**Literary Indiscernibles, Referential Forgery, and the Possibility of Allographic Art**

Peter Lamarque, in chapter 4 of his 2010 book *Work and Object*, argues that certain art forms, like music and literature, are such that there can be no forgeries that purport to be of an actually existing work—what Lamarque calls “referential forgeries”. Put more clearly, any attempt at referentially forging a musical or literary work just results in making a *copy* of that work. Lamarque motivates this claim via appeal to another distinction, first made by Nelson Goodman, between “allographic” and “autographic” artforms. This article will evaluate Lamarque’s argument that allographic literary works are unable to be referentially forged and will find that they do not pass muster. In so doing, the distinction between allographic and autographic artforms will also be called into question. In section I, I will characterize referential forgery and Lamarque’s definition of allographic and autographic artforms. Section II will critically examine Lamarque’s argument against the possibility of referential forgery in allographic artforms. Section III will offer a case where it appears that a putatively allographic text’s type membership is sensitive to facts about its causal-intentional provenance. This case will serve as pretext for Section IV’s identification of this causal-intentional relation with the sanctioning relation of (Irvin 2005). On the basis of considerations treated in sections I through IV, section V will question the tenability of the allographic/autographic distinction.

1. Goodman, Levinson, and Lamarque on Forgery and the Allographic/Autographic Distinction

Lamarque’s conception of referential forgery is a modification of Jerrold Levinson’s account. For Levinson, a referential forgery is a forgery that “falsely purports to be the or an original of a particular actually existing work of art” (Levinson 1980, 377). For Lamarque, referential forgeries are forgeries “where an exact copy is made of an existing work”(Lamarque 2010, 80). Notice the difference between Levinson’s and Lamarque’s definition of referential forgery: there is no condition in Levinson’s original definition that requires a work to be an exact copy of one another.[[1]](#endnote-1) This complicates Lamarque’s argument, if Lamarque intended his definition of referential forgery to map on to Levinson’s. In the interest of charity, I will assume that referential forgeries only occur in cases where an exact copy is made of an existing work, as Lamarque would have it.

Lamarque motivates his argument against the possibility of referential forgery in musical performance and literature by drawing on a distinction, first noted by Nelson Goodman, between “allographic” and “autographic” artforms. For Goodman, an artwork is autographic “if and only if even the most exact duplication of it [the artwork] does not thereby count as genuine”(Goodman 1976, 113). On the other hand, instances of literary works and musical performances count as genuine, per Goodman, if they possess “sameness of spelling”. Literary and musical works, then, are unable to be referentially forged because they are “allographic” artforms, and referential forging only occurs in art forms that are autographic. Such considerations might suggest the following definition of allographic artworks:

1. AllographicSameness: A work of art is allographic if and only if the criterion for what counts as a genuine instance of that work is sameness of spelling.

Clearly, the sameness of spelling criterion is motivated via appeal to standard cases of literary texts and musical scores, where it appears that sameness of spelling sufficient for something’s being an instance of a literary or musical work. But this simple criterion of type membership quickly becomes implausible if “sameness of spelling” is strictly interpreted. In ordinary cases, exact sameness of spelling isn’t something a token of an allographic work is required to possess to be considered a genuine token of that type. There is a strong presumption in favor of the idea that, say, a text notationally identical to *Jane Eyre* but for an additional typographic error is still an instance of the work type *Jane Eyre*. Surely someone would be confused if they told you that they read *Jane Eyre* and you replied that they haven’t, because their edition contained a single, and usually unnoticeable, typographic error. Likewise, we would not claim that you haven’t read *Jane Eyre* if you revealed to us that you read it in an edition that used American English spelling, rather than British English. Perhaps more contentiously, we also seem to think that reading works in translation counts as reading that work[[2]](#endnote-2), and translations can often diverge from the work, in spelling and content.

Given these doubts about Goodman’s sameness of spelling criterion, Lamarque thinks that the definition of an allographic artwork needs to be modified. To that end, Lamarque claims that the distinction between allographic and autographic artworks isn’t best conceived via sameness of spelling. Rather, the distinction is best conceived in terms of the work type’s sensitivity to the causal provenance of candidate-tokens[[3]](#endnote-3) in assessing whether these candidates count as genuine instances of that work type (Lamarque 2010, 85). In paradigmatically autographic artforms like painting, causal provenance is relevant to assessing whether a candidate-token is a genuine member of a certain artwork type, whereas it is irrelevant in the case of allographic art forms, such as musical works.[[4]](#endnote-4) This shift of focus nicely captures what is intuitive about the sameness of spelling criterion for allographic works—that, in certain artforms, notationally identical texts are in fact of one and the same work type—without being committed to its more implausible entailments regarding what exact sameness of spelling amounts to. This leads Lamarque to his preferred formulation of ‘allographic’:

(2) Allographicausal: A work of art is allographic if and only if the causal provenance of a candidate-token *x* plays no part in (metaphysically) determining whether *x* counts as a (genuine) token of a work type *y*.

A note regarding the usage of the word ‘genuine’, here. In Goodman’s usage, to be a genuine instance of a work type is just to be an instance of that work type (Goodman 1978, 117-118). So, a genuine instance of the work *Jane Eyre* is just being, in fact, an instance of *Jane Eyre*. As far as I can tell, Lamarque’s usage of ‘genuine’ in *Work and Object* is identical to Goodman’s: to be a genuine instance of a work type is just to in fact be an instance of that work type. It is nothing over and above being a token of that type. Notice also that Lamarque’s definition entails that there are no instances of non-genuine allographic works—any candidate-token of an allographic work is genuine in the sense that it can be read, by readers, as a token of that work type.[[5]](#endnote-5) And if all candidate-tokens of allographic works are genuine, then there can be no referential forgeries of allographic works—for referential forgeries are *non-genuine tokens* of existing works.[[6]](#endnote-6)

 Later, I will argue that there can be non-genuine (read: forged) candidate-tokens of *any* work, since all candidate-tokens must stand in the appropriate relation to the author (and the relevant context) to in fact be a token of a particular work-type. This amounts to affirming that any artwork can be referentially forged, and to denying that there are any allographic artworks, as Lamarque conceives of them.

For Lamarque, then, any direct copy of an allographic work is a genuine instance of that work, irrespective of its causal provenance. But the criterion of being a “direct copy” is stricter than that of sameness of spelling—direct copies, presumably, preserve all relevant aesthetic properties.[[7]](#endnote-7) I take this to be Lamarque’s understanding of ‘allographic’ in *Work and Object*, and, in the next section, I will detail how this definition of allographic features in Lamarque’s argument against the possibility of referential forgery in literary works and musical performances.

2. Lamarque’s Argument for the Irrelevance of Causal Provenance

Lamarque’s argument against the possibility referential forgery of allographic works is interestingly different from Goodman’s, though it rests upon the same intuition that histories of production are relevant for assessing the genuineness of certain works but not others. Lamarque motivates his version of the allographic/autographic distinction via a thought experiment about two poets named Black and White who independently write identically worded poems:

Take White’s poem and Black’s (identically worded) poem and consider the following scenario. The poems are to be published in separate volumes but by the same publisher. At the printing stage 500 copies of the identical text of the two poems are produced without thought to which is which. Late in the process the binder decides, arbitrarily, that the first 250 off the press will go into White’s volume, the second 250 into Black’s. At that point, but not before, the texts become texts of the different works…An hour later an emergency call goes up that only 200 copies of White’s book are needed but 300 of Black’s. The sheet that the proof-reader so diligently attended to is transferred to Black’s pile…By a cruel twist of fate, a further decision is made that indeed only 200 copies are needed of Black’s volume as well. The unwanted sheet now twice proof-read is put in the waste bin. Days later a cleaner, indifferent to the merits of either White or Black, picks out the sheet, takes it home and frames it…Is it White’s or Black’s poem on the cleaner’s wall? Strictly of course only the text appears on the wall. But whose poem is it the text of? There is no determinate answer. The provenance of the sheet provides no discriminating criterion. The text itself could be read as either White’s or Black’s poem. The determining factor rests not on the history of the sheet but on a decision by whoever turns their attention to it. (Lamarque 2010, 85 – 86)

For Lamarque, the indiscernibility of the Black and White’s poems entails that there is no determinate fact of the matter regarding the poem’s identity in advance of a reader’s decision to read it as Black or White’s poem. Lamarque then claims that this is the case for most literary works[[8]](#endnote-8); it is generally up to the reader to decide what work a text is read as. A copy of *Jane Eyre* is an instance of the work type *Jane Eyre*, simply by dint of its being read as such; presumably, the text is read as such because its cover signposts the origin and induces the reader to read the text as of that type. But readers are not *required* to do so; they could read it as another work if they so choose.

This leads Lamarque to conclude that the “provenance of this instantiated text-token or this copy of a[n] [allographic] literary work is never a determining factor in how it should be read” (86 – 87). Because the reader’s decision to read a text-token as a particular work determines what work is being read, the historical provenance of the text-token does not determine in advance what work the text-token belongs to, and so it is impossible to commit referential forgery:

Crucially, there can be no difference between presenting a copy of White’s poem and presenting a copy of the shared White/Black text with the instruction to read it *as* White’s poem. That is why referential forgery is not possible in such cases. For the forger, attempting to forge White’s poem, must present a copy of a text as if it were White’s poem (and urging that it be taken that way) while somehow holding in mind the thought that it is in fact a copy of Black’s poem. But ‘presenting a copy of a text as if it were White’s poem’, i.e., with the instruction to read it as White’s poem, just is presenting White’s poem. No provenance-related facts about the copy—the text-token itself—will make a difference. What matters is the way the copy is offered and taken. (Lamarque 2010, 93 – 94)

This argument is meant, to apply, *mutatis mutandis*, to all allographic works, because causal provenance is, for Lamarque, irrelevant to the assessment and appreciation of allographic works.

Lamarque thinks that the causal provenance of the sheet on the wall doesn’t yield a determinate answer regarding whether it is a token of White’s or Black’s poem. So, what must determine whether the sheet on the wall is White’s or Black’s is the “unconstrained decision by the reader”. But why should we think this? What reason have we been given to think that causal provenance is actually irrelevant in such a case? For we could, with equal right, say that it is not a token of White’s or Black’s poem *at all*, since the sheet on the wall doesn’t bear the right relation to either author.

Lamarque may reply that by reading it as White or Black’s, we gain access to White or Black’s work in the sense that the sheet on the wall is perceptually indiscernible from their poems, and this gives us good reason to think that causal provenance is irrelevant to the sheet on the wall’s type membership. But this, taken alone, says nothing about type membership: that we can learn just as much about either Black or White’s poem from the text on the wall doesn’t thereby entail that our reading it as a poem of, say, Black’s is sufficient for its being a genuine instance of Black’s poem. I may learn everything aesthetic about the Eiffel Tower from looking at a perfect replica found in Las Vegas, but this fact alone is not sufficient for the Vegas replica to be a genuine token of the work-type *Eiffel Tower*. Of course, Lamarque will argue that in standard cases literary works are not sensitive to facts regarding their causal provenance, whereas clearly causal provenance matters in the case of architectural kinds like *Eiffel Tower*. But this reply is only convincing if we assume, from the start, that causal provenance is irrelevant to the determination of what work-types texts are tokens of, which is precisely what I am taking issue with. One may wonder whether this apparent difference between texts and towers is really pretheoretical, rather than an upshot of the rather theoretical commitment that there are allographic and autographic works.

The issue with Lamarque’s argument, then, is that no strong reason has been given to think that readers’ psychological states determine what work-type candidate-tokens fall under. Lamarque seems to arrive at his conclusion by way of elimination: if there is nothing about the “history of the sheet” that determines what work-type the sheet falls under, then it *must* be the case that what does the metaphysical trick is the reader’s dispositions to read it as a token of a work-type. But surely, this answer, in this context, gets whatever plausibility it has from the dearth of available options—if causal provenance is irrelevant, then it must be something about the reader that does the trick, unless the object is metaphysically indeterminate, which Lamarque presumably thinks we should reject out of hand. So, if we can come up with a plausible reason to think that causal provenance *is* relevant to metaphysically determining what work-type candidate-tokens fall under, then the force of Lamarque’s thought experiment is vitiated, as we would find that Lamarque fails to provide independent reason for his view. The Black/White thought experiment only induces the reader to its intended conclusion, then, if no plausible account of the relevance of causal provenance to putatively allographic works is in the offing, *and* if there is reason to reject, by way of intuition or argument, the claim that the poem on the wall is neither White’s nor Black’s.

Perhaps Lamarque can respond here by suggesting that the claim that the poem on the janitor’s wall is neither Black nor White’s is objectionably *ad hoc*—it is only treated as a genuine possibility to preserve the skeptical position regarding the allographic/autographic distinction. Even if such a position were *ad hoc* (and I don’t think it is, given how recherche the case), Lamarque would still have to give us reason to reject the relevance of causal provenance, which he hasn’t done. Later, I will outline an account that might independently motivate this denial *via* appeal to causal provenance, but I will bracket this concern for the time being. In any case, a problem with Lamarque’s account is that the Black/White thought experiment is not convincing to anyone who is skeptical of the allographic/autographic distinction, and because he gives no reason as to why one cannot simply deny that the text-token on the wall is either Black’s or White’s poem.

3. Paul Auster and the Relevance of Provenance

Lamarque’s account has a further problem: It does not cohere with some ordinary judgments regarding a candidate-token’s authenticity. It seems that we *do* react differently to the injunction that we read White’s poem as Black’s, as opposed to just reading a shared copy of White’s/Black’s poem, and this difference in ordinary practice signals a relevant difference that Lamarque’s account elides.

This observation regarding ordinary practice may be true, but if it really is the case that a reader’s psychological state metaphysically determines what work they’re reading, then it is the case that there is no difference between the two even if there is a difference in ordinary practice. Lamarque, however, hasn’t clarified whether he takes our ordinary practices of interpretation as relevant to determining what is actually the case; without that, it’s not clear whether this response succeeds. If Lamarque intends for this to be a revisionary account of the metaphysical determination of literary and musical works, then the fact that his account contradicts ordinary practice is of no great consequence. But if our ordinary practices are taken to serve as good evidence of what is or ought to be the case regarding the metaphysical determination of musical and literary works, then Lamarque needs to account for this difference in intuition. Surely ordinary judgments of cases possess *some* relevance to the question at hand, however, otherwise it would be strange of Lamarque to base his account on the deliverances of the White/Black thought experiment.

If ordinary judgments regarding a text-token’s metaphysical status are relevant, then something that should be immediately apparent is that there must be further conditions upon a reader’s psychological state that constrain their ability to metaphysically determine what the work is. Clearly, if I am reading a copy of *Don Quixote,* I cannot simply choose to read it as *The Left Hand of Darkness*, and thereby make it the case that I am reading *The Left Hand of Darkness*—patently, it is still an instance of *Don Quixote*, and what I am doing is itself quixotic, if not incoherent. It is unclear, as it stands, what these further conditions must amount to for Lamarque’s account to escape counterintuitive consequences, but perhaps some progress could be made if the move is made to dispositions to read it as *x* in normal (or ideal, or…) circumstances.[[9]](#endnote-9) Either way, more conditions must be supplied for the account to be plausible as it stands. This implausibility is an issue with Lamarque’s account, independent of the account’s failure to adequately motivate the conclusion drawn from the Black/White thought experiment.

Moreover, there are cases that appear to be counterexamples to Lamarque’s claim that causal provenance is irrelevant to determining what allographic work-type a candidate-token falls under.

Say I wrote a work that just happened to be word-for-word identical to Paul Auster's *The New York Trilogy*. Because the intentions undergirding each work are different, the constitute different works with different aesthetic qualities, much as Pierre Menard’s *Don Quixote* appears to be a different work than Cervantes’ *Don Quixote*.[[10]](#endnote-10) I then take my work—*The New York Trilogy*—and adorn it with the trappings of the original 1987 Faber & Faber edition of Auster’s *The New York Trilogy*, so that it constitutes a direct copy. I give it to my friend, asserting that it is Paul Auster’s *The New York Trilogy*.It would not be a philosophical howler or conceptual faux pas for my friend to respond, having no antecedent familiarity with either *New York Trilogy* before my elaborate attempt at passing mine off as Auster’s, that I haven’t given them Paul Auster’s work at all. It would be perfectly in order for my friend to say that I’ve given them *my* work masquerading as Auster’s (if they share my judgment regarding Pierre Menard cases), or, minimally, that I’ve given them a pirated copy of Paul Auster’s *The New York Trilogy* (if they don’t share my judgment regarding Pierre Menard cases).

Since these works are notationally identical, my friend may reasonably choose to read my *The New York Trilogy* as if it were Auster’s *The New York Trilogy*—they would learn the same things about Auster’s *The New York Trilogy* that they would by reading a genuine copy of it, in the same way that I might learn about the genuine Eiffel Tower by observing the Vegas replica— but it doesn’t seem to be the case that their choice to read it as Auster’s *The New York Trilogy* metaphysically determines that the text before them is a token of Auster’s *The New York Trilogy*. Quite the opposite—it is at the very least unclear whether it is a token of Auster’s *The New York Trilogy*. And intuitively, this seems appropriate. Whatever else, my *New York Trilogy* hardly seems like a *genuine* token of Auster’s *The New York Trilogy*:Auster gave publication rights (at that time and place) to Faber and Faber to publish *The New York Trilogy*, not anyone else. But if it does not appear to be a genuine token of Auster’s *The New York Trilogy*—because it lacks the right kind of causal provenance—then it appears to be a text passing itself off as an actually existing work while failing to be a genuine instance of that work: a referential forgery.

If the argument is fully convincing, it shows that the causal provenance of the copy of the allographic work is relevant to metaphysically determining whether it falls under that work-type. If this is the case, then allographic works are not, *contra* Lamarque, tokened by a reader’s psychological dispositions to treat an object (or event) as an instance of a work, since reader’s dispositions need not build in any assumptions regarding causal provenance. Another upshot of my argument is that making a work that is a direct copy of the 1987 Faber and Faber edition of Paul Auster’s *New York Trilogy* and subsequently presenting it as an instance of Auster’s *The New York Trilogy* constitutes a case of referential forgery.

Perhaps Lamarque could respond by noting that I’ve only made a forgery of a particular edition of Auster’s *The New York Trilogy*. Particular editions are autographic in character, whereas most literary work-types are not; so, while it is a referential forgery of the 1987 Faber and Faber edition of Auster’s *The New York Trilogy*, it is not a referential forgery of Auster’s work *The New York Trilogy*. This response is tenuous. It is obvious that no one thinks that pirated copies of *The New York Trilogy* are *only* pirated copies of a particular published edition—they are also pirated copies of the *work.*  The very fact that we have copyright and intellectual property laws signals that we care about the origins of particular copies and, further, that these origins mark a difference between what counts as a genuine instance of a work-type and what counts as illegitimate bootlegs or forgeries masquerading as of that work-type.

Lamarque might further object that my position is comparatively counterintuitive, because it entails that we are not reading *The New York Trilogy* even though we would take ourselves to be, when reading a pirated copy. Isn’t it far more counterintuitive to suppose that if my friend had read an unsanctioned *photocopy* (i.e., one not passed off as *The New York Trilogy* by me, that was directly copied from Auster’s *New York Trilogy*) of the *New York Trilogy* that they hadn’t read a text-token of *The New York Trilogy* at all? And if this is the case, then it appears that the above case, and others like it, are not plausible cases of referential forgery, since it would then appear that including causal provenance in determining whether a text is a token of a particular work-type yields counterintuitive consequences. Put another way, the objection might be this: Why would people pirate books if there wasn’t a presumption that one was reading the pirated *work* in question?

This intuition can be explained away. By my lights, it is not counterintuitive to suppose that one might have read a text that is notationally identical to a text-token of *The New York Trilogy* that is not in fact a text-token *of The New York Trilogy*. The photocopy case only *looks* counterintuitive because there is no attempt to deceive on the part of the person handing the unsanctioned photocopy to their friend, so it doesn’t look like a paradigmatic case of forgery, which usually involves an intent to deceive.[[11]](#endnote-11) But if it doesn’t stand in the right causal relation to the author, then it simply is not an instance of the work, intent to deceive or no. And if it is not an instance of the work, then it is not implausible or counterintuitive to think that inducing the reader to read the photocopy as if it were Auster’s *New York Trilogy* amounts to a case of passing off a direct copy of the work—one that is in fact nota token ofthe work—as a genuine instance. And this looks quite a bit like referential forgery.

What about the fact of book piracy? My explanation for book piracy is simple. People buy and read pirated books not because they are reading the work in question by reading a notationally identical text[[12]](#endnote-12)—the text does not stand in the right relation to the author’s intent to qualify as an instance of the work—but because they can glean the exact same *information* from a pirated text-token of the work. If the Vegas Eiffel Tower were a sufficiently similar model of the Paris Eiffel Tower, then it would not be ridiculous of people to examine Vegas Tower in order to learn about the Paris Eiffel Tower. Likewise when people buy and read pirated editions of books. Moreover, the Vegas Eiffel Tower would be a referential forgery if it purported to be an instance of the Paris Eiffel Tower (if, say, the city of Paris replaced the Paris Eiffel Tower with its Vegas counterpart overnight, unbeknownst to anyone). It is unclear where the disanalogy is supposed to come from here, beyond the supposition that (insufficiently argued for, I have claimed) architectural works are autographic and literary/musical works are not.

It appears that Lamarque has given no strong reason to think that the metaphysical status of a candidate-token—that is, what work-type it really belongs to—is insensitive to facts about the candidate-token’s origin. The next step is to flesh out an account in which instances of putatively allographic artworks are also sensitive to causal provenance. Exactly what origin-related facts are relevant will be the subject of the next section.

4. Sanctioning and Literary Text-Tokens

 All works of art, and all tokens of works of art, stand in certain kinds of relations to their creators. These relations are primarily causal and intentional: they are causal because the author creates the work or causes a token of it to be instantiated[[13]](#endnote-13); the relations are intentional because the author makes the work have certain features and not others, and this making thus-and-so serves as evidence of intentions to make thus-and-so. But these causal and intentional relations are not the only relations that works stand in with their creators. There are also social and institutional relations that authors and their works stand in. Paul Auster wrote the *New York Trilogy*, and Faber & Faber published the original edition of it. But Auster might have delegated printing rights to a new institution if and when his contract with Faber & Faber ran out, or if they did not operate in a particular country (such as the United States, where Vintage holds the publishing rights to the *New York Trilogy*).

These facts about Auster’s *The New York Trilogy*—that it was originally published by Faber & Faber in 1987, that its U.S. publishing rights are held by Vintage, etc.—were not present at the creation of the work. Before the book deal, the original manuscript was the only extant token of *The New York Trilogy*. Once the manuscript was completed, proofed, and put into press, genuine tokens of *The New York Trilogy* proliferated*.* But they all possessed the same kindof relation to Paul Auster—all these copies of *The New York Trilogy* were *sanctioned* by him, by way of their being produced in the right way—viz., by the publishing company he contracted with. The concept of sanctioning comes from (Irvin 2005). Irvin introduces the sanctioning relation in order to makes sense of artworks that are, *inter alia*, site-specific, rapidly decaying, etc. These cases need accounting for because they render indeterminate the conditions of diachronic identity and, therefore, what features the work has, both over time and at a time.

 In order to account for the fact that artworks intentionally and unintentionally change from their original form, we need to “appeal to information related to the artist’s intention at relevant points during the work’s production” (Irvin 2005, 1) to secure identity over time. For example, a work that was meant to decay over time in a controlled fashion persists if it decays in the fashion specified by the artist. But if it is incinerated in a fire, the work does not persist (5). And this is because its persistence conditions were fixed in part by the artist’s intentions for the work to have certain qualities vis a vis its identity over time.

Saying that we need to consider the intentions of the work’s author in determining identity over time does not amount to endorsing hypothetical or actual intentionalism[[14]](#endnote-14), however. There are two reasons for this: first, the sanctioning relation is a metaphysical principle of individuation for work types and work tokens, whereas hypothetical and actual intentionalism are theses regarding art interpretation.Unless Lamarque is right, these issues ought to be kept separate. Interpretations—even the interpretations of authors regarding their own works—do not metaphysically determine properties of artworks; rather, an interpretation is supervenient upon what is metaphysically the case: an interpretation is correct, or admissible, or whatever, just in case it captures the relevant features of an artwork in an enlightening or explanatory way. So, good interpretations must be sensitive to the metaphysical facts of the matter, rather than determinative of them, lest we find ourselves in a vicious hermeneutic circle, where our interpretations fix the metaphysical facts, which then fix our interpretations, which then fix the metaphysical facts, *ad inifinitum*.

Second, Irvin’s view “does not require that we make inferences about the artist’s intentions, whether actual or hypothesized, construed as mental states of behavioral dispositions” (5). Rather, it requires that “we examine the artist’s publicly accessible actions and communications, the contexts in which they were delivered, and the conventions operative in those contexts to determine what the artist has *sanctioned*” (2). What the artists sanctions paradigmatically involves the intentions of the author but is not totally determined by those intentions— for example, the museum presenting an artist’s work may present it in such a way that it modifies the relevant aesthetic qualities of the work (modifications that are sanctioned if the artist is indifferent or approving towards them in such a way that they still approve of the presentation of the artwork to the public).

The artist may also fail to sanction aspects of a work that they intended to sanction.[[15]](#endnote-15) An author may intend a work to have a metallic sheen, but through accident or incompetence, fail to make it the case that the work has a metallic sheen. So, she has failed in her intention, and so failed to sanction a relevant feature of the work, that is, its having a metallic sheen. Paradigmatic cases of sanctions, then, are not just intentions—they are *effective intentions*.[[16]](#endnote-16) Intentions to φ are effective just when they suffice for φing in the relevant context. For example, my intention to marry a couple in a traditional marriage ceremony is not, in and of itself, sufficient for marrying a couple in the eyes of the state or a religious institution. Rather, I must also be in the right kind of social context where I occupy a particular social role, while also having the relevant intention. For example, if I am marrying a couple in a traditional Christian marriage ceremony, I must have the intention to pronounce the couple married and be an ordained minister. If I am not ordained, then I have failed to marry the couple (by the lights of the traditional Christian denomination) when I declare them married, whatever my (and the couple’s) intentions. Likewise with the sanctioning relation. If Paul Auster had intended to sanction as genuine only the 1987 Faber & Faber edition of the *New York Trilogy* but misread the contract (he had instead contracted with, say, Knopf-Doubleday), then Auster failed to sanction the 1987 Faber & Faber edition of the *New York Trilogy* as a genuine instance of the work, because his intention did not meet the requisite contextual standards for an effectively carried out intention.

Noting these features of effective intentions, we can conceive of paradigmatic cases of the sanctioning relation as a three-place relation between the artwork, the artist’s (public) intentions regarding the artwork, and the prevailing social context that fixes the standard for what counts as an effective intention. Notice that this means that sanctioning can happen in absence of an explicit public declaration. If intentions to φ are effective in the relevant context, then that feature is sanctioned, whether or not the author explicitly thought ‘I sanction feature *F* of my artwork *x* via φ’. For actions can be intentional without being declarations, such as one intentionally grabs beer from the fridge without any previous public or private declaration to that effect.

My account of sanctioning departs from Irvin’s in one key respect. For Irvin, sanctions are effective intentions on the part of the artist’s in making a work thus-and-so. Therefore, all sanctions are a species of intention—namely, effective intentions. An entailment of Irvin’s account of sanctioning is that artist cannot sanction aspects of a work that they did not intend to sanction, because all sanctions are intentional.

This is not the best way to conceive of sanctions, for there appear to be unintentional sanctionings. Say an artist misreads her contract with a gallery and believes she has control over the viewing conditions of her artwork*,* when in fact she is contractually bound to defer to the curator’s decision regarding viewing conditions. In this case, the artist has sanctioned an aspect of the work that she did not intend to, namely, the viewing conditions the artwork is viewed in. This may appear counterintuitive unless one keeps in mind that the sanctioning relation is a principle of metaphysical determination, *not* a principle of interpretation. Say we knew that the author misread her contract; it would then do to say that author had intended for the viewing conditions to be thus-and-so, but they in fact turned out otherwise, because she sanctioned, via her signing of the contract, a different set of (perspectival) properties for the work. Whatever the right way to interpret the work, given what the artist wanted, it has the properties it has in virtue of what the artist *did*—in virtue of what she sculpted, *and* in virtue of what she signed off on, intentionally or unintentionally. Sanctions, then, are only paradigmatically intentional.[[17]](#endnote-17)[[18]](#endnote-18)

The sanctioning relation captures the clear sense in which an artist has special, but not wholesale, authority in determining features of their work. It explains, simultaneously, how artworks are sensitive to the intentions of their creators without being wholly determined by them, since artists must not only intend but effectively intend in order for the work to have certain properties. Plausibly, one property of a work that an artist’s sanction determines is what counts as a genuine token of her work.

In literature, the artist’s sanction is reflected, canonically but not exclusively, in their granting of printing rights to particular institutions, namely, publishers.[[19]](#endnote-19) Noting this gives us a principled answer to the sheet on the janitor’s wall: it is neither Black nor White’s, though one can glean the same kind of information from it that one could from a genuine instance of Black or White’s poem. Black and White both sanctioned their poems to be produced by a publisher. On the view just advanced, a candidate-token’s falls under a work type just when it is sanctioned by the artist, which (standardly) requires an effective intention to sanction on their part. In this case, the legitimate instantiations of White and Black’s poems are those sheets of paper due to be included in the poetry collections and the manuscripts from which they are copied. But those that are thrown away no longer stand in the proper sanctioning relation to their authors and the institutions the authors delegated partial authority to—they are now mere pieces of paper with words printed on them. Since they do not stand in the proper sanctioning relation, they are not tokens of Black’s poem or White’s, so it is determinately the case that the text-token on the wall is identical to neither, even if we could freely decide to read the poem on the wall as Black or White’s because of their identical wording. And, if causal provenance by way of the sanctioning relation is relevant in determining the type-membership of literary texts, then causal provenance is relevant in determining type-membership for all putatively allographic artforms.

One may worry that the above account of sanctioning faces the same problem as Lamarque’s, namely that psychological states metaphysically determine what work-type candidate-tokens fall under. [[20]](#endnote-20) This is misguided, however. First, Lamarque’s account differs in two respects: first, it is readers rather than authors that determine what work is being presented—readers’ choices to read a text *as* a certain work entail that it is a type of that work (when suitable further conditions are met). One difference between the proposals is that readers clearly lack the special authority that authors do in fact have with regard to determining what the work is and what its features are.[[21]](#endnote-21) The second way in which the account differs is that Lamarque’s account of token-individuation of texts collapses the distinction between interpretation and metaphysical determination. If readers make the choice to interpret that text *as Don Quixote* rather than *Pierre Menard*, then that is the end of the matter. Not so with regard to the sanctioning relation, since what matters in the sanctioning relation is the causal-intention relation of the token to its author, and the social context in which that causal-intentional relation is instantiated. Authors, therefore, cannot just intend for their work to have the relevant type-membership conditions in the way readers can choose to read a text as of a certain work-type, like on Lamarque’s account. Rather, artists must effectively intend for their work to have the relevant membership conditions in order for it to be the case that the work-type does have those membership conditions.

One may also worry that there will be many cases where the artist fails to sanction anything at all, and as such the metaphysical status of certain candidate-tokens will be indeterminate.[[22]](#endnote-22) This is right, so far as it goes, but this is less of an issue than it initially appears. Say a European author writes a manuscript in the 13th century before the invention of the printing press in Europe. This work ends up being historically influential and is widely printed even in the present day. Plausibly, the author did not have an intention to the effect that their manuscript be widely printed by various publishers, and read and presented in various circumstances that would’ve been fundamentally alien to them (such as museums, live readings at bookstores, etc.) So, it looks as if the author did not sanction these works, and they are not genuine instantiations of the work. And this seems manifestly implausible. But this conclusion is hastily drawn. Unless the author wrote the manuscript with the intent of never showing it, they intended for the work to be presented to the public in some capacity. And this intention to present to the public, unless very idiosyncratic, could plausibly encompass forms of presentation and dissemination that did not cross the author’s mind at the time. That the author’s work is presented in a fashion that exceeded their imagination does not mean that this presentation is not sanctioned by them, for we must ask what the author would’ve thought *had* they known about contemporary methods of work dissemination and presentation. Plausibly, they *would* have effectively intended for such methods to be legitimate forms of dissemination and presentation had they been born in the relevant time. And this is because they had intended to present the work for public scrutiny in the first place, and this is a way in which one can satisfy that intention nowadays.[[23]](#endnote-23) While there will be edge cases where it is unclear whether authors had the relevant effective intention to present their work for public scrutiny, it is perfectly in order to query whether reproductions of these works count as genuine instantiations of the work. This worry, by my lights, does not infect the whole account.

I will now evaluate how the allographic/autographic distinction fares in light of these considerations.

5. Is the Allographic/Autographic Distinction Tenable?

Given that causal provenance is relevant to work-type membership of putatively allographic artworks, perhaps it would be wise to weaken Lamarque’s definition of allographic to:

1. AllographicStandard: A work of art *y* is allographic if and only if in standard cases the causal history of production of a token *x* is not relevant to determining whether a *x* is a genuine instance of the work of art *y* in question.

This definition, however, renders the allographic/autographic distinction toothless, because admitting considerations of provenance into putatively allographic artforms raises the following pressing question: Is it the case that causal provenance is really irrelevant in standard cases, or is it the case that causal provenance is relevant in standard cases but usually taken as obvious and, thereby, assumed? In standard conditions, we have very good information about where a book came from, who the publisher is, who the author is, when it was made, etc. To the extent that this state of affairs is rendered obscure to us, the more we might begin to care about figuring out the book’s provenance, in order to interpret and assess it correctly. And this is reflected in our attitudes towards lost works, forgeries, and the like. It’s not so much that causal provenance is irrelevant, but rather that it’s always relevant but usually *obvious*. And if causal provenance is always relevant, even if it’s usually obvious, then it appears that there’s no particularly good motivation for the distinction between allographic and autographic works as standardly conceived.

To reiterate: for Lamarque all candidate-tokens of an allographic work type *y* that are treated by readers as being instantiations of *y* cannot fail to be tokens of that type. Direct copies of autographic works, meanwhile, can fail to be tokens of an autographic work type, whatever readers’ dispositions. But, if I am right, then any direct copy of a work that doesn’t stand in the right causal relation—the sanctioning relation—to the author can fail to be a token of that work type whether that work be a painting, a book, a live performance, etc. And genuinely being a token of a work type *y* amounts to being sanctioned as such by the author. All artworks, then, are autographic.[[24]](#endnote-24) And if all works are autographic then, it should be added, they all admit of the possibility of being referentially forged, however *recherche* the possibility might be. For genuinely being a token of a work type *y* amounts to metaphysically being a token of a work type *y*; but a candidate-token can *always* fail to be of work type *y,* if it is not sanctioned by the artist. In such cases, if the object is presented as the work of the author’s, then it is a referential forgery of that author’s work.

While it may be the case that causal provenance plays a *different* role in putatively allographic artworks than it does in autographic ones (in that we are generally less rigorous about type-membership conditions for putatively allographic artworks), the essence of the distinction between autographic and allographic artworks was the irrelevance of causal provenance to the genuineness of allographic works. The property of being allographic simply cannot apply to any work of art, if causal provenance matters for ascertaining what work-type any candidate-token falls under.

Even if we weaken the definition of allographic artworks to AllographicStandard, we cannot salvage the distinction, because the question of whether causal provenance is relevant but obvious or simply irrelevant is not answered by those pressing the distinction and ceases to do any interesting theoretical work. And if I have been persuasive, there is good reason to think that causal provenance is *always* relevant, even in cases where we ordinarily don’t take it to be. If the allographic/autographic distinction is to remain viable, its defenders must specify how causal provenance is relevant in both allographic and autographic forms, and how those differences of the role of causal provenance are salient enough to justify introducing the distinction.[[25]](#endnote-25)

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1. Indeed, for Levinson the “exact copy” locution is reserved for defining autographic art, rather than for defining referential forgeries. [↑](#endnote-ref-1)
2. When the translations are minimally competent. [↑](#endnote-ref-2)
3. A candidate-token is just an object (or event) that is being evaluated with regard to its type membership. If I am faced with an apparent Vermeer painting of unknown origin, it is a candidate-token in the sense that I am evaluating whether it should count as a token of the type *Vermeer Painting,* or whether it should be considered a token of some other type. [↑](#endnote-ref-3)
4. I take it that the reason we consider artforms variously as allographic or autographic is based upon whether we consider paradigmatic cases of the artform as allographic or autographic, though I’m not sure that much rides on the order of explanation here. [↑](#endnote-ref-4)
5. Presumably because of things like notational identity, sameness of spelling, etc. See Lamarque *op cit.* Pgs. 84-90. [↑](#endnote-ref-5)
6. Thanks to an anonymous referee for asking after the meaning of ‘genuine’, as Lamarque and I understand it. [↑](#endnote-ref-6)
7. Sameness of spelling does not preserve all aesthetic properties between tokens of allographic works, as tokens of shaped poems and comics may have identical spelling but differ in their aesthetic properties. For example, the shaped poem may be rotated 90 degrees, or the placement of the comic text could be different, or differently inked, such that it would change the aesthetic properties of the token in question. [↑](#endnote-ref-7)
8. Lamarque acknowledges that not all literary or musical works are allographic but takes literary and musical works to be paradigmatically allographic, see Ch. 4, Pg. 78 of (Lamarque 2010). [↑](#endnote-ref-8)
9. Though such moves are themselves controversial, as the literature on dispositions well shows. [↑](#endnote-ref-9)
10. For the origin of so-called “Pierre Menard cases” see (Borges 1971, 62 – 71). [↑](#endnote-ref-10)
11. Whether forgery does in fact require intent to deceive is unclear to me, in the same way that it is unclear to many whether lying requires the intent to deceive. See, e.g., (Sorensen 2007); (Saul 2012). [↑](#endnote-ref-11)
12. Perhaps people buy pirated works because they *think* they are doing this. But plausibly, they only think they are doing this because they can glean the same exact information from the text as they could from a genuine token of the literary work in question, a conclusion which I have argued is mistaken! [↑](#endnote-ref-12)
13. Depending on what you think regarding the metaphysics of work-types. [↑](#endnote-ref-13)
14. For more on the distinction between hypothetical and actual intentionalism, see (Nehamas 1981); (Carroll 2000). [↑](#endnote-ref-14)
15. See, for example, Irvin’s discussion of the National Gallery of Canada’s sanctioned refurbishing of the jars that constitute Liz Magor’s *Time and Mrs. Tiber*, pgs. 3-4. [↑](#endnote-ref-15)
16. Irvin phrases her understanding of the sanctioning relation this way on Pg. 9. [↑](#endnote-ref-16)
17. It is an interesting question whether such cases must always involve *some* intention (such as the intention to do *x*, but one mistakenly does *y* and thereby sanctions property *F* of her artwork), but exploring this question is beyond the ken of this paper. [↑](#endnote-ref-17)
18. There may be cases of intentional sanctioning where the author relinquishes direct control over the properties of the work, such as when a composer generates a musical composition via random processes, such as John Cage’s *Music of Changes*, or when a computer image is procedurally (and randomly) generated. [↑](#endnote-ref-18)
19. There is an interesting question about how this might apply to non-western literary works, oral traditions, etc. Irvin is clear that this sanctioning relation is only meant to apply to contemporary art (hence the qualifier in her article title.) In the context of our discussion, however, where all involved parties are concerned with contemporary Western artforms, the application of the sanctioning relation is highly relevant. [↑](#endnote-ref-19)
20. Thanks to an anonymous reviewer for pressing this point. [↑](#endnote-ref-20)
21. Unless, of course, Lamarque is right—but giving readers so much ontological credit is, by my lights, a highly revisionary and rather implausible upshot of his account. [↑](#endnote-ref-21)
22. Thanks to two anonymous reviewers for raising this worry. [↑](#endnote-ref-22)
23. Cases where the works are in the public eye against the wishes of the author, such as much of Franz Kafka’s corpus, are more complicated. I tend to think there needs to be a further criterion here, such as reflective endorsement. Kafka did not endorse his works, but, plausibly, he did so unreflectively in the sense that he was pathologically anxious, and so had a lower opinion of his corpus than was warranted. So, Kafka’s refusal to endorse extant instantiations of his corpus is not sufficient for claiming that extant instantiations are not genuine, or referential forgeries. [↑](#endnote-ref-23)
24. I am not the first to make this point. See (Wreen 1983). [↑](#endnote-ref-24)
25. Thanks in particular to Daniel Weiskopf for his insightful comments on an earlier draft of this paper, as well as the audience at UIC’s Work-In-Progress series, where I presented an earlier draft of this paper. Finally, thanks to the anonymous reviewers for their well-considered and thoughtful input. [↑](#endnote-ref-25)