that neither presents any problems for my definition.

First, it could be held that, say, Picasso, in painting a copy of 'Girl Before a Mirror' and passing it off as the original 'Girl Before a Mirror,' is indeed forging, because 'Girl Before a Mirror' is a kind of artifact, a kind having only one instance. Hence, the copy is represented as a genuine Picasso 'Girl Before a Mirror,' and is so represented with the intention to deceive. In this case, the fact that an object isn't a genuine XY isn't due to its not being a genuine X but to its not being a genuine Y. Even if Kennick is right, then, my definition needs no modification.

A second response is simply that, despite Kennick's confidence, the copy is no forgery. Picasso is misrepresenting the work in question, and doing so with the intention to deceive, but not every such intentional misrepresentation about the origin-related properties of an artifact counts toward its being a forgery. If Picasso had lied about other origin-related properties of the copy, or even the original 'Girl Before a Mirror,' such as when he painted it, or what brushes he used, or who his model was, or how cold it was in the room when he painted, surely the painting would be no forgery. Similarly, if I lie about whether a certain check is the first check I ever signed — whether it's the first genuine Wreen check — I'm not guilty of forgery. I may be guilty of fraud, or attempted fraud — and forgery surely is a species of fraud, or attempted fraud — but not all fraud is forgery, not even all fraud about the origin, or the origin-related properties, of a work of art. My own inclination is to take this second route — Kennick's claim of forgery just doesn't ring true — but the first response, as I noted, is fully compatible with my definition as well.

Still, I do think that self-forgery is possible, even if not for Kennick's reasons. If I were to represent a painting that wasn't a genuine Wreen as a genuine Wreen, and if I did so with the intention to deceive, I'd be as guilty of forgery as Walter Weber would be if he were the one who did the false representing of the work as a Wreen. A person who discovers a work by a previously unknown artist of an earlier period and represents it as a genuine old master is considered guilty of forgery by many

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14 William E. Kennick, 'Art and Inauthenticity,' *The Journal of Aesthetics and Art Criticism* 44 (1985), 3-12, at 5.

people, even if not all. The same, it seems to me (and the law), holds for the case just described, even if I'm the one the work is attributed to. Forgery isn't confined to those who actually apply brush to canvas, and neither, of course, is counterfeiting confined to those who actually make plates or operate presses. Self-forgery is possible, then, and its possibility follows from my definition, not because forgery allows for a conceptual difference between the creator of a work and the person attributed the work (a conceptual difference that is and must be an actual difference in all cases of forgery), but because it allows for conceptual differences between the creator of the work, the person attributed the work, and the person who falsely represents the work. If one and the same person answers to both the second and third of these descriptions, self-forgery may be in the offing. To illustrate once again: suppose that I, hard up for money, and with the cunning of my hand the victim of the ravages of drink, latch onto a work by one of my epigones and represent the work as one of my own. I would then be the person falsely representing the work (and representing it with the intention to deceive, we'll say), but also be the person falsely attributed the work. Admittedly, the case is a strange one; still, it illustrates the possibility of self-forgery, and also how my definition accounts for such.

Those who think otherwise, however, those who think the cases of self-forgery just described too strange to be convincing — and our intuitions do weaken when confronted with sufficiently odd cases — are free to patch up my definition and thereby eliminate them. That's easily enough done: simply add a proviso to the effect that the person who represents the object, the non-genuine XY, as a genuine XY is also the maker or creator of the non-genuine XY. Kennick's supposed case of self-forgery would then evaporate, and without any of the fuss and bother I think necessary, and my own cases of self-forgery would quickly disappear into the ether as well. In effect, the charge would be that my definition, like Goodman's, is too broad, and thus needs to be further restricted.

There's a cost to doing business this way, however, and I'm not willing to pay it, especially since the only evidence marshaled for the additional restriction is that the idea of self-forgery is odd and the cases urged on its behalf peculiar. Requiring the forger to actually paint, or the counterfeiter to actually make plates or mint coins is, as mentioned in section VII and stressed two paragraphs back, counterintuitive. Moreover, if I'm not guilty of forgery if I find or buy a painting and then intentionally misrepresent it as an XY, then presumably no one is. After all, the actual painter would be as innocent of deceptive intentions as Snow White. Nor could I even be charged with trafficking in forgery in such cases, for there would be no forgery to traffic in. Worse still, under the proposed amendment, masterminds of a counterfeit ring who don't dirty their hands in

making plates or pressing coins wouldn't be guilty of counterfeiting. Better to live with the small conceptual oddity, and the minuscule real-life possibility of self-forgery, it seems to me, than to live without the possibility of charging white collar criminals with counterfeiting.

That said, I do think that some restricting needs to be done, though not in terms of requiring the representer to be the creator. The definition is too broad because others, not party to an original deceptive intention, or nest of intentions in the case of a group, may well pick up on that intention after a forgery has already been perpetrated and pass it on. I'm thinking of an art dealer, say, who, though not party to the original creation or perpetration of a forgery, learns of it, and decides to continue to represent a work in his gallery as an original XY. That's trafficking in forgery but not forging itself, although my definition is satisfied. Thus, in order to exclude such cases, the deceptive representation has to be restricted to the original set of deceptive representations.

But that invites the thought that the definition is also too narrow. Do the people who make plates or mint coins do any representing at all? Not usually, yet they're guilty of forgery. Another modification of the definition is thus called for, and the one that seems most natural is this: forgery requires either an original-set misrepresentation with the intention to deceive, or the intention that others make such a representation, with that intention being at least partly operative in bringing about the representation. (And representation is required for forgery and counterfeiting. A modern-day painter who executes a picture with the intention of representing it as a Hockney, but changes his mind as soon as he's done isn't guilty of forgery, just as someone who thinks of lying to a friend, but changes his mind before meeting him isn't guilty of lying.)

In the main, these complications can be ignored. The conditions underpinning the possibility of self-forgery, however, will re-emerge with some importance in another context, in section XIII.

## X

Still another odd avenue to explore is that of a forgery of a forgery. On my view, that, too, is possible. If I, having regained some of the steadiness of my hand, were to execute a painting and represent it, with the intention to deceive, as a Van Meegren forgery of a Vermeer, I am, in some sense, forging a forgery. In effect, I'm lying about a lie; I'm saying that *this* is a Van Meegren lie, when it is not. My painting is represented as a genuine Van Meegren painting (which was represented as a genuine Vermeer painting, with the intention to deceive), and is so represented with the intention to deceive.

Double or multiple forgery is also possible on my view. If a musical composition is performed by an orchestra, but the composer isn't *X*, as represented, and the orchestra isn't *Z*, again as represented, and the intention to deceive is operative in both cases, the result is a multiple forgery, a forgery respecting two different sources of issue. To illustrate: suppose that the composer of a concerto isn't Mozart but Decker and the orchestra performing it isn't the Academy of St. Martin-in-the-Fields but the Milwaukee Symphony Orchestra. The performed piece is a forged Mozart concerto and a forged Academy of St. Martin-in-the-Fields performance. Add that the featured pianist isn't Glenn Gould, as advertised, but John Simms, and we're up to triple forgery.

Connected with all this is still another implication of my definition, an implication already touched upon but one that may not sit well with some people. Forgery is usually regarded as a species of theft, as stealing other people's ideas and using them for one's own purposes. Not so. Contrary to widespread belief, forgery isn't stealing, not even someone's ideas — which, in my case, would be a strange sort of theft. Rather, forgery is a species of lie, and forging is a certain kind of lying. Lying is, in general, the misrepresentation of a matter of fact, with the intention to deceive. That being so, forgery is evidently a special kind of lie, namely, a lie doubly restricted. It's restricted as far as both its subject and predicate are concerned. The range of the possible subjects of the lie that is forgery is confined to a certain class of objects — artifacts — and the range of the predicate of the lie that is forgery is confined still further, essentially to only a single property of such objects: their authorship, or source of issue.

What's wrong with a forgery, regarded simply as such, follows from this quite readily, at least if we consider only moral wrongness. For forging being a species of lying, and lying being *prima facie* wrong — not always wrong, or wrong under any and all conditions, but wrong other things being equal, and wrong just because it's lying (i.e., not wrong because lying is contingently connected with something else that makes it wrong) — forging is also *prima facie* wrong. It's not always wrong, or wrong under any and all conditions, but wrong other things being equal, and wrong just because it's forging. At base, then, forging isn't morally wrong because of the ill-gotten gains that it makes possible, or because it tarnishes the reputations of artists. Invoices and prescriptions, after all, can be forged just as readily as works of art.

## XI

Turning now to some points made earlier in relation to Goodman's definition of 'forgery,' I can say, very quickly, that the advantages of his definition are also my own, but the problems that plague his are his alone.

First, mine isn't a definition confined to a single kind or special case of forgery, namely, forgeries of specific works of art, or forgeries of specific artifacts. It's a definition of forgery in general, though it does cover those special cases. How exactly it covers them, I've already hinted at above, in discussing Kennick on the possibility of self-forgery. In the case of a forgery of Picasso's 'Girl Before a Mirror,' the 'X' in the 'forged XY' construction is 'Picasso' while the 'Y' is 'Girl Before a Mirror.' In other words, the 'Y' should be handled, in effect, in much the same way that traditional Aristotelian logic handles singular terms that figure in the subject position in categorical propositions, or in much the same way that Willard Quine handles proper names in the higher reaches of canonical notation. In the context of 'forged,' the singular term 'Girl Before a Mirror' should be glossed as a general name, an artifact-kind term. Understood as a class term, it may denote a class that has, of necessity, only one member (though my own inclinations are actually in the opposite direction); and understood as a predicate, it may pick out, of necessity, only one object (though once again my own inclinations are in the opposite direction). This preserves everything of importance and makes for a smoother, more unified, and more systematic treatment of forgery in general. Its unnaturalness is of little moment, given its utility — which is just what Quine and Aristotelian logicians typically say when the charge of unnaturalness is leveled against their treatment of proper names and singular terms.<sup>15</sup>

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15 This is also part of the reply I would make to the charge that there are forgeries that aren't forged XYs, something that is impossible on my definition (because I define 'forgery' in terms of 'forged XY'). Consider, for instance, the following counterexample. An unscrupulous art dealer represents the work of a lesser Delft artist as a genuine Vermeer. Even if it's granted that forgery has been committed — and we probably do want to say that the art dealer is guilty of forgery — the work of the lesser painter is surely not a forged Vermeer painting, and we wouldn't want to call the original work forged.

But the assurance behind the 'surely' here is misplaced. At best, calling the work of the honest lesser painter a forged Vermeer is slightly anomalous, not strongly counterintuitive, and the oddity itself can be muted to some extent by filling in the context and explaining why the painting is a forgery in the first place, i.e., by telling the full story of the innocent painter and the sly art dealer. Given that the anomaly is minor and can, to some extent, be explained away; given the systematic advan-

Second, my definition easily distinguishes between misattribution and forgery. The difference is precisely that between a falsehood and a lie. A misattribution is a mere falsehood, while a forgery is a lie. That difference shows up in the last phrase of my definition, the one barely mentioned so far: ‘with the intention to deceive.’ Without that phrase, mine would be a definition of misattribution, not forgery; with it, it’s a definition of forgery. All forging is misattributing, in other words, but not all misattributing is forging. The phrase ‘with the intention to deceive’ is also needed in a definition of lying, of course, in order to distinguish lying from merely speaking falsely. All lying is speaking falsely, but not all speaking falsely is lying.

Third, and quite obviously, my definition avoids the curious notion of objects purporting this or that which figures in Goodman’s definition. The idea of purporting is unclear to begin with, and even more out of place, and more likely to obscure the nature of phenomena, if intentional human activity is in question, as it surely is with forgery. Nothing about a painting per se makes it a forgery; only as a represented object, in a network of human intentional activity, can it be a forgery.

Fourth, last, and very briefly, it’s clear that only certain origin-related, or history-of-production-related properties count toward an object’s being a forgery on my definition. Only authorship, or source of issue, is relevant.

## XII

One other merit of my definition is that on it, Arthur Danto’s puzzle about the possibility of a forgery with a genuine signature can be solved. To fill in the details of Danto’s case: imagine that Picasso paints a tie a uniform blue, and a forger, hearing of Picasso’s somewhat dubious achievement, subsequently executes a second ‘Blue Tie’ and represents it as a genuine Picasso-painted tie — in fact, as Picasso’s ‘Blue Tie,’ if we

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tages of a unified account of forgery; and given that any residual reluctance to call the original work forged can be partly dissipated by remembering that forged XYs are, in almost all cases, original ZYs (a forged Vermeer painting, for example, is an original lesser Delft artist painting) — given all that, I think it best to consider the painting a forged Vermeer, however misleading such a claim may appear out of context. And, except for the third point just noted, the same holds if there’s no original innocent artist at all, as would be the case, for instance, if a piece of driftwood were passed off as a genuine Moore sculpture.

like. A series of *contretemps* follows, and the two ties are passed among a number of people. Soon no one knows which tie is which, which was painted by Picasso and which by the forger. Seeking to resolve the issue, Picasso signs the tie that he thinks is his own. The one he signs, however, is actually the one that the forger painted. A forged tie, then, would bear a genuine signature. That, Danto thinks, is paradoxical.<sup>16</sup>

Unlike Danto, I find the case odd but not paradoxical. There are two artifact-kinds here, two Ys, *tie* and *signature*, but only one source of issue, Picasso. What we have is a forged XY — a forged Picasso *tie* — but not a forged XZ — a forged Picasso *signature*. There's no paradox, in the sense of something that there's seemingly knockdown reason to believe has property P — being forged — and also seemingly knockdown reason to believe lacks property P — being forged. We might think there's a paradox here for two reasons, however, the first being that the logical form of forgery hasn't been attended to, and the second that a genuine X signature on an artifact is usually sufficient for the artifact itself to be correctly attributed to the same source of issue as the signature, and thus to be a genuine X artifact. There is, in fact, an especially well-grounded correlation of this sort in the case of artifacts like painting and signatures. The generalization breaks down in the case Danto describes, however.

Danto's paradox thus doesn't need to be explained — there's no paradox to explain — but it does need to be explained away. And it is explained away by appeal to the nature of forgery. The *appearance* of paradox, however, does need to be explained; and it can be explained by lack of attention to the logical form of forgery, plus the fact that the well-founded empirical generalization just mentioned fails to hold in this particular case.

### XIII

Still and all, I have to admit that, despite the radiant beauty and many, many virtues of my definition, it still isn't quite right. It shares a problem with Goodman's definition that, in my good judgment, I thought best to keep decently hushed up: both fail to distinguish forgery from plagiarism. A plagiarism of a work also falsely purports to have a history of production requisite for the (or an) original of the work. And a plagia-

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16 Arthur Danto, *The Transfiguration of the Commonplace* (Cambridge, MA: Harvard University Press 1981), 39-41. Danto actually tells a slightly more complicated tale, but as far as forgery is concerned, no essential detail is missing in the above.

rized XY isn't a genuine XY, but is represented as a genuine XY, and is so represented with the intention to deceive. Given this conceptual similarity to forgery, almost everything said above about forgery also applies to plagiarism. What, if anything, doesn't will be examined below.

A qualification and a word of warning are needed before I go on to discuss the difference between plagiarism and forgery. Legal or institutional definitions of plagiarism needn't have 'the intention to deceive' built into them. A college, for example, might hold a student liable for plagiarism who, being from a foreign country in which such behavior is common or even expected, turned in a paper he had simply copied from a reference work. Not being familiar with the verboten nature of doing so here, he might well have lacked the intention to deceive in turning in his paper. The same actually holds for forgery: legal definitions of forgery aren't uniformly insistent on the intention to deceive as an analytical component of the concept.

But this point, important though it is in the law, can be safely ignored as far as the aims of this paper are concerned. Institutional definitions of important concepts are tailored to the institutional setting in which they figure, and perforce have to be responsive to institutional aims, self-definitions, and exigencies. For that reason they may differ, as I think they do differ in the case of forgery and plagiarism, from our ordinary concepts in certain respects. Since, then, in their ordinary, everyday acceptances 'forgery' and 'plagiarism' do incorporate *the intention to deceive*, I'll continue to take the intention just mentioned as an analytical part of both concepts.

In a rough and ready way, the difference between forgery and plagiarism is that with forgery, a person attempts to pass off his own work as another's, whereas with plagiarism, a person attempts to pass off another's work as his own. For a number of reasons, this certainly won't do as a definition of 'forgery,' as I've already in effect argued in previous sections. What bothers me more, however, is the characterization of plagiarism just tendered, and, indeed, how to distinguish plagiarism from forgery in a rigorous, philosophically adequate way.

One way in which plagiarism might be thought to differ from forgery is that plagiarism necessarily involves copying. M can't be plagiarism unless there's something else, N, that M is a copy of. Certainly, in our everyday thinking plagiarism is more closely tied to the notion of copying than forgery is.<sup>17</sup> If this is correct, then Ryle's and Rosenberg's

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17 So much so that in one of my earlier papers on forgery, 'Is, Madam? Nay, It Seems!' I said that copying is part of the concept of plagiarism (203). This is a view that, as the rest of this paragraph will make evident, I now think incorrect.

arguments about counterfeit coins and forged paintings would be given new life in the body of a different concept, plagiarism. Unfortunately, though, the central premise of the reincarnated argument isn't any truer than the central premise of the original two arguments. All paintings would be plagiarisms if only one, 'Idempotence' by Francis Pastijn, existed, but I raided Pastijn's house at his death, appropriated the painting, and represented it, with the intention to deceive, as my own work. Copying, in a full-blooded sense of the term, isn't necessary for plagiarism. Misrepresentation of source of issue, with the intention to deceive, is. If we want to retain *copy* as an analytical component of *plagiarism*, a degenerate notion will have to do, one in which a painting or term paper is a copy of itself.

Suppose, though, that I represent 'Idempotence' as the work of David Hockney rather than as my work. Then, it seems to me, the case is clearly one of forgery. Can matters be cleared up, then, simply by insisting that with plagiarism, the representer of the work must claim that he's also the author of the work? Not really, for we can plagiarize for another. If, as a dishonest undergraduate, I were to write a term paper for my beleaguered friend Walter Weber — or if I were simply to copy another student's paper — and, perhaps unbeknownst to Weber, turn in the paper as Weber's work, the paper would be plagiarized, but Weber wouldn't have represented the work as his own. Requisite here is that the person given credit, not necessarily the representer, be other than the person who created the work. But that's true of forgery as well.

Perhaps a clue to the difference between forgery and plagiarism is that self-plagiarism isn't possible, even if self-forgery is. But I doubt that even that's true. Consider the case of self-forgery detailed and defended back in section VII. I represent one of my epigone's works as my own. Isn't that just as much a case of self-plagiarism as of self-forgery? Aren't I trying to pass off another's work as my own, and isn't that central to plagiarism? And if doubts about whether the case really would be one of self-forgery start to creep in at this point, consider varying the case by my representing the painting as Walter Weber's work, when it's actually Pastijn's. That would certainly be a case of forgery.

Forgery and plagiarism can overlap, then. Strangely enough, I think that's the central clue needed to distinguish them.

As I see it, the difficulties involved in distinguishing forgery from plagiarism stem from the fact that with both, the representer of a work can be someone other than the person who created the work or is represented as the source of issue. The central problem (though not the only problem) with the characterizations of forgery and plagiarism tendered several paragraphs back is thus that with both, that possibility is neglected. The conclusion to draw from this is that both forgery and

plagiarism are formally defined as I've indicated (i.e., a forged/plagiarized XY is not a genuine XY, but is represented as a genuine XY, and is so represented with the intention to deceive), but that the two are distinguished in terms of how, and how far, they stray from their respective paradigms, or what I've been calling characterizations: forgery involves trying to pass off your own work as another's, plagiarism trying to pass off another's work as your own. Deviation from the paradigms will depend on who does the false representing. The representer can be (1) the person attributed the work, (2) the creator of the work — and those two people have to differ, since the source of issue is necessarily falsely represented with both forgery and plagiarism — or (3) someone other than either the creator or the person attributed the work. Cases of the first sort are always plagiarism, and those of the second sort always forgery. If the representer is someone other than either the creator or the person credited with the work, however, forgery is in some cases the more natural charge, and plagiarism, in other cases, the more natural charge. Forgery is more natural if someone finds a centuries-old painting in the attic and represents it as a Vermeer, and plagiarism more natural if a fellow student turns in an old term paper of mine or his own, and represents it as Walter Weber's work, especially if he's acting on Weber's instructions. But naturalness is one thing, forgery and plagiarism are quite another. If we squeeze the cases just a little, especially in terms of motives, plagiarism could be pressed into service in the first and forgery in the second. In the first, the motive of the representer could be to add to Vermeer's glory, or to detract from it, just as with friend Weber. More importantly, the case is structurally identical to the second. Not surprisingly, and for similar reasons, the same holds for the second: the motive of the representer could be to prod Weber's teacher into thinking that his student's study of art forgery has led him into the practice of same, and, once again, the case is structurally identical to the first.

How about (1) and (2)? When the person attributed the work is the person who is falsely representing it as his own, that, I said, is always plagiarism. It could also be forgery. Consider the case of my representing one of my epigone's works as my own, described in section IX. Plagiarism may be the primary charge, conceptually speaking, but the case is also, for derivative reasons, one of forgery. It is comparable to my representing a check as a genuine Michael Wreen check when someone else has actually signed my name. Similarly, when the creator of a work is the person who falsely represents it as someone else's, the case may be primarily one of forgery, but it could also be a case of plagiarism. Consider, once again, my writing a term paper but representing it as being by Walter Weber. Conceptually, the case may be paradigmatically

one of forgery — passing my own work off as someone else's — but it is also, derivatively, and probably more immediately in most people's minds, one of plagiarism.<sup>18,19</sup>

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18 I regret not being able to discuss several interesting and important topics in the near vicinity of this paper, including ghostwriters, *noms de plume*, piracy, impersonation, and cheating in general.

19 My thanks to three anonymous referees for a number of useful comments on an earlier draft of this paper. Special thanks, however, must go to Walter L. Weber for hounding me to complete it.