

Is There a Market for Copies¹

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Abstract

Copies have had good and bad times. Considered almost as worthy as originals during the Renaissance, they fell into disrepute in the late 19th Century. However, because of the many functions they exercise (preserving memory, training of young artists, inspiring variations), markets for copies never fully disappeared. In this paper, we survey the reactions of the various actors who were and are at play in the art market—artists, buyers, collectors, lawyers, museums, art historians and art philosophers—, and who contributed to the positive as well as to the negative aspects of copying.

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“We use copies to certify originals, originals to certify copies, then we stand bewildered.”

Hillel Schwartz

1 Introduction

A confusion of standards

A few years ago, Christie’s sold a painting by Egon Schiele, which the buyer later found to be “heavily” restored. A legal judgment condemned the sale-room to refund the buyer, arguing that 90% of the work had been repainted, and that, therefore, it could not be considered by Schiele anymore. There was no discussion about the fact that the original painting was by Schiele, and “right,” but the repairs were so important that they made a “right” Schiele becoming “wrong.” What would the judgment have been if only 89.5% had been repainted, and what about 89% or 70%?

Man Ray photographs shot, developed and printed by him in one or several copies, are obviously considered as “vintage” photographs. When does such a work cease to be called “vintage?” Should Man Ray have printed the photograph himself for it to be vintage? Can the photographs be printed in 1990, long after Man Ray died; or in 1974 while he was still living, by another photographer, under Man Ray’s supervision; or without such supervision, but with his permission; or by Man Ray himself, but twenty years after the picture was shot? Can the picture be called vintage if it was printed by Lee Miller, at the time she was his girlfriend, while he was sitting next to her, or in another room, or while he was shopping in the neighborhood, or while he was on a trip to the United States? What would it be called if she had printed the copy using the original negative, but after she had left Man Ray?

Lithographies and engravings are obviously copies,² in the sense that, like

²This vocabulary is not unanimously accepted. Griffiths, the keeper of the Department of Prints and Drawings at the British Museum writes that “the word [copy] is dangerously ambiguous...[and that] the term *impression* should be used of a print. The term *copy* in prints should be strictly reserved for a redrawing of an original by another hand. If done by the original designer, such a copy is referred to as a *replica*.” See Griffiths (1996, p.139).

photographies, they are not unique.³ Such prints are obviously “right” if the artist did the original drawing on the stone, or the engraving on the copper plate, produced each copy in his atelier, on his own printing machine, and signed each copy. What if all of these characteristics apply, but the print is not signed;⁴ what if the artist had the prints done by say, Desjobert but verified and signed each of these;⁵ what if, he only did the drawing, and had it copied on a copper plate by a good professional engraver; what if he did nothing at all, but just signed the copies, as Salvador Dali did?

These observations should convey the idea that there is an imperceptible transition from “right” to “wrong,” as there is one from “original” to “copy,” but there are cases which should be obvious, and we should all agree on some minimal definitions. A painting which is 100% repainted, such as Barnett Newman’s *Who is Afraid of Red, Yellow and Blue?*, badly damaged by a vandal a few years ago, is hardly an original by the artist. A print of a negative by Man Ray, but which the artist did not find interesting enough to print, is not right, even if printed by Lee Miller. A photography printed again in 1990 by a collector who happened to possess a genuine negative by Man Ray, is not a Man Ray. It is not even so, if it was printed by the Centre Pompidou for an exhibition devoted to the artist.⁶ An unsigned poster is not an original work, etc. But is all of this so obvious?

Barnett Newman’s *Who is Afraid* hangs in the Stedelijk Museum in Amsterdam as if nothing had ever happened.⁷ The Rodin museum in Paris is authorized to produce up to eight copies of every piece of plaster which was left by Rodin in his atelier after his death and which he did not wish to be cast in bronze—and there seem to be many such pieces. These sculptures which are produced nowadays by the museum are sold as genuine Rodins.

³For multiples, the definition of original and copy is complex, leading Melot (1985) to formulate “the curious theorem that for objects of art, multiples can also be unique.”

⁴Note that signing of prints was occasional during the Eighteenth Century and became more systematic after 1850 only. See Griffiths (1996, pp.152-153).

⁵This is obviously a widely accepted practice for lithographies: “Once the drawing is finished the artist’s task is done. The rest is the province of the printer, whose operations are complicated enough to make it unusual for the artist to do his own printing.” See Griffiths (1996, p.102).

⁶It is even questionable whether the Centre Pompidou is allowed to produce such copies.

⁷Two years ago, one of us walked into the room where it is exhibited, and asked the warden whether he knew when the painting came back to Amsterdam after its restoration in the United States. The answer was that it had never left the room where it hangs!

The same is true for works by Arp which can be reproduced by the Fondation Arp in Rolandseck. Jewels drawn by Verdura fifty years ago are produced today and sold as genuine Verduras. Posthumous editions of prints, modestly called later states are sold under the names of the artists who created them.⁸ Posters by celebrated artists are almost considered as artworks, and the Musée d'Ixelles in Brussels is proud to possess the only complete collection⁹ of Lautrec's posters, and makes a great case exhibiting all of them, in one of the best rooms of the museum.

Why is it then that in some cases we accept a copy as "right," even if it is copied long after the artist's death. Why is it that mechanically produced and unsigned posters hang on the walls of some museums, while, at the same time, a Seventeenth Century painting is removed from the walls and sent to the reserve, after a committee of experts has decided that the work that was thought to be by the master, has now to be considered as being by a follower or a pupil of the master.

Forgeries, copies and reproductions

There is an obvious difference between copies or reproductions and fakes, in the sense that only the latter are produced to deceive.¹⁰ However, it is often difficult to detect whether the work was made with the intention to deceive. Hoving (1996, p.32), for instance, considers as fakes those thousands of Roman sculptures of the archaizing style, produced between 100 B.C. and 100 A.D., copies of Greek marbles of the sixth century B.C. It is highly unclear that these were intentional forgeries, since even Greek sculptors used to produce copies long before the First Century B.C.¹¹ Arnheim (1983) holds the more original view that we should be "grateful to get an idea of the lost

⁸It is interesting to note that Lessing (1983, p.73) describes "modern prints from old litho stones [as] forgeries, though, assuming no deception is involved, forgeries of a peculiarly amoral, nonoffensive sort."

⁹According to the museum itself.

¹⁰It is well known and documented that even masters seem to have produced forgeries. Lucky he who, today, is the owner of the "Roman" sleeping cupid carved by Michelangelo. See Hoving (1996, p.55).

¹¹Chamoux et al. (1973) give the example of the Thessalian prince Daochos who, in 335-330 B.C., preferred to order marble copies of existing bronze sculptures, rather than original marbles.

Greek sculpture through Roman copies.”¹²

Copies pay tribute to the original, they recognize the value of the original and draw their value from it. Forgeries deny the esthetic superiority of the original. Acknowledged copies have always been cheaper than originals, fakes are as expensive as originals, and their number usually increases with the fame of the artist. Good forgers often have an extraordinary knowledge of the work of an artist and of what art history has to say about him. This was exactly the case of Van Meegeren, the forger of Vermeer. According to Werness (1983, pp.33-34), “ The excitement with which [Van Meegeren’s] *Emmaus* was received was partly due to this very practice [of sifting] through the art historical literature. Again, the resemblance to Caravaggio’s painting of the same subject ‘proved’ Vermeer at least knew the painting and had possibly traveled to Italy.” In short, Van Meegeren “proved” what Vermeer’s experts wanted to hear. Forgers exploit assumed “holes” in the work of an artist, and fill them.¹³ Catalogues raisonnés started to appear during the Nineteenth Century, in order to “close” the oeuvre of an artist, at the very moment at which the standard practice of copying by using the same medium started to enter in competition with other means such as photography.¹⁴

Leaving aside forgeries, about which there exists a huge literature, mainly by story tellers,¹⁵ fakers themselves,¹⁶ teachers,¹⁷ but also by art philoso-

¹²There is of course an abundance of cases in which the original work is known only through copies. Titian’s *Martyrdom of St. Peter*, lost during the fire which destroyed the San Giovanni e Paolo church in Venice in 1866 is known through a copy by a pupil of Ingres. Sénéchal (1998b) discusses the example of paintings hanging in St. Peter’s in Rome which were suffering from humidity; they were replaced by copies on canvas during the Eighteenth Century, and later on, by mosaic copies. The practice to replace church paintings by copies became frequent during the Eighteenth Century.

¹³Recall also the enormous influence the Ossianic epics, attributed to the Third Century Celtic bard Ossian, had on European late Eighteenth Century literature. The poems were later found to be a forgery due to Macpherson, an Eighteenth Century poet. Nevertheless, the *Encyclopedia Britannica*, sums up Macpherson’s work as follows: “The varied sources of his work and its worthlessness as a transcript of actual Celtic poems do not alter the fact that he produced a work of art which...did more than any single work to bring about the romantic movement in European, and especially in German literature...Herder and Goethe...were among its profound admirers.” See Koestler (1989, pp.402-3).

¹⁴On this issue, see Castelnovo (1987).

¹⁵See e.g. Beckett (1995), Hoving (1996), or Waldron (1983).

¹⁶See e.g. Hebborn (1991).

¹⁷See Johnson (1973) and Kurz (1948).

phers,¹⁸ let us turn to the difference between copies and reproductions. Copies are made to reproduce as perfectly as possible the original work, but the copier may also be tempted to copy, because he thinks that he can reproduce the process of creation itself. Copies use, in most cases, the same technique—though there are of course many instances of drawings, or paintings made after sculptures, and vice-versa.¹⁹ The objective of reproductions is to give, by any possible technical means, including digitalization, the very feeling of the original, with no or little artistic intention.²⁰ Copies can only be imperfect, since there is mediation and there may be interpretation—Van Gogh’s Millets can hardly be considered as perfect copies. Reproductions should be perfect and not aim at interpreting, though as Focillon (1919) notes about photographs of the Mona Lisa, they can be unfaithful.

It is however doubtful that the difference between the terms “copy” and “reproduction” should be taken too seriously. In most of the literature, they are used interchangeably. The *Oxford Advanced Learner’s Dictionary*, for instance, defines “to reproduce” by ... “to make a copy of a picture,” and in their *Dictionnaire de la Peinture*, Laclotte and Cuzin (1991) define copies as “imitations or reproductions” of a work.²¹

Outline of the paper

In this paper, we try to analyze whether and, if so, how the various actors who are at play in the art market (artists, buyers and collectors, lawyers, museums, art historians and philosophers) contribute to build a market for copies. As we shall see, artists and their customers have never belittled copies. The same applies to art historians who find that copies have an important role—in educating future artists and in preserving the memory of lost artworks—, but nevertheless consider that copies are better left for the

¹⁸See e.g. Dutton (1983).

¹⁹Henry Moore, for instance, produced sculptures “copied” from Masaccio’s frescoes of the Carmine in Florence. See Maison (1960).

²⁰Though we are not so sure that photographers of artworks will agree with this view. A good example is provided by the Corel vs. Bridgeman case. See Section 3 for the details.

²¹Copy and reproduction are not the only words which are in use to describe “non originals.” Christie’s October 7, 1995 sales catalogue of copies in Amsterdam gives a glossary of words they use, and which have different meanings: replica, variant, version, copy, quotation, pastiche, paraphrase, parody and persiflage. Laclotte and Cuzin (1991) distinguish between repetition, replica, copy, reduction and fac-simile.

reserves of museums. Lawyers are ambiguous also, and judicial precedents bear testimony to the ambivalent nature of copies. The market seems to have reacted somewhat differently, and started to discount copies roughly at the turn of the Eighteenth Century, but copies never ceased to be traded. Section 2 is devoted to the way artists, consumers and markets consider copies. Section 3 examines the various legal procedures which are assumed to protect both artists and collectors from the confusion between copies, fakes and originals. In Section 4, we turn to recent signals given by art historians on the positive value of copies, and the influence this has on exhibitions organized by museums. Section 5 concludes the paper.

As will become clear, copies have had good times, but also bad times. They have played varying roles and their artistic content has changed over the centuries. But, in spite of this instability, markets for copies never failed to exist, and if there are markets, there must also be supply and demand. Copying has generated a large number of works. It has led to a large number of wrong attributions, including dishonest ones. It has also given birth to a new category of middleman, the rent-seeking expert.

2 Artists, Consumers and Markets

Artists and their Patrons

As we noted earlier, the Roman Empire was full (and fond) of copies, and, according to Holtzmann (1996, pp.846-849), copying seems to have become essential in artistic activity at that time. Copies were considered as a way of recognizing the artistic talent of a master. The idea that the concrete reference to a model confers value to creation became even more important during the Middle Ages, as is illustrated by the history of illuminated manuscripts.

During the Renaissance, replicas and copies were produced in large numbers as well: *imitation* became almost a necessary activity. Michelangelo substituted his own drawings for older ones. Pieter Bruegel left only 45 paintings, but these became so famous that they generated a very large number of copies: we know of 123 versions of *Winter Landscape with Birdtrap*. The eldest son of Bruegel, Pieter the Young, was very fond of exploiting this vein, almost inventing “multiples;” he produced several dozens of *Returning from*

the Country Fair and *25 St. John the Baptist Preaching*.²² Hoving (1996, p.57) notes that inventories made after El Greco's death "list as many as five or six versions of the most noteworthy originals, all made in differing sizes, all of which the master could not have painted himself. They sold and still sell today as originals."

All masters had ateliers, but there was a difference between Rembrandt's and other ateliers. Rembrandt's can be considered as the first "academy," since he organized sessions during which his pupils were asked to draw and paint even living models. This does not seem to have been the case for most other ateliers, where pupils were merely supposed to specialize on certain items and work for the master. According to Saint-Simon (1996, pp.339-344), in Rigaud's atelier, artisans used to produce portraits, the price of which varied with dimensions and according to how much had been corrected by the master.

There is, as we all know, an abundance of such examples, especially during the Seventeenth Century—Rubens copies da Vinci, Michelangelo, Mantegna, Raphaël and many others; Greco copies Correggio, Michelangelo and Titian²³—but later on also. Watteau copies Rubens. Manet is said to have executed 400 copies from 290 sources. Van Gogh has produced 520 such copies.²⁴ Painters copy other painters, but they also copy their own works. Ingres copies himself, executing, for instance, eighteen times *Paolo and Francesca* and was proud of it, to the point of writing that "the majority of those works of mine whose subjects I like have seemed worth the trouble of being perfected through repetition and retouching."²⁵ Gerôme, a "pompiere" painter, successful during the 1850s, produces so many copies of his own work, that Zola felt he had to write a satirical tract against him: "Mr. Gerôme...paints canvases and these are reproduced or printed in thousands of copies. The subject is everything, and the painting is nothing. Copies are worth more than the original."²⁶ Picasso copies others as well as himself. Jasper Johns paints several versions of *Flag*, of *Numbers* and of *Target*. And who knows how many *Marilyn*, *Mao* and *Mona Lisa* were produced by Warhol, the very

²²See Francastel (1995).

²³See e.g. Alpers (1988) for Rembrandt, or Montias (1982) for the *ambiance* in the Low Countries in general.

²⁴See Schwartz (1996, p.248).

²⁵Ingres, *Ecrits sur l'art*, quoted by Schwartz (1996, p.248).

²⁶See Lafont-Couturier (1998).

king of copyists?

Growing demand for paintings is probably at the root of the growing production and supply of copies. During the Renaissance, art lovers were welcoming exact copies which could be substituted for originals, so much so that Chamoux et al. (1973, p.15) can write that “the proof of talent is in the ability to produce a copy that can mislead the viewer.” The Renaissance Italian poet Petrarch used to buy copies if he could not find the original of a painting he wanted for his collection.²⁷

In the early Seventeenth Century, collecting became a fashionable activity among kings, noblemen and even simple connoisseurs. Some collectors were patient, and assembled carefully chosen works. Others took shortcuts. This was the case of the Duke of Lerma who acquired 1,431 paintings between 1599 and 1606; to achieve this, he bought series of works, such as 240 portraits of popes and 153 heads of Roman emperors.²⁸ Others purchased copies which, though “recognized as inferior to the original, [were] considered as valuable record[s] of admirable composition[s] or invention[s]. Even so discerning a connoisseur as Charles I sent the copyist Michael Cross to Spain to copy the works by Titian.”²⁹ Courajod (1889) notes that Louis XIV buys copies. One of the Medici (Ottaviano) offers to Frederic the Second, duke of Mantua, a copy by del Sarto of a painting by Raphaël. When the king heard about the substitution, he became enthusiastic about the gift produced by a painter who was able to reproduce with such perfection the work of a great master. Montias (1996, p.24) estimates that “the proportion of copies among landscapes and still lifes in randomly selected inventories [in Amsterdam, during the years 1650 to 1669] may [have been] as high as one half to three quarters.”

All this shows that at least until the end of the Nineteenth Century, the two endpoints of the arts community—creators and artists; art amateurs and collectors—were favorable to copies.

It is not easy to pin down even approximately, the time at which the quest for “originals only” started, dragging down the prices as well as the aesthetic appreciation of copies. This is probably due to the fact that the decline came only gradually. The emergence of public museums in the late Eighteenth

²⁷See Dubus (1992).

²⁸See Brown (1995, p.111).

²⁹See Brown (1995, p.111).

Century certainly played a major role. So did, in the late Eighteenth Century, the study by Winckelmann (1755-1766)³⁰—who was the first to point out that most of the antique marbles were Roman copies—, the failure of the Musée des Copies,³¹ the romantic belief in the isolated artist with genius, and the invention of photography.

According to Chamoux et al. (1973, p.29), this is also the time when forgeries started proliferating, as well as experts and “attributors.” One can of course also wonder how much this new profession contributed to the situation. Rent seeking on their part is obvious, and there is a huge number of told and untold stories floating around on their role.³² One of us cannot resist telling the story he witnessed two years ago, when the international Ingres expert decided that a miniature signed by the artist was wrong, on the basis of a photocopy of the work sent to him by fax. It was later discovered by the buyer of the miniature that the wrong Ingres was right and had been stolen a few years earlier from an Italian museum. Here, it is not the fact that the expert misattributed the work which is important—this may of course happen—, but the fact that he based his expertise on a faxed photocopy of the work, and did not even know of the theft!

Endeavours such as the so-called Rembrandt Research Project, set up in the 1970s and still going on, whose aim is to separate “right” Rembrandts from “not so right” ones do of course also contribute to the fall of both the intrinsic and the market value of copies.

Klauner (1980) is of the opinion that, in Vienna at least, copies were fashionable even much later and that the real change of attitude towards copies took place in the 1940s only. At that time, the quality of mechanical reproductions increased so much that most customers found them good enough and stopped ordering manual copies.³³ But tastes also changed, and there was less interest in copies of classical works that were copied most often, such as works by Rubens, Van Dyck, Titian, Velasquez or Rembrandt.

³⁰See also Ginzburg (1989).

³¹See Section 4 for details concerning this museum.

³²According to Haskell (1991), the forger does not only make fun of the duped buyer, he also thinks of himself as a satisfied expert. But once the forgery is discovered, it is easy to see that the work is representative of the time in which it was made. Some of “Vermeer’s” portraits painted during the 1930s look like Greta Garbo.

³³Ayrton (1960) shares this viewpoint and adds that the status of copies has fallen as the quality of reproductions has increased.

In the more recent years, copies seem to start a new life. Museums organize exhibitions of copies, and use copies even in exhibitions devoted to originals. This has obviously had some influence on markets themselves, and is discussed further in Section 4.

Markets

In their very thorough paper, de Marchi and Van Miegroet (1996) analyze the market for originals and copies in the Netherlands during the Seventeenth Century. They find that originals were valued at most to three times the copy. They also make the interesting point that in earlier times, the “terminology original/copy was more fluid, [and that] it is not clear from observed practices that transactors in paintings (makers, dealers, buyers) thought in terms of a sharp distinction between the two. Confusion about the economic status of original was, moreover, deliberately maintained by the workshops of leading masters in the Fifteenth and Sixteenth centuries.”

It is of course very difficult to gather good data on transactions of copies, and the pioneering work by Montias, de Marchi and Van Miegroet needed to go to archives and is, therefore, highly time-consuming. Otherwise, auctions are the only part of the market which can be observed, but this is also the case for originals. Copies are indeed sold at auction, but salerooms—at least Christie’s and Sotheby’s—draw a distinction between copies produced before and after 1800. The first are usually offered at regular Old Master sales, and are therefore almost considered as Old Masters. Later copies are also auctioned by international salerooms, but during non specialized sales of *varia*, and usually not in the plush premises, such as Christie’s King Street rooms. But here again, Christie’s draws a distinction for later copies, and considers that “the irruption of photography and graphical reproduction techniques in the beginning of World War II, has made all of this obsolete. For these reasons, we do not include copies made after 1940 in our sale.”³⁴ There is thus a distinction to be drawn, not only between old and more recent copies after Old Masters, but also between copies after Old Masters and copies after Impressionists and their followers.

³⁴Christie’s Press Release for its September 29, 1998 Amsterdam sale. According to Ms. Aarts from Christie’s Amsterdam this decision is also made to avoid selling copies that could have been considered as fakes at a certain moment, without the saleroom being aware of it.

In 1994, Christie's started organizing special sales of copies in Amsterdam,³⁵ where copies after Old Master pictures are auctioned. The three first sales consisted of some fifty paintings and drawings which were followed by the auctioning of a mixed bag of various objects (glass, ceramics, silver, jewellery, furniture and other works of art), obviously to fill the session. Moreover, these sales were organized on Saturdays, in order to attract "young" buyers, interested in art, but who could not afford originals and expensive items. Since 1997, Christie's changed the concept and the sales consist of paintings only (71 in 1997 and 73 in 1998) and are organized during the week, as are most other sales. This conveys the feeling that there is more supply, but also more demand, and that markets become more active.

To check this assumption, we have looked at some characteristics of the sales, such as number of unsold works, number of works sold at more than the upper limit of the pre-sale estimate range,³⁶ prices, etc. This may be considered as rather superficial, but it gives some indications of tensions on the market. Table 1 summarizes our findings, and shows that there is an upward trend.

The most interesting point is that, according to Christie's Amsterdam specialists, these are their most internationally attended auctions. And indeed, in the 1998 auction, the ten most expensive items were auctioned to American, Italian, Belgian, German and Dutch (two items) traders and to German, Taiwanese, Dutch and Irish collectors.³⁷

Of course, there is only one such specialized sale per year at Christie's, but as was already mentioned, every Old Master sale, whether in London, New York or Amsterdam, and both by Christie's and Sotheby's contains works that are "attributed to," from the "circle of," in the "manner of," "after," "with signature" or "with seal," by a "follower of."³⁸

³⁵It is not clear whether the sale is organized in Amsterdam to keep London and New York "clean," or whether this is due to many copies being after Dutch and Flemish artists. Note that such copies are also sold in London Christie's South Kensington rooms, but together with sales of other objects.

³⁶Increasing average prices would not necessarily indicate that prices increase; the increase could simply be due to larger dimensions, or better quality. This is implicitly taken into account in the pre-sale estimates by the saleroom. Therefore, works that are sold at more than the pre-sale estimate are, we think, a better indicator of increasing demand.

³⁷According to the after-sale press release.

³⁸This is extracted from Christie's sale catalogues, which describe the various prude denominations as follows. "Attributed to," means "In our opinion probably a work by the

Table 1
Christie's Amsterdam Specialized Sales of Copies*

	1994	1995	1996	1997	1998
Total no. of works	50	52	51	71	73
No. of works unsold	8	9	11	1	11
No. of "expensive" works**	15	17	15	47	23

*In the 1994, 1995 and 1996 sales, paintings were followed by other works. In 1997 and 1998 the sale consisted of paintings only.

**By "expensive," we mean works that were sold at a price higher than the upper limit of the pre-sale estimate range.

This should not be considered only as prudential management on the part of salerooms, but also as a means for the market to avoid confusion and describe the quality of works that are both vertically and horizontally differentiated. Every collector would agree that "attributed to" is better than "after," (vertical differentiation), but opinions may differ on whether "circle of" is better or worse than "manner of" (horizontal differentiation).

Copies made after Impressionists and their followers are also becoming more fashionable, though they do not appear at Christie's or Sotheby's. Until 1992, the Galerie Delamarre in Paris produces and sells oil copies (certified to be "unique") of Impressionist and Modern masters (Renoir, Toulouse Lautrec, Modigliani, etc.). Daniel Delamarre, the former owner, claims to

artist or maker in whole or part." "Circle of," means "In our opinion a work of the period of the artist or maker and showing his influence." "Manner of," means "In our opinion a work executed in the style of the artist or maker but of a later date." "After," means "In our opinion a copy of any date of a work of the artist or maker." "With signature/seal" means "Has signature/seal which in our opinion is not that of the artist." Finally, "follower of" means "In our opinion a work executed in the artist's style but not necessarily by one of his pupils." Very similar words and descriptions appear in Sotheby's sale catalogues. Note that already in 1882, Burckhardt had suggested such distinctions, based on the works by Rubens and his workshop. See Burckhardt (1982).

have had over 3,000 such copies made, including 55 of the most expensive works ever sold, which were bought by 45 collectors. An auction of such copies was planned by Drouot's in 1991, but was eventually cancelled under the pressure of the French *Chambre Nationale des Commissaires Priseurs* (auctioneers), worried by the fact that the French *Comité des Galeries d'Art* was suing the *Galerie Delamarre* itself.³⁹ The catalogue of the planned sale contains eight works (by Sisley, Pissaro, Cézanne, Van Gogh, Modigliani, Gauguin, Lautrec and Millet), and underlines that the copies are lawful. Since the oral auction was cancelled, a sealed-bid auction was organized later on, which included four more works (Corot, Van Gogh, Millet and Gauguin), and for which 140 bids were registered. Most works were sold at prices varying between FF 80,000 and 120,000. According to Mr. Delamarre, Edmond de Rothschild, Rockefeller and the US architect Meier were among the buyers.⁴⁰

There are also signs that present-day copies after Old Masters are being ordered. One example is that of the US collector Bikauser who offered a very large canvas by Delaroche⁴¹ to the Louvre and ordered a copy of the painting, to keep it as a "souvenir" of the original one. The new owner (family de Vogüé) of the *château de Vaux-le-Vicomte* next to Paris is having copies made (by the *Galerie Troubetzkoy*, Paris) of most of the paintings which were once hanging in the castle, and were sold, lost or stolen during the last centuries. Guardis and Canalettos were also copied and sold by the *Galerie Delamarre*, in order to complement incomplete collections. After all, the gardens that we see today in Versailles are merely copies of those which had been laid out by Le Nôtre in the Seventeenth Century.

Why is it that the market still remains so narrow, especially for copies after Impressionists and their followers? Why is it that Christie's, for instance, only sells copies after Old Master pictures, and only those painted before 1940? As will be seen in the next two sections, both the law and art history hesitate to make clear statements about copies.

The law is, as it should, opposed to fakes, but at the same time it is very

³⁹See Section 4 of our paper for more details on the court case.

⁴⁰Note that copies seem also to be bought by the collectors who own the original piece, for purposes of insurance—the copy being put on the wall, while the original lies in the vaults of a bank.

⁴¹French painter (1797-1856) whose paintings hang in Versailles, the Louvre, the Wallace Collection, etc.

unclear about the status of copies, which may be subject to copyright. This will be illustrated in Section 3, where we show that the law makes statements that are sometimes inconsistent. This may obviously deter the production and the sale of copies.⁴²

In Section 4, we show that curators, art historians and art philosophers are making timid steps that recognize the value of copies. Though they still do not admit that copies can hang on the walls of museums, they organize, here and there, exhibitions devoted to copies, or exhibitions in which they show both originals and copies. But the main thrust is still put on the quest for originals.

3 Copies and the Law

Copies are often considered as “the first degree of fakes”⁴³ and one of the main reasons for their devaluation is their possible illegal use. A few years ago, Nelson Rockefeller decided to have copies made after 118 works from his private collection and after works he had donated to museums. These were meant to be sold, and the proceeds donated to museums. The quality of the fac-similes was so good that they were offered at very high prices. Replicas of Rodin were cold stamped on their base with a copyright symbol, a copy number and a date. In 1980, one of them was offered by a gallery as an authentic work: the markings had been covered with shoe polish!⁴⁴ Thus, as is pointed out by Merryman and Elsen (1987, p.61), “exact reproductions of works of art, like exact reproductions of money, postage stamps, or other objects whose value inheres in their authenticity, easily lend themselves to misuse by the unscrupulous, who may misrepresent them as originals rather than as reproductions... Exact reproductions of works of art devalue original works by creating confusion between originals and reproductions. The more exact the reproduction, the greater the potential confusion and the consequent devaluing effect.”

⁴²Justice Laddie (1996), one of the best known British experts on copyright law holds the view that “these detailed and pedantic exceptions to copyright protection [...] are not only difficult to understand in some cases, but they also reinforce the perception that virtually all reproductions of copyright works, no matter how innocuous, are infringements.”

⁴³See Chamoux et al. (1973)

⁴⁴See Merryman and Elsen (1987).

Does the law (and the jurisprudence) contribute to clarify the status of copies, or, on the contrary, do loose legal interpretations of what copies are, as well as inconsistencies in judgments increase the degree of uncertainty which may prevent buyers from entering the market for copies?

The Legal Definition of Originality

Originality is the central notion that separates originals from copies. But the very definition of the qualities which are supposed to be lost or found in a duplication is not easy to make,⁴⁵ and one can hardly define the borderline for saying that a copy is entirely a work of art. Legal texts are very allusive: “All that is needed... is that the ‘author’ contributed something more than a ‘merely trivial’ variation, something recognizably ‘his own’...”⁴⁶

Especially in the case of multiples, such as engravings, the notion of originality is “condemned to remain confused.”⁴⁷ Artists like Whistler, Degas or Picasso used to sign their prints as evidence of their authenticity. Merryman and Elsen (1987, p.526) distinguish between (a) prints by well-known artists but which are merely reproductions of original works, even though they may be well printed on fine paper in limited editions and signed by artists, and (b) lithographies, etchings, woodcuts, or other print media which are a primary form of art-making as is the case with Jasper Johns. Originality is often assimilated to scarcity⁴⁸ which may be organized by legal texts, through the limitation of editions,⁴⁹ like in the Rodin case for which a decree establishes how many *post mortem* “originals” are authorized.⁵⁰ By analogy, uniqueness is, still today, a central argument. For the Parisian Gallery Delamarre, claiming that each copy is “unique” is a way to provide added value.

⁴⁵As is put by Arnheim (1983, p.237), “It is not sensible to accept only original works as art and dismiss all reproductions as nonart.”

⁴⁶See Merryman and Elsen (1987, pp.183-4).

⁴⁷See Melot (1994).

⁴⁸Melot (1994) devotes a whole chapter to the different techniques used in order to create scarcity, such as numbering of the prints, adding colours, or the autograph signature.

⁴⁹Degas usually controlled the production of prints, making each of them unique. He refused to produce industrial reproductions, though he had a real passion for engravings, prints, and so on. Melot (1994) explains how Degas or Pissaro tried to make each print in the edition different from the others: “The very definition of a work of art can only be in opposition with a series. Quality is incompatible with quantity...”

⁵⁰See Gautier (1991).

The judicial precedents show that the interpretation of this doctrine is very broad, and depends on the decisions of the judge. First, an artist can consider that a copy is unlawful when the very details of the work are copied. Copying the manner, the technique, the style is permitted. Desbois (1978) argues that “one can oppose to counterfeiting, resulting from a slavish copy or adaptation, the imitation of the genre, of the artist’s manner, and the latter cannot be prosecuted.”⁵¹

Secondly, originality is frequently assimilated with quality. In the case of a Braque painting reproduced as a print, the Paris Court detected the “skill and sensitivity of the engraver” and, therefore, authorized copying without paying authors’ rights (December 19, 1992). In the American “Hand of God” case, an artist who had produced a scale reduction of the sculpture of Rodin, the District Court found the originality to consist in the fact that “it takes an extremely skilled sculptor many hours working directly in front of the original” to make an exact replica.⁵² This case is close to the one brought by the buyer of a Dürer against an art dealer in about 1650, when he realized that the Dürer was a copy by Luca Giordano, who had hidden his own signature on the back of the wooden panel. The quality of the copy was so good, that Giordano won the case.⁵³

Thirdly, a copy may include the signature of the original artist. In 1992, proceedings were brought against the Galerie Delamarre, for reproducing and selling copies of masterpieces which included the painter’s signature. Whereas the initial judges found the gallery guilty of the offence of infringement on the grounds that the right to copy does not include that of copying the author’s signature, the French High Court rejected the judgment (June 11, 1997) arguing that “the reproduction, on a copy of a work, of the signature of the author of a public domain artwork does not infringe upon the author’s moral rights when there is no risk of confusion between the original and the copy.” The Court added that the risk of confusion was removed since the dimensions of the painting were different and the notice “copy” was marked indelibly on the back and the edge of the canvas. How can such a

⁵¹See also Colombet (1997).

⁵²Alva Studios, Inc. vs. Winninger, quoted in Merryman and Elsen (1987, p.184).

⁵³This is also reminiscent of the story recounted by Koestler (1989, p.402) of the competition held to choose among a dozen guests imitating Charlie Chaplin, who came the closest to the original: “Chaplin himself happened to be among them—and got only the third prize.”

decision be interpreted? The copy is assimilated to a photography; the signature is an element of the canvas, and changing the size constitutes a way to escape counterfeiting laws.

Public Domain vs. Non-public Domain

Legal texts vary according to whether the works belong to the public domain or not. Works fall into the public domain seventy years after the death of their creator; they then become freely available for copying, advertising, publishing, etc.⁵⁴ If the work of art that is copied belongs to the public domain, the copier does not have to pay copyrights.

For other works, there is a “legal grey area:” neither the American nor the French law clearly define the terms copy or reproduction.⁵⁵ In this case, the

⁵⁴Note that even this view is not universally accepted, as is illustrated by the recent conflict between the Bridgeman Art Library (which grants licences to reproduce works of art belonging to European and American museums) and the Canadian firm Corel (publisher of *Professional Photos CD-Rom Masters*, containing reproductions made without the consent of Bridgeman). The lawyer of Corel holds the opinion that “Bridgeman’s ektachromes are not originals and are, therefore, not submitted to copyright,” to which the lawyer of Bridgeman reacts by claiming that “the skills of the photographer who creates a large ektachrome and digitalizes it possess all the characteristics of a creation on a new support.” See *Le Journal des Arts* 68, October 9, 1998. The case was judged in a court in New York. The federal judge followed Corel’s arguments and ruled that photographs of paintings are not original enough to benefit from copyright protection. See *Le Journal des Arts* 74, January 8, 1998.

⁵⁵There is no definition of a “work of art” either. For the payment of inheritance taxes in works of art, the French administration only takes into account the opinion of a special committee of experts, who are in charge of the designation and the evaluation of the works. See Bourdon, Pontier and Ricci (1996). Until 1994, the French definition of original print includes the terms “execution by the artist,” and excludes mechanical procedures. With such a definition, Rauschenberg’s or Ernst’s best engravings would not be considered as originals. See Melot (1973). The American Print Council excludes *post mortem* editions (but the date of the edition is sometimes rather difficult to discover). There are three conditions for a print to be original: “(a) The artist alone has created the master image in or upon the plate, stone, wood-block or other material, for the purpose of making the print, (b) the print is made from the said material by the artist or according to his directions, (c) the finished print is approved by the artist.” See ‘What is an original print?’, London: Lumley-Cazalet, 1967, quoted by Melot (1973). For members states of the European Union, a law passed in 1994 defines works on which a lower VAT rate is applicable. It considers that for a photography to be a work of art, it has to be made by the artist, printed by him or under his supervision, signed and numbered with a limit of thirty

authorization for copying (often requested after the copy has been completed) as well as the compensating payment are generally agreed upon through bilateral contracts. For example, a Picasso sculpture, belonging to the Musée National d'Art Moderne, was copied (in a much larger size than the original) to decorate a new ski resort. Once the sculpture was executed, Picasso's heirs obtained royalties amounting FF 1.5 million (300,000 dollars) in an out-of-court settlement.

Copies as Doubles and Copyrightable Goods

The legal status of copies is ambivalent. Copies are both sub-products and works by themselves. On the one hand, a copy remains a "second-best," an imperfect substitute for the original. On the other hand, a copy may be considered as a work of art, as is testified by the copies auctioned during Old Master sales by Christie's or Sotheby's. This is the reason for which the law protects copies,⁵⁶ and recognizes their status as works of art. A copy may itself be copyrightable if it contains "an original contribution not present in the underlying work."⁵⁷ The law states that originality, which is the foundation of the notion of a work of art, results only from the execution. From a legal viewpoint, a copy is thus an original work of art, because the personality of the artist leaves traces on the composition, even if the copy is really close to the model. This can be considered as the "legal transposition" of a remark by Theo Van Gogh to his brother Vincent who, while at the St. Remy hospital in 1890, used to copy Millet: "Your copies of Millet are perhaps the best you have ever produced" (letter 848/733), and "copies as you do them are not copies anymore." (letter 840/T23).⁵⁸ One of the legal consequences is that the material execution itself justifies copyright royalties for copyists. There is no difference between copying nature-landscapes, still

prints, whatever the dimension or the medium. More generally, European regulations define a work of art through two criteria: uniqueness (or limited number of prints) and production by the artists himself or under his strict supervision. See Melot (1995).

⁵⁶One of the consequences is the impossibility for an artist to copy freely and resell his own work, once the "original" has been sold. This is what the law considers as self-plagiarizing.

⁵⁷See Merryman and Elsen (1987, p.184).

⁵⁸Van Gogh also produced copies after Rembrandt, Delacroix, and Gauguin. See Van Tilborgh (1998).

lives, portraits, without specific additions—or copying pre-existing works of art.

For the lawyer, the personality of the creator is the main criterion for the justification of copyright royalties. The following case illustrates this position. Some time ago, the owner of a castle in France ordered sculptures for the front of his castle. When the château was opened to the public, the artist asked to be protected by a copyright. The Court of Appeals refused to compensate the sculptor, considering that “the sculptures resulted from a mere repetition and accumulation of decorative designs” and because “the quality of the execution was weak and lacking any global vision.” The High Court (Cour de Cassation) reviewed this judgement (November 9, 1993) and considered that the traces of the hand of the copyist were sufficient for the sculptures to be works of art. The Helion vs. a New York hotel is another interesting, not yet fully settled, case. The heirs of Helion, a Parisian artist, consider that the owner of a New York hotel should remove six (Helion-signed) copies of Helion by Herstand⁵⁹ from the walls of his restaurant, and prevent them from entering the market.⁶⁰ They threatened to sue the owner for having violated copyright laws. But the owner of the hotel argues that if these “Helion” paintings are considered as works by Herstand, then they are lawful.⁶¹

Note that for music also, each interpretation constitutes a work as such, liable to copyright, and a copy, leading Ayrton (1960, p.29) to write that “if the musical analogy is permissible, then the direct copy might be compared to the executant interpretation of the composer’s intentions.”

When copies are seen as originals, they are entitled to royalties. Judges are supposed to appreciate the originality of the work, but it is doubtful that these appreciations are consistent. Therefore, the legal context adds uncertainty and does probably not contribute to the development of markets for copies. One can thus wonder whether there an economic foundation to copyright copies.

For Meiland (1983, p.130), “with respect to derivative aesthetic value, exact copies are, in principle, in exactly the same position as originals,” and

⁵⁹Mark Herstand is a New York painter who has produced imitations for Manhattan nightclubs.

⁶⁰Note that under New York, and probably international law, these copies cannot be considered as fakes, since they are not of the same size as the originals.

⁶¹See *The Art Newspaper* 81, May 1998, p.5 for details.

copies may often have at least as much aesthetic value as the originals. This is the case for a copy by Rembrandt of a minor artist, or for copies of Rubens by a master like Jordaens.⁶² Moreover, when an artist copies his own works, the copies have roughly the same value as the originals. While legal texts and judicial precedents recognize the value of originality, Meiland concludes that neither the originality, nor the influence of the originality of a work of an artist on his successors⁶³ justify the differences between originals and copies.

If originality is assimilated to invention, as opposed to imitation which characterizes copies,⁶⁴ invention implies a risk that is rewarded by a copyright, as is the case for patents. As Meyer (1983) writes, “the great artist has dared to risk failure in order to reveal a new aspect of the universe for us.” De Marchi and Van Miegroet (1996) find that, during the 17th century, even when the copy was made by the same artist as the original, the price of the copy was lower: originality means invention and this may be the reason of the price difference between originals and copies.

However, there remains the question of why invention and originality should be protected if they are already paid for through market prices?⁶⁵ The art historian expresses doubts when writing that “a copy of an oil painting made in oil paint by an inferior painter partakes of at least the same physical nature as the original.”⁶⁶

4 Copies and Art Historians

The views of art historians are expressed in a direct way in their writings, as well as indirectly, through the exhibitions they set up and the organization of artefacts in museums. The indirect way have a more rapid influence on art buyers and on markets.

Copies are a source of knowledge, since they preserve memory, of recognition, through their training function and the tribute they pay to the original and of diversification, through the variations that are instigated by the orig-

⁶²See Foucart (1973).

⁶³For example the influence on contemporary painting of the squares painted by Malevitch. See Ferry (1988).

⁶⁴See Holtzmann (1996).

⁶⁵See the economic literature which questions the economic legitimacy of authors' rights.

⁶⁶See Ayrton (1960, p.7).

inal work. The market for copies reflects this diversity, and this is the reason for which it never ceased to exist. The way in which artists, buyers and art historians give value to either differentiation or imitation has led to a more or less favorable climate for copies.

Art historians have recently reconsidered the role of copies. They became more lucid about the proximity of copies and originals, and the many revisions and reattributions. This difficulty of separating fakes, copies and originals is perfectly summarized by Haskell (1991), asking “Who are we to claim that the perfect crime does not exist?”.

Art historians recognize that studying copies is necessary in order to understand the history of tastes. They have also reopened the question of originality and seem to be less dominated by the romantic idea that has given so much importance to the concept of originality. Caillois’ (1975) view of praising the creative nature of producing copies is becoming more and more influential. This is maybe also a way to take into account Andy Warhol’s message that originality is nonsense. He tried to turn things around with his prints of the Mona Lisa, claiming that it is the multiplicity of reproductions that made a star out of her: after all, a well-known movie star is known by everybody, but nobody knows her personally; she only exists through the attention given to her in the media.

Therefore, and contrary to the predictions made by Benjamin (1971), copies and reproductions do not destroy the aura of the original, but contribute to its value.⁶⁷ This is probably what Warhol’s silkscreen *Thirty are better than one* means. Copies and reproductions are the best testimony of the value of originals,⁶⁸ and a work which does not inspire copies is a dead work.⁶⁹

Art philosophers are even more positive towards copies. Meiland (1983, p. 122), for instance, claims that “if what a great work of art does is to present us with a new vision of the world, then an exact copy can perform exactly the same function,” while Goodman (1983, p. 100) does not hesitate to prefer a good copy of *Lastman* by Rembrandt to the original *Lastman*. Originality is not praised *per se*, but matters only if the work is good⁷⁰, and Meiland (1983, p. 126, 130) goes as far as writing that “in principle, copies are in no

⁶⁷See Hughes and Ranfft (1997) and Seguy Duclot (1998).

⁶⁸See Belting (1998).

⁶⁹See Pastoreau (1991).

⁷⁰See Meiland (1983, p. 123).

worse position in this respect [the effect of increasing aesthetic value] than are originals...since an exact copy expresses exactly the same work of art as the original.” Therefore, it does not matter whether the original of the self-portrait by Rembrandt hangs in The Hague, as was thought until recently, or in Nuremberg, as was discovered a few months ago.⁷¹

Exhibitions and Museums

Copies were a way for artists (and for the layman) to get close to works which they would otherwise be unable to see, and are still a means for artists to train. When the Louvre was created, it was accessible for artists exclusively during a substantial part of the week, and only later on, it opened for the general public, who came to the museum...to order copies.⁷² The crowd of artists executing copies to order became so large that the Louvre was forced to adopt the rule that no more than three copyists could copy simultaneously the same painting. Between 1852 and 1856, copying sessions were organized in the Rijksmuseum, on the first three days of each week.⁷³ Ayrton (1960, pp.16-17) reminds us “that until recently even the wealthiest, most travelled and most studious of artists, a Dürer or a Rubens, could only see in his entire lifetime the quantity of material now displayed to the casual visitor who spends one day in the Louvre or the Metropolitan museum.” This is the very reason why, in the late Nineteenth Century, a “Musée des Copies,” also called “Musée Européen” opened in Paris. The reasons for this are clearly expressed in a document introduced in the French Parliament: “Nobody thinks that only originals should be exhibited...If this were the case, there would exist only eight to ten cities with museums exhibiting original paintings, and only there would it be possible to educate the public.”⁷⁴ Charles

⁷¹See *Le Monde*, December 10, 1998.

⁷²See Schaer (1993).

⁷³See the *Introduction* in the Catalogue of Christie’s Amsterdam sale of copies, October 4, 1994.

⁷⁴The full quote, published in *Annales de l’Assemblée Nationale* XIV, 11 nov.-21 déc. 1872, pp.479-481 goes as follows: “Personne n’a jamais eu l’idée qu’il ne dut être permis de n’admettre que des originaux, qui d’ailleurs peuvent périr. Si on en était réduit là, il n’y aurait que les grandes villes possédant un musée d’originaux, grandes villes qui sont au nombre de huit à dix dans le monde, qui pourraient élever le goût public et former des juges éclairés. Nous avons pensé qu’il était bon d’inaugurer un musée dans lequel tout le monde pût participer aux nobles jouissances que procure la vue des chefs-d’oeuvre, sans

Blanc, then Directeur des Beaux-Arts, commissions copies from living French artists and tries to gather older copies exhibited in other museums. Blanc's successor, Philippe de Chennevières decides to close the museum some nine months after its opening; its exhibits (paintings and sculptures) are returned to the Ecole des Beaux-Arts, where they are probably still used for teaching and...copying.⁷⁵

Nevertheless, for good—or less good—reasons, the only way to see Lascaux, is to visit “five hundred tons of modeled concrete reproducing every little bump and hollow of the original, with a precision of a few centimeters...[and including] the patina of time.”⁷⁶ And visitors come in flocks. Schwartz (1996, p.249) notes that the Diaspora Museum in Tel Aviv (Beth Hatfouthoth) which illustrates Jewish life across centuries “is all copies and makes no bones about it.” Of course, the Getty Museum exhibits originals only, though its curators found “too simple” the original frame specified by Van Gogh for one of his paintings, and had it changed for a more elaborate one.⁷⁷

An interesting initiative is the “museum” which recently opened in Naruto, Japan. Its more than one thousand exhibits consist of copies of some of the most celebrated European works of art, including life-size reproductions of the Sistine Chapel, of Giotto's Scrovegni frescoes in Padova, of Pompeian villas, etc. The copies were produced with authorizations from all possible museums, including the Metropolitan, the Louvre, the National Gallery, etc. Whether the final products are copies or reproductions is unclear, however. The technology used is kept secret. It starts from slides, copied on enamelled panels;⁷⁸ during this last stage, some depth and relief is added, which, according to the curator, Mr. Fouado-Otsuka, adds to the impression that

être obligé d'aller à La Haye, à Amsterdam, à Florence...dans ces lieux où n'ont la faculté d'aller que ceux qui peuvent mettre la fortune au service de leur goût ou de leur génie.”

⁷⁵Details on this event can be found in Chamoux et al. (1973) and in Cuzin (1993).

⁷⁶B. Delluc and G. Delluc (1984), Lascaux II: a faithful copy, *Antiquity* 58, 194-196, quoted by Schwartz (1996, p.249).

⁷⁷See Schwartz (1996, p.249), who gives several other examples, such as the Grecos in Toledo's museum, which are copies.

⁷⁸Perhaps the technology is not that new after all. Stendhal in his *Voyage en France*, published in 1837 writes: “J'ai vu chez M. Bonnard plusieurs magnifiques tableaux en porcelaine de M. Constantin. Dans deux siècles, on ne connaîtra plus les fresques de Raphaël que par les tableaux de M. Constantin.” Constantin's short-lived success was due to his talent as a copyist. He even required that the copies be lit so as to reproduce the conditions in which the original is exhibited.

it is the “real thing.” Interestingly enough, the place is called the Otsuka Museum of Arts,⁷⁹ the cost is evaluated at some \$400 million.⁸⁰

Curators of exhibitions are less reluctant to show copies, especially when the originals are lost. This was, for instance, the case for the La Tour exhibition in Paris in 1997, where there were more copies than originals,⁸¹ and copies were presented next to the original.⁸²

Finally, in a much more significant way than the few exhibitions devoted to copies,⁸³ the Millet and Van Gogh exhibition at the Musée d’Orsay in Paris in the late 1998, should perhaps be taken as a sign for the layman, that after all, even the “most expensive” painter used to “copy” his forefathers.

⁷⁹See its folder *What is the Otsuka museum*, Naruto: Otsuka Museum of Arts, 1998.

⁸⁰According to the *Sunday Telegraph*, November 29, 1998.

⁸¹According to the catalogue of the exhibition, the following paintings were exhibited: *St Jean Baptiste dans le Désert*, original, one copy by Caravaggio, one copy by an unknown painter; *Le Nouveau-né*, original and five copies; *Le Souffleur à la Pipe*, original and one copy; *La Fillette au Brasier*, original plus three copies; *St Sébastien Soigné par Irène*, original plus one copy; *L’Education de la Vierge*, three copies after the original which is lost; several copies by La Tour himself, including two *St. Gêrôme*, two *Tricheur*, eight *Madeleine*, five of which were painted under artificial light.

⁸²Interestingly enough, even celebrated forgeries are sometimes unearthed from the reserve where they are otherwise carefully hidden. During the Vermeer exhibition in The Hague in 1996, some of Van Meegeren’s fakes were shown—though not at the Mauritshuis.

⁸³In recent years, such exhibitions were organized in Dresden in 1970 (Exhibition Catalogue by W. Schmidt et al., *Dialogue-Kopie, Variation und Metamorphose alter Kunst in Graphik und Zeichnung vom 15. Jahrhundert bis zur Gegenwart*, Dresden: Kupferstichkabinett, 1970), in Münster in 1976 (Exhibition Catalogue by G. Langemeyer and R. Schleier, *Bilder nach Bildern, Druckgraphie und die Vermittlung von Kunst*, Münster: Westfälisches Landesmuseum für Kunst und Kulturgeschichte, 1976), at Sotheby’s London in 1977 (Exhibition Catalogue by B. Nicolson, *Art into Art, Works of Art as a Source of Inspiration*, London: Sotheby’s), in Vienna in 1980 (Exhibition Catalogue by H. Hutter, *Kopie-Replik-Paraphrase*, Vienna: Academie der Bildende Kunst, 1980), in New York in 1988 (Exhibition Catalogue by E. Haverkamp Begemann, *Creative Copies, Interpretative Drawings from Michelangelo to Picasso*, New York: The Drawing Center, 1988), at the National Library in Paris in 1991 (Exhibition Catalogue by M. Pastoureau, *Vrai ou faux? Copier, imiter falsifier*, Paris: Bibliothèque Nationale, 1991), at the Louvre in 1993 (Exhibition Catalogue *Copier et créer. De Turner à Picasso: 300 oeuvres inspirées par les maîtres du Louvre*, Paris: Musée du Louvre, 1993), in Delft in 1995 (Exhibition Catalogue *Schone Kopieën, gerestaureerde Kopieën naar Oude Meesters door Paul Tetar van Elven*, Delft: Museum van Elven), and in Geneva in 1997 (Exhibition Catalogue *L’art d’imiter. Falsifications, manipulations, pastiches. Images de la Renaissance italienne*, Genève: Musée d’Art et d’Histoire de Genève, 1997).

5 Concluding Comments

All in all, there seems to be a revival of copies. Exhibitions, including the one devoted to La Tour—in which many copies were shown—or the Millet Van Gogh exhibition—which shows that “copies” may even turn out to become more valuable and more expensive than originals—teach us that copies should not be ignored, discarded or confused with forgeries. Delamarre is not the only shop that sells copies. There is also Troubetskoy in Paris, True Fakes Ltd. in New York, and probably many others. Museums of copies are being born, and copies start to be seen side by side with originals when art historians or museum keepers find this useful to illustrate a concept or an idea. There are now specialized auctions in which only copies are sold. The market seems to have decided that it wants copies, old and new, after Old Masters as well as after Impressionist, Modern and Contemporary painters.

Why not, as long as one can make sure that copies do not become forgeries, but this is obviously possible with the modern techniques for marking artworks. And this is perhaps an issue on which lawyers should spend some time, instead of haggling about whether a photography of the Mona Lisa gives copyrights to the Louvre, or to the photographer, or to the heirs of Leonardo.

Copying seems to be unavoidable with the rise of digitalization: the virtual is also multiple.⁸⁴ Digitalization leads to new ways of making copies, authorizing duplication in endless numbers, as well as manipulations and interpretations. This may, after all, be very positive by making works much better known, and why not, eventually lead art lovers to order old-fashioned handmade copies.

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⁸⁴See Queau (1998).

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