

The Challenge of Authenticity. Music, Plagiarism and the Digital Age

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Abstract

When she died of cancer in June 2006, English pianist Joyce Hatto was hailed as a musical genius by the press. In the previous thirty years, despite illness, she had proven capable of mastering an incredible repertoire, encompassing nearly the entire literature ever composed for piano. Prodigy of old age, she was thought to deserve a place of honour in the annals of classical music. Which, indeed, she obtained – as a *plagiarist*, though. Hatto's fake recordings, all stolen from other interpreters, have given rise to one of the greatest scandals in music history.

But why do we oppose plagiarism in the first place? More than being just a matter of cultural or sentimental values, in this paper I argue that our rejection of plagiarism has to do with the idea of art itself as a special form of human accomplishment. Unrevealed forgery and plagiarism trigger our admiration through a form of deception: they disguise the accomplishment. Given the advances in the field of audio-visual material digital alteration, there might, however, be increasing confusion in the future over what counts as a fake. Is technology reshaping our view of musical authenticity?

Keywords: Aesthetic Appreciation, Authenticity, Plagiarism, Digital technologies.



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Abstract

Quando morì di cancro, nel giugno 2006, la pianista inglese Joyce Hatto fu salutata dalla stampa come un genio della musica. Nei trent'anni precedenti, nonostante la malattia, si era dimostrata capace di padroneggiare un repertorio incredibile, tale da includere quasi tutta la letteratura esistente per pianoforte. Prodigio della terza età, Hatto sembrava meritare un posto d'onore negli annali della musica classica. E lo ottenne, in effetti – ma come *plagiatrice*. Le registrazioni di Hatto, tutte false e rubate ad altri interpreti, hanno dato origine a uno dei più grandi scandali della storia della musica.

Ma perché rifiutiamo il plagio? In questo articolo sostengo che il nostro rifiuto del plagio, lungi dall'essere solo una questione di valori culturali o sentimentali, ha a che fare con la nozione stessa di arte come una speciale forma di realizzazione umana. Falsificazione e plagio, quando non vengono rivelati, suscitano infatti la nostra ammirazione attraverso una forma di inganno: essi mascherano il risultato finale. Dati i progressi nel campo dell'alterazione digitale del materiale audiovisivo, tuttavia, in futuro potrebbe verificarsi una crescente confusione riguardo a ciò che consideriamo falso. Può la tecnologia indurci a rivedere la nostra visione dell'autenticità musicale?

Parole chiave: apprezzamento estetico, autenticità, plagio, tecnologie digitali.

1. Introduction

This paper raises a number of issues that lie at the core of aesthetics as it is commonly understood and practiced in current analytic philosophy. As we shall see momentarily, these issues are as fundamental to the discipline as they are broad-ranging from a theoretical viewpoint. My aim here won't be to offer a solution to any of them, however, for this – provided it is possible at all – would require a much more thorough investigation than a single paper

allows. Rather, I intend to open up some space for rethinking how we understand and articulate these problems, particularly in view of the challenges that come to us by the increasingly massive use of digital technology in the contemporary production of art and music.

The first of these problems calls into question a crucial issue for aestheticians, i.e., how aesthetic appreciation works and what it means to aesthetically appreciate a work of art. In the context of art and music reception, what is this ‘appreciation’ about, and in what sense is it ‘aesthetic’?¹ The second problem articulates the previous one: when it comes to appreciating an artistic product, how important is knowing about the object’s origins and its production process? For example, to what extent awareness that a certain musical piece was composed by a child rather than an adult influences our evaluation of it? The third problem is more specific and revolves directly around the impact that digital technologies and the web may exert on our ability to formulate aesthetic judgments. Given its current spread and accessibility, how is technology going to change the way we enjoy, appreciate and evaluate the arts and music?

Complex as they are, these three related problems will constitute the red thread of this paper. They will take us down a path running from the meaning of plagiarism and the value of authenticity in the aesthetic frame up to the notion of ‘performance’ and how it affects our perception of the arts and music especially. Instead of tackling our investigation directly, though, I suggest that we go about it in a roundabout way, so to say. Let us start with a story – and as it is most appropriate in this context, this will have to be a ‘true’ story.

¹ To make this question even more complicated, consider also that it is far less than obvious that aesthetic appreciation works in the same manner for all works in different art forms. There may in fact be substantial differences how we relate to different types of art – painting, music, literature – so that each of them may require separate consideration (for this approach, see especially: Kivy, 1997).

2. The Greatest Pianist No One Has Ever Heard Of

This story starts when a life story ends. It was the 26th of June, 2006. In her cottage near Cambridge, England, the 77-year-old English pianist Joyce Hatto² was about to breathe the last of her breaths under the caring gaze of her husband, William Barrington-Coupe, a former classical-music agent and a recording engineer. In the previous twenty years, despite being seriously ill with cancer, Hatto had experienced moments of great popularity as a musician. With her husband acting as producer, and despite having retired from concertizing decades earlier, she had been able to record an amazing number of CDs – in fact, more than 110³ – for a record label called *Concert Artist*, created by her spouse to provide «a board for British talent sadly neglected by the major record companies»⁴. The list of Hatto's recordings comprised an amazing musical repertoire, which covered virtually the entire standard literature for keyboard: Bach, Beethoven, Brahms, Chopin, Schubert, Liszt, a lot of Rachmaninoff and Scarlatti, Mendelssohn, Mozart, Mussorgsky, Saint-Saëns, Schumann, Tchaikovsky, Godowsky and so forth.

Interestingly, Hatto's fame in the early 2000s grew directly proportional to the development of the first discussion groups online – virtual platforms like the Yahoo group 'ThePiano' and other Usenet/Google newsgroups, where participants, mostly aficionados and music connoisseurs, engaged in

² Online literature on the Hatto case is immense. In this paper, I rely in particular on two articles written by the journalist Mark Singer (2007a; 2007b) for the *New Yorker*. A very accurate documentary on Hatto's biography is also available at the following link: <<https://www.youtube.com/watch?v=cG5MxQT0Thk>>. The story is also commented in Dutton (2009).

³ By way of comparison, just consider that Arthur Rubinstein, one of the most productive pianists of the twentieth century, recorded only 90 discs throughout his whole career as a performer.

⁴ Quoted in Singer (2007a).

erudite and often heated discussions over the value of particular performances or recordings.

In fact, Hatto had already become a ‘viral phenomenon’ in online forums even before she finally experienced her *exploit* in the world of serious music critique. This happened shortly before her death, when the chief music critic of *The Boston Globe*, Richard Dyer, interviewed her and wrote that, to his mind, she was: «the greatest living pianist that no one has ever heard of», «a hidden jewel» (Dyer, 2005) with amazing capabilities as a performer. Dyer had listened to about a third of Hatto CDs and found that all of them were excellent. Indeed, the woman seemed able to do Schubert in one style, and then Prokofiev almost as she were a new person playing a different piano.

Hatto also combined her incredible musical talent with a peculiar form of wisdom. «Nothing belongs to us; all we do is pass it along» she claimed during one interview «As interpreters, we are not important; we are just *vehicles*. Our job is to communicate»⁵. Well, this *was* an appropriate motto! It soon became clear that “being a vehicle” and “pass it along” was exactly what Hatto was up to.

Let us jump ahead a few months. It was winter 2007, circa six months after Hatto’s death, when someone called Brian Ventura, a financial analyst from Mount Vernon (NY), received a package he had been waiting for for a long time. An avocational pianist and a music lover, Ventura had ordered online one of Hatto CDs, a performance of Liszt’s “Transcendental Études” he had read about in the Yahoo’s music group he was a member of. He unwrapped the disc and put it into his computer’s disk drive and then, through the Apple’s iTunes software, he connected it to *Gracenote*, one of the first Internet database of recordings able to identify songs by analyzing the duration of the trace, an ancestor of modern applications like *Sound Hound* or *Shazam*. Suddenly the *Gracenote* database revealed the unexpected: the disc was correctly

⁵ Available at the following link: <http://www.denisdutton.com/hatto_rnz_interview.mp3>.

recognized as a performance of Liszt's *Études*, but one by the Hungarian pianist László Simon! *László Simon*? How could this be possible? – Ventura wondered – perhaps the database was mistaken?

It could be, of course, but in the very same days, a similar disconcerting result was obtained by a group of scholars working at the *Centre for the History and Analysis of Recorded Music* of the University of London. The team, guided by the famous musicologist Nicholas Cook, had been immersed for some time in a comparative study of recordings of Chopin mazurkas through a software capable of tracing patterns of similarity between different performances. When the group of researchers entered two tracks from Hatto Mazurkas in the database, the system revealed that this time her version was identical to a previous one by Eugen Indjic, a Serbian soloist!

It's easy to guess how this story ends. Within a few weeks after the initial discovery, digital analysis identified most of the original sources of Hatto CDs – she hadn't played one single note of all this impressive number of recordings: most of them had been stolen from little known performers, and then slightly altered in time and speed by Hatto's husband via the use of advanced sound processing programs. Ironically, thus, if digital technology allowed Hatto's early success, it also caused her final misfortune.

3. Plagiarism, Forgery and Other Artistic (Mis)adventures

Falsification, treachery, deception: there is enough in Hatto's story to feed the greedy imagination of the media across the globe and fuel one of the greatest scandals in music history. The pianist was guilty of a particular form of «artistic crime» (Dutton, 1979): she was a plagiarist. Along with the cheated musicians, her audience was her innocent victim. Of course, the Hatto affair is hardly one of a kind in the history of the arts. As most domains in human enterprise, the art world is pervaded by greed and ambition, and attempts at frauds have always flourished. For example, there is evidence that already in ancient Rome, sculptures made by craftsmen of the day were passed off as

classical Greek antiques and sold at high prices to naïve aristocrats. Cicero, Livy and Pliny all show concern about this phenomenon of false signatures appearing on old statues⁶. There is, however, a substantial difference between these types of frauds and that perpetrated by Hatto. In the first case (that of old Roman statues) we usually talk about *forgery* or *counterfeiting*. In Hatto's case, on the other hand, we talk about *plagiarism*. Both forgery and plagiarism can be defined in terms of an artwork presented to an audience with the explicit intention to deceive. Fraudulent intentions are indeed necessary to distinguish forgeries and plagiarism from honest copies, quotations, explicit homages, or *pastiches* (i.e., works created “in the style of”). Forgery and plagiarism, however, must also be distinguished from one another. For example, were Hatto to produce a pianistic forgery, she would have had to record Liszt's “*Transcendental Études*” herself and sell this performance to the market as a retrieved recording by, for instance, Ferruccio Busoni. But Hatto was instead a plagiarist: she stole other pianists' work and presented it as her own with only a few alterations. We can sketch this distinction in the following way.

Forgery involves the misattribution of a name to a work. One steals someone else's *name* to add value to one own's *work*. What is in question in forgery is thus the attribution of *authorship*⁷.

Plagiarism, on the other hand, involves taking another person's work or ideas and making them pass as one's own, to add value to one own's *name* (in order to make some profit out of it). A common case of plagiarism is an instance where someone publishes a text which was originally written by someone else. In plagiarism, thus, *content* is in question. This is why, compared to forgery, determining the boundaries of plagiarism is much more

⁶ See especially Pliny's comments on this in the book XXXL of his *Naturalis Historia* (Pliny, 2018). For a discussion on forgery in ancient Rome, see: Casement (2016).

⁷ For a comprehensive account on forgery, see: Wreen (2002).

problematic. For example, to which point is the borrowing to count as a robbery? What can count as an independent invention and what cannot? How different should two works be from each other to be considered independent artistic products?

Luckily for philosophers, it is usually the courts that have to deal with these thorny issues, deciding whether or not, in every single case, there has been an infringement of copyright laws. Clearly, however, Hatto's case is not particularly ambiguous from a legal point of view. The Barrington-Coupe deliberately committed a form of fraud that deserved as such to be condemned in courts: this point is rather uncontroversial⁸. What is interesting about this story are not its legal aspects, nor the scandal it provoked on international tabloids⁹, but the fact that it has important conceptual implications for many open questions in the field of aesthetics – especially in the light of the three issues we mentioned at the beginning of this paper.

One major problem arises when one considers the reactions of critics and experts to Hatto's recording production. How come, one can wonder, the same music critics who had given negative reviews of some original recordings wrote enthusiastic reviews of the very same recordings plagiarized and released by Hatto? Singer (2007a) reports a striking example of this. In 1992, a critic from the illustrious magazine *The Gramophone* wrote that pianist Yefim Bronfman's interpretation of Rachmaninoff *Third Concerto* lacked the

⁸ Curiously, though, no legal actions were taken against Mr. Barrington-Coupe after the discovery of the fraud. As a matter of fact, the British authorities stated that no legal action would have been taken if the copyright owners of the original recordings had not previously filed a complaint; which, however, did not happen (Beckford, 2007). See: <<https://www.telegraph.co.uk/news/uknews/1543977/Yes-I-did-pass-off-piano-CDs-as-wifes-work-says-widower.html>>.

⁹ In 2012, the popularity achieved by the case led the BBC to produce a television movie based on Joyce Hatto's story "Loving Miss Hatto", with a screenplay by Victoria Wood and Katie Meluai. The movie is available at: <<https://www.bbc.co.uk/programmes/b01pm5m5>>.

required «angst or urgency» and that «he sounds oddly unmoved by Rachmaninov’s intensely Slavonic idiom». Fifteen years later, commenting on the *very same* recording released by Hatto, he claimed that it was: «stunning, truly great, among the finest on record, with a special sense of its Slavic melancholy».

Arguably, part of the enthusiasm among music critics and listeners was due to a sort of wonder or astonishment that Hatto could be so tirelessly productive during what should have been her retirement years. People, both experts and amateurs, were thrilled by the idea of this old lady playing the piano like a young virtuoso, an undertaking made even more impressive by the fact that she was fighting a battle with cancer. This kind of considerations, with the bunch of sentimental imagery they invoked, probably played a major role when it came to judging the aesthetic value of “Hatto” performances. In this sense, it is not surprising that collective enthusiasm turned to blame and reproach as soon as the fraud was discovered.

This brings us to an important issue from a philosophical viewpoint. Indeed, if the reaction of critics and the general audience was surely understandable, one can question whether it was also *justified*. In other words, is it right that we allow moral, psychological, sentimental, contextual or generally extra-aesthetic considerations to influence our aesthetic judgments so much? Why do we let plagiarism and forgery compromise our aesthetic appreciation? And finally, is this attitude really so *natural*, *essential*, and *necessary*, or should we rather do our best to prevent it, if possible?

4. Authorship, Authenticity, and Aesthetic Appreciation

Interestingly, this kind of (normative) questions have been at the core of interest for philosophers of art ever since the emergence of modern aesthetic theory. A case somewhat comparable to Hatto’s is mentioned in the famous paragraph 42 of the second book of Kant’s *Critique of Judgement*, where a naughty boy deceives the participants in a country party by perfectly imitating

«the bewitchingly beautiful note» of a nightingale «with a reed or a pipe in his mouth». Just like Hatto's audience, as soon as the party guests discover that the sounds they liked so much actually came from the boy and not the bird, all their interest suddenly disappears: «the instant one realises that it is all a fraud no one will long endure listening to this song that before was regarded as so attractive» (Kant, 2000: 182)¹⁰.

In more recent times, these questions have given rise to one of the most long-standing discussions in the field of aesthetics, that revolving around the notion of authentic artwork and its 'perfect copy' or fake (Goodman, 1976; Sagoff, 1978; 2014; Danto, 1981; Dutton, 1983; Elgin, 1991; Bowden, 1999; Wreen, 2002; Kulka, 2005, among the others). The central question in the debate is just: what difference does authenticity make from an aesthetic point of view? If a fake is perfectly identical to the original, or if it satisfies us aesthetically, why worry about who created it and how? As expected, the debate is split between those who insist on the role of authenticity in the context of aesthetic appreciation and those who deny it.

A classic argument in defence of the aesthetic value of authenticity can be found in Nelson Goodman (1968). In the famous Chapter III of his *Languages of Art*, Goodman contends that authenticity plays a central role in aesthetic appreciation¹¹. For Goodman, a difference in authorship between two artworks, an original and a copy, which may be currently imperceptible, can later become an *aesthetic difference* (Goodman, 1976: 99-102). As a matter of fact, just because today we may not be able to distinguish between the two works, it does not follow that we will always be unable to perceive a difference between them (Goodman, 1976: 105).

¹⁰ It is important to stress that Kant does not use this example to discuss the issue of authenticity, but rather to add to his discussion of natural beauty.

¹¹ See: Goodman, 1976: 99-122. Goodman is commonly regarded as the initiator of the debate about authenticity in the analytic scene.

To clarify Goodman's argument, we can consider one of the most famous forgeries in art history, van Meegeren's work *Christ and the Disciples at Emmaus*, from 1937. The painting was considered for more than one decade an authentic work by Veermer, until van Meegeren himself finally admitted he had forged the painting to save himself from the charge of connivance with the Nazis, to whom he had sold the work during the war¹². Here is for instance what the famous Vermeer scholar Abraham Bredius wrote about it: «Neither the beautiful signature 'I.V.Meer' [...] nor the *pointillé* on the bread which Christ is blessing, is necessary to convince us that we have here a – I am inclined to say – *the* masterpiece of Johannes Vermeer of Delft [...] In no other picture by the great master of Delft do we find such sentiment, such a powerful understanding of the Bible story – a sentiment so nobly human expressed through the medium of the highest art» (Bredius, 1937: 210-211).

Looking at this painting today, with the awareness that it is a fake, it seems almost incredible that people could have considered it an authentic baroque picture. It clearly displays elements of the style of his own time. As Dutton (2003: 330) notices, for example, the characters' faces seem influenced by the photographic images of the Thirties (like Greta Garbo's). The man in profile, in particular, shows facial features that today, in retrospect, appear modern. These stylistic aspects were much less obvious to the viewer of the 1930s, probably because they appeared simply 'normal' at the time. This, however, confirms Goodman's intuition: perceivable differences between an original and a fake may emerge and, later on, appear obvious. Knowing that an artwork is forged, we change the way we look at it: we try to detect subtle qualities that distinguish it from the original, and in this way, we *learn* to see such differences (Goodman, 1976: 111-112). In this sense, for Goodman as well as for the many writers who have followed his lead, forgeries and originals are *perceptually* different.

¹² For details about the story of this painting and its discovery as a forgery, see: Frank (2006).

Another famous justification for authenticity in the context of art appreciation comes from Arthur Danto (1964; 1981). Danto agrees with Goodman that there is an important aesthetic difference between an authentic artwork and its perfect fake or copy, but unlike Goodman, he does not think that this depends on the fact that we might be able in the future to *perceive* such difference which is unnoticeable at present. According to Danto, what distinguishes an original from a forgery is what he calls an «atmosphere that is theory» (Danto, 1964: 580-581); art theory – in other words, all the ideas and meanings that an artwork expresses – are what makes an artwork what it is. Of course, it is something imperceptible (precisely because it is an *atmosphere*), nor can artworks wear it «on their surfaces» (Danto, 1981: 44), but it still plays an essential role. Since a completely different theory surrounds an original work and its forgery, it is impossible for them to have the same value, even if they are to remain forever perceptually indistinguishable.

Danto's examples to support his claim are well-known¹³. In one of them, drawing on the classic metaphysical problem of indiscernible Danto asks us to imagine a gallery in which a number of monochromatic red paintings, all identical in size and colour, are hung. The first is a painting called “The Israelites crossing the Red Sea”; the second is entitled “Kierkegaard's Mood”, while another one represents the “Red Square”. All these paintings are materially identical to each other so that they are impossible to distinguish at a mere glance (Danto, 1981: 44). There are, however, important aesthetic differences between these works, which start to emerge once one comes to know their title, their subject, the intent of their authors, that is, once one becomes

¹³ Another relevant scenario proposed by Danto (1981) includes the case of three identical red ties painted by Picasso, a forger and a child. According to Danto, the ties painted by the child and the forger cannot have the same inherent meaning as that produced by Picasso himself. Each of these three objects is invested with a different atmosphere that cannot be physically determined.

part of the theoretical atmosphere that surrounds them. This example, according to Danto, shows that perceptible properties alone cannot define something as an artwork. The context, ideology, and atmosphere in which an artwork is created determine indeed its meaning and value (Danto, 1981: 101). It follows that authenticity is for Danto less what one *sees* and more what one *knows*.

5. Aesthetic Empiricism and the Cultural Value of Authenticity

Although most scholars have taken either Goodman or Danto's side in the attempt to defend the aesthetic value of authenticity, these are not the only available positions on the table. According to authors like Clive Bell (1949), Alfred Lessing (1965), Eddie Zemach (1986) and, more recently, Peter Jaworski (2013) we should answer negatively to the question as to whether our aesthetic appreciation should be affected by non-aesthetic, moral, historical considerations. When it comes to aesthetic judgments, what is valuable should be detected merely by looking at the object, or by hearing it: we must not allow ourselves to be influenced by anything else. The argument goes as follows:

P1) what we admire as aesthetically valuable in a work of art are its aesthetic properties;

P2) aesthetic properties, whatever else is true of them, are perceptible – they can be seen or listened to by grasping the surface features of the object;

P3) knowledge that a work is plagiarized, that it was created by an old woman, a child, and even perhaps a machine, does not alter the perceptible qualities of a work;

C) hence, such knowledge shouldn't make any aesthetic difference to us: this is only a piece of extrinsic information¹⁴.

¹⁴ For a version of this argument see: Lamarque (2010: 133-134).

Here is what Bell writes in this regard: «To appreciate a work of art we need to bring with us nothing but a sense of form and colour and a knowledge of three-dimensional space [...] We need to bring with us nothing from life, no knowledge of its ideas and affairs, no familiarity with its emotions [...] To those who have and hold a sense of the significance of form what does it matter whether the forms that move them were created in Paris the day before yesterday or in Babylon fifty centuries ago?» (Bell, 1949: 37).

This position has been famously termed «aesthetic empiricism» by Gregory Currie (1980: Ch.2). Aesthetic empiricists like Bell claim that features that cannot be perceptually detected, such as contextual factors related to the work's origins are not *aesthetic*, thus, they should ideally not bear upon aesthetic appreciation. If they do, it is just because we are fetishists (Zemach, 1989: 66) sentimentalists (Jaworski, 2013: 403), or snobs (Lessing, 1965: 461). But if we could learn how to separate aesthetic criteria from the other extrinsic norms that guide our judgments, we might even come to enjoy Hatto's recordings just like those of 'anyone else' (which in a sense, *they are*).

Perhaps unsurprisingly, aesthetic empiricism, as a philosophical position, has found much more critics than supporters among contemporary aestheticians (Lamarque, 2010: 122), for it seems to be clearly at odds with our standard way of experiencing the visual arts and music. We tend to attribute great importance to authenticity in the artistic frame – namely, to the fact of experiencing originals as opposed to reproductions. People are willing to travel distances to view authentic art pieces, even if they wouldn't be able to distinguish them from reproductions and even if reproductions could offer a more rewarding experience. This also explains the monetary worth of originals. A poster of Leonardo's *Mona Lisa*, in the Louvre bookshop, may cost around 15 euros, yet the actual painting is priceless.

Contrary to what both Danto and Goodman seem to think, however, such considerations should not deceive us about the status of authenticity: the value we attach to it may be much less obvious than it seems. Our aesthetic responses are indeed greatly affected by our cultural values, and authenticity

itself is but a legacy of the Western culture (Lowenthal, 1994; 1998). In the Occident, we tend to care deeply, perhaps sometimes excessively, about who created a work of art and when. However, we know for certain that our demand for authenticity in art, as well as our devotion to the cult of genius, are not universally shared¹⁵. For example, most countries in the Far-East interpret what is to be valued in a work of art in terms that are not reconcilable with ours (see Weiler and Gutschow, 2017). As Korean philosopher Byung-Chul Han explains, the Far-East «does not know the cult of the original [...] One could also say that originals are preserved through copies» (Han, 2017: 67). As an evidence, Han refers to a number of misunderstandings that happened between China and Western museums. Often, the Chinese send copies abroad instead of originals, in the belief that they are not essentially different from the authentic artworks. The obvious rejection that then comes from the Western museums is perceived by the Chinese as an insult (see Han, 2017: 64).

An inter-cultural approach is therefore necessary to shed light on the complex nature of aesthetic appreciation: philosophers who imagine that we can completely separate aesthetic criteria from other cultural norms fool themselves, for this is actually impossible. To use Leonard Meyer's convincing phrasing, we can no more rid ourselves of these presuppositions of perception than we can breathe vacuum (Meyer, 1967: 57). But we can go even further on this: the point is not simply that external elements such as social expectations, cultural beliefs, sentimental values, or tastes *impinge on* our aesthetic appreciation. The point is, rather, that this may be exactly how aesthetic appreciation works in the first place (Meyer, 1967: 58).

¹⁵ To be honest, different traditions exist also in our culture. Consider for example the case of sacred Byzantine icons. These deeply symbolic images are only appreciable if we lay aside expectations of artistic originality. As Titus Burkhardt (2005) claims, the authenticity of the art of the icon, its intrinsic value, owes nothing to the subjective "originality" of its realization. The success of the enterprise «is dependent above all on intuitive wisdom; as for originality, charm, freshness, they will come of their own accord» (Burckhardt, 2005: 160).

6. The Artwork as Product and as Performance

To assess the different positions that have so far been presented, something more needs to be said about the concept of authenticity. Authenticity is a familiar notion in art theory, but it is also a sort of ‘umbrella term’ that it is quite difficult to pin down. Among the many possible meanings that the term takes on in aesthetics, however, a distinction tends to emerge around two main categories. Either the predicate ‘authentic’ is used in the sense of being ‘of undisputed origins’ or in the sense of being ‘innovative, original’. The first meaning refers to what is called “historical” or “nominal” authenticity (Kivy, 1995; Dutton, 2003: 259) in the philosophical literature. A work is authentic in this sense if it is what it claims to be in terms of origins, author, provenance – as opposed to a forgery, an instance of plagiarism, or a fake. This seems to be the sort of authenticity with which Goodman, Danto as well as aesthetic empiricists are concerned.

The second meaning of authenticity is more subtle and less related to ‘cut-and-dried’ provenance facts. It is what Peter Kivy (1995: 108), in his discussion of musical performance, refers to as «personal authenticity», while Denis Dutton (2003: 259) labels it «expressive authenticity». Regardless of the name used to describe it, authenticity in this second sense has mostly to do with creativity, meant as the property of an object being the product of an artist’s individual genius. This sort of authenticity comes into play when art objects are evaluated as vehicles for the artist’s self-exploration. Authenticity is meant therefore as «faithfulness to the performer’s own self, original, not derivative or aping of someone else’s way of playing» (Kivy, 1995). An artwork or performance achieves expressive authenticity «by challenging prevailing taste» (Gracyk, 2009: 156), by being innovative, or «by being true to one’s artistic self, rather than true to an historical tradition» (Dutton, 2003: 267). While, as we have seen, the aesthetic import of nominal authenticity is a contentious matter involving a number of cultural, moral, and social biases,

the understanding of expressive authenticity as an aesthetic property seems relatively uncontroversial¹⁶. All things being equal, a work of art that is an original expression of an artist's creative genius is more valuable to us than a derivative one: it opens up new perspectives, excites our imagination in new ways, or stimulates discussion among the audience¹⁷.

Focusing on personal authenticity is useful because it allows us to better understand where our rejection of plagiarism and forgery comes from. Indeed, the point is not so much who created a work of art and when, but rather what these pieces of information tell us about the innovativeness of the work, understood as a creative endeavour carried out against a certain background of historical and cultural conventions.

One intuition that seems fundamental in this regard is that our evaluation of art is not confined to considering artworks as 'finished products', but as resulting from particular productive processes (Sagoff, 1978: 463). In other words, the way art and music are produced and the type of procedures involved *determine* our appreciation. To this extent, if an original is different from a forgery, it is because it is the result of a unique creative act, whereas the forgery is not. Dutton (1979; 1983; 2003; 2009), for example, has contended that people assess all types of artworks – paintings, sculptures, sonatas, ballets, as well as renditions of pieces of music, literature, or theatre – as «the end-product of a human activity» (Dutton, 1979: 305). All art, and not

¹⁶ Although there is room for some cultural relativism in this case too. For example, innovation is not particularly valued in many South-Saharan African cultures. Young (2006: 470) reports the case of some religious sculptures produced by the Kalabari Tribe of southern Nigeria. Beyond their sacral purpose, these artefacts are all the more appreciated as they closely resemble previously existing sculptures.

¹⁷ That works can be *fully* authentic in this second sense is questionable, for each work of art is at least partially derivative to the extent that it is indebted to an existing artistic tradition. This, however, does not remove the possibility that it be innovative, for tradition provides a background for the artist's creative innovation.

only the so-called performing arts, incorporates at some level the notion of performance, whereby ‘performance’ refers to a human activity that involves a relevant accomplishment or achievement (Dutton, 1979: 304; see also Levinson, 2004: 15).

Of course, different artworks stand in differing relations to the performances of artists, depending on the artform in question and how their objects are to be appreciated. On the one hand, we have arts such as (live) music, where the human activity required to create the object of our aesthetic appreciation and the object itself are one and the same thing. To this extent, when we see a pianist at work, we are always conscious of his agency, since the performance involved (the act of playing) and the object of aesthetic contemplation (the music played) coincide. In such a case, to perceive the object *is* to perceive the performance. Less obvious is the element of performance in an art like painting, where we normally perceive the artwork without perceiving the actions that have brought it into being. So for instance we won’t immediately think of the artist’s performance when contemplating a painting that has hung for centuries in a museum. Yet also in this case, according to Dutton, the object of our appreciation is perceived as the result of human activity, a sort of ‘representative’ of human performance. The fact that arts differ with respect to whether we perceive the act of creation when it is actually performed, however, makes no difference to the relevance of the concept of performance. The concept of performance is indeed «internal to our whole notion of art» (Dutton, 1979: 305).

Interestingly, recent studies in empirical psychology (Newman and Bloom, 2012; Newman, Bartels and Smith, 2014) have confirmed Dutton’s intuition, based on a number of experiments that changed the circumstances under which an artwork has come into being. Participants in the experiments assessed an artwork differently if it was done by someone in the 18th century versus someone in the 21st century, by a renowned artist versus an outsider, or by an adult versus a child, even though the two works were perceptually identical (Newman and Bloom, 2012: 559) This evidence corroborates the

idea that we appreciate works of art mostly as human achievements coming out of human skills and techniques. From this perspective, art is like any other performance activity, including sport (Newman and Bloom, 2012: 559): we care *how* the obtained results have been achieved; if they have come out from natural vs artificial skill for instance (see: Riis, Simmons and Goodwin, 2008)¹⁸. Just like a successful sport performance, a successful artistic product represents a way of overcoming a number of technical and aesthetic obstacles, making do with available materials with the aim to produce an original artistic result. Although the final product may be designed for our appreciation as an object of contemplation in its own right, i.e., independently of the activity of the artist itself, this should not lead us to underestimate a fact that we take for granted: that the work is the result of human agency, and must be evaluated as such.

Further support to this position has come from recent work in neuro-aesthetics, investigating the role of the motor system in the observation of visual art. According to these researches, appreciation of visual artworks goes well beyond the ability of the brain to capture the observable features of the objects themselves. Since vision is a multimodal enterprise (Gallese and Di Dio, 2012), visible traces of the artist's creative gestures (like brush strokes on a canvas) are interpreted by the brain as goal-directed movements, capable as such of activating the relevant motor areas in the observers' brain (Freedberg and Gallese, 2007). Our appreciative involvement with art can thus be described as a form of 'embodied simulation': «a functional mechanism characterized by the reuse of motor representations when observing the [...] (visual) results of such actions» (Umiltà *et al.*, 2012). This testifies to the idea

¹⁸ This helps explain why doping typically provokes moral outrage. Why do we assume that doping is wrong? One main reason is that we believe that the aim of sport is to test the natural limits of human action. By artificially extending those limits, doping is at odds with the very essence of sport. Similar considerations apply in some sense to art as well.

that when in front of a work of art, we do not just behold the finished product, but also ‘see’ in our mind (or brain) the performative actions carried out by the artist in realizing it.

Consider a piano performance, for example Rachmaninoff “Piano Concerto No. 3”, one of the most technically challenging piano concertos in the entire classical piano repertoire. In listening to a good rendition of “Rach 3”, we are listening not simply to an appealing ‘sonic surface’, but to how a human being has overcome various obstacles and technical limitations in developing the possibilities encoded in the score by the composer. In this sense, when it comes to evaluating this rendition, we may consider dynamics, phrasing, tempo, note, and rhythmic accuracy, among many other features. But behind all these considerations lays the central presupposition that it is human’s bare hands that produce the sounds. To the same extent, our delight when hearing a virtuoso derives from an admiration for what the performance represents in terms of human accomplishment¹⁹. The way this accomplishment is obtained makes *all the difference* – which helps explain our sense of betrayal for Hatto’s story²⁰.

Interestingly, it seems that we also treat the composition of music as a performance, an activity involving human agency. What is indeed Rachmaninoff “Piano Concerto No. 3”? It is of course an object of our aesthetic appreciation

¹⁹ Not by chance, ‘to admire’ means ‘to enjoy’ but also brings with it implications of esteem (in this sense, one can admire a work of art also even without particularly enjoying it).

²⁰ This is partly explained by the fact that our aesthetic evaluation of music seems to be also influenced by cues coming from sensory channels other than the ears (Vuoskoski *et al.*, 2014). We tend to judge music differently if we listen to it and simultaneously see the musician playing. Recent experiments have confirmed that the role of visual information in the perception and experience of musical performances is just as important as auditory information for the subjective aesthetic reactions of recipients. In particular, it seems that sight has considerable effects on the perception of auditory expressivity (see: Vuoskoski *et al.*, 2016).

as a beautiful piece of music, but it is surely more than this. As a product of human artistry, we admire how the composer has modulated its fascinating melodies; we notice how expressively and dramatically he has devised his piano writing, how convincingly he has handled the constant and almost uninterrupted piano weave, marking its presence with respect to the orchestral texture; finally, we appreciate the transcendental virtuosity of the musical structure with regard to the prevailing late-romantic conventions at Rachmaninoff's time.

“Rach 3” constitutes thus an appealing sonic experience, whose aural beauties are unquestionable, but it is also a profound human achievement. Neither of these elements can be favoured to the detriment of the other: both are part of our assessment of it as a great work of art. Of course, we could still distinguish between the piece as an object of aesthetic appreciation from the circumstances of its production. Such distinction is possible in theory, but the point is that we never completely split up these elements in the actual process of appreciation. In this sense, our experience of music can never be understood as an experience of *pure sounds*, so that the faster and more brilliant the sounds are, the better. Our experience implies the experience of a human achievement, of something done in a certain way by a certain human being against the background of the technical and conventional obstacles and limitations within which he/she had to work. This constitutes the main expectation we have when it comes to appreciate a piece of music.

7. Future Challenges

What has been observed so far should provide the reader with a rather faithful image of the way art appreciation, broadly understood, works for us. To be sure, however, things do not *necessarily* have to be in this way. We can well imagine different manners of evaluating musical performances, and even the assessment of what counts as valuable or meaningful in music performance can change from the way it is right now. This brings us to the third and last question mentioned at the beginning, concerning the role of technology in the

definition of criteria for aesthetic appreciation. New technological conditions may alter what counts as inventiveness, audacity, eloquence, banality, wit, in a work of art and music, changing what we are willing to consider artistically successful.

Consider again the Hatto scandal. On the one hand, the fraud committed by the pianist would have never been possible in a different age, one lacking the technological tools needed to allow the digital manipulation of stolen musical recordings, the alteration of sound speed, etc. On the other hand, in the absence of these, it would not even have been discovered.

In the next decades, techniques allowing the alteration of audio-material might experience a boom. Synthetically produced musical renditions, improving a singer's pitch or increasing a pianist's speed, may come to be considered perfectly normal in the musical practice, just as we accept today that musical pieces are recorded on separate sessions on various days²¹.

Take for instance the contemporary spread of an audio-processor like *Auto-Tune*, a digital pitch-editing plugin developed in the late 1990s to alter pitch in vocal and instrumental music both in recording and in live performances, and used especially within the pop, hip-hop, and R&B musical genres. The processor is intended to disguise or correct off-key inaccuracies by slightly shifting pitches to the nearest true, correct semitone. Although the electronic modification of music has existed for years in many forms (effects pedals, modular synthesis, etc.), very few technologies in the past have had such cultural impact as auto-tune on the production and reception of music (Diaz, 2009). After its first use in 1998 in the song 'Believe' by the pop-singer

²¹ Interestingly, the 2020 Covid-19 outbreak has rendered remote recording the usual working procedure for musicians. While currently due to the impossibility for musicians to get together because of the preventive anti-epidemic measures, this modus operandi may take hold in tomorrow's musical practice, so that in the next future we may increasingly see virtual choirs, remote orchestras and distance concerts even in so-called 'live' music. I thank the reviewers of this paper for suggesting this idea.

Cher, where the software was employed to produce a ‘robot-like voice’, Auto-Tune has indeed become standard equipment in professional recording studios, while also being frequently used in live concerts, as a kind of ‘safety net’ to guarantee a successful performance. Today, many in the musical world – singers especially – contest the overuse of the processor by reproaching its negative effects on society’s perception and consumption of music (Provenzano, 2018; 2019). Some listeners also disdain Auto-Tune from a belief that this technology «erodes authenticity» by making skilful singing irrelevant (Provenzano, 2018: 162; 2019: 77). Notwithstanding the criticisms, Auto-tune’s popularity is constantly being renewed on the internet through the creativity of millions of users. Along with its technology being easy to access, Auto-tune is an appealing tool in its simplification of complex music theory and performance, giving the user the instant gratification of a professional sound without the time and effort that comes with voice training and practice. Part of Auto-Tune’s success is based on the common-sense assumption that perfect pitch tuning increases the value of a musical piece, contributing to its overall aesthetic appreciation. As questionable as this idea may be²², thanks to its spread on the web, usage of Auto-tune within the contemporary music scene seems hard to disappear anytime soon. In fact, along with other similar tools, Auto-tune may become an integral part of tomorrow’s musical practice (and appreciation).

Another way in which the spread of digital technologies may affect our understanding of how we appreciate and evaluate music has to do with the massive recourse to appropriation in contemporary music production. In aesthetics, appropriation describes the process by which an individual repurposes and ‘makes his/her own’ some pre-existing artistic material in the process of

²² As a matter of fact, it can be argued that some deliberate (or even spontaneous) vocal de-tuning adds to the aesthetic outcome of a performance, giving character, personality and a more original temperament to the piece, especially in musical genres such as jazz or blues.

art creation, either by taking it from another individual or a different culture (Young, 2006; 2008). Appropriated artistic material can include both complete works and artistic «elements» – musical themes, ideas, motifs, insights – that constitute «the building blocks of works of art» (Young, 2008: 4). Far from being a contemporary phenomenon, appropriation has flourished throughout the entire history of music. Just like contemporary hip-hop composers, who sample and resample other people’s music to produce new tracks, musicians have always been borrowing and reusing existing passages or excerpts from other musicians to create their own original pieces. Händel, for instance, is famous for having extensively stolen from other composers whatever material suited his purpose (Hatch, 1985; Buelow, 1987).

What is interesting about new digital media (smartphone application, the internet) however, is that they are increasingly providing an interface through which even the ‘person-on-the-street’ is allowed to create their own music by appropriating, sampling, mashing up and then sharing it across a wide network (Dillon, 2006: 292). Material sampling and appropriation permeate today nearly every aspect of music production and creation. Consider for example the great number of musical networks that allow players to independently share and shape each other’s’ music in real-time, facilitating not only synchronous, virtual communication but also in some cases face-to-face interaction (Weinberg, 2005; Dillon, 2006). Among other things, these platforms enable wider forms of collaboration and partnership between different musicians than ever before.

As a result, while potentially leading to a radical transformation of the music profession, the spread of appropriation practices within new digital media may also affect our view of musical creativity. Traditional approaches (Dewey, 1910; Rossman, 1931; Guilford, 1959) interpret creativity according to what can be called the “genius in the tower” model, which overemphasises the role of the individual person at the expense of understanding how the context, place and social interaction influence artistic production. In this model, the possibility of appropriating someone else’s ideas and ‘making them one’s

own' is considered only as a peripheral if not an entirely detrimental aspect of the central phenomenon of individual artistic creativity. New forms of musical expression promoted by digital technologies, however, may lead us to a different consideration of appropriation, one in which borrowing someone else's music is no longer seen as an 'artistic crime', but rather as a strategy for further creative achievements. In this perspective, rather than being equated to a thief, the appropriator becomes someone who «takes from one pot to feed another and in doing so creates new opportunities» (Dillon, 2006: 302). This can cause increasing confusion in the future over what counts as plagiarism, fake, forgery in music production and performance and eventually require our entire view of both historical and personal authenticity to be recasted, to a point where reference to innovation, originality, human achievements, etc. may become superfluous.

On the one hand, these processes can have considerable consequences upon current copyright laws, which might have to be diluted or even amended under the pressure exerted by the new cultural and artistic values permeating the global music industry. On the other hand, and from a philosophical point of view, they could bring a reloaded version of aesthetic empiricism to the fore again – that is, an account in which works of art are no more made relevant by their histories of production but just aesthetically appealing objects, to be enjoyed without regard to any notion of their origins. Somewhat paradoxically, then, the digital revolution might eventually restore the seventeenth-century conception of art as *cabinet de curiosités* or *Wunderkammer*, a model in which a succession of beautiful objects and *mirabilia* of all kinds might lay side by side to be appreciated independently of their identity, history and cultural meaning.

There is no principled reason to oppose this, any more than we currently oppose sound editing or post-processing, but – and this will be my final question here – even if our social values are rapidly changing and the ideals we received from the modern age (the cult of authenticity, originality, and ge-

nus) are being today continually called into question by the advance of technology, can we to the same extent believe that there will ever be a time in which the fact that a work is forged or plagiarized will actually be irrelevant? When this happens – *if it happens* – then, and only then, a story like Hatto's will no longer be worth telling.

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